



BILLET D'ÉTAT

WEDNESDAY, 29th JULY, 2009

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XXI
2009

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **29th JULY, 2009**, immediately after the meeting already convened for that day, to consider the items contained in this Billet d'État which have been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
10 July 2009

PROJET DE LOI

entitled

THE PAROLE (GUERNSEY) LAW, 2009

The States are asked to decide:-

I.- Whether they are of the opinion to approve the Projet de Loi entitled “The Parole (Guernsey) Law, 2009” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

THE MAGISTRATE’S COURT (GUERNSEY) LAW, 2008 (COMMENCEMENT AND AMENDMENT) ORDINANCE, 2009

The States are asked to decide:-

II.- Whether they are of the opinion to approve the draft Ordinance entitled “The Magistrate’s Court (Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE ROYAL COURT (REFORM) (GUERNSEY) LAW, 2008
(COMMENCEMENT) (NO. 2) ORDINANCE, 2009**

The States are asked to decide:-

III.- Whether they are of the opinion to approve the draft Ordinance entitled “The Royal Court (Reform) (Guernsey) Law, 2008 (Commencement) (No. 2) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

DOMESTIC ABUSE STRATEGY

1 Executive Summary

- 1.1 This report sets out proposals for a Domestic Abuse Strategy for Guernsey and Alderney for the next four years, at a cost of £305,000 for the first full year (2010), £325,000 for the second year (2011) and £340,000 for the third year (2012).
- 1.2 If the Strategy is approved by the States in 2009, some work will commence during the second half of the year in order to put in place arrangements for 2010 and data collection mechanisms, using funds allocated for domestic abuse initiatives from the Drug and Alcohol Strategy for 2009.
- 1.3 Domestic abuse is a significant social problem in the Islands accounting for 37% of violent crime. It is estimated that the human and financial costs of this crime far outweigh the cost of implementing the strategy. In relation to the current number of cases reported to the Police in Guernsey and Alderney, implementing the Strategy would amount to a cost of approximately £600 per case.
- 1.4 Section 3 of this report explains how the Strategy was developed. Section 4 sets out the aims of the Strategy. The various stages of the consultation process are detailed in Section 5 and a cost-benefit analysis is outlined in Section 6. Section 7 covers the key initiatives within Strategy and Section 8, provides a breakdown of the cost and benefits of these initiatives.

2. Introduction

- 2.2 Domestic abuse affects people right across the community, from all walks of life and across all age groups. It can have devastating consequences for victims and their families. Locally, it accounts for 37% of violent crime (compared to 16% in the UK). Of the six unlawful killings that have occurred in Guernsey since 1999, four of these have been as a result of domestic abuse. In 2006 there were over 10 domestic related incidents reported to the police in Guernsey each week. This rose to approximately 14 incidents per week in 2007, and approximately 17 incidents per week in 2008, yet it is believed that violent incidents in the home are still seriously under-reported.
- 2.3 To address this significant social problem, the Social Policy Group has developed a Domestic Abuse Strategy for the Islands which it recommends should be rolled out over the next four years (2009-2012).
- 2.4 The definition of domestic violence and abuse used within the Strategy is *“threatening behaviour, violence or abuse (psychological, physical, verbal,*

sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners or family members, irrespective of gender or sexual orientation.”

- 2.5 Most cases involve violence perpetrated by men against women but there are also male victims of female abuse and victims within same-sex relationships. The Domestic Abuse Advisory Group which has overseen the Strategy development, recommends that the definition of domestic abuse should be gender neutral and the Strategy be targeted at both male and female victims, albeit recognising that the latter are the majority and therefore will need greater resource provision.

3 Development of the Strategy

- 3.1 The Social Policy Group asked for a Domestic Abuse Strategy to be developed at the end of 2006. In early 2007, an employee of the Education Department was seconded to work one day a week on this project. From March 2008, the post of Social Policy Development Officer was created within the Policy Council. This role involved carrying out a consultation on the draft Strategy and assessing the cost of putting the Strategy in place. Various groups were consulted and the key feedback from this is set out in Appendix 3. The costings are set out in Section 8 of this report.

4 Aims and Focus of Strategy

- 4.1 The Strategy sets out the commitment of Government and all the partner agencies to adopting a consistent and long-term approach to the prevention of domestic abuse and an effective response where it occurs. Its main aims are to:
- improve services and support for all victims of domestic abuse;
 - develop and deliver a high quality co-ordinated multi-agency response to domestic abuse;
 - increase and develop awareness generally about domestic abuse and the measures in place to help victims;
 - educate children and young people and the wider general public that domestic abuse is wrong and unacceptable and to enable them to make informed choices;
 - hold perpetrators/abusers accountable and provide effective interventions for their behaviour.
- 4.2 The Strategy focuses on four key areas –‘Partnerships’, ‘Prevention’, ‘Protection and Justice’ and ‘Provision of Support’.

- 4.3 The **‘Partnerships’** section of the Strategy concerns training and administrative arrangements; interagency co-operation; and sharing of good practice. These priorities are crucial to the successful implementation of the Strategy. They underpin its other strands in order to ensure that the complex needs of victims of domestic abuse are met. (The main initiatives relating to this section are set out in pages 73-79 of the Strategy document)
- 4.4 The **‘Prevention’** section focuses on preventing domestic abuse occurring in the first place, making sure that anyone affected by domestic abuse has access to information and advice and ensuring that professionals know how to respond to early signs of abuse. (Initiatives relating to this are set out in pages 80-82 of the Strategy document).
- 4.5 **‘Protection and Justice’** aims to improve the experience of victims who require the intervention of the police and the protection of the justice system. It also seeks to ensure that there are appropriate and effective interventions available to tackle offending behaviour and hold perpetrators accountable for their actions. (Initiatives relating to this are set out in pages 83-86 of the Strategy document)
- 4.6 **‘Provision of Support’** is vital for victims and their children, as domestic abuse impacts on so many aspects of their lives, for instance, accommodation, finance and health. (Initiatives relating to this strand of the Strategy are set out in pages 87-93 of the Strategy document) **The Strategy document itself is attached as Appendix 1.**

5 Consultation Exercise

- 5.1 The consultation process was put in place by a Domestic Abuse Advisory Group made up of representatives from relevant States departments. It was carried out in the following stages:
- Questionnaire on services to all key States Departments and NGOs
 - Focus groups on key areas such as housing
 - Draft Strategy sent to Departments for comment
 - Green Paper sent to NGOs for comment
 - Public consultation on Green Paper
 - Costings sent to States Departments (February 2009)
- 5.2 Response to the Green Paper was extremely positive. Key points raised during the consultation were that:
- Preventative work is vital, especially with children and young people.

- There are several gaps in local service provision that need to be filled. These include provision of suitable accommodation for victims of abuse; children and young people's therapeutic support services; and a programme to allow perpetrators of abuse to seek help.
- Training, across all States Departments and NGOs that deal with victims of abuse, is essential to ensure that those experiencing abuse are treated appropriately and sensitively. All agency staff need to recognise domestic abuse and ensure that useful support and information is provided. Respondents to the Strategy consultation who had experienced abuse expressed as much concern about *how* services were delivered as they did with *what* was delivered.
- Several respondents who had experienced abuse stated that, at the time, they had been completely unaware of the services that existed locally. Publicity and information about domestic abuse services needs to be made more widely available in various formats to prevent isolation of victims and to ensure that they can access the help that is available.
- Amongst victims of abuse, there was some concern about the response of the criminal justice system and whether domestic abuse was being taken seriously enough by police responding to domestic abuse call outs and magistrates in their sentencing (It should be pointed out that some of the respondents who highlighted this concern experienced abuse a number of years ago. One respondent said that she believed things had changed for the better recently.) Domestic Violence Injunctions were viewed as ineffective as breaking them did not result in adequate sanctions being applied. Within existing legislation, Magistrates only have recourse to two options for the breaking of injunctions: fining offenders or imprisoning them for up to three months.
- Many of the respondents to the public consultation who had experienced domestic abuse mentioned the impact the abuse had had on their mental health. Several felt that mental health services were not particularly accessible.
- Routine questioning/screening/early intervention by health agencies was suggested as a means of identifying situations of domestic abuse, especially with regard to pregnant women.
- Several agencies and individuals stated that in order to be effective, the Strategy needs to be adequately resourced.

5.3 The Social Policy Group would like to thank the large number of agencies and individuals who have freely given of their time and knowledge in developing this strategy in the various stages of the consultation. These are listed in Appendix 2.

- 5.4 Letters from States Departments represented on the Social Policy Group, plus the Scrutiny and Public Accounts Committee, are attached as Appendix 4. The Commerce and Employment Department had no further comments and the Treasury and Resources Department has commented as part of the normal procedure for States Reports.

6 Cost – Benefit Analysis

- 6.1 The costs associated with putting in place a strategy that aims to take a proactive response to domestic abuse is likely to be a fraction of the cost of maintaining ‘business as usual’ via the traditional reactive approach to domestic abuse.
- 6.2 It is estimated that the cost of implementing the Strategy will be around £305,000 for 2010, increasing to £325,000 for 2011 and £340,000 for 2012. It should be noted that the figure for 2010 includes some start up costs, and some initiatives will not come into force until 2011. If the Strategy is approved by the States, some work will commence during the second half of 2009. The Social Policy Development Officer post holder, already funded by the Policy Council, will put arrangements in place for 2010. In addition, £10,000 has been allocated for domestic abuse and abuse initiatives in 2009 in the budget for the Drug and Alcohol Strategy. This was intended to be used to set up the Strategy. It will be used to put the infrastructure in place for data collection.
- 6.3 This Report sets out the Strategy only until 2012. In 2012, a further States report will be submitted for 2013-2018. It is anticipated that from 2013 onwards, the costs will increase in line with RPI and it is therefore likely that the 2012 report will recommend that the cost of the Strategy be tied to annual budget increase recommendations set out by the Treasury and Resources Department. (See Section 8 for a breakdown of the initiatives and their associated costs.) However, as domestic abuse is an under-reported crime, there will be a need to recognise that there may be a much greater take-up of services due to increased publicity and awareness raising with possible resource implications. New initiatives may also be considered from 2013, following best practice elsewhere.
- 6.4 The cost of putting the Strategy in place may sound considerable, but the funds necessary to implement an innovative and coordinated multi-agency approach represent a tiny fraction of the costs currently associated with tackling domestic abuse reactively. As well as the extreme human and emotional costs to those caught up in domestic abuse and violence, recent UK Home Office research has estimated that the cost of domestic abuse for UK public services, including the criminal justice system, health, social and housing services to be approximately £3.4 billion per annum.¹

¹ Walby, Sylvia (2004) *The Cost of Domestic Violence* (Women and Equality Unit)

- 6.5 Another £2.9 billion a year is lost in economic output in the UK each year, about half of which is borne by employers. Employment losses affect the individual victim, the employer, the government and society more generally. While the individual loses income, promotion and jobs, the employer faces the costs of days taken off sick, lower productivity because of poor concentration and possible disruption by the violent partner at work, and the costs of recruitment and re-training if a person leaves their job. The government loses tax revenue, from national insurance and income tax and faces increased payouts in unemployment and incapacity benefits. Society as a whole loses when the economy loses productivity and output from victims of abuse.
- 6.6 Although data collection mechanisms are not in place currently to measure the cost of the problem in the Islands, it can be tentatively extrapolated, using the UK figures, that around £4.2 million per annum is likely to be spent on public services alone. It is likely that another £3.6 million is lost in terms of economic output (See Figure 1 below).

Figure 1: Estimated Local Costs of Domestic Abuse

	UK costs	Estimated Guernsey Costs²
Criminal Justice Agencies, e.g. Police, Probation, Prison	£1, 123, 414, 700	£1, 376, 500
Health	£1, 347, 655, 700	£1, 651, 300
Mental Health	£194, 415, 900	£238, 200
Social Services	£251, 857, 000	£308, 600
Housing and Refuge services	£174, 532, 500	£213, 900
Civil and Legal Costs	£344, 646, 400	£422, 300
Total Service Costs Above	£3,436,522,200	£4, 210, 800
Employment Costs	£2, 951, 587, 000	£3, 616, 600

- 6.7 While this is not an ideal way of assessing the costs, the data is not currently available to test these estimates. More co-ordinated data collection across agencies on domestic abuse incidents and their impact on local services is one of the issues that the Strategy is designed to address.
- 6.8 It should be pointed out that implementing the Strategy will not, in the short to medium term, release cash to the Treasury as many of the services used by victims of domestic abuse (such as the Accident and Emergency Department)

² These figures have been reached by viewing the Guernsey costs as 0.0012253 % of the UK figures (uprated using GDP deflators from HM Treasury to allow for price increases), based on the Guernsey: UK population ratio (approximately 1,000th). It should be pointed out that the reported levels of domestic abuse in Guernsey are higher than those in the UK.

will continue to operate for other groups of service users. It may however reduce the amount of time spent by staff in tackling the consequences of abuse.

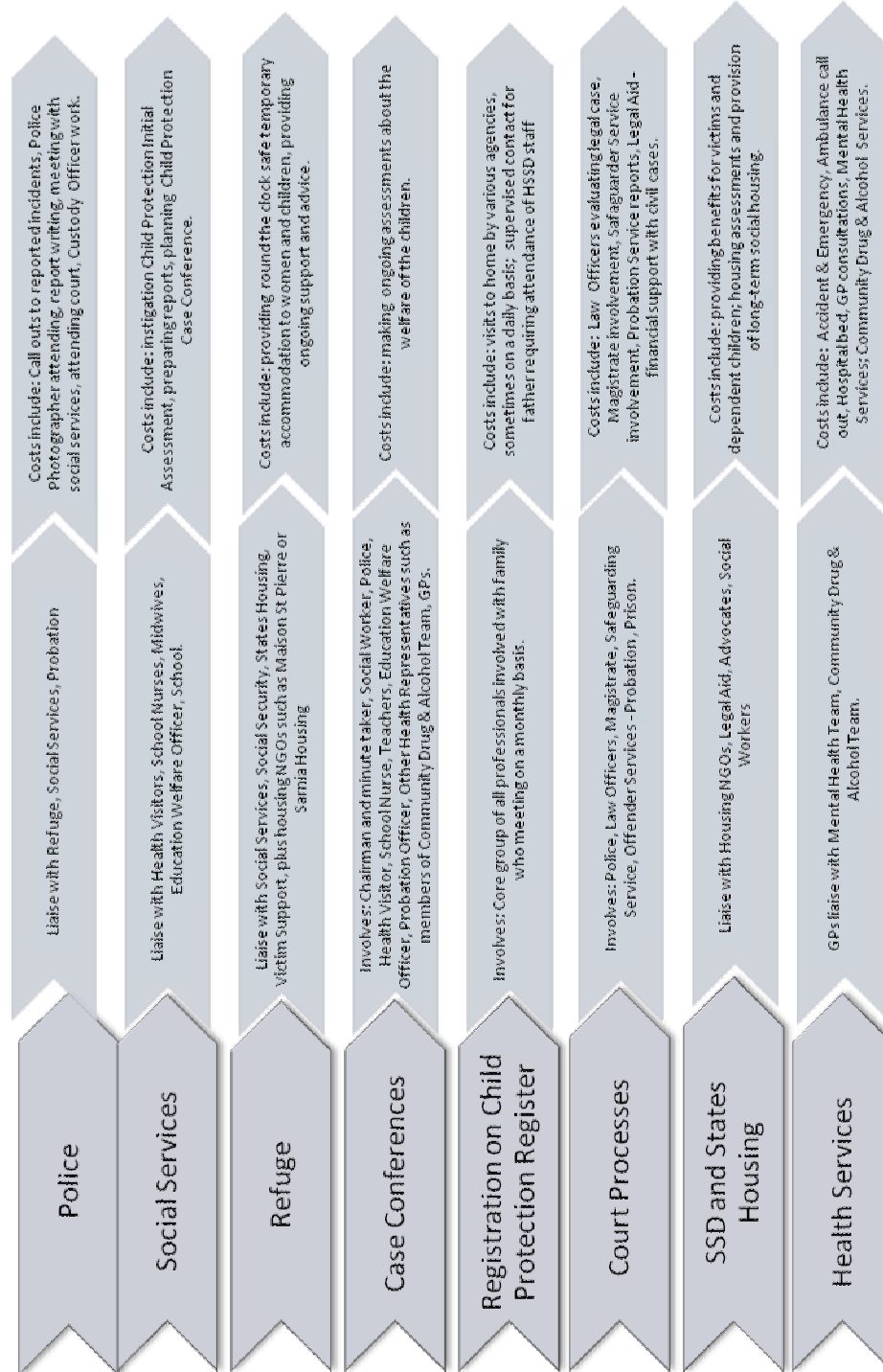
- 6.9 In other jurisdictions, the implementation of a co-ordinated partnership approach such as the one set out in the Strategy has resulted in clear and continuing positive trends in official police data relating to domestic abuse. There have been dramatic changes in figures relating to important indicators such as increases in the number of reported incidents³; a drop in the percentage of victims refusing to make a police complaint; and a decrease in the percentage of individuals who are repeat victims. This indicates more willingness on the part of victims to initially contact the police and proceed with a case. The findings signify that multi-agency partnerships are starting to ‘narrow the justice gap’⁴.
- 6.10 In Cardiff, the introduction of a co-ordinated partnership response has shown a 45% increase in reported incidents over a three-year period. Repeat victimisation has decreased substantially from 31% of all cases to 16% within this period. **This is an indication that multi-agency partnership working is effective, in the sense of preventing further crimes to victims from occurring, and consequently reducing the costs incurred by both victims and government. Given that domestic abuse is seldom a ‘one-off’ incident, usually being a continuum of physical and emotional abuse, reducing repeat victimisations means that reductions in violence are occurring in relationships that otherwise might be chronically abusive.**
- 6.11 In implementing the Strategy for Guernsey and Alderney, while it is unlikely that domestic abuse will decrease sharply overnight, based on evidence from other regions, repeat offending is likely to drop dramatically, and victims should find it easier to access appropriate services earlier on, potentially cutting the likelihood of seriously violent incidents occurring.
- 6.12 The case study outlined in Figure 2 overleaf, although not an exhaustive list, gives an indication of the huge numbers of States and voluntary organisation staff who are involved in dealing reactively with a typical domestic abuse case.

³ While domestic violence remains an under-reported crime, an increase in police recorded domestic violence incidents is a more appropriate performance indicator than a decrease. Projects should therefore aim to increase reported (recorded) incidents as an intermediate aim and decrease reported incidents as a longer-term aim.

⁴ The Crown Prosecution Service’s paper, *Narrowing the Justice Gap*, (2002), was published based on the premise that the ‘justice gap’ arises from perpetrators being brought to justice in only one-fifth of crimes recorded by the police. One aspect of a three-pronged approach to narrowing the gap is focused on enhancing criminal justice processes, to encourage better practice and inter-agency coordination at local levels: it is these reforms which impact on victims and witnesses.

Figure 2

Case Study Agency Involvement: Family with children - several incidents reported, hospitalisation required and the case reaches court.



6.13 At the present time, it is impossible to cost local agency involvement in a case such as the one set out in Figure 2, however, the charity, Co-ordinated Action Against Domestic Abuse (CAADA) has calculated the costs to similar agencies in the UK. The cost of dealing with a *single* case of abuse was **£9,924**, based on:

- 6 police callouts
- 8 GP visits
- 6 prescriptions
- 4 A&E attendances for minor injuries
- 2 A&E attendances for serious wounding
- 12 nights in a refuge
- Police involvement in a typical S39 prosecution (prosecution under the Protection Of Women From Domestic Violence Act, 2005)
- Other criminal justice system agency involvement in a S39 prosecution

6.14 The cost of implementing the proposed strategy works out at approximately **£600** per case, based on current police statistics⁵.

6.15 **Rather than continue to spend money in a reactive style on public services such as accident and emergency costs, or court time, as outlined in the case above, it makes sense to ensure that existing resources are expended ‘up front’ in the form of providing services and support to victims with the objective of preventing or reducing the occurrence of further abuse.**

6.16 **In other words, it is important that the States of Guernsey has in place long-term preventative and support measures, rather than continuing to pay to treat the symptoms of the problem.**

7. Key Initiatives within Strategy

7.1 Based on research carried out in other jurisdictions, a long-term, multi-pronged approach has been seen to be the most effective way of tackling domestic abuse. The Strategy Action Plan sets out a number of key action proposals and target dates for achieving progress over the next four years. Performance Indicators will be put in place across a range of services to measure the success of the strategy. Reports on the progress of the strategy will be presented to the Social

⁵ This has been calculated on the basis that around 40% of police callouts in 2007 involved repeat victims. It does not account for the potentially large number of victims who do not report incidents to the police.

Policy Group twice each year.

7.2 The Strategy Action Plan initiatives are designed to work as a package, however the following initiatives and posts are essential to its success:

7.3 Strategy Co-ordinator (p25 and p74 of Strategy Document)

Having a single co-ordinator is vital to ensure that partnership working is following best practice, increasing victim safety and achieving value for money. The role is primarily one of co-ordinating multi-agency working, collecting baseline data, controlling the budget relating to the Strategy, evaluating and monitoring the work done and its effectiveness, and developing concrete initiatives and activities. The post holder will carry out the following actions set out in the Strategy:

- Setting up database to work with various agencies. Evaluating the data collected and performance indicators to measure the success of the Strategy against its objectives;
- Producing guidance on the sharing of personal information for practitioners working with victims /carrying out risk assessments; developing appropriate information sharing protocols between the police and child protection agencies;
- Ensuring that service level agreements are in place where required;
- Consulting with Alderney Stakeholders;
- Ensuring adequate helpline provision is available to all victims and monitoring its use; making sure information is reaching minority and target groups;
- Monitoring and developing links and collaboration with other social policy initiatives to consider what information can be shared to highlight links between alcohol/substance misuse and minimise risks;
- Mapping initiative across Govt Business Plan;
- Working with the implementation group for Children and Young People Law 2008, and the Children and Young People's Plan;
- Obtaining feedback from stakeholders;
- Reviewing and updating information/publicity material on domestic abuse;
- Producing guidelines for issue to all Bailiwick of Guernsey States Members;

- Monitoring media reporting on cases of domestic abuse;
- Monitoring the overall success of the domestic abuse strategy;
- Reviewing priorities and action plans annually through the Social Policy Group;
- Reviewing the strategy as a whole in 2012 and reporting back to the States with action plans for 2013 onwards.

7.4 Co-ordinating the agencies, partnerships and organisations involved in domestic abuse in any local area, and managing their often complex relationships, is a considerable challenge, and is resource intensive. UK guidance states that the most effective way of achieving this, particularly in the early days of development, is having a dedicated resource to co-ordinate efforts, gain buy-in and then manage the multi-agency strategy. The UK Government has therefore provided £7.5m over 3 years to fund an additional 50 dedicated co-ordinators in order to improve Partnerships' responses to domestic abuse.

7.5 Multi-Agency Risk Assessment Conferences (MARAC) (p33 and p85 of Strategy Document)

The aim of MARAC is to increase the safety, health and wellbeing of victims and their children. In a MARAC, local agencies will meet to discuss the highest risk victims of domestic abuse in their area. Information about the risks faced by those victims, the actions needed to ensure safety, and the resources available locally are shared and used to create a risk management plan involving all relevant agencies. The initial evaluation of MARACs in the United Kingdom shows that over 40% of victims suffered no further abuse at the one year follow up stage. The early outcomes for more recently established MARACs show a 50% reduction in repeat incidents⁶. It is estimated by CAADA (Co-ordinated Action Against Domestic Abuse) that the implementation of MARAC in the Islands will save around £185,000 per year.

7.6 Independent Domestic Violence Advisers (IDVAs) (p33 and p91 of Strategy Document)

The IDVA's primary role is to provide advocacy for victims of abuse. Evidence based research⁷ shows that independent advocates are a key component element in:

⁶ A Guide to Commissioning an Independent Domestic Violence Advisory Service at www.caada.org.uk

⁷ 'Tackling Domestic Violence: effective interventions and approaches' Home Office (2005); London Domestic Violence Strategy (2001); 'Tackling Domestic Violence: providing advocacy and support to survivors of domestic violence' Home Office (2005); Crown Prosecution Service, 'Evaluation of Specialist Domestic Violence Courts/Fast Track Systems' (2004); 'Domestic Violence matters: An evaluation of a pilot project' Home Office (1999)

- increasing confidence in the Criminal Justice System;
- increasing reporting to the Police and the number of prosecutions;
- decreasing ‘cracked trials’⁸;
- reducing repeat victimisation and the level of injuries sustained;
- reducing the number of children ‘at risk’;
- encouraging help-seeking and assisting emotional recovery;
- reducing repeat homelessness;
- making savings to the public purse.

- 7.7 IDVAs carry out 85% of the outcomes that arise from MARAC, saving time and money for other government departments and agencies. In the UK, advocacy services make a saving to the police alone of £249 per case⁹. Additional savings through advocacy are likely in areas such as housing and health. 1.5 IDVA posts will be required locally, based on the size of the population and the current number of cases reported to the police.
- 7.8 Voluntary Perpetrator Programmes (p34-5 and 85 of Strategy).
Research has shown that while it is vital that services are in place for victims and their children, focusing on these alone will not reduce domestic abuse. Work has to be done on changing offending behaviour.
- 7.9 The UK Government’s Green Paper ‘Parental Separation: Children’s Needs and Parents’ Responsibilities’ proposals recommended including referral to a perpetrator programme as an option for the family courts when considering a contact application. Following on from the consultation, the power to require attendance at programmes was included in the Draft Children (Contact) Adoption Bill.
- 7.10 At present in Guernsey, the Probation Service provides a programme based on the Scottish CHANGE Programme. This is only available to those who have been convicted of a domestic abuse related offence and mandated by the court to attend. Currently around 10-15 perpetrators attend each year. Many more perpetrators and their partners contact GPs and services such as Relate which are

⁸ A ‘cracked trial’ happens when a case is concluded without a trial. Cracked trials waste time and money and lead to unnecessary trips to court for victims and witnesses, including police officers.

⁹ *Tackling Domestic Violence: how to fit into Local Area Agreements*, Greater London Domestic Violence Project,

unable to deal with them but have nowhere appropriate to refer them.

- 7.11 As well as court-mandated programmes run by probation services, many places in the UK now have voluntary perpetrator programmes that are open to individuals who have had no contact with the criminal justice system. As the overarching intervention objective of these schemes is to secure the protection of victims and their children, parallel support services for these are an integral part of the programme.
- 7.12 Supervised Contact (p34 and p87 of Strategy Document)
The child welfare principles set out in The Children Law (Guernsey and Alderney) 2008, state that it is normally in the best interests of a child to have ongoing contact with both parents. Often, perpetrators of domestic abuse continue to abuse and control their ex-partner and children through child contact arrangements long after the relationship has ended, which is why supervised child contact is so important. A study by Women's Aid in 2004 found that 29 children in 13 families were killed between 1994 and 2004 as a result of contact arrangements in England and Wales. Women's Aid stated that evidence from court files indicated that nearly 25% of private law contact cases involve allegations of domestic violence.
- 7.13 Apart from those children who are in living in the care of HSSD, at present, there is no provision for supervised contact in the Islands. The Children Law (Guernsey and Alderney) 2008, states that it is the responsibility of the parents and any public authority to take reasonable steps to promote contact. A supervised contact resource will be essential to comply with this. If provisions are not made for this within the Domestic Abuse Strategy, resources will have to be found within other budgets to implement this service.
- 7.14 Education in Schools and Educational Establishments (p28-9 and p81-2 of Strategy Document)
With regard to primary prevention in education settings, research indicates that domestic abuse prevention programmes can change attitudes, and supportive anti-violence work in schools plays an important role in setting out guidelines for healthy relationships. It has also shown that 84% of secondary school children want lessons on domestic violence and how to deal with it. Those with personal experience of domestic abuse at home want to be able to talk to friends and teachers who have some understanding of what they are experiencing¹⁰. It is proposed that a part-time Domestic Abuse Support Worker is employed along the lines of the workers employed to deliver drug, alcohol and tobacco education as part of the Drug and Alcohol Strategy.

¹⁰ Mullender, A, *Reducing Domestic Violence... What Works? Meeting the Needs of Children*, Home Office, 2000

7.15 Support Services for Children and Young People (p41-3 and p92 of Strategy Document)

Children living in families where they are exposed to domestic abuse have been shown to be at risk of behavioural, emotional, physical, cognitive-functioning, attitude and long-term developmental problems. There may be serious effects on children who witness domestic abuse, which can result in behavioural issues, absenteeism, ill-health, bullying, anti-social behaviour, drug and alcohol misuse, self-harm and psychosocial impacts¹¹.

7.16 Known violence was a parenting factor for 80% of children on the Guernsey Child Protection Register in 2007 (43 children)¹² and 300 children were present at 240 incidents reported to the police in 2007 (approximately one third of all reported incidents of domestic abuse).

7.17 It is essential that measures are in place to establish clear procedures with regard to children who are affected by domestic abuse, in particular, those children who do not fall into the 'at risk' category but are classified as 'in need'. Other areas of work involve producing guidelines for professionals working with children affected by domestic abuse, taking account of Children's Services planning.

7.18 The piloting of a 'Common Assessment Framework' will also be invaluable for families where abuse is occurring. The objective is to provide a simple process for a holistic assessment of a child's needs and strengths, taking account of the role of parents, and social and environmental factors on their development. Common Assessment Frameworks will help with the early identification of needs in respect of domestic abuse, and the co-ordinated provision of appropriate services. It will avoid the need for multiple assessments and thus the need for children and families to constantly re-tell their story to different agencies.

7.19 The Children's Group of Options in conjunction with HSSD's Children's Services will carry out a review of existing domestic abuse provision for children over the next year. It is likely that additional resources will be required as recommended in this Strategy.

7.20 Housing Provision and Services (p37-40 and 88-90 of Strategy Document)

The importance to victims of securing a safe place to live for themselves and their children is clear: the standard of housing service that they receive can make the difference between the victim remaining within an abusive relationship or escaping it.

¹¹ *Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children*, H M Government, 2006; Humphreys C., 'Relevant Evidence for Practice', in Humphreys C., Stanley N. (2006) *Domestic Violence and Child Protection*, Jessica Kingsley

¹² Bailiwick of Guernsey Child Protection Committee Annual Report 2007

7.21 UK Government best practice states that the following housing-related services should be available:

- Appropriate temporary accommodation
- Refuge provision
- Fast-track re-housing
- Help for victims in managing their tenancies
- Support to enable victims to remain in safely in their own home¹³.

7.22 The States Housing Department are committed to carrying out a review of housing provision and need in respect of victims of domestic abuse. This will tie in with the Corporate Housing Programme's work on supported accommodation.

7.23 **A breakdown of the total costs associated with the Strategy are set out overleaf. Conclusions and recommendations are set out in Sections 9 and 10.**

¹³ *Developing Domestic Violence Strategies – A Guide for Partnerships*, Home Office Violent Crime Unit, 2004

8 Breakdown of Costs and Benefits

PARTNERSHIPS

Key Action & Summary	Benefits	Costs			
		2009	2010	2011	2012
Establish post of Domestic Abuse Strategy Co-ordinator The role is primarily one of co-ordinating multi-agency working, collecting baseline data, controlling the budget relating to the Strategy, evaluating and monitoring the work done and its effectiveness, and developing concrete initiatives and activities	Having a single co-ordinator is vital to ensure that partnership working is following best practice, increasing victim safety and achieving value for money. UK guidance states that the success of any multi-agency domestic abuse strategy is reliant on having a dedicated resource to co-ordinate efforts, gain buy-in and then manage it.	0	48,000	51,000	54,300
Training Strategy To formalise and expand the multi-agency training on domestic abuse currently offered by the training subgroup of Options, in conjunction with PCHRU and Bailiwick of Guernsey Child Protection Committee. The budget includes costs for conferences and attendance at the 'Raising the Standards' annual meeting for appropriate staff from both States Departments and NGOs. (Some of the additional training costs are subsumed within the education worker salary.)	The effectiveness of any domestic abuse intervention lies in the development of training to raise awareness and to equip workers with the necessary skills. Good practice demands a well-developed training strategy, integrated across organisations where possible, and recognising the role of refugees, women's support groups and advocacy services. After initial domestic abuse awareness and training on implementing policies, agencies may need specialist courses which enable staff to develop deeper and more specialised knowledge. Examples include domestic abuse and the law, child protection, etc.	0	10,000	8,500	8,500

Data Collection The main cost will be developing a database to work alongside the Drug & Alcohol Strategy Database.	In the UK, 69% of Domestic Abuse Partnerships have a data-sharing protocol in place or being developed. Those Partnerships which worked with a common definition of domestic abuse, had a data sharing protocol in place and regularly collected data on domestic abuse were more likely to have met most or all of their targets over a 12-month period. ¹⁴	7,500	7,750	500	0
Sharing Good Practice with other Countries. This will include attending the Raising the Standards Conference. (Costs have been added to the training budget.)	Allowing key agencies within the Islands to participate in annual events such as the Raising the Standards Conference will help to ensure that local policy is constantly developed and updated.	0	0	0	0
General Administration and Research Budget	To ensure that the Strategy is effective, it is important that administration and research costs are met.	0	6,000	6,800	6,800
Total		7,500	71,750	66,800	69,600

¹⁴ *Developing Domestic Violence Strategies – A guide for partnerships, Home Office Violent Crime Unit (2004)*

PREVENTION

Key Action & Summary	Benefits	Costs			
		2009	2010	2011	2012
Education in Schools and Educational Establishments The above initiatives will be implemented by a part-time Domestic Abuse Support Worker who will also carry out training and work with employers.	With regard to primary prevention in education settings, research indicates that domestic abuse prevention programmes can change attitudes. Growing evidence suggests that supportive anti-violence work in schools play an important role in setting out guidelines for healthy relationships. Research in the UK has also shown that 84% of secondary school children want to receive lessons on domestic abuse.	0	18,000	19,000	20,300
Media Campaigns To develop ongoing campaigns to encourage anyone affected by domestic violence and abuse to seek help through a range of available services, including the Options domestic abuse helpline	It is important to remember that domestic violence is a crime, and crime is a public health issue. Publicity campaigns and prevention programs can help reduce the cost of crime to individuals, insurance companies, state agencies, and society in general. A great deal of domestic abuse goes unreported. It is generally perceived that advertising campaigns encourage more victims to report abuse to police. An Australian study showed that media campaigns on the subject of domestic abuse can shift attitudes and awareness about domestic abuse. In a pre-intervention survey, domestic violence was more commonly seen as an issue to be dealt with	0	10,000	10,400	10,800

	by the family, an attitude that changed significantly after the intervention. After the campaign and community events, people were more likely to identify domestic abuse as a serious issue.					
	0	0	0	0	0	0
Domestic Abuse and the Workplace To produce guidelines on Domestic Abuse and the Workplace, encourage employers to adopt the guidelines and introduce workplace policies. This initiative is cost neutral because employers would be asked to provide a contribution as per the UK Corporate Alliance.	Actively addressing domestic abuse within the workplace has shown to be a powerful method of prevention and intervention. In the UK, numerous firms such as KMPG and the Body Shop have signed up to the UK Corporate Alliance which works with businesses to implement domestic abuse policies and other initiatives.					
Total	0	28,000	29,400	31,100		

PROTECTION and JUSTICE

Key Action and Summary	Benefits	Cost			
		2009	2010	2011	2012
Risk Assessments Police to continue to use the CSPECCS risk assessment checklist and filter out to other agencies such as schools, GPs, Safeguarding Service.	Carrying out risk assessments and responsibly sharing information relating to them can save lives.	Within existing Police budget	Within existing Police budget	Within existing Police budget	Within existing Police budget
MARAC (Multi Agency Risk Assessment Conferences) Develop procedures and protocols for introducing the use of the MARAC approach with high risk cases. Investigate resource requirements for implementation. Arrange appropriate training for key staff in all relevant agencies. Costs relate to a part time MARAC Administrator Post.	It has been estimated by CAADA (the charity, Co-ordinated Action Against Domestic Abuse) that the implementation of MARAC will save the Island around £185,000 per year.	2,500 plus an additional amount from the police.	15,000	15,700	17,000
Dealing with perpetrators To investigate and plan an independently run perpetrator programme available to both those referred through the criminal and civil justice systems, voluntary referrals and referrals from other agencies including the child protection services. This will	Research has shown that to reduce domestic abuse within society, work has to be done on changing offending behaviour as well as on protecting victims of abuse. A large scale evaluation of perpetrator programmes that took place in 2004 found that 80% of perpetrators who attend	0	44,500	36,000	37,500

include support services run in parallel for victims.	programmes reached sustained non-violence with only 20% continuing to offend ¹⁵ .					
Domestic Violence Reviews To research the development of a set of procedures and guidance based on Domestic Violence Homicide Reviews for consultation.	The purpose of a review is to learn lessons from the death. In practice this will include: identifying how local professionals and agencies work together to safeguard victims; identifying how lessons will be acted upon and what is expected to change as a result; and improving inter-agency working and protection for domestic abuse victims.	0	Within Police budget	Within Police budget	Within Police budget	Within Police budget
Developing Court processes To review and update Options Booklet referencing Domestic Abuse and the Law. To provide the judiciary with information on procedures being developed to protect victims, including use of risk assessments and specialist support services.	Specialist domestic violence courts (SDVCs) have been introduced in many areas of the UK to provide a co-ordinated community response to domestic abuse which combines both criminal justice and non-criminal justice interventions that creates greater victim safety and brings perpetrators to account. Feedback on the effectiveness of SDVCs in the UK has been, on the whole, positive. There is evidence of	0	0	2,500	0	

¹⁵ Gondolf, E. (2004) *Evaluating batterer counselling programs: A difficult task showing some effects and implications*, Aggression and Violent Behaviour, 9.

