

Consultation questions

1. Are you responding as an individual or on behalf of an organisation?

- Individual
- Organisation

[if 'Individual then Q2, if Organisation then Q3]

2. If you are responding on behalf of an organisation, please select the option which best describes your affiliation.

- Law enforcement agency (police, policing body, Crown Prosecution Service)
- Healthcare organisation
- Local Authority
- Community Safety Partnership
- Educational institution or student body
- Violence against women and girls charity / service provider
- Other (please specify):

Wales Safer Communities Network (members from Local Authority, Police, Probation, Fire Service and Third Sector)

Definition of a Domestic Homicide Review

Current DHR legislation specifies that a DHR should be considered in instances where 'the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by (a) a person to whom he was related or with whom he was or had been in an intimate personal relationship, or (b) a member of the same household as himself'.

The DA Act 2021 introduced a statutory definition of domestic abuse that incorporates a range of abuses beyond 'violence, abuse and neglect' to include controlling or coercive behaviour, emotional and economic abuse. Explicitly including this definition in the DHR legislation would ensure that DHRs continue to contribute to our understanding of DA, and capture learnings to prevent fatal domestic abuse.

3. **Are you in favour of updating DHR legislation so that a DHR is considered for all deaths that have or appear to have been the result of domestic abuse, as domestic abuse is defined in the DA Act 2021 (see below)?**

- Yes
 No
 Don't know

Please comment:

The Domestic Abuse Act 2021 expanded the legal definition of domestic abuse and therefore we think it would be appropriate for the definition to be updated in the DHR legislation. This may increase the number of reviews that are or need to be undertaken and consideration of resources or increased resources and the current shortage of good quality reviewers needs to be taken into account for implementation.

Existing Legislation

Domestic Violence, Crime and Victims Act 2004, Section 9, Part 1 states a Domestic Homicide Review should be held when:

“the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by—

(a) a person to whom he was related or with whom he was or had been in an intimate personal relationship, or

(b) a member of the same household as himself,

held with a view to identifying the lessons to be learnt from the death”



Section 1 of The Domestic Abuse Act 2021 defines domestic abuse as:

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
(a) A and B are each aged 16 or over and are personally connected to each other,
and
(b) the behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—
(a) physical or sexual abuse;
(b) violent or threatening behaviour;
(c) controlling or coercive behaviour;
(d) economic abuse (see subsection (4));
(e) psychological, emotional or other abuse;
and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—
(a) acquire, use or maintain money or other property, or
(b) obtain goods or services.

(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

(6) References in this Act to being abusive towards another person are to be read in accordance with this section.

(7) For the meaning of “personally connected”, see section 2.

Section 2 of The Domestic Abuse Act 2021 defines “personally connected” as:

(1) For the purposes of this Act, two people are “personally connected” to each other if any of the following applies—

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
- (g) they are relatives.

(2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if—

- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.

(3) In this section—

“child” means a person under the age of 18 years;

“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;

“parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

Naming convention for Domestic Homicide Reviews

The name ‘Domestic Homicide Review’ can be misleading when the fatality in the review has not been ruled a homicide (e.g suicides and unexplained deaths).

4. Are you in favour of renaming ‘Domestic Homicide Reviews’?

- Yes
- No
- Don’t know

Please briefly explain reasoning for your response:

Yes, we agree with the principle of renaming Domestic Homicide Reviews to Domestic Abuse Fatality Reviews. The Network feels in doing so it will remove any ambiguity that may occur, for example where a person is cleared of a homicide through the criminal justice system; or where there are wider issues alongside domestic abuse where there are issues of relationship breakdown and mental health. These reviews will lead to different learning which is wider reaching and not limited to just the domestic abuse services and connections. The Single Unified Safeguarding Review which is being introduced in Wales is also seen as further advancing these connections and opportunities for wider learning where there may be an element of domestic abuse.

5. If ‘Domestic Homicide Reviews’ are renamed, should the Government:

- Introduce the term ‘Domestic Abuse Fatality Review’ for cases of domestic abuse related deaths that are not homicides, whilst retaining the terms ‘Domestic Homicide Review’ for domestic homicides.
- Re-name all ‘Domestic Homicide Reviews’ to ‘Domestic Abuse Fatality Reviews’
- Use another term (or terms) to better reflect the range of deaths which fall within the scope of a DHR (please specify):

We have marked multiple responses as there was a variation of opinion at the consultation workshop run by the Wales Safer Communities Network with community safety leads in Wales. One opinion was that all reviews involving domestic abuse should share the one name, so it was simpler for people to understand and for reasons given to question 5 of not needing to change name part way through. The other opinion was that keeping the word homicide for those involving a homicide because there is a sense that there is something different and stronger about the term homicide. The opinion of all in attendance was that what the Review is called is the least important element in the process, and that the whole process needs to be looked at. A change in

name will not resolve resourcing and capacity issues; the shortage of chairs and reviewers; the quality of those chairs and reviewers; delays in the process due to Quality Assurance Panel timescales; and how to limit the retraumatising of victims' families, friends and any significant others.