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Date: 12 September 2003

Dear Ms Westlake

SAFETY & JUSTICE - The Legal Services Commission Response to the Government's Proposals on Domestic Violence

The Commission welcomes the opportunity to respond to this important consultation paper. It is particularly helpful to address such a comprehensive range of domestic violence issues in a single consultation. This should help in developing co-ordinated reforms rather than addressing different aspects of the problem in isolation. The aim should be for criminal, civil and other systems to work together to create the most effective framework for victims.

This response deals with those questions about which the Commission has particular expertise or concern. We use the numbering of the questions in Annex A of the paper.

THE GOVERNMENT'S COMMITMENT TO TACKLING DOMESTIC VIOLENCE

1. HOW SHOULD THE GOVERNMENT BEST MEASURE THE INCIDENCE OF DOMESTIC VIOLENCE AND THE SUCCESS OF ITS STRATEGY TO REDUCE IT?

1.1. The recognition that to accurately assess the success of the Government strategy will require a set of performance indicators, which cross departmental boundaries, is to be welcomed. The Legal Services Commission Research Centre is responsible for carrying out a national periodic survey of legal need on behalf of the Department of Constitutional Affairs (DCA). The survey has been designed to satisfy a number of objectives, including the provision of a baseline measure for the DCA against which to evaluate the impact of their work and to provide a broad empirical base upon which civil justice policy can develop (Summary of Findings of the First LSC Periodic Survey of Legal Need-1, Plesance, Genn, Buck, Balmer, and O'Grady-2002). The survey was carried out between June and September 2001, and is the largest in depth survey of people's experience of "justiciable" problems (ie problems that raise civil legal issues) in England and Wales to date. The survey focussed on the experience of the population of England and Wales as a whole rather than focussing just on those accessing advice and court services, so as to ascertain the levels of need among those who do not access information or advice (whatever the reason). Information was also collected on the strategies adopted to resolve problems, and social and demographic information to allow the experience of sub groups within the general population to be explored.

1.2. A report based on the survey "Family Problems: What Happens and to Whom" (Plesance, Balmer, Maclean, Genn, Buck and O'Grady-2003) found that there was a clear link between domestic violence and experience of other family problems. Almost two thirds of families reporting children related legal problems and family separation disputes also reported domestic violence within their families. It is clear from this that it is not possible to get a complete picture of the level of domestic violence merely by looking at incidents of violence formally reported through the criminal justice system, but it is also necessary to look at family

ISSUES IN A WIDER CONTEXT. THE VALUE OF ALL OTHER GOVERNMENT DEPARTMENTS WITH RESPONSIBILITY FOR FAMILY POLICY (E.G. DCA AND DFES) SHARING INFORMATION AND BEST PRACTICE IS CLEAR, AS IS CONTINUING TO SHARE PERFORMANCE INDICATORS THROUGH JOINT PSA TARGETS AND DEVELOPING FURTHER INDICATORS AS MORE SOPHISTICATED DATA BECOMES AVAILABLE.

- 1.3. AS THE PROPOSALS RECOGNISE, THE SUCCESS OF ANY STRATEGY TO REDUCE INCIDENTS OF DOMESTIC VIOLENCE WILL BE MEASURED NOT JUST BY THE REDUCTION IN REPORTING OF NEW INCIDENTS, BUT ALSO BY THE REDUCTION IN REPEAT OFFENDING AND THE REDUCTION IN FAMILIES EXPERIENCING PROBLEMS CAUSED OR EXACERBATED BY VIOLENCE. PROJECTS THAT SUPPORT AND EDUCATE PERPETRATORS, IN PRISONS AND IN THE COMMUNITY ARE TO BE WELCOMED AS THEY BREAK THE CYCLE AND SUPPORT THE DEVELOPMENT OF HEALTHY FAMILIES WHO ARE ABLE TO RESOLVE CONFLICTS WITHOUT RESORTING TO VIOLENCE. HOWEVER, IN THAT CONTEXT WE NOTE THAT THERE IS AT PRESENT NO NATIONAL PROBATION SERVICE ACCREDITED PROGRAMME FOR DOMESTIC VIOLENCE.

PUBLIC EDUCATION ABOUT DOMESTIC VIOLENCE

5. HOW DO WE BEST REACH PARTICULAR GROUPS, E.G. ETHNIC MINORITY COMMUNITIES, THE LBGT COMMUNITY, CHILDREN, PEOPLE WITH DISABILITIES, THE ELDERLY AND THOSE LACKING MENTAL CAPACITY?

5.1. THE LEGAL SERVICES COMMISSION HAS A COMMITMENT TO DEVELOPING ACCESS TO INFORMATION AND ADVICE FOR THOSE WHO ARE PARTICULARLY VULNERABLE IN SOCIETY. THROUGH ITS REGIONAL PLANNING AND PARTNERSHIP TEAMS, THE COMMISSION WORKS WITH OTHER STATUTORY BODIES AND WITH THE INDEPENDENT AND VOLUNTARY SECTORS AS WELL AS PROVIDERS OF ADVICE AND SUPPORT AT A LOCAL LEVEL, TO PLAN SERVICES TO MEET THE NEED FOR INFORMATION AND ADVICE ABOUT LEGAL RIGHTS.

5.2. ALL OF THESE TEAMS HAVE A LEAD CONTACT RESPONSIBLE FOR DOMESTIC VIOLENCE ISSUES. PART OF THE WORK OF EACH TEAM INVOLVES FACILITATING THE DEVELOPMENT OF LOCAL NETWORKS, COMMUNITY LEGAL SERVICE PARTNERSHIPS (CLSPs), WHICH CONSIST OF LOCAL AUTHORITIES, PROVIDERS OF LEGAL ADVICE, INFORMATION AND SUPPORT, THE INDEPENDENT AND VOLUNTARY SECTORS. A NUMBER OF THESE CLSP'S HAVE CONDUCTED RESEARCH AND OR INITIATED PROJECTS AIMED AT TACKLING DOMESTIC VIOLENCE AND THESE ARE DISCUSSED IN MORE DETAIL AT SECTION 9.

5.3. AN ADDITIONAL STRAND OF THE LSC'S STRATEGY FOR PREVENTING SOCIAL EXCLUSION IS THE DEVELOPMENT OF THE FAMILY ADVICE AND INFORMATION SERVICE (FAINS) PROJECT. IN PILOTING FAMILY ADVICE AND INFORMATION SERVICES, THE COMMISSION IS SEEKING TO CONSIDER THE LIKELY NEEDS OF FAMILIES WHICH CAN AND SHOULD BE MET BY LEGAL PRACTITIONERS, THE INFRASTRUCTURE OF OTHER SUPPORT SERVICES PERTINENT TO FAMILY NEED, AND ENSURING THE DEVELOPMENT OF APPROPRIATE LOCAL NETWORKS. UNDER THE FAINS MODEL, SOLICITORS ARE WORKING TOGETHER WITH OTHER AGENCIES TO ENSURE THAT ALL THE NEEDS OF CLIENTS IN FAMILY DISPUTES ARE MET.

