



**Refuge response to Safety and Justice
Government consultation paper**

September 2003

Refuge

Refuge is a lead agency campaigning against domestic violence in the UK.

Refuge runs a 24hour National Domestic Violence Helpline referring to over 500 refuges across the UK and offering counselling and advice on legal and welfare issues to support women and children experiencing domestic violence.

Refuge established the world's first refuge in 1971 and is now the single largest service-provider with a growing network of refuges. It provides specialist refuges for women from black and minority ethnic groups as well as community outreach programmes and floating support. In addition, Refuge operates a unique programme of services for children.

Refuge has a unique contribution to make in the creation of innovative policy and practice to meet the needs of domestic violence victims. Refuge would welcome the opportunity to further discuss its recommendations with Government, particularly in terms of joint work and or support for specialist projects illustrated in this document.

Overview

Refuge welcomes the Government's commitment to address domestic violence by focusing on protection for victims, provision of services and preventative efforts.

A three pronged approach of this type, together with a push towards a strong arrest and charge policy has been advocated by Refuge since the mid 1980's. Refuge outlined the need for a co-ordinated national strategy in 1990¹ and most recently in its response to the government's white paper 'Justice for All'.

Refuge recognises the need for an effective and vigorous criminal justice system response in combination with a multi-layered strategy for responding to victims.

A Gendered Perspective: Seeing the Issue Clearly

In order to respond to and prevent domestic violence one must have an accurate understanding of the causes. Domestic violence has long been an entrenched social problem and was until recently enshrined in and validated by English Law. For example it was not until 1991 that it became a crime for a man to rape his wife. Women's rights to property and access to equal pay are recent, hard won victories and this kind of gender biased discrimination continues to permeate all sectors of our society.

In the UK

- *Economic* - women make up just 24% of managers and just under 10% of directors in companies
- Over the course of their working lives the average woman earns £250,000 less than a man and this increases to £390,000 if she has children²
- *Politics* - women make up less than 20% of MPs and this is one of the lowest levels in Europe
- *Violence* - between 1989 and 1999 the reported incidence of rape has risen by 165%; the conviction rate has fallen from 24% - 9%³
- 2 women are killed each week by a current or former partner⁴

Social tolerance of violence and discrimination against women have become embedded within and reinforced by our culture. This is visible in images of women in the media and in every day life. It is also visible in the attitudes of males. For example, in one study, 1 in 5 young men thought forcing their wives to have sex would be acceptable, and 1 in 2 young men thought raping a woman was acceptable⁵.

Understanding violence against women within the social and political context in which it occurs is not new. Since the seventies (Dobash and Dobash 1979) through the eighties (Kincaid 1982) nineties (Canadian Panel on Violence Against Women 1993) and into the 21st century (Unicef 2000) those responsible for developing international policy such as the UN (1993) and leading good practice in the field e.g. Canada (1993) the Minnesota Coalition Against Battered Women and

¹ Horley S (1990) Report to the Home Office on the Canadian approach to domestic violence

² Does sex make a difference . women and equality unit – (February 2003)

³ Home Office (1999) cited in Living without Fear (1999) The Cabinet Office

⁴ Homicide statistics (1998) cited in Living without Fear (1999) The Cabinet Office

⁵ Edinburgh, Zero Tolerance Charitable Trust

the Common Wealth Secretariat (2000) as well as those at home, in the form of the Greater London Domestic Violence Strategy (2001) agree sexist attitudes and beliefs are at the root of violence against women.

It seems clear that the roots of violence against women lie in our beliefs about gender. However these beliefs are so firmly embedded within the cultural norms of most societies that they have come to represent the natural order of things. Working towards wide scale attitude change is essential.

Refuge is concerned that there is a growing trend to view violence against men in the same way as violence against women. Findings from the British Crime Survey (1999) that 1 in 4 women and 1 in 6 men are victims of domestic violence obscures both the reality and the complexity of that violence. We know from research that the violence experienced by women is different in nature, severity and consequence.⁶

“Women were 4 times as likely to experience the most serious and potentially lethal violence, such as threats, assault with a gun or a knife, choking and sexual assault. Women were 3 times more likely to report suffering a physical injury and twice as likely to report chronic on going assaults, defined as more than 10 separate incidents. Women were 5 times as likely to report that they feared for their lives”.⁷

Developing social structures in which violence is no longer acceptable, challenging the links between violence and masculinity and working towards developing relationships of equality and respect, is key to preventing violence in our society.

A co-ordinated national strategy

Refuge is concerned that the focus of the paper is heavily weighted towards justice system responses and the risk this poses for effective development of service provision and preventative strategies. The justice system should deliver a clear and consistent message to perpetrators and society that domestic violence is both unacceptable and criminal. However, victims also need services, information and resources. Prevention, particularly strategies which are embedded within programmes for the very young (and for young parents) are also crucial to eliminate violence in the long term. These programmes should be developed and implemented by specialist professionals from the domestic violence field. Integration between these key elements can only be achieved through a strong policy framework and an appropriately resourced national strategy which works in tandem with effective co-ordination at a local level.

Definition

The first step in addressing this issue is to agree upon an accurate definition of the problem. The definition of domestic violence used at Refuge has its basis in a socio-political understanding of violence against women and reflects the perspective of the UN declaration on Violence Against Women (1993). At the world conference on Human Rights held in Vienna 1993, the General

⁶ Johnson & Bunge (2001) Prevalence and consequences of spousal assault in Canada. *Canadian Journal of Criminology* cited in Jaffe, P.G., Lemon N.K.D., Poisson, S.E. (2003) Child Custody and Domestic Violence.

⁷ Jaffe, P.G., Lemon N.K.D., Poisson, S.E.(2003) p6 Child Custody and Domestic Violence.

Assembly of the United Nations made a declaration on violence against women. At the core of this resolve is the firm belief that

“Violence against women is a manifestation of historically unequal power relations between men and women which have led to domination over and discrimination against women by men and which have prevented women’s full advancement. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men”⁸.

Domestic violence is a term commonly used to describe the abuse which occurs between intimate partners or ex-partners. Whilst it is important to recognise that domestic violence also occurs within dating relationships, within sex-same relationships, towards elders and in some instances in a female to male direction, we should acknowledge that the vast majority of these incidents are experienced by women and perpetrated by men. Domestic violence is defined as behaviour which causes physical, emotional and or psychological harm. It the systematic, patterned and purposeful exercise of power and control. The abuse can include a wide range of behaviours such as verbal remarks, financial control, intimidation, isolation, threats, sexual assault and physical assault.

We must acknowledge that gender based discrimination often interfaces with other forms of discrimination such as race/ethnicity, class, sexual orientation, age, disability and religion, creating even greater difficulties for many women. Some women from black minority ethnic groups also experience violence from other family members and community leaders. For this reason, the definition may need to be broader. Much work has already been done attempting to create agreed definitions in this area. A working party to consolidate these efforts would be valuable.

An integrated approach

It is crucial that our approach to domestic violence acknowledges and responds to the overlapping abuse of women and their children. Domestic violence impacts on women and children simultaneously, individually and perhaps most importantly, it has the potential to affect their relationship with each other. In our experience, both policy and practice continues to conceptualise women and children’s needs separately. The key to successful intervention is to recognise the *inter-connectedness* of this abuse and its effects. Policy and services must reflect this reality.

Question 1

How should the Government best measure the incidence of domestic violence and the success of its strategy to reduce it?

Refuge suggests it would be helpful for all agencies to

- hold a clear, accurate and agreed definition of domestic violence. This could be achieved through the efforts of a multi-disciplinary consultative working group
- track/monitor domestic violence cases as they move through the justice system and other services, recording not only the incidence, but also the history, direction (who is abusing who) and impact of the violence
- establish monitoring, evaluation and accountability/compliance mechanisms against an agreed set of minimum standards

⁸ United Nations (1993) Declaration on the Elimination of Violence Against Women. P6

- implement a mandatory training programme, with domestic violence competence highlighted as a requirement.

