



Report To:	Inverclyde Alliance Board	Date: 19th March 2018
Report By:	Louise Long Corporate Director (Chief Officer) Inverclyde Health and Social Care Partnership (HSCP)	Report No:
Contact Officer:	Sharon McAlees Head of Criminal Justice & Children's Services	Contact No: 715282
Subject:	Update on Domestic Abuse	

1.0 PURPOSE

- 1.1 The purpose of this report is to provide an update on domestic abuse, both from a national and local perspective.
- 1.2 In addition, this report will highlight work underway by the Inverclyde Community Justice Partnership focusing on perpetrators of domestic abuse as agreed at the Alliance Board meeting on 19th June 2017.

2.0 SUMMARY

- 2.1 The Domestic Abuse (Scotland) Bill was passed in the Scottish Parliament on 1st February 2018. This introduces a new statutory offence of domestic abuse that supports existing legislation while recognising psychological harm and coercive behaviour. This includes as an isolated incident or as a course of behaviour.
- 2.2 Domestic abuse is defined as:

"any form of physical, verbal, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere including online."
- 2.3 It is anticipated that the Scottish Government is extending the roll-out of the Caledonian Programme. This offers a prescriptive programme for perpetrators while also offering support to women and children as victims and witnesses.
- 2.4 Following the undertaking of a mapping of existing processes and available data, Inverclyde Community Justice Partnership has had an initial discussion with Community Justice Scotland proposing an alternative model based on early intervention and "healthy relationships". Such a model may have a more significant impact with regards to reducing the overall incidents of domestic abuse in Inverclyde which, although having a degree of fluctuation, have remained fairly static since 2007-2008.

3.0 RECOMMENDATIONS

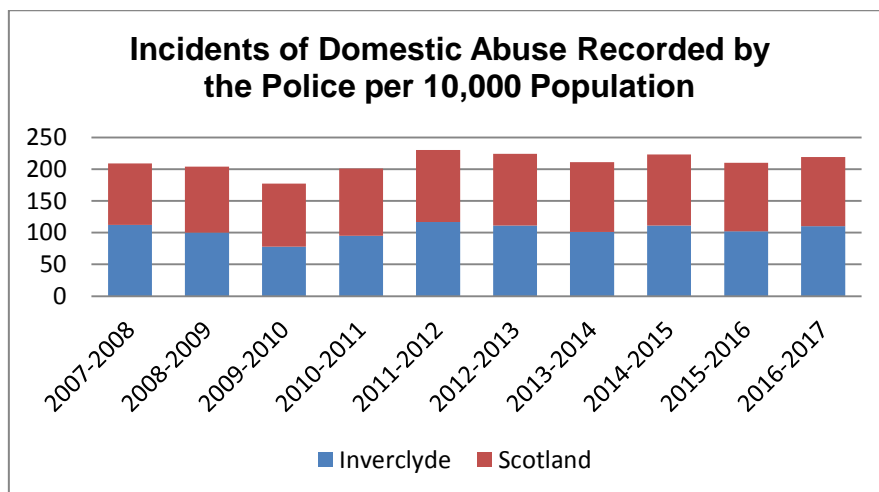
3.1 It is recommended that the Inverclyde Alliance Board:

- a. Notes the updates.
- b. Agrees the developments being made by the Inverclyde Community Justice Partnership.

**Louise Long
Chief Officer
Inverclyde HSCP**

4.0 BACKGROUND

- 4.1 The Scottish Government introduced the Domestic Abuse (Scotland) Bill to the Scottish Parliament on 17th March 2017 and the Bill passed with cross party support on 1st February 2018.
- 4.2 The Scottish Government's Domestic Abuse (Scotland) Bill provides for a statutory offence of domestic abuse against a partner or ex-partner. It sets out three conditions, all of which must be proven if there is to be a conviction for the offence:
- The accused engaged in a course of behaviour which was abusive of the accused's partner or ex-partner;
 - A reasonable person would consider the course of behaviour to be likely to cause the partner / ex-partner to suffer physical or psychological harm;
 - The accused either intended the course of behaviour to cause such harm or was reckless as to whether it would.
- 4.3 The offence is intended to cover behaviour which is already criminal as well as abuse which might not be captured by the current law.
- 4.4 The Scottish Government has also indicated its intention to expand the Caledonian programme and invite Local Authorities to submit an application. The Caledonian System is the accredited integrated approach to addressing domestic abuse that combines a court-ordered programme for male perpetrators with support services for women and children affected by domestic abuse as both victims and witnesses. The programme commenced in 2011 and has been piloted in five former Community Justice Authorities covering thirteen Local Authorities. Inverclyde, being part of the former North Strathclyde Community Justice Authority, is not one of the pilot areas.
- 4.5 An evaluation of the Caledonian programme was published in September 2016. Whilst it reports that there is evidence to suggest that the Caledonian programme is associated with moves in the right direction in terms of the risk profiles of men who had completed the programme, it also states such a conclusion could only be deemed tentative due to significant gaps in the monitoring data. In addition, the evaluation points to a high attrition rate, with only 37% of men successfully completing the programme. Again, however, it states this figure needs to be treated with considerable caution given the declared issues with the monitoring data.
- 4.6 As part of the evaluation, qualitative interviews carried out with users of the women's service component suggests that the fact that this service works together with the men's programme as a system had contributed significantly to making them feel safer. Responses to other aspects of the service were mixed, particularly around the length of time the women's service is held open for, which is a full two years. Some women felt this was too long, particularly where they were no longer in a relationship with the perpetrator.
- 4.7 The Table below outlines the long term trend of both Scotland and Inverclyde of the number of domestic abuse incidents per 10,000 population. While there is a degree of fluctuation in the number of incidents year on year; in comparison to the national picture, Inverclyde remains very similar to the national trend pattern.



