

Edited by
SARAH HILDER AND VANESSA BETTINSON

Domestic Violence

Interdisciplinary Perspectives
on Protection, Prevention and
Intervention



Domestic Violence

Sarah Hilder • Vanessa Bettinson
Editors

Domestic Violence

Interdisciplinary Perspectives on Protection,
Prevention and Intervention

palgrave
macmillan

Editors

Sarah Hilder
Health and Life Sciences
De Montfort University
Leicester, United Kingdom

Vanessa Bettinson
Dept. Law
De Montfort University
Leicester, United Kingdom

ISBN 978-1-137-52451-5 ISBN 978-1-137-52452-2 (eBook)
DOI 10.1057/978-1-137-52452-2

Library of Congress Control Number: 2016944838

© The Editor(s) (if applicable) and The Author(s) 2016

The author(s) has/have asserted their right(s) to be identified as the author(s) of this work in accordance with the Copyright, Designs and Patents Act 1988.

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Cover illustration: © Anton Starikov / Alamy Stock Photo

Printed on acid-free paper

This Palgrave Macmillan imprint is published by Springer Nature
The registered company is Macmillan Publishers Ltd. London

For Matilda Bettinson and Derek William Hilder.

Preface

We were introduced in 2012 by Professor Rob Canton, under the premise that we shared a common interest in Domestic Violence and Abuse (DVA) concerns. This was, indeed, the case, although we soon found that our social science and legal backgrounds resulted in some challenging debates and that whilst we shared an underpinning philosophy relating to a desire to see a reduction in the prevalence of and harm caused by DVA, our definitions, language and perceived priorities varied significantly. Our knowledge and analysis of policy developments, research activities and practice innovations within each other's subject discipline pertaining to DVA were also clearly restricted by our own subjective 'lens', shaped by our personal and professional perspectives. We knew our exchanges were not unique in this respect and that, despite the establishment of a myriad of DVA partnerships and networks nationally, retaining an insightful overview and informed understanding of the ever increasing diversity of activity and approach taken to protection, prevention and intervention strategies remains challenging. We also agreed that there appeared to be less appetite for a social and legal interface, with one discipline very happy to critique the other and vice versa, but currently with limited opportunities for mutual exchange and engagement. It had taken a semi-formal introduction for us to meet and our offices were only 100 yards apart across a university court yard! Since 2012, we have established a university-wide research network concerned with issues of

sexual violence and domestic violence, with colleague members from a vast array of disciplines and professional roles, many engaged in sexual violence and DVA work with external partners across a wide variety of public service functions at regional, national and international levels. It leads to a lively discourse full of furrowed brows, raised eyebrows, sighs of relief, smiles of enthusiasm and some renewed vigour for the consideration of 'alternatives'. We are acutely aware, however, that for those experiencing DVA, the convergence of various professional disciplines in the 'real world' can often still feel far from congenial and collaborative. An important step for us was the delivery of the Interdisciplinary Domestic Violence Conference (IDVC) at De Montfort University in December 2013, supported by the Social Policy Association and attracting contributors nationally, many of whom are authors within this collection. This book continues our pursuit of an ongoing dialogue across disciplines, to encourage less rigid attachments to a particular perspective and a more holistic reflection on victims'/survivors' varied experiences of DVA protection, prevention and intervention strategies. We are grateful to all of the authors for their commitment to this project.

Contents

1	Introduction	1
	<i>Sarah Hilder and Vanessa Bettinson</i>	
Part I	Protection	13
2	Domestic Violence: Applying a Human Rights Discourse	15
	<i>Ronagh McQuigg</i>	
3	A Fresh Approach to Policing Domestic Violence	37
	<i>Mandy Burton</i>	
4	Domestic Violence: The Limitations of a Legal Response	59
	<i>Charlotte Bishop</i>	
5	Surviving Times of Austerity: Preserving the Specialist Domestic Violence Court Provision	81
	<i>Vanessa Bettinson</i>	

Part II Prevention and Intervention	105
 6 Victim Support Services and the World of Commissioning	107
<i>Di Turgoose</i>	
 7 Children and Domestic Violence: What Do Family Intervention Workers Have to Offer?	131
<i>Jo Little and Fae Garland</i>	
 8 Building Healthy Relationships for Young People and the Prevention of Domestic Abuse	155
<i>Christopher Crowther-Dowey, Terry Gillespie, and Kristan Hopkins</i>	
 9 Debates of Difference: Male Victims of Domestic Violence and Abuse	181
<i>Luke Martin</i>	
 10 The Relationship Between Spiritual Abuse and Domestic Violence and Abuse in Faith-Based Communities	203
<i>Lisa Oakley and Kathryn Kinmond</i>	
 11 Housing: More Than Just Bricks and Mortar. Domestic Abuse Interventions Within the Housing Sector	227
<i>Gudrun Burnet</i>	
 12 Independent Advocacy and Multi-Agency Responses to Domestic Violence	249
<i>Amanda Robinson and Joanne Payton</i>	

