

<b>STRONG AND SUPPORTIVE COMMUNITIES SCRUTINY COMMITTEE</b>	<b>Agenda Item No. 8</b>
<b>10 SEPTEMBER 2009</b>	<b>Public Report</b>

## **Report of the Community Safety & Substance Misuse Manager**

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### **DOMESTIC ABUSE AND SEXUAL VIOLENCE**

#### **1. PURPOSE**

This report is to advise the Committee of work undertaken by the Partnership in response to both domestic abuse and sexual violence.

#### **2. RECOMMENDATIONS**

The Committee are asked to consider current arrangements for addressing these areas of business, and to comment on areas where improvement or alternative approaches may prove more effective.

#### **3. LINKS TO CORPORATE PLAN, SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT**

The Sustainable Community Strategy and the Local Area Agreement aim to deliver a bigger and better Peterborough, through improving the quality of life for all. Domestic abuse impacts on the safety of our communities, and therefore by addressing it we contribute directly to the outcome of 'Making Peterborough Safer'.

National indicator 32: Repeat incidents of domestic violence, is a performance target within the Local Area Agreement.

#### **4. BACKGROUND**

##### **4.1 Safer Peterborough Partnership Plan**

The Safer Peterborough Partnership is required to produce a Partnership Plan which sets out the priorities for the partnership. The strategic priorities within this plan are:

- Serious Acquisitive Crime
- Anti Social Behaviour including arson
- Violent crime including hate crime and alcohol related crime
- Domestic abuse
- Sexual violence
- Road safety

Each of the partnership priorities has a theme lead who is responsible who works along side a Task and Finish Group to draw up an action plan and ensure that activity moves forward in line with milestones set within the plan.

The performance of the Task and Finish Group is robustly monitored and challenged through both the Performance Challenge Meeting and the Delivery Board which are chaired by Adrian

Chapman, Head of Neighbourhoods and report to the Safer Peterborough Partnership Board which is chaired by Chris Strickland, Deputy Chief Fire Officer, Cambs Fire and Rescue Service.

## **5 DOMESTIC ABUSE**

### **5.1 Definition**

Domestic Abuse is defined as physical, psychological, emotional, sexual and financial abuse that takes place within an intimate or family-type relationship and forms a pattern of coercive and controlling behaviour. Any person can experience domestic abuse regardless of race, ethnic or religious group, class, sexuality, disability or lifestyle.

### **5.2 Analysis of the problem**

Domestic abuse is a widespread and damaging crime, which affects, on average, one in four women and one in six men in their lifetime. It is also the violent crime least likely to be reported to the police, as illustrated by the following points:

According to British Crime Survey (BCS) 2005/06:

- Domestic abuse accounts for approximately 15% of violent crime nationally, accounting for 31% of all abuse against women
- On average, two women are killed a week as a result of domestic abuse
- One incident of domestic abuse is reported to the police every minute

The hidden nature of domestic abuse:

- Only a fifth of those who reported domestic abuse to the British Crime Survey told the police
- Whilst it is the most common form of abuse against women, it still remains under reported
- Approximately 90% of domestic abuse is perpetrated by men against women
- 1 in 4 women and 1 in 6 men are physically assaulted by their partner or ex-partner at sometime in their lives
- The priority given to family honour by many survivors stop them from publicly exposing the abuse and exploitation they are suffering
- Where there are children in the relationship 75-90% are in the same or next room at the time the abuse takes place
- Domestic abuse often starts or intensifies during pregnancy
- A woman will be assaulted an average of 35 times before reporting it to the police
- On average, women contact up to 10 different agencies before obtaining the help they need
- Domestic abuse takes as big a toll on the global economy as cancer, heart disease or AIDS
- Abuse against women causes more deaths and disability among women aged 15 - 44 than cancer, malaria, traffic accidents or war

Domestic abuse covers offences ranging from common assault to rape and murder as well as on-going emotional, financial and psychological abuse, all of which have a massive impact on victims, their children and the wider community.

