



Department of

Justice

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**Domestic Abuse Offence and
Domestic Violence Disclosure Scheme –
A Consultation**

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Ministerial Foreword

Everyone has the right to feel safe and secure, particularly in their home. It is a fact, however, that there are people living in fear of those closest to them. Domestic violence and abuse is a violation of trust and as such it has a significant impact on the lives of victims, their wider family circle and, in some cases, leads to tragic and untimely deaths.

Domestic violence and abuse happens, behind closed doors, every day in homes across Northern Ireland. We must make every effort to bring domestic violence and abuse out into the open. As Minister of Justice I want to stop these incidents and crimes and to send a clear message that domestic violence and abuse, in any form, is wrong.

My officials have been working in partnership with the Department of Health, Social Services and Public Safety and key stakeholders to develop a new *Stopping Domestic and Sexual Violence and Abuse Strategy*, which will soon go to the Executive for endorsement and publication. I have also recently enacted legislation, through the Justice Act (NI) 2015, to introduce a number of additional provisions to improve the protection available to victims. The Act makes provision for the implementation of Domestic Violence Protection Notices and Orders in Northern Ireland and the additional offence of '*Causing or allowing child or vulnerable adult to suffer serious physical harm*'. Officials are working with colleagues in the wider justice family to introduce these measures in Northern Ireland. Whilst I anticipate that these initiatives will improve the protection available to victims, I want to go further in changing attitudes to domestic violence and abuse and improving the tools available to the criminal justice system. Accordingly, within this document I am seeking views on how we can go further to eradicate such violence and abuse.

It is now widely recognised that domestic abuse is not just about violence. Coercive and controlling behaviour can be more difficult to identify but can have an equally devastating impact on victims. In recognising this, the new strategy includes a revised Government definition of domestic violence and abuse to capture coercive and controlling behaviour. This consultation seeks your views on whether the law needs to be strengthened to keep pace with these developments and create a specific offence to capture patterns of coercive and controlling behaviour in intimate relationships.

I also recognise that whilst we protect victims, we must also prevent these incidents from happening in the first place. Therefore this consultation is also seeking views on whether current arrangements can be enhanced by the establishment of a Domestic Violence Disclosure Scheme in Northern Ireland. This scheme, sometimes known as Clare's Law, would be based on processes that would enable new partners of previously violent individuals to find out about their partner's history of violence and abuse. They could then make informed choices about how and whether they take that relationship forward.

Stopping domestic violence and abuse is one of the most important tasks we face as a Government and as a society. Your views and opinions will inform how and whether an additional offence and a disclosure scheme should be introduced in Northern Ireland.

DAVID FORD, MLA
Minister of Justice

1 – About this consultation

This consultation seeks views on:

- whether the DOJ should create a specific offence that captures patterns of coercive and controlling behaviour in intimate relationships, in line with the proposed new definition of domestic abuse contained within the draft *Stopping Domestic and Sexual Violence and Abuse Strategy* ; and
- disclosing information about an individual’s history of domestic violence to a new partner who is in an intimate relationship¹ with them. It seeks views on a suitable model where the public have a “right to know” or a “right to ask”, or whether current arrangements under existing legislation are sufficient. The consultation will also establish the potential scope for any disclosure scheme.

We invite comments from members of the public. **We are particularly interested to hear from victims and survivors of domestic violence and abuse.** This consultation also seeks the views of key stakeholders, and directly affected parties, including the police, practitioners, organisations and individuals with a direct interest in preventing domestic violence and abuse.

The result of initial screening is included in section 6 *‘Impact of consultation proposals’* and further detail can be accessed on our website alongside this consultation under *‘Equality Screening’*. If you are unable to access the website a copy can be sent to you on request.

For further information on how to respond please see section 8 *‘Consultation information’*.

¹ An *‘intimate relationship’* would be defined as a relationship between two people which may be reasonably characterised as being physically and emotionally intimate.

2. Introduction

Domestic violence and abuse is a clear violation of human rights and has no place in modern society. As part of our work towards addressing this issue the draft *Stopping Domestic and Sexual Violence and Abuse* Strategy proposes redefining domestic violence and abuse as:

‘threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member.’

