



Welcome to the re-branded DV Branch Newsletter

In June 2008 the Domestic Violence Branch, part of the Family Law and Justice Division, was re-sited within the Ministry of Justice under the Access to Justice Policy Directorate. Earlier this month we also moved to our new offices at: 2nd Floor, 102 Petty France, London SW1H 9AJ
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Recent Developments

- **Implementation of the Forced Marriage (Civil Protection) Act 2007 - 25 November 2008:** for more information click [here](#)
- **Early evaluation of the Integrated Domestic Violence Court, Croydon:** the report can be accessed on the Ministry of Justice web-site at: <http://www.justice.gov.uk/publications/evaluation-integrated-court-croydon.htm>
- **Further expansion of the Specialist Domestic Violence Court (SDVC) Programme - 2009-2010 Accreditation Process:** for more information click here.
- **Six new SDVCs announced on 20 October 2008:** click on link to open press release <http://www.justice.gov.uk/news/newsrelease201008b.htm>
- **SDVC Programme - Local Criminal Justice Board (LCJB) Consultation:** In October 2008 the National SDVC Steering Group sought the views of LCJBs on the reassignment of some or all responsibility for the development and operation of the SDVC Programme through LCJBs. For more information click here
- **National Domestic Violence Delivery Plan – Annual Progress Report 2007/08:** The Home Office's Violent Crime Unit published the 2007/08 annual report on the National Domestic Violence Delivery Plan. The report can be accessed on the Crime Reduction web-site:
<http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence069.htm>
- **Update on Government's response to Home Affairs Committee on Domestic Violence:** for more information click here:
- **Early evaluation of the Domestic Violence, Crime and Victims Act 2004:** for more information click here

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Key Facts



Forced Marriage (Civil Protection) Act 2007

http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_200720_en.pdf

The Forced Marriage (Civil Protection) Act 2007 came into force on the 25 November 2008. This Act will enable courts to prevent forced marriages and order the perpetrators to change their behaviour or face jail. It also provides recourse for those already forced into marriage.

The Act received Royal Assent on 26 July 2007 having completed its passage through Parliament with all-party support. The Act is a hugely significant step forward in tackling the harmful practice of forced marriage and protecting the rights of all individuals to choose whom and when to marry.

Under the Act, a court may make a Forced Marriage Protection Order to prevent a forced marriage from occurring, by requiring the person responsible to:

- Hand over passports
- Stop intimidation and violence
- Reveal the whereabouts of a person or
- Stop someone from being taken abroad.

The press release can be accessed at: <http://libra-infonet.lcd.gsi.gov.uk/justice/news-media/index.htm>.

The launch is in conjunction with White Ribbon Day, more information on this initiative can be found at: <http://www.whiteribboncampaign.co.uk/>

On 13 November 2008 Justice Minister Bridget Prentice made a statement on the Government's response to a consultation on third party applications on behalf of victims of forced marriage. The statement and the Government response can be accessed on the Ministry of Justice web-site at:

<http://www.justice.gov.uk/news/announcement131108a.htm>

National Report & Delivery Plan

"Domestic Violence – A National Report" was first published on 31 March 2005 -

<http://www.crimereduction.gov.uk/domesticviolence/domesticviolence51.pdf>.

Annual Progress Reports have been published since, providing an overview of achievements to date (since *Safety & Justice*) and the programme for future work.

2005/2006: <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence61.pdf>

2006/2007: <http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence066.pdf>

2007/2008: <http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence069.htm>

Saving Lives. Reducing Harm. Protecting the Public:

An action plan for tackling violence 2008-11

The cross-government Violent Crime Action Plan published in February 2008. This plan features innovative new methods for stopping violent crime.

The report can be accessed at: <http://www.homeoffice.gov.uk/about-us/news/violent-crime-action-plan>

Common Definition of Domestic Violence 1

The Definition [agreed by IMG] follows that used by the Association of Chief Police Officers, and is:

'Any incident of threatening behaviour violence or abuse (psychological, physical, sexual, financial or emotional) between adults² who are or have been intimate partners or family members³, regardless of gender or sexuality.'

1. The definition has been widened to incorporate violence by family members as well as between adults who are, or were, intimate partners. This was done to ensure that those issues of chief concern to BME communities, such as so-called 'honour crimes' are properly reflected.