For Government to undertake a national prevalence study.

Question 2

Should the Government require Crime, Disorder and Reduction Partnerships to formulate strategies for the reduction of domestic violence?

Yes. Refuge supports efforts to provide co-ordinated strategies for reducing and responding to domestic violence, including the requirement that Crime, Disorder and Reduction Partnerships have a strategy to this end. However, it is vital that any CDRP strategies should be developed in partnership with women's organisations who have specialist and extensive experience in the field and of course, with service users themselves

It is crucial that funding for such programmes should also be available to specialist agencies, such as Refuge, Women's Aid and other groups, who may be better equipped to take on the role of lead partner in these initiatives. One study found that voluntary community groups had "notably less representation at the steering or policy group level" and almost a 3rd of those surveyed, felt their contribution to Crime Disorder and Reduction Partnerships was limited because of a perceived 'tokenism' by some statutory agencies. Nevertheless, the overall impression was that their contribution was valuable and necessary.⁹

Question 3

What are the most effective ways of teaching young people about domestic violence, its hidden nature and above all, its unacceptability?

Working to change attitudes by educating the young has long been recognised by Refuge as a vital element in the prevention of violence against women and children. Since 1995, Refuge has operated a unique children's programme, incorporating a psycho-education element aimed at teaching children and young people about domestic violence. In 2000, Refuge, in partnership with Finnish colleagues, conducted research with education personnel in both countries.

Refuge also has much experience in conducting training and awareness raising for professionals, including education personnel about the impact of domestic violence on women and children and in creating protocols for responding to disclosures. Such training is a necessary precursor to any work with children and young people, so that common myths and stereotypes about domestic violence are not transmitted by educators.

Within the consultation document, the Government makes reference to work begun with schools to address young people's attitudes through the Personal, Social and Health Education (PSHE) and the Citizenship Curriculum. Whilst this is an appropriate step, the assumption that teaching "young people social skills ...should help towards reducing domestic violence, for example anger management and negotiating within relationships" we know from research that:

⁹ Hester, R (2000) Crime and Disorder Partnerships: Voluntary and Community Sector Involvement. Briefing Note 10/00 London. Home Office

- the strategic exercise of control within a relationship is at the heart of abuse
- anger management work addresses difficulties in the ability to control. It is not a loss of control which is at issue, rather the systematic use of control to undermine another
- difficulty controlling anger is a common excuse used by abusers.

In Canada, there is a direct move towards educating the entire justice system (including judges) about the inappropriateness of diversion or referral to anger management courses in cases where there is domestic violence¹⁰.

The government asserts that the Citizenship Curriculum (introduced in September 2002) “can give offenders valuable skills – listening, expressing views, resolving disputes constructively – and it helps to build confidence and self-esteem”. Whilst of value in itself, this type of skill development on its own does not reduce or prevent domestic violence. To this we need to address the issue at its root.

Refuge recommends that:

- all preventative efforts must recognise the gendered basis of violence against women
- all programmes must grow from this gendered perspective and should be evidence based.

Intervention with the Educational System

For children and young people

- the development of dedicated programmes aimed at raising awareness about domestic violence for all children and across all ages
- that work on gender equality, respect and non-violent conflict resolution runs through the content and ethos of all school curricular and activity. It is therefore seen as positive that the Government wants to work with teachers to develop more imaginative ways of incorporating domestic violence issues into mainstream lessons
- that specific modules which directly address domestic violence are built into the curriculum e.g. PHSE, Citizenship, Circle time for younger children
- that empathy training features on the early years curriculum for under 5's and incorporates gender equality, respect and non-violent conflict resolution as described above
- it is also desirable to undertake work with young people who have already become either perpetrators or victims via the Criminal Justice System. An example of good practice in this area is found in the Canadian system, where an early intervention programme is available for teenagers who are charged with or are victims of domestic violence¹¹.

For educators

- that all education personnel should receive training so that they are informed about the causes, dynamics and consequences of domestic violence and alert to the risks for children and their mothers

¹⁰ Personal communication from Crown Counsel and policy officials in The Ministry of the Attorney General, Toronto.

¹¹ Relationship Skills for Violence Prevention. Central Toronto Youth Service

- the basis of this training should incorporate a socio-psychological perspective together with an understanding of the significant role of gender, power and control in the abuse¹²
- training should occur on two levels; it should feature in initial professional training and as part of on-going professional development.

Policies and procedures

- that education departments and schools have clear policies and procedures in response to disclosures of domestic violence
- education departments/schools should be aware of the impact of hearing disclosures of domestic violence upon staff members and create support mechanisms to mitigate against vicarious traumatisation and/or burn out.

Consultation with women residents gives strong support to the view that schools are best placed to educate young people about domestic violence. One young woman said *“I wish someone had taught me about domestic violence at school, because the first time I knew anything about it was when I was punched in the face”*.

Question 4

What are the most effective ways of raising awareness about domestic violence among the general public and key professionals?

Refuge has campaigned to raise awareness about domestic violence amongst the general public and key professionals for over 20 years and has won awards for its efforts.¹³ During this time, Refuge has forged alliances with senior journalists, editors and broadcasters using a clear media strategy and has gained a reputation of professional excellence for its nationwide media campaigns.¹⁴ Working with the media to ensure that clear and accurate messages about domestic violence regularly appear in the national press and in specialist journals¹⁵ is a crucial element in preventing domestic violence occurring and in providing information to women currently living with abuse.

Refuge recommends that any national campaigns must ensure

- that the reality of violence against women and children is not diluted within an all encompassing generic perception of ‘domestic violence’ and ‘victims of violence’
- that myths about violence against women are challenged and that accurate information is presented to the public
- information is presented regularly and in a variety of formats (e.g. television adverts, soap storylines, leaflets, posters, billboards etc) as part of a long-term appropriately funded strategy

¹² Much anti-violence work in Canada and the US adopts a feminist analysis of violence, with some authors suggesting that *“an anti-violence message would be ultimately unsuccessful unless delivered in a context that challenged the cultural beliefs promoting violence against women”* (Gamache and Snapp in Ending the Cycle of Violence. Community responses to Children of Battered Women P Jaffe, J Edelson and E. Peled Eds. 1995 p216)

¹³ The Sun/Waterstones/Refuge - Sheryl Gasgoine campaign (1999/2000).,

¹⁴ Cosmopolitan campaign (2001). Acted as advisors on Eastenders’ domestic violence storyline.

¹⁵ Housing Today campaign 05/12/2002

- information is presented in a range of languages and reflects an understanding and sensitivity to cultural difference
- Women consulted at Refuge said they wanted information about the broad spectrum of domestic violence. Many had commented that they did not know they were being abused until someone else brought it to their attention! *“People need to know that domestic violence isn’t just physical” “we need to use real stories from women who have made it, it would give hope and get across the message you’ve still got a future, a life and a brain”.*

Media reports indicate that one of Refuge’s campaigns reached 47 million people. This work is not funded, is carried by a small team yet with secure, long-term resource it has enormous potential to reach consistently a national audience.

It is also important to provide accurate information to key professionals and Refuge recommends that training should

- be mandatory and reflect a feminist analysis of violence. It should also contain ‘good practice’ elements and skill development components e.g. ‘how to respond to disclosures’ ‘how to support a woman who does not want to leave her partner’ ‘how to deal with her/his own feelings about working with domestic violence cases’
- address the specific difficulties facing women from black and minority ethnic communities, such as institutional racism, barriers to seeking help or leaving an abuser/community etc,
- include religious leaders, as some women identify them as a source of support and information
- address the additional difficulties encountered by those in ‘hard to reach groups’
- respond to the needs of children affected by domestic violence.

Question 5

How do we best reach particular groups, e.g. ethnic minority communities, the LGBT community, children, people with disabilities, the elderly and those lacking mental capacity?