5.4. THE NEED TO ESTABLISH INTER-DISCIPLINARY NETWORKS GOES BEYOND FAMILY SUPPORT SERVICES AND RECOGNISES THAT AREAS SUCH AS SPECIALIST WELFARE BENEFITS ADVICE AND SUPPORT FOR CHILDREN AND YOUNG PEOPLE ARE ALL PERTINENT ISSUES THAT MAY IMPACT ON FAMILIES AND RELATIONSHIPS, WHETHER THESE ARE TRADITIONAL FAMILY RELATIONSHIPS OR NOT. IN BUILDING THESE NETWORKS THE FAINS PROJECT IS WORKING CLOSELY WITH REGIONAL CLSP'S TO MAXIMISE EXISTING CONTACTS AND TO IDENTIFY NEW LINKS, ESPECIALLY WITH SPECIALIST DOMESTIC VIOLENCE SERVICES SUCH AS THOSE IDENTIFIED BELOW AT SECTION 9.

5.5. A SIGNIFICANT RESEARCH PROGRAMME SUPPORTS THE PROJECT, ONE AIM OF WHICH IS TO BE ABLE TO IDENTIFY WHERE FUNDING IN FAMILY SERVICES NEEDS TO BE TARGETED, IN ORDER TO BE ABLE TO DELIVER THE SERVICES THAT ARE NEEDED TO HELP FAMILIES IN CRISIS. CLIENTS WILL BE INTERVIEWED AS PART OF THE RESEARCH AND THE RESEARCH SHOULD HELP TO IDENTIFY WHERE THERE ARE GAPS IN PROVISION FOR MINORITY COMMUNITIES, WHICH SHOULD HELP TO INFORM THE GOVERNMENT'S STRATEGY.

5.6. THE FAINS PROJECT TEAM IS ALSO WORKING WITH THE VOLUNTARY SECTOR THROUGH A CONSULTATION GROUP, WHICH IS LOOKING AT THE BEST WAYS TO INVOLVE THE VOLUNTARY SECTOR IN NETWORKS BUT ALSO TO ENSURE THAT GROUPS REPRESENTING THE BLACK AND MINORITY ETHNIC (BME) COMMUNITY AND OTHER MINORITY SECTORS ARE INCLUDED, TO ENSURE ALL SECTORS OF SOCIETY HAVE ACCESS TO THESE SERVICES AS APPROPRIATE.

PROVIDING ADVICE AND INFORMATION TO VICTIMS

9. HOW CAN WE BEST PROVIDE INFORMATION QUICKLY, SAFELY AND EASILY TO VICTIMS OF DOMESTIC VIOLENCE?

9.1. THE LEGAL SERVICES COMMISSION HAS A NUMBER OF EXAMPLES OF WAYS TO PROVIDE INFORMATION QUICKLY, SAFELY AND EASILY TO VICTIMS OF DOMESTIC VIOLENCE. AS CAN BE SEEN FROM THE RANGE OF ACTIVITIES AND PROJECTS WE SUPPORT AND FUND, IT IS CLEAR THAT THERE IS NOT A 'ONE-SIZE FITS ALL' APPROACH TO THE PROVISION OF INFORMATION AS THE NEEDS OF DIFFERENT VICTIMS CAN BE VERY VARIED. WHAT MAY BE BEST PRACTICE FOR ONE CLIENT GROUP CAN FAIL TO REACH ANOTHER.

CLS Leaflets

9.2 THE LEGAL SERVICES COMMISSION PRODUCES A RANGE OF LEAFLETS THAT CAN BE USED TO ASSIST PEOPLE EXPERIENCING DOMESTIC VIOLENCE WITH THE RANGE OF LEGAL PROBLEMS THEY MAY BE EXPERIENCING. THERE IS A SERIES OF 24 LEAFLETS COVERING MANY TOPICS OF SOCIAL WELFARE LAW, INCLUDING A PROPOSED LEAFLET ON DOMESTIC VIOLENCE TITLED 'DOMESTIC ABUSE, VIOLENCE AND HARASSMENT'. THIS IS DUE FOR PUBLICATION IN SPRING/SUMMER 2004. CLS LEAFLETS ARE WRITTEN BY AN INDEPENDENT EXPERT AUTHOR IN THE AREA OF LAW IN PLAIN ENGLISH. THESE LEAFLETS ARE WIDELY AVAILABLE THROUGH ADVICE CENTRES, SOLICITORS' OFFICES, COURTS, COMMUNITY CENTRES AND OTHER APPROPRIATE VENUES. THESE LEAFLETS ARE A VERY GOOD INTRODUCTORY GUIDE TO RIGHTS AND RESPONSIBILITIES UNDER THE LAW. HOWEVER WE ARE AWARE THAT NOT ALL CLIENT GROUPS FIND THE LEAFLETS ACCESSIBLE. FOR EXAMPLE PEOPLE FROM A NON-ENGLISH SPEAKING BACKGROUND, CHILDREN AND YOUNG PEOPLE AND PARTIALLY SIGHTED PEOPLE DO NOT ROUTINELY ACCESS THESE LEAFLETS.

CLS Partnership activity

9.3 RECOGNISING THAT ONE NATIONALLY PRODUCED LEAFLET MAY NOT REACH SOME OF THE MOST VULNERABLE CLIENT GROUPS, THE LSC ALSO SUPPORTS THE WORK OF A NUMBER OF LOCAL CLS PARTNERSHIPS TO RESEARCH THE SPECIFIC NEEDS OF VICTIMS OF DOMESTIC VIOLENCE IN PARTICULAR GEOGRAPHICAL LOCATIONS. REGIONAL PLANNING & PARTNERSHIP (RPP) TEAMS IN EACH LSC REGIONAL OFFICE ARE RESPONSIBLE FOR FACILITATING THE DELIVERY OF THESE PROJECTS. THESE ACTIVITIES CONTRIBUTE TO THE DEVELOPMENT OF VERY SPECIFIC LOCAL INFORMATION AND ADVICE PROVISION FOR VICTIMS OF DOMESTIC VIOLENCE. EXAMPLES OF CLSP ACTIVITIES INCLUDE:

