
Consultation Response

Transforming the Response to Domestic Abuse

The British Association of Social Workers (BASW) is the professional association for social work in the UK, with offices in England, Northern Ireland, Scotland and Wales. With over 21,000 members, we exist to promote the best possible social work services for all people who may need them, while also securing the well-being of social workers.

Our members work in adult and children services, in the statutory and voluntary sectors in a variety of multi-agency teams and settings, their expertise and knowledge are important resources in the planning and implementation of domestic abuse services. This consultation response is informed by the expertise and knowledge of members of BASW's Children & Families Policy Practice and Education Group (PPEG) and of the Adults PPEG. Composed of frontline social workers, social work managers, academics and students, PPEGs are just one of the ways that BASW members can contribute to policy development and debate.

THE ROLE OF THE SOCIAL WORK IN DOMESTIC ABUSE CASES

Because domestic violence and abuse can affect anyone, anywhere at any time very few social workers will have no experience of working with either victims/ survivors or perpetrators. There were 83,136 high-risk domestic abuse cases discussed at multi-agency risk assessment conferences (MARAC)¹ in the year ending March 2017, equating to 36 cases per 10,000 adult females. A social worker will most likely have attended each one of these.

As well as working with the victim/ survivor of domestic abuse, social workers also work directly with children who live or have lived with domestic violence and abuse. One in five UK children have been exposed to domestic violence and domestic violence is a factor in over half of all Serious Case Reviews. We estimate that more than 130,000 children currently live in households with high-risk domestic abuse.² In England there were 51,000³ children on the child protection register, in Scotland 2,723, Northern Ireland 2,132, and Wales 3,059. When it comes to safeguarding cases, domestic abuse is frequently part of the constellation of problems whether formally recognised or suspected but not evidenced.

Making sure the children and the victim/ survivor are safe are key tasks for the social worker. The initial aim is to encourage the non-abusive parent to see the world how their children do. This approach helps to motivate the parent to change the situation the family is in. Social workers also work directly with the children to strengthen the mother-child relationship, as it can be badly affected by domestic abuse – especially if the victim/ survivor separates from an abusive partner.

¹ A MARAC or multi-agency risk assessment conference is a regular local meeting to discuss how to help victims at high risk of murder or serious harm. A domestic abuse specialist (IDVA), police, children's social services, health and other relevant agencies all sit around the same table. They talk about the victim, the family and perpetrator, and share information. The meeting is confidential.

² Women's Aid

³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656395/SFR61-2017_Main_text.pdf

Social workers need to understand the impact of domestic violence on the mother's mental health and her parenting skills.

The Safer & Together⁴ model which is used by a growing number of children's services departments around the country seeks to help the mother stay with her children and for them to stay safe. Previously children were frequently taken away from a non-abusive parent, punishing them for the actions of the abusive parent.

Social workers should also seek to engage in a safe way with the perpetrator, challenging them to change their behaviour and to be accountable for their actions. When working with children, victims or perpetrators, co-ordinated support from a whole range of agencies is crucial. Social workers can build strong links with other agencies and encourage better access to services for vulnerable families.

DEFINITION

The British Association of Social Workers agrees with the proposed new statutory definition of domestic abuse:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation.

The abuse can encompass, but is not limited to: • psychological • physical • sexual • economic • emotional

Controlling behaviour Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

However, there needs to be recognition within the new Bill that abusive and controlling behaviours can be present in relationships between adolescents younger than sixteen years old. The definition should be extended to cover any individual of secondary school age within a romantic or sexual relationship. Child abuse and child-on-parent abuse are separate issues and should be treated as such. Recent research has brought to our attention that more young people than previously thought are in abusive relationships and at younger ages.⁵

To this end, BASW welcomes the Government's commitment to compulsory Sex & Relationship Education in schools and urges that domestic abuse and coercive control awareness be on the curriculum.

We are also welcome the inclusion of economic abuse in the definition and would like to see more specific about how relevant professionals can be trained to identify economic/ financial abuse.

