

## **Domestic Abuse Bill Response from the Safeguarding Board for Northern Ireland (SBNI)**

### **Background to Safeguarding Board**

The Safeguarding Board Act (NI) 2011 established a Safeguarding Board for Northern Ireland (SBNI) and outlined the duties placed on the SBNI.

SBNI is the key statutory mechanism for agreeing how the relevant organisations in Northern Ireland will co-operate to safeguard and promote the welfare of children and young people and for ensuring the co-ordination and effectiveness of what they do.

The SBNI is bound by obligations to safeguard the welfare of children and young people in existing and international and domestic law including: the United Nations Convention on the Rights of the Child (UNCRC); The Hague Children's Conventions; The Human Rights Act (1998) and the European Convention on Human Rights (ECHR); and the Children (Northern Ireland) Order 1995.

The Safeguarding Board for Northern Ireland has 27 members whose common purpose is to help safeguard and promote the welfare of children and young people in Northern Ireland and protect them from all forms of neglect and abuse. Each agency on the SBNI is represented by a senior member of staff on the partnership which collectively provides leadership and direction to the child protection safeguarding system across Northern Ireland.

The SBNI welcomes the introduction of the Domestic Abuse Bill and within it the recognition of the seriousness of coercive control. We are very grateful to Minister Long and to the Department of Justice for their commitment to taking this forward and are appreciative for the opportunity to comment on the proposed bill.

The Bill sets out needed legislation in respect of domestic abuse; Northern Ireland has lagged behind the UK and Ireland in respect of appropriate legislation to tackle domestic abuse. The measures set out in this Bill endeavour to provide the needed protection to those experiencing domestic abuse throughout Northern Ireland.

SBNI are strongly of the view that children in homes where domestic abuse is a feature, do not just 'witness' or 'hear' the violence but experience this abuse themselves. Childrens experience of domestic abuse is recognised globally as an Adverse Childhood Experience which many children carry emotionally into adulthood and which can manifest in physical, emotional and mental health difficulties which in many cases may ultimately require treatment. The failure to recognise this adversity as early as possible in a child's life trajectory and address it, not only has a greater financial implication for the provision of public services in the longer term but a longer lasting emotional impact upon the survivor of the abuse.

- *The definition of the offence and the definition of abusive behaviour*

The SBNI welcomes the proposed legislation and believes it captures domestic abuse in all its forms. We are pleased to see coercive and controlling behaviour identified.

SBNI would support the need to educate the public and professionals on what constitutes 'coercive control' to ensure they fully understand the offence and the various behaviours that could be included within it.

The Board welcome the comprehensive list of behaviours associated with domestic abuse. We agree it is useful to include examples of abusive behaviour but accept this cannot be an exhaustive list. The SBNI is mindful of the growing use of technology facilitated domestic abuse and highlight this as an increasing area perpetrators can use to abuse, stalk and control their victims. We would advocate the need for training for criminal justice agencies around technology facilitated domestic abuse and how it can be used by perpetrators to harm and control their victims thus perpetrating violence.

- Any identified issues regarding the investigation and prosecution of the new offence

In terms of investigating and prosecuting the new offence, training of key agencies will be essential. It is vital agencies recognise and understand coercive control, its impact and how dangerous it is. It is essential frontline police officers and criminal justice agencies, health care professionals, etc. understand what coercive control is and how it may present. In addition to training of key agencies it is critical the general public have knowledge of this form of abuse. A public awareness campaign would be welcome. Many victims of domestic abuse believe the abuse has to be physical; highlighting that 'non-physical abuse' is also a crime is important.

SBNI welcome the prohibiting of cross examination by the alleged perpetrator – section 22A (3) and Part 2 11B (1) and (2). We recognise that many perpetrators already endeavour to use family proceedings to further harm their victim – often dragging out divorce proceedings, child contact, etc. and are pleased to see this addressed within the Bill.

- Whether the penalties provided for in the Bill are appropriate and adequate

The Board welcome the maximum penalties set out in the Bill and feel they reflect the serious nature of domestic abuse and its impact upon all victims – adults and children.

SBNI particularly welcome the inclusion of both the child aggravator contained within Clause 9 (2) (b) and the general aggravator again reflecting the seriousness of domestic abuse. The child aggravator recognises that children experience domestic abuse; they are not just witnesses, but see it, hear it and experience it. The aggravator also reflects how children can often be used by the perpetrator to further abuse and gain control over the victim.

*Any other legislative or non-legislative approaches to tackle domestic abuse not currently in place that should be taken forward either in this Bill or in another piece of legislation or by other means*

The SBNI welcome the roll out of other initiatives around domestic abuse including Operation Encompass – which would provide children living in homes where domestic abuse is present with much needed support. SBNI are presently chairing a Task and Finish Group commissioned on a cross Departmental / agency basis, by the Strategic Development Board (SDB) considering the possibility of introducing Operation Encompass. Operation Encompass allows a Police Force to notify the relevant Education Authority / school, that a child has been present at a domestic abuse incident the previous night / evening / weekend. This allows the school to immediately attend to the child's emotional needs and if necessary provide additional nurturing experience in the school that day.

The Task and Finish Group is satisfied the implementation of an Operation Encompass style project in Northern Ireland would be beneficial to support child victims of domestic abuse. SBNI have however recognised that the legal infrastructure is not present in Northern Ireland as it is in England and Wales; which would facilitate the sharing of information between Police and Education staff in respect of children who have experienced domestic abuse but where the incident may not meet a 'Child Protection' threshold. The SBNI would strongly recommend legislation is introduced in Northern Ireland to facilitate information sharing for this specific purpose. It would be excellent if this could be included in the Domestic Abuse Bill.

There is a growing body of research into how peer on peer and child to adult violence is an emergent theme coming to the attention of the SBNI member agencies. It is recognised that violent tendencies which commence in adolescence can escalate in adulthood. Whilst the Bill is not designed to necessarily address this issue, it is important the committee is aware of this emergent theme.

Hopefully this new legislation will encourage more victims to come forward and receive support. An increase in victim awareness and willingness to receive support will not be 'resource neutral'. SBNI would posit it is therefore essential frontline services are adequately funded to enable them to provide that support.

**Bernie McNally OBE Independent Chair SBNI**