2. An adult is defined as any person aged 18 years and over.

3. Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

The Domestic Violence, Crime and Victims Act 2004

<http://www.opsi.gov.uk/acts/acts2004/20040028.htm>

Explanatory Notes: http://www.opsi.gov.uk/acts/acts2004/en/ukpgaen_20040028_en.pdf

Commencement Order No.9 lists the provisions in force and dates

http://www.opsi.gov.uk/si/si2007/uksi_20071845_en_1

Measures impacting directly on the Ministry of Justice include: -

- s1: makes breach of a non-molestation order (Part IV of the Family Law Act 1996) a criminal offence. Breach is punishable by up to five years imprisonment on indictment.
[1st July 2007]
- s3: amends the Family Law Act definition of 'cohabitant' to include same-sex couples making it explicit that same-sex couples can apply for non-molestation order as an 'associated person'.
[5th December 2005]
- s4: extends availability of Part IV orders to those persons that are not cohabiting i.e. "*they have or have had an intimate personal relationship with each other which is or was of significant duration.*"
[1st July 2007]
- s10: (common assault an arrestable offence) was superseded by amendment to the list of arrestable offences under s24 of PACE so that a police officer may arrest without a warrant.
[1st January 2006]

s12 has yet to be implemented. This extends powers on restraining orders on conviction or acquittal under the Protection from Harassment Act 1997 to cover all violent offences in England and Wales. Section 12:

- Enables courts to impose restraining orders when sentencing for any offence.
- Gives any person mentioned in a restraining order a right to make representations in court if an application is made to vary or terminate the orders.

We are working with the Home Office who will make any further announcements on the implementation of s12 in due course.

Early evaluation of the Domestic Violence, Crime and Victims Act 2004

<http://www.justice.gov.uk/docs/domestic-violence-report-2004.pdf>

This study was commissioned to provide an early evaluation of some of the measures of the Domestic Violence, Crime and Victims Act 2004.

The report focuses on the three measures of the Act that were implemented during the evaluation period;

- Making common assault an arrestable offence*
- Making it an arrestable, criminal offence to breach a non-molestation order
- Extending the civil law on domestic violence (to ensure cohabiting same-sex couples have the same access to non-molestation and occupation orders as opposite sex couple, and non-molestation orders are available to couples who have never cohabited).

*Although this measure was superseded by the Serious Organised Crime and Police Act 2005, which amended the list of arrestable offences making all offences arrestable, this is still included within the scope of the evaluation.

Key findings from the evaluation were:-

- the impact of the Act had been limited and in some respects unclear;
- there has been a positive impact since common assault became an arrestable offence (as are all criminal offences now) – strengthening and clarifying police powers and the positive arrest policy. Early findings indicated an increased use of common assault provisions;
- the impact of making breach of non-molestation orders a criminal offence was less clear-cut among professionals. Victims and advocates generally welcomed the measure, in the hope that better enforcement and heavier sanctions would result; and
- it was not possible to conclude that the drop in family court injunctions was wholly a result of implementation of section 1 of the Act.

The Ministry will continue to monitor levels of applications and orders for non-molestation orders and is working with the judiciary and stakeholders to improve the family and criminal justice systems response to victims of domestic violence.

Specialist Domestic Violence Courts (SDVC) Programme

SDVC systems, so called because, although it has court processes at its heart, it relates to a broader process, including the early identification of DV incidents particularly policing, health and social care interventions, through to specialist support for victims and the management of offenders.

On 20 October 2008 the Government increased the number of SDVC systems in England and Wales to 104.

Press release can be accessed at: <http://www.justice.gov.uk/news/newsrelease201008b.htm>.

This followed an announcement in April 2008 that the number of systems was raised from 64 to 98.

Press release can be accessed at: <http://www.justice.gov.uk/news/newsrelease020408a.htm>

Under the violent crime action plan, we are committed to a target of 128 SDVCs by 2011.

The SDVC Review *Justice with Safety* was published in March 2008. The report outlines the findings of a review of the first 23 Specialist Domestic Violence Courts. It is clear that SDVCs have contributed to improvements in both justice and safety for domestic violence victims. Out of the SDVC systems reviewed 10 achieved a successful prosecution rate of over 70%, with one reaching 80% and the remaining 12 achieving an average rate of 66%. Other key findings from the review are:

- An improvement in the responses of individual agencies: in relation to the police, a high level of domestic violence crimes being arrested (an average of over 80%);
- Just under 6,000 victim referrals were made to Independent Domestic Violence Advisers – an average of 269 referrals per IDVA service; and, around three-quarters (74%) of clients involved in the court process were supported by Independent Domestic Violence Advisers at court.

The full report can be accessed at: <http://www.crimereduction.homeoffice.gov.uk/dv/dv018.htm>

The National SDVC Resource Manual is a reference tool for areas that are planning or already embarked on developing a SDVC system. First Published in 2006, the manual has been revised to reflect best practice highlighted by the above mentioned review.

