

NSPCC

**Memorandum of Evidence to the Home Affairs Committee inquiry into
domestic violence**

(Home Affairs Committee, 2007)

**NSPCC
42 Curtain Road
London
EC2A 3NH**

October 2007

**Telephone: 020 7825 1352
Fax: 020 7825 2964**

Website: www.nspcc.org.uk/publicaffairs

**NSPCC Memorandum of Evidence
to the Home Affairs Committee
Inquiry into Domestic Violence**

1. Executive Summary

1.1 We recommend a review of the impact of Section 120 of the Adoption and Children Act 2002 and its extension of the definition of 'significant harm' to include 'impairment suffered by seeing or hearing the ill-treatment of another', to ascertain if it has been properly implemented and whether it has resulted in greater protection for children affected in this way.

1.2 Sections in the Domestic Violence, Crime and Victims Act relating to domestic homicide reviews and restraining orders should be implemented without delay and new measures are introduced to exclude perpetrators of domestic violence from the home for periods of time following an incident.

1.3 The Government must develop a more holistic approach to responding to families where violence between parents and carers is present.

1.4 Professionals should receive thorough training about what to do if they come into contact with a young person at risk of or who has been forced into marriage.

1.5 Particular effort is required to develop integrated approaches to bring together services that respond to domestic violence (which usually focus on the needs of mothers) with those ensuring the protection of children.

1.6 MARACs should hold separate meetings for cases where children witness and experience domestic violence and cases where children are not involved.

1.7 Additional resources and funding are needed so that victims can be and effectively responded to, and work needs to be undertaken on how and where MARACs and Multi-Agency Public Protection Arrangements (MAPPAs) should work together.

1.8 The Government's definition of domestic violence should be extended to include children.

1.9 The domestic violence manual for people working with children should be widely promoted and disseminated to all professionals working with children.

1.10 PSHEE should be a statutory subject for all children to offer practical tips and advice for children who may be experiencing domestic violence.

1.11 Schools should offer counselling for children who are experiencing or have experienced domestic violence.

1.12 Children who have witnessed domestic violence should have access to therapeutic support services

1.13 Specialist Domestic Violence Courts and Independent Domestic Violence Advocates should be sufficiently and sustainably funded to ensure they are able successfully to prosecute cases which come before them.

1.14 Additional resources must be made available for appropriate prevention and intervention strategies that directly target domestic violence perpetrators and enable them to stop offending.

1.15 A criminal offence for forcing someone into marriage should be created to send a clear message to communities where this takes place, that the practice is wrong and will be dealt with criminal sanctions. Any new offence, as well as existing legislation could be used to prosecute the practice or threat of forced marriage, should be extended through legislation to bear extra-territorial applicability.

1.16 We recommend that the government set a clear standard for non-violence in society and remove the existing defence of 'reasonable punishment', available to parents and others under Section 58 of the Children Act 2004 to defend minor forms of physical punishment.

2. Introduction

2.1 The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. We provide 21 services for children and families affected by domestic violence and work with perpetrators. In addition, we run the NSPCC Child Protection Helpline, the Asian Language Helpline, ChildLine and "there4 me.com", an interactive website for young people, which includes information, advice and counselling about domestic violence.

2.2 It is important that efforts to tackle domestic violence should include recognising and responding to the needs of the children who witness it, yet they are often the 'hidden victims' of such violence. Our evidence is focused on their experience of domestic violence/abuse, and our own experience of working with them and with their families.

2.3 Domestic violence contravenes a child's rights under Article 19 of the United Nations Convention on the Rights of the Child, which states that a child should be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s) or legal guardian(s).

2.4 In 2000, the NSPCC conducted the first UK prevalence study¹ of child abuse and neglect. A nationally representative sample of 2,869 young adults aged 18-24 was interviewed for this work; more than 26 per cent of the young people had witnessed violence between parents at least once and for five per cent the violence was a constant or frequent occurrence. The study also revealed that:

- Eight out of 10 young people who had suffered serious physical abuse had also experienced domestic violence. For nearly half (43 %) of these, the domestic violence was constant or frequent.
- Nine out of 10 young people who said they had been neglected also reported some domestic violence.

