



THE GOVERNMENT REPLY TO THE SIXTH REPORT
FROM THE HOME AFFAIRS COMMITTEE
SESSION 2007-08 HC 263

Domestic Violence, Forced Marriage and “Honour”-Based Violence

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty
July 2008**



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GOVERNMENT RESPONSE TO THE HOME AFFAIRS COMMITTEE: DOMESTIC VIOLENCE, FORCED MARRIAGE AND ‘HONOUR’-BASED VIOLENCE

INTRODUCTION

The House of Commons Home Affairs Committee published the report of its inquiry into Domestic Violence, Forced Marriage and ‘Honour’-Based Violence on 13 June 2008.

The inquiry focused in particular on:

- The implementation of the Domestic Violence, Crime and Victims Act 2004 and related legislation, especially in terms of increased reporting and convictions and whether greater support is being provided for victims;
- Public education and awareness-raising;
- Police powers and legal protections for victims;
- Criminal and civil justice processes, including the Specialist Domestic Violence Court Programme;
- Support for victims, including finance and refuge services;
- Perpetrator programmes;
- Multi-agency approaches, and what barriers exist to their effective operation.

This Command Paper sets out Government’s response to the recommendations in the Committee’s report.

The Government welcomes the Committee’s comprehensive report, which contains many important observations and constructive recommendations. It is important to recognise, as the Committee has done, the progress that the Government has made on domestic violence over the last ten years. Initiatives such as Specialist Domestic Violence Courts, Multi-Agency Risk Assessment Conferences and Independent Domestic Violence Advisors have helped to increase successful prosecutions, reduce the prevalence of domestic violence, and increase access to support for victims.

The British Crime Survey, widely regarded as the most authoritative view of trends in crime, indicates there has been a 65% decrease in the number of incidents of domestic violence between 1995 and 2007/08. Since December 2003 we have increased our success rate on domestic violence prosecutions by 25%, from 46% to 70.7% against a backdrop of an increasing volume of prosecutions.

We have also had successes in tackling forced marriage. In 2007 the Forced Marriage Unit handled approximately 400 forced marriage cases, providing vital support to those at risk of, or victimised through forced marriage. The increasing workload requires greater investment and we have therefore increased resources for the Forced Marriage Unit.

However, we recognise the importance of building on these successes in the future and we are therefore pleased to accept the majority of the conclusions and recommendations from the report. We have already made a good start on implementing many of the recommendations.

The report emphasises the importance of educating communities about domestic violence. We are looking at the role for communications in preventing violence against women, including domestic violence, through changing attitudes and behaviour among key audiences. We are also reviewing sex and relationships education in schools to see how we can improve the effectiveness of teaching.

The HAC makes clear that we need to do more to tackle “honour” crimes. We are running roadshows across the country to raise awareness about this issue and are committed to working with our delivery partners to develop a cross-government action plan to tackle ‘honour’ based violence.

The report also recommends a greater focus on effective data collection and information sharing. We are working hard to improve the quality of statistics on domestic violence, and work is in hand to increase the early identification of and intervention with, victims of domestic violence through appropriate de-personalised information sharing between NHS bodies and Criminal Justice System.

Our detailed response to each recommendation follows.

GOVERNMENT'S RESPONSE TO THE COMMITTEE'S RECOMMENDATIONS

We have identified 111 separate recommendations and conclusions. Some of the recommendations have been grouped together for a response.

1. We considered so-called “honour”-based violence and forced marriage within the context of our wider domestic violence inquiry. However we also considered issues which relate specifically to these types of violence. We note that some groups disagree with the use of the term “honour”-based violence on the grounds that this could perpetuate the notion that such violence is indeed honourable. Others believe that the term is useful to attempts to highlight and promote understanding of the issue and should be used as it engages with the language of those who perpetrate such violence. We have used the term ‘so-called “honour”-based violence’ during our inquiry to reflect this range of views. However, for ease of reference, we use the term “honour”-based violence during the remainder of this report. (Paragraph 18)

The Committee’s use of the term so-called “honour”-based violence’ echoes our approach. We always qualify the use of the term because, as the Committee recognises, there is no honour in murder.

2. A lack of standardised data, and what is judged to be significant under-reporting, make it difficult to make an accurate assessment of the numbers of individuals experiencing domestic violence. Only a tiny proportion of victims ever come into contact with statutory authorities, particularly criminal justice agencies, making measurement of the scale of abuse even more complex. However, available statistics suggest that one in four women and one in six men will experience domestic violence at some point in their lives. The vast majority of serious and recurring violence is perpetuated by men towards women. (Paragraph 30)

3. Understanding of the scale of “honour”-based violence and forced marriage is even patchier. The Government’s Forced Marriage Unit handles around 300 cases of forced marriage each year, but this is likely to represent only the tip of the iceberg. (Paragraph 31)

4. Too little is still understood about the true scale of domestic violence, “honour”-based violence and, particularly, forced marriage. Because of the different ways in which data is gathered and recorded by different agencies, it is difficult to assess the effectiveness of the Government’s response to domestic violence. Differences in data recording also makes it virtually impossible to track offenders across agencies, and between relationships. We recommend that the Government implements a single performance management framework on the collection and reporting of domestic violence data, to apply across all relevant Government agencies, not only criminal justice agencies. This framework should ensure that data are comparable across all agencies, and be used to measure the effectiveness of the Government’s response to domestic violence. (Paragraph 32)

The Government acknowledges that there are challenges with understanding the numbers of individuals experiencing domestic violence including “honour”-based violence and forced marriage, particularly in relation to the incompatibility of data collection systems across government.

We are constantly looking at how to gather and collate a variety of data sources which will give us a more accurate understanding of the scale of domestic violence, “honour”-based violence and forced marriage, and the effectiveness of our interventions.

5. In addition, the Government should introduce a specific requirement into its annual National Domestic Violence Delivery Plan progress report to publish available Government data on domestic violence across all departments, including health, education, social services and the criminal justice departments. (Paragraph 33)

We do use the data sources that we currently have to support and monitor our progress against the objectives of the National Domestic Violence Delivery Plan. We will be revisiting each action to ensure we are using the best data available.

6. We found that the lack of any comprehensive data on forced marriage made it difficult for agencies to understand the nature of the issue and formulate appropriate responses. We recommend that the Government commission a separate study into the prevalence of forced marriage in the UK, as a matter of urgency. (Paragraph 34)

The Government fully recognises the need to obtain the best possible statistical picture on the prevalence of forced marriage, however as with all forms of domestic violence, forced marriage is underreported and this makes it very difficult to obtain accurate data. In 2008 the Forced Marriage Unit has developed a more robust statistical mechanism for recording reports of forced marriage. The Unit is also discussing with non-governmental organisations how the government can better inform its statistical picture. The Unit is committed to working across government to collate all available data on forced marriage.

7. We had sight of emerging data on prosecutions of “honour”-based violence and forced marriage cases, which is currently being collected via a pilot study in four Crown Prosecution Service areas. We think that this data, particularly that relating to the age of defendants, will make an important contribution to understanding the nature and scale of these particular forms of violence. We look forward to the full results of the pilot in the summer of 2008. (Paragraph 35)

Since compiling the emerging findings from our pilot study on forced marriage and ‘so-called’ honour crimes, we have been working towards finalising the findings. Additional information on prosecutors’ experiences in identifying, managing, and prosecuting these cases has also been collected through questionnaires and a focus group discussion held in June. The final report is due to be published in the autumn.

8. It is calculated that domestic violence cost the UK £25.3 billion in 2005-06 in costs to public services, losses to the economy and costs to the victim. The true cost of domestic violence to its victims is immeasurable. But estimates of the burden placed by domestic violence on public services should further strengthen the Government’s resolve and the economic case for tackling domestic violence. (Paragraph 36)

The Government is fully aware of the costs to public services, losses to the economy and cost to the victim that domestic violence causes. This is expressed in the work of Sylvia Walby in 2004. It is this economic dimension along with the moral arguments which has already spurred the Government into action and is the motivation behind the National Delivery Plan.

9. We recognise that there are male victims of domestic violence. We also note that the issue of the relative numbers of male and female victims is a highly emotive one in which views are polarised. During our inquiry we took evidence on both male and female experiences of domestic violence and forced marriage. We acknowledge that there is a dearth of reliable data about the prevalence of domestic violence against men. We have not made any assessment of the relative claims of male and female victims’ groups, but the available evidence suggests that women experience more serious and more frequent violence than men. (Paragraph 48)

We agree with the Committee's analysis that available evidence suggests that women experience more serious and more frequent violence than men. Our focus in the National Domestic Violence Delivery Plan in terms of activity and allocation of resources reflects that analysis. However, we have set up a helpline for male victims and are looking at data to identify what service needs male victims may have, as early indications suggest they are different from women's.

10. The evidence we heard from survivors about the ignorance they faced from many quarters, coupled with widespread under-reporting, persuades us of the need for at least one major public information campaign. We consider that in the UK a number of different campaigns would be valuable, targeting different audiences, including the following:

- (a) A general public awareness campaign to target victims, including male victims, and friends and family. This should emphasise the nature of abuse, educate friends and family on warning signs, and publicise support.**
- (b) A campaign specifically on forced marriage and other forms of "honour"-based violence. The Government should make full use of feedback from survivors, starting with that gathered through our eConsultation, to design key messages and media. (Paragraph 67)**

11. The Government should consider implementing an overall communications strategy for domestic violence, including "honour"-based violence and forced marriage. This could perhaps be developed along the lines of the THINK! Road Safety campaign, which is well recognised and has wide coverage. (Paragraph 68)

The Government recognises that there is a need to raise awareness of domestic violence, including "honour"-based violence and forced marriage. We have already run a number of successful campaigns to tackle rape, sexual assault and domestic violence which were aimed at different audiences. We are currently looking at the role for communications in tackling violence against women and particularly with a view to prevention of violence, which would involve changing attitudes and behaviour among key audiences.

12. Any concerted campaign will increase demand for victim's services, in particular emergency help lines and accommodation. These services must be sufficiently well-resourced to meet any surge in demand arising from public information campaigns. (Paragraph 69)

We are mindful that any concerted campaign will increase demand for victim services. We rolled out a previous campaign region by region in order to control the pressure on the support services and would obviously engage with stakeholders before launching any major campaign.

13. We heard of concerning attitudes and abuse between young people in intimate relationships. However, 16-18 year olds are excluded from the current Government definition of domestic violence, there has been little research on the needs of teenage victims and perpetrators of domestic violence, and there is little support for under-18s in abusive relationships. The existence of abuse in teenage relationships further underlines the urgent need for effective early education on domestic violence and relationships. (Paragraph 76)

See response to recommendation 17.

14. We welcome the research being carried out by Respect and the NPSCC with the Big Lottery Fund. We recommend that the Government consider amending its definition of domestic violence to include under-18s. (Paragraph 77)

The Government acknowledges those issues raised about widening the definition of domestic violence to include under 18s and continues to keep the definition under review.

15. We acknowledge that there are areas of good practice in education in schools on domestic violence and forced marriage, and we welcome the initiative by the Department for Children, Schools and Families (DCSF) to design ‘school-friendly’ materials in conjunction with the Forced Marriage Unit. We recommend that the DCSF and FMU work together proactively to distribute these materials to all schools, rather than waiting for materials to be requested. (Paragraph 93)

16. However, we were alarmed by the evident resistance of some schools and local authorities to displaying information, particularly on forced marriage. Whilst schools should retain discretion about the most appropriate way to display materials, it is clear from survivors’ accounts that schools can provide a lifeline to vulnerable pupils by providing information on support services. We strongly recommend that the Department for Children, Schools and Families take steps to ensure that all schools are promoting materials on forced marriage, whilst allowing them to retain discretion on the details. We intend to follow up this issue. (Paragraph 94)

Schools have a duty to safeguard and promote the welfare of their pupils and we have encouraged them, through guidance, to make available information about helplines and access to support for victims or people in fear of forced marriage.

In April 2008 Ministers at the DCSF wrote to local authorities and schools to remind them of their responsibilities in relation to the issue of forced marriage and the materials and guidance already available and to explain the further action being taken.

DCSF has worked with the Forced Marriage Unit to develop materials specifically for schools and for young people to raise awareness of forced marriage and of sources of support. We have been helped by schools, young people and support groups, including Karma Nirvana, in the development of these materials, and they are already available on the Every Child Matters website <http://www.everychildmatters.gov.uk/socialcare/safeguarding/forcedmarriage/>. We will be sending printed copies to all secondary schools in July, as well as to all local authorities and LSCBs, and DIUS will be sending them to all colleges. We are strongly encouraging schools to use these materials, and will be using a wide range of methods to promote their use. For example, we will use conferences, and workshops (such as the HBV roadshow), and have already asked regional staff (for example Safeguarding Advisers) to promote them. We are also engaging with professional associations.

17. Recent concern raised by the National Society for the Prevention of Cruelty to Children over the inadequacy of sex and relationships education in schools serves to highlight further the need for better statutory education on these subjects. We recommend that the Department for Children, Schools and Families specifically consider education about relationships, domestic and “honour”-based violence and forced marriage as part of its current review of sex and relationships education in schools. We strongly urge the Department to recommend that education on these issues is explicitly made a part of the statutory school sex and relationships curriculum, rather than being left to the discretion of individual schools. (Paragraph 95)

The curriculum already provides scope for the exploration of issues relating to domestic violence and forced marriage principally, although not exclusively, within Personal, Social and Health Education (PSHE), which includes sex and relationship education (SRE).

It is important that we focus efforts on raising the overall standard of teaching in PSHE and SRE, where issues to do with healthy relationships, managing conflict and aggression would be addressed, and alerting schools to ways in which domestic violence can be used as context for exploring key concepts within the PSHE curriculum.

