

# The Michael Sieff Foundation

working together for children's welfare



## "Violence Between Parents: Children as Victims"

Report on the Conference hosted by  
the Michael Sieff Foundation  
held at Cumberland Lodge  
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## 1. Introduction

**The Lord Haslam**, Chairman of Trustees, the Michael Sieff Foundation, welcomed the delegates to this the 13th Annual Conference, especially those for whom it was a new experience. He stated that the importance and topicality of the subject was reflected in the fact that the conference had been oversubscribed for many weeks. The quality and content of the conference programme, together with the distinction and expertise of the speakers, had provided a splendid backcloth for what he hoped would be a most successful conference.

He then called upon Mary MacLeod to start the first session, whose theme was "Setting the Agenda".

## 2. Domestic Violence: What Children Say

**Mary MacLeod**, Director of Policy, Research and Information, ChildLine, began by commenting that in preparing for her talk, she noted that two major debates still dominated the way domestic violence was theorised, researched and understood. Firstly, was violence gendered, and secondly, was violence transmitted across generations and how? It remained vital, she said, to unpick the theory and struggle on with the debates, because how we explained things to ourselves and others had an enormous influence on how we thought of helping and how we found ourselves organising help.

None of us, including researchers, approached these questions neutrally, no matter how careful and scientific we thought we were. We came with agendas, some of them generated by our experiences of family and friendships, our professional experiences, our life 'on the streets' together with our and our people's place in history. These agendas changed over time as we felt and saw things differently, and had different purposes and alliances.

### Personal Agendas

It goes without saying, then that I also approach this issue with a current agenda - I have a huge curiosity about the presence of the past in the way we live our lives and how the past becomes differently mediated within individuals who share it intimately. I have to say at once, that I have questions but few answers.

What are the mechanisms which produce people who, whatever the stress, the agenda, even ideology, have every encouragement to be violent, but refuse to participate, while others seem to assault with impunity?

In addition, how can we understand enough to produce help that is appropriate, when it is needed, where it is needed and with whom it is needed? And how can we respond to children and young people in ways that reduce the risk either of their brutalisation or the corruption of their well-being? It was with these preoccupations in mind that I approached the material I read: both research papers, and the information from ChildLine.

## The Child's Story

I was looking for illumination on these questions, but I was also looking for the child's story of domestic violence. Do children describe or see violence, especially domestic violence, as gendered? What are their understandings of what produces violent behavior? How do they explain its impact upon them? Is the impact produced by witnessing/overhearing/'knowing' about the violence or by the secondary impact upon them of the reduction in their parent's capacity to parent as a result of their experience of violence?

In 1997/98 over 2,300 children and young people calling ChildLine talked about domestic violence: 1,831 girls and 490 boys. These are the kinds of things they said:

*"My dad beats my mum nearly every day....Me and my sister try to help Mum but Dad shouts at us ..tells us to go to bed. ..we can hear Mum crying. Mum says she is looking for another house and when she finds it she'll take us all away. I wish I could help Mum."* A Nine-year-old girl with a five-year old sister.

*"Dad keeps beating Mum up. He gets drunk every Friday and Saturday night and beats Mum up. It's been happening since he lost his job six months ago. I just want them to stop fighting."*

An 11-year-old girl rang to talk about her dad hitting her mum. *"Mum asked Dad to leave and he refused. He has a gun locked up in a safe and he says he'll use it on Mum if she tells the police...I wish he would leave us alone."* This girl had spoken to her mum and her dad's sister about her feelings, but everybody in that family was very, very frightened.

*"My parents are always fighting. They hit each other and it makes me feel upset. I go out and stay at a friend's house. I can't tell them how I feel because I'm scared they'll hit me....They haven't hit me yet."*

*"My stepdad drinks.. He forces my mum to drink and points his fists in her face and pushes her into a corner. He says he'll have her killed."* This 12 year-old said she had been in foster care before because of the violence and she's scared to tell anyone now in case she's taken away from Mum again.

*"My stepmum is really violent to my dad. He never hits her back. I don't know what to do."*

*"When Mum got hit yesterday, he got a kitchen knife and made her stay in the chair until 3am until she said she loved him. I didn't sleep all night."*

These voices convey something of the life of children who live with domestic violence, and the effect it has upon them: the fear, the sense of terrible inadequacy, and the deep sense of wrong it engenders.

## The Evidence

This evidence is taken from the system we have in ChildLine of data recording, coding and collation, which is used across all their bases. Counsellors note information from the call- both what children say is the main problem for them, plus additional problems in their lives, and problems for people who are important to them, like their parents. The conversation between the counsellor and the child is for the child's purpose, and not for research. Therefore notes and recordings, being always subservient to the conversation with the child, are very variable. Though this means that the research cannot produce complete demographic information or representative samples, yet because so many children feel free from many of the constraints of ordinary conversations, their testimony is perhaps uniquely unmediated by adults - by researchers, court professionals, the media, or other members of the family. It has an immediacy and power which I find compelling.

## How Does Domestic Violence Emerge in Children's Conversations?

Out of 115,000 new contacts last year, about 46,000 (40% ) broadly talked about family issues, 2,300 referred to domestic violence, around 200 a month. More callers refer to violence as additional to the main issue troubling them than as a main problem, like physical and sexual abuse, running away, separation and divorce. Thirty-eight per cent of these 2,300 callers were also being physically assaulted, and around eight percent described sexual assaults.

Proportionately fewer boys called about domestic violence as a main problem than described it as additional. This raises the interesting question, does it mean that direct experience has less immediate impact on boys than on girls and that it is the effect of violence on parenting, which impacts more on boys? Or, if one of the dominating aspects of witnessing violence is fear, are boys less able to acknowledge 'fear' and so less able to call about domestic violence? The questions posed are intriguing. If we suggest that boys and girls might, in general, see and experience domestic violence differently, and see and feel its effects differently, then in what sense do we have an entity called 'domestic violence' which we can study?

Social theorists make much of the 'instability' of categories like domestic violence and child abuse, but then every category is unstable even, thanks to modern medicine, alive and dead. Because categories are

'slippery' and definitions are inconsistent, it does not mean that nothing is real; nor does it mean that categories are not useful; but it does mean that we have to take account, in our science as well as our policy and practice, of subjectivity; we have to take account of people's own definitions.

That this is important, is shown by recent research in the States on physical punishment of children (Hemenway et al. 1994). When adults defined their own experience of parental punishment or care as abusive, they tended to be less likely to report violence to their own children than adults who had been assaulted as much, but did not describe the experience as abusive. Of course we would need to check that the reports of their parenting were accurate, but it does suggest the significance of meaning for what has happened in our lives, for the way the past is mediated. It might also suggest that meaning and agency are connected, and that how you see something has an impact on how you behave, and I find that a comforting and liberating thought. It suggests that in naming something as 'abusive' as a problem, children and young people are taking a step towards agency.

### Who is Being Violent?

As far as children and young people are concerned, domestic violence is gendered: the overwhelming majority (84%) of the violence reported to ChildLine is man on woman: 4% of calls were about violence by mothers or stepmothers to fathers. In 11% of cases, children saw both parents as violent and, in most of these families, violence seemed to be a way of life. So, I suppose they are the children, strictly speaking, who are covered by the title of this conference. Here we return to naming the problem and the problem of naming.

Given what I have said about subjectivity, and the influence upon it of the language and representations available to people in finding a name for their experience, does this mean that children only 'read' certain behaviors as violence? Do they not notice women's violence on men, or do they not conceive it as a problem? Do they perhaps find it so 'unnatural' that they cannot talk about it? Interestingly, we recently had three young men from our schools project in ChildLine, looking at our statistics on the problems children ring about. They were astounded to find 29% of girls and 20% of boys called about physical abuse by their mothers. They had expected violence to be perpetrated by men, yet the children actually affected can name violence by women as these statistics show.

The importance of all this is that we can help children and young people to define their experiences in ways that help them to resist its impact on their lives and we need to ensure that our descriptions do not obliterate

these experiences or silence them about it. We also need to establish how the gender of the perpetrator or perpetrators impact on children, in the meaning that violence has for them and their sense of themselves, as well as the options open to them and their families and the impact it has on the way we can help. Recent research suggests that the quality of parenting which children receive is critical to the impact upon them of domestic violence, as indeed it is over alcohol misuse. We, therefore, must find ways of helping people towards better parenting, in addition to tackling the violence, or even if we find we cannot tackle the violence. There can be no one way street to helping children.

### Were Children Assaulted Too?

Of those calling directly about domestic violence as a main problem, nearly half were also assaulted, caught in the cross fire or regular recipients of beatings too, or beaten by mothers "taking it out" on them - a keenly felt injustice. Others had been threatened with beatings, or experienced threats because of what they saw. Still others would have preferred being hit themselves, rather than having to watch.

Some violence happened predictably, for example following drinking bouts; but then the anticipation was unbearable. Terror is not too strong a word for the experience of some children overhearing the beatings or the sexual assaults from another room.

*"He yells, '.....get your fucking clothes off'. My sister and me just hide under the covers and try not to hear."*

Night-time has its own fear for many children, made so much worse by screams, cries or whispers and having to wait until morning to find out the extent of the injuries. Where the violence appears quite random and unpredictable, the terror is constant, and children talk about their entire existence becoming dominated by thinking of ways of avoiding it.

My impression is that when adults are prosecuted for assault against a partner for violence against a woman, they are rarely prosecuted for assaults against children, though our evidence suggests that this is common. Why not? Would it not give a clear signal that beating women and children is 'wrong'? Would it not make it easier for women and children to support their case in disputed contact and residence cases later? All the issues of children having to give evidence about assaults happening in families obviously have to be taken into account and I am not necessarily recommending the criminal prosecution route as the answer here; but it is instructive to substitute children for women in the arguments about criminal prosecution to see how differently children's and adult's human rights are understood when it comes to violence.

## What are the Children's Family Circumstances?

The age spread of callers about domestic violence was from about 4 years to 18 years, with the bulk of children being 12 and 13 years old. Generally, the same number of children ring from one-parent families as from two parent families, indicating that domestic violence and its effects do not necessarily end with separation—indeed the violence and threats can increase and there is always the possibility of being attacked by a new partner.

## How Long Has the Violence Been Going On?

Sometimes the violence had just started, and sometimes it had been very recent. Some 1 in 4 children had experienced violence up to a year, 1 in 5 over a year, and 1 in 4 said it was ongoing, meaning that it was a permanent feature of their lives.

## What Caused the Violence?

Children were more likely to name something which in their view had triggered the violence when they rang following the start of the attacks. Precipitating factors in their view were: unemployment, loss or bereavement, an affair, increased alcohol use, or the entry into the family of a new partner who was violent.

For many, though, the violence 'just was'; they could not fully explain it. They tried to explain it as part of the person who was being violent, especially the case when they were also assaulted themselves. Now, obviously it would be really useful to discover how the child's explanation effected the outcome for them as child and adult.

## Domestic Violence and Alcohol Abuse

About a fifth of the children calling about domestic violence described it happening in the context of alcohol abuse. Significantly children tended not to say, "he's hitting because he's been drinking", rather, that "it happens when he is drunk".

## The Effects Upon Children

The effects upon children have been well documented elsewhere, including in a chapter by ChildLine in the book *'It Hurts Me Too'*, (Epstein and Keep, 1994). The important thing from our point of view, is to avoid being enormously prescriptive about how the individual children experience the impact upon them, while recognising the wide range of effects which can occur.

## Getting Help

It is extremely hard for children to get help, and they talk about ways they try to protect themselves: going to friends; calling in their relatives; getting the police; screaming; hiding; intervening; running away; asking to go into care; and getting information about women's refuges for their mothers.

On this as on other issues, children confide most in their own friends, so any initiatives aimed at tackling this issue in schools with children and young people, needs perhaps to do it in the third person. By talking about how children can help their friends, perhaps this might reduce some of the negative impact on boys who seem to put the shutters up against discussions that have concentrated on outcome evaluations.

The final point I want to make, is the importance of considering domestic violence in custody and in residence and contact orders, and to say that children have very little opportunity to say what is happening to them in courts. Again and again they say "...nobody is listening to me".

Many children ringing us know that there are no quick and easy answers to their problems, which don't involve consequences. However, having told someone something perhaps for the first time, they may no longer feel so alone and they may have a little more confidence in facing the situation, and maybe contemplate talking to someone else. As one 14 year old boy said at the end of his call, "I feel I've taken a step...".

## 3. The Cycle of Violence

**Dr. Arnon Bentovim**, Consultant Child Psychiatrist, began his presentation with a sample of boys who had been sexually abusive to other children, where he felt that one of the core issues was to perceive that living in a context of violence, particularly witnessing the physical and sexual violent abuse of their mothers, seemed to have been an extremely important factor which led them to take on an abusive role. He hoped that one of the issues that would be reflected in the conference was the relationship between the context of violence in which children grow up, and the practice which led an individual to perpetrate violent acts and how this linked to domestic violence and its effect on children.

## Attachment Interviews

With these boys we carried out an adolescent attachment interview, asking them about their experiences. One boy, we called 'Donald', was a 15 year old who was referred for having sexually abused two younger children and a younger brother. In describing the family he grew up in, he said :

*"I think when X (stepfather) was there he used to hit my mum's head against the wall, then he used to come and start on me because I used to try and pull him off, and he used to hit me and kick my sister."*

How has it affected you...? *"I feel like going round there and killing him... basically he's hurt me, he's hurt my mum, he's hurt my sister and he's hurt my brother... I feel like just picking him up, putting him against the wall and then breaking his arm and taking him down the police station, because I could have got him for assault, but my mum told me not to."*

Why do you think he behaved as he did towards her? *"Because he was strong, because he didn't love her, and he just wanted to get his own way I suppose."*

What about your Mum, you said when this was going on she would also hit you? *"When X used to hit my mum, she used to get angry, but then when she used to hit me it was because X used to make her – like really hit her, and she couldn't hit him back so she took it out on me, but then she used to take no notice... because X would hit me, and one day she picked up – X was hitting her – and she picked up a knife and said if you ever hit me again I'll stab you, as he hit her she nearly slit his wrists. Sometimes she used to hit me when it got really bad, but then she used to say sorry and take me out to apologise..."*

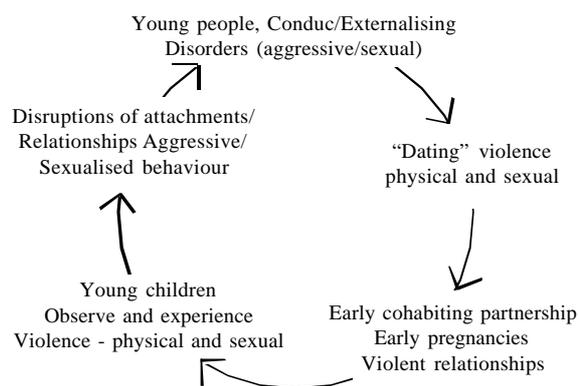
Why do you think she hit you then? *"Because she was frightened of him so she hit me, then she used to say sorry...."*

In that description, many issues are reflected; the role of the relationship; mother who says don't tell; the response of this particular boy; the relationship with his mother and, of course, the link with the fact that he in turn perpetrated violent acts against children.

## Unreported Youth Violence

I would like to put into context some of the recent information which relates to the cycle of violence, such as the inter-generational issues reflected in the work Professor Terri Moffat of the Institute of Psychiatry has done in this field. It gives us a great deal to think about.

What she has propounded, is that there is a tight cycle of violence which we are seeing currently.



The picture of what is going on in family relationships, the issues of domestic violence and of parenting, may well be different from country to country. For instance, evidence from work in America, seems to show that the pattern of violence appears to be similar to our own in context. Some of the findings of Terri Moffat, taken from her Dunedon study, indicates that there may be considerable differences between New Zealand society and our own. Terri Moffat starts, by examining the nature of the relationships of young people coming through secondary school into young adult life. It appears, from a number of studies in various contexts, that there is a far higher level of violence between young people which often goes unreported. Young people do not want it to be known that they may have been using drugs or alcohol at that particular time. There may also be a concern that young women in the studies, appear to believe that they are equally responsible for violent acts which have occurred. They do not acknowledge differences in physical strength. There appears to be a failure to report often very high levels of dating violence, in some contexts.

Who are the young people who are likely to enter into violent relationships, very early on? There appears to be a strong link between young people, whether a young man or a young woman, who may develop an antisocial mode of relating due to their own early childhood experiences, becoming involved in violent partnerships at later stages of their own development.

## Patterns of Behaviour

Young people involved with violent relationships with partners in their teens, may become early cohabiting partners, with early pregnancies and the further triggering of violent relationships. In those contexts, young children observe and experience violent physical and sexual abuse, and observe the violence perpetrated against their mothers. This, of course, in turn leads to

disruptions of attachments and relationships for these particular children, leading to the development of aggressive, sexualised patterns of behaviour on their part, which again moves into this process of young people who are anti-social in their responses, and the cycle continues. So what has been reported is a cycle, which takes a very short time before it, in fact, it is re-enacted. Current clinical work shows some very similar examples of those patterns.

The study of children growing up in violent homes, is very much in its infancy. The few studies that we have, from various parts of the world, do not present a coherent picture. There are some factors which could be picked out which seem to give some pointers.

For instance, it seems clear that young children who are subject to hearing and seeing violence perpetrated within their context are traumatised by the experience. Up to 60% of children studied in shelters, show post traumatic stress disorders as a result of witnessing the battering of their mothers. We see children subjected to re-enactments through visualisations, flashbacks, and triggering of memories. We may also see avoidance strategies many of these children employ so they do not have to think about the images of violence which affect their nightmares. Sleeping difficulties are also associated with being subject to traumatic events in their lives.

