

Domestic Homicide Reviews – Consultation

RESPONDING TO THE CONSULTATION

The Department of Justice (DOJ), is seeking your views on a proposed model for the introduction of Domestic Homicide Reviews (DHRs) in Northern Ireland, which will seek opportunities for learning from cases of homicide resulting from domestic abuse or violence.

Please use this questionnaire to tell us your views on the proposed model.

Please send your response, no later than 5pm on Friday 28 September 2018, to:

Department of Justice
Community Safety Division
Room A4.03
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Stormont Estate
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BT4 3SG

Tel: 028 9052 3772

E-mail: DOJCommunity.SafetyUnitProjMailbox@justice-ni.x.gsi.gov.uk

Confidentiality and Access to Information Legislation

The Department intends to publish responses to the consultation and a summary response report on our website. Any contact details or information that will identify a respondent as a private individual will be removed prior to publication. All information will be handled in accordance with the General Data Protection Regulation (GDPR). Your information will not be shared outside of the Department.

What rights do you have?

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- You have the right to 'block' or suppress processing of personal data, in specific circumstances;
- You have the right to data portability, in specific circumstances;
- You have the right to object to the processing, in specific circumstances;
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Tel: 028 9037 8617

Email: DataProtectionOfficer@justice-ni.x.gsi.gov.uk

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

Website: www.ico.org.uk/

Thank you for completing this questionnaire and providing input to this consultation.

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.....Member of Legislative Assembly*(Please specify)*

Question (b):

In some cases, the DOJ might need to contact respondents to seek further clarification on their response or to send out a summary of responses to the consultation.

Please tick the below consent box if you are willing to provide the DOJ with contact details for these purposes:

All information will be handled in accordance with the General Data Protection Regulation (GDPR).

Name:	<input type="text" value=""/> [redacted - personal information]
Job Title: <i>(if applicable)</i>	<input type="text" value=""/> [redacted - personal information]
Organisation: <i>(if applicable)</i>	The Green Party NI
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This consultation seeks views on a proposed model for the introduction of

Domestic Homicide Reviews (DHRs) in Northern Ireland, which will seek opportunities for learning from cases of homicide resulting from domestic abuse or violence.

Question 1:

Do you have any comments to make about the purpose of a Domestic Homicide Review? - YES

If yes, please provide comments below.

The Green Party NI welcomes the introduction of Domestic Homicide Reviews in Northern Ireland, and the opportunity to comment. Overall, the proposals laid out in the consultation document are generally positive, but I do have a number of recommendations for how DHRs could operate in Northern Ireland to avoid the pitfalls experienced by such reviews in other jurisdictions. These are informed by the expertise of colleagues and contacts who have been involved in DHRs in England and Wales.

Regarding the purpose of DHRs:

- I would suggest that purpose outlined in (vi) to “prevent domestic violence and homicides and improve service responses for all domestic violence and abuse victims...” is the overarching purpose of the DHR process and should be the primary point and have all other bullet points regarding the purpose of DHRs coming after that.
- I agree that the aim of DHRs should be to learn lessons and change policy in line with those lessons learned. It is essential that the process is based on the principle of openness and candid disclosure, and that agencies feel comfortable in discussing shortcomings and failures without fear of condemnation.
- I would like more concrete detail on how the review process would ensure that organisations identify when and how action will be taken (5.5). How that will take place, and how the implementation of recommendations will be enforced? If successive Domestic Homicide Reviews are making the same recommendations time and again, year after year, the process is a failure.
- While I appreciate that DHRs are not about how a victim died, I would stress that the victim's journey and story are an important part of the process and will help the review team to better understand what led to the death and how it could have been prevented. It is vital for the victim's voice to be central to the process – while the

ultimate aim is about preventing future deaths and learning lessons, this cannot be effectively done without recognising the humanity of victims and viewing agency conduct and policies through their eyes.