The non-statutory Government definition of domestic violence and abuse has been revised in recognition of the range and pattern of behaviours used and, following agreement of the draft Strategy by the Executive, will include controlling and coercive behaviour.

Controlling behaviour is described as a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is described as an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten a victim.

Regional, national and international prevalence statistics indicate that in the majority of cases, the victims are women. However anyone can be a victim/survivor as domestic violence and abuse is a widespread problem, affecting people from all walks of life.

It is vital that we offer help and protection to victims and survivors of abuse.

3. Background to this consultation

The Department of Justice is committed to ensuring that the criminal justice system, including the Police Service of Northern Ireland (PSNI), has the tools needed to tackle domestic violence, protect victims and bring offenders to justice.

We have recently introduced a number of additional provisions to improve the protection available to victims under the Justice Act (Northern Ireland) 2015. The Act makes provision for the implementation of Domestic Violence Protection Notices and Orders in Northern Ireland and the additional offence of *'Causing or allowing child or vulnerable adult to suffer serious physical harm'*. Officials are working with colleagues in the wider justice family to introduce these measures in Northern Ireland. Whilst we anticipate that these initiatives will improve the protection available to victims, we want to go further in changing attitudes to domestic violence and abuse and improving the tools available to the criminal justice system.

***'Stopping Domestic and Sexual Violence and Abuse'* Strategy**

When developing the draft *'Stopping Domestic and Sexual Violence and Abuse'* Strategy we consulted on the document and sought views on the priorities that should be included. The draft Strategy contains a revised Government definition of domestic violence and abuse. The definition which now includes coercive and controlling behaviour in recognition that abuse often features the exertion of power and control, was welcomed by respondents to the consultation. They also highlighted that a potential priority should be a domestic violence disclosure scheme for Northern Ireland.

This consultation asks whether changing the law to capture patterns of non-violent behaviour within intimate relationships through a specific Domestic Abuse offence will offer better protection. The consultation also asks if there is a need for a disclosure scheme and, if so, how it should work. We also welcome views on whether these initiatives will encourage victims to have the confidence to report their abuse, and cause perpetrators to rethink their behaviour.

4. Should there be an offence of Domestic Abuse?

A number of existing offences capture the range of behaviours associated with domestic violence and abuse. Violence in a domestic context is clearly a criminal act and captured through offences that apply equally in a non-domestic setting, including common assault, assault occasioning actual bodily harm, wounding with intent to cause grievous bodily harm, sexual assault and rape. In 2014/15 PSNI recorded 3,801 crimes with a domestic abuse motivation under the heading 'violence with injury'.

Offences extend to non-physical violence where there is a threat of imminent violence. Non-violent coercive and controlling behaviour is also captured by legislation that covers harassment however this does not explicitly apply to coercive and controlling behaviour in intimate relationships. PSNI recorded 5,697 crimes with a domestic abuse motivation in 2014/15 under the heading 'violence without injury'.

There is no specific offence of domestic abuse outlining that coercive and controlling behaviour in an intimate relationship is criminal. It has been argued that this means the law is ambiguous and perpetrators of domestic abuse are committing criminal acts but not being brought to justice.

We now ask whether the law needs to change to make it clear that these behaviours are criminal when perpetrated in an intimate relationship to control someone or cause them fear.

There are arguments for and against making a specific domestic abuse offence. Victims of domestic abuse often fear the consequences that reporting their abuse might have for their families and even their perpetrators. Accessing the criminal justice system can be intimidating, particularly where a victim is likely to remain emotionally involved with their perpetrator. In making new laws we must carefully consider the concerns victims may have about accessing the criminal justice system. Creating a new offence may also be seen as duplicating existing legislation relating to harassment.

Conversely, creating a specific offence of domestic abuse may send a clear, consistent message that non-violent control in an intimate relationship is criminal. Explicitly capturing this in legislation may also help victims identify the behaviour they are suffering as wrong and encourage them to report it, and cause perpetrators to rethink their controlling behaviour.

