

FROM THE OFFICE OF THE JUSTICE MINISTER



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Christine Darrah
Clerk to the Committee for Justice
Room 242
Parliament Buildings
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8 July 2020

Dear Christine,

DOMESTIC ABUSE AND FAMILY PROCEEDINGS BILL

At the Committee's oral evidence session on 18 June the issue of Operation Encompass and its implementation locally was raised. The Committee has requested clarification on the legislative gaps, if any, preventing the introduction of Operation Encompass locally, how these can be addressed or, in the absence of any legislative changes being needed, what is required to implement the scheme. The Committee has also asked for background on Operation Encompass and how it functions. This letter responds to these queries.

Detail

Operation Encompass is an initiative in place in England and Wales aimed at improving communication with schools, where a child is at risk from domestic abuse. It is in operation in around two thirds of police forces, though operational practice would appear to vary between districts. It is used to inform schools when the police have attended an incident of domestic abuse for one of a school's pupils since the previous school day. This enables schools to offer support to children and young people experiencing domestic abuse, dependent upon the needs and wishes of the young person.

It also recognises domestic abuse as an Adverse Childhood Experience, which can lead to emotional, physical and psychological harm.

Provision of support within the school environment means children are better safeguarded against the short, medium and long-term effects of domestic abuse.

The purpose of the model is to secure better outcomes for children who are subject, or witness, to police attended incidents of domestic abuse. It ensures that schools are in a better position to understand and be supportive of the child's needs, and possible behaviours, as a result of this.

Task and Finish Group consideration

In terms of the position locally the Safeguarding Board for Northern Ireland is leading a multi-agency Task and Finish Group considering the introduction of an Operation Encompass type approach. This group involves representatives from the Departments of Education, Health and Justice, the Safeguarding Board, PSNI, the Education Authority, Health Trusts and domestic and sexual violence partnerships working together collaboratively. That group considered how notification to schools of domestic abuse incidents could be achieved through the use or adaptation of current processes or procedures as well as the required steps to be progressed around the development, governance and implementation of an Operation Encompass type scheme. As part of its deliberations that group was also advised by the police as to how the scheme operates in a number of local police forces in England and Wales.

Information sharing legislative gap

Members will also wish to note that both the PSNI and Safeguarding Board for Northern Ireland considered the issue of legislative cover for an operation encompass type scheme locally (including the Children's Services Co-operation Act (Northern Ireland) 2015 and sought legal advice in relation to this. They are both of the view that there is not the necessary legislative cover to enable the sharing of information between the police and schools for child well-being purposes (legislative cover is available for child

protection purposes) and that legislative change is needed to facilitate this. It is also considered that to share information in the absence of this would pose a risk of legal challenge.

Discussions are ongoing with colleagues in the Department of Education, who would lead on this matter, about an appropriate legislative vehicle which could facilitate the necessary information sharing provisions. An update has been sought and is currently outstanding in relation to this. Given that the purpose of the information sharing is to ensure child well-being, and its delivery in an educational setting, it is considered that this would be a matter for Education, as opposed to Justice, legislation.

Office of the Legislative Counsel has advised that information sharing provisions, for the purpose of advising a school about a domestic abuse incident (which may not necessarily give rise to a domestic abuse offence), for child well-being purposes, would be outside the scope of the Domestic Abuse and Family Proceedings Bill given that its long title relates to a domestic abuse offence. If the scheme were limited to information sharing in relation to the domestic abuse offence, or associated proceedings, it may be within scope – however this would necessitate two or more incidents, not meet the policy intent and have limited impact in terms of the immediacy of support from the school.

Pilot scheme

Consideration is being given to how notification to schools of domestic abuse incidents could be introduced locally and it has been agreed that this will be piloted later this year. Given the absence of legislative cover for information sharing this will operate on a consent basis. The Down sector of the Newry, Mourne and Down district council geographical area has been selected for the pilot study catchment zone, based upon the schools in the South Eastern Health and Social Care Trust Primary Education Sector having undertaken training in the Helping Hands programme delivered by Women's Aid NI. This programme has raised awareness around domestic abuse (and includes an element around the Operation Encompass approach) and is considered to

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provide a good basis for obtaining consent to proceed with a pilot study.

I trust that the Committee finds this information helpful.

Yours sincerely,

**Departmental Assembly Liaison
Officer (DALO)**