### **Internalising and Externalising**

Additionally, as chronically stressful events have a significant effect on the developmental relationship processes during these young peoples lives, developing into what is currently described as internalising or externalising responses. I have called these male and female modes, not to describe them as responses of boys or girls as such. Given that gender is both socially and biologically determined, then models of response may be perceived in gendered form. There are a number of areas, such as attributions, identifications and roles, or behavioural responses which may have a mode response. So the internalising responses "female mode" would be associated with self blame, a negative self-representation, a victim role, or even the self mutilating anorexia/bulimia area.

Alternately, there may be an opposite externalising response, taking on an angry, abuser role, with aggressive power assertion as a response to the stressful context, and the roles and relationships to which they are exposed.

Studies seem to indicate that in family contexts with particularly intense, high levels of aggression, girls will take on an externalising, angry defiant mode, whereas in other contexts they might take on a much more internalising, self hurting role. Similarly, boys in some contexts may be more internalising, blaming and self

harming in their responses, in other contexts they may be angry. There seems to be no clarity regarding the responses of boys and girls here, certainly as you have already heard, they are tremendously variable and we need to understand much more.

### **Case Studies**

To illustrate some of these issues, perhaps I could look at a recent family that Marianne Bentovim and I have been assessing, looking at both family contexts and their impact on children.

This is a little girl of 5, Rachel, living in a complex family situation. Her mother had been sexually abused by her father, and she herself was involved in highly conflictual relationships with her own mother and a sister. She had grown up in a context of domestic violence between her father and her mother and her parents had now separated.

In her early adolescence Rachel's mother had had a highly rebellious and conflictual phase with her own mother, and at the age of 14 she went on the run with a boy of the same age. Eventually she became pregnant. She was supported by her family, and around the age of 18, the couple moved in. For the first six months the situation went well. Then, after Rachel reached six months of age, there was a period of considerable domestic violence. The father felt left out and there was physical violence towards the mother, who then fled to a refuge. There was a reconciliation, but after more violence, Rachel and her mother went to live with the maternal grandmother, so the father attacked the home. There was a further reconciliation between the couple and then more separations. Over this period Rachel was with her mother in various contexts, there were periods when there was poor care and neglect observed. She had also been exposed to both violence, disruption and change.

When Rachel was 18 months old, there was an episode when the father threatened to kill Rachel, the police laid siege to the house and he was imprisoned. Later the mother was in lodgings, but unable to cope alone she again sought out the father on his release from prison. Rachel had been subject to a whole series of changes over this particular time, firstly placed with her mother alone, then with the grandmother, then removed by the mother.

Next we then have situation of foster care placement at around 2 years of age. The parents then reconciled again, and wanted to be seen as a couple. There was another episode when the mother attacked the father with a Stanley knife causing a genital injury. It should be noted that many of the attacks of young women against men in this situation are very much in a context of self defence and use of instruments is associated

with the woman's lack of strength. The child is again placed with foster carers, and there are further periods of separation, and coming back together. Eventually we were asked to carry out an assessment when Rachel was finally placed with her maternal grandparents.

### Outcomes

As far as our meeting with Rachel was concerned she responded to this highly disorganised attachment context in which she had grown up, by a desire to be in control. She could not tolerate separations, for she was always on the edge of being flooded with anxiety, and the only response was to control with anger, recommencing the cycle of control of the other to deal with stress.

I have described this particular family context, because it fits into the picture of the cycle. Two young people emerging from particular family contexts, their early violent relationship, the powerful attachment, often described as intense but layered with violence, and

intense attachments between the couple. The child in this particular context, who was bouncing from place to place, responded with a need to control. It is not surprising that she showed extreme, angry responses to frustration.

The final point that I want to make relates to the agenda dealing with prevention, by breaking the original cycle of abuse. For me, one of the most hopeful areas in the current literature and in current practice, is the attempt to focus on the prevention of violence in school/educational contexts. The success of Canadian programmes (Suderman and Jaffe) illustrates how effective this can be. Young people need to learn how to negotiate differences rather than using power oriented ways of attempting to control the other. Intervention at other points in the cycle is essential, with couples showing violence at all stages, with younger anti-social children, and with children who have been exposed to abusive actions and who may have been silently traumatised.

## 4. The Extent of Domestic Violence: Consequences for Children

**Dr. Liz Kelly**, Child and Women Abuse Studies Unit, University of North London, stated that in the last four years we had witnessed the most intensive focus on domestic violence since the first refuges opened in the early 1970s, and it had now become a serious issue in international public culture. The UN had issued the strongest and most powerful public statement yet on violence against women, following the Beijing conference, and The World Bank, the World Health Organisation and the Council of Europe all now had policy documents on this issue. She continued that the UN and the World Health Organisation had both argued that violence against women, and domestic violence in particular, had profound and far reaching consequences for women's health. Anything that had consequences for women's health also impacted on their children.

Liz Kelly concentrated on about five themes: firstly, how we defined the issue for the conference; secondly, what we knew about the extent of domestic violence; thirdly, what we knew about children's contact; fourthly, what the consequences for children were; and finally she would propound a slightly different angle on Arnon Bemtovim's 'cycle of violence'.

### Definitions

With any social issue, the first question is, how is it being defined? With domestic violence this is both critical and contested.

There are a number of issues at stake here:

- whether we take a domestic/intimate violence or family violence perspective
- how inclusive a concept is used? Are we just talking about current partners, or do we include ex-partners, and do we include lesbian and gay relationships?

- how inclusive is our definition of violence? Are we talking only about physical violence, or are we including sexual assaults, as well as whole range of psychological and emotional abuse and forms of financial control?

Researchers and organisations have taken different routes through those questions, which makes it very difficult to compare what we know, because we are using different definitions. There are two broad approaches, using definitions either of family violence or domestic violence.

Family violence argues that child abuse, domestic violence and elder abuse are all outcomes of the belief that conflict occurs in families, and they are all part of the same problem. The difficulty with this definition, is that it does not help us explain why violence is directed in particular ways.

Domestic violence, is the term which appears in most of the international policy documents. This limits its focus to the relationships between adult partners, and traditionally views the relations of gender and generation in families as offering a way of understanding why violence occurs, and why it is disproportionately men who are perpetrators of violence, and that women and children are much more likely to be victimised. This is the perspective from which I work. How we define something will affect how common we think it is, and how we measure something determines what we think needs explaining.

### **The Extent of Domestic Violence**

Before moving on to our research evidence, I wish to clarify an aspect of statistics that can lead to a misuse of evidence. We have two measures of the commonness of an event, in this case violence. One, 'incidence', refers to the number of known new cases within a given time period - usually a year. The other, 'prevalence', refers to the proportion of a population who have ever had a particular experience at any point thus far in their life. Prevalence is, therefore almost always far greater than incidence. If research says that 1 in 4 women has experienced violence in their lifetime, that does not mean that 1 in 4 women are currently experiencing it, that figure is more likely to be around 1 in 10.

Incidence figures are often drawn from official records, and are, therefore, subject to problems of under-reporting and under-recording, plus the fact that agencies use different definitions. As regards domestic violence the situation is even more complex, since most agencies have no policy about recording it, and even the police have no method for recording 'domestic violence' as such, because there is no crime of domestic violence, so it gets lost in all sorts of other statistics. It is only where you have a dedicated domestic violence unit, which brings together those cases from the officers and different crime desks involved, that you get accurate figures. Despite two recommendations by Select Committees in the UK, one in 1975 and one in 1994, stating that the police should provide us with national figures about reported domestic violence cases, we still do not have them.

What we do have though, are fairly accurate homicide figures. These show that over a third of women killed each year are murdered by a current or ex-partner,

whereas this is true for less than a tenth of murders of men; four times as many women are killed in this context in any one year, compared to men. What the figures do not tell us, is that a significant proportion of the women who up to this point, had been victims of domestic violence and had turned to lethal self defence in a particular instance.

The figures from Greater Manchester Police, who compile very useful figures, which I wish most police authorities would copy, show several things:

- that reported cases continue to rise
- that women are the overwhelming victims of domestic violence
- that despite guidance from the Home Office, encouraging arrest, this occurs only in the minority of cases.

Unlike most industrialized countries we do not have a national prevalence study of domestic violence in the UK. The best study we have to date was done by Jayne Mooney (1994) in North London. She found a prevalence rate of 1 in 4 of the women surveyed had experienced domestic violence, and an incidence rate of 1 in 10 women had experienced at least one incident of violence in the last 12 months.

The British Crime Survey has become quite adept at picking up domestic violence; its main concern is the incidence of crime. In its latest figures, they quote a minimum of at least half a million domestic violence incidents per year, involving physical violence, and that 87% of domestic violence incidents were assaults on women. The largest and most careful study to date, and the first such survey in the world, has been conducted by Statistics: Canada (1994), which involved a national random sample of 12,300 women. They were interviewed, by telephone, about physical and sexual violence they had experienced since age 16. Remarkably their prevalence and incidence findings are exactly the same as those from Jayne Mooney. They also did some other interesting analyses. The prevalence figure for currently married women experiencing violence was 1 in 6, whereas the figure for women who had previously been married was 1 in 2. A fifth of the women who had been previously married and experienced domestic violence, reported that the violence either began or increased in severity at the time of separation. A significant proportion of women who have experienced domestic violence report at least one life threatening assault, and 1 in 10 women in the UK report assaults using weapons.

These data, combined with studies from across the globe, show unequivocally that it is women who are the main recipients of domestic violence and they are

at greatest risk from lethal violence from men that they know. We need to take seriously both the severity of the violence and its commonality. Its importance in terms of children is that a significant proportion of our child population will spend some parts of their childhood in a home where violence is occurring. What we now know is that domestic violence is a mundane, everyday experience. It covers a range of behaviours, all too frequently causing physical injury and only a tiny minority of these assaults are reported. One of the ways women cope is to minimise what is happening and to not name that behaviour as violence.

## Patterns

What is also common is that humiliation, threats, and control of behaviour are almost always part of domestic violence. It crosses class, race and religion, age, physical and mental ability and sexuality. It can begin on the first date, on a honeymoon, after years of living together or at the point where the woman chooses to leave. We also know something about seeking help and the consequences of domestic violence as with every other issue friends and relatives are the most common source of support:

- GPs and police are the most likely agency contacts and social workers are probably the last;
- 80% of women seek medical help at some point; many use prescribed drugs and/or alcohol to cope;
- there are short and long term impacts on physical and mental health.

## Ending Violence

The most commonly asked question is ‘why do women stay?’ This is asked much more often than the arguably more important questions, ‘why do men do it?’, and ‘how do they get away with it?’ Ending violence is a complex process, and begins with women’s recognition that what is happening is abuse, by naming it, coming to understand that the strategies they have used to prevent or avoid it, have failed. Even when women reach this point they then have the monumental task of trying to secure their own self survival and that of their children.

What both prevalence research and police statistics also tell us is that leaving is not a panacea, since a third of reports of domestic violence in both occur in situations where separation has already occurred. Contrary to popular opinion, leaving is actually one of the most dangerous things that women can do; most homicides of women occur at the point of leaving, or after she has left. These facts underline the pivotal importance which women’s organizations have always given to safety, and also highlight our failure as a society to develop effective systems of protection.

## Refuge

Women’s Aid have been providing the core response to domestic violence for over 20 years, and in her Home Office review of the literature, Lorna Smith (1989) comments that “refuges are a particular success story”. Despite overcrowding and limited resources, refuges and women’s groups remain the agencies which women are least critical about in studies which address agency responses. Unfortunately, women and children able to access a refuge are a minority; the majority have to rely on either informal networks or bed and breakfast hotels. If we take the estimate of refuge places that the Select Committee in 1975 suggested as a minimal figure, the situation in 1996 was that Wales had 81% of this figure, followed by Scotland with 59%, and England with only 42% of the refuge places recommended. This is despite what the Home Affairs Select Committee said in 1994:

“We recommend that the first priority for government action on domestic violence be the establishment of a central, co-ordinated policy for refuge provision throughout the country. We believe that this could well be the single greatest cost-saving measure that could be taken”.

## Safe Rehousing

Domestic violence is the single most important cause of homelessness for women and children. Supporting refuge provision is undoubtedly the best policy for children, since refuges have increasingly developed their provisions for, and work with children, recognising that they are the majority of residents at any one time. All the research on divorce and separation tells us that it involves lower standards of living for women and children, and social policy changes over the last 10 years have exacerbated that. Permanent rehousing in many areas of the country will now take up to two years. The losses and cost of leaving are huge, and many women realistically assess the negative impact on themselves, but especially on their children, and choose either never to leave in the first place or to return home after leaving. We should be amazed, not that women do not leave, but that so many actually do manage to leave and establish independent lives.

## Children’s Contact with Domestic Violence

Turning directly to children. Children’s contact with and experience of domestic violence is a variable combination of:

- being aware of it as a witness or an overhearer, and a piece of work we are doing at the moment shows that those two things shade into one another. Children often hear things once they have gone to bed and they choose then to come down and be a

witness because they want to make sure that nothing really awful happens

- they may intervene directly to protect their mother and get hurt in the crossfire, or they may try to intervene by seeking help
- some children are encouraged to support and participate in the abuse and degradation of their mother

Children may also be being abused themselves, and again this can occur in a range of ways:

- sometimes the household is one where violence is random and regular
- sometimes one child, or several, are targeted for physical and emotional abuse which is carried out in front of other family members
- sometimes children will be abused secretly and separately from the abuse of their mother.

The reasons for addressing domestic violence in child protection are increasingly compelling, not just because witnessing domestic violence has potentially damaging consequences for children, but also because there is emerging evidence that domestic violence is implicated in child abuse. The evidence has been there for some time, but we failed to make the connections we could have done. Amongst the evidence we need to be mindful of here are:

- evidence of violence in pregnancy directed at the woman's stomach
- the way a child or a woman is deliberately abused in front of others in the family
- the use of threats towards children as a way to control the woman and vice versa
- the presence of domestic violence in virtually every one of the child death inquiries
- the high proportion of child protection cases where domestic violence is also known to be occurring.

Understanding how women and children's experiences are frequently intertwined and manipulated aids our understanding of the complex dynamics involved, how potential alliances between mothers and children are prevented, and how children are used to prevent women leaving, or to make them return.

One of the most important things we need to think about is what these things mean to children and how children make sense of them. This is much more important work, compared to that we have had so far - which documents what I call the "effect". We know that these things affect children negatively, and what matters is understanding it from the children's point of view, about which we still know far too little. One of the things we have recently discovered is that both women and children attempt to protect the other from difficult knowledge while domestic violence is happening. Women try, and think they have succeeded, by hiding the violence from children; and children choose not to speak about the fact that they overhear or sometimes even secretly observe what is happening. These understandable coping strategies result in a communication gap, and there is important work to be done in enabling communications between women and children.

### **"Cycle of Abuse"**

I want to say two things about the 'cycle of abuse' model. It is very attractive, in that it fits with ideas about gendered responses and gendered behaviour - the internalising and externalising model. However, those of us who have worked with large numbers of children, not in clinical settings but in refuges and in other settings, know that this does a disservice to the complexity of children's responses. Some boys identify immensely with their mothers, and distance themselves from aggressive masculinity. Some girls are judgmental and blaming of their mothers, and try to distance themselves from what we call traditional femininity. This does not mean that gender is irrelevant, on the contrary, I think it is deeply relevant, but it demands more complex ways of thinking. Secondly, our reasons *for* working and intervening with children ought not to be based on projecting potential future behaviour, preventing them repeating this cycle in the future. They deserve our attention because of what has happened to them. "Cycle of violence" moves us towards children being "objects of concern", rather than unique individuals who have a story to tell and who have reached a range of understandings as a consequence. If we presume that we already know their story, and what its outcomes will be, then we will never be open to the extraordinary insights of many children, or their passionate belief that violence is wrong.

## **5. Summary of Discussion which Followed**

### **Is Violence Endemic?**

Much discussion centred around this issue. It is believed that many men abhor violence within the

family, whilst others will quote circumstances in which they feel that violence is justified. In one study, young

people in Scotland and England said that violence in general was not acceptable, but went on to say that it was justified in specific instances, particularly against a woman if she was your wife. So we are dealing with a large, complex, social phenomenon, in which there still exists a legacy of permission in relation to adults, particularly adult women partners. If domestic violence was about a social phenomenon of acceptability, then it needed to be explained in social terms, such as education, employment, social class, and regions, and we should look at the rise in social patterns.

However, research suggests that domestic violence is endemic in every social class and background, and this ought to determine the way we approach some of the issues. Were any figures available to indicate that particular social factors predispose people towards domestic violence in the presence of, or towards their children. Did anyone really know if it is present through the whole of society, regardless of these social factors? The idea that gender was also a social issue, was felt by some to be a political response. A view was propounded, that domestic violence was to do with socialisation, and studies of the reasons why boys begin to abuse other children, demonstrated clearly that the cumulative experience of living in a context of perceived and experienced violence are the factors which lead to violence becoming a way of dealing with issues. Social factors are felt by some to be the triggering, maintaining, or reinforcing factors, but are not themselves causative.

### **Violence Prevention**

The legacy of permission seems to be present, but at a different level in relation to children, and the question as to how children think about, react to and process violence, raised a number of points, especially the need for effective preventative work. Prevention studies demonstrate that girls and boys may well respond differently. Boys seem to respond by hearing, but not necessarily believing these messages, because the premises seem to be so deeply held, that it is hard to move them. Thus prevention work should be more carefully tested for its effectiveness. A study carried out by ChildLine, looked at the different way that boys and girls responded to difficult situations, and the results were published in a book called "Its Tough to Talk". It showed that boys found it very difficult to engage in negotiation and discussion until issues and difficulties had become critical. So if we could get young men to discuss these issues in schools, and think through the implications, then we might have an effect on their behaviour, especially regarding domestic violence and good parenting. It was agreed that developing non violent ways of relating within schools, including putting preventative work about relationships within a context of real situations, was likely to be a

most effective method. However, the question remained as to why some children reacted to violent experiences with violence of their own, whilst others reacted in just the opposite way. Was there a distinction between those children who experience violence as opposed to those who just witness it, and was age relevant?

