



DOMESTIC HOMICIDE REVIEW

EXECUTIVE SUMMARY

Into the death of

Henry

Report Author

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The Tendring Community Safety Partnership and the Domestic Homicide Review Panel wish to express their condolences to the family and friends of the deceased. His sudden and violent death has left them bereft of a much loved son, father, grandfather, and friend.

A number of staff who worked with the victim have reported to the Review what a nice, caring man he was. He will be greatly missed by family and friends who knew him.

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DOMESTIC HOMICIDE REVIEW

EXECUTIVE SUMMARY

1 The Review Process:

1.1 This summary outlines the process undertaken by the Tendring Community Safety Partnership Domestic Homicide Review Panel in reviewing the murder of a resident in who lived in the Tendring local authority area.

1.2 Following a Police investigation and criminal trial where the perpetrator pleaded guilty to murder, he was sentenced to life imprisonment. The sentencing judge made a point of mentioning aggravating features to the offence and that there was a starting point of 25 years for the crime he had committed, but he give maximum credit for an early guilty plea. The judge reduced the sentence by 5 years for the early plea. Therefore the sentence served will be a minimum of 20 years. The judge made the comment that before release was considered the parole board should watch the CCTV footage of his crime.

1.3 The Review process began with a meeting called by the Chair of the Community Safety Partnership 2 weeks after the chair was notified of the homicide. Following discussions with the Home Office it was agreed that the circumstances of the case met the requirements to undertake a Domestic Homicide Review. The decision and notification to the Home Office was within the timescale required by statute. The Review was concluded over the statutory guidance timescale to complete a Review due to the criminal proceedings and gathering information from agencies. The Review remained confidential until the Community Safety Partnership received approval for publication of this Executive Summary by the Home Office Quality Assurance Panel.

1.4 A total of 21 agencies and 13 Local Authorities across the county were contacted; 13 responded has having had involvement with the individuals involved in this Review; 23 had no contact. Agencies participating in this case Review and the method of their contributions are:

- Essex Probation Trust – Chronology & Independent Management Review (IMR)
- Essex Constabulary – Chronology & IMR
- Anglian Community Enterprises - Chronology & IMR
- Colchester University Hospital NHS Foundation Trust - chronology & information
- Youth Offending Team - Chronology & IMR
- Essex Children's Services - Chronology & IMR
- WDP Inside Out Essex - Chronology & IMR
- Essex Specialist Treatment & Recovery Service - Chronology & IMR
- Crown Prosecution Service - Information
- Tendring District Council Housing Department - Chronology & IMR
- Colchester & Tendring Women's Refuge - Information
- Safer Places - Information
- G. P. Practice - information

A family member has also contributed to this Review.

1.5 To protect the identity and maintain the confidentiality of the victim, perpetrator, and their family members pseudonyms have been used throughout the Review. They are:

The victim: Henry

The perpetrator: Terry

The victim's daughter and perpetrator's ex-partner: Anne

1.6 **Purpose and Terms of Reference for the Review:**

The purpose of the Review is to:

- Establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually and together to safeguard victims;
 - Identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result;
 - Apply these lessons to service responses including changes to policies and procedures as appropriate; and
 - Prevent domestic violence homicide and improve service responses for all domestic violence victims and their children through improved intra and inter-agency working.
- This Domestic Homicide Review is not an inquiry into how the victim died or who is culpable. That is a matter for the coroner and the criminal court.

Specific Terms of Reference for the Review:

1. To examine the background circumstances which led up to the fatal incident from the time the perpetrator began his relationship with the victim's daughter in December 2012. Agencies with earlier contact with the perpetrator, the victim, and the victim's daughter to provide a summary of their involvement to provide context to the events leading to the victim's death.

2. All services assessments and interventions with the perpetrator as a child from the first notification of domestic abuse within his family in 2002 to be described and analysed. Were there opportunities for intervention which were not taken?

3. To establish what risk assessments were undertaken concerning the perpetrator, the victim, the victim's daughter, with whom the perpetrator had contact. Were assessments informed by background history and did interventions reflect the level of risk?

4. Services who have had involvement to describe the domestic abuse policies and procedures in place to guide staff practice and the level of domestic abuse training that staff involved in this case have received to undertake their role including:

- Identifying domestic abuse and coercive control and their effects;
- If working with families: training in the impact of domestic abuse on children;
- Knowledge of risk assessment and the risk assessment tools they use;
- Ability to identify behaviours which indicate a perpetrator presents high risk to

partners and other known adults.

