



Scottish Women's Rights Centre

Response to the Scottish Government's consultation on improving Multi-Agency Risk Assessment and interventions for victims of domestic abuse

1 April 2019

Overview

The Scottish Women's Rights Centre (SWRC) is a unique collaborative project that provides free legal information, advice and representation to women affected by violence and abuse. The SWRC exists because of abuses of power and because a gap persists between women's experience of violence and abuse and their access to justice. The SWRC strives to fill these gaps by working with specialist solicitors and experienced advocacy workers. Informed by our direct work with victims/survivors of violence and abuse, we seek to influence national policy, research and training to improve processes and systems, and ultimately to improve the outcomes for women who have experienced gender-based violence (GBV).

We recognise that people of any gender can be affected by abuse and violence (including domestic abuse). However, statistics show that these crimes are more often committed by men against women. The SWRC specifically supports women aged 16 and over; thus, when we talk about victims/survivors in this response, we will generally refer to women. Despite this, we are aware —and do acknowledge— that any person can be subjected to this crime.

The focus of our response is on establishing a multi-agency risk assessment and interventions for domestic abuse victims/survivors, which recognise and thoroughly understand the dimensions and implications of this experience, including coercive control. Our answers reflect our view that any service and response to cases of domestic abuse should place the integrity of adult and children victims/survivors at the centre. We believe that interventions must be trauma and culturally-informed, ensuring that there is collaboration across all agencies and practitioners involved in the case in order to find the best possible resolution that fully understands the experience of the victim/survivor and reduces risk.

Question 1): How can we ensure training on domestic abuse and appropriate risk assessment tools for public bodies, agencies and services staff?

Training

The new Domestic Abuse (Scotland) Act comes into force on April 1, 2019 and it makes coercive control a criminal offence. Much will need to change in terms of service provision to accommodate the new legislation. It is very likely that agencies that do not work in violence against women (VAW) will come across cases of

coercive control; therefore, it is essential that they are able to identify victims/survivors.

Awareness-raising is crucial for the new law's successful application and identification of victims/survivors. While VAW services and advocates have always been aware of the impact of coercive control and its ubiquitous nature in abusive relationships, many agencies are still focusing on physical harm as the key indicator of serious cases of abuse.

All statutory and non-statutory front-line services should receive training on domestic abuse awareness. Ideally, this training should be offered on a multi-agency basis; that is, a mix of agencies should attend the sessions. Furthermore, training should be mandatory for agencies which regularly deal with domestic abuse as part of their remit or in the normal course of their duties. Specialist training should also be available for practitioners whose remit is to work with domestic abuse victims/survivors.

Importantly, any domestic abuse training should always be sensitive to cultural differences. There is no 'one-size-fits-all' response to victims/survivors of abuse and much will depend upon family and social circumstances.

Risk assessments

Assessment processes should shift focus away from physical abuse as the core aspect of domestic abuse. Currently, the preferred risk assessment tool across the violence against women sector is the Domestic Abuse, Stalking and Honour Based Violence (DASH) checklist. We suggest reviewing this tool to consider its current use and how it fits into the risk assessment process.

When applied, the DASH has the potential to capture the full spectrum of abuse at any given time. However, in light of the new legislation, the emphasis upon coercive control will potentially alter the understanding of risk and who is most at risk of harm. The DASH serves a number of functions, most notably the assessment of risk. The cases that score the highest receive the most resources—including a referral to the Multi-Agency Risk Assessment Conference (MARAC). Cases that score the highest on the DASH are likely to have experienced physical abuse. However, the score might not adequately consider cases where the abuse is psychological and controlling.

The current risk assessment records static and dynamic factors. Static factors refer to serious physical abuse. Resources have been allocated on the basis of this model and will have to be reassessed to include cases where coercive control is the incident that brought the case to the attention of the police and other services.

It is likely that, if the DASH in its current form is applied, some survivors will not receive a high score when physical violence is not present. As a result, they could be denied a service because they are deemed to be at lower risk. The new domestic abuse legislation will require a matching structure to measure risk. Without these considerations, the DASH could deem victims/survivors who are experiencing severe coercive control, but no physical violence, to be at lower risk. The DASH and MARAC processes allow for professional judgement to determine risk; yet, it is likely that only practitioners who have a developed understanding of coercive control will use this approach.

