

Social Services and Domestic abusers.

As part of our series of reports based on the 44 questions put to the local authority councils, covering the whole of the UK we included questions regarding domestic abuse. These questions were primarily formed to gather information in regards to safeguarding measures social workers could take to protect both parents and children from known abusers. Of the 207 local authority councils these questions were sent to 74 outright refused to answer any questions posed to them. Furthermore, these questions were sent in the form of freedom of information as well as general requests for information. The reporter thanks every council who supplied information in response to these questions.

Question 1.

Does child social services report domestic abusers to the local police? If not, is there a reason for this?

Before looking at the answers received it is important to distinguish the difference between domestic abuse and child abuse.

Domestic abuse is primarily abuse that occurs between adults. This is defined as any incident or pattern of incidents between those aged 16 or over who have been intimate partners or family members and includes coercive or threatening behaviour, violence or abuse.

Child abuse is primarily viewed as abuse that occurs to a child at the hands of a parent or adult. However, the definition of child abuse states that this is intentionally harmed by an adult or another child and can include a one off incident as well as a pattern of incidents, including degrading behaviours, coercive, threatening behaviours as well as physical and other forms of abuse.

The answers received to this question were mainly in regards to local authorities raising concerns with the police when a child was abused. 80 % of answers based their yes on child abuse cases not domestic abuse. The other 20 % stated they would advise the abused parent to speak to the police in regards to domestic abuse but only a few responses said they would discuss the situation of domestic abuse with the police themselves to raise a safeguarding concern or complaint on behalf of the victim.

To clarify, types of responses received were along the lines of..

1. We work closely with the police and would encourage the victim to talk to the police in regards to domestic abuse incidents.
2. This happens as part of the referral process but we can not instigate a police report as we are not the victim.

3. Yes, where there has been abuse to a child we would raise this with the police as per our policies and protocols.
4. Children's social services work closely and in partnership with the police to safeguard children.
5. No, child social services take into consideration the wishes of the victim, we would encourage the victim to speak to the police but we would not raise this on the victims behalf. The reason children's services do not report a domestic abuse incident to the police, is to ensure we follow the wishes of a victim/survivors through the empowerment model, victims however will always be encouraged to report via a criminal or civil route.
6. Where a child is suspected to be suffering or at risk of suffering significant harm, Children's Services have a Duty to share information with the police. This would include children who are exposed to Domestic Abuse.
7. As our referrals are often raised by the police, we would not need to do this as the police would already have this information.

As you can see, the responses were mixed, with the emphasis placed on the victims to report domestic abuse to the police themselves compared to the local authority raising concerns with the police in respect of child abuse.

When you take into consideration the fear that domestic abuse victims are living with the fact that children's social services do not raise these incidents with the police is difficult to comprehend. Often these victims feel they can't speak out for fear of reprisals and may also be in fear of their lives. The reporter is not saying that the local authority has to request an investigation from the police for every incident, but it would be beneficial for the police to log these incidents in order to gather a behavioural pattern to see if the incidents are escalating.

Question 2.

How often do child social services help a domestic abuse victim, how long does it take for them to help and how long does that help continue for?

Responses to this question included the following information.

1. When assessing a child's circumstances all victims are offered support. Legally we have 45 days to complete that assessment. If a child is in immediate danger this decision is generally made within an hour.
2. Where needs are identified, referrals to third parties are made.
3. Domestic abuse is the most common reason for the local authority to become involved. Length of time and interventions required are case specific so no time frame can be given.
4. There is no set timescale and intervention can range from early help to universal services.

5. One area reported that there were 3,277 domestic abuse offences reported to the police in the financial year of 2020-21. 777 of these were high risk cases managed by a specialist unit. 518 were high risk managed by multi-agency MARAC and 719 children cases managed by domestic abuse MARAC.
6. Another council told us they've recently launched a new hub to support domestic abuse victims and so far they have supported over 380 families.
7. Another council told us. The Domestic Abuse Team have responded to 1307 referrals from 01/01/2021 to date. This is offered within 2 working days and will continue as long as is required.

