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Dear Christine

**PROTECTION FROM STALKING BILL - ISSUE RAISED IN ORAL EVIDENCE (DOMESTIC ABUSE
DISCLOSURE SCHEME)**

At the Justice Committee meeting on 27 May 2021 representatives of the Women's Policy Group NI (WPG) attended to give oral evidence on the Protection from Stalking Bill, on behalf of a range of groups in the women's sector and LGBTQI+ sector organisations. During the evidence session the findings of the Group in relation to the Domestic Violence and Abuse Disclosure Scheme and the recommendations for improvements were also discussed.

As Members will be aware this is a scheme that enables individuals who are concerned about a possible risk posed to them by their partner (or the partner of someone that they know) to make inquiries to the police about whether there is a risk posed to them. Where a disclosure is made this will indicate that a risk is posed, in order that the individual concerned can make an informed decision as to whether or not to continue in the relationship. It is not a means by which people are provided with a detailed history, or list, of convictions that the other person has. The focus is on understanding that there is

a risk, where this is not known, and to take appropriate steps to reduce this through the disclosure of information. The scheme also entails a Power to Tell Aspect under which the police may proactively advise someone where there is a risk posed to them.

Members will wish to note that an evaluation of the scheme has been commissioned and should be finalised shortly. In progressing the outworkings of this consideration will be given to the issues raised by WPG. Officials have also set up a meeting with WPG to further discuss the issues raised in their correspondence. Officials in the Department will also wish to have further discussions with PSNI on the outcomes of the evaluation of the scheme, as well as the issues raised in the WPG submission.

This correspondence also sets out a response to the findings of the WPG submission to the Committee, as well as addressing some other issues that were raised.

The scheme needs to be extended to cover former partners where abuse, stalking and other menacing behaviours extend beyond the life of the relationship

The guidance to the scheme sets out that the scheme can apply to former partners. This would most typically be appropriate where there is considered to be an ongoing risk posed. Each case would be judged on the information that is available at the time, to identify and mitigate any risks. The Department will also, in conjunction with PSNI on its practical application, consider whether this needs to be made clearer in the current guidance and leaflet associated with the scheme as well as the associated online materials.

Where the perpetrator and the victim share children, it should be possible for victims to have up to date relevant information so that they can make informed decisions as to shared custody

It is important to remember that the purpose of the scheme is on advising individuals as to whether or not there is a risk of domestic abuse to them, where this is not already

known. It is not about providing detail on, or a history of, convictions or charges against another person, to be used for other purposes. Informing custody matters and decisions is not the purpose of the scheme.

If there were a child protection concern relating to an individual this should be considered through other appropriate routes, including involving the use of social services. It is consider that there would also be a linkage in with the Child Protection Disclosure Scheme, where there may be considered to be a risk and this is not already known about. Neither schemes are intended to confirm, or provide details, as to risks (or convictions) that individuals already know about. Where there are imminent/current child protection concerns, or offending behaviours, these should be reported to the police or to a local social services gateway team.

The public information campaign has been ineffective and should be re-launched and updated

The Department previously ran a three year advertising campaign from the launch of the DVADS scheme in March 2018. The purpose of the campaign was two-fold, to raise awareness of domestic abuse and inform the public about the DVADS scheme. The TV advert achieved a reach of 76% of all adults with an opportunity to see it 8.4 times on average. Radio advertising achieved a reach of 21% for the first burst and a reach of 20% and 37% for subsequent bursts. The outdoor advertising provided 33% of all adults, with an opportunity to see 6.1 times.

Online performance had a reach of 484,585 people on Facebook alone for the first run and increased to 485,759 people in the Christmas/New Year period. Other digital formats such as Twitter and Google achieved over one million impressions. There was also a very clear uplift in the number of visits to the NI Direct website during periods of campaign activity and anecdotal evidence that suggested increased reporting.

