



Standing Committee for Youth Justice

## Transforming the Response to Domestic Abuse – Government Consultation

### 1. Do you agree with the proposed approach to the statutory definition?

The Standing Committee for Youth Justice (SCYJ) is an alliance of fifty non-profit organisations working to improve the youth justice system in England and Wales. SCYJ's members range from large national charities, such as NSPCC, Barnardo's and the Prison Reform Trust, to smaller grassroots service provision charities.

SCYJ has concerns around the measures proposed in this consultation insofar as they impact on children (16- and 17-year-old) alleged and convicted perpetrators of domestic violence:

- Many child perpetrators of domestic abuse and children in the criminal justice system more widely face multiple vulnerabilities, with many being victims of domestic abuse themselves, either directly or indirectly. The proposals in the document do not address this.
- The consultation pays no attention to the fact that 16- and 17-year-olds are children and must be treated differently to adults, with specific child-focussed responses.
- The consultation pays very little attention to how children who are victims of abuse can be better supported, even when they go on to become alleged or actual perpetrators of abuse.
- The proposals contained in the consultation may make it more likely that children will be caught and penalised as perpetrators of domestic abuse, increasing the criminalisation of children.

While we may agree in theory with the proposed approach to the statutory definition of domestic abuse, such as expanding it to include economic abuse, we have concerns that the definition and all measures proposed in the consultation fail to acknowledge the distinction between adult and child perpetrators of domestic abuse and how they should be treated. While we support the government's sentiment in wanting to tackle all forms of domestic abuse, and acknowledge the importance of addressing domestic abuse perpetrated by children, as we will go on to show child perpetrators are very likely to be vulnerable, with distinct needs that should be addressed in a holistic, child-focused way. **The government should not be undertaking consultation exercises that have implications for both children and adults, without addressing the two groups differently in any way.**

There is very little information and research available on the prevalence of domestic abuse committed by children, nor on the type and severity of abuse, or on the characteristics and life experiences of these children. Before applying any of the proposed measures to combat domestic abuse to children, the government should gather data and undertake analysis of the extent and character of domestic abuse perpetrated by children, especially examining the link between children as both victims and perpetrators of domestic abuse. With appropriate research and understanding, suitable programmes and justice responses can be designed and proposed to tackle domestic abuse perpetrated by 16- and 17-year-olds. **Without this information, it is unacceptable to simply apply the approach and criminal**



**justice responses designed for adult perpetrators to children, as the proposals contained in this consultation do.**

**5. We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach? [strongly agree to disagree]**

We do not agree that children should be included in the statutory definition as domestic abuse perpetrated by children is distinct to that perpetrated by adults. Child perpetrators are highly likely to be vulnerable and victims of abuse themselves, and require a holistic approach that provides appropriate support services and does not criminalise children for their responses to trauma.

We strongly urge you to adopt the definition of children as all people under the age of 18, in line with the definition of a child in the following provisions:

- United Nations Convention on the Rights of the Child (UNCRC) 1989, Article 1
- Children Act 1989, s105(1)
- Family Law Reform Act 1969 s1

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 s91(6) explicitly states that “child” means a person under the age of 18. The amendments to the Police and Criminal Evidence Act 1984 by Criminal Justice and Courts Act 2015 resulted in s.37(15) enabling the provisions to apply all children under the age of 18.

Existing research into child perpetrators of domestic violence suggests that there are three main types of abuse: adolescent to parent violence, sibling-to-sibling violence, and partner abuse in intimate adolescent relationships. Data from SafeLives, a national charity dedicated to ending domestic abuse by gathering data and providing insights from services, survivors and statistics, shows that 61% of children (aged 13-17) who demonstrated harmful behaviour were doing so towards their mother.<sup>1</sup> A three-year research project led by Dr Rachel Condry has attempted to address the dearth of research into adolescent to parent violence<sup>2</sup>, and found that of 1,892 cases involving 13-to-19-year-old perpetrators reported to the Metropolitan Police over a one-year period, 87% of alleged perpetrators were male, while 77% of victims were female<sup>3</sup>, with 66% of cases involving son-to-mother violence. The project found perpetrators to have a mean age of 16.4, a median age of 17 and a modal age of 18 years.

