



ANNUAL REVIEW OF THE EFFECTIVENESS OF PART 1 OF THE DOMESTIC ABUSE AND CIVIL PROCEEDINGS ACT (NORTHERN IRELAND) 2021

YEAR TWO - PROGRESS REVIEW

APRIL 2025



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Note: Electronic links to documents and information sources referenced within this report are correct at the time of publication but may be subject to change where the information is outside CJI's control.

LIST OF ABBREVIATIONS

CJI	Criminal Justice Inspection Northern Ireland
CMC	Contact Management Centre (within the PSNI)
DANA	Aggravated by Domestic Abuse – Sentence Not Enhanced (Court result record)
DASE	Aggravated by Domestic Abuse – Sentence Enhanced (Court result record)
DASH	Domestic Abuse, Stalking and Harassment and Honour Based Abuse (risk assessment)
DoH	Department of Health
DoJ	Department of Justice
DVADS	Domestic Violence and Abuse Disclosure Scheme
EA	Education Authority
EU	European Union
ICOS	Integrated Court Operations System (NICTS computer system)
IT	Information Technology
JSB	Judicial Studies Board
MARAC	Multi-Agency Risk Assessment Conference
NICHE	Police Service of Northern Ireland's records management system
NICS	Northern Ireland Civil Service
NICTS	Northern Ireland Courts and Tribunals Service
PPB	Public Protection Branch (within the PSNI)
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
SBNI	Safeguarding Board for Northern Ireland
SLA	Service Level Agreement
Women's Aid	Women's Aid Federation Northern Ireland

TERMINOLOGY

Domestic abuse

For this Review Criminal Justice Inspection Northern Ireland (CJI) used the Department of Justice (DoJ) and Department of Health (DoH) *Domestic and Sexual Abuse Strategy 2024 - 2031*¹ definition of 'domestic abuse'; that is '*threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member.*'

Victim

CJI uses the term 'victim' to describe anyone who has been subjected to an offence in a domestic context, but this also encompasses anyone described as a 'survivor', 'injured party' or 'complainant'.

Key Sections of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 relevant to this Review

Section	Title	Description
Section 1	The domestic abuse offence	Creates a domestic abuse offence where a perpetrator engaged in a course of behaviour which was likely to cause physical or psychological harm to a victim, to whom they were personally connected.
Section 6	Personal connection notice - domestic abuse offence	Makes provision in relation to the domestic abuse offence, that a relationship between two individuals is taken as established, unless challenged.
Section 8	Aggravation - victim is under 18	Provides for the aggravation of the domestic abuse offence, where a person under 18 years of age is the victim or one of the victims.
Section 9	Aggravation - relevant child involved	Provides that an aggravation of the domestic abuse offence could occur through abusive behaviour being (or threatening to be) directed at a person under 18 years of age, or the use of them to facilitate the abusive behaviour.

¹ Department of Justice and Department of Health, *Domestic and Sexual Abuse Strategy 2024-2031*, September 2024, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/dsa-strategy-09-24.pdf>.

Section	Title	Description
Section 11	Exception where responsibility for children	Provides that the domestic abuse offence does not apply where a person has parental responsibility for another person who is under 16 years of age (which can be dealt with under offences relating to child abuse).
Section 15	Domestic abuse aggravator	Provides for any other offence, other than the domestic abuse offence, to be aggravated where it involves domestic abuse.
Section 19	Personal connection notice - offence aggravated by domestic abuse	Makes provision in relation to an offence aggravated by domestic abuse, that a relationship between two individuals is taken as established, unless challenged.
Section 26	Operation Encompass	Enables information sharing with an education provider about an incident of domestic abuse involving a pupil or student.
Section 28	Eligibility of victims for civil legal aid	Provides for a waiver of the financial eligibility rules normally used in determining a person's application of civil legal services.
Section 30	Statutory guidance	States that the Department of Justice must issue guidance about Part 1 of the Act.
Section 32	Training within relevant bodies	Places a duty on specific organisations (including the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland and the Northern Ireland Courts and Tribunals Service) to provide annual mandatory training on the effect of Part 1 of the Act to staff.
Section 33	Independent oversight	Sets out that an independent oversight person is to be appointed to advise and make recommendations on the effectiveness of the operation of Part 1 of the Act and in relation to guidance under Section 28.
Section 34	Report on the operation of this part	Requires the Department of Justice to prepare a report on the operation of the domestic abuse offence, child aggravators and generic aggravator.

CHIEF INSPECTOR'S FOREWORD

This second annual Review of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (the Act) focused on the action taken and progress made towards implementing the recommendations we made in the first Review Report.

Given the time period between the first Report and the second Review commencing, it was important to assess progress rather than make an assessment on achievement.

It is encouraging that there was good or reasonable progress in eight of the 11 Review Report recommendations and Inspectors were able to evidence the work undertaken by inspected organisations and its impact on outcomes.

However, while there has been investment in training, it is vital it is targeted and evaluated to progress implementation of the accepted recommendations.

It is also very clear there is still work to be done in closing the gap between aggravators identified by the Police Service of Northern Ireland and those that lead to a prosecution, are proven and are apparent in convictions, sentences and outcomes. This is important to ensure the impact of offending in a domestic context and on children are recognised, and the deterrent effects of enhanced sentences, as intended by the legislation, are realised.

A recent Court of Appeal judgment has helpfully provided guidance and a new methodology when applying the domestic abuse aggravator for sentencing that will make it easier for Judges to comply with aggravator recording obligations, particularly those relating to Section 15(4)(d). It is also vital that quality data and information, including complete and accurate Court records, are available on the Act's impact including the use of the aggravators. This should be ambitious and not designed to meet the bare minimum but provide information not only to inform criminal justice organisations, victims and stakeholders, but to foster public confidence in the difference the Act has made to safer communities and homes. As noted by the Court of Appeal, *'this aggravator is a creature of statute introduced by the Assembly as part of multi-pronged attack on the "scourge of domestic violence in Northern Ireland"'*.

The third annual Review is likely to include a return to case file reviews as part of our evidence gathering and assessment.

These provide useful evidence on the quality of Police Service of Northern Ireland and Public Prosecution Service for Northern Ireland investigations and prosecutions, assessments of victim support needs and consideration of special measures for Court hearings. I look forward to seeing how the implementation of recommendations are further progressed in the next year.

The importance of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 being on our statute books cannot be under-estimated. Three years after commencement, the energy and collaboration to implement it cannot be diminished as we all move forward to ensure its benefits for all, including its contribution to ending violence against women and girls, are realised.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

April 2025

This Review was led by Dr. Claire Feehan supported by Maureen Erne and I am grateful for their work.

My thanks also to the Department of Justice, Police Service of Northern Ireland, Public Prosecution Service for Northern Ireland and Northern Ireland Courts and Tribunals Service Officers, staff and officials as well as Women's Aid and Assist NI whose valuable contributions informed this Review Report.

CHAPTER 1: INTRODUCTION

BACKGROUND TO THIS REVIEW

- 1.1 *The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021*² (the Act) came into effect in Northern Ireland on 21 February 2022. The Act created a domestic abuse offence (Section 1) that closed a gap in the law by criminalising a course of abusive behaviour; that is behaviour that occurs on two or more occasions, against an intimate partner, former partner or close family member. The Act also introduced aggravating factors to be considered when sentencing cases of domestic abuse relating to a child victim under 18 (Section 8) (except in cases of exercising parental responsibility (Section 11)) or where a child was present or heard the abuse, was a victim of the abuse or was used to direct abuse at the victim (a 'relevant child') (Section 9). Section 15 provided for a sentencing aggravator where offences other than the domestic abuse offence were proven, providing potential for increased sentencing up to the maximum available. In addition, the Act introduced changes to special measures³ arrangements, protective measures for victims of domestic abuse, information sharing between the Police Service of Northern Ireland (PSNI) and schools currently enabled through *Operation Encompass* (Section 26) and arrangements to provide civil legal aid for victims of domestic abuse (Section 28).
- 1.2 Section 33 of the Act provided for independent oversight of Part 1 of the Act, with the first Review to be completed within two years of the commencement of the Act, and annually thereafter for at least six years. CJI was asked by the Minister of Justice to undertake the role of independent oversight, and the first Review of the effectiveness of Part 1 of the Act⁴ was published in April 2024. The first Review made two Strategic and nine Operational Recommendations. These were addressed to the DoJ, the PSNI, the Public Prosecution Service for Northern Ireland (PPS) and the Northern Ireland Courts and Tribunals Service (NICTS).
- 1.3 This is the second Review of the Act, as required by Section 33, and examined the progress made against the first Review Report recommendations.

2 *Legislation.gov.uk, Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021*, available at <https://www.legislation.gov.uk/nia/2021/2/introduction>.

3 Special measures were adjustments to typical Court practices, which were made to help Court users to participate fully in Court proceedings and give the best possible evidence before the Court.

4 CJI, *Review of the Effectiveness of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021*, April 2024, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2024/Apr-June/Review-of-Domestic-Abuse-and-Civil-Proceedings-Act>.

CHANGES SINCE THE FIRST REVIEW

- 1.4 In the 12 months since fieldwork concluded for the first Review, there have been several strategic and operational developments related to domestic abuse in Northern Ireland. This reflected its ongoing importance within the criminal justice system and to society more generally, these included:

European Union (EU) Directive on combating violence against women and domestic violence

- 1.5 The EU formally adopted the EU Directive on combating violence against women and domestic violence⁵ on 7 May 2024, with three years for each member state to transpose the directive into national law and policy. The Directive aimed to create a unified legal framework across Member States to prevent, address and criminalise various forms of violence against women and domestic violence. It established criminal penalties at EU level for specific forms of violence against women, both online and offline. It also provided measures of protection and support for victims, promoted public awareness campaigns to change societal attitudes and encouraged educational programmes to address gender stereotypes. It included cross-border protections and required Member States to collect data and report on the prevalence and prosecution of related offences.
- 1.6 The United Kingdom (UK) Government's commitment under Article 2(1) of the Northern Ireland/Ireland Protocol to ensure that the protections regarding rights, safeguards and equality of opportunity as set out in the Belfast Agreement were upheld in Northern Ireland post-Brexit. As well as the commitment to ensure some of Northern Ireland's equality laws kept pace with changes made at EU level, it was important to bear in mind any potential implications of the new Directive in the development and review of domestic laws and policies.

Draft Programme for Government 2024 - 2027 'Our Plan: Doing What Matters Most'

- 1.7 The 2024-2027 Draft Programme for Government⁶ was published in September 2024, with an eight-week public consultation. Entitled 'Our Plan: Doing what Matters Most' it set three missions; People, Planet and Prosperity, anchored by an overarching commitment to Peace. Of the nine immediate priorities, two referenced domestic abuse and these were: 'Safer Communities' and 'Ending Violence Against Women and Girls'. The requirement for a collaborative approach to delivery against Ending Violence Against Women and Girls was echoed through alignment with strategies with shared outcomes such as the Domestic Violence and Sexual Abuse Strategy⁷, while actions to keep communities safe had direct implications for domestic abuse which accounted for 20% of all recorded crime in Northern Ireland.

5 Official Journal of the European Union, Directive (EU) 2024/1385 on combating violence against women and domestic violence, 14 May 2024, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401385&qid=1716884102079.

6 Northern Ireland Executive, Draft Programme for Government 2024-2027, Our Plan: Doing What Matters Most, September 2024, available at <https://www.northernireland.gov.uk/sites/default/files/consultations/newnigov/draft-programme-for-government-our-plan-doing-what-matters-most.pdf>.

7 Department of Justice and Department of Health, Domestic and Sexual Abuse Strategy 2024-2031, September 2024, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/dsa-strategy-09-24.pdf>.

Domestic and Sexual Abuse Strategy 2024 - 2031

1.8 The *Domestic and Sexual Abuse Strategy 2024-2031*⁸ (the Strategy) was published in September 2024 by the DoJ and the DoH. In common with the previous seven-year strategy⁹, the current Strategy was developed in collaboration with the Department for Communities, the Department of Education and The Executive Office, as well as with stakeholders from the voluntary and community sector. The Strategy's vision for Northern Ireland was:

- *'Domestic and/or sexual abuse is not tolerated, and everyone can be safe and free from fear;*
- *Domestic and/or sexual abuse is everyone's business, where partnership work and collaborative approaches create lasting change across our communities and provide hope; and*
- *The voice of victims, including children and young people, is valued and central to decision making.'*

1.9 The Strategy was designed around five pillars: partnership, prevention, support and provision, justice, and children and young people. The inclusion of the children and young people pillar was a positive step that reinforced the need for a focus on the impact of domestic abuse on children, as was evident within the Act itself. The need for this standalone pillar was raised with Inspectors during the first Review of the Act. An integrated performance framework that set out a range of outcomes to be measured against each of the five pillars was also included.

1.10 Delivery of the Strategy was overseen by a cross-Departmental Strategy Oversight Board (the Board), accountable to the Northern Ireland Executive. An Expert Reference Group was also established to provide advice to the Board from a frontline perspective. A three-year Action Plan¹⁰ outlined actions to be taken during the first three years of the Strategy against each of the five pillars. An action relating to Act implementation outlined requirements for the publication of an annual training statement; the development of a statement on the operation of Part 1 of the Act covering the first three years of the domestic abuse offence (Section 34); and research on the experience at Court of witnesses (including children). This action also addressed the legislative requirement for independent oversight of the operation of Part 1 of the Act (Section 33), as fulfilled by this and subsequent CJI Reviews.