- Their knowledge of the Multi-Agency Risk Assessment Conference¹ (MARAC) and how to refer;
- Knowledge of specialist domestic abuse services and referral pathways.

5. To determine the decision making process which led to the perpetrator being released on bail on following his arrest on 10 April 2015.

6. To assess whether information sharing was appropriate, timely, and effective to inform well-timed service provision and interventions.

7. To determine whether any organisational, systems, or resource issues impacted on agencies provision of services.

8. Could the victim be described as an 'adult at risk' as defined by the Department of Health in that he was a person over 18 years of age and someone:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation"

or under the Care Act 2014 which came into force in April 2015 could he considered in need of services as he:

(a) has needs for care and support (whether or not the authority is meeting any of those needs),

(b) is experiencing, or is at risk of, abuse or neglect, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

9. The chair of the Review will be responsible for liaising with family members and seeking their contributions to the Review.

Summary of Agencies Contact:

1.7 Agency contact with Terry, the perpetrator of the crime, began in his early childhood. He lived in a family where his father was abusive to his mother, and Terry and his siblings also experienced physical abuse, however, the abuse could not be substantiated at the time. Alcohol misuse was also present. It was not until his mother left in 2002 when Terry was 9 years old that the extent of the abuse became apparent to agencies.

1.8 In 2003 an educational welfare officer became involved as Terry and his siblings were not in school, and a referral was made to Children's Services. It was identified in the assessment that the children had witnessed serious long-term domestic abuse of their mother by their father. Their mother was found to be suffering from depression and experiencing violence from her eldest child. Terry was reported to be setting fires; he attended a fire safety course at the local fire station. He went to stay with his grandmother where it is recorded he wanted to stay; he did not want contact with his father.

¹ Multi-Agency Risk Assessment Conferences hear cases assessed as high risk; information is shared and safety planning takes place to reduce risk to the victim.

- 1.9 During 2003 Terry received a Police reprimand for theft from a vehicle and he became known to the Youth Justice system. In the autumn of 2003 it was assessed that a more suitable living arrangement would be for Terry to move to live with his father. Children's Services ended their involvement. In the coming years Terry moved to live between his mother and father.
- 1.10 In 2005 Terry was given a Final Warning when he was seen kicking another boy on the ground. A year later when he was 13 years old an educational welfare officer became involved with the family once more due to his absence from school. It was noted that he had been in 6 schools in 7 years.
- 1.11 Terry was subject to a 1 year Referral Order in 2009 after admitting hitting another male on the head with a knuckleduster. He was charged with assault and possession of an offensive weapon. Terry admitted that he lost his temper. He was found to have a collection of knives which were removed by Police. He maintained that he had no intention of using them.
- 1.12 During the next year 16 year old Terry's criminal behaviour continued. Offences included criminal damage, burglary, and attempted robbery. Many offences were committed with an older sibling who was seen by family members to have a significant influence on him. On breaching a curfew he was sentenced to his first custodial sentence in November 2009 and released in February 2010 on licence whilst also subject to an Intensive Supervision and Surveillance bail package for further offences of robbery and attempted robbery which pre-dated the custodial sentence. Due to his offending history he was placed on the Prolific and Priority Offender scheme. During the Youth Offending Service assessment in connection with a robbery offence Terry was found to demonstrate little remorse and he minimised his behaviour by blaming his older sibling. The assessment found *"a combination of misplaced loyalty to an older pro-offending sibling that he has learned his behaviour from and from whom he gains respect by committing crime. This has been exacerbated by his prolific cannabis use and an anti-social peer group that further 'normalise' offending behaviour"*. Terry received a Community Rehabilitation Order for robbery offences and then a further 4 month custodial sentence in 2010 for various motoring offences.
- 1.13 In late 2010 Terry's then girlfriend became pregnant. Terry presented as homeless to the local Housing Department and due to his additional needs he was referred to the Targeted Youth Support Service. An initial assessment by Children's Social Care highlighted that Terry's offences were not violent, except for one warning for fighting. However, Youth Offending records show that Terry had had a Final Warning for common assault and a Referral Order for assault and possession of an offensive weapon (a knuckle duster). During this period Terry was on a Drug Treatment Order licence and was being supported by a resettlement worker from an agency called Catch 22. Within weeks Terry was remanded in custody following an allegation of harassment and assault on his girlfriend who was then 9 months pregnant. He had been bailed for the assault charge with conditions not to contact her, but he continued to text and call her. She agreed to meet him when he promised to leave her alone, but on meeting he was verbally threatening and to calm him down she told him she would drop the charges. However, he continued to make multiple calls and texts suggesting that he was watching her.
- 1.14 Terry was arrested and charged with breach of bail and witness intimidation; he was remanded in a Young Offenders institution. When interviewed Terry was reported to be ambivalent about the offence and said his ex-girlfriend had lied about the assaults. He admitted that he knew he would contact his ex-girlfriend from the time he was first interviewed by the Police as he felt entitled due to her being the mother of his child. Terry's involvement with the Youth Offending Service ended in April 2011 as he was on

