



Scenario



Concern report with domestic abuse and child concern

Police Scotland staff on making a referral to the reporter



Reporter:

I understand you would like to speak about a domestic abuse incident. Can you tell me about it?

Police:

Officers attended a domestic incident yesterday at approximately 2200 hours as a neighbour had reported hearing a disturbance, glass being smashed, a man shouting and swearing and a woman crying.

The officers were met at the door by the suspect, a 30-year-old man, who smelled of alcohol and appeared under the influence. His speech was slurred. Also in the house was a 28-year-old woman, the partner of the man and her two young children, aged 3 and 2. The woman was sitting on the sofa and had a cut and swelling on her upper lip and swelling to the bridge of her nose which was bleeding. The children were both in the livingroom and looked visibly upset as if they had been crying.



The house was in disarray; there was a lot of smashed glass on the kitchen floor and three holes in the living room wall which looked as though as it had been punched or struck with an object. Otherwise, the home was in good condition, the only issues relating to the incident that had just taken place.

Apart from confirming that the man was her partner, he wasn't the father of the children and that he lived there with her, the woman did not wish to speak with officers.

However, given the presenting circumstances, the man was arrested and removed from the property. The woman did not answer the Domestic Abuse Questionnaire. She was made aware that incident would be recorded and we may share relevant information with both statutory agencies and 3rd sector support or advocacy services.

Given the circumstances I am looking for some guidance on whether the children should be referred to the Reporter.

Reporter:

Let's think about the statutory criteria for referral to the Reporter.

- (a) the child is in need of protection, guidance, treatment or control; and
- (b) it might be necessary for a Compulsory Supervision Order to be made in relation to the child.

The Local Authority and the Police must refer a child when these criteria apply. Any other person may do so.



Police:

Do we need to think about which section 67 ground is most likely apply? I think there's a specific domestic abuse ground?

Reporter:

There is, but you don't need to be concerned about that. That's a matter for the reporter who considers the referral – if there is one. You need to focus on the statutory criteria – whether there's need for protection, guidance treatment or control AND whether a CSO is necessary.

There are some things you should think about to guide your thinking. In relation to some of them, you might not have much information, or any, within the report you get from front-line officers. But if you do it should be taken into account.

- **Firstly**, what's your assessment of the seriousness of the concern for and/or the risk to the children. Your assessment of this will involve consideration of things like how serious the incident was, what information you have about any previous concerns, and is there an ongoing risk.
- **Secondly**, was there a lack of engagement or co-operation from the adults involved.
- **Thirdly**, is there evidence of a lack of understanding or acceptance of the areas of concerns? There's the connected question – is there evidence of any motivation to change?
- **Fourthly**, is it likely that there will be adequate improvements via voluntary support? What's important here is the adults' capacity to change, not just whether they will co-operate with any voluntary support offered.



So let's think about the risk to the two children. The higher your assessment of risk, the more likely that a referral is necessary.

In some cases involving domestic abuse, the Domestic Abuse Questionnaire will have been completed, and this would inform your assessment of this. For example, there are particular questions in the questionnaire about whether the perpetrator has threatened to harm the child or used them as a threat. If the answer to these questions is yes, you are more likely to refer to reporter. However, as you've already said, the questionnaire wasn't completed in this case.

However, what's your assessment of the level of risk?

Police:

I would say that I have a moderate level of concern. This was quite a serious incident. The mother was injured, the circumstances indicated that there had been quite violent conduct by a man under the influence while 2 very young children were present in the house and appeared upset. Possibly they were in the same room when the violence and damage to property took place. The amount of glass on the floor was a particular concern. It was concerning to me that the children were present and were likely to be aware of what was going on even if they hadn't been in the same room, especially that their mum was being assaulted. But there was certainly the possibility of them being at risk of being injured.

On the question of the risk being ongoing, I'm not sure. If the relationship continues then there is a clear risk to the physical and emotional wellbeing of the children.



Reporter:

It's OK to be not sure about some things. In fact it's better to be not sure than reach a conclusion based on insufficient information.

What further information do you have about the people in the household, particularly the suspect. Have there been any prior incidents either involving the couple or alleged against the suspect in other relationships? The more significant the history, the more likely that a referral is needed.

Police:

Yes, on carrying out checks on police systems I am aware of two previous domestic incidents which have taken place in the last 6 months. These incidents occurred at the same address. The calls were received from different neighbours who were concerned there were domestic incidents ongoing due to the level of shouting and banging. When police attended there was no evidence of a disturbance, and both adults said they had just been arguing they were recorded as no crime domestic incidents.