The Resource Manual can be accessed at:

<http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence059a.pdf>

Data collection templates can also be accessed at:

<http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence59.htm>

SDVC Programme - Local Criminal Justice Board (LCJB) Consultation

In October 2008 the National SDVC Steering Group sought the views of LCJBs on the reassignment of some or all responsibility for the development and operation of the SDVC Programme through LCJBs. The level of response was relatively good with 29 Boards submitting a response (69% - 60% response rate is considered statistically viable). 13 Board made no response at all.

As a very brief overview, out of the 29 Boards that replied:

- 90% (n=26) favoured LCJB governance of SDVCs;
- 90% (n=26) favoured performance management of SDVCs by LCJB;
- 41% (n=12) favoured the National Group handling everything on accreditation;
- 45% (n=14) favoured National Group lead on accreditation with GO and LCJB contribution; and
- 14% (n=4) favoured LCJB handling everything on accreditation.

The National Steering Group is working closely with OCJR colleagues to assess the detail of the responses and how best to provide guidance to local areas on effective participation in the Programme of work.

Presentations on the Programme and the Consultation responses will be made at the Local Delivery Manager and the LCJB Advisory Group meetings in December.

Croydon Integrated DV Court – Pilot

The basic premise of an Integrated Domestic Violence Court is "one judge, one family". The first pilot integrated court system to be based a Croydon Magistrates' Court had its first 'overlapping' case in October 2006. The pilot has been evaluated and the report can be accessed on the Ministry of Justice web-site at:

<http://www.justice.gov.uk/publications/domestic-violence-crime-victims-act-2004.htm>

We are liaising with the local Court Management Group in considering the findings and next steps.

Family Criminal Interface Committee (FCIC)

The Family-Criminal Interface Steering Committee was established in 2004, and is currently chaired by Mr Justice Hedley. The Committee's remit is to take an 'overview' role in co-ordinating all work currently being undertaken in England and Wales to improve the interface between the family and the criminal jurisdictions. The Committee identifies issues that have not yet been addressed to meet the need to enable all stakeholders to respond more effectively to child protection, domestic violence and private and public family law issues within the forensic area.

The Committee current work includes:

- looking at the issues surrounding the implementation of s1 of the Domestic Violence, Crime and Victims Act 2004
- a working party looking to scope the level of vulnerable parties being cross-examined by litigants in person in the family courts and what measures are used to prevent this happening.

The next committee meeting is scheduled to take place at the beginning of April 2009.

Home Affairs Committee on Domestic Violence, Forced Marriage and "Honour" Based Violence

On 26 July 2007 the Home Affairs Select Committee announced their intention to conduct a broad-ranging inquiry into domestic violence, including so-called "honour" killings and forced marriage. They decided to focus on:

- The implementation of the Domestic Violence, Crime and Victims Act 2004 and related legislation, especially in terms of increased reporting and convictions and whether greater support is being provided for victims;
- Public education and awareness raising;
- Police powers and legal protections for victims;
- Criminal and civil justice processes, including SDVC Programme;
- Support for victims, including finance and refuge services;
- Perpetrator programmes; and
- Multi-agency approaches, and what barriers exist to their effective operation.

The Committee published the report of their findings on the 13 June 2008 and Volumes 1 and 2 can be accessed at:

Volume 1

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/263/263i.pdf>

Volume 2

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/263/263ii.pdf>

The Government response to the report was published on 23 July 2008 and can be accessed at: <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/1165/1165.pdf>

The Government published a further response to the report on 30 September 2008, which can be accessed at:

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/1165/1165.pdf>

Ensuring Safe Contact between Children and non-resident Parent

Since the June 2008 [newsletter](#), there has been progress on the revisions to the C1A form. The consultation showed that further work needed to be done to further simplify the form.

DV Branch has been working with stakeholders to look at ways to make it easier for a judge to make findings of fact.

Further revisions have now been made to the form and will be sent to stakeholders for comment.

The revised form is intended to be in use from April 2009

Children and Adoption Act 2006

http://www.hmcourts-service.gov.uk/infoabout/children/child_adopt_act.htm

There have been no changes since the June 2008 [newsletter](#).