The most recent domestic abuse statistics provided by the Office for National Statistics<sup>4</sup> show that 16- to 19-year-olds are the most likely age group to report experiencing domestic abuse in the last year, at 11% of women and 7% of men. At first glance this could indicate relatively high levels of partner abuse amongst teenagers. However, research by NSPCC<sup>5</sup> and SafeLives<sup>6</sup> found that many children, especially girls, reported having older partners, and those children with older partners were more likely to report severe physical violence. 16% of girls with older partners reported severe physical violence, compared to 6% with

<sup>1</sup> <http://safelives.org.uk/sites/default/files/resources/Safe%20Young%20Lives%20web.pdf>

<sup>2</sup> <https://www.law.ox.ac.uk/content/adolescent-parent-violence>

<sup>3</sup> <http://journals.sagepub.com/doi/10.1177/1748895813500155>

<sup>4</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017/previous/v1#how-prevalent-is-domestic-abuse>

<sup>5</sup> Barter, C, McCarry, M, Berridge, D and Evans K (2009) Partner exploitation and violence in teenage intimate relationships, NSPCC [Online] Available at: <https://www.nspcc.org.uk/globalassets/documents/research-reports/partner-exploitation-violence-teenage-intimate-relationships-report.pdf>

<sup>6</sup> <http://safelives.org.uk/sites/default/files/resources/Safe%20Young%20Lives%20web.pdf>



partners the same age, and 0% with younger partners. As well as this, figures for Domestic Femicides, the only national data to our knowledge available on domestic abuse perpetrators that is broken down by age, shows that between March 2014 and March 2016, 4 out of 299 femicides were carried out by under 18s<sup>7</sup>. This equates to 1% of perpetrators. We cannot conclude the extent to which 16- and 17-year-olds perpetrate domestic violence, with more data necessary before drawing any conclusions.

While more research is needed, as outlined above it would appear a large portion of reported cases of domestic abuse involving a child perpetrator are cases where a son is abusing his mother. The measures included in this consultation do not address this form of domestic abuse, nor acknowledge a distinct, child-oriented and family-centred approach that would be appropriate to tackle it<sup>8</sup>. It is therefore not appropriate to include 16- and 17-year-olds in the statutory definition without addressing this distinction in domestic abuse type.

Child perpetrators of domestic abuse should be responded to differently than adults for a number of other reasons. The National Institute of Mental Health has found changes in adolescent brains that alter behaviour, with studies<sup>9</sup> suggesting that adolescent frontal lobes experience excess production of grey matter. As the frontal lobe is associated with rational thinking, this change impacts on decision making, organisation, self-control, emotional and impulse regulation, and risk-taking behaviours. This could impact on their likelihood to abuse and also on their likelihood to reoffend later in life.

While there is a general dearth in research around young perpetrators of domestic abuse, available research suggests many young perpetrators are likely to have additional vulnerabilities, with Adverse Childhood Experiences (ACEs) including witnessing or being victims of domestic abuse themselves. It is estimated that 1 in 5 children have been exposed to domestic abuse<sup>10</sup>. Data from SafeLives found that 23% of 13-to-17-year-olds accessing services for young people experiencing domestic abuse were also demonstrating harmful behaviour. Other ACEs are also linked to experiences of violence into adulthood. Research by Public Health Wales found that people with four or more ACEs were 15 times more likely than those with no ACEs to have committed violence against another person in the last year, as well as 14 times more likely to have been a victim of violence over the last year<sup>11</sup>.

The Adolescent to Parent Violence research project undertaken by Rachel Condry and Dr Caroline Miles found that common characteristics of perpetrators were: personal and parental experiences of alcohol and drug abuse; mental health or learning problems; victims of physical and sexual abuse or witnessing domestic violence as a child; and previous offending<sup>12</sup>.

Research into the link between victimisation and offending of children more generally has found a particularly strong link between violent victimisation and offending. In a study

---

<sup>7</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017/previous/v1>

<sup>8</sup> <https://academic.oup.com/bjc/article-abstract/55/6/1076/452016?redirectedFrom=fulltext>

<sup>9</sup> Blakemore, S. J & Choudhury, S (2006). Development of the adolescent brain: Implications for executive function and social cognition. *Journal of Child Psychology and Psychiatry*, 47:3, 296-312

<sup>10</sup> Radford, L, Corral, S, Bradley, C, Fisher, H, Bassett, C, Howat, N and Collishaw, S (2011) Child abuse and neglect in the UK today, NSPCC [online] available at: <https://www.nspcc.org.uk/services-andresources/research-and-resources/pre-2013/child-abuse-and-neglect-in-the-uk-today/>

<sup>11</sup> Public Health Wales NHS Trust (2015) Welsh Adverse Childhood experiences (ACE) study [online] Available at: <http://www.wales.nhs.uk/sitesplus/888/news/40000/>

