

5 June 2020

BY EMAIL: Domesticabusebill@niassembly.gov.uk

Ms C Darrah
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Stormont
Belfast
BT4 3XX

Dear Ms Darrah

RE DOMESTIC ABUSE AND FAMILY PROCEEDINGS BILL CONSULTATION

Thank you for your correspondence of 7 May 2020.

The South Eastern Health & Social Care Trust welcomes the opportunity to participate in this important consultation. The subject matter impacts on the daily lives of many adults and children from pre-birth to old age. The Trust has a vital role in providing services and support to victims/survivors and perpetrators of domestic and sexual abuse resident within the Trust's geographical boundary.

The Trust is an integrated organisation, incorporating acute hospital services, community and prison health and social services serving a population of approximately 345,000 people.

The Trust covers the local government districts of Ards, North Down, Down and Lisburn.

- **How this new domestic abuse legislation enhances existing legislation and whether it fully addresses the gaps in existing law and will improve the ability of the justice agencies to prosecute domestic abuse cases**

The Trust welcomes the Domestic Abuse and Family Proceedings Bill and believes it will significantly enhance the need to hold perpetrators of Domestic Violence to account. Making Domestic Abuse an offence will enable more targeted prosecutions for this prevalent form of Abuse.

It is suggested that in circumstances where parents have separated and Domestic Violence is an issue warrants closer attention in the legislation.

Contact should be provided to promote a positive bond between child and parent however a risk assessment of risks related to Domestic Violence, coercion and control should be considered.

The appointment of a Domestic Abuse Commissioner could oversee the implementation of the Bill in NI. Domestic Violence and abuse is very prevalent here as in other parts of the world and knows no boundaries in term of class, race, culture, age of victims and perpetrators and has a long-term impact on victims and their children's emotional and physical well-being. It is suggested a Commissioner would have an Independent leadership role in tackling domestic abuse across all government

departments holding statutory, voluntary and community groups accountable in ensuring everyone plays an active part in addressing this issue.

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

The majority of victims will highlight the pernicious and long-term impact of psychological harm on their well-being and on their children and this has not previously been recognised in law. Awareness raising in relation to coercive control has been on-going across NI over the past few years and encapsulates the essence of the psychological harm synonymous with Domestic Violence, however, the term is somewhat hidden in the Bill. There is significant research to highlight that coercive control correlates significantly with serious harm and femicide and we believe the term should be referenced or highlighted more within the Bill and subsequent guidance.

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

Gathering evidence of psychological harm often proves difficult to gather and warrants awareness raising and training with input from specialist prosecutors to Domestic Violence support services. The use of technology is on the increase resulting in cyber stalking alongside physical stalking and greater education regarding methodologies of usage need to be understood if victims and support services are to understand vulnerabilities and ways to maximise protection from same.

Prohibiting those accused of Domestic Violence offences of cross-examining their alleged victims is very much welcomed but needs to be extended to direct cross-examination in any family proceedings matter where Domestic Violence and abuse are being determined. Direct cross examination by an alleged abuser can only serve to be more abusive to the alleged victim and the alternative of appointing a solicitor to fulfil the role enables the court to be “balanced” and “equitable” to both parties.

- **Whether the ‘reasonable’ defence included in the legislation is framed appropriately and the intent of when it would apply is clear**

Clause 12 – defence of reasonableness is a concern as it may be used by perpetrators to manipulate victims and to explain their actions as justifiable. For example, many vulnerable victims self-medicate using alcohol/prescription drugs to help them cope with the circumstances they find themselves in and we believe this clause will create greater difficulties and prove as a hindrance in tackling Domestic Violence & Abuse.

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

It is of concern that sentencing for murder of a partner incurs a lesser sentence than murders not domestically motivated. This warrants further exploration and consideration.

The introduction of statutory and child aggravators and that children are being recognised as victims and not just witnesses to Domestic Violence is welcomed.

- **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**

As referenced earlier legislation to tackle Stalking both off and online could be strengthened. Consideration could be given to the development of a register of stalkers and domestic abusers similar to the Sex offenders register. A greater emphasis is required on monitoring this cohort of

perpetrators to ensure they are held accountable for their actions and we redress the imbalance of expecting victims to protect themselves. The development of targets for reducing DV could be established which includes working with perpetrators to help them stop using violence and abuse.

There is an additional need to focus on young people who use violent and aggressive behaviour within their families or with peers. There is significant research to show that violent tendencies start and escalate in adolescence and therefore such behaviour needs tackled more robustly at an earlier age.

Initiatives such as Operation Encompass are to be welcomed as it enables an earlier response to Domestic abuse within families. It ensures a more proactive response from education and raises awareness among the public that Domestic Violence is wrong and extremely detrimental to family life and to individual's well-being. There is a direct correlation between alcohol/drug misuse, poor mental health and suicide as a consequence of domestic abuse and a cross-cutting, inter-departmental response is a must. Projects like Operation Encompass will facilitate a greater awareness of what domestic abuse is and enable potential victims to recognise the indicators of unhealthy, abusive relationships earlier and empower them to seek support sooner. This will also enable society to talk more openly about DV. Programmes such as Helping Hands continue to be rolled out and will complement Operation Encompass and other programmes such as the NSPCC'S Keeping Safe School's project to build children's resilience to recognise DV and speak out thus receiving essential support much earlier.

In summary the Trust welcomes the Bill although recognises its contents focus very much on a justice response to tackling Domestic Violence. More responsibility could be placed on other government departments alongside voluntary, statutory and community groups to ensure a more rounded societal response is achieved. An Independent Domestic Violence Commissioner may assist in driving this agenda forward and ensure greater accountability in compliance with agreed targets. The issue of funding warrants more attention as real sustained change cannot be achieved on goodwill alone.

A training needs analysis will be required to ensure relevant agencies/services and the Judiciary are fully aware of the contents of the Bill and what this means for service delivery and the Safeguarding of Children and Adults.

Yours sincerely

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Interim Chief Executive