On 4 November 2008 the Government announced that the remaining provisions of Part 1 of the Children and Adoption Act 2006 would come into force on 8 December 2008. These provisions will give the courts more flexible powers to facilitate child contact and enforce contact orders made under the Children Act 1989. New facilitative measures in the Act include giving courts the power to require parents to undertake a "contact activity" such as attending relevant parenting programmes or classes, or information sessions, before a contact order is made. The Act will also provide the courts with the power to attach conditions to contact orders, which may require a parent to undertake a "contact activity" and to require a Cafcass of CAF/CASS CYMRU officer to monitor contact.

Family Process DVD “You Don’t Have to Live in Fear”

Victims of domestic violence are given an insight into the family court process through the DVD. The DVD was produced with the support of the Family Justice Council and the Family Law Bar Association in response to the HMICA report on how domestic violence is handled in the family courts and following the success of a similar production in Northern Ireland.

Copies of the DVD are available from Home Office Publications: telephone 0870 241 4680, reference DVL-DVD. Due to demand a second print of a further 20,000 copies was made. There is an option to view the film with Welsh subtitles and the leaflet has also been produced in Welsh, reference DVL-DVD-W.

In 2008 the DVD won three awards. In April it won the Bronze award for film, video and DVD (Public Relations) at the 2008 International Visual Communications Association (IVCA) awards. An article about the DVD and IVCA Award featured on the Financial Mail Women’s Forum web-site and can be accessed at: <http://www.fmwf.com/newsarticle.php?id=1626&cat=6>. In June 2008 it won two Gold Camera Awards at the US International Film and Video Festival in Los Angeles in the categories for Corporate: Public Issues and Concerns and Corporate: Social Issues.

The DVD has received very positive feedback from legal professionals and practitioners that specialise in domestic violence across England and Wales. An evaluation of the feedback on the impact of the DVD will be available shortly.

DV Guide

In February 2003 we published “Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions” available in English, Welsh, Arabic, Polish, Gujarati, Punjabi, Urdu, Bengali, Cantonese and Somali. The guide has been well received and is still in demand for multi-agency training events as well as individual interest. The Guide and translations can be accessed at: <http://www.family-justice-council.org.uk/603.htm>

We continue to receive very positive feedback on the Guide from practitioners and stakeholders who widely regard it as the most useful reference source on remedies and sanctions for victims/survivors of domestic abuse, as well as for information on addressing the needs of their children.

Raising the Standards

Is an Inter-Governmental initiative that aims to help address domestic violence throughout the United Kingdom, Ireland, Northern Ireland, Scotland, Wales, Jersey, Guernsey and the Isle of Man by sharing information on policy initiatives, co-ordinating research and developing good practice.

A conference takes place once every two years. The last was in Guernsey in October 2007 and concentrated on the impact of domestic violence on the workplace.

The next conference will be held in Jersey on 11 & 12 May 2009 and the theme is looking at domestic abuse issues from childhood to older age. If you are interested in attending the conference or would like more information please contact:

admin-rts-conf2009@jerseymail.co.uk

Availability of Special Facilities and Protection of Vulnerable Parties in Family Courts.

In December 2004, a special facilities [poster](#) was distributed to all county court managers as part of an exercise to map the availability of public information about special facilities and to promote their provision in family courts where possible. [The report of the 2007 mapping exercise](#)

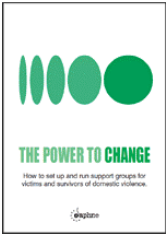
To follow, this Branch carried out a recognition survey of the Special Facilities poster in May 2008. Unfortunately the response rate was too low to report on. Since then work has been undertaken to look at ways to assess the impact and obtain more responses.

A pilot will take place in four family courts: Inner London, Medway, Croydon and Manchester during December 2008 and early January 2009 where court staff will target practitioners at the public counter to complete and return the survey. We expect to report back on the findings from the pilot at the end of January 2009.

The scope of the survey has been widened to include questions on the prevalence of cases where vulnerable parties (victim-applicants) are being cross-examined by a litigant in person (respondent/alleged perpetrator of abuse).

The outcomes will be considered by a Family Criminal Interface Committee working party and Family Law and Justice Division. Further information can be found under FCIC.

External Publications*



Power to Change is a new European resource produced by the organisations participating in the Daphne project. The resource aims to help victims of domestic violence. It is a practical guide to running support services and self-help groups with victims and survivors of domestic violence.



The Women's Aid Expect Respect educational toolkit consists of one easy to use 'Core' lesson for each year group from reception to year 13 and is based on themes that have been found to be effective in tackling DV.



13 November 2008 - Refuge published research and launched a guide on the issue of financial abuse of women experiencing domestic violence.



August 2008 – Refuge launched the Early Warning Signs Campaign

*Any questions on these publications should be directed to the organisations responsible.