Refuge has expertise in providing specialist services to women and children from difficult to reach groups. Residents of Refuge’s specialist accommodation and outreach projects for black and minority ethnic women have consistently provided positive feedback about these services. In our experience, in order to access to particular groups one must

- adopt a proactive approach to service development based on a clear understanding of local need
- develop culturally relevant community based services
- provide service information in various languages, together with a sensitive approach to publicity
- utilise the ethnic/specialist press and local television channels
- establish local domestic violence fora for black, minority ethnic women
- employ staff from ‘hard to reach’ groups to provide/manage services
- have a clear understanding of the particular needs facing particular groups. Those within same-sex relationships are not only subject to common misconceptions about violence but also myths about what it is to be lesbian or gay

- provide information to groups with learning difficulties or with a sensory impairment in an accessible and understandable format. Refuge makes language line (for those who do not speak English) and type talk (for the hearing disabled) available for those who call the Helpline.

Whilst research suggests the likelihood of experiencing domestic violence declines with age, it does not disappear. It is vital that we acknowledge the particular difficulties the elderly may have in disclosing domestic violence and in seeking help. Community based strategies, incorporating social services, GP's, community nursing and voluntary groups such as Age Concern, for example would be of value.

For children with special needs we must

- provide information in an accessible format and at a level appropriate to skill/developmental age

Women in rural communities

- These women often feel isolated, have fewer options and services such as refuge space, outreach services and legal aid solicitors. There are problems accessing services, due to limited opening hours and poor transport facilities. Where services exist they are often poorly co-ordinated or suffer from an inconsistent approach across agencies.

Refuge recommends

- the creation of inter-agency training and workshops to increase networking and knowledge amongst service providers and promote access to information for service users
- those in the domestic violence field develop mechanisms to work closely with other specialist service providers and service users to establish new services to meet the needs of these groups
- that local authorities are required to commission specialist services to meet the needs of these vulnerable groups.

Question 6

What are the issues facing practitioners in the fields of drug and alcohol treatment and domestic violence?

It is a myth that domestic violence is caused by alcohol or drug abuse. One finding of a Daphne funded research project conducted by Refuge (2000) is that 99% of education personnel surveyed in the UK and in Finland thought alcohol was a possible cause of domestic violence. 98% of respondents believed this was also the case for drug use.

Another study exploring this issue found that 1 in 2 perpetrators were sober at the time of a domestic violence incident¹⁶. UK research revealed¹⁷ that perpetrators of domestic violence were under the influence of alcohol during 32% of incidents or drugs during only 5% of incidents.

¹⁶ Aromaa & Heiskanen 2000, 126-127 – cited in Dufa V, (2001) What's Troubling the Child? Domestic violence as seen by workers in schools.

¹⁷ Mirlees-Black (1999) Domestic Violence: Findings from a New British Crime Survey Self-Completion Questionnaire. Home Office. Research Study 191.

Working towards resolving alcohol or drug abuse, will not on its own, prevent domestic violence. Rather, it is vital that service providers in both sectors develop work based on a feminist analysis of violence.

Refuge believes key concerns involve

- perpetuation of the myth that drugs and alcohol cause domestic violence
- failure to recognise that some women may come to abuse drugs and or alcohol as a means of surviving domestic violence
- the danger that some women may be lulled into a false sense of security if they believe alcohol treatment will stop their partner's violence.

Question 7

How can agencies involved in drug and alcohol treatment and domestic violence be helped to work together more effectively?

The development of inter-agency structures, such as the STELLA project, established by the Greater London Domestic Violence Project and the Greater London Alcohol and Drug Alliance, promote opportunities for information exchange and creation of a dialogue between the two fields. This is an important first step in developing effective working relationships and approaches to address both domestic violence and drug/alcohol misuse.

Refuge believes key issues could be addressed by

- developing successful strategies for partnership working e.g. referral systems across agencies
- screening for the presence of domestic violence and substance misuse is necessary in both sectors
- monitoring and evaluation of projects attempting to work with both domestic violence and substance abuse, with built in mechanisms for dissemination of good practice
- the development of specific services such as drop in centres and specialist refuges staffed by domestic violence specialists and substance abuse practitioners.
- the creation of gender specific detox centres (staffed by women) where abused women can take their children
- joined up thinking and intervention, particularly where children are thought to be at risk. Additional supports, as opposed to sanctions via child protection mechanisms, would be of greater benefit in the long term.

Question 8

What do health practitioners and managers need to help them develop and sustain effective responses to victims of domestic violence?

Research suggests that women want to be asked about domestic violence by health practitioners. Routine questioning/screening by all professionals would promote early disclosure but in order to do this and to follow questioning with appropriate support and/or referral systems.

Refuge recommends there should be:

- specialist domestic violence and sexual assault units within Accident & Emergency departments in a similar way to the Canadians¹⁸ including a domestic violence co-ordinator
- mandatory training, incorporating both knowledge and skills components, leading to 'domestic violence competence'
- clear guidelines and protocols, including systems for screening, documenting and responding to victims e.g. referral to support services
- minimum standards with clear performance indicators, systems for monitoring, evaluation, accountability and compliance
- staff support systems, including access to specialist information/supervision
- mechanisms for co-ordinated inter-agency networking
- resources to implement the recommendations from 'Into the Mainstream'.

It is essential that the health service and the justice system are clear about their respective roles. This would ensure that the health practitioner's first priority is to provide care to the client and not to report a 'crime' to the police. Issues of confidentiality and respect for the client's wishes should be paramount, subject to statutory exceptions e.g. child protection.

Family Services

Refuge supports the government's commitment to increase better family support via a co-ordinated and integrated approach to service delivery. Refuge welcomes a focus on early education, childcare, family support and health, with a view to extending best practice and developing effective referral systems for domestic violence, particularly for families in disadvantaged areas.

The importance of identifying children at risk in such circumstances is clear. However, appropriate training for professionals, especially teachers and social workers is necessary to ensure a response which is **mutually supportive** to both the woman and the child.

In addition, Refuge would recommend the development of a co-ordinated system wide response which focuses on provision of services and economic support for women and children who have experienced domestic violence.

Question 9

How can we best provide information quickly, safely and easily to victims of domestic violence and what should this information cover?

Refuge has always endeavoured to provide information to victims at various times and stages. What the information should cover depends upon the context. For example, information needed at the scene of a domestic violence incident would be different to that needed by a woman who is wondering whether she is 'abused' and if so what her options are.

¹⁸ Domestic Violence Sexual Assault units described in *Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and legislation Spousal Abuse Policies and Legislation* (2003)

Refuge recommends

- all 'information' should be developed using a sound knowledge of how domestic violence affects a woman and her children over time
- information about the broad spectrum of domestic violence behaviours is included. Consultation with Refuge residents revealed many women were unsure whether they were being abused
- all professionals are able to provide accurate information to women and children. Women at Refuge stressed the importance of receiving accurate information from professionals from whom they sought help, though in practice, few had obtained this
- the creation of easy to read leaflets in a range of languages (including Braille and large print), outlining the facts and common myths of abuse, the impacts on women and children, as well as options for help and support
- information (posters/leaflets/helpline numbers etc) should be available in all public service sectors, as well as supermarkets and other social settings, such as places of worship. Refuge residents particularly favoured placing information in women only locations, such as toilets. They also suggested the creation of a free phone helpline
- information should be presented in a range of formats for children/young people as well as for adults with special needs and or disabilities. Helplines for children including Childline, Linkline (for children in care) and the NSPCC should all be able to provide age appropriate information and support
- information about the legal system, both in writing and in the form of a victim support worker, should also be available to those involved in police or court proceedings. Information about the case and the status of the defendant, particularly his impending release or cancellation of bail conditions, is crucial to victim safety
- particular efforts should be made to ensure that BME women and those with disabilities have equal access to information, especially those with insecure immigration status.

Refuge provides a 24hour national helpline which was established 20 years ago. This helpline answers 1,000 calls each week from a cross section of the population. Information is systematically recorded and analysed on a database. This data is invaluable to many domestic violence providers and to the statutory and voluntary sector.

