

2.1 Definition

Bury had adopted the national definition of domestic abuse and violence (DAV) which covers:

‘Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to the following types of abuse; psychological, physical, sexual, financial and emotional. This also includes so called honour based violence, female genital mutilation and forced marriage.’

‘Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependant on the perpetrator- isolating them from others, those that can support them, monitoring and controlling their movements and behaviours, stripping them of their independence.’

‘Coercive behaviour is an act or a pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.’

In recent years there has been an increasing understanding and recognition that violence from children towards their parents- Adolescent to Parent Violence and Abuse (APVA) is a form of Domestic Violence and Abuse and, depending on the age of the child, it may fall under the government’s official

definition of Domestic Violence and Abuse. While this definition applies to those aged 16 or above, APVA can equally involve children under 16, and the advice provided in Section 14 reflects this.

2.2 Principles

The following underpinning principles have been identified for the Domestic Abuse and Violence Strategy and are an important reference to how Bolton coordinates its response to this issue.

- Safeguard and promote the welfare of victims, and their families, is everyone’s responsibility and practitioners should understand their role and responsibility in responding to Domestic Abuse and Violence
- Practitioners should work together to prevent, intervene and reduce the impact of DVA, increasing the safety and well-being of those living with its effects, this includes avoiding duplication of assessment and activity, and promote effective support to families
- Work should reflect the necessity for prevention and early intervention to reduce further harm and safeguard basic human rights. It should also continue to ensure services are accessible and have the appropriate tools to screen and identify domestic abuse and violence
- Ensure that staff are aware of the lifetime impact on children witnessing domestic abuse and violence, and use the Framework for Action for children to ensure a consistent and coordinated response is offered.
- Provide evidence led interventions that support children through this traumatic

experience

- To continue to improve the joint working between agencies and learn from Domestic Homicide Reviews, including information sharing, and establish robust structures to enable a coordinated approach
- Provide a client-centered approach to supporting victims of domestic violence and abuse, within which the safety of the victim and their family is the paramount consideration
- The partnership acknowledges that victims of DAV do not need to have been physically hurt to be in need of protection and provision
- Provide perpetrators of DAV with programmes that help them to understand their behaviour, provide support to alter this behaviour and ensure that perpetrators are held accountable
- Maintain the provision of appropriate services for specific community groups, with awareness that not all community members will automatically require/prefer community-specific services

In implementing the above principles, professionals should ensure that they:

- Help prevent DVA before it happens and prevent repeat victimization
- Stop it when we know about it
- Offer and provide information, support, advice and care to those affected in a professional, prompt and appropriate manner

Coordinated Community Response

The Coordinated Community Response (CCR) model has been identified nationally and internationally as effective practice in tackling domestic abuse in a multi-agency setting. The model acknowledges that no one agency can address DVA and only by working together can agencies make a difference.

Every agency who has a responsibility for dealing with victims of DVA, their children and perpetrators, must work effectively within their own agency and with all the other agencies that also have that responsibility; to secure the safety of the victim and their children. Many victims present with multiple needs, for example, women experiencing domestic violence are up to fifteen times more likely to misuse alcohol and up to nine times more likely to misuse substances than women who have not been victims of this type of abuse/violence.

Around one in five children have been exposed to domestic violence. Children exposed are more likely to have behavioral and emotional problems.

Risk assessments and the sharing of information across agencies are essential if this model is to effectively protect families.

Enabling disclosure and making an initial response

It is effective practice for professionals to

create an environment that facilitates and enables disclosure to take place. Understanding some of the barriers to disclose will help professionals respond in a sensitive and appropriate manner.

5.1 Barriers to disclosure

Barriers to disclosure for victims of DVA

There are many reasons why an individual will often be unwilling or unable to tell someone that they are experiencing DVA or to approach an agency for help to deal with it. Reasons include:

- Not recognizing or identifying the behaviour as abuse or as illegal
- Past experience of poor responses from agencies or professionals
- Fear that the situation will become worse as a result, including more serious assaults or being killed
- A survival strategy of minimizing the nature and effect of DVA to themselves or to others in order not to be seen as a victim or out of fear of the consequences of identifying it clearly, or because they feel that they are in some way to blame
- Fear that the children will be removed by the Local Authority or the abusive partner
- Shame, embarrassment, self-blame
- Fear of not being believed or past experience being believed
- Fear that the abuser will make allegations and that these could result in being detained under the mental health act or having children removed or drug use exposed
- Fear of being deported
- Isolation from friends, family, agencies and

other sources of information about how to get help

- Feeling that the only option that will be offered is to leave the abusive relationship and not wanting to do that for all the reasons listed later in this section
- Perception that the situation will be worse after seeking help, e.g. because the effects of homelessness or moving area will be worse for the children than the effects of living with the abuse and violence, particularly as the risk of violence continuing may be high

Reasons why it may be difficult for some individuals to leave an abusive relationship or end the relationship

DVA victims, particularly female victims, may find it difficult or even impossible to consider leaving the family home or ending an abusive relationship. This can be assumed by professionals, friends and family, that the victim is 'choosing' the abuse or to stay in an abusive relationship. Women in these circumstances are often treated by professionals as responsible for the effects of the abuse on their children, or described as being unaware or uncaring of the effects on their children. In fact, children are usually the most common reason for a woman remaining with an abusive partner.

These attitudes lead to dangerous assumptions and unsafe and unhelpful practices. It is more useful for protecting children as well as the victim to see this as a decision based on a lack of perceived or actual safe alternatives. They will often have come to this decision reluctantly, or under

severe threat or pressure from the abuser or others.

Working with an understanding of why someone may have made this decision will help professionals and others to protect victims and children.

The reasons why someone may have not been able to identify the possibility of ending an abusive relationship or leaving the family home include one or more of the following:

- Not wanting to take the children away from their other parent or extended family
- Fear of being killed or of the children being killed, which is likely to be based on actual threats from the abuser or past experience of trying to leave
- Fear of the children being removed by the Local Authority particularly if the abuser has threatened to tell Child Protection services that the woman is a bad mother if she tries to leave
- Fear that the other parent will gain residence of the children, which may lead to them having only limited contact with their children or to the abusive parent providing unsafe care
- Experience or fear that if they separate, the abuser will in any case be granted unsupervised contact and provide neglectful, unsafe or abusive care to the children and continue to abuse and harass the victim in front of the children on contact handover or as a result of contact orders
- Not wanting to take the children away from the family home, school, friends, pets, possessions, hobbies, activities etc.
- Not wanting to leave their own home
- Not knowing that they are entitled to leave,

or how

- Not knowing about the range of legal and financial help they are entitled to and fearing that they will be unable to support their children adequately or at all. Many victims report being told by professionals that they could leave if they wanted to, without being given any information about how
- Being unwilling to spend time in inappropriate temporary accommodation, which may be based on past experience or knowledge of others' experience
- Concern that they may spend a long time waiting for permanent accommodation
- Experience of having tried to leave but finding that they are still experiencing abuse and violence from the ex-partner and feeling that they might as well live in their own home and be abused as live in temporary accommodation and face abuse on child contact with the abuser, particularly if the abuser has stalked or harassed them
- Perceived or actual family, community or professional pressure to stay with the father of the children, for the sake of the child's welfare
- Strong values about the importance of marriage for life
- Lack of knowledge of how they might end the relationship and still remain in the family home, by having the perpetrator removed and safety strategies put in place

Professionals should bear in mind that these may be the reasons why a victim has not considered leaving or ending the relationship and should find out from them if these or other reasons are the case. Doing this will help to inform safety strategies and other interventions considered and put in place for

protecting the children and victim.