- THE YORKSHIRE & HUMBERSIDE REGIONAL OFFICE RECENTLY HOSTED A REGIONAL EVENT ON DOMESTIC VIOLENCE AT WHICH STAKEHOLDERS WERE CONSULTED ON PROPOSALS ARISING OUT OF RESEARCH INTO NEEDS FOR LEGAL ADVICE. ONE CLSP IS RESEARCHING THE NEEDS OF WOMEN VICTIMS OF DOMESTIC VIOLENCE WHO HAVE CHILDREN AND THE PARTICULAR NEEDS THEY HAVE FOR ADVICE AND INFORMATION.
- THE SOUTH EAST REGION HAS DEVELOPED A REGIONAL STRATEGY BASED ON AN ASSESSMENT OF DOMESTIC VIOLENCE SUPPLY IN SUSSEX, AND IS CURRENTLY LOOKING AT DEVELOPING MODELS FOR LOCAL SUPPLY BASED ON THIS STRATEGY. THESE INCLUDE DOMESTIC VIOLENCE LEGAL ADVICE PROVIDERS RUNNING OUTREACH SERVICES WITH REFERRING AGENCIES, DEVELOPING BROADER COMMUNITY-BASED DOMESTIC VIOLENCE SERVICES IN AREAS OF HIGH DOMESTIC VIOLENCE INCIDENCE, AND TARGETING DOMESTIC VIOLENCE VICTIMS FOR ADVICE AND REFERRAL TO SPECIALIST CONTRACTED SUPPLIERS FOR EMERGENCY HELP.
- IN THE EAST MIDLANDS, A REVIEW OF LOCAL DOMESTIC VIOLENCE FORUMS AND THEIR ACTIVITIES HAS BEEN CARRIED OUT, WITH A VIEW TO FACILITATING WIDER NETWORKING AND GOOD PRACTICE SHARING.
- IN HAMPSHIRE, LINKS HAVE BEEN DEVELOPED WITH HAMPSHIRE POLICE TO IDENTIFY WHERE PUBLICLY FUNDED DOMESTIC VIOLENCE CLIENTS LIVE, AND COMPARE THIS WITH DOMESTIC VIOLENCE INCIDENTS REPORTED TO THE POLICE. THIS WILL THEN BE DEVELOPED INTO A COMMON RISK ASSESSMENT MECHANISM FOR USE BY THE POLICE, HOUSING AUTHORITIES, SOCIAL WORKERS AND, POSSIBLY, ALSO SOLICITORS.
- IN MERSEYSIDE, 3 CLSPS ARE HOLDING MEETINGS IN SEPTEMBER TO LOOK AT THE NEED FOR FAMILY WORK. DOMESTIC VIOLENCE EXPERTS IN EACH AREA ARE BEING INVITED ALONG WITH FAMILY SOLICITORS AND LOCAL ADVICE SERVICES. IN ONE OF THE CLSPS THE CHAIR OF THE LOCAL DOMESTIC VIOLENCE MULTI-AGENCY GROUP IS ON THE CLSP STEERING GROUP WHICH PROVIDES USEFUL LINKS AND CONTACTS.
- IN THE NORTH EAST, A MEMBER OF THE COMMISSION'S STAFF CHAIRS A LOCAL DOMESTIC VIOLENCE FORUM AND SITS ON A NUMBER OF CIVIL AND CRIMINAL JUSTICE BOARDS IN THE REGION LOOKING AT HOW TO MAKE THE JUSTICE SYSTEM MORE ACCESSIBLE TO VICTIMS OF DOMESTIC VIOLENCE.

Partnership Initiative Budget

9.4 THE PARTNERSHIP INITIATIVE BUDGET IS FUNDING ALLOCATED BY THE COMMISSION TO PROJECTS THAT BRING TOGETHER A RANGE OF SERVICE PROVIDERS TO DEVELOP NEW LOCAL SERVICES TO DEAL WITH THE LEGAL NEEDS OF VULNERABLE CLIENT GROUPS. THE COMMISSION'S COMMITMENT TO MEETING THE NEEDS OF VICTIMS OF DOMESTIC VIOLENCE FOR QUICK, SAFE AND EASILY AVAILABLE INFORMATION IS REFLECTED IN THE NUMBER OF PARTNERSHIP INITIATIVE BUDGET GRANTS FOR PROJECTS THAT WILL DELIVER THIS TYPE OF SERVICE. EACH OF THESE PROJECTS HAS BEEN ASSESSED BY THE COMMISSION TO BE A USEFUL TECHNIQUE FOR PROVIDING VICTIMS OF DOMESTIC VIOLENCE WITH INFORMATION AND ADVICE. EXAMPLES OF THESE PROJECTS INCLUDE:

SOUTH WEST

Women's Rape and Sexual Abuse Centre (Cornwall)

THIS PROJECT WILL FOCUS ON ADVICE AND INFORMATION PROVISION IN RURAL COMMUNITIES OF NORTH CORNWALL IN CONJUNCTION WITH LAUNCESTON POLICE STATION WHERE A FULL TIME DOMESTIC VIOLENCE SUPPORT WORKER WILL WORK ALONGSIDE THE POLICE DOMESTIC VIOLENCE OFFICER.

NORTH EAST

Wearside Women in Need

THIS PROJECT WILL INCREASE ACCESS TO ADVICE AND INFORMATION BY RECRUITING A REGIONAL TRAINING AND DEVELOPMENT WORKER TO TRAIN ADVISERS WHO WORK WITH VICTIMS OF DOMESTIC VIOLENCE.

My Sister's Place (Middlesbrough)

THIS PROJECT PROVIDES A SUPPORT WORKER IN A WOMEN'S ADVICE CENTRE TO ASSIST WOMEN IN COURT SEEKING PROTECTION FROM DOMESTIC VIOLENCE.

Women's Aid (Redcar and Cleveland)

THIS PROJECT PROVIDES AN 'ADVICE CIRCLE' IN CONJUNCTION WITH LOCAL SOLICITORS FOR WOMEN EXPERIENCING DOMESTIC VIOLENCE.

WALES

Pembrokeshire County Council Women's Information Centre

THIS IS PART OF A WIDER PROJECT TO DEVELOP A SERVICE AIMED AT ENCOURAGING EXCLUDED WOMEN, PARTICULARLY THOSE SUFFERING FROM DOMESTIC ABUSE, TO ACCESS INFORMATION, SUPPORT, EDUCATION, AND TRAINING IN ORDER TO REGAIN EQUALITY IN SOCIETY (POSSIBLY THROUGH EMPLOYMENT). THE PROJECT IS ALSO APPLYING FOR ESF (OBJECTIVE 1) MONEY.

YORKSHIRE & HUMBERSIDE

Calderdale Well Woman Association

THIS PROJECT PROVIDES ASSISTED INFORMATION AND ADVICE ON DEBT, WELFARE BENEFITS, IMMIGRATION, HEALTH AND COMMUNITY CARE, MENTAL HEALTH, FAMILY AND EDUCATION CATEGORIES TO WOMEN IN CALDERDALE, PARTICULARLY THOSE IN VULNERABLE GROUPS (INCLUDING VICTIMS OF DOMESTIC VIOLENCE). THIS IS DONE BY TRAINING VOLUNTEERS AND SESSION WORKERS, RUNNING ADVICE CLINICS, HOME VISITS AND A TELEPHONE SERVICE.

It's My Right (North Lincolnshire)

THIS IS A PARTNERSHIP BETWEEN GRIMSBY AND SCUNTHORPE RAPE CRISIS, HUMBERSIDE POLICE AND THE SOUTH HUMBER AUTHORITY, THROUGH WHICH A CASEWORKER WILL OFFER DIRECT GENERAL HELP ADVICE AROUND CIVIL MATTERS AND MAKE REFERRALS/ ACCOMPANY CLIENTS FOR MORE SPECIALIST ADVICE OR NON-LEGAL HELP AS NECESSARY. THE PROJECT PLACES SPECIAL EMPHASIS ON RURAL ACCESS AND BME COMMUNITIES, AND WILL INCLUDE A SIGNIFICANT AMOUNT OF PRO-ACTIVE NETWORKING AND LIAISON INCLUDING AWARENESS RAISING AND DISPUTE REDUCTION.