Useful Links

National Domestic Violence Helpline – 0808 2000 247 – Free phone 24 hour helpline

Forced Marriage Unit, Foreign and Commonwealth Office -

<http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/>

Women's Aid UK – <http://www.womensaid.org.uk/>

Women's Aid is the key national charity working to end domestic violence against women and children. We support a network of over 500 domestic and sexual violence services across the UK.

Refuge - <http://www.refuge.org.uk/homepage.html>

Every woman and child experiencing domestic violence has different needs - there is no single package of services to meet those needs, no 'one size fits all'. Instead Refuge offers a range of services which increases women's choices and gives them access to professional support whatever their situation.

Respect - <http://www.respect.uk.net/>

Respect is the UK membership association for domestic violence perpetrator programmes and associated support services. Our key focus is on increasing the safety of those experiencing domestic violence through promoting effective interventions with perpetrators. Respect is a UK registered charity, number 1083968

Men's Advice Line -

<http://www.mensadviceline.org.uk/>

The Men's Advice Line is a confidential helpline for men who experience violence from their partners or ex-partners.

Key Facts

- Sixteen per cent of violent incidents were incidents of domestic violence⁴;
- Long term trends in violent crime, as measured by the annual sweep of the British Survey (BCS), have shown a significant decline; between 1995 and 2007/08 there was a 65 per cent decrease in the number of incidents of domestic violence ⁵;
- Findings from the BCS self-completion Inter-Personal Violence (IPV) module suggest that the estimates of prevalence of domestic from 2004/05 IPV are in the same order of magnitude as those from the 2001 IPV ⁶;
- The 2004/05 IPV suggests that about 1 in 4 women and 1 in 6 men had been a victim of domestic violence (partner/ex-partner) since the age of 16 and about one in twenty women (6%) and men (4%) had experienced domestic violence (current/ex-partner) in the last year⁷ though women were likely to suffer greater injury and be classed as chronic victims⁸;
- 89% of those suffering 4 or more attacks are women⁹;
- On average 2 women a week are killed by a partner or former partner: in 2004/05 45% of all female homicide victims were killed by their current or ex-partner compared with 6% of male homicide victims¹⁰;
- Domestic violence is the largest cause of morbidity in women aged 19-44, greater than war, cancer, and motor vehicle accidents¹¹;
- One incident is reported to the police every minute¹²;
- Among women, risks of domestic violence do not differ significantly by ethnic origin¹³;
- People in lesbian, gay, bisexual and transgender communities experience domestic violence in a similar proportion to the rest of the population¹⁴;
- Between 2003 and 2005 an average of just over 24,000 civil injunctions a year were made under Part IV of the Family Law Act 2006¹⁵.

⁴ Walker, A., Kershaw, C. and Nicholas, S. (2006) Crime in England and Wales 2007/08. Home Office Statistical Bulletin. London: Home Office.

⁵ Walker, A., Kershaw, C. and Nicholas, S. (2006) Crime in England and Wales 2007/08. Home Office Statistical Bulletin. London: Home Office.

⁶ Finney, A. Domestic Violence, sexual assault and stalking: findings from the 2004/05 British Crime Survey. Home Office Online Report 12/06. London: Home Office.

⁷ Finney, A. Domestic Violence, sexual assault and stalking: findings from the 2004/05 British Crime Survey. Home Office Online Report 12/06. London: Home Office.

⁸ Walby, S. and Allen, J. (2004) Domestic Violence, sexual assault and stalking: Findings from the British Crime Survey. Home Office Research Study No. 276. London: Home Office.

⁹ Walby, S. and Allen, J. (2004) Domestic Violence, sexual assault and stalking: Findings from the British Crime Survey. Home Office Research Study No. 276. London: Home Office.

¹⁰ Coleman, K. , Hird, C., and Povey, D. (2006) Violent Crime Overview, Homicide and Gun Crime 2004/05 (Supplementary Volume to Crime in England and Wales 2004/05). Home Office Statistical Bulletin 02/06.

¹¹ World Health Organisation statistics;

¹² Stanko, E. (2000) The Day to Count: A snapshot of the Impact of Domestic Violence in the UK. Criminal Justice 1:2.#;

¹³ Walby, S. and Allen, J. (2004) Domestic Violence, sexual assault and stalking Findings from the British Crime Survey. Home Office Research Study No. 276. London: Home Office.;

¹⁴ Henderson, L. (2003) Prevalence of Domestic Violence among Lesbians and Gay Men. Sigma Research. London: Sigma Research.

¹⁵ HMCS Management Information System.