

2nd July 2020

Women's Aid Response to developments Re: DA Commission in NI

As Chair of Justice Committee, can I thank you and the members of the Committee for the time and attention you very obviously committed to reading our Evidence and extensive time you gave me for oral evidence. It was very clear that both yourself and the Committee scrutinised our Evidence and took on board many of the issues we raised.

This is already evident in responses we have recently received from Department of Justice on instruction from Justice Minister to review the potential of DA Commissioner. To update you we are very concerned as DoJ Official asked to meet with us and outlined potential of 'Victims of Crime Commissioner with a focus on Domestic & Sexual Violence' as opposed to a DA Commissioner.

We very clearly outlined our disagreement with a 'one size fits all' approach to a Commissioner as opposed to a dedicated DA Commissioner fully focusing on Domestic Abuse. The call for DA Commissioner has come about through the introduction of the Domestic Abuse Bill and Women's Aid has lobbied extensively to evidence the need for a DA Commissioner. We would like to ensure that both yourself as Chair and Committee Members are clear on Women's Aid position in that we have objected to this suggested approach and still call for a DA Commissioner. We believe this is a short cut to addressing a DA Commissioner that Department of Justice appear to be suggesting and given this is a generational opportunity to influence Domestic Abuse legislation, the last legislation being 1999, we feel strongly that it needs to be rebust and not miss out on positive opportunities to improve the lives of women and children affected by domestic abuse in Northern Ireland.

I have outlined below additional information to support the Evidence of a dedicated DA Commissioner.

We have waited a long time to come into line with the rest of the UK in Ireland, not only in relation to coercive control but also in relation to many other aspects of our criminal and family law systems which need reviewing. There have been many reports highlighting the need for change over the years including Criminal Justice Inspection Report:

NO EXCUSE PUBLIC PROTECTION INSPECTION II: A THEMATIC INSPECTION OF THE HANDLING OF DOMESTIC VIOLENCE AND ABUSE CASES BY THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND by the Department of Justice. June 2019

In the CJI Report nine years previous in 2000, same recommendations were made and Brendan McGuigan states:

"Nine years ago, the CJI recommended a properly funded Independent Domestic Violence Adviser (IDVA) service should be established as a matter of urgency. Likewise, we have endorsed the practice of listing or grouping domestic offences together at court on a specific day, as piloted in Londonderry Magistrates' Court since 2011, and support its roll-out across Northern Ireland to speed up the progress of domestic abuse cases and offer a more appropriate environment for victims attending court. Neither

of these key initiatives have yet been implemented across Northern Ireland. In my view there is no excuse why victims of domestic violence and abuse in Northern Ireland do not have access to a properly-funded IDVA scheme similar to those which have been operating in England and Wales for the last 15 years.

“Nor where a sufficient number of domestic offence cases exist, they cannot be grouped together in all court divisions in this jurisdiction.”

“However more needs to be done. With more victims coming forward to report domestic incidents that have occurred, we recommend improvements be made to enhance the response provided by frontline police officers and ensure consistency in their approach,” said Mr McGuigan.

He added: “We have also recommended that additional work be undertaken by the PSNI and the Public Prosecution Service for Northern Ireland to develop the case-building ‘prosecution team’ approach advocated in our recent inspection of sexual violence and abuse in relation to cases of domestic violence and abuse.”

The CJI called for progress on the issues raised in the inspection report to be made within the next six to nine months.

There was a review of Civil and Family Justice in Northern Ireland Review Group’s Report on Family Justice in September 2017 with 12 key recommendations, the last of those being:

Mandatory judicial training, mandatory accreditation of solicitors and barristers and a requirement for practitioners to keep abreast of developments in best practice, both in the UK and internationally.

These recommendations have not been implemented fully within NI.

The Gillen Review into Serious Sexual Offences also highlighted the need for change within our criminal justice system, these recommendations have not been implemented.

Promotion of education programmes within Relationship and Sexual Education delivery within our schools in Northern Ireland which again is mentioned in every report and recommendation on domestic violence services within NI. Yet it has not been implemented on a statutory footing in NI and there is no one to champion, oversee and ensure implementation of same.