Staying Put (Bradford)

THIS IS A LEGAL SUPPORT SERVICE FOR WOMEN EXPERIENCING DOMESTIC VIOLENCE WHO WISH TO REMAIN IN THEIR OWN HOMES. STAYING PUT HAS BEEN SUPPORTED BY THE HOME OFFICE IN THE PAST.

EAST MIDLANDS

Broxtowe Women's Project

THIS PROJECT IS TO SUPPORT WOMEN EXPERIENCING DOMESTIC VIOLENCE IN ACCESSING ADVICE ON WELFARE BENEFITS, DEBT AND HOUSING. IT WILL EDUCATE LOCAL PROVIDERS AND COMMUNITY-BASED GROUPS ON ISSUES FACED BY WOMEN IN THIS SITUATION AND WHAT THEIR ORGANISATION CAN DO TO IMPROVE ACCESS.

EASTERN REGION

Watford Women's Centre

THIS PROJECT PROVIDES SUPPORT TO WOMEN VICTIMS OF DOMESTIC VIOLENCE BY PROVIDING ADVICE AND INFORMATION ON DOMESTIC VIOLENCE, FAMILY LAW AND DEBT.

MERSEYSIDE

Knowsley Domestic Violence Support Services

THIS PROJECT IS PRODUCING 'TOOLKITS' TO ACCOMPANY MULTI-AGENCY DOMESTIC VIOLENCE TRAINING FUNDED THROUGH OTHER SOURCES. KNOWSLEY WORK HAS PREVIOUSLY BEEN RECOGNISED BY THE HOME OFFICE AS GOOD PRACTICE.

9.5

EVALUATION OF THESE PROJECTS WILL BE UNDERTAKEN IN 2004 TO CONTRIBUTE TO THE COMMISSION'S ONGOING DEVELOPMENT OF BEST PRACTICE IN PARTNERSHIP WORKING, SERVICE DELIVERY TECHNIQUES AND REACHING VULNERABLE CLIENT GROUPS.

Family Advice and Information Services

- 9.6 ONE OF THE AIMS OF THE FAMILY ADVICE AND INFORMATION SERVICE PROJECT (DISCUSSED ABOVE AT QUESTION 5) IS TO PROVIDE TAILORED INFORMATION AND ACCESS TO SERVICES THAT MAY ASSIST IN RESOLVING DISPUTES, OR MAY ASSIST THOSE WHO ARE TRYING TO SAVE THEIR RELATIONSHIPS. RESEARCH HAS SHOWN THAT 81% OF CLIENTS EXPERIENCING FAMILY OR RELATIONSHIP DIFFICULTIES CHOOSE TO VISIT A FAMILY SOLICITOR (PATHS TO JUSTICE, WHAT PEOPLE DO AND THINK ABOUT GOING TO LAW-GENN AND REINART 1999), AND THEREFORE SOLICITORS HAVE BEEN CHOSEN AS THE INITIAL GATEWAY FOR CLIENTS TO ACCESS THESE SERVICES (ALTHOUGH IT IS LIKELY THAT OTHER ACCESS POINTS WILL BE TESTED IN THE FUTURE).
- 9.7 SOLICITORS TAKING PART IN THE PROJECT ARE ABLE TO CONSIDER THE NEEDS OF EACH INDIVIDUAL CLIENT FOR INFORMATION AND SUPPORT, AND PROVIDE CLIENTS WITH LEGAL ADVICE AND REPRESENTATION, WHILST ALSO HELPING TO IDENTIFY OTHER SPECIALIST SERVICES THAT MAY BENEFIT THE CLIENT. THIS COULD BE HELPING A CLIENT ACCESS THE SERVICES OF A TRAINED COUNSELLOR OR A DEBT ADVISOR. THE SOLICITOR ACTS AS A CASE MANAGER, WHILST THE CLIENT ADDRESSES HIS OR HER ISSUES.
- 9.8 THE ADVANTAGE OF THIS APPROACH IN DOMESTIC VIOLENCE CASES IS THAT SOLICITORS ARE ABLE TO PRIORITISE THE CLIENT'S URGENT NEEDS, FOR EXAMPLE FOR OBTAINING AN INJUNCTION, BUT THE PROJECT ALSO ENABLES THEM TO CONSIDER WITH THE CLIENT THE NEEDS OF THE WHOLE FAMILY, ESPECIALLY THE CHILDREN AND THEIR NEEDS FOR PROTECTION, COUNSELLING AND OTHER TYPES OF SUPPORT AND ANY FURTHER INFORMATION THEY WILL NEED TO ALLOW THEMSELVES AND THEIR FAMILY TO MOVE ON FROM A SITUATION WHERE THEY MIGHT OTHERWISE CONTINUE TO BE VULNERABLE TO VIOLENCE. THE WORK UNDERTAKEN BY CLSOPS IN EACH REGION TO DEVELOP STRONG LOCAL NETWORKS OF ADVICE AND INFORMATION PROVIDERS, IS VITAL IN ENABLING SOLICITORS AND THEIR CLIENTS TO UTILISE ALL AVAILABLE SERVICES.

IMPROVING LIAISON BETWEEN THE CIVIL AND CRIMINAL COURTS

11. WHAT INFORMATION, IN WHAT CIRCUMSTANCES, AND FOR WHAT PURPOSES SHOULD CIVIL AND CRIMINAL COURTS BE PERMITTED TO SHARE?