We are seeking views on whether the law needs to change by creating a specific offence that criminalises coercive and controlling behaviour in intimate relationships, in line with the non-statutory definition. There is no need for greater clarity around violent behaviours, which are effectively criminalised through existing offences. However non-violent behaviours are criminalised through legislation that is not explicitly applicable to intimate relationships. We ask whether this needs to change to offer better protection to victims of domestic abuse.

Questions

- 1) Does the current law adequately provide sufficient protection to victims of domestic abuse?
- 2) Should the law be strengthened, for example, to include a specific domestic abuse offence that captures patterns of coercive and controlling behaviour in intimate relationships?
- 3) How would any changes be practically implemented?

5. Options for disclosing information on domestic violence

We are also seeking views on a domestic violence disclosure scheme. In 2014/15 six people were killed by their partner/former partner in Northern Ireland.

The case of Clare Wood, who was murdered by her former partner in Greater Manchester in 2009, brought to national attention the issue of disclosing information about an individual's history of domestic violence to a new partner. Noting that her former partner had three previous convictions under the Protection from Harassment Act 1997, the Coroner's report into the murder published in July 2011 contained the following recommendation:

subject to appropriate risk assessment and safeguard, I recommend that consideration should be given to the disclosure of such convictions and their circumstances to potential victims in order that they can make informed choices about matters affecting their safety and that of their children.

We are seeking views on whether the existing legal provisions for disclosing information to an individual (referred to in this consultation as "A") about previous violent offences committed by another individual (referred to in this consultation as "B", and who has an intimate relationship with 'A') are sufficient, or whether the protection available to 'A' should be extended by establishing a domestic violence disclosure scheme with recognised and consistent processes for the PSNI to consider the disclose of information to 'A'. The advantage of such a scheme is that new partners of previously violent suspects can make informed choices about how and whether they take forward that relationship.

We are seeking views on the scope of disclosure and on the four proposed options by which disclosure could take place.

OPTION 1: CONTINUE CURRENT ARRANGEMENTS UNDER EXISTING LAW

The PSNI already has common law powers to disclose information relating to previous convictions or charges to 'A' where there is a pressing need for disclosure of the information concerning 'B's' history in order to prevent further crime. It therefore follows that currently:

- any member of the public can already ask the PSNI for information about a third-party's violent history; and
- the PSNI has discretion on whether to disclose the information if there is a need to prevent a further crime.

With regards to Public Protection Arrangements in Northern Ireland (PPANI), a violent offender, assessed as Category 2 or 3² on the PPANI risk classification, is subject to multi-agency assessment and risk management. Risk management is regularly reviewed at multi-agency local area public protection panel (LAPPP) meetings which will consider, where identified as a current issue, the case for disclosure of previous convictions to any identified potential new victims. PPANI agencies are currently in the process of piloting a new risk management structure – the Four Pillars Model – which would require the issue of disclosure to be discussed formally at every LAPPP meeting.

DOJ is seeking views on whether the existing provisions for disclosing information to 'A' about previous violent offences committed by 'B' are sufficient, or whether the protection available to 'A' should be extended by establishing a domestic violence disclosure scheme for Northern Ireland with recognised and consistent processes for PSNI to disclose information to 'A'. The advantage behind such a scheme is that new partners of previously violent suspects can make informed choices about how and whether they take forward that relationship. DOJ seeks views on whether the current arrangements are sufficient to provide protection for 'A'.

² Category 2 offenders are those whose previous offending and/ or current behaviour, and/or current circumstances, present clear and identifiable evidence, that the offender could cause serious harm through carrying out a contact sexual or violent offence. Category 3 offenders are those for whom those risks of causing serious harm are assessed as being highly likely.

Questions

- 4) To what extent do you believe that the current arrangements are effective in preventing domestic violence?
- 5) How could the current arrangements be improved?

Please note it is unlikely that a domestic violence disclosure scheme will introduce any new legislation. Therefore, any disclosure must be within the existing legal framework and, in particular, have due regard to established case law, the Human Rights Act 1998 and the Data Protection Act 1998.