Barriers to disclosure for children

Children may also find it difficult to tell anyone about what is happening to their parent and to them. They may also go to great lengths to hide it. The reasons include:

- Wanting to protect the victim from further abuse or from exposure
- Wanting to protect the perpetrator from exposure or from the consequences of exposure, such as police action or imprisonment
- They may love the abuser and feel the victim is to blame
- Not wanting to share family secrets with outsiders
- Being threatened directly or indirectly by the abuser about the consequences for them or the non-abusing parent if they tell anyone
- Fear of being taken into care
- Fear of having to move area, lose their home, school, friends, pets, possessions if they tell someone
- Fear they or the victim or perpetrators may be deported
- Fear of exposing the family to shame and dishonor

5.2 Enabling Disclosure

Enabling disclosure for victims of DVA

Many victims want to tell someone about the abuse or want to be asked. Enabling them to tell or knowing when to ask is something professionals can make easier for victims by doing some or all of the following:

- Ensuring that their agency has posters,

- leaflets or other signs that they will and can help someone who is experiencing DVA
- Being alert to any possible signals that the victim is giving and not ignoring them- many victims say that they didn't want to be the first one to say something or didn't know how, but tried to get professionals to ask by giving clues or presenting at particular times
 - Considering the possibility of DVA when supporting families whose children have additional needs (such as behaviour difficulties or other development needs)
 - If a suspected victim is accompanied by someone else, particularly if this is the suspected perpetrator, offering them the opportunity to talk to someone alone, presenting this to both adults as standard and routine practice for all clients
 - Offering all adults the chance to talk to someone alone even if there are no obvious signs of DVA- some of the most vulnerable victims will be under such threat that they may be trying very hard to appear as if everything is fine when they are with the perpetrator
 - Responding positively to any disclosure of DVA and offering information, support or other services which show the victim a clear benefit from disclosing- victims will put off asking for help again if the first response they get is unhelpful or does not seem to offer anything to protect them and their children
 - Show that they are not scared or embarrassed to hear personal information- victims will not want to tell someone who looks as though they don't want to hear
 - Maintaining up to date contact and other information so that all practitioners in their agency can provide at least a basic first

response. This should include copies of this handbook

- Where possible ask routine questions of all clients about DVA

In some agencies or services, for example maternity services, it is appropriate to ask every woman they come into contact with some routine questions designed to help identify if they are experiencing DVA. In any case, professionals who suspect that a particular adult is being abused can ask the same questions to clarify the situation and help the suspected victim to have confidence that telling them is an appropriate and safe feeling to do.

It is not reasonable to expect a victim to want to tell someone if she or he feels that nothing will be gained as a result or that the situation will get worse. Professionals should therefore bear in mind all the barriers to disclosure listed and the additional reasons victims may have for not wanting to end the relationship. They should also be able to explain to the victim what can be the positive result of disclosing as the victim will have many genuine fears about the possible negative results.

Before you begin to discuss domestic abuse it is important to consider the following:

- Where possible any discussion about domestic abuse should be undertaken in a private environment. Think about safety before asking about domestic abuse- can anyone overhear you?
- Staff should never ask about possible abuse in the presence of the perpetrator and be aware that it may also not be suitable to

discuss in the presence of children or other family members

- Where the victim does not speak English it is essential that an interpreter is used to obtain a direct history from the victim. It is not suitable for a family member to be asked to interpret without establishing whether this is acceptable to the victim or will increase risk
- It is important when asking the client direct questions about their experience to do this sensitively and in a manner that is empathetic and supportive. Be sensitive to the emotional distress or fear that the victim may be experiencing
- Ask direct questions rather than letting an improbable explanation pass without saying anything
- Listen carefully. The person may talk around the subject before disclosing to you. Requests for help are often veiled and may 'hide' behind other things. Think about ways in which you could draw out further information
- Respect confidentiality and privacy- also understand the need to share information if immediate protection is required for either the adult or the children
- Respect and validate what they tell you and remember that you may be the first person who has listened to them and taken them seriously. Acknowledge what has been disclosed "that must have been frightening for you"
- Emphasise the unacceptability of violence and that violence is a crime
- Do not suggest that they are responsible for the violence- the responsibility lies with the perpetrator
- Ensure the safety of the victim and any dependant children/vulnerable adults

- Seek to empower- do not try to make decisions on behalf of the victim

Key Questions- How to ask – Direct and Indirect questions

People experiencing abuse say they need to be asked- this can be done carefully and sensitively.

Start by asking a framing question to explain the reason behind the enquiry for example:

- “As domestic abuse is a feature of many families we now always/often ask about it”. You may refer to information within your setting- a poster or leaflet to introduce your questions.
- Written questions may be useful in some situations however if the answer is “no” the worker may add: “I see that you have checked “no” about questions relating to feeling safe with your partner. Do you have any other questions about this issue? I just want you to know that if anything like this ever does come up, there are safe places to talk about it and get help.”

Adding this sentence above can have a dramatic, positive effect and encourage future disclosure or contact with services.

An explanatory statement can be made to set the context such as:

- “I am concerned about you because of... (List indicators that are present) and would like to ask you some questions about how things are at home. Is that OK with you?”

If there are disclosures or concerns about historical domestic abuse it is useful to determine when the last incident of violence

or abuse occurred and details of the incident.

Questions may be part of your routine history taking, or may come up in response to a suspicious sign or symptom, examples of some approaches include:

- Is everything alright at home? What about stress levels? How are things going at work? How are relationships in the family? Do you have supportive relationships in your life? Do you feel safe? Are you experiencing domestic abuse? “Has your partner ever hit you?”, “Are you afraid at home?”, “How does your partner react when they are angry/under the influence of alcohol?”, “You seem quiet?”, “How are things with your partner?”, “Are you feeling supported?”, “How is your partner coping?”
- That’s a nasty starch/bruise. How did it happen? Can you talk about it? I am wondering if someone has hurt you or frightened you?
- How did your injury happen? Is everything ok? / Are you feeling safe to return home?
- “I have seen injuries/behaviours like this before, and that time the person had been hurt by someone- are you sure everything is ok?”
- “I don’t know if this is a problem for you, but many of the people I see are dealing with abusive relationships. Some are too afraid or uncomfortable to bring it up themselves, so I’ve started asking about it routinely”
- Do you need support?

If no disclosure is made but you remain concerned

Provide information about domestic abuse i.e.

a card or leaflet. If the response is “I don’t need that” reply with “Good, but because domestic abuse is an issue many families face, perhaps you could hold onto it so that if anyone in your family, a neighbour or friend talks to you about this then you could use it”. If this is likely to compromise the woman’s safety with the perpetrator finding the card, then say “You know where you can find information should you or someone you know be affected by violence”. Offer some options about who to speak to in the future and plan to discuss again.

Ask if they are working with any other services – can you work in partnership?

Where possible, clients suspected of being victims of domestic abuse should be given frequent opportunity to discuss stress, relationships and home life. For instance, pregnancy offers an ideal opportunity for women to be asked at different times when they attend for antenatal appointments.

Children living in households where there is domestic abuse

Whilst children will respond differently to the abuse they have witness or experienced depending on their age, their personal resilience and support mechanisms, there is evidence that children suffer long term damage through living in a household where domestic abuse is taking place even though they themselves may not be directly physically harmed. Their emotional, physical and psychological development may be impaired.

Many victims chose to remain in an abusive situation in the belief that keeping the family together is in the best interests of the children. It is helpful for adults to be made aware of the impact of violence on children and to be encouraged to discuss this. There may be concerns about ability to protect a child if domestic abuse is suspected but is not acknowledged as a problem.

The following questions can assist adults gaining a greater understanding of the impact of domestic abuse for their children:

- How do you think...? (Child) would describe life at home?
- What changes do you think...? (Child) would like to happen?
- What is the reaction of...? (Child) when... (Perpetrator) has been violent to you?
- Are you worried about your children (or someone else in your family or household)?
 - How is this affecting your children?
 - Has... (The perpetrator) threatened to hurt your child?
 - Has... (The perpetrator) hurt you in front of your child?
 - Has... (The child) seen or overheard the yelling/violence?
 - Has... (The child) tried to protect you/tried to stop the violence?
 - Has... (The child) been injured by... (The perpetrator) or injured while trying to protect you?
 - Is... (The child) afraid to leave you alone?