Much of the content of PSHE including sex education and drug education is already statutory. However, recognising the importance of these aspects of the curriculum and their contribution to promoting wellbeing – a new duty on schools introduced in September 2007 – DCSF is currently conducting two parallel reviews on how to improve the teaching of sex and relationships education and drug education within the context of PSHE. The issues considered by the former include whether to make PSHE (including SRE) statutory, and whether there is a need for stronger Departmental guidance in this area. We will give careful consideration to all of the recommendations from the reviews when they report later this summer. A government response outlining associated actions will follow. In the meantime our efforts remain focussed on driving up standards in the teaching of PSHE through:

- a national accredited cpd programme which has trained over 6,000 teachers to date;
- initiatives such as healthy schools which require schools to have comprehensive programmes of PSHE; and
- advice and guidance provided by bodies such as the QCA and the PSHE Association

19. Full use should be made of the expertise of local and national voluntary sector organisations to deliver educative programmes in schools and colleges, drawing in particular on good practice in areas such as Newham and Waltham Forest. These organisations should also be consulted in drawing up changes to the sex and relationships curriculum, and in training teachers, both of which we recommend in this report. (Paragraph 97)

One of the key issues being considered in the sex and relationship education (SRE) review is how best to encourage schools to use external professionals and agencies – which have expertise on particular issues – to support the delivery of their SRE programmes. This could include organisations with expertise in issues such as domestic violence and forced marriage. The SRE review is due to report later this summer.

The Department for Innovation, Universities and Skills is happy to accept the Committee's recommendation that local and national voluntary sector organisations should play a prominent role in the delivery of support and guidance and the development of programmes where these are appropriate. Good practice where identified would quite rightly be drawn upon where it demonstrably would make a positive impact.

20. The testimony we heard from forced marriage survivors suggests that the desire to procure a marriage visa for a spouse can be an important factor in forced marriage. When we asked for their views on this issue, survivors told us that raising the age of sponsorship for marriage visas from 18 to 21 could better equip victims to refuse an unwanted marriage. However, associated with such a change is a significant risk that young people would be kept abroad for sustained periods between a marriage and being able to return to the UK with their spouse. (Paragraph 110)

21. We have not seen sufficient evidence to determine whether or not raising the age of sponsorship would have a deterrent effect on forced marriage. Given the potential risks involved, we urge the Government to ensure that any changes it proposes to its policy on visa application procedures in respect of sponsorship are based on further research and conclusive evidence as to the effect of those changes. This evidence must demonstrate that any changes will not inadvertently discriminate against any particular ethnic groups. (Paragraph 111)

22. Where victims of forced marriage are courageous enough to approach the authorities or a third party to state that they are reluctant sponsors of marriage visa applications, it is vital that they are fully supported and visas are refused. We recognise the importance of protecting reluctant sponsors from harm at the hands of their families. In this context, the procedure currently employed by the Government to refuse marriage visa applications, without exposing reluctant sponsors, is welcome. (Paragraph 118)

23. However, this procedure does not go far enough on two counts. First, the fact that visa sponsors are only interviewed when they themselves come forward as a reluctant sponsor means that forced marriage is unlikely to be detected unless the victim takes the initiative. Second, even when a forced marriage victim alerts the authorities, one twelfth of the visas refused on this basis are currently overturned at appeal by the Asylum and Immigration Tribunal, because the reluctant sponsor is unwilling to make a public statement in evidence to the Tribunal. (Paragraph 119)

24. In relation to the first of these shortcomings, we recommend that interviews with visa sponsors take place not only when reluctant sponsors come forward themselves, but also in cases where there is a suspicion of forced marriage by immigration and visa-granting authorities, or other third parties. (Paragraph 120)

25. In relation to the second of these shortcomings, we consider it essential that a power of refusal without the need for an evidential statement be attached to visa applications in cases of reluctant sponsors. The Code of Practice which has been proposed by the UK Border Agency, may provide a mechanism for implementing this measure. (Paragraph 121)

26. Currently, information about a reluctant sponsor of a spousal visa, or of indefinite leave to remain, which is sent to the Home Office by someone other than the sponsor themselves—for example a Member of Parliament—is refused on the grounds that the information comes from a third party. This situation is wholly unacceptable. By failing to act on this information, the Government is putting victims and potential victims of forced marriage at greater risk. It is imperative that the Home Office, The UK Border Agency and the Forced Marriage Unit put in place a system to refer information received from third parties to the Forced Marriage Unit, immigration and visa-granting authorities. The Government must actively inform third parties who are likely to provide such information, including Members of Parliament, teachers and GPs, about which department they should contact in these cases. (Paragraph 122)

27. Whilst we did not investigate in any detail the UK Border Agency proposal to require someone to declare their intention to sponsor a partner from overseas before they leave the UK to marry, we consider this proposal to have merit in providing a further layer of protection to potential victims. (Paragraph 123)

28. We recommend that all visa entry clearance officers should be trained as a matter of course to identify risk factors associated with cases of forced marriage, and to refer those at risk of forced marriage appropriately. This will be especially important in

assisting visa entry clearance officers to identify suspected cases of forced marriage and interview sponsors in those cases, as we recommend in paragraph 120 above. (Paragraph 124)

We appreciate the Committee's comments that the procedure currently employed by the Government to refuse marriage visa applications, without exposing reluctant sponsors, is welcome. We also welcome the Committee's comment that the declaration of intention to sponsor proposal has merit in providing a further layer of protection to potential victims.

The Government has today published its response to the marriage visa consultations. This sets out the proposals we intend to take forward to ensure that those who are at risk of being pressurised into marriage to a partner from overseas are protected. We have given careful consideration to views expressed by the Committee on our proposals, in particular those set out at recommendations 20-28. More detail can be found in that report at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/mariagetopartnersfromoverseas/>.

The proposals we intend to take forward are as follows:

- We will increase the age at which someone can sponsor or be sponsored as a spouse from 18 to 21.
- We will also make it a requirement that sponsors are required to register their intention to sponsor a spouse to come to the UK before they leave and if needed attend a compulsory interview.
- Some people may try to evade our requirement. There will be some genuine cases here, but also some forced marriages. We will toughen the process by ensuring additional scrutiny for those we have assessed as at risk of a forced marriage and there will be sanctions for those who fail to obey the rules. This may include refusal of a visa.
- We will establish a working group chaired by the Attorney General and involving the Ministry of Justice to consider how we are able to share confidential information with Immigration Judges so that those at risk of abuse can feel more confident in voicing their concerns.
- We will ensure specialist teams taking entry clearance decisions have the tools to ensure that they are able to identify any risk of abuse such as where a person may be vulnerable to a forced marriage. Where that is present we will make clear what the rights of victims are and how the marriage visa will be dealt with. We will introduce clear tests for identifying risks by December 2008. We will set this out in a Code of Practice.
- We are also considering the introduction of application forms for sponsors and for applicants to provide additional information about their relationship which would assist entry clearance officers and caseworkers in identifying whether a person is at risk of a forced marriage and whether the applicant or sponsor should be interviewed. This information could then be used by the Immigration Judge to determine whether a person is being coerced into sponsoring a spouse to come to the UK.
- We will put in place a system by December 2008 to refer information received from third parties to the Forced Marriage Unit, immigration and visa-granting authorities and will inform third parties who are likely to provide such information, including Members of Parliament, teachers and GPs, about which department they should contact in these cases.
- We will introduce new stronger measures to allow the UK Border Agency to revoke indefinite leave to remain following abandonment of a spouse or evidence of abuse of the marriage route to gain settlement.

- We will improve our current system for investigating allegations for abuse of the marriage route.
- We will ensure information and advice is available to sponsors, including awareness of the Forced Marriage Unit.

29. “Honour”-based violence and forced marriage cannot be prevented without challenging attitudes within those communities which practise them. Community leaders must therefore be encouraged actively and openly to engage in dialogue about “honour”-based violence and forced marriage, and to condemn these practices. (Paragraph 130)

The Government recognises that mobilising community support is vital in tackling honour based violence. Over the last two months the cross Government HBV steering group has hosted a series of regional Honour Based Violence Roadshows across the UK. These roadshows have been designed to raise awareness of both HBV and FM and encourage local practitioners to engage in a local dialogue with communities about the problems and how to solve them. This is our first step in what we hope will be an ongoing dialogue on these issues.

In addition the Forced Marriage Unit coordinates an outreach programme, to raise awareness of the issue of forced marriage amongst relevant professionals and communities.

30. A recent research study – Forced marriage, family cohesion and community engagement: National learning through a case study of Luton – “makes constructive and detailed recommendations for furthering this community engagement agenda. We support the direction of the report’s recommendations on ‘promoting a culture of condemnation of forced marriage’ and ‘empowering women’s self-help groups’. (Paragraph 131)

The Government welcomes Dr Khanum’s report on forced marriage in Luton and agrees that furthering the community engagement agenda is vital in tackling forced marriage and Honour Based Violence.

31. It became clear during our inquiry that demand for the services of the Government’s Forced Marriage Unit has significantly increased over the last few months, to the extent that it now requires additional resources in order to expand its capacity. If the Forced Marriage Unit is to engage in proactive preventative work with schools on a systematic basis this need will become still more urgent. We recommend that the Home Office and Foreign and Commonwealth Office should undertake to provide resources to increase the capacity of the Unit and enable it to operate effectively at this heightened level of activity. (Paragraph 133)

The Government is fully committed to tackling forced marriage. The Forced Marriage Unit leads this work, but other government departments are also playing a key role in helping develop policy, raising awareness and providing support and advice to victims. Staff based in our Embassies overseas also play a key role in our response.

The Forced Marriage Unit is committed to engaging in preventative work with schools and has worked closely with DCSF to develop materials specifically for schools and young people to raise awareness of the unit and other sources of support.

In financial year 2007/08 the Forced Marriage Unit had 6 members of staff, drawn from the FCO, Home Office and UKvisas and the Unit’s non-casework project budget was £167,000. For financial year 2008/09 the non-casework project budget has been increased to £273,000 and staffing has been increased from 6 to 7. The Government will continue to keep resourcing of the unit under review.

32. We received evidence to suggest that victims of domestic violence and forced marriage often come into contact with health services. Victims identified health professionals, in particular GPs, as being poor at responding to disclosure of abuse or at referring victims to appropriate services. (Paragraph 145)

33. The Department of Health must ensure that health professionals across the range of front-line services are trained to identify and respond appropriately to domestic violence and forced marriage. This should include compulsory training in the Guidance for Health Professionals produced by the Forced Marriage Unit, and in the handbook for health professionals on domestic violence. The Department of Health must closely monitor the implementation of both the guidance on forced marriage and the handbook on domestic violence. (Paragraph 146)

34. GP surgeries and other community health centres should routinely display information on domestic violence and forced marriage, including advice on available support. (Paragraph 147)

35. The Department of Health should consider ways in which GPs can be involved in the multi-agency risk assessment conference (MARAC) process. This might take the form, for example, of a representative of the local surgery or health centre attending the MARAC. (Paragraph 148)

36. Joint University of Bristol and Home Office research has found that perpetrators also approach GPs for advice or help with offending behaviour. We recommend that the Department of Health work with Respect to develop accredited training and/or guidelines for GPs and other health professionals on how to identify domestic violence perpetrators and refer them to appropriate services. (Paragraph 149)

The Department of Health has already supported the development and issue of the manual “Responding to Domestic Abuse: A Handbook for Health Professionals” and has taken measures to promote the early identification of and intervention with domestic violence victims. In the light of evidence about the particular risks of domestic violence during pregnancy, arrangements have been rolled out to make enquiries about domestic violence a routine part of the process of assembling information and social history taking with pregnant women, offering a safe and confidential environment in which these issues can be explored.

These arrangements have been supported by a number of regional “Train the Trainer” Workshops to impart domestic abuse training, to support local training of midwives.

Other initiatives already in place [focused on the most likely settings and occasions for domestic violence to come to the attention of health professionals] include:

- Support to Primary Care Trusts (PCT’s) to engage with the Tackling Violent Crime Partnership and to deliver their responsibilities regarding Crime and Disorder Reduction Partnerships
- 22 Accident and Emergency Department pilot sites in the South East have been set up to collect assault data based on the Cardiff model and to share it with their local Crime and Disorder Reduction Partnerships. Within these pilots many are also piloting the role of an alcohol/domestic violence liaison nurse.

The Department is also supporting a systematic review to look at “how far ...screening women for partner violence in different health care settings meets the UK National Screening Committee criteria for a screening programme in terms of condition, screening method and intervention”.

In the light of this work and of the Committee's recommendations, DH will:

- work with the relevant Royal Colleges and other interested bodies to raise the profile of existing guidance and training opportunities relating to domestic violence and promote increased take up, to encourage greater awareness of the opportunities to identify and respond to domestic violence across front line services.
- further develop the evidence base as to where health professionals can most effectively engage with this to help target future training and development activity.
- encourage Strategic Health Authorities and PCTs to participate locally in Multi-Agency Risk Assessment Conferences (MARACs)

37. The evidence from victims collected by the Forced Marriage Unit and other survivors' groups, and heard in the course of our inquiry, convinced us that there are children in real danger of being removed from school, or further education, and forced into marriage. (Paragraph 164)

38. However, when we examined the issue of these 'missing' children we exposed a confusing picture, of different data recorded by different schools and local authorities in different categories, none of which could give us concrete information about children at risk of forced marriage. The Parliamentary Under-Secretary of State at the Department for Children, Schools and Families himself recognised the shortcomings in the available data, and proposed to consult on developing a standard definition for local authorities in collecting information. (Paragraph 165)

We are developing standard definitions for local authorities to improve consistency in collecting information on children not receiving a suitable education and we are consulting local authorities on these.

The results of this consultation on standard definitions will be included in revised statutory guidance for children not receiving suitable education, which we aim to publish in the autumn. References to forced marriage will be strengthened and we shall ensure clear cross-references to, and consistency with, the revised forced marriage guidance.

This will give schools and local authorities an even clearer and more robust basis on which to track children missing from education and safeguard children and young people from forced marriage and other harm.

39. Currently, schools only record data on pupils listed as being 'not in suitable education'. This covers a wide range of reasons, and from our investigations it became clear that these data tell us little about children at risk of forced marriage. This caused us great concern. Rather than disproving that there are children missing from schools who have been removed and forced to marry, our investigation showed simply that there is no adequate mechanism of identifying these children. (Paragraph 166)

40. We acknowledge that data collected by schools are unlikely ever to identify the true numbers of young people forced into marriage. Many victims are aged 16 or over, some may be listed as home-schooled, and others are taken abroad during school summer holidays. These categories are unlikely ever to be comprehensively captured in school data. Nevertheless, we consider that data collected by schools provide a vital mechanism by which some of those most at risk might be identified. (Paragraph 167)

In February 2007 we introduced a new statutory duty for local authorities to put robust systems in place to identify any child not receiving a suitable education, and provided guidance on how to implement this duty, setting out the follow-up action local authorities should take, including when to involve the police.