13 Working with Perpetrators of Domestic Violence and Abuse: The Potential for Change	273
<i>Sarah Hilder and Caroline Freeman</i>	
14 Developing Interventions for Abusive Partners in Lesbian, Gay, Bisexual and/or Transgender Relationships	297
<i>Rebecca Barnes and Catherine Donovan</i>	
Index	321

Notes on Contributors

Rebecca Barnes is Lecturer in Criminology at the University of Leicester. She has been researching domestic violence in LGB and/or T relationships for the last 10 years. Her PhD, completed at the University of Nottingham in 2007, was one of the first in-depth, qualitative studies of survivors of partner abuse in women's same-sex relationships. Her articles have appeared in *Feminism & Psychology* and *Partner Abuse* on her doctoral research, in addition to chapters in two edited collections. With Professor Catherine Donovan, Barnes recently completed an ESRC-funded study called the Coral Project, which sought to understand the use of abusive behaviours in LGB and/or T relationships and inform the development of appropriate interventions. She is also co-leading a mixed-methods evaluation of provision for medium risk, repeat female victims/survivors of domestic abuse in Nottinghamshire. In addition to her academic role, Barnes is a member of the Management Committee at Leicester Rape Crisis.

Vanessa Bettinson is Senior Lecturer in Law at Leicester De Montfort Law School, De Montfort University. Her teaching spans across criminal law, human rights and immigration law. Her recent research has centred on legal responses to domestic violence, particularly in the context of criminal law, justice and human rights. As an academic criminal lawyer, she has published work on the ability of the substantive criminal law to capture coercive and controlling behaviour and is now exploring comparative approaches to this context. In addition to her domestic violence research, she has examined the human rights concerns surrounding imprisonment for public protection sentences. Her articles have

appeared internationally, including the *Modern Law Review*, *Journal of Criminal Law*, *International Journal of Law, Crime and Justice*, *Northern Ireland Legal Quarterly* and the *Criminal Law Review*. She is a trustee of the charity New Dawn New Day, which provides support services for victim/survivors of domestic violence.

Charlotte Bishop is Lecturer and Researcher in Law at Exeter University. Her research interests are broad and interdisciplinary, crossing the boundaries of socio-legal research into psychology, sociology, philosophy and criminology. She has particular expertise in criminal law, gender studies and the gendered nature of the legal system and its institutions. Her doctoral research critiqued the legal response to domestic violence in England and Wales and more recently she published with Ms Vanessa Bettinson, examining the new criminal offence of coercive and controlling behaviour. She is researching how the harm of domestic violence, including coercive control, could be evidenced in criminal court proceedings. She is also interested in how understandings of coercive control could improve the criminal justice system's response to victims who kill their abusers.

Gudrun Burnet started her career as a volunteer for the National Domestic Violence Helpline. Her first professional role was as a Domestic Violence Support Worker with Refuge and then as a manager for outreach services in South London. Burnet is now a Senior Business Partner (Domestic Abuse) at Peabody Housing, where she has been working to improve the housing response to domestic abuse for the last 7 years. She has provided training on domestic abuse to more than 41 other housing providers nationally. She is also engaged in work on domestic abuse issues with the Home Office, Ministry of Justice, Mayor's Office of Policing and Crime (MOPAC) and the Welsh Housing Minister. Burnet is the housing sector representative for the national stakeholder panel for Violence Against Women and Girls. She has spoken at several international conferences and co-founded the Domestic Abuse Housing Alliance (DAHA), which supports a national accreditation process for housing providers seeking to improve their response to domestic abuse.

Mandy Burton is Professor of Socio-Legal Studies at the University of Leicester. Her research lies in the fields of criminal law, criminal justice and family law. She is particularly interested in police and prosecution decision making, criminal courts, victims' rights and domestic violence. She has considerable experience in carrying out empirical research into legal responses to domestic violence, producing a monograph and numerous research reports for UK government departments on the topic. Her work includes a study examining whether the police

and other third parties should be empowered to apply for civil protection orders on behalf of victims of domestic violence and another project examining why, up until 2012, there was a decline in applications for non-molestation orders in domestic violence cases in England and Wales.

Chris Crowther-Dowey is Senior Lecturer in Criminology at Nottingham Trent University (NTU). He has a background in sociology and social policy and is the lead for the Crime Reduction and Policing Research Cluster. His research and expertise are in the fields of gender and violence, specifically the prevention of aggressive attitudes and behaviour amongst young people and the relationship between masculinities and violence. He also has a long-standing interest in the relationship between the police, policing and different forms of social exclusion. This is complemented by more general interests in criminal justice policymaking and criminological and social theory. Crowther-Dowey is the course leader for the MA Criminology at NTU and has extensive experience of teaching criminology and criminal justice to undergraduate and postgraduate students on a range of modules, but especially those relating to policing, gender and crime and comparative criminology.