All of the above documents highlight the desperate need for change in NI and indeed the lack of delivery on that change due to the lack of oversight and public governance available within the sector in NI. With the introduction of the DA Bill it is an opportunity for a DA Commissioner for a set period of time e.g. 3 years to implement and oversee all of the work that will be emerging within this sector.

There is considerable investment needed e.g. in our police training as outlined in the CJI Reports, this investment has taken place widely across the rest of the UK through wide research that has taken place through the Police Federation.

There are reports and more reports outlining key recommendations for change in domestic violence and abuse services in NI yet nothing has happened, changes have not been made, recommendations have not been carried out and there is no accountability for same. Except the continued increase of domestic violence and abuse figures in NI, the continued loss of life due to abuse and the continued failure of our system to adequately protect all victims of abuse in NI. It is not fair that because of where we live and our postcode lottery we do not have a commissioner in NI.

This is why Women's Aid together with many other agencies in NI are calling for a Domestic Abuse Commissioner to be in place for all victims to ensure a robust system of change which all victims and survivors believe in and want to take part in to deliver justice. We are concerned however, as we have been approached since we gave evidence to the Committee by the DoJ regarding the role of the Commissioner. We were approached and asked would we consider a Victims of Crime Commissioner, as discussed at the Committee. The proposal said that this commissioner role would be for all victims of crime and all vulnerabilities. When we asked about the breakdown of time and suitability of a candidate at this crucial time to meet the needs of domestic violence and abuse victims this was not clear.

We are very willing to look at all aspects and options in relation to this role and know that it does not have to be the same exact remit as the DA Commissioner for England and Wales, but at this time with what was presented to us by DoJ, we do not feel it is the best option for the women, children and young people that we represent and support.

A Commissioner at this time is crucial, someone with expert knowledge and skill base on all aspects of the complexities of domestic violence and abuse and recognition of that specialism is important in this process. One size does not fit all in relation to services to support victims and that is what the DoH and DoJ have been doing for a number of years. We recognise the funding and resourcing issues that there are within local government, but this should not be to the detriment of victims. Examples include the Helpline services, a helpline which is for men, women, domestic and sexual violence. If Women's Aid had not taken on the work for men, when we managed the Helpline service we would have lost the funding. In NI we do not have any IDVA roles attached to our MARAC's and Women's Aid have been taking on that role for 10 years now. In place of that DoJ are looking at an advocacy role and there have been many discussions over many years in relation to these posts. Again upon completion of these discussions, a one size fits all approach has been taken. Already our colleagues at NSPCC have stepped away from the process as they feel it is "unsafe". Women's Aid also raised our concerns that advocacy roles for abuse cannot be one person for men, women, children, domestic violence and abuse and sexual violence. It simply does not work and will ultimately put people at risk. Women's Aid have presented a proposal to the PSNI in relation to an advocacy role and I have attached this document for your information. From a sector point of view, there needs to be recognition that a one population post does not work nor meet the needs of those victims, often the most vulnerable in our society. This is of great concern, the pattern of events that is developing over the last number of years and something we feel is pertinent to raise at this crucial time when the Bill is at Committee stage and as mentioned before the opportunities we have to change and ultimately save lives.

At present the Commissioner role is crucial, we need someone to oversee, scrutinise and promote good practice within the delivery of the DA Bill. They would also play a crucial role in the introduction of Domestic Homicide Reviews, Specialist Domestic Violence Courts pilot in Belfast, training and delivery with appropriate resources for PSNI, judiciary, legal professionals and health and social care core teams. There has been little or no investment within or police service here in NI for many years in relation to domestic violence and abuse training. Domestic violence crimes account for 17% of all crimes in NI yet the police continue to refuse to invest in training, which ultimately will save money and lives.

There is also further developments to take place in relation to the introduction of Stalking legislation and stalking protection orders, change in law in relation to strangulation and non-fatal strangulation, introduction of Operation Encompass and many other asks from Women's Aid as outlined in our written evidence to the Justice Committee. This alone is too much for a Victims of Crime

Commissioner at this time and strongly recommend the need for a stand alone Domestic Abuse Commissioner for all victims of domestic violence and abuse in NI.