There may be a number of reasons why children are not in education, including that they have not yet taken up a school place, that they have moved home or that they are on extended leave. In most cases there is no reason to think that these children are at risk of harm, although any child missing education is a source for concern.

The duty supported by statutory guidance means that all local authorities must put co-ordinated and centralised systems in place for tracking children missing education. They are also expected to work, and share information, with other local authorities and agencies in order that children moving from one area to another can be tracked.

The guidance to local authorities is clear. They are responsible for following up any child who is missing from education or at risk of being missing from education. Even if a child is missing from education, it does not automatically mean they have come to harm or have been forced into marriage. But guidance clearly signposts local authorities to possible forced marriage issues so they know what to do and where to refer cases.

The data returns we received from local authorities as part of our evidence gathering for the Select Committee demonstrate that they have put to good use the existing statutory guidance on identifying children not receiving education and have implemented policies and procedures accordingly to enable them to follow up effectively children missing from education.

It is important that local authorities implement robustly the duty to identify children not receiving a suitable education. In March 2008, Ministers asked Her Majesty's Chief Inspector for a view of how well this new duty is being implemented. She indicated that the majority of local authorities inspected since April 2007 have good procedures in place for tracking children and young people missing from education. Ofsted is currently undertaking a further review of the approaches that a small sample of schools and local authorities are taking, and its findings will inform the revisions to the statutory guidance for children not receiving suitable education.

41. We consider that the measures outlined by the Parliamentary Under-Secretary of State at the Department for Children, Schools and Families – to develop a standard definition for local authorities, and reissue guidance on children listed as ‘not in suitable education’ – are urgently necessary as a first step to standardising data collection between schools and local authorities. However, more action is needed. We recommend that as a matter of urgency the Government commission research into the relationship between trends identified through cases of forced marriage and data collected by schools. In this, we support the broad framework for research set out by the Joint Director for the Association of Directors of Children’s Service, John Gaskin. (Paragraph 168)

We support the need for new research on this issue and are willing to consider funding it from the DCSF research budget. We agree with the recommendation by the Association of Directors of Children’s Services that a range of different research methods should be used in combination to provide better information on the problem of forced marriage. This new research is likely to comprise further analysis of existing data, case studies to explore in depth what happened in specific cases of forced marriage and which agencies knew and what they did, plus research on best practice in preventative work with young people at risk.

This will contribute to wider work across government to improve data on forced marriage.

42. We did not investigate the relationship of children listed as being home-schooled to possible cases of forced marriage. However, the link made by experts between home-schooling and forced marriage is troubling, and we recommend that the Government include this issue in a revision of data collection and procedures for identifying cases of forced marriage and child protection. (Paragraph 169)

When developing our research in response to recommendation 41, we will include the issue of home schooling.

Local authorities already have a duty to establish the identities of all children in their area who are not receiving a suitable education, the guidance on which is currently being revised and strengthened. This duty will be supported from May 2009 by ContactPoint which will hold “educational setting” data for all children in England: this will identify children where no educational setting is included in the child’s record. It will also enable local authorities to identify home educated children whose parents have not been in contact with the local authority.

Parents have a longstanding right to educate their children at home. The elective home education guidelines (published on 29 November 2007) clarify the balance between the right of the parent to educate their child at home and the responsibilities of the local authority.

As with school-educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should be dealt with using established protocols for child protection.

43. Teachers and other education professionals cannot be expected to deal confidently and effectively with sensitive subjects such as domestic violence and forced marriage without training and advice. We recommend that specific accredited training be introduced for all education professionals on these issues, including in the re-issued Guidelines for Education Professionals from the Forced Marriage Unit. In the first place this could amount to ensuring that a designated contact for domestic violence and forced marriage exists in each school. This person could take responsibility for implementing a programme of accredited training. (Paragraph 175)

44. We consider that the approach outlined by the Making the Grade 2007 report – that all postgraduate certificate in education (PGCE) and professional development training specifically include modules on violence against women – is a good one. We recommend that the Department for Children, Schools and Families implement specific training modules on domestic violence in all PGCE and professional development training. (Paragraph 176)

The Government’s statutory guidance ‘Safeguarding Children and Safer Recruitment in Education’ which came into force in January 2007 says that the governing bodies of maintained schools should ensure that:

- a senior member of the school’s leadership team is designated to take lead responsibility for dealing with child protection issues, providing advice and support to other staff, liaising with the local authority, and working with other agencies;

- in addition to basic child protection training the designated person undertakes training in inter-agency working that is provided by, or to standards agreed by, the Local Safeguarding Children Board, and refresher training at two yearly intervals to keep his or her knowledge and skills up to date;
- the head teacher, and all other staff who work with children, undertake appropriate training to equip them to carry out their responsibilities for child protection effectively, that is kept up to date by refresher training at three yearly intervals, and temporary staff and volunteers who work with children are made aware of the school's arrangements for child protection and their responsibilities.

DCSF guidance makes it clear that forced marriage is included in child protection responsibilities. This was recently reinforced in a letter to schools from Kevin Brennan (Parliamentary Under-Secretary of State for Children, Young People and Families) on 22 April. The letter also asked schools to consider whether to cover safeguarding children when planning forthcoming non-contact days to ensure all school staff have up-to-date knowledge on how to identify children who may be at risk and how to take action.

The DCSF does not prescribe the content of teacher training courses but does set out what the outcomes of the training should be. The Training and Development Agency's "Professional Standards for Teachers" require that anyone who is teaching, or training to teach, must be aware of current legal requirements, national policies and guidance on the safeguarding and promotion of the well-being of children; also that they know how to identify and support children and young people whose progress, development or well-being is affected by changes or difficulties in their personal circumstances, and when to refer them to colleagues for specialist support.

45. We recommend that Ofsted be tasked, as part of its inspection framework, to inspect schools specifically on their success or failure in tackling domestic violence and forced marriage. This should include the effectiveness of teacher training on these issues, and assessment of the implementation by individual schools of the Forced Marriage Unit Guidelines for Education Professionals. (Paragraph 178)

We will discuss the report's recommendations with Ofsted.

46. The National Domestic Violence Helpline provides a vital lifeline to victims of abuse. However, the helpline is very under-resourced, facing a budget deficit of £260,000 in 2008-09. It is currently able to respond to only 65% of the calls it receives. It is essential that the Helpline is properly resourced, not only to maintain its current level of service provision, but to increase its services to meet increasing demand. This step will be crucial if, as we recommend, public awareness-raising campaigns on domestic violence are to be run. (Paragraph 184)

47. The Home Office must undertake to review its resourcing of the Helpline and increase the funding it provides to ensure that the Helpline can maintain its vital services, including 24-hour coverage. Investment in this service is likely to be amply offset by the savings, not only to human life, but in police call-outs, health and support services and legal proceedings. (Paragraph 185)

The Government agrees that the National Domestic Violence Helpline provides a key service to victims of domestic violence. From 2008 the Home Office has increased its support to the Helpline to £500k per annum as part of a three-year contract. We are working closely with the Helpline to assist with their fundraising strategy.

48. We welcome the launch in April 2008 of the ‘Honour Network’ helpline for survivors of “honour”-based violence and forced marriage, and urge the Government to ensure that it is fully resourced to be able to operate effectively. (Paragraph 186)

The Government is committed to the service provided by the ‘Honour Network’ helpline and has contributed funding towards its operation.

49. Failure by the police adequately to assess the risk of harm to victims has, in a number of cases, resulted in homicides which might have been prevented. The police must ensure that work under way to implement consistent risk assessment across all forces, in partnership with other agencies, puts right these failings. (Paragraph 191)

The National Delivery Plan focuses specifically on the prevention of homicide including strengthening the responses by Police. But other agencies also have responsibility to share information and participate in Multi-Agency Risk Assessment Conferences.

ACPO is also working with the Home Office and CAADA to develop a single risk assessment model/common tool to identify risk factors which will also include “honour”-based violence and stalking and harassment, known as the DASH Model (Domestic Abuse, Stalking and Honour.) The models developed are about to undergo a usability study in several areas, Blackburn, Lancs, Swindon, Wilts and Westminster, MPS. The findings will be reported back to ACPO and it is hoped that they will be endorsed and accepted as ACPO Standard.

50. Most of our witnesses agreed that there has been progress in terms of the police response, in moving away from a culture of diffidence towards domestic violence over the last ten years or so. The top level of the police service, aided by the relevant ACPO working groups, appears to have made a commitment further to improve the police response to victims. However, the evidence we heard suggests that the experience of individual victims remains varied, and depends to a great degree on the commitment and knowledge of the individual officer. Police representatives agreed that it remains difficult to ensure that every front line officer is trained and that the response is consistent every time. (Paragraph 201)

51. We therefore recommend that the police service renews its efforts to ensure that every police officer is trained to respond to domestic and “honour”-based violence and forced marriage. Comprehensive, accredited training must be implemented swiftly. HM Inspectorate of Constabulary (HMIC) should ensure that, as part of its inspection regime, it assesses whether, and to what standard, forces have implemented training. (Paragraph 202)

We recognise that this is a challenge. However this is part of our National Delivery Plan and the National Police Improvement Agency (NPIA) are reviewing/refreshing the training for police officers.

The NPIA is proposing a programme of work during 2008/09 to update and expand the 2003 learning programme. This will include an evaluation of the existing programme and a review of new and further learning needs for domestic abuse, HBV, forced marriage and stalking and harassment.

Domestic abuse, including “honour”-based violence and forced marriage, is one of four areas covered under the ‘Protecting Vulnerable People’ HMIC inspection framework.

Training is specifically covered within the HMIC Specific Grading Criteria (SGC) used to assess and grade forces. In 2003, Centrex (now the National Policing Improvement Agency (NPIA)) produced a modular learning programme, ‘Responses to Domestic Violence’ on behalf of ACPO. Although implementation of the programme is not mandatory, the extent to which it has been implemented by individual forces is considered in HMIC’s assessment of training under the relevant SGC.

Prior to 2007, all 43 forces in England and Wales were inspected annually under the Baseline Assessment process. This was a wide-ranging approach which covered 23 separate business areas (including Protecting Vulnerable People). In 2007, HMIC moved to a risk-based approach which now focuses on a smaller number of key areas identified as posing most risk of harm to individuals or organisations. Protecting Vulnerable People was one of the first areas to be inspected under the new programme. As well as producing 43 individual inspection reports (published October 2007), HMIC produced an overall Lessons Learned report (published March 2008).

52. We note that ACPO has not yet published its strategy and action plan on “honour”-based violence, and urge it to do so. (Paragraph 203)

We understand that ACPO will publish their strategy in the coming months.

53. We consider that in some cases of extreme “honour”-based violence, victims face a particular danger from organised conspiracies. We therefore recommend that the police develop a victim protection programme, along the lines of those offered to court witnesses or gang members, for such cases. Entry onto a programme must not be dependent on giving testimony in court. (Paragraph 206)

Criminal Justice agencies are mindful of the dynamics of “honour”-based violence and therefore emerging strategies will include awareness-raising for front line officers and court officials to ensure that victims are protected.

54. We welcome the extra investment in units of housing for domestic violence victims provided by the Government. However, despite this investment, there remains a desperate shortage of refuge spaces. Those who flee domestic violence give up their homes, their possessions and move away from family, friends, jobs and possessions. Refuges represent the very last resort for these victims and those who access such services do so in desperation. The Government must not fail in its duty to support these vulnerable people. (Paragraph 218)

55. The Department for Communities and Local Government must urgently investigate the scale of the shortfall in refuge spaces and work with local authorities to ensure that refuge space is sufficient to meet demand across every local authority area. Once it has quantified the scale of the shortfall, it should produce a timetable for delivering the additional refuge places required, and report back regularly on progress against this timetable. (Paragraph 219)

This Government takes extremely seriously the issue of protection for people at risk of domestic violence. Refuges and other accommodation options such as Sanctuary Schemes have an important role to play. We agree that there is a need to understand better the extent of current service provision and where there are gaps, as there has been no recent comprehensive research in this area. This is why we will commission new research by September that will look at the current provision of supported housing for people experiencing domestic violence and how well it meets current need.

We are not aware of robust recent evidence to support the assertion that there is a “desperate shortage” of refuge provision across the country. Since 2003 CLG and the Housing Corporation have invested over £61m in refuge provision:

- £34 million under the Women Fleeing Domestic Violence programme to build and refurbish 511 units (2003-06)
- Through the Housing Corporation’s Affordable Housing Programme invested over £17 million to provide 153 units of housing (2006-08)

- Through CLG's Hostels Capital Improvement Programme £4 million to fund 6 refuges (2005-08)
- Through initial allocations for the Corporation's new Affordable Housing Programme a further £6m to provide 113 rented units. (2008-11)

In 2006/07 the Supporting People programme spent £61.6m on housing related support for victims of domestic violence (compared to £57.4m in 2004-5).

56. On the question of male refuges, it is clear that there is a need for some emergency housing, perhaps particularly for victims of forced marriage, who can be younger and more isolated. However, it would seem that the need for bed spaces for men is not of the same order of magnitude as for women. We recommend that the Government consider whether or not alternative support might be appropriate for male victims, such as a means-tested grant for accommodation. For male victims of "honour"-based violence or forced marriage, consideration might also be given to using the forced marriage survivor network, launched on April 11, to facilitate short term accommodation of victims with survivors. A possible model for this could be the Albert Kennedy charity, which supports homeless LGBT individuals through facilitating lodgings with LGBT carers. Clearly due care would need to be given to the acute vulnerability of forced marriage victims. (Paragraph 220)

As part of the research we will commission by September, looking at the provision of supported housing we intend to look at provision for specific groups. One of those groups will be male victims of domestic violence. We will work with the voluntary and community sector to look at the appropriateness and effectiveness of our current response and consider, in light of the research findings, whether there is a case for further action.

57. Although we heard some accounts of poor implementation of Sanctuary Schemes, evidence suggests that the schemes have great potential to allow women and children to remain in their own homes, thus minimising disruption to their lives. The schemes are also available to male victims, and may better suit the needs of male victims than refuge space. (Paragraph 225)

58. We heard evidence, however, that some local authorities are using the schemes as 'cheap' alternatives to emergency housing, simply providing a spare lock or bolt. It is vital that Sanctuary Schemes are only employed when this can be done safely and when associated support and protection measures are in place. Where schemes are implemented properly – with victim safety the paramount concern – local authorities must ensure that any savings made in temporary accommodation costs through the scheme are reinvested in domestic violence services. (Paragraph 226)

59. We urge the Minister to carry out a national evaluation of Sanctuary Schemes, as he proposed, and publish the findings. Guided by the evidence we heard, this evaluation should explicitly consider: whether schemes are providing adequate security, or being used as a 'cheap' option; whether local authorities are offering women any choice, or whether women refusing the scheme are classed as 'intentionally homeless'; and how any costs saved in temporary accommodation can be ring-fenced for investment in other domestic violence services. (Paragraph 227)

We will commission research by September that will look at the effectiveness of Sanctuary Schemes and other housing interventions that help tackle domestic violence.

