**Consultation Questionnaire** 

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| **Domestic Abuse Offence and**  **Domestic Violence Disclosure Scheme -**  **A Consultation** | |

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| **RESPONDING TO THE CONSULTATION** |
| The Department of Justice (DOJ), is seeking your views on:   * whether there should be a specific offence that captures patterns of coercive and controlling behaviour in intimate relationships; and, * what measures should be in place, if any, with regard to disclosing information about an individual’s history of violence to an intimate partner/new partner   Please use this questionnaire to tell us your views on the draft document.  Please send your response, **no later than close of play on Friday 29 April 2016,** to:  **Department of Justice**  Community Safety Division  Room A4.24  Castle Buildings  Stormont Estate  BELFAST  BT4 3SG  Tel: 028 9052 3772  E-mail: [Community.SafetyUnitProj@dojni.x.gsi.gov.uk](mailto:Community.SafetyUnitProj@dojni.x.gsi.gov.uk)  Please note that all responses will be treated as public and may be published on the DoJ website. If you do not want your response to be used in this way, or if you would prefer for it to be used anonymously, please indicate this when responding (See Statement of Confidentiality and Access to Information Legislation below). |

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| **Confidentiality and Access to Information Legislation** |
| Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information legislation: these are chiefly the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR).  If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice (section 45) with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the DoJ.  For further information about confidentiality of responses please contact the Information Commissioner’s Office  ***Northern Ireland Information Commissioner's Office 3rd Floor 14 Cromac Place Belfast BT7 2JB***  **Tel:** 028 9027 8757  or 0303 123 1114 **Email:** [ni@ico.org.uk](mailto:ni@ico.org.uk)  Website: [**http://www.ico.org.uk/**](http://www.ico.org.uk/)  Please tick the box below if you want your response to be treated as anonymous. (Response details may still be shared under any future Freedom Of Information requests.)  **[ ] I want my response to be treated as anonymous.**  Thank you for completing this questionnaire and providing input to this consultation. |

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| **SECTION 1: ABOUT YOU** | |
| **Consultee Details** | |
| **Question (a):**  I am responding as... *(Please tick one option only)*  [ ] A member of the Public  [ ] On behalf of an organisation  [ ] Other.........................................................(*Please specify*) | |
| **Question (b):**  Please enter your details below: | |
| Name: |  |
| Job Title: (*if applicable*) |  |
| Organisation: (*if applicable*) |  |
| Address: |  |
| City/Town: |  |
| Postcode: |  |
| Email Address: |  |

