

## Response ID ANON-JYZE-QX5R-J

Submitted to **Transforming the response to domestic abuse (short version)**

Submitted on **2018-05-31 17:16:11**

### Introduction

**Compulsory question** I understand that there are two versions of the consultation and I should only complete one. I would like to complete the shortened version.

Yes

### Personal details

#### A What is your name?

**Name:**

Janet Fyle

#### B What is your email address?

**Email:**

Janet.fyle@rcm.org.uk

#### C What region are you in?

**Please select your region:**

South East

#### D Are you responding on behalf of an organisation or as a member of the public?

**Please choose an option below:**

Organisation

#### E Which of the following best describes you/your organisation?

**Please select one of the options that best describes you:**

None of these

**If none of the above please specify below:**

The Royal College of Midwives

#### F What is your organisation?

**Organisation:**

Professional Organisation & Trade Union

### Promoting awareness of domestic abuse

#### 1 What can we do to help children and young people learn about positive relationships and educate them about abuse?

**What can we do to help children and young people learn about positive relationships and educate them about abuse?:**

Compulsory PSHE in every primary and secondary school is a big step towards teaching children & young people about respect for others and forming positive relationships. Schools should not be allowed to opt out because the best time to begin to teach/train young minds is at the start of formal education when children interact with a variety of other children and are more receptive to skilful conversations.

There is also a need to consider the role that tv and social media play in the lives of children and young people. In both cases parental support is required in terms of what and how children access these media and the content they view.

Regulation of Social Media platforms is long overdue. It is on such platforms perhaps that images and content, degrading to others are listed and accessed by some children/young people. It is not enough for proprietors of these platforms to say that they are doing all they can. They should be made accountable and face stiffer penalties for imagery, content and the means by which young people can degrade others, incite abuse or violence towards others.

### Reporting domestic abuse to government agencies

#### 2 Which of the following organisations do you think should do more to recognise the signs of domestic abuse? Please select the top three you think the Government should focus on.

Education professionals (e.g. teachers, school staff), Health professionals, Judges/Magistrates

**Other – please state below:**

Organisations employing significant numbers of female staff ( as it is women who make up a significant proportion of all victims). Adult and children's social workers should be able to connect up the dots that victims of abuse may have children and work in a coordinated multi discipline/multiprofessional context to protect victims and other family members from further harm.

**3 What further support can we provide to the public (employers, friends, family, community figures) so they can recognise the signs of domestic abuse and refer victims to get help?**

**What further support can we provide to the public (employers, friends, family, community figures) so they can recognise the signs of domestic abuse and refer victims to get help?:**

Simple information and tips that have been proven to work provide a basis for engaging the public, friends families and community figures about what domestic abuse is . We have sometimes focussed on statistics, rather than be specific about the impact of domestic abuse and the fact that it is a crime against the person

Services that are locally embedded and appropriately funded will support victims and refer them on for further support as appropriate. Such services would benefit victims if they offer a variety of support including counselling, housing, financial advice, navigating the justice system and are linked to IDVAs. It is propitious to have IDVAs in every single NHS Trust

Some forms of abuse including domestic abuse happen within a family and cultural context. This is why it is important to ensure that community figures understand that domestic abuse is a crime against the person and encourage them to reject the cultural context and beliefs systems within which many forms of abuses take place.

Many victims of abuse do not reveal to their managers/employers the fact that they are victims. Others who seek help find themselves marginalised at work. Employers should be obliged to develop and publish their policies on how they intend to support their employees who are victims of domestic abuse. These package of measures should include reasonable time off to attend appointments, confidential counselling support and legal support to navigate the often difficult route to leaving the abusive environment or give evidence in court.

**Protect and support victims**

**4 What can the Government do to support someone with specific needs or difficulties in accessing support for domestic abuse?**

**What can the Government do to support someone with specific needs or difficulties in accessing support for domestic abuse?:**

Although lack of trust is a key deterrent to reporting domestic abuse, another difficulty in accessing support is the lack of culturally competent services for specific groups, such as BME victims or those whose first language is not English. Services are sometimes not able to provide independent translators/advocates for victims due to funding constraints. The government should require such services to deliver culturally competent support by increasing funding to meet the needs of these special groups.

