



Welcome to the updated format of the DV Branch Newsletter.

We hope this makes it easier for you to access information quickly. The bookmarks list accessible on the left hand side of the screen will take you to each section. If you have any comments regarding the new format please do not hesitate to contact us.

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Domestic Violence Branch

Common Definition of Domestic Violence¹

The Definition [agreed by IMG] follows that use 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.'

Recent Developments

- **Family Court Process DVD wins award:** The DVD "You Don't Have to Live in Fear", won an international award on the 4th April 2008. For more information click here. [Family Process DVD "You Don't Have to Live in Fear"](#)
- **Recognition Survey – Provision of Special Facilities in Family/Civil Courts [6 May 2008 to 17 June 2008]:** The Domestic Violence Branch is carrying out a recognition survey into the provision of special facilities in family/civil courts. For more information click here. [recognition survey](#)
- **C100 [revised C1 for private law only] and C1A forms revision consultation:** For more information click here. [C1A](#)
- **Practice Direction: Residence and Contact Order: Domestic Violence and Harm:** The practice direction was published on 12 May 2008. For more information please click here. [Practice Direction](#)
- **Specialist Domestic Violence Courts (SDVC) Review 2007/08:** This report published in March 2008 outlines the findings of a review of the first 23 Specialist Domestic Violence Courts. For more information click here. [Review](#)
- **Updated SDVC Resource Manual:** First published in March 2006, this resource manual is for use in those areas that are planning or already embarking on developing a Special Domestic Court. For more information click here. [SDVC Resource Manual](#)

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Key Facts

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.

National Report & Delivery Plan

The 2006/07 progress report was published in March 2007 and can be accessed at: <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence066.htm>

“Domestic Violence – A National Report” was first published on 31 March 2005 - <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence51.pdf>. A progress report was published on 14 June - <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence61.pdf>. The Report provides an overview of achievements to date (since *Safety & Justice*) and a programme for future work.

Violent Crime Action Plan

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>

The Domestic Violence, Crime and Victims Act 2004

[\[http://www.opsi.gov.uk/acts/acts2004/20040028.htm\]](http://www.opsi.gov.uk/acts/acts2004/20040028.htm)
Commencement Order No.9 lists the provision in force and dates
[\[http://www.opsi.gov.uk/si/si2007/uksi_20071845_en_1\]](http://www.opsi.gov.uk/si/si2007/uksi_20071845_en_1)

Measures impacting directly on HMCS include: -

- s1: makes breach of a non-molestation order (Part IV of the Family Law Act 1996) a criminal offence. Breach will be 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 orders as an 'associated person'. [5th December 2005].
- s4: extends availability of Part IV orders to those persons that are not co-habiting 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 s 24 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.

Press reports on the implementation of s1

It has been reported that there has been a sharp decrease in the number of non-molestation orders – by as much as 25% c.5,000 cases. The number of family court injunction orders has never been static. These are published figures. 2002-2006 are from *Judicial Statistics*:

Year	Applications
1998	18,153
1999	16,908
2000	15,734
2001 ¹	17,590
2002	19,131
2003	18,718
2004	17,594
2005	17,354
2006	16,937
2007 ²	16,033 ³

¹ Years 1998 to 2001 are taken from manual returns.

² Years 2002 to 2007 are taken from the FamilyMan IT system after it was introduced.

³ provisional but unlikely to change

Comparing 2006 to 2002, numbers have fallen by c.15%.

This must be read in concert with the success rate on DV in criminal courts which continues to improve. In four years we have increased our success rate by over 23%.

In Spring 2006, MoJ commissioned research to evaluate the implementation of the DVCV Act 2004. The research will be published soon and give greater insight. We will continue to work with Sir Mark Potter on this extremely important issue.

Forced Marriage (Civil Protection Act) 2007

http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_20070020_en.pdf

The Forced Marriage (Civil Protection) Act 2007 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.

The aim of the Act is to provide protection to those at risk of forced marriage and to provide recourse for those who have already been forced into marriage. Under the Act, a person who is being forced into marriage or has been forced into marriage may apply to the court for a Protection Order. The court can order the behaviour or conduct of those responsible for forcing that person into marriage to change or stop or to impose requirements upon them. If they fail to comply with the court order they will be dealt with by the court and indeed may be sent to prison.

The Act is due to be implemented in autumn 2008. We have already published two public consultations – Relevant Third Party [closed 14 March 2008] and draft Rules [closed 24 April 2008].

Specialist DV Courts Programme

On 2 April 2008 the Government increased the number of specialist DV court systems in England and Wales to 98. The press release can be accessed at: <http://www.justice.gov.uk/news/newsrelease020408a.htm>

The Specialist Domestic Violence Courts (SDVC) Review 2007/08 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. Ten of the SDVC systems 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 SDVC Resource Manual is for use in those areas that are planning or already embarked on developing a specialist domestic violence (DV) court system as part of the Specialist Domestic Violence Court (SDVC) Programme. It is referred to as a system 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.