¹⁶ *Evaluation of Specialist Domestic Violence Courts*, Universities of Cardiff, Leicester and Wolverhampton, 2004.

¹⁷ 'Tackling Domestic Violence: effective interventions and approaches', Home Office (2005)

<p>To pilot the introduction of key components of Specialist Domestic Abuse Courts, including clustering of domestic abuse court cases.</p> <p>To explore the feasibility of a developing a computerised record of domestic violence injunctions and non-molestation orders in conjunction with the criminal justice database</p> <p>To amend the Domestic Proceedings and Magistrates Court (Guernsey) Law, 1988 to allow the Magistrates to issue suspended sentences for breach of DVIs and to remand an individual in custody where he or she is contesting a breach of a DVI. (costs relate to training)</p>	<p>a significant increase in successful prosecutions where specialist courts are used.</p> <p>Such courts enable the development of best practice in integrated ways of working that place the victim at the heart of the process. Research indicates that there are notable and positive benefits of SDVCs and Fast Track Systems in three key ways:</p> <p>‘Clustering’ and ‘fast-tracking’ DV cases enhances the effectiveness of court and support services for victims.</p> <p>Both SDVC and fast-tracking arrangements make advocacy and information-sharing easier to accomplish.</p> <p>Victim participation and satisfaction is improved and thus public confidence in the Criminal Justice System is increased¹⁶. In a recent evaluation, most of the projects that took part showed a reduced level of attrition, with one project having a conviction rate that was nearly twice as high as cases not supported by the project (Northampton).¹⁷</p>			
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<p>Supervised Child Contact</p> <p>Supervised Contact arrangements put in place for families where domestic abuse means that unsupervised contact is not permitted by the Court.</p>	<p>The child welfare principles set out in The Children Law (Guernsey and Alderney) 2008, state that it is normally in the best interests of a child to have ongoing contact with both parents. Often, perpetrators of domestic abuse continue to abuse and control their ex-partner and children through child contact arrangements long after the relationship has ended, which is why supervised child contact is so important. A study by Women's Aid in 2004 found that 29 children in 13 families were killed between 1994 and 2004 as a result of contact arrangements in England and Wales. Having Supervised Contact in place will allow contact to continue whilst ensuring that children are kept safe.</p>	0	33,000	34,200	35,600
Total		2,500	92,500	88,400	90,100

PROVISION OF SUPPORT

Key Action and Summary	Benefits	Cost			
		2009	2010	2011	2012
Rent Deposit Scheme Investigate the feasibility of introducing a bond or loan scheme to provide homeless victims with the means of securing a deposit and month's rent for accommodation. Funding of these loans for victims on low income will come from the Supplementary Benefit Scheme. However, an initial pot of money will be required to provide loans for those with slightly higher incomes who do not qualify for benefit.	Many victims of abuse feel unable to leave abusive relationships because they have financial concerns. This can mean that they are trapped in potentially dangerous situations. Providing money in the form of a loan for housing costs will allow some victims to find alternative accommodation.	0	6,000	1,000	1,000
'Sanctuary Model' - Support for victims to remain safely in their own homes. This is based on the concept of target hardening.' The aim is to make the home and immediate environment of victims more impervious to violence. An assessment is carried out by Police Community Safety Officers who fit equipment such as door braces, door stop and window alarms, deadlocks, smoke alarms, motion sensor lights and Tunstall alarms (linked to Police Station).	The West Cornwall Sanctuary Project was officially launched in December 2005. It has helped to make those affected feel safer and more secure in their family home and has saved the District Councils large sums of expenditure on temporary accommodation. It has led to a reduction in accepted homeless cases, a reduction in temporary accommodation admissions, and most importantly, it has meant that families do not have to move home, thus avoiding all the associated social problems of moving. Six 'sanctuaries' were completed in the first	0	7,000	5,000	5,000

Grants for assistance will be available for those on very low income. Loan assistance will be provided for those who are not on low income, but cannot access sufficient funds immediately to purchase equipment. Equipment for a high risk case is likely to cost around £350, whereas less serious cases may require much more basic equipment. An initial start-up fund will be required for the loans which will be recovered over a number of months.	six months of 2005/06, which included a full fire safety survey. (The counties that the project covers have a population of approximately 150,000 people.) Had the six cases been taken into temporary accommodation and remained there for a year, the total spend for the Councils would be £37,800 (£6,300 per household). The total cost of the sanctuary provisions for the 6 cases has been £270.75. The total spend for the equipment, alarms, literature, printing costs and the project launch was £7,222.43, inclusive of the above amount.				
Sole States Tenancy situations Investigate feasibility of introducing legislation that would enable transfer of tenancy to victim in cases of sole tenancy of States Housing where tenancy is in the name of the perpetrator. (Any costs will be met from within existing Housing budget.)	Allowing victims to stay in their properties whilst removing the perpetrators may cut the need for additional social housing/ benefits for the victim.	0	0	0	0
Analysis of housing need and provision Analysis of both need and existing provision of accommodation, including emergency and temporary accommodation (in particular, the needs of women with teenage boys/ large numbers of children, male victims with	The importance to victims of securing a safe place to live for themselves and their children is clear: the standard of housing service that they receive can make the difference between the victim remaining within an abusive relationship or escaping it. All the respondents to the Strategy consultation who had experienced abuse	0	0	0	0

children). (Costs will be met from within existing Housing budget and through data collection costs within Strategy)	mentioned that they had experienced problems with accommodation when they were trying to leave their partners.				
Independent Domestic Violence Advisers Costs relate to the 1.5 posts that are required for the size of population and number of reported cases. 2010 costs include training by CAADA.	Evidence based research shows that independent advocates are a key component element in increasing reporting to the Police and the number of prosecutions; reducing repeat victimisation and the level of injuries sustained; reducing the number of children 'at risk'; and making savings to the public purse of around £250 per case to the police alone.	0	67,000	63,000	67,800
Survivor Group - Provide group work to allow victims to share their experiences of domestic abuse.	An example of good practice would be the Cardiff Women's Safety Unit Survivor's Forum. This is a 'victim-led' informal group where clients meet to discuss current problems and to provide each other with support. The group has a small budget to fund workshops. There is also a phone network between the women that provides an informal hotline service when a woman needs support. The idea of implementing a similar group locally was viewed extremely positively by the victims of domestic abuse who came forward during the consultation process. Having a Survivors' Group in place is also a useful means of ensuring that the views and experiences of service users are used to inform the policy-making process.	0	4,250	4,400	4,600

<p>To implement and evaluate services for children and young people experiencing/ witnessing domestic abuse.</p> <p>To review and evaluate services available for children and young people who have experienced or witnessed domestic abuse. This will include therapeutic and educational services for children who do not meet HSSD's thresholds for secondary care mental health services.</p>	<p>Children living in families where they are exposed to domestic abuse have been shown to be at risk of behavioural, emotional, physical, cognitive-functioning, attitude and long-term developmental problems. Witnessing domestic abuse can also result in behavioural issues, absenteeism, ill-health, bullying, anti-social behaviour, drug and alcohol misuse, self-harm and psychosocial impacts. Therapeutic work with children can repair some of the harm done.</p>	0	23,500	62,000	65,800
<p>Alderney Domestic Abuse Group</p> <p>To establish a local domestic abuse group to consult with Alderney stakeholders link to the Advisory Group and Options in Guernsey</p> <p>To provide a conduit for information on services available to a) local victims and b) local and visiting professional and voluntary workers</p> <p>request and support locally based training on domestic abuse</p>	<p>There is very little help available in terms of domestic abuse for the people of Alderney. At present they are reliant on advice and services from Guernsey. Discussions during an Alderney training session indicate that victims do not feel that it is safe to disclose abuse to staff based in Alderney and there is very little awareness of the services that are available. Accessing these services is also problematic in terms of uprooting victims from their environment. Consulting local stakeholders about their needs should help to facilitate access to appropriate services, increase reporting of abuse and establish what future services might be required.</p>	0	5,000	5,000	5,000
Total		0	112,750	140,400	149,200

Partnerships		7,500	71,750	66,800	69,600
Prevention		0	28,000	29,400	31,100
Protection and Justice		2,500	92,500	88,400	90,100
Provision of Support		0	112,750	140,400	149,200
Overall Total		10,000	305,000	325,000	340,000

9 Conclusion

- 9.1 This report outlines the current cost of domestic abuse to the Islands. It sets out a cost-benefit analysis of putting a comprehensive joined-up strategy in place and the negative social and economic consequences of continuing to treat the problem reactively in a piecemeal fashion. It is important that the States has in place long-term preventative and support measures, rather than continuing to pay to treat the symptoms of this serious social problem.
- 9.2 Responses to the Strategy consultation have been extremely positive, both from individuals who have experienced abuse and staff in agencies and States Departments who deal with the consequences of domestic violence and abuse on a weekly basis.

10. Recommendations

- 1 To affirm the commitment of the States of Guernsey to tackling the issue of domestic abuse through the promotion of a comprehensive, multi-agency approach adopting the four strands of the Strategy which promote partnership working, prevention of domestic abuse, protection and justice initiatives and provision of support, as set out in the Strategy Document.**
- 2 To endorse the aims of the Domestic Abuse Strategy which are to:**
 - **improve services and support for all victims of domestic abuse;**
 - **develop and deliver a high quality co-ordinated multi-agency response to domestic abuse;**
 - **increase and develop awareness generally about domestic abuse and the measures in place to help victims;**
 - **educate children and young people and the wider general public that domestic abuse is wrong and unacceptable and to enable them to make informed choices;**
 - **hold perpetrators/abusers accountable and provide effective interventions for their behaviour.**
- 3 To approve the proposals and recommendations of the Domestic Abuse Strategy for Guernsey and Alderney 2009-2012.**
- 4 To request the Treasury & Resources Department to take account of the revenue requirements when recommending to the States revenue budgets for departments for 2010 and succeeding years.**

- 5 To direct Departments to contribute to the Strategy where their assistance is required and, in particular, to implement the actions laid out in the Action Plan.**
- 6 To note that responsibility for the implementation of the Domestic Abuse Strategy for Guernsey and Alderney 2009-2012 lies with the Policy Council and this is to be delegated to its Social Policy Group.**
- 7 To agree that the funding for the Strategy be allocated on a ringfenced basis to the budget of the Policy Council.**
- 8 To direct the Policy Council to report back to the States in 2012 with a Strategy for 2013-2018.**

L S Trott
Chief Minister

27 April 2009

Domestic Abuse

**A Strategy for Guernsey
and Alderney**

2009-2012

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The fact that it happens within the home only makes the crime worse. Home is the place where everyone should feel safest.

Foreword

This document sends a clear message from Government. Domestic violence is a crime and is not acceptable in any circumstances. Domestic violence and abuse is a serious problem. It has a devastating impact on victims and their families.

On average, every week in the Bailiwick of Guernsey, the police attend over ten domestic incidents and deal with four domestic assaults on women and men, yet we believe that most domestic-related incidents are not reported. The recent Community Safety Strategy Survey, undertaken by the Home Department suggests that there is an under-awareness of the extent of domestic abuse in Guernsey.

Domestic abuse affects people right across our community - from all walks of life, from all cultural, social and ethnic backgrounds and across all age groups. The vast majority of victims are women, but a significant number of men are also affected and abuse also occurs in same-sex relationships. It is particularly disturbing for children, who are reported as being present in the same or next room in at least 30% of incidents of domestic abuse reported to the Police.

The States of Guernsey is determined to promote a zero tolerance approach and hold perpetrators of this insidious crime to account for their abuse, whilst enabling victims and their families to have access to the support they need.

The States of Guernsey acknowledges the excellent work that has been done since 2001 by Options (the Guernsey Domestic Abuse Forum), in raising awareness about domestic abuse and violence issues, and since 1998 by Guernsey Women's Refuge and, more recently, by Guernsey Women's Aid in supporting victims. We also wish to acknowledge the positive inter-agency relationships developed over the past decade by staff in all the relevant voluntary and statutory agencies. This inter-agency approach has been of enormous benefit in raising the standard of services for victims. The commitment and efforts of all those agencies is greatly appreciated and their experience and expertise will be invaluable as we seek to implement a new strategy by building on the solid foundations they have laid.

This strategy and the associated action plan set out a vision for the future, with aims and targets focusing on preventive measures and on the provision of better protection, justice and support services for victims and their children. All the statutory and voluntary agencies are already committed to working in partnership under the umbrella of Options and that commitment is vital to successful implementation of the strategy.

We must encourage everyone to end the silence on domestic abuse. We must educate children and the wider general public that domestic violence and abuse is totally unacceptable. Working together we can achieve our common goals and we can make a real difference to the lives of victims and their families.

Chief Minister

EXECUTIVE SUMMARY

Domestic violence and abuse is a serious problem in our island communities of Guernsey and Alderney. It occurs right across our society and it has devastating consequences for the victims and their families. It accounts for one in five cases of violent crime in the United Kingdom¹ and two in five cases of violent crime here². On average every week two people in the United Kingdom are killed as a result of domestic violence. In Guernsey there have been four unlawful killings as a result of domestic violence since 1999 (out of six in total) and one attempted murder (out of a total of two).

Every week about eight women and two men report a domestic related incident by a partner to the police in Guernsey³, yet violent incidents in the home are believed to be seriously under-reported. Children are very much the silent victims of domestic abuse. They may witness it or be subject to it but often their voices are not heard. In 30% of incidents reported to the Police children were present⁴. These experiences can affect their emotional, psychological, physical and sexual development and the abuse can have long-lasting consequences for them in childhood and in later life.

In the UK millions of pounds are spent every year across a range of services in dealing with domestic violence and its consequences. In 2001 the estimated cost to services (criminal justice, system, health, social services, housing, civil legal) in England and Wales amounted to £3.1 billion⁵. This, plus the loss of economic output due to domestic violence (£2.7 billion) and the 'intangible' human and emotional costs to victims, could amount to about £23 billion each year. Detailed costs to services for the Bailiwick of Guernsey are not known, but if extrapolated from the £3.1 billion for a population of 52 million could amount to approximately £4 million in our community.

Purpose of the Strategy

This document sets out a new strategy for the next 4 years for tackling domestic violence and abuse in the 4 key areas of **partnerships; prevention; protection and justice; and provision of support**. The strategy is the product of a wide-ranging consultation and collaboration process involving all the relevant States departments and statutory and voluntary agencies⁶.

Vision

The vision of the strategy focuses on meeting the needs of all victims who experience abuse through the development of better, more equitable, accessible and effective services; and on working towards the development of a society in which domestic violence and abuse is unacceptable and will not be tolerated. The ultimate goal is to put

¹ British Crime Survey 2000

² Guernsey Police Statistics 2006

³ Guernsey Police Statistics 2006

⁴ Guernsey Police Statistics 2006

⁵ The Cost of Domestic Violence (Dr. Sylvia Walby, University of Leeds) September 2004

⁶ Annex 3 - Consultation Summary

in place all practicable measures towards the elimination of domestic violence and abuse.

The strategy sets out the commitment of Government and all the partner agencies to adopting a consistent and long-term approach to the prevention of domestic abuse and an effective response where it occurs.

Overall Aims

The overall aims of the strategy are:

- To improve services and support for all victims of domestic abuse
- To develop and deliver a high quality co-ordinated multi-agency response to domestic abuse
- To further increase and develop awareness generally about domestic abuse and the measures in place to help the victims
- To educate children and young people and the wider general public that domestic abuse is wrong and is unacceptable and to enable them to make informed choices
- To hold perpetrators/abusers accountable and provide effective interventions for their behaviour.

Implementation

All the relevant agencies are committed to working in partnership to ensure there is a strategic joined-up approach taken to tackling domestic abuse.

The Action Plans set out a number of key action proposals and target dates for achieving progress over the next 4 years⁷.

The implementation of the strategy and the Action Plans will ensure a more effective response to domestic abuse across the Bailiwick of Guernsey.

Performance Indicators will be put in place across a range of services to measure the success of the strategy⁸. Reports on the progress of the strategy will be presented to the Social Policy Group twice each year.

⁷ Annex 4 Action Plans

⁸ Annex 5 Performance Indicators

SECTION ONE

This strategy aims to provide better protection, justice and support for victims of domestic abuse, to provide a sharper focus on prevention by highlighting the issues around of domestic violence and abuse, and to provide a clear structure for partnership working that requires and enables agencies to work together more effectively.

Definition

The definition of domestic violence and abuse which is used for the purposes of this strategy and which all relevant agencies are encouraged to use is:

“threatening behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners or family members, irrespective of gender or sexual orientation.”

Background

The statutory and voluntary agencies have been aware of the existence of domestic abuse in Guernsey and Alderney for many years. However, agencies worked in isolation with no real ‘joined-up thinking’. This was highlighted in one specific case, where a victim described serious shortcomings and failures in the way her case had been dealt with by the criminal justice and support services. In response, Guernsey Police and the Probation Service proposed the development of a local multi-agency domestic abuse forum, to ensure that all agencies, both statutory and voluntary, would work together to improve the experience of victims to prevent this from happening again.

In 2001 an inaugural meeting was held involving representative Senior Officers from relevant States Departments and voluntary agencies, at which a commitment was made to work together under the umbrella of the forum, now known as Options⁹. The local forum was established reflecting best practice and guidance from the United Kingdom.¹⁰ Since that time Options has published strategy documents and provided regular updates of progress to members and to the Social Policy Group.

Options was originally established to assist female victims of domestic abuse. The domestic abuse advisory group now recommends that the definition of domestic abuse and the ethos of this strategy should be gender neutral and targeted at both male and female victims, albeit recognising that the latter tend to be in the majority and therefore may need greater resource provision. Historical references to Options strategy definitions and documents (e.g. as given below) therefore refer to female victims and assistance targeted at women. However, the advisory group recommends that new strategy documents be updated to become gender neutral.

⁹ Annex 2 – Options Structure and Membership October 2007

¹⁰ Break The Chain: Multi-agency Guidance for Addressing Domestic Violence 1999 (updated 2007 and available at <http://www.crimereduction.homeoffice.gov.uk/dv/dv08d.htm>)

As stated in the Options Strategy 2006¹¹, the purpose of Options is to establish and manage the co-ordination of a multi-agency organisation whose primary aims shall be: -

- The reduction of domestic abuse in Guernsey and the promotion of zero tolerance of domestic abuse;
- The education and raising awareness of the general public in Guernsey of: -
 - The nature and existence of domestic abuse in Guernsey as recognised by Options as being:-

“The physical emotional psychological or sexual abuse of a woman by her partner, a family member or someone with whom there is or has been a close relationship.”

- The extent of domestic abuse perpetrated on women and thereby either directly or indirectly on their children in a family environment by men who are known to them.
- The provision of support and assistance for such women and their children with the involvement of all relevant organisations, both voluntary and statutory.

Therefore, the overarching role of the forum is to encourage and promote the provision of services within all relevant statutory and voluntary agencies. An additional role is in awareness raising in the public arena.

This new strategy, which will be subject to ongoing review, sets the scene for the next 4 years. It builds on the evidence base of the Options Survey undertaken in 2004, on the 2006 Options strategy document and on the subsequent achievements of the voluntary and statutory agencies involved.

In August 2006 the Social Policy Steering Group¹² considered a paper by the Chief Probation Officer and Senior Manager, Community and Maternity Services on a proposal for a domestic abuse strategy. The Social Policy Steering Group agreed to the proposal for a domestic abuse strategy and agreed to appoint a Policy Development Officer for three or four months to put together a domestic abuse strategy. It was later suggested that this officer be seconded from another department for one or two days per week.

Further development of the strategy has been taken forward by the Domestic Abuse Strategy Advisory Group established in February 2007, co-ordinated by the Domestic Abuse Policy Development Officer, seconded from the Education Department for the equivalent of one day each week initially from February to November 2007 and then extended until February 2008.

¹¹ Annex 2 – Options Survey 2004 and Options Strategy 2005

¹² Since June 2007 this Group has been replaced by the Social Policy Group

In March 2007 questionnaires were sent to a wide range of organisations¹³ across the Bailiwick, including:

- the statutory and voluntary agencies already known to be actively involved in domestic abuse;
- other organisations, such as churches, employers, employee representative groups and schools.

Responses to the 2007 consultation indicate clearly that more needs to be done to achieve an effective response to domestic abuse. A number of meetings were subsequently held with a focus on the key areas that were identified as requiring development, in particular:

- specific issues relating to the island community in Alderney;
- accommodation options; and
- support for children and young people.

A more effective system of communication and collaborative working between departments and agencies is needed, to ensure that the needs of victims are met and that perpetrators are challenged and held responsible for their actions.

Throughout the development of the strategy there has been considerable communication with and research into the ways other communities tackle and respond to domestic abuse, in particular some of the jurisdictions that make up the British Isles: England, Scotland, Wales, Northern Ireland and Republic of Ireland and Jersey.

Outline of the Strategy and Action Plan

The strategy identifies what is required to tackle domestic violence and abuse effectively. It describes the overall strategic approach which will be adopted to achieve the aims. The Action Plans set out the key actions to achieve progress across a range of services over the next four years¹⁴.

The publication of this strategy is only the beginning of a process to address the serious problem of domestic violence and abuse. Success will only be achieved if all of the partners involved commit to taking positive action to address domestic violence through the implementation of the strategy.

Victims: throughout this strategy there are many references to victims. The term is intended to be all-inclusive to cover all persons who are affected by or who are survivors of domestic violence and abuse. This includes children and young people. Specific hard-to-reach groups that might be adversely affected are: victims in same-sex relationships; and victims with additional needs or disabilities.

¹³ Annex 3 – Consultation Summary 2007

¹⁴ Annex 4 – Action Plans

It is also suggested that when planning implementation, resources should be balanced to address the fact that the vast majority of victims are female. However, it is important that everyone is encouraged to report incidences of domestic abuse and that it is acknowledged that anyone can be a victim, or indeed a perpetrator, of domestic abuse.

Note about terminology: throughout the strategy references are made to domestic violence; domestic violence and abuse; and domestic abuse. These terms are deliberately used inter-changeably to highlight the fact that the problem is not restricted to physical violence but also involves psychological, verbal, sexual, financial and emotional abuse¹⁵.

Other Strategies

This Strategy will complement the proposed over-arching Strategy on Community Safety. It also complements the Children and Young People's Services Plan, in particular those elements which relate to the safety of children and young people and support for parents/carers and families.

It will also complement other relevant strategies which have been issued or are being developed, such as:

- Government Business Plan Billet d'Etat XVIII, 2007
- Operational Plans Appendix III of Billet d'Etat XVIII, 2007
- Drug and Alcohol Strategy Billet d'Etat XVIII, 2006

Why did my children have to lose everything including every photo of them growing up... everything that we ever owned, due to one man and his violence?

WHAT IS DOMESTIC VIOLENCE AND ABUSE?

Domestic violence and abuse is essentially a pattern of behaviour which is characterised by the exercise of control and the misuse of power by one person over another within an intimate relationship or a family. It is usually frequent and persistent. It can include violence by a son, daughter or any other person who has a close or blood relationship with the victim.

Domestic abuse occurs right across society. It knows no boundaries as regards age, gender, race, ethnic or religious group, sexual orientation, wealth, disability or geography, but in the majority of reported cases women are the victims.

¹⁵ See section 'What is Domestic Violence and Abuse?' Page 9

The abuse can go beyond actual physical violence. It can involve emotional abuse – for example: undermining of self-confidence; threats to others including children; controlling behaviour such as isolation from friends and family; control over access to money, personal items, food, transportation or the telephone; the destruction of property or pets; and stalking.

Domestic abuse includes abuse inflicted on, or witnessed by, children. The wide adverse effects of living with domestic abuse for children must be recognised as a child protection issue. The effects are linked to poor educational achievement, social exclusion and to juvenile crime, substance misuse, mental health problems and homelessness.

It is acknowledged that domestic abuse can also manifest itself through the actions of immediate and extended family members through the perpetuation of unlawful activities, such as child prostitution, forced marriage, and so called ‘honour crimes’. Extended family members may condone or even share in the pattern of abuse.

The violence is bad, but it’s the emotional side of what happens - the shame, the embarrassment and, because I’m a man, the not being believed is worse.

PATTERNS AND PREVALENCE OF DOMESTIC ABUSE

Domestic abuse is not a specific statutory offence. It is a term used to describe a range of criminal offences, but can also include patterns of abusive and controlling behaviour which may not be classed as crimes.

Criminal offences include disorderly behaviour, harassment and/or stalking, causing grievous bodily harm, sexual assault, attempted murder or actual murder.

It also describes behaviours which are morally abhorrent, and often hidden. There is a wide range of behaviours that can be termed psychological abuse that play an important role in controlling a victim. These ‘categories of torture’ were first identified in Bidman’s analysis of the methods used in prisoner of war camps to torture and control people.¹⁶ Amnesty International uses these categories to define torture and also accepts that the abuse of women can constitute torture.¹⁷

These categories of torture are:

- Isolation

¹⁶ Referred to by Graham, Rawlings and Rimini; 1998 ‘Survivors of Terror. Battered Women, Hostages and the Stockholm Syndrome,’ in K. Yllo and M. Bograd [eds]; *Feminist Perspectives on Wife Abuse*: London, Sage.)

¹⁷ Torture and ill treatment of women; Amnesty International Report; 2001

- Enforced Trivial Demands
- Threats
- Occasional Indulgences
- Degradation
- Display of Total Power
- Exhaustion
- Distorted Perspectives

Within our society, traditionally, domestic abuse has been a taboo subject, not discussed openly and dismissed by many as a private matter, with little or no emphasis on prevention. However, organisations such as Options, Guernsey Women's Refuge and Guernsey Women's Aid, child care agencies, the police and probation services have worked hard for many years to raise awareness about the problem, to prevent repeat abuse and to support victims.

Some myths exist about the causes of domestic violence and abuse. These myths include loss of control by, or provocation of, the perpetrators. Many people also believe that alcohol is the main cause. There are clear links between alcohol misuse and domestic abuse, in that the problem may be exacerbated and the violence more severe when there is alcohol involved, but alcohol is not the cause.

There is no single cause of domestic abuse. It comes from a combination of factors, including society's attitudes, community responses, and the individual psychology experiences of the victim and perpetrator. Most cases involve violence and abuse perpetrated by men against women, but there are also male victims of female violence and abuse and there are victims within same-sex relationships. Cases reported to the police in the Bailiwick show that 78% of victims of domestic abuse are female, mirroring UK figures, where 77% of victims are women.¹⁸

Essentially, domestic violence and abuse is a pattern of persistent behaviour by the perpetrator designed to achieve power and control over the victim.

Although domestic violence is chronically under reported, research and statistics indicate that in:

¹⁸ Home Office accessed at <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/domestic-violence/>

England and Wales¹⁹	Bailiwick of Guernsey²⁰
Domestic violence accounts for approximately 16% of all violent crime (Source: Crime in England and Wales 2006/07 report)	Domestic violence accounts for approximately two in five cases (37%) of all recorded violent crime (i.e. assault)
On average, two women are killed every week by a current or former male partner	There have been four unlawful killings (three women and one child) that are domestic-related (out of a total of six) and one attempted murder (out of a total of two) since 1999
One incident of domestic violence is reported to the police every minute	On average every week in Guernsey, 8 women and 2 men report domestic-related incidents, 4 of which constitute assault
289 children calling ChildLine in 2005/2006 gave domestic violence as their <i>main</i> problem (of which 230 were girls and 59 were boys – i.e. 4 girls to every 1 boy). 1,432 children gave domestic violence as an <i>additional</i> problem in 2005/2006 (of which 1,151 were girls and 281 were boys). Therefore in 2005/2006, a total of 1,721 children calling Child Line spoke about domestic violence in their call. This was 1% of all callers. ²¹	300 children were present at 240 incidents reported to the police in 2007 (33% of all reported incidents) Known violence was a parenting factor for 43 children on the Guernsey Child Protection Register in 2007 (80%) ²²
Domestic Violence has more repeat victims than any other crime (on average there will have been 35 assaults before a victim calls the police) No other type of crime has a rate of repeat victimisation as high.	There were 290 repeat cases reported locally to the police in 2007. 80% of these were women.

¹⁹ Home Office accessed at <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/domestic-violence/>

²⁰ Guernsey Police Statistics 2006

²¹ NSPCC accessed at http://www.nspcc.org.uk/inform/resourcesforprofessionals/statistics/keycpstats/11_wda48736.html

²² Bailiwick of Guernsey Child Protection Committee Annual Report 2007

Furthermore it should be noted that

- 30% of domestic abuse begins during pregnancy.²³
- Victims are at greatest risk of homicide at the point of separation or after leaving a violent partner.²⁴
- It is estimated that 1 in 4 women and 1 in 6 men will experience domestic violence in the course of their lifetime.²⁵ These ratios might appear to be similar across the gender divide, but this hides the fact that in the UK women are more likely to be repeat victims – 89% of victims suffering four or more reported incidents of abuse are women²⁶.
- Domestic violence in the UK currently claims 104 lives a year, 83 women and 21 men²⁷
- In 90% of cases children are reported as being in the same or next room. Children regularly say that hearing the abuse was worse than seeing it as they fear their mother is being killed.²⁸

The physical aspect is bad enough, but the scars eventually heal through time. The emotional scars never heal.

THE COST OF DOMESTIC ABUSE

Each year in United Kingdom millions of pounds are spent across a range of services in dealing with domestic abuse and its consequences. Significant resources are committed annually through:

- The criminal justice system (the police, the prosecution service, the courts, the probation service) in relation to victims and perpetrators
- The civil courts in dealing with family proceedings
- The provision of legal aid
- The various health and social services (in hospital and in the community) in providing services for victims and their families

²³ Domestic Abuse, BMA Report June 2007

²⁴ Lees, S. 'Marital rape and marital murder', In Hanmer, J et al. Home Truths about Domestic Violence: Feminist Influences on Policy and Practice: A Reader. London: Routledge, 2000.

²⁵ British Crime Survey, Home Office, 2000

²⁶ Crime in England and Wales 2006/07 report

²⁷ http://www.womenandequalityunit.gov.uk/domestic_violence/index.htm

²⁸ Childhood Experiences of Domestic Violence, McGhee 2000

- The housing services in providing housing, refuge accommodation and out-reach services
- The establishment of dedicated Domestic Violence Units within government at national and local level
- Funding of voluntary organisations such as Women's Aid and the National Domestic Violence Helpline

In Guernsey and Alderney similar resources are committed in the criminal justice systems and through health and social services, although funding mechanisms are different. The voluntary agencies are largely funded by charitable donations. Accommodation services are provided by a range of agencies working alongside Housing Department, including Health and Social Services Department (St. Julian's), and comprise a number of charitable organisations, such as Sarnia Housing, Guernsey Housing Association, Guernsey Women's Refuge and Maison Saint Pierre.

Although locally it is not possible, at present, to put a hard figure on the total overall cost annually to society, because cases related to domestic violence and their associated costs are not currently tracked by the courts, Health and Social Services Department and other relevant agencies, this will change in the future.

As agencies adopt domestic abuse policies under the strategy and the collection of statistical data improves, it should be possible in future years to track cases and their associated costs and to start to assess annually the overall cost to the public of dealing with domestic abuse.

In the meantime some indication of the annual cost of dealing with domestic violence within the Bailiwick can be derived from recent research undertaken in England and Wales. Research published in September 2004 estimated the cost of domestic violence to society in England and Wales at £23 billion each year.²⁹ The methodology used was based on the Home Office's framework for costing crime. Almost £6 billion of the total estimate for England and Wales was related to the direct cost of providing services to deal with domestic violence (£3.1 billion on police, criminal justice system, health and social services care, housing, and civil legal cases) and to the loss of economic output through time off work due to victims' suffering (£2.7 billion).

The research indicated that it would be misleading and incomplete to restrict the economic costs of domestic violence to those associated with services and employment only. Like other crimes, domestic violence generates significant "intangible" costs associated with pain and suffering, and the research acknowledged that to omit these in relation to domestic violence would falsely represent this type of crime as less costly than other violent crimes. The research therefore followed the practice adopted by government departments, such as the Home Office and the Department for Transport, by estimating these human and emotional costs on the basis of the public's 'willingness-

²⁹ The Cost of Domestic Violence – Sylvia Walby (University of Leeds) September 2004

to-pay’ to avoid pain and suffering – this element accounted for £17 billion of the estimated £23 billion annual cost for England and Wales.