<sup>12</sup> Condry R. and Miles C. (2013), 'Adolescent to parent violence: Framing and mapping a hidden problem', *Criminology and Criminal Justice*, 0(0) 1–19, DOI: 10.1177/1748895813500155.



commissioned by Victim Support that examined the reported experiences of 14-to-18-year-olds<sup>13</sup>, children who were both victims and perpetrators of violent behaviour had tended to experience chaotic home lives. They were generally found to have damaged relationships with their parents or foster carers due to experiencing violence between parents, physical abuse from a parent or carer, an alcoholic parent, or the death or absence of a parent. There was also a tendency for this group of children to report high levels of violent crime, drug use, unemployment, and low income families in their neighbourhood.

Children who habitually respond to situations via violence and other behavioural difficulties before secondary school age and during secondary school years are highly likely to meet the criteria for conduct disorder, the most common childhood mental health difficulty. Conduct disorder affects around 6% of children overall<sup>14</sup>, and has a greater chance of developing when children have been exposed to multiple adverse experiences and developmental trauma, including maltreatment and family violence. These experiences over-stimulate the child's subsequent responses to stress, and result in aggression and other harmful behaviours.<sup>15</sup> Longitudinal studies show that children who present with early starting severe and persistent behavioural difficulties (conduct disorder) are over 3 times more likely to become victims of or perpetrators of domestic violence as adults.<sup>16</sup>

**Child perpetrators of domestic abuse are therefore likely to be vulnerable, as is the case for the majority of children in trouble with the law more widely, and they should be dealt with as such.** The consultation acknowledges the relationship between being a victim and perpetrator and the cycle of domestic abuse, yet talks starkly about victims versus perpetrators. The acknowledgement of the victim-abuser cross-over does not extend into the proposals, both for improving support for victims and measures for abusers.

Children should be handled by a separate youth justice system that attempts to recognise the vulnerability of children due to their young age, as well as the many additional vulnerabilities they face.<sup>17</sup> Article 40 of the UN Convention on the Rights of the Child recognises this right, that all children in trouble with the law should be treated in a manner that takes into account their age and promotes the child's reintegration in society. Children in trouble with the law therefore experience distinct systems, for example working with Youth Offending Teams who consider the child's needs holistically and design interventions accordingly. Measures can therefore be put in place to ensure children of any age perpetrating domestic abuse have this behaviour addressed within their distinct system. This can be achieved without including children in a statutory definition and the criminal justice measures designed principally for adults.

The definition of domestic violence was originally expanded to include 16- and 17-year-olds in order to increase awareness and available support for 16- and 17-year-old victims of domestic abuse.<sup>18</sup> Yet the definition could now allow for criminal justice responses to be brought forward that apply equally to 16- and 17-year-old perpetrators as they do to adults.

---

<sup>13</sup> <https://www.victimsupport.org.uk/sites/default/files/Hoodie%20or%20goodie%20report.pdf>

<sup>14</sup> Green, H. et al., 2005. The mental health of children and young people in Great Britain 2004, Basingstoke, Hampshire: Palgrave.

<sup>15</sup> Khan, 2016 Missed Opportunities: a review of recent evidence into children and young people's mental health. London: Centre for Mental Health

<sup>16</sup> Fergusson, D.M., John Horwood, L. and Ridder, E.M., 2005. Show me the child at seven: the consequences of conduct problems in childhood for psychosocial functioning in adulthood. *Journal of child psychology and psychiatry*, 46(8), pp.837-849.

<sup>17</sup> Section 37 *Crime and Disorder Act 1998*, Section 44 *Children and Young Persons Act 1933*, *Sentencing Guidelines Council, Overarching Principles: Sentencing Youths*, para 1.3

<sup>18</sup> <https://www.gov.uk/government/news/new-definition-of-domestic-violence-and-abuse-to-include-16-and-17-year-olds--2>



This could be particularly criminalising for children considering differences in power dynamics with child perpetrators and that children are more likely than adults to be caught and penalised. As well as this, while there is little data we are aware of children younger than 16 who can be victims and/or perpetrators of domestic abuse. The government should undertake research into effective ways of addressing children who are victims of and perpetrating domestic abuse or displaying harmful behaviour, and should apply the interventions or, if necessary, justice responses to all children under the age of 18. Rather than justifying why children younger than 16 are excluded from the statutory definition, the consultation should seek to justify the inclusion of 16- and 17-year-olds.

