

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

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 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.

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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

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.....*(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:	[redacted - personal information]
Job Title: <i>(if applicable)</i>	[redacted - personal information]
Organisation: <i>(if applicable)</i>	Probation Board for Northern Ireland
Address:	80-90 North Street
City/Town:	Belfast
Postcode:	BT1 1LD
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.

Probation is keenly broadly supportive of the aim to seek opportunities for learning from cases of homicide resulting from domestic abuse or violence. Clarification would be appreciated specifically around the necessity to create an additional review process or structure given the current serious case review processes in respect of PPANI, SBNI and vulnerable adult (NIASP). Further the interface arrangements would need to be clear to ensure there is no confusion on which review process should be commissioned.

At 5.1 points (i) and (ii) would need mention or private sector contractors as contact with victims is not exclusive to the statutory or Community Voluntary Sector. Any lessons learned (iii, iv, v) which require dissemination from cases of DH would need also to be shared with relevant private contractors who deliver services.

At 5.4 the focus of a DHR is clear but again highlights the need for clarity to avoid duplicate processes being enacted (mentioned above).

Question 2:

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

If yes, please provide comments below.

It is difficult to ascertain from the consultation document when a DHR will be required that is not already covered by existing processes and structures such as PPANI, SBNI and NIASP e.g. for vulnerable adults. Probation would agree that the PCSPs would not be a suitable structure to oversee the DHR process but consideration should be given further to the other existing structures mentioned rather than dismiss the possibility out of hand.

PBNI would be interested to learn more about how DHR arrangements in England & Wales dovetail with public protection arrangements and other review processes without creating duplication or a further stretch on organisations resources by way of representation.

Is the necessity for the additional process and structure of a DHR supported by either numbers or scope of criminal cases which would not already be reviewed as above by the collected organisations on a multi-agency basis?

In consideration of whether a DHR is to be commissioned, there should be a requirement to seek information from the Community Voluntary Sector involvement in the case.

PBNI affirms that there should be no dual reviews (ref 6.6), one of the extant review mechanisms or a new DHR should conduct only one review.

The guidance would need to specify how and who makes the decision under which banner the review shall take place.

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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.

At 6.12, 4th bullet Probation considers that a DHR should not run in parallel with other reviews into the same case due to the potential of differing conclusions being reached or different action taken. This would not best serve victims, the professionals involved or contribute positively to public confidence.

8th bullet the DHR should include interaction with voluntary organisations who have direct victim contact as well as the 3 statutory Victim Information schemes, private sector contractors and the NI Housing Executive. Notably the NIHE is already a member of the Strategic Management Board for the Public Protection Arrangements.

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.

Probation agrees with the proposed knowledge and skills required for the Chair. From the consultation document alone it is not entirely clear by whom the Chair would be employed and/or to whom specifically the Chair would be accountable to? Would it not create a difficulty if the employer was the Department of Justice and simultaneously the Chairman was accountable to the Department? There may be a question of the independence of the office of Chair in this case.

Question 5:

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

If yes, please provide comments below.

Further consideration is required of the roles and responsibilities of the suggested core membership organisations. This will be a significant resource consideration for the organisations involved who, as has been noted previously in this response, make an already significant commitment to the existing review processes to review serious cases of offending/re offending.

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.

PBNI agrees that the make up of the panel should have due regard for equality and diversity issues.

Question 7:

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

If yes, please provide comments below.

Family involvement is a critical component of a serious case review, particularly where there has been a domestic homicide. Family members of a victim often have insights that others do not e.g. where there has been little or no prior contact with statutory bodies. It is about assisting the investigation/review in to the circumstances of the case and suggestions for future learning.

As an aside we should ask an independent body e.g Victim Support who should offer ongoing support/liaison with the family.

Question 8:

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

If yes, please provide comments below.

PBNI believes the involvement of other individuals – friends, wider family circle, employer, perpetrator and family, local community representatives – may be useful to the review and the scope and level of involvement should be considered on a case by case basis.

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.

The elements outlined are an appropriate standard to any Serious Case review e.g. immediate action taken where required and longer term actions identified and planned to improve practice where appropriate. PBNI would be in agreement with the elements outlined.

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.

The extant review processes PPANI etc. are comprehensive and this brings credibility and transparency. The proposed approach in respect of DHR, could lead to suggestions of a light touch or at least claim that the process is not as robust as the review processes for PPANI etc.

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.

PBNI believe that the publication of any report needs to be looked at in more detail to align with how other reports are published.

The views of registered victims and their rights and perpetrators rights under Data Protection Legislation will have to be taken into account particularly at the publication stage.

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.

PBNI has no further comment.

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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.

Agree that membership of SOF must mirror core representation of the panel. In terms of governance and their independent role, it is not clear how an independent inspectorate could appropriately sit on SOF.

DV partnerships and other multi-agency partnerships are not corporate bodies. Agree there should be representation from the Community and Voluntary Sector , however this needs to be limited to 1 or 2 groups.

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.

PBNI has no further comment.



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.

Potentially, the publication of a review report may have an adverse impact on individuals e.g. alleged perpetrators, where there is no previous criminal record or where no conviction is secured in the criminal case.

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.

PBNI would like to see evidence of the effectiveness of the DHR process, perhaps as it has been applied in England and Wales, particularly in relation to how the DHR operates in parallel with other structures which perform the same function – PPANI, SBNI.

Section 8 – Snapshot of the Domestic Homicide Review Process:

The snapshot appears to outline that the final decision of the DHR lies with the Department of Justice? PBNI believes that the final decision should be made by the independent Chair, thus protecting the impartiality of the process. Of course, this can be guaranteed only through the appointment of a Chair who has no direct links to any of the organisations involved in the case.

The reference to Criteria in the snapshot is confusing as ‘criteria’ are not outlined or proposed elsewhere in the consultation document.