This service is in the process of being supplemented by a website, the key purposes of which will be to raise awareness, respond to need and disseminate research and information. Refuge very much supports the government's plans to develop an on-line information database for victims.

Preventing offenders re-offending

Refuge believes that the best way to prevent offenders re-offending is to deliver a strong criminal justice system response in terms of a pro-arrest, charge and prosecution policy which leaves the perpetrator, and society, in no doubt that domestic violence is a crime and will not be tolerated.

Programmes for Domestic Violence Offenders

Refuge acknowledges that perpetrator programmes exist in many jurisdictions and that for some¹⁹ they are part of a broader range of "CJS responses (*in addition to trial and incarceration*) with the

¹⁹ The Partner Assault Response Programme in Ontario is part of an Early Intervention initiative which provides support to the woman. It is also available after trial as part of probation.

necessary safeguards, to hold him responsible and respond to the unique realities of spousal abuse victims.”²⁰

Whilst it would be grossly unfair and inappropriate to deny men the opportunity to change their behaviour, concern exists about the extent to which such programmes are used as alternatives to formal justice system responses, resulting in domestic violence cases being treated ‘differently’ and with more lenience than other crimes. It is also worrying that to date, there is little firm evidence to show that such programmes are successful; agreement regarding ‘effectiveness’ is also a matter of dispute.

Refuge suggests that, if groups for perpetrators are offered, that they should not only include partner outreach as an essential component, but also offer parallel group support for women and children. It seems a strange form of justice that provides the abuser with opportunities for insight and personal growth, whilst his partner is often asked only whether she agrees he should attend and is then kept informed of *his* progress. If we are to support women and ensure that they are able to make informed decisions about their own safety, they need as much, if not more support following the arrest and charge of their partner. Support and safety for any children should also be considered.

Refuge is concerned that perpetrator programmes may compromise women’s safety. If courts order men into such programmes, they should not be used as a diversion from custodial sentences. Multiple programmes may be needed to address different offenders or offences. For example, a first-time offender would need a different programme to repeat offenders. Assessment prior to placement in a programme seems essential.

In terms of programme content Refuge recommends that a pro-feminist model is used and that it include components on

- the cultural norms which allow and reinforce violence against women
- sexism, power and control
- the impact of domestic violence on children
- the links between masculinity and violence

and that there should be

- on going training for those delivering perpetrator programmes and or conducting risk assessment
- on going assessment and evaluation of perpetrator programmes
- the possibility of criminal conviction and sentence remains if the process fails²¹ in addition to the possibility of re-charge
- a validated risk assessment carried out by trained personnel prior to attendance at a group programme.

Refuge, like Women’s Aid, endorses the minimum standards and principles for practice set out by Respect (DVIP) as a basis for work with perpetrators and their partners, that is, that safety of the

²⁰ Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Polices and Legislation (2003) p25.

²¹ Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Polices and Legislation (2003).

victim and children is the first concern. Finally, funding for perpetrators programmes should not be made at the *expense of programmes for women and children*.

Risk assessment

Currently in Canada work is underway to develop risk assessment tools by reviewing homicide cases and police records. These tools are intended for use at the scene of domestic violence incidents and prior to entry to perpetrators programmes. Whilst it is vital to consider risk, Refuge would exercise caution regarding the validity of such measures. It is also important to recognise that women may under-estimate their own risk due to factors such as minimisation, denial, hope things will change and fear of repercussions. Determining risk is notoriously difficult and it is virtually impossible to assert that a woman who has been abused is ever completely 'safe'.

Part 3 Protection and Justice

Ensuring an effective police response when victims report domestic violence

The police play a critical role in the first line of response to domestic violence incidents. Refuge supports many of the initiatives taken by the Government, such as

- the current review of investigation and prosecution of domestic violence cases being currently undertaken by Her Majesty's Inspectorate of Constabulary and Her Majesty's CPS Inspectorate
- the implementation of a pro-arrest policy.

Nevertheless, consultation with service users at Refuge indicates that a pro-arrest policy is not consistently enacted and that where it is, release of the offender without charge and without informing the victim, is commonplace.

Refuge would recommend

- careful and consistent monitoring and evaluation of this policy, ensuring that it is also accompanied by a pro-charge policy, enhanced evidence gathering and effective communication with the victim both at the scene and prior to the defendant's release from police custody
- training for all police is essential if these changes in policy are to be practically and comprehensively applied in domestic violence cases
- the use of victim advocacy services either at the scene or at immediate follow up, as this is likely to increase victim co-operation with the case. Canadian research has found co-operation to be enhanced when women "*receive timely and continuous information about the CJS, the status of her case and support throughout the process*"²².

Refuge supports the Government's proposal to make common assault an arrestable offence, as well as the proposal that the police should flag all domestic violence cases.

²² Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Polices and Legislation p24.

Improving the prosecution of domestic violence cases and making sure that sentences reflect the crime

Refuge agrees it is essential that all prosecutors have a proper understanding of the issues surrounding domestic violence and supports the initiative to establish a set of specialist prosecutors who can advise those less experienced and or take on particular cases if necessary. But in the first instance it is vital to have an unequivocally stated 'pro-prosecution' policy which would reinforce the pro-arrest and pro-charge policy. The evidential test of a 'realistic prospect of conviction' would continue to operate.

If these developments are to be properly implemented and monitored, Refuge recommends that

- extensive training must take place. It is essential that this training recognises the impact of domestic violence on children, as well as upon the woman. Refuge has had much experience in providing expert evidence, expert reports for courts, as well as training about the overlapping nature of violence upon women and children and would be well placed to participate in any training initiatives
- prosecution of 'domestic violence' must acknowledge the **repetitive and systematic** nature of the abuse, allowing evidence of previous violence towards the woman (and even other partners) to be brought before the court
- prosecution processes should become evidence-led rather than victim led
- there is a consistent practice of enhanced evidence gathering, including the admission of photographic evidence, 'excited utterance' evidence and hearsay evidence.

Although Refuge supports a vigorous prosecution policy, compelling women to give evidence should not be an unintended consequence of this action. Recognising and responding appropriately to fearful and ambivalent witnesses through the use of special measures and the use of Section 23(3)(b) of the Criminal Justice Act may result in more women giving evidence.

Refuge further recommends

- that provision is made to allow proceedings to be stayed if the woman's situation changes or if the woman wishes to give evidence at a later date
- creating new legislation that allows for the perpetrators to be removed from the home for specified periods, as in Austria²³
- exploring the possibility of making child exposure to violence a criminal offence
- that domestic violence is considered an aggravating factor when sentencing
- that the ruling of preventing defendants without legal representation from cross-examining rape victims be extended to all female victims of domestic violence
- the creation of a specialist victim witness assistance programme for those experiencing domestic violence. This service should be staffed by those with knowledge of criminal justice system and of domestic violence.

²³ Kelly (2001) Specific Domestic Violence Legislation: Examples and Advantages.

Training for the Judiciary

Refuge supports the move by the Judicial Studies Board to produce a training pack for magistrates but suggests training should also be available to judges in the form of continuing education opportunities.

Question 11

What information, in what circumstances and for what purposes should civil and criminal courts be permitted to share?

The current situation is that family courts and criminal courts are likely to find their orders at variance. This has the potential to create confusion for the police, the applicant and the recipient and to result in dangerous, possibly lethal consequences. In cases where contact or residence is in dispute and criminal proceedings are concurrently brought against the man, the family court (ignorant of any serious risk to the woman and her children) may well direct unsupervised contact and in the worst cases, even grant a residence order to the man.

Refuge is aware of several instances where there have been simultaneous civil proceedings for non-molestation orders and child contact orders and or family proceedings and separate criminal proceedings for domestic violence offences.

Many women, who have been granted non-molestation orders, find themselves in the ludicrous position of being forced to take their children to the perpetrator for contact visits or face imprisonment for contempt. These consequences remain unchanged even where children express reluctance or refuse to visit their father. When the system fails to protect women and children in this way, many say they feel further abused by those they have turned to for help.