**Without acknowledging the distinction between adult and child perpetrators, it is entirely inappropriate to include children in a statutory definition for perpetrators of domestic abuse, for all of the reasons outlined above. Including children in the definition in this way could lead to children being subject to criminal justice responses and programmes that are simply not appropriate for their age and circumstances, risking breaching the UN Convention on the Rights of the Child. The government must acknowledge the distinction between child and adult perpetrators of domestic abuse, and create statutory definitions, and evidence-led preventative programmes and justice responses accordingly.**

**6. In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?**

Place2Be is currently piloting a parent counselling service in school settings, and report that almost half of those accessing the service are mothers who have been affected by domestic violence, and whose family experiences are having a negative effect on children's mental health and wellbeing. Mothers said they valued the ease with which they could access help in a school setting, both logistically and without fear of detection by partners. Outcomes from the service are good, with multiple areas of improvement. Many of the mothers accessing the service described multiple other difficulties affecting the family and said they had not previously sought help, suggesting an under-reached group of vulnerable people. School leaders welcomed a school-based service that made it easy to engage with parents and children in a supportive and strength-based way when they knew or believed families were facing difficulties.<sup>19</sup> This type of school-based support system should be further piloted and evaluated.

PSHE lessons on healthy relationships should start early and continue across school years. For an overview of how this might work in primary schools, see the Mentally Healthy Schools website.<sup>20</sup> Legal education would also help children to understand their rights and recognise when they or someone they know is exhibiting destructive and illegal behaviour.

**8. In addition to improving training programmes and introducing guidance, what more can the government do to improve statutory agencies' understanding of domestic abuse?**

For the reasons outlined above, all training and guidance issued must clearly recognise child perpetrators of domestic abuse as a distinct group from adults, with specific needs and vulnerabilities, and outline what is an appropriate, child-friendly response. Guidance must

---

<sup>19</sup> Centre for Mental Health and Place2Be, (forthcoming) An evaluation of Place2Be parent counselling. London: Centre for Mental Health

<sup>20</sup> <https://www.mentallyhealthyschools.org.uk/risks-and-protective-factors/family-violence/>



never recommend that a child be placed on a course or rehabilitation programme designed for adult offenders.

Guidance should be informed by the evidence on what works to support children presenting with severe behavioural problems, and identify a life course and early intervention response specifying programmes that are appropriate to the age and background of child perpetrators. These could include programmes such as those run by SCYJ member Leap Confronting Conflict, that support young people to manage conflict and violent behaviour. While these programmes are not targeted specifically at domestic abuse perpetrators, they have been found to reduce young people's involvement in conflict and improve relationships with friends and family<sup>21</sup>. There is also a wealth of evidence-led resources made available by the Early Intervention Foundation for children presenting with violent behaviour<sup>22</sup>. The Government should fund research to understand effective responses to children who are committing domestic abuse, and they and others should look to programmes such as these that have shown emerging success in addressing underlying behaviour issues in the longer term.

The impact on children of growing up with domestic abuse is recognised throughout this consultation, with specific measures proposed such as including the presence of children as an aggravating factor in domestic abuse sentencing guidelines. Specific measures are also proposed for female offenders, recognising the impact experiences of domestic abuse may have on their offending behaviour. Yet when it comes to child perpetrators of domestic abuse, there is no recognition that children are vulnerable, and that the harmful behaviour they are displaying could likely be a direct result of their own adverse childhood experiences and poor mental health, including experiencing domestic abuse. All guidance and training for statutory agencies should include information about the impact experiencing domestic abuse can have on a child, and the importance of taking this, and other vulnerabilities, into account when dealing with a child perpetrator. It is vital that statutory agencies understand the interplay between victims and perpetrators, and do not consider that a child perpetrating domestic abuse "cancels out" their status as a victim.

As well as this, all guidance for statutory agencies on dealing with children who are victims or witnesses of domestic abuse should recognise the impact their experiences may have on their likelihood to be victims or perpetrators of domestic abuse and other violence and offending in later life, and provide recommendations for appropriate early intervention and support to address this. Guidance should include that information on childhood experiences of domestic abuse should be shared across agencies.

### **11. What more can the government do to encourage and support effective multiagency working, in order to provide victims with full support and protection?**

Local areas should develop all-age whole system pathways for families affected by domestic abuse. The pathway should be clearly defined for all agencies who may have contact with families affected, including schools, and provide opportunities to navigate families to support. The whole system pathway should include clear pathways for children to access effective trauma-based support, that can help ensure children have underlying difficulties addressed before they begin to present harmful behaviour.