- 11.1 ON 27 MARCH 2003 OUR YORKSHIRE & HUMBERSIDE LEGAL SERVICES COMMITTEE HELD A CONFERENCE ON DOMESTIC VIOLENCE ATTENDED BY THE THEN MINISTER, ROSIE WINTERTON MP. ONE OF THE STRONGEST MESSAGES EMERGING FROM THE DELEGATES WAS OF THE NEED FOR GREATER COORDINATION AND INTEGRATION BETWEEN CIVIL AND CRIMINAL PROCESSES IN DOMESTIC VIOLENCE CASES.
- 11.2 THE ISSUE IS WIDER THAN SIMPLY A QUESTION OF INFORMATION EXCHANGE BETWEEN CIVIL COURTS AND CRIMINAL COURTS. THERE WILL NOT ALWAYS BE BOTH CIVIL AND CRIMINAL PROCEEDINGS IN EXISTENCE IN ANY ONE CASE AND SUCH PROCEEDINGS WILL OFTEN NOT BE SIMULTANEOUS. WE SUGGEST THAT THE EMPHASIS SHOULD INSTEAD BE ON INFORMATION FOR THE VICTIM. IT IS A FUNDAMENTAL DIFFERENCE BETWEEN CIVIL AND CRIMINAL PROCEEDINGS THAT IN CRIMINAL PROCEEDINGS THE VICTIM IS NOT FORMALLY A PARTY TO THE PROCEEDINGS AND HAS NO LEGAL ENTITLEMENT TO BE KEPT INFORMED.
- 11.3 **WE THEREFORE PROPOSE THAT THERE SHOULD BE A CLEAR AND EXPRESS OBLIGATION TO KEEP THE VICTIM INFORMED OF PROGRESS IN CRIMINAL DOMESTIC VIOLENCE CASES. THIS SHOULD INCLUDE THE PROGRESS OF THE CASE, DETAILS OF ANY SENTENCE, DETAILS OF ANY BAIL CONDITION, OR RESTRAINING ORDERS, AND TO BE NOTIFIED FORTHWITH OF ANY CHANGE IN THOSE CONDITIONS.** WE HAVE NO STRONG VIEWS AS TO WHETHER THIS OBLIGATION SHOULD BE PLACED ON THE POLICE, THE CPS OR THE COURT.
- 11.4 IN TERMS OF INFORMATION EXCHANGED BETWEEN DIFFERENT COURTS, WE WOULD SUPPORT THE WIDEST POSSIBLE EXCHANGE OF INFORMATION. IN PARTICULAR, A CIVIL COURT SHOULD BE AWARE OF ALL RELEVANT CONVICTIONS, SENTENCES, BAIL CONDITIONS AND RESTRAINING ORDERS MADE BY A CRIMINAL COURT AND A CRIMINAL COURT SHOULD BE AWARE OF ANY RELEVANT ORDERS MADE BY A CIVIL COURT.
- 11.5 THE AVAILABILITY OF CIVIL AND CRIMINAL PROCEEDINGS WHICH CAN BE USED TO PROTECT VICTIMS IS, AND WE BELIEVE SHOULD REMAIN, A FACTOR IN OUR DECISION-MAKING GUIDANCE ON THE FUNDING OF CIVIL DOMESTIC VIOLENCE CASES. OUR GUIDANCE ON THESE ISSUES WAS REVISED FOLLOWING CONSULTATION IN JULY THIS YEAR. A COPY OF THE CURRENT GUIDANCE IS ATTACHED FOR EASE OF REFERENCE.

12. SHOULD THE GOVERNMENT ISSUE GUIDELINES TO COURTS TO DISCOURAGE THEM FROM MAKING BAIL CONDITIONS IN DOMESTIC VIOLENCE CASES THAT ALLOW THE DEFENDANT

CONTACT WITH THE CHILD EXCEPT IN ACCORDANCE WITH AN ORDER FROM A FAMILY COURT?

12.1 We would not support this recommendation in those terms. It appears to create too rigid a presumption that bail conditions should prohibit contact in domestic violence cases. We would recommend instead more general guidelines to encourage Criminal Courts to take into account the interests of any relevant child when fixing bail conditions, whilst recognising that it will be the Civil Court which is usually best placed to decide on what level of contact is in the best interests of the child. It may be only in the most serious violence cases, or where there is reason to believe that the child may be at risk, that bail conditions should prohibit contact. In other circumstances such bail conditions might even aggravate the situation and lead to further conflict or violence.

13. WHAT STEPS SHOULD THE GOVERNMENT TAKE TO ENSURE THAT COURTS QUICKLY LIST DOMESTIC VIOLENCE CASES, THAT QUICK LISTING IS BALANCED AGAINST THE NEED TO ENSURE THAT CHARGES PROPERLY REFLECT THE OFFENDING, AND THAT THE VICTIM IS INFORMED IF A DEFENDANT IS DEALT WITH AT FIRST APPEARANCE?

13.1 We agree that criminal domestic violence cases should be listed as quickly as possible, recognising that a balance must be struck to ensure that charges reflect the offending. However, we reiterate our comments under question 11 above. The most important reform is to ensure that there are reliable systems which guarantee that the victim is informed immediately of relevant developments in the criminal process.

15. WHAT MEASURES SHOULD BE TAKEN TO BUILD ON THE EXISTING SPECIALIST DOMESTIC VIOLENCE COURTS?

15.1 We support the increased use of Specialist Domestic Violence Courts. This approach will minimise the problems arising from the interface between different civil and criminal procedures and ensure that the victim receives a more focussed service and is more closely involved in all the processes.

16. HOW COULD A SPECIALIST COURT HANDLE CRIMINAL AND CIVIL DOMESTIC VIOLENCE ISSUES AND DEAL WITH SOME OF THE PROBLEMS THAT HAVE BEEN IDENTIFIED, SUCH AS THE DIFFERENT RULES OF EVIDENCE IN PLACE FOR CIVIL AND CRIMINAL PROCEEDINGS?

16.1 It may not be necessary to worry unduly about matters such as the different rules of evidence between civil and criminal proceedings. There will still need to be separate civil and criminal jurisdictions so that at any given time it is clear whether the Court is sitting as a Civil or a Criminal Court. Any difficulties may lessen if the remedies given in criminal proceedings are structured to properly protect the needs of victims - see answers to consultation questions 31 and 32 below.

CIVIL LAW

21. SHOULD THE GOVERNMENT AMEND THE “ASSOCIATED PERSON” CRITERIA OF THE FAMILY LAW ACT 1996 TO PROVIDE SAME SEX COUPLES WHO ARE COHABITING WITH THE SAME LEVEL OF PROTECTION AS COHABITING HETEROSEXUAL COUPLES?

21.1 Yes we support this proposal. It would, of course, lead to some increase in the take up of non-molestation and occupation orders which must be quantified and costed.

21.2 The proposal would sit well with our existing approach to funding family cases. Our definition of “family proceedings” in the Funding Code covers all proceedings which arise out of family relationships. Our guidance makes clear that this can include unmarried couples and same sex couples. Under the Funding Code cases of violence arising out of such relationships have the same priority for funding as violence between married couples.

22. SHOULD THE GOVERNMENT AMEND THE “ASSOCIATED PERSON” CRITERIA OF THE FAMILY LAW ACT 1996 TO INCLUDE RELATIONSHIPS WHERE PARTIES HAVE NEVER LIVED TOGETHER?

22.1 YES, WE SUPPORT THIS PROPOSAL AND ALSO REPEAT OUR COMMENTS UNDER QUESTION 21. PARTIES WHO HAVE NEVER LIVED TOGETHER ARE ALREADY AFFORDED SOME LEGAL PROTECTION UNDER THE PROTECTION FROM HARASSMENT ACT 1997 AND THE COMMON LAW, BUT BRINGING SUCH CASES WITHIN THE AMBIT OF THE FAMILY LAW ACT 1996 WOULD IMPROVE AND STANDARDISE THE PROTECTION AVAILABLE.

22.2 WE SUGGEST THAT WHEN AMENDING THE DEFINITION OF “ASSOCIATED PERSON” A SIMILAR APPROACH COULD BE ADOPTED TO THE FUNDING CODE DEFINITIONS REFERRED TO ABOVE, I.E. A GENERAL TEST OF WHETHER THE PARTIES TO THE PROCEEDINGS HAVE BEEN IN A “FAMILY” RELATIONSHIP. THIS TEST HAS NOT BEEN THE CAUSE OF ANY PARTICULAR DIFFICULTIES – IT HAS BEEN APPLIED SINCE APRIL 2000.