8 DoJ and DoH, *Domestic and Sexual Abuse Strategy 2024-2031*, September 2024, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/dsa-strategy-09-24.pdf.a>

9 DoJ and DoH., *Social Services and Public Safety, Stopping Domestic and Sexual Violence and Abuse in Northern Ireland – A Seven Year Strategy*, March 2016, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/stopping-domestic-sexual-violence-ni.pdf>

10 DoJ and DoH, *Domestic and Sexual Abuse Strategy 2024-2031, Action Plan Year 1-3*, September 2024, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/dsa-action-plan-24-31.pdf>

End Violence Against Women and Girls Strategic Framework 2024 - 2031

- 1.11 While recognising that domestic and sexual abuse disproportionately affects women and girls, men and boys accounted for 33% of victims in 2023-24.¹¹ As such, the development of a separate, but interdependent, Strategy to address violence against women and girls was appropriate. The *End Violence Against Women and Girls Strategic Framework 2024-31*¹² (the Framework) was developed and implemented in parallel with the Strategy. The Framework was mandated by the Northern Ireland Executive in response to the growing issue of gender-based violence in Northern Ireland and co-designed with organisations from across the public and voluntary and community sectors.
- 1.12 The Framework's vision was of a *'changed society where women and girls are free from all forms of gender-based violence, abuse, and harm, including the attitudes, systems, and structural inequalities that cause them.'* The co-design group identified six changes that were required across society, and these formed the outcomes of the Framework. They were:
- 1. 'Changed attitudes, behaviours, and culture;**
 - 2. Healthy, respectful relationships;**
 - 3. Women and girls are safe and feel safe everywhere;**
 - 4. Quality frontline services, protection, and provision for victims and survivors of violence against women and girls;**
 - 5. A justice system which has the confidence of victims, survivors and the public in its ability to address violence against women and girls; and**
 - 6. All of government and society working better together to end violence against women and girls.'**
- 1.13 An Oversight Board, chaired by Junior Ministers and including the Permanent Secretaries of key delivery Departments, was established to review and monitor implementation. A Programme Board would monitor progress against Delivery Plan¹³ targets, while an Insight and Reference Network would support collaboration with the community and voluntary and community sector.

11 PSNI, *Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2023/24*, 29 November 2024, available at <https://www.psni.police.uk/system/files/2025-01/1540547815/Domestic%20Abuse%20Incidents%20and%20Crimes%20in%20Northern%20Ireland%202004-05%20to%202023-24%20-%20Revised.pdf>.

12 Northern Ireland Executive, *End Violence Against Women and Girls, Strategic Framework 2024 – 31*, available at <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/strategic-framework-evawg.pdf>.

13 Northern Ireland Executive, *End Violence Against Women and Girls, Delivery Plan 2024 – 2026*, available at <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/action-plan.pdf>.

PSNI Tackling Violence Against Women and Girls Action Plan – Years 3-7

- 1.14 The PSNI published their second *Tackling Violence Against Women and Girls Action Plan*¹⁴ in September 2024, setting out the actions to be delivered over the next five years. The second Action Plan was based on a revised national framework¹⁵ published by the National Police Chief's Council including the '4P' approach; Prepare, Protect, Pursue and Prevent.
- 1.15 The second Action Plan reported that 33 of the 41 actions in the first Action Plan¹⁶ had been completed including the delivery of specialist trauma informed domestic abuse training to all Police Officers and staff in frontline roles, the introduction of Domestic Abuse Champions, the development of a domestic abuse in the workplace service instruction and the embedding of learning from Domestic Homicide Reviews. New actions within the second Action Plan included assisting in the development of a perpetrator strategy for domestic abuse in Northern Ireland and supporting the implementation of dedicated domestic abuse Courts. The only reference to the Act was in relation to the outstanding requirement to introduce Domestic Abuse Protection Orders and Notices.
- 1.16 The PSNI also launched a bespoke domestic abuse online reporting tool¹⁷ in April 2024, offering an alternative reporting mechanism for victims of domestic abuse. In considering the safety requirements of victims when reporting, the online portal included a 'leave this site' button which closed the site and automatically opened a Google search engine. There had been an average of 53 online domestic abuse reports made each month between April and October 2024.

PPS Policy for Prosecuting Cases of Domestic Abuse

- 1.17 The PPS published an updated *Policy for Prosecuting Cases of Domestic Abuse* in February 2024,¹⁸ reflecting changes to the way the criminal justice system viewed and responded to domestic abuse following the introduction of the Act. It was more detailed than the previous policy¹⁹ and it outlined a trauma-informed and victim centred approach to domestic abuse. In examining how Prosecutors take decisions in domestic abuse cases, the policy outlined the Test for Prosecution and how this was applied to cases of domestic abuse. It set out, in detail, the many myths, stereotypes and assumptions that were common in discussions on domestic abuse and explained the role of the investigator and the Prosecutor, including case building, risk assessment and dealing with the case at Court. Information was also provided on special measures and available support services.

14 PSNI, *Tackling Violence Against Women and Girls Action Plan – Years 3-7*, September 2024, available at <https://www.psnipolice.uk/sites/default/files/2024-09/VAWG%20Action%20Plan%20Years%203%20-7%20v2.pdf>.

15 National Police Chief's Council and the College of Policing, *Policing Violence Against Women and Girls – The National Framework for Delivery: 2024 - 2027*, February 2024, available at <https://www.npcc.police.uk/SysSiteAssets/media/downloads/our-work/vawg/vawg-framework-for-delivery.pdf>.

16 PSNI, *Tackling Violence Against Women and Girls, Action Plan*, available at <https://www.psnipolice.uk/sites/default/files/2022-09/Tackling%20Violence%20Against%20Women%20and%20Girls%20Action%20Plan.pdf>.

17 PSNI, *Bespoke victim-focused Domestic Abuse and Fraud online reporting options*, 11 June 2024, available at <https://www.psnipolice.uk/latest-news/bespoke-victim-focused-domestic-abuse-and-fraud-online-reporting-options>.

18 PPS, *Police for Prosecuting Cases of Domestic Abuse*, February 2024, available at <https://www.ppsni.gov.uk/files/ppsni/2024-02/Policy%20for%20Prosecuting%20Cases%20of%20Domestic%20Abuse.pdf>.

19 PPS, *Policy for Prosecuting Cases of Domestic Violence*, 2016, available at <https://www.ppsni.gov.uk/files/ppsni/2024-02/PPS%20Domestic%20Violence%20Policy%20282016%29.pdf>.

Domestic Violence and Abuse: Legal Remedies Guidance

- 1.18 The Belfast Area Domestic & Sexual Violence and Abuse Partnership was a collaborative partnership of agencies, organisations, groups and individuals who wanted to improve services and support victims of domestic and sexual violence and abuse. The partnership published an updated version of '*Domestic Violence and Abuse: Legal Remedies*'²⁰ in July 2024 as a tool for professionals and victims to assist with understanding the law and the protection options available to domestic abuse victims. An '*At A Glance*'²¹ version was also published providing an easy read option to assist with understanding civil and criminal law protections, as well as support for victims and witnesses.

Domestic abuse statistics

- 1.19 There were 32,763 domestic abuse incidents recorded by the PSNI in 2023-24, a reduction of 113 from 2022-23. This was the third highest financial year figure recorded since the beginning of the time series in 2004-05, with only 2021-22 and 2022-23 having a higher number of recorded domestic abuse incidents. The number of domestic abuse crimes reduced from 22,312 in 2022-23 to 19,954 in 2023-24, a reduction of 10.6%, with females accounting for 67% of victims and males 33%. Those over 60 years of age accounted for 7.5% of victims. Between April and September 2024 there were a further 15,298 domestic abuse incidents and 9,228 domestic abuse crimes recorded by the PSNI. Table 1 summarises the key domestic abuse statistics published by the PSNI.

Table 1: PSNI recorded domestic abuse statistics, Northern Ireland, 2022-23 to 2023-24 and April to September 2024²²

	2022-23	2023-24	% change 2022-23 to 2023-24	April to September 2024
Domestic abuse incidents	32,876	32,763	-0.3%	15,298
Domestic abuse crimes	22,312	19,954	-10.7%	9,228
<i>Stalking and Harassment</i> ²³	5,198	3,855	-25.8%	1,795
<i>Domestic abuse offence/controlling or coercive behaviour</i>	916	743 ^{24*}	-18.9%	366
<i>Section 8 aggravator – victim under 18</i>	14	15	+7%	4
<i>Section 9 aggravator – relevant child involved</i>	324	250*	-22.8%	126*

20 Belfast Area Domestic & Sexual Violence and Abuse Partnership, *Domestic Violence and Abuse: Legal Remedies*, Information about the criminal and civil law surrounding domestic violence and abuse in Northern Ireland, July 2024, available at <https://belfastdvp.co.uk/themainevent/wp-content/uploads/Legal-Remedies-full-guidance-Updated-July-2024.pdf>.

21 Belfast Area Domestic & Sexual Violence and Abuse Partnership, *Legal Remedies At A Glance*, Steps to take if you are experiencing domestic abuse in Northern Ireland, July 2024, available at <https://belfastdvp.co.uk/themainevent/wp-content/uploads/Legal-Remedies-At-a-Glance-Updated-July-2024.pdf>.

22 PSNI, *Domestic Abuse Statistics*, available at <https://www.psnipolice.uk/about-us/our-publications-and-reports/official-statistics/domestic-abuse-statistics>.

23 While stalking and harassment were included in the PSNI domestic abuse statistics, not all stalking cases were domestic related.

24* Data contained within this Year Two Progress Review was correct at the conclusion of the Review fieldwork, however figures may subsequently have been subject to adjustment following the publication of revised PSNI figures.

- 1.20 Crimes under the Act were recorded under the stalking and harassment sub-category where a reduction of 25.8% was recorded between 2022-23 and 2023-24. Some of this reduction was attributable to a change in Home Office recording practices, which in May 2023 saw the reversal of a 2018 decision whereby 'harassment' was to be recorded in *addition* to the most serious victim-based offence.²⁵ Within this sub-category, the domestic abuse offence accounted for 916 offences in 2022-23 and 743* in 2023-24; a reduction of 18.9%. There were a further 366 domestic abuse offences recorded by the PSNI between April and September 2024. This was similar to the number of offences recorded (344) during the same period in 2023.
- 1.21 Of the 2,025 domestic abuse offences recorded by the PSNI between 2022-23 and September 2024, the PSNI applied the Section 8 child aggravator (child victim) 33 times (1.6% of cases) and the Section 9 (relevant child) aggravator 700* times (34.6% of cases).²⁶ The use of the Section 8 child aggravator had remained relatively stable over two years, however the use of the Section 9 aggravator had declined by 22.8%*. This was a concerning trend. Data relating to the application of the Section 15 aggravator (domestic abuse) was not included in the PSNI's domestic abuse publications (see Operational Recommendation 8).
- 1.22 PSNI outcomes for domestic abuse crimes had remained similar over time. One in four crimes (25.6%) with a domestic abuse motivation resulted in a charge or a summons in 2023-24, similar to 26.5% of crimes in 2022-23. Out of Court disposals accounted for 4.1% of domestic abuse crimes in 2023-24, marginally up from 3.9% in 2022-23. The sanction outcome rate²⁷ for the domestic abuse offence, recorded in PSNI statistics as 'Controlling or Coercive Behaviour' was 46.4% in 2023-24, a slight increase from 45.5% in 2022-23. Between April and September 2024 the sanction outcome rate for domestic abuse crimes was 28.5%.
- 1.23 The first official publication of domestic abuse prosecutions and convictions statistics was published by the DoJ on 7 January 2025²⁸ providing the first official statistics on Act implementation outcomes. The bulletin detailed outcomes related to the domestic abuse offence, the child aggravators and the statutory domestic abuse aggravator for 2022-23 and 2023-24. Table 2 details the number of domestic abuse cases, with offences under the Act, disposed of through the Courts each year, including the number of convictions.

25 PSNI, *Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland, Update to 31st March 2024*, 16 May 2024, available at <https://www.psni.police.uk/system/files/2024-05/2061786624/Domestic%20Abuse%20Bulletin%20Period%20Ending%2031st%20March%202024.pdf>.

26 Figures presented were based on Police Recorded Crime data; this is a victim-based administrative data set where a complaint is considered as made at the first point of contact with police. Victim-based crime recording does not require evidence for a domestic abuse aggravator to be recorded.

27 The sanction outcome rate included charge/summons, cautions, discretionary disposals, penalty notices for disorder, offences taken into consideration and indictable only offences where no action was taken against the offences (died before proceedings or PPS did not prosecute).

28 DoJ, *The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 – Prosecutions at Courts and Case Processing Time for Domestic Abuse Related Cases Dealt with in 2022/23 – 2023/24*, 7 January 2025, available at https://www.justice-ni.gov.uk/sites/default/files/2025-01/domestic-abuse-2022-23-23-24_0.pdf.

Table 2: Prosecutions and convictions for cases with the domestic abuse offence, or with other offences with the domestic abuse statutory aggravator, 2022-23 and 2023-24

Offence Type	2022-23		2023-24	
	Prosecutions	Convictions	Prosecutions	Convictions
Domestic Abuse Offence only	41	16	72	37
Cases with other offences with statutory aggravator only	1,456	753	2,332	1,305
Cases with both the domestic abuse offence and other offences with the statutory aggravator	128	71	324	173
Total	1,625	840	2,728	1,515

- 1.24 The number of domestic abuse cases disposed of through the Courts in 2023-24 was 2,728, an increase of 1,103 from 2022-23. Although positive, this increase was at least partly reflective of the time taken for cases to progress through Northern Ireland's criminal justice system.
- 1.25 Of the domestic abuse cases prosecuted at Court, 55.5% (1,515 cases) resulted in a conviction, an increase of 3.8 percentage points from 2022-23 when 51.7% of cases (840) resulted in a conviction. This conviction rate was significantly lower than the overall 2023-24 conviction rate of 87% in the Crown Court and 79% in the Magistrates' and Youth Courts.²⁹ This was disappointing with further action needed to improve the approach to successfully evidencing and prosecuting cases under the Act. Of the 1,515 convictions in 2023-24, 30.6% resulted in a custodial sentence. This was a reduction of 6.5 percentage points from 2022-23 when 37.1% of convictions resulted in a custodial sentence.
- 1.26 Table 3 outlines the number of prosecutions, convictions and proven child aggravators for cases with offences under the Act. Table 1 identified the low number of PSNI recorded domestic abuse crimes that had a child aggravator attached by the PSNI (603 between April 2022 and March 2024), however this was further reduced through the number of domestic abuse cases that were subsequently submitted to the PPS by the PSNI with a child aggravator attached. Data provided by the PPS showed that between 21 February 2022 and 31 March 2024 just 59 cases had been submitted to the PPS by the PSNI with 61 child aggravators attached.³⁰ Allowing for the difference between victim-based crime recording and suspect/offender-based data sets, the Year 3 Review will seek to explore further the reasons for this significant reduction in the application of child aggravators. Mindful of the time taken for cases to reach a conclusion at Court, the number of child aggravators which had been proven at Court between 21 February 2022 and 31 March 2024 was less than 15.