Catherine Donovan is Professor of Social Relations at the University of Sunderland and lead of the Centre for Applied Social Sciences (CASS). She has conducted collaborative research in Lesbian, Gay, Bisexual and, more recently, Transgender communities for over 25 years, co-authoring *Same Sex Intimacies: Families of Choice and Other Life Experiments* (2001, Routledge). Since 2004, her focus has been on domestic violence and abuse and child sexual exploitation in LGB and/or T communities. With Professor Marianne Hester, Donovan conducted the first comprehensive study comparing love and violence in same-sex and heterosexual relationships, which culminated in *Domestic Violence and Sexuality: What's Love Got To Do With It?* (2014). With Dr Rebecca Barnes, the Coral Project explored the abusive behaviours of partners in LGB and/or T relationships and interventions to address them. Her work has also explored the heteronormative construction of risk in domestic violence and abuse practice and the impacts of austerity in the North East of England.

Caroline Freeman is the Service Manager at the Jenkins Centre, part of the Leicester-based charity FreeVA, which delivers a Community Domestic Violence Perpetrator Programme, accredited by RESPECT. She has worked in the domestic violence sector for the last four years, managing IDVAs and sexual violence services. In 2012, she established the Jenkins Centre. She also has over 20 years of experience of working in the voluntary sector as a qualified Youth &

Community worker. More recently, from 2009–2010, Freeman was a VSO volunteer in Sri Lanka working for a local charity as a consultant, to build capacity in the delivery of Sexual, Gender Based Violence Projects and co-ordinating a post-conflict humanitarian feeding project for internally displaced people. Her specific practice interests include developing best practice for working with women using violence, understanding abusive men and trauma and developing links with international perpetrator programmes. She is an active member of the Women's International League for Peace and Freedom.

Fae Garland is Lecturer in Law at the University of Exeter. Her research and teaching interests centre on family law and gender, with a growing expertise in empirical research. She completed an MRes in Socio-Legal Research in 2008 and was awarded her doctorate in 2013 on 'Valuing Domestic Contributions: A Search for A Solution in Family Law'. Her thesis used a range of empirical, feminist and comparative methodologies to explore the way in which the law should value caregiving at the end of a relationship. Garland has previously published work on issues relating to the gendered impact of the law and has been awarded a SLISA small grant for an empirical project entitled 'Exploring the Possibility of Being "X": Lessons from Australia's Legal Construction of Intersex'. She was also the co-investigator on a BCHA-funded qualitative project, which evaluated the effectiveness of a Family Intervention Worker working with children exposed to domestic violence in the South West.

Terry Gillespie is Senior Lecturer in Criminology at NTU, where she set up the successful BA Criminology degree course in 1994. Gillespie is Chair of the NTU School of Social Sciences Research Ethics Committee, Deputy Chair of the NTU College of Business, Law and Social Sciences Research Ethics Committee and sits on the British Society of Criminology Professional Ethics Committee. Her research and teaching expertise have focused on women and crime, gender and violence, domestic abuse, rape and sexual assault and honour abuse. Gillespie has published on feminist research methods and support services for rape victims and has recently conducted research projects on multi-agency approaches to honour abuse and young people's attitudes towards domestic abuse and appropriate interventions.

Sarah Hilder is Senior Lecturer and Researcher in Community and Criminal Justice at De Montfort University. Her research and teaching expertise have centred on working with victims, domestic abuse, issues of social justice, sex offender rehabilitation, supervision and surveillance. Previously, she worked for the National Probation Service, as both a main grade and then Senior Probation

Officer in various capacities from 1993–2004, where her work included the management of Court and Victim Services, domestic abuse perpetrator programmes and work with high risk violent and sexual offenders. Hilder has published work on risk assessment and safety planning in situations of domestic abuse, multi-agency working, desistance work and sexual offending and cross-border information exchanges on serious violent or sexual offenders travelling across the European Union (EU) community. She is well versed in comparative victim and criminal justice work across the EU, having worked as a senior researcher on two major EU-funded projects from 2010–2015.

Kristan Hopkins is Senior Lecturer in Criminology at NTU. Her research and teaching expertise have centred on research methods, crime and criminal justice and, more specifically, sexual offending, community-based responses to sexual offending, honour-based violence, domestic abuse and young people and, more recently, on students in higher education and sexual harassment. Hopkins has published work on research methods for health and social care, student engagement and the process of student feedback. Hopkins is researching sexual harassment and the experiences of young people in higher education and is preparing for a PhD in 2016.

Kathryn Kinmond is a Senior Lecturer and Faculty Chair of Ethics at Manchester Metropolitan University. Kinmond is a Chartered Psychologist, Chartered Scientist and Associate Fellow of the British Psychological Society and an accredited member of the British Association of Counselling & Psychotherapy (BACP). She has more than 20 years of experience in Higher Education. Her research and teaching expertise centre on issues of abuse and qualitative methods. Having been awarded a number of significant research grants and having published extensively herself and in collaboration with colleagues, she has also produced a text for final-year undergraduates on how to undertake a qualitative research project. Kinmond's work and research on the issue of spiritual abuse has resulted in a number of published papers and the co-authorship of a book with Lisa Oakley. She also counsels in private practice, working, in particular, with clients who have been abused. She is an executive member of the division of Spirituality with the BACP.

