

# WIRRAL COUNCIL

## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

21<sup>ST</sup> NOVEMBER 2012

<b>SUBJECT:</b>	<b><i>DOMESTIC HOMICIDES</i></b>
<b>WARD/S AFFECTED:</b>	<b><i>ALL</i></b>
<b>REPORT OF:</b>	<b><i>ACTING DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</i></b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform Members on the progress of the Domestic Homicide Review process which has been applied since the enactment of provisions contained within Section 9 of the Domestic Violence and Crime Act 2004.

### 2.0 BACKGROUND AND KEY ISSUES

2.1 On 13<sup>th</sup> 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.

2.2 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.

2.3 The purpose of a DHR is to:

- 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.
- Identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result;
- Apply these lessons to service responses including changes to policies and procedures as appropriate;
- Prevent domestic violence homicide and improve service responses for all domestic violence victims and their children through improved intra and inter-agency work.

2.4 The policy for conducting DHR's was approved by Wirral Cabinet Members on 24<sup>th</sup> November 2011.

2.5 This policy included the following provisions;

- 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.
- In order to minimise costs to the Council a reciprocal agreement has been established with Chester West and Cheshire 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.

- 2.6 The policy that Serious Case Reviews will take precedence over a DHR and that only one review will be held in such circumstances has been applied once since the DHR policy was approved by Cabinet. This review is now underway and is being managed using policies approved by the Local Safeguarding Children's Partnership Board (LSCPb).
- 2.7 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. Both Authorities have made use of this reciprocal agreement.
- 2.8 Wirral and Cheshire West and Chester Councils have both achieved Leading Lights accreditation from CAADA (Co-ordinated Action Against Domestic Abuse) two of only 19 in the country for the manner in which they manage cases of domestic abuse where the risk of further abuse is assessed as being high.
- 2.9 Much of the work of a DHR is completed by a Domestic Homicide Review Panel. The persons and bodies that have a duty to establish or participate in a DHR Panel include;
- Chief Officers of Police
  - Local authorities
  - Primary Care Trusts
  - Providers of Probation services
  - NHS trusts
- 2.10 Wirral has added to this list of Panel members to include; VCA Wirral, Children and Young Peoples Department, Department for Adult Services, and the manager of Wirral's Family Safety Unit through whom contact is made with all members of the Domestic Abuse MARAC (Multi Agency Risk Assessment Conference).
- 2.11 Since the enactment of the legislation Wirral has suffered five homicides which meet the criteria requiring a DHR. As stated at paragraph 2.5 one of these homicides has progressed by way of a serious case review conducted by the LSCPb. There had been a three year gap between the last domestic homicide and the first of these five.
- 2.12 Two of the DHR Panels are being managed through the reciprocal agreement with Cheshire West and Chester and two through the engagement of an independent Chair and Author both of whom are experienced in conducting serious case reviews on Wirral and throughout the North West. Wirral Community Safety Partnership will meet the costs of the independent chair and author.
- 2.13 One DHR has completed its report stage and is now with the Home Office for quality assurance checks. The remaining enquires have yet to report.

- 2.14 Initial enquires by the DHR Panels indicate that all four relationships had little contact with any of the DHR Panel organisations for domestic abuse issues prior to the deaths and none had been referred to the Family Safety Unit for support or had their cases discussed at the domestic abuse MARAC.
- 2.15 Areas of commonality have emerged between the first two Reviews. Firstly legal separation rather than being viewed as a means of increasing safety can also be an act which increases the level of risk for victims. This message is being shared with Solicitors via the Liverpool Law Society. Secondly both relationships had children of school age and whilst schools have systems in place to support children through such issues none of the children had chosen to avail themselves of this. This message is being shared with the Head Teachers and the LSCP.

### **3.0 RELEVANT RISKS**

- 3.1 The Home Office DHR Enquiry Team have been contacted by the Community Safety Team regarding the unprecedented level of domestic homicides that Wirral has suffered over the last 18 months in an effort to identify any learning from domestic homicides or their reviews conducted elsewhere.
- 3.2 The Home Office response has been that it is too soon to judge if there has been a rise in domestic murders. The statistics will not be published until January, 2013 and neither can they say if any patterns are emerging from DHR's.
- 3.3 The Home Office do say that the majority of domestic homicides do not involve cases/relationships discussed at domestic abuse MARAC's or have IDVA (Independent Domestic Violence Advocates) support.
- 3.4 In spite of the DHR processes we have in place on Wirral the preceding Home Office statement does raise two areas of risk in respect of domestic homicides. Firstly actions are being taken to increase the level of awareness amongst victims, front line staff working with vulnerable groups and at points where the level of risk abuse increases. However the risk remains that domestic abuse may remain hidden within the home and in spite of this work victims choose not access the support available through either IDVA or MARAC.
- 3.5 Secondly MARAC administration and IDVA's are all externally grant funded and that funding ceases to exist on 31<sup>st</sup> March 2013. Unless alternative sources of revenue can be found the service which focuses upon safety planning and preventing homicides amongst a very vulnerable group will cease thus removing the support from victims and their families who have been assessed as being a high risk of further abuse.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 Domestic Homicide Reviews are a statutory duty. The option of commissioning an independent chair and author outside of the reciprocal agreement was considered but rejected as an option, except when terms of the agreement have already been met, on the grounds of cost.

## **5.0 CONSULTATION**

- 5.1 The report has been considered by the Childrens' Safeguarding Lead Officer and will be shared with the Community safety partnership.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 Paragraph 5.1 of the Government guidance on management of a DHR at states that a DHR Panel should include "representatives from the Voluntary and Community Sector (VCS) with expertise in domestic violence".

A nominated representative from VCAW has been a member of all Wirral DHR Panels.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 7.1 By having in place the reciprocal agreement regarding the management of DHR's the primary cost incurred is one of opportunity costs incurred by Panel Members and when management of a DHR on behalf of Cheshire West and Chester is required.
- 7.2 The cost of commissioning a Chair and Author for the DHR's which exceed the terms of the reciprocal agreement will be met by Wirral Community Safety Partnership funds.
- 7.3 MARAC administration and IDVA's all rely upon external grant funding. That funding ceases to exist on 31<sup>st</sup> March 2013. Effecting 12 members of staff this function must find £304,255 to continue operating beyond this date.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 There are no legal implications arising from this report.

## **9.0 EQUALITIES IMPLICATIONS**

- 9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?
- (a) Yes and impact assessment has been sent to Equality Watch.

## **10.0 CARBON REDUCTION IMPLICATIONS**

- 10.1 There are no carbon reduction implications arising from this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 11.1 Ongoing monitoring of the DHR process is a standing agenda item on all Community Safety Partnership meetings and the Joint Community Safety Team provide administrative support to the Chairs of the DHR Panel meetings.
- 11.2 Unless alternative sources of revenue can be found the service within Community Safety which focuses upon safety planning and preventing homicides amongst a very vulnerable group will cease. Thus removing the support from victims and their families who have been assessed as being a high risk of further abuse and increasing Wirral's vulnerability to further domestic homicides.

## 12.0 RECOMMENDATION/S

12.1 Members note the contents of this report.

## 13.0 REASON/S FOR RECOMMENDATION/S

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## APPENDICES

Nil

## REFERENCE MATERIAL

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
<b>Wirral Cabinet</b>	<b>24.11.11</b>