29 PPS, *Statistical Bulletin 2023-24 1 April 2023 to 31 March 2024*, 27 June 2024, available at <https://www.ppsni.gov.uk/files/ppsni/2024-06/Statistical%20Bulletin%202023-24.pdf>

30 PPS data unpublished at the time of writing.

This was very concerning and had significant implications for the perceived effectiveness of the Act and its aggravators in recognising the impact of domestic abuse on children and protecting them from harm.

Table 3: Prosecutions, convictions and aggravator proved for cases with offences under the Act by child aggravator, 2022-23 and 2023-24

Aggravator	2022-23			2023-24		
	Prosecutions	Convictions	Aggravator proved	Prosecutions	Convictions	Aggravator proved
Section 8 – child victim	5	3	[c] ³¹	3	0	0
Section 9 – relevant child	6	5	4	24	17	8

- 1.27 The median number of days taken between a domestic abuse offence being reported and Court disposal at all Courts in 2023-24 was 139 days. This was an increase of 28.7% from 108 days in 2022-23. This increase was evident in the Crown Court, increasing from 289 days to 403 days, and in the Magistrates' Court, increasing from 108 days to 135. Given the importance of domestic abuse as a societal and government priority, this was disappointing and had negative implications on the perceived success of actions taken by the criminal justice system to adequately respond to domestic abuse as well as the impact on victims and delayed consequences for convicted offenders.

Victims of domestic abuse

- 1.28 Domestic abuse has devastating and far-reaching impacts, with the gravest outcome being domestic homicide. There were eight domestic homicides in Northern Ireland in 2022-23 and three in 2023-24.³² A further seven had occurred between April and December 2024.³³ Domestic Homicide Reviews were introduced in Northern Ireland in 2020 as part of the Domestic Violence, Crimes and Victims Act 2004³⁴ to identify lessons to be learned following the death of a person, aged over 16, from domestic violence and abuse. Two Domestic Homicide Reviews were published in 2024 that related to the deaths of victims of domestic abuse which occurred prior to the commencement of the 2021 Act. The Domestic Homicide Review into the death of 'Pamela'³⁵ made seven recommendations, five of which referred to the PSNI. These included the need for improved awareness of domestic abuse and coercive control, training to empower staff to respond

31 Data has been suppressed due to the potential disclosure confidential information, such as being able to identify details about a single respondent.

32 PSNI, Domestic Abuse Statistics, available at <https://www.psnipolice.uk/about-us/our-publications-and-reports/official-statistics/domestic-abuse-statistics>.

33 BBC News, A picture of violence: The 25 women killed in four years, 16 October 2024, available at <https://www.bbc.co.uk/news/articles/cp8memlqdrgo>.

34 Legislation.gov.uk, Domestic Violence, Crime and Victims Act 2004, 15 November 2004, available at <https://www.legislation.gov.uk/ukpga/2004/28/contents>.

35 Domestic Homicide Review, Executive Summary, Pamela, 24 October 2024, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/dhr-pamela.pdf>.

effectively to victims of domestic abuse and the need for improved knowledge of, and competence in, undertaking and completion of Domestic Abuse, Stalking and Harassment and Honour Based Abuse (DASH) risk assessments. The Domestic Homicide Review into the death of 'Ruth'³⁶ made three findings, including the importance of the use of body worn video to capture images following reports of domestic abuse. Five recommendations were made, including the need for a targeted media campaign to increase public and professional awareness of the risk associated with separation where domestic abuse is present.

- 1.29 The 'Male Experiences of Intimate Partner Violence: The ME-IPV Study'³⁷ was published in November 2024, by the School of Psychology, Stress Trauma and Related Conditions Research Centre at Queen's University Belfast. Commissioned by the Commissioner Designate for Victims of Crime, and launched on International Men's Day, the study shone a light on the previously under researched impact of intimate partner violence on men. Based on online surveys and in-depth interviews with men in Northern Ireland who had experienced intimate partner violence, the report identified the significant mental and physical health impacts of intimate partner violence on men. The study made several recommendations including the need for more research into the male experience of intimate partner violence, the establishment of a task force of charities/support organisations to foster collaboration, the need for awareness and stigma reduction campaigns to be gender, age and minority inclusive and the creation of educational and training materials for use across multiple target audiences.
- 1.30 In December 2024 the Commissioner for Older People for Northern Ireland published 'Growing Concern: Older victims of domestic abuse in Northern Ireland'³⁸ highlighting the growing issue of domestic abuse against older people in Northern Ireland. The report identified that domestic abuse crimes against victims aged 60 and over accounted for 6% of all crime experienced by the age group in 2012-13, rising to 21% in 2022-23. The report made three recommendations including the need for improved consistency in data collection to better understand the scale and nature of domestic abuse against older people, the identification of interventions to address barriers to reporting for older people, and the need for collaborative approaches to promote awareness and improve access to specialist domestic abuse services that are responsive to the needs of older victims.

36 Domestic Homicide Review, Executive Summary, Ruth, 24 October 2024, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/dhr-ruth.pdf>.

37 Dr. Spikol, E., Dr. McGlinchey E., & Professor Armour, C. Male Experiences of Intimate Partner Violence: The ME-IPV Study, November 2024, available at <https://www.cvocni.org/files/cvocni/2024-11/ME-IPV%20Report%20November%202024%20Website%20Version.pdf>.

38 Commissioner for Older People for Northern Ireland, Growing Concern: Older victims of domestic abuse in Northern Ireland, December 2024, available at [Growing-Concern.-Older-victims-of-domestic-abuse-in-Northern-Ireland.pdf](https://www.commissionerforolderpeople.org.uk/Growing-Concern.-Older-victims-of-domestic-abuse-in-Northern-Ireland.pdf).

THE REVIEW

- 1.31 CJI requested a self-assessment of progress against the recommendations made in the first Review Report from the PSNI, the PPS, the DoJ and the NICTS in September 2024. Each organisation provided an outline of actions taken to date in relation to each relevant recommendation with supporting documentation provided as evidence in most cases. The self-assessment undertaken by the PPS extended beyond the recommendations they had responsibility for and included details of actions taken attributable to comments throughout the first Review Report. This was a positive approach to self-assessment that provided Inspectors with information on progress across a range of additional areas. The Inspection Team reviewed the self-assessments and the information was used to inform fieldwork planning.
- 1.32 Each organisation was initially asked to provide an assessment of their progress using CJI's Follow-Up Review judgements; achieved, partially achieved, not achieved and no longer relevant. However, given the annual Review of the Act, CJI revised report judgements to more accurately reflect progress towards implementation. These were no meaningful progress, insufficient progress, reasonable progress and good progress (see Appendix 1). Organisations provided an assessment of progress against these judgements.
- 1.33 Review fieldwork was undertaken in November and December 2024 and consisted of meetings with key personnel responsible for delivery within each of the organisations including the Head of the PPS's Policy and Information Unit and the Domestic Abuse policy lead, as well as the Chief Superintendent of the PSNI's Public Protection Branch (PPB) and the Chief Inspector of the Contact Management Centre (CMC). A small focus group was also held with PSNI Call Handlers and Dispatchers. Inspectors met with the Head of NICTS Operational Support Branch, representatives from the DoJ's Violence Against the Person Branch, the *Operation Encompass* lead from the Education Authority (EA) and the Secretary to the Judicial Studies Board (JSB). Feedback from frontline Police Officers was sought as part of CJI's *'Inspection of the Police Service of Northern Ireland's Use of Community Resolution Notices'*³⁹ and the views of Prosecutors were collated as part of CJI's *'Inspection of the Management of Organisational Performance in the Public Prosecution Service for Northern Ireland.'*⁴⁰ Key stakeholders were also interviewed, including those from the Women's Aid Federation Northern Ireland (Women's Aid) and Assist NI.⁴¹ An online call for evidence was posted to all CJI social media accounts seeking views from any other interested parties, however no responses were received.
- 1.34 Evidence collated during fieldwork was analysed and triangulated and used to assess progress against the Year 1 Review recommendations.

39 To be published in 2025.

40 To be published in 2025.

41 Assist NI were a domestic abuse and sexual violence advocacy service.

CHAPTER 2: PROGRESS AGAINST RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

The Police Service of Northern Ireland should work with the Education Authority and education providers to develop an information sharing protocol within nine months of the publication of this report. They should hold discussions with the Safeguarding Board for Northern Ireland about how *Operation Encompass* can support, and be supported by, wider child safeguarding practices.

Status: Reasonable progress.

Organisational response

PSNI

- 2.1 *Operation Encompass has been in place across all supporting schools in Northern Ireland since May 2023, with Belfast Trust being the final stage of the 'roll out'. This is well embedded within the Local Policing Command and the Support Hub functionality across each of the 11 Districts. This is not, however, without significant operational challenge which cost and will at times require the attention of the full Support Hub team particularly over weekends, or where there is a spike in referrals being received.*
- 2.2 *A process has been implemented to include the cover holiday periods within schools as to how to bring the referrals to their attention – this also works effectively and does highlight a reduction in the demand created for the Support Hubs, and likely for the designated teachers.*
- 2.3 *An Information Sharing Agreement has been drafted in respect of Operation Encompass, this has been progressed through data protection internally and is with Education Authority (EA) for their review, suggested amendments and formal signatory agreement.*
- 2.4 *There have been initial discussions about how Operation Encompass would be further rolled out into private childcare settings however this remains paused to allow for information gathering on – how many childcare settings this would include, to assess whether this information is already held on the police computer system NICHE⁴², how they would receive the referrals, whether they have secure information sharing pathways. When the initial fact finding has been conducted this can be considered, however, given the demand that this would place on the*

42 Police Service of Northern Ireland's Records Management System.

Support Hub resources it is felt that until there is an automated process for this information sharing, it would be problematic to implement without additional resources or budget allocated for the same.

- 2.5 *A formal review of the effectiveness of Operation Encompass is ongoing, supported by an internal review process to cover the following areas:*
- *Feedback from a number of operational officers in terms of collating the information and speaking to families about sharing the information with them about the referrals;*
 - *Feedback from operational points of contact in respect of the training to start the roll out and then the same from Education Authority (EA);*
 - *Feedback from designated teachers/staff in schools in terms of receiving the information and trying to get the teacher out-of-class, etc. for the message/information sharing;*
 - *Feedback from the Support Hubs;*
 - *Feedback from District Commanders and the re-prioritisation undertaken to achieve delivery;*
 - *The introduction of the email for call back process;*
 - *Feedback from some parents who are anonymously willing to share;*
 - *Challenges on the IT [Information Technology] side and the next steps; and*
 - *Final feedback from Police/EA on the overall effectiveness of the process.*
- 2.6 *This review is in the early stages, with initial feedback collated from PSNI and EA, which will be combined into a joint report in coming months however has been delayed due to other ongoing pressures to address with the Operation Encompass process.*
- 2.7 *A technical, automated process remains a priority for PSNI to ensure that we are able to deliver in an effective, efficient and timely manner. The best route for this information to be shared remains via the Public Protection Notice (PPN) as this will ensure that information for statutory and voluntary partners is shared using the same process, albeit the information they receive will be more (or less) detailed depending on their organisation. It is hoped that when the information sharing platforms are fully developed that there will be an opportunity to have a "Statutory Information sharing" tab within the PPN that will share to HSCT [Health and Social Care Trust] and Schools, this will allow them to have access to the same information and build an effective care plan where required.*
- 2.8 *The PSNI assessed that reasonable progress had been made against this recommendation.*

Inspectors' assessment

- 2.9 Work to develop an Information Sharing Agreement between the PSNI and the EA in respect of *Operation Encompass* was underway at the time of fieldwork for this Review. The PSNI had developed a draft Agreement that had been reviewed by the EA's Information Governance department. This had been returned to the PSNI for further work following feedback that it was "too police focussed". While Inspectors were encouraged with the positive progress made, greater collaboration during the drafting process would have been beneficial. Inspectors looked forward to seeing the outworkings of a finalised Information Sharing Agreement in operation.
- 2.10 In their Action Plan from the first Review, the PSNI noted plans for 'effective communication with SBNI [Safeguarding Board for Northern Ireland] to understand the Information Sharing arrangements and how they support child safeguarding practices in Northern Ireland, particularly for those who are experiencing domestic abuse in the home.'⁴³ Initial discussions between the PSNI and the SBNI were held in December 2024, these identified uncertainty regarding what role the SBNI could have in an embedded operational matter such as *Operation Encompass*. The EA remained of the view that SBNI input would be helpful. There was a need for further joint discussion between the three organisations and the potential expansion of *Operation Encompass* to private sector nursery settings made this an increasing priority.
- 2.11 *Operation Encompass* referrals continued to be made by Police Officers in Multi-Agency Support Hubs, who collated information from frontline Police Officers and passed it to the relevant education provider by telephone. This process was resource intensive for the PSNI and schools, with 20,541 referrals made between September 2023 and October 2024. A collaborative effort to improve the process by secure electronic information sharing was in development, with a pilot to be rolled out across 10-12 schools in the Belfast area in early 2025. It was anticipated that once operational this would improve the timeliness and consistency of referrals and reduce some resource pressures within the PSNI, the EA and schools. If successful, any wider rollout to schools across Northern Ireland would be incremental. The move to sharing information electronically would require an update to the Information Sharing Agreement.
- 2.12 The PSNI and the EA remained very positive about, and highly committed to, *Operation Encompass*. Where issues arose, these were dealt with locally and, if necessary, escalated to the EA and/or the PSNI for resolution. Where necessary, issues were addressed jointly. In situations where school details for children impacted by domestic abuse were not provided to Police Officers, information sharing from the EA to the PSNI was operating as intended and the process for dealing with referrals during school holidays had embedded well.