The impact on children living in households where there is domestic abuse can include:

- Being denied a safe and supportive environment in which to grow and develop
- Hearing on-going verbal and/or emotional

- abuse and witnessing the degradation and isolation of the non-abusing parent
- Being physically, verbally or emotionally abused when they attempt to intervene in the violence
- Being denied extended family, peer and broader social support and connection as a result of social isolation imposed on them by the perpetrator
- Being denied the physical care and emotional support necessary for their wellbeing when the non-abusing parent is neither physically nor emotionally able to care for them
- Assuming a parental role over younger siblings when the non-abusing parent is neither physically nor emotionally able to care for them
- Protecting siblings from harm during explosive outbursts
- Feeling responsible for the violence and blaming siblings or the non-abusing parent
- Being pressured to maintain a family secret
- Being subject to death threats towards themselves, their siblings or the non-abusing parent
- High levels of anxiety and fear about their own and/or the non-abusing parent's safety feelings of shame, guilt, self-blame, anger about what is happening in the family behaviours of withdrawal and hostility towards parents or others for the on-going violence
- A sense of loss and grief in losing the family or their father/mother at separation
- High levels of compliance
- Feelings of hopelessness and despair that the violence will not end
- Risks of forming similar personal relationships

5.3 Immediate action following disclosure or indicators or potential domestic abuse

Following disclosure or identification of domestic abuse the victim may be open to support or advice or alternatively may refuse to discuss the situation. Regardless of their response professionals need to do the following:

- Take the disclosure seriously and explain that you want and will help
- Tell them that the abuse is unacceptable and that they are not to blame
- Find out if they want/need immediate help and need somewhere safe to go right now. If the victim is in immediate danger contact the police (999)
- Find out if they need medical treatment and an immediate response to physical injuries may be required, and referral for further assessment, treatment, specialist advice or counseling
- Find out what their immediate fears are and what they would like to happen
- In order to fully assess the risk the perpetrator poses aim to complete the Domestic Abuse, Stalking and Honour-based Violence Risk identification Checklist (DASH RIC)- see section 6
- Consider immediate staff risks- Workers need to take into account their own safety and that of their colleagues, and must minimise the risks that they may face from the perpetrator of domestic abuse.

Where the risk is high a Multi-agency Risk Assessment Conference (MARAC) referral should be made. This process is explained in more detail under Section 7.

Where the risk is lower the professionals should continue to support the victim, as appropriate. The following will help:

- Explain that there are legal rights, support services and practical help available which can help to protect them and their children
- Provide the victim with useful information including a local 24hr domestic violence helpline. This might mean giving them a leaflet, or giving them the phone number and helping them to memorise it or store it under disguise in their mobile phone or address book. It could also mean explaining to them how to find the number/information again via a website or other source of information
- Establish a way of contacting the victim discreetly in the future if there is not an immediate risk to safety
- Discuss safety planning- See section 8
- Offer a further appointment, contact or reason to be seen at a later date; an example of this would be a health appointment where the victim is allowed out of the house and can be seen alone- having an appointment card can give the victim a legitimate excuse and provide them with an opportunity for getting further help
- Emphasise confidentiality but explain the limits, for example if there are children involved who might be at risk
- Explain that you will probably need to ask someone with more experience for further help and guidance in order to protect them and their children
- Consider the welfare of any children and follow early help or safeguarding procedures (as identified in the framework for action) including sharing or requesting information, making a referral or completing an Early

Help assessment and action plan. This should help identify all actions that services working with the family and those who may be able to provide support are taking. The tools outlined in Section 6.3 can be used to gather relevant information for the assessment and identify outcomes and actions.

risk assessment

Domestic abuse risk assessment tools

6.1 Adult Risk Assessment

Safe Lives (previously known as CADDA- Coordinated Action against Domestic Abuse) is a national charity working within the field of domestic abuse. Safe Lives has developed a comprehensive risk identification checklist for any victim of domestic abuse and violence. This checklist has been adopted nationally, including across Greater Manchester.

Safe Lives Domestic Abuse, Stalking and Honour Based Violence Risk Identification Checklist (commonly known as the DASH RIC)

Aim of the Risk Identification Checklist (RIC):

- To help front line practitioners identify high risk cases of domestic abuse, stalking and 'honour'-based violence]
- To decide which cases should be referred to MARAC (see next section for further details) and what other support might be required. A completed form becomes an active record that can be referred to in future for case management
- To offer a common tool to agencies that are part of the MARAC process and provide a shared understanding of risk in relation to domestic abuse, stalking and 'honour'-based violence.
- To enable agencies to make defensible decisions based on the evidence from extensive research of cases, including domestic homicides and 'near misses', which underpins most recognised models of

How to use the Risk Identification Checklist?

The checklist should be used in every case where disclosure is made to a professional about current domestic abuse and violence. This will help to inform whether the victim is in imminent threat of serious harm.

Before completing the form read the full practice guidance and FAQs and Answers which you can access through the Safe Lives website.

Risk is dynamic and can change very quickly. It is good practice to review the checklist after a new incident.

Before you begin to ask the questions in the checklist:

- Establish how much time the victim has to talk to you? Is it safe to talk now? What are their safe contact details?
- Establish the whereabouts of the perpetrator and children
- Explain why you were asking these questions and how it relates to further support and the MARAC

Whilst you are asking the questions:

- Identify early on who the victim is frightened of- ex-partner, partner and family member
- Use gender neutral terms such as partner. By creating a safe accessible environment Lesbian, Gay, Bisexual and Transgender (LGBT) victims are more likely to feel able to disclose both domestic abuse and their sexual orientation or gender identity

Talking about the outcomes of the checklist:

Telling someone that they are high risk of serious harm or homicide may be frightening and overwhelming for them. It is important that you state what your concerns are by using the answers they gave to you and your professional judgment. If they meet the MARAC threshold then a referral must be made to MARAC via SharePoint immediately.

Identifying that someone is not currently high risk needs to be managed carefully to ensure that the person doesn't feel that their situation is being minimised and that they don't feel embarrassed about asking for help. Reassure them that you have taken them seriously and that there is support available for them.

Please pay particular attention to a practitioner's professional judgment in all cases. The results from a checklist are not a definitive assessment of risk. They should provide you with a structure to inform your judgment and act as prompts to further questioning, analysis and risk management whether via a MARAC or in another way.

Recommended Referral Criteria to MARAC:

- **Professional judgment-** id a professional has serious concerns about a victim's situation; they should refer the case to MARAC. There will be occasions where particular context of a case gives rise to serious concerns even if the victim has been unable to disclose the information that might highlight their risk more clearly. This could reflect extreme levels of fear, cultural barriers to disclosure, immigration issues or language

barriers particularly in cases of 'honour'-based violence. This judgment would be based on the professional's experience and/or the victim's perception of their risk even if they do not meet criteria two and/or three below.

- **Visible High Risk-** the number of 'ticks' on this checklist. If you have ticked 14 or more 'yes' boxes the case would normally meet the MARAC referral criteria
- **Potential Escalation-** the number of police callouts to the victim as a result of domestic abuse in the past 12 months. This criterion can be used to identify cases where there is not a positive identification of a majority of the risk factors on the list, but where abuse appears to be escalating and where it is appropriate to assess the situation more fully by sharing information at MARAC. It is common practice to start with three or more callouts in a 12 month period but this will need to be reviewed depending on your local volume and your level of police reporting.

This form will provide valuable information about the risks that children are living with but it is not a full risk assessment for children. The presence of children increases wider risks of domestic abuse and violence and step children are particularly at risk. If risk towards children is highlighted you should consider what referral you need to make to obtain a full assessment of the children's situation.

6.2 Young Person Risk Assessment

In April 2013 the government changed the national definition of domestic abuse and violence to include young people over the age of 16 years. In supporting areas to improve their responses to young people suffering domestic abuse and violence the government

launched the Young Person Violence Programme, with Safe Lives providing regional support to local areas.

Through the national programme Safe Lives has developed a new risk identification checklist tailored to the needs of young people. If you are a professional where a young person you know has disclosed current domestic abuse and violence then the young person risk identification checklist should be used and not the adult version.

Professionals should aim to complete the Young Person's Risk Identification Checklist on your first contact with the client. However, it may be best to first ensure an appropriate relationship is established between yourself and the young person to enable them to confide in you more readily. In such cases, be sure to complete the form at the earliest opportunity.

Who should you use the checklist with?

Normally the checklist will be completed with a young person who is experiencing relationship abuse, including stalking or 'honour'-based violence. However, you may receive additional information from other professionals such as the police. If you do, please note this on the checklist form.

Information should not be gathered from other family members unless a young person specifically asks you to do this. Consider that, in certain situations such as 'honour'-based violence, family members may also pose a threat.

Best Practice Points

Provide an atmosphere that supports children's comfort in discussing sensitive issues- You should create a safe, supportive, and age-appropriate environment that helps children feel comfortable talking about a difficult topic. It is essential that you establish trust and rapport before asking children direct questions about domestic abuse. It is also important to use age and development appropriate language and techniques, such as having the children draw what they saw or experienced. You should also be mindful of sibling groups and that each child's experience of the domestic abuse will be different and pose different levels of risk.

Validate the children's feelings during the assessment- you should encourage children to discuss their feelings about any domestic abuse, the alleged offender and the victim. It also is critical to tell children that the violence is not their fault and that their feelings are normal.