From the statistics gathered, albeit not many, it would appear that the local authorities in some areas are starting to look into this situation on a more detailed level than others. If every local authority started keeping data on this subject matter it would be easier to understand if domestic abuse is on the increase or decrease. It would also help to understand the scope of the problem and work out what steps need to be taken to ensure that domestic abuse becomes a thing of the past. The reporter understands that there is the chance domestic abuse in some form will happen no matter what education, resources, policies, protocols or laws are out into effect. However, society needs to understand the scope of a problem in order to prioritise a response or responses to combat the issues.

There are still segments of society who believe domestic abuse is something that doesn't happen very often, that it only happens to certain groups within society and that it really isn't a widespread issue.

To further understand issues such as domestic abuse, freedom of information requests were also sent to each police area within the UK. These statistics will be covered under our police FOI series of reports where the data received is currently being compiled into an easier to read format before the reports are written. As there is a lot of data to go through. Once this has been done these reports will be made available to download.

Question 3.

Does child social services warn new partners of abusers that they have a record of domestic abuse to help prevent further cases of abuse? If not, is this an area they are considering?

To a lot of people this question won't make sense because they'll automatically believe that a social worker would warn a parent if they became involved with an abuser. Others will cite the fact that even an abuser has a right to anonymity. What if the abuser isn't known as an abuser, what if the person was falsely accused of being an abuser? The different opinions regarding this question are vast and yet the question was still asked.

The main response regarding this question was that everyone who is worried about a potential partner can use Clare's law to request information from the police. Clare's Law and Sarah's Law statistics will be covered under our police FOI reports as we did ask the different police forces for statistics on how often people request this information.

Other responses included that it would be case dependent, that it would depend on the threshold and if the threshold is met or not, that they do not share this type of information, that confidentiality has to be upheld, GDPR rules, government guidelines etc. etc.

As such this would appear to the reporter as being a grey area.

So, let's take a look at Clare's Law.

Clare's law is a domestic violence disclosure scheme where domestic abuse victims can check on their partner's domestic abuse history. Although this is called Clare's law and some might think you can only obtain information regarding male abusers, the reporter has been told that this law covers female abusers as well as males. The gender of the person being requested information over is not a deciding factor.

The following information comes directly from the Gov.Uk website.

1. What are we going to do?

The Domestic Violence Disclosure Scheme (DVDS), also known as "Clare's Law" enables the police to disclose information to a victim or potential victim of domestic abuse about their partner's or ex-partner's previous abusive or violent offending.

We will put the guidance on which the DVDS is based into statute.

This will place a duty on the police to have regard to the guidance and will strengthen the visibility and consistent operation of the scheme.

We endorse the Government's decision to place the guidance to the police on the Domestic Violence Disclosure Scheme (DVDS), also known as Clare's law, on a statutory footing. We believe this will increase awareness of the DVDS among the general public and so those who could benefit from it.

Report of the Joint Committee on the Draft Domestic Abuse Bill, June 2019

2. How are we going to do it?

The Act requires the Home Secretary to issue guidance to chief officers of police about the disclosure of information by police forces for the purposes of preventing domestic abuse.

The Act does not change the legal basis under which the police can make a disclosure, but places a duty on the police to have regard to the guidance about the DVDS.

This will make sure that the scheme is used and applied consistently across all police forces and will help increase the number of applications.

3. Background

The DVDS, often referred to as “Clare’s Law”, was implemented across all police forces in England and Wales in March 2014.

The scheme has two elements: the “Right to Ask” and the “Right to Know”. Under the scheme an individual or relevant third party (for example, a family member) can ask the police to check whether a current or ex-partner has a violent or abusive past. This is the “Right to Ask”. If records show that an individual may be at risk of domestic abuse from a partner or ex-partner, the police will consider disclosing the information.

The “Right to Know” enables the police to make a disclosure on their own initiative if they receive information about the violent or abusive behaviour of a person that may impact on the safety of that person’s current or ex-partner. This could be information arising from a criminal investigation, through statutory or third sector agency involvement, or from another source of police intelligence.

A disclosure can be made lawfully by the police under the scheme if the disclosure is based on the police's common law powers to disclose information where it is necessary to prevent crime, and if the disclosure also complies with established case law, as well as data protection and human rights legislation. It must be reasonable and proportionate for the police to make the disclosure, based on a credible risk of violence or harm.