43 PSNI, *Domestic Abuse and Civil Proceedings (Northern Ireland) Act 2021 – CJINI Action plan response*, available at [https://www.cjini.org/getattachment/60527b07-b6ba-4453-9b42-3bddd2b81d1e/Police-Service-of-Northern-Ireland-Action-Plan-Domestic-Abuse-and-Civil-Proceedings-Act-\(NI\)-2024.aspx](https://www.cjini.org/getattachment/60527b07-b6ba-4453-9b42-3bddd2b81d1e/Police-Service-of-Northern-Ireland-Action-Plan-Domestic-Abuse-and-Civil-Proceedings-Act-(NI)-2024.aspx).

The good working relationships between the organisations continued, however Inspectors recognised the risk that this was based on key individuals within both organisations. The establishment of a formal meeting schedule between the EA and the PSNI was therefore a positive development.

- 2.13 The EA had conducted an internal evaluation of *Operation Encompass* based on a 2023 survey of 356 designated teachers in schools across Northern Ireland. Inspectors were told that the results from the evaluation pointed to positive outcomes for children and timely and quality referrals from the PSNI.⁴⁴ However, anecdotal evidence collated by Inspectors suggested there remained some concerns about police performance in these areas. An internal PSNI review was in its early stages and terms of reference had been drafted. This review sought to understand and address areas of concern and inefficiency within the scheme including the number of checks required to ensure all referrals are made each day, the availability of designated teachers and repeat demand across several schools. The review also aimed to provide information on the amount of information shared with schools, a mechanism to ensure consistency in information sharing and the impact of information sharing. Greater collaborative efforts to evaluate the overall effectiveness of *Operation Encompass*, including areas for improvement, were needed. This was particularly important given the potential for an extension of *Operation Encompass* into private childcare settings. Any extension of the project was resource dependent and reliant on the successful automation of the referral process.
- 2.14 There was evidence of a realistic plan of work to address this recommendation and some evidence of improved outcomes. The introduction of the Information Sharing Agreement, further collaborative working between the PSNI and the EA and the introduction of electronic sharing of information should result in a clear improvement in outcomes to address remaining concerns about the timeliness and quality of referrals.
- 2.15 Inspectors considered that the PSNI had made **reasonable progress** against this recommendation.

STRATEGIC RECOMMENDATION 2

The Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland should further develop and embed the Prosecution Team approach for cases involving domestic abuse, focusing on the issues highlighted in this Review, within six months of the publication of this report. This should include re-visiting the concept of specialist domestic abuse Prosecutors.

Status: Reasonable progress.

44 EA, *Operation Encompass Evaluation Report*, Unpublished.

Organisational response

PSNI

- 2.16 *This strategic recommendation is the subject of ongoing discussion and consideration between PSNI and PPS – PSNI have asked that the concept of a domestic abuse court is re-tabled for discussion via the Department of Justice.*
- 2.17 *Since this recommendation was accepted however there have been a number of steps that have been taken to ensure that the relationship between PPS and PSNI policy leads remains effective, including*
- *Continued quality assurance on key investigation types (focused on stalking, the domestic abuse offence, and non-fatal strangulation);*
 - *A new Service Level Agreement (SLA) was introduced in June 2024 which will be subject to its first interim review in January 2025. This SLA focuses on the expected standards for investigating and prosecuting domestic abuse offences;*
 - *An updated action plan for progress to be assessed against for ongoing recommendations from CJINI Inspection and from Domestic Homicide reviews;*
 - *Funding bids (via Criminal Justice Branch) have been made for transformational work to be undertaken under 'Speeding Up Justice' which will include the concept of Prosecution Teams across PSNI and PPS;*
 - *There has been significant investment in individual and joint training on the subject of domestic abuse which includes PPS Prosecutors and PSNI investigators;*
 - *The training platforms continue and include training delivered via Area Trainers, and PPB bespoke delivery pathways, in-person seminars (impact of domestic abuse, and the link to children living in the domestic abuse setting – Rachel Williams [Stand Up To Domestic Abuse⁴⁵]) and workshops on DVADS [Domestic Violence and Abuse Disclosure Scheme]; and*
 - *Ongoing progress towards an investigation team response akin to the Serious Crime Unit for sexual offences.*
- 2.18 *The PSNI assessed that reasonable progress had been made against this recommendation.*

PPS

- 2.19 *The PPS provided information and supporting documentation to confirm actions taken in respect of this recommendation. These actions can be summarised as follows:*

45 Stand Up To Domestic Abuse was an organisation headed by Rachel Williams, a survivor of domestic abuse, who worked with professionals across the United Kingdom to increase knowledge of domestic abuse. See <https://sutda.org/>.

- A new Service Level Agreement between the PSNI and the PPS for the Investigation, Management and Prosecution of Domestic Abuse Cases was agreed in February 2024. Sections K and L set out obligations on the police to provide risk information, withdrawal statements, the sharing of digital evidence and risk protocol information in domestic abuse investigations. Prosecutors are also required to request this information where it is not available on the file. A SI [Staff Instruction] (10 of 2024) was issued to Prosecutors in June 2024; Section 6 summarises the new arrangements for Prosecutors. The Domestic Violence and Abuse Working Group will also carry out scoping and fieldwork on opportunities to share the full DASH responses (in the PPN [Public Protection Notice] process) with prosecutors via CMS [Case Management System];
- New Terms of Reference and Action Plan agreed in June 2024 for the Domestic Violence and Abuse Working Group. Relevant actions include the alignment of training programmes across the PSNI and PPS where possible, an updated Service Level Agreement on Special Measures and the agreement on 'evidential standards' for the domestic abuse offence;
- The establishment of a 'Volume Crime Gateway Team' pilot to address recommendations from the CJI inspection of 'File Quality, Disclosure and Case Progression and Trial Recovery from the Covid-19 Pandemic',⁴⁶ to be operational from November 2024. This will involve PSNI Gatekeepers screening all domestic abuse NGAP [Not Guilty Anticipated Plea] summary files (case weight 5-8) for non-compliance with agreed file quality standards. A PPS Gateway Team will screen each file for compliance, both administratively and legally, with issues being addressed by a DIR [Decision Information Request]. The file will then be allocated to a Public Prosecutor in the regions once a full DIR response has been received and file quality issues addressed. In addition to increased compliance with file builds, improvement timeliness of decisions and reduced avoidable delay, this will also assist with embedding a prosecution team approach;
- The PPS's position regarding Domestic Abuse Specialist Prosecutors will be kept under review, with implementation dependent on availability of appropriate staffing and financial resources; and
- PSNI receive details of PPS prosecutorial decisions via Causeway. Any PPS amendments to the police charges are messaged electronically to PSNI. Prosecutors are able to provide updates to PSNI on the charges via Causeway using the 'Update to Police' tab in the decision screen. The PPS cannot commit to provide feedback to police in cases where the DAO [Domestic Abuse Offence] or an aggravator had been missed due to current staffing pressures in the regional offices. This issue will continue to be monitored by the DV&A Working Group.

46 CJI, An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the Covid-19 Pandemic, June 2023, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and>

2.20 The PPS assessed that reasonable progress had been made against this recommendation.

Inspectors' assessment

- 2.21 Following a 2023 review of the PSNI/PPS 'Working Together' arrangements, including the strategic realignment of the Working Together Programme Board (the Programme Board), there was a need to ensure effective, joint structures were in place that focussed on domestic abuse. The Domestic Violence and Abuse Working Group (the Working Group) agreed a new Terms of Reference in June 2024, with a remit to *'take forward a review of the approach taken by the PSNI and the PPS in domestic violence and abuse cases...[and] ensure that relevant procedures (including joint working arrangements) operate efficiently and effectively, in line with agreed quality standards.'* Key aims of the Working Group included the consideration of results from joint quality assurance reviews, the identification of joint training and policy development needs and the development of a joint action plan. Both the PSNI and the PPS reflected positively on the effectiveness of the Working Group, noting excellent working relationships, good communication and a clear understanding of shared outcomes.
- 2.22 The Working Group was jointly chaired by the Head of Business of the PSNI's PPB and the Principal Public Prosecutor from the PPS Policy Information Unit. Reporting lines were provided internally through each organisation, including the PSNI's Service Performance Board and the PPS's Policy and Quality Committee. Significant concern was raised in both organisations about the loss of a joint reporting mechanism and joint senior level oversight on domestic abuse, that was previously undertaken through the Programme Board. The role of the reconstituted Programme Board was to *'provide a framework for the delivery of joint PSNI/PPS projects and service improvement initiatives'*, and in some instances this included projects with a domestic abuse focus such as the Gateway Pilot. There were concerns within the PSNI and the PPS that decisions taken at the Programme Board had significant implications for the operational delivery of the investigation and prosecution of domestic abuse cases without input from those responsible for delivery. Provision had been made within the Working Group Terms of Reference for an update to be provided to the Programme Board when one was sought, however an effective governance mechanism was needed to enable input from the Working Group co-chairs on priority domestic abuse projects when appropriate.
- 2.23 The PPS and the PSNI pointed to two specific initiatives underway to indicate progress towards an improved Prosecution Team approach to domestic abuse cases. An updated SLA on domestic abuse was agreed in February 2024 and operationalised in June 2024. The SLA set out the respective roles and responsibilities of the PSNI and the PPS in relation to the investigation, management and prosecution of domestic abuse cases, with a focus on expected evidential standards.

As well as placing obligations on the PSNI regarding obtaining and sharing of information on family composition (including the presence of children in the household), the SLA also noted requirements about information sharing on risk, withdrawal statements and the sharing of digital evidence including body worn video. Further exploratory work was also planned on sharing the DASH risk assessment checklist and full domestic abuse histories. A joint quality assurance exercise was scheduled for January 2025 to assess compliance with the SLA, however a quality assurance framework had not been developed at the time of fieldwork but Inspectors were told it would follow a similar format to other quality assurance exercises. Inspectors were advised this exercise would include checks on the percentage of cases where the PSNI and PPS correctly identified the domestic abuse offence as well as the Section 8, 9 and 15 aggravators.

- 2.24 As a response to CJI's 2023 *'Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the Covid-19 Pandemic'*,⁴⁷ a Volume Crime Gateway Pilot (the Gateway Pilot) had commenced in November 2024, with a focus on domestic abuse. Following the successful implementation of a gateway process within the PPS's Serious Crime Unit, the Gateway Pilot aimed to develop an investigation team response through greater early engagement and collaboration on file quality expectations using gatekeepers within each organisation. The PSNI and the PPS, including frontline Police Officers and Prosecutors, were optimistic about the potential benefits of the pilot, and although at the very early stages, initial feedback indicated increased levels of communication and increased reference to the expected SLA standards. An evaluation of the pilot had not been scheduled however it was expected that this would take place six months after implementation. Inspectors believed that a timely evaluation of this pilot was crucial to identify emerging issues, opportunities to communicate learning to frontline staff and to understand if any anticipated improvement in outcomes had materialised. Inspectors looked forward to evidence of a formal review of the Gateway Pilot in subsequent Reviews.
- 2.25 The success of a Prosecution Team approach relied on early and effective engagement between Police Officers and Prosecutors. The PPS reported that prosecutorial decisions were relayed to the PSNI through Causeway,⁴⁸ with amendments to police charges messaged electronically. A system for sharing updates with the PSNI through the 'Update to Police' tab on Causeway was available and operational. However, evidence from frontline Police Officers was that communication, feedback and availability of prosecutorial advice, including reasons for decisions, was lacking. Police Officers were particularly keen to understand more from Prosecutors about the quality and utility of evidence submitted regarding coercive control and of the level of detail included in statements.

47 CJI, *An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the Covid-19 Pandemic*, June 2023, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and->

48 The information technology (IT) data sharing link across the majority of criminal justice organisations in Northern Ireland.

Sergeants and Inspectors were more likely to report greater levels of feedback, however this was not always communicated to frontline Police Officers. The PPS noted that they were unable to commit to providing feedback on cases where the domestic abuse offence or an aggravator had been missed due to current staffing pressures. This was disappointing and contrary to the spirit of Working Together, however it was to be monitored by the Working Group. It was hoped that the continued implementation of the Gateway Pilot, alongside improvements in file build standards due to the updated SLA, would assist in enabling greater levels of feedback from Prosecutors to Police Officers. It was important to ensure that any errors in the identification of the domestic abuse offence and associated aggravators were picked up through the Gateway Pilot and communicated to frontline staff to consider in future cases at the earliest opportunity. The PPS had also published a new Staff Instruction mandating decision notes on all summary, no prosecution and diversionary disposal domestic abuse decisions from 16 December 2024. It was anticipated this would further assist the PPS with providing feedback to Police Officers. The PPS and the PSNI should keep this issue under review and identify further areas for improvement, including seeking opportunities, based on practice, to ensure that there was an effective feedback loop to frontline staff.

- 2.26 Although in favour of the concept of specialist domestic abuse Prosecutors and expressing a belief that such a specialism would be useful, particularly given the complexities of the Act, the PPS had not been in a position to re-establish this role. Any future implementation was reported as resource dependent. While mindful of the resourcing constraints within the PPS, that have been publicly referenced,⁴⁹ Inspectors were disappointed that no formal evaluative work had commenced to understand the options available to the PPS and the impact of a specialist team on demand management. Understanding of the concept remained based on the 2021 model; work was required to update this position and consider the options available. The specialism required for the role of PPS Gatekeeper, as part of the Gateway Pilot, pointed to the development of a specialist domestic abuse role within the PPS, while the specialist domestic abuse Courts that continued to run in Belfast throughout 2024, and the positive feedback received, was indicative of the benefit of a specialist Prosecutor being allocated to these cases.
- 2.27 Inspectors noted the significant effort undertaken by the PSNI and the PPS to advance this recommendation. The Domestic Homicide Review for 'Ruth' also referred to improvements in this area noting that 'the joint PSNI and PPS efforts in improving their approach to an efficient and effective investigation is acknowledged.'⁵⁰ However, to demonstrate a clear improvement in outcomes, Inspectors would prefer that the outworkings and learning from the quality assurance processes were cascaded through each organisation to each and every Police Officer and Prosecutor involved in domestic abuse cases.