Promote safe and healthy coping skills and responses to domestic abuse- you should assist children in developing positive and effective methods to keep themselves safe. When appropriate, safety plans need to include tips for children such as what to do and who to contact for help in domestic abuse situations. Whenever possible, the non-offending parent should be included in the process of developing safety skills and plans. You should emphasise that they are not to blame for what is happening, discussing that they are not responsible and it is not their job to intervene and try and stop the

fighting/arguing.

Begin direct inquiry regarding domestic abuse with a general statement- you can help make the child feel more at ease by starting with broad-based statements before asking specific questions about the child's family. For example: "Sometimes when people get upset, they get angry. Sometimes even too angry, and they may start to fall out, shout, throw things at each other or even hit each other. I know fights can be scary. I want to ask you a few questions about whether your parents/adults in your house fight and what you think about it. Would that be okay?"

If the child is not willing to discuss the situation, assure them it is understandable to feel reluctant talking about such matters. It is never appropriate to attempt to instill a type of guilt or fear in the child in an effort to gain compliance or obtain information. You should re-assure the child that your role is to help and support them and their family and that if they don't want to talk now, that they have the opportunity to talk to you at a later date if they want or need to. However, you do need to be clear that you may have to share what they tell you in order to make sure they are kept safe.

This will take time- in order to gain a full picture of the risks and impact of domestic abuse on a child you will need to set aside sufficient time. This framework has not been designed to be a mechanistic process or talking questionnaire rather it should act as a structure for workers to better develop their understanding of how each child experiences domestic abuse within their home and think

about the way they discuss domestic abuse with a child.

Be aware- children receive messages, either directly or indirectly, that domestic abuse is a "family secret". It is usually uncomfortable and frightening for children to talk about the abuse. Some children may be afraid that discussing the violence will create problems at home, such as further violence or the separation of their parents. Other children may align with the abuser and attempt to provide protection by not discussing the violence or even blaming the victim.

Making sense of the information

Often the impact of domestic abuse on children is underestimated or not acknowledged by the adults around them. Developing a child focused understanding of risk posed from domestic abuse will:

- Enable parents to recognise the impact of their behaviour and actions on their child
- Support effective action planning that meets the needs of the child
- Enables the level of risk and need to be reviewed over time

Areas to consider in the analysis

The main reason for using this resource with a child is to better understand and make sense from their perspective of how domestic abuse is impacting on their life. In order to do this any analysis should clearly define:

- Nature of the abuse the child is experiencing
- Risks to the children posed by the abuser – risk of physical injury or death to the child, risk of emotional abuse, risk of neglect, risk

of sexual abuse

- Impact of the abuse on the children
- Perpetrators pattern of assault and coercive behaviours
- The nature and extent of protective factors e.g. victim does not minimise risks, victim recognises triggers/potential flashpoints, child has mentor/trusted person established at school, grandma lives over the road etc.
- Outcome of any previous/historic domestic abuse interventions/support
- The frequency and severity of the domestic abuse incidents

Once you have completed the analysis and considered the level of risk to the child you should make use of the other tools and support referenced in the Domestic Abuse Handbook, for example developing a safety plan with the child. Where needed you should access additional services for the child and their family and ensure this is embedded in any single or multi-agency assessment and action plan e.g. Early Help Assessment, Child and Family Assessment.

Things will have improved when:

- The victim and children, when interviewed separately, report feeling safer
- The victim has knowledge of and access to relevant support services, information and safety options
- The victim and the abuser understand the effects of domestic abuse on their children
- The victim of domestic abuse has a primary connection to a community service provider who will have ongoing contact with him or her and the children
- The children and victim have safety plans. The protective parent demonstrates what

they will do should domestic abuse resume

- All agencies are in agreement that the risk of harm has been lowered for the victim and children
- Domestic abuse intervention programmes, criminal and civil courts, probation and other community service providers will continue to monitor and respond with immediate sanctions to any new violent behaviour by the abuse
- The perpetrator has access to and engages with intervention programmes and support services

MARAC

Multi-Agency Risk Assessment Conference (MARAC) is a meeting where information is shared on the highest risk domestic abuse cases between representatives of the local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sector. After sharing all relevant information they have about a victim/children, the representatives discuss options for increasing the safety of the victim and turn these into a coordinated action plan. The primary focus of the MARAC is to safeguard the adult victim and safeguarding implications for any children are also considered.

The MARAC will therefore liaise directly with children safeguarding representatives and where possible manage the behaviour of the perpetrator. At the heart of the MARAC is the work assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. The victim does not attend the meeting but is represented by the IDVA who speaks on their behalf.

Each agency/department should have a dedicated MARAC Champion who has received appropriate training on referring into the MARAC via SharePoint and who understands their agency's role at the meetings.

It is important that each agency/department has a way of flagging cases, particularly those that are referred to MARAC so that they understand when a referral is a repeat.

The national charity Safe Lives provides practical help to support professionals and organisations working with domestic abuse victims. Their aim is to protect the highest risk victims and their children- those that are at risk of murder or serious harm.

The MARAC section of their website contains a plethora of resources available to professionals. In particular there are a full set of agency specific toolkits that sets out the role of each agency in the MARAC process.

Those victims who are aged between 16-18 years and come to MARAC will be allocated to the Safe lives Young Person Violence Advisor.

The MARAC Referral Process

Step 1 Identification	<ul style="list-style-type: none">• Services have in place routine or targeted enquiry to identify victims of DVA
Step 2 Risk Assess	<ul style="list-style-type: none">• Following a disclosure the DASH RIC is used to establish if the victim and children are at high risk of serious harm or death• Carry out immediate safety measures for the victim and children
Step 3 Referral	<ul style="list-style-type: none">• Where the DASH RIC scores 14 or higher, or based on professional judgment, the agency where disclosure was made must complete a MARAC Referral Form. This should include details whether an Early Help Assessment is open for any children. This form should be sent to the agency MARAC Champion for quality assessment.• MARAC Champion uploads MARAC Referral Form onto SharePoint as soon as possible. This will trigger the allocation of an IDVA who will make contact with the victim.
Step 4 Research	<ul style="list-style-type: none">• All agencies research all the cases for the operational MARAC meeting. This includes any information known to services about the victim, children or perpetrator• IDVA engages with the victim and gathers any background information from other agencies that are not represented at the MARAC
Step 5 MARAC Meeting	<ul style="list-style-type: none">• MARAC representatives present information at the meeting on their agency involvement/referral of the victim, children and perpetrator• Review risk based on information at the meeting• IDVA Service presents information on behalf of the victim
Step 6 Action Planning	<ul style="list-style-type: none">• Each agency volunteers actions on behalf of their own agency to minimise risk and increase safety. This includes identifying specific actions for any children to ensure support is in place e.g. use of Early Help, and identify a lead professional. Actions set should be SMART• Identify opportunities to coordinate and sequence actions with other partners as required• IDVA Service confirms actions are as safe as they can be
Step 7 Follow Up	<ul style="list-style-type: none">• Inform your own agency/department of the actions and complete your actions in the agreed timescales• Confirm when actions are completed and update SharePoint. Keep IDVA informed of relevant information• IDVA keeps victim informed of plan where safe to do so and liaises with partners

Safety Planning

A personal safety plan helps individuals to plan in advance what action they can take to reduce risk and impact from domestic abuse and violence. Developing a safety plan with adults and children in a family also helps to identify how you can support individuals and families to increase their safety either within the relationship or when deciding to leave.

8.1 General points for all workers to consider in safety planning

- **Encourage individuals to keep important and emergency telephone numbers with them-** this could be for safe family members, local refuges or national helplines
- **Encourage individuals to teach children to call 999 in an emergency situation;** rehearsing with them that they would need to say (for example, their full name, address and telephone number)
- **Encourage individuals to identify any neighbours, friends etc;** who are trusted and who can provide support in an emergency, encourage individuals to tell them what is going on and how ask them to call the police if they have any concerns
- **Discuss and rehearse an escape plan-** so in an emergency this can be used
- **Discuss packing an emergency bag-** and storing it somewhere safe (for example, at a trusted neighbour's or friend's house, at work etc)

- **Discuss mobile phones-** if the individual or their children have one it is important to keep it charged and accessible; equally if the phone is used by the perpetrator as a means of monitoring or controlling individuals in the family consider buying a 'pay as you go' model that can be hidden without their knowledge
- **Discuss what happens during a violent incident-** talk about getting to a lower risk area of the house- for example where there is a way out, access to a telephone etc; avoid the kitchen or garage where there are likely to be knives or other weapons; and avoid rooms where you might be trapped, such as the bathroom or where you might be shut into a cupboard or other small space
- **Discuss any plans to leave-** and how this can be prepared for, including financial planning

8.2 Points to consider when preparing or planning leaving

When someone decides to leave their partner, it is best if you can support them to plan this carefully. It is important to recognise that the level of risk is likely to increase if the perpetrator suspects someone is thinking of leaving and it will often continue after they have left. This can be particularly dangerous time. It's important to remember that ending the relationship will not necessarily end the abuse.