4. Why do we need the DVDS when the police already have common law powers to make a disclosure?

It is true that the police already have common law powers to disclose information relating to an individual's previous convictions or charges, where there is a pressing need for such a disclosure in order to prevent further crime.

The DVDS provides the police with a clear framework, with recognised and consistent processes, for the exercise of these powers in the context of domestic abuse.

Putting the guidance on a statutory footing will make sure the scheme is applied consistently across all police forces and will help increase the number of applications.

5. Doesn't the DVDS put people at greater risk following disclosure?

We recognise that one of the most dangerous times can be the point at which someone seeks to leave a relationship. However, we believe that potential victims should be empowered to make informed choices about whether to continue their relationships.

The guidance on the scheme is clear that all disclosures must be accompanied by a robust safety plan, tailored to the needs of the victim or potential victim and based on all relevant information available.

6. Isn't the DVDS an infringement on civil liberties?

The police must satisfy several tests before a decision to disclose is made under the scheme – that the disclosure is necessary to protect the person from being the victim of a crime, that there is a pressing need for the disclosure, and that the interference with the perpetrator's rights is necessary and proportionate for the prevention of crime.

Any decision to disclose under the scheme will be made based on the facts of each individual case, and the police can seek legal advice where necessary.

7. Wouldn't it be better to have a national "register" of domestic abuse perpetrators?

The police already maintain a number of databases which will hold details of domestic abuse perpetrators, for example the Police National Computer, Police National Database and the ViSOR Dangerous Persons Database.

The Home Office and the Ministry of Justice have jointly funded a project to create the new Multi-Agency Public Protection System (MAPPS) which will allow ViSOR, which is now outdated, to be decommissioned. MAPPS will have much greater functionality than ViSOR, enabling Criminal Justice agencies to more efficiently share information, improving the risk assessment and management of MAPPA nominals, including domestic abuse perpetrators.

Domestic Abuse Protection Orders under the Act and Stalking Protection Orders which were introduced in January 2020 provide an additional tool for managing the risk posed by perpetrators, by enabling courts to impose a range of conditions including notification requirements and positive requirements.

8. Key facts

In the year ending March 2020, 8,591 'right to know' applications were applied for in England and Wales. 4479 (52%) applications resulted in disclosure.

In the year ending March 2020, 11,556 'right to ask' applications were applied for in England and Wales. 4,236 (37%) applications resulted in disclosure.

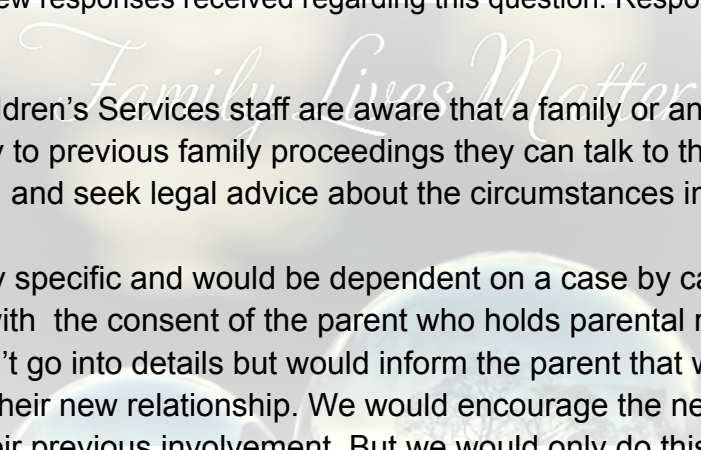
<https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-violence-disclosure-scheme-factsheet>

Question 4.

Does child social services explain previous social services involvement to new partners? If not, is this an area they are considering?

Unlike question 3 above, this question is in relation to any child social services involvement and would also cover the topic of child abuse.

Again, there were few responses received regarding this question. Responses included the following.