We would like to thank you again for taking the time to consider this correspondence.

On behalf of Women's Aid local groups across NI



Advocacy Proposal Based on Identified Need

A **DRAFT FOR DISCUSSION ONLY** paper developed by Women's Aid Federation Northern Ireland (WAFNI) for Police Service Northern Ireland to deliver 21 Advocate Posts across NI within a Criminal Justice remit.

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Section one

Background to proposal

Women's Aid initially introduced staff based within PSNI as an initiative which led to 2010 Criminal Justice Inspectorate Report recommendation that PSNI and Women's Aid should roll these posts out across Northern Ireland. We therefore welcome the potential of year on year funds to roll out these post and secure existing posts and we are committed to a solution-based approach to ensure this work can be delivered on a quality assured basis with the main outcome being **support for all victims of domestic and sexual violence and abuse in Northern Ireland within a criminal justice remit.**

Over the last year Women's Aid Federation Northern Ireland (WAFNI) in collaboration with the nine Women's Aid groups across Northern Ireland have been working with Department of Justice together with Nexus, Victim Support NI and Map to review, discuss and agree an Advocacy Proposal for up to 29 Advocate Posts across NI.

Following conversations with officials from Police Service of Northern Ireland (PSNI), WAFNI agreed to outline a funding proposal to provide 21 Advocate Posts across Northern Ireland based on identified need, 2018/19 PSNI statistics, and within a criminal justice remit.

- **Note**

This proposal is informed by recent discussions and by our wealth of experience of over 40 years as the lead expert organisation addressing domestic and sexual violence and abuse in Northern Ireland. It has also been informed by our expertise in our role as Advocates to victims together with our unique wrap around service provision for women and children across Northern Ireland, in particular Women's Aid police-based support workers in Belfast & Lisburn, ABCLN and Causeway Women's Aid.

Role of Advocate posts in bringing about change

The recruitment and roll out of 21 Advocate Posts across Northern Ireland has definite potential to bring about a huge sea change in terms of positive response to domestic and sexual violence and abuse. This proposal will also bring a wealth of opportunities for partnership working and sharing of expertise among PSNI and all relevant voluntary organisations involved.

