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Domestic homicide reviews module

Sequeli Specialist Module: Domestic Homicide Reviews for chairs, report writers, review panel and Community Safety Partnership members

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Summary

Dr Aisha Gill, Roehampton University
Detective Inspector Natalie Cowland, Metropolitan Police Service
Frank Mullane, Advocacy After Fatal Domestic Abuse
Dr Len Rowland, Health and Social Care Advisory Service (HASCAS)
Julia Dwyer, National Independent Advocacy Services Manager, Refuge
Gillian Downham, Sequeli Director

Len Rowland spoke for the Health and Social Care Advisory Service (HASCAS) in place of Dr Androulla Johnstone.

This was a Sequeli Domestic Homicide Review Specialist Module which attracted police, Community Safety Partnerships, independent chairs of domestic homicide reviews and serious case reviews, NHS Commissioning bodies, Independent Police Complaints Commission, NSPCC and others. As an experienced group of professionals, most were already familiar with the domestic homicide review process and sought discussion around problems associated with commissioning and carrying out domestic homicide reviews in a multi-agency setting of change.

Some of the themes which emerged during presentations and discussion are summarised below:

1. **Current domestic homicide review challenges:** Beginning with a brief description of the background to domestic homicide reviews, the Domestic Violence, Crime and Victims Act 2004 and the Home Office [Multi-agency Statutory Guidance for the Conduct of Domestic Homicide Reviews](#), Gillian Downham outlined some of the challenges facing DHRs currently. Uncertainty over how to proceed when there are ongoing criminal proceedings, the position where there are parallel reviews and investigations, the impact, if any, of proposed changes by the Department for Education to children's serious case reviews and the process of commissioning domestic homicide reviews - all were discussed during the day.
2. **Is domestic violence a hate crime?:** Dr Aisha Gill challenged us with a thought-provoking talk on the place of domestic violence in legislation, posing the question whether it should be considered a hate crime against women generally, rather than focussed on intimate 'domestic' violence, which arguably reinforces a woman's anxiety that the problem is with her and her relationship. Dr Gill will be publishing a paper on this and will make it available via a link on Sequeli's website for those interested.

3. **Application of principles to procedures:** Gillian Downham described how principles, as set out in the Core Competencies, apply throughout the whole review process, from commissioning to implementation of recommendations. In fact, many of the *Multi-agency Statutory Guidance for the Conduct of Domestic Homicide Reviews* procedures have their origins in principles such as independence, fairness and equality. Underlying the *Guidance* is the need to comply with the Equality Act 2010 and the European Convention of Human Rights. The latter requires under article 2 that the State carry out an effective investigation where the duty to protect life might have been breached by the State. Being aware of these principles makes the review come alive, giving it a human face and authority.
4. **Commissioning domestic homicide reviews:** Detective Inspector Natalie Cowland's interactive session focussed on a multi-factorial case study, with lively discussion on commissioning. Natalie pointed out that although the *Guidance* does not say there should be consultation with other agencies before commissioning a domestic homicide review, it would be good practice to bring everyone together for an early meeting. A strong feeling emerged that it should be rare not to hold a domestic homicide review. A reason often given for non-commissioning is that there has been no contact by the victim with services - but how would one know until the information has been obtained? And even if there has been no contact, that does not mean there is not an issue to be reviewed. There was a link here with Julia Dwyer's talk on domestic violence. In her experience many professionals still do not understand that the most dangerous time for a woman is the point at which she is separating from an abusing partner. Any contact with agencies could indicate to the abuser that she is planning to leave and therefore increase her risk. Frank Mullane shared the concern that apparent non-engagement with services could mean domestic homicide reviews are not being held and opportunities to learn from the situation being missed. An early meeting, as advised by DI Natalie Cowland, would be the place to raise all these issues so that a well-informed commissioning decision could be made. Where there was doubt over a commissioning decision it would be appropriate for the CSP to consult with the Home Office.
5. **Joint commissioning:** A number of individuals were conducting jointly commissioned reviews, which included adult safeguarding children's reviews and children's serious case reviews. Dr Len Rowland, who was himself carrying out two jointly commissioned reviews, pointed out during his presentation that because principles underpin all reviews and investigations, they can act as the common thread linking reviews even though procedures seem to separate them. As was evident from the case scenario provided by DI Natalie Cowland, people tend to be multiple service users. To carry out separate reviews, with separate procedures risks mirroring failures in service communication. One 'multi-focussed review' makes sense and in Dr Rowland's opinion, should be the direction of travel. A number of joint commissioning models are possible, depending on whether there is a lead commissioner and how the funding is organised. There may be problems such as who is responsible for responding to Freedom of Information requests. However, these should not deter those who wish to jointly commission. With the Health and Social Care Act 2012 the trend may be towards more joint commissioning. And despite the fact that new children's serious case review proposals do away with Individual Management Reviews, increased coming together with domestic homicide reviews may be required, just as the systems are set to diverge.
6. **Terms of Reference:**
 - (i) Who should draft the terms of reference? The *Multi-agency Statutory Guidance for the Conduct of Domestic Homicide Reviews* states that the Chair and Review Panel should draw up terms of reference (Paragraph 5.11) and the final decision as to suitability of the terms of reference for each DHR should be with the Review Panel Chair (Paragraph 5.13). Is this different to children's serious case reviews? It appears to be, since in [Working Together to Safeguard Children 2010](#) at Paragraph 8.20 the SCR sub-committee draws up the terms of reference and the LSCB Chair approves them. During discussion it was thought this seeming anomaly might be because LSCBs are standing