---

<sup>21</sup> Ziegler, N (2014) Evaluating Quarrel Shop 2013 cohort, Leap confronting conflict [online] Available at: [http://www.leapconfrontingconflict.org.uk/sites/default/files/publications/Dec14\\_LongTermEvaluationQS2013\\_ForDistribution.pdf](http://www.leapconfrontingconflict.org.uk/sites/default/files/publications/Dec14_LongTermEvaluationQS2013_ForDistribution.pdf)

<sup>22</sup> <http://guidebook.eif.org.uk/>



**16. Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?**

Under the current system, a Domestic Violence Protection Notice (DVPN) forces the recipient's removal from the property of the alleged victim for 48 hours, after which an application is made for a Domestic Violence Protection Order (DVPO), which can result in removal from the premises and prohibition of contacting the victim for a further 28 days. The proposals for the new Domestic Abuse Protection Notice (DAPN) would operate in broadly the same way as the DVPN, whilst the Domestic Abuse Protection Order (DAPO) could result in the prohibition of contacting or coming within a certain distance of the victim for a period to be specified by the court or until the court made further order. Proposals for the DAPO also include that a breach would amount to a criminal offence, notification requirements to the police of personal details, and the use of electronic monitoring.

DVPNs and DVPOs can currently only be made to perpetrators over the age of 18<sup>23</sup>, and this must remain as such for DAPNs and DAPOs. However, the consultation makes no mention of a proposed age limit. **We seek clarification that the proposed measures around DAPNs and DAPOs would not be applicable to any perpetrator under the age of 18.**

It would be entirely inappropriate to include children in the extremely restrictive measures proposed. If children were included, the proposals would allow for the indefinite eviction of 16- and 17-year-olds from their family home in the case of Adolescent to Parent Violence or sibling-to-sibling abuse. The imposition of a DAPO on a child in this case could also indefinitely ban them from communicating with their parent or family member. Imposing a DAPO on a child would therefore violate multiple Articles of the UN Convention on the Rights of the Child (UNCRC)<sup>24</sup>. For example, Article 3 provides that in all actions concerning children the best interests of the child shall be a primary consideration, and Article 9 provides that governments shall ensure that a child shall not be separated from his or her parents against their will, except when deemed in the best interests of the child.

Children in England and Wales must at a minimum remain in part-time education, training or an apprenticeship until they are 18.<sup>25</sup> 16- and 17-year-olds are therefore unlikely to earn enough income to adequately support themselves and achieve a good standard of living on their own. Evicting a child and prohibiting contact with family members therefore risks breaching Article 27 of the UNCRC: 'States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development'. Articles 32 – 36 of the UNCRC recognise the important role the state must play in protecting children from all forms of exploitation and abuse, including economic, drug and alcohol, sexual, and trafficking. The Articles provide that the government must undertake all appropriate measures to prevent such abuses. If children were included in the proposed Order, the government taking steps to evict and disconnect children from their family support could drive them into homelessness and poverty, thereby increasing their risk of exploitation and breaching multiple Articles of the UNCRC.

**Imposing a DAPO on a child, forcing them away from their home and family for a potentially indefinite period of time, and giving them a criminal record if they breach**

<sup>23</sup> <https://www.legislation.gov.uk/ukpga/2010/17/section/24>

<sup>24</sup> [https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf?\\_ga=2.8744757.1040509840.1526288980-998221595.1526288980](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.8744757.1040509840.1526288980-998221595.1526288980)

<sup>25</sup> <https://www.gov.uk/know-when-you-can-leave-school>



**the order, would have a disproportionate impact on a child's opportunities and life outcomes and would amount to cruel punishment, breaching Articles 37 and 40 of the UNCRC.**

**33. Do you agree the guidance underpinning the DVDS should be placed on a statutory footing?**

It is unclear whether the Domestic Violence Disclosure Scheme (DVDS), whereby police disclose information to relevant members of the public regarding a person's history of perpetrating domestic abuse, applies to 16- and 17-year-olds or only to those over 18. **We seek clarification on whether the DVDS includes disclosing information on perpetrators who were under the age of 18 at the time of the offence. If it is proposed that children are included, we seek clarification on the length of time information on child perpetrators is held and disclosed by the DVDS.** It would be inappropriate to include child perpetrators in the DVDS, and if the DVDS guidance is to be placed on a statutory footing, there must be clear specification that the scheme should only be used for adults.