23. WOULD CHANGES TO THE LAW ALLOW POLICE TO ARREST FOR A BREACH OF A NON-MOLESTATION OR OCCUPATION ORDER BE HELPFUL?

23.1 YES, WE SUPPORT THIS CHANGE FOR THE REASONS SET OUT IN THE CONSULTATION PAPER PROVIDED IT IS PROPERLY COSTED AND BUDGETED FOR. WE AGREE THAT SUCH A CHANGE WOULD CREATE GREATER CERTAINTY ABOUT POLICE POWERS AND ALLOW THEM TO ACT QUICKLY IN CASES WHERE THE VICTIM MIGHT BE AT RISK OF FURTHER VIOLENCE.

23.2 WE SUGGEST THAT THIS CHANGE ALSO RAISES FURTHER ISSUES AS TO THE RELATIVE ROLES OF CIVIL AND CRIMINAL PROCEEDINGS. AS PART OF OUR DECISION-MAKING GUIDANCE ON FUNDING CIVIL PROCEEDINGS, IT IS REASONABLE TO CONSIDER WHETHER CIVIL PROCEEDINGS ARE NECESSARY OR APPROPRIATE IN THE LIGHT OF INVOLVEMENT OF THE POLICE AND OTHER CRIMINAL REMEDIES. IF THE POLICE CAN ARREST FOR BREACH OF A NON-MOLESTATION OR OCCUPATION ORDER, THIS IS LIKELY TO INCREASE THE USE OF CRIMINAL PROCEDURES, AND THEREBY INCREASE EXPENDITURE UNDER THE CRIMINAL DEFENCE SERVICE, BUT AT THE SAME TIME COULD LEAD TO SOME REDUCTION IN THE USE OF CIVIL PROCESSES AND IN COMMUNITY LEGAL SERVICE EXPENDITURE. WE SUGGEST THAT OUR GUIDANCE SHOULD CONTINUE IN BROADLY ITS PRESENT FORM. WE WOULD GENERALLY EXPECT THE POLICE TO BE INVOLVED IN CASES WHERE THEY CAN ARREST AND TAKE ACTION AGAINST THE PERPETRATOR.

23.3 WE DO, HOWEVER, HAVE A CONCERN THAT IF BREACH OF A NON-MOLESTATION OR OCCUPATION ORDER IS AN ARRESTABLE OFFENCE, THIS WILL INCREASE THE PRESSURE ON RESPONDENTS TO SUCH ORDERS TO BE LEGALLY REPRESENTED WITH CLS FUNDING IN THE FIRST PLACE. WHILST THERE WILL BE SOME CASES WHERE REPRESENTATION IS NEEDED, WE WOULD NOT ANTICIPATE A CHANGE IN OUR APPROACH TO FUNDING RESPONDENTS. CIVIL FUNDING SHOULD BE AVAILABLE FOR RESPONDENTS TO MOLESTATION ORDER APPLICATIONS WHERE THERE ARE SERIOUS ALLEGATIONS WHICH ARE DENIED WHOLLY OR SUBSTANTIALLY AND WHERE THE RESPONDENT CAN DEMONSTRATE AT LEAST BORDERLINE PROSPECTS OF WHOLLY OR SUBSTANTIALLY REBUTTING THE ALLEGATIONS MADE.

24. HOW SHOULD “WITHOUT NOTICE” ORDERS BE HANDLED?

24.1 WE AGREE WITH THE SOLUTION WHICH HAS BEEN REACHED IN NORTHERN IRELAND. A PERSON SHOULD NEVER BE PROSECUTED FOR BREACH OF AN ORDER UNLESS THE ORDER HAS BEEN SERVED ON HIM OR HER.

25. HOW CAN THE RISK OF APPLICANTS FOR ORDERS BEING PUT UNDER PRESSURE TO ACCEPT AN UNDERTAKING BE REDUCED?

25.1 WE FEEL THAT BEFORE ADDRESSING THIS QUESTION THE WIDER ISSUE MUST BE ADDRESSED, NAMELY WHAT IS THE APPROPRIATE ROLE OF UNDERTAKINGS IN CIVIL DOMESTIC VIOLENCE PROCEEDINGS?

25.2 OUR UNDERSTANDING IS THAT CURRENT PRACTICE IS NOT CONSISTENT IN COURTS ACROSS THE COUNTRY. THE DISTINCTION BETWEEN UNDERTAKINGS AND ORDERS BECOMES EVEN MORE SIGNIFICANT IF BREACH OF AN ORDER IS AN ARRESTABLE OFFENCE BUT BREACH OF AN UNDERTAKING IS NOT, AND IF GIVING AN UNDERTAKING WOULD AVOID A RESPONDENT APPEARING ON ANY REGISTER OF CIVIL ORDERS (CONSULTATION QUESTIONS 33 AND 34).

25.3 One approach would be to abolish undertakings altogether in domestic violence cases and to require the Court always to hear the evidence and make an order. We would not, however, support an approach which required an adversarial Court hearing in every case. Although no doubt appropriate in many of the more serious cases, it perhaps should not be assumed that an adversarial process leading to Court determination of "guilt" will always be in the best interests of the alleged victim. Contested hearings will, of course, always increase costs and place a heavy burden on Court resources. The challenge is to establish a consistent approach across the country with a view to properly protecting victims whilst dealing fairly with respondents.

25.4 Our suggestion is that in place of any system of undertakings, the Court should be encouraged to make **CONSENT ORDERS** for non-molestation or occupation in appropriate cases. The Court should be able to make a consent order without hearing evidence and without the respondent formally admitting the behaviour complained of. However, a consent order should give the victim exactly the same level of protection as an order following a contested proceeding, including the police having powers to arrest for breach. The consent order should also appear on any register of civil orders (consultation questions 33 and 34), but should be recorded as such.

25.5 Under this approach the use of undertakings should be strongly discouraged by the Courts in domestic violence cases. We suggest that the use of consent orders would achieve an appropriate balance between the interests of the victim and the respondent, while also allowing cases to be dealt with more quickly in a non-adversarial setting, potentially reducing delay and costs. In most cases there should be no problem with the victim accepting a consent order where this is offered by the respondent, since the victim will be fully protected. Any problem of victims being pressurised into accepting undertakings would thereby disappear.

APPLYING FOR ORDERS IN MAGISTRATES' COURTS RATHER THAN COUNTY COURTS

26. SHOULD APPLICATIONS FOR NON-MOLESTATION AND OCCUPATION ORDERS BE ENCOURAGED TO START IN MAGISTRATES COURTS RATHER THAN COUNTY COURTS AS IS CURRENTLY THE CASE?

26.1 At present our decision-making guidance under the Funding Code does not require domestic violence cases to be started in any particular venue. We would not wish to change this approach unless it could be shown that magistrates' courts generally could deal with applications as quickly and effectively as the County Court. We are aware that there are some excellent Family Proceedings Courts, particularly in London, which may well deal with cases as well as, if not better than, County Courts, but our understanding is that the specialism and effectiveness of Family Proceedings Courts varies across the country. It may be the case that substantial training and procedural changes would be needed for domestic violence cases generally to be started in the magistrates' court. Any change would also need to be costed in terms of the effects on CJS expenditure.