As Sanctuary Schemes began and spread across the country we initially relied on the data and research carried out by the individual local authorities operating the scheme themselves. Much of the evidence centred on customer satisfaction and the initial surveys

were very encouraging. For example customer satisfaction surveys carried out in Barnet revealed 90% of users felt safer in their home after works were completed. However relying on this data alone is not enough and as the scheme has grown so has the potential evidence base.

We cannot emphasise enough that a change of locks alone does not constitute a Sanctuary Scheme. That kind of behaviour is simply wrong and can leave victims at risk. The guidance 'Options for Setting up a Sanctuary Scheme' sets out clearly what measures a partnership needs to take – from ensuring a robust risk assessment takes place to making sure the victim is safe, right through to ensuring that the appropriate support is also available.

A victim who has opted for a Sanctuary Scheme so that they can remain in their own home but who subsequently flees that home because they are still at risk of violence should not be found intentionally homeless if they seek further help from the local authority. Where someone has agreed to have the security of their home strengthened in the genuine belief that it would make it safe for them to live there but they subsequently have to leave because the measures have been ineffective, they would not have brought homelessness on themselves though their own action or inaction. Moreover, the Homelessness Code of Guidance for Local Authorities makes clear that an applicant cannot be treated as intentionally homeless unless it would have been reasonable for him or her to have continued to occupy the accommodation. And, under the homelessness legislation, it is not reasonable for someone to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence against them, or someone who normally lives with them or might reasonably be expected to live with them.

60. We are very pleased that, during the course of our inquiry, the Government announced that it would introduce measures to help those acutely vulnerable victims of domestic violence who have insecure immigration status and therefore 'no recourse to public funds'. This should ease the heavy financial burden of supporting these women on the refuge sector. (Paragraph 233)

We welcome the Committee's comments in relation to our announcement on 'no recourse to public funds.' The development of the new scheme which will provide support to victims of domestic violence who are successful in applying for indefinite leave to remain is currently being negotiated and will be implemented later in the year.

The proposals under the new scheme will strengthen the way in which domestic violence cases are considered, enabling those victims who are vulnerable to access additional support. Details of the scheme will be made available shortly.

We remain committed to finding a long term solution to support victims of domestic violence who have no recourse to public funds. We will continue to work both within the statutory and voluntary sector to find ways to support this group of women.

61. There seems, however, to remain a problem with the speed of processing applications for Indefinite Leave to Remain (ILR). We heard that applications can take between 2 and 24 months. This is too long to expect women to live in destitution. We recommend that the process could be speeded up by simplifying the application process and related paperwork. This could be achieved, for example, by reviewing forms to ensure that they are in plain English, and by developing an internet system through which claims could be tracked. The small claims court system could provide a model. (Paragraph 234)

The UKBA is committed to providing a high quality service. Our statistics¹ show that in 2007-2008 40% of these Indefinite Leave to Remain (ILR) applications were decided within 20 days, and 63% within 70 days. We accept that in some complex cases, where further enquiries are required to establish that domestic violence has occurred, some exceptional cases may take longer to decide than others.

We have recently revised the guidance and instructions used by case workers to assess Domestic Violence applications to streamline the casework process and provide clearer focus on the nature and consideration of supporting evidence.

We are introducing new steps to improve applications processing and evidence gathering including a proforma for agencies to complete. Work has begun on a new scheme where victims of domestic violence who have no recourse to public funds may be eligible to receive support for their essential housing and living costs. The proposals under the new scheme provide victims of domestic violence whose applications for ILR are successful to qualify for a contribution towards these costs. A key feature underpinning this scheme, is a commitment for the UKBA to make a decision within 20 working days of receipt by the caseworker, where agencies who are supporting victims of domestic violence provide all the material and evidence required by the UKBA. To assist in this, work is underway to provide detailed guidance to assist the voluntary sector/local authority in submitting full and complete Domestic Violence applications.

62. Kiranjit Ahluwalia's case vividly illustrates the necessity of linguistic-and culturally-specific services for black and minority ethnic women. Without support from such a service, she was unable to understand the proceedings against her, unable to communicate the vital role that the notion of "honour" played in the abuse her husband inflicted, and therefore unable to gain access to a fair trial. (Paragraph 241)

We understand that there may be specific cultural and/or linguistic issues for black and minority ethnic (BME) victims. We are therefore asking all criminal justice agencies to be mindful of the needs of BME victims and how best they can be addressed as part of the vulnerable witness and care provisions.

63. Many victims of domestic violence suffer long-term physical and mental ill health following abuse, including substance misuse, self harm and suicide. Whilst the Department of Health is funding some therapeutic services for victims of abuse, it is hard to believe that what amounts to £27,083 a year per organisation is anywhere near enough. We urge the Department of Health to increase its funding of mental health and other therapeutic services for victims. (Paragraph 246)

Between 2002 and 2008, DH has provided 20 streams of funding totalling over £1.95m to 12 mental health voluntary and community sector organisations providing therapeutic services for victims of abuse. This funding goes towards their central administrative costs and/or innovative projects.

The funding of health services for individuals suffering the effects of domestic violence is the responsibility of the NHS locally.

The Improving Access to Psychological Therapies (IATP) programme seeks to deliver on the commitment to provide improved access to psychological therapies for people who require the help of mental health services. It also responds to service users' requests for more personalised services based around their individuals needs.

¹The statistics are derived from local management information, and not national statistics. The information should therefore be treated as provisional and is subject to change.

It will test the effectiveness of providing increases in evidence based psychological therapy services to people with 'common' mental health problems such as anxiety and depression, in providing improvements in health, well-being and in maintaining or returning people to employment and community participation.

The DH Victims of Violence and Abuse Programme will report in early summer 2008 and will include guidance for PCTs on the impact of domestic violence on mental health. The guidance will emphasise the need for close collaboration with the voluntary sector as well as other statutory agencies in providing a comprehensive service for both adult and child victims of abuse.

64. We recommend that the opportunity presented by the Housing and Regeneration Bill be used to ensure that domestic violence victims, both with and without dependent children, and with or without an additional vulnerability, are given priority need for appropriate social housing. This is not only of huge benefit to victims, but will also save the Government and the domestic violence sector money in refuge provision, since victims will not be blocking bed spaces in refuges. In line with his suggestion, we recommend that the Parliamentary Under-Secretary of State at the Department for Communities and Local Government undertakes to report back to us on progress at report stage of the Bill. (Paragraph 254)

During the reading of the Housing and Regeneration Bill we announced that we would look at this matter and determine whether there is evidence that people without dependent children who are at risk of violence are failing to get the help they need and to what extent this was happening. The principal aim of that review will be to provide a sound basis for the Government to consider what changes, if any, need to be made to ensure that no one is expected to return to accommodation where they would be at risk of violence. We will commission this research by September and it will report during summer of 2009.

65. We urge the Department for Communities and Local Government and local authorities to consider what action is available to them in making private rental accommodation more accessible to victims of domestic violence. (Paragraph 256)

The Government is keen to promote a strong and well-managed Private Rented Sector (PRS) that contributes to the vitality of the housing market. A Review of Private Rented Sector Housing was announced by Ministers on 23 January 2008 and is being undertaken by Julie Rugg and David Rhodes at the Centre for Housing Policy at York University. It will report in October 2008 and following its publication we will consider what action we will take to improve the experiences of those entering the private rented sector including victims of domestic violence.

66. It is important that victims are able to access financial support quickly and easily, to prevent them from being trapped in a cycle of abuse. The Government and local authorities should consider introducing some form of support for victims of domestic violence – perhaps in the form of an interest-free loan – to assist in their resettlement. (Paragraph 259)

We are exploring across a range of departments the extent of this problem and the feasibility of this suggestion.

67. Since many victims require financial support, and may find it difficult to access benefits, particularly when in emergency accommodation, it is important that the Benefits Agency is fully engaged in domestic violence fora, both at the local and national levels. (Paragraph 260)

The Benefits Agency (now Job Centre Plus) is included as one of a number of agencies that could be involved in delivering a co-ordinated community response to domestic violence <http://www.crimereduction.homeoffice.gov.uk/dv/dv014.htm>. However, the membership of domestic violence fora will vary depending on local circumstances, and needs to be agreed at a local level. At a national level, the Department for Work and Pensions is a member of the Domestic Violence Virtual Unit.

68. The evidence suggests that online fora, where victims and survivors can share their experiences and offer one another support and advice, provide a very important support mechanism. We therefore recommend that the Government should consider setting up a permanent, anonymous, online forum for victims and survivors of domestic and “honour”-based violence and forced marriage. (Paragraph 264)

The ‘Honour Network’ helpline is the first step towards this and we will be exploring whether this can be expanded to on-line support.

69. Although some progress has been made by the Crown Prosecution Service over the last few years in increasing conviction rates for domestic violence offences, it is sobering to note that, in areas in which the attrition process has been tracked, the conviction rate for domestic violence, at around 5%, is even lower than that for rape, which is 5.7%. Without linking CPS data on successful prosecutions to data on incidence, arrest, charge and caution, the increase in successful prosecutions tells us little about the criminal justice response to domestic violence. (Paragraph 268)

We are pleased that the Committee has recognised the positive work of the Crown Prosecution Service (CPS) in tackling domestic violence. This includes training all prosecutors and associate prosecutors on domestic violence; conducting a pilot on forced marriage and so-called honour crimes; improving the support provided to victims; monitoring performance data; and working across government to establish specialist domestic violence courts.

The CPS has noted, however, the statement in the report that convictions for domestic violence are low. In fact, the conviction rate, from charge to conviction, increased from 46% in 2003 to over 67% by the first quarter of 2007-08. By April 2008, the national average conviction rate had risen to over 70%. This is a significant improvement against the background of an increasing volume of prosecutions – from 34,839 cases in 2004-05 to 63,819 cases in 2007-08.

The conviction rate for domestic violence is not, in fact, at around 5%, as stated in the report. This figure is based on one small-scale study carried out between 2004 and 2006 in Northumbria, and has been used to draw conclusions about the number of domestic violence cases that are brought to justice. This study, by Hester and Westmarland, considered only 2,402 domestic violence incidents and was carried out before and during the early days of the introduction of the CPS performance management system, which is now used rigorously to monitor domestic violence cases². It cannot, therefore, be concluded that this study reflects the national picture today.

Although the CPS would welcome a system to measure attrition from incident through arrest, charge to conviction, such a system is not currently available or possible as the criminal justice agencies do not share a linked tracking system. Calculations based on the proportion of incidents that were convicted are not a true measure of the conviction rate. This is because there is no “crime” of domestic violence. Many incidents will not be criminal offences and therefore cannot be charged. This cannot be compared with rape cases where rape is in fact a criminal offence.

²Hester, M. and Westmarland, N. (2007), ‘Domestic Violence Perpetrators’ in *Criminal Justice Matters*, No. 66 (Violence, Harm and Society).

It is important to note that there is not any directly comparable data between the police and CPS. This is because the police record *offences* and the CPS record *offenders*, and the police data is for cases (offences) coming into the criminal justice system during a particular timeframe, and the CPS data is for completed cases during the same timeframe (defendant outcomes).

However, taking on board these limitations in comparing data, the government has developed a key diagnostic indicator of attrition rates, based on data from arrest to conviction, linked to the Police Performance Assessment Framework. This data shows that from **arrest to conviction**, the conviction rate has increased from 13.5% in 2004-05 to 19% in Quarter 3 of 2007-08.

The CPS recognises that there is still much progress to be made. We shall continue to drive up performance through improved performance management and the implementation of good practice. We are also working to reduce the number of unsuccessful outcomes in all cases involving violence against women through the implementation of our 'Violence against Women Strategy'. The new Strategy will further strengthen the prosecution response to violence against women (including domestic violence) through better coordination of CPS guidance, training and performance management, and by helping to address victim and stakeholder satisfaction.

70. We were moved by some of the accounts of abuse in child contact cases expressed in our eConsultation. We support the call by the Family Justice Council for a move away from the presumption that the violent partner will obtain contact or unsupervised contact in domestic violence cases. We further recommend that the Ministry of Justice, in partnership with the Family Justice Council, carries out a full investigation to determine the risk posed to children by unsupervised contact. (Paragraph 290)

While the Government is mindful of the need for sound information on child contact issues, there already exists significant research in this area such as '*Residence & Contact Disputes in Court*', Wade and Smart, 2005³; '*Safety and child contact: an analysis of the role of child contact centres in the context of domestic violence and child welfare concerns*'⁴, Rosemary Aris, Christine Harrison & Cathy Humphreys (2002); '*Implacably Hostile or Appropriately Protective? Women Managing Child Contact in the Context of Domestic Violence Violence Against Women*'⁵ (new article), Christine Harrison (2008), Vol. 14, No. 4, 381-405 (2008).

Research projects and related funding for them are determined by the Ministry's policy priorities year by year. The Ministry does not currently have the resources to commission a major academic research project of this nature.

The Family Justice Council is funded by the Ministry and does not have the research budget to fund a project of this size and complexity. That said, the Council welcomes the recommendation and will be happy to work with the Ministry and to provide input and advice.

The Children and Adoption Act 2006 requires CAF/CASS officers to carry out a risk assessment whenever, in private law proceedings, they are given cause to suspect that the child is at risk or harm. They must then inform the court of their findings so that the court can consider what action should be taken. The provision came into force on 1 October 2007.