### **Family Relationships**

It was felt to be important to know what the different members of the family meant to each other, when changes are happening, so that meaningful connections can be made during any interruptions to these inter-relationships,. How does the mother who is hit deal with her own anger and violent responses, and are they provoked by the children? Cases were quoted, about boys where, after the father had been excluded from the home or ceased to visit, the boy began to show behaviour reminiscent of the father, to which the mother then reacted, in an attempt to quell the boy's emerging violence. This produced a new violent cycle between the mother and son. However, often the kind of practical arrangements that people make in their everyday life, to maintain the family, without any kind of agency intervention, should give us clues as to the most effective interventions.

The point was stressed, nor surprisingly, that the negative effects of living in a violent household actually reduced the child's perception of the positive qualities in the home, and rather than seeing the warmth and caring that is there, the whole situation is perceived as negative. Thus domestic violence had both direct effects on children, as well as affecting their parenting capacity.

### **Violence Towards Men**

Violence from mothers to fathers is reputed to account for 6% of the domestic violence in this country. It was asked, with the male gender including more externalising than internalising, do boys respond differently to this experience than girls? We heard that one boy had expressed profound exasperation that his father never hit back under such circumstances, but how that would affect him both as a boy and later as a man, is difficult to say. It was not easy to predict any distinguishing factors from the records, but the main aspects, the fear, the anxiety, the sense of threat, seemed to be the same. Although the issue of domestic violence has some impact, there are many other complex factors which affect young people's lives, causing them to respond in a variety of different ways.

### **Domestic Violence Units**

Statistics relating to the incidence of domestic violence in households with children under 16 years of age, was

of interest to some delegates. It was mentioned that some domestic violence units were said to have an automatic system for notifying incidents to the child protection team. Other domestic violence units were now becoming children and family units, which combined child protection and domestic violence issues. Concern was expressed that this might lead to more energy going into statutory child protection, to the detriment of domestic violence aspects. Some DVU's have neither of those two. It was explained, that the conference planning committee had hoped to have a paper presented, based on the research now being carried out for the Home Office, which may have cast light on such issues. Unfortunately the Home Office was unable to approve the paper in time. This research should be published soon.

Apart from the police, GPs were felt to be a significant point of contact for women suffering domestic violence. Two specific projects were known about, one in England and one in Dublin, concerning work with health authorities.

### **The Cycle of Violence**

The cycle of violence approach to prevention, was questioned as to its usefulness, especially if it was too simplistic. Although it was claimed to be helpful in certain circumstances, to draw together certain patterns, suggestions were made that the cycle of violence is invariably used to explain to mothers why it happens, and can be used by policy makers as an excuse for non action "... it happened before so there is nothing that we can do about it!" It was pointed out that the cycle certainly did not aim to predict an inevitability in events, since as many people escaped this process as were caught in it. The usefulness of the model is that it emphasises where intervention is needed to break

the cycle.

A comment was made that there was a difference between something being a contributory factor and it being a causal factor, but did not the cycle always encourage people to think that an issue was a causal factor? Did building factors into a cycle, actually help people to get out of that circular thinking, since this was something to do with their past? Also, how did one explain those people who had not experienced abuse in childhood, becoming abusive in later life?

This system, it was finally agreed, needed an awful lot more talking through, due to the many complex aspects involved. However current views were that it demonstrated areas where one can actually intervene to break the cycle and create a difference, such as working with young people within the school context, and working with very young families where children were being exposed to certain patterns very early on. There could be many areas of intervention, developed through looking at the cycle as a series of cycles.

### **Self Confidence**

Women and children work through many dangers in order to get to a refuge, but sadly, sometimes after quite a short period of time, the woman becomes involved with another violent partner. This is very distressing for children who experience this tragedy, especially when they have no access to the courts, without which they have no say in what happens. There was general agreement, that domestic violence destroys the woman's self confidence and self worth. We often fail to see the woman as a woman, rather than just the mother of children. If we do not give her support as a woman and help her to re-develop more of her self confidence, she remains vulnerable to anyone who comes into her life, and the pattern may recur.

Dr Catherine Humphreys, Department of Applied Social Studies, University of Warwick said her presentation would be an overview of some of the issues that were arising in social services responses to domestic violence. She felt that some positive things were beginning to happen within social services which recognised domestic violence as a complex problem which necessitated a co-ordination of responses within and between statutory and voluntary services. To achieve this, Dr Humphreys concluded, required proper training, the sensitive exchange of information and adequate funding within social services and the voluntary sector. Domestic violence needed to be

acknowledged as an issue to be taken seriously in its own right, and not just 'tacked on' to existing services.

## Awareness

The mid-nineties has seen renewed interest in tackling the problem of domestic violence. This time with recognition that domestic violence is an issue effecting children as well as women. The relief was almost audible as women especially from Women's Aid who had been lobbying for years for domestic violence to become an issue of national concern, saw a momentum which bought on board Children's Charities, a range of Government Departments, the development of a wide variety of interagency forums and long awaited legal reform. Since 1994, innumerable conferences, training, interagency meeting, procedures and guidelines have all appeared to have kept the issue of domestic violence on the agenda at both local and national level.

## Social Services Plans

However, the relief, that 'something' was finally being done about domestic violence has quickly become tinged with anxiety about what form the 'something' might take. Nowhere has this been more apparent than in the area

of work with children and families in Social Services Departments. Recognition of the relationship between domestic violence and child abuse raises problems for statutory child protection agencies. There are some issues here which are reminiscent of the way in which child sexual abuse services developed in the eighties. Departments, particularly social services were virtually caught 'on the hop', as they began to realise that simply 'adding in' child sexual abuse to the current work with children and families, missed vital issues which included:

- that this was generally a gendered form of violence
- that it was a crime
- that specialised training was required if work was going to be effective, rather than just well meaning.

Some of the work in the area of domestic violence raises similar issues, however with some further complications. I thought it would be worthwhile reflecting on a few of the particular difficulties for social services as well as some of the directions where change is occurring. I will be drawing on a research project undertaken a couple of years ago in a Midlands Social Services Department in which I interviewed social workers and examined 32 case files in which domestic violence featured (Humphreys 1997). I will also examine Children Services Plans to look for any evidence that children living with domestic violence are being taken into account in planning children's services.

## An Effective National Strategy

Firstly, there is no national strategy or set of standards for social services departments for children living with domestic violence. Hence, practice throughout the country is very varied. Work ranges from the marginal

to the mainstream (see Table 1).

There are clearly some major problems associated with leaving domestic violence as a marginal aspect of Social Services Work with Children and Families. The Midlands project in which I was involved occurred at a time, two years ago, when domestic violence was marginal to the work of the department. There was no training and no organisational initiatives. Although there was substantial activity within the interagency domestic violence fora, it had not permeated through to the social services department. Yet, domestic violence is a feature of between 30%-60% of cases in social services. This has been shown by other major research studies, not just this one.

To minimise domestic violence or make it invisible is to create both ineffective and potentially dangerous practice. The case file research showed that there were a range of ways in which minimisation occurred:

- domestic violence was mentioned in social work case notes, but not in the wider child protection conference forum;
- domestic violence was reported but named as 'marital conflict', 'a conflictual relationship' (even in one case where the woman was stabbed);
- other issues are named as the problem – for example, the woman or the man's mental health; or alcohol abuse.
- the man is supported as the cornerstone of the family and his violence ignored (unless he physically or sexually abuses the children)
- the mother's violence is named as more, or as great a problem as the man's violence towards her (in spite of evidence in case notes to the contrary)

**Table 1: Social Services Response**

Marginal	Domestic violence seen as one of many problems facing children and families	<ul style="list-style-type: none"> <li>• No specialist training</li> <li>• No organisational initiatives</li> </ul>
Mainstream – ‘tacked on’	Domestic violence seen as an issue of child abuse	<ul style="list-style-type: none"> <li>• Awareness raising training</li> <li>• Current procedures expanded to include domestic violence as an issue</li> </ul>
Mainstream – organisational change	Domestic violence understood as an issue of both child abuse and women abuse	<ul style="list-style-type: none"> <li>• Safety and support need recognised for women as well as children</li> <li>• Offender behaviour is confronted</li> <li>• Children recognised as children in need and women provided with family support services</li> <li>• Worker safety issues tackled</li> </ul>

➤ the man is not involved in the assessment, and hence his violence becomes invisible.

Clearly, if we ignore the issues of domestic violence, and refuse to tackle the bad practices incurred, then major problems will remain in social services work.

### Training and Organisation

There are equally some problems with raising awareness of the relationship between domestic violence and child abuse through training, if at the same time, we do not change aspects of organisational environment. Some excellent training programmes have developed, most recently ‘Making an Impact’, though there has been also significant training provided by Women’s Aid, ACPCs and Inter-Agency Fora. However, training programmes need to work hand in hand with agency and inter-agency change. There are significant problems with simply adding-on domestic violence as an issue of child abuse. A few areas for consideration include:

- Recognising that there is both an adult victim/survivor and child victims/survivors.
- Recognising that women are commonly threatened with the loss of their children by abusers and may find it difficult to trust social workers.
- Recognising the particular concerns for Black women in relation to social services treatment of Black children.
- The invisible man

➤ Attention to worker safety and recognition of the limits of ‘partnership’.

➤ Inter-agency planning for Family Support and Children’s Services.

### Social Services Structures

Clearly, in the time available I cannot deal with all those important organisational aspects that need to be recognised if we wish to take seriously the issues for children living with domestic violence. Only a few key issues will be discussed.

Although it is self-evident that in domestic violence there is both an adult victim who is usually a woman and a child victim, this is an extremely difficult problem for social services departments to manage under their current structures. Neither is this a new problem. There has been an historical demarcation noted by Linda Gordon (1988) which shows that services for women and services for children have been separated for over 100 years. At some level this is a false demarcation, for refuge services for women have included children’s workers almost from their inception, and Women’s Aid and children’s workers have been trying for some time, to bring the effects of domestic violence on children to national attention. Similarly, there has been a lot of work with mothers and fathers within social services departments.

Nevertheless most social service departments are some distance from adopting the catch-phrase that, ‘good child protection involves effective protection for the woman’. There are a number of pertinent issues.

Firstly, resourcing services for women escaping domestic violence. There is currently much talk about the development of services for men as a preventative strategy in the area of domestic violence. There has been less discussion of the essential services which are also needed to support women and children. We need a three-pronged approach with services for children, services for women and services for men. At this stage services for women often stop short at the provision of refuge accommodation, and even some of that is being undermined. Places of safety are just a beginning. If we want to intervene effectively we need to look at after-care services, health services, housing services and counselling services to support women. Currently, responsibility for women's services is both everywhere and nowhere, and is therefore a situation which leaves a massive gap in provision. Effective intervention needs to take seriously the aftermath of the effects of violence, including the costs, the dangers and the disruption of re-establishment.

Secondly, we have to incorporate issues from adult services, such as mental health. Creative thinking is required in the current organisational environment which has no seamless service between adult and children's services. The problem is illustrated in the case file analysis. In the thirty-two case files that I looked at, there were three men with psychosis problems and thirteen women with mental health problems. A number of concerning issues emerged. There were problems with gaining mental health assessments that were sensitive to child protection issues, and problems making compatible decisions between mental health professionals and child protection professionals. (See Michael Sieff Foundation Report No 12, "Keeping Children In Mind", September 1997). These difficulties were compounded for both Asian men and women with mental health problems, who found gaining an adequate mental health service particularly difficult. There were also problems with gaining re-assessments and reviews, and problems with child protection conferences placing unrealistic demands on women. For instance, when women are depressed, or managing other mental health problems, it can be extremely difficult to even decide what clothes to wear, let alone move house and reorganise every aspect of their lives. Failure to recognise and support women suffering from high anxiety and depression is very problematic. In the case file analysis there was a complete lack of connection between the issues of domestic violence and mental health problems, though frequently women have problems with depression because they are being beaten. The connection between these issues needs recognition which includes attention to resource allocation and the details of which team is responsible

and who will fund the care package. We also need to look at appropriate intervention, not just for mental health services, for clearly other adult services must be involved in situations where children are living with domestic violence.

## Developments

- 1) Potential directions for change lie in the development and dissemination of a new training pack 'Crossing Bridges' written by mental health workers and child protection workers in conjunction with the Department of Health. This pack tackles both the practice and organisational issues required to provide a more holistic service in the area of mental health and child protection. It is also in the area of mental health that the lead appears to be being provided in breaking down the demarcation between health and social services.
- 2) The development of designated posts for domestic violence specialists ensures that the necessary expertise about domestic violence is present in the heart of social services work. Newham Social Services Department is leading the way in this area, with the use of S.11 projects to target the needs of Asian and African Caribbean women and children in the borough.
- 3) Finding out the extent of domestic violence is a crucial starting point for effective intervention. Progress is slow, though now some social services are developing procedures for 'screening' referrals for indicators of domestic violence taking into account the safety issues involved. The link between domestic violence and child abuse is too great for this issue not to be explored.
- 4) A further serious issue for Social Service departments to recognise is the fear women may have of 'the welfare'. The threat to tell 'the authorities' of the mother's inadequacies is a constant strategy used by abusers against women. It is a threat which creates barriers to women accessing assistance through statutory agencies and points to the need to take much more advantage of developing the resources in the voluntary sector, including Women's Aid and the children's charities. Women's fears of 'the welfare' may not be unfounded. A detailed look at 32 case files showed that in two thirds of the cases, women were either 'threatened' with, or actually had children accommodated in situations where they themselves were also the subject of abuse. Fifty percent of women had children who were accommodated, either temporarily or permanently. These figures astounded social workers in the study who felt that they did everything they possibly could to make sure that children are not taken into care. However,

the study revealed a significant amount of coercion by child protection conferences and social workers. It is a pattern which is also being seen at refuges which are now taking in many more women who feel pressured to come to the refuge with threats that they will lose their children if they don't comply.

- 4) There are some practical implications about the poor public relations experienced by some social services departments – some of this as a result of unsympathetic practice, much of it is promoted by the abuser. Many inter-agency fora at the moment are talking about the wholesale exchange of information between police and social services, with referrals to children's services every time the police go to a domestic violence incident where there are children. This is very problematic for women for the reasons outlined above. We need to develop methods for sensitive intervention (see Birmingham Social Services/police initiative). These issues are further compounded for Black women as documented by Maria Mama and reinforced by the research which shows the over-representation of Black children in Care (Barn et al 1997). Women's Aid has recently published a book 'Redefining Spaces' (Rai and Thiara 1998) which points to progressive policy and practice initiatives when working with Black women and children escaping violence. It highlights the more general issue that trust in the help-seeking process is not an issue to be under-estimated in service provision.
- 5) One of the most difficult and intractable issues facing child protection relates to the invisible offender. This issue is addressed elsewhere in the report (see Domestic Violence Intervention Project). The strategy I would like to highlight to progress practice in this area is action on Section 60 of the Family Law Act (1996). This section allows third party applications for non-molestation and occupation orders to be taken by police or other workers. This is the one section of the Family Law Act which has not been enacted yet it is a particularly useful strategy in child protection cases. In a consultation undertaken in Australia in two states (New South Wales and Queensland) where third party applications have been in operation for 13 and years and 6 years respectively, the response from workers in all areas was overwhelmingly positive (see Humphreys et al 1997). Participants in the study stated the many advantages in third party applications. They lifted the responsibility from the women to take out applications against men, about whom they may still care, that they fear or that they may be intimidated by to revoke orders. Police applications clearly make the point that it is the State's responsibility to protect women and children, lifting the onus from women as the sole

protectors of themselves and their children. This is both a symbolic message and a practical reality. Many women and organisations felt there was greater authority associated with the police taking out the orders, and also that police had some ownership of those orders and were therefore more likely to take them seriously. Third party applications allowed for protective intervention which focuses on the offender and his behaviour and not on the mother. In child protection conferences, discussions could include planning to take a third party application for a non-molestation orders. This strategy simultaneously *names* domestic violence as a central child protection issue as well as providing an appropriate course of *action*.

- 6) Planning for Children's Services and Family Support also requires attention. The complex issues for social services can't be divorced from the wider concern to re-focus work with children and families to provide support for 'children in need', and provide early intervention to prevent incidents of child abuse occurring. If there are no services to refer to, then referrals to social service departments where domestic violence is an issue either have to be ignored, or wait until serious incidents occur which will call for a full enquiry and child protection conference with an attendant child protection plan. This is not the route of choice. Raising the connections between domestic violence and child abuse without providing any extra infrastructure to challenge offenders, support women and protect children is a little like recognising there is a fire without providing water until its raging out of control and needs 5 fire engines, rather than providing the hand held extinguisher and a fire blanket which it required in the first instance. Ideally, social services departments along with other departments need a range of strategies to tackle the issues of domestic violence.

Audrey Mullender and I have recently been writing the local government briefing paper which looks at some of the issues. Each department, and this includes social services, ideally needs the following:

- a policy statement
- designated posts at policy level
- a training strategy
- inter-agency protocols
- baseline statistics and monitoring procedures
- commitment of resources to designated posts, link workers to other agencies, and purchasing services through the voluntary sector
- good practice guidelines including a worker safety policy

I recently reviewed Children Services Plans for one of

the regions to see how the issues of children living with domestic violence were being tackled. These are usually 3 year plans developed with Social Services taking the lead in collaboration with a range of other agencies including Health and Education. They are not the only indicator of an authorities commitment to the issues of children and domestic violence and there may be more detail in ACPC annual reports or other planning documents. However, they do refer quite specifically to the issues of family support and children in need and therefore act as an indicator of work in this area.