THE CRIMINAL LAW

31. SHOULD THE GOVERNMENT MAKE RESTRAINING ORDERS AVAILABLE WHEN COURTS SENTENCE FOR ANY VIOLENT OFFENCE?

31.1 Yes, we support this proposal provided it is properly costed and budgeted for. We suggest that the aim of restraining orders should be to provide whatever degree of protection is necessary to safeguard the victim. We agree with the proposal at paragraph 54 of the consultation paper that the Protection from Harassment Act should be amended so that victims must be informed when an application is made to vary or end a restraining order.

31.2 These proposals again raise the question of the relationship between civil and criminal remedies. The more effective the criminal process is at protecting the victim, the less need there will be for parallel civil proceedings. This is a factor which will continue to feature in our civil decision-making guidance.

32. SHOULD THE GOVERNMENT MAKE RESTRAINING ORDERS AVAILABLE IN CRIMINAL COURTS WHEN THERE IS INSUFFICIENT EVIDENCE TO CONVICT BUT THE COURT CONSIDERS IT IS NECESSARY TO MAKE A RESTRAINING

ORDER TO PROTECT THE VICTIM; AND WHERE A PERSON IS CHARGED PENDING THE TRIAL?

- 32.1 We see an advantage in making restraining orders available when a person is charged pending the trial as it may well be that the jurisprudence concerning such orders will need to develop separately from that concerning bail conditions. In the absence of such a change it is, however, important that bail conditions operate effectively to protect the victim and that robust mechanisms are in place to ensure that the victim is informed if bail conditions are varied or dropped (see response to consultation question 11 above). The aim should be that victims enjoy the same degree of protection pending criminal proceedings as is available in the civil jurisdiction.
- 32.2 In terms of the proposal to make restraining orders even when a defendant is acquitted, we recognise that this proposal may seem controversial in terms of the distinction between civil and criminal law. Nevertheless, we strongly support the proposal. If a Criminal Court, hearing a case according to the criminal rules of evidence, is not satisfied beyond reasonable doubt that the defendant should be convicted but nevertheless is satisfied on the balance of probabilities test that protection for the victim is needed, the Criminal Court should be able to make a restraining order. It cannot be right in such circumstances that the victim has no option but to start entirely fresh civil proceedings to litigate about exactly the same matters which have been the subject of the criminal case. To require this would involve delay, duplication of work and wasting of costs.
- 32.3 Our existing decision-making guidance recognises that there may well be good reasons why a victim of domestic violence would not wish to pursue the criminal route, for example, because of fear that criminal proceedings could lead to loss of liberty for the partner who may be the principal bread-winner of the family. Nevertheless, in our view once a Criminal Court is seised of a domestic violence matter, every effort must be made to ensure that the Criminal Court is able to adequately protect the victim's interests so that the need for parallel civil proceedings is avoided wherever possible.

REGISTER OF CIVIL ORDERS

33. SHOULD THE GOVERNMENT CREATE A REGISTER OF CIVIL ORDERS, AND IF SO, SHOULD THE REGISTER INCLUDE BOTH CURRENT AND EXPIRED ORDERS?

- 33.1 We support the creation of a Register to ensure that information is readily available to all police forces and the CPS. If our proposals on consent orders in domestic violence cases (see response to consultation question 25 above) is accepted, consent orders should be included in any register but should be recorded as such to reflect the fact that there has been no finding by the Court of liability.
- 33.2 We recognise that it may be argued that the existence of a Register of Civil Orders will increase pressure further for respondents in domestic violence cases to be funded through the Community Legal Service. However, we would not anticipate a change to our approach towards funding respondents. We would fund respondents to oppose making of orders where this was justified on the merits of the individual case, not on the basis of any fear of being entered on a Register in the event of an order being made.

34. SHOULD THE GOVERNMENT CREATE A REGISTER OF DOMESTIC VIOLENCE OFFENDERS?

- 34.1 We would broadly support such a Register, subject to the observations we made above under question 33.

FUTURE WORK TO FACILITATE SAFE CHILD CONTACT

38. DO THE CURRENT CHILD CONTACT ARRANGEMENTS PROVIDE THE RIGHT LEVEL OF SUPPORT AND SAFETY FOR ALL FAMILY MEMBERS AND IF NOT WHAT ELSE SHOULD BE DONE?

- 38.1 The government should focus on ensuring there are appropriate supervised contact facilities available for all cases where the need for this level of support has been established. The current focus is mainly on the child and this should be expanded to include an assessment of the safety of all members of the family in establishing contact arrangements so that there are safeguards to protect both adults and children. It is also important to recognise that families may not be able to remain in supervised contact on a long term basis and to consider the development of programmes to move families into supported contact, which address legitimate concerns about safety, while at the same time providing the best environment for the child to be in with the non-resident parent.

- 38.2. WHILE THE PROBATION SERVICE AND THE POLICE HAVE DONE A LOT OF WORK TOWARDS DEVELOPING GUIDELINES FOR RISK ASSESSMENT IN DOMESTIC VIOLENCE, WORK IN THE FAMILY COURTS IS MORE FRAGMENTED. THERE IS A CLEAR NEED FOR AN AGREED MEASURE FOR RISK ASSESSMENT TO BE USED IN CHILD CONTACT CASES AND THE LSC IS WORKING WITH OTHER INTERESTED ORGANISATIONS SUCH AS CAFCASS, RESPECT, DVIP, AND OTHERS, TO DEVELOP UNIFIED STANDARDS. THE GROUP IS HOSTING AN EXPERT CONSULTATION ON DOMESTIC VIOLENCE RISK ASSESSMENT, WHICH WILL BE HELD ON 8TH OCTOBER 2003. THE PURPOSE OF THIS IS TO BRING TOGETHER KEY PRACTITIONERS AND POLICY MAKERS TO CONSIDER THE RANGE OF RISK ASSESSMENT METHODS CURRENTLY IN USE IN CHILD CONTACT CASES WITH THE AIM OF INCREASING THE QUALITY, CONSISTENCY AND CO-ORDINATION OF DOMESTIC VIOLENCE RISK ASSESSMENT. IT IS HOPED THAT THIS WILL INCREASE THE SAFETY AND WELL BEING OF CHILDREN AND ADULTS IN FAMILY PROCEEDINGS.

INFORMATION SHARING

39. WHAT MORE DOES GOVERNMENT NEED TO DO TO ASSIST VOLUNTARY AND STATUTORY AGENCIES TO SHARE INFORMATION FOR THE BETTER PROTECTION OF VICTIMS?

