



APCC Consultation Response

Updating the domestic homicide review statutory guidance

29 July 2024

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Introduction

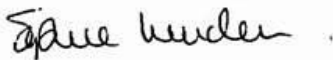
The Association of Police and Crime Commissioners (APCC) is the national membership body of Police and Crime Commissioners, Police, Fire and Crime Commissioners, Deputy Mayors for Policing and Crime and other police governance bodies in England and Wales (PCCs). It supports them to fulfil their statutory roles and deliver their priorities in their local policing areas, while providing national leadership and driving strategic change across policing, criminal justice, and the wider community safety landscape, to help to cut crime and keep communities safe.

This submission has drawn upon the views of APCC members through a survey response which received a total of 11 responses, including a combined response from the 4 Welsh PCCs, and a discussion workshop with colleagues for Office of Police and Crime Commissioners (OPCCs) to provide a national position on this consultation. We will focus on areas where we believe there is broad consensus among members, but we note there may be differences in views on some policy aspects. Each PCC area has been encouraged to submit a response directly to the consultation, to ensure local views are represented.

In our survey to members, we asked similar questions to those in the consultation in order to provide a response in line with the broad themes in the questions. However, as the role of PCCs in Domestic Homicide Reviews (DHRs) is predominantly in local oversight we wanted to examine the roles and responsibilities within that section in greater details, reflected in our questions.

While this consultation is concerned with DHRs we are mindful that the Home Office is also undertaking work on updating the CSP guidance. We strongly recommend that these reviews are aligned and the Home Office ensure consistency across the documentation in order to support local delivery.

We would also like to acknowledge the legislative change to the definition of these reviews, from DHRs to Domestic Abuse Related Death Reviews. However, in recognition of the terminology used in the draft statutory guidance upon which the Home Office is consulting, we have used the term DHR throughout our response.



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Consultation Response

Question 1:

Do you have any comments on 'Section 1.1 Purpose of a DHR' in terms of content or clarity?

PCCs agreed that the purpose of a DHR is to understand what lessons can be learnt from domestic abuse-related deaths and to identify and implement local and national learning to better safeguard victims of domestic abuse. PCCs also appreciated the emphasis on collaboration with local professionals, agencies, and the victim's families and friends to determine the lessons to be learnt from the death.

PCCs supported the primary focus on lessons learnt, but some noted that there is a need for clearer minimum expectations around sharing learning across the process from start to finish. The guidance should set expectations for sharing learning throughout, from planning the review, to during the process, and post the review.

PCCs welcomed the inclusion of a victim-centred and trauma-informed approach of conducting DHRs.

While the focus must remain on the victims, PCCs noted that greater clarity regarding perpetrator engagement is needed. They recommended that the guidance should reference identifying and preventing perpetrator behaviour.

PCCs also noticed a lack of clarity regarding both the definition and implementation of trauma-informed practice.

- PCCs recommended explicitly defining what is meant by 'conducted in a trauma-informed way'.
- PCCs stressed the necessity of trauma-informed training for those interacting with the victim's family and friends during this process, whether they are conducting, coordinating, or administering reviews.

Question 2:

Do you have any comments on 'Section 1.2 Criteria and definitions for a DHR' in terms of content or clarity?

PCCs generally agreed with the criteria and definitions for a DHR in terms of content, however, some suggested the need for clarity in certain areas, set out under Question 4.

Question 3:

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Do you think 'Figure 1: Domestic Homicide process map' is useful?

PCCs agreed that the domestic homicide process map is useful.

PCCs observed gaps in clearly defining roles and responsibilities at each stage, which are crucial for setting expectations throughout the process, this should include showing the local oversight roles within the map.

Additionally, PCCs suggested adding an approximate timescale to each stage. They acknowledge that some delays may occur due to criminal justice proceedings or at the Home Office Quality Assurance Panel end but believe that having a timescale would help set expectations.

Further suggestions from PCCs include:

- Including steps on how to share and implement the learnings from DHRs, as this is the main objective of these reviews.
- For PCCs in Wales, adding the Single Unified Safeguarding Review (SUSR) process map and clarifying the differences between the DHR and SUSR processes within the map.

Question 4:

Do you have any comments on 'Section 2: Conducting a DHR' in terms of content or clarity?

PCCs welcome the inclusion of death related to suicide but recommend better clarification on definition and criteria for DHR consideration.

PCCs observed a lack of clarity on how individuals who engage with victims' families and friends can acquire the appropriate skills to act in a victim-centred and trauma-informed manner, they panels may be ill-equipped and risk re-traumatising the victims' families and friends. Therefore, PCCs suggested mandatory training for those interacting with the victims' families and friends, including local authority representatives and DHR chairs/authors.

The guidance might be clearer on the responsibility of CSPs to understand the role of perpetrators and their support networks, and the responsibility of agencies to share information on past contacts.