Jo Little is Professor of Geography and Gender at the University of Exeter in the UK. She has researched widely on gender issues in rural geography, focusing, in particular, on women's employment and rural gender identities. She has undertaken a number of studies on women's fear and is working on domestic violence in rural communities. In 2014, she received a Leverhulme fellowship

for research on rural domestic violence. Little's research has been conducted mainly in the UK and New Zealand. Her articles have appeared in *Human Geography* and *Sociology* journals and she is the author and editor of a number of books on rural geography issues including *Contested Countryside Cultures* (with Paul Cloke), *Critical Studies in Rural Gender Issues* (with Carol Morris) and *Gender and Rural Geography*.

Luke Martin is a consultant, primarily focusing on work with male and LGBT victims of domestic abuse. His academic background is in Law, Gender, Sexuality and Human Rights. Historically, his work has included seven years working as a Male Independent Domestic Violence Advisor (IDVA) and he is CAADA/SafeLives accredited. He has also worked extensively for and with RESPECT, including the national helpline for male victims of abuse, The Men's Advice Line. Martin is a trainer for RESPECT's 'Working with Male Victims' training programme as well as the SafeLives IDVA accreditation course. Martin has worked as a consultant for organisations such as SurvivorsUK, the national male rape and sexual violence service. He has also been an active campaigner on projects such as the Home Office's 'This is Abuse' campaign. Martin has previously published a series of articles on legal issues pertaining to domestic abuse for the Law Society.

Ronagh McQuigg is a Lecturer in the School of Law at Queen's University, Belfast. Her research interests lie in the area of international human rights law, with a particular focus on an analysis of domestic violence through a human rights lens. She has published widely in this field, across a range of international publications. She also produced a monograph entitled *International Human Rights Law and Domestic Violence* (2011). McQuigg graduated with an LLB in 2002, an LLM in Human Rights Law in 2003 and a PhD in 2006, all from Queen's University Belfast. She qualified as a solicitor in 2008 and took up her lectureship in the School of Law at Queen's University in 2009. McQuigg has presented papers on Human Rights and domestic violence issues at conferences across a range of socio-legal disciplines. She also teaches at undergraduate and postgraduate levels.

Lisa Oakley is Senior Lecturer in Psychology at the Research Institute for Health and Social Change at Manchester Metropolitan University, where she is programme leader for the Abuse Studies academic programme at Manchester Metropolitan University. Her research is primarily focused on abuse in faith communities and specifically on the area of spiritual abuse. Oakley co-authored

the first academic publication on the topic of spiritual abuse, with her colleague Kathryn Kinmond, *Breaking the Silence on Spiritual Abuse* (2015, Palgrave). She has also published work on effective safeguarding policies and practice in faith communities. She has spoken extensively at academic and practitioner conferences, most recently addressing the link between domestic violence and faith. Oakley also works alongside national organisations providing education, support and guidance in addressing allegations of spiritual abuse.

Joanne Payton has worked for more than 10 years with the Iranian and Kurdish Women's Rights Organisation (IKWRO), the UK's leading organisation supporting victims of domestic violence who have origins in the Middle East and Central Asia. Reflecting this background and experience, her PhD thesis, undertaken at Cardiff University, was on the topic of 'honour'-based violence and family structure in the Kurdistan Region of Iraq. She works with Norwegian artist, activist and documentary maker Deeyah Khan at the media company Fuuse as a researcher and writer.

Amanda Robinson is Reader in Criminology at Cardiff University. Her research generally includes a strong policy focus and it has made a significant policy impact. For example, she has conducted research on services that deliver advocacy to victims of domestic and sexual violence, multi-agency partnerships, specialist courts and risk-based approaches such as IDVAs and MARACs. Many of these initiatives have now become integrated into the mainstream response to domestic and sexual violence in the UK and Europe. Closer to home, she was directly involved in drafting the Welsh Government's White Paper proposals, which earlier this year were passed as the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. Her current projects include a review of the DASH risk tool in collaboration with the College of Policing and developing a new multi-agency process for the identification and management of priority domestic abuse perpetrators in Wales. She is an editor of the *British Journal of Criminology*.

Di Turgoose is a Senior Lecturer and early career researcher in the Division of Community and Criminal Justice at De Montfort University. She is the programme leader for the undergraduate Criminology and Criminal Justice Programmes and has previously led the Probation Qualifying Framework. Her research and teaching expertise are in work with perpetrators and victims of crime, with specific interests in the field of domestic violence, community safety and substance use. Turgoose worked in the specialist domestic violence women's

sector during 1991–1994 as a refuge worker, steering group committee member and Director of North Nottinghamshire Women's Aid. She has also worked for the Probation Service, as both a Probation Officer and Practice Development Assessor in London and Nottingham from 1994–2007. Her work included specialisms in victim units, perpetrator programmes for high risk and mentally disordered offenders and secondments to both the male and female prison estates. She is a member of Women's Aid and the Fawcett Society.