¹ Cawson, P (2000) *Child maltreatment in the family: the experience of a national sample of young people*, London, NSPCC

- In all, 21 of the 27 people (78%) who reported sexual abuse by their parents also reported domestic violence – in nearly all cases it was a constant or frequent occurrence.

2.5 The NSPCC welcomes recent policy developments, such as the National Domestic Violence Action Plan (2005) and the subsequent National Domestic Violence Delivery Plan: Progress Report (2006). We commend Section 120 of the Adoption and Children Act 2002 and its extension of the definition of 'significant harm' to include 'impairment suffered by seeing or hearing the ill-treatment of another'. This came into effect in January 2005.

We recommend a review of its impact, to ascertain if it has been properly implemented and whether it has resulted in greater protection for children affected in this way.

2.6 Significant developments have also been made in the Domestic Violence, Crime and Victims Act 2004, particularly the introduction of new powers for the police and courts to deal with offenders, support for victims and creating a new offence of causing or allowing the death of a vulnerable child or adult.

We recommend that the sections in the Act relating to domestic homicide reviews and restraining orders should be implemented without delay and new measures are introduced to exclude perpetrators of domestic violence from the home for periods of time following an incident.

2.7 We commend the attention the government has given to domestic violence, but consider it should be strengthened further by addressing the wider impact it has on children living in violent households. While the *Progress Report* does contain specific targets relating to children who witness and experience domestic violence, the Government must develop a more holistic approach to responding to families where violence between parents and carers is present.

2.8 Professionals should receive thorough training about what to do if they come into contact with a young person at risk of or who has been forced into marriage.

2.9 Women from BME communities are less likely to access statutory services for a host of reasons including barriers at both the institutional and local level. The NSPCC is currently undertaking policy research² to contribute to a better understanding of the issues faced by South Asian women and children affected by domestic violence. We are keen to share this information with the Committee to raise awareness of and make policy recommendations on the specific needs and experiences of this group of children.

2.10 The NSPCC considers that the underlying causes of adult violence perpetrated towards partners is also of relevance to this inquiry. Research has shown that experience of both average and severe forms of corporal punishment by parents is associated with an individual's increased likelihood

² The research will be published in early 2008

of acting violently with an adult romantic partner³. For this and other reasons the NPSCC recommends that the government set a clear standard for non-violence in society and remove the existing defence of 'reasonable punishment', available to parents and others under Section 58 of the Children Act 2004 to defend minor forms of physical punishment. This undermines efforts to persuade parents to find alternative, less harmful and more respectful, forms of discipline and has served to reinforce parents' right to hit their children. Removing the defence would give children equal protection under the law on assault and send a clear message that no physical violence is ever acceptable. The government should use the opportunity presented by its recent review of the effects of Section 58 to remove this defence, and should accompany the change with public education about positive parenting techniques and the widespread provision of parenting programmes. These actions would represent an important contribution to ending intergenerational transmission of physical violence.

3. The impact of domestic violence on children

3.1 Professional concern about domestic violence has tended to focus on violence between adults, primarily perpetrated by men against women. The risks to the well-being of children living with domestic violence began being documented in the 1990s, but less attention has been paid to the serious impact and implications of domestic violence for children, both in policy formulation and in the collation of national statistics on domestic violence.

3.2 Children have often been wrongly regarded as largely unaffected by the violence occurring between adults in the home, and their own experience of direct harm has frequently been underestimated.

3.3 Its effects, have however, been firmly recognised in *Working Together to Safeguard Children*⁴. Section 120 of the Adoption and Children Act also extended the definition of harm as set out in the Children Act 1989 to include 'impairment suffered from seeing or hearing the ill-treatment of another'. Prolonged and regular exposure to domestic violence can have a serious impact on a child's development and emotional well-being. Children may be greatly distressed by witnessing the physical and emotional suffering of a parent. Gaps in evidence remain, but research consistently shows that children living with domestic violence have higher rates of depression, trauma symptoms, and behavioural/cognitive problems than other children⁵.