Areas were broadly supportive of the scoping review process in regard to identifying cases for full review and identifying any action on early learnings quickly. Due to funding constraints for DHRs, resource must be targeted at those cases where there is most to be learnt, and is important these are identified from the scoping reviews. There could be more guidance on the decision-making process for undertaking a full DHR, and engaging victims' families on the outcomes of decisions. Practitioners must prevent further distress to families by ensuring timely notifications and avoiding potential interactions with perpetrators, when informing the family of a scoping review. There might also be guidance on how to take and action learning,

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where a decision is made not to take forward a full DHR, but none-the-less, there is important learning for partners.

The APCC would encourage the Home Office to incorporate learnings and findings within the guidance from the Domestic Abuse Commissioner's (DAC) commissioned Local Oversight Pilot, which includes direct reporting by either CSPs or PCCs.

Question 5:

Do you have any comments on 'Section 3.18 Role and responsibility of the DHR Chair' and Section 3.19 Role and responsibility of the CSP' terms of content or clarity?

PCCs agreed that more clarity is needed on the delineation of roles and responsibilities between CSPs, PCCs, and DHR Chairs. This will simplify the process of navigating issues around escalation and provide clarity for panel members, and most importantly, for the families involved in the DHR process.

Some areas stressed the need for greater clarity on how they can share recommendations. Offices noted challenges in convening agencies to identify how plans and recommendations should be disseminated. They observed, in some cases, agencies and partners either do not share recommendations or are unsure whether they can share recommendations due to potential data sharing limitations.

The guidance should clarify the levers and mechanisms by which partners and agencies take necessary actions and are held accountable, understanding the remits and responsibilities of each organisations i.e. PCCs can only hold the force to account.





The guidance should provide clarity on roles and responsibilities for each statutory agency and partner, with regards to conducting and funding the review, and actions resulting from a review. The guidance should be clear on escalation routes should agencies fail to progress actions.

Additional clarification needed include:

- PCCs identified significant differences in how DHR Chairs and Panels formulate recommendations and actions. Some follow SMART criteria and are prescriptive, while others are not. Additionally, some DHRs generate extensive recommendations, others do not.
- There needs to be a clear understanding that the CSP is a partnership and that the responsibility for DHRs falls equally to all statutory partners.
- It is necessary to more clearly specify at what stage CSPs should engage with PCCs.
- PCCs in Wales emphasised that the guidance should clearly outline that CSP responsibilities differ in Wales.

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Question 6:

Do you have any comments on 'Section 3.20 Role and responsibility of the PCC' terms of content or clarity?

PCCs agreed that they should have an oversight role as their responsibilities locally align with the desired outcomes of DHRs, therefore their involvement in supporting the process is key to improving local responses to prevent domestic abuse and homicide.

The guidance must provide greater clarity on that role to set clear expectations for PCCs and their partners. PCCs emphasised that the current guidance leaves room for interpretation, such as PCCs 'active engagement', 'assistance', or 'strategic advice' that CSPs can request in drafting and developing their action plans. PCCs stressed that further guidance is needed on the extent to which PCCs should be involved in the delivery of action plans. There is a risk that PCCs are pulled in multiple directions across complex layers of CSPs. Given the Home Office currently does not intend to provide additional resource, this exceeds what can be delivered under current available budget, time, or expertise.





Additionally, PCCs expressed concerns around delivering oversight on DHRs with regards to the operational independence of partners; PCCs can hold policing to account but do not have such influence over colleagues in other partner agencies. PCCs identified a lack of ownership and governance, when ensuring recommendations from DHRs are implemented and learnings are actioned. Offices highlighted their lack of authority to hold partners and agencies accountable for acting upon recommendations. PCCs noted that the governance arrangements are not explicit enough in this section. The guidance might better reflect the PCCs power to convene agencies, and the utilisation of multi-agency partnership forums in the development and delivery of the DHR action plans.

The guidance states that PCCs should collaborate with CSPs to organise knowledge-sharing events. Clarification is required on who will host these events and what role PCCs should play in publishing and disseminating the findings across relevant partners, supporting the role of the CSP. Some areas expressed concerns that this responsibility might overlap with the existing role of the DAC, the guidance should therefore provide clarity on the importance of identification of local learning versus the role of the DAC in providing national opportunities. The guidance might also clarify how CSPs or PCCs could escalate local concerns to the DAC for further investigation, or sharing.

PCCs stressed the importance of clear delineation of roles and responsibilities outlined in the guidance - Home Office, DAC, DHR Chairs, and CSPs - to prevent duplication.

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A widely shared concern across PCCs was the lack of resources and funding to take on any additional responsibilities as a result of the expectation to conduct oversight on DHRs. This is discussed under question 13.

Question 7:

Do you have any comments on 'Section 3.21 Role and responsibility of the Domestic Abuse Commissioner' terms of content or clarity?

PCCs supported the proposed role and function of the Domestic Abuse Commissioner's Office in DHRs. PCCs identified potential for duplication between the different roles and partnerships/offices across the DHR process, including the DAC and PCCs. There is a need to more clearly set out roles and responsibilities to avoid duplication.

The guidance might also provide information on how and if the DAC will act should agencies fail to respond to recommendations.