As outlined previously, there is limited information available on child perpetrators of domestic abuse, and the government should fund research to increase understanding and to identify the most effective methods of combatting it. However, from the information we do have (discussed in Question 5), along with the profile of children in trouble with the law more widely, it is highly likely that many child perpetrators of domestic abuse face significant vulnerabilities, including experiencing or witnessing domestic abuse themselves. It appears that early intervention, educational and conflict management programmes (discussed below) have shown success in helping children and young people to understand healthy relationships and to combat violence. Children should have the opportunity to learn and move on from the mistakes they have made. But disclosing information of domestic abuse carried out as a child to future partners would act like a criminal record for relationships, stopping them from moving on with their lives and anchoring them to their past.

While more information is needed on domestic abuse specifically, we know that many children in trouble with the law go through a "stage" of offending, for example when facing difficulties in their lives, and then desist entirely. Research suggests that children "grow out" of offending behaviour naturally as they mature. For example, statistics on cautions and convictions have consistently shown a sharp incline in offending behaviour of children from early adolescence that peaks during the mid to late teenage years and then declines sharply (Farrington, 1986)<sup>26</sup>. Evidence on children convicted of sexual offences has shown that they are less likely to reoffend than children convicted of other offences<sup>27</sup>, with the chances of reoffending declining over time<sup>28</sup>. Specifically, one study found that the hazard of a sex re-conviction decreases substantially after the age of 21<sup>29</sup>. A meta-analysis found evidence that

---

<sup>26</sup> Farrington, D.P., 1986, 'Age and crime' in Tony, M. and Morris, N. (Eds) Crime and justice: An annual review of research Vol 7, pp 192-5.

<sup>27</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/217377/research-reoffending-hazards.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217377/research-reoffending-hazards.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/563185/proven-reoffending-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/563185/proven-reoffending-2014.pdf)

<sup>28</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/217377/research-reoffending-hazards.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217377/research-reoffending-hazards.pdf)

<sup>29</sup> [http://eprints.lancs.ac.uk/65390/1/Final\\_postprint\\_Hargreaves\\_and\\_Francis.pdf](http://eprints.lancs.ac.uk/65390/1/Final_postprint_Hargreaves_and_Francis.pdf)



“lends support to the view that developmental issues play a dominant role in adolescent sexual misconduct.”<sup>30</sup>

Childhood is a period of rapid change, and adolescent brains are developmentally immature and going through changes that alter behaviour, including impacting on decision making, self-control, emotional and impulse regulation, and risk-taking behaviours<sup>31</sup>. Including children in the DVDS would place a label and associated stigma on the child, which would follow them into potential healthy adult relationships. As Maruna and LeBel (2010: 78) write: “If stigma and labelling influence the longevity and persistence of criminal behaviour over time, as the research increasingly suggests, then policy efforts should seek to avoid such penalties, removing barriers to full participation in society whenever possible”.<sup>32</sup>

### **37. How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?**

In the context provided by this section of the consultation, it is implied that an ‘improved’ policing response to domestic abuse is a higher rate of criminal convictions. However, in a youth justice context we would not consider increasing criminal convictions as a sign of success or improvement. This is particularly true given the complexities of family situations and the vulnerability of both victims and child perpetrators of domestic abuse. The principle aim of any dealings with children in trouble with the law should be promoting the child’s reintegration in society and the child assuming a constructive role in society<sup>33</sup> (Article 40, UNCRC). As well as this, the state must fulfil its responsibilities under Article 3, UNCRC, to ensure the best interests of the child are at the heart of all measures and interventions. Convicting a child of an offence, giving a child a criminal record or depriving them of their liberty works against these rights and damages their life chances.<sup>34</sup> A review of research on diversion revealed that children who had contact with the formal youth justice system were more likely to re-offend than those diverted away from the system entirely.<sup>35</sup>

Rather than taking the criminal justice route and increasing the rate of criminal convictions, we would like to see child perpetrators dealt with outside of the justice system wherever possible. The appropriate response will depend on the seriousness of the violence and on whether it is a single incident or a pattern of behaviour. More data is needed on the character of domestic abuse perpetrated by children before we can discuss this in depth. However, **the underpinning principle for dealing with children alleged to have carried out domestic abuse should be that the criminal justice response is the last resort.**

As outlined previously, research has shown that children who have experienced violence, abuse, neglect and other adverse experiences as a child are more likely to perpetrate violence and other negative behaviours as they grow up. This harmful behaviour and lack of understanding of healthy relationships needs to be addressed as early as possible, with