Use the following as a guide to support someone who is thinking of leaving an abusive situation:

- Encourage them to leave at a time when they know the partner will not be around
- It may be better to leave at a time when any children are at school or nursery; make sure that key people know they have left and also what the future arrangements are for contact between the abusive partner and children if relevant
- Gather together the following items;
 - Some of which can be kept by the individual
 - Others will need to be stored somewhere safe in an 'emergency' bag
 - Some form of identification showing name and address
 - Birth certificates; including any child's
 - Passports (including passports for all children), visas and work permits
 - Money, bankbooks, cheque book, credit and debit cards
 - Keys for house, car and place of work. (You could get an extra set of keys cut, and put them in your emergency bag)
 - Driving license (if you have one) and car registration documents, if applicable
 - Prescribed medication
 - Copies of documents relating to your housing tenure (for example, mortgage details or lease/rent agreements)
 - Insurance documents, including national insurance number

- Address book
- Family photographs, jewellery, small items of sentimental value
- Clothing and toiletries for you and your children
- Your children's favorite small toys
- You should also take any documentation relating to the abuse- e.g. police reports, court orders such as injunctions and restraining orders, and copies of medical records if you have them

Remember- thinking about leaving and making the decision to leave can be a long process. Planning it doesn't mean it will be carried through immediately- or at all. But it may help to be able to consider all the options.

8.3 Keeping safe after the relationship has ended

When someone leaves an abusive situation but are staying in the same town or area, these are some of the ways to increase safety:

- Avoiding isolated or vulnerable places or situations
- Avoiding routines as much as possible and if there are any regular appointments that the partner knows about (for example, with a counselor or health practitioner) try to change the appointment time and/or the location
- Choosing a safe route, or altering the route taken or the form of transport used, when approaching or leaving places that cannot be avoided- such as a place of work, children's school, GP's surgery etc.
- Telling children's school, nursery or child-minder what has happened, and letting them know who will collect children as well as who cannot- establishing a password and giving copies of any court orders can help
- Making sure children know not to tell anyone a new address or share a telephone number without checking it first
- Telling an employer or others at the place of work- particularly if an abusive partner may try to make contact
- Changing the locks on all doors
- Putting locks on all windows
- Referring for a home fire risk assessment via GMFRS
- Installing an outside light (back and front) which comes on automatically when someone approaches
- Encouraging individuals to inform trusted neighbours that the partner no longer lives there and asking them to make a note or to contact the police
- Changing telephone numbers
- Using an answering machine to screen calls
- Keeping copies of all court orders together with dates and times of previous incidents and call-outs for reference if they need to call the police again
- Reviewing use of social networking sites; it is important that this is considered for all family members including children and that safety measures are put in place- this may include closing accounts, reviewing privacy settings, removing mutual friends, asking friends not to 'tag' photos, locations etc

When someone leaves an abusive situation and are moving to another town or area, these are some of the ways to increase safety;

- Changing mobile phone numbers and disable any GPS tracking- Mobile phones can be 'tracked'; this is only supposed to happen when permission is given but if an abusive partner has had access to the phone, they could have sent a consenting message and initiated the service; if in doubt encourage contact with the mobile phone provider or change the phone
- Avoid using shared credit or debit cards or joint bank accounts; if the statement is accessed they will see the transactions made and location
- Make sure that addresses do not appear on any court papers
- Where there needs to be contact with an abusive partner or anyone with whom they are in contact make sure 141 is dialed before ringing
- Reviewing use of social networking sites; it is important that this is considered for all family members including children and that safety measure are put in place- this may include closing accounts, reviewing privacy

settings, removing mutual friends, asking friends not to 'tag' photos, locations, etc.

NB. Victims of stalking and domestic abuse are now allowed to join the electoral register anonymously, this ensures they are not put at risk and do not lose the right to vote. Anyone wanting to register their details anonymously must provide evidence such as an order under the Family Law Act 1996 or the Protection from Harassment Act 1997.

If an application is granted, the details that appear on the register only have a person's electoral number and the letter N.

8.4 Example Safety Plans

Safety plans are personal and practical tools to help individuals, whether an adult or a child, avoid dangerous situations and know the best way to react if in danger from domestic abuse.

There is no set template but some examples of plans are available on the Bury Directory.

It would be expected that anyone undertaking an assessment where domestic abuse is a factor should ensure the completion of a safety plan with key family members is part of any holistic plan.

Section 9

Using legal options and sanctions

This section is intended to give professionals a broad understanding of the legal options available to victims of DVA.

When discussing options and giving information to victims practitioners will need to exercise professional judgment in the language they use, how they introduce options, and how to involve the person/victim in getting good legal advice. The aim of this should be to meet the needs of the individual for information and support, at a pace and level of detail which suits them, and in ways that are understandable and accessible.

The key consideration is for practitioners to:

- To be aware of the range of legal remedies and sanctions which may be available
- To know where to get expert advice, from the police or legal services with knowledge of safeguarding and domestic abuse

In summary, legal remedies and sanctions can be pursued either through criminal or civil law

There is no specific offence of 'domestic violence' under criminal law, but many forms of domestic violence are crimes, for example;

- Assault
- False imprisonment
- Criminal damage
- Harassment
- Attempted murder

- Rape

Crimes are reported and dealt with through the criminal justice system which is made up of a number of key agencies; the police; the Crown Prosecution Service (CPS); the courts (Magistrates' courts and Crown court); and the probation service. Criminal law is primarily aimed at punishing the offender. The police together with CPS initiate the process.

The civil law is primarily aimed at protection (or in some cases compensation). A survivor of domestic violence can make an application for an injunction (a court order) either to the Family Proceedings Court or the County Court (usually through a solicitor). Other family proceedings (such as child contact or divorce) also take place in the County Court.

9.1 Domestic Violence Protection Notices and Orders

A Domestic Violence Protection Notice (DVPN) is the initial notice issued by the police to provide emergency protection to an individual believed to be the victim of domestic violence. The notice contains prohibitions that effectively bar the suspected perpetrator from returning to the victim's home or otherwise contacting the victim.

A DVPN may be issued to a person aged 18 years and over if the police have reasonable grounds for believing that:

- The individual have been violence towards **OR**
- Has threatened violence towards an associated person, and the DVPN is necessary to protect that person from violence or a threat of violence by the intended recipient of the DVPN

The associated person mentioned above does not have to consent to the issuing of a DVPN or Domestic Violence Protection Order (DVPO).

Following an alleged breach of the DVPN, the police may arrest the individual without warrant and hold that person in custody pending the magistrates' court hearing of the DVPO application; this hearing must take place within 24 hours of the arrest for the alleged DVPN breach.

Within 48 hours of the DVPN being issued (excluding weekends and bank holidays), the police must submit an application to the magistrates' court for the DVPO. The Magistrates can make a DVPO if 2 conditions are met:

- The court is satisfied on the balance of probabilities that the recipient has been violence towards, or has threatened violence towards, an associated person
- The court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by the recipient

A DVPO may be in force for no fewer than 14 days beginning on the day on which it was made and no more than 28 days.

On 25 November 2013, it was announced that DVPOs will be rolled out across England and Wales from March 2014. This follows a successful trail in three police force areas (one being Greater Manchester).

DVPO are a new power that fills a gap in providing protection to victims by enabling the police and magistrates to put in place protection in the immediate aftermath of a domestic violence incident.

With DVPOs, a perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need.

Before the scheme, there was a gap in protection, because police couldn't charge the perpetrator for lack of evidence and so provide protection to a victim through bail conditions, and because the process of granting injunctions takes time.

It is imperative that any DVPN/DVPO served/secured needs to be shared with relevant partners, including with the Registered Social Landlord (RSL), so that they can pursue further protection in the intervening period and prior to the DVPO expiring.

9.2 Family Law Injunctions

Injunctions are court orders which require someone to do, or not to do, a certain act. The common areas in which injunctions are applied for is when a relationship has broken down and one party is harassing, threatening or assaulting the other. There are 2 main types of injunctions available under Part IV of the Family Law Act 1996:

- A non-molestation order
 - An occupation order

Police Officers have direct access to the National Centre for Domestic Violence ASSIST database which provides immediate access to all Non-Molestation Orders, Occupation Orders and Domestic Violence Protection Orders. This service helps Police Officers obtain original court papers.