3.4 Children from black and minority ethnic communities may be more prone to international child abduction and/or forced marriage. They may feel duty-bound to respect a father as an elder, even though he is violent. There can be additional barriers such as cultural concepts of shame and honour which can be used to control women and prevent them from seeking help.

3.5 Domestic violence has an impact at different stages in a child's life.

³ Gershoff, Elizabeth Thompson (2002). 'Corporal punishment by parents and associated child behaviours and experiences: a meta-analytic review'. *Psychological Bulletin*, Vol. 128, no. 4.

⁴ HM Government (2006) *Working Together: a guide to inter-agency working together to safeguard children*, London, HM Government

⁵ Humphreys C., 'Relevant Evidence for Practice', in Humphreys C., Stanley N. (2006) *Domestic Violence and Child Protection*, Jessica Kingsley

Assaults on pregnant women frequently involve punches or kicks directed at the abdomen, injuring both mother and foetus. Babies living with domestic violence are subject to high levels of ill health and poor sleep⁶; pre-school children show the highest levels of behavioural disturbance, and are particularly prone to blaming themselves for adult anger⁷. Older children may become direct targets and suffer blows during episodes of adult violence⁸.

3.6 Both the physical assaults and the psychological abuse suffered by mothers who experience domestic violence can have a negative impact on their ability to look after their children. This can lead them to developing mental health problems, such as depression, self-harm and suicide attempts.⁹

4. Links between domestic violence and other forms of child abuse

4.1 In a joint University of Bristol/NSPCC study, fathers or father figures were more likely than other men to sexually abuse their children if they were also violent and abusive to the mothers.¹⁰

4.2 In the NSPCC's study¹¹ a strong overlap was found between domestic violence and physical, sexual and emotional abuse of children. High proportions of those experiencing abuse from parents also experienced frequent violence between carers.

5. Multi-agency approaches and what barriers exist to their effective operation

5.1 Responses to domestic violence should address the situation of all members of the family, provide support and protection for child and/or adult survivors, and challenge perpetrators. This requires the collaboration of Local Safeguarding Children Boards (LSCBs), Domestic Violence Forums, local authorities and voluntary organisations.

5.2 However, the level of multi-agency cooperation and responses is variable. In some areas relationships between the statutory and voluntary sectors are very poor and have resulted in separate networks developing to respond to the local need for domestic violence services.

5.3 Joint work should focus on improving the breadth of service provision, increasing co-operation and co-ordination between services, improving practice by developing policy and practice guidelines, data gathering, increasing joint initial and ongoing training, and engagement in preventive work.

Particular effort is required to develop integrated approaches to bring together services that respond to domestic violence (which usually focus on the needs

⁶ Jaffe, P, Wolfe, D and Wilson, S (1990) *Children of battered women*, Newbury Park, CA, Sage

⁷ Rossman, B, Robbis, Bingham, Righard, D, Emde, Robert, N (1997) *Symptomatology and adaptive functioning for children exposed to normative stressors, dog attack and parental violence* Journal of the American Academy of Child and Adolescent Psychiatry 36(8): 1089-1097

⁸ HM Government (2006) *Working Together to Safeguard Children* Stationery Office, London

⁹ *ibid*

¹⁰ Hester M, Pearson C (1998) *From Periphery to Centre – Domestic Violence in Work with Abused Children*, Bristol: The Policy Press

¹¹ Cawson, P. (2002) *Child maltreatment in the family: the experience of a national sample of young people*, London, NSPCC

of mothers) with those ensuring the protection of children.

5.4 Evaluations¹² carried out on Multi Agency Risk Assessment Conferences (MARACs) have shown that the agencies involved in them view them as invaluable for ensuring agencies could assist victims more efficiently. However, membership of MARACs places a significant demand on agencies and many MARACs find it difficult to cope with the number and complexity of cases referred to them.