---

<sup>30</sup> <http://journals.sagepub.com/doi/pdf/10.1177/0306624X08330016>

<sup>31</sup> Blakemore, S. J & Choudhury, S (2006). Development of the adolescent brain: Implications for executive function and social cognition. *Journal of Child Psychology and Psychiatry*, 47:3, 296-312

<sup>32</sup> Maruna, Shadd., and LeBel, T., 2010, “The desistance paradigm in correctional practice: from programs to lives”, accessed 04 April, 2014 at: <http://blogs.iriss.org.uk/discoveringdesistance/files/2012/01/Maruna-and-LeBel-Chapter-4.pdf>

<sup>33</sup> Section 37 Crime and Disorder Act 1998, Section 44 Children and Young Persons Act 1933, Sentencing Guidelines Council, Overarching Principles: Sentencing Youths, para 1.3

<sup>34</sup> Growing Up, Moving On (SCYJ) for crim recs.... Ref for depriving of liberty impact

<sup>35</sup> Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). Formal System Processing on Juveniles: effects on delinquency. Massachusetts: The Campbell Collaboration.



education and child-specific programmes such as those included in NICE guidance<sup>36</sup>, and in the case of Adolescent to Parent Violence a nuanced, holistic and family-centred approach is needed.<sup>37</sup> These approaches can help a child learn appropriate behaviours and move forward with their lives. A child improving their understanding of healthy relationships and desisting from displaying harmful behaviours constitutes an improvement or success. Convicting a child of an offence when they need assistance does not.

**38. Do you think creating a legislative assumption that all domestic abuse victims are to be treated as eligible for assistance on the grounds of fear and distress (if the victim wants such assistance), will support more victims to give evidence?**

Given what we know about the profile of child perpetrators of domestic abuse (above) and children in trouble with the law more generally, it is likely that young alleged perpetrators of domestic abuse are just as vulnerable as the alleged victim, and should be recognised as such in court. This is especially true given the complex nature of children displaying harmful behaviour in a domestic setting. Children should be afforded extra protections in court anyway to ensure they can understand and effectively participate in proceedings<sup>38</sup>, and children in court accused of domestic abuse should have access to the same special measures as are available to victims.

**48. Please share any other views on how to ensure domestic abuse and its impact on children are taken into account in sentencing?**

Current domestic abuse sentencing guidelines do not include any information on sentencing child perpetrators of domestic abuse, other than stating that “For offenders aged 16 - 18 refer also to the Sentencing Children and Young People Overarching Principles Definitive Guideline; however the general principles of this guideline will still apply.”<sup>39</sup> Mitigating factors in the current sentencing guidelines do not include that the perpetrator is a child themselves or that the child perpetrator is assessed to have Adverse Childhood Experiences including witnessing or being a victim of domestic abuse. This is despite the guidelines recognising elsewhere that children can be adversely impacted by both direct and indirect exposure to domestic abuse, and including this as an aggravating factor for adults who commit domestic abuse when there is a child present. As outlined previously, it is likely that child perpetrators of domestic abuse are vulnerable<sup>40</sup>, and sentencing guidelines should emphasise this, explicitly taking this into consideration rather than simply referring to overarching principles.

**57. What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour? We are interested to hear of particular examples of practice which have been successful.**

In theory, SCYJ would be in favour of prescribing programmes to combat domestic abuse, both in the community and custody, as long as there had been adequate research to ensure the programmes were effective for children displaying harmful behaviour. To ensure this is the case, **the government should carry out a specific research programme and**

---

<sup>36</sup> National Institute for Health and Care Excellence, 2013. CG158 Antisocial Behaviour and Conduct Disorders in Children and Young People. Recognition, intervention and management. National Clinical Guideline Number 158., London: NICE.

<sup>37</sup> <https://academic.oup.com/bjc/article-abstract/55/6/1076/452016?redirectedFrom=fulltext>

<sup>38</sup> [http://michaelsieff-foundation.org.uk/content/inquiry\\_into\\_the\\_operation\\_and\\_effectiveness\\_of\\_the\\_youth\\_court-uk-carlile-inquiry.pdf](http://michaelsieff-foundation.org.uk/content/inquiry_into_the_operation_and_effectiveness_of_the_youth_court-uk-carlile-inquiry.pdf)

<sup>39</sup> [https://www.sentencingcouncil.org.uk/wp-content/uploads/6.4143\\_SC\\_Domestic\\_Abuse\\_Paper\\_WEB.pdf](https://www.sentencingcouncil.org.uk/wp-content/uploads/6.4143_SC_Domestic_Abuse_Paper_WEB.pdf)