What is a non-molestation order?

This is an order to stop the person who is the abuser from molesting the victim or their children. Molesting means harassing, pestering or interfering with the victim or their children and also includes assault. 'Assault' can mean pushing, punching, slapping, throwing objects, spitting etc. The order can also extend to cover anyone else who the abuser may tell to molest, harass, pester or be violence towards the victim or their children.

A breach of a non-molestation order is now a criminal offence; however, a victim can also take the case back to the civil court if they prefer to do so. There may be a power of arrest attached. Powers of arrest may also be attached to an occupation order. These powers come into effect if the abuser breaks the order.

What is an occupation order?

An occupation order regulates who can live in the family home, and can also restrict an abuser from entering the surrounding area. Where a victim does not feel safe continuing to live with the abuse, or has had to leave home because of violence, but wants to return to their home and exclude their abuser then an occupation order can be used to help them to do this. The court will apply a 'balance of harm' test when deciding whether to make the order. When making an occupation order, the court may make other related orders imposing obligations on the victim or the abuser (for example, relating to repair and maintenance of the home, or to payment of rent or mortgage).

An occupation order can include the following outcomes:

- Allow the victim to remain in the home if the abuser is trying to get them out
- Allow the victim back into the home if the abuser has already thrown them out or is

preventing them from going back into the home

- Exclude the abuser from all or part of the home
- Impose a set of rules about living in the home
- State that the victim and abuser must live in separate parts of the home
- Exclude the abuser from coming within a certain distance of your home
- Order the abuser to leave the home or a part of it
- If the victim does not own the property and has not paid towards the cost of the property the victim can obtain an order which says that they are still entitled to live in the property because they have 'matrimonial rights'. There is also an order that this right will not end if the abusive partner dies or there is a divorce. However, the abuser can apply to the court to try and end the victims 'matrimonial rights' or restrict them

How long does an injunction last for?

Injunctions are normally for a specified period of time but can be renewed; or they may be made 'until further order'. There is no limit on the length of time that non-molestation orders can be extended for. Occupation orders can only be extended beyond 12 months if you have a legal right to stay in the home (i.e. as owner or co-owner, or tenant/joint tenant, or because you are or have been married to the owner/tenant). Occupation orders are usually only for a short period of time therefore legal

advice needs to be sought if a joint tenancy exists between the victim and the perpetrator.

Who is eligible to apply for an injunction?

In order for someone to apply for one of these orders they must be what is referred to as an 'associated person'. This means the victim and abuser must be related or associated with each other in one of the following ways;

- They are or have been married to each other
- They are or have been in a civil partnership with each other
- They are cohabitants or former cohabitants (including same sex couples)
- They live or have lived in the same household
- They are relatives
- They have formally agreed to marry each other (even if that agreement has now ended)
- They have a child together (this can include those who are parents of the same child, and those who have parental responsibility for the same child)
- Although not living together, they are in an 'intimate relationship of significant duration'
- They are both involved in the same family proceedings (e.g. divorce or child contact)

What is Power of Arrest?

This can be attached to an injunction and will give the police power to arrest the abuser if he or she breaks the order. To obtain a power

of arrest you need to show that violence has been used against the victim or has been threatened and this is likely to happen again.

The application process

An application for either a non-molestation order and/or occupation order is made in the Family Proceedings Court (part of the Magistrates Court), the County Court or the High Court. Form FL401, available from the court or to download from the HM Courts Service website, must be completed along with a sworn statement giving details of the victim's relationship, any relevant children, past history of violence and the events which led up to making the application. If an injunction is required urgently as the victim is scared that the abuser will cause further harm if they find out the victim is going to court, an application can be made "without notice". This means that the court can consider the application without the abuser being present.

Enforcing a non-molestation order

If the abuser has breached a non-molestation order this can be enforced by either;

- Starting criminal proceedings by reporting the behaviour/breach to the police **OR**
- Starting civil proceedings by applying to the court that made the order for the respondent to be arrested and/or punished. This will require the advice and support of a solicitor

Breaching a non-molestation order is a criminal offence that can be tried in the Magistrates Court or Crown Court. The criminal courts have a range of sentencing options available to them; however, the maximum sentence is five years imprisonment.

Enforcing an occupation order

If the abuser breaches any of the provisions of an occupation order that have a power of arrest attached to it the victim can call the police.

The police can arrest the abuser and take them back to court. The court may then hear evidence about the breach and deal with the respondent immediately or the court may adjourn the hearing to another day. Where a power of arrest is not attached an application can still be made to the court to have the abuser arrested and/or punished. This will require the advice and support of a solicitor. A respondent who is found by the court to have breached the order may be committed to prison, fined or be given a suspended sentence of imprisonment

9.3 Restraining orders

Legislation also allows for a restraining order to be attached when criminal proceedings have been taken- even if the conviction has not been upheld- if the court believes that the victim is likely to be at risk. Restraining orders can provide the same protection as

injunctions under the civil law but may be more effective as they carry stronger penalties. Taking action under the criminal law, coupled with restraining orders, may help the victim to avoid the cost of taking, what can be expensive, civil legal action if they do not also need to apply for an injunction to exclude the abuser from their home.

The Protection from Harassment Act 1997 makes harassment a criminal and civil offence and gives the police more powers to arrest and charge a person who is harassing someone and can be used instead of 'Common Law Injunctions'. Harassment includes, nuisance phone calls, stalking, threats, excessive noise etc. Basically any behaviour which causes the victim 'alarm' or 'distresses'. The harassment has to have happened more than once to use this Act. In the case of stalking the victim must show that the behaviour caused them to believe that the person was likely to use violence on them. The Act can also be used to prevent harassing behaviour by neighbours, protesters, family members, the media etc.

If there is evidence of harassment the police have powers to arrest suspected offenders, charge them and take them to either Magistrates Court or the Crown Court. If they are found guilty in the Magistrates Court they can be sentenced to up to six months in prison and/or up to £5,000 fine as well as an order preventing them from further harassment. In the Crown Court they can be

sentenced to up to five years in prison or an unlimited fine as well as an order preventing them from further harassment.

9.4 Common Law Injunctions

Unmarried couples not living together, neighbours, relatives, friends or acquaintances- can also apply for a 'Common Law Injunction'. These are sometimes called 'Assault and Trespass Injunctions'.

These injunctions will stop somebody coming onto the victim's property without their permission or assaulting them. Specifically these orders can enable the victim to:

- Stop the person from assaulting or harassing them. The harassment must be serious to the point that it interferes with their mental or physical health. The harassment must also be intentional. Repeated phone calls can amount to harassment
- Stop the person from trespassing on their property. The victim must show they have an interest in the property, for example own it or be a tenant
- Stop the person from causing a nuisance
- Stop the person interfering with your possessions
- More recently the courts have also allowed orders to exclude abusers from coming within a certain distance of the applicant's home or place of work

You cannot get a power of arrest with this type of injunction or an order to force somebody who is living in the home (such as a relative) to leave, if they have a right to be there. If the abuser breaks the injunction the victim will need to go back to court to get an order to send them to prison

9.5 Anti-harassment Injunctions

If the victim is not eligible to apply for an order under the Family Law Act or if they are being continually harassed, threatened, pestered or stalked by a stranger, acquaintance, or after a relationship has ended, a civil injunction can be applied for under the Protection from Harassment Act (1997).

9.6 Housing Injunctions- Registered Social Landlords (RSL)

Registered Social Landlords (RSLs) are able to support their tenants who are suffering from domestic abuse and violence via housing specific injunctions

- **Section 153A Injunction (non-tenant) -** Behaviour capable of causing a nuisance or annoyance which directly or indirectly affects an RSL's housing management function. Proceedings can be issued against persons aged 18 years or older and a power of arrest or exclusion order can be attached whereby the behaviour involves the use or threatened use of violence or there is a significant risk of harm

- **Section 153D Injunction (breach of tenancy) -** Any breach of tenancy agreement including acting, allowing, inciting, permitting visitors, children occupants or lodgers to act in a manner capable of causing a nuisance or annoyance. Also any other breaches of tenancy agreement e.g. property condition, unkempt gardens etc. A power of arrest can be attached if the complaint involved the use or threatened use of violence or there is a significance of harm

9.7 Criminal prosecution under the Mental Capacity Act 2005 Section 44

The Mental Capacity Act introduced a new criminal offence of ill-treatment or willful neglect of a person who lacks capacity

9.8 Criminal prosecution under the Domestic Violence, Crime and Victims (Amendment) Act 2012

This act extends the offence of causing or allowing the death of a child or vulnerable adult, to causing or allowing serious physical harm, like inflicting brain damage or broken bones.

