

**Barnardo's NI**

**Evidence to the Committee for Justice on the  
Domestic Abuse and Family Proceedings Bill**

**June 2020**

Barnardo's NI is the largest children's charity in Northern Ireland. We work with approximately 12,000 children, young people and families annually across more than 40 different services and programmes. We are also a leading provider of schools-based support, reaching more than 25,000 children in schools across the UK and Ireland through our NI-managed social and emotional literacy programmes.

We deliver a wide range of services across Northern Ireland, from providing family support and early intervention, to working directly with children and families who have experienced adversity and need our support. We believe that every child deserves the best possible start in life, and our service provision reflects that philosophy.

Barnardo's NI welcomes the opportunity to comment on the Domestic Abuse and Family Proceedings Bill to the Committee for Justice. We have a range of relevant service delivery experiences, focused on promoting better outcomes through family support. Our Family Resource Centres (FRCs) work with parents to undertake Parenting Assessments and Capacity to Change assessments; this work includes helping parents understand how domestic abuse affects the whole family, including children. In 2017 we developed the Domestic Violence Risk Assessment for Children (DVRAC)<sup>1</sup>. The DVRAC manual was developed to support practitioners working with families experiencing domestic abuse by a male perpetrator to: identify risks to children from domestic violence and begin the risk assessment process; decide whether a case needs a safeguarding response or family support; and identify appropriate interventions for the children, the non-abusing parents and the abusive father/ father figure.

We also have a varied portfolio of mental and emotional health and wellbeing services, reflecting an ACEs (Adverse Childhood Experiences) -aware approach and trauma-informed practice ethos. Our regional service, SEEN (Sexual Exploitation Ends Now), is a specialist child sexual exploitation

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<sup>1</sup> Sneddon, H and Janes, M (2017) 'Domestic Violence Risk Assessment for Children: Guidance Manual', Barnardo's Northern Ireland.

service, which supports children, young people and families affected by, or at risk of, sexual abuse, and can provide specialist therapeutic support for children who have experienced sexual exploitation. The aim of SEEN is to increase safety and improving wellbeing.

We welcome the introduction of this Bill and commend its direction. While we also welcome the intention of the Bill to recognise the serious impact of domestic abuse on children, including controlling behaviour, we believe this Bill is an important opportunity to go further to protect children, as they are often the hidden victims of domestic abuse.

## **1. General comments**

- 1.1 Barnardo's NI welcomes the Domestic Abuse and Family Proceedings Bill. In particular, we welcome the Bill's intention to recognise the serious impact of domestic abuse on children, including controlling behaviour. Children and young people are the hidden victims of domestic abuse. We strongly urge that the Bill recognises that a child does not have to witness domestic abuse, through either sight or sound, to be aware of and significantly impacted by it.
- 1.2 Domestic abuse is widely recognised as an Adverse Childhood Experience (ACE) which has a detrimental impact on a child's development. Domestic violence does not exist in isolation and can occur in the context of other ACEs. Therefore this legislation cannot operate in isolation; an interdepartmental approach must be taken and the legislation must link in with reviews including The Gillen Review: Report into the law and procedures in serious sexual offences in NI, Review of the law on child sexual exploitation, and strategies on mental health, e-safety, family support and child protection policy and delivery.
- 1.3 ACEs, such as domestic abuse, can cause a child's brain to develop differently in ways that are detrimental to their physical and emotional health in both the short and long term. Children affected by domestic abuse often need specialist services to help them deal with trauma and give them the chance to lead healthy and happy lives.
- 1.4 Unfortunately, we know that domestic abuse is on the rise in Northern Ireland. [PSNI statistics](#) show that from 1st April 2019 – 31st March 2020, domestic abuse reached a 15-year high in Northern Ireland.
- 1.5 Furthermore, as lockdown measures were introduced in response to the coronavirus pandemic, incidence of domestic abuse increased; since the start of April 2020, the PSNI has tracked a [consistent increase](#) in domestic abuse calls received, compared with the same time period in 2019. While public services are stretched and redeployed, a

commitment to protecting children and families living in potentially abusive households in Northern Ireland must be maintained to prevent and respond to abuse.

- 1.6 This response will look at a number of specific clauses in the Bill which we wish to address directly, as well as provide views on harmful sexual behaviour, and the implementation of the legislation.

## **2. Clause 8: Aggravation where victim is under 18**

- 2.1 We welcome that this Bill recognises the particular impact of domestic abuse on victims who are under 18. Many young people who experience domestic abuse do not see themselves reflected in the public conversation around domestic abuse – they don't have a family life with the perpetrator, they don't share finances or a family home. Therefore, it can be difficult for them to recognise and accept that they have experienced domestic abuse.
- 2.2 In our specialist child sexual exploitation service, SEEN, many instances of grooming would fall under the definition of domestic abuse and coercive control, however the young people involved do not feel that they fit that picture. In addition, young people may be more isolated from help due to their age.
- 2.3 We know that digital communication plays a key role in many teen relationships, and information exchanged through sexting can often be used in threats to enforce control. Although this type of communication in a relationship may not be considered 'traditional', the feelings and impact on young people are still felt and we must recognise the serious harm that is caused.

