

DOMESTIC VIOLENCE

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HEALTH AND SAFETY CONSULTATIVE COMMITTEE

Introduction

On the 3rd July 2012 in Sheffield Cathedral, I and other representatives from the POA along with interested parties, including probation, officers; other trades union activists and educators attended a Yorkshire and the Humber TUC health and safety forum to discuss the issue of domestic violence.

The meeting was opened by the Lord Mayor of the city of Sheffield, who welcomed all those present before handing over the meeting to Emma Pearmaine of Simpson Millar LLP who was to be the speaker for the forum.

Emma Pearmaine joined Simpson and Millar LLP as a partner and head of the family law team in 2010. Emma is a member of the Law Society's Family Law Panel and Resolution First for Family Law; she qualified as a mediator in December 2011, is a member of the Family Courts Union Group and an ambassador for CAADV [Corporate Alliance against Domestic Violence]

Simpson Millar LLP represents several trade unions including; British Airline Pilots Association [BALPA] Commercial Workers Union [CWU] Federation of Petroleum Suppliers [FOPS] and the GMB, Britains General Workers Union.

Source; www.simpsonmillar.co.uk

Domestic Violence

Domestic violence is described as, “any incident of threatening behaviour, violence or abuse [psychological, physical, sexual, financial or emotional] between adults who are or have been intimate partners or family members, regardless of gender or sexuality. Family members are defined as mother, father, brother, sister and grandparents, whether directly related, in-laws or step family.

Source; www.domesticviolence.co.uk

How common is Domestic Violence

According to statistical information produced by the British Crime Survey in 2001 a shocking 26% of women have experienced at least one incident of non-sexual domestic abuse since they were 16, if sexual assault and stalking were to be included (which in many cases is perpetrated by a partner, former partner or other family member) this would rise to an alarming 45% of women experiencing at least one incident of inter-personal abuse in their lifetimes.

Source; Walby & Allen. 2004

What are the financial costs of Domestic Violence

In 2004 it is reported that in monetary terms the cost of domestic violence to society stood at £23 billion per annum, this included an estimated £3.1 billion to the state and £1.3 billion as a cost to the employer with a £17 billion human suffering cost. Broken down further we see an estimated total cost based on;

- £1 billion a year to the criminal justice system, representing one quarter of the CJ system budget for violent crime including the cost of homicide to adult women annually of £112 million.
- Healthcare treatment resulting from DV, including hospital, GP, ambulance and prescriptions, which at the time stood at £1,220,247.000 or put another way 3% of the NHS budget
- Mental illness and distress arising from DV representing £176,000,000
- Social services costs £0.25 billion
- Housing costs estimated at £0.16

- Civil legal services costing £0.3 billion

Source; Walby 2004

These are only estimated costs as there are other considerations which may not be as obvious as some of those recorded, for instance the costs involved in social services work with vulnerable adults, costs to education services including the moving of children, and also the costs to the voluntary sector who may become involved through charitable works.

Signs of DV

It is said that the perpetrator of domestic abuse does so out of a desire to control, and to exercise power over their victim, and whilst it is accepted that every situation is unique some common factors are evident, for example:

- Pressure Tactics;

Sulking, threatening to withhold money, disconnect the telephone, take the car away, take the children away, and lying to friends and family about you.

- Disrespect;

Persistently putting you down in front of others, neither listening nor responding when you talk, taking money from you without asking, refusing to help with childcare or housework.

- Breaking Trust;

Lying to you, withholding information from you, being jealous, having other relationships, breaking promises and shared agreements.

- Isolation;

Monitoring or blocking your telephone calls or telling you where you can or cannot go, preventing you from seeing friends or family members.

- Harassment;

Following you or checking up on you, opening your mail and repeatedly checking to see who has telephoned you, embarrassing you in public.

- Threats;

Making angry gestures or using physical size to intimidate, shouting you down, destroying your property or belongings, breaking things or punching walls, wielding a knife or gun, threatening you or the children.

- Sexual violence;

Using force, threats of intimidation to make you perform sexual acts, having sex with you when you don't want to have sex, any degrading treatment based on your sexual orientation.

- Physical violence;

Punching, slapping, hitting, biting, pinching, kicking, pulling hair out, pushing, shoving, burning, strangling.

- Denial

Claiming that there is no abuse taking place, telling you that its you're fault that the abuse took place, being publicly gentle and patient, crying and begging for forgiveness and saying it will never happen again.