9.9 Recognition of Coercive Control as a criminal offence; Section 76, Serious Crime Act 2015

From 29 December 2015 coercive or controlling domestic abuse became a crime punishable by up to five years in prison, even

if it stops short of physical violence. The new legislation will enable the CPS to bring charges where there is evidence of repeated, or continuous, controlling or coercive behaviour within an intimate or family relationship. This can include; a pattern of threats, humiliation and intimidation, or behaviour such as stopping a partner socializing, controlling their social media accounts, surveillance through apps or dictating what they wear.

9.10 Obtaining good legal advice

It is possible for victims to make an application for an injunction themselves, but most people prefer to do this through a solicitor who has experience of dealing with domestic violence cases, to ensure the best representation and outcome. The Law Society or the local Citizens Advice Bureau has a list of family solicitors in each area.

Victims on low incomes may be eligible for public funding (Community Legal Services funding, or legal aid) to pay for legal costs. The income of the perpetrator is not taken into account if the victim is taking legal action against them.

Victims can apply for an injunction but in most cases this is done via a solicitor. The Independent Domestic Violence Advocate (IDVA) service will be able to advise victims about seeking legal advice. In addition, the victim may be eligible for public funding

(Community Legal Services funding, or legal aid) to pay legal costs if the victim is claiming welfare benefits, or are on a low income and have little or no savings.

9.11 Going to court

Applications for injunctions under the Family Law Act are held at the Magistrate's Family Proceedings Court or the County Court or in some cases the High Court. The application will be in a closed court (in chambers) and no one who is not directly concerned with the case will be allowed in. Local advocacy services for vulnerable victims of crimes can work with the court and other agencies to ensure that safety is considered throughout. Independent Domestic Violence Advocates (IDVAs) often provide support with victims going through the legal processes. Victim Support also offers support to victims involved in the Criminal Justice System.

9.12 Domestic Abuse Disclosure Scheme (Clare's Law)

There are two parts to the Domestic Abuse Disclosure Scheme; a) right to ask and b) right to know. The scheme provides a formal mechanism that allows police to share information with an individual, or close family member or friend, about their partner's record of abusive offences. The scheme aims to enable potential victims to make an informed choice on whether to continue the relationship, and provides help and support to

assist the potential victim when making that informed choice.

Right to ask: Members of the public can make enquiries about an individual who they are in a relationship with or who is in a relationship with someone they know and there is concern that the individual may be abusive towards their partner. If police records show that an individual may be at risk of domestic abuse and violence from a partner, the police will consider disclosing the information. A disclosure can be made if it is legal, proportionate and necessary to do so.

Who can ask for a disclosure?

- Anyone can make an application about an individual who is in an intimate relationship with another person and where there is a concern that the individual may harm the other person
- Any concerned third party, such as a parent, neighbour or friend can make an application not just the potential victim, however,
- A third party making the application would not necessarily receive the information about the individual concerned. It may be more appropriate for someone else to receive the information such as the victim or another person who is best placed to protect the potential victim.

How to make an application?

- Visit a local police station

- Phone 101, the non-emergency number for police
- Speak to a member of the police whilst out in the community

If someone believes there is an immediate risk or harm to someone or it is an emergency, always call 999.

What is the process?

Step 1: Initial contact with police- details will be taken of what prompted the enquiry and the nature of your relationship with the potential victim and their partner. You will be asked when and where it is safe to make contact with you again. You will need to give your name, address and date of birth (at a later stage you will need to give proof of identity). Police will run some initial checks based on the information you provided and conduct an initial risk assessment. This will determine whether there are any immediate concerns. You will not be present when these checks are carried out. If you disclose that a crime has taken place, e.g. if you witness someone hit their partner, then the police may investigate this as a crime and may arrest the partner. If the police believe that someone is at risk and in need of protection from harm, they will take immediate action. No disclosure of information will take place at this stage unless it is necessary for the immediate protection of the potential victim.

Step 2: Face-to-face meeting to complete the application

Depending on the out come of Step 1, you may then be asked to participate in a face-to-face meeting with the police. This meeting will establish further details about your application in order to assess any risk and for you to provide proof of identity (photo ID and another form of ID). The police will run further checks and speak to other agencies including Prison Service the Probation Service and Social Services. It is envisaged that the maximum time to complete the whole process, including the check and the disclosure of information, if decided necessary, is 35 days. The police will act immediately if at any point they consider the potential victim to be at risk and in need of protection

Step 3: Multi-agency meeting to consider disclosure

The police will meet with other safeguarding agencies to discuss the information that you have given, along with additional information the police may have received from the checks they have carried out and any relevant information from agencies. The multi-agency meeting will then decide whether any is lawful, necessary and proportionate to protect the person you are concerned about from their partner. If they decide to disclose information, they will decide who should receive the information disclosure and set up

a safety plan tailored to the potential victim's needs to provide them with help and support.

Step 4: Potential disclose

If the checks show that the individual you are enquiring about has a record for abusive offences or there is other information that indicates there is a pressing need to make a disclosure to prevent further crime, the police may disclose this to the person who is most able to protect the victim. A person's previous convictions are treated as confidential and information will only be disclosed if it is lawful and proportionate, and there is a pressing need to make the disclosure to prevent further crime. If the checks do not show that there is a pressing need the police will tell you that. This may be because the individual does not have a record of abusive offences or there is no information held to indicate they pose a risk of harm to the potential victim. Or it may be that some information is held on the individual but this is not sufficient to demonstrate a pressing need for disclosure.

Right to know:

If police checks show that the individual has a record of abusive offences, or there is other information to indicate the person they know is at risk, the police will consider sharing this information with the person(s) best placed to protect the potential victim. The decision to disclose information when you have not asked for a disclosure will be made by the multi-

agency meeting (described above) and the disclosure will only be made if it is lawful and proportionate and there is a pressing need to make the disclosure to prevent further crime.

Section 11

Female Genital Mutilation (FGM)

FGM is illegal in the UK and is a clear and severe form of child abuse and violence against women. Professionals should intervene to safeguard girls and protect women who may be at risk of FGM or have been affected by it.

Where there is a reasonable cause to believe that a child or young person, under the age of 18 years, is at risk of significant harm, a police officer may (with or without the cooperation of social care) remove them from the parent and the powers for; police protection (section 46 of the Children's Act 1989) for up to 72 hours. This involves informing children's social care who will assist with finding safe and secure accommodation. This will then trigger child protection enquiries under section 47 of the Act, conducted by children social care.

After 72 hours, the child or young person must be returned to a parent or carer. However, children's social care may apply for an Emergency Protection Order (EPO), under Section 44 of the Children act 1989 during this time.

An EPO authorises the children services to remove the girl and keep her safe for up to eight days but it may be renewed for up to a further seven days if needed.

Sometimes an EPO is followed by an application from the local authority for a Care Order (Section 31 and 38 of the Children Act 1989)

The Greater Manchester Safeguarding Partnership (Representing all 10 Children Safeguarding Boards across Greater Manchester) have developed a local protocol which can be accessed via Greater Manchester Safeguarding Children Board website.

Female Genital Mutilation Act 2003 as amended by the Serious Crime Act 2015

The Female Genital Mutilation Act as amended by Section 73 of the Serious Crime Act 2015 to include FGM Protection Orders. An FGM Protection Order is a civil measure which can be applied for through a family court. The FGM Protection Order offers the means of protecting actual or potential victims from FGM under the civil law. FGM Protection Orders came into force on 17 July 2015 and apply to England, Northern Ireland and Wales.

Breach of an FGM Protection Order is a criminal offence carrying a sentence of up to five years in prison. As an alternative to criminal prosecution, a breach could be dealt

with in the family court as a contempt of court, carrying a maximum of two years' imprisonment.

Who can apply for an order?

- The person who is to be protected by the order
- A relevant third party (such as the local authority)
- Any other person with the permission of the court (for example, teacher, health care professionals, police, family members)

FGM Protection Orders are unique to each case and contain legally binding conditions, prohibitions and restrictions to protect the person at risk of FGM. These may include:

- Confiscating passports or travel documents of the girl at risk and/or family members or other named individuals to prevent girls from being taken abroad
- Ordering that family members or other named individuals should not aid another person in anyway to commit an FGM offence, such as prohibiting bringing a 'cutter' to the UK for the purpose of committing FGM

The court can make an order in an emergency so that protection is in place straightaway.