remand and became 18 years old during this period. The closing analysis by the Youth Offending Service assessed Terry as having poor problem solving skills and as being prone to impulsive and reckless behaviour in relation to the domestic incident with his ex-partner. He had a strong sense of entitlement regarding his relationship with his ex-partner, and his behaviour suggested a failure to adhere to boundaries in personal relationships and a concern primarily with his own needs. The history of violence within the family towards partners, children and grandparents was assessed to have 'normalised' aggressive behaviour rather than learning appropriate conflict resolution skills. The assessment surmised that the fact that Terry's parents appeared to support his minimisation and derogatory remarks about his ex-partner were seen to suggest that the family appeared to justify his actions.

- 1.15 In early 2012 Terry received another custodial sentence following his arrest with another male for attempted robbery; the offence involved threatening the victim with a knife. He was sentenced to 18 months imprisonment. Terry was released on licence in November 2012 to be supervised by the Probation Service. His plan included weekly appointments with his offender manager, and his anger management issues were to be addressed; he had assaulted a guard in prison. An OASys² risk assessment and risk assessment plan was completed during which Terry confirmed he would be living with one of his parents, he said he did not have any drug and alcohol problems. Terry was assessed as being a medium risk of harm to the public and a low risk to all others. Although the assessment mentioned his previous domestic abuse history with his first partner it was found to be brief and lacking in detail. The Probation IMR judged that the risk assessment plan was insufficient in its content at the start of the licence and was unchanged throughout the order. It was also considered an omission not to include contact with the Police domestic abuse officers as an action within the risk plan. A SARA³ assessment was completed, but this identified that Terry presented a low risk to a partner, and this was never reviewed throughout the sentence despite the knowledge that he had developed at least two different relationships during the time he was under licence.
- 1.16 The month before Terry was released from prison, Henry the victim in this Review, was also released from prison on licence in October 2012 to be supervised by Probation. He had served a sentence for supplying class A drugs. Henry had an appointment arranged for him with NEEDAS a drug and alcohol service on his release, but he declined the service. Henry had a long-term problem with drugs and alcohol which had a significant impact on his life and those around him.
- 1.17 It is through one of Henry's children that he came into contact with Terry. In December 2012 Terry met Henry's daughter Anne and they began a relationship. Anne had returned to the area from the south of England that autumn.
- 1.18 Although under supervision by the same Probation service Henry and Terry had different offender managers. There is no evidence that they met at the service and the offender managers were unaware of any connection between them. Henry was also subject to OASys and risk management planning during his time of supervision by Probation between October 2012 and October 2013. His offender manager knew he had regular contact with Anne and her details should have been recorded in the relevant OASys section as a minimum requirement of Practice Instruction, but they were not. No home

² OASys is a national general assessment tool which provides a consistent framework to offender managers in assessing an individual's risk of serious harm and likelihood of re-offending. Depending on the level of risk of harm and sentence type, this will trigger the completion of a risk management plan and other assessments, for example the Spousal Assault Risk Assessment (SARA).

³ Spousal Assault Risk Assessment is undertaken by Probation when domestic abuse is identified during the OASys assessment.

visit checks were made. Terry's offender manager was aware that Henry and Anne were connected, but as Terry had refused to disclose the identity of his girlfriend no connection was made between Henry, Terry and Anne. There appears to have been no challenge regarding Terry's refusal to divulge her identity, home visit or checks with other sources.