³Volume 2 at http://www.dca.gov.uk/research/2005/4_2005_1.pdf

⁴<http://www.dca.gov.uk/research/2002/10-02es.htm>

⁵<http://vaw.sagepub.com/cgi/content/abstract/14/4/381>

Prior to that, on 31 January 2005 the Government changed the way that domestic violence is dealt with in contact cases. Revised forms (commonly known as ‘Gateway’ forms), for applications for child contact and residence were introduced as the legal definition of harm in Children Act cases was clarified. Courts are now required to consider whether any incidents of domestic violence, not just from direct violence but also from witnessing violence towards another, has had an adverse impact on the child, or might affect the child in the future. Any harm, to the child as a result of the violence must be taken into consideration in the decision on contact, and what kind of arrangements should be put in place to ensure that it is safe for all concerned. In practice this means that when applications are made in relation to the future residence or contact with children, parents are required to provide information to the court if domestic violence is/has been an issue. In addition to the risk assessment for the future safety of the children, the court can, either from an application made by a parent or by its own power, make an injunction order protecting the vulnerable parent.

Both of these measures were underpinned by Practice Directions by the President of the Family Division for use by judiciary, staff, lawyers and the public. Specifically, the President of the Family Division issued a Practice Direction⁶ on 9 May 2008 providing guidance to the courts when making any child residence or contact order where domestic violence has been raised as an issue. Sections 28 and 29 which set out directions as to how contact should proceed are provided at annex A.

The Practice Direction was produced following consultation with Resolution members commissioned by the Children in Families Committee of the Family Justice Council which itself was prompted by Lord Justice Wall’s response⁷ to the Women’s Aid Report “Twenty-nine child homicides: Lessons still to be learnt on domestic violence and child protection”.

A postal questionnaire was distributed to approximately 5,000 members of Resolution⁸. The questionnaire was prepared by Judith Masson (Bristol University) in consultation with the FJC and family law solicitors.

The Ministry of Justice published an evaluation of the use of the Gateway forms which was undertaken at a point where the C1A form had been in use for nine months. The findings confirmed that it is meeting some of the objectives of its introduction in acting as a mechanism to enable domestic violence and associated harm to parents and children to be recognised at an early point in proceedings. The judiciary, CAFCASS officers, Court Managers and solicitors interviewed all had some reservations about its use, but felt that it had made some improvement to the situation of recognising violence. This was highlighted in relation to individual cases and in relation to court processes more generally.

Despite acknowledged limitations the C1A is playing a role in screening for violence and harm. It is also sensitising court processes to the particular issues of domestic abuse and prompting the parents, practitioners and members of the judiciary involved to address issues of violence and harm. The evaluation report published on 11 December 2007 can be accessed at: <http://www.justice.gov.uk/publications/research111207.htm>.

Proposed changes to the C1A private law have now been considered and a focussed consultation on the changes commenced on the 19 May 2008.

⁶http://www.family-justice-council.org.uk/docs/Domestic_Violence_PD.pdf

⁷http://www.judiciary.gov.uk/docs/report_childhomicides.pdf

⁸Resolution members are family lawyers committed to the constructive resolution of family disputes, promotes a non-confrontational approach to family problems, and encourage solutions that consider the needs of the whole family – and in particular the best interests of children.

The Children and Adoption Act 2006 (the Act) is the main vehicle for the proposals set out in Next Steps. www.dfes.gov.uk/childrensneeds. Some provisions of the Act were designated for early implementation e.g. a risk assessment whenever, in court cases following the breakdown of the parents' relationship, there is cause to suspect that the child is at risk of harm. This was implemented on 1 October 2007

When other measures in the Act are implemented the courts will have more flexible powers to facilitate child contact and enforce contact orders made under the Children Act 1989. Through this Act it is hoped to improve the effectiveness of dealing with contact cases where there is conflict between the parents.

The Act will also enable the court to attach conditions to a contact order which may require a party to undertake a contact activity. Contact activities are intended to make people aware of the importance of the continuing involvement of both parents in their children's lives, and to give practical help with making arrangements for that involvement.

71. We heard a great deal of fierce criticism of the Children and Family Court Advisory and Support Service (CAFCASS), especially via our eConsultation. Whilst, from evidence supplied by CAFCASS, the organisation appears to be making progress in dealing with domestic violence cases, it is clear that it has a very long way to go yet. (Paragraph 296)

72. If accounts that the Children and Family Court Advisory and Support Service is taking 14-26 weeks to complete reports in child contact cases are correct, this is unacceptable. The Department for Children, Schools and Families must work with the Children and Family Court Advisory and Support Service to ensure that it can carry out its essential work. (Paragraph 297)

CAFCASS has robust national standards that put safeguarding children as its top priority. It recognises that practitioners must get significantly better in providing evidence that they have taken all the necessary steps to safeguard children, in accordance with procedures.

CAFCASS has appointed a Head of Safeguarding, and it undertakes screening of all private law cases awaiting allocation, which includes police checks, to identify and assess risks to the children involved and inform the courts.

CAFCASS' performance in respect of public law allocations is the best that it has ever been, but there continue to be delays in filing reports to court in private law cases (such as contact and residence applications). The delays in allocation are unacceptable and CAFCASS has taken steps to improve. For example, it has employed agency staff to reduce the waiting times and it is recruiting more staff. It is important to remember that CAFCASS provides a safe service to children as it screens all cases as they are received.

73. We recommend that Ofsted carry out a follow-up inspection of the Children and Family Court Advisory and Support Service (CAFCASS) response to domestic violence at a national level within the next year, to assess progress following the critical 2005 and 2008 reports. (Paragraph 298)

DCSF is in discussions with Ofsted about this recommendation.

74. Sentencing of domestic violence perpetrators seems to be variable, and often to result in a fine or other monetary penalty, frequently for risibly small amounts. There is currently no collection or analysis of data on sentencing by type (except in SDVCs), nor on the amount of fines. The Government urgently needs to collate and evaluate data on the types of sentence being handed down in domestic violence cases, including the amount of any fines and the number of community sentences, and the effectiveness of different sentencing options, both in terms of reducing repeat offending, and in terms of ensuring the safety of the victim. (Paragraph 302)

Current Position

This is a Criminal Justice System (CJS)-wide problem. The Government is aware that the lack of standardised data, collection and analysis of sentencing data is an issue. Problems exist within court based IT, the quality and extent of information retrievable from them – no specific DV flag – and the lack of comparable systems not just between the different court jurisdictions, but between all the CJS agencies.

The Court Proceedings Database (CPD) held by the Office for Criminal Justice Reform is the official source for the sentencing statistics, prepared and disseminated by RDS-NOMS. One particular use of the Database is to inform the Sentencing Advisory Council and associated Sentencing Advisory Panel to set sentencing guidelines.

Currently, the CPS COMPASS system includes a domestic violence flag that facilitates drawing down information on domestic violence cases in the criminal justice system. It is also able to identify the Specialist DV Courts, from regular Magistrates' Courts and has for the past two years provided feedback for local areas and a national overview. The system does not however record sentence outcomes.

There is no actual crime of domestic violence. Police areas do generally note when a call or incident is domestic violence related. However, the DV 'flag' is not passed on to the courts, for example, on the charge sheet, except in the SDVC systems. This enables court listing to ensure that the case is allocated to the Specialist DV Court day, or fast-tracked for trial, depending on the system being operated.

On the whole, courts still record individual cases for volume and performance purposes e.g., number of applications to the court and numbers of orders made by general type. The Libra MIS (Management Information System) is the vehicle for analysis of case information that is recorded on the Libra business application relating to all criminal cases. It can provide information by reference to the gender of the defendant (but not the victim). This system also records the outcomes for each hearing of such cases, including the final disposals, but does not identify case type in terms of it being DV.

None of the criminal court based IT systems carry a DV flag. The Committee has acknowledged that some data is being recorded in SDVCs (Magistrates' Courts). A template⁹ was devised by the National Steering Group and the Expert Panel for this purpose and is sited on-line with the National SDVC Resource Manual (revised 2008¹⁰). The template recommends as best practice, that the courts record case outcomes, i.e., numbers of fines, compensation, costs, community orders, perpetrator programmes, restraining orders and custodial sentences. This has to be recorded manually and the level of compliance has been low. Some areas have developed a local 'tracker' system (South Yorkshire) to monitor domestic violence cases.

Information on non-molestation/occupation applications and orders under Part IV of the Family Law Act 2006 are collated under the FamilyMan court based IT system in the county courts, and since June 2008 the Family Proceedings Courts. Data is collated on applications and orders made, on-notice and without notice, with and without power of arrest attached, etc. Undertakings are also noted. Committals for breaches (contempt of court), are not, however, denoted according to type, i.e., not flagged that they relate to a DV case. We can also extract data by region by specific searches. We cannot provide the specifics of the case and there is no information recorded on FamilyMan regarding outcomes.

⁹ <http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence059i.xls>

¹⁰ <http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence059a.pdf>

Section 1 of the Domestic Violence, Crime and Victims Act 2004 amended the Family Law Act (by adding section 42A) making breach of a non-molestation order a criminal offence, from 1 July 2007. As mentioned above, civil breaches (contempt of court) cannot be identified by type. However, a code exists in the Court Proceedings Database (CPD) specifically for obtaining information on breaches of non-molestation orders under section 42A of the Family Law Act 1996 (66/39).

The Libra business application uses the CJS data standard for offences which codes breach of a non-molestation order as FL96001. This code is unique to this offence, that is, the criminalised breach brought about by the DVCV Act 2004 – as opposed to the civil committal for contempt of court. Libra MIS can report the number of occasions this has been used and the outcomes for this offence.

On-going Work and General Improvements

The new Libra IT system in the Magistrates' Courts is to be rolled out by the end of 2008. A quality assurance exercise on data received will be carried out when sufficient data is available, after which further improvements and guidance will be issued in relation to recording practices.

There are a number of challenges that exist in relation to the collection and tracking of data on domestic violence and the options for addressing them. Further information is set out at annex B.

75. A number of good initiatives have been introduced by the Crown Prosecution Service and the Home Office to increase the currently low rate of successful prosecutions in domestic violence cases. However, victims told us that key barriers remain for them in pursuing a case through the courts, including lack of legal aid in civil cases, fear of continued abuse through contact with the perpetrator, and ignorance or inadequate sentencing by judges and magistrates. (Paragraph 306)

The current level of successful prosecutions is substantially higher than indicated in this recommendation. Details relating to the successful prosecution rate are contained in the response to recommendation 69. In brief, successful prosecutions, from charge to conviction, have in fact increased from 59.7% in 2005-06 to 70.7% by April 2008.

Current eligibility criteria for legal aid are not an obstacle to justice for the vast majority of domestic violence victims. There has been no change in policy on granting certificates for applications for non-molestation and occupation orders. The only change made has been to financial eligibility so that the usual income and capital cap are now waived in cases of domestic violence. This should mean that more people are now eligible. In most cases, solicitors will use their devolved power to grant funding themselves in domestic violence cases.

Since the introduction of the waiver the Legal Services Commission (LSC) has issued more than 300 domestic violence certificates to people who would have previously been ineligible for funding and also made offers to an additional 130 people who would have previously been ineligible but subsequently chose not to take up the offer.

Previously, in 2006/07 the Commission received 22,000 applications for domestic violence certificates. Of these, only 3.5% were refused on financial grounds and four per cent were refused for legal reasons. These will have included both applicants or respondents in proceedings. With the eligibility waiver now in place, even fewer applicants will be refused for financial reasons.

Individual applicants under the Forced Marriage Act and individuals who need permission to apply on their behalf will be assessed under the same eligibility criteria as for domestic violence and the same waiver on the upper income eligibility limits will apply, although contributions may be payable. Specifying relevant third parties is being considered separately.

The Legal Services Commission is looking to improve access to legal services for women who have been victims of domestic violence and:

- Has made amendments to the guidance and on-line eligibility calculator to make it easier for victims to assess their own eligibility;
- will be piloting, in conjunction with Women's Refuge Groups, the provision of legal advice to victims of abuse within refuges;
- has also been working with Women's Aid and users directly to ensure that the guidance provided meets their needs;
- has been piloting the provision of specialist family legal advice over the telephone since October 2007. This pilot has been very successful and will be rolled out nationally in early 2009.

Under the Legal Aid Procurement Reform (changing the way we pay solicitors and Not for Profit organisations):

- no money is being taken out of family legal aid; the Government's reforms are about moving to standard or graduated fees which reward efficient providers, and allow us to help as many people as possible within the available resources;
- moving to standard fees is important as every increase in hourly rates means that fewer people can be helped within our fixed budget;
- emergency protective injunctions for domestic violence victims currently continue to be paid at hourly rates as before;
- our ultimate aim is to better control criminal legal aid expenditure and make more resources available for civil and family cases;
- advocacy arrangements in family cases from April 2010 will be the subject of a separate consultation later this year.

Key statistics on legal aid in domestic violence cases are provided at annex C.

Fear of continued abuse through contact with the perpetrator is being addressed through a series of initiatives taken by the criminal and civil justice agencies. Bail conditions are aimed at ensuring the safety of victims pending criminal prosecutions. Risk assessments by the police and through Multi-agency Risk Assessment Conferences also aim to address victim safety. Civil injunctions aim to protect victims from perpetrator contact. As a result of section 1 of the Domestic Violence, Crime and Victims Act 2004, breaches of non-molestation orders can now be dealt with through either civil or criminal procedures. Specialist domestic violence services, such as Independent Domestic Violence Advisers (IDVAs) exist to provide support for victims and ensure information is shared safely amongst key agencies – both criminal justice and non-criminal justice.

Following the consultation *Safety and Justice*, June 2003 (that preceded the DVCV Act 2004) the Government asked the Sentencing Advisory Panel to consult on guidance to the courts for dealing with domestic violence cases. The Sentencing Guidelines Council published definitive guidelines in December 2006 – *Overarching Principles: Domestic Violence and Breach of a Protective Order*. Both documents are accessible on the Council website.

76. Feedback on Specialist Domestic Violence Courts (SDVCs) was on the whole positive, and the SDVC model seems to have resulted in an increase in successful prosecutions. We recommend that there should be a Specialist Domestic Violence Court in each local authority area, and that sufficient time be allocated in each court to hear domestic violence cases. (Paragraph 307)

The Government Action Plan for Tackling Violence 2008-11: “*Saving Lives. Reducing Harm. Protecting the Public*” commits the Government to doubling the number of Specialist Domestic Violence Courts (SDVCs) to ensure that domestic violence cases can be heard in a safe and protected court environment. In 2007-08, there were 64 SDVCs and the commitment is to increase to 128 by 2011. By April 2008, 98 SDVCs had been selected and a further six will go through selection procedures in autumn 2008.

The National SDVC Steering Group is currently drawing up plans for the sustained roll out of these courts from 2009 onwards in a Programme that will maintain the national standards for accreditation as well as ensure effective quality assurance and monitoring at a local level.