Refuge therefore supports any steps which would promote information sharing in these circumstances, as it could save lives, such as

- requiring courts to seek out immediately existing and or prior orders against the defendant. The existence of a register of civil orders would be useful in this respect.

Question 12

Should the Government issue guidelines to courts to discourage them from making bail conditions in domestic violence cases that allow the defendant contact with the child except in accordance with an order from a family court?

Yes. The suggestion that guidelines should be issued to the criminal courts discouraging them from making bail conditions in domestic violence cases that allow the defendant contact with the children is welcome, but it is not enough to keep women and children safe.

Refuge recommends

- that the Government issue a directive that courts should not make bail conditions in domestic violence cases that allow the defendant contact with the child, with no exceptions
- caution should be taken to ensure that the issuing of bail conditions is not seen as a 'cheap' way of delivering a non-molestation order or prohibited steps order which lapses as soon as bail is discharged.

Question 13

What steps should the Government take to ensure that courts quickly list domestic violence cases, that quick listing is balanced against the need to ensure that charges properly reflect the offending and that the victim is informed if a defendant is dealt with at first appearance?

Consultation with women indicates that delay during the legal process, together with lack of information about why such delays occur, can be experienced as secondary re-victimisation by the system. Lengthy legal process also prolongs involvement with the perpetrator and this can exacerbate symptoms of trauma and depression in many women.

Our experience of work with children suggests that applications for child contact and the prospect of seeing the perpetrator again, can reactivate posttraumatic stress symptoms in children.

Refuge advocates

- the need to minimise delay, whilst also ensuring that sufficient time is made available to gather and hear all the evidence
- establishing minimum time frames from arrest to trial
- opportunities for the woman to describe the impact the violence had upon her and any children as part of a sentencing hearing.

Question 14

How should professional agencies be involved in supporting victims and supporting the police, the CPS and the courts?

Refuge recommends the establishment of, and would be well placed to deliver, a specialist domestic violence advocacy service which would support women and children as they move through the legal process. Within the Canadian system, a Victim Witness Assistance programme is located inside the Ministry of the Attorney General. These professionals work alongside police and the CPS and provide information about the legal process, the case and about domestic violence in general. They offer practical and emotional support such as preparing witnesses for trial, obtaining copies of court orders and keeping witnesses informed about court appearances. They also make referrals to relevant community supports. All staff must have specialist knowledge of both domestic violence and the legal system.

Refuge also recommends that

- professionals involved with the woman and her children, including those in voluntary agencies such as refuges, should be called upon to provide expert evidence and professional reports. This is in order to impart information about individual clients and to educate the courts about the impacts of domestic violence upon women and children
- funds for the use of experts should be readily available for prosecutors, particularly where the woman (or child) appears to be a hostile witness or may have recanted.

Question 15

What measures should be taken to build on existing domestic violence courts?

Refuge supports the idea of a 'one-stop shop' specialist domestic violence court, where women can apply for a range of legal remedies and protections, including civil and criminal sanctions. Consultation with women indicates that they would value a move of this type, particularly in terms of ensuring courts are aware of concurrent proceedings.

Question 16

How could a specialist court handle criminal and civil domestic violence issues and deal with some of the problems that have been identified, such as the different rules of evidence in place for civil and criminal proceedings?

Refuge acknowledges that there are some difficulties in terms of combining both jurisdictions within the same court room and also within the same case. In the Ontario system, domestic violence courts hear only criminal cases, whilst in the US there are some domestic violence courts where both civil and criminal matters are combined. This is not always easy for the judiciary to tackle. One solution is that criminal lawyers/judges should be trained in family matters or vice versa to create 'specially trained' domestic violence legislators. Though even this is not without its problems, as issues related to burn out can be a hazard for judges working only in this field. Other concerns have been observed in Canada, where the domestic violence courts have become known as the 'pink' courts, so named because the majority of prosecutors are female.

Other concerns relate to domestic violence courts being seen as 'soft options' where criminal charges are frequently downgraded and or guilty pleas result in diversion to alternative justice measures (such as perpetrator groups) with a suspended sentences and/or no conviction. In brief, there is a danger that in a 'specialist' court domestic violence is not taken as seriously as other crimes.

Refuge would recommend

- the creation of a working party to explore these issues and would be keen to represent the voice of women and children in this regard
- research and evaluation of specialist courts to demonstrate effectiveness
- appropriate staff support systems to take account of the impact of working exclusively with violence and abuse in the court system.

Question 17

How should the success of specialist domestic violence courts be evaluated?

Based on areas of concern outlined under Q16 above, Refuge suggests on going monitoring and recording of

the number of civil and criminal charges, prosecutions, convictions, particularly where criminal cases are downgraded to civil cases

- the number of cases diverted to alternative justice measures
- the type and length of sentences imposed
- the incidence of re-offending

- the use of special measures for victims
- the use of expert evidence for victims
- the use of expert evidence for perpetrators
- the degree to which children are consulted in cases which concern them e.g. contact, residence
- the extent to which children are called as witnesses in criminal/civil cases against their mother's abuser
- victim satisfaction with court processes (environment, safety, options for testifying, support offered by advocacy service, communication/information with police, crown prosecution service).
- Victim satisfaction with outcome and follow up.

Refuge would recommend the establishment of a multi-agency monitoring group (including representation from domestic violence organisations) to over-see and guide court processes.

Ensuring that victims are not deterred by the way they will be treated at any stage of the justice process

Refuge very much supports the government's determination to treat domestic violence as seriously as other cases of violent crime and that this should be reflected in sentencing. The decision not to create a 'domestic violence offence' but to recognise domestic violence as a statutory aggravating factor in sentencing is also welcomed.

Refuge believes a stated commitment to ensure victims are treated in a respectful and supportive manner in all their dealings with the justice system is vital in promoting victim participation.

Question 18

Is the best way to ensure that courts treat domestic violence as seriously as other offences to refer the issue to the Sentencing Advisory Panel for them to issue guidelines to courts dealing domestic violence cases?

It is important that courts treat domestic violence as seriously as other offences, whilst recognising that such offences are complex and essentially different to other types of crime. One of the ways that courts could ensure that these offences are dealt with appropriately is to

- recognise the systematic and patterned nature of the abuse, allowing evidence from previous incidents to be heard (Regina vs F(DS) Ontario Court of Appeal)
- understand that 'severity' or 'duration' of assaults/abuse is not necessarily correlated with psychological impacts/emotional harm to the victim
- recognise that domestic violence is 'a breach of trust'. In Sweden there is an offence of 'gross violation of a woman's integrity'²⁴ which takes account of the unique nature of domestic violence and allows for prosecution to take into account a pattern of events rather than a single act
- ensure these understandings about domestic violence are enshrined in legislation and policy

²⁴ Kelly (2001) *ibid.*

- ensure sufficient training and resource is available to guarantee those responsible for administering justice are both competent and compliant.

Question 19

Would allowing victims to apply for reporting restrictions encourage a greater reporting of domestic violence or are further measures needed for example granting restrictions automatically on application?

Women express a number of reasons which they say deter them from reporting domestic violence or giving evidence in court, these mainly include fear of further violence for themselves and or their family and lack of faith in the justice system.

Refuge expresses some reservations about anonymity of victims. Anonymity may help to protect victims' safety and also removes any social stigma that may have prevented them from progressing with the case. However, if giving anonymity to the victim means that the defendants also retain anonymity then that prevents any public accountability for their behaviour. A possible compromise would be to allow anonymity on application, assuming there is no cost involved to the victim.

Question 20

Does allowing victims of and witnesses to domestic violence to apply for the status of vulnerable or intimidated witnesses (by continuing to implement the special measures provisions of the Youth Justice and Criminal Evidence Act 1999) provide the right level of support?

No. Refuge believes that all domestic violence victims should have automatic status as intimidated witnesses and the special measures available under this ruling should be made available without application.

Question 21

Should the Government amend the 'associated person' criteria of the Family Law Act 1996 to provide same-sex couples who are cohabiting with the same level of protection as cohabiting heterosexual couples?