⁴ <http://endingviolence.com/our-programs/safe-together/safe-together-overview/>

⁵ NSPCC, Zero Tolerance and End Violence Against Women campaign

For the new definition to make a difference to victims/ survivors it is vital that all front-line staff are explicitly informed about it and how it should be reflected in their practice. This should include all public facing Local Authority officers in areas such as housing and benefits who must all be trained to ask service users about abusive behaviours and know where they can signpost to for help.

Most organisations that already consider domestic abuse part of their remit use a DASH⁶ form for anyone who reports domestic abuse, including coercive and controlling behaviour. DASH is a domestic abuse screening tool that is also used by the police and requires training. Broadening DASH training to partner agencies would help develop their understanding of what domestic abuse is and may lead to an increase in referrals. It is very important to include unborn children in DASH screenings, there is currently little awareness that domestic abuse affects babies and in utero.

Teachers and other educational staff as well as healthcare workers are particularly important when it comes to identification. Judges also require more in-depth training, a significant number of contributors to this consultation response were concerned that legal professionals often demonstrate low levels of understanding of the workings of domestic abuse and the impact on victims/ survivors and their families. Social workers need to keep up-to-date with domestic violence and abuse case law, learn from relevant serious case reviews and receive training to deepen the understanding of domestic abuse and help reflect on how complex the experience is for families living with abuse.

Organisations such as Women's Aid and Safe Lives offer qualification training programmes which should be offered to all professionals working with families so that they have a better understanding and knowledge of abuse. The Government should provide incentives to businesses to provide domestic abuse awareness training for their staff. The voluntary organisations that provide training and those that provide shelter, support, legal advice and counselling to victim/ survivors urgently require central government funding to re-open many of the shelters closed in recent years due to changes in housing benefit and cuts to Local Authority funding. Without these resources no change in definition or strengthening legislation will make a difference. Many more refuge spaces are required, including male refuge spaces.

DOMESTIC ABUSE ORDERS

On the one hand it is a failing of the new proposals that they concentrate on criminalising perpetrators which is only part of the required response if the necessary cultural change is going to happen. Domestic abuse is part of a complex web of social issues linked to our understanding and enforcement of gender roles, imbalances of power, poverty, inequality and mental health.

On the other hand, the proposals made for a new Domestic Abuse Order are welcome. There should be no specific restriction on the type of organisation or individual who can apply for a Domestic Abuse Protection Order. This should be made as simple as possible but implemented to avoid the risk of misuse. There should be multiple routes via which an application for a Domestic Abuse Protection Order can be made, including but not limited to:

At a magistrates' court by the police following the issue of a Domestic Abuse Protection Notice or at any other time

⁶ DASH: Domestic Abuse, Stalking and Honour Based Violence (DASH 2009) Risk Identification, Assessment and Management Model

As a standalone application by, for example, the victim or a person or organisation on the victim's behalf to a family court

By a party during any family, civil or criminal proceedings

Family, civil, and criminal courts should also be able to make a Domestic Abuse Protection Order of their own volition during any proceedings.

Courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order. This is an important part of working with the perpetrator, research shows that most male perpetrators are serial offenders, ending the cycle of re-offending is crucial to ensuring women and children's safety. One contributor to this response, who has worked in child protection, had a case where a single man's abuse resulted in three sets of non-related children being removed from their homes.

Courts should give the personal details of individuals subject to a Domestic Abuse Protection Orders to the police – and only the police - automatically and in all cases. Those details should include address history and family addresses.

Breaching the proposed order should be a criminal offence and it should not be possible to alternatively punish the perpetrator for contempt of court.

It is the opinion of some of BASW's members that electronic monitoring is ineffective and a human rights violation, therefore courts should not be given the express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order. If electronic tagging were to come into force, it should be used only for violent offenders. It would be far better to spend the money on preventive services and voluntary sector support.

SUPPORT

There are many barriers in the way of domestic abuse victims accessing support. Some of those are geographical and include no access to transport, or a lack of local services. More support needs to be provided in job centres where staff need to be trained in helping victims/ survivors to get back into work. IDVAs should be made more available to survivors going through the court process

More funding for services is urgently required. A nationally structured refuge system would be a positive step forward with the relevant support services also made available in each Local Authority area rather than leaving it to the whim of local decision makers. These services need to provide help both for victims/ survivors and perpetrators.