There has been no similar research undertaken in the Bailiwick. However, an approximate estimate of the annual costs here can be obtained by extrapolating the research figures for England and Wales on a pro-rata population basis. Using this process it is estimated that the direct cost of services (i.e. for police, criminal justice system, health and social services care, housing, civil legal cases and legal aid) could amount to about £3.4 million each year. The loss of economic output in Guernsey due to domestic violence could amount to a further £3.6 million and with a similar estimate for the “intangible costs” associated with the pain and suffering of victims the total cost could amount to almost £31 million each year in the Bailiwick.³⁰

These figures highlight the enormous cost of domestic abuse to society generally and the immense human and emotional costs to individuals and their families who suffer the violence and its consequences. The figures also underline the need to adopt a more strategic and co-ordinated approach to tackling the abuse, making the best use of available resources to provide better support to victims, and to make perpetrators more accountable for their actions.

I was five months pregnant and due to his beatings and kickings,
I finally lost the baby.

THE RESPONSE TO DATE

It is important to acknowledge that much excellent work has been done over the past decade, and continues to be done, by a number of voluntary and statutory agencies across Guernsey and Alderney to address the many different aspects of domestic abuse.

In 2001, Options, the Guernsey Domestic Abuse Forum, was established to bring together all the key players to share knowledge and experiences, to undertake awareness raising and training and to address issues at local level. Much progress has been made since then and Options and the agencies involved deserve much credit for the significant contribution they have made in working together to address the problems, to raise the profile of domestic abuse, and, most importantly, to provide help and support to victims.

It is also important to acknowledge some of the key initiatives which have been introduced over the last decade to help victims and their families.

- interagency training provided through Options since 2003, by trained trainers from some States Departments

³⁰ Annex 7 Conversion Spreadsheet based on research footnote 22 above

- the introduction in 2002 of a 24-hour Helpline by Options and the development of information packs and leaflets, which are available in English, Portuguese and Latvian, to reflect the diversity of the local community
- the continuing development of Guernsey Women's Refuge services at local level, including their outreach service, providing support for female victims and their children
- the development of a counselling service for women called 'Moving On' by Guernsey Women's Aid
- the positive arrest policy implemented by the Police with regular arrests of offenders when attending incidents, with or without formal complaints from victims, where there is evidence of an offence having been committed
- in recent years the Police and the Courts have developed better support for victims through the provision of a dedicated Domestic Violence Officer and improved Witness and Victim Support Services
- the Probation Service has undertaken the 'Change' programme with perpetrators as directed by the Court aimed at reducing the incidence of re-offending
- in 2008 the Bailiwick of Guernsey NSPCC has developed and launched by in a range of therapeutic services for children affected by domestic abuse.

These developments and the ongoing work of a variety of agencies have collectively contributed to an increasing awareness among the general public about domestic abuse and its consequences and about the services available to victims.

However, feedback from the 2007 consultation exercise indicated that there is a need to raise the profile further; to develop preventive work; to change attitudes; to make improvements in service provision; to develop education and training; and to improve co-operation and co-ordination among the range of policy-makers and service providers who have a role in addressing the problem.

We need to know that our abusers will face stiff penalties.
We need to know that there is security and safety for us.
We need to know that we can keep our homes.

PROBLEMS IN TACKLING DOMESTIC ABUSE

Domestic abuse is a complex issue that requires a strategic approach. It can be very difficult to deal with because much of the violence and abuse takes place behind closed doors. Many victims suffer in silence, afraid for themselves and their children and so most incidents of this crime go unreported. Some myths and outdated attitudes remain within our society about a form of violence that was historically acceptable.

The abuse occurs in relationships where emotions may be high and loyalties divided. Victims may disregard their own safety and stay in abusive relationships for reasons such as embarrassment, fear and confusion, financial insecurity or a desire to keep their families together

It is also clear from the responses to the consultation that these difficulties may have been complicated by an overall response which has not always been consistent. In addition, data on domestic abuse has not been collected routinely or in a standard format by many of the relevant agencies, with the exception of the Police.

There has also been constrained access to services for victims through: a lack of access to information; confusion about the roles of the various service providers; inconsistent geographical provision, particularly in Alderney; lack of or inconsistent funding; and a lack of overall co-ordination and monitoring.

Why should we leave our home? Why should our children be taken from their schools, family and friends?
My children and I are not criminals... but HE IS.

VISION AND COMMITMENT

The States of Guernsey acknowledges that domestic abuse is a serious problem in the islands and is committed to working towards its eradication. Every person should be able to live in a safe and secure environment in a society where domestic violence and abuse is unacceptable. Government recognises that it has a duty to do what it can to secure such an environment.

It is committed to improving protection for all victims of domestic violence and to providing them with appropriate information and support. All victims must be aware of the options open to them so that they can make informed decisions about the route they wish to take to end the violence and rebuild their lives.

Whether or not they seek the protection of the courts, victims must be made aware of, and have access to, all the support that is available from all the statutory and voluntary agencies.

Government is also committed to a more effective response to people who perpetrate domestic abuse and to persons convicted of domestic violence offences.

The States of Guernsey's vision for effectively addressing domestic abuse incorporates positive and consistent action as set out below. Section Two on the strategy's aims and delivery then detail how the vision can be achieved.

The Vision

The States of Guernsey's vision incorporates:

1. Consistent positive action from States Departments and other agencies, including:
 - A clear, unequivocal message that domestic violence is a crime, is unacceptable and will not be tolerated
 - A consistent demonstration of the importance of interagency collaboration and interagency policy implementation including good information sharing
 - The provision of dedicated resources to address policy and practical issues
 - Research and replication of best practice, effective responses and interventions.
2. The development of better, more equitable, accessible and effective service provision providing:
 - A co-ordinated network of services that meet the needs of all victims
 - Appropriate protection and support for all victims experiencing domestic abuse
 - Appropriate safe solutions for all victims escaping domestic abuse
 - Easily accessible information to ensure that help is available for any victim
 - Education and training to help prevent domestic abuse or to identify it early and provide help and support.
3. Improved protection and support for victims and effective deterrents through:
 - Holding perpetrators accountable for their behaviour
 - Changing the criminal and civil law where necessary.

What does the vision mean for victims, for children, for perpetrators, for service providers, and for society generally?

For victims who experience domestic violence and abuse, there should be:

- A clear message that domestic violence is a crime and that it will not be tolerated

- Less public silence and more debate about domestic violence and abuse and its consequences for victims and their children
- Co-ordinated services which prioritise the safety of victims and their families
- A range of services, sufficiently flexible to meet individual needs yet standardised enough for victims to be able to safely rely upon them
- An approach that encourages empowerment and self-determination.

For children and young people who live in abusive homes there should be:

- Services that protect them from the consequences of being exposed to domestic abuse
- Help, support and advocacy to ensure that they are not left to deal with their experiences alone
- Information that the abuse they have experienced is wrong, legally and morally
- Opportunities to share their experiences with other children so as to reduce their isolation.

For perpetrators of domestic violence and abuse there should be:

- Interventions designed to hold them accountable for their behaviour
- Opportunities to help them to address their offending behaviour
- Negative consequences sufficient to act as a deterrent.

For practitioners who provide services there should be:

- Training and support for all relevant staff
- Standard definitions relating to domestic abuse service provision allowing all agencies to work towards a common purpose
- Good practice guidelines and standards against which services can be assessed and compared.

For departments and agencies that resource domestic abuse services there should be:

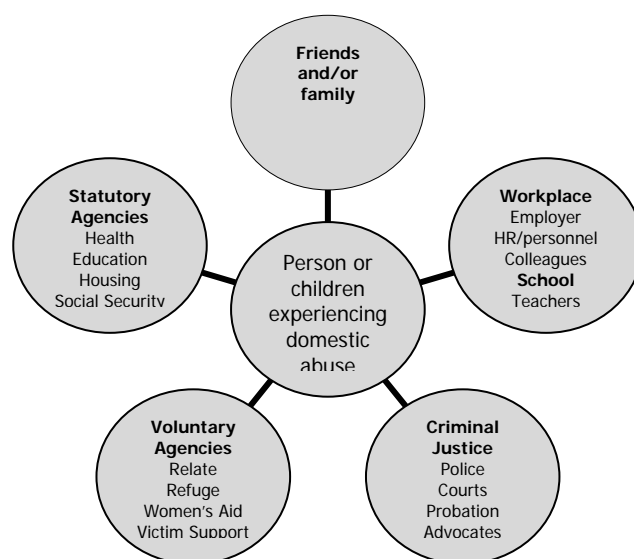
- Monitoring to track the effectiveness of the strategy
- Better data to ensure that future services can be targeted effectively.

The benefits for the population generally should be:

- Increased understanding of domestic abuse and its unacceptability

- Better information for victims and their family and friends who provide support
- A reduction in the prevalence and severity of domestic abuse
- A reduction in repeat victimisation
- A reduction in the long-term negative consequences of domestic abuse for victims and their children
- A reduction in the direct and indirect costs associated with domestic abuse
- A safer community

I am disabled and I fear reporting the abuse because I rely on him for personal assistance and financial support.
What if I can't find another carer?



Potential Contacts of Victims of Domestic Abuse

ROLES AND RESPONSIBILITIES

The key requirement for successful implementation of the strategy is commitment to a shared purpose across all the relevant partner departments and agencies, at every level. The States of Guernsey is committed to achieving sustained and effective action across

a wide range of agencies and professional fields in pursuit of the strategy's aims and objectives.

The relevant States of Guernsey Departments and their agencies, including primary health care, will:

- ensure that the Government's commitment to tackling domestic violence and abuse in the islands of Guernsey and Alderney is known at all levels
- work together proactively and in partnership with voluntary and community organisations and with Options, the local domestic abuse forum, to take forward the strategy on a corporate basis
- promote, support and participate in relevant training initiatives for statutory departments and agencies
- ensure, as far as is possible, that adequate additional resources are allocated to implement the strategy
- ensure that other agencies to which they relate and employers generally are encouraged to proactively address domestic abuse and contribute to the implementation of the strategy
- ensure that appropriate sanctions and sentencing options are available to courts
- promote equality of opportunity for all in accessing services
- ensure there is monitoring and feedback about progress on implementation of the strategy across all departments and agencies.

The Criminal Justice Agencies (i.e. Guernsey Police, the Law Officers of the Crown, the Court Services and the Probation Service) will:

- ensure that domestic violence is dealt with as a crime wherever appropriate
- recognise that the way in which they respond to cases of domestic violence is critical to effective implementation of the strategy
- work effectively with other key partners to take forward the strategy on a corporate basis
- promote equality of opportunity for all accessing protection and justice services
- facilitate court-mandated perpetrator programmes in partnership with other agencies, as required.

Options, in its role as the local Domestic Abuse Forum will:

- ensure that representatives of all relevant agencies are included in partnership to take forward the strategy on a corporate basis

- adopt locally developed Good Practice Guidelines and Standards and audit and monitor their effectiveness
- develop local initiatives in line with the strategy's aims
- promote, support and participate in relevant training initiatives for statutory departments and agencies
- work with all the relevant agencies and with the Domestic Abuse Advisory Group to implement the strategy.

Relevant Voluntary Organisations will:

- work together proactively and in partnership with all the relevant agencies (statutory and voluntary) to take forward the strategy on a corporate basis
- promote equality of opportunity for all in accessing domestic abuse services
- provide constructive feedback on services received from various agencies and departments and make suggestions for improvement
- promote, support and participate in relevant training initiatives for statutory departments and agencies.

All the statutory and voluntary agencies are committed to working in partnership on Options and on the Domestic Abuse Advisory Group.

SECTION TWO

THE AIMS OF THE STRATEGY

The ultimate goal is to put in place all practicable measures towards the elimination of domestic violence and abuse. Progress towards that goal can be achieved through the following aims:

- To improve services and support for all victims of domestic abuse
- To develop and deliver a high quality co-ordinated multi-agency response to domestic abuse
- To further increase and develop awareness generally about domestic abuse and the measures in place to help the victims
- To educate children and young people and the wider general public that domestic abuse is wrong and is unacceptable and to enable them to make informed choices
- To hold perpetrators/abusers accountable and provide effective interventions for their behaviour.

These aims will be achieved through the successful implementation of all the elements of the strategy, as developed in the Action Plans.

The strategy is aimed at everyone in Guernsey and Alderney: victims who experience or witness domestic violence or abuse, the perpetrators of abuse, politicians, policy makers, service providers, people working within the justice system, and the general public – all have a role in the elimination of domestic violence and abuse.

I am elderly, treated like a child and isolated from my friends.
Cheques have been cashed without my authorisation and I have
been coerced into signing documents.

DELIVERING THE AIMS

This section sets out in some more detail, under the headings of Partnerships; Prevention; Protection and Justice; and Provision of Support:

- the main issues that need to be addressed
- the progress that has already been made
- broad proposals for achieving the aims of the strategy in the future.

Further and more specific details on initiatives, which translate the broad aims and themes into action points and target dates for achievement, are then set out in the Action Plans in Annex 4.

If sporting institutions took the issue of domestic abuse seriously
it could be a really effective way to influence boys' and men's
behaviour.

PARTNERSHIPS

There are a number of priorities that do not fall neatly within any of the subsequent sections on Prevention; Protection and Justice; and Provision of Support. They relate to training and administrative arrangements; interagency co-operation; and sharing of good practice. These are crucial to the successful implementation of the strategy. Effective partnerships are vital to underpin and ensure the success of initiatives under the three Ps of Prevention, Protection and Justice, and Provision of Support to ensure that the complex needs of victims of domestic abuse are met.

The overall **aim** of the strategy in relation to this component is:

- To develop and deliver a high quality co-ordinated multi-agency response to domestic abuse.

In 2004 the Home Office published guidance on working in partnership and the essential foundations for domestic violence strategies.³¹ These are outlined below, together with an indication of progress made in each area to date. A model depicting potential partners and structural arrangements is shown in Annex 1.

Establishment of a Domestic Abuse Advisory Group or Partnership

The development and delivery of a strategy is best overseen by a domestic abuse focused group or partnership, making use of existing expertise from a local domestic violence forum. Progress to date includes

- The development of Options in 2001 as the local Domestic Abuse Forum with the good inter-agency cooperation and communication that has been developed over a number of years among the key voluntary and statutory agencies.
- Establishing links and common issues through the Drug and Alcohol Strategy.
- The involvement of both departmental officials and Members of the States of Deliberation in the Inter-Governmental Raising the Standards Committee³² has been very beneficial in learning from the problems encountered by other jurisdictions and the adoption some of their initiatives and good practice guidance. Guernsey hosted the most recent inter-jurisdictional conference organised by the Committee in October 2007, focusing on partnership with business and the workplace.

The work of Options as the local domestic abuse forum offers a key opportunity for co-ordinating and improving the work of agencies at local level. However, this work can be hampered by its reliance on the already overstretched capacity of individual agency representatives. The ability of individual agencies and the collective forum to effectively progress this strategy will rely upon a commitment from senior policy makers able to allocate additional resources to its realisation, most notably in the establishment of a post of Domestic Abuse Strategy Co-ordinator, and also in the allocation of time to enable their representatives to participate fully. The expertise of the voluntary sector also remains crucial to successful multi-agency working.

Domestic Abuse Strategy Co-ordinator

Research³³ and UK government guidance shows that the appointment of a Domestic Violence Co-ordinator is of key importance in progressing interagency domestic abuse work. Co-ordinating the agencies, partnerships and organisations involved in domestic abuse, and managing their often complex relationships, is a considerable challenge and

³¹ Developing Domestic Violence Strategies – A Guide for Partnerships, Home Office 2004

³² An initiative to help address domestic violence throughout the United Kingdom, the Republic of Ireland, Guernsey and, more recently, Jersey

³³ Hague, Malos and Dear (1996) Multi-agency Work and Domestic Violence: a National Study of Interagency Working

is resource intensive. In the UK, Government funding has been put in place to be used for dedicated Domestic Violence Co-ordinators, whose role is to co-ordinate efforts, gain 'buy-in' from partners and then manage the multi-agency strategy. Partnerships are more likely to have met most or all of their targets over a 12 month period and to consider themselves as a model of good practice where such a co-ordinator is in place.

Locally, progress to dates includes:

- The appointment of a Research and Development Officer within the Health and Social Services Department from 2004-5, working closely with Options and other agencies. The Options Survey was undertaken in 2004 to determine the prevalence and extent of domestic abuse within the islands.
- The secondment, in 2007, of a senior officer from the Education Department for one day each week, initially for six months, but subsequently extended until February 2008, to develop this Strategy for the States of Guernsey Social Policy Group.
- The establishment of a two year post within Policy Council, reporting to the Social Policy Co-ordinator, to finalise the Domestic Abuse Strategy and undertake further consultation, commencing 2008 (to be shared with work on progression of Convention for the Elimination of Discrimination Against Women CEDAW and civil partnerships).

It is strongly recommended that funding is secured in order to establish a Domestic Abuse Strategy Co-ordinator within the States of Guernsey in order to progress the successful implementation of this strategy.

Common Definition of Domestic Abuse

Partnerships should agree with partners a core, common definition of domestic violence, as a pre-requisite to successful information sharing.

Through the engagement of partners within Options a shared understanding of domestic abuse has been in operation since 2001. It is recognised that this definition has not always been consistent with that adopted by individual agencies, and has been limited to abuse by male partner on female partner within or following an intimate relationship.

A core, common definition of domestic violence and abuse³⁴ is included in this document and is recommended for use by all relevant agencies.

Data Collection

It is widely recognised that data on domestic abuse should be collected and shared as part of the development of evidence based strategy, making use of as wide a range of sources as possible. Local consultation shows that few agencies routinely collect data in relation to domestic abuse.

³⁴ See page 10

Information Sharing

Information sharing protocols around domestic abuse should be developed, in line with Data Protection legislation, to ensure that victims and their families are safe and able to access the support they need.

Training

All professional and other relevant staff, particularly those in the health and social services and education sectors, but also those in a range of other statutory, voluntary and community sector organisations need to have appropriate guidance and training to enable them to identify victims of abuse early and offer help and support appropriately.

Progress to date includes:

- Basic awareness training on domestic abuse has been delivered by Options with a multi-agency team of trained trainers taking an interagency approach.
- Domestic abuse has been included explicitly within the Tier 2 Child Protection training ‘Working Together’ offered by Health and Social Services Department – Services for Children and Young People, in conjunction with Education, since 2005, under the auspices of the Bailiwick of Guernsey Child Protection Committee.
- Further training on the impact of domestic abuse on children and young people has been offered by Health and Social Services Department – Services for Children and Young People, in conjunction with Education and NSPCC, since 2006, under the auspices of the Bailiwick of Guernsey Child Protection Committee.

There needs to be further development and implementation of a Multi-agency Training Strategy on Domestic Abuse to provide different levels of training to different people in all the relevant organisations through Options, Policy Council Human Resources Unit and the Bailiwick Child Protection Committee Training Subgroup.

Measuring Progress

Domestic abuse strategies should have clear, objective, outcome focused aims, and performance indicators and targets against which progress can be measured. Structures should be in place to ensure regular monitoring of outcomes and accountability for resources deployed.

Key Priorities for the future

- The establishment of a Domestic Abuse Strategy Co-ordinator to co-ordinate many of the proposals outlined in the strategy and the Action Plans will ensure that action is taken to progress and implement decisions taken by the Domestic Abuse Advisory Group in collaboration with Options.
- Reviewing existing structures in order to clarify roles and responsibilities in implementing and monitoring the Strategy, building on current successful

partnerships. A possible model is shown in Annex 2, building on the successful structure currently in place within the Drug and Alcohol Strategy.

- A common definition of domestic violence and abuse³⁵ is included in this document and is recommended for use by all relevant agencies.
- The further development and implementation of a Multi-Agency Training Strategy on Domestic Abuse to provide different levels of training to different people in all the relevant organisations through Options, Policy Council Human Resources Unit and the Bailiwick of Guernsey Child Protection Committee Training Subgroup.
- Improving the collection and sharing of domestic abuse information and statistics within and among all relevant agencies.
- The development of Good Practice Guidelines and Standards for adoption by all relevant local agencies to improve consistency of approach across Guernsey and Alderney.
- The production of six-monthly progress reports to Social Policy Group to highlight the changing priorities and target dates for developing services and to monitor links with other existing or emerging social policy developments.
- Ongoing involvement in the Inter-Governmental Raising the Standards Committee to share our experiences with other jurisdictions and learn from theirs.

Summary of key partnership measures for the future

- Working together effectively to tackle domestic abuse
- Data collection and information sharing
- Reviewing best practice, core standards and service level agreements and dissemination of this information
- Training
- Ensuring that the domestic abuse strategy is reviewed at appropriate intervals and action plans are drawn up and followed
- Monitoring the performance of the strategy against its objectives
- Consultation with stakeholders to ensure that their needs are being met
- Working with other countries to share experiences and raise standards

³⁵ See page 10

PREVENTION

Preventing domestic abuse occurring in the first place is a priority. It is also essential that anyone affected by domestic abuse or violence has access to information and advice and that professionals know how to respond to early signs of abuse.

The overall aims of the strategy in relation to this component are:

- To further increase and develop awareness generally about domestic abuse and the measures in place to help the victims
- To educate children and young people and the wider general public that domestic abuse is wrong and is unacceptable and to enable them to make informed choices.

Actions under the Prevention strand of the strategy are therefore aimed at:

- preventing domestic abuse happening in the first place, through changing public attitudes to it (particularly among young people)
- general public education and media campaigns
- identifying and tackling risk factors e.g. during pregnancy; and links with alcohol and substance misuse

Education of Children and Young People

It is widely recognised that domestic abuse can be prevented from happening in the first place by promoting positive relationships and by confronting stereotypes. The hidden nature of domestic abuse must be challenged by bringing it into the open and communicating the clear message that domestic abuse is wrong and will not be tolerated in a healthy community.

A survey undertaken in England by NSPCC and Sugar Magazine in 2005 revealed that many teenagers are already embarking on abusive behaviours in their own relationships:

- 16% said they had been hit by a boyfriend
- 31% of teenage girls think that 'cheating on a guy gives him the right to get aggressive'
- 41% would consider 'giving a guy a second chance if he hit you'
- 33% of the teenagers experienced violent relationships within their family.³⁶

In 1998 a survey by the Zero Tolerance Trust found worryingly high acceptance of sexual violence in young people:

³⁶ Sugar NSPCC Report 2005

- 1 in 2 boys and 1 in 3 girls thought that there were some circumstances when it was okay to hit a woman or force her to have sex
- Over one third of the boys (36%) thought that they might personally hit a woman or force a woman to have sex
- Over half the young people interviewed knew someone who had been hit by their male partner and exactly half knew someone who had been sexually abused.³⁷

It is therefore important to educate children and young people in school so that future generations know about healthy relationships, and are informed that domestic abuse is a crime and is unacceptable.

There has been some significant progress in Guernsey in this area in recent years. Examples are:

- A group of representatives from the Education Department and schools was established in 2003 to formulate plans to incorporate education about domestic abuse in schools
- A successful pilot scheme to include education on domestic abuse through the Personal, Social, Health and Citizenship Education (PSHCE) programme was undertaken with Year 10 pupils at one local school in 2004
- The PSHCE Co-ordinator has circulated amended PSHCE documentation to schools, highlighting the place of domestic abuse education in the curriculum and has provided schools' PSHCE co-ordinators with training
- Preventive education work has been carried out in a number of secondary schools by the Refuge Co-ordinator since 2005
- In 2005 over 500 sixth form students attended a powerful awareness raising drama production by W@rn, highlighting issues surrounding domestic abuse.

The introduction of the revised Bailiwick of Guernsey Curriculum Statement (from 2008) will provide opportunities through various learning areas, but particularly in Personal, Health, Social and Citizenship (PSHCE), to get these messages across to children.

Awareness Raising

Educating the wider general public is a vital component to open up debate on the seriousness of the problem and to focus more attention on perpetrators.

Locally, this has been the focus of Options, with a number of high-profile publicity campaigns that have been successful in raising awareness and promoting the 24 hour

³⁷ Young People's Attitudes to Sex, Violence and Relationships accessed at <http://www.zerotolerance.org.uk/upfiles/young%20peoples%20attitude%2085.pdf>

helpline service for women affected by domestic abuse. The most recent campaign was the White Ribbon campaign in November 2007, held to coincide with the International Day for the Elimination of Violence Against Women. In addition the following developments have been progressed:

- Options produces high quality information booklets, leaflets, cards and posters in English, Portuguese and Latvian to provide information about the range of services available from different agencies, which are widely disseminated across the islands.
- Individual agencies produce information leaflets on their services, notably Women's Refuge, Women's Aid, Victim Support and Relate, specifying how they are able to support victims of domestic abuse.
- The Maternity Service is implementing its 'Procedure for Dealing with Suspected Domestic Abuse in Pregnancy', incorporating Routine Enquiry, a scheme to routinely ask pregnant women about domestic abuse during ante-natal checks
- The Health and Social Services Department's policies and procedures for Safeguarding Adults, which refer to domestic abuse, are nearing completion.
- Agreement has been reached with the Policy Council Human Resources Unit to introduce a civil service-wide policy and guidance on Domestic Abuse and the Workplace, with plans to introduce a training programme for managers and Human Resources staff.
- Some UK companies with local offices have adopted workplace policies as part of their wider business involvement with the UK Corporate Alliance Against Domestic Violence³⁸
- The Deanery Synod has appointed a Lay Member to advise on domestic abuse issues.

Publicity campaigns will continue to be organised on an ongoing basis. Information for victims will be further developed so that details about the help and support available from various agencies are readily accessible to anyone seeking it.

Workplaces generally provide excellent opportunities to offer help and support to victims. All major employers in the public, private, voluntary and community sectors will be encouraged to adopt workplace policies on domestic abuse.

Summary of key preventive measures for the future

- educating children and young people
- raising awareness and improving information

³⁸ <http://www.corporateallianceuk.com/home.asp>

- encouraging workplace policies

I was really lucky to have a boss who supported me when my ex-partner began hanging around where I worked.

I have moved away from my husband but I still feel that fear. I still look over my shoulder. I still peer round corners. I still search a room for him before I dare go in.

PROTECTION AND JUSTICE

There is much research and evidence to call on when looking at how to improve the experience of victims who seek or require the intervention of the police and the protection of the justice system.

It is vital that victims of violence and abuse have access to information about the criminal and civil law protections available to them and that they receive a positive response from government, the police and the criminal justice agencies.

The overall aims of the strategy in relation to this component are:

- To hold perpetrators/abusers accountable and provide effective interventions for their behaviour
- To improve services and support for all victims of domestic abuse.

Actions under the Protection and Justice strand of the strategy are therefore aimed at:

- Ensuring the safety of all those affected by domestic violence and abuse, including children, and holding perpetrators accountable for their behaviour
- Ensuring an effective police response to every reported incident of domestic abuse
- Ensuring all cases are risk assessed and appropriate protection put in place
- Engaging victims of domestic violence with the prosecution process and providing them with sufficient support to go through the process
- Ensuring that sentences are available that reflect both the crime and address offending behaviour
- Ensuring that victims are not deterred by the way they are treated at any stage of the justice process

- Ensuring that the civil and criminal law offers the maximum protection to all victims to stop the violence recurring
- Updating the law on domestic violence to give further protection to victims.

The Witness Service in Guernsey offers support to victims, witnesses and their family and friends before, during and after any trial. This includes visits to the empty courtroom in advance of the trial to explain procedures. The witness suite also has a video link where vulnerable and intimidated witnesses can give evidence. However, victims, often still under the influence of an abuser even after arrest, are sometimes isolated and reluctant to follow through a court process. Domestic abuse victims will have been made to feel powerless within the relationship, and the abuser may seek to reinforce these feelings through ongoing intimidation, which may make the victim reluctant to take steps to protect themselves. There are several other key elements which would help improve victim safety, enhance prosecutions and increase perpetrator accountability. The following are components of a comprehensive protection and justice system and indicate the current state of development in Guernsey.

Risk assessments

The police have recently introduced a ‘checklist’ assessment for use by all officers called to a domestic abuse incident, developed by the Metropolitan Police Service 2003³⁹. This domestic abuse assessment involves an objective scoring system using the CSPECSS model to determine levels of risk and so to determine the levels of intervention and protection a victim and children may need. It can also be used by the prosecuting services in the court process when considering bail and victim protection issues.

CSPECSS Model:

Children (Children are present in the household)

Separation (the victim is most likely to be at risk of death or serious harm in the two months following separation from a partner, or following disclosure of domestic abuse to an agency)

Pregnancy/recent birth (14% of maternal deaths in UK are attributed to domestic abuse – one third of victims are assaulted for the first time during pregnancy)

Escalation/repeat victimisation

Culture – this includes cultural barriers to reporting, such as shame or so-called ‘honour’ crimes

Stalking/harassment

Sexual assault⁴⁰

³⁹ Metropolitan Police Service 2003 accessed at <http://www.met.police.uk/csu/pdfs/AppendixIII.pdf>

⁴⁰ Presentation for Options Forum in Guernsey by Steve Mote (Hampshire Police) on 20th June 2007

It is essential that the assessments are introduced in collaboration with partner agencies to ensure that they are fully understood in order to ensure safety of the victim and their family.

MARAC – Multi-agency Risk Assessment Conferences

These are ‘multi-agency risk assessment conferences’ whereby representatives of key services share information and collectively determine actions (from the widest possible ‘menu’ of safety measures) to protect the safety of the victim and family. Cases are referred to MARAC based on risk assessment carried out by an individual agency, such as the Police. Only those cases deemed to be high or very high risk are subject to a MARAC. MARACs have good success in significantly reducing the rate of re-victimisation among the highest risk cases. In Wales, the successful development and introduction of risk assessment and MARAC brought the repeat victimisation rate down 38% to 8%, and the first 20 areas in England and Wales operating MARAC have halved the repeat victimisation rate in their areas.⁴¹ Cost savings to the criminal justice system and other services in Wales have been estimated at £70 million.

The police in Guernsey are in the process of investigating this model as a multi agency approach to those at the highest level of risk. The involvement of all relevant agencies, with training, will be essential.

Independent Domestic Violence Advisors (IDVA)⁴²

This advocacy worker provides a ‘one stop shop’, giving dedicated advice and assistance direct to victims to assure their safety through the process of criminal prosecutions, civil injunctions, housing and care of any children. These types of advocacy projects have proved that they are effective in terms of outcomes for the victim and in improving successful prosecution rates.

In Guernsey both Victim Support and the Refuge offer independent support to victims. There is specific training involved to take on the role of IDVA and it is suggested that the provision of this specialist service is further investigated under the auspices of one of the voluntary agencies currently involved in this work.

Court’s Approach

There is general understanding that domestic abuse cases present a complex and sometimes confusing set of problems to the judicial system; not least the high rate of withdrawal from prosecution and the repeat nature of the abuse. These problems led to the introduction of Specialist Domestic Abuse Courts in both USA and UK, which have proved successful in adopting a more ‘problem solving’ approach to justice.

An Integrated Court takes the concept of the specialist court, with trained personnel, further in that the presiding judge handles both civil and criminal issues affecting a single family. This avoids the victim having to deal with processes in different courts with regard to injunctions and child protection issues and criminal matters.

⁴¹ Presentation by Jan Pickles (O.B.E.) from Cardiff Women’s Safety Unit at the raising the Standards Conference, Guernsey, 2007

⁴² See Provision of Support Section page 36 and Action Plan page 86

There is already a high degree of integration in Guernsey, given that the Courts sit in the same building and are presided over by the same judges. It may not be possible to dedicate special courts to domestic abuse cases in Guernsey, as there may not be a sufficient number of cases, but the key components of the system, including training for prosecutors, judiciary and defence advocates, and clustering or fast-tracking of domestic abuse cases, could be introduced, alongside improved victim advocacy services as described above.

The Court is satisfied that clustering procedures, where all domestic abuse cases are made in one session, could be put in place, provided that this is supplemented by appropriate specially trained personnel, including prosecutors, IDVAs, police and probation officers.

Domestic Proceedings and Magistrates Court (Guernsey) Law, 1988.

In preparing the Strategy, it was noted that under the terms of the above Law, the Court is unable to suspend a sentence of imprisonment for breach of a Domestic Violence Injunction (DVI). It is recommended that the ability to hand down suspended sentences of imprisonment for such breaches would be a useful tool in trying to deter domestic violence.

It has also been observed that, at the present time, it is not possible to remand an individual in custody where he or she is contesting a breach of a DVI. It is recommended that legislation is enacted to remand individuals in custody in such circumstances.

The Court is supportive of these recommendations.

Supervised Child Contact

Child welfare principles state that it is normally in the best interests of a child to have ongoing contact with both parents. The Children Law (Guernsey and Alderney) 2008, states that it is the responsibility of the parents and any public authority to take reasonable steps to promote such contact. The Law requires the Health and Social Services Department to arrange for a child who is subject to a community parenting order to have reasonable contact with significant parental figures in their lives. A Supervised Contact resource will be essential to comply with this.

The majority of community parenting orders will be in place due to domestic abuse. Often, domestic abusers continue to abuse and control their ex-partner and children through child contact arrangements long after the relationship has ended, which is why supervised child contact is so important. A study by Women's Aid in 2004 found that 29 children in 13 families were killed between 1994 and 2004 as a result of contact arrangements in England and Wales.

It is recommended that Supervised Contact arrangements should be set up at the Roseville Contact Centre. The arrangements would be supervised by staff who would

be trained in accordance with National Association of Child Contact Centres (NACCC) guidelines to ensure that minimum standards are in place.

Perpetrator Programmes

Any work with the abusive party starts from the precept that responsibility for violence and abuse rests with the perpetrator, and that the safety and needs of the abused person and any children involved are taken as paramount. Any intervention with a perpetrator must be matched by the appropriate services to support the abused partner and children and keep them safe.

The Probation Service has for some time delivered the 'Change' perpetrator programme mandated by the court for perpetrators in the community and with perpetrators sent to prison. There is no current provision for perpetrators who may seek intervention on a voluntary basis or be referred by the Services for Children and Young People or Safeguarder Services in relation to child protection where there is no criminal process.

The Hampton Trust delivers perpetrator programmes with the associated women's support services in Hampshire and in Jersey. A representative has made a presentation to relevant agencies in Guernsey through the Bailiwick of Guernsey Child Protection Committee. Consultation locally showed that there is a need for an independently run perpetrator programme such as this, available to those referred through the criminal system or from another agency or civil court, or coming forward voluntarily. This may be a positive route forward for perpetrator services in Guernsey.

The Change programme is good and helpful and in my circumstance it proved beneficial to me even though I resisted initially. It should be made available to all perpetrators with the offer of full confidentiality.

Domestic Violence Homicide Reviews

Recent legislation in UK has established a statutory responsibility for agencies to undertake comprehensive review when there has been a domestic murder (homicide), to identify lessons to be learned and to improve interagency understanding and working. These have built on the good practice established through 'Serious Case Review', undertaken when there is a child death.

In Guernsey there have been four domestic related unlawful killings (three women and one child) and one attempted murder since 1999.

