

# The Reality and Impact of the Domestic Violence, Crime and Victims Act 2004 on BMER<sup>1</sup> women

Dr. Aisha Gill and Baljit Banga from Newham Asian Women's Project highlight the gaps in provision of specialist domestic violence services.

Newham Asian Women's Project<sup>2</sup> is a specialist domestic violence project operating mainly in the London Borough of Newham. We have observed that since the Domestic Violence, Crime and Victims Act 2004 became law, the following local challenges have arisen:

- Local Domestic Violence strategies have not considered the immediate needs of vulnerable women within their commissioning frameworks and have focused almost entirely on introducing provisions under the criminal justice system. However, without adequate support services and specialist provision for boroughs like Newham, there can be no long-term impact on the struggle to eradicate violence against women.
- Domestic violence work within the Local Area Framework is defined very narrowly and long-term multi-agency work has subsequently been undermined.
- Specialist provision at the borough level will begin to erode for as long as the local authority denies the need for adequate funding for this sector.
- The MARACs system is costly and redundant, and in the absence of funding for direct provision, early intervention and prevention, and specialist services, cases will progress to the high-risk stage and create a backlog within the system.
- The IDVAs and specialist courts will assume responsibility for specialist provision, but this does not mean that BMER women will approach these mechanisms for support and assistance.

NAWP has raised concerns about specific actions required for the robust implementation of the Domestic Violence, Crime and Victims Act 2004 and about the overall direction of domestic violence services. NAWP believes that the local strategy has very little scope for including essential sustainable, holistic, and specialist domestic violence services for vulnerable BMER<sup>1</sup> women. The local strategy is a reflection of national strategic aims, which have been shaped and influenced by the Domestic Violence National Delivery Plan. Although local strategies are required to address local needs and the demand for domestic violence services, in reality it is the national plan outcomes that influence local spending. While we welcome the strengthening of provisions under the criminal justice system leading to sentencing and other legal remedies, we are concerned that such provisions are replacing sustainable support provision for women, and that, overall, there is a failure to protect specialist services. NAWP reflects below upon the gaps that currently exist in the development of holistic, specialist approaches to domestic violence, both locally and nationally, and considers the longer-term impact of the 2004 Act.

## Multi-Agency approaches and barriers to effective operation

NAWP has reviewed the position of multi-agency working in Newham from two perspectives. (1) How can we characterise

*'While we welcome the strengthening of provisions under the criminal justice system leading to sentencing and other legal remedies, we are concerned that such provisions are replacing sustainable support provision for women, and that, overall, there is a failure to protect specialist services.'*

*'The history of MARACs clearly shows that cases brought before it have had a long history of intervention and provision, including prior multi-agency working and a full range of pathways (Robinson, 2003<sup>3</sup>). Our experience however, shows that to date, MARACs have not been effective in responding to these problems or offering solutions to them.'*

the multi-agency approaches at present? (2) How does available funding shape multi-agency working? The domestic violence indicator framework defines the nature of multi-agency working and is articulated in the London Borough of Newham Local Area Agreement (LAA) framework, which establishes the funding level of agencies under a steady state contract for a minimum three-year period. It has been made clear by the Domestic Violence Forum that the services that provide increased rates of third-party reporting and reporting of (i) domestic violence to the police, (ii) domestic violence incidents resulting in sanctions/detections, and (iii) sanctions/detections connected to sentencing, will be considered for funding under the domestic violence strand of the LAA. This has implications for the further development and sustainability of specialist domestic violence services:

- There is no output linked to the work of the specialist sector. Therefore, no funding has been set aside for specialist services.
- The partnership approach is also tied to the DV LAA framework and therefore implies a radical departure from the way services are currently delivered.
- The DV work under the LAA framework is very narrowly defined and myopic. Therefore, the longer-term impact of early intervention and prevention work and the range of holistic specialist and support services will not be 'picked up' by the LAA framework for funding.

Domestic violence services will be affected adversely for the next three years:

- There will be an increase in the support needs of vulnerable women who do not access mainstream services, creating an even bigger gap in provision to South Asian women in particular, and BME women in general.
- Under-reporting of domestic violence will continue, because women will be less inclined to approach services that do not address their support needs.

The barriers to effective operation are these:

- Local authority business plans will be unable to detect the need for holistic specialist services for at least three years.

- The inadequacy of local authority response, which has suggested that domestic violence agencies who wish to continue with their remit for specialist provision seek funding from sources outside the local authority framework to commission services.
- The nature of the domestic violence strategy being shaped under the Act, which entails that major domestic violence work that has continued in the borough for more than twenty years is funded poorly or not at all.

### **Criminal and civil justice processes**

We will now discuss (1) The Multi-Agency Risk Assessment Conference (MARACS); (2) The Independent Domestic Violence Advocate (IDVA); and (3) The Specialist Domestic Violence Courts. NAWP holds that these are the three main vehicles through which the Domestic Violence, Crime and Victims Act 2004 has been implemented. Priority action and funding have been subsumed within these three initiatives, with a subsequent de-emphasis of specialist and holistic provision.