Alongside the SDVCs, we are also committed to supporting the national roll-out of IDVAs and ISVAs to enable all victims of sexual and domestic violence to access their services, and will be guided in this by the results of a current evaluation.

The Ministry of Justice has committed annual funding towards supporting IDVAs. Receipts from the Victim Surcharge have been appropriated in aid as part of the Ministry estimates for this purpose since last year (2007/2008). Funding this year stands at £2.6m. All the services supporting victims in existing SDVCs were funded in 2007-08 along with a few services not directly attached to an SDVC and/or supporting victims through the family process. Funding is currently being allocated for 2008/09 to all 98 SDVC services.

The Government is also rolling out Multi-Agency Risk Assessment Conferences in both SDVC and non-SDVC areas and we aim to achieve national coverage by 2010/11. In addition to the Ministry of Justice funding in 2008/09, £3.5m has been allocated to Government Offices to further extend IDVAs and MARACs locally.

Over the next three years, the Home Office has committed to supporting all partnerships to offer independent advisory services to victims of sexual and domestic violence and, where appropriate, other forms of violence where victims are particularly vulnerable.

77. We recommend that the Crown Prosecution Service and Police service consider introducing automatic status as intimidated witnesses for all victims of domestic and “honour”-based violence and forced marriage, both in the criminal and family courts. (Paragraph 308)

The Crown Prosecution Service (CPS) is not able to introduce automatic status as intimidated witness for any victim or witness. That can only be done through primary legislation.

The Youth Justice and Criminal Evidence Act 1999 ('the Act') details the provisions for the use of special measures in criminal courts. The Act specifies that victims of sexual offences are automatically eligible for special measures unless they advise the court that they do not wish to be (section 17(4)). Similarly, the Act details special provisions for child witnesses under 17 years old. The provisions in sections 21 and 22 of the Act create presumptions that apply to different categories of child witnesses, making it easier for them to be granted special measures.

These provisions therefore apply to cases of domestic violence, so-called honour crimes and forced marriage where the victim is under 17 years old, which may frequently be the case with so-called honour crimes and forced marriage. The provisions also apply to victims of sexual offences committed in the context of domestic violence and so-called honour crimes and forced marriage.

Similar measures akin to special measures outlined above are also available for applicant-victims and witnesses in family courts. These measures are available under the inherent power of the court to control evidence before it. Various measures can be adopted to assist, encourage or protect vulnerable parties and can include use of separate entrances and exits and waiting rooms, screening applicants, giving evidence via live link, giving evidence in private, removal of wigs and gowns, the giving of video recorded evidence in chief, the video-recording of any cross-examination and re-examination of the witness, the provision of aids to communication and regular breaks. In addition family proceedings are generally held in private – the court has discretion on whether or not to allow others in.

78. We heard accounts of ignorance and misunderstanding amongst some lawyers, judges and magistrates with regard to domestic violence. We recommend that accredited training be developed and made compulsory for all lawyers, magistrates and judges undertaking domestic violence cases, including in child contact cases. Legal practitioners already pay for certain training as part of their licence, and we consider that the Government should include accredited training in domestic and "honour"-based violence and forced marriage as part of this. (Paragraph 309)

Under the Constitutional Reform Act the Lord Chief Justice assumed the role of head of the judiciary. This includes responsibility for judicial training which is exercised through the Judicial Studies Board (JSB), an independent and designated judicial body responsible for the training to judges (including magistrates and magistrate court legal advisers) in England and Wales. The Government has pledged its support for an independent judiciary and any decision to introduce compulsory training rests solely with the Lord Chief Justice.

The JSB provides compulsory induction and regular continuation training for judges who sit in the Crown and County Courts. Domestic violence issues arise in all three jurisdictional training programmes – criminal, family and civil. Family Law training will deal with the issues involved with child contact cases, and the JSB is currently developing a working guidance document for the small number of judiciary who are expected to hear applications for Forced Marriage Protection Orders.

For magistrates, the JSB has developed a comprehensive training pack dealing with the effect and prevalence of domestic violence. It has been delivered extensively to magistrates and magistrates' court legal advisers in England and Wales. In addition, magistrates undertake regular continuation training, which may include, among other topics, presentations and case studies on domestic violence.

The JSB's Equal Treatment Advisory Committee (ETAC) plays an important role in the development of training materials. The aim of ETAC is to assist and guide judges and magistrates to manage court hearings so that nobody (litigants, victims, witnesses, or legal representatives) feels that they have been disadvantaged and to enable all judges and magistrates to deal sensitively and fairly with all those who appear before them.

Fair treatment issues are routinely incorporated into all judicial training materials, and in particular practical exercises and case studies which are discussed within groups led by trained facilitators. These materials seek to help judges to recognise the many ways in which social, cultural and other differences may have a bearing.

The Magistrates Association (MA) works in partnership with the JSB. The MA training pack entitled “All Manner of People”, deals with the delivery of diversity training for magistrates and the incorporation of diversity issues into all training. The MA has recently updated the “All Manner of People” pack.

The Ministry of Justice, the Judicial Office and the Judicial Appointments Commission work together under a trilateral Judicial Diversity Strategy. This was agreed in 2006 and is currently being re-evaluated to ensure that it still meets the demands of a changing judiciary.

The strategy aims to:

- widen the range of people eligible to apply for judicial office
- Encourage a wider range of applicants
- Promote diversity through fair and open processes for selection on merit; and
- Ensure that the working environment for judges supports a diverse judiciary and increases understanding of the communities served

To complement the publication of the strategy, in July 2006 a jointly agreed document was published, entitled ‘Measures of Success,’ which confirmed the joint commitment to increasing diversity at all levels of the judiciary whilst ensuring that appointments continued to be made on merit.

The Government is working with the judiciary on ways to enhance and support the Diversity and Community Relations Judges [DCRJ] network. DCRJ’s act as an interface between courts and local communities with a view to increasing the confidence of communities in the justice system and increasing judges understanding of local issues. At the annual conference 8/9 May 2008 the new best practice guidance for DCRJs was launched.

The Judicial Appointments Commission is introducing written tests for judicial applicants in certain selection exercises rather than having judicial references. This discriminated against women who were statistically less likely to have courtroom experience and therefore have less judicial contact, and against BME solicitors who are more likely to work in small firms and have less courtroom experience.

The training requirement for lawyers engaged in professional practice is a matter for their own professional bodies. The JSB does not provide such training in order to maintain the independence of the judicial process.

The CPS implemented its first national, accredited domestic violence training programme in April 2005. The training was jointly developed with the police and is part of a modular training programme held by NPIA.¹¹

The Director of Public Prosecutions gave a formal commitment that all prosecutors, associate prosecutors and caseworkers would be trained by April 2008. Forty two of the 43 CPS Areas have completed this training and the only remaining Area is scheduled to complete this training by October 2008. An evaluation of the training is currently underway.

¹¹<http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence059a.pdf>

79. We conclude that there is a need for research into the effectiveness of perpetrator programmes in the UK, and urge the Government to consider funding Respect to carry out this work. This should include improvement of the current system of measuring programme success. There is also a need for research to identify the characteristics and criminogenic need of all domestic violence perpetrators, not only those who have been convicted, in order to inform effective interventions. (Paragraph 318)

There is a programme of research designed to evaluate programmes in the statutory sector. All research into the effectiveness of perpetrator programmes for non convicted and convicted perpetrators is of interest and will be useful in targeting future resources. We will consider if there is scope to expand research in this area. Research will be commissioned through the Ministry of Justice's procurement processes. We recognise the valuable work that Respect undertake and will consider their role in tendering further research in this area.

80. Police reconviction data do not provide an adequate measure of the effectiveness of perpetrator programmes, especially given the extremely high rates of attrition for domestic violence. The Probation Service must implement a better method of measuring effectiveness, taking into account data from different sources, including partner reports. Probation areas already collect a range of data, including from the victims, but do not seem to have integrated this data to produce any meaningful outcome measures. (Paragraph 319)

It is recognised that reconviction data is only one measure in assessing the effectiveness of perpetrator programmes. The programme of research which has been approved through the Ministry of Justice's quality assurance procedures will identify appropriate outcome measures. These will include data from police forces, victim reports, other agencies, and psychological assessment tools. Previous Research of this type has used police call out data and the victim perspective with regard to improvements in their personal safety.

Following the restructuring of the National Offender Management Service there will be a greater focus on the strategic planning and evaluation of domestic violence interventions across custody and the community. This will include a review of service provision for all violent offenders.

81. Women's Safety Workers must be assigned and make contact with the partner immediately on sentencing, and NOT when the perpetrator begins the programme, which might be some time later. (Paragraph 320)

We are aware that initial contact with victims by Women's Safety Workers sometimes takes place when an offender starts the programme and not at the point of sentence or report writing as recommended. In the majority of cases the contact with victims is much earlier, at sentence or even at report stage. In some cases this may overlap with the work of the Independent Domestic Violence Advisor so that later contact may be justified. Monitoring is the responsibility of probation areas. The National Offender Management Service will tackle this issue and remind areas of their responsibilities.

82. There is a desperate shortage of places on Probation Service perpetrator programmes. The full extent of this has yet to be revealed. Lengthy waiting lists mean that not only is a possible way of changing behaviour being lost, but that perpetrators are able to avoid carrying out the programme they are sentenced to, or that the victims are placed at greater risk, without the advantage of being supported, during the period that the perpetrator is waiting for a place. This is an unacceptable situation. Once research currently being undertaken by the service to identify the full extent of under-capacity has been completed, the Government urgently needs to find

the resources to fill the gap. The costs of failing to protect victims from further attack by tackling the root causes of domestic abuse are far greater than the cost of funding sufficient programmes (Paragraph 327)

The domestic violence programmes have been fully implemented in all 42 Probation Areas since April 2006 following the completion of the largest programme implementation project within England and Wales.

The Programmes are popular with Courts and this has led, in some areas, to the demand for programmes outstripping the supply of places.

We have monitored the waiting times it takes an offender to commence the Programme Requirement of the Order. Not all areas have long waiting lists and the waiting times are decreasing year by year. We consider several factors have contributed to this decrease:

- Staff are more familiar with the referral criteria
- Improved liaison between Offender Manager and Intervention staff
- Improved liaison between Probation Teams and the Courts
- Operational Managers making better use of resources

Offenders waiting for a place on a DV programme are under the supervision of their Offender Manager from the day of sentence. The OM will monitor the risk posed by the offender and actively manage it; additionally the Offender Managers prepare offenders for the programmes.

In addition the Government have provided £40 million to assist work in the community.

The group work component is only one part of the means to manage the overall risk of a perpetrator of domestic violence on a community order. The offender manager is allocated at report stage and risk manages the case throughout the sentence. Risk is managed between agencies such as police, probation and social services within formal Multi Agency Public Protection Arrangements, or other cross agency panels. In addition, a Women's Safety Worker is allocated to current or ex partners and each offender agrees to inform his offender manager of any future partners as part of the contract of supervision. Current victims are assisted with the formulation of a safety plan and advised of the options to ensure their well being. Refusal of an offender to meet the requirements of supervision are met with a swift return to court.

83. We have been pleased to see willingness on the part of the voluntary and statutory sectors to work towards better collaboration on delivering domestic violence programmes. We welcome their efforts to develop this. There is quite clearly a role for community-based programmes in delivering interventions. But this must not be seen by the Probation Service or government as a cheap way of passing on a capacity problem. Any contracting from the Probation Service to the voluntary sector must, therefore, be fully funded. (Paragraph 332)

We fully recognise the valuable contribution that the third sector can make. We will continue to work constructively with the voluntary sector. These arrangements will take into account the principles of 'Best Value' which include consideration of existing community links and value for money. All contracted services are subject to competitive tendering and procurement process which must take account of sufficient quality standards. These are provided at an appropriate cost for the service.

Respect have recently launched quality standards which assist the voluntary sector in achieving recognised quality standards. We are currently working in partnership with Respect on a number of pilot projects and will be continuing to explore the opportunities for future development with Respect and other partners in this field

84. We welcome the initiative of the pilot mapping interventions for perpetrators across the South-West of England, and urge the Probation Service to use the findings to develop an action plan for collaboration between the statutory and voluntary sectors. (Paragraph 333)

Following the restructuring of the National Offender Management Service there will be a greater focus on the strategic planning and evaluation of domestic violence interventions across custody and the community. This will include a review of service provision for violent offenders.

At the time of writing the pilot project mentioned had not achieved confirmation of funding as was expected during the evidence session. However, the National Offender Management Service will continue to develop productive links to the third sector and investigate all possibilities for better community coordination.

85. We recommend that the Government introduces “GO” orders, which have proved effective in other European countries in offering an inexpensive and dynamic short term measure of removing the perpetrator from their home, thus allowing the victim to remain in it. We recognise that it is important to ensure that, as far as possible, the victim is involved in the decision to remove the perpetrator from the home. However, it seems to us that a compromise arrangement is possible, with an initial decision to remove the perpetrator taken by the police, and subsequent decisions taken in consultation with the victim. Feedback from victims, through our eConsultation, suggests that they would welcome such a scheme. (Paragraph 339)

The Government is open to learn from the good practice and experiences of other countries, which we keep under review. We have recently introduced legislative powers to protect victims and bring perpetrators to justice through the Domestic Violence Crime and Victims Act 2004 and we are rolling out Multi-Agency Risk Assessment Conferences (MARACs) to protect high-risk victims.

86. Development of “GO” orders in the UK should be linked with Sanctuary schemes, which we discuss in paragraphs 221 to 227 of this report, to provide further protection to victims who remain in their own home. (Paragraph 340)

A Sanctuary Scheme is not a short term solution nor is it an immediate response to domestic violence. It will allow those experiencing domestic violence to remain in their own accommodation where it is safe for them to do so, where it is their choice and where the perpetrator no longer lives within the accommodation. The expectation is that the perpetrator does not return to the property, therefore, a short term exclusion order would not be compatible with the scheme.