Yes.

Question 22

Should the Government amend the 'associated person' criteria of the Family Law Act 1996 to include relationships where the parties have never lived together?

Yes.

Question 23

Would changes to the law to allow police to arrest for breach of a non-molestation or occupation order be helpful?

Yes. Refuge supports the criminalisation of such breaches. Women at Refuge report numerous instances where partners have breached such orders without experiencing legal consequences or

indeed displaying any fear of legal consequences. Whilst some women are sceptical about the effect criminalising breaches would have on their own safety, others are supportive of the initiative.

In New Zealand, when a woman obtains a protection order, it usually includes her child/ren. Refuge recommends including children in non-molestation orders, thereby preventing contact between them and violent fathers until such time as it can be proven safe.

Question 24

How should without notice orders be handled?

If it is possible to prove the defendant knows of order, or that he is evading service of an order, then one could proceed with a criminal prosecution for breach.

Question 25

How can the risk of applicants for orders being put under pressure to accept an undertaking be reduced?

Refuge recommends that undertakings are not used in domestic violence cases. Instead, where a woman is considered to be at risk (and this must be in all domestic violence cases which come before the courts) protection orders, with a power of arrest and other non-contact conditions should be automatically imposed.

Question 26

Should applications for non-molestation and occupation orders be encouraged to start in magistrates' courts rather than county courts as is currently the case?

Refuge is concerned that magistrates do not have sufficient training or expertise in responding to domestic violence cases.

Refuge recommends that *all* courts must

- have appropriately trained specialist staff
- have clear guidance and protocols
- have facilities to implement 'special measures' for vulnerable and intimidated witnesses
- provide access to legal representation and legal aid for victims.

Question 27

Could magistrates' courts deal with such applications as quickly and effectively as county courts?

No. Even so, the experiences of women suggest that there are problems in both types of court.

Question 28

Are there sufficient numbers of magistrates available and do they have the expertise and training necessary to undertake hearings?

No. The general consensus is that expertise in domestic violence is lacking amongst much of the judiciary, including magistrates.

Question 29

What additional training would magistrates need if applications were to start in magistrates courts?

They would need training in

- the dynamics of abuse and its impact on victims, including psychological impacts
- the practical impacts and risks to children's social, emotional and educational development
- the risks of further and significant physical harm during and following legal proceedings
- the range of legal remedies available
- appropriate responses to perpetrators including when it is desirable to make use of perpetrators programmes and the safeguards which need to be in place.

Question 30

How effective are support services in magistrates' courts compared to those available in county courts?

In general, women's experiences indicate that support services offered by either court are often inadequate. For example

- many describe situations where they have been forced to share a waiting room with the abuser
- many describe instances where they have suffered threats or assault before entering or after leaving the court
- few have been able to access the special measures available to vulnerable and intimidated witnesses.

Refuge asserts that there is a considerable and largely unmet need for specialist support services for victims and recommends the development of advocacy services as outlined in question 14.

Question 31

Should the Government make restraining orders available when courts sentence for any violent offence?

Yes, these should be automatically issued for all domestic violence offences.

Question 32

Should the Government make restraining orders available to criminal courts when there is insufficient evidence to convict but the court considers that it is necessary to make a restraining order to protect the victim; and where a person is charged pending the trial?

Yes. But Refuge would like a firm commitment towards enhanced evidence gathering in order to avoid cases where prosecution for domestic violence results in a failure to convict.

Question 33

Should the Government create a register of civil orders and if so should the register include both current and expired orders?

The fact that the majority of domestic violence perpetrators do not receive criminal convictions means that they are not recorded as violent or dangerous individuals, so the creation of a register for those with civil orders against them (both current and expired) would be useful.

Question 34

Should the Government create a register of domestic violence offenders?

No. Refuge is opposed to the creation of a register for domestic violence offenders. It is likely to be expensive, difficult to manage and unlikely to reveal the majority of perpetrators, as most escape conviction. Another way to register and monitor these offenders is to create a domestic violence data base field on the existing criminal records register. This is a strategy currently being explored in the Canadian system.

Refuge recommends tagging of offenders. However, several issues must be carefully considered, such as

- technology and our reliance on this to keep victims safe. This service is not available in all areas and there are 'dead zones'
- women who move outside of the activation zone are not protected if his tag is location based
- rather than impose a custodial sentence judges may use tagging to allow men to 'walk free'.

Question 35

Should the Government take a statutory power to establish multi-agency reviews following domestic violence homicides?

Yes. Reviewing the circumstances of domestic violence homicides is a crucial step towards recognising the unique role each of us has to play in the protection of these women and children. It could enable risk factors to be identified that would better equip police and other agencies to take action in order to prevent similar tragedies.

Refuge recommends that these reviews become a mandatory statutory requirement with protected funding.

Question 36

How should such reviews work in practice and which agency should take responsibility for leading them?

A multi-agency group of professionals, with expertise in the field with clear guidelines for both process and accountability.

Question 37

In what types of case should homicide reviews take place?

In all cases where there has been a murder(s) within a domestic violence context. In order to take account of 'honour killings' it is also necessary to include relatives and possibly community members within the definition.

Question 38

Do current child contact arrangements provide the right level of support and safety for all family members and if not what else should be done?

No. There should be a real possibility of contact being denied if domestic violence has occurred. This is not the case. The majority of women who try to keep themselves and their children safe by avoiding contact are, without exception, informed by solicitors that the best they can hope for is supervised contact at a contact centre. To ask for anything else is to appear 'difficult' which might antagonise a judge and work against them. For these reasons, as well as fear of their ex-partner, the majority of women do not use the legal system and instead place both themselves and their children in danger by regularly agreeing to unsafe contact arrangements.

Informal arrangements

Some women attempt to protect themselves by meeting in public places, this however, is not always successful. One woman, who took her child to the local park to meet his father, was threatened with a baseball bat and forced into the car with him. On arrival at her ex-partner's flat, she was repeatedly beaten in front of her 3-year-old son.

Continued fear

Where a child is afraid of their father, weekly contact arrangements can impede trauma recovery. Some children express concerns that their father (or his representative) could follow them home and further abuse their mother. Some children worry that 'contact' might enable their father to discover where they live or go to school and this could allow him to 'kidnap' or 'steal' them.

For one child, the months of legal process leading up to a decision about contact resulted in a return to chronic posttraumatic stress symptoms, the most disturbing being frightening visual flashbacks of previous violent assaults. An essential pre-requisite for work on trauma recovery is that children should not only feel safe, they should be safe from threat of further trauma. Where a child is re-traumatised through unwanted contact arrangements, recovery can be jeopardised.

Consulting children

Refuge recommends, in line with the Children Act, that the wishes and feelings of *all* children should be ascertained in relation to any legal proceedings which involve them. This is not always a

straight forward matter and it can be difficult to find out what children want and feel about contact with a violent father for a number of reasons: -

- the child is being asked to talk about a sensitive family secret, possibly for the first time
- for children who have been traumatised, there may be difficulties (or avoidance) in disclosing thoughts and feelings about traumatic events they have witnessed
- there may be fear that full disclosure of the abuse which has taken place could result in their own removal from the home
- the power dynamics within the family often results in women and children agreeing to almost anything, including contact, if they think this means they can avoid further violence
- unknown to others, the child may also have been abused by the father and fear of reprisals may inhibit a child's ability to disclose their true feelings about contact.