49 Northern Ireland Assembly, Hansard, Briefing By Public Prosecution Service for Northern Ireland, 13 June 2024, available at <https://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=33214&eventId=16882>.

50 Domestic Homicide Review, Executive Summary, Ruth, 24 October 2024, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/dhr-ruth.pdf>.

Further progress on streamlining the actions set out in the Working Group Action Plan and revisiting the concept of specialist domestic abuse Prosecutors should be progressed.

- 2.28 Inspectors considered that the PSNI and the PPS had made **reasonable progress** against this recommendation.

OPERATIONAL RECOMMENDATION 1

Within three months of the publication of this report, the Department of Justice should take steps to raise awareness of the statutory guidance across statutory and non-statutory sectors.

Status: Reasonable progress.

Organisational response DoJ

- 2.29 *We raised awareness of the guidance through the previous Strategy's Stakeholder Assurance Group (SAG), which brings together statutory and voluntary sector organisations. At the Group's meeting of 19 March 2024, we specifically asked for this to be shared within organisations.*
- 2.30 *We also specifically asked statutory partners to promote the guidance with operational staff in their organisations. PPS has a link to the guidance in the PPS DACPA [Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021] guidance for prosecutors and also included a link in the PPS Policy for Prosecuting Cases of Domestic Abuse which was recently published. A further reminder has also been issued to staff.*
- 2.31 *NICTS colleagues plan to highlight the guidance in a Quarterly Alert to all staff in December [2024].*
- 2.32 *We also recirculated the guidance on social media and intend to repeat this on a six-monthly basis.*
- 2.33 *The launch of the new strategy [Domestic and Sexual Abuse Strategy 2024-2031] and its associated governance arrangements provides a further opportunity to ensure that Government Departments, statutory bodies and voluntary and community sector organisations are aware of the guidance and take cognisance of it when implementing the legislation or supporting victims.*

- 2.34 *The first meetings of the Strategy Oversight Board and Expert Reference Group⁵¹ will be arranged before the end of the year. This provides us with a good opportunity to highlight the guidance as a key document which should be used and referred to by all organisations working in this field. We plan to table the guidance as an agenda item at these initial meetings. Members will then be asked to provide feedback at the next meeting, on how the guidance has been disseminated within their organisation.*
- 2.35 *The outcome we are hoping to achieve is a shared understanding of the legislation amongst all staff in both statutory and non-statutory organisations. This will ensure that consistent terminology is adopted, messaging is complementary and implementation is as effective as possible.*
- 2.36 *The DoJ assessed that reasonable progress had been made against this recommendation.*
- Inspectors' assessment**
- 2.37 *The DoJ showed a good understanding of the need for and benefit of clear and unambiguous guidance, helping to develop and embed a shared understanding of complex legislation, ensuring the use of consistent terminology and complementary messaging. Utilising an established network, the DoJ circulated the 'Abusive Behaviour in an intimate or family relationship – Domestic Abuse Offence Statutory Guidance'⁵² (the statutory guidance) at the Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Seven Year Strategy Stakeholder Assurance Group in March 2024. Attendees included statutory and voluntary and community sector organisations, and meeting minutes evidenced a brief discussion about the need to raise awareness of the statutory guidance. Those present were asked to share and promote the statutory guidance internally within their organisations. The DoJ also intended to utilise the launch of the Domestic and Sexual Abuse Strategy 2024-2031 and its associated governance arrangements to further promote awareness of the statutory guidance. Inspectors agreed that the utilisation of established networks was a sensible approach and that the launch of the new Strategy offered a good opportunity to raise awareness. However, there was a need to ensure that the list of registered members of the respective groups remained relevant and up-to-date.*
- 2.38 *Clear links with statutory partners such as the PPS and the NICTS were evident, with a link to the statutory guidance included within the PPS internal guidance and in their Policy for Prosecuting Cases of Domestic Abuse. A link to the statutory guidance was also included in the Quarterly Alert to all NICTS staff in December 2024. There was also evidence of circulation to a broader audience using social media, with plans for re-posting links to the guidance every six months.*

51 *The multi-agency Expert Reference Group will be comprised of partners from the statutory, voluntary and community sectors and will provide advice to the Strategy Oversight Board from a cross-sectoral, frontline perspective. This will replace the previous Stakeholder Assurance Group. Existing members of Stakeholder Assurance Group will be asked to join and consideration is being given to other organisations which should be invited to attend.*

52 *DoJ, Abusive Behaviour in an intimate or family relationship – Domestic Abuse Offence, Statutory Guidance, February 2022, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/domestic%20abuse%20offence%20guidance%20-%20march%202022.pdf>.*

- 2.39 While noting the steps taken by the DoJ to date, other opportunities to increase knowledge of the guidance should continue to be explored, including utilising key partnerships across Northern Ireland. Feedback on the statutory guidance should also be sought from organisations on a regular basis to ensure it remains relevant and useful, and where any changes are needed, or updates requested, that these are actioned in a timely manner and shared with all key partners.
- 2.40 Inspectors considered that the DoJ had made **reasonable progress** against this recommendation.

OPERATIONAL RECOMMENDATION 2

Within three months of the publication of this report the Department of Justice should take steps to further promote participation in the 'Domestic Abuse - Context and Change' e-learning package.

Status: Reasonable progress.

Organisational response

DoJ

- 2.41 *Despite further promotion of the package, a total of only 3,500 staff have completed it as of 31 July 2024. Feedback from other Permanent Secretaries is that the e-learning is too long and repetitive and that they would be unwilling to encourage staff to complete it in its current format. We are therefore working with Women's Aid to produce an easily accessible, summarised and refreshed version of the e-learning package, by the end of March 2024. This revised package will again be promoted to all Northern Ireland Civil Service employees, and a range of other public sector staff with access to the LInKS⁵³ platform. We have also held discussions with the Department of Health to discuss how this could be promoted across Health and Social Care staff and The Executive Office to discuss its availability and relevance in the context of the response to Violence Against Women and Girls.*
- 2.42 *The DoJ assessed that reasonable progress had been made against this recommendation.*

Inspectors' assessment

- 2.43 The first Review Report noted that only 1,946 people had completed the 'Domestic Abuse – Context and Change' e-learning package: less than 10% of the Northern Ireland Civil Service (NICS) workforce. However, the package was also available to staff in other parts of Northern Ireland's public sector including Non-Departmental Public Bodies and Health and Social Care Trusts, indicating that the actual completion rate was much lower. More work was therefore needed to encourage

53 LInKS was the NICS Human Resources online platform hosting information, guidance and online training for Civil Servants and other public servants/public sector staff.

greater understanding and awareness of domestic abuse across the statutory sector. As noted in the DoJ organisational response, completion within the NICS had increased to 3,500 staff by the end of July 2024, representing approximately 16% of staff. This still required improvement.

- 2.44 In assessing potential actions to increase uptake, the DoJ had sought feedback from the Permanent Secretaries of other Government Departments. The responses identified that the length and perceived repetitiveness of the e-learning package was a barrier to completion, with Permanent Secretaries unwilling to encourage staff to complete it in its current format. DoJ officials initiated discussions with Women's Aid to design a shorter, more easily accessible and engaging version of the e-learning package. Discussions were ongoing at the time of Review fieldwork and Women's Aid confirmed that initial work on designing the training would begin in early 2025. This would focus on understanding and identifying coercive and controlling behaviour and the importance of the child aggravators. The DoJ anticipated launching the package at the end of March 2025 to all NICS staff and other public sector staff with access to the LInKS platform. To ensure the revised package better met the needs of the intended target audience, the DoJ should consider effective arrangements for user acceptance testing with intended trainee staff prior to its re-launch.
- 2.45 Following the launch of the original e-learning package, discussions had taken place regarding the potential to make the training mandatory for all NICS staff. However, concerns were raised about the impact this may have on any staff who were victims or survivors of domestic abuse. The potential to include an opt out was also discussed, however this was seen as potentially disclosive. The need to increase public awareness about the nature and signs of domestic abuse and the support options available was included as a key priority area of the *Domestic and Sexual Abuse Strategy 2024-2031*. Discussions to make the revised domestic abuse e-learning package mandatory across the NICS, should therefore be revisited.
- 2.46 The DoJ had engaged in discussions with the DoH to discuss means of raising awareness across Health and Social Care staff. Discussions with The Executive Office were also ongoing to understand opportunities to align training on domestic abuse with training on the Ending Violence Against Women and Girls programme. Inspectors were encouraged by the exploration of these key linkages and looked forward to seeing further developments in future Reviews.
- 2.47 It was disappointing that there continued to be a low uptake of the e-learning package, but this had been recognised by the DoJ and a plan was in place to change its format as well as a discussion with other Departments to improve its reach. Inspectors will revisit this in future Reviews to see what impact this training has had, with a significant increase in uptake required to demonstrate a clear improvement in outcomes against this recommendation.

- 2.48 Inspectors considered that the DoJ had made **reasonable progress** against this recommendation.

OPERATIONAL RECOMMENDATION 3

The Police Service of Northern Ireland should deliver further training to those working in contact management roles, within six months of the publication of this report, to improve:

- the quality of THRIVE⁵⁴ assessments;
- the focus on children in domestic abuse cases; and
- the records of supervisory reviews of domestic abuse cases.

Status: No meaningful progress.

Organisational response

PSNI

- 2.49 *As highlighted above [at Strategic Recommendation 2] there has been considerable investment in training to date, and this continues:*

- Training delivered via Area trainers focusing on the use of the new legislation including child aggravators and special measures;
- Workshops delivered via Women's Aid on DVADS and the application of the new threshold;
- Seminars (3 held to date with further 3 scheduled in January [2025]) with Rachel Williams (Stand up to Domestic Abuse) which focuses on the impact of domestic abuse, how domestic abuse can impact children, language used in criminal justice investigations and the aspect of perpetrators hiding in plain sight;
- Guidance re issued in respect of the domestic abuse offence/MARAC [Multi-Agency Risk Assessment Conference] processes (including emergency MARAC), DASH and the high-risk cluster questions;
- Domestic homicide timeline training has been commenced and places allocated across local policing command and PPB to be undertaken in coming months. An overview on the training has been shared with District Commanders to shape any operational considerations they may have during local/area meetings; and
- Training in respect of DASH is being reviewed to identify effective means for delivery or a better understanding on the high-risk cluster cases, and to ensure that all high-risk cases are being effectively identified.

- 2.50 *The PSNI assessed that insufficient progress had been made against this recommendation.*

54 THRIVE was the call assessment pneumonic used to identify Threat, Harm, Risk, Investigation, Vulnerability and Engagement.

Inspectors' assessment

- 2.51 The first Review identified that within the CMC there was a lack of evidence in call logs to demonstrate effective oversight of risk by Supervisors. There was also a need for training that improved the approach to the completion of THRIVE, ensuring it was meaningful and effective, and to further develop CMC staff's understanding of domestic abuse with training that had a specific focus on children. There was inadequate recognition of the specific concerns raised in the first Review Report about THRIVE, however Inspectors were told that THRIVE was taught as part of the initial training for CMC staff and was refreshed annually. The CMC had an annual training plan that was developed using data from internal quality assurance processes to identify areas where training was needed. The CMC had included THRIVE as part of their 2024 training plan and this was to be the focus of training delivered in September. Senior CMC Police Officers did note some concern that re-THRIVE⁵⁵ was not taking place as required and this was likely to be a training priority in mid-2025.
- 2.52 Just one face-to-face THRIVE training session was delivered during September 2024, with only eight attendees. Staffing pressures were reported as the key barrier to releasing staff for training. Between November 2023 and November 2024 the number of Full Time Equivalent Dispatchers had declined by eight to 139 and Call Handlers had reduced by 14 to 92 Full Time Equivalents. The number of Sergeants had reduced by one to 32. Inspectors were cognisant of difficulties with resourcing, the impact of reduced staff numbers and the need to ensure service provision was maintained for an emergency service. However, just 4% of all Dispatchers and Call Handlers had received dedicated THRIVE training over the previous 12 months, despite a THRIVE focussed training month. Inspectors were advised that the CMC training lead was no longer in post and that this had also impacted the ability to fully roll out THRIVE refresher training. No specific training had been delivered in relation to records of supervisory reviews, as required by the accepted recommendation, and there was little acknowledgement of the need for training in this area.
- 2.53 CMC staff were also able to avail of training opportunities across the PSNI more broadly. Over the previous 12 months there had been a range of domestic abuse training opportunities available across the PSNI. These included internal training delivered by Area Trainers, workshops by Women's Aid on DVADS and training by external experts including Rachel Williams.⁵⁶ Each of these training sessions included a refocus on the impact of domestic abuse on children (see Operational Recommendation 4). Inspectors were told that this training was available to staff within CMC and that these opportunities were raised at the monthly performance meeting. This meeting brought key senior Police Officers and staff from Local Policing Teams, from the MARAC, PPB and CMC together to discuss key areas of focus, including the approach to domestic abuse.

55 Re-THRIVE was a process for the creation of a new THRIVE form following a disagreement with an assessment or the provision of additional information/a change in information over time.

56 Stand Up To Domestic Abuse.

There was an onus on senior Police Officers within CMC to relay the training opportunities to their staff. However, the extraction of staff from CMC was again cited as a key barrier to attendance and, at the time of writing, no information on the number of CMC staff who had completed this training had been provided. Despite the training opportunities available, there had not been a specific focus on ensuring CMC staff had completed training with a focus on children in domestic abuse cases.