1

Introduction

Sarah Hilder and Vanessa Bettinson

Moral and legal obligations to address issues of domestic violence and abuse (DVA) are now of global concern. At a regional level, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), 2014, provides legally binding standards to improve the prevention of violence, the protection of victims, and the prosecution of perpetrators through a set of integrated policies, calling for a stronger coordination of legal and community-based responses (Council of Europe, 2011). Although at the time of writing this chapter, the UK had yet to ratify the Istanbul Convention, the last 10–15 years has also seen a powerful policy rhetoric materialize in the UK, advocating the need for more effective interdisciplinary, multi-agency working and coordinated community responses to

S. Hilder (✉)

Community and Criminal Justice Division,
De Montfort University, Leicester, UK

V. Bettinson

De Montfort Business and Law, De Montfort University, Leicester, UK

issues of DVA. From the late 1990s onwards, professional partnership networks have emerged, pursuing collective responsibilities for protection, prevention, and intervention. However, some of these groupings have remained narrow and self-referential in their outlook (Dobash & Dobash, 1998), with the ideologies of the larger leading organisations tending to dominate (Nash, 2010). The additional benefits of partnership working have also been differentially pursued by policymakers and service providers, which may, in turn, be viewed as: a strategy to ensure that a joint, prompt, and effective response is made to cases where victims/survivors and children may be in imminent danger; an opportunity to improve, coordinate, innovate, and expand the range of DVA services available; a strategy to address prior evaluations of poor practice by a single agency; a mechanism by which the resourcing of a particular service may continue; or an opportunity to streamline funding overall.

The various aspects of interdisciplinary work on DVA have, therefore, been pursued by a range of quite distinct agency alliances, although it is the case that some DVA specialist agencies are becoming increasingly compelled to work across borders in order to sustain any consistent level of resourcing. Larger organisations, particularly those within the criminal justice system, have primarily sought partners who are seen to complement their own core function, aims and responsibilities, rather than pursuing new opportunities for joint innovation. The legal world, both civil and criminal, whilst subject to some significant levels of external scrutiny and independent evaluation, is often notably disengaged from wider interdisciplinary discourses on DVA. As such, the law develops in practice primarily through the legal analysis of issues of definition, evidence, legal processes and procedures. Other agencies, such as the Probation Service, have seen their core functions and aims shift dramatically over the last two decades, with centralised management and public protection priorities taking hold (Burke & Collet, 2015). This, in turn, has resulted in a significant change in the organization's relationships with both voluntary and private sector partners (FitzGibbons & Lea, 2014).

The modernisation of public services through the development of a performance culture based on target setting and managerial control has been a central tenet of the successive labour, coalition, and conservative UK governments from 1997 onwards. Such developments

have been promoted as a means of driving up standards via a mixed economy of service provision achieved through competitive tendering. Considerable efforts have been made by specialist DVA services to positively frame these developments as opportunities for greater creativity and more effective coordination between agencies. However, the pressures of commercial contracting and payments attached to statistical outcomes have resulted in increased fragmentation in the longer term (see Turgoose, Chap. 6). This has served to further exacerbate inconsistencies nationally in the support available to DVA victims/survivors and the interventions available for DVA perpetrators. A partnership ethos can quickly be replaced by one of suspicion and competition. Within this climate, achieving any comprehensive understanding of current strategies to address DVA and their effectiveness remains challenging and the need for a greater cross-fertilisation of concerns, evidence and ideas across different intellectual disciplines, identified by Dobash and Dobash (1998), remains obvious today. However, the contemporary request is clearly set against quite a different background and ‘intellectual’ debate is no longer reserved for the different schools of thought within academia, but traverses across a broad selection of professional roles and lobbying groups.

New campaigns have arisen, resulting in an ever widening recognition of the diverse nature of DVA, with a complex mix of vulnerabilities and experiences (Martin, Chap. 9; Oakley and Kinmond, Chap. 10; Barnes and Donovan, Chap. 14). The increasing public awareness of DVA has also seen the emergence of some exciting advancements, as those agencies that were not traditionally recognised as first responders realise their potential to do more (Burnet, Chap. 11). Other more established territorial boundaries have also started to shift. For example, DVA specialist agencies and social work teams are becoming increasingly more involved in work with DVA perpetrators (Hilder and Freeman, Chap. 13). The risk models that have underpinned more formal frameworks, such as Multi Agency Risk Assessment Conferences (MARACs), have come under increasing scrutiny (see Robinson and Payton, Chap. 12) and there is now a greater emphasis on early intervention and prevention work with children and young people. This has led to greater social care involvement in DVA issues (Little and Garland, Chap. 7; Crowther-Dowey, Gillespie