That said we note that concerns raised and will have discussions with PSNI as to how best the scheme can be further promoted going forward. We would also welcome any suggestions that WPG may have in relation to this.

The length of time it takes to ready the information for disclosure must be shortened, victims may be in immediate danger and deserve to know as a priority

The time frame associated with the operation of the scheme is broadly consistent with the position for similar schemes in the rest of the UK and where these apply internationally. If police identify an immediate/imminent risk of harm to the applicant or any other person at any point in the process, they will take steps to disclose any information they have as soon as possible. There is also the Power to Tell process whereby police can proactively consider advising an individual of the risk posed to them. Previously this has accounted for in the region of 50% of cases under the scheme.

A review of the information included should be conducted so that it spans all genderbased crimes that may be relevant

The scheme applies to all genders. In deciding whether to make a disclosure a wide range of information is considered. This will include offences, incidents and intelligence that are considered relevant in a domestic abuse context. There is no restriction in terms of what may be considered, unlike the scheme in England and Wales that ties in with a list of prescribed offences (largely violent offences).

The information given must be clear enough so that the recipient can understand it and act accordingly

It is important to remember that the purpose of the scheme is to highlight if there is a risk posed to an individual, as a result of which they can make a more informed decision as to whether or not to continue in a relationship, rather than give precise details as to the person's offending history. For the disclosure there is a need to balance information

sharing, considering the Article 2 rights of the individual the information is about as well as those that are at risk.

While we can appreciate the desire of recipients to have detailed information on the underlying intent, in highlighting that there is a risk, must take account of a range of factors. We understand that the extent of disclosure/style of information provided is similar to other schemes such as the Child Protection Disclosure Scheme and disclosures under public protection arrangements (PPANI). It focuses on identifying the level of risk and managing the risk through disclosure of information, it is not to provide detailed access to police information.

Ancillary issues

In the WPG submission a number of other issues were also raised, a response to which are set out at **Appendix 1**. We however would note, that, in terms of the submission, a number of the comments appear to relate to experience in England and Wales rather than the Northern Ireland context. The two are operationally separate schemes.

I would be grateful if you would bring this response to Members' attention.

Yours sincerely,

[signed]

**CLAIRE MCCORMICK
DALO**

Appendix 1

WPG comment	Response
Resourcing of the disclosure scheme and the adoption of a risk averse approach in England.	<p>The level of applications and disclosures under the DVADS scheme will be kept under review and also take into account the findings of the evaluation into the scheme.</p> <p>Consideration is being given to level of harm that applies, which would increase the number of disclosures made.</p>
There could be a false sense of security where an applicant is told there is no recorded history of violence.	<p>The scheme looks at relevant matters in terms of intelligence, incidents and offences. The DVADS leaflet advises that ‘police checks, or any disclosure made, are not a guarantee of safety’. This should also be advised to applicants by police, with the application outcome the position at a particular point in time.</p>
Postcode lottery in England in relation to the likelihood of receiving a disclosure, and the details it may contain.	<p>As Northern Ireland has a single police force it is considered that the issue of inconsistency of operation across a number of police forces should not be significant.</p>
Risk that the responsibility is placed on potential victims to ‘vet’ their partners, and that they will be blamed for not leaving a relationship should any violence take place in future.	<p>‘Right to Ask’ is triggered when a person (member of the public) makes a direct application to PSNI for information about an individual whom they suspect may have a history of violent or abusive behaviour towards a previous partner and where there are concerns about that individual’s current behaviour.</p> <p>‘Power to Tell’ is triggered when PSNI receive indirect information or intelligence about a person thought to be at risk from a partner, and where, after appropriate checks are made, PSNI judge that a disclosure should be made to safeguard that person.</p> <p>Current data would suggest that locally around 50% are proactively progressed by PSNI.</p> <p>It is never a victim’s fault where abusive behaviour occurs. While the decision as to whether or not to leave a relationship will ultimately be taken by the</p>