- 1.19 On 1 February 2013 Terry was seen at the local Minor Injuries Unit with an injury to his right hand reported to be caused by punching someone. This appears to be unreported as there is no Police record of an assault or incident.
- 1.20 Terry and Anne together first came to the attention of services when on 4 February 2013 Terry phoned 999 to report an argument with his 'ex-girlfriend' Anne who had threatened to damage his phone. When the officers arrived Terry refused to be seen or to assist with the completion of a DV1⁴ therefore only a skeleton form could be completed. The incident was assessed as 'Standard' risk.
- 1.21 Following his engagement with drug and alcohol services at the beginning of 2013 Henry appeared well motivated to engage with the service, although he did swing from periods of doing very well and staying on his methadone script, to then missing many appointments and relapsing between January and October 2013. At one point he reported feeling isolated and suicidal. Henry was given a 24 hour support line number to use if he felt this way again. He was usually open with his offender manager about his use of drugs or alcohol, although communication between Probation and the drug and alcohol services was sometimes not timely or clear when monitoring his attendance or usage.
- 1.22 In March 2013 Terry missed his Probation appointment, but did make contact to say he was unwell. This was his first missed appointment and a warning letter was sent. Further appointments were made which he failed to attend. He was next seen on 24 April 2013 when he appeared to be less engaged. It was recorded that Terry thought "he does not need to come to Probation as we can tell him whatever we want, but he knows it already and will do what he wants regardless".

Domestic Abuse Incident 1:

- 1.23 The Police received a 999 call from Anne on 2 April 2013 at 01:53hrs. Officers attended and Anne told officers that Terry had become drunk and abusive during a party and had struck her in the face and then squeezed his fingers over her jaw. She had suffered a 3cm scratch and swelling under her right eye. Terry who was described as drunk and abusive was arrested for assault, but although Anne made a witness statement she declined to pursue a complaint saying she was ending the relationship. The Crown Prosecution Service found there was insufficient evidence to prosecute. A DV1 form was completed and details entered onto the Police database PROtect with a risk assessment of 'Medium'. A crime report was also completed. In May 2013 Anne attended a hospital early pregnancy clinic with a suspected miscarriage which was confirmed. The consultation raised no concerns, although it is not known if she was asked about possible domestic abuse.
- 1.24 During 2013 Henry was having problems with his accommodation. In late summer he reported that he was staying with a family member and he was in contact with Anne. In the autumn Henry appeared in court as a result of a charge of common assault and was bailed. As he was still on licence he was recalled to prison for the final weeks of the licence. On his release in October 2013 his involvement with Probation came to an end. This was Henry's last contact with agencies. On 16 September 2013 Terry was

⁴ DV1 is a Police form including domestic abuse risk assessment completed by Police at incidents.

seen for a second time in the Minor Injuries Unit with a pain in his right hand which he stated was a punch injury. He had punched another person in the head. The Police have no record of an incident or assault.

Domestic Violence Incident 2:

1.25 The Police received a 999 call from Anne on Thursday 3 October 2013 reporting an argument with Terry during which he had assaulted her, grabbed her around the throat squeezing hard, and pushed her to the floor, he then picked her up and attempted to throw her out of the window. Anne reported that she hit Terry with a Hoover pole in an attempt to get him off, he grabbed the pole and hit her up to 3 times. Anne described strangulation as Terry's "first point of attack" and described this incident as the most severe. By the time the Police arrived Terry had left. Anne was taken to hospital and subsequently discharged. Her injuries were recorded as a bruised elbow.

1.26 The incident was risk assessed as 'High'. A MARAC referral was made in addition to a referral to the IDVA Service. Warning markers on the MARAC referral concerning Terry included 'Alcohol, Escapes from Police, High Risk Perpetrator, Suicidal, Violence'. The 'Reason for the Referral' information on the MARAC notes included:

- "This is the second incident on Protect between the couple. The first reported incident was in April 2013 and was graded as a medium risk following a violent assault against Anne.
- Anne described the violence and confirmed when it started.
- Terry had shown signs of excessive jealousy and control throughout their relationship.
- Anne thought his daily addiction to cannabis was an influencing factor in his violent episodes.
- Terry was known to the Police for previous convictions including assault using a knuckle duster, attempted robbery and possession of a knife. In addition he had numerous non convictions for robbery burglary, drugs, theft, and DV related assault.
- Terry was noted to have a disregard for authority evidenced by previous breaches of orders.
- The victim has chosen to remain in her property whilst arrest attempts are continuing and as such he has full knowledge of her location. I feel that Anne is at risk of significant serious harm and in the current circumstances an incident could happen at anytime. Although this is the first incident⁵ between Anne and Terry there has been physical violence involved. I believe that there are identifiable indicators of the risk of serious harm. I believe that Terry has the potential to cause this but is unlikely to do so unless there is a change in circumstances i.e. if Anne resumes a relationship with Terry. Safeguarding to minimise risk.
- Victim is aware of Terry's "true colours" and will not be contacting him.
- The couple do not have children together and as such do not have any reason for contact between the two.
- Victim has a good supportive family network around her".