and Hopkins, Chap. 8). Ascertaining thresholds for the criminalisation of DVA behaviours becomes increasingly challenging as a mixed economy of service providers continues to expand across the statutory, voluntary, and private sectors. Questions are raised, such as whether the ongoing legal pursuit of DVA as a violation of human rights (McQuigg, Chap. 2) is contradictory to developments which seek to place interventions within a family domain and if not, is it clear how and when different approaches may apply? The legal system itself appears to have some internal challenges to face, as the survival of specialist domestic violence court provisions remains uncertain (Bettinson, Chap. 5) whilst new substantive legal definitions of DVA, which include coercion and control, enter into force. The law will need to acquire a sophisticated understanding of the psychological impact of DVA, which it has traditionally struggled to address (Bishop, Chap. 4). New powers of policing have also emerged, based in civil law and again with potential implications for developments in policing practice as agents of prevention rather than prosecution (Burton, Chap. 3). Clearly, therefore, as knowledge of DVA in relation to the question ‘who does what to whom?’ (Hester, 2009) continues to expand, the questions of ‘who should do what with whom, when, why and how?’ are becoming increasingly complex to answer.

This edited collection does not profess to offer a solution to the aforementioned questions; rather, it provides a range of perspectives that inform the debate. There are some clear limitations to such a discourse without the full appraisal of those who have experienced DVA and the profile of the victim’s/survivor’s voice continues to remain stronger within some disciplinary perspectives more than others. There are, of course, also many other ‘perspectives,’ which may have been sought. However, in casting the net more widely, it is inevitable that some significant elements of the catch will slip by while others will remain reluctant to swim in shared waters. There is no exclusionary intention and the core priorities of the Istanbul Convention are all encompassed here.

The contributing authors take various positions on the benefits and limitations of addressing issues of DVA via a single unit of analysis, the most commonly applied being that of gender and reflections on the advantages of an intersectional approach to understandings of, and responses to, DVA experiences are apparent. Whilst overarching international

activity continues to root the issue of DVA in the context of broader gender inequalities and patriarchal power relations, the potency of this framework varies across DVA service provider activities in the UK. A gender-neutral approach to the application of legal tools and protective measures, organisational policy, practice development, and the delivery of staff training is seen as a more palatable approach by some, which may lead to greater inroads in terms of increasing general awareness and sensitivity to issues of DVA. However, for others, any blanket dismissal of the clear potential for gender to be a matter of significance in the commission of DVA is also of great concern, to the detriment of the development of effective practice with victims/survivors and perpetrators, both male and female. However, examinations of individual, interactional, contextual and ideological issues pertaining to the occurrence of DVA are variably engaged with by those responsible for protection, prevention, and intervention measures. Compatible conclusions may not always be reached, but this may improve with a more open and more benign approach to interdisciplinary dialogue.

The conceptual issues pertaining to gender also clearly link to the varied definitions of DVA and the diverse use of terminology across disciplines. In particular, there are a range of views on the breadth or limitations of the term 'violence.' Legal perspectives tend to be more familiar with the term 'domestic violence,' which is used to encompass a range of physical and sexual acts of harm, but now also includes behaviours of harassment, sustained non-physical intimidation psychological and emotional abuse. However, for others it implies a reliance on the more tangible evidence of physical or sexual assault, and terms such as domestic, violence and abuse (DVA) and intimate partner violence and abuse are used elsewhere to represent a more nuanced understanding of a broader range of victim/survivor experiences. The usefulness of the term 'victim' is also contested, with preferences by some for the term 'survivor,' while others find this equally problematic in terms of imposing a status, which implies a level of ongoing vulnerability or recovery. The terms 'service user' and 'service providers' reflect the move towards consumerist frameworks for intervention and support, with an emphasis on achieving identified, quantifiable outputs. Similar issues of terminology and definition also arise in work with perpetrators of abuse and in particular

the determination of thresholds of seriousness leading to the criminalisation of DVA, as highlighted previously. Arguments may also be made for a greater opportunity for self-determination and definition by those experiencing DVA, although this approach assumes that victims/survivors are a homogenous group who will reach a consensus. Rationales for these and other approaches are ideologically and politically motivated and every variation offered in this collection has its own benefits and limitations. They reflect the conceptualisation of DVA as a criminal or non-criminal matter and the various diverse stages of victim/survivor, perpetrator, or potential perpetrator engagement with mechanisms for protection, prevention and intervention. A matter of some reflection for the reader perhaps is which definitions appear to dominate in the wider public discourse on DVA and which remain more marginalised. It is also vital that the various disciplinary perspectives are willing to explore these conceptual differences and utilise them as an opportunity for refining and improving their own position and approach.

Structure of the Book

The authors provide a critical analysis of their core subjects informed by internal, practitioner-based perspectives, from those currently working in the DVA field with both perpetrators and victims/survivors and external perspectives from independent academic researchers across subject disciplines in law, socio-legal studies, applied social sciences, criminal justice, criminology, sociology, psychology, gender and abuse studies.

Part I

Contributions in Part I of this collection are written from a legal perspective and focus on legal processes and provisions for protection.