OPTION 2: A “RIGHT TO ASK” NATIONAL DISCLOSURE SCHEME

Under this option, DOJ envisages that ‘A’ would be able to ask the PSNI for a disclosure of ‘B’s’ past where ‘A’ has concerns about ‘B’s’ behaviour or background. We propose that the model might involve the following steps:

- Step 1:** after an initial enquiry by ‘A’ to the PSNI, the PSNI undertakes an initial check to identify whether any information is held on ‘B’;
- Step 2:** ‘A’ is met face-to-face to confirm their identity and that of ‘B’ and to confirm the relationship between ‘A’ and ‘B’, and to enable ‘A’ to complete a formal application for disclosure;
- Step 3:** the PSNI conducts full checks to inform a risk assessment for ‘A’;
- Step 4:** The PSNI refers information about ‘B’ to an appropriate multi-agency panel, which would then make a decision on whether to disclose the information to ‘A’. Such a decision would be informed by the risk assessment and whether appropriate safety measures can be put in place for the applicant. If disclosure is approved, then the disclosure would be made by the PSNI, ideally, with a support worker present in order to provide assistance to ‘A’ if required.

This may be subject to change following feedback received from consultation respondents.

Questions

- 6) Should a formal system be put in place to enable 'A' to ask the police for information about the previous violent behaviour of 'B'?
- 7) Do you agree that the proposed model, with appropriate modifications following consultation, is a suitable model to apply under this option?
- 8) What do you see as the potential risks and benefits? How might any risks be minimised?

OPTION 3: A “RIGHT TO KNOW” NATIONAL DISCLOSURE SCHEME

This option is based on Chief Constable Brian Moore's recommendation in his 2009 report – 'Tackling Perpetrators of Violence against Women and Girls' – that information about 'B's' previous history should be proactively disclosed in certain prescribed circumstances to 'A'. Under this option, the PSNI would proactively disclose information on 'B' which is held on PSNI records to a Multi-Agency Panel, which would then consider whether to disclose the information to 'A' and other third-parties (e.g. family members). The panel will be required to have the necessary knowledge and expertise to consider appropriate disclosure and ensure that appropriate safety and risk-assessment procedures are followed when disclosing the information.

Questions

- 9) Should a 'right to know' system be put in place to ensure that the PSNI proactively shares information to 'A' about the previous violent behaviour of 'B'?
- 10) What do you see as the potential risks and benefits of such a scheme? How might any risks be minimised?
- 11) What other mechanisms for disclosing information about a subject's violent behaviour do you consider appropriate

OPTION 4: A "RIGHT TO ASK" AND A "RIGHT TO KNOW" NATIONAL DISCLOSURE SCHEME

This option is based on the model that was adopted, following consultation, in England and Wales. The scheme was piloted in 2012/13 across four police force areas (Gwent, Wiltshire, Greater Manchester and Nottinghamshire) and assessed. The pilot assessment aimed to identify challenges experienced during the pilot in order to capture lessons learnt. Although implementation was perceived positively, some issues were identified across all pilot areas:

- Perceived bureaucracy of process.
- Low public awareness and understanding of the scheme.
- Limited frontline police officer awareness of the scheme.
- Need for further guidance about how the scheme overlaps with and complements other disclosure processes.

- Police officers felt it was difficult to practically manage the delivery of a Right to Know disclosure. Support services were concerned that this could place a potential victim at greater risk of domestic abuse if not managed carefully.
- Lack of consistency in information given in disclosures.
- Lack of consistency in follow-up support for non-disclosures.

Questions

- 12) Should both a 'right to ask' and a 'right to know' system be put in place to:
 - enable 'A' to ask the police for information about the previous violent behaviour of 'B', and
 - ensure that the PSNI proactively shares information to 'A' about the previous violent behaviour of 'B'?
- 13) What do you see as the potential risks and benefits of having both schemes in place? How might any risks be minimised?
- 14) What measures should be put in place to address some of the challenges identified during the pilot in England and Wales?

SCOPE OF DISCLOSURE

Regardless of the mechanism of disclosure to be used, important questions arise over the scope of any disclosure to be made. In similar disclosure schemes guidance specifies that information held by the police about a person should be categorised as either "concerns" or "no concerns". A situation where a category of "concerns" occurs will be where the person has convictions for certain offences or where there is intelligence known about the individual's previous history of violent behaviour (without convictions).

