

WIRRAL

CABINET – 24 NOVEMBER, 2011

SUBJECT:	DOMESTIC HOMICIDE REVIEW POLICY
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek Member's approval of a policy to deliver the Council's statutory duty in respect of Domestic Homicide Reviews.

2.0 RECOMMENDATION/S

- 2.1 That Members adopt the Domestic Homicide Review Policy for Wirral.

3.0 REASON FOR RECOMMENDATION/S

- 3.1 Domestic Homicide Reviews are a statutory duty of each Community Safety Partnership (CSP). The Council are a designated Responsible Authority under Crime and Disorder Act 1998 legislation and, therefore, have a duty to participate in a Review should one be required.

The policy which is recommended to Members takes account of, and compliments, existing Adult and Children's Safeguarding policy.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 The Crime and Disorder Act 1998 formerly established Community Safety Partnerships and Section 5 of the Act required Responsible Authorities, which included Councils, within the Partnership to perform a range of statutory duties.
- 4.2 Chair of Wirral CSP is the Chief Executive of the Council, and the Deputy Chair is the Area Commander for the Police on Wirral.
- 4.3 On 13 April 2011, following the implementation of Section 9 of the Domestic Violence and Crime Act 2004, the statutory requirement for Community Safety Partnerships to conduct a Domestic Homicide Review (DHR) became law.
- 4.4 A DHR must be held when the following criteria are met;

The death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by:-

- (a) a person to whom he/she was related or with whom he/she was, or had been, in an intimate personal relationship; **or**
- (b) a member of the same household as himself/herself.

4.5 The purpose of a DHR is to:

- (a) Establish what lessons are to be learned from the case about the way in which local professionals and organisations work individually, and together, to safeguard victims.
- (b) Identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted upon, and what is expected to change as a result.
- (c) Apply these lessons to service responses, including changes to policies and procedures as appropriate.
- (d) Prevent domestic violence homicide and improve service responses for all domestic violence victims and their children through improved intra and inter-agency work.

4.6 Many elements of the DHR statute are also contained in the requirement to conduct Serious Case Reviews as part of Adults or Children's Safeguarding policy. To this end members of the Children's and Adult Safeguarding Boards on Wirral have contributed to the development of the policy before Members today.

4.7 When a domestic homicide occurs, the Merseyside Police will inform the Chair of Wirral CSP in writing of the incident. Overall responsibility for establishing a DHR rests with Wirral CSP.

4.8 Upon receiving the notification from Merseyside Police the Chair of the CSP will, within 48 hours of receipt, notify the Safeguarding lead officer for Wirral's Local Safeguarding Children's Board and Adult Safeguarding Protection Board.

4.9 Consideration will then be made by both Boards of whether the circumstances of the homicide dictate that a Serious Case Review is required.

4.10 In keeping with Government guidance on this issue we recommend to Members that when the circumstances of a homicide require a DHR and a Child or Adult Safeguarding Serious Case Review, then only one Review should be held and, in those circumstances, the Serious Case Review will take precedence over a DHR.

4.11 However, in such cases it is vital that any elements of domestic violence relating to the homicide are addressed fully, and the Serious Case Review will include representatives with a thorough understanding of domestic violence.

4.12 If circumstances of the homicide dictate that a Serious Case Review is required, the Chair of the CSP will be advised.

- 4.13 If circumstances of the homicide dictate that a Serious Case Review is not required, the Chair of the CSP will make arrangements for a Chair and Members of the DHR Panel to be appointed.
- 4.14 At the point of enacting this legislation the Home Office did not make a new funding available to CSPs required to complete a Domestic Homicide Review.
- 4.15 In order to minimise costs to the Council a reciprocal agreement has been developed with Cheshire West and Chester Council over the Chair of a DHR Panel and the author of the DHR overview report. A memorandum of understanding has been drawn up by legal officers from the two Authorities and a copy of this has been included at Appendix 1 to this report.
- 4.16 Key elements of the reciprocal agreement include the following:-
- a) No more than 2 DHRs per year to be chaired through this arrangement in any one of the Council areas.
 - b) That the Chairs provided have the required skills and expertise, as set out in the DHR guidance.
 - c) That business support to the Chair will be provided by their home area. This would also include the costs of any travel expenses incurred.
 - d) That Chairs use the SCIE Systems (Social Care Institute of Excellence) model to maximise the learning outcomes.
 - e) That detailed statements on confidentiality be agreed between Cheshire West and Chester and Wirral CSP's.
- 4.17 In the case of a DHR taking place within Cheshire West and Chester, the Head of Community Safety on Wirral will perform the role of Chair and Author for that Authority.
- 4.18 Within one month of receipt of notification of the homicide two things will happen:-
- (a) A DHR panel will be formed and the Review commenced.
 - (b) Confirmation of a decision to hold a DHR, or alternatively a decision not to review a homicide, will be sent in writing to the Home Office DHR enquiries inbox (DHRENQUIRIES@homeoffice.gsi.gov.uk).
- 4.19 Under the guidance of a Chair the review will be conducted by a DHR Panel comprising representatives of statutory and voluntary agencies involved in the case.
- 4.20 Participating agencies will each provide Independent Management Reviews (IMR) detailing their agencies involvement with the victim or perpetrator, and will follow the template for the Independent Management Reviews attached at Appendix 2. An abridged version of the IMR produced in agreement with the Home Office and included as Appendix 3 to this report will be completed when an agency has had no relevant contact with any of the parties in the domestic homicide.

