

## 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  
Castle Buildings  
Stormont Estate  
BELFAST  
BT4 3SG

Tel: 028 9052 3772

E-mail: [DOJCommunity.SafetyUnitProjMailbox@justice-ni.x.gsi.gov.uk](mailto: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?

- You have the right to obtain confirmation that your data is being processed, and access to your personal data;
- You are entitled to have personal data rectified if it is inaccurate or incomplete;
- You have a right to have personal data erased and to prevent processing, in specific circumstances ;
- 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;
- You have rights in relation to automated decision making and profiling.

Respondents should also be aware that the Department's obligations under the Freedom of Information Act 2000 (FOIA) may require that any responses not subject to specific exemptions under the Act be communicated to third parties on request.

If you have any concerns about how your personal data has been handled please contact the **Departmental Data Protection Officer**:

Tel: 028 9037 8617

Email: [DataProtectionOfficer@justice-ni.x.gsi.gov.uk](mailto: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](mailto:ni@ico.org.uk)

**Website:** [www.ico.org.uk/](http://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.....*(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:

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

Name:	[redacted - personal information]
Job Title: <i>(if applicable)</i>	[redacted - personal information]
Organisation: <i>(if applicable)</i>	Health & Social Care Board
Address:	12-22 Linenhall Street
City/Town:	Belfast
Postcode:	BT2 8BS
Email Address:	[redacted - personal information]

**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?**

If yes, please provide comments below.

**No issue with the purpose of a Domestic Homicide Review.**

## Question 2:

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

If yes, please provide comments below.

**Our main issue is in relation to the commissioning of such a Review with any young person aged 16- 18 years. In law, any young person under 18 years is still legally a child. Some of the wording of the Review document, in relation to use of the word 'Adult' seems inappropriate. See below;**

*6.1 When there is a **domestic homicide of an adult (aged 16 years old or over)** the PSNI will notify the Senior Oversight Forum (SOF) of the death. This will then in turn begin the DHR process and SOF's engagement, as appropriate, with the DHR Chair and Panel to undertake a review.*

**There is reference below to the other processes in place for young people. This presumably would be the Case Management Review process through SBNI. While this is acknowledged, there would seem to be some possibility for potential confusion and inconsistency. Thus it leads one to ask the question about whether it would be better for all cases involving children under 18 years of age to be dealt with under current SBNI procedures as this will involve all the relevant professional including PSNI etc.**

*6.9 The legislative scope of the DHR process covers victims aged 16 and over. There is already a robust legislative and safeguarding framework in place to tackle child abuse and review the circumstances of cases where the victim is under 18 and has been the victim of a domestic homicide, for example, by a close family member. In these instances another review process may be more appropriate, for example a case management review (CMR). With regard to young victims we would consider the homicide of a 16 – 18 year old victim, within a teenage intimate relationship, sitting firmly within the scope of the DHR process. Where a case involves the death of both an adult and a child the DHR Chair would liaise with the other review body to ensure that good practice and engagement with service provision is identified and lessons are sought and shared in relation to the domestic violence and abuse.*

**Question 3:**

**Do you have anything to say about what may ‘typically’ be outlined within the terms of reference?**

If yes, please provide comments below.

No issues apart from comments already made about young people under 18 years of age

#### 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?

If yes, please provide comments below.

In relation to the Chair where it currently states;

*....has practical and/or academic expertise*

It may well be better to reconsider this to be worded;

*.....has academic and/or practical expertise..*

*on the basis that some relevant practical experience would seem to be important.*

**Question 5:**

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

If yes, please provide comments below.

The list of bodies to be involved listed in 6.22 may need to give consideration to the fact the HSCB will no longer exist under that title after March 2019.

**Question 6:**

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

If yes, please provide comments below.

It is helpful that the document takes account of equality and diversity as follows;

*The Panel should have due regard to equality and diversity issues in relation to persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women generally; persons with a disability and persons without; and persons with dependants and persons without. Please note this would also include rural needs.*

It would perhaps be helpful to have some reference to how the process of 'recruiting' such individuals will be done.

**Question 7:**

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

If yes, please provide comments below.

Given these reviews are in the context of a criminal act and will be subject to criminal proceedings there may be legal considerations for both family members or other individuals, who may contribute to the review. There would need to be very clear protocols in relation to this given the potential risk for individuals to unwittingly implicate themselves.

**Question 8:**

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

If yes, please provide comments below.

See above

Given these reviews are in the context of a criminal act and will be subject to criminal proceedings there may be legal considerations for both family members or other individuals, who may contribute to the review. There would need to be very clear protocols in relation to this given the potential risk for individuals to unwittingly implicate themselves.



**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?**

If yes, please provide comments below.

While there is potential for significant learning, this needs to be placed in the context that being able to conduct and finalise such reviews may not happen for some time as one assumes that criminal proceedings will clearly need to be completed first. Therefore this may compromise the timeliness of any learning and dissemination of it to improve practice and avert repeats.

However on that point of timing, the diagram at Section 8 seems to suggest that the Domestic Homicide Review process is running alongside the Police case but as already stated, presumably the Police investigation happens first?

**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?**

If yes, please provide comments below.

It might be useful to develop a framework for what information is to be captured (e.g. in a CMR there is an Individual Agency Review but also a chronology is required which is then merged and is a very useful tool.) Although it is not proposed to have a detailed account of each agency's detailed involvement, it would be important to ensure that information was captured comprehensively and that relevant information was not omitted.

**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?**

If yes, please provide comments below.

In principle the report should be published but a detailed report that adheres to current data protection requirements may be difficult. The public interest test may apply but clearly, a legal opinion regarding this will be required.

The proposal in 6.33 to publish a shorter report with a more detailed report for relevant agencies and the family which is not published, would seem to be a more prudent option. However, it is still possible that a family could choose unilaterally to publish this.

If publication is about openness and transparency that should be referenced in the purpose of the DHR and as part of the process in Section 5.

**Question 12:**

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

If yes, please provide comments below.

It seems totally appropriate that identified learning and follow up actions will be discussed with organisations, presumably before being finalised in a report that is then published. It may be useful to put more detail around the process for the development of action plans. This may need to make reference also to the potential resolution any disputes about learning and actions.

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**Question 13:**

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

If yes, please provide comments below.

In terms of consistency, the functions of the Senior Oversight Forum at point 6.38 should perhaps include signing off on Terms of Reference and also refer to membership of the Panel.

Reference to liaison and the interface with other review processes associated with any proposed DHR, may also be a helpful role for the Forum.

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**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?**

If yes, please provide comments below.

With reference to additional bodies, consideration might be given to including RQIA in the list of representatives for the SOF.

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**Question 15:**

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

If yes, please provide comments below.

The forum will require to be very skilled in understanding particularly the Human Rights issues given that this review is in relation to situations where a crime has been committed.

Clearly this is about making the system safer for everyone in Northern Ireland and not about apportioning blame. It will also be important to acknowledge areas of good practice as well as identifying where practice might have been better and thus key learning is identified.

**Question 16:**

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

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.

**No further comments**