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Dear Sir/Madam,

Consultation on Domestic Abuse Offence and Domestic Violence Disclosure Scheme

The NSPCC is grateful for the opportunity to respond to the named consultation exercise and we both commend and support the Departments efforts to enhance existing protection and prevention measures for victims, and potential victims of domestic violence. Accordingly, we have provided brief commentary on the consultation document which we hope is helpful.

Coercive and controlling behaviour in intimate relationships

Since the 1970s, numerous frameworks have been developed across the UK to explain why intimate relationships are a common site of violence. Over the past ten years, the NSPCC and other organisations in the sector have emphasised the significance of coercive control in abusive relationships, which culminated in legislation in England and Wales in the form of the Serious Crime Act 2015 that recognised the behaviour.

The legislation in England and Wales has rightly travelled some distance in recognising the role of coercive control in abusive relationships, although not all forms of intimate partner violence are based on patterns of coercive control. Couples may also experience bi-directional abuse, whereby it is more common for an argument to escalate into violence. Existing intervention programmes tend to operate from a framework of domestic abuse that assumes that the relationship is underpinned by coercive control. As a result, there are very few interventions that respond to the full spectrum of intimate partner violence.

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Given that different behavioural patterns exist between couples in abusive relationships, it is important that programmes to support families reflect this diversity of experience. For instance, a family where there is a tendency for conflict to escalate into violence (bi-directional abuse) is likely to require a different intervention to a family where threats, violence, and control are used in a consistent and methodical way to control all aspects of the other partner's life (domestic abuse). No matter the form that intimate partner violence takes, the impact that this form of abuse can have on children should be fully addressed.

We are supportive of the Department of Justice proposals to create a new offence relating to coercive control in Northern Ireland which will likely reflect developments in England and Wales. Legislation should complement existing provisions relating to offences against the person and harassment. NSPCC would argue however that the Domestic and Sexual Violence and Abuse Strategy should continue to monitor legal effectiveness and adequacy of law relating to our developing understanding of domestic violence and its many presentations.

Option of disclosing information on domestic violence

We are supportive of arrangements which make it easier for potential victims or victims of domestic abuse to seek help and obtain information on partners who might oppose a risk. The consultation paper indicates a number of options and rightly references the work of the Public Protection Arrangements in Northern Ireland (PPANI) agencies which act under the Criminal Justice (NI) Order 2008 and the common law power of the police. In both these arrangements information about an individual could be shared with a potential victim without an application from them themselves.

The paper overlooks the Child Protection Disclosure Scheme introduced in the Justice Act (Northern Ireland) 2015. We would like to preface our comments with some views on this Scheme which relate to children and young people. It is of particular importance that any scheme developed for domestic violence dovetails and has common processes and interfaces, where possible, with the Child Protection Disclosure Scheme, which is operating at present. While the legislative policy basis for each scheme may differ slightly, there is a need to ensure that the public are not confused – it is therefore important that a public health approach is adopted to support those applying for disclosures. It may be possible for a disclosure to be obtained under an application to both schemes and there may well be overlapping cases.

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In terms of the options in the paper our view is there should be: (i) a right to know scheme facilitated by existing common law where police would proactively advise an individual who is thought to be at risk allied with a (ii) right to ask scheme similar to the Child Protection Disclosure Scheme. There may be situations when the applicant is not the person to whom this disclosure is made.

Scope of disclosure

In response to the series of consultation questions relating to scope of disclosure our views are :

- Police should be able to exercise discretion based on common law, disclosure principles and risks that an individual could face on disclosure of information.
- This should include the ability to share non conviction data on A where there is a real risk to B.
- There may be circumstances where it is necessary to share information with another third party for example where there was a competence issue with adult B.
- The extent of relationships between A and B could take many forms and could at one point be virtual and on line, we think that there should be flexibility to determine this based on risk that an individual A and vulnerability of victim(s) B.

I hope these comments are useful and we would be very happy to discuss further with you.

Yours faithfully,



Neil Anderson

National Head of Service – Northern Ireland