- 2.54 CMC were in the process of designing a new shift pattern and senior Police Officers were hopeful that this would assist with enabling more staff members to take part in training opportunities. This process should be progressed at pace and every effort made to ensure the necessary training gaps identified in the first Review were addressed as a priority.
- 2.55 To address the gap in training opportunities within CMC, staff were often provided with advice and guidance by email. In some cases this included lengthy guidance documents. An email was circulated to all CMC staff in June 2024 reminding them of the importance of THRIVE assessments, particularly in domestic abuse cases, and of the need to ensure continued focus on children who are affected by domestic abuse.
- 2.56 An electronic THRIVE lesson was also updated and re-circulated to all CMC staff in early January 2025, with a completion date of 31 January. Inspectors were told that an audit would be completed to ensure all staff had read the material. The provision of reading material was welcomed; however it did not replace the requirement for comprehensive training in these areas. Both Call Handlers and Dispatchers explained that receiving information in this way, in a high pressure, fast paced environment was difficult and often resulted in staff partially reading information or doing so before or after a shift that could be very early in the morning or late at night. Call Handlers and Dispatchers told Inspectors they were very dissatisfied with this, and both stressed a desire for more face-to-face training opportunities. This electronic lesson was to be replaced by a dedicated THRIVE e-learning package which was under development at the time of report drafting. This was positive, however calls by Call Handlers and Dispatchers for dedicated face-to-face training on this issue should be considered alongside the e-learning package.
- 2.57 CMC had a domestic incident quality assurance process to ensure that Call Handlers adhered to specific standards of questioning, grading and empathy in dealing with domestic incidents. This also included consideration of the presence of children in the house. Between May and October 2024, a quality assurance check had been completed on 142 domestic incidents, this accounted for 28% of all quality assured calls. An overall rating of 'exceptional', 'competent', 'requires development' and 'requirement not achieved' was used against each call. Of the domestic abuse calls that were quality assured, between 84.5% and 100% were rated as competent each month. In September 2024, 11.5% were rated as 'requires development'. This was high relative to other months.

Learning from this quality assurance process was addressed through one-to-one meetings between Sergeants and Call Handlers, which was positive. No broader learning was identified and disseminated to CMC staff.

- 2.58 A dip sample of online reports was also completed each month. Between May and October 2024, 15,242 online reports were made and 4,695 cases were dip sampled to assess compliance with a 15-minute triage time. Of the total number of dip samples completed each month, just 2% (101 online reports) were domestic abuse reports. Inspectors were concerned that the focus on domestic abuse reports was disproportionately low relative to the total proportion of reports that were recorded as domestic abuse. The dip sample indicated that 82% of all online domestic abuse reports were triaged within 15-minutes; below a 90% target. However, PSNI data did indicate increased compliance with this target over time.
- 2.59 Inspectors were encouraged by the focus on domestic abuse within CMC, with regular references made to the baseline position that required dispatch to every domestic abuse incident received. Call Handlers and Dispatchers spoken to by Inspectors demonstrated an awareness of children potentially being present in domestic abuse calls; this included asking the caller directly if there were children in the house, but also relying on listening for voices and sounds in the background. Safeguarding advice was also provided when necessary. The prominence of *Operation Encompass* was noted as helpful in ensuring children remain a priority consideration.
- 2.60 The use of quality assurance data to assist with identifying training needs was positive, however Inspectors were concerned that a reliance on headline figures regarding compliance and competence was not adequately identifying key issues such as those identified in the first Review. A plan had not been produced relating to these findings and there was limited awareness of the previous report's findings. It was clear that this process was not leading to improved outcomes through the delivery of training in such a critical area.
- 2.61 Inspectors considered that the PSNI had made **no meaningful progress** against this recommendation.

OPERATIONAL RECOMMENDATION 4

Within six months of the publication of this report the Police Service of Northern Ireland should assess how effectively the Year Two training has improved the response to children in domestic abuse cases and take action to address any further learning needs identified. Quality assurance processes to reinforce the training should include a focus on the quality of information recorded by Police Staff, Officers and Supervisors.

Status: Insufficient progress.

Organisational response

PSNI

- 2.62 *Training has been delivered as outlined above [at Operational Recommendation 3], and a review of the effectiveness of this training is ongoing. This is monitored via the number of aggravators that are tasked for checking/adding, through ongoing dip samples and during joint quality assurance between PPS and PSNI.*
- 2.63 *There is a recognition that the bespoke work in understanding the impact on children of domestic abuse requires additional training and research. This ongoing work is being considered with key strategic partners including WAFNI [Women's Aid].*
- 2.64 *The PSNI assessed that reasonable progress had been made against this recommendation.*

Inspectors' assessment

- 2.65 As required by Section 32 of the Act, the PSNI had commenced annual training with a focus on the domestic abuse offence and the associated aggravators, and this was ongoing at the time of the first Review. At that time Inspectors assessed that more work was needed to embed the requirements of the Act, specifically in response to children.
- 2.66 Training that had a focus on children in domestic abuse cases was included as part of training delivered to frontline Police Officers by Area Trainers and by an internal PSNI domestic abuse policy lead. Almost 1,600 Officers had received this training. Four seminars were also held with Rachel Williams from Stand Up To Domestic Abuse, each with a focus on how domestic violence can impact children. At the time of the Review fieldwork 300 Officers had completed this training and a further 300 Officers were scheduled to attend three additional seminars in January 2025. This training was attended by frontline Police Officers, members of the Strategic Communication and Engagement Team and Detective Constables from PPB, as well as specific Inspectors who worked closely with PPB. As noted in Operational Recommendation 3, Inspectors were told that this training was available to, and included CMC staff, however at the time of writing no information on the number of CMC staff involved had been provided.
- 2.67 Frontline Police Officers reflected on the good opportunities for different types of domestic abuse training available and there was a desire to participate in training where possible. The rollout of domestic abuse training to frontline Police Officers by Area Trainers was positive, however there was a requirement for this to be monitored to ensure that where training was missed, alternative opportunities were provided. There was a less structured approach to participation in the other training programmes, with sporadic rather than targeted participation. The aim was to enable participation by as many Police Officers as possible.

Although an understandable approach, Inspectors were concerned that the lack of a clear training plan had resulted in a fragmented outcome, with the potential that some Police Officers may have taken part in several training opportunities, while others were unable to complete any. The challenge to provide annual mandatory training on the effect of Part 1 of the Act, alongside the other training requirements on policing each year, was not underestimated by Inspectors, however this underlined the need for a clear and targeted training delivery plan. In moving forward, it was important for the PSNI, the PPS and the NICTS to ensure annual training requirements were planned with clear identification of key areas of delivery.

- 2.68 A formal assessment of the effectiveness of training on the response to children in domestic abuse cases had not been completed. The ability to adequately assess the impact of training within such a short timeframe was reported as problematic.
- 2.69 In the absence of a formal review, the PSNI noted that they had been monitoring data captured through dip samples as part of an internal performance quality assurance process. Inspectors were told that this was a monthly quality assurance of domestic abuse cases, that included a quantitative and qualitative assessment of cases assessing the quality of the statement, investigative actions taken, charges added and outcomes. Although the quality assurance data provided by the PSNI signalled an improvement in the correct application of the Section 15 aggravator (from 71% correctly applied in December 2022 to 80% in June and September 2024), data on the child aggravators was concerning. Data on the Section 9 aggravator (relevant child) showed a reduction in the correct application of the aggravator from 53% in December 2022, to 8% in June 2024 and 20% in September 2024. No data on the application of the Section 8 child aggravator (child victim) was provided. Inspectors were disappointed by the quality of the data provided and were concerned by the outcomes. This further solidified the urgent need to fully review the effectiveness of training and the PSNI's response to children in domestic abuse cases. Future Reviews will include sampling of case files to evidence how effectively training was embedding and improvements in the correct application of the child aggravators.
- 2.70 A joint quality assurance exercise with the PPS, that was scheduled to take place in January and February 2025, was noted as a key learning tool for both organisations on their response to children in domestic abuse cases. Although not finalised at the time of fieldwork, Inspectors were told that the quality assurance framework would be largely based on previous frameworks and was developed to assess compliance with the updated SLA (see Strategic Recommendation 2) and the approach to domestic abuse more generally. This would include an assessment of the child aggravators alongside a qualitative assessment of how well each relevant investigation took account of the impact on children. It was important that any learning from the joint quality assurance process and the internal PSNI performance quality assurance formed part of the planned review of the approach to dealing with children in domestic abuse cases more generally, including identification of training needs.

- 2.71 In addition to training, the PSNI pointed to additional areas which signified the continued commitment to improving the approach to dealing with children in domestic abuse cases and ensuring their voice was reflected in case files. A DASH IT application had been developed for use at domestic abuse incidents, enabling the completion of the Public Protection Notification report, which was the mechanism for highlighting vulnerability and to enable referrals to support agencies. While this process still required contact with the CMC Unit to add initial details for each individual connected to the incident, briefing instructions highlighted a focus on children in completion. It was anticipated that the application would streamline the sharing of information about children with social services and ensure welfare checks were conducted. Changes to documentation included in a case file sent to Prosecutors by Police Officers, including updates to the Structured Outline of Case and the Prosecutor Information Form, placed a mandatory requirement on Police Officers to notify Prosecutors of any children present during an incident.
- 2.72 While it was clear to Inspectors that the PSNI recognised the importance of the impact of domestic abuse on children and had undertaken a significant level of training, as required by the Act, sufficient evidence had not been provided by the PSNI to demonstrate how they had specifically assessed the effectiveness of training to improve its response to children in domestic abuse cases as set out under this recommendation. While quality assurance systems were in place, the data provided to Inspectors did not provide sufficient assurance of how effectively this was being used to improve outcomes.
- 2.73 Inspectors considered that the PSNI had made **insufficient progress** against this recommendation.

OPERATIONAL RECOMMENDATION 5

Action should be taken by the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland, within six months of the publication of this report, to ensure that the Section 15 domestic abuse aggravator is applied to every relevant charge, with information technology and quality assurance systems that reinforce this approach.

Status: Reasonable progress.

Organisational response

PSNI

- 2.74 *Additional guidance has been issued to this effect and this remains an area of focus to be monitored during quality assurance work between PPS and PSNI. To date an effective IT solution has not been possible that would attach the aggravator where the motivation is present, or where the domestic abuse offence is present with the recognition of children attached to the case file/investigation.*

2.75 *The PSNI assessed that reasonable progress had been made against this recommendation.*

PPS

2.76 *ICT [Information and Communication Technology] have confirmed that the specification for this change is largely written. A meeting will take place w/b [week beginning] 28th October to address some technical queries and development should be able to start soon. It is anticipated that the IT change should be completed and released within 4-6 weeks.*

2.77 *Section 8 of SI 7 of 2022 (Appendix 3) sets out the PPS guidance for selecting the appropriate charge(s) in cases involving domestic abuse prosecuted under the Act. Prosecutors also have access to a decision tree as a guide to decision making. These documents assist prosecutors to identify cases where the Domestic Abuse Offence (DAO) should be used and/or where the Section 15 aggravator should be applied.*

2.78 *A new Staff Instruction is being drafted for prosecutors in order to reinforce earlier training on the Section 15 aggravator and DAO.*

2.79 *An IT solution is also in the late stages of development. This will ensure that Section 15 aggravators are identified in all relevant cases (please see OR 5 [Operational Recommendation 5] below).*

2.80 *A joint PPS/PSNI QA [Quality Assurance] exercise is scheduled for January 2025 which will look at compliance with the updated SLA. This will include checks on the application of the Section 15 aggravator and the use of the DAO. Agreed measures for this element of the QA are as follows:*

- *% of cases where police aggravators correct;*
- *% of cases where PPS aggravators correct;*
- *% of cases where police correctly identified DAO; and*
- *% of cases where PPS correctly identified DAO.*

2.81 *The PPS assessed that reasonable progress had been made against this recommendation.*

Inspectors' assessment

2.82 *The PPS had designed, and were in the process of developing, an IT solution that would prompt Prosecutors to consider the application of a Section 15 aggravator in cases that had a proven personal connection or were flagged as a domestic incident. This prompt would appear against each charge in every relevant case and was to be launched in early 2025. Inspectors were impressed by the swift action taken by the PPS in developing this functionality, and although there was no outcome data available at the time of Review fieldwork, there was clear potential for improved outcomes should the solution operate as intended.*

- 2.83 The PSNI had been unable to implement a similar IT solution, however there had been early discussions about the change request and how it would operate. Plans were in place to amalgamate the various domestic abuse related IT requests in January 2025, at which point they would then decide which would go forward to Information and Communication Services⁵⁷ for further action. Inspectors were told that there was potential for the necessary Section 15 change to be prioritised and placed on the list. Mindful of the additional barriers to implementing IT changes within the PSNI through the police computer system NICHE, Inspectors would like to see the necessary change developed and operational as soon as possible. The impact of missed Section 15 aggravators at the Police charge stage were significant and, as detailed in the first Review, could result in relevant cases having no Section 15 aggravator applied at all, with no subsequent account taken of the domestic abuse aggravation in sentencing.
- 2.84 Both the PPS and the PSNI acknowledged that there remained issues with the use of the Section 15 aggravator. In response to these concerns both organisations had reviewed and re-issued guidance for Prosecutors and Police Officers to assist with identifying when a Section 15 aggravator should be applied, and ensuring the process for its application was clear. The PSNI noted that if a Section 15 aggravator was missed by the Investigating Officer, the Contact Management Control Unit or by the Custody Sergeant, there were opportunities for this to be added later by Crime Recording. Furthermore, it was anticipated that the PPS's IT solution would act as an additional check and balance for the PSNI, helping to reduce the number of missed Section 15 aggravators.
- 2.85 The joint PSNI/PPS quality assurance exercise scheduled for January and February 2025 was to include an analysis of the application of the Section 15 aggravator by both the PSNI and the PPS. This provided an early opportunity to examine the operation of the PPS's IT solution to ensure it was operating correctly. The PSNI should ensure that its regular performance quality assurance process also assesses the application and missed application of the Section 15 aggravator. Inspectors will return to this recommendation during the third Review and evidence of clear progress in outcomes will be sought.
- 2.86 Inspectors considered that the PPS and PSNI had made **reasonable progress** against this recommendation.

OPERATIONAL RECOMMENDATION 6

Within six months of the publication of this report, the Department of Justice should review the relevant sections of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 with a view to introducing a presumption of a personal connection, allowing for this be challenged by the defence in appropriate circumstances.

Status: Reasonable progress.

⁵⁷ The PSNI department responsible for IT system development.