Regrettably, only 8 out of 21 Plans mentioned the issue of domestic violence. Some Plans were 100 pages long and did not mention domestic violence, while others detailed 200 targets without mentioning children in situations of domestic violence. One gathers that in these authorities it certainly remains on the margins of the awareness service provision. Other authorities were simply adding in domestic violence to current provision, sometimes giving only one or two lines to the issue, such as 'raise awareness of the links between domestic violence and child abuse'.

We need to expand services plans to include vulnerable children. However, many authorities place this group of children some way behind other large categories of children in need and hence, children living with domestic violence are not able to access services. It is only when situations escalate to the point where children are placed on the child protection register or 'looked after' that in some authorities they are provided with resources. This, I believe is where many local authorities are placing children living with domestic violence, and why they feature in approximately only one third of the children service's plans for this region. All Plans named the dilemma which Authorities faced in attempting to re-focus services towards family support with virtually no new injection of funds to support this initiative. For instance, Leicester Social Services Plan states:

*'Beyond a small-scale initiative to support new projects for young children in need, no new money has been forthcoming from the Department of Health. In this light, as the debate has developed a greater sense of realism has become evident. In particular, the argument that child protection resources can be freed-up by better initial screening has been challenged and is unsubstantiated (Leicestershire 1997/98 p. 60)'*

The plan goes on to say that existing services may be more effectively used, or better co-ordinated, but that family support will continue to focus on those children most in need.

Some Plans did give recognition to children living with domestic violence in more substantial ways. The

Birmingham Children's Services Plan stands out as one of the best. Two of the Children's Services Plans also mentioned the development of services, one to increase funding to Women's Aid, and one to continue supporting a Women's Group. Such commitment, though welcome, falls short of funding children's workers in refuges. In fact, at present, BBC Children In Need fund provides much more support for children in refuges than the whole of social services allocation in this area.

So, in summary, there are indicators of some positive directions for change in social services departments. However, bearing in mind the widespread awareness raising of the serious issues facing children living with domestic violence, since at least 1994, the amount of change entering social services departments is still disappointingly small and it is clear that there is still an enormous amount of work to be done.

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## 6. Community Based Intervention For The Safety Of Women And Children

Neil Blacklock, Manager, Domestic Violence Intervention Project, Hammersmith, which he established in 1992, after a number of years in the voluntary sector. He stated that the DVIP, was an independent voluntary sector project which offered a specialist group work programme for male perpetrators of domestic violence and an integrated support service for the partners or ex-partners of these men. It was the longest

running project of its kind in the UK. Neil said, that in setting up the project he had been influenced by long established projects in the United States, of which the most well known of these were Emerge in Boston and the Domestic Abuse Intervention Project in Duluth, Minnesota. He concluded that he was talking about a relatively new but expanding field, which presented opportunities for intervening in domestic violence. Although they recognised that domestic violence occurred in many other contexts, they focused almost exclusively on men's violence towards female partners, since that was where the majority of domestic violence took place.

## Definitions

For use in the UK, we adapted Duluth's understanding of domestic violence, which emphasised that it was not just physical violence but a whole collection of behaviours and tactics, designed to maintain a partner's power and control in a relationship. This range of abusive behaviours, like emotional and sexual abuse as well as using children, is actually held together by the threat of physical violence. So to get men to change these behaviours, we must address their need to control and dominate and to move away from that understanding of themselves to one which is based on equality and respect.

## Dangers

Having an intervention programme for perpetrators can actually raise safety issues for these men's partners or ex-partners, because some men will use the programme to further control their partners in a number of different ways. Some men will lie about their attendance at the project, or say that they are OK now. Some will use the material on their programme to criticise their partners and further control them, e.g. they can say to their partner that what she is doing is emotionally abusive or intimidating. They actually lie about what happens in the groups and use this to further control her. For example, I had a man in the group who went home to his partner and said,

*"Listen, Neil said in the group last night that what I really want you to do, is to get all this washing and ironing done during the day, so that when I come home in the evening, I don't have to put up with all this stuff lying around in the flat, so that we can have quality time together."*

Having this programme for men may actually mean that the woman is under pressure from him, other family members and friends, to give him another chance. Also some women have unreal expectations of what the programme can do for partners in terms of increasing her safety and that of her children. So offering a programme to perpetrators may in reality endanger some women.

One study in the United States asked women who were in shelters, what were the key factors in deciding to return to a relationship with an abusive partner? Many

women said that the most important factor for them was that he was on a programme or in counselling, well above any issues about money, housing and the children. So if we are going to work with perpetrators, we need to include ways that counteract those dangers, by building in "safety nets" which increase the levels of support that you give to the partners and the ex-partners of the men, running alongside the work that we do with men themselves. It is vital to provide that support in all perpetrators programmes.

## The DVIP Structure

Any DVIP project needs to be a synthesis of empowering work with women and work which challenges men. Some of the first men whom we really wanted to support and make them accountable for their abusive behaviour towards women, were those brought into the criminal justice system. Consequently we have a route of referral, where men can attend DVIP as an attached condition to a probation order. However, we soon became aware that a very small number of men actually ended up in the criminal justice system and even fewer ended up with a sentence significant enough to warrant a probation order with an attached condition. *About 99.9% of domestic assaults fail to result in a conviction.* Since the vast majority of perpetrators did not end up in the criminal justice system, we needed to provide a route where they could also access the DVIP programme by self referral, though this description is often a misnomer. Most of the men who attend the project on a voluntary basis, are actually under some form of pressure which in most cases is an ultimatum from their partner. We found that there

were often women who, at a particular point in the relationship really saw the abuse as the man's problem and they wanted him to do something about it. Having a route that men can attend on a voluntary basis actually validates their understanding and allows women to make concrete demands upon their partner for a change.

### Women within the DVIP

When a man contacts DVIP, the first thing we request is for details about how to contact his partner, so that the Women's Support Services can begin the often difficult process of trying to establish contact with her. This involves writing to her, and sometimes involves up to a dozen or so phone calls, before we actually establish contact. We are not making this contact to get permission to help us work with her partner, but the work we do with women is focused on her needs and her safety.

If she declines to have contact with the Women's Service and feels that she doesn't need help at that time, we ask if we can contact her again in a couple of months to see how she is doing. If however, something happens on the Violence Prevention Programme that gives us concern for the partner's safety, that again triggers the Women's Service in actually reaching out to her. We are very proactive about trying to obtain and maintain contact with women at an earlier stage than would normally happen, and this has been very effective, particularly with women from ethnic minorities and professional women.

There are advantages in this proactive approach. We have to remember that domestic violence often saps women's energy and strength and sometimes it interferes with their sense of reality. By reaching out to women it makes it much easier for them to talk about what is happening, because the Women's Support Services gives some very uncompromising messages about the violent and abusive behaviour they are receiving, which is very important in helping women to move on. Even if she chooses not to accept support at this time, it is much easier for her to ask for this at a later stage, if she has already had contacted with us.

### The DVIP Programme

#### a) Assessment

When a man first contacts us, we hold an assessment session, since men must be motivated enough to benefit from our programme. As a result, about 15% of the men voluntarily referred and about 33% of the court referred men are not accepted. It is very important for projects like DVIP to offer places only to those who we think will make a

change in their lives or at least stand a real chance of change, because of the messages that this gives to the women. Once accepted on the Violence Prevention Programme, men begin a group programme which last for an average of 32, three hour sessions. We split the programme into two stages, with the first stage focusing on physical violence, since this is the issue that we need to address primarily. The second part of the programme focuses on other tactics of control.

#### b) Programme Aims

The second stage of the programme, the non physical abuse group, is built around a number of aspects, such as respect for the person being emotionally abused, and letting go of chasing or harassing. Men who attend DVIP are often in relationships that have ended or are close to ending. As you know the most dangerous time for a women in a relationship with a violent man, is at the point of separation. We believe that it is often safer to leave a man while he is attending DVIP, because of the work we are doing with him and the support she will be receiving separately through the women's service. **This is held to be one of the major strengths of the project.** After a women has left an abusive relationship, the partner will often continue to harass her for months and sometimes years later. We spend a lot of time helping men to let go of relationships, rather than continuing to harass an ex-partner.

There are two issues that programmes like DVIP must keep on their agenda. The first is sexual abuse, which men are often reluctant to be open about, but we know that is often central to women's experience of domestic violence. The other issue is about abusing and using children, and responsible parenting. When working with men on their behaviour towards children, we must assume that children are being harmed simply by being around domestic violence, but we also work with the knowledge that domestic violence is often an indicator of direct abuse towards the children. So we aim to help men recognise the impact of their behaviour on their children, both in the short term and the long term. We help them not only look at how they handle discipline with their children in a non abusive way, but also how they talk to their children about the violence and abuse that they have used. It is very important for children to hear their fathers take responsibility for admitting that the violence they have used is wrong, as a means of repairing some of the damage which they have caused to their children. Also, DVIP works with

men on their role as fathers in the wider sense of how they can begin to share responsibility for parenting their children.

After the 32 sessions required to complete the DVIP programme we have a follow-up group for men to attend for as long as they want. Many of the men that we are working with have been using abusive behaviour towards partners for years and will need to monitor their behaviour in relationships for a long time, if they are to maintain the changes they have made.

### Effective Practice

There appear to be four factors involved in providing effective work with perpetrators:

- 1) **The environment.** Intervention projects cannot be expected to deter domestic violence in isolation, they need a wider social context. There needs to be a strong criminal justice response, with men getting the message from the community as a whole, that domestic violence is not acceptable. Also there needs to be range of support and protection services for women and children experiencing abuse, co-ordinated between co-operating agencies, not just on a policy and management level, but at practitioner level.
- 2) **The programme.** A good group programme with a coherent philosophy which emphasises issues of gender and power as central to the work. The philosophy and working methods of the women's service and men's programme must be consistent, not a mishmash of borrowed exercises.
- 3) **Skilled workers.** They should be well supported and able to deliver the programme effectively, using specialist skilled and trained workers. It is not simply about delivering a group work package, where you might be doing drink driving in the morning and domestic violence in the afternoon.
- 4) **An intervention model.** This places the work with the (ex)partners of the men as the key element, and keeps women's safety at the centre of our work. The project should be accountable to women who experience abuse, and informed by women's experience of domestic violence perpetrators.

Working with perpetrators offers us new ways and opportunities to intervene in domestic violence, apart from the issues already mentioned:

1. It allows us to reach out to women experiencing abuse at an early stage.
2. We are able to work with men on the behaviour towards their children and their role as fathers.
3. Child contact is often used as tool to further harass

and abuse the ex-partner, so we help men to handle child contact arrangements, without using them as a way to further abuse their ex-partner or the children.

4. We feedback to family court welfare officers on men's willingness and motivation to address their abusive behaviour, using "degrees of negativity". This is often at the request of the man's ex-partner, rather than the FCW.
5. About a third of the men attending DVIP have children on the at risk register. Thus we try to engage with social workers on what his attendance on the programme means and to feedback into the case conference, using degrees of negativity. Although we are working with him in a controlled environment, and we do not see him with his children or his partner to observe how he behaves with them, however, we are probably the one agency that is actively engaging with him on a regular basis about his violence in the home.

### The Future of the DVIP

The fact that few agencies effectively engage perpetrators outside of the probation service, suggests that the potential for projects like this is large. We are continuously asked does it work, by successfully helping men to stop abusing their partners or future partners? For some men the answer is yes and for others no. A DVIP evaluation found that there was a substantial impact on attitudes and behaviours for most men who completed the programme, based upon the men's own accounts, sometimes confirmed by their partners. Revealingly, over two thirds of the men who completed the programme reported that they had changed in other areas of their lives, relating differently to their children, with friends and in the workplace. If domestic violence is related to how men view their masculinity, then changes in how to perceive themselves as men, should be reflected in other areas of their lives. This project is about how we can increase women's and children's safety and I believe that the work that we do with women is having a real impact in these areas.

Work with perpetrators is a new in the UK, and although it is expanding it is still hard to see where this work will be in 5 or 10 years time. I hope that new initiatives in this area are able to integrate supporting women with challenging men, for it is a difficult task to have half of your team working with victims of abuse whilst the other half is working with her abuser. The tensions created around the issues of gender and power, which are of course central to this work, need to be handled openly and effectively, for these two aspects of the work to support each other

well.

Although DVIP works with perpetrators of domestic violence and that task is important, I do not believe it to be a great leap forward in ending domestic violence on its own. However I do believe that the model of having both an integrated support service for the women alongside the work with perpetrators, is a real step forward. My hope for the future is that these vital support services will be developed on an equal footing as work with perpetrators, as the key element in any

domestic violence intervention project.

## 7. An Integrated Systems Approach

**Carol Douch**, Head of Child Protection Services, Birmingham City Council, and **Detective Superintendent Malcolm Ross**,

West Midlands Police, explained that their joint initiative had begun as part of the development of a wider strategy to tackle domestic violence by Birmingham Social Services. They had soon realised that they knew little about the children and adults in the households involved, due to a lack of communication between agencies. They had also begun to realise that missing vital information about the impact of domestic violence on children, confirmed by research from NCH, could actually cost the lives of some of those children. Allowing the police access to information about children in households that they visited for domestic violence incidents, could protect them from the dangers to which these children were exposed.

**The Child Protection Register** explaining that initially, they took a sample of 23 children on the Child Protection Register in Birmingham. Evidence from police files showed that of those 23 cases, 17 had recorded incidents, not just domestic violence incidents, that required police visits to the households. On that list, 11 of the households received between 1 and 5 visits, 4 had between 5 and 12, one had 33 incidents and one had 41 incidents. Although they were not all domestic violence situations, it clearly highlighted a very high level of police activity in those homes with children on the Child Protection Register. In the home requiring 41 visits, both Social Services and the Family Protection Unit were aware of only two visits by the police. So there were real problems with communication, not only between the police and social services but within the police itself. This decided us to develop a process which could integrate our information, so that we and the police were fully aware of what was going on in those households, especially where there were children of concern.

**Detective Superintendent Malcolm Ross**, then joined in. With the opportunity to update our command and control computer system, on the 1st September 1996, we installed a 'flagging system', whereby we put a

red electronic flag on addresses with firearms and shotgun certificates, as well as repeat victims of burglary, and we have extended it to include other crimes. We use flags regularly for certain premises where there is a danger to the officer that they may not normally know about. We include premises where there is a domestic violence injunction, so in agreement with social services, we decided to add a flag for a child on the Child Protection Register, adding the name of the child, its date of birth and unique social services reference numbers. We also add text indicating the type of warning, brief details concerned, and the date they were added. This flag automatically shows up on the computer screen when the address is typed in, following a call to visit, irrespective of the nature of the request. This produces an effective point of contact between social services and the Emergency Duty Team, or EDT, by heightening the awareness of the police officer attending the house, to the presence of a child at risk. Within the West Midlands Police, there are those who argue that if no "child at risk" flag is apparent

when an officer goes to an address, then he may not look for child protection issues. I think the reverse is true, in that if the officer is sent to an address for which has no Child Protection issue was flagged, child protection will actually be at the front of his mind, heightening the officers awareness to child protection issues in general.

When the warning flag, or marker, is activated on the address, the control room supervisor, usually a sergeant, is informed and they then monitor the call and the progress of the incident. It is the supervisors responsibility also to contact the area Family Protection Unit regarding other details of the child. They will also interrogate our separate intelligence, or status system, for details of other people at the address. Perhaps the address has been burgled previously, or perhaps somebody with a criminal record lives there. Using the two systems, the supervisor can then transmit to the officers attending, in a confidential manner, as much information as possible about the address. This confidentiality means that the person in the house cannot hear what is being said over the radio.

If it is a domestic violence situation, the supervisor in the control room automatically alerts the emergency duty team. If it is not a domestic violence incident, they are only informed of any other information obtained from monitoring all other calls, at the supervisor's discretion. So he must monitor calls from start to finish and must obtain a quick feedback from the officer as regards the sort of incident taking place. Nine times out of ten, he will tell the EDT in any event.

**Carol Douch** then continued, for Social Services one of our biggest hurdles was gaining ACPC approval for the full exchange of information of the Child Protection Register with the Police. Social Services, as custodians of the Register, have always resisted requests from other agencies, such as health and education, to have a full copy of the Child Protection Register for their own usage. Our reason for exchanging it with the police, was that they were the only other agency with an investigative role, and this led to ACPC approval.

## The System

The actual procedure was fairly complex because, the two computer systems were not compatible. The eventual downloading of information of around 1,200 children from the Child Protection Register onto the Police command and control computer system, took about a week. Birmingham Social Services update their Child Protection Register over Monday night, so that a hard copy of the weekly alterations can be sent to the police on a Tuesday morning. Similarly, each weekday morning, myself and the Family Protection Units across Birmingham, receive a hard copy detailing any police activity from the night before. This information is then

disseminated by the custodian to one of twelve area offices concerned. Part of the initial process is to inform senior managers of the information and how to utilise it. Then the appropriate action is undertaken by the area social worker, in consultation with the normal child protection processes.

## The Pilot Project

From October 1996 to March 1997, we carried out a pilot project, both to see how many contacts we had from the police, and to understand how useful their information was. During that period the police made a total of over 3,000 visits to over 500 addresses, with on average five visits made to each household. One address actually received more than 61 visits in the period. Naturally, such a high level of activity in the household, gives that child a different perspective on life to other children.

Although we were concentrating initially on domestic violence issues, the different types of incidents to which the police responded actually built up a more holistic view of the life of that particular child. To give some examples of the incidents that were logged: children not seen for days; males in garden arrested; "peeping Tom"; six year old reports parents bleeding from DV; threat to life; collect property for wife of DV; four year old missing; etc. Significantly for me, was the number of times children actually dial 999 in order to have contact with the police. As we heard from Liz Kelly, they feel responsible for what is happening within the household, so they are often the point of contact with the police, such as the six year old above.

