

NSPCC Briefing: Second Reading of Crime and Security Bill

Summary

Second Reading of the Crime and Security Bill will take place in the House of Commons on **Monday the 18th January 2010**.

The Bill will introduce new powers to address the impact of domestic violence on victims and will introduce new Domestic Violence Protection Notices (DVPNs) to allow the Police to bar a suspected domestic violence perpetrator from a victims home for a fixed period of time. The NSPCC supports the introduction of DVPNs and also the obligation on the Police to consider the opinion of any child who lives in the house which the DVPN is going to be applied to.

However, the NSPCC believes that the Government should see domestic violence from a child's point of view. The current definition of domestic violence that applies in England does not include the impact of domestic violence on children. The NSPCC believes that the Government must extend the current definition to include the impact of abusive behaviours on children and young people.

About the NSPCC

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. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education

Domestic Violence Protection Notices (DVPNs)

The NSPCC supports the measures in the Crime & Security Bill to introduce Domestic Violence Protection Notices (DVPNs). We believe that these notices (sometimes referred to as 'Go Orders') will allow time for the victims of domestic violence, including children, to receive the required support.

As well as containing measures to prevent further abuse¹ of the victim by the perpetrator, the Bill will also allow for:

- the protection of domestic victims from forced eviction at the hands of the perpetrator from a home that they share;
- the forced removal of perpetrators from the victims' home and a ban on visits by the perpetrator to that home.

The provisions of a DVPN are subject to the approval of a magistrate's court and can be in force for no fewer than 14 days and no more than 28 days. The NSPCC believe this allows adequate protection for the victim and (if relevant) their children while also ensuring that relevant agencies take swift action to address the situation within the allocated timescale.

¹ The Bill refers to 'molestation'.

How do children experience domestic violence?

Children can experience domestic violence in many ways, such as:

- seeing the violence or hearing shouts, screams and crying from another room;
- witnessing the outcome of violence, such as cuts or bruises and the emotional impact on the abused parent;
- intervening between the abuser and other person, sometimes getting physically hurt in the process;
- being deliberately injured in order to terrorise the non-abusive parent.

Children calling ChildLine frequently describe violent incidents they have witnessed at home:

'I see dad hitting mum all the time. He blames her for anything, like if he can't find his watch, or if the food is a bit cold. Yesterday he kicked her down the stairs and then made her hide in the bedroom when someone came over. I dread to wake up every morning – I don't know what will happen next'.²

How many children are affected by domestic violence?

The Department of Health estimates that, every year, 750,000 children experience domestic violence.³ But estimating the numbers is difficult, given that many women do not report domestic violence or take many years to do so⁴. When women do not report domestic violence their children's experience is also unlikely to be reported.

NSPCC research indicated that 26% of 18 to 24 years olds had lived with violence between their parents/carers and for 5% this was frequent and on-going⁵. Recent studies, with samples in schools where children were directly asked about domestic violence, suggest approximately a third of children live with some form of domestic violence. Even more worrying, research studies estimate that in 30 to 60% of domestic violence cases, the abusive partner is also abusing children in the family⁶.

Overall, the statistics above demonstrate that high numbers of children witness domestic violence and official statistics are likely to underplay the prevalence⁷.

What is the impact of domestic violence on children?

The NSPCC is concerned about the adverse effects and the potential negative outcomes of domestic violence for children. Children can be affected physically, socially, emotionally, psychologically, developmentally, economically, educationally and sexually in ways that are complex and interwoven.⁸ This could take the form of direct physical or sexual harm, poor health, being under or overweight due to stress induced eating difficulties or neglect, missing

² *ibid*

³ Department of Health, (2002), *Women's Mental Health: Into the mainstream*, London, DH

⁴ NSPCC recognise that whilst both men and women may experience incidents of inter-personal violence, women are considerably more likely to experience repeated and severe forms of violence, including sexual violence

⁵ Cawson, P (2002) *Child Maltreatment in the Family: The Experience of a National Sample of Young People*, London: NSPCC

⁶ Edelson J.L., (1999) *Violence Against Women*, Vol. 5 No.2.

⁷ Humphreys, C. and Houghton, C. (2008) 'The research evidence on children and young people experiencing domestic abuse' in Humphreys, C., Houghton, C. and Ellis, J. (2008) *Literature Review: Better Outcomes for Children and Young People affected by Domestic Abuse – Directions for Good Practice*, Edinburgh: Scottish Government. p

⁸ Mullender *et al.* *ibid.*

school, inattention at school, truanting or running away, fear, insecurity, anxiety, social isolation, or being violent or aggressive. Children living with domestic violence have higher rates of depression, trauma and behavioural problems than other children and they often feel they are to blame for the violence in their families which can affect their self-esteem. The impact later in life might include resentment at the loss of an idealised childhood and ambivalence about intimate relationships and relationships in general⁹.

Government recognition of the impact of domestic violence on children and young people

The official Home Office definition of domestic violence that applies in England is as follows:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality¹⁰

This definition fails to capture the impact of the abuse on children and the overlap between the abuse of the non-abusing parent and the abuse of children. Widening the definition to cover the violence witnessed by children and the correlation between domestic abuse and the mental, physical and sexual abuse of children would ensure that greater attention is given to the impact on children and young people when developing policy.

The Government has committed to reviewing this definition and we are calling on them to include children in the definition through an amendment to the Crime and Security Bill. The definitions currently used in Wales, Scotland and Northern Ireland cover a number of these points and could act as a useful starting point for reviewing the Home Office definition.

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⁹ Mullender *et al.* *ibid*

¹⁰ Home Office, *Domestic Violence: a national report*, London:Home Office