### **5.3 Victim and offender profiles**

- Most victims of domestic abuse in Peterborough are female and are generally between the ages of 20-23. Children have been involved as victims of domestic related crime in approximately 5% of cases; however they are more likely to be present as witnesses, which may have significant psychological or emotional consequences.
- White British victims feature in 75% of cases which is in line with the number of White British offenders. White Other victims fall into the second highest category appearing as victims in 9% of cases, British Asian or Asian victims represent 8% of total cases.
- Repeat victims (victim in the last 12 months) appear in around 51% of cases according to analysis of the Domestic Abuse Referral Forms.

- The most serious cases are heard by the MARAC. Between April and September 2007, 84 different cases were heard by the MARAC: 31 of these victims suffered from a repeat incident within the following six months.
- The majority of the perpetrators of domestic abuse over the analysis period were men; 84% of offenders were recorded as male, with an average age of 34. Less than 5% of offenders were under the age of 18.
- White British offenders continue to be the most likely to commit domestic abuse, accounting for 75% of total offenders. White Other offenders also feature highly and this number has increased over the last year; this category covers a range of nationalities however from analysis of the nominals' birth place it would appear that Eastern European offenders are the main perpetrators, particularly those from Poland, the Czech Republic and Lithuania.

## **6 SEXUAL VIOLENCE**

### **6.1 Definition**

Sexual violence and childhood sexual abuse have a devastating effect on the lives of victims and their families and inspire fear in local communities. These crimes violate the basic right of women, men and children to be treated with dignity and respect, to have control over their own bodies and to live without fear of sexual violence and abuse.

Under the previous law as set out in the Sexual Offences Act 1956, the statutory definition of rape is any act of non-consensual intercourse by a man with a person; the victim can be either male or female. Consent is given its ordinary meaning, and lack of consent can be inferred from the surrounding circumstances, such as submission through fear. It is a defence if the defendant believed that the victim was consenting, even if this belief was unreasonable, and this is a matter of fact for the jury. Offences committed before 1 May 2004 will be prosecuted under the 1956 Act.

The word "consent" in the context of the offence of rape is now defined in the Sexual Offences Act 2003. A person consents if he or she agrees by choice, and has the freedom and capacity to make that choice. The essence of this definition is the agreement by choice. The law does not require the victim to have resisted physically. The question of whether the victim consented is a matter for the jury to decide, although we consider this issue very carefully when first reviewing the file. The prosecutor will take into account evidence of all the circumstances surrounding the offence.

We are aware that the meaning of consent can be of particular relevance in rapes where there has been, or is, a pre-existing relationship between the defendant and the victim, or where domestic violence has existed prior to the rape. As the 2003 Act makes it clearer what is meant by the term "consent", it will help juries in deciding whether the victim was able to, and did in fact, give his or her consent at the time.

The defendant must now show that his belief in consent was reasonable. In deciding whether the belief of the defendant was reasonable, a jury must have regard to all the circumstances, including any steps he has taken to ascertain whether the victim consented. In certain circumstances, it is presumed that the victim did not consent to sexual activity and the defendant did not reasonably believe that the victim consented, unless he can show otherwise. Examples of circumstances where the presumption applies are where the victim was unconscious, drugged, abducted or subject to threats or fear of serious harm.

#### **Definition on Sexual Assault**

A person (a) commits an offence if he; intentionally touches another person (b); the touching is sexual; the other (b) does not consent to the touching and (a) does not reasonably believe that (b) consents.

### **6.2 Why is tackling sexual violence important?**

The Home Office, in setting out the case for the development of Sexual Assault Referral Clinics (SARC's) in National Service Guidelines (2005) for developing SARC's, reports that sexual violence is much more common than people think

- 21% of girls and 11% of boys experience childhood sexual abuse
- 23% of women and 3% of men experience sexual assault as an adult. 5% of women and 0.4% of men experience rape.