Reconsidering the types of risk we aim to address will ensure cases of coercive control can access multi-agency responses. We believe the DASH can continue to be used, but the interpretation of results and subsequent allocation of resources may need to be altered to consider cases which prior to the Domestic Abuse (Scotland) Act would not be included.

Question 2) In your view, what is the best model of multi-agency working for ensuring effective and early interventions for victims of domestic abuse?

In Scotland, multi-agency responses to domestic abuse are criminal justice-driven. Like the rest of the UK, Scotland follows a model conceived in the American Criminal Justice System: the IDAA/IDVA model, which places an advocate as the main point of contact for victims/survivors. The advocate assesses/manages the risk, communicates with key agencies and coordinates the response.

Criminalising abuse has long been the goal of organisations and services working with victims/survivors, to deter further abuse and to bring perpetrators to account. However, it has proven difficult to achieve this for every case.

Resources remain a major issue for services and victims/survivors alike. The police and courts are resourced to bring perpetrators to justice, and Scotland has a well-developed model for delivering this. In cases where it is difficult to bring criminal charges, other agencies involved may struggle to offer any other support to victims/survivors. Resources such as housing and financial support are equally essential when assisting victims/survivors to exit an abusive relationship or to empower those who chose to remain to alter the dynamics of the relationship. It would be beneficial to have a lead professional who can coordinate the responses from other professionals involved, such as a Lead Professional Model.

Sharing information is an important aspect of the multi-agency model. Nevertheless, this alone does not provide the support that victims/survivors need to find a safe resolution. In the current climate of austerity, victims/survivors who try to leave an abusive relationship often encounter a hostile environment, where housing is scarce and financial safety nets are few. It is unrealistic to expect the criminal justice system to hold all the answers. Where convictions for abusive acts are achieved, these may not result in outcomes that directly benefit survivors. Therefore, it is essential that a multi-agency working model also devotes efforts to finding the best possible resolution for victims/survivors so that they can exit the abuse or create safety if they choose to remain.

Question 3): In your view, what is the best model for professionals assessing risk in relation to domestic abuse?

As noted, the DASH has been the preferred risk assessment tool for practitioners whose role is to assess the risk for victims/survivors who arrive at a dedicated domestic abuse/VAW service. Current provisions in Scotland embed the DASH assessment within a model of advocacy that has a multi-agency scope. This model followed the inception of a dedicated domestic abuse court in Glasgow; thus it has become linked with, and embedded in, the criminal justice response to domestic abuse.

Given that the DASH already covers the full spectrum of abuse types, it has the potential to comprehensively capture the extent of abuse in each case, currently and historically. Notably, the DASH provides a framework on how to talk to victims/survivors about the abuse and it encourages discussion. While risk assessments are limited in how accurately they can define and/or predict future abuse (including homicide), a benefit is that they help to focus the discussions between victims/survivors and practitioners on key indicators of all types of abuse.

Practitioners should receive adequate training to gain confidence on how to approach the risk assessment (see answer to Question 1). In our view, assessments like the DASH can be more than an actuarial tool to allocate resources and collect information, when used appropriately.

Question 4): In your view, who are the key partners that should be involved in multi-agency working to support victims of domestic abuse?

Both statutory and non-statutory partners should be involved.

The multi-agency meeting should consist of a core membership—including social work, police, health, education, VAW services, housing, solicitors—and there should be an expectation that all members will attend.

The membership can be expanded according to the circumstances, while being geographically and service provision driven: police (PPU/FPU), health (GP, consultants, district nursing, mental health, midwifery, health visitor), social work (criminal justice; adults, children and families; mental health, throughcare), education (named person for children, higher education representative), Crown Office, GBV organisations, local authority housing/casework, solicitor, representative from children's support (e.g., children worker from women's aid, ASSIST, Barnardo's, etc). In cases where any other agency provides support to victims/survivors of domestic abuse, there should be a mechanism to invite them to attend the multi-agency meeting if it is relevant to do so.

A legal representative should be involved in order to provide advice and guidance on child contact matters and civil law (non-harassment orders, etc), particularly in cases where criminal charges are not forthcoming. We believe that an expert on civil processes (protective orders) would be helpful for streamlining the process. One possibility could be to have solicitors offer a 'duty' service much like that offered for criminal defendants. This would require to be adequately resourced.