Section two

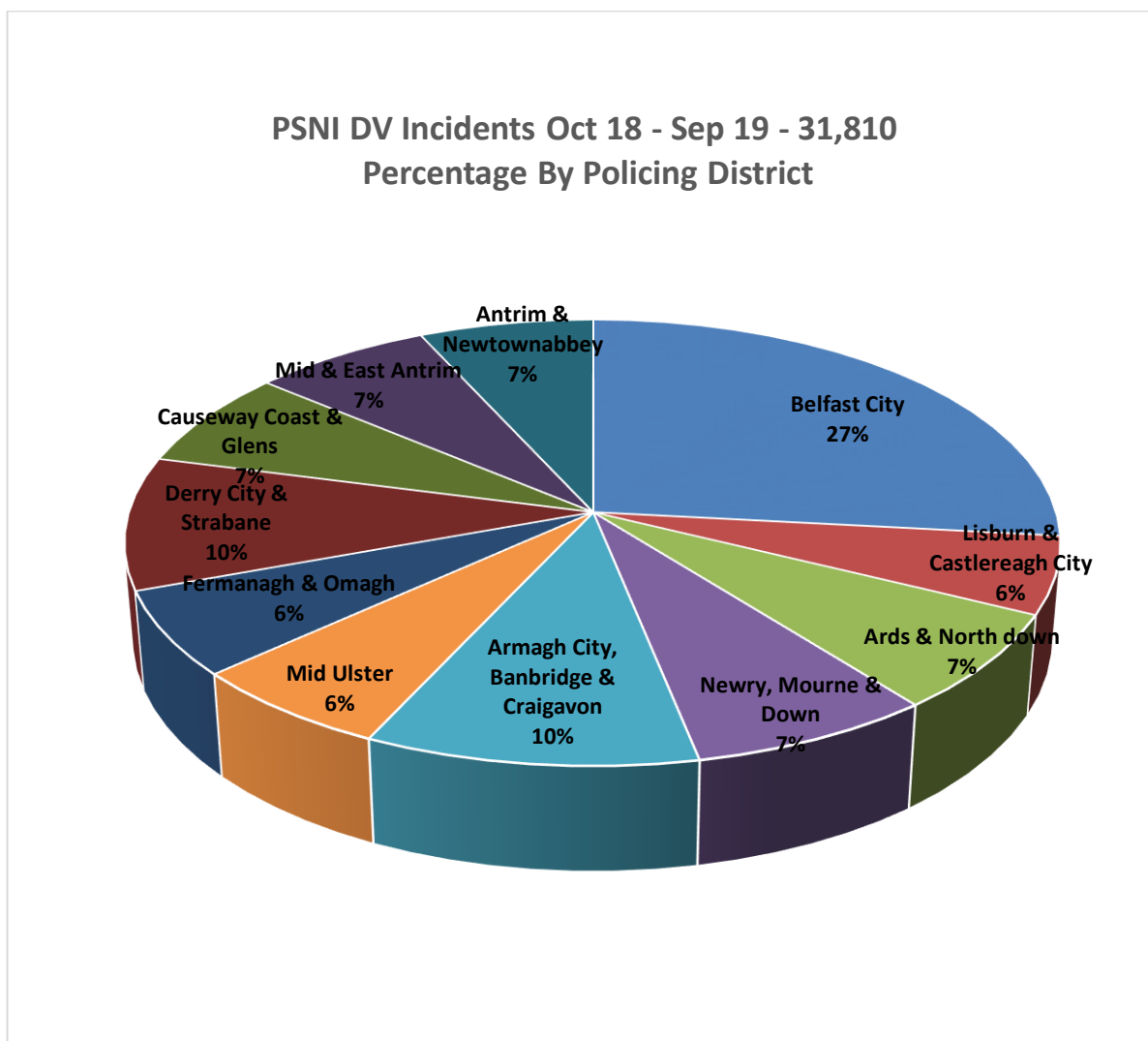
Rationale for Breakdown of 21 Advocate Posts with a criminal justice remit across Northern Ireland

Location of Post	Remit of Post	Number
11 Policing Districts	Domestic Abuse (female & male)	15
SARC	Sexual Abuse (1 post female/male over 16 and 1 for under 16)	2
PSNI Rape Crisis Unit?	Sexual Abuse (1 post female/male over 16 and 1 for under 16)	2
For discussion	Male D&SA victims over 18	2
TOTAL POSTS		21

The rationale for basing posts at specific locations resolves the issue of allocation of caseloads of referrals across Northern Ireland. In earlier discussions with DoJ it was envisaged that there could potentially be a central point for allocation of referrals. WAFNI raised their concerns with regard to this as the need for triage and risk assessment needed to take place as early as possible after a PSNI incident and this could cause delay in victims being referred, especially on a Monday morning following weekend PSNI reported incidents. The added benefit of specific location-based posts would also create a closer partnership working approach with an Advocate post dedicated to a Policing district/SARC ensuring they can work within and as part of the team.

2.1 15 Policing District Based Posts – Domestic Abuse (female/male)

The chart below outlines the PSNI figures for Domestic Abuse Incidents during October 2018 and September 2019 by Policing District (31,817 note 7 incidents had no area assigned so number used was 31,810)



We have used the percentage of incidents by Policing District to ascertain the number of advocates required for each Policing District.

As you will note the majority of districts have a rounded-up average percentage of between 6%-7%, which equates to 1,779 to 2366 incidents, there are two areas indicating 10%, equating to 3065 and 3223 incidents with the highest percentage, 27% being Belfast City, equating to 8,391 incidents.