87. Safe sharing of appropriate information between agencies is vital in supporting and protecting victims. Witnesses reported confusion amongst some agencies and professionals about what data the law currently allows to be shared. We have not seen evidence of a need to change the law to mandate information-sharing, as suggested by the police. However, there is a need for better understanding of what the law allows amongst front-line professionals. We therefore recommend that the Government, in consultation with the Information Commissioner, updates its guidance for practitioners on sharing personal and sensitive data in a domestic violence context, and writes to practitioners to highlight this guidance. (Paragraph 347)

We concur with this recommendation and a recent example of this has been the development of the MARAC process. Information sharing is vital in the prevention of homicides and in the longer term we will be looking in a more systematic way at how MARACs can be applied to other crime types. We will keep the guidance for practitioners on sharing personal and sensitive data under review.

88. The Department of Health expert group on information-sharing should draw up ground rules as to how patient data can be safely and ethically shared with other partners to prevent domestic violence. However, data must only be shared and retained in a secure way, according to agreed protocols of access and use. The consequences of a breach in security, leading to the unwanted disclosure of the personal information of a domestic violence survivor, are potentially very serious. (Paragraph 348)

DH takes very seriously both the need for appropriate data sharing and the need for this to be handled in a safe and secure way. The expert group including leading clinicians and cross government officials have overseen work on this and have ensured that patient confidentiality, legal and ethical issues have been addressed. Work is in hand to increase the early identification of and intervention with, victims of domestic violence through appropriate de-personalised information sharing between NHS bodies and the Criminal Justice System and develop an evidence based response and national standardisation of data collection and sharing.

Pilot work has been carried out in 22 A&E Departments in the South East on the development and testing of a dataset on domestic violence. As a result of this:

- Domestic and sexual violence and abuse diagnostic codes have been agreed and went live in 2006.
- The pilots have illustrated that it is feasible to roll out a sound evidence based model across the majority of A&Es. The pilot sites have established electronic A&E data collection systems with a minimum data set and produced protocols on data safety and transfer and management of patients who are identified as vulnerable/at-risk.
- A system has been created to transfer de-personalised data to local Crime and Disorder Reduction Partnerships.

The evidence base of a successful model of community violence prevention developed by Prof. Shepherd from Cardiff provided a useful model for the South East to emulate. The Cardiff research demonstrated that hospital ED departments can significantly contribute to the management of community violence. Depersonalised ED intelligence is pivotal in directing assault reduction initiatives in collaboration with the police and local authority partners. The Cardiff model has indicated that the approach enables a reduction in ED alcohol-related violence activity as a result of targeted policing and a consequent demand for NHS ED provision.

89. Early evaluation and feedback on the ‘one-stop shop’ model, in which multiple agencies co-locate in the same place, shows a positive improvement in outcomes for victims. The Government should work with local authorities to carry out further evaluation of the ‘one-stop shop’ model, including assessment of the specific costs and benefits involved. If such an evaluation confirms the benefits, we urge the Government to consider the establishment of a ‘one-stop shop’, such as a family justice centre, in each local authority area. (Paragraph 353)

We recognise the potential value of co-location but are mindful that for some areas, for example rural, this is not practicable. We would endorse virtual co-location through information sharing mechanisms such as the MARAC. However, how local services get developed is a matter for local authorities.

90. Evaluation of the first multi-agency risk assessment conference (MARAC) in Cardiff showed a 40% reduction in repeat violence after one year. We heard from practitioners that the MARAC process has been positive in terms of improving inter-agency working. However, there has not yet been a national independent review of the effectiveness of the model. We consider that such a review would prove useful in determining the current effectiveness and future direction of MARACs. (Paragraph 367)

The Government has made a commitment in the Tackling Violence Action Plan to roll-out MARACs nationally by 2010/2011. We are collecting data across the country through CAADA and the data for the first year is looking very promising in relation to reducing repeat victimisation. We will continue to review this information to ensure that MARACs are operating effectively.

91. We recognise that some practitioners consider multi-agency risk assessment conferences to focus disproportionately on high risk victims. However, in our view MARACs provide a necessary forum for considering those at greatest risk of violence. (Paragraph 368)

We welcome the Committee's view that MARACs provide a necessary forum for considering those at greatest risk of violence. We continue to believe that the MARAC must deal with those cases of greatest risk as one way of preventing homicides.

92. The key complaint about multi-agency risk assessment conferences (MARACs) from participating agencies was that they lacked time and resources to attend regular, often lengthy, meetings. The principal criticism from organisations representing victims' interests was that the process disempowers victims when an independent domestic violence advocate (IDVA) is not available to represent the victim's views. However, IDVAs are a hugely overstretched resource, with each advocate, on average, managing 150 cases. We conclude that IDVAs fulfil a crucial function in supporting and empowering victims and recommend that the Government increases the rate of its funding for IDVA services to meet the target of 1,200 IDVAs nationally, set by Co-ordinated Action for Domestic Abuse. (Paragraph 369)

We recognise the value of IDVAs as part of the MARAC process. Although the Government does provide some pump-priming funding for IDVAs and MARACs it is a local issue for mainstreaming through local budgets and we are seeing evidence that as the MARAC rolls out, local partnerships are responding appropriately.

93. Although the police argued that multi-agency risk assessment conferences (MARACs) should be placed on a statutory footing, it was not clear to us to what extent the voluntary status of MARACs presented difficulties. It seems possible that ensuring agencies are equipped with adequate resources to enable them to participate in MARACs might prove more effective than forcing them to do so. We therefore support the Government's decision not to legislate for MARACs at the current time, but we recommend that it monitors closely their effectiveness, with a view to placing them on a statutory footing should it prove necessary. (Paragraph 370)

We welcome the Committee's view that MARACs should not be placed on a statutory footing at the current time. We will keep this under review to ensure that we have national roll-out by 2010/2011 and consider statute should the roll-out of the programme meet with resistance.

94. Co-ordinated Action Against Domestic Abuse (CAADA) estimates that a full national network of multi-agency risk assessment conferences could save in excess of £250 million in costs to statutory agencies. If this calculation is accurate, multi-agency risk assessment conferences have the potential to release huge savings within those services. We recommend that these savings be specifically re-deployed to fund some of the recommendations made elsewhere in this report. (Paragraph 371)

We are constantly reviewing costs and local funding streams to ensure that MARACs and IDVAs contribute to reducing repeat victimisation which will ultimately make financial savings. However the reallocation of savings is obviously fraught with difficulties and will again be a local issue.

95. We note the concern in the domestic violence sector that independent domestic violence advocates (IDVAs) are attracting resources which previously funded outreach workers and related community-based support. We also heard evidence that funding and commissioning processes are adversely affecting outreach services, which are often the only source of support for victims who can not or do not go into refuge provision. The Government must ensure that it provides sufficient additional resources to implement its IDVA programme. This must not mean cessation of funding for existing outreach and community-based services and the consequent loss of services for those victims not deemed to be high risk. (Paragraph 376)

We recognise the funding tensions referred to by the Committee. However, IDVAs and MARACs are vital to the National Domestic Violence Delivery Plan primary aim of reducing homicides. It is therefore necessary to have highly trained staff as a priority. Core funding is ultimately a local issue and the resourcing of local domestic violence strategies is a matter for local partnerships.

96. Throughout our inquiry we were told that funding for community organisations offering culturally-specific, or gender-specific, domestic violence services was being cut. For example, Southall Black Sisters, a campaign and support organisation for BME women, was facing closure because the local authority had moved to commissioning generic services at the local level. We find this seriously concerning at a time of greater awareness about “honour”-based violence and forced marriage, with increasing numbers of victims coming forward. (Paragraph 393)

98. The introduction of a presumption against funding groups which serve a particular group, or a single issue, creates a particular problem for some domestic violence services. This is especially the case for those serving the BME community, addressing “honour”-based violence and forced marriage and for women-only services. The Government has recognised that certain groups or issues require specialist services and it has explicitly stated that it does not intend that a move away from Single Group Funding should undermine work on women’s services. Despite this, the general trend highlighted by our witnesses towards funding being awarded to generic service providers seems to show that authorities are interpreting the Commission’s recommendations to mean that they must only fund generic services. This is a deeply worrying development, and one on which the Government must take immediate action. (Paragraph 395)

The Government is committed to addressing violence against women, in all its forms, and whatever the circumstances. That is why we have identified tackling violence against women as one of the three priorities for the Ministers for Women.

In developing the gender equality duty, the Government has made it clear that it wishes to give wide discretion to public authorities when identifying their gender equality objectives, to ensure that they take account of the particular functions of that authority and local circumstances.

A number of stakeholders and the Women’s National Commission have flagged concerns with the Government Equalities Office regarding the operation of the gender equality duty in relation to the provision of women-only services, including the case of Southall Black Sisters. In particular, they are concerned that some authorities have interpreted the duty as

meaning that women-only services should no longer be provided. An interpretation of the duty along these lines would be wrong. The code of practice for the gender equality duty makes it clear that the gender equality duty is not about providing the same service for men and women in all cases. Nor should it be interpreted as a guarantor of women-only services. The Equal Opportunities Commission 'Gender Equality Duty: Code of Practice for England and Wales' states "In certain circumstances, public authorities may wish to address gender inequality by developing policies or providing services on a single-sex basis. This might mean providing services to one sex only, providing a similar service separately to each sex or providing a service in different ways to women and men".

The Ministers for Women and Equality are concerned by the reports that public authorities are interpreting the gender equality duty to mean that funding from women-only services should or must be withdrawn. It would be a retrograde step if services for victims, including victims of so-called 'honour' crimes, were to lack the specificity needed. We will continue to liaise with the Women's National Commission in monitoring this and welcome the strong stance of the EHRC on this issue (see response to recommendation 101). GEO will be taking forward a piece of work examining the impact of government initiatives including the gender equality duty on the violence against women voluntary sector which will scope whether the duty is being wrongly interpreted and how this segment of the voluntary sector can be better grounded into local delivery frameworks, drawing on examples of good practice where available.

The Government can encourage public authorities to be proactive in tackling violence against women through their obligations under the gender equality duty, but it is up to each public authority, in consultation with relevant stakeholders (i.e. employees, trade unions, end-users) to decide whether it should be treated as a priority gender equality objective in its [the authority's] gender equality scheme.

Having said that, the Government believes that gender equality objectives should not be drawn up in isolation, and public authorities will need to take into account any major concerns or issues as identified by either the Equality and Human Rights Commission or Government as well as representative bodies from the voluntary and community sector, service users and other stakeholders.

The equality duties encourage public bodies to think in a different way about how their functions impact on people, and this culture change has improved the quality of public services. We want to build on this success by bringing the duties together and improving them so they are more efficient and more effective in achieving positive changes. The Equality Bill will place a new streamlined equality duty on public bodies which will cover gender, race and disability as well as age, sexual orientation, religion or belief and gender reassignment.

97. The Government and local authorities need urgently to reassess funding and commissioning arrangements for domestic violence services, particularly those under 'Supporting People', and bearing in mind the Gender Equality Duty. In this context we support the call by Women's Aid for the development of a commissioning framework, with guidance, to ensure that quality is not lost to low unit cost, and the implementation of minimum national service standards for domestic violence services. (Paragraph 394)

Supporting People is a locally devolved grant programme administered through 150 top tier authorities in partnership with Housing, Health, Social Services and Probation. It funds services which provide housing-related support to the most vulnerable in society. There are no conditions on the use of the Supporting People grant relating to the gender of service recipients.

The Government has announced Supporting People funding of £4.9 billion to be allocated to local authorities for 2008/09 – 2010/11. Funding is allocated to local authorities using a recently reformed needs based distribution formula, which was widely consulted on. Responses to the consultation demonstrated that the distribution formula was fit for purpose, and represents the most effective option for better targeting Supporting People funds to meet need.

It is for local authorities, rather than central government to determine how they focus their Supporting People funding, based on local needs assessments, and priorities identified in their five year Supporting People Strategies. It is therefore ultimately for the local authority to decide who to commission for a given service. However, authorities are encouraged not to base their criteria of success on a service that can demonstrate “value for money”, but instead on those that provide best value.

Communities and Local Government have set out a framework for how the commissioning of Supporting People services may be undertaken. However, differences in local circumstances mean that there needs to be the opportunity for local variation and flexibility. Establishing a local framework agreement can be a useful and efficient way of procuring goods and services by local authorities, and the regulation of their use was made much clearer by the Public Contract Regulations 2006 (“the Regulations”) and the Public Procurement Directive (2004/18/EC) (“the Directive”). In addition, Communities and Local Government has produced a resource document which will ensure that local authorities and service providers are informed about positive practice in Supporting People commissioning and procurement.

Supporting People service standards are currently monitored by the Audit Commission, and also through the non-mandatory Quality Assessment Framework, used by almost all Supporting People Administering Authorities. The 2007 Audit Commission inspections found that Supporting People services are improving in terms of their quality and the value for money that they represent. This is evidenced in improvements reported by service users and in outcomes from quality monitoring and reporting.

99. We hope that the Government’s forthcoming ‘Guidance on Funding for Cohesion’ will reflect the need for targeted services in an appropriate setting. In its guidance, the Government should clarify the kinds of issues which may require specialist services. It must give local authorities and other funders the confidence to make the case that for these services, the exception rather than the rule may well be appropriate – in other words, that Single Group Funding is appropriate. Failure adequately to fund vital services to victims of crimes such as “honour”-based violence and forced marriage will have dire consequences. (Paragraph 396)

We agree that this issue is a strong example of one where a specialist service for a particular group may be entirely appropriate; and that there may be a wide range of issues for which this is the right approach. The consultation paper on cohesion guidance for funders recognised the need for work with particular groups and made it clear that there would certainly be times when the case for funding work targeted towards a particular group would be clear, and identified domestic violence as an example of an issue where cohesion considerations should not impinge on carrying out work with particular groups. It will be absolutely right for local funders to support such work to meet those needs and to deliver equality, as well as to meet the requirements of equalities legislation. We will continue to make it clear that it is entirely appropriate for funders to identify for themselves the areas of particular need requiring a specialist response targeted at particular communities and fund them, and give examples of such issues, at the same time as in general considering how funding can be used to support cohesion.

100. The current Local Area Agreement National Indicators on domestic violence seem to be inadequate, both in terms of the scope of the indicators themselves, and of the fact that they are in principle optional with regard to funding assessment, and in practice their implementation has been delayed. This amounts to a retrograde step in respect of the current ‘postcode lottery’ provision of domestic violence services. The Government should revisit the Local Area Agreement indicators to ensure that they include essential prevention and early intervention work, are not overly focused on the criminal justice system, and are adopted by every authority with regard to funding assessment. It should also reinstate the key elements of Best Value Performance Indicator 225. (Paragraph 397)

The Local Area Agreements (LAA) are outcome focused so any decision on how such outcomes (for example, reducing victimisation) are addressed is a matter for local areas. We will be constantly reviewing the effectiveness of Local Area Agreements in delivering a good standard of service for domestic violence victims. The Best Value Performance Indicator 225 was a process target and gave no judgement on how effective it was. It was therefore deemed to be inadequate as a performance measure.