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| **TOPIC: SHOULD THERE BE AN OFFENCE OF DOMESTIC ABUSE** |
| **This consultation seeks views on whether the DOJ should create a specific offence that captures patterns of coercive and controlling behaviour in intimate relationships, in line with the proposed definition of domestic abuse as set out in the draft *Stopping Domestic and Sexual Violence and Abuse* Strategy.** |
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| Question 1:  Does the current law adequately provide sufficient protection to victims of domestic abuse?  (*Please tick one option only*)  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 2:  Should the law be strengthened, for example, to include a specific domestic abuse offence that captures patterns of coercive and controlling behaviour in intimate relationships?  (*Please tick one option only*)  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 3:  How would any changes be practically implemented?  Please provide detail below**.** |
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| **OPTIONS FOR DISCLOSING INFORMATION ON DOMESTIC VIOLENCE** |
| The consultation seeks views on disclosing information about an individual’s history of domestic violence to a new partner. It seeks views on a suitable model where the public have a “right to know” or a “right to ask”, or whether current arrangements under existing legislation are sufficient. There are three options we would like you to consider:  **Option 1: Continue current arrangements under existing law**  **Option 2: A “Right To Ask” National Disclosure Scheme**  **Option 3: A “Right To Know” National Disclosure Scheme**  **Option 4: A “Right To Ask” and a “Right To Know” National Disclosure Scheme** |
| **OPTION 1: CONTINUE CURRENT ARRANGEMENTS UNDER EXISTING LAW** |
| Question 4:  To what extent do you believe that the current arrangements are effective in preventing domestic violence?  Please provide detail below**.** |
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| Question 5:  How could the current arrangements be improved?  Please provide detail below**.** |
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| **OPTION 2: A “RIGHT TO ASK” NATIONAL DISCLOSURE SCHEME** |
| Question 6:  Should a formal system be put in place to enable ‘A’ to ask the police for information about the previous violent behaviour of ‘B’?  *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 7:  Do you agree that the proposed model, with appropriate modifications following consultation, is a suitable model to apply under this option?  *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 8:   1. What do you see as the potential risks and benefits? 2. How might any risks be minimised?   Please provide detail below. |
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| **OPTION 3: A “RIGHT TO KNOW” NATIONAL DISCLOSURE SCHEME** |
| Question 9:  Should a ‘right to know’ system be put in place to ensure that the PSNI proactively shares information to ‘A’ about the previous violent behaviour of ‘B’?  *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 10:   1. What do you see as the potential risks and benefits of such a scheme? 2. How might any risks be minimised?   Please provide detail below**.** |
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| Question 11:  What other mechanisms for disclosing information about a subject’s violent behaviour do you consider appropriate?  Please provide detail below**.** |
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| **OPTION 4: A “RIGHT TO ASK” AND A “RIGHT TO KNOW” NATIONAL DISCLOSURE SCHEME** |
| Question 12:  Should both a ‘right to ask’ and a ‘right to know’ system be put in place to:   * enable ‘A’ to ask the police for information about the previous violent behaviour of ‘B’, and * ensure that the PSNI proactively shares information to ‘A’ about the previous violent behaviour of ‘B’?   *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 13:  a) What do you see as the potential risks and benefits?  b) How might any risks be minimised?  Please provide more detail below**.** |
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| Question 14:  What measures should be put in place to address some of the challenges identified during the pilot in England and Wales?  Please provide more detail below**.** |
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| **Scope of Disclosure** |
| Question 15:  Should disclosure cover all violent behaviour by ‘B’ or only those relating to domestic violence instances?  *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 16:  Should disclosure of ‘B’s’ violent behaviour be extended beyond convictions to encompass intelligence?  *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 17:  Do you agree that information should be disclosed to third parties other than ‘A’ (e.g. a sibling or parent of ‘A’)  *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| Question 18:  What should be the extent of the relationship between the ‘A’ and ‘B’ before a disclosure is considered*?*  Please provide detail below**.** |
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| Question 19:  What in your view are the circumstances where a disclosure should not be made?  Please provide detail below**.** |
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| Question 20:  Are you aware of any disclosure scheme models in other jurisdictions that we should explore?  *(Please tick one option only)*  [ ] Yes  [ ] No  Please provide more detail below**.** |
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| **IMPACT OF THE CONSULTATION PROPOSALS - EQUALITY AND HUMAN RIGHTS** |
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| Section 75 of the Northern Ireland Act 1998 requires Departments to “have due regard” to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without. Departments are also required to “have regard” to the desirability of promoting good relations between persons of a different religious belief, political opinion or racial group. |
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| Question 21:  What are your views on the impact of current arrangements for different groups?  Please provide detail below**.** |
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| Question 22:  What are your views on the impact of a domestic abuse offence for different groups?  *(If you consider there will be adverse impact on certain groups, please give details and comment on what you think should be added or removed to alleviate this impact.)*  Please provide detail below**.** |
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| Question 23:  What are your views on the impact of a “right to ask” scheme for different groups?  *(If you consider there will be adverse impact on certain groups, please give details and comment on what you think should be added or removed to alleviate this impact.)*  Please provide detail below**.** |
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| Question 24:  What are your views on the impact of a “right to know” scheme for different groups?  Please provide detail below**.** |
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| Question 25:  Is there an opportunity to better promote equality of opportunity or good relations?  (*Please tick one option only*)  [ ] Yes  [ ] No  Please give details as to how. |
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| Question 26:  Are there any aspects of these proposals where you consider potential human rights violations may occur?  (*Please tick one option only)*  [ ] Yes  [ ] No  Please give details. |
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| **Please use the space below to provide any additional comments you may have.**  **It would be helpful if you reference which part of the document you are commenting on. If you refer to any other documents, please provide the title, author and if possible approximate date of publication.** |
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