- The ethos of DHRs should be underpinned by professional curiosity, a desire to seek truth, openness to change, and a commitment to banish defensiveness from the process. To establish an accurate narrative, this means taking evidence from a wide range of sources, including agencies, support organisations, and friends and family. Statutory records alone will not provide a full picture, and will steer any review through the eyes of those agencies instead of through the eyes of the victim. This should be avoided at all costs.
- I would suggest the language around identifying good practice should be changed, and clearly defined. Good practice should not be confused with standard practice – there is no need for agencies to list things that equate to them doing their job correctly. Good practice would be examples of innovation, where an agency has implemented something that goes above and beyond standard practice which has yielded results. Examples would be helpful also.
- The addition of “enabling families to get answers to their questions” as a purpose of DHRs under the bullet points at page 8 would be useful
- It is imperative that the DHR process does not become a mere ‘tick box exercise’, only looking at whether agencies followed their policies. It should genuinely engage with the question of what might have made a difference in the responses of agencies, or the way their services are accessed if the victim/perpetrator/ their children did not have any contact with services.

Question 2:

Do you have anything to say about when a DHR will or will not be commissioned? - YES

If yes, please provide comments below.

- The intention that DHR's would not be commissioned only in exceptional circumstances is welcomed. 'One-off' instances of violence with no abuse context are quite rare. Even if there had been no contact with services, it is possible that

there was abuse in the relationship. In those cases, much could be learned from examining how the abuse never reached any agencies or organisations, and what could be done to identify abuse at the earliest possible stage.

- Victims between the ages of 16-18 will be included in the DHR process is welcomed.
- To overcome potential difficulties of examining death by suicide within the DHR process, it may be useful to conduct a fact-finding exercise similar to what the Department has carried out with DHRs, by speaking to those who have experience of DHRs and suicides and gathering learning and good practice to ensure their success in Northern Ireland.
- Cases of familicide, or 'family wipeout' (whereby a family member murders his family then dies by suicide) should be treated with particular sensitivity, and avoid treating the perpetrator of such atrocities as an equal victim. Given that such reviews would be dealing with both domestic homicide and suicide, it may be helpful to develop specific guidance for Chairs and Panels on this issue.

Question 3:

Do you have anything to say about what may 'typically' be outlined within the terms of reference? - YES

If yes, please provide comments below.

A number of additional recommendations are outlined below:

- Principles should be outlined by which the Chair and Panel will abide. For example honesty, transparency, humility and a desire to learn lessons. A key principle would also be keeping the humanity of the victim at the centre of the review.
- Terms of Reference should be underpinned by a commitment to victim-centred focus, whereby the victim and their story is not lost in examination of policies and practices. The human stories behind the practices can often reveal learning and better understanding of what did or didn't happen to keep a victim safe.
- Terms of reference should be written in plain English, as they will be sent to

families, and should not contain unnecessarily technical language.

- It may be necessary to add additional terms in cases where equality and diversity considerations come into play. For example, if the victim was a foreign national, it would be practical to examine whether the policies and procedures in place would have informed and assured the victim that there was support out there for her/him, and that service pathways were fit for purpose in overcoming any additional barriers that those victims faced.

Question 4:

Do you have anything to say about:

- **the knowledge and skills of the chair**
- **the recruitment and contingency for the role of chair?**

YES

If yes, please provide comments below.

- **the knowledge and skills of the chair**

The Chair is absolutely fundamental to the success or otherwise of the DHR. Therefore the criteria should be strengthened. Using the robust criteria for Chairs outlined in the Home Office Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews, December 2016 – paras 36 – 39. Below are further recommendations:

- The Chair should be a recognised expert in the field of domestic violence, and have a proven in-depth understanding of all aspects of domestic violence including coercive control and the gendered nature of domestic violence and abuse.
- The Chair should have experience in managing large, complex processes like DHRs and should have a proven track record in managing relationships with multiple agencies and groups. It is key that the Chair has sufficient experience managing and engaging with statutory agencies, and that they are not easily pressured, regardless of an agency representative's seniority. The Chair will also have to put strategies in place to encourage buy-in from all participants, so experience of this would be useful. Ideally, it may be helpful if the first tranche of Chairs in the Northern Irish process have some experience of some aspects of other DHR processes elsewhere.
- The Chair should ideally be able to provide both a strategic evidence based overview of abuse and a practical, front-line understanding of how victims interact with agencies in practice.
- It is imperative for the Chair to be independent. The Chair should make a declaration of independence at the beginning of every DHR report they author, which also states the case of exactly *why* they are independent. It

would be useful for the Department to outline what independence means in a Northern Irish context, and whether recruitment of Chairs should take into account the legacy of the Troubles, potential sensitivities of families from different communities, and whether the appointment of a Chair with perceived political views or background might negatively affect buy-in to the process from families.