First Published in 2006, the manual has been revised to reflect best practice highlighted by the review of the first 23 systems, *Safety with Justice*, carried out over the autumn of 2007.

The Resource Manual can be accessed at: <http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence059a.pdf>

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 at Croydon Magistrates’ Court had its first ‘overlapping’ case in October 2006. The pilot will be evaluated within a wider project to assess the impact of the provisions of the DVCA 2004. The report is expected shortly.

Anonymous registration on electoral register

From June 1 2007, victims of domestic violence can benefit from new legislation that allows those at risk to apply to their local authority in England and Wales to be registered anonymously while still being able to vote. The press notice can be accessed at: <http://www.justice.gov.uk/news/newsrelease300507.htm>

Children Issues

Ensuring Safe Contact between Children and non-resident Parent

The definition of harm amended by the Adoption and Children Act 2002, was implemented in January 2005. The amendment makes it clear that when a court is considering whether a child has suffered, or is likely to suffer harm, it must consider harm that a child may suffer, not just from domestic violence, but from witnessing it.

Revised forms (commonly known as 'Gateway' forms), for applications for child contact and residence were introduced on 31 January 2005. Courts are now required to consider whether and incidents of domestic violence – not just from direct violence but also from witnessing violence towards another – has had an adverse impact on the child, or might affect the child in the future.

An evaluation was undertaken at a point where the C1A form had been in use for nine months. The findings confirmed that it is meeting some of the objectives of its introduction in acting as a mechanism to enable domestic violence and associated harm to parents and children to be recognised at an early point in proceedings. The Judges, CAFCASS officers, Court Managers and solicitors interviewed all had some reservations about its use, but felt that it had made some improvement to the situation of recognising violence. This was highlighted in relation to individual cases and in relation to court processes more generally.

Despite acknowledges limitations the C1A is playing a role in screening for violence and harm. It is also sensitising court processes to the particular issues of domestic abuse and prompting the parents, practitioners and members of the judiciary involved to address issues of violence and harm. The evaluation report can be accessed at:

<http://www.justice.gov.uk/publications/research111207.htm>

Following on from the publication of the evaluation report on 11 December 2007 proposed changes to the C1A private law have now been considered and a focussed consultation on the changes commenced on the 19 May 2008. The consultation is linked with the changes to the C1 to become the C100 for s8 private law

proceedings. For more information on the consultation please contact Suzanne Alexander on 020 7210 2651.

Children and Adoption Act 2006

The Children and Adoption Act 2006 completed its Parliamentary passage and received Royal Assent on 21 June 2006. Section 7 of the Act, came into force on 1 October 2007, and requires officers from the Children and Family Court Advisory and Support Service (CAFCASS), or Welsh family proceedings officers, to carry out risk assessments in private law proceedings under the Children Act 1989 (residence/contact/prohibited steps and specific issues orders) where they consider that there is cause to suspect that a child is at risk of harm. The officers are then required to inform the court of their findings in respect of the risk of the child who is suffering harm, so that the court can consider what action should be taken.

New provisions in respect of family assistance orders, extending the maximum duration of an order to 12 months, removing the need for the family circumstances to be exceptional and enabling the court to ask for a report on a contact order, also came into force on 1 October 2007.

The Government is now working towards the implementation of the remaining provisions of the Act, covering contact activities to help resolve contact disputes and providing more flexible powers for the court to deal with breaches of contact orders and order financial compensation for losses arising from failure to comply with a contact order.

A consultation paper on the draft rules and new statutory forms to support the implementation of these provisions for the county court and the high court was published on 7 May 2008 (the consultation period closes on 20th June 2008). The consultation paper can be accessed at: <http://www.justice.gov.uk/publications/cp0708.htm>

The Act can be found at: <http://www.opsi.gov.uk/acts/acts2006/20060020.htm>

Green Paper on Parental separation: Children's Needs and Parents' Responsibilities. <http://www.dfes.gov.uk/childrensneeds/>

Lord Justice Wall's Review of 29 Child Homicides

In March 2006 the President of the Family Division published a report by Lord Justice Wall investigating judicial involvement in cases mentioned in a Women's Aid report into child homicide. The original report identified 29 children from 13 families who were killed by their fathers between 1994-2004, following a breakdown of their parents' relationship. 18 of the 29 murdered children were not subject to any form of court proceedings. However, the report identified five cases – concerning 11 children in all – in which a court order had been obtained for the father to have contact with his children.

The report concluded that eight of the eleven children who tragically died in these cases did so as a result of parental actions, which could not reasonably have been foreseen or anticipated by the court on the material available before it. The remaining three children were the subject of 2 cases, in both of which the judge was presented with consent orders agreed between the representatives of the parties. Lord Justice Wall said that it was not clear whether the court should have been more proactive in investigating the circumstances and refusing contact despite such agreement. There were arguments in both cases for the order being made in what were genuinely believed to be the best interests of the child despite earlier indications of violence between the parents.