It is recommended that a mechanism be established in Guernsey to review domestic related deaths and serious injury, in order to identify lessons to be learned and improve interagency working and co-operation.

Summary of key Protection and Justice measures for the future:

- Improving and disseminating risk assessments for all victims
- Introducing MARAC for additional protection for high risk victims and their children
- Develop perpetrator programmes to include both court mandated and voluntary referrals
- Developing court processes in line with effective measures being used in other jurisdictions
- Providing consistent information on the law and legal process
- Integrating civil and criminal systems to make protection easier for the victim
- Establishing Domestic Violence Reviews where death or serious injury occurs to identify the lessons to be learnt and to improve inter-agency working.

I was in tears most of the time I was in court. Just being that close freaked me out even though I knew he couldn't do anything to me.

PROVISION OF SUPPORT

It is important that individuals who are experiencing abuse receive the support and services that allow them to identify and address their needs. Domestic abuse can impact on numerous aspects of people's lives; services need to reflect this by considering issues such as accommodation, finance, support for children and young people, health and emotional support.

Measures also need to be put in place to improve and monitor existing services in order to safeguard victims' ongoing safety. They can be further improved by implementing multi-agency data collection and information sharing processes and a greater degree of collaborative working across both States Departments and the voluntary sector. Failing to share information can leave service users at serious risk; however, protocols need to be in place in accordance with Data Protection legislation.

In working towards this strategy, specific gaps in existing service provision have been highlighted by professionals and volunteers working with victims of abuse. In particular, concern has been expressed about gaps in the accommodation options available, children's therapeutic services, and the lack of support mechanisms in place for the people of Alderney. Further work needs to be done to engage with survivors of domestic abuse in order to integrate their ideas and experiences of living with and combating abuse to future policy development.

The overall aims of the strategy in relation to this component are:

- To facilitate the development and delivery of a quality and co-ordinated multi-agency response to domestic abuse
- To improve the services and support for all victims.

Actions under the Provision of Support strand of the strategy are aimed at:

- developing a comprehensive range of accommodation options, with better help to support victims to stay in their own homes if appropriate
- helping victims who have ended or left a violent relationship to rebuild their lives
- providing support to children and young people affected by domestic abuse
- providing advice to anyone affected by domestic abuse and information about the range of support services available
- making sure that appropriate information on services and how to access them is available for the people of Alderney
- engaging with public health professionals at a strategic level.

Accommodation Options

Robust and effective housing measures are necessary for victims of domestic violence. UK Government best practice suggests that the following housing-related services should be available for:

- Support for victims to remain safely in their own homes
- Help for victims in managing their tenancies
- Services to help vulnerable people find, finance and secure accommodation
- Fast-track re-housing
- Appropriate temporary accommodation
- Emergency accommodation – Refuge Provision.

The importance to survivors of securing a safe place to live for themselves and their children is obvious. The standard of housing service that survivors receive can make the difference between staying safe or not.

Current accommodation services available in Guernsey comprise:

- Guernsey Women's Refuge opened in 1998 and is able to provide 24 hour emergency accommodation for women and their children (boys only up to the age of 14). Five rooms are available that can accommodate a maximum of two or three children. A charge is made for each night's stay.
- Maison St Pierre is able to offer accommodation for women and their children (boys only up to the age of 11) whilst awaiting/accruing points for States Housing (usually 6 months plus). Ten rooms are available for homeless women, referred by a range of other agencies.
- NCH Guernsey Youth Housing are able to support young people aged 16 to 25. Seven accommodation units (two flats and five bedsits) are available through a referral process, usually from Social Security, Probation or Prison. Short-term crisis accommodation can also be arranged. Support is also offered to help young people secure other independent accommodation. Workers also offer mediation support with families to enable young people to remain at home or move on to independent living.
- St. Julian's House is now under the management of Health and Social Services Department, with plans for redevelopment. It provides accommodation for homeless and other vulnerable adults (primarily elderly long term male residents) and emergency accommodation for a transient population of younger male adults and men. It has three beds for single women. The Annexe can offer 10 bed night stay accommodation, but with low occupancy rates, is currently used for outreach work/daycare provision.
- Guernsey Housing Association has over 160 properties available. 75% is provided to applicants from the States Housing Department waiting list. 40 properties are allocated from its own waiting list, under its own criteria. The income bar is currently higher than that of the States Housing Authority.
- Sarnia Housing was established as a charity 40 years ago to help homeless young families. Two houses are currently occupied by older people who have been resident upward of 25 years. The other two houses contain seven flats are available for young families as temporary emergency accommodation of nine months to one year, whilst awaiting/accruing points for States Housing.. Tenants need to be able to provide £50 deposit plus one week's rent in advance. Wherever possible, priority is given to women in the Women's Refuge with children, but the accommodation is always full, with a waiting list.
- States Housing Department, under current legislation, operates strict eligibility criteria based on age, income and dependant children. Arrangements can be put in place to change the name on the Tenancy Agreement, without having to vacate the property, where the victim meets the criteria for States housing.

Victims of domestic abuse may not be in a position to secure rental property in the private sector. Alderney residents have even less provision: for example, victims there who need emergency accommodation face the additional problem of having to leave the Island.

Non-local victims of domestic abuse have little security if they have been living in Guernsey with a local partner or under the license of their partner, and, along with Alderney residents, do not have rights of residency in Guernsey. Under the Housing Control Law, people who are occupying local market property in Guernsey by virtue of a spouse's/partner's housing licence and who, through domestic abuse, cannot remain living in the household of the licence holder, will require a housing licence in their own right to remain living in Guernsey, as they have no automatic right to do so. The Housing Department has indicated that it will consider each such application for a housing licence on its merits, taking into account factors such as the person's length of residence, their familial and like connections with the island, whether there are any children of the relationship, etc. The Housing Department has agreed to produce a guidance note for all agencies supporting victims of domestic abuse setting out the circumstances where a housing licence will be required, how to apply for a licence, what information the Department will consider when assessing the application and how this should be provided.

Residents of the other Bailiwick islands – Alderney, Sark and Herm – have no automatic right to live in Guernsey. The Housing Department has explained that, while it will consider applications for permanent housing licences from other Bailiwick residents suffering from domestic abuse, it is unlikely that these will be granted under existing law and policies. Discussions will take place with the Housing Department to determine whether it would be possible for victims of domestic abuse from Alderney and Herm, who are not residentially qualified to live in Guernsey, to be accommodated in Guernsey for a temporary period to access support services whilst a permanent solution to their accommodation situation is found, with a view to including the results of these discussions in the guidance note referred to above.

The following are components of current good practice initiatives in housing provision made for victims of domestic abuse alongside other vulnerable groups in need of housing in UK. Along with a full analysis of housing provision and need in the Island for domestic abuse victims, the feasibility of introducing these services should be assessed, in order to improve victim safety and aid the process of rebuilding lives.

'Sanctuary Models'

These provide security for victims of domestic violence, enabling them to remain in their own homes in situations where safety can be guaranteed and where they wish to do so. In UK the schemes are jointly operated by the police and the local domestic violence forum. Police attending incidents offer the service and outreach workers are available to talk individuals through their options. The scheme is open to women living in any tenure. Crime prevention officers make recommendations for suitable safety measures for their home, which are carried out quickly to retain the client's confidence. This provides security for victims, by providing locks, mortice bolts and 'strong rooms', allowing them to stay in their own homes.

‘Supporting People’ Schemes

Supporting People Commissioning Bodies provide an important service in improving local responses to domestic abuse. They plan and fund housing-related support services for vulnerable people. Commissioning Bodies, comprised of individuals such as health professionals and probation board members, are formed in order to develop strategies for the provision of housing-related support to vulnerable groups who they have identified as needing help in their area. Non-governmental organisations then tender to provide services.

Provision of emergency and transit accommodation

Sufficient emergency and temporary accommodation should be available to meet the needs of victims of domestic abuse. In particular, the needs of women with teenage boys or multiple children, Alderney residents and male victims are identified as lacking provision.

Rent Deposit Scheme

In the UK, schemes exist for local authorities to provide loans or bonds towards housing deposits. There is concern that some individuals fleeing domestic abuse are living in substandard or unsuitable accommodation because they are unable to secure a housing deposit and month's rent in advance. Although the Social Security Department can cover the ongoing cost of accommodation for women who are unable to work because of caring responsibilities or health problems caused by domestic abuse, the Department does not currently provide deposits for accommodation. Consideration should be given to the establishment of a funding mechanism by which victims can access this type of support, perhaps in partnership with a voluntary organisation or public/private partnership.

She had just been beaten by her partner and was at the police station with her two children. They were all distressed and crying. The officer contacted the Refuge staff who arranged accommodation for them.

Rebuilding Lives

Work with voluntary organisations

There are already many excellent local services available for victims of domestic abuse within Guernsey. However work needs to be done through the Partnerships Action Plan to ensure good interagency co-operation and communication and that Good Practice Guidelines and Standards are in place for all relevant agencies. There should also be measures in place to avoid duplication of services, to increase accountability and ensure there is a consistency of approach across services generally.

The means of delivery of services to victims is a key aspect of the response provided, so measures should be in place to ensure that staff members are clear of their own roles in

responding to domestic abuse and those of other organisations. A protocol is currently in place between Police, Refuge and Victim Support.

Agencies should also develop an understanding of the diverse needs which victims and their children may have and be provided with the training necessary to attain a good understanding of child protection issues.

Additional services may also be required to meet the needs of specific groups such as those living in Alderney, male victims, victims in same-sex relationships, children, those who do not have English as a first language, victims of 'honour' crimes or forced marriages, women who are not accessing existing provision – for instance, women with older male children, older women, victims using drugs or alcohol, and those with learning disabilities or mental health problems.

Independent Domestic Violence Advisors (IDVA)

This advocacy worker provides a 'one stop shop', giving dedicated advice and assistance direct to victims to assure their safety through the process of criminal prosecutions, civil injunctions, housing and care of any children. In the UK, these types of advocacy projects have proved that they are effective in terms of outcomes for the victim and in improving successful prosecution rates.

In Guernsey both Victim Support and the Refuge offer independent support to victims. There is specific training involved to take on the role of IDVA and it is suggested that the provision of this specialist service is further investigated under the auspices of one of the voluntary agencies currently involved in this work.

Therapeutic Group Work

Support groups can provide an effective means of helping victims to rebuild their lives. They can also provide a clear link for survivors to add their ideas to strategy and policy development.

In 2007 Guernsey Women's Aid launched 'Moving On' – a service for women who have left an abusive relationship. Options also facilitated a group session for women in 2005, which was well supported, but disbanded when the Domestic Violence Research and Development post ended. As well as the evident therapeutic benefits of group work, the sessions were a useful means of adding the thoughts, ideas and experiences of survivors to ongoing policy development.

Support for children and young people

The evidence of the link between domestic abuse and child abuse⁴³, the views of those who responded to the consultation for the strategy and the hidden implications for children's emotional and social well-being point towards the need to develop more services specifically to support children.

⁴³ Estimates range from 30% to 66% depending on the study (Hester et al, 2000; Edleson, 1999) in Humphreys and Thiara 2002

Children may suffer both directly and indirectly if they live in households where there is domestic abuse. Domestic abuse is likely to have a damaging effect on the health and development of children and young people, and it is often appropriate for such children to be regarded as being 'children in need'.

Children living in families where they are exposed to domestic abuse have been shown to be at risk of behavioural, emotional, physical, cognitive-functioning, attitude and long-term developmental problems. There may be serious effects on children who witness domestic violence, which can result in behavioural issues, absenteeism, ill-health, bullying, anti-social behaviour, drug and alcohol misuse, self-harm and psychosocial impacts⁴⁴.

They are at greater risk of exposure to poverty and homelessness, and detrimental effects on their short-term welfare and long-term life chances. In 2007, of the total of 286 young people approaching NCH Guernsey for support with accommodation, 25 females (out of 123 – 20%) and 33 males (out of 163 – 20%) are reported or are judged by staff to be victims of domestic abuse. Eight female (7%) and 38 males (23%) are reported or judged by staff to be perpetrators of domestic abuse.⁴⁵

The implementation of the new Children Law⁴⁶ and the Children's Services Plan informed by Every Child Matters⁴⁷ provide an opportunity to ensure that the needs of children affected by domestic abuse are embedded into local services. Services should include:

- Improved support to parents through universal and targeted services for families
- Early intervention and protection, with improved information sharing between agencies, a shared needs assessment framework and assignment of lead professional in cases where a child faces multiple risk factors
- Greater accountability and integration of services locally, led by the Bailiwick of Guernsey Child Protection Committee.

However, it is important that domestic abuse is not treated as a separate area, but is mainstreamed and integrated throughout the children's agenda.

In order to keep children who are living with domestic abuse safe, consideration should be given to adopting a consistent Risk Assessment Model, such as that developed by Barnardo's in Northern Ireland,⁴⁸ overseen by the Bailiwick of Guernsey Child Protection Committee.

⁴⁴ Working Together to Safeguard Children 2006 pp202-3

⁴⁵ NCH Guernsey Annual Statistics 2007

⁴⁶ Children Law (Guernsey and Alderney) 2008

⁴⁷ Every Child Matters at <http://www.everychildmatters.gov.uk/>

⁴⁸ Assessing the Risks to Children from Domestic Violence, Julie Healy and Madeleine Bell accessed at http://www.barnardos.org.uk/p_p_briefing_no.7.pdf

Therapeutic Services

Bailiwick of Guernsey NSPCC has launched a range of services available from 2008 for children affected by domestic abuse summarised as follows:

- Individual sessions with children from 5 – 17 years old who have lived with domestic abuse but are now living in a safe environment. The aim of this work is to help children explore their emotions and feelings towards their parents. To help them develop coping strategies. We encourage them to build self esteem and resilience to enable them to recover and fulfil their potential.
- Sessions for non abusing adults who are or have been living in an abusive relationship in order to support them in the parenting of their child/children. The aim is to help them recognise their personal strengths and gain self esteem. To enable them to regain control of their lives and feel empowered.

This work can be linked together to enable the non abusing parent and the child to talk to each other in a safe environment about the impact of domestic abuse on them.

- Group work for children from 7 – 11 years who have lived with domestic abuse. The aim is to show children that they are not alone. Children can share their experiences in a safe and secure environment. These groups will be carefully selected in order to ensure the safety of the children in the group.
- Group Work for non abusing parents (Mellow Parenting) an accredited parenting programme. This is aimed at non abusing parents of children under five years old who recognise that the relationship with their children has been affected by living in an abusive environment. It is recognised that the ability of a parent to interact with their child in a positive way can be undermined by living with domestic abuse. This work highlights the positive interactions and supports the adult in parenting their child.
- Consultancy for other agencies who are working with children and families who have been affected by domestic abuse.

Information and Advice

Written information

Options has produced a range of posters and information booklets, leaflets and cards aimed at female victims. These leaflets also give information on advice lines for male victims, which are based in UK. The Guernsey Women's Refuge and Guernsey Women's Aid each produce leaflets about their respective services.

Domestic Abuse Helpline

Helplines can be an effective way of disseminating information about domestic abuse services. In December 2003 in England, a new confidential 24-hour National Domestic Violence Freephone Helpline, run in partnership between Women's Aid and Refuge, was launched. The Welsh national freephone helpline was launched in April 2004. These helplines provide a database of up-to date information on refuge vacancies and

other domestic violence services, for use by refugees and other specialist domestic violence service providers.

A domestic abuse helpline was set up and funded by Options in 2002. This is currently run by the staff at the Women's Refuge and is publicised in the various domestic abuse leaflets and posters that are distributed throughout the Island. The Guernsey Women's Refuge has also set up a separate helpline for Alderney residents.

Ensure that information is reaching minority and target groups

There is a need to identify key groups, make links with them and provide relevant, accessible information. Groups might include the Portuguese, Latvian and Polish communities; victims with additional needs such drug, alcohol or mental health issues.

Website

Options currently operates a website at www.domesticabuseguernsey.org.gg with links to national sites.

Health Services

Health services have a crucial role to play in responding to domestic violence and abuse as health professionals are frequently on the frontline in their work dealing with both the physical injuries of victims and children, as well as the impacts on mental health. Health professionals, particularly General Practitioners, are ideally placed to raise the issue of domestic abuse with service users and routinely provide information or refer to specialist support agencies.

The British Medical Association Report 2007 says that domestic abuse continues to be a major healthcare concern and that doctors and other health professionals need to ask the right questions about domestic abuse and respond appropriately. It states that addressing domestic abuse in the healthcare setting is a priority. In order to achieve this it recommends that all healthcare professionals:

- receive training in identifying and helping patients who are victims of domestic abuse
- ask patients appropriate questions in a sensitive and non-threatening manner in order to encourage disclosure of abusive experiences
- take a consistent approach to the referral of patients to specialist domestic abuse services.

Summary of key priorities for the future

- Further consultation with victims to identify their views
- Reviewing the range of accommodation options for vulnerable victims

- Investigate the introduction of trained Domestic Violence Advisors through one of the voluntary organisations.
- Continue collaboration with agencies to develop relevant outreach and other services
- Develop a comprehensive range of services for children and young people
- Review information and advice for victims available in a variety of media
- Develop support for Alderney residents
- Engage with public health professionals at strategic level

My ex-partner threatened to kill all our animals if we left...
He beat my son's dog in a rage, she was only trying to
protect us. I tried to stop him so he beat me instead.

DEVELOPMENT OF MINIMUM STANDARDS, RESOURCES AND STRUCTURES

The initial Action Plan⁴⁹ sets out under each of the 4 headings Partnerships; Prevention; Protection and Justice; and Provision of Services

- what action is proposed for implementation within the next 4 years (until December 2012);
- which Department or Agency is responsible for progress (and the lead department/agency where more than one is involved); and
- target date(s) for implementation of each action point.

The Action points in the Action Plan are linked to the Overall Aims of the strategy as set out earlier and to the previous section on delivery. The Action Plans will be reviewed annually from January 2010 and may be amended.

Development of Minimum Standards

The strategy sets out a basic framework for the delivery of effective services to domestic abuse victims. Essentially, however, the aims of the strategy will only be realised if there is a commitment across all the relevant service providers to minimum standards of service, and, ultimately, to the implementation of best practice. It is imperative, therefore, that all agencies ensure that they have the appropriate mechanisms in place to improve their responses to domestic abuse.

⁴⁹ Annex 4

A set of Good Practice Guidelines and Standards, aimed at service providers, will be developed using models already produced in other jurisdictions. These guidelines will assist in achieving a consistent approach to domestic violence and abuse across Guernsey and Alderney and should also ensure the promotion of equality of opportunity for all in accessing domestic abuse services.

Resources

As already indicated in the earlier section on The Cost of Domestic Violence, millions of pounds of public money are spent every year in dealing with domestic violence and its consequences. These resources are committed across a range of services, including: health and social care; housing solutions including refuge accommodation; police and other criminal justice services; civil proceedings; and through the funding of voluntary organisations who support victims of domestic abuse.

The effective implementation of the strategy will clearly have resource implications for the partner departments and agencies. The role of the Social Policy Development Officer in 2008 will be to undertake a cost benefit analysis, together with the relevant States Departments, on each of the initiatives in the action plans. It is likely that a report will go to the States of deliberation in 2009 and additional resources may be requested for the domestic abuse strategy from 2010-2012 for a single pot of funding, similar to the budget for the Drug and Alcohol Strategy.

More importantly, however, it is the people working within all the relevant departments and agencies who will be crucial to success. The training of all relevant staff will be vital to the early identification, protection, and provision of support to victims. The commitment of all the partner departments and agencies to embrace the strategy's vision together with the proposed roll-out of a multi-agency training strategy will also be central to achievement of the strategy's aims.

Successful implementation will also be heavily reliant on the co-operation of all the people and the agencies who work together. The structures which are in place to facilitate implementation are set out in Annex 1.

Measuring Success and Reviewing the Strategy

The strategy requires monitoring, evaluation and the capacity to change. Assessing the success of the strategy will require the development of a collection of performance indicators that cross departmental and agency boundaries and reflect the individual components of the strategy⁵⁰. States of Guernsey Departments, in partnership with all the relevant agencies, will therefore develop a set of performance indicators, against which year-on-year trends in the incidence of domestic abuse and the successful implementation of the strategy can be assessed.

A range of indicators is needed against which the success of the strategy can be measured. Domestic abuse, however, is an issue often involving many complex

⁵⁰ Annex 5 Performance Indicators

variables, therefore measurement of perceived success must be approached with some degree of caution. For example, there are many reasons why victims do not report the violence to the police or decide not to proceed through the criminal justice system.

Each component of the strategy will need to be operating effectively. Increased awareness of the problem amongst the general public and confidence in the criminal justice system should lead to increased reporting. The consistent application of police policy on domestic violence should lead to more arrests, to effective support for every victim and to the prosecution of perpetrators where appropriate. An increased confidence in the criminal justice process should also lead to a reduction in the number of cases where victims withdraw their evidence. Overall, increased reporting, more arrests, and a reduction in repeat victimisation should collectively lead, in time, to a real and sustained reduction in domestic violence.

An accurate assessment of the real levels of domestic violence will not be possible until there is progress in changing attitudes, so that all victims of domestic abuse feel safe in revealing the abuse they have experienced. While one of the main goals of the strategy is to bring about an overall reduction in domestic violence and abuse, there is a recognition that it will be difficult to measure this accurately, particularly in the early years.

There should also be a review undertaken, by or on behalf of the Advisory Group, after a 3/4-year period (2012) to assess the continuing relevance of the strategy itself.

ANNEX 1 - STRUCTURES

The following structure is recommended to oversee the further development and implementation of the Strategy, with effect from 2008.

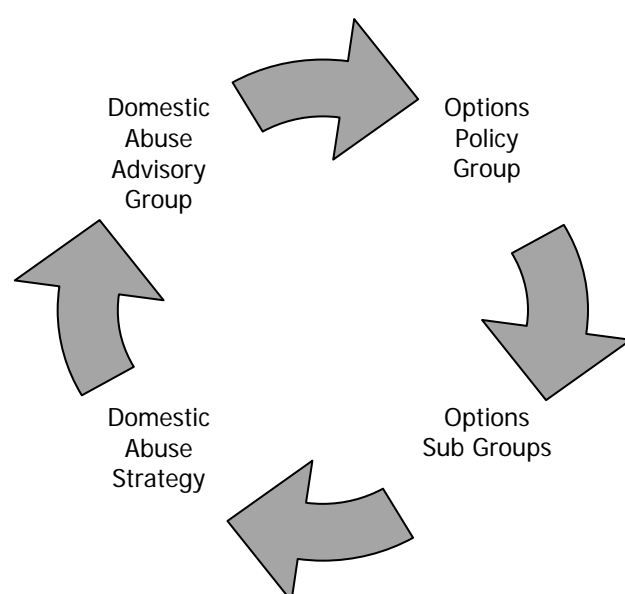
Domestic Abuse Advisory Group

A Strategy Advisory Group was initially established to prepare the strategy in February 2007; membership is set out overleaf. It is recommended that this group be formally established across States of Guernsey Departments (and extended to include representatives from Police, the Court, The Safeguarding Service, and Commerce and Employment) as the main driver for implementation of the strategy and for any future change or development of policies on domestic abuse.

Membership of this group will be at Senior Officer level, from the constituent members of Social Policy Group i.e. Commerce and Employment; Drug and Alcohol Strategy; Education; Health and Social Services; Home; Housing; Policy Council (Policy and Research Unit); and Social Security. Administrative support for the Advisory Group will be provided by the Domestic Abuse Strategy Co-ordinator, who will be responsible for co-ordinating the day-to-day work on the Strategy.

The Chief Officers of those departments represented on the Advisory Group may also be asked to meet twice each year to oversee Strategy development and report to the Social Policy Group, who will have political responsibility for the Strategy.

Links to Options, the Domestic Abuse Forum will be through the Domestic Abuse Advisory Group to the Policy Group of Options.



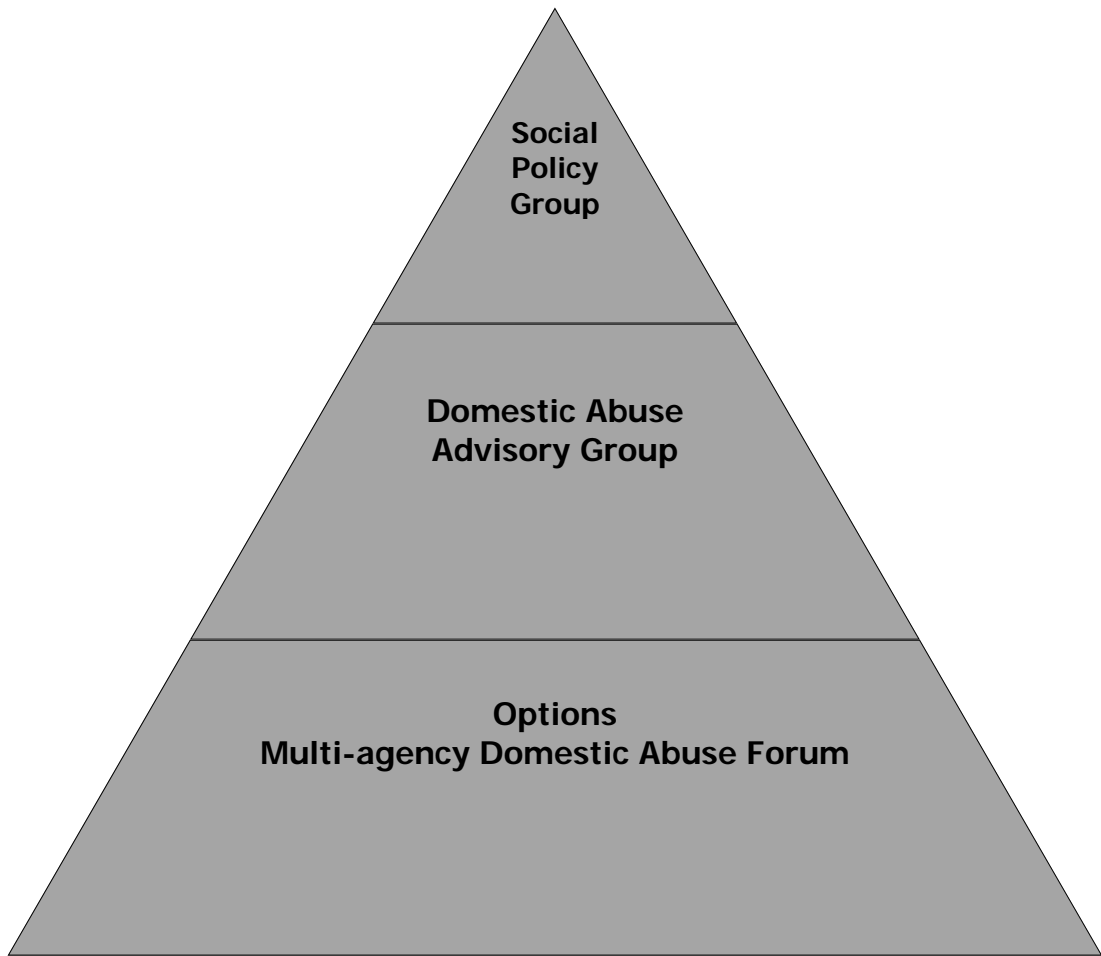
Domestic Abuse Strategy Advisory Group (February 2007 to February 2008)

Zoë Grainger (Chair)	Domestic Abuse Policy Development Officer (seconded from the Education Department)
Anna Guilbert	Chief Probation Officer, Probation Service Home Department
Fiona Richmond	Projects Officer, Supplementary Benefits Social Security Department
Debbie Pittman	Manager – Health Visiting and School Nursing Health and Social Services Department, Services for Children and Young People
Andrea Nightingale	Drug and Alcohol Strategy Coordinator Policy Council
Sarah Murphy	Social Policy Co-ordinator (from September 2007) Policy Council

Social Policy Group (February 2007 to February 2008)

Deputy Peter Roffey, Minister, Health and Social Services (Chair)
 Deputy Carla McNulty Bauer, Deputy Minister, Commerce and Employment
 (Deputy Chair)
 Deputy Barry Brehaut, Housing (until November 2007)
 Deputy Dan Le Cheminant, Deputy Minister, Social Security
 Deputy Jonathan Le Tocq, Deputy Minister, Treasury and Resources
 Deputy Wendy Morgan, Deputy Minister, Education
 Deputy Jenny Tasker, Home

Paul Veron, Head of Policy & Research Unit, Policy Council
 Sarah Murphy, Social Policy Co-ordinator, Policy and Research Unit, Policy Council
 (from September 2007)
 Reg Avery, Director of Client Services, Treasury and Resources
 Wayne Hassall, Senior Policy and Operations Officer, Commerce and Employment
 David Hughes, Chief Officer, Health and Social Services
 Natasha Keys, Director of Policy & Resources, Commerce and Employment
 Stephen Langford, Chief Officer, Housing
 Malcolm Nutley, Chief Officer, Social Security
 Brian Richings, Chief Officer, Home
 Derek Neale, Chief Officer, Education
 Alun Williams, Lifelong Learning Manager, Education





Options Survey 2004

This survey was undertaken in 2004 and highlighted the need for a Domestic Abuse Strategy. Copies of this are available at Sir Charles Frossard House and the Guille Alles Library.

Options Strategy 2006

Area of Development	Strategic Objective	Achieved To Date	Action / Task	Timescale	Key Personnel/Responsibility	Method of Evaluation
1. Raise public awareness that domestic abuse is unacceptable and wrong	Develop media strategy	<ul style="list-style-type: none"> Regular input to media General awareness articles plus coverage of Forum events. 	<ul style="list-style-type: none"> Identify & submit articles to media Continue poster campaign Initiate media protocol regarding identification of victims in reportage 		Publicity & Awareness Group	Quantitative in relation to number of Press articles Qualitative – nature of articles
	Deliver awareness sessions to a range of organisations	List of agencies covered Sorooptimists July 2005.	<ul style="list-style-type: none"> Develop awareness presentation Identify Options trainers willing/able to deliver Audit of agencies who we need to approach 		Policy Group Trainers Group Publicity & Awareness Group	Number of agencies approached Number of sessions delivered

	Increase the number of reported incidents of domestic abuse	<ul style="list-style-type: none"> • Police statistics • Police have implemented a positive arrest policy • Increased identification of DA issues in child protection. 	<ul style="list-style-type: none"> • Encourage increased reporting e.g. to health & midwifery 		SR Group VO Group	Agency statistics
	Develop a reliable database	<ul style="list-style-type: none"> • Survey carried out & published 2004 	<ul style="list-style-type: none"> • Agencies to record data on reported incidents • Develop protocol for sharing information on the number of incidents 		SR Group BoGCPC	

Area of Development	Strategic Objective	Achieved To Date	Action / Task	Timescale	Key Personnel Responsibility	Method of Evaluation
2. Maintain and develop the Options Forum to deliver a high quality, co-ordinated multi agency response to domestic abuse	Co-ordinate strategic policy & planning in all areas involving domestic abuse	<ul style="list-style-type: none"> • Strategy document published annually from 2002 • New Constitution from January 2005 • Action Groups [P&A, SRG, Trainers, Ed, Childrens] replaced subgroups from 2005 • Shared definition of domestic abuse 	Organise Strategic Planning Day Formalise mandate for each Action Group	April 2006	Policy Group SR Group	Action Plan for Strategy

	Provide & promote Forum events 3 times per year	<ul style="list-style-type: none"> • October 2005 W@rn Theatre Production • July 2005 Presentations by Options member agencies & Raising The Standards representatives • April 2005 Professor Audrey Mullender 	<ul style="list-style-type: none"> • 2006 – Strategic planning event to identify appropriate speakers • RTS Planning Meeting hosted by Guernsey May 2006 – Forum link (Christine Mann) • ‘Violence against women 365 International poster exhibition. • Raise funds for future speakers/events 		Publicity & Awareness group Policy Group	Quality speakers. Numbers attending. Media coverage.
	Establish a system for sharing information between agencies regarding their own initiatives & developments	Regular feedback from agencies at all Options meetings	<ul style="list-style-type: none"> • Identify initiatives & developments & share with Policy Group & Child Protection Committee 		SRG Children’s Group Education Group	Issues taken to BoGCPC & Social Policy Steering Group. Incorporated into Children’s Services planning

	Research & promote good practice in relation to domestic abuse	<p>Inclusion on Raising the Standards Group.</p> <p>Respect Newsletter forwarded to all members.</p> <p>Links with Jersey Forum.</p> <p>Attendance at National Conferences.</p> <p>Workplace Policy produced & circulated to HR.</p> <p>Antenatal screening initiative.</p> <p>Role of Education.</p>	<ul style="list-style-type: none"> • Produce code of good practice to distribute to all agencies – responding to women who disclose. • Promote the development of protocols / policies in relevant agencies e.g. workplace policies to HR departments / public and private sector • Establish an intranet ‘repository’ for research, articles etc 	Ongoing	SRG All individual members & Groups	Minutes of meetings. Regular updates to website. Take up of good practice initiatives in all agencies.
	Monitor the legislative framework within the Bailiwick of Guernsey	<ul style="list-style-type: none"> • Views submitted on local harassment legislation to Home Affairs Committee (2001) – now in law (2005) 	<ul style="list-style-type: none"> • Prepare report for Criminal Justice review with regard to vulnerable & intimidated witnesses. • Monitor developments. 		Legislation Group (convened when needed) SR Group	Indication of progress towards uptake of Part II, Chapter I of the Youth Justice & Criminal Evidence Act 1999 (video links in Court etc)

Area of Development	Strategic Objective	Achieved To Date	Action / Task	Timescale	Key Personnel Responsibility	Method of Evaluation
3. Promote the provision of a comprehensive range of services and support for women & children experiencing domestic abuse	Identify components of a comprehensive range of services		<ul style="list-style-type: none"> Undertake audit of service provision Note gaps in provision & plan how to provide key elements 		SRG Policy Group	Re-audit in 12 months
	Develop and disseminate information about services available to women & children	<ul style="list-style-type: none"> Packs available in English 2002, Portuguese & Latvian 2004 	<ul style="list-style-type: none"> Provide information packs to women reporting incidents Develop & update website Ensure comprehensive distribution of leaflets 		P+A	Audit of availability of materials. Survivor satisfaction rates.
	Identify how women & children can be better assisted	<ul style="list-style-type: none"> Survivor leaflet published Media articles by survivors 	<ul style="list-style-type: none"> Views of survivor group gathered regarding proposed actions, via minutes 			Obtain ongoing feedback from service users
	Enable agencies to support and identify repeat victims		<ul style="list-style-type: none"> Information and advice to agencies about identifying repeat victims 		SRG, Training, Policy Group	Audit of information to agencies

Area of Development	Strategic Objective	Achieved To Date	Action / Task	Timescale	Key Personnel Responsibility	Method of Evaluation
Promote & support work holding perpetrators /abusers accountable and providing effective interventions.	Identify models for delivering perpetrator schemes for those going through criminal and non-criminal processes.	‘Change’ programme (Respect approved) being delivered to perpetrators in CJ system	<ul style="list-style-type: none"> Take proposals to CPC regarding comprehensive provision for perpetrators. Train probation officers and other relevant staff in programme designed to support women and children at the same time as addressing male behaviour. 		CPC, SRG (Probation and HSSD)	<ul style="list-style-type: none"> Perpetrators referred by the courts or prison are able to access a recognised programme. Non CJ perpetrators able to access perpetrator programmes

	Monitor the effectiveness of perpetrator schemes in regard to reducing repeat victimisation and re-offending		<ul style="list-style-type: none"> Develop cross-agency system ensuring all ex/partners of men on programmes are afforded relevant support 			<ul style="list-style-type: none"> Numbers accessing the course are reported annually by Probation to Steering Group Including statistics on the support of partners/ex partners
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Area of Development	Strategic Objective	Achieved To Date	Action / Task	Timescale	Key Personnel Responsibility	Method of Evaluation
Support and provide training and awareness raising courses to the public and private sector and the general public	<ul style="list-style-type: none"> Promote interagency training within the States departments & voluntary agencies 	<ul style="list-style-type: none"> Annual Programme of 6 x 1 day Interagency Training established & delivered by Trainers' Group, made known to agencies through Training Diaries of Institute of Health Studies, HR Unit & Education – also open to voluntary agencies & others following basic awareness raising presentations Local trainers trained in 2001 + 2004 	<ul style="list-style-type: none"> To continue to develop Interagency Training 		Policy Group Trainers' Group	<p>Evaluation sheets at end of each course.</p> <p>Audit of all agencies represented.</p>

	<ul style="list-style-type: none"> • Include domestic abuse as part of 'Developing Safe Relationships' within Personal, Social & Health Education (PSHE) curriculum in schools 	Pilot course run in secondary school. Materials on healthy relationships incorporated into PSHE.	<ul style="list-style-type: none"> • Identify and disseminate material suitable for school pupils • Pilot use of materials in schools • Develop materials to support teachers 		Education Group	Audit of PSHE curriculum content and training to school staff.
	<ul style="list-style-type: none"> • Develop specific training programmes for schools 	<ul style="list-style-type: none"> • ½ day training established in 2004, plus whole school on request • Awareness raising presentations made to PSHE Co-ordinators 2005 	<ul style="list-style-type: none"> • To be made available on 2 occasions in 2006 		Education Department Trainers' Group Education Group	Audit of training.