- It is essential that the Chair carries out the function of communicating with families of the victim effectively, with the compassion and sensitivity required in carrying out this role. Guidance on the multiple roles and jobs of the Chair could be developed to ensure that this pivotal role of family liaison is adequately executed.
- One criterion for hiring a Chair should be that they have experience and skill in engaging with perpetrators and family members that may have been groomed by a perpetrator. It may be appropriate in certain DHRs to engage with perpetrators and their families. In those cases it will be essential that the Chair can extract pertinent information without being manipulated by a perpetrator, or misinterpreting information that has come from someone whose views have been coloured because they have been groomed by the perpetrator.
 - **the recruitment and contingency for the role of chair?**
- Given the nature of Chairing, we recommend a pool of at least four Chairs who would Chair DHRs on a rotational basis. This would ensure that no one person is overburdened by working on too many DHRs at a time, and provides a ready-made support group for Chairs encountering any challenges in the course of their work. It is vital that the Northern Irish DHR process designs and implements ways of communicating effectively with families as they are the living victims and must be treated with compassion and care.
- It is clear that this role could not be adequately fulfilled by someone who is already in full-time work and plans to keep on that job throughout their tenure as Chair. It is also evident that the DHR process is an emotionally draining one. Therefore we recommend that any given Chair does not conduct more than 4 DHRs per year.

Question 5:

Do you have any comments to make about DHR panel membership? - YES

If yes, please provide comments below.

- The proposal for the community and voluntary sector to be part of the core panel membership is to be welcomed. Every DHR panel should contain at least one expert on domestic violence with practical front-line experience. In the Northern Irish context, this would be a member from Women's Aid or the Men's Advisory Project as appropriate. The role of expert domestic violence organisations provides a challenge role to statutory agencies, which is invaluable in a DHR process and should be embraced by the Department to ensure the effectiveness of the DHR process in Northern Ireland.
- Other relevant voluntary sector organisations, such as those working in the areas of substance misuse support, mental health, BME support, should be invited if the perpetrator or victim's background suggests that these agencies may have relevant knowledge or challenge function to contribute.
- The proposal to have deputy or alternate panel members nominated for each organisation is also welcomed. It might also be worthwhile having a staggered change of panel membership, with one half of the panel being replaced in one year, and the other half being replaced in the next. This would ensure that at any given time there are experienced panel members who can pass on that expertise and capacity build with new members.
- Panel members should be of sufficient seniority to be able to make decisions without having to delay or defer to a superior.

Question 6:

Do you have any comments to make about the consideration of equality and diversity issues by the Panel? - YES

If yes, please provide comments below.

- When taking equality into consideration, the Chair and Panel should examine not only any barriers posed by agencies policies and procedures, but also how someone's characteristic or status might have impacted on how either the perpetrator or victim acted in the lead-up to the homicide.
- The trend where gender is not specifically taken into account when a woman is killed needs challenged as women are disproportionately victims of domestic homicides BECAUSE they are women, and this fact is inextricably linked with gender inequality. The gendered nature of the killing of women should not overlooked in equality and diversity considerations in DHRs.
- In cases where victims are immigrants or not from 'indigenous' communities, their cultural context should also be examined. Such considerations would help the Panel's understanding of the victim's motivation for actions taken or not taken, and provide an insight into how policies and procedures need to be changed to intervene earlier in such cases.
- Organisations that support rural and BME people are extremely stretched following cuts to funding and staffing. It would be useful to consult with organisations like Northern Ireland Rural Women's Network (NIRWN) and Stronger Together BME network to ascertain the best means of ensuring diversity on the panel and adequate representation of those issues when and where relevant. While the organisations themselves may not have the capacity to sit on a panel, they will certainly have important views as to how the voices of rural and BME women can be heard more effectively.

Question 7:

Do you have anything to say about family involvement in the process? - YES

If yes, please provide comments below.