The Family Justice Council's (FJC) report to the President on the approach in cases where a consent order is made and domestic violence has been an issue and a summary are both on the FJC website <http://www.family-justice-council.org.uk/docs/contactsummary.pdf>.

The President issued the Practice Direction: Residence and Contact Orders: Domestic Violence and Harm on 12 May 2008.

This Practice Direction applies to any family proceedings in the High, county or magistrates' court in which an application is made for a residence or contact order in respect of a child or in which any question arises about contact between a child and a parent or other family member. The practice set out in the Direction is to be followed in any case which it is alleged, or there is otherwise reason to suppose, that a child or party involved has experienced domestic violence perpetrated by another party or that

there is a risk of such violence. The Practice Direction can be accessed on the Family Justice Council's web-site at:

http://www.family-justice-council.org.uk/docs/Domestic_Violence_PD.pdf

Other Projects/ Initiatives

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. HM Courts Service produced the DVD 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. There will be currently be a delay in receiving copies of the DVD as the original print run of 20,000 has been distributed. We have arranged for a further 20,000 copies to be produced, these will be available in the near future. There is an option to view the film with Welsh subtitles and the leaflet has also been produced in Welsh, reference DVL-DVD-W

On the 4 April 2008 the DVD 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 Award featured on the Financial Mail Women's Forum web-site on the 20 April 2008 can be accessed at:

<http://www.fmwf.com/newsarticle.php?id=1626&cat=6>
]

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 received 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, 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>

Provision of Special Facilities in Family/Civil Courts

In December 2004, the DV Branch distributed a special facilities poster [http://www.family-justice-council.org.uk/docs/AppendixB_HMCS_special_facilities-poster\(1\).pdf](http://www.family-justice-council.org.uk/docs/AppendixB_HMCS_special_facilities-poster(1).pdf) 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. A report of the 2005 mapping exercise can be accessed at: [http://www.family-justice-council.org.uk/docs/AppendixA_2005_report\(1\).pdf](http://www.family-justice-council.org.uk/docs/AppendixA_2005_report(1).pdf)

In January 2007 a further assessment was undertaken of availability of special facilities in the county courts and a comparison was carried out of the 98 county courts that replied in both the 2005 and 2007 collections. The 2007 report can be accessed at: [http://www.family-justice-council.org.uk/docs/Report_on_availability_of_special_facilities_in_family_civil_courts_2007\(1\).pdf](http://www.family-justice-council.org.uk/docs/Report_on_availability_of_special_facilities_in_family_civil_courts_2007(1).pdf)

In response to the 2005 and 2007 assessments a recognition survey is being undertaken to ask practitioners and court users if they have seen the poster when attending court with or without their client and to gauge the level of take up of special facilities in the family/civil courts. The survey and supplemental documents can be accessed at: <http://www.family-justice-council.org.uk/613.htm>. The survey commenced on the 6 May 2008 and will run until the 17 June 2008.

The Unified Family Service

Where possible the Unified Family Service brings together the hearing centres for both Family Proceedings Courts and County Courts under one roof. Where this is achieved the new hearing centres are known as Family Courts Centres. This will improve the customer experience by moving family cases away from the locations where criminal business is managed. It will also make County Court facilities available to a larger number of people involved in family cases. Where combining the hearing centres is not possible, there are still benefits to be gained by co-locating the administration.

Pilots at Barnet, Birmingham and Ipswich have now completed are now continuing in steady

state. There has been a great deal of activity locally and there are now over 40 co-located administrations. The central UFS programme team have recently brought together the local plans for the 25 HMCS areas and will monitor and support delivery against those agreed plans.

Raising the Standards

This Inter-Governmental initiative that was set up after the Metropolitan Police Conference "Enough is Enough". The initiative aims to help address domestic violence throughout the United Kingdom and Republic of Ireland 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

Publications & Useful Links

Sentencing Guidelines Council

http://www.sentencing-guidelines.gov.uk/docs/domestic_violence.pdf and http://www.sentencing-guidelines.gov.uk/docs/breach_of_protective_order.pdf.

Family legal aid strategy:

http://www.legalservices.gov.uk/civil/innovations/strategy_for_cls.asp#reality_children

Family fees - private/public:

http://www.legalservices.gov.uk/civil/docs_for_consultation/family_fee_schemes.asp

Funding code childcare:

http://www.legalservices.gov.uk/civil/docs_for_consultation/funding_code_changes.asp

Contract specification:

http://www.legalservices.gov.uk/civil/docs_for_consultation/unified_contract_specification.asp

Immigration and asylum scheme:

http://www.legalservices.gov.uk/civil/remuneration/migration_asylum_graduated_fee_scheme.asp

Press notice:

http://www.legalservices.gov.uk/press/press_release_96.asp

Key Facts

- Fifteen 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 2005/06 there was a 64 per cent decrease in the number of incidents of domestic violence⁵;
- 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 IPV⁶;
- 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 2005/06. Home Office Statistical Bulletin. London: Home Office.

⁵ Walker, A., Kershaw, C. and Nicholas, S. (2006) Crime in England and Wales 2005/06. 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.