In Chap. 2, Ronagh McQuigg sets a broader context for a legal discourse of DVA and in particular the efforts made to secure the recognition of DVA as a human rights violation. With the advent of the Council of Europe Convention on Preventing and Combating Violence against

Women and Domestic Violence (2011), a renewed opportunity has occurred for a human rights approach to inform and strengthen national strategies for the prevention of and protection from DVA. For those less well versed in the overarching legal frameworks to address DVA, an overview is provided of the guidance supplied at both international and European levels. The chapter considers whether developments have extended beyond the symbolic function of a human rights discourse and explores the challenges of implementing and enforcing a human rights perspective to make real changes for victims/survivors of DVA.

The collection then turns to further legal and criminal justice concerns at a national level. In Chap. 3, Mandy Burton considers the enduring challenges of securing effective police responses to DVA in England and Wales. She considers the 2014 report undertaken by Her Majesty's Inspectorate of Constabulary (HMIC), which highlighted ongoing issues of poor evidence gathering, the persistence of a dismissive police culture towards DVA and a fundamental lack of understanding of the dynamics of DVA by frontline police officers. She considers whether the recently implemented Domestic Violence Protection Notices and Orders provide a positive innovation to assist with the challenges of policing in this area. Alternatively, is this a step towards preventative, diversionary actions by the police and to what extent might this also be seen as a step towards the decriminalisation of DVA?

In Chap. 4, Charlotte Bishop considers the limitations of a legal response and in particular, a perceived 'hierarchy of harms' where non-physical acts of DVA remain misunderstood and subject to poor legal redress. She highlights that systematic patterns of coercive and controlling behaviour aimed at disempowering the victim/survivor are frequently characterised by specific gendered expectations. However, despite recent legislative developments, the legal system often negates the enduring nature of DVA and the gendered significance of many DVA cases. It is stated that this is due, in part, to the legal system's own history as an institution steeped in broader social and cultural conditions of gender inequality. The chapter concludes by suggesting that the law would be a more effective tool to address DVA if the legal system is able to step beyond its current 'gender-neutral' approach, to engage more fully in the complexities of DVA and acknowledge the depriva-

tion of autonomy as a central harm. One approach that may serve to address some of these issues is the survival and further development of the Specialist Domestic Violence Court (SDVC) provision. In Chap. 5, Vanessa Bettinson charts the inception and expansion of this, which sought to provide a victim-centred approach to the criminal justice system to improve victim/survivor satisfaction and increase the number of prosecutions for DVA-related offending. However, since 2010, the number of court houses across England and Wales has declined and the need to ensure that SDVC provision survives further budgetary cuts is advocated here. Comparisons are made with the development of specialist Domestic Abuse Courts in Scotland as a model of good practice, which preserve effective working relationships between the police, prosecution authorities and the independent victim's advocate. An expansion of the SDVC remit is argued for to address the increase in the use of police diversions and to oversee the use of police cautions and out-of-court disposals in situations of DVA.

Part II

Part II of the collection examines strategies for prevention and intervention, highlighting both new innovations and calls for increased diversity and expansion of service delivery within the challenging context of the current economic climate.

In Chap. 6, Di Turgoose sets the context for this element of the DVA discourse by exploring the impact of a competitive market ideology with its demands for quality, effectiveness and evaluation of outcomes. The chapter examines the extent to which these changes have maximised or hindered opportunities to address complex needs and increased DVA victim/survivor engagement. It is argued that the expansion of the competitive field, decreasing levels of autonomy, the time-consuming administration of tenders and the short-term nature of financial contracts have reduced the ability of DVA staff to develop good practice. The diverse spectrum of victims'/survivors' needs are not well served and the further dilution of funds cannot continue without further serious repercussions.

In Chap. 7, Little and Garland provide an example of the ‘changing landscape’ of DVA intervention work, focusing on the needs of children who have witnessed DVA in the family home. Drawing upon a small-scale study, they examine the role of a Family Intervention Worker (FIW) charged with providing support to families, primarily children and mothers, in situations of DVA. The value of an advocate for children who is independent from child protection concerns is highlighted, with benefits for both the children concerned and the primary victim/survivor. Crowther-Dowey, Gillespie, and Hopkins are also concerned with the impact of DVA on young people in Chap. 8. Their research, conducted with children and young people on a housing estate in the Midlands region, looks at the intergenerational transfer of negative values and attitudes that serve to support ‘gendered’ assumptions, and ultimately the commission of DVA. They focus on the relationship between gender, age and socio-economic environmental factors, which may serve to sustain a hyper masculine culture. They reflect on the nature of interventions that may serve as a ‘firebreak’ to inhibit the perpetuation of such a culture and reduce patterns of DVA in the longer term.