1.27 On 14 October 2013 a Colchester and Tendring Women's Refuge staff member recorded a referral to support Anne. Also on this date a joint visit took place by a local authority officer and the Police crime prevention tactical advisor to survey Anne's flat for

⁵ This was actually the second reported incident involving the couple - however the 'Repeat Case' boxes for indicating a repeat incident within 12 months showed zero. The first Police reported incident was on 2 April 2013.

security enhancement. It was noted that Anne was leaving open the alley gate and the communal door for her friends. She was advised that these must always be locked to keep the property secure. A more secure door lock was recommended and the outside security light was to be repaired. This work was completed by 28 October.

- 1.28 Terry was arrested on 20 October 2013 and charged with assault by beating. He was conditionally bailed by the court not to have any contact with Anne, not to enter the town and to live and sleep at a town some miles away. On 7 and 15 November 2013 whilst on bail Terry phoned the Police accusing Anne of contacting him to make him breach his bail conditions. This is suggestive of Terry trying to paint a positive picture of himself, whilst using the Police for his own ends to cause difficulties for Anne.
- 1.29 Towards the end of 2013 agencies supporting Henry were working with him to maintain his tenancy. Henry acknowledged that his family and Anne did not like his lifestyle, and it upset him to know he was hurting them. Henry said visiting his mother and Anne helped him to keep busy. He had also received help with a CV and was looking for work.
- 1.30 On 5 December 2013 Anne's case was heard at MARAC concerning the 3 October incident. Information provided to the meeting did not include the previous domestic abuse offences. There was no multi-agency safety plan. Safety measures had been taken previously by the Police domestic abuse officer i.e. security to Anne's property, and bail conditions were in place, the remaining actions were for further Independent Domestic Violence Advocacy (IDVA) engagement to be attempted with Anne and a drugs marker was added to the Police database for Terry.
- 1.31 Terry appeared at the Magistrates Court on 21 January 2014 for the October 2013 assault on Anne and pleaded guilty to common assault. He received an 18 month conditional discharge. The prosecution did not rely on evidence of bad character; however the CPS were informed of previous incidents of domestic abuse and his previous convictions. No restraining order was made by the court; the reasons for this are not known.
- 1.32 The Police had further dealings in connection with Terry in April 2014 when his father called to say that he had been assaulted by Terry. This had arisen because Terry had brought drugs into the house. In June Terry and another male were arrested and charged with burglary. In October Police reports indicated that cannabis had been found in a property frequented by Terry and information suggested that Anne and Terry were back in a relationship although Anne stated that the relationship was over.
- 1.33 Around this time Henry was experiencing difficulties with accommodation and appeared to be 'sofa surfing'. He gave the Housing Options Team Anne's telephone number as a contact point, and said he was staying with a friend and gave their address for correspondence. However, efforts to make further contact with him were unsuccessful.
- 1.34 In mid November 2014 the Police received a 999 call from Terry's father reporting another assault by his son. He had been thrown against a door and pushed down six stairs and sustained a small cut to his head and soreness to his knee. He reported that Terry had also stolen some medication. However, when officers arrived Terry's father refused to cooperate as before. The incident was assessed as 'Medium' risk.
- 1.35 By the New Year 2015 Terry and Anne had resumed their relationship once more. Terry was stating that he had changed and could now manage his anger better; he agreed to any work asked of him.
- 1.36 Also in the New Year 2015 Henry visited the Housing Options Team once more. He was still 'sofa surfing' with friends, and was now staying with his daughter Anne, but he said

he needed to find his own place. He was given advice about accommodation and offered support via the rent deposit scheme. Henry completed an introduction form for a property which was available and reminded of other options, but he said he was okay at his daughter's whilst he looked for something else. This was the last contact the department had with Henry. It is highly likely that if Henry was staying with Anne he would have known Terry at this time.