<sup>40</sup> <http://safelives.org.uk/sites/default/files/resources/Safe%20Young%20Lives%20web.pdf>  
<http://journals.sagepub.com/doi/10.1177/1748895813500155>



## **literature review examining what works to deter child perpetrators from domestic abuse.**

Programmes should be child-specific and any prescriptions of programmes should be developed with full involvement of all parties and supporting agencies, with management from the child's YOT. All interventions must be conducted by specially trained practitioners. As outlined previously, the dynamic of child-perpetrated domestic abuse is likely often different to that of adult domestic abuse, especially in cases of adolescent to parent and sibling-to-sibling violence. Any programme or intervention must therefore be designed with this in mind.

In their research on adolescent to parent violence, Dr Rachel Condry and Dr Caroline Miles identify the difficulties practitioners currently face in finding specifically tailored interventions<sup>41</sup>. While practitioners recognised the existence of some very effective programmes, they were small in number and localised. Condry and Miles identify that practitioners need more information and understanding of the issue, with access to clear policy and guidance on how they should respond. Increasing the number of dedicated support services, including training, referral processes and intervention programmes, as well as improving communication between services would help practitioners work with child perpetrators in the community. Overall, they emphasise the need for responses that reflect the complexity of the issue and of family dynamics, using approaches that are holistic, evidence based, and family-focused.

There are a number of SCYJ members who work with children in both custody and the community to address harmful behaviour. The government should look to these programmes, as well as broader child development and health literature, for aspects of effective practice and fund the development of interventions that specifically engage and target child perpetrators of domestic abuse.

For example, Restorative Solutions run a number of programmes that look to equip both young people, and the adults they interact with, with the tools to resolve disputes and build relationships. Their Restore:Families programme supports families experiencing child to parent violence. An independent evaluation of the programme identified that domestic abuse is highly complex and connected to wider factors such as poverty, trauma, and mental health difficulties, and that breaking the cycle of abuse often requires a whole-family holistic approach to service delivery. Despite the complexities, the evaluation found that several young people reported having an increased understanding of the impact of their behaviour, and had the skills to "respond and not react". Participants also reported a number of positive outcomes such as improved relationships at home and with peers and increased mental health and well-being.<sup>42</sup>

Where children have conduct disorders, responses should not wait until children escalate into crisis and are at risk of entering the youth justice system. There is clear evidence on which interventions best help these children move into healthy behavioural ranges. Schools and other agencies should use NICE guidance<sup>43</sup> compliant preventative responses that

---

<sup>41</sup> Condry R. and Miles C. (2013), 'Adolescent to parent violence: Framing and mapping a hidden problem', *Criminology and Criminal Justice*, 0(0) 1 –19, DOI: 10.1177/1748895813500155.

<sup>42</sup> <https://cumbria-pcc.gov.uk/wp-content/uploads/2017/03/Evaluation-Report-TTS-Perpetrator-Programme-Final.pdf>

<sup>43</sup> National Institute for Health and Care Excellence, 2013. CG158 Antisocial Behaviour and Conduct Disorders in Children and Young People. Recognition, intervention and management. National Clinical Guideline Number 158., London: NICE.



engage with children and their families from a young age in a non-stigmatising environment. These interventions involve supporting parents to develop and apply strategies designed to help children regulate their emotions more effectively. If well-implemented, for every pound invested there is a likely saving of three pounds across schools, local authorities and mostly in the justice system.<sup>44</sup> Schools should support parents to implement positive parenting strategies, and in secondary schools there should be clear pathways to more complex family based interventions, such as systemic family therapy.

Other organisations who provide domestic abuse support and programmes for young perpetrators include domestic abuse charity Respect. The Respect Young People Programme (RYPP) covers intimate relationship abuse, adolescent to parent violence and sibling abuse. The work mainly targets those aged 10-25, and supports frontline workers in engaging with these families. Respect provide training events and resources to those working with victims and perpetrators of domestic abuse, equipping practitioners with the skills and therapeutic interventions necessary to address harmful behaviour.

**58. Please select which of the following you believe should be priorities for improving data collection. (Tick Boxes and Free Text)**

Data collection around child perpetrators and child victims of domestic abuse.

---

<sup>44</sup> Parsonage, M., Khan, L. and Saunders, A., 2014. Building a better future: The lifetime costs of childhood behavioural problems and the benefits of early intervention. London: Centre for Mental Health.