The picture of what is going on for individual households can be astounding. For instance, in one fairly infamous address in Birmingham, we had this log of calls:

10th October:

*"A friend of mine is at my house and is fighting with another man, its about a coat".*

17th October:

*"A woman is beating her husband up, I think she might be drunk, she has already dislocated his shoulder a few weeks ago".*

19th October

*"My husband has beat me up, I don't need an ambulance, he's kicked me out of the house and I can't get back in".*

23rd October:

*"There seems to be more trouble over the road, there is a house full of drunks picking on the next door neighbour"*

23rd October, later on:

*“My two daughters have gone to one of their friends, now they won’t let me or my husband have the children back”. The children are only 6 and 3.*

25th October:

*a 50 year old male was assaulted at the address, he said that his head is bleeding. He sounded drunk.*

29th October:

*a drunk sounding female informing that several people had forced their way into their friends house and are smoking dope and are drunk.*

That gives you a view of what is happening in this one household, and obviously the headlines will require the social workers and the FPU to get a fuller picture from the officer involved.

### Concerns About Information Exchange

One of our initial concerns was that there might be over policing, for instance that the police may visit an address on a trivial matter, and noting that there was a child on the Register, the child might be removed. However, auditing the number of child protection interventions has shown no significant trends up to this point. I believe that we have now a far better, more holistic view of what is happening to these children, and that our decision making is more informed, enabling us to identify appropriate resources at an earlier stage. So if the domestic violence situation in the household is acute, we can identify counselling for the women around their self esteem, and self worth. For the offenders, we can get them on programmes and for the children we can develop support, with an understanding of what is going on within the household. Liaison between the police and our emergency duty team has certainly improved, with an increase in jointly agreed visits.

We were also concerned about the child protection issue. If we were being given this information about the household, would social services react in a different way for those children within the household? As Malcolm said, the police give very clear instructions to the officers regarding what they should do when they went to the address. If there was a domestic violence situation, and there were children on the Child Protection Register, they had to ensure that these children were safe and well. Now that seems very common sense to all of us sitting here, but previously that had not been part of the process. Interestingly, most service users in the child protection forum where I hold child protection conferences, always thought that information was exchanged anyway and was fairly incredulous that these systems were not already in place.

An additional concern, also raised yesterday, was that since the police are seen as an agency to whom victims turn when they are in trouble and need support, would victims hesitate to call if they were aware that the police were exchanging information with social services on a daily basis? Would that reduce the number of calls, and place victims at greater risk? The reality proved to be quite different. For those houses making the most calls previously, our monitoring of the number of calls showed no dramatic fall and the police noticed no difference in the number of calls they received, nor the quality of their liaison.

### System Limitations

1. The initial fear, mentioned above, that when the police visit a household, we still rely on the increased awareness of the officers to ensure the protection of any child on the premises, particularly if they are not flagged as on the Register. So far this appears to be working satisfactorily, but needs constant diligence on the part of the police.
2. If there is an ongoing child protection investigation, then the police would not be aware of this.
3. Since the transfer of information from the Child Protection Register to the police, is a rather arduous task, it can be subject to human error at each end of the copying process. To counteract this potential problem, we now audit the Child Protection Register every two to three months, to ensure that it is accurate and that the two copies are the same. And of course the Child Protection Register is only fully up to date current on each Tuesday morning.

### Observed Benefits

We are convinced that the benefits observed in practice, far outweigh these limitations. For instance, communications have greatly increased, between not only social services and the police, but between different parts of the police force. Uniformed police, the first line response, are now under obligation to update both the Domestic Violence Unit and Family Protection Unit, about the previous days incidents. This did not happen before. Social Services and the police have also greatly benefited from the previously mentioned increased discourse between the Police and the emergency duty team.

In addition, the police now have a far more child centred approach when they visit a household. They no longer simply go into the household to calm down domestic violence situations. They are much more aware of the wider impacts that these situations create. With a Child Protection Register as large as ours, it is very helpful to know that it is up to date and accurate. If, from the logs or work sheets, we see that a pattern

is emerging, then the Domestic Violence Unit and the social worker will jointly visit a particular household in order to tackle the situation. There has been an increase in such joint evaluation of logs and visits, which have increasingly caught situations at an early stage. This has assisted in multi-agency planning and decision making. As a Chair of Child Protection Conferences, if the Domestic Violence Unit and social workers observe that there have been 40 odd calls from one household in a two week period, it gives you a very different perspective of what is going on for that child.

Perhaps I could finish by quoting from social workers who have been working the system during the six month pilot period:

*“Continued incidence gives you a clear measure of the parents’ commitment to change.”*

*“You begin to realise how much went on in a family’s life that you just knew nothing about.”*

*“Now when I go to the fax every day to check if anything has happened, the printout confirms your feelings of what you thought was going on.”*

*“Every time that I receive another slip, I think, thank God I removed those children.”*

We strongly believe this system is beneficial to the welfare and protection of the children in Birmingham, because of the earlier level of intervention and because now we have more concrete information from the police, they have been able to assist us in the initiation of care proceedings where appropriate, with clear evidence of the impact of domestic violence in the household.

## Summary of Major Followed Discussion Topics which

### A DVIP For Children

With the DVIP model capturing the imagination of the delegates, the question of a parallel model for children was raised. Although the DVIP project in London had a children’s worker for six months, as a pilot, it had to be discontinued due to inadequate resources. However, it remained an idea for the future, and not just working with children involved in domestic violence cases, but with young people generally. A children’s programme was said to be starting in Birmingham in October, involving the Children’s Society.

The source and adequacy of future funding appeared to be a major problem in the development and running of DVIP projects, especially funding for the work with men who refer themselves. Funding for men coming through the courts, through partnership work with probation services, is where the main money comes from at present.

### Success Rates

Success rates were presented in the findings of the Joseph Rowntree funded evaluation. Of the 351 men referred to the project, around 30% completed the course, and for them there was a substantial, positive impact on attitudes and behaviour. They concluded that programmes for violent men, provided that they were combined with pro-active support for women, have a part to play in the total co-ordinated responses to domestic violence.

### Child Protection Levels

A major initial concern amongst the women in the Birmingham initiative, related to the potential for “over protection” of the child, with social services charging into precipitate action. These fears had proved unfounded, as had the potential for “under protection”. During child protection conferences, much more emphasis was said to be placed on the emotional issues of children, rather than looking solely at the neglect issues in a specific situation, at a specific time. It appeared that looking at domestic violence equalled child protection, equalled removable whip. It was pointed out, that in case conferences, it was much less dangerous for women and children, if the offenders domestic violence record was put by the police, rather than from the woman.

Police officers on the beat did not appear to have felt that they were becoming social workers, due to any overlap between criminal investigation and child protection. Following the 1996 Home Office Circular related to domestic violence, an enormous amount of training was instigated across all forces in the West Midlands, which changed the previously unsatisfactory “sort this out yourself” approach. The police are now committed to an integrated approach in which domestic violence incidents are dealt with more assertively, i.e. offenders are removed and charged, and follow ups with the wife are established, by properly trained domestic violence officers, as opposed to the policeman on the beat. Rates of conviction are better, the

reoffending rate is lower than it used to be, and requests for assistance are certainly lower. All beat officers appreciated this and acknowledged that if the job was done properly in the first place, then it reduced repeat calls.

### **Ethnic Minorities**

Several speakers had mentioned working with vulnerable, minority ethnic communities, without giving many details, and interest was expressed about any special issues involved.

At the DVIP, in terms of work with perpetrators, they concentrated on understanding and exploring their culturally specific perceptions of masculinity, since this was often different from ours. As far as the police were concerned, they traditionally had problems with getting inside ethnic communities, particularly the Asian community. However, the domestic violence dedicated officers, due to their training and awareness are now more successful, and the West Midlands police were getting more and more Asian referrals.

### **Information and the Courts**

The CPS stated that having much more background and general information in addition to the statements from the victims would greatly improve their decision making and the handling of domestic violence prosecutions. They wondered whether one of the outcomes from the integrated police/social service project may have been an improvement in background information which was passed on when a prosecution was agreed? The West Midlands police were convinced that their integrated system improved the information flow about the whole family, not just the victim and the court, and this was a good thing. In addition, the police had adopted a system of fast tracking domestic violence and child protection cases, to avoid the normal delay of months between arrest and court. The domestic violence officer would talk procedures over with the victim at court, prior to the trial, and he would remain in contact. This must be better for all concerned, including the CPS.

The judges felt that at present, the information they received about cases was very variable, with some courts having a good protocol with the domestic violence unit, whilst in others information was sparse. If an arrest took place out of hours, and it had to come to court in 24 hours, when the arresting officer accompanied the perpetrator to court, were they armed with all the information held jointly and were they free to tell the judge, not only about the offence the previous night but also details about the family and about any children on the Child Protection Register, or whether there were care proceedings pending, etc?

The police emphasised that they were free to disclose to the court as much information as they had been able to assemble at the time, even if contact with the EDT was out of hours. However, they had to accept that on some occasions they might not be able to go to court with every piece of information, in the short period of time available.

### **Domestic Violence and the Police**

Discussions centred around the police who attended incidents, and whether there was any screening of their own personal experiences with domestic violence, either as victims or perpetrators, during their training. The West Midlands police had occasional situations where officers had dealt with child abuse issues in a way that had caused concern, due to that officer having been abused as a child. This was a delicate issue, which was addressed in the early stages in their training. So far had not encountered a male officer who was a perpetrator, though this might be difficult to identify.

### **Human Resources**

The available manpower for the out of hours social work services caused concern. In Birmingham they only had a maximum of five workers on an evening, usually it is only three or four, to respond to the whole generic base. They sometimes had to rely on the police responding to an incident on their own. One of the more radical ways they were looking at, to tackle the problem, was the possible use of a satellite team that came on duty between say 5pm and 11pm in the evening, when the most intent activity takes place for EDT.

### **Information Dissemination**

The West Midlands Integrated Systems Approach was felt to be a very good initiative, and questions as to its dissemination as Good Practice nationally, were raised.

At present, if a family moves out of the West Midlands and there is a child on the Register, the police had to rely on social services to notify the other social services area, because, at present, there was no particularly well integrated computer system within the 43 police forces that would cope with this. There was a new system being developed, which may very well achieve this in the future. The need for a nationally integrated computer system was felt to be essential, though who was going to pay for it, remained unanswered.

### **DVIP Expansion and Funding**

Conference accepted the usefulness of the DVIP project within the total co-ordinated responses to domestic violence. However, it was also felt that any expansion should be gradual, allowing it to develop safely and

practically. Much discussion centred around who should be responsible for funding and how it could be increased. Domestic violence is one of those issues that falls between the responsibility of different agencies, and it is therefore difficult to identify a single agency responsibility. For this reason a multi-agency approach to funding would seem essential, if the existing hand to mouth system is to be changed.

The West Midlands have a fairly sophisticated process of public protection panels that deal with sex offenders, some even dangerous offenders, who would be dealing with Schedule I Registrations and de-registrations, and the new sex offenders orders. All these meetings are multi agency meetings with a fair and candid exchange of information. The DVIP project has also contributed

to similar risk assessment panels, especially regarding the small percentage of men who are dangerous. The multi-agency approach was also highlighted by the use of the Children's Society to carry out the work with children.

The health authorities would seem to have a specific role in paying for the large number of individuals who are not mandated by the probation service, including those self referrals, hopefully coming through social services, as part of a protection plan. There may indeed be other ways in which individuals could come into a project of this nature, once they became established around the country, as is obviously needed.

## 8. Conflicting Needs: Dilemmas In Practice

**Enid Hendry, Head of Child Protection Training, NSPCC**

**Caroline McGee, Research Officer, NSPCC**

**Chris Atkinson, Policy Officer, NSPCC**

Three case studies, based on recent situations, were examined by conference members in order to highlight some key issues for professional practice, inter-agency working, training and policy. In introducing the cases, three general questions were posed:

1. Why has it taken so long to recognise the impact of domestic violence on children and the interrelationship between domestic violence and child abuse?
2. Why, when recognised is there an apparent reluctance or lack of confidence to intervene?
3. What is needed to move practice forward?

### First Case Study

#### Part 1

The family, is of white English origin, and comprises:

Kevin Gibb 26 years, Julie Gibb 23 years, Ben Gibb 6 years and Jackie Gibb 2 years

#### Background

Kevin and Julie had been together since they met at school. They married six years ago. Kevin was a professional footballer and in his spare time, coached a youth football team. Julie had not worked since Jackie was born. Prior to that she had done some part-time modelling and photographic work.

Julie had been depressed since the birth of Jackie, who was a premature baby, born shortly after Julie had fallen down stairs. Jackie had been a fretful baby, with some feeding difficulties. Her general development was continuing to give cause for concern.

There had been complaints from school about Ben's behaviour. He was described by his teachers as being unable to concentrate and bullying towards other children. On one occasion his parents had been invited to the school after Ben had kicked and pulled the hair of a younger girl. On that occasion Kevin had been dismissive of the teacher's concerns and said he considered Ben to be a normal energetic boy who got bored easily.

#### Current situation

Julie recently went to see her doctor following a fall in the house. She had a suspected broken jaw and broken teeth and was referred to the hospital for treatment. She was accompanied by Kevin on each of these visits. She was tearful and said she felt depressed and was having difficulty coping with Jackie. When on her own she admitted to a nurse that her husband had pushed

her down the stairs. She initially made a formal complaint to police who were called to the hospital, however, she subsequently withdrew the complaint and no charges were made.

The health visitor attached to the practice made a follow-up visit to see Julie at home. Julie confided that she and Kevin were having a difficult time. He said she had lost her looks since Jackie was born and was no fun to be with. He criticised the state of the house and got angry when food wasn't prepared when he came home. He had hit her on a number of occasions, most recently pushing her down the stairs. She thought Ben had seen her being hit on one occasion. She told the health visitor that she loved Kevin and didn't want anyone else to know that he had hit her.

## Part 2

The health visitor decided to refer the case to Social Services for a fuller assessment. She is aware of the impact of domestic violence on children and of the possible relationship with child abuse. She wonders if the fall that led to Julie's premature birth was due to violence from Kevin. She is concerned about her own safety when she visits the family, but reluctant to raise this issue at work.

## Local Context

The Social Services Department have not yet developed any policies around children and domestic violence. The local police Special Unit are very aware and committed to addressing domestic violence and are active members of the local Domestic Violence Forum.

**Inter-agency Involvement.** A number are seen as relevant:

POLICE DENTIST	HEALTH VISITOR A&E	HOSPITAL
FOOTBALL CLUB	KEVIN GIBB	JULIE GIBB
BEN GIBB SCHOOL TEACHER		JACKIE GIBB SOCIAL SERVICES

## Needs

- Julie needs information, choices, support, reassurance, protection and she needs to recognise that she has been treated in a violent way that she did not deserve.
- The children are children in need, and a fuller assessment of their particular needs should be carried out.

- Kevin needs to be challenged, but in a way that recognises the threat this may pose to the safety of Julie.
- All have a right to services.

## Dilemmas

- Should professionals take over responsibility to protect Julie and to respond to the children's needs or should they work at Julie's pace?
- Precipitate action could lead to danger
- Would the Social Services Department allocate this case; would any help be available? In many parts of the country it would not be seen as a priority
- Who should take responsibility for action?

## Action:

### Two alternative approaches were proposed:

- A. The teacher and health visitor, together with the GP are in a position to monitor, gather and share information. The health visitor is best positioned to engage with Julie and begin to explore her fears and the needs of the children. This could be treated as a special case/targeted family. Supervision and support to the health visitor is essential. Initial support may lead to referral to SSD.
- Or:
- B. Julie's injury (broken jaw and teeth) should be seen as very serious and putting her at high and continuing risk. The Police Domestic Violence Officer should escort Julie from the hospital to court, to seek a non-molestation order for her immediate protection. The primary agencies should call a risk assessment and network meeting within 24 hours. Consideration should be given to police proceeding with a prosecution, even though Julie has withdrawn her complaint.

## Discussion and Recommendations Arising from Case Study

- It is reasonable to consider almost all children living with domestic violence, are children in need.
- There is a lack of clarity of expectations, responsibilities and systems for addressing situations of domestic violence involving children in need. This lack of clarity, together with the relatively low priority given to children in need, may mean situations are inappropriately drawn into the child protection system. Also early opportunities to intervene in a supportive or preventive way may be missed because of lack of professional confidence and this lack of clarity re responsibilities.

- Inter-agency systems for working with women at risk should have triggers and links into children in need and child protection systems.
- Inter-agency training is essential and should include:
  - the impact of domestic violence
    - how to ask questions about violence
    - how to handle confidential information, taking into account safety needs
- The relevant Department should be asked to review the implementation of Circular LAC97 (15) and to inspect what is happening in practice.

## Second Case Study

### Part 1.

The family is of African-Caribbean origin, and comprises:

Son Leroy Grant Age 8, Daughter Paulette Grant Age 6, Son David Grant Age 18 months

Mother Dionne Grant Age 30, Father Leonard Grant Age 35.

### Family Context

The children initially came to the attention of the child protection network because of health visitor's concerns about David. He was underweight and appeared listless. The health visitor was concerned about possible neglect, thought Dionne Grant was showing signs of depression, and had noticed bruising on her face and arms on three occasions.

There had been a network check. Leroy had cerebral palsy and attended a special school. Teachers reported that he had sometimes appeared distressed on arrival at school in the morning, particularly during the last six months. Leroy was academically very able for his age, but his concentration and academic performance had declined during the last year or so.

Paulette's teachers said she was doing well academically, and seemed very absorbed in her work. She did not mix well with the other children, and was occasionally physically aggressive towards them.

A social worker had spoken to Dionne, who had said that her husband had hit her once or twice. She said that she had found it more difficult to cope since the baby was born, and that this had caused strain between herself and Leonard. Dionne said that Leonard had never hit her in front of the children, and insisted that they were not aware that he had been violent.