Responding to risk and arranging 'safe' contact

Refuge recommends that a risk assessment, including risk of psychological harm should occur prior to a court decision and that

- professionals working in or for the court system should have comprehensive training in, and a thorough knowledge and understanding of, the ways domestic violence can impact upon a woman and her children. The need to build a trusting relationship with the child is crucial, therefore, assessments of children should take place over time
- assessments should be carried out by appropriately trained child focused professionals. We should *never* accept the view of a judge as a valid assessment – he is a legal expert, not a psychologist
- cases should be monitored as they proceed through the court system by a multi-disciplinary group (involving representatives from refuges and or advocates for abused women)
- professionals should be particularly aware of 'safety' issues. Research shows that during the months following separation, a woman is at increased risk of death or physical injury from her ex-partner (Barnard et-al 1982). In such circumstances, alternative forms of contact e.g. telephone calls, videotaped messages or letters to a neutral address (such as the court) should be considered viable alternatives to face to face meetings
- where contact is desired by the child and recommended by the court it should be arranged in a 'safe' manner. It should be supervised in a centre with a high adult to child ratio. For non-English speaking families, interpreters should be available to monitor communication between father and children. Appropriate safety procedures should be in place to protect women from assault, threats or from being apprehended before or followed after, contact has taken place
- if the contact progresses to unsupervised status, it should be closely monitored with a view to withdrawal, if any threat is made and or distress is shown by the woman or child
- professionals employed to ascertain the wishes and feelings of children should be aware of the impact of domestic violence on a child's well being and the conflict that can arise between what a child wants and what is in their best interest. It does not seem appropriate to presume that contact with a violent man is always in the best interest of the child.

Refuge is aware that the Government has issued best practice guidance for the courts and other professionals on how to deal with child contact cases where there is also domestic violence but

believes this is insufficient to protect women and children from the risks associated with on-going contact with the perpetrator.

Refuge supports the work of Women's Aid and others in the area and recommends

- a rebuttable presumption of no contact with the perpetrator in cases where there is domestic violence
- a review of the use of child contact centres with the aim of producing best practice guidelines to ensure that safety measures protect both the woman and the child
- mandatory training for all CAFCAS officers and those working in the family court system.

Question 39

What more does Government need to do to assist voluntary and statutory agencies to share information for the better protection of victims

All professionals need a clear understanding of client confidentiality, current legislation and how to create an inter-face which promotes safety for women and children. In practice there can be confusion about what information can and should be shared. Sometimes this has tragic consequences, as in the Victoria Climbié case. All agencies should have a policy which has regard to an individual's right to privacy (under the Data Protection Act) and respects client confidentiality but also recognises the limits of that confidentiality (under the Children Act) when it becomes necessary to safeguard children from significant harm.

Refuge suggests that

- safety should be the guiding principle in any decision to share or keep information confidential
- the government needs to promote greater clarity through training on legislation re: data protection, professional confidentiality and child protection
- there are clear policies and procedures for information sharing across disciplines and between adult and child services.

It is also essential to recognise that sharing information can *endanger lives*. Women's organisations generally work within the bounds of confidentiality for reasons of professionalism and of safety. Refuge recommends that confidentiality is retained with respect to sharing information (especially during court/legal processes) about

- women's addresses
- current or proposed addresses
- telephone numbers
- place of work
- child's school
- the woman's fears, concerns about her partner
- details of her associates including family and friends
- any opinion or assumptions about either the woman herself, her perceptions or the case.

Support

Increasing the full range of accommodation options

Given that domestic violence is the biggest cause of homelessness among women and 38% of women calling Refuge's helpline are homeless or in urgent need,²⁵ Refuge welcomes the government's commitment to extend refuge accommodation. Nevertheless, the proposal to create only 273 units of accommodation is inadequate to meet current need.

Refuge also welcomes the expansion of floating support programmes, developed through the Supporting People Operation Plan. Providing support for women in their own homes, in transition from refuge accommodation and in bed and breakfast is an important service development. It is regrettable however, that funding under this banner does not include provision of services for children also affected by domestic violence.

Question 40

How effectively is the current homelessness legislation being implemented? Are there examples of good practice?

Refuge is concerned that women made homeless by domestic violence continue to experience difficulties during the re-housing process.

Local authorities and housing associations

- inconsistency between boroughs and between local authorities and housing associations creates confusion for women and much bureaucracy for refuge providers
- the 'process' can be traumatising for women e.g. 'proving' that violence occurred – telling her story; use of male interviewer; lack of privacy during the interview
- lack of storage for possessions whilst waiting to be re-housed
- lack of provision/arrangements for pets and other animals
- paucity of affordable accommodation, particularly in the south east creates unacceptable delays in re-housing. Some families face a wait of up to 2yrs. Long-term residence in what should be short-term emergency accommodation can result in secondary mental health issues such as depression and prevent recovery from posttraumatic stress due to continued re-exposure to women/children who trigger reminders of their own abuse.

Vulnerable groups

- women with no recourse to public funds are unable to access benefits and safe accommodation, even in a refuge. This is particularly difficult for small refuges who wish to accommodate these women but cannot afford to make-up the short-fall in rental income
- the 'dispersal policy' or tendency for the state to decide where asylum seekers and those with no recourse to public funds should live, often means they are removed from culturally specific supports. One woman in London whose child was receiving specialist hospital treatment was 'dispersed' to the Midlands.

²⁵ Housing Today 05/12/2002

Children

- frequent moves mean frequent school change for children. This has implications for learning and the development of peer relationships.

Refuge recommends that

- refuge provision is enhanced to meet demonstrated need
- uniform minimum good practice standards in relation to re-housing women fleeing domestic violence are established across boroughs, local authorities and housing associations; and that policy is implemented to increase housing supply in the south east
- minimum standards for refuges are established, including service provision, physical environment and security.

Question 41

Does the current framework of legislation and guidance provide a sufficient safety net for people who are vulnerable as a result of leaving their homes because of domestic violence?

No. The framework must be much tighter, with clarity about minimum (and uniform) standards of service provision and accommodation. Service providers must demonstrate accountability. Mechanisms for monitoring and compliance should also be in place.

Question 42

How do housing policy, safety and support services affect victims' ability to stay in their homes or in an emergency go to refuge accommodation?

When attempting to flee an area of danger and find accommodation in an area of safety, women often report problems in terms of

- being 'believed' by housing officers. Some women say the 'proof' they are sometimes required to present is unreasonable
- the requirement that they have a 'prior connection' with an area before being accepted for re-housing
- obtaining appropriate security for their homes. One woman, after her door had been kicked in by her ex-partner on several occasions, was told that the council would not replace the locks – she must do so at her own cost
- obtaining occupation orders to remove the perpetrator from the home.

Refuge recommends that

- there should be a consistent domestic violence policy applicable to all private, statutory or housing associations
- there should be minimum standards in terms of security measures within women's own homes e.g. locks, security lights, panic alarm connected to police station or to a specialist domestic violence call centre. These measures would not only save lives but also be cost effective in the long term
- domestic violence should be regarded as a high risk situation and given high priority

- occupation orders should be readily available. A shift in attitudes through policy and training is required across all sectors so that remaining at home is a safe and viable option for victims.

Question 43

What is the unmet need for support services and accommodation options, including for victims from ethnic minority communities, LGBT (lesbian, gay, bisexual and transgender) and male victims of domestic violence? How could this be met? Is specialist refuge provision the most appropriate support?

There appears to be an unmet need for refuge provision and or specialist outreach services for women with

- mental health issues
- drug and or alcohol problems
- learning difficulties
- disabilities
- older teenage sons.

and for those

- from the LBGT community
- in rural communities
- who are 50yrs+
- subject to immigration control. Refuge opposes the government's decision to deny access to social security benefits for women who make applications under the immigration domestic violence rules. Refuge recommends that these women are able to obtain the same level of funding and benefits as other women escaping violence.
- 16/17yr old girls who fall between the care/adult services net

and advocates for services including

- individual and group support for women
- programmes for children (individual/group support plus advocacy within the community e.g. school, social services etc.)
- legal advice and support.

In terms of male victims, there is little evidence they require safe accommodation, though this is an area which may need further research. There is, however, an abundance of hostel accommodation for single men.

There is also an urgent need for affordable housing. Women and children are frequently offered inappropriate housing in socially deprived areas with inadequate services. Out of desperation, or fear that this may be their only offer of housing, many accept. Worst still, it sometimes prompts others to return to a dangerous situation.