The basic function of MARACs is risk assessment and risk management, and many of the cases such panels deal with involve identifying needs, including responding to interpersonal and intra-familial abuse, alcohol and drug abuse, repeat victimisation, and related mental health problems. The history of MARACs clearly shows that cases brought before it have had a long history of intervention and provision, including prior multi-agency working and a full range of pathways (Robinson, 2003<sup>3</sup>). Our experience however, shows that to date, MARACs have not been effective in responding to these problems or offering solutions to them. In reviewing cases that remain middle and low risk, and so do not reach a 'MARACs stage', it is most evident that early intervention and prevention, and direct support work provided by specialist agencies, have been reasonably effective, and these comprise the majority of cases in the borough. However, while high risk cases have received some close attention, difficulties were evident in allocation of resources in sustaining effective risk management of low and medium risk cases before "escalating to high risk".

The existing nature of specialist provision

highlights the fact that there are many success factors achieved on a value-for-money basis, and that MARACs involves not only an escalation of a few select cases, but an inadequate response to gaps in joint working that could be addressed through other cost-effective means. We therefore call for more standardisation and consistency and better resourcing of sustainable support provision and monitoring and accountability of MARACs. The important point is that, although the majority of the work takes place outside MARACs, the special emphasis on ensuring that each authority has a MARACs means that resources are allocated to the system disproportionately. Approximately eight cases are presented to the MARACs each month. Usually, four representatives from the top domestic violence agencies are present, who observe and participate in these cases. More than 12 representatives from the statutory sector are required to present evidence. The involvement of more than 15 people, all of whom have some authority to make decisions within their respective organisations, in reviewing a total of eight cases that have been classified as high risk, clearly demonstrates the resource imbalance.

The MARACs runs from four to six hours each month. The cost, while it cannot be quantified here, is disproportionately high, and not an indicator of value for money, especially where there are more cost-effective methods available for handling high-risk cases. If this situation continues, it is possible that, in future, funding for the specialist domestic-violence sector could disappear in favour of a MARACs system, causing the number of cases that are currently low to medium risk to increase to high risk, and creating a highly expensive system that cannot be supported through holistic provision, because this provision has disappeared due to under funding.

There are also major concerns about IDVAs. In Newham, there are four leading domestic violence agencies, but funding for them has been allocated to

only one non-specialist organisation. In effect, the three specialist agencies have been 'shut out', both of the specialist courts and of the IDVA system. The knowledge, experience, and skills base of the specialist agencies have not been utilised in any cogent manner, which has resulted in early implementation difficulties for the IDVAs. Consequently, gaps are appearing in their own capabilities. It would have been much more effective to spread the IDVAs across agencies, thus ensuring better representation and the utilisation of existing skills – a missed opportunity for strategic joint working that has had a negative effect on the way that Newham domestic violence work is being developed and delivered. There is concern that the IDVAs and specialist courts, because they will function together with the Family Justice Centres, will eventually replace the outreach work done by women's organisations in the borough.

Not only have holistic specialist services been told that funding in the borough is not available for domestic violence work of the kind done by NAWP, but under the new criminal and civil remedies, vital outreach work done by women's organisations to women is being replaced by 'one-stop shops': the courts, family centres, and ill-qualified IDVAs. In general, national and local strategy is focused almost exclusively on the criminal and civil legal system, or on other state-mandated responses such as child protection. Services or specialist support structures outside this realm are usually secondary, because there is no genuine commitment to funding. In our experience, this means that a criminal justice response has replaced the idea that violence towards and abuse of women are linked more broadly to gender inequality. It is critical that the stand-alone specialist services for BMER women be strengthened and expanded.

Although the state has been successful in developing the discourse on violence against women, challenges remain. For example, the development of the specialist courts has failed in its efforts

to achieve its basic mandate; for any criminal justice initiative to be successful, it must be accompanied by a sufficient social justice component. Analysis of BMER women's help-seeking methods shows that: (1) the barriers they encounter are substantial, and the supports and resources are severely limited; (2) gaining access to help is often long delayed, due to poor availability of resources. Furthermore, our findings about the quality of services provided for these women show that the availability of a comprehensive, multi-systemic service model, which is specialist-based and composed of direct services, refuges and community outreach, is being eroded by the decommissioning process. Until there is sustainable investment in the specialist sector, the level of success compared to the criminal justice system will not be fully understood. Without this investment, we will not be able to fight violence against BMER women to the best of our ability, because attention will have been drawn away from initiatives that focus on prevention, protection, the needs of the victim, and the elimination of gender-based violence.

#### **DR. AISHA GILL**

*Chair of Newham Asian Women's Project*  
a.gill@roehampton.ac.uk

#### **BALJIT BANGA**

*Director of Newham Asian Women's Project*  
bbanga@nawp.org

#### **References**

1. Black, Minority Ethnic, Refugee Women
2. Newham Asian Women's Project was established in 1987 to provide holistic services to women fleeing gender-based violence. The project works towards eradicating violence against women by providing direct support to survivors, and by influencing government policy, strategy and legislation to promote an integrated approach to the problem.
3. Robinson, A. (2003) The Cardiff Women's Safety Unit: A Multi-Agency Approach to Domestic Violence. Final Evaluation Report, Cardiff University: School of Social Sciences. Cleaver, Hedy, Nicholson, Don, Tarr, Sukey and Cleaver, Deborah (2007) Child protection, domestic violence and parental substance misuse: Family experiences and effective practice (London: Jessica Kingsley Publishers)