Using this percentage as a rationale we have suggested allocating the following:

1 FTE Advocate required to cover up to 7% of Domestic Abuse Incidents across Policing District

This would breakdown as follows:

Policing District	Percentage Range	Number of Advocate Posts
Belfast City	27%	4
Lisburn & Castlereagh City	6%	1
Ards & North Down	7%	1
Newry, Mourne & Down	7%	1
Armagh City, Banbridge & Craigavon	10%	1.5
Mid Ulster	6%	1
Fermanagh & Omagh	6%	1
Derry City & Strabane	10%	1.5
Causeway Coast & Glens	7%	1
Mid & East Antrim	7%	1
Antrim & Newtownabbey	7%	1
Total		15

All of these posts will provide advocacy support to female and male victims of domestic abuse within the relevant Policing District working within a PSNI station.

Employment & Management of PSNI based Domestic Abuse Advocates

The 15 posts will be employed by the relevant local Women's Aid group based within the specific Policing District. This is the recruitment format of the existing PSNI Criminal Justice posts, and this process works very well with the added benefits of a direct link into Women's Aid wrap around services, providing:

- refuge accommodation to women and their children suffering, mental, physical, financial or sexual abuse within the home.
- a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.
- provide a range of support services to children and young people who have experienced domestic violence and abuse.
- support with legal process including extensive court support service to support victims to engage with judicial system

PSNI Personnel

Two of the 15 posts could also have an additional part time remit of advocacy specifically for PSNI personnel. This will require additional security clearance which can be agreed with PSNI officials. We suggest allocating this additional remit to two of the posts to ensure that no Advocate will provide support directly to PSNI personnel within the Policing District that they are based in.

2.2 SARC/PSNI Rape Crime Unit Based Posts – Sexual Abuse (female/male over 16 and under 16)

The chart below outlines the PSNI figures for sexual offence incidents during October 2018 and September 2019. This has been broken down by victims aged 16 and over and 16 and under to ascertain identified need for specialism Advocates to be assigned to supporting children and adults.

Total Sexual Offences 2018/19	3,547
Sexual offences against children	2,036

The rationale for breakdown of apportionment of posts -v- number of incidents has not been applied within Sexual Offences, based on discussion with PSNI we identified the need for development work within this area, therefore the breakdown is as follows:

Location	Number of Advocate Posts
SARC (over 16 female/male)	1
SARC (under 16)	1
Rape Crime Unit (over 16 female/male)	1
Rape Crime Unit (under 16)	1
Total	4

Employment & Management of SARC/PSNI Rape Crime Unit based Sexual Abuse Advocates

The 4 posts could be employed by both NSPCC in relation to under 16 year olds and/or Victim Support, given their current provision of ISVA service across NI. Of course, this would need to be discussed and agreed by these specific agencies.

Development elements of these four posts

It would be beneficial to add in a development element within these posts to support increased access to this service, in particular, advocate support to engage with criminal justice system in bringing perpetrators to account.

2.3 Male Victims Domestic & Sexual Abuse (over 16)

Location	Number of Advocate Posts
PSNI/SARC	1
Other (Voluntary Agency e.g. MAP)	1
Total	2

Employment & Management of SARC/PSNI/Voluntary Agency based Domestic & Sexual Abuse Advocates

The rationale for these 2 specific posts for male victims is to ensure the Advocacy Project is fully accessible to all victims. This is an area of work which requires more development, and this would be an opportunity to have the benefits of funds to dedicate 2 posts to focus on this area of work. They could be employed by relevant Voluntary Sector agency e.g. MAP/Rainbow and could be based within PSNI Station and/or voluntary organisation, of course, this would need to be discussed and agreed by these specific agencies. Women's Aid staff would be available for advice and assistance as they would be making referrals from male victims of Domestic Abuse via the PSNI based Advocate.

Development elements of these two posts

This would be a major element of these posts to develop this work and engage with relevant other agencies. Given the potential of an evaluation at end of year one this could provide evidence-based findings on benefits of focused Advocates within this area of work. Again, a major element of the post will be to support male victims to engage with criminal justice system in bringing perpetrators to account.

2.4 Proposed management and coordination of Proposal

As outlined above, the 21 advocate posts will be employed by relevant voluntary expert agencies, ensuring access to specialist wrap around services and providing all aspects of management and supervision for each role.