Leonard Grant is a sales manager. Dionne had given up her job as a part-time administrator after David was

born. The family are not in financial difficulties..

### Part 2

The health visitor's experience of domestic violence issues, convinces her that this is a significant factor in this family, and a strategic planning meeting is convened to consider her concerns about David. She is also concerned for her own safety when visiting the family, but is reluctant to raise this issue. Leonard has not been contacted by the social worker, who has personal experience of domestic violence, but she has not discussed it with anyone. All the professionals involved are white.

### Local Context

Neither the social services nor the ACPC have yet developed any policy on domestic violence and children. There is a recently established Domestic Violence Forum, which does not have any formal links with the ACPC. There has been no inter-agency training on domestic violence.

### Needs

There is a potential conflict between the children's needs for assessment and support and the mother's need for support. There is a concern that the mother may be pathologised.

### Dilemmas

- Who has the skills and access to gather the necessary information to paint a full picture?
- Father should be involved from the beginning, so mother is not focus of all intervention. How can he be engaged in relation to the parenting issues?
- What social support networks are available?
- Need a strategy for addressing risks that improves the situation and does not do harm. Wish to avoid coercive approach.
- In a children in need planning meeting, who would take the lead?
- How does the worker's ethnicity affect the work with the family?

### Discussion and Recommendations Arising from Case Study

- Policy and training need to take explicit account of the professionals own experiences of domestic violence both as survivors and as perpetrators.
- Common definitions and common understandings of each agency's role, in relation to domestic violence situations involving children, are crucial to effective and co-ordinated interagency approaches.

- Positive steps should be taken to incorporate those from minority ethnic groups in interagency fora.
- Domestic violence should be recognised as a crime and not a social nuisance.
- Planning meetings should be called by any concerned professional in order to pool knowledge and support.
- Structures are needed for liaison and information sharing between DV Fora and ACPC's.
- Third party applications - care is needed to ensure that situations are not inflamed, especially where there is only a suspicion of domestic violence, rather than hard evidence.
- Awareness of mental health issues needs to be incorporated in policy and plans.
- Managers should have training on the risks to staff and staff safety issues.
- Every profession should have initial training on domestic violence. Inter-disciplinary training should be ongoing.

### Third Case Study from "Making an Impact: Children and Domestic Violence"

#### Part 1.

##### Family Composition

Halima Davies, Asian, 26 years, Al Davies, English, 28 years, Zoe Davies, Asian, 6 years (daughter of Halima from previous relationship), Jack Davies, mixed parentage, 2 years (son of Halima and Al)

##### Background

Al and Halima married 5 years ago when Zoe, a child from a previous relationship, was 1 year of age. Al has a serious drink problem, and is currently serving a 5 years' drink driving ban. He has a conviction for actual and grievous bodily harm. Over the past 3 years the police had been called out by neighbours on a number of occasions to deal with violence in the home, but no charges had been made. There had also been three inconclusive child protection inquiries.

#### Part 2.

##### Current Situation

Halima left home with the children 2 weeks ago and went to stay in a refuge. Al had threatened to kill her and had hung Zoe over the upstairs banister and threatened to drop her.

Halima obtained an exclusion order against her partner and has now returned to the family home with the

children. The court has ordered semi-supervised contact in a local church hall on a weekly basis for both children.

The court continued to order semi-supervised weekly contact. On the advice of Alcoholics Anonymous, testing of the blood alcohol level was introduced prior to contact.

Zoe was continually abused over 18 months of semi-supervised contact. The abuse was physical, sexual and emotional.

After 18 months Al withdrew from the contact arrangements. Since then Zoe has begun to recover - she is dry at night, her nightmares have reduced and her behaviour has improved. It has emerged that Jack was also abused by Al. When contact ceased Zoe told how Al would hold Jack's head in the bath for long periods when 'washing his hair'. When Halima was out at work he would punish Jack by withholding his feed bottle.

Halima is slowly recovering from her abuse and her health is improving, although she is lonely and isolated. She is in charge of herself and of the children's welfare. She has applied for a job.

#### Needs

*Zoe: talk to me; what's going on; can Mum protect me; who else will; who will help Mum protect me; I want to see my real Dad*

*Jack: I'm young and I find it hard to express what I feel*

*Halima: legal protection; contact between children and my partner is a safety concern; network of support; extended family; financial help*

*Al: help with drink problem; help with relationship with children; to address violent behaviour; housing; to address his attitudes to race; however Al's perceptions of his needs may differ from professional's view of his needs*

#### Dilemmas

- Concern for children's safety
- Concern about Al's motivation in seeking contact
- Lack of co-ordination between professionals
- Need for inter-agency risk assessment
- Representation at court in private proceedings

## Discussion and Recommendations

There was a great deal of concern about contact in relation to private proceedings and the implementation of contact. Discussion of inter-agency professional responses revealed concern about child protection when children are caught between private and public proceedings, especially in situations where the threshold for child protection is not reached.

### Recommendations included

- A detailed examination of the contact system, both the legal process and the implementation of contact
- Recommendation for England, Wales and Scottish legislation to adopt the Northern Ireland legislation Article 28, where there is a non-molestation order,

consideration is given to the safety of the child

- an effective inter-agency approach
- a system which confronts the perpetrator.

### Overall Summary

Situations involving domestic violence and children create complex professional dilemmas for which training, supervision and support are essential. There can be a tension between going at the pace of the woman and respecting her assessment and wishes, and intervening more actively. These dilemmas are exacerbated by the lack of agreed protocols, policies and procedures and by the limited services available. Intervention is crucial, but the timing is extremely difficult to judge.

## 9. The Michael Sieff Address

The Lord Williams of Mostyn, Minister of State, Home Office, gave a brief overview of the Government's approach to combating violence in the family, followed by a more detailed discussion of related issues. Lord Williams felt that despite the claimed deficiencies of the Health Service, we would never understand what it had been like to be afraid to be ill, since you could not afford to be sick. In a similar way, he thought that we would look back in 25 years time and wonder why we had not had a Human Rights Bill much earlier. He was adamant that there was a new spirit of co-operation evident, not only across government departments, but also with the public, which was reflected in the willingness and determination, amongst all of us, to do better for children and families in the future.

### The Nature of The Problem

We could not have had such a focused seminar a few years ago, because it was accepted in this country that domestic violence did not really matter. It is remarkable even now, in different parts of the United Kingdom, that the wife and the family is still considered the man's property. For a long time, many of those who administer the legal system have colluded in not wanting to know about domestic violence. Only now are people saying it is crime. In the same way, public opinion never wanted to address the question of child abuse.

Around 17% of all violent incidents recorded by the 1996 British Crime Survey were domestic, with 44% of violent incidents against women being so classified - the largest single type. New research published by Crime Concern reported that, in some parts of Britain, one woman in nine is a victim of severe beatings by her partner each year. In 1996, 44% of female victims of homicide were killed by their spouse or lover. It is not only those who directly experience abuse who suffer, since half of all abused women are living with children under 16 years of age, who are mostly aware of the violence. This experience causes immediate

trauma and distress, as well as longer term emotional, behavioural, relational and cognitive problems.

There is still a long way to go in tackling the serious problem of domestic violence. I think all of us, not least in places like the Home Office, need to recognise that there is an enormous job to do in explaining to the media exactly what we are doing. To take one example. When the general public read that offenders are being sent on anger management courses they tend to dismiss them as a soft option. I confess I did myself. Yet when one sees for oneself what attendance on these courses actually involves it is a real eye-opener.

### Improved Co-ordination Across the Criminal Justice System

Many of the problems stem from the fact that there is little or no co-ordination between the different groups, organisations and government departments involved. I hope that this is one aspect which we can improve, especially now that Jack Straw has been asked by the Prime Minister to chair a Ministerial Group on the Family, whose key themes include domestic violence, juvenile offending and teenage pregnancy. I firmly believe that we can really make things work. It is a

truism that children suffer through family violence. I also think we have not thought enough about the enormous damage that occurs to children when the family breaks up due to domestic violence, particularly when this results in children being taken into care.

### **Children in the Criminal Justice System**

Much good work is being done in this field; the video that the Lord Chief Justice launched, the work the Judicial Studies Board is doing and the role of ChildLine. Indeed, there is much the United Kingdom can offer to other countries. I went to Thailand earlier this year to oversee the launch of a training scheme provided by Northumbria police to the Thai authorities. This scheme dealt with best practise when dealing with child prostitution and it also covered how children are dealt with in the wider judicial system. Nevertheless, there is still great room for improvement in the way we deal with children as witnesses or as complainants in our own criminal justice system ( see Michael Sieff Foundation Conference, "Children in the Crossfire", April 1995). We constantly need to ask ourselves if we have done enough to improve things, and not be afraid to learn from others.

### **The Government's Approach**

The government's position is clear: domestic violence is criminal, can never be justified and should not be tolerated in our society. We are now, through Baroness Jay and Tessa Jowell, the Ministers for Women, developing a national strategy on all aspects of violence against women.

We have introduced the following Acts:

1. Protection from Harassment Act 1997. This provides a new criminal offence, with a maximum of five years imprisonment, to cover courses of conduct which a person knows, or ought to have known, causes another to fear violence. There is also a restraining order, available from a criminal court, which prohibits further harassment or conduct which causes fear of violence.
2. On October 1997, we implemented the provisions of Part IV of the Family Law Act 1996. This introduced new non-molestation and occupation orders, with strengthened powers of arrest where violence is used or threatened. It also amended the Children Act 1989, so that when an emergency protection order or interim care order is made for the protection of children, an attached exclusion order can permit the removal of the abuser from the home, rather than the child.

Of critical importance over the next twelve months will be the development of the Crime and Disorder Act,

over which media attention has concentrated on Jack Straw, supposedly wishing to lock up 10 year olds and so forth. In reality, we want to stop 10 year olds being locked up in the future, since when they are 15, 16, or 17 years of age it is often more difficult to break the cycle of criminal behaviour. However, a major and very important new measure in the Act is the laying of a statutory duty on local authorities and the police jointly to develop local partnerships to tackle crime and disorder. This will bring together all the relevant agencies, including those dealing with domestic violence and its survivors.

We have got to think much more about co-ordination across government departments. Similarly, we have to think very carefully indeed about the patchwork nature of the mental health legislation. This is an area the Department of Health is looking into. At present, there are people who are mentally ill but not treatable and because they are a public danger many are incarcerated in prison which does not help them or the prison system. There are a significant number of mentally disturbed people in prison, an institution where there is little opportunity for appropriate treatment. Not only are they being damaged themselves by just shunting them into prison to keep them out of the way but they are also doing significant damage to the rest of the prison regime.

### **Punishment**

People often say that quite a lot of prisoners should not be in prison at all. The difficulty is in identifying the ones who should not be there. We have got to get away from the punitive culture that is assumed to exist in this country. In fact, if you ask the public to set sentences for particular crimes, and then compare them with what the judge actually gave, curiously, despite the tabloids and the agitators, the public sentences are often lighter than those of the judges. There is a vast amount of work to be done in further and better liaison between those who sentence and those who have to administer the consequences of sentences. The supervision programmes for violent offenders provided by the Probation Service, have proved successful and may be more suitable for many perpetrators of domestic violence than prison.

### **Conclusion**

I am very grateful to have had this opportunity to discuss, in a roundabout way, the plight of children in the criminal justice system. I have also offered a few ideas on various changes that could be made to improve the way we deal with offenders in this system, whether they be children or adults, for how we deal with adults surely impacts, for better or worse, on all our children.

## Summary of Main Discussions Following the Minister' Address

### Domestic Violence Intervention and Funding

Despite what the Minister had said about re-directing funds into more effective areas, **Sylvia Webster** still expressed concerns about the lack of specific money earmarked for reducing domestic violence, and also wondered what new structures were being put in place for this to happen. She thought that Family Support Units, such as hers were absolutely central to any serious strategies to this end.

**Lord Williams** expanded his comments about the huge amount of money wasted in the criminal justice system, with some £1.6 billion spent on legal aid alone, much of which could be more usefully spent on priority projects. The Government's difficulty was that there were too many competing priority projects, not all of which could be supported, and only then after withdrawing resources from other areas.

Additionally, resources should go into preventive schemes, such as teaching children at school about good parenting and that violence is wrong. By linking and co-ordinating issues concerning the family across departments, as Jack Straw's committee was aiming to do, we can develop more preventive actions more economically. All these aspects are in addition to changes in the law, mentioned already.

Many of these initiatives should have been taken years ago, and it will be fair to question and reproach us when we have the opportunity to deliver on our promises.

**Wendy Stainton Rogers** pleaded for the redirection of funds from legal aid, not to result in reduced access to legal aid for children, who either are parties to action between their parents or who wanted to take independent legal action. Otherwise we would have taken away their only opportunity to take control of the situation themselves. She also added, that although we recognised that many of the children involved in domestic violence and abuse came from disadvantaged families, living in awful situations, such things also happened in well off families as well. Those families did not have the same access to help through welfare, but they did have access to solicitors, and teenagers particularly needed the opportunity for legal aid. If you believed in children's rights, as set out in the UN Convention, then children had a right to have a voice.

### Supervised Child Contact

**June Thoburn** raised the issue of possible conflict between the needs of women who did not want to see the man who had been violent towards them, and the

needs of children who needed to see their separated father. How did one get high quality, supervised, supported contact in the community, which was the only way this issue could be resolved? Perhaps Section 17 of the Children Act could be used?

**Lord Williams** replied that there was no right answer to the general question. It was a situation needing a sensitive approach, bearing in mind that children also have rights, which is not properly recognised in this country.

### Departmental Co-ordination

**Alan Cooklin** was concerned whether the much vaunted concept of departmental co-ordination was working in practice. He mentioned a case he had heard of where a training initiative coming from the social services, could not be used for inter-disciplinary training, since this would not be approved by the audit commission. To whom is the audit commission answerable and how does one check or change its terms of reference to prevent it going counter to government policy? In the same vein who will be responsible for domestic violence, will it be the Ministry for Women or will it be the Home Office, and how will they co-ordinate it?

**Lord Williams** answered that there were times when departments such as the Lord Chancellors needed to maintain judicial independence from the Home Office. Equally, it had been unsustainable for the magistrates courts to be run by the Home Office, and was now run by the Lord Chancellors Department. There were no turf wars there. He continued, that he was particularly interested in how to deal with the problem of health care in the prison service. Consultation was on-going between the Department of Health and the Prison Service, to determine which department should be responsible for delivery. It is in the nature of the beast that people want to cling onto what they've already got, but this would be tackled.

**Lord Williams** went on, as regards domestic violence, it was logical that it went to the Ministry for Women, since the bulk of these offences were committed against women. The Government had been preoccupied over recent months with priorities such as Northern Ireland and in terms of legislation, with devolution, with human rights, with crime and disorder, and these took an enormous amount of time and energy to get those bills through quickly, in a sensible way. Domestic violence would likely be a long term reform programme, possibly taking around ten years to finalise.

**Arnon Bentovim** felt that results of the excellent work carried out with perpetrators of domestic violence by

the Home Office should be communicated more widely, especially to the voluntary projects, where few of their clients come from the criminal system. He also expressed concern that men coming through the criminal system, who get a probation order, would get treatment, whilst the enormous number who could benefit from the same project, but were referred by a GP, are mainly excluded. How could this inequality be remedied?

**Lord Williams** asked if submissions along those lines had been made to Jack Straw's Group on Family Matters? This would get the issue into the system across groups, and you would be perfectly entitled to seek a response at a later date if a reply had not been forthcoming. He continued, we had produced a good Human Rights Bill, only because all the involved and interested groups nagged us and made submissions and we listened to them.

### Human Rights

**Naomi Eisenstadt** raised the issue of racism, where the government's record was viewed with dissatisfaction by young black people. She wanted to know how Human Rights Legislation would affect racial policy, including the treatment of asylum seekers who came to Britain.

**Lord Williams** answered that there was no doubt about the government's commitment on race. Racism was endemic in Britain, as was discrimination against women. With an Indian wife, whose parents lived in South Africa throughout the Apartheid regime, he did not need convincing about that. As to what had actually been done, he continued, firstly Crime and Disorder has specified racially motivated offences, and judges will have to recognise this. Secondly, institutionalised racism undoubtedly exists in the Metropolitan Police. This was evident in a recent, highly publicised case, following which the Metropolitan Police had to give an apology at a public enquiry. This will not solve race problems in the police force overnight, but it is a pretty useful signal about the government's intent.

With asylum seekers, he said they had made quite good progress, bearing in mind the backlog of some 10,000 waiting since before July 1993. Written reasons for detention, access to the judicial system within 3 days, an appeal dealt with within 2 months and a tribunal for cases of national security, was not a bad record for the new administration.

### Police Bail

**Hilary Saunders** asked what steps the government intended to take to persuade the police to stop releasing perpetrators of domestic violence on bail, simply to return home to continue the violence, until the woman

dropped the charge? This was a massive problem and was the main reason why women have difficulty escaping from domestic violence

**Lord Williams** responded that this could only happen with police bail, granted for "non serious crime", which had been part of the problem. Police bail would not be granted if the offence was regarded as proper crime! With court bail, the prosecution now had the Bail Amendment Act to appeal against the granting of bail in inappropriate circumstances, but that did not apply to police bail. Submissions on such issues should be sent to Alan Michael, the Police Minister. **Hilary Saunders** concluded that Women's Aid had in fact made a submission, suggesting a number of measures that they thought should be included in the government's national strategy.

### Statute Reform

**Liz Kelly** wished to know if the government intended to enact a specific law concerning domestic violence, because domestic violence was currently prosecuted through inappropriate legislation, which might be better addressed within other related jurisdictions.