- The input of families is vital to establishing a clear picture of the life of the victim and the circumstances leading to their death. A full, holistic picture should be gathered. It is not enough just to question statutory agencies that were in contact with the victim, as this would provide an incomplete picture of the circumstances leading to the victim's death.
- The consultation document is currently too cautious about managing family expectations, and not strong enough on the value of DHRs to families, or the value of involving families in DHRs. Families can often unlock key insights that put the actions of agencies, and the victim's reactions, in context. Therefore, family involvement should be reflected more strongly in the DHR process, and that a partnership approach is taken by Chairs and Panels. By building a partnership with families, and recognising both their special status as living victims and their value as holders of key information about the victim, a Chair and Panel are more likely to get useful and valuable information from them. This will ultimately result in a better DHR process with fuller, more accurate findings and recommendations.
- In statutory guidance in GB, families are entitled to attend a meeting of the panel, and can request to get sight of IMRs even though they are confidential. This would be a useful addition to the Northern Irish DHR process.
- Families should be informed right from the beginning that a DHR will be taking place, and kept informed through every step of the process. At the outset, families should be given an outline of what the process will entail in plain English, and be invited to participate in whatever way they feel comfortable. This could be correspondence via email, phone calls, house visits from the Chair, meetings in a neutral venue, and possibly the chance to attend a panel meeting.
- Families should also be asked if there is anyone else who would be useful to talk to. For example, a victim may not have confided in her mother about problems in her relationship but may have been more candid with her best friend, a work colleague, or a professional such as a hairdresser. Families and friends of the victim should be offered independent support to enable them to engage with the process.
- Involvement children and young people in the DHR process, particularly if they have witnessed abuse or the death of their parent would be useful. Interacting with children and young people during the information gathering process naturally requires a special skillset and sensitivity. For this reason it would be important that the Chair has experience in this. It is also

understandable that guardians of the child will be keen to safeguard them from further harm and trauma, and therefore may be inclined to block the child's involvement in any DHR process. This highlights the need to get the process right when interacting with children and young people, ensuring that their wellbeing and best interests are always at the heart of the process, and looking in detail at creating guidance and training for Chairs in how to appropriately liaise with families and children.

Question 8:

Do you have anything to say about the involvement of other individuals in the process? - YES

If yes, please provide comments below.

- Contacting the family of perpetrators could prove useful if they have witnessed things that are pertinent to the review or had involvement with the victim. Again, knowledge and understanding of grooming and the potential for a perpetrator's family to have been complicit in abuse is vital when undertaking interviews or information gathering of this kind.
- Caution and sensitivity should be used if involving perpetrator and/or their family in a DHR. Victims' families may feel angry that perpetrators and their families are being permitted input into the review. This again highlights why a good rapport with families from the outset is key – it will allow the Chair to explain the reason why they are involved, the value of seeking information to ensure and reassure the families that the Chair and Panel understand the manipulative nature of abusers and that they must be engaged with caution.
- There may also be merit in involving a number of individuals who were close to the victim. Friends, colleagues and other close acquaintances may hold information and insight that family members do not have. This can often be the case when domestic abuse is involved, as some victims may have been isolated from their family and were unable to disclose what was happening in their relationship out of shame or fear.

Question 9:

Do you have any comments about the two key elements of the DHR process:

- (i) **initial findings, learning and identification of actions needed; and**
- (ii) **identification of key findings, learning, actions and longer term change**

to improve service and the response in future cases of domestic violence and abuse? - YES

If yes, please provide comments below.

- The approach proposed by DOJ for a two stage process as it will allow for some recommendations to be taken forward immediately while allowing for a fuller examination of lessons learned at a later stage.

Question 10:

Do you have any comment on the approach proposed regarding gathering information, or any suggestions as to how best this could be undertaken? - YES

If yes, please provide comments below.

- IMRs are a valuable mechanism for collecting information and getting buy-in among agencies. They are a useful basis for the overview report, and allow the process to side-step many data protection issues by having the information come directly from agencies. The proposal to make them more dynamic is welcomed.
- A suggestion from Women's Aid contacts that Chair and panel gather together all IMRs, and collate the information on the office wall chronologically sounds workable. This would allow the Chair and Panel to view the multiple interventions through the eyes of the victim's experience, and shed light on why the victim acted the way they did or why the interventions weren't successful.
- It was also suggested that putting a photo of the victim on the wall was useful as it reminded the Chair and Panel that they were ultimately reviewing the death of a person, not just looking at policy and procedure. This keeps the process grounded and victim-centred.