5.0 INVERCLYDE UPDATE

- 5.1 Following the Alliance Board meeting on 19th June 2017, it was agreed that the Violence Against Women Partnership and Community Justice Partnership would work together to consider domestic abuse from the perspective of the statutory partners' contribution in working with perpetrators.
- 5.2 A task and finish group was developed and included the Violence Against Women Coordinator, the Community Justice Lead, a Police Scotland representative and Criminal Justice Social Work.
- 5.3 An initial analysis was undertaken of available data. As outlined in the Domestic Abuse Recorded by the Police in Scotland 2016-2017 report published by the Crime and Justice Division; there were 872 incidents of domestic abuse in Inverclyde during this period. However 57% of these did not involve a crime or offence, resulting in no further action being taken in terms of criminal proceedings.
- 5.4 An information request was made to all of the statutory partners involved in the Community Justice Partnership about their role and contribution in this matter. A process map of this information was subsequently developed.
- 5.5 Of the 43% of incidents where a crime or offence had been committed, there was sufficient evidence for Police Scotland to report to the Procurator Fiscal (COPFS) service in 67.5% of these incidents and insufficient evidence to do so in the remaining 32.4% of incidents.
- 5.6 While the Procurator Fiscal service was unable to provide a breakdown of Inverclyde statistics; they did provide national statistics. This indicated that 85.4% of reported incidents were brought to Court and direct measures were given in 4.51% of incidents while no action was taken in 7.87% of those incidents reported to COPFS.
- 5.7 Of the 85.4% of domestic abuse incidents nationally that were brought to Court, 41% were for the offence of Breach of the Peace and 32.35% related to the offence of Common Assault.
- 5.8 The Procurator Fiscal service also shared a joint protocol between Police Scotland and COPFS relating to domestic abuse. This was produced in March 2017 and outlines a shared definition of domestic abuse being:

“Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place with the context of a relationship. The

relationship will be between partners (married, cohabitating, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere including online”.

- 5.9 As part of the quarterly Community Justice Engagement meetings with COPFS, it has been agreed that a future meeting will be dedicated to domestic abuse.
- 5.10 Scottish Courts advised they are unable to provide statistical information relating to the number of people who are convicted in Court relating to a domestic abuse incident.
- 5.11 The Scottish Prison Service advised they do not provide a dedicated group work programme relating to domestic abuse or gender violence for anyone serving a custodial sentence.
- 5.12 Criminal Justice Social Work currently provides the Individualised Management of Intimate Partner Violence Risk Programme (IMIPVR). During 2016-2017 there were 20 people who completed this programme as part of a Community Payback Order in Inverclyde.
- 5.13 In Inverclyde referrals can also be made to the Multi-Agency Risk Assessment Conference to provide support to the victim and the most serious cases will be discussed as part of the Multi-Agency Tasking and Coordinating process.

6.0 PROPOSALS

- 6.1 Following the collation of information and process mapping, an initial discussion has taken place between the Inverclyde Community Justice Partnership and Community Justice Scotland as to the possibility of developing a new approach in Inverclyde that focuses on early intervention and promoting a “healthy relationships” model. There are examples of such a model in England and whilst further work is needed to scope out the domestic abuse profile within Inverclyde, the initial indication is that this may provide a better fit with the risk and needs issues identified to date.
- 6.2 As can be seen from the above evidence, Inverclyde Community Justice Partnership along with the Violence Against Women Partnership are well placed to continue to consider research on alternative models and progress discussions with Community Justice Scotland to support such an initiative.

7.0 IMPLICATIONS

7.1 Legal:

There are no legal implications in respect of this report.

7.2 Finance:

Whilst there are no immediate financial implications in respect of this report, the adoption of an alternative model to that of the Caledonian system would come at a cost. As intimated earlier, Local Authorities will be invited to submit an application for the Caledonian system. It is important to note this is not a national roll out and thus applications may not be successful. There are clearly choices to be made about what intervention would fit best with the risk and needs profile within Inverclyde and ultimately how this might be resourced. Work between Inverclyde Community Justice Partnership and the Violence Against Women Partnership is ongoing in this regard, as is discussion with Community Justice Scotland.

7.3 Human Resources:

There are no HR issues within this report.

7.4 Equality and Diversity:

There are no equality or diversity issues within this report.

7.5 Inequalities:

Addressing inequalities is a key focus for Community Justice and underpins the whole model.

8.0 CONSULTATIONS

8.1 This report has been prepared by the Chief Officer, Inverclyde Health and Social Care Partnership (HSCP) after due consultation with statutory and third sector partners.

9.0 LIST OF BACKGROUND PAPERS

9.1 None.