**Proposals to keep victims safe**

**5 Do you agree that breaking the rules of a Domestic Abuse Protection Order should be a criminal offence?**

Yes

**If not, please give reasons below:**

We must adopt a zero tolerance approach to domestic abuse and reject the assurances and excuses often made by perpetrators and their apologists. Protection Orders are intended to protect victims and not incentivise perpetrators. Our understanding is the pattern of domestic abuse to adult women in relationships is that it increases over time and particularly severely when victims take steps to extricate themselves from their abusers. Therefore the risk to victims can be higher at the time a Domestic Abuse Protection Order is in place. We would encourage the Ministry of Justice to look at violation of Protections Orders to better understand the way they regulate perpetrator behaviour and the subsequent safety/risk to victims. An example would be the FGM Protection Orders which attempt to control the behaviour of perpetrators who otherwise, as parents, have great legal control over other aspects of a child's life. The FGMPD is therefore working against the established power dynamics to protect the potential victim, which the court order represents. The breach of the Order should therefore be a breach against the victim in criminal law, to show the seriousness to which the Court is protecting that victim.

**6 If you do agree that breaking the rules of a Domestic Abuse Protection Order should be a criminal offence, should it be possible for the person who broke the rules to alternatively be punished for contempt of court (which would not result in a criminal conviction)? This would be Option C above.**

No

**If not, please give reasons below:**

The focus of all our efforts should be on eliminating the risks to the victims

**7 Do you agree that courts should be able to impose positive requirements as well as restrictions as part of the proposed order? Please select one.**

Don't know/no answer

**If not, please give reasons below:**

I don't know if evidence exists that the imposition of positive requirements as well as restrictions would result in protecting victims or result in reforming abusers.

However, if the positive requirements relate to children and visitation rights, these need to be carefully managed so as to avoid conflicts.

## **The Domestic Violence Disclosure Scheme**

### **8 Before reading this consultation, were you aware of the Domestic Violence Disclosure Scheme (Clare's Law)?**

Yes

### **Definition of domestic abuse**

### **9 If you/friend/family member have experienced economic abuse what difficulties did you/they face in escaping or recovering from the abuse and how could these be overcome?**

#### **Please give your answer below:**

The difficulty that a colleague faced is similar to that experienced by the actions of the perpetrator above. Not only did her husband withhold money from her/controlled her finances and spending and correspondences, she faced external barriers in gaining support and help. Her employers (NHS) withheld her pay and took disciplinary action to dismiss her because of being absent from work too many times. This meant that even if she wanted to escape she couldn't. Employers are slow to identify and support victims of domestic abuse and they must be made to ensure that employees who are on prolonged sick leave for non-specific illnesses are asked directly about Domestic Abuse.

Women who face financial and economical abuse need to be supported through the various agencies and helped to rectify issues such as default notices and debts taken on their behalf.

We would continue as an organisation to alert our members about the full scope of domestic abuse including economic abuse,

### **Improving victims experiences of the justice system**

### **10 Is there more the Government could do to explain what help is available to support victims in court? Please select one.**

Yes

#### **If yes, please describe below:**

The government can make it a prerequisite to have independent advocates to support victims pre-trials and during court cases and such provisions need to be continuous until the end of the court hearings.

### **11 What do you think the police, witness care units and the Crown Prosecution Service can do to better support victims through the justice process from the point they report onwards?**

#### **Where possible, please provide evidence or details of the experience to support your answer.:**

Firstly, a determination and demonstration about the government's intent to adopt a zero tolerance approach to domestic abuse, by being clear of what the responsibilities of the CPS is in terms of the process that leads on to prosecutions.

Train Judges, prosecutors and those officials responsible for preparing and bringing forward a case for prosecution for domestic abuse and other forms of abuse.

Independent advocacy for victims and the regular use of IDVAs

### **12 Are there examples of good practice in the way in which the criminal court treats vulnerable victims of domestic abuse which the family court could learn from?**

#### **Where possible, please provide evidence or details of the experience to support your answer.:**

It may be appropriate to look at the way prosecutions are prepared and brought to court for Forced Marriage cases as an example of good practice