	<ul style="list-style-type: none"> Promote specific training for professionals working with children's and families 	<ul style="list-style-type: none"> SCYP & NSPCC have planned training on the effects of DA on children Discussion regarding training for professionals undertake group work with children & mothers who have experienced DA 	<ul style="list-style-type: none"> Interagency training to take place in March & October 2006 		Children's group	Post course evaluation. Number of key personnel trained.
	<ul style="list-style-type: none"> Extend awareness course to community groups 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> List groups to be approached Direct a specific speaker or Open Forum to this group 		Training, P&A, Policy group	Numbers of community groups approached + attending

ANNEX 3 - CONSULTATION SUMMARY

Methodology

In February 2007 the questionnaire was prepared in order to identify issues that should be included and addresses within the Strategy.

Meetings were convened with two key groups: representatives from relevant States Departments (i.e. those represented on Social Policy Group – Health and Social Services, Education, Home, Housing and Social Security); and representatives from the voluntary agencies known to be involved in Options (i.e. Women's Refuge, Women's Aid, Samaritans, Citizen's Advice Bureau, Relate, Maison Saint Pierre, NCH, NSPCC and Philippi).

These meetings were intended to serve two purposes: to inform the agencies about the Strategy and the questionnaire about to be circulated; and to generate discussion about how services could be improved or developed. In effect these meetings proved extremely beneficial, as it became apparent that a number of individuals and agencies were not fully aware of developments taking place within other agencies, both in Guernsey and UK, in relation to domestic abuse.

Over 100 questionnaires were circulated to the agencies listed above, as well as to employers, churches, schools, doctor's surgeries, trades unions and advocates. Each questionnaire was accompanied by a letter detailing the purpose of the questionnaire and the Strategy. Several responses were immediately followed up by telephone or email contact.

An initial analysis of the responses revealed three key areas of significant shortfall in provision that required more detailed investigation: accommodation options; support for children; and services in Alderney. A focus group was established for each aspect to explore these issues with key practitioners, in order to tease out areas of difficulty and possible solutions.

It has been a privilege to be involved in this work with a wide range of agencies and individuals. The response to the consultation for the Strategy has been overwhelmingly positive, and has, I believe, stimulated many agencies into taking steps in advance of the Strategy being published to address the obvious gaps in service provision. The consultation has also provided a platform for reaching a number of groups and individuals who were previously unaware of the existence of domestic abuse or the services available for victims in the islands.

Further work is required on establishing the views of victims, perpetrators and their families in a direct way, particularly establishing their views on the services provided, where they have had contact with specific agencies. This is an area that agencies can be directly involved in, with many already engaging with service users to improve their services.

Questionnaire

Department/Agency	Name of person completing this form
	Role
KEY WORKERS Please identify key stakeholder practitioners within your department or agency <i>(e.g. midwives, Accident & Emergency staff, front desk benefit officers, Reception staff, volunteer workers ...)</i>	
STATISTICS 1. What statistics (if any) do you record routinely on domestic abuse in relation to a) victims? b) perpetrators? c) family members witnessing abuse e.g. children? 2. What use is made of these a) within your organisation? b) across agencies? 3. Are there any statistics you would wish to collect/use? Please enclose copies of any pro forma used for collecting information, if available.	
SERVICES 4. What services or interventions does your department or agency provide for a) victims? b) perpetrators? c) family members witnessing abuse? 5. What services would your department or agency wish to provide for a) victims? b) perpetrators? c) family members witnessing abuse? 6. What additional resources (if any) would be required?	
GAPS IN PROVISION 7. Are there any gaps in overall provision of services in relation to domestic abuse, across departments and agencies, that should be addressed within the Strategy? Please prioritise	
ANY OTHER INFORMATION 8. Please add any further information that should be taken into account in the preparation of the Strategy (attach further sheets if necessary)	
PARTICIPATION OF SERVICE USERS 9. Please identify any key workers willing to engage with service users to develop the Strategy 10. If key workers are able to identify service users who may be willing to be involved in the development of the Strategy, please identify the <u>worker</u> (do not give individual service user names)	

Responses

Of the 100 questionnaires distributed 28 were returned completed. These returns can be broken down as follows (some of the returns are included more than once):

Type of Agency	Number of returns	Total number of questionnaires circulated
Statutory Agencies	12 (4)	13
Voluntary Agencies	9	16
Employers	4 (2)	27
Legal Services	2	16
Faith Community	4 including 2 collective responses	49
Health Care Providers	5	18
Total	36	139

() indicates the number of 'zero' returns i.e. agencies that responded but reported no direct contact with service users in respect to domestic abuse

Data Collection

Agencies that maintained client records were most likely to report that they record information regarding domestic abuse; these were largely kept within the individual client record, rather than recorded anonymously as a statistic. Data collected varied widely between agencies – see some examples of responses to questions on data collection on page 71 of this report. In general data was used within agencies and there was very little sharing of anonymised statistical information. Some agencies expressed a wish to see more general statistical information, e.g. the number of cases going through the court system and sentences given. Some agencies said they would consider keeping statistics on domestic abuse from users of their agencies, to assist an overall strategy. However, this would largely depend on whether the individuals concerned self-disclosed.

Services Provided

The following services were provided by different agencies:

Services for Victims

Type of Service		Provided by Number of agencies
Referrals	Referrals to other agencies	11
Support	Emotional support	5
	General advice	2
	Safety planning advice	1
	Telephone contact support	1
	Advocacy support	1

	Social work input	2
	Practical help	1
	Financial support	1
	Adult Counselling	3
	Child Counselling	1
	Internal anti-bullying	1
	Alarm provision	1
Information	General Information	2
	Information packs	1
	Leaflets displayed	2
	Information on website/internet help	1
Accommodation	Emergency temporary accommodation	1
	Accommodation	1
	Advice on tenancy rights	1
	Transfer of housing tenancy for victims	1
	Issue of compassionate Housing licenses where possible	1
Health	Medical treatment when required	1
	Health services for children	1
	Routine domestic abuse screening	1
	Secondary healthcare	1
Criminal Justice	Positive Police Response Policy	1
	Dedicated Domestic Abuse Police Officer	1

Services for Perpetrators

Type of Service		Number of agencies
Referral	Referrals to other agencies	2
Support	Social Work	2
	Support	1
	Support groups	1
	Encouragement to contact perpetrator helpline	1
	General advice	1
	Zero tolerance message	1
	Financial support	1
Information	General information	1
	Leaflets displayed	1
Counselling	Counselling in School	1
	Individual 1-1 counselling	1
	Couple counselling once screening has taken place to ensure abuse has stopped.	1
	Cognitive skills work	1
Health	Medical treatment when required	1
	Positive Police Response Policy	1

Criminal Justice	Assessment for Courts	1
	Risk management through MAPPA for serious offenders	1
	1-to-1 Perpetrator Programme for individuals with Court Supervision Orders	1

Services for Family Members

Type of Service		Number of agencies
Referral	Referrals	4
Support	Social work support	4
	Emotional support	3
	Practical help	1
	General advice	2
	Telephone contact support	1
	Play with children	1
Counselling	Counselling if on Supervision	1
	Challenging of male attitudes for those on Supervision	1
	1-to-1 counselling	1
	Counselling in School	1
Information	Leaflets displayed	1
	General information	1
Accommodation	Emergency temporary accommodation	1
	Accommodation	1
Criminal Justice	Dedicated Domestic Abuse Police Officer	1

Options has a leaflet explaining what services are available to victims of domestic abuse and how to access these services.

Gaps in Provision

Comments made, regarding services agencies would like to provide and/or gaps in provision, included: -

A Housing

- Housing – women often cannot move on as they cannot fund independent living especially if they have children. A better understanding is needed from States Housing and also private landlords.
- Easier access to States Housing for independent living for victims.

- Inter-agency work – especially with Housing to make it easier for a woman with children to be independent.
- Housing remains an issue with many families (mainly women and children) trapped as they have nowhere else to go.
- A safe place for male victims to go and with children if necessary.
- Emergency Housing. Often women fleeing abusive relationships who visit the Supplementary Benefits Section for financial support have problems finding housing. Although the Refuge is able to provide emergency accommodation, it is difficult for individuals with children to find housing in the private sector, especially if they need to get together a month's rent and deposit up front.

B Perpetrator Programmes⁵¹

- Often asked where the perpetrator can seek help so the relationship can be maintained. A 'change' or anger management type programme is most definitely needed.
- Other Relate Centres are piloting perpetrator programmes in the UK and it is possible that Relate counsellors here could get involved in providing services for perpetrators.
- Relate needs somewhere to refer perpetrators to when counselling is not considered suitable or safe. Perpetrators wishing to change their behaviour should be offered help before reaching the courts.
- An integrated programme such as that run by the Hampton Trust should provide simultaneous support for women and children whilst the perpetrator is helped to change his behaviour.
- Offending behaviour work to target perpetrators
- Somewhere for them to be referred to for help. A programme like the Hampton Trust would be ideal.
- For women offenders with a history of abuse the probation officers would offer some counselling but we do mainly offence based work. Psychology support is very hard to access, and we regularly have women requiring skilled psychological help.

⁵¹ NB anger management programme or 'counselling' is not always appropriate as it can give the perpetrator even more of an insight into their power over their victim/partner and can make the partner more unsafe.

http://www.equalities.gov.uk/archive/living_without_fear/images/05.htm

There is no evidence in any of the research or other strategies that the provision of anger management /counselling reduces incidents of domestic abuse.

- Probation currently runs a 34 week programme with individual perpetrators, both in Prison and on Community Supervision (the Change Programme). We believe the most effective model for Guernsey would be an independently run group work programme as being developed in Jersey under the auspices of the Hampton Trust. The Probation Service is only able to take those who are convicted of a criminal offence. An independently run group work programme could also take referrals from Child Protection Services, self referrals and from Relate. The Hampton Trust would also set up the associated support services for partners which is good practice when taking any perpetrator through a process of change.
- A Perpetrator programme linked to support for victims.
- Perpetrator rehabilitation programme
- Support/education/prosecution if necessary.
- Provision (or better promotion of existing provision) for education / anger management etc. for the perpetrators of abuse.

C MARACs

- Consideration for MARACs and special courts to be included in the strategy.
- Multi-agency Risk Assessment Committee (MARAC) risk management procedures for women at high risk.

D Other Protection and Justice Measures

- Possible use of Restorative Justice approaches where appropriate.
- Help and assistance for victims/witnesses held in custody.
- A safe environment to meet away from Police Station, currently done in a public place.
- Take best practice from the specialist DA courts being piloted in the UK, especially the integration of criminal and civil proceedings.
- For partners of those on Programmes (see below) referrals to women's support worker throughout duration of Probation Contact with Perpetrator.
- Advocacy service through the court process for vulnerable women (this would require specially trained workers).

E Provision for men/other relationship abuse/abuse in same sex relationships

- Same sex relationships and minority groups

- Other relationship abuse e.g. parent/child/stepchild.
- Any support that can help male victims and those whose experience of abuse was in the past would be helpful.
- Same sex partnerships are often neglected.
- Information for men who are abused.
- There is no provision for male victims of domestic abuse.
- Provision (or better promotion of existing provision) for male victims of domestic abuse.

F Provision for Alderney Residents

- There is a lack of support for Alderney residents. There is currently nowhere for them to go, getting them off the island is difficult and when you do you have a housing problem in Guernsey. There is also the cost – who will pay.

G Children and Young People

- Support for teenagers witnessing / experiencing domestic abuse.
- To offer support to children and young people living in abusive households to enable them to keep safe and to be aware of what a healthy relationship should be. To be more active in our work with them.
- At present, Relate Guernsey does not offer services for children but could do so in the future.
- More therapeutic work with children and play work, one-to-one and group work.
- Therapeutic and supportive help for children which is readily available, accessible and non-stigmatising.
- Children's group. Information and support for step family relationships. Mother and child relationship building and preservation support.

H Information sharing, including between agencies

- Sharing information where appropriate with all other agencies working with abused women and their families.
- Closer links with the Police to be able to extend support and our service to the women who contact them or when an arrest of the perpetrator is made.
- Because of difficulties in confidentiality it is not always possible to refer on to other agencies.

- Inter-agency referral system.
- Provision of services to be more inter-linked and easier to access, and available to all
- Being able to refer to other specialist services as well as providing support
- Referring to specialist help.
- More information and advice available to prisoners whom may have been witnesses and/or victims. Information and guidance for family and domestic visitors to the prison.
- There should be an ability to share information without breaching data protection especially when there is a risk to a person. There are very few things we can share without permission.
- The need for Agencies to work closely together is the key priority.
- Information sharing across agencies.

I Other comments made

- Develop Outreach service – to be more active in the community. Make more awareness of refuge to women who are being abused and to other agencies including private sector.
- Psychological profiling of reasons for abusing behaviour could be advantageous. Psychiatric ‘self referral’ for courses such as anger management could be operated.
- Help when required through counselling agencies
- Financial support for the victim/family if considering independence. Childcare etc for women wanting to return to work.
- Victims who wish to leave their partners are already given sufficient support as their options are numerous. Options for couples who both want to stay together but need help to stop the violence are practically non-existent.
- Training and awareness raising mainly as people are still reluctant to ask about domestic abuse both with adults and children – possibly because they are not sure what advice to offer.
- Offending behaviour work specific to domestic abuse and possible parenting skills as a complimentary course as and when appropriate.
- Perhaps a meeting group where family members from different cases sit together and talk about what can be done and they can encourage one another, Domestic Violence could assist in these or other agency.
- Women’s support workers (advocates).

- Counselling [School]
- Services Co-ordinator. While many services already exist for those experiencing domestic abuse, there is little overarching co-ordination of these services. Women sometimes comment that they don't know who to approach – for instance, how to access legal or personal protection advice. There appears to be a need for a 'point of contact' to link users to services.
- Training of staff in awareness of domestic abuse issues.
- Support and education including counselling
- Education in identifying possible victims and perpetrators.
- Social care input and advice
- Link between domestic abuse and safeguarding adults at risk of abuse or neglect.
- Education – similar to Alcohol education- provided in schools. To provide details of agencies that can help victims / witnesses of Domestic Abuse.

ANNEX 4

This is the first Action Plan under the Bailiwick of Guernsey Domestic Abuse Strategy. It sets out a number of actions, initiatives or proposals to address domestic violence and abuse and improve services to victims, under the headings of: **Partnership; Prevention; Protection and Justice; and Provision of Support.**

The Action Plan sets out:

- the actions proposed until 2012
- the department/agency with responsibility for implementation
- the target date for completion of each action.

The Domestic Abuse Advisory Group will be responsible for the development of future annual priorities in conjunction with Options, to take account of changing pressures, developments and available resources. These Action Plans should also account of other strategies which are likely to impact on services for all victims of domestic abuse. Note that the Domestic Abuse Advisory Group will be expanded to include representatives from other States Departments on the Options States Representatives Group and that this group will liaise closely with other members of the Options forum.

There should be communication and consultation at all levels to ensure that action plans are complementary and that good practice is shared.

Note that many of these actions and timescales will be dependent on the necessary resources being made available. The role of the Social Policy Development Officer over the next six months will be to amend the strategy following consultation with States Departments, NGOs and other interested parties and then to work out the resources that will be required to put the strategy into practice.

PARTNERSHIPS

Overall aims of the strategy are:

- To develop and deliver a high quality, co-ordinated multi-agency response to domestic abuse

Actions under partnerships are about:

- Working together effectively to tackle domestic abuse
- Data collection and information sharing
- Reviewing best practice, core standards and service level agreements and dissemination of this information
- Training
- Ensuring that the domestic abuse strategy is reviewed at appropriate intervals and action plans are drawn up and followed
- Monitoring the performance of the strategy against its objectives
- Consultation with stakeholders to ensure that their needs are being met
- Working with other countries to share experiences and raise standards

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Establish post of Domestic Abuse Strategy Co-ordinator	To co-ordinate and ensure implementation of this Strategy by relevant agencies	Domestic Abuse Advisory Group	2010	Domestic Abuse Strategy Co-ordinator in post. Regular reports indicating progress in implementing the Strategy, through monitoring of Performance indicators

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Review definition of domestic abuse	<p>To keep the definition of domestic abuse set out in this strategy document under review and to recommend changes to this definition, if appropriate, when the strategy is reviewed</p> <p>To encourage all relevant departments/agencies to adopt the Strategy's definition of domestic violence and abuse</p>	Domestic Abuse Advisory Group	Dec 2009	<p>Definition continues to follow best practice in other jurisdictions as well as remaining relevant to the local community</p> <p>Number of agencies formally adopting the definition</p>
Training Strategy	<p>To formalise and expand the multi-agency training on domestic abuse currently offered by the training subgroup of Options, in conjunction with PCHRU and Bailiwick of Guernsey Child Protection Committee</p> <p>To produce guidelines for issue to all Bailiwick of Guernsey States Members to raise awareness and to provide them with information and advice on how to handle approaches from victims and/or perpetrators</p>	<p>Domestic Abuse Advisory Group</p> <p>Domestic Abuse Advisory Group</p>	<p>2009</p> <p>2010/11</p>	<p>Service level agreement in place and agreed by relevant Departments and voluntary agencies</p> <p>All front-line personnel in key agencies to receive training.</p> <p>Systems in place to monitor attendance.</p> <p>Guidelines in place.</p>

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Review reporting structure	To formalise the terms of reference and membership of the Domestic Abuse Advisory Group and its relationship with Options and confirm the support of their political boards.	Domestic Abuse Advisory Group	2008	Terms of reference in place and agreed Extent to which all stakeholder organisations feel involved in the development of the strategy
	To keep under review the reporting structure for the strategy and the various working groups in existence and involved in the implementation of the strategy	Domestic Abuse Advisory Group	Reviews more frequent to begin with. (Initially quarterly for SPG)	Speed and quality of information disseminated Appropriate leadership and decisions made.
	To review and formalise the involvement of States employees representing Departments within Options	Domestic Abuse Advisory Group	2009	Relevant Departments to sign up formal representation within Options.

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Good Practice Standards/ Guidelines And Service level agreements	To develop and publish a set of guidelines aimed at ensuring consistency of approach by all service providers across Guernsey and Alderney and ensuring equality of opportunity in accessing domestic abuse services wherever possible	Domestic Abuse Advisory Group	2010/11	Draft guidelines prepared Consultation with stakeholder organisations Guidelines agreed and disseminated to stakeholders
	Ensure that service level agreements are in place where appropriate	Domestic Abuse Strategy Co-ordinator	2010	Service level agreements in place
Data Collection	To co-ordinate and develop an overall standardised framework and guidance for the collection, analysis and dissemination of meaningful anonymised data and statistics by relevant agencies at appropriate time intervals	Social Policy Development Officer/ Domestic Abuse Strategy Co-ordinator	2009	Format devised for collection and dissemination
	To develop a spreadsheet/database to collect this information, building on existing data collection pro forma held by Police	Social Policy Development Officer/ Domestic Abuse Strategy Co-ordinator	2009	Number of agencies submitting data in a timely manner

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Information Sharing	To produce guidance on the sharing of personal information in the context of domestic abuse for practitioners who work directly with victims or are involved in the assessment of risk	All partnership agencies to sign up to a memorandum of understanding.	2009	Guidance in place and approved by Data Protection Commissioner All relevant agencies signed up to use it.
Introduce a Multi-Agency Assessment Framework	Look at work currently being undertaken by HSSD re. Child Protection.	Children and Young People's Plan Implementation Group, CPC and Domestic Abuse Advisory Group	Ongoing	Framework in place All agencies signed up to use it.
Sharing Good Practice with other Countries	To continue Inter-Governmental Co-operation through the "Raising the Standards" Group involving: England, Wales, Scotland, Northern Ireland, the Republic of Ireland and Jersey	Domestic Abuse Advisory Group	Ongoing	At least one political representative and a senior staff member of the States Representatives Group to attend all raising the standards events

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Links with other social policy initiatives	To monitor and develop overlap/links and collaboration with other social policy initiatives to consider what information can be shared to highlight links between alcohol/substance misuse and minimise risks	Domestic Abuse Advisory Group / Social Policy Development Officer	Ongoing	Avoid duplication of effort or conflicting social policies
Mapping initiative across Govt Business Plan	Domestic Abuse Strategy is part of the Community Safety Plan (priority 7). There may be links to other areas of the Plan.	Domestic Abuse Advisory Group		Mapping carried out Strategy part of Social Policy Plan
	To work with the implementation group for Children and Young People Law 2008, and Children's Services Plan 2007	Domestic Abuse Advisory Group		Ensure that Plan is joined up and 'Staying Safe' fully integrated.

PREVENTION

Overall aims of the strategy are:

- To further increase and develop awareness generally about domestic abuse and the measures in place to help the victims; and
- To educate children and young people and the wider general public that domestic abuse is wrong and is unacceptable and to enable them to make informed choices.

Actions under Prevention are about:

- preventing domestic abuse happening in the first place, through changing public attitudes to it (particularly among young people)

- general public education and media campaigns
- encouraging workplace policies

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Education in Schools and Educational Establishments	<p>To encourage all schools and educational establishments to address domestic abuse through the strands of the revised curriculum to help form attitudes on unacceptability of domestic violence and to promote healthy relationships</p> <p>To produce information and guidelines on domestic abuse for all education staff – teachers, youth workers and education welfare officers</p> <p>To provide opportunities for training of education staff on domestic abuse</p> <p>To provide further training for teachers with particular responsibilities.</p>	Education	2010/11	<p>Children and young people are aware of what constitutes a healthy relationship and are able to recognise and challenge abusive relationships (<i>measured through the Young People's Survey</i>)</p> <p>Information approved by Education Board and disseminated across the service</p> <p>No. of staff aware of information</p> <p>No. of staff attending training</p> <p>No. of places taken up annually by Education staff</p>

Media Campaigns	<p>To develop ongoing campaigns to encourage anyone affected by domestic violence and abuse to seek help through a range of available services, including the Options domestic abuse helpline</p> <p>To monitor newspaper reporting on cases of domestic abuse</p>	Domestic Abuse Advisory Group and Options Publicity & Awareness Group	Ongoing	<p>Ongoing campaigns in place. No. of times campaigns mentioned in media</p> <p>Ongoing collection of data Regular critical analysis of data</p>
Work with sports/activity groups	To increase awareness of the strategy and its objectives	Domestic Abuse Advisory Group	2011	Percentage of sports groups who have information on domestic abuse
Domestic Violence and the Workplace	To produce guidelines on Domestic Abuse and the Workplace, which take account of guidelines produced by trade unions;	PCHRU	2009	Policy in place and implemented. No. of States employed managers & HR staff attending training
	To encourage employers in the public, private, voluntary and community sectors to adopt the guidelines and introduce workplace policies;	Domestic Abuse Advisory Group		No. of employers implementing a workplace policy.
	To encourage employers to join the UK Corporate Alliance Against Domestic Violence	Domestic Abuse Advisory Group		No. of other manager/ HR staff attending training Establishment of Guernsey Corporate Alliance

PROTECTION and JUSTICE

Overall aims of the strategy are:

- To hold perpetrators/abusers accountable and provide effective interventions for their behaviour; and
- To improve services and support for all victims of domestic abuse

Actions under Protection and Justice are about:

- ensuring the safety of all those affected by domestic violence, including children, and holding perpetrators accountable for their behaviour
- ensuring an effective police response to every reported incident of domestic abuse
- ensuring all cases are risk assessed and appropriate protection put in place
- engaging victims of domestic violence with the prosecution process and providing them with sufficient support to go through the process
- ensuring that sentences are available that both reflect the crime and address offending behaviour
- ensuring that victims are not deterred by the way they are treated at any stage of the justice process
- ensuring that the civil and criminal law offers the maximum protection to all victims to stop the violence recurring
- updating the law on domestic violence to give further protection to victims

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Risk Assessments	Police to continue to use the CSPECSS risk assessment checklist. CSPECSS to filter out to other agencies, e.g. Schools, GPs, Safeguarding Service. Checklist to be used by prosecution in bail and sentencing processes to maximise protection for the victim Awareness training for other relevant agencies in the use and interpretation of the checklist Investigate and develop links with other assessment frameworks e.g. child protection.	Police Police, Law Officers, Probation Probation/Police Probation/Police	Ongoing June 2010	No. of agencies using the CSPECSS risk assessment model Number of agencies attending training
Key Action MARAC (Multi Agency Risk Assessment Conferences)	Action Summary Develop procedures and protocols for introducing the use of the MARAC approach with high risk cases. Investigate resource requirements for implementation. Arrange appropriate training for key staff in all relevant agencies. To develop support services for women and children who have links with perpetrators going through programmes.	Police Domestic Abuse Advisory Group Police / HSSD	Ongoing	Success Criteria Procedures and protocols in place Training in place Support services in place.

Dealing with perpetrators	To maintain a programme for court mandated offenders both in Prison and the community to reduce repeat victimisation and re offending.	Probation	End of 2009/early 2010	No. of participants completing the programme
	To investigate and plan an independently run perpetrator programme available to both those referred through the criminal and civil justice systems, voluntary referrals and referrals from other agencies including the child protection services.	Probation		Reduction in numbers at risk/re-offending
Information Sharing	To develop appropriate information sharing protocols between the police and child protection agencies.	Police, CPC	Ongoing	Information sharing protocols in place.
Key Action Developing Court processes	Action Summary	Responsibility	Target Date	Success Criteria
	To review and update Options Booklet referencing Domestic Abuse and the Law.	Royal Court User Group	2011	Booklet produced
	To provide the judiciary with information on procedures being developed to protect victims, including use of risk assessments and specialist support services. To pilot the introduction of key components of Specialist Domestic Violence Courts, including clustering of domestic violence court cases.			Information provided to Judiciary Pilot carried out.

	<p>To explore the feasibility of a developing a computerised record of domestic violence injunctions and non-molestation orders in conjunction with the criminal justice database</p> <p>To amend the Domestic Proceedings and Magistrates Court (Guernsey) Law, 1988, to give Magistrates the powers to issue suspended sentences for breach of DVIs and remand an individual in custody where he or she is contesting a breach of a DVI .</p>			<p>Introduction of key components of Specialist DV Courts if pilot successful.</p> <p>Research carried out and changes made where appropriate.</p>
Supervised Child Contact	Supervised Contact arrangements put in place for families where domestic abuse means that unsupervised contact is not permitted by the Court.	Safeguarder Service	2010	<p>Legislation updated.</p> <p>Service in place.</p> <p>Number of sessions and appropriate staffing available to meet demand</p>
Domestic Violence Reviews	To research the development of a set of procedures and guidance based on Domestic Violence Homicide Reviews for consultation.	Police./ CPC		A set of procedures and guidance in place approved by the CPC.

PROVISION OF SUPPORT

Overall aims of the strategy are:

- To facilitate the development and delivery of a quality and co-ordinated multi-agency response to domestic violence; and
- To improve the services and support for all victims.

Actions under Support are about:

- developing a comprehensive range of accommodation options, with better help to support victims to stay in their own homes if appropriate
- helping victims who have ended or left a violent relationship to rebuild their lives
- providing support to children and young people affected by domestic abuse
- providing advice to anyone affected by domestic abuse and information about the range of support services available
- making sure that appropriate information on services and how to access them is available for the people of Alderney
- engaging with public health professionals at a strategic level.

ACCOMMODATION

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Rent Deposit Scheme	Investigate the feasibility of introducing a bond or loan scheme to provide homeless victims with the means of securing a deposit and month's rent for accommodation.	SSD	2009	Report produced with recommendations for further action
Support for victims to remain safely in their own homes	Implement a 'Sanctuary Model' locally ⁵² . Assistance with locks/safety measures for those on very low incomes	Police SSD	2009 2009	Statistical evidence that fewer victims have to leave homes /use emergency /alternative accommodation.
Analysis of housing need and provision	Analysis of both need and existing provision of accommodation, including emergency and temporary	Social Policy Development Officer /Domestic	2010-12	Statistical evidence to inform future policies

⁵² See page 39 for explanation

<p>1) Provision of accommodation, including emergency and transit accommodation</p>	<p>accommodation (in particular, the needs of women with teenage boys/ large numbers of children, male victims with children).</p> <p>If a need for additional interim supported housing is identified, this should be prioritised under Action Area E (Supported Housing Provision) of the Corporate Housing Programme.</p> <p>Investigate ways of meeting any unmet need for emergency/temporary accommodation; and</p> <p>Investigate ways of meeting additional support needs of vulnerable victims, and perpetrators in order to enable them to live independently.</p> <p>Investigate the need for a scheme to assist victims and perpetrators in securing accommodation, similar to that provided under the UK Supporting People Scheme.</p>	<p>Abuse Strategy Co-ordinator to work with Housing Research Officer</p> <p>CHP led by Housing Department</p> <p>Domestic Abuse Strategy Co-ordinator</p> <p>Domestic Abuse Strategy Co-ordinator</p> <p>Domestic Abuse Strategy Co-ordinator</p>		<p>Report produced.</p> <p>Statistical evidence to show less victims living in unstable /unsuitable housing conditions.</p> <p>Report produced.</p> <p>Statistical evidence to show less victims living in unstable /unsuitable housing conditions.</p>
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Sole States Tenancy situations	Investigate feasibility of introducing legislation that would enable transfer of tenancy to victim in cases of sole tenancy of States Housing where tenancy is in the name of the perpetrator	Housing	2009	Guidelines in place
Housing Licensing Guidance	Work with the Housing Department to prepare a guidance document for use by agencies offering support and advice to victims of domestic abuse who do not hold Guernsey residential qualifications or a housing licence to reside in Guernsey in their own right – see page 39 for further information	Housing Department	2009	Guidance produced

REBUILDING LIVES

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Work with voluntary organizations	<p>Audit services currently provided by voluntary agencies with the objective of improving services for:</p> <ul style="list-style-type: none"> • female victims • male victims • victims in same-sex relationships • children and young people <p>Develop services to meet the needs of victims who are not accessing existing provision – for instance, women with older male children, women aged 40+, men, those using drugs or alcohol, those with learning disabilities or mental health problems.</p>	Domestic Abuse Strategy Co-ordinator	Ongoing	<p>Positive feedback on services via regular monitoring / audits.</p> <p>Service user satisfaction surveys</p> <p>Improved take up of services by these groups</p>
Independent Domestic Violence Advisors (IDVAs)	To investigate the need for independent Domestic Violence Advisors, possibly within one of the voluntary agencies currently in contact with victims	Police and Social Policy Development Officer	2010	Advisors in place. Ongoing monitoring of caseload.
Survivor Group to allow victims to share their experiences of domestic abuse.	Investigate model for establishing therapeutic group work, possibly within one of voluntary agencies currently working with victims	Domestic Abuse Strategy Co-ordinator	2010/2011	Group established Numbers involved in group

CHILDREN

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Support for children and young people affected by domestic abuse	To pilot a Common Assessment Framework	CPC and HSSD Children's Services and Children and Young People's Plan Implementation Group	Oct 08 With report back on pilot April 09	Implementation of agreed assessment framework
	To establish clear procedures in regard to domestic abuse for children in need.	CPC	Ongoing	Procedures in place Number of agencies aware of and using guidance
	To produce guidelines for professionals working with children affected by domestic abuse taking account of children's services planning	CPC	Ongoing	Guidelines produced
To implement and evaluate services for children and young people experiencing/witnessing domestic abuse	To review and evaluate services available for children and young people who have experienced or witnessed domestic abuse. This will include therapeutic/educational services for children who do not meet HSSD's thresholds	CPC	Ongoing	Services in place Evaluation undertaken

INFORMATION

Key Action	Action Summary	Responsibility	Target Date	Success Criteria
Ensure that information is reaching minority and target groups and that the needs of minority ethnic groups are met	Identify key groups, determine their specific needs and provide relevant, accessible information, get feedback on service provision from minority ethnic groups	Domestic Abuse Strategy Co-ordinator	2011	Statistical evidence of more individuals from these groups accessing services
Helpline	To ensure adequate helpline provision is available to all victims and monitor use	Domestic Abuse Strategy Co-ordinator	2009/10	Monitor number of calls received Put in place advertisements for the phone line

ALDERNEY

Alderney Domestic Abuse Group	<p>To establish a local domestic abuse group to</p> <ul style="list-style-type: none"> • consult with Alderney stakeholders • link to the Advisory Group and Options in Guernsey • provide a conduit for information on services available to a) local victims and b) local and visiting professional and voluntary workers • request and support locally based training on domestic abuse • Facilitate access to appropriate services. 	Domestic Abuse Strategy Co-ordinator Police will continue to work with Alderney residents	2011	<p>Advisory Group set up. Information on services available. Consultation carried out. Training on domestic abuse available Access to services monitored.</p>
Access to services	To investigate funding to enable swift and easy access to Refuge accommodation in an emergency	Social Policy Development Officer to liaise with the Women's Refuge SSD	Ongoing	<p>Victims should be able to access funds allowing them to reach the Refuge within 24 hours of an incident occurring. Funding in place.</p>
Refuge Provision	Ensure that funding is in place to allow women and children to travel to the Women's Refuge in Guernsey		2009	

ANNEX 5 Performance Indicators

The performance indicators outlined below will be developed for use to measure the success of the strategy. It is recognised that these indicators may evolve or change over time.