A further question arises over the nature of the relationship between 'A' and 'B' before a disclosure is considered, for example whether a family member may make an application on behalf of a sister/brother, daughter/son etc.

The Department is acutely aware that the safety of 'A' is paramount when considering whether to disclose information. Any disclosure process will build in appropriate risk assessment and safety procedures that can inform both the consideration of disclosure and its outcome. This detail will be developed and consulted upon with key stakeholders.

Questions

- 15) Should disclosure cover all violent behaviour by 'B' or only those relating to domestic violence instances?
- 16) Should disclosure of 'B's' violent behaviour be extended beyond convictions to encompass intelligence?
- 17) Do you agree that information should be disclosed to third parties other than 'A' (eg. a sibling or parent of 'A')?
- 18) What should be the extent of the relationship between the 'A' and 'B' before a disclosure is considered?
- 19) What in your view are the circumstances where a disclosure should not be made?
- 20) Are you aware of any disclosure scheme models in other jurisdictions that we should explore?

6. Impact of the consultation proposals

Equality impact

As a public authority the Department of Justice is required, under Section 75 of the Northern Ireland Act 1998, to have due regard to the need to promote equality of opportunity. Public authorities are also required to identify whether a policy has a differential impact upon relevant groups; the nature and extent of that impact; and whether such an impact is justified. These obligations are designed to ensure that equality and good relations considerations are made central to government policy development.

During the initial development of this consultation, DOJ has given due consideration to the impact a domestic abuse offence and a domestic violence disclosure scheme will have on different groups and does not consider that strengthening the law and the arrangements in Northern Ireland as set out in this consultation paper highlights any specific issues in relation to specific groups.

We believe these proposals would be beneficial through reinforcing the law and framework in Northern Ireland regarding domestic violence and abuse. They will ultimately facilitate further prosecutions and will help to ensure that victims and potential victims are protected and supported. The proposals have been subjected to Equality Screening and at this point, we do not consider that an Equality Impact Assessment (EQIA) is required. Our screening form is available on the DOJ website.

We envisage that a domestic abuse offence and/or any domestic violence disclosure scheme will apply equally to all individuals, and it is not envisaged they will adversely affect any particular group. We will however take account of the evidence gathered through this consultation in developing final policy proposals and revisit the issue if required.

Financial and public sector impact

We anticipate that the proposals in the consultation could have a significant cost impact. The Department of Justice will be seeking assistance from its statutory partners to establish costs of bringing forward these proposals.

Questions

- 21) What are your views on the impact of the current arrangements for different groups?
- 22) What are your views on the impact of a specific domestic abuse offence for different groups?
- 23) What are your views on the impact of a “right to ask” scheme for different groups?
- 24) What are your views on the impact of a “right to know” scheme for different groups?
- 25) Is there an opportunity to better promote equality of opportunity or good relations?
- 26) Are there any aspects of these proposals where you consider potential human rights violations may occur?

7. Next steps

A summary of responses will be published on the DOJ website following completion of the consultation period.

In relation to the disclosure scheme, if 2, 3 or 4 emerge as the preferred way forward, we, with key partners, will work the preferred option into a detailed disclosure model which will then be piloted.

If, following consideration of the consultation responses, DOJ's preferred way forward is to change the law on domestic abuse, we will work to develop this option into formal proposals for a new offence through legislative provisions.

8. Consultation information

Duration

The consultation will be open for 12 weeks. The closing date is Friday 29 April 2016.

Questions

The consultation questions are included through the document, at the end of each section and a consultation questionnaire can be accessed on our website.

Enquiries and Responses

Please address any enquiries you may have and responses to:

By phone: 028 9052 3772

By e-mail: Community.SafetyUnitProj@dojni.x.gsi.gov.uk

In writing: Community Safety Division
Room A4.24
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

After the consultation: a summary of responses report will be published on our website. Unless individual respondents specifically indicate that they wish their response to be treated in confidence, their name and the nature of their response may be included in any published summary of responses. Respondents should also be aware that the DOJ's obligations under the Freedom of Information Act may require that any responses, not subject to specific exemptions in the Act, may be disclosed to other parties on request.