**Lord Williams** pointed out that one could prosecute on the basis of assault, and wondered what needed changing?

**Liz Kelly** replied that although the violence was usually an ongoing situation, prosecution usually involved one specimen charge. A law had just been passed in Sweden, called Gross Violation of Integrity, which was intended to cover, not just domestic violence but also allows the prosecution of ongoing child abuse, rather than just a specimen charge, which extended into the nature of the sentence. It could even lead to prosecution for the history of the abuse.

**Lord Williams** did not know of any specific research in the Home Office for statutory reform of that nature, but he would find out.

*There followed much discussion upon the possibilities of using a cumulative series of incidents as evidence to show that a charge had been proved.*

**Isobel Plumstead** felt that it was open to crown law to consider that already, but as regards indicting on multiple charges whilst sentencing on one, she thought legislation may be needed, since the 1992 Criminal Justice Act only flirted with the question. She continued, that during the conference, she had formed the opinion that for certain groups, a community sentence involving a conditional participation order, could be a positive step, as opposed to a short period in prison, which was expensive and not necessarily a disincentive to further violence.

**Lord Williams** agreed, adding that he personally felt we could make more use of injunctions, especially where the woman wanted protection without the man going to prison.

**Cathy Humphreys** commented about Third Party Applications by police or other parties to take out Non Molestation Orders and Occupational Orders, under the Family Law Act. This had not been enacted, but pilot runs aim to evaluate it and develop the rules of court. She wondered why there seemed to be no commitment to follow this through, even though it could be extremely important and useful in many situations for women and their children.

**Lord Williams** stated that there was a commitment, but did not know the timescale.

### **Crime and Disorder Act**

**Eileen Vizard** began by stating that as a professional concerned about young child defendants, she was interested in some of the provisions of the Crime and Disorder Act, which has many strengths. But we needed to anticipate that there would be quite serious ethical and practical issues about how we dealt with young children, such as the “Boulger children”, who came before the courts not just as criminals, but as children in need.

**Lord Williams** did not disagree, but added the need to change public attitudes, a process in which professional people could help, by inviting the press or the broadcast media to observe their work.

**Paul Collins** asked why could the government did not simply take a moral stance and say that “... we are not going to treat children like barbarians!”

Although agreeing, **Lord Williams** added that Jack Straw was often criticised by the newspapers, that he was doing good by stealth. It was relatively easy addressing an audience of pre-eminently rational, civilised, urbane, professionals, such as at this

conference, who think of everybody’s point of view, but most people were less well informed, claiming the government just wanted to lock up ten year olds. Hence the need to change opinions.

**Eileen Vizard** hoped that the earlier intervention with young criminals would be humane and that the public would be given a clearer message about the humanitarian aspects..

**Lord Williams** reiterated that the public would get the correct messages, if professionals explained to the newspapers how they worked. He mentioned as an example, how the press reported the Stephen Lawrence case, and then started vigorously despising racism and all its consequences. After all, they sometimes wanted to write informed stories, and although it was quite a long job, it was worth doing because you can change people’s minds.

### **Commissioner for Children**

**Eileen Vizard** raised the issue, that had been discussed vigorously over many years, that we badly needed a commissioner or ombudsman for children. She reinforced many peoples conviction, that this was the only way to ensure that provisions for children were actually carried out, and resultant inter-departmental co-ordination of policies would be the most efficient way of utilising available funding.

**Lord Williams** agreed, adding that a commissioner or ombudsman was appealing, provided that he or she were independently funded and not dependent on the government of the day. Ideally, he continued, the commissioner should report directly to a parliamentary committee or the Commons generally, and should have the disciplined structure of an annual report. This would be similar to the position, for instance, of Chris Mullins who produced a vigorous report about police discipline, which had been immediately accepted by the Home Office.

## 10. Summary of Conference Recommendations

### Public Awareness

1. The Government should embark on a public awareness campaign designed to develop a national acceptance that domestic violence must be treated with zero tolerance. The attitudes of the general public and professional bodies to the effects of domestic violence on children must be improved by increasing their awareness of the issues involved. There should be targets set for the separate, specific needs for each of the groups - General Public; Parents; Children; and Professionals.
2. Such a policy would require national TV and media coverage, including websites, giving simple but sensitive messages that domestic violence should no longer be tolerated and emphasizing the traumatic effects on children. Additional campaigns should concentrate on changes to the law, and developing support for a national network of refuge groups for women and children. The provision of good male role models should be part of the publicity, as well as demonstrating men's responsibility for their own behaviour.
3. Boys and girls, as well as young men and women, should have access to help and information, from wider sources, with more encouragement to talk. The best programmes of change are those developed with the involvement of children and young people themselves, so systems which allow their input need to be put in place.

### National Programmes for Local Delivery

4. The Government should be responsible for developing suitable mechanisms for disseminating the large amount of information that has to be shared, particularly where the public can get help, and how to go about it. Directives, on the lines of Youth Offending, should give clear guidance about the establishment of services, with ring fenced funding.
5. Domestic Violence Fora/ACPC groups should produce local leaflets/posters for distribution in GP surgeries, libraries, youth groups, etc. Issues concerning Domestic Violence, or abusive adult relationships as some prefer to call it, must be included in Children's Services Plans, and Personal Social Health Education should be mandated into the national school curriculum.

### Local Programmes for Schools

6. Parenting programmes ought to be available for children and parents alike, to include information about Domestic Violence and its effects on children, and its links to bullying. It should be emphasised that both of these issues are to do with the abuse of power, and require the development of alternative approaches, such as negotiating skills, and vulnerability. These aspects should be developed as part of a national prevention strategy. This requires the introduction of personal/social education at Key Stage 3 in schools, to develop a violence free environment for young people in school.
7. In addition to the school curriculum, community based, accessible, services should utilise systems and styles which match the lives of modern day youth, such as a network of drop in centres, confidential counselling, with the use of audio-visual materials, CD Roms and the Internet.

### Evaluation of Results

8. Public information programmes should be evaluated to assess their effectiveness. Would a public presentation of an evaluation of the full costs of domestic violence in areas such as mental health services, nursing, family funding, etc., have a positive impact?

#### The Role and Functions of Front-Line Response Services

9. It is clear that domestic violence requires a multi-agency response, and that simply tinkering with individual agency responses will be ineffective. Services may be provided by voluntary or statutory agencies, and there may need to be consortia of statutory/voluntary/private agencies.
10. It was proposed that there should be a three tier strategic approach, at national, local and individual case levels. These should be managed at central government ( Home Office, Woman's Unit and Department of Health), and at local levels, with Domestic Violence Fora jointly co-ordinated by social services, the police, and the probation service. Formal links between these and Children Services Planning and Community Safety Planning must be ensured. The CPS should also be a joint recipient of information. It was suggested by some that the Fora might be called the Community Safety Board, to encompass its wider co-ordination role.

## The Role of Domestic Violence Fora

11. The conference agreed broadly with the proposals for Domestic Violence Fora as set out in the 1995 Home Office circular. However, it was felt that the Fora should be mandatory in each area for which there is an ACPC in a Social Services Authority and the Local Authority should have responsibility for funding and setting up the Fora, along the lines of the ACPC. Because of the close connection between child protection and domestic violence, the ACPC should have a subcommittee (with co-opted members) to liaise with their Forum, and to ensure the child protection service takes due regard of domestic violence considerations. A co-ordinator, appointed by the Forum, may be needed for such liaison and supervision. In fact the expertise within the child protection system can help the Domestic Violence Forum to facilitate interagency arrangements for information sharing.

12. A crucial task of the Fora will be to ensure that each agency involved has addressed the following issues:

- the development of a policy statement
- the establishment of designated posts, with policy level responsibility
- the collection of baseline statistics and monitoring, including costings, since research is needed on outcomes for women and children
- the establishment of a link worker to other agencies
- the establishment of a policy to purchase services through the independent/voluntary sector
- the establishment of good practice guidelines including a worker safety policy
- the establishment of a central training strategy at all levels, to interrelate with Child Protection

13. Government circulars seem not to be well known and equally, Government seems to know little about existing Fora. This two-way flow of information could be improved if Domestic Violence Fora were to produce an annual report for local use, as well as informing central Government of their activity and concerns. As with child protection, there would be a need for Government inspection of Domestic Violence Fora, and from time to time joint inspection by the relevant inspectorates of constabulary, probation and social services.

## The Role of the Independent Sector

14. With Government pressure on voluntary organisations to become state subcontractors, it is becoming difficult for them to continue developing innovative work with the vulnerable and socially excluded members of society. In addition, having to compete for the same funding negates efforts at co-operation and partnership, at a time when this is needed more than ever. The reticence of the State to fund “womens’ refuges” through the voluntary sector, with their attendant provision of safety for children, needs to be urgently addressed.

### Domestic Violence Intervention Practice

15. Rather than focus on ‘treatment’ as a narrow issue, the conference decided to explore different levels of intervention, including crisis intervention, when a domestic violence situation is first presented, as well as safety and longer term intervention and prevention strategies.

### Crisis Intervention

16. If all the recommendations proposed above were enacted, we would have properly funded Domestic Violence Fora or Community Safety Boards, operating at the local level. They would comprise fully trained, dedicated staff, with a high level of knowledge about domestic violence, its effects and its management. They would need to create targets, create and sustain partnerships, and audit outcomes. The Birmingham “Integrated System Approach”, is well on the way to establishing this type of vehicle, in that they can and do operate a good crisis intervention practice. This would require dedicated staff with specialist knowledge and resources to take on the advocacy roles that crisis intervention needs as well as ensuring that services are provided.

17. However, more needs to be done concerning the immediate safety of women and children, following the initial arrest of the perpetrator and possible use of non-molestation orders. Refuges offer the best solution to this problem, but there needs to be more of them and they require increased funding if they are to carry out this important role. Child Protection procedures need to ensure that they cannot be used to obstruct communication/action by women and children, who are often being threatened by the perpetrator. It is essential to have support available, tailored to individual needs, if prosecution proceeds.

18. The Domestic Violence Intervention Project in Hammersmith, is one of only three projects in the country, which not only treat perpetrators of violence, but vitally, also work in parallel with

women, dealing with their traumatisation, giving support and feed back. If the DVIP is found, by research evaluation, to be amongst the most effective routes to tackling the aftermath of domestic violence, then funding must be provided.

19. Intervention projects must be more widely available and must take account of the following factors:

- funding is mainly through perpetrators referred by the Probation Service. Referrals by social services, health, GP's and self, are relatively few, due to lack of available funds;
- work with children has so far not received the focus it deserves. They need particular services, especially advocacy concerning practical care issues, and the recognition that they are children in need;
- ethnic groups vary in their recognition and acceptance of domestic violence and may need additional help to respond to the problem;
- services must recognise that domestic violence may stem from the abuse of drugs, or alcohol, mental health or other disability, and knowledge about these issues must be shared;
- the Women's Aid Federation have developed a national strategy which should be considered.

20. Such services need to be provided both within refuges, as well as in after placement, and can be provided by a variety of workers, family centres, voluntary agencies, and schools. Workers need help especially to deal with looked after children who have been subject to domestic violence and are responding with angry behaviour.

## **Child Contact and The Law**

### **a) Contact Law**

21. Considerable time was spent considering whether or not the checklist in section 1 (3) of the Children Act 1989 of the factors to be considered in reaching decisions about children should be amended to require a Court specifically to have regard to allegations of domestic violence. Whilst expressing concern that violence is not always properly considered, no final agreement could be reached. The majority were of the view that training in the proper application of, inter alia, the checklist may be sufficient.

### **b) Reporting Children's Views to the Court**

22. In every case brought before the court concerning domestic violence where children are involved or

disputed contact because of allegations of domestic violence, the child should be made a party to the application, unless the Court otherwise orders. A Guardian ad Litem should be appointed to represent the child in these cases. The Guardian ad Litem should advise on whether legal representation would benefit the child.

### **c) Contact Implementation Orders.**

23. There should be available to the Court, the power to make a Contact Implementation Order for such period as may be specified in the Order. This could help the parties to carry out the contact or help them to come to terms with refusal of contact where perpetrators have been unable to demonstrate that they are safe to be with children. The consent of the parties would not be required. An officer would be made available to implement the Court Order. If supervision is required, this should be specified in the Order under Section 8.

### **d) Court Guidance**

24. We recommend that the Children Act Sub-Committee of the Advisory Board on Family Law should give guidance to each Family Court Business Committee on the setting up of appropriate local strategies for the management of contact cases where domestic violence issues are raised (to include therein as appropriate both statutory and voluntary sectors).

### **e) Contact Centres**

25. It should be an obligation on each Local Authority to ensure the provision of sufficient Contact Centres and Women's Refuges to meet the needs of their area, either from within their own resources or by co-operation with the independent sector.

## **Training**

26. Governing bodies of professions and employers working directly or indirectly with issues surrounding or including domestic violence must be encouraged to consider what additional training may be needed to enable their members or employees properly to engage in cases where issues of such violence are raised.

27. Judges and magistrates should receive training in issues surrounding the effects of domestic violence on children, including where there may be contact with a non-residential parent who is violent, so as to enable them properly to consider applications involving children.

## Research

28. Research should be instigated to develop factual information, currently lacking, on which future policy should be based:

- to assess the effects of various interventions on the physical and mental health of mothers and children;
- to assess the resilience and vulnerability factors

in children, and why some children are more negatively affected by domestic violence than others;

- to develop different models of service for mandated treatments;
- to determine the most effective interventions in schools.

## 11. DEPARTMENTAL RESPONSES

**Geoffrey Biddulph**, head of the Crime and Disorder Section, within the Home Office's Criminal Policy Strategy Unit, explained that the Home Office continued to lead on Government policy in respect of domestic violence. This included all forms of violence between current or former partners, wherever and whenever it occurred, and whatever the sex of those involved. The work was being taken forward by an inter-Departmental Official Group on Domestic Violence, chaired and convened by the Home Office, and was being developed in parallel with the work on all forms of violence against women undertaken by the Cabinet Office Women's Group. The policy aimed to address the prevention of domestic violence, the provision of appropriate services for and responses to the survivors of domestic violence, and the appropriate measures for dealing with its perpetrators.

### The Crime and Disorder Act

A significant new measure was the Crime and Disorder Act. Guidance on the Act indicated that the local crime and disorder audits it required should assess the nature and prevalence of domestic violence locally. The partnerships set up under the Act should then devise a strategy for addressing the issue as part of their overall crime reduction strategy for their area. The audit should seek information from as wide a range of sources as possible and rely on existing statistics.

### Publicity/Awareness Campaign

The Official Group was looking at possibilities for a new publicity/awareness campaign, building on and updating the campaign run under the previous administration, which had recommended the establishment of domestic violence fora. This would include a new leaflet for survivors and a new inter-agency circular giving guidance to the agencies which might have to deal with survivors. Recommendations from the Conference would be taken into account along with advice from practitioners and findings from research.

### Research And Statistics

Current research supported by the Home Office, included projects looking at police organisational structures for addressing domestic violence and also

at the police operational approach to domestic violence. Careful consideration would be given to the dissemination of emerging best practice. The Official Group was also looking at ways of improving statistics on domestic violence so that there could be better understanding of its prevalence, the resources devoted to tackling it, and the effectiveness of new initiatives.

### Other Departments

Other Home Office initiatives were also significant for tackling domestic violence, including the implementation of the Protection From Harassment Act and the proposals for the treatment of vulnerable and intimidated witnesses. Not all the work on domestic violence, however, was the direct responsibility of the Home Office. Much has been taken forward by other Departments represented on the Official Group, including in particular, the Lord Chancellor's Department, the Department of Health, and in respect of accommodation, the Department of Environment, Transport and the Regions.

**Arran Poyser**, Social Services Inspector, Department of Health, began by saying that through the 1990's domestic violence hardly existed at all in terms of the department's official policy responsibility. The SSI had done work with elder abuse, had held conferences and issued guidelines. Apart from this, it had not been seen as a health issue or, in social care terms, as a major policy issue. It had been pretty invisible.

Since 1st May 1997, we have engaged with researchers and the Women's Aid Movement, with police and field agencies and importantly, we travelled extensively listening to what was actually happening. However, we were and remain, in comparative terms, woefully ignorant about the main issues.

We produced a detailed circular around the whole of Part IV of the Family Law Act and we attached practice guidelines about equality issues, summaries of research, recording issues and screening questions. It went out, but who knows about it? Next we will survey local authorities to ask what they have done with the recommendations from Paragraph 40. That was also re-issued jointly with the Health Service, and again, it seems to have disappeared without trace. So there is a communication issue. All that was about Part IV, which was a real landmark for moving the Department of Health forward in terms of thinking and practice about what front-line staff needed to know.

### **“Making an Impact”**

We held a series of country wide inter agency and inter professional regional seminars throughout last Autumn, including Women's Aid and the judiciary. They led to a national conference in January, geared to senior managers and those with policy responsibilities, and they brought to our Minister a considerable range of agenda issues.

We commissioned major training for front-line professional staff in terms of knowledge, confidence and competence and we were delighted to engage with NSPCC, Barnados and the University of Bristol to produce “Making an Impact”. By means of regional workshops around the country we have tried to ensure that the materials are used, but we do not yet know what difference they will make to day to day practice.

### **Women's Aid**

Our work with the Women's Unit, in the development of their consultative strategy about violence is a very high priority. We have also supported research both by providing some funding, as well as contributing to advisory groups of one sort or another.

During the 1990s and now, we have used our powers to fund the voluntary organizations, particularly directing funds at the core costs of the National Federation of Women's Aid, and their helpline to the tune of about £150,000 a year, to which the Lord Chancellor's Department and the Home Office have added special payments for one year.

### **British Juvenile Courts**

In May 1998 we supported the British Juvenile Courts

Society's two-day conference, with its American counterpart. It was an extremely fruitful conference where our Minister Paul Boetang, was able to give the key-note speech and that again produced many recommendations. The Minister will soon meet with the organisers from BJCS to discuss how to take some of those issues forward.