To ensure the funding bodies do not have to deal with several agencies, WAFNI would draft an agreed appropriate reporting and monitoring process that will ensure good governance, accountability and meet the needs of funders and partner agencies. WAFNI would take responsibility for regional coordination of monitoring and reporting, with individual voluntary agencies managing at local level.

Added Benefits:

- **Recruitment and selection** – With access to expert voluntary agency staff the recruitment process could be through an internal trawl, this will increase the

potential to hire advocates with extensive knowledge and experience in the domestic and sexual violence and abuse area.

- **Partnership working** – The potential for advocates to be employed via specialist agencies will create opportunities for partnership working, sharing of information and co-production across the area of domestic and sexual violence and abuse.
- **D&SV Agency Expertise** – Advocates employed by voluntary agencies will also increase access to these agencies at a local and regional level.
- **Quality Assured process** – Voluntary agencies together with PSNI and DoJ will work together with accountability for ensuring a positive and effective service.

Section five

One Year Budget

Advocacy Proposal - Criminal Justice Remit 21 Full time posts across NI

Sample Two Year Budget	YEAR 1
PROJECT COSTS	
Salaries (including NIC and Pension)	648,131
Travel and subsistence	31,500
Access NI (DBS Checks) @ £33pp X 21	693
Recruitment	6,300
IT & Phone	8,820
Laptop (one-off capital costs)	8,400
Evaluation	5,000
CENTRAL MANAGEMENT	
Advocate Management & supervision	75,600
Lead Agency Coordination (approx. 2.0%)	15,688
TOTAL PROJECT COSTS	800,132

Note: explanatory notes provided overleaf

EXPLANATORY NOTES:-**Year 1 Salary Costs based on Pt 22 - £26,317**

	Total	Salary	NIC	Pension
21 Advocates with Criminal Justice Remit				
37 hrs/wk NJC Scale pts 22-24 (£26,317-£27,905))	£30,863	£26,317	£2,441	£2,105
By 21 posts	£648,131	£552,657	£51,262	£44,213
Total Salary Costs	£648,131	£552,657	£51,262	£44,213

Travel Costs (this will vary depending on geographical area)

Estimated per post (278 miles/mth @ £0.45/mile X 12)	£1,500
Total Travel Costs	£31,500

Recruitment (this may be a mix of ext/int process)

Per Advocate post	£300
Total Recruitment Costs	£6,300

IT & Phone

Mobile & Internet £35/month x 12mths per advocate	£8,820
Laptop one-off capital cost @ £400/advocate	£8,400

Monitoring & Reporting

Responsibility of each Advocate with Lead Agency collating and reporting (costs included within Lead Agency Coordination)

Evaluation

We would highly recommend an evaluation at the end of Year One	£5,000
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Advocate Management & Supervision

10hr/mth X 12mths @ £30/hr per Advocate	£3,600
Total Management & Support costs	£75,600

Lead Agency Coordination

Managing, distributing and reporting on funding and outcomes potential partner agencies including 9 Women's Aid Groups	2.0%
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Section Six

Women's Aid statistics

Women's Aid statistics (2018 - 2019) show that:

Headline statistics (women)

- **654** women stayed in refuge.
- **381** women couldn't access as refuge was full.
- **6,308** women accessed outreach support
- **10** babies born in refuge
- Women supported through pregnancy:
 - Refuge **49**
 - Outreach **159**

Headline statistics (children and young people)

- **421** children and young people stayed in refuge.
- **5,966** children and young people benefited from outreach support.
- **4,495** 1-1 support sessions held with children and young people in Women's Aid refuges, advice centres and in the community.
- **11,294** children and young people engaged in Women's Aid programmes delivered in schools and the community.
- **671** external agency staff trained in domestic violence and impact upon children.
- We ran **963** childcare and play sessions for **496** children to support mothers

More information on Women's Aid Federation Northern Ireland and the work of Women's Aid groups across Northern Ireland can be found on our web site.

www.womensaidni.org