These will include:

- information regarding the nature of services for victims of domestic abuse
- the number of new services or service level agreements
- the number of people using various services
- information on the types of services that victims want
- the number of agencies involved on Options, the domestic abuse forum
- the number of domestic abuse incidents reported to the police
- the number of domestic assaults and repeat domestic assaults
- the number of domestic abuse victims accessing Victim Support
- % victims expressing high level of satisfaction with service from attending Police Officers
- % victims expressing high level of satisfaction with treatment they receive within criminal justice process i.e. from Court officials, legal representatives, support services
- % victims expressing satisfaction with outcomes of prosecution

Partnerships

Overall aims of the strategy are:

- To develop and deliver a high quality, co-ordinated multi-agency response to domestic abuse

Associated Performance Indicators are:

- Number of Domestic Abuse Advisory Group meetings held
- Establishment of post of Domestic Abuse Strategy Co-ordinator
- Number of agencies involved and attending relevant meetings – Domestic Abuse Advisory Group, Options Policy group, Options Sub Groups and other working groups that may be established
- Number of contacts with agencies made by Domestic Abuse Strategy Co-ordinator
- Number of agencies adopting the Common Definition of Domestic Abuse

- Number of agencies collecting data on domestic abuse
- Number of agencies receiving training on domestic abuse
- Number of Raising the Standards meetings attended by Guernsey representatives

Prevention

Overall aims of the strategy are:

- To further increase and develop awareness generally about domestic abuse and the measures in place to help the victims; and
- To educate children and young people and the wider general public that domestic violence is wrong and is unacceptable and to enable them to make informed choices.

Associated Performance Indicators:

- incidence and prevalence rates disaggregated by gender (using statistics from the Options Helpline, Women's Refuge, Women's Aid, Maison Saint Pierre, NCH and NSPCC); police statistics; statistics from States Departments, such as Housing, Social Security and HSSD; and information collected via the Criminal Justice (Community Safety) Public Survey
- attitudes of people to domestic abuse (using the Criminal Justice (Community Safety) Public Survey);
- number of articles/campaigns across the range of media
- number of teachers participating in domestic abuse training
- number of schools/year groups receiving domestic abuse lessons from outside agencies
- number of schools incorporating domestic abuse in PSHCE lessons, by year group
- number of employers adopting domestic violence workplace policy and guidelines
- number of employers joining Guernsey Corporate Alliance (when established)

Protection and Justice

Overall aims of the strategy are:

- To hold perpetrators/abusers accountable and provide effective interventions for their behaviour
- To improve services and support for all victims of domestic abuse

Associated Performance Indicators:

- number of domestic abuse incidents recorded by Police, by gender
- number of reported domestic abuse incidents where children are present
- number of domestic assaults and repeat domestic assaults
- clearance rate for crimes with a domestic motivation
- number of crimes cleared by
 - charged/summoned
 - caution
 - complainant declined to prosecute
 - no prosecution directed
 - other
- number of crimes files, with a domestic motivation, passed to the Law Officers of the Crown
- number of prosecutions directed by the Law Officers of the Crown
- number of injunctions made
- number of breaches of Non-Molestation Orders recorded by Police
- number of breaches of Non-Molestation Orders charged/summoned by Police
- number of risk assessments completed, aggregated by level of risk
- number of MARACs held
- number of perpetrators on Perpetrator Programme
- number completing Perpetrator Programme

Support

Overall aims of the strategy are:

- To facilitate the development and delivery of a quality and co-ordinated multi-agency response to domestic violence; and
- To improve the services and support for all victims.

Associated Performance Indicator:

- % of victims satisfied with support received from different agencies (using surveys)

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Annex 7 Estimating the cost of domestic violence in an area⁵³

The estimates are based on The Cost of Domestic Violence, by Professor Sylvia Walby, for Department for Trade and Industry, September 2004 available from www.womenandequalityunit.gov.uk/research/cost_of_dv_Report_sept04.pdf

- The total cost of domestic violence in England and Wales was estimated to be £22.869 billion based on 2001 prices. This has been updated by 10.46 per cent to allow for price increases between 2001 and 2006, using GDP deflators from HM Treasury 29 March 2006 budget deflator update. This gives an estimate gives an estimate of £25.262 billion for England and Wales in 2005-06. The different headings of costs have all been updated in the same way.
- This method merely estimates costs for a local authority, solely according to its share of the England and Wales all ages population from the 2004 Office for National Statistics mid year estimates. The figures are based on national averages. They take no account of the impact of any higher costs in a particular area. Nor do they include any costs for education.

	UK costs	Estimated Guernsey Costs ⁵⁴
Criminal Justice Agencies, e.g. Police, Probation, Prison	£1, 123, 414, 700	£1, 376, 500
Health	£1, 347, 655, 700	£1, 651, 300
Mental Health	£194, 415, 900	£238, 200
Social Services	£251, 857, 000	£308, 600
Housing and Refuge services	£174, 532, 500	£213, 900
Civil and Legal Costs	£344, 646, 400	£422, 300
Total Service Costs	£3, 436, 522, 200	£4, 210, 800
Employment Costs	£2, 951, 587, 000	£3, 616, 600
Human Costs	£18, 873, 808, 300	£23, 126, 100
Total Service, Employment & Human Costs	£25, 261, 917, 500	£30, 953, 500

⁵³ Sourced from Greater London Domestic Violence Project at www.gldvp.org.uk

⁵⁴ These figures have been reached by viewing the Guernsey costs as 0.0012253% of the UK figures, based on the Guernsey: UK population ratio. It should be pointed out that the levels of domestic abuse in Guernsey are slightly higher than those in the UK

Appendix 2 - Participants in the Consultation Process

States Departments and Committees

Culture and Leisure
 Commerce and Employment
 Education
 Environment
 Health and Social Services
 Housing
 Home
 Public Accounts Committee
 Public Services
 Scrutiny Committee
 Social Security
 Treasury and Resources

Deputy Matt Fallaize

The Judiciary

The Bailiff of Guernsey

NGOs

Guernsey Women's Refuge
 Women's Aid
 Victim Support & Witness Service
 Options: the Guernsey Domestic Abuse Forum
 NSPCC
 Child Protection Committee
 The Family Bar
 Relate Relationship Counselling
 Citizen's Advice Bureau
 Guernsey Housing Association
 Maison Saint Pierre
 Sarnia Housing
 Phillipi Guernsey Counselling Service
 Age Concern
 The Deanery Synod
 The Methodist Church
 Chamber of Commerce
 Institute of Directors

Public Consultation

4 face-to face interviews with women who had experienced domestic abuse
 2 telephone conversations with victims of abuse.
 1 telephone conversation with an individual who had worked with victims of abuse in the past.
 One letter.

Appendix 3 - Feedback from Consultation

Consultation with States Departments and NGOs

Key: Bold text – Agency/Department/Individual’s comments

Grey italics – Advisory Group’s Response

Agencies and Departments were advised that their responses might be published.

Partnerships

Co-ordination and Multi-Agency Working

CAB	<p>The groundwork has been laid and now a clear strategy with a person with central responsibility for coordination is needed.</p> <p><i>The Domestic Abuse Strategy Co-ordinator role will cover this.</i></p> <p>One comment is that the job title ‘Domestic Abuse Commissioning Officer’ could possibly be a problem. The word ‘officer’ gives the impression that it is a police post or a bureaucratic position, and the concept of ‘commissioning’ domestic abuse is nearly as confusing as ‘Domestic Violence Co-ordinator’ ‘used to be. How about a ‘Strategy Coordinator’?</p> <p><i>The job title has been changed in document.</i></p>
Deanery Synod	<p>Interagency co-operation is vital to increase safety.</p>
Sarnia Housing	<p>We would support a Domestic Abuse Co-ordinator who would be able to liaise with all agencies, raise awareness and understanding of the difficulties facing victims and lead in accessing further resources.</p> <p>The Strategy presents the opportunity for all the sectors to work together at providing a more seamless service to those unfortunate enough to become victims of domestic abuse.</p>
Options	<p>We are pleased with the proposal for funding of a Domestic Abuse Commissioning Officer (Domestic Abuse Strategy Co-ordinator) and offer our full support, agreeing that it is a role better suited to being provided by government, and, according to research, most cost effective.</p>
NSPCC	<p>Responses to domestic violence should address the situation of all members of the family, provide support and protection for child and/or adult survivors, and challenge perpetrators. This requires the collaboration of the Island Child Protection Committee, Domestic Violence Forums, States Departments authorities and voluntary organisations. Joint work should focus on improving the breadth of service provision, increasing co-operation and co-ordination between services, improving</p>

	practice by developing policy and practice guidelines, data gathering, increasing joint initial and ongoing training, and engagement in preventive work. Particular effort is required to develop integrated approaches to bring together services that respond to domestic violence (which usually focus on the needs of mothers) with those ensuring the protection of children.
Education Department	The Education Department supports the post of Domestic Abuse Commissioning Officer to oversee and co-ordinate the developments recommended within the Strategy, as has been successful for the Drug and Alcohol Strategy.

Statistics and Data Collection

CAB	Statistics should be used to substantiate real instances of abuse, e.g. Police Statistics are inarguable, but the previous vaguer claims that 'x% of women will be victims at some point in their lives' appears to lead to disputes about exactly what this means. <i>Currently there are few agencies/Depts. who keep domestic abuse statistics. The need for better data collection and monitoring is addressed in the Strategy.</i>
Women's Aid	Information gaining/sharing is important.
Options	Data collection is important: we feel it is important to include the views of victims, including children. <i>Data collection addressed in Strategy. We will be talking to other agencies about how best to obtain the views of children.</i>
Education Department	The Education Department welcomes and supports the introduction of information sharing protocols and data collection, particularly in relation to keeping young people safe.

Prevention

Training, Awareness Raising and Education

Methodist Church	We would welcome training to raise awareness in domestic abuse.
NSPCC	Professionals should receive thorough training about what to do if they come into contact with a young person at risk.
Women's Aid	We would like Respect to visit Island to deliver training on needs of male victims. <i>Specific training needs will be considered further down the line.</i> Guidelines/awareness is needed for the legal professions, trade unions, primary care practitioners and HR depts. of local businesses. <i>The PCHRU will be rolling out a training programme for Managers and Supervisors to accompany its Domestic Abuse Policy. Key groups of HSSD staff already receive Awareness training.</i>

Deanery Synod	<p>Funding is required for interagency training to be given to all teachers, clergy, Police, Carers, volunteers in establishments such as MSP, staff in medical centres and others, whose general training may not include up to date initiatives in domestic matters, but who nevertheless, may come into contact with victims on a regular basis, possibly without even realising that they had done so.</p> <p><i>There are plans in place to assess training needs within the Strategy.</i></p>
Options	<p>At the present time limitations within the current training arrangements make it difficult for staff/trainers to be released from their workplace. Our view is that all ‘front line’ personnel in key agencies should receive relevant training, training which has been properly researched and resourced. The provision of this training should be encouraged and agreed systems put in place to enable this to take place. There should be a multi-agency commitment to training which would provide staff to be trained and become trainers. Integrated training involving States and voluntary sectors would be coordinated by the Child Protection Committee.</p>
Education Department	<p>The Education Department believes it would be beneficial if there could be formal arrangements whereby representation on Options, either as the Department representative or, for example as a trainer, could be ratified (for all [States] Departments, not just Education).</p> <p>[It] supports the key actions assigned to the Education Department to support the delivery of the Strategy.</p>

Health Agencies

Women's Aid	<p>All agencies, e.g. medical, midwifery, antenatal, nursing to include domestic abuse screening question in initial assessment and a clear referral pathway.</p> <p><i>The HSSD representative on the advisory group will be discussing this with the Women's Health Service, Chair of the Primary Care Committee and other key HSSD staff.</i></p>
Chamber of Commerce	<p>One trigger [for domestic abuse] appears to be a first pregnancy but the report does not appear to address the issue.</p> <p><i>The HSSD representative on the advisory group will be raising this with the Women's Health Service, Chair of the Primary Care Committee and other key HSSD staff.</i></p>
Deputy Matt Fallaise	<p>Perhaps one of the most shocking figures contained in the report is the estimate that nearly a third of domestic abuse begins in pregnancy. In view of these there may be scope for early and quite persistent intervention of social services in a way perhaps not yet envisaged in the Bailiwick.</p>

Employers

Deanery Synod	<p>The Strategy should include an Exemplar Workplace Policy to help workplaces to swiftly implement their own policies otherwise nothing much will happen.</p> <p><i>The States Policy could perhaps be used as an example and publicised online and further work will be done with Fiona Bowman of the UK Corporate Alliance on workplace issues.</i></p>
Options	<p>Options supports and encourages the setting up of a Corporate Alliance although we do not desire to run such an organisation ourselves.</p>
Chamber of Commerce	<p>Although we believe employers would wish to be supportive we are unsure how far it is reasonable to go for any employer to assume prime responsibility for a potential interference into the personal affairs of an employee. All sorts of data protection and human rights issues spring to mind. There is certainly a business cost in relation to domestic abuse.</p> <p><i>The business cost to domestic abuse is addressed within Strategy and there are plans to carry out awareness raising within the private sector.</i></p>
Commerce and Employment Department	<p>The Department fully recognises that, apart from the physical, social and moral issues arising from domestic abuse, there are also significant issues that impact on the workplace and consequently the economy. In recognition, the Department has recently taken a pro-active approach and in March 2008 its Industrial Relations Service produced and published an ‘Employment Guide to Dealing with Domestic Abuse’.</p>

Protection & Justice

Court/Legal System

The Family Bar	<p>The way that the Harassment Law is being acted upon in respect of familial cases, by both the Police and the Prosecution, has in the view of the Family Bar, been a significant failure in most cases and has enabled the harassment to continue longer than it should due to the ‘need for better evidence’.</p> <p>Family Lawyers need to look at the practicalities of the support for victims/children and how they can move on with their lives within the legal framework. The legal profession must try to keep families safe rather than looking to increase the number of criminals.</p> <p>In Guernsey, the law that deals with DA has developed along 2 separate routes which may be mutually exclusive- the different</p>
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	<p>approaches of the Family and Criminal Bars due to the differences in the ‘standard of proof’. The present system of dealing with domestic abuse in separate arenas of justice is not appropriate in the vast majority of cases and a separate court should be set up where victims will feel comfortable and believed.</p> <p><i>It is hoped to meet with the Family Bar representatives and staff at the Court to discuss the legal issues.</i></p> <p>Dealing with the non-physical abuse which is often far more debilitating can be a very big problem to overcome as non-physical abuse is not recognised as a crime. The existence of all forms of abuse should be acknowledged by the Bench and the Bar as a whole.</p> <p>The relationship between perpetrators and their children is undergoing a major rethink in the courts.</p> <p><i>A meeting has been set with the Safeguarding team to discuss this area of work.</i></p> <p>Dealing with domestic abuse in separate arenas of justice is not appropriate in the vast majority of cases. Domestic Violence Courts seems to be an extremely good way forward providing a one-stop shop for these families; the workings of these should be reviewed in Guernsey.</p>
Victim Support	<p>Perhaps one of the Advocates firms could produce a short, simple to understand leaflet on civil injunctions?</p> <p><i>The Police are liaising with Advocates on this.</i></p>
Deanery Synod	<p>Guernsey will be unable to address the question of domestic abuse unless the full, fair and free provision of Legal Aid is implemented and advertised.</p> <p><i>Legal Aid is available for both civil and criminal cases but is subject to a means test.</i></p> <p>Increased reporting and detecting will lead to the need for specialist courts. Training should also be provided for Prosecutors, the Judiciary and Defence Advocates.</p> <p><i>The Assistant Magistrate is visiting some specialist courts to report back on the benefits and advise on aspects of the specialist court systems that could be implemented locally.</i></p>
NSPCC	<p>Specialist Domestic Violence Courts and Independent Domestic Violence Advocates should be sufficiently and sustainably funded to ensure they are able successfully to prosecute cases which come before them.</p>
Home Department	<p>The Home Department works closely with the courts and welcomes research into any way of adapting court procedures to the benefit of domestic abuse victims to ensure that victims are</p>

	<p>not deterred by the way they are treated at any stage of the justice process. Although we are mainly involved with the perpetrator and the Criminal Justice Process, we recognise that it is to the vulnerable victims, especially children, that resources should be concentrated.</p> <p>In recent years the Police and the Courts have developed better support for victims through the provision of dedicated domestic abuse officers and improved witness and victim support services. We would note that the role and impact of the Witness Service may not have given sufficient recognition and the prominence it deserves, within the Strategy. Whilst I believe that the Victim and Witness Service have written directly to the authors of the Strategy in this regard, we however believe that we as the funding department should add weight to their comments.</p> <p><i>More information on the Victim and Witness Service has been added in to the Strategy.</i></p>
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Perpetrator Programmes

Chamber of Commerce	<p>Programmes dealing with both victims and perpetrators should be considered to try and root out the base cause of the problem.</p> <p><i>Key findings are being gathered from other jurisdictions regarding such programmes and it is proposed that a scheme is introduced in 2010.</i></p>
Methodist Church	<p>Some perpetrators are unable to access help until after being convicted.</p>
Relate	<p>We would like to see an independently run perpetrator programme where individuals could self-refer. We do not see a [self-referral] programme being well supported if it is linked to the Police and/or Probation Service.</p>
Womens Aid	<p>Perpetrator programmes for those who have not entered the civil/criminal justice system should be introduced.</p>
Deanery Synod	<p>Provision must be made for perpetrators who seek intervention on a voluntary basis to access the 'Change' programme available via the Probation Service. This must apply to those referred by the Services for Children & Young People and Safeguarder Services.</p>
Options	<p>There are perpetrators in our community who have not been convicted of domestic abuse yet are no less dangerous. We feel that early referral is essential between agencies.</p>
NSPCC	<p>Additional resources must be made available for appropriate prevention and intervention strategies that directly target domestic violence perpetrators and enable them to stop offending.</p>

Home Department	The Probation Service is the only local service actively involved in working with perpetrators and, due to limited resources, can only deal with court mandated referrals. We fully support further research into programmes for perpetrators becoming more independent from the Criminal Justice System as we believe that there would be value in the community of people being able to self refer and to get help for behaviour which may be harming their families.
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Multi-Agency Risk Assessment Conferences (MARAC)

Sarnia Housing	We support the MARAC initiative currently being undertaken by the Police. <i>The Police will have MARAC in place in January 2009.</i>
Options	We fully support the Police in their approach to establishing MARAC and would further support this being disseminated out to other agencies.
Guernsey Women's Refuge	We would welcome the development of MARACs.
NSPCC	MARACs should hold separate meetings for cases where children witness and experience domestic violence and cases where children are not involved. <i>It is planned to hold all MARAC involving children together prior to those that do not involve children.</i> Work with victims - Additional resources and funding are needed so that victims can be and effectively responded to, and work needs to be undertaken on how and where MARACs and Multi-Agency Public Protection Arrangements (MAPPAs) should work together. <i>This will be addressed</i>

Domestic Violence Homicide Reviews

Options	There is no facility for reviewing particular cases and more importantly, form learning lessons from mistakes made. We find this unacceptable and fully support the establishment of such reviews in serious cases.
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Independent Domestic Violence Advisors (IDVAs)

Options	This would be a new and different role to that in any of the agencies. We are pleased that there is a proposal to research the need for such a post.
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Provision of Support

Children's Domestic Abuse Services

NSPCC	<p>Consideration should be given to develop and publish a domestic violence manual for people working with children, as set out in the United Kingdom's <i>National Domestic Violence Action Plan Progress Report</i>. This will be an important resource for everyone working with children. This could be widely promoted and disseminated to all professionals working with children.</p> <p>PSHEE should be a statutory subject for all key stages. We have developed a teaching resource which focuses on personal safety, relationships at home, domestic violence and offers practical tips and advice for children who may be experiencing domestic violence¹. All teachers of PSHEE should be trained and know how to handle disclosures of violence/abuse.</p> <p>We recommend that the strategy sets a clear standard for non-violence in society and remove the existing defence of 'reasonable punishment', available to parents and others to defend minor forms of physical punishment.</p> <p>Children's Legislation. The NSPCC welcomes the introduction in 2009 of new Children's Legislation.</p> <p>Forced Marriages. Professionals should receive thorough training about what to do if they come into contact with a young person at risk of or who has been forced into marriage.</p> <p>Research into the needs of children affected by domestic violence identified their two primary needs as being safe and having someone to talk to.² It is essential that children get whatever help they need, whenever they need it. In addition, high thresholds mean that many 16-18 year olds do not receive support from children's services and some vulnerable young people in violent intimate relationships are falling through this gap and not being protected.</p> <p><i>This will be addressed in Strategy</i></p> <p>It is important that all children are able to access confidential and responsive services such as Child Line, the NSPCC Child Protection Helpline, and the online advice centre there4me.com.</p>
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¹ NSPCC (2005) *Promoting Personal Safety in PSHE* London, NSPCC

² Mullender.A, Hague.G, Umme.I, Kelly.L, Malos.E, Regan.L, (2002), '*Children's perspectives on domestic violence*', London: Sage

	<p>These have a key role to play and the NSPCC welcomes the government's new funding for these services.</p> <p>Schools should also offer counselling for children who are experiencing or have experienced domestic violence. Schools-based peer counselling should be complemented by independent, trained school counsellors.</p> <p>Children who have witnessed domestic violence should have access to therapeutic support services. The likelihood of reversing the negative impact of domestic violence on children can only be achieved if they have access to specialist child-focused therapeutic support services that are tailored to meet their individual needs.</p> <p><i>Provisions have been made in Strategy for children's therapeutic services.</i></p> <p>Particular effort is required to develop integrated approaches to bring together services that respond to domestic violence (which usually focus on the needs of mothers) with those ensuring the protection of children.</p>
Deanery Synod	<p>In order to improve the detection rate of children who may have witnessed or experienced abuse, courses run by Options should be available for all persons whose job requires them to undergo a Police check. This should extend out to volunteers such as Sunday school teachers, Scouts/Guides leaders etc. Newly qualified teachers should have compulsory training and to have 1 inset day in every school to ensure that this issues are covered.</p> <p><i>Training for teachers is being addressed in the Strategy. There are practical considerations to take into account regarding making training compulsory for all teachers.</i></p>
Options	<p>It is essential that this area is adequately resourced as these are the most vulnerable group of victims. If not properly addressed, there could well be additional significant financial and resource demands.</p>
Education Department	<p>The Education Department would welcome involvement in the development of establishing thresholds in regard to domestic abuse and guidelines for professionals working with children affected by domestic abuse [p92].</p>

Accommodation

Chamber of Commerce	<p>We believe that the victims and their families are forced to wait six months before Housing are prepared to find them accommodation if they have 'voluntarily' left the family home, this must be amended to enable immediate housing solutions in cases of genuine abuse.</p>
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	<i>If the Strategy is endorsed by the States, work will be done to assess housing need and this will be passed to Housing to inform the Corporate Housing Programme.</i>
Methodist Church	<p>We note that the experience of domestic can give rise to specific housing needs. We urge the States of Guernsey to ensure that there is a policy in place to provide adequate longer-term accommodation as a practical alternative to returning to the place where the abuse occurred.</p> <p><i>The Housing Department has asked that an analysis of need and provision of accommodation be undertaken.</i></p>
Maison Saint Pierre	<p>Following on from a meeting with States Housing last year, after the six month wait (now including time spent in Refuge) those residents who have experienced abuse do seem to have been given priority with their applications. Waiting for accommodation to be offered still has its difficulties as the families concerned are still all accommodated in one room and also sharing other facilities with other residents and their families which can sometimes add to the stressful situation they are dealing with.</p>
Deanery Synod	<p>Plans must be drawn up immediately to extend residential provision for victims of crime and their children. There is acute need for provision for mothers with boys aged 11 and over. As an interim measure, efforts should be made to establish a list of householders/guest houses/winter-lets/rectories or other similar establishments, where temporary provision may be made.</p> <p><i>Assistance with finding accommodation and establishing a list of accommodation may become part of the IDVA role.</i></p> <p>A first month's rent or deposit should be granted free of charge to victims. Costs to be met by the States.</p> <p><i>SSD are working on this.</i></p> <p>A date must be set for the completion of the Housing Licensing Guidance Notes which should set out plainly and simply the circumstances in which a housing license will be required. Victims of abuse who are in Guernsey by virtue of a spouse's/partner's housing licence will require a housing licence in their own right to remain living in Guernsey, as they have no automatic right to do so. The Housing Department has agreed to produce a guidance note for all agencies supporting victims of domestic abuse.</p>
Sarnia Housing	<p>We try wherever possible to give priority to women in the Women's Refuge with children. However as our accommodation is usually full, and with waiting lists, women and children can be trapped and have nowhere else to go. Sarnia Housing will also take fathers and their children, but again, our accommodation is usually oversubscribed and we are unable to help quickly. We</p>

	do feel that emergency accommodation for men, older single people as well as mothers is necessary.
Options	We recognise that housing for victims of abuse has been a long term problem and we are pleased that this is now to be addressed in a positive manner. However we feel that this needs to go further with a coherent, long-term housing strategy for victims of domestic abuse including emergency and long-term housing options.

Alderney

Victim Support	We sometimes have referrals from Alderney. We make contact by phone/email, as and when possible. When we had a volunteer based in Alderney we found that Alderney victims were very reluctant to speak to anybody who lived in Alderney (lack of trust re confidentiality) and preferred to speak to volunteers based in Guernsey. <i>The Advisory Group are setting up a sub-group to meet with key Alderney residents and look at the Island's needs.</i>
Deanery Synod	It is vital that the Housing Department considers as a matter of urgency, the need to find a means whereby residents of Alderney who are victims of abuse might reside in Guernsey until a permanent solution to their situation is found. On compassionate grounds this must also apply to Herm and Sark. <i>The Refuge has links with Alderney and women can access their services. There are also two safe houses on Alderney.</i>
Options	One area of concern is Alderney due to confidentiality difficulties. We have been aware of gaps in provision of services to Alderney therefore fully support any additional services offered. <i>A sub-group will be set up by the Domestic Abuse Advisory Group to look at the issues for Alderney.</i>
Education Department	The Education Department supports the actions proposed to support residents of Alderney who may experience domestic abuse [p94].

Services for Specific Groups

Philippi Guernsey	A more general point when talking about minorities, how are the over 40s catered for? There is no provision for them to go anywhere...it is the over 40-60 group that seem to be adrift. The people that I have been working with of the 40+ age group appear to suffer more emotional and psychological abuse than physical violence. The over 60s suffered intimidation as well as in two cases of physical abuse in what appeared to be a concerted effort to get them to vacate their homes to the advantage of the abuser.
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	<i>The needs of specific groups such as this will be determined once better statistics and methods of gaining feedback from victims are put in place.</i>
Women's Aid	<p>Services and information for people with disabilities, including visually impaired, hard of hearing and learning disabled are needed.</p> <p><i>Contact will be made with the Disability Forum to ask for its assistance in considering the needs of people with disabilities.</i></p> <p>The Strategy should also consider the needs of those where English is not their first language.</p> <p><i>Some information on services is provided by Options in Portuguese and Latvian, but other needs of these groups should be assessed as part of the Strategy by gathering the views of these groups.</i></p>
Deanery Synod	<p>'Honour' crimes should be addressed in Strategy.</p> <p><i>The need to deal with this issue has been added to the Strategy.</i></p>
NSPCC	<p>Women from ethnic communities are less likely to access statutory services for a host of reasons including barriers at both the institutional and local level. Very little is known about the experiences of ethnic children affected by domestic violence, as research in this area tends to focus on the needs of mothers. We welcome actions outlined in the Strategy.</p>

Counselling

Methodist Church	<p>Counselling is not always affordable.</p> <p><i>Women's Aid provides a free counselling service specifically for victims of domestic abuse and has said it may be able to extend this to male victims.</i></p>
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Survivors Group

Deanery Synod	<p>The Guernsey Women's Aid needs funding to reintroduce the Options Group Sessions which had previously disbanded.</p> <p><i>This is addressed in Strategy</i></p>
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Relocation Costs

Deanery Synod	<p>In some cases, an emergency move may involve travel to the UK. Removal and travel costs should be met by the States for victims and their children if needed, as should the costs of those travelling to Guernsey from the other Islands.</p>
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General views

Chamber of Commerce	<p>Document is a significant and comprehensive piece of work. Applaud depth of research.</p>
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CAB	Well researched document.
Philippi Guernsey	Well presented and interesting document. Helpful and comprehensive.
Guernsey Housing Association	We have considered the Strategy and find it very comprehensive and helpful.
Age Concern	We have only 203 members and are therefore only a very small sample. Only one case of abuse is known, which Social Services are aware of.
Methodist Church	Very good, comprehensive with no significant omissions.
IOD	As we represent individuals in business rather than the organisations themselves who employ people, we do not feel it appropriate to make a full response to this consultation. We are very supportive of the initiative.
Women's Aid	Unanimous praise for the strategy from members of Women's Aid. Comprehensive and comprehensible.
Deanery Synod	<p>Leaves the reader in no doubt of the determination demonstrated by the Policy Council in their efforts to stamp out issue. Foreword needs to be signed by Chief Minister to stress Strategy's importance.</p> <p>Feel that progress reports should go to SPG 3 times a year to avoid issue going off the boil.</p> <p><i>Another respondent considers that progress reports should go to the States only once a year. It is felt that 6-monthly reporting would be the right balance.</i></p>
Guernsey Women's Refuge	<p>We do not feel that progress reports to the SPG are necessary more than once a year.</p> <p>Would like to sign up to the strategy but do not have an excess funding which may be required to implement parts of the Strategy.</p> <p>We have concerns about duplication of services which need to be clarified to ensure that costs are kept to a minimum.</p> <p><i>There is no intention to duplicate services that are already in place.</i></p>
Options	Wish to comment on the quality and clarity in the research and presentation of this document
Sarnia Housing	The Strategy is a very readable document.
Child Protection Committee	The strategy document was considered and endorsed by the Child Protection Committee at its last meeting.
NSPCC	We recognise and acknowledge the hard work that has gone into developing the Strategy. It is vital that the hopes and aspirations to improve the lives of children and young people affected by

	Domestic Abuse are translated into high quality and sustainable services.
Deputy Matt Fallaize	<p>Overall impression - very favourable. It appears responsive, balanced and appropriate to the needs of our community. The majority of recommendations are evidence-based and seem to fit well with each other.</p> <p>There is a visionary theme running through [the document] and in my view it serves as an excellent starting point for the development of better government, not just in dealing with domestic abuse, but in the area of social policy generally.</p>
Treasury and Resources	My Board wholeheartedly agrees with the principles laid out in the Strategy and its stated intention to promote a zero tolerance approach whilst making sure that all victims and their families have access to support services. As you are aware, the remit of the Treasury and Resources Department is to comment on any resource implications identified in States Reports. We note that there are likely to be implications through the requirement for additional posts, training and communication issues and the possible introduction of a bond or loan scheme but that detailed consideration has not been given to costing at this stage. We look forward to considering the report again following the cost: benefit analysis.
Environment Department	Little direct relevance to mandate of the Department.
Commerce and Employment Department	Although Commerce and Employment has not been identified as a major stakeholder in this important issue, the Department is supportive of the aims of the Strategy, but has no further comments on the draft.
Public Services	No value in circulating such a large document to a Department that has no operational or strategic responsibility for any of the issues therein. Lots of paper wasted - please consider this in future consultation exercises.
Housing	Housing Department is represented on the steering group so it has no comments on the housing aspects.
Advisory & Finance	Wish to comment on costings at later date.
Culture & Leisure	Fully supportive of this initiative
SSD	Is happy with actions assigned to the Department.
Scrutiny Committee	The Committee has no comments at this time but is grateful for having been kept informed and looks forward to seeing the next draft planned for December.

Public Accounts Committee	The Committee continues to support any effort to achieve better value for money and provide improved efficiencies and greater effectiveness within the States of Guernsey. The Committee would appreciate being included in the [budgetary] process later in the year, when costs have been calculated and definitive proposals formulated, as it may be able to contribute constructively to the Strategy.
Home Department	The Home Department fully supports that the States as a body should take responsibility for the coordination of services for victims of domestic abuse. We would commend the thorough and far reaching aim of the strategy to give a consistent and long term approach to the prevention of domestic abuse.

Government support and funding of the Domestic Abuse Strategy

Options	The only way to meet our aims – to reduce domestic violence in Guernsey, promote zero tolerance of domestic abuse and help educate and raise awareness – is to have a very clear structure/strategy led by a committed and supportive government.
Sarnia Housing	We do believe that a commitment to providing resources is vital if the costs that domestic abuse have on society are to be reduced. To have a dedicated integrated service that works efficiently for the victims will reduce the costs of medical, mental health, counselling and lost working days that currently have significant economical impact on our society.
CAB	Having an Island-wide strategy will help to establish the issue in the mainstream of people's thinking and demonstrate that there is a commitment from government rather than just 'women's groups'.
Deanery Synod	Funding levels should not place severe restrictions upon the possibility of recommendations incorporated in the Strategy being implemented.
Deputy Matt Fallaize	...the 'green paper' states bluntly that every year in the Bailiwick Police attend more than 500 domestic incidents, and there are around 200 domestic assaults on women and men. However, it is acknowledged that reporting of such incidents tends to be low, and research indicates that there is an under-awareness of domestic abuse locally. These things alone demonstrate that domestic abuse needs to be addressed more effectively, and provide a sound rationale for the interest now being taken in this issue by government.