Organisational response

DoJ

- 2.87 *We have taken the views of the PPS, who are supportive of this proposal. There will be limited scope and capacity to make such legislative provision within the remainder of this Assembly mandate, however, we are progressing policy thinking by seeking the views of stakeholders, including the Law Society [of Northern Ireland] and the Bar of NI [Northern Ireland] and we await a response.*
- 2.88 *The DoJ assessed that good progress had been made against this recommendation.*

Inspectors' assessment

- 2.89 The process for the generation of the Notice of Personal Connection (Section 6) by the PPS was automated and a technical issue, identified by CJI Inspectors as part of the first Review, had been rectified. Despite the automation, the process continued to have resource implications for the PPS, with Notices requiring victim detail input and a signature. At the time of the fieldwork for this Review there had been just one challenge to the Notice since the Act came into effect in February 2022. Both the DoJ and the PPS were supportive of the recommended change, which was encouraging. Views from the Law Society of Northern Ireland and the Bar of Northern Ireland were also sought, however a response remained outstanding at the time of report drafting.
- 2.90 The DoJ noted their intention to introduce the recommended change, however this required primary legislation, and an appropriate legislative vehicle was not available within the current mandate. Inspectors were mindful of the limitations presented by the shortened mandate of the Northern Ireland Assembly, however progress in drafting a suitable provision in preparation would have provided evidence of greater progress to date. This work should commence to ensure momentum is not lost and that the required legislative change is progressed at the earliest opportunity.
- 2.91 Inspectors considered that the DoJ had made **reasonable progress** against this recommendation.

OPERATIONAL RECOMMENDATION 7

Within three months of the publication of this report, the Public Prosecution Service for Northern Ireland policy and guidance should clarify and direct the use of cautions in domestic abuse cases in rare circumstances only, with a requirement for a detailed record of reasoning and rationale if they are used. Quality assurance processes for domestic abuse cases should include an analysis of the quantity and quality of cautions directed by Prosecutors, particularly where a Section 1 domestic abuse offence has been directed in the first instance.

Status: Good progress.

Organisational response

PPS

- 2.92 Updated guidance on cautions issued in SI [Staff Instruction] 6 of 2022 (Appendix 15) and a further update was issued to staff in May 2024. The May 2024 guidance states:

"It will rarely be appropriate to deal with a domestic abuse offence by an adult offender by way of a caution. This is because the fact that the offending involves domestic abuse will generally be a factor that increases its seriousness and weighs in favour of a prosecution. However, there will be certain cases, particularly those involving young defendants, where a diversionary disposal may be the appropriate disposal in light of all the relevant circumstances. The views of the victim must be considered before any such decision is taken and regard must be had to the broader principles applying to diversionary disposals as outlined in the Guidelines on Diversion.

"There will be cases in which the defendant makes no admissions and then makes the offer of a caution when the matter is listed for trial and the victim has attended court. The fact that admissions are made at such a late stage is a factor that militates against a caution. In such cases the prosecutor should seek the views of the victim whilst also explaining any assistance that can be provided to the victim to give their best evidence (e.g. any special measures that have been granted or will be applied for). Whilst it is appropriate that regard be given to the views of the victim who may be relieved at the prospect of not being required to give evidence, prosecutors should be mindful that the victim may be vulnerable and that their views may be conditioned by the existence of a controlling or coercive relationship with the defendant. It is likely that any case in which a caution is accepted at court will be relatively minor in nature.

"The seriousness of domestic abuse cases means that any diversionary disposal for an adult offender will almost invariably be a caution, rather than an informed warning.

"The reasons for offering a caution in a domestic abuse case, either at direction stage or after the case has been brought to court, must be recorded on the file."

- 2.93 An internal QA [Quality Assurance] on cautions will be carried out in early 2025.
- 2.94 A staff instruction on the drafting of decision notes in summary DA [Domestic Abuse] prosecutions is at an advanced stage. When issued, decision notes will become mandatory for all summary DA decisions. This SI will provide prosecutors with detailed guidance on how to prepare decision notes and the level of detail required. It also includes a number of worked examples.
- 2.95 The PPS assessed that reasonable progress had been made against this recommendation.

Inspectors' assessment

- 2.96 In the first Review of the Act, Inspectors had raised concerns regarding the number of cautions directed for domestic abuse cases, that suggested that cautions were being used more than 'rarely', contrary to the PPS guidance at the time.
- 2.97 Revised domestic abuse guidance issued to Prosecutors in May 2024 sought to promptly address the concerns raised by CJI about the use of cautions in domestic abuse cases. This guidance clarified the 'rare' use of cautions, noting that *'It will rarely be appropriate to deal with a domestic abuse offence by an adult offender by way of a caution.'* The revised guidance included much greater detail to assist Prosecutors in decision-making, with an emphasis on young defendants and on the requirement to seek the views of victims, including being mindful of potential vulnerabilities and the potential impact of controlling or coercive behaviour. It also noted that *'It is likely that any case in which a caution is accepted at court will be relatively minor in nature.'* Feedback from Prosecutors suggested that the guidance was clear and useful, with Prosecutors confident in seeking assistance or clarification from Policy and Information Unit colleagues when necessary.
- 2.98 Inspectors were encouraged by the explicit requirement included in the revised guidance of the need to record reasons for offering a caution in domestic abuse cases. The publication of a Staff Instruction mandating decision notes on all summary, no prosecution and diversionary disposal domestic abuse decisions was a further positive step, and as noted under Strategic Recommendation 2, this had the potential to assist the PPS with providing feedback to Police Officers in relevant domestic abuse cases.
- 2.99 A quality assurance exercise of cautions had been completed at the end of 2024, however a final report had not yet been produced. Inspectors were told that this exercise had assessed all cautions directed in domestic abuse cases in 2024, reviewing the quality of decisions and the recording of reasons. Some learning had been identified and it was anticipated that a further update to the guidance would be required, however this had not yet been drafted or shared with Prosecutors. It was important that this exercise was completed, and the associated learning disseminated to all staff, as soon as possible. The PPS should also ensure that the use of cautions in domestic abuse cases remained an area of focus within future quality assurance processes. Inspectors intend to examine the use of cautions during the next full Review when sampling case files.
- 2.100 Inspectors considered that the PPS had made **good progress** against this recommendation.

OPERATIONAL RECOMMENDATION 8

As required by Section 34 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, the Police Service of Northern Ireland should produce data on offences alleged to be aggravated by domestic abuse as referred to in Section 15. Within six months of the publication of this report, plans should be developed as to how this data can be published at regular time intervals.

Status: Good progress.

Organisational response

PSNI

- 2.101 *It is recognised that within the legislation PSNI have a responsibility to publish timely and detailed statistics on the new domestic abuse legislation, and also the wider application on offences (and incidents) motivated by domestic abuse. This is further supported by the scheduling of formal release statistics and the informal/operational data that is provided in response to specific questions.*
- 2.102 *There remain some additional challenges in respect of publishing information relating to the aggravators due to the number of caveats that need to be provided to meet the standards expected of published information by PSNI.*
- 2.103 *A format has previously been shared with DoJ colleagues that highlights the level of information that can be provided, and the caveats required. This will highlight the level of offending using the domestic abuse offence, S75⁵⁸ information as available on the victim involved and where possible the allocated outcome for that offence type. There is a requirement to further refine this with DoJ for further publication of the same.*
- 2.104 *The PSNI assessed that good progress had been made against this recommendation.*

Inspectors' assessment

- 2.105 The PSNI continued to publish a detailed report outlining annual trends in domestic abuse incidents and crimes since 2004-05, as well as a quarterly bulletin providing information on the previous 12 months and the financial year-to-date. Data on the number of domestic abuse offences that had a child aggravator applied was provided within the quarterly update. As reported in the first Review, data on the number of cases aggravated by domestic abuse (Section 15) was not published.

58 Section 75 of the Northern Ireland Act 1998 places a statutory obligation on public authorities to carry out their functions with due regard to the need to promote equality of opportunity and good relations in respect of religious belief, political opinion, gender, race, disability, age, marital status, dependants and sexual orientation.
See <https://www.legislation.gov.uk/ukpga/1998/47/section/75>.

- 2.106 Plans to publish this data under Section 34 of the Act⁵⁹ were well advanced, with agreement between the DoJ and the PSNI on provision of Section 15 data from the PSNI by the end of 2024. This was to be published by the DoJ in February 2025 covering the period from the introduction of the Act in February 2022 to the end of March 2024. Publication was planned annually thereafter and would provide a single information point for collated statistics on domestic abuse from across the criminal justice system. Inspectors welcomed this development and were encouraged by collaborative efforts to ensure that the legislative requirements were met, and the relevant data made publicly available at regular time intervals.
- 2.107 As part of the first Review, the PSNI raised concerns about the accuracy of the Section 15 data and differences between crime recording and aggravator data. Experimental data extraction at that time included several potential data validation options, aimed at improving accuracy, each requiring a substantial resource investment. Work had been undertaken by the PSNI statistics branch and agreement about publication of this data included an explanatory note about the difference between victim-based, administrative police recorded crime data and suspect/offender data that was used to identify how suspects/offenders were dealt with by the criminal justice process, following evidence identified through investigation.
- 2.108 Feedback from Sergeants and Inspectors reported increased confidence among Police Officers in the application of Section 15 aggravators, with progress in areas such as custody where custody staff were requesting information on the aggravator when booking in an offender. Furthermore, the range of actions taken to ensure the aggravator was applied to every charge, where appropriate, as discussed under Operational Recommendation 5, also provided additional confidence. Inspectors expect that these actions will further improve data accuracy and reduce the resource requirement needed for the publication of Section 15 data over time.
- 2.109 Inspectors considered that the PSNI had made **good progress** against this recommendation.

OPERATIONAL RECOMMENDATION 9

Within three months of the publication of this report, the Northern Ireland Courts and Tribunals Service should, in conjunction with its partners across the Courts, review and take action to ensure accurate, complete and consistent recording of Domestic Abuse - Sentence Enhanced and Domestic Abuse - Sentence Not Enhanced outcomes.

Status: Insufficient progress.

⁵⁹ Section 34 of the Act requires the DoJ to prepare a report on the operation of the domestic abuse offence, child aggravators (Section 8 and Section 9) and generic domestic abuse aggravator (Section 15).

Organisational response

NICTS

2.110 NICTS will:

- Obtain up-to-date data and compare the use of aggravators and recording of DASE /DANA⁶⁰ orders to determine the inconsistencies with recording and the source of the inaccuracies;
 - A sample of cases with domestic abuse aggravators was obtained from ASG [Analytical Services Group] and analysed by Operational Support Branch (OSB). Inconsistencies identified were referred back to Business Managers to take forward additional training with individual court offices.
 - A prompt to remind court clerks to record DASE/DANA orders where appropriate is now included in the relevant forms on NICTS Single Control Document which must be checked and signed off after each court.
- Liaise with IT supplier to explore if changes to ICOS [Integrated Court Operations System] can be made to require the recording of a DASE/DANA when the application contains an aggravator;
 - Software developments have been applied to ICOS to add warning messages to ensure DASE/DANA orders are captured where an aggravator has been proven. This change is currently undergoing testing in ICOS and should be available for live upload by the end of October 2024.
- Consult with court clerks to review and update the guidance and presentation for recording orders; and
 - Following a meeting with experienced court clerks on 5 Mar 2024, learning advisors informed OSB that the guidance and presentation on court procedures for domestic abuse cases were clear and concise. However, to ensure consistency, annual refresher training on this guidance has been added as a mandatory objective for court operational staff on Performance Management Appraisals. The guidance has also been added to NICS LInKS to enable easy access and allow OSB to monitor numbers completing refresher training.
 - The changes brought about by the DACPA [Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021] legislation will also form part of the 'in person' training exercise being developed by NICTS for all new Court Clerks currently taking part in the Court Clerk Recruitment Scheme. This training scheme is intended to begin by the end of November 2024.
- Bring the CJINI recommendation and NICTS updated procedures to the attention of LCJO [Lady Chief Justice's Office] and PPS to seek their co-operation with implementing change and updating their practices.
 - Following a meeting with the LCJO and PPS on the 17th June 2024, OSB contacted JSB [Judicial Studies Board] to request that a reminder issue to the Judiciary on the importance of referencing DA [Domestic Abuse] aggravation when sentencing. Confirmation that this would be taken forward by JSB was received on the 2nd July 2024.

60 DASE – Aggravated by Domestic Abuse: Sentence Enhanced. DANA – Aggravated by Domestic Abuse: Sentence Not Enhanced.

- Following engagement with PPS, NICTS have shared ICOS data to enable the Management team to assess issues identified and highlight problems in particular areas before revisiting their guidance. In the interim, PPS have issued a reminder to prosecutors.
- In addition, OSB have requested a further extract of data from July - September 2024 in order to conduct a dip sample of cases (with the assistance of PPS data) and monitor progress and will share their findings with PPS and the LCJO.

2.111 The NICTS assessed that reasonable progress had been made against this recommendation.

Inspectors' assessment

- 2.112 In the first Review of the Act, Inspectors commented on issues in the recording of the DASE and DANA Court result records that were created to capture the impact of a domestic abuse aggravation on sentencing at Court, as required by Section 15 of the Act. The low number of DASE or DANA Court result records recorded relative to the number of cases aggravated by domestic abuse and resulting in a conviction, was concerning. This indicated that the intention of the Section 15 aggravator in demonstrating that offences committed in a domestic setting would result in a higher sentence, if a Judge determined this was appropriate, was not being met.
- 2.113 Table 4 shows that the number of cases where a DASE or DANA Court result record was recorded had been increasing, from 103 cases in 2022-23 to 184 cases in the first six months of 2024-25. However, the gap between the number of cases with a recorded DASE or DANA Court result record and the number of convictions with a proven Section 15 aggravator remained high, with 650 relevant cases not having a DASE or DANA Court result record recorded in 2022-23, 1,139 in 2023-24 and 338 between April and September 2024. There were a further 315 cases with both the domestic abuse offence and other offences with the statutory aggravator which may also have required a DASE or DANA Court result record between April 2022 and September 2024.