## **3. Clause 9: Aggravation where relevant child is involved**

- 3.1 We welcome the Bill's recognition of the impact of domestic abuse on children, in particular through the aggravation outlined in Clause 9. However, we urge that the current reference in subsection (2)(b) is expanded to recognise that children do not need to witness the abuse to be affected, and are impacted by the abuse whether or not they are the intended victim.
- 3.2 The Barnardo's NI Domestic Violence Risk Assessment for Children (DVRAC) outlines that "Children can be affected by domestic violence, even if they are not in the same room as it is happening". Our recent UK research report, ['Not Just Collateral Damage'](#), outlines that children are

the hidden victims of domestic abuse and the long term impacts on children include a detrimental impact on their mental health, development, risk of harmful sexual behaviour, future cycles of abuse, and the potential of youth offending.

- 3.3 It is important the legislation reflects that a child can be aware of and impacted by domestic abuse in the home, even if they do not see or hear the moment in which it occurs. Children can pick up on a parent's distress, or be impacted by their parent's compromised capacity for parenting in the context of fear. The impact of domestic abuse is felt throughout a household and can often follow a cycle. The cycle of violence outlined by Women's Aid NI highlights that the most stressful and tense periods in a household where there is domestic violence can be in the time leading up to an 'explosion', where an act of domestic abuse or control can occur at any time.
- 3.4 We welcome the Bill's intention to recognise a range of intimate personal relationships, including those where the individuals do not live together. As our DVRAC outlines, "a sizeable proportion of domestic violence occurs in families where adults are living separately".
- 3.5 The moment of separation, and the time following it, can be a high risk period for children and victims of domestic abuse. Feedback from our Family Resource Centres indicates that families need a high level of support during this time; in cases of post separation abuse seen by our Family Resource Centres, one third involved child contact issues.
- 3.6 Contact visits with children can often be used as a means of continuing a pattern of abuse or exerting control. As a result, contact visits can become a stressful and potentially traumatic experience for children; this can impact on other areas of a child's life, including their mental health and capacity to engage in education.
- 3.7 We urge the Committee to work with the Department, alongside the Department of Health, to ensure the full impact of domestic abuse on children is considered and fully reflected in the legislation, recognising how children are victims of the abuse and not witnesses. Barnardo's NI urges the Committee to ensure that this legislation will be implemented in a way that recognises, protects and supports children as victims of domestic abuse.

#### **4. Clause 11: Exception where responsibility for children**

- 4.1 Barnardo's NI is concerned that while this Bill closes a legislative gap to protect adult victims of domestic abuse, it has not fully extended the provisions to protect children.

- 4.2 The offences in existing legislation that the Bill highlights do not provide enough protection for children. With this exception included in the Domestic Abuse and Family Proceedings Bill, children are still at risk of harm in their home, the very place they should feel most safe.
- 4.3 Furthermore, as discussed above, contact visits can often be used as a means of continuing a pattern of abuse or exerting control – this applies to children as well as the parents or carers. Barnardo’s NI is concerned that this clause would leave children who are victims of parental coercive control with no legislative protection.

## **5. Clause 12: Defence on grounds of reasonableness**

- 5.1 Barnardo’s NI is concerned about the breadth of this clause and the potential for this provision to be abused. The definition of reasonable behaviour is not stated in the Bill and is therefore open to interpretation. This raises serious concerns that vulnerable victims may continue to suffer abuse under the guise of reasonable behaviour.
- 5.2 We believe it is crucial that clear guidance is developed to clearly outline the parameters of this defence and that there is robust monitoring of its implementation.

## **6. Children displaying harmful sexual behaviour**

- 6.1 We welcome that the Explanatory and Financial Memorandum explicitly references teen relationships as included in this legislation. The patterns and impact of domestic abuse are reflected in many relationships, regardless of age and nature.
- 6.2 Specialist early intervention support should be available to young people exhibiting abusive behaviours in order to break the cycle before adulthood. Support services must be child-centred and trauma-informed, designed to support and protect young people, and divert young people displaying abusive behaviour from criminalisation.
- 6.3 We believe that children who display harmful sexual behaviour should be treated as children first and foremost. We know that young people who abuse others have often already suffered abuse and trauma too. There is a clear need to develop greater understanding of why children offend in this way, including greater recognition of the impact of trauma and adverse childhood experiences on the development of this behaviour, to effectively prevent the escalation of this behaviour and prevent further victims, whilst also responding to the harm caused.

## **7. Implementation of legislation**

- 7.1 How the legislation is implemented is as important as what the law contains. It is essential that support services addressing domestic abuse consider the needs of children and the trauma they have experienced.
- 7.2 As discussed above, many young people who experience domestic abuse do not see themselves reflected in the public conversation. Any public awareness campaign developed as part of the implementation of this legislation should consider this and seek to reflect a variety of relationships and scenarios in a campaign across multiple platforms.
- 7.3 Moreover, Barnardo's NI strongly believes that providing consistent, well-informed Relationships and Sexuality Education (RSE) in all schools as part of the core curriculum could play a role in educating young people about healthy relationships. Barnardo's NI believes that whole-school approaches to well-informed RSE in schools would be invaluable in challenging myths and stereotypes from a young age, as well as encompassing topics such as mental health, wellbeing, and resilience.

Barnardo's NI welcomes the opportunity to provide evidence to the Committee for Justice on the Domestic Abuse and Family Proceedings Bill. We welcome the intention of the Bill to strengthen the law to protect victims of domestic abuse, including children. However, we strongly believe that the opportunity to protect children by strengthening provisions in this Bill should not be missed. Children are often the hidden victims of domestic abuse and we must ensure that we protect and support every child. We would be happy to engage further with the Committee to reflect the experiences and views of the families we support.

For further information, please contact:

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