Reporter:

Okay. One thing to remember is that you should include details of these prior incidents, even though no crime was recorded, if you do decide that it's necessary to refer the children.

Next, you should think about the second, third and fourth questions I already suggested. These are to do with (i) the level of engagement from the people involved, (ii) their understanding or acceptance of the concerns for the children, and



– if there is any – whether they are motivated to change things, and (iii) the likelihood that things will improve. Consider what the responses are, particularly from the perpetrator and how likely it is that there will be a recurrence. The less insight the perpetrator has or the more likely that there will be a recurrence, the more likely that a referral will be needed. Also, what was the victim's response?

Police:

There's not much I can say about any of that. The mother didn't engage with the officer in attendance however we are aware this could be for a variety of reasons. As it is an ongoing enquiry it isn't clear currently whether he accepts responsibility or if there is any desire to change the behaviour displayed. There is nothing to indicate at this time how much understanding they have about the impact of such incidents on the children or that there will be engagement from either of them. So, I couldn't really say anything about the likelihood of things changing.

Reporter:

Okay, now we've asked ourselves those questions, let's think about the statutory criteria ... firstly do you think that these 2 young children need protection, guidance, treatment or control?

Police:

Yes, I think they do need protection. This was a serious, violent incident that they experienced. Their mother seems to have been the victim of an assault. There have been two previous incidents recorded at the address. Given the age of the children they are unable to safeguard themselves which makes them more vulnerable. It's not clear at this time, but there are several questions that may impact the children. Will he get bail?



Will the children's mother take him back into the home. So, because of (i) the nature of the incident, (ii) the context of a relationship that seems quite volatile, and (iii) the vulnerability of these very young but still mobile kids, I think they do need protection.

Reporter:

Okay. And do you think that it might be necessary for a compulsory supervision order to be made in relation to them?

Police:

I'm not sure, to be honest, it would be good to have a bit more information before reaching a decision. However, considering this was a serious incident and there is no information that would satisfy me that the concerns raised will be addressed one way or another, I think that a CSO might be necessary.

Reporter:

So, you would refer the children to the reporter at this time?

Police:

Yes

Reporter:

Okay. I think that's a justifiable decision in the circumstances.

Can I ask you something though – you spoke about having "a bit more information"? What kind of information were you thinking about?



Police:

Well...I suppose I was thinking mostly about information to do with the things we spoke about - engagement, etcetera. If there was anything to suggest that the concerns raised by the incident were being addressed I might have decided not to refer. For example, this might be because of action the woman was taking with support from social work or others. But that kind of information won't be readily available.

But there might be information that suggested more clearly that a referral was needed. It might be that the known history of abuse was more significant and would suggest to me that voluntary supports were not likely to work. For example, if agencies had been involved in providing voluntary support after an earlier incident. Or if he had been released on bail for an earlier domestic abuse offence and breached bail.

Reporter:

That makes sense. You said that certain information might not be readily available. If there was a way of getting it, perhaps a well-established process for discussing cases like this across agencies, and where you know that you can quickly get the input from social work and others about what can be achieved on a voluntary basis. Would that make a difference?

Police:

Yes. I might hold off making a referral to see what options to support the child – and mother – on a voluntary basis. Maybe a referral wouldn't be necessary.



Reporter:

Thank you.

There's one more thing I'd like you to think about in this case - are there any other children, apart from the two in the house that there may be concerns about? For example, the man may have contact with children from another relationship. If there are any such children in a case where the concerns relate to someone who has carried out domestic abuse, then consideration should be given to whether they should be referred to the reporter.

Police:

I'm not aware of any other children. There was no reference to any other kids in the records on police systems or from previous contact with partner agencies.

Reporter:

There's one final thing I'd like to ask you. What about a situation where police officers become aware of circumstances where in a domestic situation there is no evidence of violence or other physical acts, but there are signs of controlling behaviour? How would you approach a situation like that?

Police:

Officers are, or should be, aware that domestic abuse can take a number of forms. Section 1 of the Domestic Abuse (Scotland) Act 2018 defines domestic abuse as including any course of behaviour a person engages in towards a partner or ex-partner where a reasonable person looking at that behaviour would consider it to be likely to cause them to suffer physical or psychological harm.



Such behaviour might not involve physical violence at all. We in the police are aware that domestic abuse can be wider than that and often of a type that is considered coercive control.

Reporter:

In a case like that, would you be concerned about the risk to a child in the household?

Police:

Yes. We are aware that children can experience and suffer trauma through exposure to all forms of domestic abuse not just where that involves physical violence or aggression.

Reporter:

Thanks, that's good to hear.