	individual it is appreciated that there will be a wide range of factors that affect this.
Several police services reported that if the applicant did leave the relationship this meant the risk was removed, this may not be true in reality.	The reference to police services appears to be to England and Wales. Police colleagues locally are aware that neither leaving, or staying in, a relationship may remove the risk of harm.
Absence of a requirement for follow up action when someone receives a disclosure, making it difficult to measure whether the scheme has led to people avoiding harm.	This is an issue that we will discuss further with police colleagues.
Inability to discuss a disclosure with others, which is a barrier to accessing advice and support.	This is intended to ensure that information is not relayed to individuals that should not have access to this and which could give to wider ramifications. However, there is nothing to prevent an individual seeking support services, including from third sector partners, without having to disclose this information.
Concern about the perpetrator being made aware of the disclosure, increasing risk for the applicant.	In taking any decision to advise an abuser that a disclosure has been made, consideration would always be given to the risk posed to the applicant. We understand that typically the making of a disclosure is not notified to the abuser, largely due to the risk that could be posed to the victim.



<p>Lack of a robust public awareness programme explaining the scheme, or that it did not communicate clearly enough with the public.</p>	<p>Discussions will be held with PSNI as to how best the scheme can be further promoted going forward. We would of course welcome any suggestions that WPG may have in relation to this.</p> <p>A multi-media advertising campaign was previously carried out (in relation to both domestic abuse more generally and the DVADS scheme in earlier waves).</p> <p>DoJ ran a three year advertising campaign from the launch of the scheme in March 2018. The purpose of the campaign was two-fold. Firstly, to raise awareness of the issue of domestic abuse and secondly, to inform about the DVADS scheme (in the earlier waves).</p> <p>The TV advert achieved a reach of 76% of all adults with an opportunity to see it of 8.4 times on average. Radio advertising achieved a reach of 21% for the first burst and a reach of 20% and 37% for subsequent bursts. The outdoor advertising provided 33% of all adults, with an opportunity to see 6.1 times. Online performance had a reach of 484,585 people on Facebook alone for the first run and increased to 485,759 people in the Christmas/New Year period.</p>
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Other digital formats such as Twitter and Google achieved over one million impressions. There is also a very clear uplift in the number of visits to the NI Direct website during periods of campaign activity.

During the campaign research was conducted, in accordance with the Market Research Society's Code of Conduct. The summary concluded that awareness of the domestic violence and abuse campaign was significantly higher than the figure recorded during the previous wave of tracking research, increasing to 89% from 85% in the previous year.

Performance levels remained very high indeed with:

- more than four-fifths (83%) of those who had seen the campaign agreeing that it would encourage them to think more about the subject;
- 8 in 10 people (82%; up from 76% last year) who had seen the advertising agreed that it would encourage them to watch out for signs of domestic violence and abuse;
- 82% (up from 77% last year) of those aware of the campaign agreed that the advertising communicates clearly that there is a scheme available;
- 71% (up from 66% last year) of those who had seen the advertising agreed that it would make them more likely to report domestic violence or abuse; and
- 70% (up from 65%) of those who had seen the campaign agreed that the advertising would make them more likely to make an application to the PSNI for information.

Further breakdown of research data:

- print media remained consistent with the previous wave of research, with around three in five (58%) recalling the advertising;
- campaign is considered as a whole, awareness was very high, with almost nine in ten (89%);
- more than four in five (82%) of those who were aware of the campaign agreed that the advertising communicates clearly that there is a scheme available which means that they or a concerned family member of friend can make a direct application to the PSNI for information about their partner;



	<ul style="list-style-type: none">□ seven in ten of those who had seen the campaign agreed that the advertising would make them more likely to make an application to the PSNI for information about their partners or a partner of a friend or relative if they had a genuine concern; and□ almost seven in ten (68%) agreed that they were aware that information can be sought from the PSNI about an individual that they are concerned about who may have a history of domestic violence and abuse.
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