5.5 MARACs should hold separate meetings for cases where children witness and experience domestic violence and cases where children are not involved. This would ensure that voluntary sector providers are involved in the most appropriate cases and are not overburdened.

Additional resources and funding are needed so that victims can be and effectively responded to, and work needs to be undertaken on how and where MARACs and Multi-Agency Public Protection Arrangements (MAPPAs) should work together.

6. Public education and awareness-raising

6.1 Domestic violence has increasingly been seen as a child protection concern, but this must be translated into an integrated policy and practice in services for children who have experienced domestic violence. This could be demonstrated by extending the Government's definition of domestic violence to include children. Existing good practice in the voluntary sector in work with children and families who have experienced domestic violence needs to be shared and developed.

6.2 Training in awareness of, and responding to, domestic violence should be expanded for all those working in child protection or with children and families, and in parent education.

6.3 The NSPCC welcomes the Government's commitment to develop and publish a domestic violence manual for people working with children, as set out in the *National Domestic Violence Action Plan Progress Report*. This will be an important resource for everyone working with children. This should be widely promoted and disseminated to all professionals working with children.

6.4 Awareness-raising programmes should be run in both primary and secondary schools¹³. Personal Social, Health and Economic Education (PSHEE) can deliver the information and skills which children need so that they can stay safe, enjoy, achieve, contribute and achieve economic wellbeing.

6.5 PSHEE should be a statutory subject for all key stages. We have developed a teaching resource which focuses on personal safety, relationships at home, domestic violence and offers practical tips and advice

¹² Robinson A (2004) *Domestic Violence MARACs for Very High Risk Victims in Cardiff, Wales: A Process and Outcome Evaluation*, Cardiff University: Cardiff

¹³ Hester M, Westmarland N. (2005) *Tackling Domestic Violence: effective interventions and approaches*, Home Office Research, Development and Statistics Directorate

for children who may be experiencing domestic violence¹⁴. All teachers of PSHEE should be trained and know how to handle disclosures of violence/abuse.

7. Support for victims, including finance and refuge services

7.1 Research into the needs of children affected by domestic violence identified their two primary needs as being safe and having someone to talk to.¹⁵ It is essential that children get whatever help they need, whenever they need it. In addition, high thresholds mean that many 16-18 year olds do not receive support from children's services and some vulnerable young people in violent intimate relationships are falling through this gap and not being protected. It is important that all children are able to access confidential and responsive services such as ChildLine, the NSPCC Child Protection Helpline, and the online advice centre there4me.com. These have a key role to play and the NSPCC welcomes the government's new funding for these services.

7.2 Schools should also offer counselling for children who are experiencing or have experienced domestic violence. Schools-based peer counselling should be complemented by independent, trained school counsellors.

7.3 Children who have witnessed domestic violence should have access to therapeutic support services. The likelihood of reversing the negative impact of domestic violence on children can only be achieved if they have access to specialist child-focused therapeutic support services that are tailored to meet their individual needs. Dedicated therapeutic work with children should take place when the child is in a safe and child friendly environment, over several sessions, with the same support worker.

7.4 Women from BME communities are less likely to access statutory services for a host of reasons including barriers at both the institutional and local level. Very little is known about the experiences of BME children affected by domestic violence, as research in this area tends to focus on the needs of mothers.

7.5 The NSPCC is currently undertaking policy research¹⁶ to contribute to a better understanding of the issues faced by South Asian women and children affected by domestic violence to develop understanding of these issues and how best to respond to them.

8. Criminal and civil justice processes, including the Specialist Domestic Violence Court programme

8.1 The development of Specialist Domestic Violence Courts (SDVCs) and Independent Domestic Violence Advocates (IDVAs) have resulted in better support for victims and more cases resulting in a successful prosecution. However, funding for both SDVCs and IDVAs is time-limited and dependent on statutory partners. This is resulting in the delivery of patchy services and

¹⁴ NSPCC (2005) *Promoting Personal Safety in PSHE* London, NSPCC

¹⁵ Mullender.A, Hague.G, Umme.I, Kelly.L, Malos.E, Regan.L, (2002), *Children's perspectives on domestic violence*, London: Sage

¹⁶ The research will be published in early 2008

justice for victims and their children.