Table 4: Number of cases where the statutory domestic abuse aggravator (Section 15) was proven at Court and a DASE or DANA Court result record was recorded, 2022-23 to 30 September 2024

	2022-23	2023-24	2024-25 to 30 September
Aggravated by domestic abuse – sentence enhanced (DASE)	90	154	142
Aggravated by domestic abuse – sentence not enhanced (DANA)	13	12	42
TOTAL	103	166	184
Number of convictions for cases with other offences with statutory aggravator	753	1,305	522

- 2.114 The NICTS did not have ready access to this data so understanding the scale of the issue was limited. The NICTS Operational Support Branch had conducted dip samples of cases to understand the issue and Inspectors were told that in cases where inconsistencies were identified, Business Managers were tasked with completing additional training within individual Court offices. The most recent dip sample was completed between July and September 2024, however analysis of this data remained outstanding at the time of fieldwork.
- 2.115 The NICTS had shared data from the initial dip sample with PPS colleagues to enable them to identify inconsistencies between recording by Court staff and by Prosecutors. The PPS noted that where a case was aggravated by Section 15 it was documented on the charge sheet and where this was not clear, there was an onus on the Prosecutor to bring it to the attention of the Court. The PPS subsequently issued a Policy Information Note to Prosecutors reminding them of their responsibilities to do this.
- 2.116 The NICTS had implemented two technical changes aimed at reducing the potential for human error in overlooking the recording of DASE and DANA Court result record. A prompt was added to the relevant forms on the NICTS Single Control Document⁶¹ to act as a check to remind Court Clerks of the need to record a DASE or DANA Court result record. A warning flag was also added to ICOS⁶² to warn users of the need to ensure a DASE or DANA Court result record was captured where an aggravator had been proven. Both changes were operational at the time of fieldwork and no issues had been reported. Inspectors were told that an override of the warning flag on ICOS was necessary to enable Court Clerks to bypass the recording of the Court result records where explicit reference to the impact of the

61 The Single Control Document is a check list of jobs that must be completed by Court Clerks following completion of each Court.

62 Integrated Court Operations System.

aggravation on sentencing was not evident to Court Clerks. Inspectors agreed that this was important to ensure that the data accurately reflected the impact of the domestic abuse aggravation on sentencing.

2.117 In March 2024 the NICTS sought feedback on the content of their internal guidance, with experienced Court Clerks noting that it was “*clear and concise*”. The NICTS reviewed the guidance in April and re-issued it to staff through the LInKS network and the NICTS Knowledge Bank.⁶³ To ensure consistency in its application, annual refresher training on the guidance had been added as a mandatory objective for all operational Court staff within the annual performance management appraisal process. Completion rates were to be monitored by Operational Support Branch. Training for new Court Clerks joining the NICTS would also include the Act and its operational requirements. These were positive steps to improve the knowledge and understanding of the Act and its operational impact for NICTS staff and to ensure effective recording of Judicial decisions and consideration of relevant aggravators and their application.

2.118 The updated guidance included the following information regarding the recording of the DASE and DANA Court result records:

‘DASE – Aggravated by Domestic Abuse Sentence Enhanced – *this order should be recorded alongside the sentence for the substantive offence when the aggravator is proven and the Judge imposes a greater sentence as a result; or*

DANA – Aggravated by Domestic Abuse – Sentence Not Enhanced *should be recorded in every other instance alongside the substantive offence when the aggravator is proven but the Judge does not reference the aggravator as part of the sentence or specifically notes that the aggravator has had no bearing on the sentence passed.’*

2.119 This was reinforced within the updated training available on Knowledge Bank. The direction to record a DANA Court result record ‘*in every other instance*’ and when the Judge ‘*does not reference the aggravator as part of the sentence*’ was a departure from previous guidance and was made to ensure completeness in recording. However, Inspectors were concerned that although this may improve completeness it would wrongly inflate the number of sentences that were recorded as a DANA Court result record. This was contrary to the intention of the Act and risked demonstrating to the public, victims and perpetrators that the proven domestic abuse aggravation had no bearing on the sentence imposed. Table 4 shows that relative to the total number of DASE and DANA Court result records recorded each year, the number of DANA Court result records had increased from

63 Knowledge Bank was the information and guidance source for staff within NICTS, hosted on the staff intranet. As part of the *Inspection of the Effectiveness of Criminal Court Administration* (published in September 2024), CJI recommended that the NICTS develop and deliver a Knowledge Bank that is fit for purpose, includes staff induction, training and development and supports digital modernisation. See <https://www.cjini.org/TheInspections/Inspection-Reports/2024/July-Sep/Effectiveness-of-criminal-court-administration>.

13 in 2022-23 (13%) and 12 in 2023-24 (7%) to 42 in the first six months of 2024-25 (23%). Although it was not possible to state with certainty that this increase was a result of the change to the guidance, which was first implemented on 30 April 2024 therefore covering one month of the 2023-24 data, the increase in the first six months of 2024-25 was concerning and potentially inaccurate.

2.120 Immediate action was therefore required to rectify this issue. The NICTS were reluctant to issue a further change to the guidance before a longer-term fix was agreed with their criminal justice partners. There was concern that the frequent reissuing of guidance would cause confusion among Court Clerks. Although sympathetic to this, Inspectors remained concerned about the compounding of error over time and the continued inaccuracy this guidance was building into sentencing data. It was therefore imperative that the NICTS worked at pace with its partners across the criminal justice system to develop an agreed action to ensure the completeness and accuracy of the recording of DASE and DANA Court result records. The NICTS and DoJ should also undertake regular joint monitoring of the number of DASE and DANA Court result records, relative to the number of convictions with the statutory aggravator, to ensure actions taken lead to improved accuracy in recording, identify any trends and to remedy any issues which arise.

2.121 As noted, the updated NICTS guidance directed the recording of the DANA Court result record in cases where *'the Judge does not reference the aggravator as part of sentencing.'* Section 15(4) of the Act states that:

'The Court must –

(d) In imposing sentence, explain how the fact that the offence is so aggravated affects the sentence imposed.'

2.122 The Judicial Studies Board (JSB) confirmed to Inspectors their intention to raise the issue of sentencing in cases aggravated by domestic abuse with Judges at two upcoming Judicial training events and undertook to provide feedback to the NICTS, which was positive. The JSB noted the preference for the use of statutory language in Court to ensure alignment to the requirements of the Act. Subsequent to any feedback from the JSB, the update to the NICTS guidance should also therefore provide information, and associated training for Court Clerks, on the statutory language used which would lead to the recording of a DASE or DANA Court result record. Case examples would provide a helpful aide. While Inspectors were told by Prosecutors and by the NICTS that experienced Court Clerks were adept at seeking clarification on Court matters, including in relation to sentencing, in the event of a Judge or Prosecutor not raising consideration of the aggravator in sentencing, it was incumbent on all Court Clerks to discretely raise the matter in Court. This was an important element of *'maintaining the court file including accurate recording of relevant matters and judicial decisions...in accordance with Service Level Agreements, guidance and legislative requirements.'*⁶⁴

64 HR Connect, Candidate Information Booklet, IRC301862 Court Clerk (EO1 Grade), Northern Ireland Courts and Tribunals Service (NICTS), DoJ, June 2024, available at <https://irecruit-ext.hrconnect.nigov.net/resources/documents/c/a/n/candidate-information-booklet---v7.pdf>.

- 2.123 DASE and DANA Court result records were created by the NICTS to record the Court's requirement to consider the aggravator as specified in Section 15(4) (a-d) of the Act. This was an important element of Act implementation and key to assuring victims that the aggravator had been considered in sentencing. The provision of accurate data on sentencing was key to evidencing that the provisions of the Act were being enforced as intended and was vital to public messaging to support victim and public confidence about the seriousness with which the criminal justice system deals with domestic abuse. Inspectors will therefore re-visit this as part of the third Review of the Act and look forward to seeing re-issued guidance and improved accuracy in recording reflected in the data. While noting the work that the NICTS had taken forward to progress this recommendation at pace, and the introduction of prompts and flags which was good, the unintended consequence of changes to guidance had the potential impact of undermining the integrity of sentencing outcome data and confidence in the system. Data continued to indicate a significant disparity between the number of proven aggravators and recorded DASE and DANA Court result records and this needed to be urgently addressed.
- 2.124 Inspectors considered that the NICTS had made **insufficient progress** against this recommendation.

CHAPTER 3: CONCLUSION

- 3.1 The commitment and pace at which the Act was first introduced was impressive and reflected the impact of domestic abuse on victims, Northern Ireland's criminal justice system and to our society. The statutory requirement for independent oversight of the Act each year for at least seven years ensured this commitment was sustained and that momentum was maintained.
- 3.2 The first Review of the Act, published in April 2024, made two Strategic and nine Operational Recommendations. It was recognised that this annual Review provided a comparatively short timeframe to assess progress, however, it was the intention of the Act to address urgent need and improve outcomes for victims of domestic abuse in our society. It is acknowledged that some of the recommendations required a longer time to implement, and so assessment was based on progress rather than achievement. Reasonable progress had been made against both Strategic Recommendations and four Operational Recommendations. Good progress was noted against two Operational Recommendations. There were two assessments of insufficient progress and one of no meaningful progress against the remaining Operational Recommendations.
- 3.3 The first Review Report noted a need for cultural change in how domestic abuse was understood and dealt with by those working in the criminal justice system. Inspectors were pleased by progress in this area, with evidence that Police Officers and Prosecutors had begun to develop a broader understanding of what domestic abuse was, the impact it had on victims and witnesses, including children, and how it was investigated and prosecuted. There was however, more to do. The legislative requirement for annual training had proved beneficial and Inspectors looked forward to seeing further evidence of progress in the next Review.
- 3.4 The importance of improved understanding through guidance and learning extended beyond the criminal justice organisations. The DoJ had taken steps to raise awareness of the statutory guidance across the statutory and voluntary and community sector by utilising networks established as part of the 2016 Seven Year Domestic Abuse Strategy and newly established groups associated with the *2024-2031 Domestic and Sexual Abuse Strategy* was positive. The exploration of links with the Ending Violence Against Women and Girls programme was also encouraging. Revised plans to increase the accessibility and uptake of the domestic abuse e-learning package across the statutory sector were also encouraging.

- 3.5 Despite the need for legislative change and the lack of a suitable legislative vehicle in the current mandate, the DoJ were supportive of introducing a presumption of personal connection in domestic abuse cases. A small but meaningful change which would remove an administrative burden for the PPS.
- 3.6 Three of the 11 recommendations made in the first Review Report had a child focus. *Operation Encompass* was one of the most well-known elements of the Act, placing children at the centre of a cross-Departmental approach to dealing with the impact of domestic abuse. Inspectors were encouraged by progress, plans for a pilot testing improved systems and processes and details from the initial evaluative work by the EA. Steps taken to develop an Information Sharing Agreement were positive, however increased collaboration was needed. Further discussions were also required with the SBNI to explore their potential role and how *Operation Encompass* supports wider child safeguarding policy and practices.
- 3.7 As reported in the first Review Report, annual training within the PSNI had included a child focus. Efforts had been made to provide training opportunities to a range of Police Officers, however the lack of a clear training delivery plan had led to sporadic uptake and greater targeting was needed. Plans were at an early stage to review how effective training on children in domestic abuse cases had been. It was disappointing that more progress had not been made. Although quality assurance systems were in place, the data provided to Inspectors did not provide sufficient assurance. More robust monitoring was required and more work was needed to understand the impact of training and to enable the identification of further training needs. The lack of any meaningful progress on CMC training on THRIVE, children in domestic abuse settings or on supervisor reviews was disappointing. Action was required to ensure this training was delivered.
- 3.8 There had been progress in the development of a PSNI and PPS Prosecution Team approach to domestic abuse. Although at an early stage, agreement on an updated SLA on domestic abuse that set agreed evidential standards and obligations on areas such as the sharing of risk information, digital evidence and details about household composition, was positive. The Gateway Pilot focussed on domestic abuse cases and had the potential to improve file quality and reinforce collaboration between Police Officers and Prosecutors. Timely and meaningful evaluation of these initiatives was essential. Work was also required to understand, from a demand management perspective, the options for the re-establishment of the specialist domestic abuse Prosecutor role.
- 3.9 The significant implications of missed Section 15 aggravators was a key finding from the first Review and so progress by the PPS in developing a technical solution was reassuring. Although this solution had the potential to act as a check and balance against PSNI omission, there remained a need for the PSNI to develop a similar internal solution. Robust quality assurance monitoring was important to provide a much-needed check on the application of the Section 15 aggravator.

- Publicly available data on the application of the aggravator and the associated impact on sentencing was a crucial element to victim confidence and public messaging about the criminal justice response to domestic abuse. Significant efforts had been made by the PSNI to ensure that data on the Section 15 aggravator would be published on a regular basis. This was a positive outcome.
- 3.10 Despite efforts by the NICTS to ensure accuracy and completeness when recording domestic abuse aggravation consideration in sentencing through the DASE and DANA Court result records; a change to NICTS guidance to record DANA when no explicit reference to the aggravation was mentioned in sentencing, was a concern. This risked wrongly inflating the number of domestically aggravated cases with no associated sentence enhancement. Collaborative action with key partners, including the Judiciary, was necessary to improve the accuracy of data recording and additional guidance and training was needed for Court Clerks to improve consistency in practice and the understanding of the language used in Court in reference to the impact on sentencing.

APPENDIX 1

JUDGEMENTS AGAINST PROGRESS

The Inspection Team will make judgements on progress (defined as activities which have the potential, in time, to lead to improved outcomes) relating to each individual recommendation we follow up using the following definitions:

No meaningful progress

A realistic improvement plan for this recommendation had not yet been formulated, resourced or implementation commenced.

Insufficient progress

Implementation of a realistic improvement strategy for this recommendation had commenced, but the actions taken since the last Review had not yet resulted in sufficient evidence of progress (for example, better and embedded systems and processes).

Reasonable progress

A realistic improvement strategy for this recommendation had been implemented, with evidence of progress (for example, better and embedded systems and processes) and/or evidence of some improving outcomes.

Good progress

A realistic improvement strategy for this recommendation had been implemented and a clear improvement in outcomes delivered.

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First published in Northern Ireland in April 2025 by

**Criminal Justice Inspection
Northern Ireland**

Block 1, Knockview Buildings
Belfast BT4 3SJ

www.cjini.org