- 39.1 ANY SHARING OF INFORMATION SHOULD (OTHER THAN IN EXCEPTIONAL CIRCUMSTANCES) BE DONE WITH THE CONSENT OF THE CLIENT AND IT IS WELCOME THAT THE GOVERNMENT HAVE RECOGNISED THE DIFFICULTIES THAT AGENCIES CAN EXPERIENCE WITH INFORMATION SHARING. THE LSC IS CURRENTLY PILOTING SYSTEMS, THROUGH THE FAIN'S PILOT (ABOVE AT SECTIONS 5 AND 9), WHICH WILL ENABLE THE SHARING OF INFORMATION BETWEEN AGENCIES IN AN APPROPRIATE CLIENT-LED AND CONSENSUAL MANNER. UNDER THE FAIN'S MODEL SOLICITORS ARE WORKING TOGETHER WITH OTHER AGENCIES TO ENSURE THAT ALL THE NEEDS OF CLIENTS IN FAMILY DISPUTES ARE MET. ALL THE AGENCIES THAT ARE PART OF A FAIN'S REFERRAL OR SIGNPOSTING NETWORK, WORK TO A QUALITY STANDARD THAT ENSURES CONFIDENTIALITY.
- 39.2 AS PART OF THIS PROCESS THE CLIENT WILL AGREE A "PERSONAL ACTION PLAN"(PAP) WITH THEIR SOLICITOR, WHICH WILL DETAIL THE ISSUES THAT THE CLIENT HAS AGREED SHOULD BE ADDRESSED AND IDENTIFY THE SUPPORT SERVICES THAT THE CLIENT WOULD LIKE TO ACCESS. THIS INFORMATION CAN BE THEN SHARED WITH OTHER AGENCIES TO ENSURE THAT THEY HAVE A CLEAR PICTURE OF THE CLIENTS NEEDS. THIS CAN EITHER BE BY THE CLIENT TAKING A COPY OF THE PAP TO THE AGENCIES TO WHICH THEY HAVE BEEN REFERRED OR BY THEIR SOLICITOR SENDING IT THROUGH TO OTHER AGENCIES ON BEHALF OF THE CLIENT. IT IS HOPED THAT THIS APPROACH WILL LEAD TO BETTER OUTCOMES FOR THE CLIENT AND THE RESEARCH TEAM WILL BE MEASURING CLIENT OUTCOMES OVER TIME TO ESTABLISH WHETHER THE FAIN'S SERVICE DOES ASSIST IN PROMOTING AN INTEGRATED SHARING OF INFORMATION ACROSS DIFFERENT AGENCIES THAT DEAL WITH A PARTICULAR CLIENT AND WHETHER THIS DOES ENSURE THAT VICTIMS ARE BETTER PROTECTED.

SUPPORT

43. WHAT IS THE UNMET NEED FOR SUPPORT SERVICES AND ACCOMMODATION OPTIONS? HOW CAN THIS BE MET? IS SPECIALIST REFUGE PROVISION THE MOST APPROPRIATE SUPPORT?

- 43.1 DOMESTIC VIOLENCE WAS ONE OF THE ISSUES IDENTIFIED AS AN IMPORTANT ELEMENT IN THE DEVELOPMENT OF THE FAMILY ADVICE AND INFORMATION SERVICE (FAIN'S) IN 2000/1 THE FAMILY LAW AND MEDIATION TEAM AT THE LEGAL SERVICES COMMISSION UNDERTOOK A MAPPING EXERCISE PRIOR TO THE IMPLEMENTATION OF FAIN'S IN ORDER TO ESTABLISH THE SPREAD OF NATIONAL SERVICES THAT COULD BE RELEVANT IN THE FAIN'S PILOT. THIS INCLUDED LOOKING AT SERVICES THAT PROVIDED SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE. ONLY NATIONAL BODIES WERE INCLUDED IN THE EXERCISE AND THE ONLY NATIONAL SERVICE PROVIDING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE WAS PROVIDED BY WOMEN'S AID. THESE SERVICES WERE ALSO INCLUDED IN THE NATIONAL MAPPING OF FAMILY SERVICES UNDERTAKEN BY THE NATIONAL FAMILY AND PARENTING INSTITUTE.
- 43.2 THE EXERCISE HIGHLIGHTED THAT NATIONAL SERVICES ARE AVAILABLE ONLY FOR WOMEN AND THERE IS CURRENTLY NO INFORMATION AVAILABLE ON NATIONAL AGENCIES THAT OFFER SERVICES FOR MEN WHO HAVE BEEN THE VICTIMS OF DOMESTIC VIOLENCE (EITHER IN SAME SEX RELATIONSHIPS OR FROM FEMALE PARTNERS OR EX PARTNERS.). IN ADDITION THERE ARE NO NATIONAL AGENCIES THAT PROVIDE SUPPORT SPECIFICALLY TO ETHNIC MINORITIES OR LGBT VICTIMS OF DOMESTIC VIOLENCE.
- 43.3 THE COMMISSION IS AWARE, THROUGH FAIN'S AND WORK BY OTHER DEPARTMENTS, THAT THERE ARE MANY LOCAL INITIATIVES THAT PROVIDE SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE SPECIFICALLY FOR PEOPLE IN THESE GROUPS. HOWEVER THERE IS NO READY ACCESS TO THESE SERVICES AS THEY ARE AVAILABLE AT A VERY LOCAL LEVEL E.G. THE WORK OF THE MANKIND INITIATIVE IN WORKING WITH THE VICTIM SUPPORT UNITS IN SOMERSET TO RAISE AWARENESS OF DOMESTIC VIOLENCE AGAINST MEN AND THE PRESENCE OF SPECIALLY TRAINED STAFF TO DEAL WITH THESE CASES. THE RESOURCES OF THE LOCAL GROUPS ARE GENERALLY LIMITED AND PEOPLE ARE NOT ALWAYS AWARE OF THEIR EXISTENCE OR HOW TO ACCESS THEM.
- 43.4 BEFORE THE UNMET NEED FOR SUPPORT AND ACCOMMODATION FOR THESE GROUPS CAN BE ASCERTAINED THERE ARE TWO THINGS THAT FIRST NEED TO BE ESTABLISHED - THE EXTENT OF THE PROBLEM OF DOMESTIC VIOLENCE AGAINST THESE GROUPS AND THE EXISTENCE OF SERVICES THAT ALREADY PROVIDE SUPPORT TO THEM.

- 43.5 There is data (e.g. the British Crime Survey) to show that men are victims of domestic violence, by other men and by women but more data is needed on the extent that these specific groups suffer from domestic violence. Research by Professor Elizabeth Stanko of Royal Holloway states that police statistics for most English forces, Northern Ireland and Wales show that 8% of those who call for help are male victims attacked by female perpetrators and 7% are male victims of male perpetrators. There have also been studies of domestic violence against men in Scotland by the Scottish Executive Central Research Unit. Further research may however be desirable to determine accurate case studies for victims in specific target groups and accurate statistics of the problem.
- 43.6 It is important to bear in mind that these crimes are likely to be underreported and any assessment for support services and accommodation options should take that into account.
- 43.7 It is important that a comprehensive mapping exercise is undertaken that looks at the availability of these services locally. Work has been undertaken with the Commission's Regional Legal Services Committees to identify relevant support services for victims of domestic violence and with a view to developing further plans to meet local needs. Part of this work will be to look at services available for male victims. The Commission can contribute to this through the Community Legal Service Partnerships discussed above at sections 5 and 9.

WE WOULD, OF COURSE, BE PLEASED TO PROVIDE FURTHER INFORMATION OR TO MEET AND DISCUSS ANY OF THE ISSUES REFERRED TO IN THIS RESPONSE.

YOURS SINCERELY,

COLIN STUTT
HEAD OF FUNDING POLICY