101. We applaud the initiative taken by the Equalities and Human Rights Commission (EHRC) in adopting a tough line on violence against women service provision by local authorities. The EHRC should be given a mandate to inspect local authorities annually on their provision of violence against women services, specifically including domestic violence services. We recommend that, further to taking legal action against the worst performing authorities, as the EHRC suggests, it could publish an annual report assessing local authorities on their range of domestic violence services. This should include services for those at risk of “honour”-based violence and forced marriage. (Paragraph 398)

The Equality and Human Rights Commission has been empowered to enforce and monitor the Gender Equality Duty (replacing the Equal Opportunities Commission). The Commission has set a number of objectives for its wider functions within its business plan. One of these is tackling violence against women.

The Government Equalities Office and the Ministers for Women welcome the approach taken by the Equality and Human Rights Commission to make the treatment of violence against women the first ‘acid test’ for the Gender Equality Duty. It is for the Equality and Human Rights Commission to determine how they monitor the implementation of the Gender Equality Duty in relation to this issue.

102. The Government should set and publish a timetable for implementation of the remaining sections of the Domestic Violence, Crime and Victims Act. We look forward to the results of the independent evaluation of those parts of the Act which have already been enacted. We urge the Government to review any parts of the Act which that evaluation identifies as performing poorly. (Paragraph 404)

As the Committee knows there are two sections of the Domestic Violence, Crime and Victims Act 2004 still to be implemented. We are aiming to implement section 9, domestic homicide reviews, in the Autumn and there are ongoing discussions across Government about when we can implement section 12. The independent evaluation of those parts of the Act which have already been enacted has recently been received and we will consider the findings and recommendations.

103. The use of cautions by the police as an alternative to charge by the Crown Prosecution Service is wholly inappropriate and dangerous in cases of domestic violence. The Home Office and ACPO must ensure that all police officers are trained

to understand the new police powers brought in under the Domestic Violence, Crime and Victims Act. It is vital that all police officers are made aware of the power of automatic arrest on breach of a non-molestation order, and are explicitly instructed not to issue cautions. The Crown Prosecution Service must charge perpetrators in cases of breach of injunction. (Paragraph 405)

The NPIA Domestic Abuse Guidance 2008 covering use of cautions states that cautions are rarely appropriate in domestic abuse cases. This is because cases coming to police attention are not usually the first offence and the nature of such offences tends to constitute a breach of trust. For these reasons it is always preferable for domestic abuse defendants to be charged and prosecuted where the case meets the evidential prosecution test and the public interest test. Supervisors should closely monitor the administering of cautions in domestic abuse cases

The guidance states that cautions should be considered as an appropriate disposal only when:

- There is some evidence that it is a first domestic abuse offence and there have been no other reports or intelligence of previous abuse to the victim or previous partners or family members;
- The defendant has no previous police record for violence;
- The case has been reviewed by the CPS and they have taken the decision not to progress a prosecution;
- The investigation has been reviewed and the officer in charge (OIC) is satisfied that there is no further potential for investigation development;
- Any other possible criminal justice sanctions have been examined and progressed.

We would be concerned if there was any significant increase in the use of cautioning.

The Home Office and ACPO are in consultation with NPIA to update training in Domestic Abuse covering the Domestic Violence, Crime and Victims Act.

The CPS issued guidance for prosecutors on section 1 of the Domestic Violence, Crime and Victims Act 2004 (breach of non-molestation orders a criminal offence), prior to its implementation on 1 July 2007. This guidance has been circulated across the CPS. The guidance has also been publicised on several occasions through the CPS Domestic Violence Newsletter, which is distributed to Area Domestic Violence Coordinators and external partners.

CPS guidance on section 1 of the 2004 Act advises prosecutors that breaches of non-molestation orders are now criminal offences, triable either way with a maximum penalty on indictment of five years' imprisonment, or a fine, or both. It provides background information about the legislative intent behind the provisions.

The document gives detailed guidance on charging, and in particular the elements of the section 1 offence and what evidence prosecutors should look for when reviewing cases. It alerts prosecutors to the need to carefully consider all available charges, as a breach of non-molestation order may also result in a fresh offence being committed. The guidance also details the public interest factors that may be of particular relevance when making charging decisions in these cases.

104. There is a clear case to be made both for and against criminalisation of forced marriage. The key argument we heard in favour of criminalisation was that it would send a powerful deterrent message, both to communities and victims, condemning the practice. The key argument we heard against criminalisation was that victims would be dissuaded from coming forward, by not wishing to criminalise their family, which would make the practice more covert. (Paragraph 412)

105. Those prosecuting forced marriage told us that they did not consider additional legal penalties to be necessary, since a range of criminal offences already exist under which forced marriage can be prosecuted. The Forced Marriage (Civil Protection) Act is due to come into force in autumn 2008, providing a range of further civil remedies for victims. Given these factors, we consider that it would not be appropriate at this time to create a specific criminal offence of forced marriage. However, we consider it imperative that the implementation and effect of the Forced Marriage (Civil Protection) Act is monitored with extreme care. (Paragraph 413)

106. The Government must earmark resources to track implementation of the Forced Marriage (Civil Protection) Act, and draw up criteria for assessment. We recommend that the Government should produce an initial progress report one year after the implementation of the Act, followed by fuller reports in following years. If the implementation of the Forced Marriage Act [in conjunction with other measures being taken to combat forced marriage] cannot demonstrate concrete progress in reducing the prevalence of forced marriage and increasing the safety of victims, then the question of criminalisation should be revisited. (Paragraph 414)

The Government is committed to ensuring that legislation is an effective resource for victims of forced marriage. Once the Act commences the Government will monitor the numbers of applications made for Forced Marriage Protection Orders, where they are being made, the type of applicant and outcome of the applications. Where data shows that an additional court is needed to meet a local need, arrangements can be made to meet this need. In addition, once Forced Marriage Protection Orders have been in place for some time, (at least 12 months after implementation), an evaluation of their impact will also be undertaken.

The Government will continue to carefully monitor the prevalence of forced marriage, including through improved statistical recording by the Forced Marriage Unit. Increased awareness of forced marriage, of the Act, and of the support available to victims, is likely to lead to an increase in reported cases over the coming years. This alone would not necessarily indicate a need to change our approach, but the Government will keep open the option of revisiting the question of criminalisation.

107. The evidence we took in our inquiry convinces us that the Government's response to domestic violence, although it has improved, remains disproportionately focused on criminal justice responses at the expense of prevention. As we identified in paragraphs 56 to 133 of this report, there is too little engagement in preventative activity, primarily around education and awareness-raising. The vast costs of domestic violence to the UK economy and public services – estimated at £25.3 billion in 2005/06 alone – demonstrate the scale of potential savings to be gained by more effective prevention. (Paragraph 425)

A key part of improving our response is to change attitudes and provide a deterrent to perpetrators. The CJS intervention sends out a clear message to victims, perpetrators and the wider community that domestic violence will not be tolerated and has resulted in significant improvements in the way domestic violence cases are dealt with. However, we do recognise that there is more to do in relation to prevention. This is why we are rolling

out initiatives such as Multi-Agency Risk Assessment Conferences and routine enquiry in ante-natal services, to identify and manage situations where women may be at risk from domestic violence. Building on the campaigns we have run in the past aimed at tackling domestic violence, we are looking at the role for communications in preventing violence against women, through changing attitudes and behaviour among key audiences.

108. We therefore recommend that the Government should adopt a strategy on domestic violence, or on violence against women more generally, to include explicit emphasis of the importance of prevention. We consider that such a strategy would facilitate many of the recommendations we have made in this report, including reducing the current over-emphasis on criminal justice responses, improving prevention and early intervention, ensuring more even distribution and sustainable funding of services, and ensuring the equal commitment of all Government departments to tackling domestic violence. (Paragraph 426)

In England and Wales we have in place a series of linked plans to address domestic violence (including forced marriage, ‘honour-based’ violence and FGM), sexual violence, trafficking and prostitution. These Plans have focused attention and funding on these issues on both a national and local level, as reflected in Public Service Agreements 23 and 24 on crime and criminal justice.

However, we recognise the value of taking a fresh look at work to tackle violence through the prism of gender. We are therefore undertaking a scoping project to audit current activity to tackle violence against women and consider what added value a violence against women strategy would bring.

109. The Government’s Social Exclusion Task Force, based in the Cabinet Office, could also provide a model for delivering the cross-Government response to domestic violence. The Government should consider whether the cross-Government domestic violence unit, currently located within the Home Office, might be better placed to ensure equal participation from all Government departments if it were based at the strategic centre of Government. (Paragraph 427)

We recognise that the Government response has been led by the criminal justice departments – Home Office and the Ministry of Justice with the Crown Prosecution Service. However, we do have a domestic violence virtual unit with membership from across Government. This has been effective in driving the programme. As time goes on we will look at where the Unit should be best located to deliver a broader strategy.

110. There is currently no co-ordinated inspection regime of the response of different statutory agencies to domestic and “honour”-based violence and forced marriage. We recommend that the Government set up a working group of all the relevant inspectorates to co-ordinate the multiple inspection regimes which currently exist. (Paragraph 428)

We are in discussion with some of the Inspectorates to consider how best we can coordinate their inspection regimes to complement existing work. We hope to make progress in the coming year.

111. We recommend that the inter-ministerial group should publish an outline of its work programme, and key decisions taken, to ensure greater transparency. (Paragraph 429)

The work programme of the Inter-Ministerial Group is set out in the National Domestic Violence Delivery Plan. This is reported on annually and published on the Home Office website.

Annex A: Sections 28 and 29 of Practice Direction¹² issued on 9 May 2008 providing guidance to the courts when making any child residence or contact order where domestic violence has been raised as an issue (recommendation 70)

“Directions as to how contact is to proceed

Where the court has made findings of domestic violence but, having applied the welfare checklist, nonetheless considers that direct contact is in the best interests of the child, the court should consider what if any directions or conditions are required to enable the order to be carried into effect and in particular should consider:

- *whether or not contact should be supervised, and if so, where and by whom;*
- *whether to impose any conditions to be complied with by the party in whose favour the order for contact has been made and if so, the nature of those conditions, for example by way of seeking advice or treatment (subject to any necessary consent);*
- *whether such contact should be for a specified period or should contain provisions which are to have effect for a specified period;*
- *whether or not the operation of the order needs to be reviewed; if so the court should set a date for the review and give directions to ensure that at the review the court has full information about the operation of the order*

Where the court does not consider direct contact to be appropriate, it shall consider whether it is in the best interests of the child to make an order for indirect contact.”

¹² http://www.family-justice-council.org.uk/docs/Domestic_Violence_PD.pdf

Annex B: IT challenges for data collection and tracking for domestic violence cases (recommendation 74)

IT colleagues have been focused on trying to implement a single system for some time but this is an every changing landscape. For example, the advent of HMCS in 2005 brought together what were 43 separate ‘business’ units which differing capacity. Even today some courts are still on ‘dial-up access’.

The Ministry’s Libra business application, along with CPS, the police case management systems and Police National Computer (PNC) use the CJS data standard for offence codes (FL96001 in the case of DV criminal breaches). When reporting information from Libra to the OCJR Research, Development and Statistics Unit (RDS) (formerly the Home Office Statistics) the Libra application has been specified to translate the information into their standard. It is a fact that some RDS offence classifications cover several CJS Codes (i.e. a ‘many to 1’ mapping).

The cost of changes and enhancements to the current systems to be able to identify DV cases would be significant. The addition of a single field can cost thousands of pounds, enhancements to all relevant systems is likely to run into millions. It would require co-ordination with the 8 police case management systems, the criminal Libra (Magistrates’ Courts), Libra MIS and CREST (Crown Courts) systems, the Court Proceedings Database (for sentencing information) and FamilyMan (county and Family Proceedings Courts).

Also if the Court Proceedings Database, the official source of sentencing data held by the Office for Criminal Justice Reform, was to be used to provide sentencing patterns in DV cases, the IT supply to that database and the database itself would need to be enhanced again at a cost. The database holds records of all defendants proceeded against in a criminal court which identify the age, sex and ethnic background of each defendant together with all the offences proceeded against and the final outcome for each offence.

The options for Government to consider – none of which have been looked at in detail, costed or resourced in any Departmental Spending Reviews – include:

- short-term: evaluation of existing local tracker systems that might be applied nationally;
- short-term: change Libra MIS to include a DV flag;
- longer-term: enhancements to police, Libra / Crest / CPD systems and recording of FamilyMan committals (civil breaches) to include a DV flag;
- enhancement of police national computer system.

In order to routinely be able to analyse sentencing patterns efficiently in DV cases a CJS process, both in terms of business processes and IT, would need to be put in place spanning the Police, Courts and CJS analysts. This process would need to:

- a. obtain agreement from all police forces to identify DV cases and pass that information onto Magistrates’ Courts in the form of a “DV flag”;
- b. ensure that the flag in the case of committals is passed on to the Crown Court;
- c. ensure that the flag is captured by both the Magistrates’ Court and Crown Court case management systems;

- d. ensure that the flag is then made available as part of the data sources used by CJS analysts when disseminating sentencing data.

As far as (a) is concerned this is already being done in the case of SDVCs. However this is a manual process and in the fullness of time would need changes to IT as would (b), (c) and (d) to make the whole process as efficient as possible.

All of the above would need to be looked at and costed as well as identifying short term options in terms of short cutting the process and how these would affect the quality of the resultant data. It would also be necessary to consider how feasible it would be to carry forward the flag whenever breach of order hearings are heard in court since it is often post court agencies that bring breach cases to court.

Annex C: Key statistics on legal aid in domestic violence cases (recommendation 75)

Family legal aid comprises 66% of all civil legal aid expenditure.

In 2006/07, the LSC spent around one quarter of its legal aid budget – £535million – on family work. This allowed it to fund ‘Legal Help’ for just over 280,000 family cases and an additional 127,000 certificates for Approved Family Help and Legal Representation.

The numbers of applications refused in the financial category remains low. Only 3.5% of DV applications are refused on financial grounds [LSC data for 2006/07].



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