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1. Where Children's Services staff are aware that a family or an individual has been party to previous family proceedings they can talk to the individual concerned and seek legal advice about the circumstances in which this can be shared.
 2. This is very specific and would be dependent on a case by case basis, but also only with the consent of the parent who holds parental responsibility.
 3. We wouldn't go into details but would inform the parent that we have concerns regarding their new relationship. We would encourage the new partner to discuss their previous involvement. But we would only do this if we were made aware of the situation.
 4. Children's Social Care is a key safeguarding partner within the Multi Agency Risk Assessment Conference (MARAC) process that meets on a weekly basis locally. They consider all new referrals relating to high-risk domestic abuse and is a multi-agency forum to explore support that is required for the domestic abuse victim, the safeguarding of any children or vulnerable adult involved and services to engage the alleged perpetrator. The range of services contained within MARAC includes the proactive disclosure of information relating to a person's previous history where that includes a history of domestic abuse. This disclosure process is managed by the police who are a member of the MARAC process. Such disclosures can be made in appropriate circumstances by police either upon request by a member of the public concerned about the possible history of a partner, or by a professional working with that service user. This process is often referred to as Claire's Law disclosures.

5. Children's Services follow statutory guidance set out in Working Together to Safeguard Children which is publically available
6. Careful consideration is given to sharing information in accordance with the law, when a child is considered to be suffering or at risk of suffering significant harm. Children's Services work with partner agencies such as police and probation around the disclosure of such information.

As you can see this is dependent upon the situation and level of threat, it is also dependent on the area you live and again councils stated that Clare's law is available to find out this type of information.

Question 5.

How often do child social services put adults / children at risk of abuse by not informing / sharing information about the conduct of a new partner? For example a person is well known to child social services in any area of abuse and they do not inform or share information that could protect an innocent person who starts a relationship with the abuser? If there are any reports or statistics since 2010 on this per calendar or financial year this would be helpful. If there is no evidence of this it will also be helpful.

No statistics were supplied by any local authority council. The questioner was accused of trying to uphold a biased theory or premise that was inflammatory. Other responses stated it would take over 18 hours to check individual files for information pertaining to this question and again some councils stated that everyone can access Clare's law in order to protect themselves and their children from abuse.

Question 6.

What do child social services view as breaking confidentiality in regards to information they hold and give out? How often has this happened since 2010 per calendar or financial year if statistics are available.

1 council gave us the following statistics in regards to breaches.

2016 = 1

2018 = 2

2019 = 7

2020 = 4

2021 = 3 to date (nov)

Another council told us since 2018 there's been 26 potential data breaches.

Another council supplied the following statistics.

2012-13 = 30

2013-14 = 40

2014-15 = 43

2015-16 = 21

2016-17 = 31

2017-18 = 39

2018-19 = 76, 13 of these were child data.

2019-20 = 140, 7 of these were child data.

2020-21 = 93. 13 of these were child data.

From the few statistics available it would appear that data breaches of many different types do happen. It would be interesting to know how often this happens each year within the UK and how many are minor, child data related, serious and of major concern.

Most of the responses stated they follow GDPR regulations and could not state how many breaches occurred as they do not keep statistics.

Where we owe a duty of confidence to the information we process, a breach of confidentiality would be considered if the disclosure did not meet one of the following legal pathways

- We did not obtain the consent of the individual or their parent / legal guardian, or the client was not fully informed of the process around for disclosure, prior to disclosure
- The disclosure did not have a basis, or is permitted, by law
- The disclosure did not meet a public interest test.

Within a social care setting, safeguarding is always seen as a priority, so if a child is at risk, information will be considered specifically under public interest requirements and shared as part of a safeguarding obligations under the following legislation

- Children's Act 1989
- Children and Families Act 2014
- Data Protection Act
 - Article 6 part (c) Public Task,
 - Article 9 Part (g) - Reasons of substantial public interest

- Schedule 1 Part 2 Paragraph 18 Safeguarding of children and individuals at risk

It is also interesting to note that no council actually explained what they defined as a breach of confidentiality.

The reporter hopes by reading this report the reader will start to question what they believed in relation to these questions prior to reading this report and hopes that the reader will continue to question what they believe to be facts or social myths.

The reporter also believes that Clare's law needs to be widely publicised so more members of society are aware of its existence. If people do not know they can check the history of a new or potential partner then domestic and child abuse will continue with new victims being made available to the perpetrators. The reporter also believes that the system needs to be updated where policies and protocols are concerned to ensure that perpetrators find it more difficult to continue their abuse and social workers are trained to encourage more potential victims to use Clare's law with support to avoid future abuse.