- 4.22 Within six months, unless an alternative timescale is formally agreed with the relevant CSP, of the notification an Overview Report and Executive Summary following the templates contained at Appendix 4 and 5 will be produced.
- 4.23 The DHR Overview Reports will bring together and draw overall conclusions from the information and analysis contained in the IMRs, and reports or information commissioned from any other relevant interests. It is critical that personal details are kept anonymous within the Overview Report and Executive Summary.
- 4.24 The DHR Overview Reports should also make recommendations for future action which the DHR Panel should translate into a specific, measurable, achievable, realistic and timely (SMART) Action Plan a template for which is included at Appendix 6 to this report.
- 4.25 Once agreed, the DHR Panel will provide a copy of the Overview Report, Executive Summary and the Action Plan to the Chair of the CSP.
- 4.26 Guidance indicates that on receiving the Overview Report and supporting documents, the CSP should:-
- (a) Agree the content of the Overview Report and Executive Summary for publication, ensuring that it is fully anonymised apart from including the names of the Review Panel Chair and Members.
 - (b) Make arrangements to provide feedback and debriefing to staff, family members and the media as appropriate.
 - (c) Sign off the Overview Report and supporting documents.
 - (d) Provide a copy of the Overview Report and supporting documents to the Home Office Quality Assurance Group. This should be via email to DHRENQUIRIES@homeoffice.gsi.gov.uk
 - (e) The document should not be published until clearance has been received from the Home Office Quality Assurance Group.
- 4.27 On receiving clearance from the Home Office Quality Assurance Group, the CSP should:-
- (a) Provide a copy of the Overview Report and supporting documents to the Senior Manager of each participating agency.
 - (b) Provide an electronic copy of the Overview Report and Executive Summary on the local CSP web page; IMRs should not be made publicly available.
 - (c) Monitor the implementation of the specific, measurable, achievable, realistic and timely (SMART) Action Plan.
 - (d) Formally conclude the review when the Action Plan has been implemented and include an audit process.

- (e) Where partner agencies of more than one Local Authority area have known about or had contact with the victim, the Local Authority area in which the victim is/was normally resident should take lead responsibility.

5.0 RELEVANT RISKS

- 5.1.1 Prior to August 2011 Wirral had not recorded a domestic homicide within the last two years. However, should more than two DHR's be required in one year the reciprocal agreement in place with Cheshire West and Chester will not apply, and the costs of appointing an independent chair of the DHR Panel and Author of the DHR Overview Report will be met by Wirral CSP, with each Responsible Authority being required to make an equal contribution towards those costs.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 The option of commissioning an independent Chair and Author of the DHR Overview Report, rather than entering into a reciprocal agreement, was considered but rejected on the grounds of cost.

7.0 CONSULTATION

- 7.1 As indicated earlier within this report, consultation has taken place with Members of the Adult and Children's Safeguarding Boards on Wirral in drawing up the policy recommended to Members today.
- 7.2 Consultation has also taken place with Wirral CSP members.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 8.1 Government guidance on the management of a DHR states that a DHR Panel should include "involving representatives from the relevant agencies in addition to representatives from the Voluntary and Community Sector (VCS) with expertise in domestic violence".
- 8.2 VCAW are members of Wirral CSP and have taken part in the consultation held in that forum concerning DHR, and a nominated representative for VCAW will be a member of all DHR Panels.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 9.1 The reciprocal agreement, if approved by Members, will incur opportunity costs for Wirral through the absence of the Head of Community Safety whilst chairing a DHR in Cheshire West and Chester Council when the need arises.
- 9.2 Should Wirral experience more than two domestic homicides in one financial year then the Council, together with other Responsible Authorities within the CSP, will be required to make a one sixth contribution to the costs of commissioning a Chair and Author of the DHR.

10.0 LEGAL IMPLICATIONS

- 10.1 The Council have a statutory duty to undertake a Domestic Homicide Review when circumstances dictate, or to secure agreement from the Home Office that such a review will not be completed.

11.0 EQUALITIES IMPLICATIONS

11.1 *(Describe any discrimination issues; including any social inclusion or human rights implications)*

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? Yes

(b) If 'yes', has one been completed? Yes (12th October 2011) Appendix 7

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are none arising from this report.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no planning implications arising from this report.

13.2 The statutory duty to complete a Domestic Homicide Review rests with the Community Safety Partnership and a financial impact will be managed by Partnership members should more than two domestic homicides occur within the same financial year.

REPORT AUTHOR: **Steve Mc.Gilvray**
 Head of Service Community Safety
 telephone: (0151) 606 5485
 email: stevemcgilvray@wirral.gov.uk

APPENDICES

- Appendix 1. Memorandum of understanding.
- Appendix 2. Independent Management Report (full)
- Appendix 3. Independent Management Report (abridged)
- Appendix 4. Overview Report
- Appendix 5 Executive Summary
- Appendix 6 Action Plan
- Appendix 7. Equality Impact Assessment (EIA)

REFERENCE MATERIAL

Nil