Chapter 9, by Luke Martin, is also concerned with gender and concepts of masculinity. However, here the discussion turns to the experiences of male victims/survivors of DVA. Whilst there is an increasing recognition of male victimisation by both female and male perpetrators, fundamental barriers to accessing appropriate support services remain. The extent to which this is also ‘entangled’ with concepts of gender is explored, with some observations of male victim/survivor experiences across heterosexual, bisexual, and/or transgender relationships. It is argued that assumptions that an extension of existing services for female victims/survivors is ‘good enough’ ignores the varied pathways and shaping factors, which result in a commission of DVA. It also results in unhelpful tensions, as existing resources for female victims/survivors of DVA are seen to be stretched even further. In Chap. 10, Oakley and Kinmond highlight another area of DVA victim/survivor experience, which remains on the margins of current mainstream service provisions and poorly understood. They highlight the importance of understanding spiritual abuse and the intersection with DVA in faith-based communities. A detailed discussion of the ways in which spiritual abuse and DVA may manifest is provided,

together with observations on the role and responsibilities of faith leaders in providing a more constructive image of intimate partner relationships. The issues raised are pertinent to all faiths and highlight the reluctance of DVA specialist organisations to engage in issues of spirituality and faith identity, when such factors may be vital to many victims'/survivors' recovery.

In Chap. 11, Gudrun Burnet provides an optimistic note on the broadening awareness of different agency capacities to be proactive in responding to situations of DVA. Written from her experiences of working with Peabody Housing, she charts the historical developments and challenges faced by DVA victims/survivors engaging with the housing sector, where various strategies to manage demands for housing have impacted negatively on those seeking to rebuild their lives. However, Peabody has sought to fundamentally change perceptions of the role housing plays in the coordinated community response to DVA, shifting centre stage as a first responder with unique access into the realities of people's lives. Partnership working and multi-agency strategies are also the core focus of Amanda Robinson and Joanne Payton's discussion in Chap. 12, centering on the more formal, statutory arrangements for MARACs in high-risk cases of DVA. They examine the pivotal role of the Independent Domestic Violence Advisor (IDVA) and ongoing contentions regarding the danger of using of risk frameworks to rationalise resources. They also reflect on a fuller embracement of the concept of community as a process of protection, prevention and intervention.

The last two chapters in this collection examine theory, policy, and practice pertaining to DVA perpetrator interventions, a vital component of both European and national frameworks for the prevention and reduction of the harm caused by DVA, yet one which is often neglected in interdisciplinary and multi-agency discourses. Hilder and Freeman, in Chap. 13, provide an overview of perpetrator programme developments in the UK and the theoretical works that underpin them. They highlight the current diverse array of referral pathways on to perpetrator programmes, as children services and the family courts become more involved in DVA work. They argue that an overemphasis on competing ideas regarding effective and relevant programme content as the core intervention, which will result in behavioural change, can result in both unrealistic and unre-

alised expectations. It also overlooks desistance frameworks that advocate a more comprehensive approach to perpetrator intervention, taking a much broader look at the various ways in which an individual can be encouraged to adopt a new, non-offending identity. Following this, and the themes that emerge throughout this book as a whole, including calls for a more sophisticated intersectional approach to protection, prevention and intervention strategies, Rebecca Barnes and Catherine Donovan complete this collection in Chap. 14. They make the case for the development of inclusive interventions for abusive partners in Lesbian, Gay, Bisexual, and/or Transgender (LGB and/or T) relationships. Drawing on their findings from their empirical research undertaken on Coral Project, they present an analysis of LGB and/or T experiences of abuse, with a primary focus on practitioner perspectives on the viability of developing interventions for perpetrators from LGB and/or T background.

References

- Burke, L., & Collet, S. (2015). *Delivering rehabilitation. The politics, governance and control of probation*. London: Routledge.
- Council of Europe. (2011). *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*. Strasbourg: Council of Europe.
- Dobash, R. E., & Dobash, R. P. (Eds.) (1998). *Rethinking violence against women*. London: SAGE.
- FitzGibbons, W., & Lea, J. (2014). Defending probation. Beyond privatisation and security. *European Journal of Probation*, 6(1), 24–41.
- Hester, M. (2009). *Who does what to whom? Gender and domestic violence perpetrators*. Bristol: University of Bristol and Newcastle, Northern Rock Foundation.
- Nash, M. (2010). Singing from the same MAPPA hymn sheet-but can we hear all the voices? In A. Pycroft & D. Gough (Eds.), *Multi-agency working in criminal justice. Control and care in contemporary correctional practice* (pp. 111–122). Bristol: Policy Press.

Part I

Protection

2

Domestic Violence: Applying a Human Rights Discourse

Ronagh McQuigg

Introduction

Arguably one of the inherent failings of societies in addressing the issue of domestic violence effectively is a common reticence to view the commission of such behaviours as a basic violation of a person's human rights. An individual's rights to life, to be free from torture and inhuman or degrading treatment and to respect for private and family life¹ are clearly contravened in the commission of domestic violence. However, it is only relatively recently that domestic violence has been recognised as an issue falling within the ambit of human rights law. Adopting a primarily legal perspective, this chapter will consider why it has taken so long for domestic violence to be recognised as a human rights issue and the

¹ From a UK perspective, these rights are afforded by the *Human Rights Act 1998*, which incorporates the majority of the rights found in the European Convention on Human Rights into domestic law.

R. McQuigg (✉)

School of Law, Queen's University of Belfast, Belfast, N. Ireland