Home Department	We would wish to note that with the raising of awareness of these matters the pressures on departments will increase and extra resources may be required.
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Definitions of Domestic Abuse

NSPCC	The definition of domestic violence should be extended to include children.
The Family Bar	I note that there is a new (gender neutral) definition to be adopted for the Strategy. The change of direction to deal with all victims of abuse no matter what type of relationship will increase the need for support and understanding of the root causes in each case. It would be helpful if the bases of the different forms of abuse could be made clear to non-therapeutic professionals as this could have a bearing on how the perpetrators are to be treated by the courts.
CAB	CAB is more comfortable with broader interpretation of domestic abuse – including the abuse of children, men, same-sex partners and elderly or vulnerable adults, whilst agreeing that women are the most common victims.
Relate	Relate are pleased to see strategy is gender-neutral. Relate has much experience of clients presenting with female on male violence and we recognise that for male victims, it is even more difficult to admit the abuse and seek help.
Education	The Education Department is willing to formally adopt the common definition of Domestic Abuse [p75]

Approaches to dealing with domestic abuse

CAB	The holistic approach of prevention and protection as well as provision of support appears to give the best chance of success – a change of culture is needed.
Chamber of Commerce	We support the zero tolerance approach as a principle. We believe it would be helpful to understand more fully the underlying causes of domestic abuse; education is a starting point to encourage victims to come forward. <i>A section on causes of domestic abuse has been added.</i>
Women's Aid	While it recognises that the Strategy requires to be gender neutral, Women's Aid will continue to target women in their leaflets. Should Restorative Justice perhaps be considered? Though not sure of appropriateness in light on imbalance of power. <i>Members of the Restorative Justice Management Committee have confirmed that it is not appropriate</i>

Deputy Fallaize	<p>The following are all mentioned in the ‘green paper’, but are not developed or discussed to any great extent – establishing special courts to hear cases of domestic abuse; MARAC and the possibility of its extension, or at least the adoption of something similar, locally; the potential effects of likely population and demographic change on the profile and nature of domestic abuse; government’s treatment of victims under housing licence, and the possibility of extending the grounds for compassion; the practical ways of government and other agencies engaging with victims and offenders that are particularly difficult to reach; and the future funding arrangements between government and external agencies, and the accountability of those agencies. I feel certain that most of the issues raised above could be addressed effectively as and when the strategy is developed in due course.</p> <p>There is a great deal of focus on dealing with the effects of domestic abuse in the report but far less consideration of the myriad of economic, social, environmental and cultural causes of it and how these may be exacerbated or mitigated by a broad range of government policies.</p> <p>It would be useful to look wider than the UK for comparison between different philosophical and cultural approaches to the treatment of offenders.</p> <p><i>The Strategy highlights the need to follow best practice elsewhere and continue developing policy on the basis of new research. Much of the UK research which informed it was based on international literature reviews.</i></p>
Home Department	<p>The zero tolerance stance adopted by the Police, is, I believe, of fundamental importance in saying that we as a society wish to tackle this most difficult of issues.</p>

Requests or questions raised by respondents/points of clarification on their services.

Chamber of Commerce	<p>What are the actual causes and what triggers a ‘normal’ person to begin abusing in the family environment? Can a series of warning signals be identified whereby fellow workers, employers or friends can acquire some insight into how to spot the symptoms?</p> <p><i>Options has created a leaflet for employees on dealing with domestic abuse. Further work will be carried out as part of the Strategy developing links with businesses in order to develop greater awareness of the issue.</i></p>
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Philippi Guernsey	<p>Queried why anger management is not recommended for treatment of perpetrators.</p> <p><i>It is widely considered that anger management is inappropriate in dealing with perpetrators as it can make the situation worse by teaching them new ways to control and use anger against their partner. Anger management groups usually teach short-term techniques to help individuals modify their reactions to chronic feelings of anger, whereas domestic violence perpetrator programmes are targeted at those who act in a violent and/or controlling way towards their partner. In cases of domestic violence, anger is not the issue. Domestic violence perpetrators are extremely selective about who they behave violently towards and the level of severity of that violence. They might feel angry with their employer, father and partner - but only choose to use violence against their partner. Rather than being out of control, their behaviour is about controlling. Perpetrator programmes explore the underlying emotions and thoughts at the time of an assault rather than address control of the mislabelled anger.</i></p>
Women's Aid	<p>What is the evidence base regarding anger management, p69?</p> <p><i>Respect, the UK membership association for domestic violence perpetrator programmes and associated support services, views anger management and individual or couples counselling as inappropriate and potentially dangerous interventions in relationships where there is domestic violence.</i></p>
Methodist Church	<p>Requested posters to be displayed in churches</p> <p><i>Examples of Options posters have been sent to the church.</i></p>
Deanery Synod	<p>Please would representation in future forum be extended to include a representative from Churches Together in Guernsey which is an Ecumenical Group rather than specifically Anglican.</p> <p><i>Options have been asked if they could contact this group to invite membership of the forum.</i></p>
Guernsey Women's Refuge	<p>We would like further clarification on the meaning of 'audit' on p22 (now 21).</p> <p><i>Discussions will take place with the Refuge regarding this.</i></p> <p>Women who leave the Refuge, leave either through choice either to go back to their partner or to Sarnia Housing, States Housing, friends etc. Refuge does not require women to move on until they are ready to do so. It is a few years since any resident has stayed for more than 2 months even though they are at liberty to do so.</p> <p><i>This has been amended in the Strategy.</i></p> <p>Refuge has a link with Alderney – including helpline number for Alderney; training; partnership with Alderney Volunteers.</p> <p><i>This has been added to Strategy</i></p>

The Family Bar	Would like to be kept informed of any literature relating to non-violent abuse and how this is dealt with via the criminal justice system.
Deputy Matt Fallaize	<p>Financial analyses at the beginning and elements of the statistical approach appear in parts clumsy and ambiguous. It would be helpful for any figures to be more directly relevant to local rather than national circumstances. In light of the statement that progression of the strategy will rely on commitment from senior policy makers to allocate additional resources when needed, I note that the report did not seek to consider the effect of varying levels of government investment in social programmes ...associated with addressing domestic abuse.</p> <p><i>There is not enough data being collected at present to provide an accurate costing locally, but the importance of standardised data collection and information sharing is highlighted in the Strategy. It was suggested at the Domestic Abuse Advisory Group meeting that Deputy Fallaize might be interested in sharing any ideas he has about modelling the profile of domestic abuse with the group.</i></p> <p>It would be helpful for the consultation document to explain lines of accountability more clearly.</p> <p><i>The lines of accountability are set out on p47 of the Strategy. It states that the Domestic Abuse Advisory will oversee Strategy development and report to the Social Policy Group, who will have political responsibility for the Strategy.</i></p>
Housing Dept	<p>There is a lack of precision in the success criteria and that the responsibilities for particular actions would benefit from being made more explicit.</p> <p><i>Work is being carried out on these by the Advisory Group.</i></p>
Social Security Dept	<p>Feel that the length of the document may be off-putting to all but the most determined readers. Could do with some substantial editing without losing key points in order to encourage a wider readership.</p> <p><i>Many of the NGOs involved in domestic abuse work have said that the level of detail is useful.</i></p>

Public Consultation

The information below was taken from four face-to face interviews, three telephone conversations and one letter.

Accommodation issues.

- All respondents mentioned that they had experienced accommodation issues when they were trying to escape an abusive relationship.
- One felt that it is essential that victims and their children are allowed to stay in their own home, regardless of the tenure, or whether or not they themselves are

the tenant/owner. She felt that the perpetrators should be the ones who were forced to find alternative accommodation.

- One said that the benefit limitation meant that the Social Security Department were not able to pay her full rent in the private sector when she needed financial support in leaving an abusive relationship. The maximum they could pay was £50 per week short. As a consequence, she and her children had to move into Maison St Pierre.
- Having a six month wait to have housing points activated before even being considered for States accommodation was difficult. One interviewee thought that in really serious cases emergency housing should be provided.
- One survivor of abuse said that she could not afford to find property and is currently on the States waiting list. She and her children are living with her parents. She said she wished that Housing staff were more aware of the difficulties that victims faced, although she said she had not told them the full extent of her history as she did not find it easy to disclose her situation to staff.
- One respondent said that after a month in the Refuge she moved to Maison St Pierre which was difficult with four children. They made an exception in allowing her 13 year old son to reside there – normally boys of this age are not admitted. Although the staff were great, it was difficult for her children to be in such a confined space with many other families. She said her wait for a States House was shorter than most, at six months, because she had so many housing points.
- Two respondents said that providing money for a month's rent and deposit was a good idea.
- *'Being able to access enough money for a deposit is vital'*. One person said that she felt lucky in that she had just received a substantial bonus from work otherwise she could not have afforded to move out.
- Another person said she had been unusually lucky to find a landlord who was a friend of her sister. He let her rent a bedsit without a deposit when she fled an abusive relationship.
- Two people felt that the provision of safety advice and funding for locks, and other security equipment was a good idea.
- One person had been refused an alarm a few years before and felt that these should be available for anyone experiencing abuse who requested them.

Legal Support

- One person queried whether it might be possible for a local advocate to give some free time to victims, as it would be useful for victims to have easier access to legal advice.
- One woman said that she had found it really hard to find an advocate willing to take on her case.
- *'It would be useful to have the legal system mapped out better in the form of some clear information or guidelines'*.
- One person was concerned about legal costs once a settlement had been made as it puts victims into unnecessary debt. The respondent said that she would like a paralegal service set up whereby victims could access expert advice without the expense of hiring a lawyer.

- It would be useful to have clear legal advice relating to property, and maybe some legal changes to allow victims to remain in the home if they co-owned or rented property.
- *'The Legal Aid system is a bit frustrating as there is a limit to the amount of advocate's time you can claim and when that is used up you have to go through the whole process of filling out complex forms again.'*
- *'It is distressing for victims to be constantly going back to Court to have injunctions renewed.'*
- One respondent said that she would like to see more use of suspended sentences as these seem really effective in hanging over perpetrators for a couple of years, *'making them behave'*.
- Two people expressed concern that their ex-partners had broken injunctions without any meaningful sanctions being applied.

Part of the IDVA role will be to assist with the legal framework.

Education/Schools

- Four respondents thought that education was extremely important.
- *'Teachers needed to know how to support children going dealing with the problem to help them make sense of the experience'*.
- Two people said that it was important that children felt able to approach teachers.
- One respondent said that she was concerned that teasing of children whose had witnessed abuse could take place in schools - in a small island it was easy for children to find out about incidents that their parents might mention as being reported in the Press.
- One asked if awareness raising with teaching staff could be carried out in inset days.
- *'Teachers need to know how difficult it is for people to leave abusive relationships.'*
- One person said she felt that it was extremely important that schools were made aware when there was a problem. She had felt very nervous that her ex-husband could abduct the children from the school.

Voluntary Perpetrator Programmes

- Four respondents felt very strongly that these should be in place, though two felt that some perpetrators would not change their behaviour. The idea of support services for victims and children running alongside the perpetrator programmes were viewed positively by these respondents.
- One respondent said that having a phone service for help and advice attached to this programme would be a very good idea.
- One woman said that she was annoyed and worried that support services had not been there for her partner when he sought help. At the time of the abuse she phoned around to see what services would be available for her partner and was told that nothing was available.
- Another felt these would be good to have, however, she was concerned that they might encourage women to stay in a relationship where things may not actually

change. *“Victims may be best advised to leave”.*

Voluntary perpetrator programmes that follow best practice have groups for the victims of domestic abuse that run parallel with their work on perpetrators. These aim to increase individual safety and to promote realistic expectations amongst victims that their abusers behaviour may not change.

Access to finance/benefits

- *‘Money is very important as it is a way of perpetrators keeping control.’*
- The most difficult thing about leaving an abusive relationship is the financial dependence on the abuser. One respondent said that she kept thinking before she left: *‘how am I going to provide for the children?’*
- Having never claimed benefit before in her life, one respondent said that she found the supplementary benefit system a bit difficult. She moved into the Refuge on a Sunday and on the Monday staff there called to see if a visiting officer could take a claim. The officer came on the Wednesday but said that Social Security would not be able to sort out payment until the following week. She felt that in light of her situation and with four children to feed, they did not seem to appreciate her difficult circumstances.

‘Refuge’, the UK Charity, have just issued a leaflet on addressing the financial needs of women escaping abuse which could be adapted for the Islands.

MARAC/IDVAs

- Five respondents commented favourably about both of these initiatives.

Survivor Group

- Two respondents said that those providing support services could not fully understand unless they had been through the experience themselves. *“This is really important as many of the workers who staff the agencies have never experienced abuse personally and often seem to be ‘do-gooders’”.*
- As well as having ongoing support for victims who were in the middle of an abusive situation, one respondent said that it would give those who had experienced abuse and come out the other side the feeling that they were doing something useful, which could allow them to move on from their own experience.
- *‘Having a group run by survivors will help empower people experiencing abuse to seek help’.*
- *‘This is a brilliant idea. Often victims have no friends and their children do not mix with others, so it is a good way to meet a new group of friends’.*
- One said she liked the idea of a survivor group. At times she felt really low, and even now, would welcome having someone at the end of the phone to provide support on ‘low days’.
- Another woman said that she had found it really hard to talk to other residents at Maison St Pierre about her situation as it was not something that they had gone through it themselves and she didn’t feel that they would fully understand. Having a support group of people who knew exactly what it was like would be really helpful.

Publicity/Awareness Raising.

- *'At the time I was experiencing abuse, I was completely unaware of the help available in the Island. It was a friend that suggested I contact the Refuge. Help is out there if you know where to look, but more publicity should be available'.*
- The Options helpline needs to be publicised more. One respondent said she had never heard of it when she asked about advice lines.
- Two people said that it was really helpful for people experiencing abuse to read or hear about others going through the same experience in the Press or on the radio.
- One caller felt that advertising and awareness-raising was extremely important as many victims felt very trapped and alone.
- Two interviewees felt that workplace policies were a good idea to make people more aware of the problem.
- A written response suggested that the States should fund a website to provide advice.
- Options have a website which could be used more widely to disseminate local information.

Children's Services

- One previous victim said that the school nurses were brilliant, but she thought it would be good to have therapeutic support services for children in place.
- The NSPCC children's services were pinpointed as being excellent.
- In terms of support services for children, one respondent said that she felt lucky in that one of her children already had support from Bell House. Teachers and school nurses were also supportive.

Mental Health Services

- All of the respondents who had directly experienced domestic abuse mentioned their mental health.
- One respondent said that support should be offered to victims and their children for as long as it was needed after experiencing domestic abuse as they were extremely fragile for many years afterwards.
- One found the constant change in the psychiatric staff, due to recruitment and retention problems, very difficult.

Lack of Awareness

- One person said that GPs need to have a better understanding and awareness of the issues facing victims of abuse.
- Staff in States Departments and other agencies should be more aware of the difficulties victims face. One woman said that they did not appear to take victims' situations into consideration at all and *'despite having to uproot the children, they didn't seem to care how we were feeling'.*
Options currently run multi-agency training on domestic abuse awareness raising that is open to anyone.

Co-ordination/Advocacy

- *'In the middle of a crisis it is confusing knowing where to go or who to approach as things are quite bitty and it is hard to know how services fit together.'*
- *'The Independent Domestic Violence Co-ordinators seem like a very good idea to help people find their way through the system. It would be really helpful to have guidance through things like paperwork and legal processes.'*

Counselling Services.

- One person stated that counselling after abuse had really helped her to unravel things in her mind and take away inappropriate guilt.

Safeguarder Service

- *'The Safeguarder Service should be automatically involved in all court cases over access where there has been domestic abuse.'*

Tackling Common Misconceptions

- One victim had been concerned before seeking help, that if Social Services became involved her children would be taken from her.
- Victims need to be aware that the Refuge is there for support as well as accommodation and that physical violence alone is not a pre-condition of moving there. One respondent said she did not feel right about moving there as, at the time, she had not been physically assaulted and felt that she would be potentially *'using up someone else's space.'*
- One respondent said that Advocates need to understand the seriousness of domestic abuse, have more sensitivity and ensure that the safety of children is paramount. In particular, they should be aware that access *could* be denied by the Courts in domestic abuse cases when there was concern for the children's welfare.

Guidance has recently been issued by the Assistant-Magistrate in the form of a practice judgment for advocates and welfare practitioners dealing with civil cases. This highlights the importance of access to children being refused to violent individuals.

Household Goods

- It was mentioned that when people are forced to 'uproot' through domestic abuse, it can be very hard affording necessary household items, especially for those without family on the Island to help out.
- *'When moving into a States property, all new carpets have to be laid so it would be really helpful being able to access a grant or loan for things like this.'*
- Another respondent said she wished the Housing Department would ask new tenants if they wished to keep existing flooring in the property they were moving to, rather than just automatically ripping it out, as purchasing new flooring was expensive.

The Church

There appears to be a need for some guidance for those responsible for pastoral care. One victim who had contacted her church for support said that *'churches*

need to be made aware of their responsibilities and to report such cases to Social Services or the Police as they would in child protection cases.'

It is suggested that Churches Together in Guernsey should be contacted to see if they would be willing to develop policy/guidelines. Guidance for those involved in pastoral care exists elsewhere. Good examples of these could be adapted locally.

Lifelines

A caller suggested that the Lifeline Service run by HSSD might be extended to cover victims of abuse.

Wider use of Police alarms would be a better method of intervention as these connect directly to the Police Station. In situations where violence is potentially going to occur, it is not recommended that paramedics and/or relatives of the victim should be expected to intervene.

CULTURE AND LEISURE DEPARTMENT

Deputy A H Adam
Chair
Social Policy Group
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

25th March 2009

Dear Deputy Adam

Domestic Abuse Strategy

Thank you for your letter of 9 March inviting comment on the above. The Department had previously commented in June 2008 on the previous draft but is pleased to have the opportunity to comment again on the most recent draft which now includes the resource implications of the Strategy.

The Department remains supportive of the Strategy for the reasons given in its previous comments which I have inserted here for ease of reference:

‘We look to support all our staff when dealing with personal issues, and fully understand that domestic violence and abuse is a serious issue within the Island that must be dealt with sympathetically and extremely carefully.

As you are aware, a States-wide policy on dealing with employees suffering from domestic abuse is currently being finalised, and the Culture and Leisure Department will be following these guidelines for any member of staff that may be a victim of this terrible crime.’

Now that the resource implications are better known it will ultimately be for the States to decide where it sits within their priorities for spending.

Yours sincerely

Mike O’Hara
Minister

EDUCATION DEPARTMENT

The Chairman
 Social Policy Group
 Sir Charles Frossard House
 La Charroterie
 St. Peter Port

17th March 2009

Dear Deputy Adam

Domestic Abuse Strategy

I thank you for the opportunity to consider the Domestic Abuse Strategy which was presented to the Education Board on Tuesday 10th February. Members have been invited to comment upon the strategy and its impact on education services in Guernsey. Some members, in their own right, may contact you to comment upon other matters.

The Education Board is supportive of the principle behind the establishment of the Domestic Abuse Strategy. It also supports the recommendations listed under section 10 and will continue to play a key role in the initiatives that have been identified.

During the consultation phase the Education Board sent in comments on the report. These are outlined below:

- *The Education Department is willing to formally adopt the common definition of Domestic Abuse.*
- *The Education Department supports the post of Domestic Abuse Commissioning Officer to oversee and co-ordinate the developments recommended within the Strategy, as has been successful for the Drug and Alcohol Strategy.*
- *The Education Department welcomes and supports the introduction of information sharing protocols and data collection, particularly in relation to keeping young people safe.*
- *The Education Department believes it would be beneficial if there could be formal arrangements whereby representation on Options, either as the Department representative or, for example as a trainer, could be ratified (for all [States] Departments, not just Education).*
- *[It] supports the key actions assigned to the Education Department to support*

the delivery of the Strategy.

- *The Education Department would welcome involvement in the development of establishing thresholds in regard to domestic abuse and guidelines for professionals working with children affected by domestic abuse.*
- *The Education Department supports the actions proposed to support residents of Alderney who may experience domestic abuse*

The Board re-endorses these comments. In particular the Board supports the establishment of a part-time Domestic Abuse Support Worker who is employed along the lines of the workers employed to deliver drug, alcohol and tobacco education as part of the Drug and Alcohol Strategy. The contribution of the support agencies such as GASP, Drug Concern and Action for Children in delivering drug, alcohol and tobacco education is widely recognised and it is expected that a specialist domestic abuse appointment will have a similarly positive impact on explaining to young people about the issues associated with domestic abuse.

The Board welcomes the development of the Domestic Abuse Strategy but would advise that there should be consideration to passing on responsibility to a Department which has a lead responsibility for the implementation of the strategy.

The Board is also mindful that it will play a key role in any cross-departmental support for young people such as that outlined in p41 – 3 and page 92 of the strategy report. The Board is especially pleased to note the reference to supporting children in need as well as those at risk.

In conclusion the Board notes the opening comment in the introduction of the report: *Domestic abuse affects people right across the community, from all walks of life and across all age groups. It can have devastating consequences for victims and their families*

The Board recognises that Education will continue to play a significant role across all four key areas of the strategy:

‘Partnerships’, ‘Prevention’, ‘Protection and Justice’ and ‘Provision of Support’.

I look forward to being updated of its progress at the Social Policy Working Party.

Yours sincerely

C A Steere
Minister

HEALTH AND SOCIAL SERVICES DEPARTMENT

Deputy A H Adam
Chair
Social Policy Group
Sir Charles Frossard House
La Charroterie
St Peter Port

27th February 2009

Dear Deputy Adam

Domestic Abuse Strategy

Thank you for your letter of 1 February 2009 enclosing the above.

This has been considered by the Board of the Health and Social Services Department and I am pleased to advise you that the Department supports the strategy.

We have noted the implications for this Department, particularly in the areas of supervised contact and support services for children and young people experiencing or witnessing abuse. There will, therefore, as identified, be a cost to the Health and Social Services Department for which funding will be required. Although successful implementation of the strategy should result in a reduced workload with some of our services, these reductions will not lead to cost savings because of the need to continue to provide 24 hour services.

Yours sincerely

B L Brehaut
Deputy Minister

HOUSING DEPARTMENT

Deputy A H Adam
Chair
Social Policy Group
Sir Charles Frossard House
La Charroterie
St Peter Port

26th March 2009

Dear Deputy Adam

Domestic Abuse Strategy

Thank you for your letter of 9 March 2009, and for offering the board of the Housing Department the opportunity to consider the most recent draft of the Domestic Abuse Strategy and the attendant cost/benefit analysis.

The board considered these documents at its meeting of 19 March and has no comments to make other than that it remains supportive of the Strategy.

Yours sincerely

G Guille
Deputy Minister

SOCIAL SECURITY DEPARTMENT

Deputy A H Adam
Chair
Social Policy Group
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

20th March 2009

Dear Deputy Adam

Domestic Abuse Strategy

Thank you for your letter of 1 February 2009, with enclosures including the costs of the Domestic Abuse Strategy until 2012.

The Social Security Department, at its meeting on 18 March 2009, confirmed its continuing support for the strategy and its implementation.

Yours sincerely

M H Dorey
Minister

PUBLIC ACCOUNTS COMMITTEE

Deputy Hunter Adam
Chair
Social Policy Group
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

24th February 2009

Dear Deputy Adam

Domestic Abuse Strategy

I write with regard to your letter dated 1 February on the Domestic Abuse Strategy and the updated Strategy which included cost;benefit analysis.

The Public Accounts Committee considered the Strategy at its meeting on 18 February 2009. The Committee agreed that it had no comment to make on this policy matter even though the costs of implementation have been incorporated in the Strategy.

Committee Members will make individual representations in their capacity as States Deputies at the appropriate time, should they wish to comment further on your proposals.

Yours sincerely

Leon Gallienne
Chairman

**HOME**

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

HOME

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Deputy A H Adam
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27th February 2009

Dear Deputy Adam

Re: Domestic Abuse Strategy

Thank you for the opportunity to comment on the Domestic Abuse Strategy again, now that the cost of implementation is known. The updated document was forwarded to respective Service Chiefs and Board members.

I advise that the Home Department has nothing further to add to the Memorandum of 15th July 2008, addressed to the Chief Minister, other than to reiterate our ongoing support of the strategy. In this respect, I can advise that 3 Board members and staff will be attending the "Raising the Standards" conference, in Jersey on 11th and 12th May, which will be dealing with the issue of Domestic Abuse.

Yours sincerely

Deputy Geoff Mahy
Home Department Minister

E/Domestic Abuse/Letter to Deputy Adam 27.02.09

POLITICAL RESPONSIBILITIES

Police, Customs and Excise, Immigration and Nationality, Prison Service, Probation Service, Fire and Rescue Service, Emergency Planning, Bailiwick Drug Strategy, Broadcasting



SCRUTINY COMMITTEE

THE STATES OF GUERNSEY

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6th March 2009

Dear Hunter

Domestic Abuse Strategy

Thank you for your letter dated 1st February forwarding me an advance draft copy of the proposed Domestic Abuse Strategy and accompanying States Report. I apologise for my late response.

Currently we have a full programme of work and I regret that we are not in a position to consider the Strategy as a potential topic for Scrutiny at this time. I say 'regret' because I know that the Members of the Committee consider the development of this Strategy to be of high importance in terms of its impact on the community and not because we are aware of any potential problems with the Strategy that might warrant scrutiny!

The Committee is currently going through a process of setting its forward work programme and it might be that the Domestic Abuse Strategy will be of interest to Scrutiny to monitor its progress in implementation; particularly in relation to its 'fit' with overarching social policy coordination and to consider the effectiveness of corporate working initiatives. If this is the case, then we will of course provide you with plenty of notice. We will also be updating all States Members on the Committee's proposed forward work programme once this has been developed.

Once again, thank you for keeping the Committee informed and for your continuing support of the scrutiny process.

Yours sincerely

Deputy B L Brehaut
 Chair

(NB The Treasury and Resources Department supports the proposals subject to the funding requirements being approved as part of the States Strategic Plan.)

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 27th April, 2009, of the Policy Council, they are of the opinion:-

- 1 To affirm the commitment of the States of Guernsey to tackling the issue of domestic abuse through the promotion of a comprehensive, multi-agency approach adopting the four strands of the Strategy which promote partnership working, prevention of domestic abuse, protection and justice initiatives and provision of support, as set out in the Strategy Document.
- 2 To endorse the aims of the Domestic Abuse Strategy which are to:
 - improve services and support for all victims of domestic abuse;
 - develop and deliver a high quality co-ordinated multi-agency response to domestic abuse;
 - increase and develop awareness generally about domestic abuse and the measures in place to help victims;
 - educate children and young people and the wider general public that domestic abuse is wrong and unacceptable and to enable them to make informed choices;
 - hold perpetrators/abusers accountable and provide effective interventions for their behaviour.
- 3 To approve the proposals and recommendations of the Domestic Abuse Strategy for Guernsey and Alderney 2009-2012.
- 4 To request the Treasury & Resources Department to take account of the revenue requirements when recommending to the States revenue budgets for departments for 2010 and succeeding years.
- 5 To direct Departments to contribute to the Strategy where their assistance is required and, in particular, to implement the actions laid out in the Action Plan.
- 6 To note that responsibility for the implementation of the Domestic Abuse Strategy for Guernsey and Alderney 2009-2012 lies with the Policy Council and this is to be delegated to its Social Policy Group.

- 7 To agree that the funding for the Strategy be allocated on a ringfenced basis to the budget of the Policy Council.
- 8 To direct the Policy Council to report back to the States in 2012 with a Strategy for 2013-2018.

POLICY COUNCIL

THE GUERNSEY FINANCIAL SERVICES COMMISSION: 2008 ANNUAL REPORT

The Financial Services Commission (Bailiwick of Guernsey) Law, 1987, as amended, requires the Commission to prepare an annual report and accounts for submission by the Policy Council to the States.

The Policy Council recommends that the States retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2009.

The Policy Council recommends the States:

- (1) to note the Report;
- (2) to approve the accounts of the Guernsey Financial Services Commission for the year ended 31 December 2008;
- (3) to retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2009.

L S Trott
Chief Minister

8th June 2009

(NB The Guernsey Financial Services Commission 2008 Annual Report, which is appended to this Report, is published separately)

(NB The Public Accounts Committee has agreed to retain KPMG Channel Islands Ltd as external auditors of the Guernsey Financial Services Commission for the year ending 31 December 2009)

(NB The Treasury and Resources Department has no comment on the proposals.)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 8th June, 2009, of the Policy Council, they are of the opinion:-

1. To note the Report.
2. To approve the accounts of the Guernsey Financial Services Commission for the year ended 31 December 2008.
3. To retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2009.

TREASURY AND RESOURCES DEPARTMENT

DOUBLE TAXATION ARRANGEMENT WITH THE GOVERNMENTS OF OTHER TERRITORIES

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

12th May 2009

Dear Sir

1. Executive Summary

This Report proposes that the States declare, by Resolution, that the following Double Taxation Agreements/Arrangements:

- the Agreement with the Netherlands on 25 April 2008,
- the Agreements with the Nordic countries (Denmark, Faroe Islands, Finland, Greenland, Iceland, Norway and Sweden) on 28 October 2008,
- the Arrangement with the United Kingdom on 20 January 2009, and
- the Agreement with Ireland on 26 March 2009,

should have effect, with the consequence that those arrangements shall also have effect in relation to income tax, notwithstanding anything contained in the Income Tax (Guernsey) Law 1975, as amended (“the Income Tax Law”).

2. Introduction

- 2.1. The principal purpose of a Double Taxation Agreement/Arrangement is for two governments to agree procedures for the prevention of double taxation – that is, taxation under the laws of both territories in respect of the same income.
- 2.2. Prior to 2008, Guernsey had two Double Taxation Arrangements – one with the United Kingdom (which came into force in 1952) and one with Jersey (which came into force in 1955). The Arrangement with the United Kingdom was amended in 1994, in relation to exempt bodies and international bodies (Billet XVII of 1994 at page 1096).

2.3. Since 2001, Guernsey has been negotiating with a number of countries in relation to Tax Information Exchange Agreements (“TIEAs”). To date, TIEAs have been signed with:

- the USA on 19 September 2002,
- the Netherlands on 25 April 2008,
- the Nordic countries (Denmark, Faroe Islands, Finland, Greenland, Iceland, Norway and Sweden) on 28 October 2008,
- the United Kingdom on 20 January 2009,
- France on 24 March 2009,
- Germany on 26 March 2009, and
- Ireland on 26 March 2009.

One of the outcomes of the negotiations with the Netherlands, the Nordic countries, the United Kingdom and Ireland has been further negotiations on ways to prevent certain types of double taxation and related issues.

2.4. These discussions have culminated in the following:

- “Agreement between the States of Guernsey and the Kingdom of the Netherlands on the access to mutual agreements procedures in connection with the adjustment of profits of associated enterprises and the application of the Netherlands participation exemption”, signed on 25 April 2008.
- “Agreement between the States of Guernsey and Denmark for the avoidance of double taxation on individuals” and “Agreement between the States of Guernsey and Denmark on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises” and “Agreement between the States of Guernsey and Denmark for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic”, signed on 28 October 2008.
- “Agreement between the States of Guernsey and the Faroes for the avoidance of double taxation on individuals” and “Agreement between the States of Guernsey and the Faroes on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises” and “Agreement between the States of Guernsey and the Faroes for the avoidance of double

taxation with respect to enterprises operating ships or aircraft in international traffic”, signed on 28 October 2008.

- “Agreement between the States of Guernsey and the Republic of Finland for the avoidance of double taxation on individuals” and “Agreement between the States of Guernsey and the Republic of Finland on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises” and “Agreement between the States of Guernsey and the Republic of Finland for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic”, signed on 28 October 2008.
- “Agreement between the States of Guernsey and Greenland for the avoidance of double taxation on individuals” and “Agreement between the States of Guernsey and Greenland on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises” and “Agreement between the States of Guernsey and the Greenland for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic”, signed on 28 October 2008.
- “Agreement between the States of Guernsey and Iceland for the avoidance of double taxation on individuals” and “Agreement between the States of Guernsey and Iceland on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises” and “Agreement between the States of Guernsey and Iceland for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic”, signed on 28 October 2008.
- “Agreement between the States of Guernsey and the Kingdom of Norway for the avoidance of double taxation on individuals” and “Agreement between the States of Guernsey and the Kingdom of Norway on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises” and “Agreement between the States of Guernsey and the Kingdom of Norway for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic”, signed on 28 October 2008.
- “Agreement between the States of Guernsey and the Kingdom of Sweden for the avoidance of double taxation on individuals” and “Agreement between the States of Guernsey and the Kingdom of Sweden on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises” and “Agreement between the States of Guernsey and

the Kingdom of Sweden for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic”, signed on 28 October 2008.

- “Arrangement between Her Majesty’s Government and the States of Guernsey amending the 1952 Arrangement between the two Governments for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income as amended by the 1994 Arrangements between the two Governments”, concluded by an exchange of letters dated 20 January 2009.
- “Agreement between the States of Guernsey and Ireland for affording relief from double taxation with respect to certain income of individuals and establishing a mutual agreement procedure in connection with the adjustment of profits of associated enterprises”, concluded by an exchange of letters and dated 26 March 2009.

2.5. Attached to this Report are:

- **Appendix A** – a copy of the Agreement with the Kingdom of the Netherlands.
- **Appendix B** – copies of the Agreements with the Republic of Finland, as examples of the Agreements with the seven Nordic countries. The text of all of the seven Agreements is, in substance, the same. The text of all of the Agreements, however, can be found on the Income Tax Office section of the States of Guernsey website (www.gov.gg).
- **Appendix C** – a copy of the Arrangement with the United Kingdom.
- **Appendix D** – a copy of the Agreement with Ireland.

2.6. Section 172(1) of the Income Tax Law provides:

“If the States by Resolution declare that arrangements specified in the resolution have been made with the government of any other territory with a view to affording relief from double taxation in relation to income tax and any tax of a similar character imposed by the laws of that territory, and that it is expedient that those arrangements should have effect, the arrangements shall have effect in relation to income tax notwithstanding anything in any enactment.”

3. **Recommendation**

The Treasury & Resources Department recommends that the States should ratify the Agreements/Arrangement set out in paragraph 2.4, as required by section 172 of the Income Tax Law.

Yours faithfully

C N K Parkinson
Minister

Appendix A

**AGREEMENT
BETWEEN
THE STATES OF GUERNSEY
AND
THE KINGDOM OF THE NETHERLANDS
ON
THE ACCESS TO MUTUAL AGREEMENTS PROCEDURES
IN CONNECTION WITH
THE ADJUSTMENT OF PROFITS OF ASSOCIATED ENTERPRISES
AND THE APPLICATION OF THE NETHERLANDS PARTICIPATION
EXEMPTION**

The States of Guernsey

and

the Kingdom of the Netherlands

(“the Parties”),

DESIRING to strengthen their economic relationship and to encourage international trade;

Have agreed to conclude the following Agreement which contains obligations on the part of the Parties only:

**CHAPTER I
Taxes covered and Definitions**

*Article 1
Taxes covered*

This Agreement shall apply to taxes on income and profits.

*Article 2
Definitions*

1. For the purposes of this Agreement, unless otherwise defined:
 - a. the term “the Netherlands” means the part of the Kingdom of the Netherlands that is situated in Europe, including its territorial sea, and any area beyond the territorial sea within which the Netherlands, in accordance with international law, exercises jurisdiction or sovereign rights;
 - b. the term “Guernsey” means Guernsey, Alderney and Herm,

Appendix A

including the territorial sea adjacent to those islands, in accordance with international law;

- c. the term “competent authority” means
 - (i) in the case of the Netherlands the Minister of Finance or his authorized representative;
 - (ii) in the case of Guernsey, the Administrator of Income Tax or his delegate;
- d. the term “enterprise” applies to the carrying on of any business.

2. As regards the application of this Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

CHAPTER II **The adjustment of profits of associated enterprises**

Article 3 *Scope of Chapter II*

1. Chapter II of this Agreement shall apply where, for the purposes of taxation, profits which are included in the profits of an enterprise of a Party are also included or are also likely to be included in the profits of an enterprise of the other Party on the grounds that the principles set out in Article 4, and applied either directly or in corresponding provisions of the law of the Party concerned, have not been observed.