### **Child Protection**

On the interface with Child Protection, as you know, we have re-issued the updated Working Together guidance for consultation, trying to further emphasise that we must, in one way or another, clarify the relationships between child protection and domestic violence.

We have also been looking very seriously at issues concerning the representation of children in private law, as part of a consultation on the future of court welfare services, i.e. the Official Solicitors Children's Work, the Family Court Welfare Work of the Probation Service and Guardian at Litem services. Consultation goes on until the middle of November, and will have a significant chapter about the separate representation of children both in public and private law, and to what extent it might be changed, improved, and developed. This also signals into our responsibilities under the UN Convention of the Rights of the Child and you may know that this year we will produce our Second UK Report on the implementation of the convention. Some of the messages around the implementation of Article 12 will be particularly important.

These are some of our current activities and clearly I look forward to responding further during the discussion on the recommendations which conference has made.

**William Arnold**, Head of Family Policy Division, Lord Chancellor's Department, opened by explaining that his Department's principal responsibility was to run the courts, but within the family area generally, responsibility fell in two main areas. Firstly for the civil law on domestic violence and secondly, for the private law on children. He mentioned that changes to Part IV of The Family Law Act 1996 had been introduced almost one year ago, and that the LCD would want particularly to look at which courts had been used, and how Part IV had inter-related with the Protection from Harassment Act 1997, the recent piece of legislation sponsored jointly with the Home Office. These findings would form the context for consideration of other issues, for example, the implementation of Section 60 of the 1996 Act, which gave the power to the Lord Chancellor to make rules to provide for third party representation.

### The Family Court Welfare Service

The Home Office is currently responsible for the Family Court Welfare Service, the Lord Chancellor's Department for the Official Solicitor and the Department of Health for Guardians ad Litem. These three services are being reviewed as to their possible integration, which is highly relevant to the issue of future representation of children in private law Children Act proceedings.

### The Family Law Act

Following the winding up of The Children Act Advisory Committee in June 1997, the Advisory Board

on Family Law was set up to oversee the implementation of the Family Law Act. The Board's Children Act Sub-Committee was looking at some of the issues that were the subject of this conference, such as the impact of violence on contact and also separate representation of children. Carole Kaplan, a delegate here, was a member of the Board, so could convey the results of this conference.

There was a debate about the need to change the law relating to child contact and domestic violence, or alternatively to develop awareness and training. Changes had already been made to the law in Northern Ireland, which would need to be considered carefully.

## SUMMARY OF MAJOR DISCUSSION TOPICS WHICH FOLLOWED

### Contact Orders

Issues surrounding Contact Orders produced the most concern, with much anecdotal evidence about tragedies occurring during contact in domestic violence cases, through perhaps an inadequate initial risk assessment. Many of these orders emanate from a judgement of the Court of Appeal which had been interpreted as supporting contact in these cases. This is an area that would benefit from proper research. The LCD has encouraged its own programme of research about problems with Contact Orders, whereas the DoH prefers to use front-line studies with local authorities on public law issues, how contact is arranged and the difficulties encountered. Previous studies highlighted many imaginative and complicated ways to facilitate contact with children in different placements. There was a study looking at contact in practice, conducted by social workers lead by Hedy Cleaver and there is also a very useful literature review of research evidence in relation to contact orders by David Quinton, in the *Journal of Child Psychology and Psychiatry*, published around the middle of the last year.

Worry had also been expressed about any arrangement whereby the local authority could organise, supervise and manage contact, which had led to suggestions for a Contact Implementation Order. This would be considered by Government. Adding explicit conditions to Contact Orders could be helpful from a Family Court Welfare point of view, the Probation Service would welcome a civil supervision order which would enable them to direct and amend perpetrators' programmes, an area in which they are developing some expertise.

The position of Contact Centres was also felt to be vital within any decisions about a new integrated service. With the creation and implementation of a

unified court welfare service possibly taking three years, this may mean a profound lack of investment over an even longer period, with the Department of Health seriously questioning the sending of good money after bad. No reassurances could be given about this possibility, since the purse strings are held by probation committees or local authorities, delegated from central government. (However, a Probation Circular PC62/1998, dated 30th September, reminded Chief Probation Officers that no reduction in funding of any of their existing services should take place, in anticipation of the Ministers decision concerning a unified court welfare service.)

Because there are many different sorts of patterns where contact centres are developed with help from local Family Court Welfare officers, social workers, and solicitors, it would cause concern if a unified service made such arrangements too regimented. Because contact is a policy that tends to lie between various government departments, the DoH have arranged a conference on the 1st December, run by Eunice Halliday for the Network of Access and Child Contact Centres and chaired by Mrs. Justice Bracewell of the High Court Family Division. This will bring together key policy and practice messages about the current contact agenda and will try to flag up the next steps about what urgently should and could be done nationally. The funding of contact centres, even including the partnership funding arrangements for both civil and criminal issues within the probation service, would need improving in both methods and amounts.

It was suggested that profound contradictions existed in Government policy regarding contact, whereby sex

offenders are rightly denied employment involving contact with children, but in civil courts they can be granted contact with their own children. Although the Protection from Harassment Act was not brought in with domestic violence specifically in mind, it was felt to be one of the most effective remedies. In reality the practice is variable, with some police domestic violence units and advocacy services using the Act as a remedy of choice, whilst others, concerned that it might be overused, do not use it for domestic violence at all. This seemed to be yet another area where proper research was needed

### **Children's Representation in Court**

Much concern was expressed about the separate representation of children in certain categories of private law cases and the possibility that a mature child may wish to put their own case, especially in cases of contact. It was confirmed that these issues were being actively considered as part of the joint review being carried out by the three departments, and that there was no intention of reducing the existing scope for dual representation by a lawyer and a social worker in public law cases. Although the Government accepted the need to maintain adequate provisions for this group of children, it was also emphasised that it would be best practice for efficiencies to free up monies in one area, in order to fund new initiatives in other areas.

Much time was spent in the groups discussing the waste of time and money often involved in pursuing cases through the criminal justice system. There may be many savings if we could pursue remedies for domestic violence through the civil system. It was suggested that we should concentrate on those projects which offer direct services to women and children within the first 24 hours of an application for relief under the Family Law Act, because after that time there was often a retraction of the complaint.

### **Divorce Law**

The implementation of Part II of the Family Law Act could have important repercussions on domestic violence, child safety and protection. It was intended that Part II, which changes the system for divorce would come into force either toward the end of 1999 or early in 2000. Last week, the last in a series of eleven information meetings, pilots had been launched. One of the key features of the new law was that the process would include attendance at meetings which would present information about a range of issues, including domestic violence. These meetings would inform people about what is involved in getting divorced and would also give them information on where they can go for advice or help. For example, the leaflets about domestic violence have been drafted with the assistance of the Women's Aid Federation.

The Act requires that information is provided at these meetings on the importance to be attached to the welfare, wishes and feelings of children; and how parents may acquire a better understanding of the ways in which children can be helped to cope with the breakdown of marriage. As a result of these pilots, Government would be considering whether similar meetings should be attended by anyone involved in contact or residence disputes under the Children Act.

### **The Department for Education and Employment**

The conference again expressed its disappointment that the Department for Education was not represented, and it was hoped that Government colleagues would transmit the message back to them that work in schools to reduce violence at a very early age, as a compulsory part of the curriculum, could play an important part in helping to prevent domestic violence. This is particularly so now that the DfEE has responsibility for the under 8 year olds.

The DfEE was represented on the Official Group on Domestic Violence, but had not participated as actively as some others. A new group had however just been set up by the Women's Unit, which would oversee the work on all forms of violence against women ( this was one of the concerns of the Cabinet sub-committee on Women's Issues); the DfEE had been represented at the group's first meeting. The new group would liaise very closely with the Domestic Violence group. It was hoped that DfEE would now play a fuller role, with greater recognition of the contribution that could be made in the areas where it had policy responsibility. The Cabinet sub-Committee was anxious the consideration of women's issues generally should become more a part of mainstream thinking across all Government Departments.

### **Expert Witnesses**

The efficient use of expert witnesses was raised in differing contexts. Although there were times when it was necessary for the expert to advise the Guardian in order to adequately access the child's perspective, there were many other times when they are dealing repeatedly with the same universal issues, albeit in different situations, where experts may be more effectively used to provide consultation to the ACPCs, or other interdisciplinary groups involved with the management of violence and other serious child care problems.

Historically each party felt the need to have an expert. From the courts point of view strong case management was absolutely crucial to control the vast expenditure both on legal aid and expert input, and this strong case

management can be undermined if the court service did not provide adequate information for the judiciary, well in advance of the hearing. Guardians were encouraged to play a stronger role, for example, in convening meetings of experts beforehand to resolve differences of opinion. However, by and large, more experts are now used to predict the capacity of the parents to change, than to confirm whether or not “bones were broken”. We probably need better training of expert witnesses in children’s proceedings and we are probably not bringing in the expert at the right time in the overall processes.

An important ethical issue now emerging, was claimed to relate to some “independent” experts, who were recommending as the only possible form of treatment, their own clinic with high charges. It was stated that this issue might be avoided if ethical, well trained experts were jointly appointed and remunerated appropriately according to nationally agreed contracts.

### **DoH Circular on the Family Law Act**

The Circular was felt to have been an excellent document for health trusts, health providers and social services, and it ought to be re-issued in a stronger form to designate a few hours training for all front-line staff and also to request health trusts and directors of social services to report back on what proportion of their staff had received it. This message would be taken back to the health side of the Department of Health, because the DoH had been worried that the letter in November didn’t get through. It was mentioned that many of the colleges of health, midwives, gynaecology, and others, have produced a number of impressive reports and guidelines in the last year, but they have all tended to operate as single disciplines, instead of showing lateral co-operation.

### **Treatment of Perpetrators**

There would appear to be large numbers of perpetrators of violence who may respond to therapy, yet only a small number are rescued by violence intervention projects, who have to struggle hard for funding through probation sources. It was suggested joint commissioning of this service through the LCD would be more effective, since they support marriage through Relate and other agencies and these organizations have expertise in managing violent relationships.

Government said that unified thinking and economics must move from rhetoric into factual schemes. It is only recently that people have begun to realise the enormous costs of doing too little, too late, whether in the judicial system or wider health and social care systems. We must have a strategy which will introduce

imaginative preventative programmes, to break this cycle of violence and resultant expenditure, which makes economic sense. It was stated that the Government would respond positively, if the social and economic arguments were articulated more clearly.

### **Domestic Violence and The Women’s Unit**

Considerable concern was expressed at the Women’s Unit being responsible for domestic violence, with its focus being on violence against women, and now located as part of the Cabinet Office. This might again lose sight of the children and child protection issues just as we are trying to bring them together. This again raised the issue of an equivalent Commissioner for Children and a Children’s Unit with a similar central location. However, although the Home Office’s role on domestic violence did not in itself include direct responsibility for issues to do with children, they could at least be taken into account as part of the official inter-departmental group previously mentioned.

### **Parenting**

The new jointly funded Parenting Institute proposals which have been announced, fits very well into Jack Straw’s ideas about Sure Start and parenting influences, and will feed ideally into his committee on government policy on the family during its preparations of an articulated perspective on domestic violence. By working with families to identify their needs, highlight their difficulties and supply information about where they can go for help, children must benefit in the long term, if not now. The actual route taken would seem unimportant, provided the end result is a properly co-ordinated response both to domestic violence and child protection issues. The Crime and Disorder Act aims to do just that, since it brings together the police and local authorities as those responsible for developing partnerships, but also bringing in all the relevant agencies, including local voluntary organizations, health authorities and other bodies to work together in a coordinated way.

### **Information Sourcing**

In child protection, there has been a long struggle to overcome professional interest groups and codes of ethics which have inhibited information sharing. (See Report of the 12th Sieff Conference “Keeping Children In Mind” about confidentiality issues). This issue is about sourcing of information. If the route goes through child protection procedures, then you can ring around to obtain further information about incidents that have occurred to the particular person. However, this may involve social services and child protection earlier than necessary, so we need alternative ways to

track incidents.

A new worry related to the new Data Protection Act and its effect on the sharing of information in the fields that were discussed. Government will be suggesting the setting up of a small group of (mainly) lawyers, to ensure that the successor Data Protection Authority explicitly deals with this question of information sharing amongst agencies who are dealing with the family (domestic violence).

**Marianne Bentovim** wound up the session by thanking the three departmental speakers, not only for coming and sharing aspects of their department's work, but also for listening to the views and recommendations of conference which she hoped they would feed through into departmental development of services and policy.

## 12. Conclusion

**Elizabeth Haslam**, Founder and Trustee, Michael Sieff Foundation, drew the conference to a close by thanking the speakers for the time and effort they had put into producing their presentations and for the group leaders who worked so hard to co-ordinate and record their deliberations and recommendations. She finally paid tribute to Richard White and Trevor de Tute, for all the work that they had put in over the previous months, together with the Planning Committee who had supported them so well, and to Mary de Tute who records the conference proceedings and with her husband, turns them into reports.

**Alan Gilmour**, who for many years had been the chairman of the Foundation, concluded by expressing the debt of gratitude owed to Elizabeth Haslam, the Founder of the Michael Sieff Foundation. He pointed out that it was not just that her concept produced this annual event and all that was learnt from it, but her constant commitment had been the dynamo which kept it going. Her charm and energy in bringing together speakers and others, continued to sustain and delight everyone and she fully deserved our thanks.

## Delegates

<b>Margaret Adcock</b>	Independent Social Work Consultant
<b>Prof. Jane Aldgate</b>	School of Social Work, Leicester University
<b>Elaine Arnold</b>	Visiting Research Fellow, Social Work and Social Policy, Sussex University
<b>Ruth Aitken</b>	London Refuge
<b>Chris Atkinson</b>	Policy Advisor, NSPCC
<b>Steve Bagnall</b>	Director of Field Services & Practitioner Training, National Relate
<b>Stephen Barber</b>	Controller, Community Services (Commissioning), London Borough of Barnet
<b>Marianne Bentovim</b>	Consultant Psychotherapist, and Trustee, The Michael Sieff Foundation
<b>PC Lea Bennett</b>	Domestic Violence Liaison Officer, Gloucestershire Police
<b>Sue Botes</b>	Professional Officer, Community Practitioners' & Health Visitors' Association
<b>Hedy Cleaver</b>	Senior Research Fellow, School of Social Work, Leicester University
<b>His Hon. Judge Paul Collins</b>	Circuit Judge, Dir. of Studies, Judicial Studies Board; Trustee, The Michael Sieff Foundation
<b>Dr. Alan Cooklin</b>	Consultant in Family Psychiatry, Paediatric Liaison Team, UCL Hospitals
<b>D.C.I. Susan Davenport</b>	Family Protection, West Mercia Police; Chair, Local DVF, Worcestershire
<b>Dr. Carolyn Davies</b>	Research & Development Division, Department of Health
<b>Carol Douch</b>	Head of Child Protection Services, Birmingham City Social Services
<b>Mary de Tute</b>	Co-ordinator of Conference Proceedings, The Michael Sieff Foundation
<b>Trevor de Tute</b>	Administrator, The Michael Sieff Foundation
<b>Naomi Eisenstadt</b>	Chief Executive Family Service Units
<b>Michele Elliott</b>	Director, Kidscape
<b>Judith Evans</b>	Head, Legal Services, Worcester County Council
<b>Graeme Farquharson</b>	Director, Group Psychotherapy Training Programme, University of Sheffield
<b>Dr. Alan Gilmour CVO CBE</b>	Emeritus Trustee, The Michael Sieff Foundation; Chair, West Dorset Domestic Violence Forum

## Delegates

<b>Gill Gorrel-Barnes</b>	Senior Clinical Lecturer, Tavistock Clinic
<b>His Hon. Judge Victor Hall</b>	Care Judge, Leicester County Court
<b>Eunice Halliday</b>	Director, The National Association of Child Contact Centres
<b>Lady Elizabeth Haslam</b>	Founder and Trustee, The Michael Sieff Foundation
<b>Lord Robert Haslam</b>	Chairman of The Michael Sieff Foundation
<b>Dr. Chris Hobbs</b>	Consultant Community Paediatrician, St. Jame's University Hospital
<b>Cheryl Hopkins</b>	Assistant Director, Operations, Hertfordshire County Council
<b>Simonetta Hornby</b>	Managing Partner, Hornby Ackroyd and Levy
<b>Valerie Howarth</b>	Chief Executive, ChildLine and Trustee, The Foundation
<b>Rupert Hughes CBE</b>	Trustee, The Michael Sieff Foundation
<b>Tony Jeeves</b>	Family Policy Division, Lord Chancel- lor's Department
<b>Peter Jefferies</b>	Assistant Chief Probation Officer, Inner Services
<b>David Johnston</b>	Social Services Inspector, Welsh Office
<b>Dr. Carole Kaplan</b>	Consultant, Dept. of Child & Adult Psychia- NHS Trust
<b>Patricia Kearney</b>	Management Development Consultant, Na- Social Work
<b>James Lawson</b>	Chief Executive, National Council for Family Proceedings
<b>Maurice Lindsay</b>	Manager, Housing & Social Services Depart- Somerset C.C.
<b>Janet Lindsay-German</b>	Service Development Director, The Bridge Child Development
<b>Anne Mair</b>	Chairman, Family Proceedings Com- Association
<b>Fiona Morton</b>	Senior Probation Officer, Inner London
<b>Anne Mullins</b>	Senior Public Policy Officer, NCH
<b>Judge Isobel Plumstead</b>	District Judge, Member Family Committee, Judicial Board
<b>Dr. Lorraine Radford</b>	Senior Lecturer in Social Policy at Roehampton Institute, London
<b>Richard Rollinson</b>	Director, Mulberry Bush School & Vice- Group Therapeutic Commu- nity
<b>Hilary Saunders</b>	National Children's Officer, Women's Aid
<b>Janet Shieff</b>	Education Link Officer, London Bor-