Question 8:

Do you have any comments on 'Section 3.22 Role and responsibility of the Home Office' terms of content or clarity?

PCCs urge the Home Office to provide more clarity on the Quality Assurance Panel's timelines for responses, and to improve the overall response time.

PCCs in Wales highlighted the absence of any mention of the Home Office's relationship with Regional Safeguarding Boards in Wales. This raises questions about the roles and responsibilities that the Home Office assumes regarding these boards in Wales.

PCCs in Wales also proposed that the role of the Welsh Government should be clarified. Given that most recommendations in DHRs in Wales concern devolved organisations, there has historically been limited sharing of DHRs' recommendation with the Welsh Government. Therefore, PCCs suggested Welsh Ministers should be informed of recommendations within their portfolio areas to facilitate learnings and improvements to policies and processes.

Question 9:

Do you think the DHR Toolkit is useful?

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PCCs agreed that the DHR Toolkit is useful.

Question 10:

Do you have any comments on the 'DHR Toolkit' in terms of content or clarity? How might your PCC and Office use the toolkit in your role in local oversight?

PCCs agreed that the DHR Toolkit is useful to ensure consistency.

PCCs proposed the implementation of an additional standardised document to track themes, enabling PCCs and CSPs to monitor recurring issues over time and identify instances where completed actions failed to effectively address underlying problems.

PCCs in Wales emphasised that the current DHR Toolkit is not applicable for Wales due to the SUSR process. They stressed the need to explicitly state in this section that in Wales, SUSR templates must be used to ensure compatibility with the Wales Safeguarding Repository.

Question 12:

Do you have any further reflections on how the guidance might be improved? Is there anything missing?

PCCs recommendations include:

- PCCs suggested a clear section on how DHRs are funded and resourced across partners.
- PCCs recommended a clear delineation of operational oversight roles to eliminate duplication/conflict.
- The guidance might provide greater direction on identifying the patterns and history of behaviours in perpetrators to ensure the focus for change remains firmly on the perpetrator and removes responsibility from the victims, delivering recommendations which improve practice.
- The Home Office might consider providing further guidance on the scoping review section to better support decision making and in the instance where it results in no DHR. Practitioners must avoid further distress to families through notifications delays and the potential risk of engaging with perpetrators, further guidance on how to engage with families on this process would be useful.
- The Home Office might consider providing additional guidance on the parallel review section, clearly indicating which review should take precedence and whether reviews can be conducted jointly to reduce the cost of independent chairs.

PCCs in Wales recommendations include:

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- The Home Office might consider providing an additional annex that outlines each step of the SUSR and DHR process, clearly indicating where the process will differ in Wales.

Question 13:

Is there anything you would like to share on wider issues or impacts surrounding DHR that are not directly specific to the drafting of the statutory guidance, but you would like APCC to feed into our response for context?

Funding and Resourcing:

PCCs were deeply concerned about the capacity to deliver DHRs with current resourcing.

PCCs were concerned about the increase in demand for DHRs, and the lack of resource and capacity to carry them out. With the changing definition to formally widen the scope of DHRs the likely consequence will be increase in volume. Some areas reported in their response, a significant increase in demand for reviews. The Local Government Association's soon to be published report states that between 2018/19 and 2022/23 the number of DHRs conducted by respondents increased by 75% from 94 to 165. Should volume exceed resource we risk losing significant opportunities to improve practices and safeguard future victims.

The guidance should be clearer on the role of agencies to contribute resources into delivering DHRs. Areas reported that policing can effectively contribute to DHRs twice from the policing budget, through funding commitments from the force, and from PCCs.

PCCs do not have the capacity to undertake extensive oversight of DHRs without additional funding, neither do they have the levers to hold most partners involved in the DHR process to account. PCCs are concerned that they do not have the resource and capacity to meet the requests that could result from such guidance.

The Home Office might consider additional resourcing alongside this guidance to match the scope and requirements of DHRs.





DHR Chairs:

PCCs observed a number of challenges in the commissioning of DHR Chairs including:

- Availability of chairs.

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- Cost of appointing chairs.
- Training and experience of chairs to deliver reviews.

Areas supported the training requirement and recommended the implementation of a cost cap for DHR Chairs to reduce charges.

Quality Assurance Panel (QA panel):

PCCs expressed concerns about the delays in the QA panels' decision-making process and how panels will cope with the increased demand to ensure timely sharing of learnings. Some areas reported that due to QA panels' delays DHRs can extend over multiple years, straining resources and funding, and making it increasingly difficult to take on new DHRs.

While the guidance sets out the QA process, the Home Office might provide reassurance on how it will deliver more timely outcomes.

Victim-centred and trauma-informed conducted DHRs:

PCCs welcomed the adoption of a victim-centred and trauma-informed approach in conducting DHRs. However, they observed a lack of clarity in the guidance regarding both the definition and implementation of trauma-informed practice.

PCCs suggested to truly deliver trauma-informed DHRs, those individuals engaging with the victim's family and friends require training on trauma-informed practice. PCCs noted a considerable existing gap in funding and resources, raising concerns about how these trainings will be financed.

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