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**Evidence of Domestic Abuse Consultation Questionnaire**

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| **Consultation on forms of evidence of domestic abuse that should trigger an automatic prohibition on cross-examination in person in family proceedings** |

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| **Responding to the Consultation** |
| **Please use this questionnaire to tell us your views on the options.**  The closing date for receipt of responses is **5pm on Friday 21 April 2023**.  Please note that it is unlikely that responses to the consultation will be accepted after this date.  Please indicate clearly if you are responding as an individual or on behalf of an organisation.  Please send your response by email to: **AToJ.Consultation@justice-ni.gov.uk** |

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| **Privacy Notice** |
| We intend to publish a summary of responses on our website on completion of the consultation process. Any contact details, which will identify a respondent as a private individual, will be removed prior to publication.  All information will be handled in accordance with the Data Protection Act 2018. Respondents should also be aware that the Department’s obligations under the Freedom of Information Act 2000 may require that any responses, not subject to specific exemptions under that Act, be disclosed to other parties on request. |

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| **Consultee Details** | |
| **Please indicate if you are responding as**: (*please tick only one option*)  [ ] A member of the public  [ ] On behalf of an organisation  [ ] Other……………………………(*please specify*) | |
| **Please enter your details below**: | |
| **Full Name:** |  |
| **Title:** | [ ] **Mr** [ ] **Ms**  [ ] **Mrs** [ ] **Miss** [ ] **Dr**  *(please tick as appropriate)* |
| **Organisation:** *(if applicable)* |  |
| **Job Title:** *(if applicable)* |  |
| **Address, including Postcode:** |  |
| **Email Address:** |  |

**Question 1.**

**Please consider each type of evidence listed below and indicate if you think that it should be specified in regulations as evidence that will trigger an automatic prohibition on cross-examination in person in family proceedings. Note that P and V referred to below must be a party or witness in the same family proceedings and there must be a personal connection between them.**

**Please explain the reason for your answer.**

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| **Form of evidence** | **Response** |
| **1(a) Binding over order**  Evidence of a court order binding over P in connection with a specified offence against V. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(b) Undertaking**  An undertaking given in Northern Ireland or Scotland in place of a protective injunction or given in England and Wales under sections 46 or 63E of the Family Law Act 1996 by P for the protection of V (provided that no cross-undertaking relating to domestic abuse was given). | **Yes  / No  / Don’t know**  **Reason:** |
| **1(c) Fact-finding hearing**  A copy of a finding of fact, made in previous legal proceedings, including in a tribunal, in the United Kingdom, that there has been domestic abuse between P and V. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(d) Expert report for court/tribunal**  An expert report produced as evidence in previous proceedings in the United Kingdom for the benefit of a court or tribunal, confirming that V was assessed as having suffered domestic abuse by P. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(e) Letter or report from an appropriate health professional**  A letter or report from an appropriate health professional (e.g. doctor, nurse, dentist, psychologist, social worker) confirming that:  a) the professional or another appropriate health professional has examined V, following a report of abusive behaviour by P; and  b) in the reasonable professional judgement of the author, or the examining appropriate health professional, V has, or has had, injuries or a condition consistent with being a victim of domestic abuse. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(f) Appropriate health professional referral to a domestic abuse support service**  A letter or report from:  a) the appropriate health professional who made the referral;  b) an appropriate health professional who has access to the medical records of V; or  c) the person to whom the referral was made,  confirming there was a referral by an appropriate health professional of V following a report of domestic abuse by P, to a person who provides specialist support or assistance for victims of, or those at risk of, domestic abuse. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(g) Multi agency risk assessment conference (MARAC) or other suitable local safeguarding forum**  A letter from any person who is a member of a multi-agency risk assessment conference (or other suitable local safeguarding forum) confirming that V has experienced domestic abuse by P.  Note that: a local safeguarding forum would consist of more than one organisation/agency. Examples of bodies that might be part of other suitable local safeguarding forums are: police, probation service, prison service, health, housing, education, social services, domestic abuse adviser/advocate, victim support services, women and male support services, etc. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(h) Letter from an independent advocacy service providing support to victims of domestic abuse**  A letter from an independent advocacy service in Northern Ireland providing support to victims of abuse, or an independent domestic or sexual violence advocate in England and Wales, confirming that they are providing, or have provided, support to V, following a report of domestic abuse by P. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(i) Letter from the Housing Executive**  A letter from an officer employed by the Northern Ireland Housing Executive or its equivalent in England and Wales or Scotland containing:  a) a statement to the effect that, in their reasonable professional judgement, V is a victim of domestic abuse by P;  b) a description of the matters relied upon to support that judgement; and  c) a description of the support they provided to V. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(j) Letter from organisation providing domestic abuse support services**  A letter from an organisation providing domestic abuse support services confirming that:  a) in the reasonable professional judgement of the author of the letter, V is a victim of domestic abuse by P;  b) a description of the matters relied upon to support that judgement;  c) a description of the support provided to V; and  d) a statement of the reasons why V needed that support. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(k) Domestic abuse support organisation refusal of admission to a refuge**  A letter or report from an organisation providing domestic abuse support services in the United Kingdom confirming:  a) that V was refused admission to a refuge;  b) the date on which V was refused admission to the refuge; and c) that V sought admission to the refuge because of allegations of abuse by a party/witness to the proceedings.  Note that: a refuge will be either a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic abuse or a residential home established and maintained by a public body for any other purpose that also provides accommodation to the victims of, or those at risk of, domestic abuse. A reason for refusal could be on the grounds that the refuge was full. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(l) Letter from a public authority**  A letter from a public authority confirming that V was assessed as being a victim of domestic abuse by P (or a copy of that assessment).  Note that: “public authority” would have the same meaning as in section 6 of the Human Rights Act 1998. | **Yes  / No  / Don’t know**  **Reason:** |
| **1(m) Economic abuse**  Evidence which the court is satisfied demonstrates that V has been the victim of domestic abuse by P in the form of abuse which relates to economic matters.  Note that: relevant types of evidence might include copies of bank statements, cancelled cheques and/or relevant letters from banks, credit card accounts, emails, text messages, etc. | **Yes  / No  / Don’t know**  **Reason:** |

**Question 2.**

**Is there other evidence of domestic abuse that ought to be specified in the regulations (bearing in mind that the (alleged) victim and (alleged) perpetrator must both be parties to the proceedings and personally connected, and the evidence needs to be sufficiently objective and robust to justify an automatic prohibition)?**

**Please tell us what this evidence is and why you think it should be included.**

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| **Yes ☐ / No ☐ / Don’t know ☐**  **If “yes” -**  **Type of evidence:**  **Reason for inclusion:** |

**Question 3.**

**Do you think that section 5 (Penalties for concealing offences, etc.) of the Criminal Law Act (Northern Ireland) 1967 has any implications for the forms of evidence that should be specified in the regulations (see paragraphs 3.8 - 3.10)?**

**If you think it does, please tell us why.**

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| **Yes ☐ / No ☐ / Don’t know ☐**  **If “yes”, reason:** |

**Question 4.**

**Do you agree with the outcome of the screening exercises?**

**If you disagree, please tell us why.**

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| **Yes ☐ / No ☐ / Don’t know ☐**  **If “no”, reason:** |