It is essential that both SDVCs and IDVAs should be sufficiently and sustainably funded to ensure they are able successfully to prosecute cases which come before them.

9. Perpetrator programmes

9.1 Men who are violent towards women need to learn new, appropriate responses to feelings of jealousy and aggression. There are currently very few avenues of practical support - especially for those perpetrators who recognise they have a problem and would like to change their behaviour or programmes for young men to challenge their violent behaviour before it becomes entrenched. Services similar to innovative programmes provided by the NSPCC such as Caring Dads, no Xcuses and the SAFE Domestic Abuse Team and Changing Places, should be developed to provide a coherent and coordinated approach to perpetrators and young men with violent behaviour. These services are critical of, and aim to change, the behaviour of violent men, while also ensuring safety for the women and children concerned.

9.2 Most perpetrators of domestic violence never, or only infrequently, come into contact with the police, let alone the courts and the probation service. The police come to know of less than a quarter of the worst cases of domestic violence¹⁷, and of those incidents reported, only about a quarter result in arrest¹⁸. Very few perpetrators have thus had the opportunity to be referred to a perpetrator programme.

9.3 Additional resources must be made available for appropriate prevention and intervention strategies that directly target domestic violence perpetrators and enable them to stop offending.

10. Forced marriage and 'honour killings'

10.1 Forced marriage can put young people at risk in several ways and has a number of serious harmful consequences. These include the denial of education, physical punishment, emotional abuse, domestic violence and in some cases murder, in incidents of so-called "honour killings" when consent to marriage is refused. Young people often run away before being forced into marriage, placing themselves at risk of abuse and harm on the streets. The prospect of being forced to marry can also increase the risk of self-harming and suicide. Many women forced into marriage suffer sexual abuse and domestic violence, of which in turn can affect children living in the home.

10.2 We welcome the Government's backing of the Forced Marriage (Civil Protection) Act 2007 which introduces injunctions for those at risk of or are already in a forced marriage.

10.3 Although there are criminal sanctions currently in place that can be used to prevent forced marriages taking place, we urge the Committee to consider

¹⁷ Walby, S. and Allen, J. (2004) Domestic Violence, Sexual Assault and Stalking: findings from the British Crime Survey, Home Office Research Study No. 276, Home Office: London.

¹⁸ Hester, M, Hanmer, J., Coulson, S., Morahan, M. & Razak, A (2003) Domestic Violence: Making it Through the Criminal Justice System, University of Sunderland & the Northern Rock Foundation; Hester, M. (2006) 'Making It Through the Criminal Justice System: Attrition and Domestic Violence', Social Policy and Society, 5 (1): 79-90.

introducing a criminal offence for forcing someone into marriage to send a clear message to communities where this takes place, that the practice is wrong and will be dealt with criminal sanctions. Any new offence, as well as existing legislation could be used to prosecute the practice or threat of forced marriage, should be extended through legislation to bear extra-territorial applicability.

10.4 Professionals should receive thorough training about what to do if they come into contact with a young person at risk of or living in a forced marriage. Anecdotal evidence from the NSPCC's Asian Child Protection Helpline suggests that some local authorities respond inappropriately to young people who are at risk of being forced into marriage. In some cases, service responses have placed young people in more risky situations.¹⁹ In the most extreme cases, the young person has disappeared and the service has lost contact with them.

For further information contact:

Emily Arkell
Policy Adviser – Safeguarding
NSPCC
42 Curtain Road
London
EC2A 3JR

Email: earkell@nspcc.org.uk

Tel: 020 7825 1352

¹⁹ Further, anonymised, detail about this can be provide on request