Alternative Formats

An electronic version of this document is available in the consultation section of the Department of Justice website (www.dojni.gov.uk). Hard copies will be posted on request.

Copies in other formats, including Braille, large print or computer disk, may be made available on request. Please contact us if you need copies in an alternative language or format.

9. Consultation Questionnaire

Domestic Abuse Offence and Domestic Violence Disclosure Scheme - A Consultation

RESPONDING TO THE CONSULTATION

The Department of Justice (DOJ), is seeking your views on:

- whether there should be a specific offence that captures patterns of coercive and controlling behaviour in intimate relationships; and,
- what measures should be in place, if any, with regard to disclosing information about an individual's history of violence to an intimate partner/new partner

Please use this questionnaire to tell us your views on the draft document.

Please send your response, **no later than close of play on Friday 29 April 2016**, to:

Department of Justice
Community Safety Division
Room A4.24
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Tel: 028 9052 3772

E-mail: Community.SafetyUnitProj@dojni.x.gsi.gov.uk

Please note that all responses will be treated as public and may be published on the DoJ website. If you do not want your response to be used in this way, or if you would prefer for it to be used anonymously, please indicate this when responding (See Statement of Confidentiality and Access to Information Legislation below).

Confidentiality and Access to Information Legislation

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information legislation: these are chiefly the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice (section 45) with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the DoJ.

For further information about confidentiality of responses please contact the Information Commissioner's Office

***Northern Ireland Information Commissioner's Office
3rd Floor
14 Cromac Place
Belfast
BT7 2JB***

Tel: 028 9027 8757
or 0303 123 1114
Email: ni@ico.org.uk

Website: <http://www.ico.org.uk/>

Please tick the box below if you want your response to be treated as anonymous.
(Response details may still be shared under any future Freedom Of Information requests.)

[] I want my response to be treated as anonymous.

Thank you for completing this questionnaire and providing input to this consultation.

SECTION 1: ABOUT YOU

Consultee Details

Question (a):

I am responding as... *(Please tick one option only)*

A member of the Public

On behalf of an organisation

Other.....*(Please specify)*

Question (b):

Please enter your details below:

Name:

Job Title: *(if applicable)*

Organisation: *(if applicable)*

Address:

City/Town:

Postcode:

Email Address:

TOPIC: SHOULD THERE BE AN OFFENCE OF DOMESTIC ABUSE

This consultation seeks views on whether the DOJ should create a specific offence that captures patterns of coercive and controlling behaviour in intimate relationships, in line with the proposed definition of domestic abuse as set out in the draft *Stopping Domestic and Sexual Violence and Abuse Strategy*.

Question 1:

Does the current law adequately provide sufficient protection to victims of domestic abuse?

(Please tick one option only)

Yes

No

Please provide more detail below.

Question 2:

Should the law be strengthened, for example, to include a specific domestic abuse offence that captures patterns of coercive and controlling behaviour in intimate relationships?
(Please tick one option only)

- Yes
- No

Please provide more detail below.

Question 3:

How would any changes be practically implemented?

Please provide detail below.

OPTIONS FOR DISCLOSING INFORMATION ON DOMESTIC VIOLENCE

The consultation seeks views on disclosing information about an individual's history of domestic violence to a new partner. It seeks views on a suitable model where the public have a "right to know" or a "right to ask", or whether current arrangements under existing legislation are sufficient. There are three options we would like you to consider:

Option 1: Continue current arrangements under existing law

Option 2: A "Right To Ask" National Disclosure Scheme

Option 3: A "Right To Know" National Disclosure Scheme

Option 4: A "Right To Ask" and a "Right To Know" National Disclosure Scheme

OPTION 1: CONTINUE CURRENT ARRANGEMENTS UNDER EXISTING LAW

Question 4:

To what extent do you believe that the current arrangements are effective in preventing domestic violence?

Please provide detail below.

Question 5:

How could the current arrangements be improved?

Please provide detail below.

OPTION 2: A “RIGHT TO ASK” NATIONAL DISCLOSURE SCHEME

Question 6:

Should a formal system be put in place to enable ‘A’ to ask the police for information about the previous violent behaviour of ‘B’?