It represents a form of gender inequality

- Most perpetrators are male and most victims are female. It is both a consequence of and a cause of gender inequality.

It causes fear in communities

- Women are more worried about rape than any other crime.

It can cause severe and long lasting harm to victims

- Direct physical health consequences of sexual violence and unwanted childhood sexual abuse include physical injury, sexually transmitted infections and unwanted pregnancy.
- Long term consequences of sexual violence and childhood sexual abuse include: post traumatic stress disorder; anxiety and panic attacks; depression; social phobia; substance abuse; obesity; eating disorders; self harm and suicide; domestic violence and in some cases offending behaviour. Childhood sexual abuse can also impact on educational attainment and school attendance.

Victims don't always get the support they need

- 40% of adults who are raped tell no one about it. 31% of children who are sexually abused reach adulthood without having disclosed their childhood sexual abuse. This means that the victims don't get the support they need to deal with the abuse or violence they have experienced.
- Where victims do try and access support, it hasn't always been available. We need to increase capacity in support services to deliver services for those who need them.

## **7 Partnership Response**

Each of these areas has a task and finish action plan which has a number of priority areas for activity.

### **7.1 Domestic abuse**

- Improved pathways for all to access domestic abuse support
- Domestic abuse prevention through a perpetrator focused approach
- Proactively intervening to protect victims from further offending
- Tackling honour based violence in communities

### **7.2 Sexual violence**

- Improved pathways for all to access sexual violence support
- Prevent and reduce the risk of offending/reoffending through interventions targeted at potential perpetrators
- Prevention of sexual violence through programmes targeted at those groups identified as at highest risk. These groups are: existing victims of sexual violence, sex workers; victims of domestic violence; young women at risk from binge drinking; women at risk for honour based violence and force marriage
- Communication, marketing and publicity

## **8 PERFORMANCE MEASURES**

The Partnership Plan has a number of targets against which performance is measured – some are in the Local Area Agreement and some are only in the Partnership Plan

## 8.1 Domestic Violence

### ***NI32 – Repeat instances of DV cases reviewed by MARAC***

The National Indicator measures the number of victims who suffer a repeat incident in the twelve months following their case being heard at MARAC for the first time. MARAC is a Multi Agency Risk Assessment Conference that considers and case manages all of those cases that are of the highest risk in the city ensuring that all resources from the different agencies are used to address the issues. *This national indicator is also included in the local area agreement.*

The target for to be achieved by March 2011 is 28%. On a month by month basis this means that in order to achieve this target by March 2010 the repeat level should be (in July 2009) 39.7%. Performance is currently at 33.1% which means we are performing better than the target.

### ***Number of MARAC cases heard***

The target is to hear 180 MARAC cases between April 2009-March 2010. At the end of July we had achieved 236 cases which is well above target.

## 8.2 Sexual Violence

At present, due to the developments of this service, performance measures are still being agreed within the partnership. However, there is a National indicator related to the support provided through a sexual assault referral centre (NI 26) and once the centre is open this measure will be used to measure performance.

We are also seeking to measure performance of the service that provides outreach to sex workers with a view to supporting them into drug treatment where necessary and address issues that impact upon their lifestyle. Once a review of this service is complete, this will also be used as a measure of success of our response.

## 5. IMPLICATIONS

The implications of domestic abuse and sexual violence are city-wide.

## 6. CONSULTATION

Extensive consultation took place to develop and agree the Community Safety Plan for 2009/10, in which domestic abuse is identified as a priority for Peterborough.

## 7. EXPECTED OUTCOMES

It is anticipated that Members will become more familiar with the issues regarding domestic abuse and the role of the MARAC in addressing repeat incidents. It is also anticipated that Members will provide challenge to the interventions developed, and offer suggestions for alternative measures.

## 8. NEXT STEPS

Following discussions at the Scrutiny Committee, any comments and recommendations will be taken to the Safer Peterborough Partnership Delivery Board for further discussion.

## 9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

Community Safety Plan 2009/10

## 11. APPENDICES

None

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