committees with experience of serious case reviews, whereas Community Safety Partnerships are brought together for the purpose of the domestic homicide review and rely to a greater extent on the expertise of the Review Panel Chair. The proposed new [*Statutory Guidance on Learning and Improvement*](#) for children's serious case reviews issued recently by the Department for Education for consultation does not refer to terms of reference.

- (ii) Scope of the review - how far back should the review look? The advantages and disadvantages of taking a retrospectively long view were discussed. An interesting link was made with the proposed new *Statutory Guidance on Learning and Improvement*. It sets out principles, including proportionality, and it is exactly this proportionate approach which needs to be applied in each domestic homicide review case - weighing up the need to examine a long history of escalating domestic violence as against the importance of focussing on the recent past, and taking into account review costs. Once a proportionate decision has been made it can then be explained in the terms of reference.
- (iii) The content of the terms of reference: How detailed should terms of reference be? One possibility is to put some of the detail into a procedure for the review, rather than in the terms of reference. This might also reduce the likelihood of having to amend the terms of reference, a problem which also raised concerns. Frank Mullane spoke about the value of asking the victim's family for their views, quoting research shortly to be published which will show this is likely to encourage the family to be involved with the review. From his own contact with families he has found they often do not even have a copy of the terms of reference.

4. **The domestic homicide review and ongoing criminal proceedings:** Detective Inspector Natalie Cowland spoke of the complications which can arise when a criminal investigation and criminal proceedings are ongoing. It makes it virtually impossible to interview the alleged perpetrator. But how big a problem is this? In discussion, it was thought it could be problematic if his or her consent is needed for disclosure of confidential documents. Under these circumstances it might not be possible to begin the review. However, alternatives to consent were considered. Whilst Caldicott procedures can only be used after several attempts have first been made to gain consent, some coordination arrangements were described between agencies which enabled disclosure of documents in the public interest. It might therefore be possible to obtain some confidential information and start the review. There was then the question whether families could be interviewed. If it was relevant to the case, the Crown Prosecution Service would be entitled to see the interview material and the defence would also be likely to seek its disclosure. One approach would be to begin the review, but leave all family and perpetrator interviews until the conclusion of criminal proceedings. Another would be to work out with the Senior Investigating Officer which individuals could be interviewed without having any impact on the criminal case. DI Cowland felt there could be scope for at least starting the review and that the Chair should not be put off by the difficulties. Currently, most domestic homicide reviews are being stayed until criminal proceedings are concluded, as suggested in Chapter 10 of the *Multi-agency Statutory Guidance for the Conduct of Domestic Homicide Reviews*. However, the *Guidance* does not prevent a review beginning if the circumstances allow.

5. **Learning from reviews:** Julia Dwyer's session opened our eyes to some concerning figures. One third of local authorities do not have domestic violence services for women, police are not routinely risk assessing, there is a lack of understanding of domestic violence in the police and limited training. The determination to do something about this was strongly echoed in Frank Mullane's presentation, where he described domestic homicide reviews as exercises in humility. Chairs must believe there is something that can be learnt from reviews.

Electronic versions of the presentations are available online and for download at www.sequelinetwork.com.

Gillian Downham 7 July 2012