(Please tick one option only)

Yes

No

Please provide more detail below.

Question 7:

Do you agree that the proposed model, with appropriate modifications following consultation, is a suitable model to apply under this option?

(Please tick one option only)

Yes

No

Please provide more detail below.

Question 8:

- a) What do you see as the potential risks and benefits?
- b) How might any risks be minimised?

Please provide detail below.

OPTION 3: A “RIGHT TO KNOW” NATIONAL DISCLOSURE SCHEME

Question 9:

Should a ‘right to know’ system be put in place to ensure that the PSNI proactively shares information to ‘A’ about the previous violent behaviour of ‘B’?
(Please tick one option only)

Yes

No

Please provide more detail below.

Question 10:

- a) What do you see as the potential risks and benefits of such a scheme?
- b) How might any risks be minimised?

Please provide detail below.

Question 11:

What other mechanisms for disclosing information about a subject's violent behaviour do you consider appropriate?

Please provide detail below.

OPTION 4: A “RIGHT TO ASK” AND A “RIGHT TO KNOW” NATIONAL DISCLOSURE SCHEME

Question 12:

Should both a ‘right to ask’ and a ‘right to know’ system be put in place to:

- enable ‘A’ to ask the police for information about the previous violent behaviour of ‘B’, and
- ensure that the PSNI proactively shares information to ‘A’ about the previous violent behaviour of ‘B’?

(Please tick one option only)

Yes

No

Please provide more detail below.

Question 13:

- a) What do you see as the potential risks and benefits?
- b) How might any risks be minimised?

Please provide more detail below.

Question 14:

What measures should be put in place to address some of the challenges identified during the pilot in England and Wales?

Please provide more detail below.

Scope of Disclosure

Question 15:

Should disclosure cover all violent behaviour by 'B' or only those relating to domestic violence instances?

(Please tick one option only)

Yes

No

Please provide more detail below.

Question 16:

Should disclosure of 'B's' violent behaviour be extended beyond convictions to encompass intelligence?

(Please tick one option only)

Yes

No

Please provide more detail below.

Question 17:

Do you agree that information should be disclosed to third parties other than 'A' (e.g. a sibling or parent of 'A')

(Please tick one option only)

Yes

No

Please provide more detail below.

Question 18:

What should be the extent of the relationship between the 'A' and 'B' before a disclosure is considered?

Please provide detail below.

Question 19:

What in your view are the circumstances where a disclosure should not be made?

Please provide detail below.

Question 20:

Are you aware of any disclosure scheme models in other jurisdictions that we should explore?

(Please tick one option only)

Yes

No

Please provide more detail below.

IMPACT OF THE CONSULTATION PROPOSALS - EQUALITY AND HUMAN RIGHTS

Section 75 of the Northern Ireland Act 1998 requires Departments to “have due regard” to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without. Departments are also required to “have regard” to the desirability of promoting good relations between persons of a different religious belief, political opinion or racial group.

Question 21:

What are your views on the impact of current arrangements for different groups?

Please provide detail below.

IMPACT OF THE CONSULTATION PROPOSALS - EQUALITY AND HUMAN RIGHTS

Question 22:

What are your views on the impact of a domestic abuse offence for different groups?

(If you consider there will be adverse impact on certain groups, please give details and comment on what you think should be added or removed to alleviate this impact.)

Please provide detail below.

Question 23:

What are your views on the impact of a “right to ask” scheme for different groups?

(If you consider there will be adverse impact on certain groups, please give details and comment on what you think should be added or removed to alleviate this impact.)

Please provide detail below.

Question 24:

What are your views on the impact of a “right to know” scheme for different groups?

Please provide detail below.

Question 25:

Is there an opportunity to better promote equality of opportunity or good relations?
(Please tick one option only)

- Yes
- No

Please give details as to how.

Question 26:

Are there any aspects of these proposals where you consider potential human rights violations may occur?

(Please tick one option only)

Yes

No

Please give details.

Please use the space below to provide any additional comments you may have.

It would be helpful if you reference which part of the document you are commenting on. If you refer to any other documents, please provide the title, author and if possible approximate date of publication.