The Female Genital Mutilation Act 2003, as amended by Section 74 of the Serious Crime Act 2015, has introduced the legal duty for

regulated health and social care professionals and teachers to make a report to the police if:

- They are informed by a girl under the age of 18 that she has undergone an act of FGM **OR**
- They observe physical signs that an act of FGM may have been carried out on a girl under the age of 18

The duty does not apply where a woman over the age of 18 discloses she had FGM when she was under 18.

The duty only applies in cases where the victim discloses. If someone else, such as a parent or guardian, discloses that a girl under 18 has had FGM, a report to the police is not mandatory. However, in these circumstances, disclosures should still be handled in line with wider safeguarding responsibilities.

Complying with the duty does not breach any confidentiality requirement which might otherwise apply.

Professionals should make the report as soon after the case has been discovered. Best practice is within one working day, but in exceptional cases there is a maximum timeframe of one month from when the discovery is made

If professionals fail to comply with the duty, this will be dealt with in accordance with existing performance procedures in place for each profession.

Section 12

Forced Marriage (FM)

A forced marriage is where one or both people do not (or in cases of people with learning disabilities cannot) consent to the marriage and pressure or abuse is used. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.

The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're bringing shame on their family). Financial abuse (taking your wages or not giving you any money) can also be a factor.

The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office Unit which was set up in January 2005 to lead on the Government's forced marriage policy, outreach and casework. It operates both inside the UK, where support is provided to any individual and overseas, where consular assistance is provided to British nationals, including dual nationalities.

The Forced Marriage Unit operates a public helpline to provide advice and support to victims of forced marriage as well as professionals dealing with cases. The assistance provided ranges from simple

safety advice, through to aiding a victim to prevent their unwanted spouse moving to the UK ('reluctant sponsor' cases), and, in extreme circumstances, to rescue of victims held against their will overseas.

The Anti-Social Behaviour, Crime and Policing Act 2014 make it a criminal offence to force someone to marry. This includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place)
- Marrying someone who lacks the mental capacity to consent to the marriage (whether they're pressured to or not)
- Breaching a Forced Marriage Protection Order is also a criminal offence
- The civil remedy of obtaining a Forced Marriage Protection Order through the family courts will continue to exist alongside the new criminal offence, so victims can choose how they wish to be assisted
- Forcing someone to marry can result in a sentence of up to seven years in prison
- Breaching a Forced Marriage Protection Order can result in a sentence of up to five years in prison

The Forced Marriage Unit has released statutory multi-agency guidance on responding to forced marriage. This can be seen on the government website.

The Greater Manchester Safeguarding Partnership (representing all 10 Children

Safeguarding Boards across Greater Manchester) has developed a local protocol which can be accessed on the Greater Manchester Safeguarding Children Board website.

Any individual or agency who receives information, or has reason to believe that a child/young person is at risk of or subject to a forced marriage, should also refer the child to the Local Authority Referral and Assessment Teams.

Section 13

Honour Based Violence

Honour-based violence is a violent crime or incident which may have been committed to protect or defend the honour of the family or community.

It is often linked to family members or acquaintances who mistakenly believe someone has brought shame on their family or community by doing something that is not in keeping with the traditional beliefs of their culture. Honour based violence might be committed against people who:

- Become involved with a boyfriend or girlfriend from a different culture or religion
- Want to get out of an arranged marriage
- Want to get out of a forced marriage

Women and girls are the most like common victims of honour based violence however it

can also affect men and boys. Crimes of 'honour' do not always include violence. Crimes committed in the name of 'honour' might include:

- Domestic abuse
- Sexual or psychological abuse
- Forced marriage
- Being taken and held against your will
- Assault

The perpetrators are usually:

- Male family members (father, brother, husband, uncles, cousins)
- Women family members (mother, sister, in laws etc.)
- Bounty hunters
- Contract killers
- Members of victims' communities
- People under the order of community leaders

Triggers of what is seen as dishonor include: inappropriate make-up or dress, going out, talking to a boy (or a girl) or to a stranger; expressions of sexual autonomy, public displays of affection; having a boyfriend; resisting a forced marriage; sex outside of marriage, i.e. losing virginity, adultery, pregnancy and being a victim of rape.

The barriers to people seeking protection include underestimating the threat, fear of dishonoring family, ostracized by friends and the community; fear of losing children, family

and friends; feelings of guilt and shame; constant control by the family; fear of lack of confidentiality/sharing information with family.

Further information is available from Karma Nirvana- 0800 5999 247. The Forced Marriage Multi-Agency Statutory Guidance also lists national services available to support victims of honour based violence as these two issues can often manifest themselves together.

Section 14

Adolescent to Parent Violence and Abuse (APVA)

There is currently no legal definition of APVA. However, it is increasingly recognised as a form of domestic violence and abuse and, depending on the age of the child, it may fall under the government's official definition of domestic violence and abuse.

APVA is likely to involve a pattern of behaviour. This can include physical violence from an adolescent towards a parent and a number of different types of abusive behaviours, including damage to property, emotional abuse and economic/financial abuse. Violence and abuse can occur together or separately. Abusive behaviours can encompass, but are not limited to, humiliating language and threats, belittling a parent, damage to property and stealing from a parent and heightened sexualized behaviours.

Patterns of coercive control are often seen in cases of APVA, but some families might experience episodes of explosive physical violence from their adolescent with fewer controlling, abusive behaviours. Although practitioners may be required to respond to a single incident of APVA, it is important to gain an understanding of the pattern of behaviour behind an incident and the history of the relationship between the young person and the parent.

It is also important to understand the pattern of behaviour in the family unit; siblings may also be abused or be abusive. There may also be a history of domestic abuse, or current domestic abuse occurring between the parents of the young person. It is important to recognise the effects APVA may have on both the parent and the young person and to establish trust and support for both.

APVA is widely recognised by practitioners who work with families across a range of support services. However it is not usually officially documented and therefore does not currently appear in any public records or figures. Evidence of the extent of the problem is therefore developing incrementally.

Reporting/disclosing APVA

Incidents of APVA reported to the police are likely to represent only a small percentage of actual incidents and actual levels are likely to

be much higher. All forms of domestic violence and abuse are under-reported and parents are understandably, particularly reluctant to disclose or report violence from their child.

Parents report feelings of isolation, guilt and shame surrounding their child's violence towards them, and fear that their parenting skills may be questioned; they will be blamed or disbelieved by those to whom they disclose the violence. Many parents worry that their victimization will not be taken seriously, that they will be held to account and that their child may be taken away from them and/or criminalized.

Adolescents may also choose not to disclose due to guilt or fear of the social care and justice system. Young people may not understand the impact of their actions and be concerned about the consequences so they may not seek help, allowing the situation to escalate to crisis.

Encouraging disclosure from parents

- Encouraging disclosure of APVA is essential. Parents affected by the issue may have taken a long time to come to acknowledge the problem they are facing, thus making the challenge of verbalizing this behaviour to others even greater. Parents need to be encouraged to understand that services they access are safe places where they can disclose APVA

- Avoid making assumptions for instance assuming that because someone is a parent they always have control over their child's behaviour or that the behaviour is always a direct result of parenting style
- Make asking about APVA part of your routine screening. Bear in mind though, that many parents will not conceptualize what they are going through as domestic violence and abuse. They may think about APVA in completely different terms and you might need to use different language when asking about it
- Questions you could use to start a discussion: Does your child ever frighten you? What happens when your child is angry?
- Parents can be supported by discussing with them how they can manage the situation, this could include helping them to:
 - Recognise situations, triggers or events that are likely to escalate into violence and how these can be tackled differently.
 - Stop whatever they're doing and count to 10 backwards. This will help them think about their feelings before they get out of control
 - If they can't control their anger encourage them to get away; take a time out
 - Think about the options and consequences of their actions for them and the child
 - If necessary, get help from a third party to solve differences
 - Cool off- calm down and then talk to their child

- Listen carefully to the child's opinion and views
- Be assertive, not aggressive; parents should stand by their views/boundaries but talk to their child about them using statements such as "I feel this way when..." or "I don't like it when..." placing the focus on the child's behaviour rather than the child themselves
- Be willing to admit and be responsible for something they may have done wrong and to discuss with their child

For information about services for any of the topics covered in this handbook, please visit

www.burydirectory.co.uk/domesticabuse