Child contact proceedings remain problematic for victims/survivors of abuse. The new Domestic Abuse (Scotland) Act may shed some light on how child contact proceedings are used by perpetrators as a way to control the victim/survivor. The multi-agency process should make reference to child contact proceedings. Solicitors could potentially play a role at MARAC when representing clients who are also being supported by domestic abuse services.

Due to the geographical diversity of Scotland, services, resources and information tend to be concentrated in the central belt. Greater consideration must be given to victims/survivors living in rural and remote areas. Consideration should be given to how multi-agency working can be rolled out across these areas and what the provisions would look like. In our experience there are some gaps in service provision in remote areas. This can be further compounded for women in remote

locations who have experienced GBV and have difficulty finding solicitors that can represent them in civil matters.

Question 5): In your view, what guidance is required to support and embed multi-agency working for victims of domestic abuse?

The majority of statutory agencies are already aware of, and contributing to, multi-agency working.

As discussed above (see answer to Question 1), it is essential that all agencies which support or provide services to victims/survivors of domestic abuse are trained accordingly. This training should include awareness of coercive control and how to identify and discuss this type of abuse with victims/survivors.

Similarly, domestic abuse training should cover responses to disclosure of abuse across all sectors. Practitioners should be able to identify abuse, including coercive control, and be prepared and able to respond when a victim/survivor chooses to disclose. Finally, we cannot stress enough the need for a trauma informed-approach that is embedded into all protocols and procedures.

Question 6): What protocols need to be put in place to ensure effective information sharing between agencies?

If multi-agency arrangements are placed on a statutory footing (see Question 7), an infrastructure should be developed to support this framework, including information gathering and data management provisions. Accordingly, partner agencies would need to establish a confidentiality agreement.

Information sharing should be limited and subject to necessity and proportionality with clear guidance on the procedures to share information between statutory and voluntary agencies and the laws that relate to this. The potential impact that sharing information can have on victims/survivors should be considered on a case by case basis. In cases where a risk of harm has been identified or a child is present in the household, it is crucial that agencies and organisations consider seeking consent from the victim/survivor before sharing any information related to that case. However, there are instances where the risk assessed is so high that it might be deemed safer to not inform victims/survivors about this information exchange. Agencies involved should have a clear understanding of the risks that might result from seeking consent when sharing information. All information-sharing protocols must be human rights compliant.

As mentioned above (see answer to Question 2), it would be beneficial to have a Lead Professional Model whereby one worker collects all the information related to a domestic abuse case and carries out the risk assessment. This would centralise the information and coordinate the communication and sharing of information.

Question 7): Do you think that multi-agency arrangements for protecting victims of domestic abuse should be placed on a statutory footing?

Yes. Currently, Scotland has a multi-agency conference (MARAC) that follows from the risk assessment process. This conference is not funded and it relies on the good will and buy-in of agencies who attend. MARAC is primarily an information-sharing

process and it was established with the idea that not one agency holds all the information about a victim/survivor of abuse. Services bring what they 'know' about the circumstances of a victim/survivor and potentially take away agreed actions with the aim of achieving improved safety for the victim/survivor and reduce risk.

Placing multi-agency arrangements on a statutory footing could increase accountability and the decision-making capacity across all agencies in attendance. Multi-agency assessment and risk management places the responsibility on all services, rather than on a single service. Risk should not be managed independently or held by one individual.

A statutory footing would ensure meaningful engagement from all partner services and would consequently ensure that victims receive as close to a standard response as is possible, regardless of whether they live in a well serviced area or one which has access to fewer services. Consideration should be given to establishing a similar setup to child-protection procedures, with regular meetings scheduled to discuss any updates on the level of risk. The current system requires following certain criteria in order for a case to be brought back to the MARAC. Multi-agency meetings should be used to monitor ongoing risk and to undertake continuous planning. Additionally, multi-agency arrangements should be available across every local authority.

Whilst additional resources would be required to achieve a statutory footing with effective reach and the ability to implement change, the prevalence of gender-based violence requires such prioritisation if the vision and potential for change which underpins the Domestic Abuse (Scotland) Act are to be realised.