None of this unmet need can be addressed without adequate and secure government funding and on-going training and monitoring of services.

Question 44

How can we support people to stay safely in their own homes?

There are women who would prefer to stay in their own homes, though the majority consulted at Refuge said

- they would not feel safe to remain at home
- that non-molestation orders were inadequate
- that the police do not come quickly enough when called
- that the police unable to offer the kind of protection they need to feel safe e.g. to place the man in custody.

Women's suggestions for keeping safe included

- changing their identity
- swift options for re-housing in safe areas, perhaps by being given priority on a transfer register

Asian women said that professionals and the wider community need to be aware of and alert to the particular risks they face and the additional pressures that may cause them to remain at home. For example

- the very real threat of lethal violence from extended family networks, community leaders
- and the possibility of cultural/social rejection if they leave.

For those who stay in their own homes, and this might be in order to stay alive, outreach projects are a *crucial source* of support. Partnerships with grassroots local women are essential when developing culturally appropriate services of this type.

In order to create an adequate safety net for women and children who choose to remain at home, Refuge suggests it is necessary to provide

- a strong justice system response to perpetrators
- culturally sensitive, co-ordinated and adequately resourced community outreach programmes, incorporating advice, emotional support/counselling, specialist options for those with high support needs and programmes for children
- extensive training for professionals
- preventative programmes across the community
- a steady stream of public education programmes.

Refuge also suggests that women should have the right to be removed from the electoral register. Currently this process creates other problems, specifically with regard to obtaining credit.

Question 45

What would make the provisions of s145 of the Housing Act 1996 (which empower Local Authorities, Registered Social Landlords and charitable housing trusts to repossess properties from tenants whose cohabitants have been driven out by domestic violence) more effective?

Refuge agrees with evicting perpetrators of domestic violence for breach of tenancy agreement. However, this should not be reliant on the woman coming forward to complain or provide evidence. It is also possible to utilise complaints from third parties e.g. neighbours or police reports. Furthermore it is essential that protective mechanisms such as non-molestation orders and the use of technology/security systems are put in place in order to maintain the woman's safety. Training on this issue for housing officials is crucial.

Helping victims who have ended or left a violent relationship rebuild their lives

Refuge is pleased that the government recognises the impact living with domestic violence can have upon a woman's mental health. Refuge research indicates that up to 70% of women suffered significant mental health problems following domestic violence²⁶. Furthermore, there is some evidence that a woman's mental health is correlated with that of her child. A recent analysis of casework at Refuge indicates that the more posttraumatic stress the woman experiences, the more posttraumatic stress her child experiences²⁷. When developing domestic violence services, it is necessary to have a clear understanding of the inter-connectedness of the woman and the child's experiences of abuse.

Refuge recommends

- developing and running services in close consultation with service users
- in providing choice
- in addressing practical and economic need, along side psychological need
- that all services and strategies should be monitored and evaluated.

Giving support to children and young people affected by domestic violence

Refuge is extremely concerned by the scant attention paid to children in this paper and by the assumption that existing services are able to meet the specialist needs presented by this group.

Developing services – an integrated approach

Refuge's experience over many years, indicates without exception, that specialist knowledge and skill is required to effectively work with children who have experienced domestic violence. What makes this work different to that generally offered within CAMHS, social services or schools for example, is that parallel/integrated support must also be offered to the non-abusing parent if progress is to be made with the child. Experience of delivering this kind service at Refuge suggests an integrated model of this type is most successful in achieving positive change.

Funding

Funding is an issue affecting services for children in refuges and generally results in skeleton provision or nothing at all. The funding framework and associated criteria (in terms of age bands) set out by Government under the headings of Sure Start, or Connexions means that refuge services find it difficult, if not impossible to obtain vital funds via this route. Changing populations of children within refuges leads to problems in long term planning, particularly when establishing specialist projects, such as services for teenagers. For example, if a project is set up in July there

²⁶ Forthcoming Refuge research. Roxane Agnew-Davis

²⁷ Forthcoming Refuge casework analysis. Ruth Aitken

may be 10 teenagers who are able to use the service, but by December all the child residents could be under 5yrs. Should Refuge return funds obtained from the Connexion's budget?

A similar situation exists in terms of obtaining funding for nursery provision. Refuge has been running a nursery at one of its sites for many years. The nursery is registered with the local authority, is appropriately staffed by qualified nursery nurses and provides a professional service to under 5's and their mothers. To date, Refuge has been unable to obtain funds from the LEA for this service and has encountered a number of difficulties in terms of accessing government funds for nursery places. For instance, by the time the paper work is completed and funds have been released, the family may have moved on and then work must begin to return the money. Bureaucracy and rigid funding criteria mean that the valuable service offered at this site must come entirely out of the Refuge's own fund raising budget.

Refuge is also concerned that there is no provision within the Supporting People framework to fund services for children, despite the fact that they make up the majority of refuge residents.

It is also of concern that most funders tend to contribute only to 'new and innovative' projects for time limited periods. In a climate where only the new is valued, important work on consolidation and long-term evaluation becomes difficult to achieve. In addition, there are enormous difficulties in recruiting high quality candidates for short-term contract work and, where this has been possible, there can be added pressures on a team where every member is worried that continuation funding will not be found for their particular post/project. Those working with children, particularly sole practitioners, are at increased risk of burn out.

Services for children – what is needed in refuges and the community

There is an urgent need for focused and dedicated services for children affected by domestic violence. Without it, there is a risk that many will remain silent. During a recent analysis of casework, we found that until children were given a confidential opportunity to talk, 37% maintained their silence *even after their arrival at Refuge*.

Children need opportunities, both individually and in groups, to make sense of what has happened to them, to manage the present and to envisage a more positive future. Refuges and other service providers should offer a range of support options to children and their mothers. *Time limited group programmes alone may not be appropriate or sufficient for all children*. Those who appear to have been severely affected by the violence, who are experiencing multiple stressors and or who have mothers who are suffering from depression or posttraumatic stress, are likely to need additional and longer term support.

Parallel and or joint work between mother and child may be the most appropriate model.

Decisions about suitable intervention should occur following appropriate assessment and be made in partnership with the child and their mother.

There is also a need for advocacy within the community for such children. A recent casework analysis at Refuge revealed that around 32% of child residents were on their school special needs register. 9% of these children had or were in the process of obtaining statements of special educational need. Children with statements endure additional difficulty in terms of delays transferring paper work across LEAs, obtaining school placement and establishing appropriate

supports in a new school. High school pupils face similar difficulties with many spending months without education whilst waiting for a school place.

Pre-schoolers, many of whom show signs of developmental delay, have a similar need for specialist advocacy and intervention. Parenting programmes that address the unique needs of women who have experienced domestic violence, are urgently required.

Refuge recommends

- there should be secure funding for refuges, especially appropriate services for children e.g. individual/group support, advocacy, community liaison, pre-school work and play facilities. The provision of psychological services within the refuge setting facilitates a swift and appropriate response to women and children immediately following the trauma
- all refuges should have resettlement and outreach services for children, including workers specifically employed to support transition to new schools and to provide on-going psychological/emotional support. Refuge is currently running a programme of this type
- comprehensive education and training should be mandatory for all professionals in contact with women and children
- Education, Health and Social Service departments should all have policies and procedures for managing disclosures and responding to the needs of women and children
- agency support offered should provide an equitable response to the needs of women and their children, creating an integrated approach between adult and child services
- agencies should operate a rapid response and or priority appointment policy for those with current or past experience of domestic violence
- schools should operate a priority admission policy for children either currently living in refuge accommodation or for those recently resettled into the community
- violence awareness and prevention programmes should operate in *all* schools for *all* children. The principles integral to such programmes e.g. respect, collaboration and negotiation should apply to staff, as well as pupils
- agencies should form links and work in collaboration with local refuge/voluntary groups who have expertise in the field of domestic violence
- agencies should carry out a specialist assessment prior to offering individual and/or group support
- within any victim witness service programme there should be an integrated component for children.

- ENDS -