More attention should be given to restorative approaches or whole family approaches that bring the victim/ survivor and perpetrator together. This forum would enable the perpetrator to acknowledge the harm their abuse has caused. The argument for this type of approach is that if the victim/ survivor and the perpetrator have children, the perpetrator is likely to play an ongoing role in the family's life. At present services largely work to a separation model where it is assumed that a woman victim must separate from a man perpetrator where there are children in the family. This can be the appropriate pathway in some, maybe even most, cases but is not always and the inflexible application of such a separation model can work to the detriment of the victim/ survivor. The separation model is also likely to be inappropriate in cases where the victim/ survivor is a man. A restorative approach is distinct from mediation and it needs to be absolutely clear that the change in behaviour required is from the perpetrator - to avoid any hint of blaming the victim/ survivor

PREVENTION

It should be made possible for perpetrators to be looked at online through Claire's law. This would allow people to become aware of a future partner's past before starting out on a relationship. There needs to be more online support for victims/survivors of online abuse such as forums and helplines which can be accessed online so if someone thinks they may be being abused online they can ask.

There should be a legislative assumption that all domestic violence victims are to be treated as eligible for assistance on the grounds of fear and distress. The more support that victims can be given to give evidence, the better. One of the contributors to this consultation response explained that she was at a court hearing where the judge told the victim/survivor that she was an unreliable witness. She has been subjected to every possible form of domestic abuse and was further affected by the judge's words.

Perpetrators of domestic abuse will often badly damage the victim/ survivor's self-esteem, this is a core part of coercive control. It is very difficult for a person who has possibly suffered years of such abuse to spontaneously give a credible account in court. Judges need to be more conscious of how it feels for a victim/ survivor to be in a room with their abuser. Remarks which reinforce the narrative of the abuser about the victim/ survivor are deeply damaging. There needs to be an advocate at hearings, not part of either legal teams, who should be allowed to challenge the judge and legal representatives if issues such as that outlined above were to arise.

Similarly, judges who grant contact time with children to the perpetrator parent need to be aware of the psychological impact of that contact on children who have previously been exposed to domestic violence and witnessed the abuse of the non-violent parent. Contact is the right of the child not of the adult and courts need to listen to children who do not want contact and take it into account when the behaviour of a child indicates that contact may be harmful.

Much more one-on-one work with perpetrators should be made possible. Group support for perpetrators, both preventative for those who have identified their own negative patterns of behaviour and as part of a Domestic Abuse Order should be available in every Local Authority area. There are hardly any services that work with domestic abuse perpetrators, trying to address the issues underlying domestic abuse.

CONCLUDING REMARKS

BASW members are encouraged by this Government's on-going commitment to improve Domestic Abuse legislation and prosecution within the broader Violence Against Women and Girls framework. However, changes to legislation have been made in parallel with cuts to Local Authority funding which have made it increasingly difficult for councils to keep non-statutory services up and running. Benefit sanctions and especially changes to housing benefit which are how refuges have historically been able to provide shelter for victims/ survivors have seen over a third of refuges close in England. Victims who need to be away from their local areas to be safe are at a particular disadvantage when it comes to housing and benefit eligibility because Local Authorities do not want to prioritise people who do not have a local connection.

Simply making domestic abuse provision statutory is not the answer either unless new duties are matched with new funding.

Domestic abuse is complicated and although there are easily identifiable patterns of behaviour by abusers, neither they nor their victim necessarily understand that there are abusive/ in an abusive relationship. Long-term investment in cultural change through Sex and Relationship Education in schools and awareness training in work places will make a big difference in the future. The criminal justice system, healthcare and social services also need to make the eradication of domestic abuse central to their operations.

In responding to this consultation, we have sought to stick to the proposals and associated questions, but we would urge officials to take more time to consider the needs of three specific groups of domestic abuse victims/ survivors:

- The elderly
- Individuals with no recourse to public funds because of their immigration status
- Services for the BAME community

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