2. Paragraph 1 shall also apply where any of the enterprises concerned have made losses rather than profits.

Article 4 *Principles applying to the adjustment of profits of associated enterprises*

Where:

- a. an enterprise of a Party participates directly or indirectly in the management, control or capital of an enterprise of the other Party, or
- b. the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Party and an enterprise of the other Party,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made

Appendix A

between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

Article 5 General provision

Where a Party intends to adjust the profits of an enterprise in accordance with the principles set out in Article 4, it shall inform the enterprise of the intended action in due time and give it the opportunity to inform the other enterprise so as to give that other enterprise the opportunity to inform in turn the other Party. However, the Party providing such information shall not be prevented from making the proposed adjustment.

Article 6 Mutual agreement procedures

1. Where an enterprise considers that, in any case to which this Agreement applies, the principles set out in Article 4 have not been observed, it may, irrespective of the remedies provided by the domestic law of the Party concerned, present its case to the competent authority of the Party of which it is an enterprise. The case must be presented within three years of the first notification of the action which is contrary or is likely to be contrary to the principles set out in Article 4. The competent authority shall then without delay notify the competent authority of the other Party.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.

3. The competent authorities of the Parties may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraph.

4. The competent authority of a Party shall not be obliged to initiate the mutual agreement procedure where legal or administrative proceedings have resulted in a final ruling that by actions giving rise to an adjustment of transfers of profits under Article 4 one of the enterprises concerned is liable to a serious penalty. In addition, the competent authority of a Party shall not be obliged to initiate the mutual agreement procedure if the enterprise has not fulfilled the domestic documentation and/or information requirements of the adjusting Party before the assessment in which the adjustment is incorporated was finalized.

5. The Parties may also agree on other forms of dispute resolution including

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arbitration.

6. Notwithstanding the previous paragraphs of this Article, the competent authorities of the Parties may mutually agree to amend the procedures to be used under this Article taking into account the developments with respect to the EU Convention on the Elimination of Double Taxation in connection with the Adjustment of Profits of Associated Enterprises and the developments relating to the mutual agreement procedure discussion within the OECD.

CHAPTER III

The application of the Netherlands Participation Exemption

Article 7

Specific rules for the application of the Netherlands Participation Exemption

The competent authorities of the Parties may agree on the conditions for the application of the participation exemption of the Netherlands with regard to participations in Guernsey with a view to prevent double taxation.

CHAPTER IV

Final Provisions

Article 8

Entry into force

1. This Agreement shall enter into force 30 days after receipt of written notification by the latter Party of completion of all legal formalities required for entry into force. The Agreement shall apply to proceedings referred to in Article 6, paragraph 1, which are initiated after its entry into force.

2. Notwithstanding paragraph 1 of this Article, the Agreement shall only enter into force when the Agreement between the States of Guernsey and the Kingdom of the Netherlands for the exchange of information relating to tax matters shall have effect for criminal as well as civil tax matters.

Article 9

Termination

1. This Agreement is concluded for a period of five years. Six months before the expiry of that period, the Parties will meet to decide on the extension of this Agreement and any other relevant measure.

2. Notwithstanding paragraph 1 of this Article, this Agreement will be terminated, without giving notice of termination, on the date of termination of the Agreement between the States of Guernsey and the Kingdom of the Netherlands for the exchange of information relating to tax matters.

Appendix A

IN WITNESS WHEREOF the undersigned, being duly authorised in that behalf by the respective Parties, have signed the Agreement.

DONE at in duplicate this day of
2008, in the English language.

For the States of
Guernsey

For the Kingdom of
the Netherlands

Appendix B

AGREEMENT BETWEEN THE STATES OF GUERNSEY AND THE REPUBLIC OF FINLAND FOR THE AVOIDANCE OF DOUBLE TAXATION ON INDIVIDUALS

The States of Guernsey and the Government of the Republic of Finland (“the Parties”), desiring to supplement the Agreement for the exchange of information relating to tax matters concluded on 28 October 2008 by concluding an Agreement for the avoidance of double taxation on individuals with respect to taxes on income,

have agreed as follows:

ARTICLE 1 INDIVIDUALS COVERED

This Agreement shall apply to individuals who are residents in one or both of the Parties.

ARTICLE 2 TAXES COVERED

1. The existing taxes to which the Agreement shall apply are:
 - a) in the case of Guernsey:

income tax;
(hereinafter referred to as “Guernsey tax”);
 - b) in the case of Finland:
 - (i) state income tax (earned income);
 - (ii) communal tax;
 - (iii) church tax;
 - (iv) tax withheld at source from non-residents’ income;
(hereinafter referred to as “Finnish tax”).
2. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Parties shall notify each other of any significant changes that have been made in their taxation laws concerning individuals and which may affect matters covered by the Agreement.

ARTICLE 3 GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:

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- a) the term “Guernsey” means Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law;
 - b) the term “Finland” means the Republic of Finland and, when used in a geographical sense, means the territory of the Republic of Finland, and any area adjacent to the territorial waters of the Republic of Finland within which, under the laws of Finland and in accordance with international law, the rights of Finland with respect to the exploration for and exploitation of the natural resources of the sea bed and its sub-soil and of the superjacent waters may be exercised;
 - c) the term “competent authority” means:
 - (i) in the case of Guernsey, the Administrator of Income Tax or his delegate;
 - (ii) in the case of Finland, the Ministry of Finance, its authorised representative or the authority which, by the Ministry of Finance, is designated as competent authority;
 - d) the term “enterprise” applies to the carrying on of any business;
 - e) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a Party, except when the ship or aircraft is operated solely between places in the other Party.
2. As regards the application of this Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party, for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

ARTICLE 4 RESIDENT

- 1. For the purposes of this Agreement, the term “resident of a Party” means in respect of an individual any individual who, under the laws of that Party, is liable to tax therein by reason of his domicile, residence or any other criterion of a similar nature. This term, however, does not include an individual who is liable to tax in that Party in respect only of income from sources in that Party.
- 2. Where by reason of the provisions of paragraph 1 an individual is a resident in both Parties, then his status shall be determined as follows:
 - a) he shall be deemed to be a resident only of the Party in which he has a permanent home available to him; if he has a permanent home available to him in both Parties, he shall be deemed to be a resident only of the Party with which his personal and economic relations are closer (centre of vital interests);

Appendix B

b) if the Party in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Party, he shall be deemed to be a resident only of the Party in which he has an habitual abode;

c) if he has an habitual abode in both Parties or in neither of them, the competent authorities of the Parties shall settle the question by mutual agreement.

ARTICLE 5 INCOME FROM EMPLOYMENT

1. Subject to the provisions of Articles 6, 7 and 8, salaries, wages and other similar remuneration, other than a pension, derived by a resident of a Party in respect of an employment shall be taxable only in that Party unless the employment is exercised in the other Party. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other Party.
2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Party in respect of an employment exercised in the other Party shall be taxable only in the first-mentioned Party if:
 - a) the recipient is present in the other Party for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned; and
 - b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other Party; and
 - c) the remuneration is not borne by a fixed place of business through which the business is wholly or partly carried on which the employer has in the other Party.
3. Paragraph 2 of this Article shall not apply to remuneration derived by a resident of a Party in respect of an employment exercised in the other Party and paid by, or on behalf of, an employer who is not a resident of that other Party if:
 - a) the recipient renders services in the course of that employment to a person other than the employer and that person, directly or indirectly, supervises, directs or controls the manner in which those services are performed; and
 - b) those services constitute an integral part of the business activities carried on by that person.
4. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Party, may be taxed in that Party.

Appendix B**ARTICLE 6
DIRECTORS' FEES**

Directors' fees and other similar payments derived by a resident of a Party in his capacity as a member of the board of directors or any other similar organ of a company which is a resident of the other Party may be taxed in that other Party.

**ARTICLE 7
ARTISTES AND SPORTSMEN**

1. Income derived by a resident of a Party as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Party, may be taxed in that other Party.
2. Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another individual or legal entity, that income may be taxed in the Party in which the activities of the entertainer or sportsman are exercised.

**ARTICLE 8
GOVERNMENT SERVICE**

1.
 - a) Salaries, wages and other similar remuneration, other than a pension, paid by a Party or a political subdivision or a statutory body or a local authority thereof to an individual in respect of services rendered to that Party or subdivision or body or authority shall be taxable only in that Party.
 - b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Party if the services are rendered in that Party and the individual is a resident of that Party who did not become a resident of that Party solely for the purpose of rendering the services.
2. The provisions of Articles 5, 6 and 7 shall apply to salaries, wages, and other similar remuneration in respect of services rendered in connection with a business carried on by a Party or a political subdivision or a statutory body or a local authority thereof.

**ARTICLE 9
STUDENTS**

Payments which a student or business apprentice who is or was immediately before visiting a Party a resident of the other Party and who is present in the first-mentioned Party solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that Party, provided that such payments arise from sources outside that Party.

Appendix B

ARTICLE 10 ELIMINATION OF DOUBLE TAXATION

1. In Guernsey double taxation shall be avoided as follows:

Subject to the provisions of the laws of Guernsey regarding the allowance as a credit against Guernsey tax of tax payable in a territory outside Guernsey (which shall not affect the general principle hereof):

- i) subject to the provisions of sub-paragraph iii), where a resident of Guernsey derives income which, in accordance with the provisions of this Agreement, may be taxed in Finland, Guernsey shall allow as a deduction from the tax payable in respect of the income, an amount equal to the income tax paid in Finland;
- ii) such deduction shall not, however, exceed that part of the income tax, as computed before deduction is given, which is attributable to the income which may be taxed in Finland;
- iii) where a resident of Guernsey derives income which, in accordance with the provisions of this Agreement shall be taxable only in Finland, Guernsey may include this income in calculating the amount of tax on the remaining income of such resident.

2. In Finland double taxation shall be avoided as follows:

Subject to the provisions of Finnish law regarding the elimination of international double taxation (which shall not affect the general principle hereof):

- a) where a resident of Finland derives income which, in accordance with the provisions of this Agreement, may be taxed in Guernsey, Finland shall allow as a deduction from the Finnish tax of that person, an amount equal to the Guernsey tax paid under Guernsey law and in accordance with the Agreement, as computed by reference to the same income by reference to which the Finnish tax is computed;
- b) where in accordance with any provision of the Agreement income derived by a resident of Finland is exempt from tax in Finland, Finland may nevertheless, in calculating the amount of tax on the remaining income of such person, take into account the exempted income.

ARTICLE 11 MUTUAL AGREEMENT PROCEDURE

1. Where an individual considers that the actions of one or both of the Parties result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those Parties, present his case to the competent authority of the Party of which

Appendix B

he is a resident. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.
3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement.
4. The competent authorities of the Parties may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

ARTICLE 12 ENTRY INTO FORCE

1. This Agreement shall enter into force on the thirtieth day after the later of the dates on which each of the Parties has notified the other in writing that the procedures required by its law have been complied with.
2. The Agreement shall have effect:
 - a) in Guernsey:

in respect of Guernsey tax, on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following that in which this Agreement enters into force;
 - b) in Finland:

in respect of Finnish tax, on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following that in which this Agreement enters into force.
3. Notwithstanding paragraph 2 of this Article, the Agreement shall only be applicable when the Agreement signed on 28 October 2008 between the States of Guernsey and the Republic of Finland for the exchange of information relating to tax matters shall have effect.

Appendix B**ARTICLE 13
TERMINATION**

1. This Agreement shall remain in force until terminated by either Party. Either Party may terminate the Agreement by giving written notice of termination at least three months before the end of any calendar year. In such event, the Agreement shall cease to have effect on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following the end of the three months period.
2. Notwithstanding paragraph 1 of this Article, this Agreement will be terminated, without giving notice of termination, on the date of termination of the Agreement signed on 28 October 2008 between the States of Guernsey and the Republic of Finland for the exchange of information relating to tax matters.

In witness whereof the undersigned being duly authorised thereto have signed this Agreement.

Done at Helsinki, this 28th day of October 2008, in duplicate in the English language.

**FOR THE STATES
GUERNSEY:**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF FINLAND:**

Appendix B

AGREEMENT BETWEEN THE STATES OF GUERNSEY AND THE REPUBLIC OF FINLAND ON THE ACCESS TO MUTUAL AGREEMENT PROCEDURES IN CONNECTION WITH THE ADJUSTMENT OF PROFITS OF ASSOCIATED ENTERPRISES

The States of Guernsey and the Government of the Republic of Finland (“the Parties”), desiring to conclude an agreement on the access to mutual agreement procedures in connection with the adjustment of profits of associated enterprises,

have agreed as follows:

ARTICLE 1 TAXES COVERED

This Agreement shall apply to taxes on income and profits.

ARTICLE 2 DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:
 - a) the term “Finland” means the Republic of Finland and, when used in a geographical sense, means the territory of the Republic of Finland, and any area adjacent to the territorial waters of the Republic of Finland within which, under the laws of Finland and in accordance with international law, the rights of Finland with respect to the exploration for and exploitation of the natural resources of the sea bed and its sub-soil and of the superjacent waters may be exercised;
 - b) the term “Guernsey” means Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law;
 - c) the term “competent authority” means:
 - i) in the case of Finland, the Ministry of Finance, its authorised representative or the authority which, by the Ministry of Finance, is designated as competent authority;
 - ii) in the case of Guernsey, the Administrator of Income Tax or his delegate.
2. As regards the application of this Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the laws of that Party, for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

Appendix B

ARTICLE 3 PRINCIPLES APPLYING TO THE ADJUSTMENT OF PROFITS OF ASSOCIATED ENTERPRISES

1. Where:
 - a) an enterprise of a Party participates directly or indirectly in the management, control or capital of an enterprise of the other Party; or
 - b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Party and an enterprise of the other Party,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.
2. Where a Party includes in the profits of an enterprise of that Party – and taxes accordingly – profits on which an enterprise of the other Party has been charged to tax in that other Party and the profits so included are profits which would have accrued to the enterprise of the first-mentioned Party if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other Party shall make an appropriate adjustment to the amount of the tax charged therein on those profits, where that other Party considers the adjustment justified. In determining such adjustment, due regard shall be had to the other provisions of this Agreement.

ARTICLE 4 GENERAL PROVISION

Where a Party intends to adjust the profits of an enterprise in accordance with the principles set out in Article 3, it shall in accordance with its laws inform the enterprise of the intended action in due time and give it the opportunity to inform the other enterprise so as to give that other enterprise the opportunity to inform in turn the other Party. However, the Party providing such information shall not be prevented from making the proposed adjustment.

ARTICLE 5 MUTUAL AGREEMENT PROCEDURES

1. Where an enterprise considers that, in any case to which this Agreement applies, the actions of one or both of the Parties result or will result for it in double taxation, it may, irrespective of the remedies provided by the domestic law of the Party concerned, present its case to the competent authority of the Party of

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which it is a resident. The case must be presented within three years of the first notification of the action which is contrary or is likely to be contrary to the principles set out in Article 3. The competent authority shall then without delay notify the competent authority of the other Party.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.
3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement.
4. The competent authorities of the Parties may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

ARTICLE 6 ENTRY INTO FORCE

1. This Agreement shall enter into force on the thirtieth day after the later of the dates on which each of the Parties has notified the other in writing that the procedures required by its law have been complied with. The Agreement shall have effect on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following that in which this Agreement enters into force.
2. Notwithstanding paragraph 1 of this Article, the Agreement shall only be applicable when the Agreement signed on 28 October 2008 between the States of Guernsey and the Republic of Finland for the exchange of information relating to tax matters shall have effect.

ARTICLE 7 TERMINATION

1. This Agreement shall remain in force until terminated by either Party. Either Party may terminate the Agreement by giving written notice of termination at least three months before the end of any calendar year. In such event, the Agreement shall cease to have effect on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following the end of the three months period.
2. Notwithstanding paragraph 1 of this Article, this Agreement will be terminated, without giving notice of termination, on the date of termination of the

Appendix B

Agreement signed on 28 October 2008 between the States of Guernsey and the Republic of Finland for the exchange of information relating to tax matters.

In witness whereof the undersigned duly authorised thereto have signed this Agreement.

Done at Helsinki, this 28th day of October 2008, in duplicate in the English language.

**FOR THE STATES OF
GUERNSEY:**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF FINLAND:**

Appendix B

AGREEMENT BETWEEN THE STATES OF GUERNSEY AND THE REPUBLIC OF FINLAND FOR THE AVOIDANCE OF DOUBLE TAXATION WITH RESPECT TO ENTERPRISES OPERATING SHIPS OR AIRCRAFT IN INTERNATIONAL TRAFFIC

The States of Guernsey and the Government of the Republic of Finland (“the Parties”) desiring to conclude an agreement for the avoidance of double taxation with respect to enterprises operating ships or aircraft in international traffic,

have agreed as follows:

ARTICLE 1 DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:
 - a) the term “Finland” means the Republic of Finland and, when used in a geographical sense, means the territory of the Republic of Finland, and any area adjacent to the territorial waters of the Republic of Finland within which, under the laws of Finland and in accordance with international law, the rights of Finland with respect to the exploration for and exploitation of the natural resources of the sea bed and its sub-soil and of the superjacent waters may be exercised;
 - b) the term “Guernsey” means Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law;
 - c) the term “person” includes an individual, a company and any other body of persons;
 - d) the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;
 - e) the term “resident of a Party” means any person, who under the law of that Party is liable to tax therein by reason of his domicile, residence, place of management, place of incorporation or any other criterion of a similar nature;
 - f) the term “enterprise of a Party” means an enterprise, carried on by a resident of a Party;
 - g) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a Party, except when the ship or aircraft is operated solely between places in the other Party;
 - h) the term “income derived from the operation of ships or aircraft in international traffic” means revenues, gross receipts and profits derived from:
 - (i) such operation of ships or aircraft for the transport of passengers or cargo;

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- (ii) the rental on a charter basis of ships or aircraft where the rental is ancillary to the operation of ships or aircraft in international traffic;
 - (iii) the sale of tickets or similar documents and the provision of services connected with such operation, either for the enterprise itself or for any other enterprise, where such sale of tickets or similar documents or provision of services is directly connected with or ancillary to the operation of ships or aircraft in international traffic;
 - (iv) the use, maintenance or rental of containers (including trailers and related equipment for the transport of containers) used for the transport of goods or merchandise, where the use, maintenance or rental is directly connected with or ancillary to the operation of ships or aircraft in international traffic;
 - (v) interest on funds deposited directly in connection with the operation of ships or aircraft in international traffic;
- i) the term "competent authority" means:
- (i) in the case of Finland, the Ministry of Finance, its authorised representative or the authority which, by the Ministry of Finance, is designated as competent authority;
 - (ii) in the case of Guernsey, the Administrator of Income Tax or his delegate.
2. As regards the application of this Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party, for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

ARTICLE 2 AVOIDANCE OF DOUBLE TAXATION

1. Income derived from the operation of ships or aircraft in international traffic by an enterprise of a Party shall be taxable only in that Party.
2. Gains derived from the alienation of ships or aircraft or movable property pertaining to the operation of ships and aircraft in international traffic by an enterprise of a Party shall be taxable only in that Party.
3. The provisions of paragraphs 1 and 2 shall also apply to income and gains derived by an enterprise of a Party from the participation in a pool, a joint business or an international operating agency.

Appendix B**ARTICLE 3
MUTUAL AGREEMENT PROCEDURE**

1. Where a person considers that the actions of one or both of the Parties result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those Parties, present his case to the competent authority of the Party of which he is a resident. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.
2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.
3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement.
4. The competent authorities of the Parties may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

**ARTICLE 4
ENTRY INTO FORCE**

1. This Agreement shall enter into force on the thirtieth day after the later of the dates on which each of the Parties has notified the other in writing that the procedures required by its law have been complied with. The Agreement shall have effect on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following that in which this Agreement enters into force.
2. Notwithstanding paragraph 1 of this Article, the Agreement shall only be applicable when the Agreement signed on 28 October 2008 between the States of Guernsey and the Republic of Finland for the exchange of information relating to tax matters shall have effect.

**ARTICLE 5
TERMINATION**

1. This Agreement shall remain in force until terminated by either Party. Either Party may terminate the Agreement by giving written notice of termination at least three months before the end of any calendar year. In such event, the

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Agreement shall cease to have effect on taxes chargeable for any tax year beginning on or after the first day of January of the calendar year next following the end of the three months period.

2. Notwithstanding paragraph 1 of this Article, this Agreement will be terminated, without giving notice of termination, on the date of termination of the Agreement signed on 28 October 2008 between the States of Guernsey and the Republic of Finland for the exchange of information relating to tax matters.

In witness whereof the undersigned being duly authorised thereto have signed this Agreement.

Done at Helsinki, this 28th day of October 2008, in duplicate in the English language.

**FOR THE STATES OF
GUERNSEY:**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF FINLAND:**

Appendix C

ARRANGEMENT BETWEEN HER MAJESTY'S GOVERNMENT AND THE STATES OF GUERNSEY AMENDING THE 1952 ARRANGEMENT BETWEEN THE TWO GOVERNMENTS FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AS AMENDED BY THE 1994 ARRANGEMENT BETWEEN THE TWO GOVERNMENTS

Her Majesty's Government and the States of Guernsey;

Desiring to strengthen their economic relationship and to improve the operation of the existing arrangements between the two governments for the avoidance of double taxation;

Have agreed as follows:

1. In this Arrangement the term "1952 Arrangement" means that Arrangement as amended by the 1994 Arrangement.
2. After paragraph 2(1)(k) of the 1952 Arrangement there shall be inserted the following:

“(l) the term “taxation authority” means:

- (i) in the United Kingdom, the Commissioners for Her Majesty's Revenue and Customs or their authorised representative;
- (ii) in Guernsey, the Administrator of Income Tax or his delegate.”

3. Paragraph 4 of the 1952 Arrangement shall be deleted and replaced with the following:

“4. - (1) Where:

- (a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory; or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory;

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those

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conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

(2) Where one of the territories includes in the profits of an enterprise of that territory - and taxes accordingly - profits on which an enterprise of the other territory has been charged to tax in that other territory and the profits so included are profits which would have accrued to the enterprise of the first-mentioned territory if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other territory shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Arrangement and the taxation authorities of the territories shall if necessary consult each other.”

4. After paragraph 5 of the 1952 Arrangement there shall be inserted the following new paragraph:

“5A. Subject to the provisions of paragraph 6, pensions and other similar remuneration paid to an individual who is a resident of one of the territories shall be taxable only in that territory.”

5. After paragraph 9A of the 1952 Arrangement there shall be inserted the following new paragraph:

“9B. – (1) Where a resident of one of the territories considers that the actions of one or both of the territories result or will result for him in taxation not in accordance with the provisions of this Arrangement, he may, irrespective of the remedies provided by the domestic law of those territories, present his case to the taxation authority of the territory of which he is a resident. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of this Arrangement or, if later, within six years from the end of the taxable year or chargeable period in respect of which that taxation is imposed or proposed.

(2) The taxation authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the taxation authority of the other territory, with a view to the avoidance of taxation which is not in accordance with this Arrangement. Any agreement reached shall be implemented notwithstanding any time limits or other procedural limitations in the domestic law of the territories, except such limitations as apply for the purposes of giving effect to such an agreement.

(3) The taxation authorities of the territories shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Arrangement. They may also consult

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together for the elimination of double taxation in cases not provided for in the Arrangement.

(4) The taxation authorities of the territories may communicate with each other directly for the purpose of reaching an agreement in the sense of this paragraph.”

6. Paragraph 10(2) of the 1952 Arrangement shall be deleted.
7. Each of the territories shall notify to the other the completion of the procedures required by its law for the bringing into force of this Arrangement. This Arrangement shall enter into force on the date of the later of these notifications and shall thereupon have effect:
 - (a) in the United Kingdom:
 - (i) in respect of income tax, for any year of assessment beginning on or after 6th April next following the date on which this Arrangement enters into force;
 - (ii) in respect of corporation tax, for any financial year beginning on or after 1st April next following the date on which this Arrangement enters into force;
 - (b) in Guernsey, in respect of Guernsey tax, for any year of charge beginning on or after 1st January next following the date on which this Arrangement enters into force.

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Appendix D

**AGREEMENT BETWEEN IRELAND AND THE STATES OF GUERNSEY
FOR AFFORDING RELIEF FROM DOUBLE TAXATION WITH RESPECT
TO CERTAIN INCOME OF INDIVIDUALS
AND ESTABLISHING A MUTUAL AGREEMENT PROCEDURE IN
CONNECTION WITH THE ADJUSTMENT OF PROFITS OF ASSOCIATED
ENTERPRISES**

The Government of Ireland and the States of Guernsey, recognising that the two Parties have concluded an Agreement for the Exchange of Information Relating to Tax Matters, and desiring to conclude an Agreement for affording relief from double taxation with respect to certain income of individuals and establishing a mutual agreement procedure in connection with the adjustment of profits of associated enterprises,

have agreed as follows:

**ARTICLE 1
PERSONS COVERED**

This Agreement shall apply to persons who are residents of one or both of the Parties.

**ARTICLE 2
TAXES COVERED**

1. This Agreement shall apply to the following taxes imposed by the Parties:

- (a) in the case of Guernsey:
income tax;
(hereinafter referred to as "Guernsey tax");
- (b) in the case of Ireland:
 - (i) income tax;
 - (ii) the income levy; and
 - (iii) corporation tax:
(hereinafter referred to as "Irish tax").

2. This Agreement shall apply also to any identical taxes imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. This Agreement shall also apply to any substantially similar taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes if the Parties so agree. The competent authority of each Party shall notify the other of significant changes in their taxation laws which may affect the matters covered by this Agreement.

Appendix D**ARTICLE 3
DEFINITIONS**

1. For the purposes of this Agreement, unless the context otherwise requires:

- (a) "Guernsey" means Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law;
- (b) "Ireland" means Ireland and includes any area outside the territorial waters of Ireland which has been or may hereafter be designated under the laws of Ireland concerning the Exclusive Economic Zone and the Continental Shelf, as an area within which Ireland may exercise such sovereign rights and jurisdiction as are in conformity with international law;
- (c) "competent authority" means in the case of Guernsey, the Director of Income Tax or his delegate, and in the case of Ireland, the Revenue Commissioners or their authorised representative;
- (d) "enterprise of a Party" and "enterprise of the other Party" mean respectively an enterprise carried on by a resident of a Party and an enterprise carried on by a resident of the other Party;
- (e) "Party" means the States of Guernsey or Ireland, as the context requires;
- (f) "person" includes an individual, a company and any other body of persons; and
- (g) "tax" means Guernsey tax or Irish tax as the context requires.

2. As regards the application of this Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party for the purposes of the taxes to which this Agreement applies, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

**ARTICLE 4
RESIDENT**

1. For the purposes of this Agreement, the term "resident of a Party" means any person who, under the laws of that Party, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature.

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This term, however, does not include any person who is liable to tax in that Party in respect only of income from sources in that Party.

2. Where, by reason of the preceding provisions of this Article, a person, being an individual, is a resident of both Parties, then the person's status shall be determined as follows:

- (a) he shall be deemed to be a resident only of the Party in which a permanent home is available to him; if a permanent home is available in both Parties, he shall be deemed to be a resident only of the Party with which his personal and economic relations are closer (centre of vital interests);
- (b) if the Party in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Party, he shall be deemed to be a resident only of the Party in which he has an habitual abode;
- (c) if he has an habitual abode in both Parties or in neither of them, the competent authorities of the Parties shall settle the question by mutual agreement.

3. Where by reason of paragraph 1 a person other than an individual is a resident of both Parties, then it shall be deemed to be a resident only of the Party in which its place of effective management is situated.

ARTICLE 5 PENSIONS AND ANNUITIES

1. Subject to the provisions of Article 6, pensions paid to an individual who is a resident of a Party in consideration of past employment and any annuity paid to such a resident in consideration of past employment shall be taxable only in that Party.

2. The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE 6 GOVERNMENT SERVICE

- 1. (a) Salaries, wages and other similar remuneration paid by a Party or a local authority thereof to an individual in respect of services rendered to that Party or authority in the discharge of functions of a governmental nature shall be taxable only in that Party.

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(b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Party if the services are rendered in that Party and the individual is a resident of that Party who did not become a resident of that Party solely for the purpose of rendering the services.

2. Notwithstanding the provisions of paragraph 1, pensions and other similar remuneration paid by, or out of funds created by, a Party or a local authority thereof to an individual in respect of services rendered to that Party or authority in the discharge of functions of a governmental nature shall be taxable only in that Party.

3. The provisions of this Article shall not apply to salaries, wages, pensions and other similar remuneration in respect of services rendered in connection with a business carried on by a Party or a local authority thereof.

ARTICLE 7

STUDENTS

Payments which a student or business apprentice who is or was immediately before visiting a Party a resident of the other Party and who is present in the first-mentioned Party solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that Party, provided that such payments arise from sources outside that Party.

ARTICLE 8

ADJUSTMENT OF PROFITS OF ASSOCIATED ENTERPRISES

1. Where:

- a) an enterprise of a Party participates directly or indirectly in the management, control or capital of an enterprise of the other Party, or
- b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Party and an enterprise of the other Party,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Party includes in the profits of an enterprise of that Party, and taxes accordingly, profits on which an enterprise of the other Party has been

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charged to tax in that other Party and the profits so included are profits which would have accrued to the enterprise of the first-mentioned Party if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other Party shall, if it considers that the adjustment is justified, make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such an adjustment, due regard shall be had to the other provisions of this Agreement.

3. Where a Party intends to adjust the profits of an enterprise in accordance with the principles set out in paragraph 1, it shall in accordance with its domestic law inform the enterprise of the intended action in due time and give it the opportunity to inform the other enterprise so as to give that other enterprise the opportunity to inform in turn the other Party. However, the Party providing such information shall not be prevented from making the proposed adjustment.

**ARTICLE 9
MUTUAL AGREEMENT PROCEDURE**

1. Where any persons consider that the actions of one or both of the Parties result or will result for them in taxation not in accordance with the provisions of this Agreement, they may, irrespective of the remedies provided by the domestic law of those Parties, present their case to the competent authority of the Party of which they are a resident. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of this Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Party with a view to the avoidance of taxation which is not in accordance with this Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Parties.

3. The competent authorities of the Parties shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement.

**ARTICLE 10
ENTRY INTO FORCE**

This Agreement shall enter into force on the thirtieth day after the later of the dates on which each of the Parties has notified the other in writing of the completion of the procedures required by its law for entry into force. Upon the date of entry into force, it shall have effect:

- (a) in Guernsey, in respect of Guernsey tax, for any year of charge beginning on or after the first day of January 2010; and

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- (b) in Ireland:
 - (i) in respect of income tax and the income levy for any year of assessment beginning on or after the first day of January 2010;
 - (ii) in respect of corporation tax, for any financial year beginning on or after the first day of January 2010.

ARTICLE 11 TERMINATION

1. This Agreement shall remain in force until terminated by either Party.
2. Either Party may terminate this Agreement by giving notice of termination in writing. Such termination shall become effective:
 - (a) in Guernsey, in respect of Guernsey tax, for any year of charge beginning on or after the first day of January in the calendar year next following that in which the notice of termination is given; and
 - (b) in Ireland:
 - (i) in respect of income tax and the income levy, for any year of assessment beginning on or after the first day of January in the calendar year next following that in which the notice of termination is given;
 - (ii) in respect of corporation tax, for any financial year beginning on or after the first day of January in the calendar year next following that in which the notice of termination is given.
3. Notwithstanding the provisions of paragraphs 1 and 2, this Agreement shall, upon receipt of written notice of termination of the Agreement for the Exchange of Information Relating to Tax Matters between the Parties, terminate and cease to be effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notice.

In witness whereof the undersigned being duly authorised in that behalf by the respective Parties have signed this Agreement.

Done in duplicate, this ____ day of _____, 2009.

FOR IRELAND:

FOR THE STATES OF GUERNSEY:

(NB The Policy Council has no comment on the proposal.)

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated 12th May, 2009, of the Treasury and Resources Department, they are of the opinion:-

To ratify the Agreements/Arrangement set out in paragraph 2.4 of that Report, as required by section 172 of the Income Tax Law.

HOME DEPARTMENT

AMENDMENTS TO THE PRISON ADMINISTRATION (ALCOHOL AND DRUG TESTING) ORDINANCE 1999

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

28th May 2009

Dear Sir

1. Executive Summary

- 1.1 The purpose of this report is to seek the States of Deliberation's approval for the current drug testing legislation, namely the Prison Administration (Alcohol and Drug Testing) Ordinance 1999, to be amended to continue to allow Guernsey Prison a suitably robust means of drug testing prisoners, ensuring the continued successful operation of the Prison.

2. Background

- 2.1 The Guernsey Prison serves the public by keeping in custody those committed by the courts, helping them to lead law abiding lives both in custody and after release.
- 2.2 Under section 3A of the Prison Administration (Guernsey) Law, 1949, as amended, the States may by Ordinance provide for the testing of prisoners for drugs and alcohol. This is currently dealt with in the Prison Administration (Alcohol and Drug Testing) Ordinance 1999, whereby all prisoners detained in Guernsey Prison are required to participate in a random drug testing programme. This is seen as a valuable part of the prevention and control elements of providing a safe environment for staff and prisoners.
- 2.3 However, the current legislation only allows for the Prison to require any prisoner to provide a sample of urine, which is used to ascertain the presence of alcohol or drugs within their body. It is necessary for the collection of the sample to be supervised to ensure non adulteration or falsification of the sample. The production of such a sample can take up to five hours and is therefore time intensive for Prison Officers.

3. Proposals

- 3.1 Since the introduction of mandatory drug tests, the technology available for these procedures has changed, meaning there are now equally reliable but less time consuming methods available.
- 3.2 Following detailed discussions between the Prison Governor and the Department, it is proposed that the Ordinance is amended to allow the use of non intimate samples, as described in The Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003. This would allow the Prison to use the following options
 1. A sample of hair other than pubic hair;
 2. A sample taken from a nail or from under a nail
 3. A swab taken from any part, of a person's body including from the mouth but not any other body orifice;
 4. Saliva
 5. A skin impression
- 3.3 Adopting these means of testing will reduce staff time considerably and benefit the maintenance of good order and discipline within the Prison.
- 3.4 Similar legislation has been introduced in the United Kingdom and is being successfully used in La Moye prison in Jersey.

4. Consultation

- 4.1 The Department has consulted with St. James' Chambers regarding the proposals set out in this report and the proposals have their full support.

5. Recommendations

- 5.1 The Department recommends the States to:
 - (a) Approve the proposal to amend the Prison Administration (Alcohol and Drug Testing) Ordinance 1999 as set out in this report;
 - (b) Direct the preparation of the legislative changes necessary to give effect to that proposal.

Yours faithfully

G H Mahy
Minister

(NB The Policy Council has no comment on the proposals.)

(NB The Treasury and Resources Department has no comment on the proposals.)

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated 28th May, 2009, of the Home Department, they are of the opinion:-

1. To approve the proposal to amend the Prison Administration (Alcohol and Drug Testing) Ordinance 1999 as set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.