Source: www.womensaid.co.uk

Sadly, statistics recorded currently inform us that one in three women can be affected by domestic violence in their lifetime irrespective of age, social status, race, disability or lifestyle. This can count for 16% of all reported violent crime. Another aspect which must be considered is of course any children who may be exposed to acts of domestic violence and the inevitable knock on effects such activity may have. According to the Department of Health, "at least 750,000 children a year witness domestic violence." Amongst the effects on

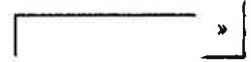
children witnessing domestic abuse, the Royal College of Psychiatrists indicated children may:

- Become anxious
- Have difficulty sleeping
- Suffer nightmares or flashbacks
- Be easily startled
- Have physical symptoms
- Wet the bed
- Have temper/control issues
- Behave younger than they are
- Have problems with school
- Internalize feelings
- Have low self esteem
- Older children may play truant or abuse alcohol or drugs
- Begin to self harm
- Develop eating disorders

Where children are identified as living in households where domestic abuse happens, they may be termed as being “at risk” under the Children’s Act 2002, and since 2005, sec 120 of the Children’s Act extends the definition to also include harm suffered by seeing or hearing ill treatment of others

Source: Family Law Act

The majority of victims of domestic abuse are female; this is borne out in all statistical data examined, according to Walby & Allen 2004, “Women are the overwhelming majority of the most heavily abused group,” they go on to point out that, “11% of women compared to 1% of men reported frightening threats [since 16 years of age]” It is also stated that domestic abuse may comprise of a number of different behaviours and consequences due to different criminal acts ranging from harassment, assault, criminal damage, attempted murder and rape all of which are crimes covered by laws in their own right and in relation to a particular event.



The following are just some of the laws that are relevant to domestic abuse;

The Children Act 1989 and the Children Act 2004

This law establishes the legal framework for child protection and the key principle that the welfare of the child is the paramount consideration. It affirms that children should usually be cared for within their own home, but that children should also be safe and protected if they are at risk of significant harm. Section 17 makes provision for local authorities to provide support, care and services to safeguard and promote the welfare and development of the child and can be used, even if the mother has no recourse to public funds to support mothers and their children.

Adoption and Children Act 2002

Section 120 of the Adoption and Children Act 2002 extends the legal definition of 'significant harm' to children to include the harm caused by witnessing or overhearing abuse of another, especially in a context of domestic violence. It is important to remember that the responsibility for the harm lies with the abuser.

Female Genital Mutilation Act 2003

This Act came into force on 3 March 2004. It replaces the 1985 Act and makes it an offence for the first time for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal.

Domestic Violence Crime and Victims Act 2004

The Domestic Violence, Crime and Victims Act 2004, introduces new powers for the police and courts to tackle offenders whilst ensuring that victims get the support and protection they need. The new Act creates a

number of important provisions for example: there are new procedures to deal with multiple offending; breach of non-molestation orders becomes a criminal offence; and causing or allowing the death of a child or vulnerable adult becomes a new offence.

The Gender Equality Duty 2007

The Gender Equality Duty requires all public bodies to respond to the needs of women and men fairly and tailor their services accordingly. Domestic violence disproportionately affects women and their children. Apart from the physical injuries sustained by victims and their children, those experiencing domestic violence are twice as likely to experience high levels of depression. They are also more likely to self harm and attempt suicide.

Source: www.domesticviolencelondon.nhs.uk

If you are in an abusive relationship, there are three important steps you must take:

1. Recognize that it is happening to you,
2. Accept that you are not to blame,
3. Get help and support.

There are many people and organizations you can turn to if you are suffering from domestic violence. Your GP, for example, can direct you to groups that work with victims of abuse. They can point you to local support groups and charities that help victims and their children escape the cycle of violence.

If you don't want to discuss it with your GP, you can call one of the helplines listed below, they can make sure you find safe emergency refuge accommodation and put you in touch with people who can ensure that you're protected. You don't have to tell them your name.

The helplines include: English National Domestic Violence Helpline: 0808 2000 247 Men's Advice Line: 0808 801 0327 Wales Domestic Abuse Helpline: 0808 80 10 800 Dyn Wales/Dyn Cymru (for men in Wales): 0808 801 0321 Scottish Domestic Abuse Helpline: 0800 027 1234 Northern Ireland Women's Aid 24-hour Domestic Violence Helpline: 0800 917 1414 Broken Rainbow Helpline (for lesbian, gay, bisexual and transgender people): 0300 999 5428 Respect Phonenumber (for people who are abusive to partners and want help to stop): 0808 802 4040 Forced Marriage Unit: 020 7088 0151

Source; www.directgov.co.uk

Conclusion;

It is clear from all the research that the issue of DV is troublesome and complex; it is also clear that as reps we have a role to play in signposting members appropriately and discretely. It will be understandable therefore that as a victim of DV, the individual may be facing any number of issues including domestic arrangements, childcare matter and employment difficulties as well as any number of the legal issues raised which may mean court appearances and meetings with legal professionals which could require time off.

Branch officials will be well placed to act as a conduit between the employer and the employee negotiating on behalf of the employee without the need for intrusive questioning once the employer has been made aware that there is a serious problem.

As members of the POA we also benefit from having the support of Thompson Solicitors who provide a range of expertise including providing

advice and guidance both work related and of a more personal nature including a 30 minute free consultation telephone call.

The benefits for the sufferer will hopefully include support from the union/employer and the chosen support mechanism, with the desired outcome being safety for all those involved, and a return to a position where the suffering is alleviated and normality may return.

Alan Jones

Health and Safety Consultative Committee

Rep for Wales and the South West

Branch Chair, Erlestoke Prison