- It is vital to keep the core purpose of the IMR process unchanged. This is to ensure that agencies don't just document what happened but also WHY. It is the WHY that is central to DHRs, and gathering this information will enable the Chair and Panel to better examine what policies and procedures are working, which are missing, and which need to change.
- Another suggestion is to use people's full names in the review process and report. This serves a dual purpose: keeping the humanity of victims' front and centre, and avoiding errors in reporting.
- A meeting with support workers from the various agencies who directly supported the victim, as well as those who were in other forms of direct contact like GPs and solicitors could be included. This would be valuable for effective information gathering, as long as the meetings were in the spirit of the DHRs and were focused on learning lessons, keeping the review victim-centred, and steering firmly away from blaming individuals for action or inaction.

Question 11:

Do you have any comment on the suggested approach around publication of the DHR report and do you have any views on the frequency of report publication? - YES

If yes, please provide comments below.

- Reports should be to the point and focus on lessons to be learned written in plain English and as non-technical as is possible. The Department should consider a different reporting model for different audiences. A full report is written with a shorter Executive Summary being produced, and a Key Learning document of at most 1-2 pages to be disseminated among frontline staff of all relevant agencies.
- Learning events could be used to enable those on the ground to learn how the recommendations will affect their work.
- Monitoring of the implementation of recommendations, ensuring

recommendations are followed up, are essential. This should essentially be the end of the process

- Guidance and training would be very helpful for authors of report, as would providing a template report for authors to follow.

Question 12:

Do you have any comment on the potential outcome of the reviews through the development of reports? - YES

If yes, please provide comments below.

- The proposal to ensure that the outcomes of reports should focus on “tangible results” is welcomed.
- In terms of the enforceability of recommendations, if the same recommendations continue to be made year after year, it will be evident that the DHR process has not been effective in creating meaningful change.
- Given the need for independence of the Chair and author, and protection from undue influence of agencies who may wish recommendations to be tempered for their own benefit, the author of the report should then be the owner, and while he or she can take on advice and guidance from agencies either directly or indirectly affected by the recommendations, they should not have the power to censor those recommendations.

Question 13:

Do you have any comment on the role and scope of the Senior Oversight Forum? - YES

If yes, please provide comments below.

- A quality assurance function is vital to the DHR process. To ensure that this function can run smoothly, the SOF membership shouldn't be too unwieldy as this would hamper the QA and oversight function.
- The role of the SOF should include receiving updates on the progress of DHRs and the implementation of recommendations.
- More detail is required about how the SOF would be able to compel compliance with recommendations.
- The SOF's follow up function to review how findings of reviews are being implemented should be written into the process in detail.

Question 14:

Do you have any comment on the organisations that would make up the Senior Oversight Forum, particularly the additional bodies that could be considered, or others that should be considered? - YES

If yes, please provide comments below.

- Women's Aid and Men's Advisory Project should be standing members of the SOF, as the lead domestic violence organisations in Northern Ireland.

Question 15:

Do you have any comment on the potential implications the proposed model may have on equality or human rights? - YES

If yes, please provide comments below.

- Given that women comprise the majority of victims of domestic violence, high risk cases, and domestic homicides, this proposal has the potential to better

safeguard the human rights of women's liberty, to live free from torture and inhuman and degrading treatment, and to fulfil their rights to private and family life.

Question 16:

Do you have any further comment to make about the proposed model? - YES

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 or alternatively a hyperlink if it can be accessed online.

- The process should be victim centred and reviewed to ensure that it is capable of creating meaningful change for victims that don't follow traditional patterns. It is important to examine policies, procedures and services to ensure that they are fit for purpose for these victims as well as those who fit traditional patterns of support seeking.
- Regarding children and young people, even if children and young people were very young when their parent was killed, it would be good practice for a complete and un-redacted copy of the DHR report should be attached to their social care file. This will enable them to have access to the full information surrounding their parent's death when they are older and have questions about what happened.
- It could be useful to consider offering anonymity to witnesses and participants to get co-operation. For example, a Chair or Panel may wish to speak with a former partner of the killer to get insight into their patterns and MO. However, a former partner may be reluctant to disclose any information or take part in a review unless they can do so anonymously. They may feel guilt if they didn't report their abuser to police, and may be at risk of public reprisal for 'causing' the death by not reporting their own abuse to police.
- The establishment of pathways for change in each agency named in a given DHR. This could include naming a specific person responsible for overseeing changes based on recommendations in each agency. This should be someone with seniority and in appropriate role to take this forward. Also include a requirement for agencies to report back to SOF within a year on the progress of implementing recommendations.