Domestic Abuse incident 3:

- 1.37 The next contact with the Police came when Anne called 999 to report that she and Terry had had a verbal argument and he had thrown two pieces of wood at the front door causing the glass to shatter. Officers attended and Terry was circulated as wanted by the Police. The incident was assessed as 'Medium' risk, but then increased to 'High' when previous incidents were identified. A MARAC and IDVA referral was made. The case was heard at MARAC after the fatal incident. A skeleton domestic abuse safeguarding officer safety plan was commenced. Terry was circulated as wanted and arrested. He was bailed with conditions that he did not contact Anne. The Police database showed that Terry was also wanted for previously failing to answer bail relating to motoring offences. However, the Review was advised that such an offence would not have resulted in Terry being held in custody. Following Terry's release on bail Anne reported that her father and another relative were going to stay with her; she felt her family would protect her. The Police received a non-emergency call from Terry the day after he was released on bail reporting that he was receiving texts from Anne. He stated that he wanted it sorted out as he did not want to have a few beers and get himself into trouble.
- 3.1 Late in the evening on the day of the fatal incident the Police received a 999 call reporting a disturbance at Anne's address. Officers attended and found Henry bleeding heavily having suffered multiple stab wounds. He was pronounced dead at the scene. Among the friends and relatives present in Anne's flat at the time another individual who tried to intervene between Terry and Anne also received facial wounds. Terry was identified as being the person responsible for these injuries. The Police investigation into Henry's murder ascertained that during that day Terry had made various threats to Anne that he was going to stab her father and brother. These threats were not reported to the Police and were only revealed during the investigation. CCTV footage showed Terry buying beer from a local store hours before the fatal incident, and a relative confirmed that he had been drinking beer that day. There was no evidence to indicate if he was drunk at the time of the incident.

2 Key Issues Arising from the Review:

The Importance of Background History:

- 2.1 Background history is essential for informing and assessing risk, safety planning, and planning interventions. Key agencies in the Review had historic information which could and should have been available for those purposes. The background of the protagonists in this case were fundamental to understanding the impact of their early life experiences on the actions they took as adults, their response to agencies, and the additional vulnerability factors which can affect parenting and relationships with others.
- 2.2 A number of agencies had background information which should have informed interventions, for example Police and Probation had important background criminal histories including Terry's previous domestic abuse offences which in the case of Probation were not taken into account in assessments or fully shared at MARAC.

Offences such as domestic abuse must always be considered even if historic. Unless an offender's belief system has been effectively challenged and addressed in the past they are unlikely to change their use of abuse and control in relationships with the passing of a few years.

- 2.3 Each new practitioner taking on a case must familiarise themselves with the case chronology and keep records updated. Information from other areas or agencies should be read and incorporated in the records, and any points of clarification should be gained as soon as practicable while there is someone with the case knowledge to check with.
- 2.4 A background of criminal behaviour has been shown to be an additional indicator of the level of threat an abuser may present (see Appendix A). A summary of Terry's offending history is given below to assist learning:

Youth Offending History:

- Theft from a vehicle (2003) - Police reprimand
- Common assault (2005) - Final Warning + 2 sessions looking at victims & consequences
- Assault occasioning actual bodily harm & possession of offensive weapon (knuckleduster) (2009) - 12 month Referral Order
- Aggravated taking without owner's consent & burglary non-dwelling (2009)
- Possession of controlled drugs - class B, driving without licence or insurance, criminal damage of a car (2009) Community Rehabilitation Order
- Breach of curfew (2009) - 6 months Detention Training Order
- Attempted Robbery and Robbery (2010) - 1 year Community Rehabilitation Order with Intensive Supervision & Surveillance.
- Aggravated taking without owners consent, no insurance and driving whilst disqualified (2010) - 4 month Detention and Training Order
- Assault & Harassment (2011) - held in custody then Youth Rehabilitation Order managed by Probation

Adult Offending History:

- 4 Offences against the person (2009 -2014)
- 3 Offence against property (2009-2011)
- 9 Theft and kindred offences (2009 -2012)
- 1 Offence relating to Police/Courts/Prisons. (2009)
- 1 Drug offence (2009)
- 2 Offensive weapons offences (2009-2012)
- 5 Miscellaneous offences (2009-2011)

Risk Assessment:

- 2.5 Risk assessment is dynamic. It fluctuates over time and changes with circumstances. There was a lack of risk reassessment following the Police initial risk assessment undertaken at the time of an incident, and on-going safety planning was absent in response to changing risk as stated in multi-agency practice guidance.
- 2.6 The risks posed by Terry the perpetrator to Anne, and her family members were not identified and understood by all the agencies involved consistently and collaboratively, and therefore risk was not managed effectively. These threats and risk factors include:
- The increased risk brought about by Terry's criminal behaviour and disregard for the law

- His propensity for violence both in relationships and against others
- He was described as controlling and jealous
- Previous use of weapons i.e. knives
- History of breaching bail
- Heighten risk at times of separation
- Anne's difficulty in ending the relationship
- Substance misuse and how this affects risk
- Disguised compliance and avoidance by the parties involved. Appearing to, but failure to engage with support services
- Both victim of domestic abuse and perpetrator brought up in violent households - normalisation of violence and high threshold of acceptance.

2.7 The key purpose of MARAC is to reduce the risk of serious harm or death of the victim and increase the health, safety and wellbeing of both adult victims and children. It does this by sharing information and jointly constructing a risk management plan. The MARAC held on 5 December 2013 lacked adequate information on which to fully assess risk. It was fortunate that the safety plan put in place by the Police Domestic Abuse Liaison Officer after the incident mitigated immediate risk, but future risk management was absent. There was no consideration at the MARAC of the two contacts by Anne with Terry in breach of his bail conditions, whether this was as Terry alleged to force him to breach his bail, or whether Anne was trying to rekindle the relationship as she had before, or indeed whether this was an attempt by Terry to manipulate the situation and cause trouble for Anne. These contacts took place before the MARAC was held and should have been discussed. There was inadequate or flawed assessment and management of risk by a number of agencies; assessments were either not updated in response to changes or did not contain full information, and Terry's risk to others was underestimated.

2.8 The lesson here is the importance of dynamic risk assessment in domestic abuse cases which has all relevant background information and which responds in a timely manner to changes in circumstances, no matter how small that change may seem.

Information Sharing

2.9 There were gaps in information sharing between Probation and Police regarding Terry's domestic abuse offending, and between the Police and relevant agencies regarding the search of Anne's property in relation to Terry's criminal activity. The latter showed that Anne and Terry were back in a relationship at a time when she denied this. The corollary of these gaps is that important information was missing which affected risk assessments and interventions.

2.10 The MARAC agenda and meeting notes in 2013 reveal that apart from detail provided by the Police about the incident and a good account of the criminal history and risk factors relating to the perpetrator, information from key agencies was minimal. Whilst appreciating that the MARAC works on a system of concise information sharing, that information should be as full and as informative as possible. Multi-agency practice guidance requires that *"All participating agencies check the MARAC list against their own agency's records, in order to collate all the evidence available for the non-abusing partner, abuser and child/ren"*. Probation did not include Terry's offence of harassment and assault against a former partner in his offences, the Youth Offending Team were not present therefore none of his early history was available. No risk reducing actions came out of the meeting.

2.11 There was a perception that Terry's consent was needed to access his information

which he prevaricated in giving. Although a DBS⁶ request was to be made this would not have provided the depth of history which was held already in agency files. Legislation exists which enables practitioners to share information including under the Crime and Disorder Act 1998. This allows responsible authorities to share information where a crime has been committed or to prevent a crime being committed. The lack of timely information about Terry's background undoubtedly delayed and impaired holding him to account for his behaviour and putting measures in place to increase Anne's safety, and ultimately Henry. Had information been shared his violence to others including his own family would have come to light.

Absence of Males in Assessments:

- 2.12 There was a lack of full and accurate information and assessment of the men involved with Anne's family. Apart from Terry, Henry often stayed with Anne as did other family members and their friends. Whereas Probation had information about Terry and Henry, as did Drug and Alcohol Services for Henry, they had none about their family and support networks or relationships. The Police are perhaps the only agency to link up the various individuals on their systems. Nevertheless, this did not register or trigger an action by services, even though it demonstrated Terry's violence against others beside intimate partners. Perpetrators in particular must be more thoroughly assessed.
- 2.13 Terry was absent from assessments partly because there was a lack of information sharing on the part of agencies. There was also a perception that Terry's consent was needed to access his information. As commented upon under Information Sharing there should be no barriers to accessing his information for assessment in the prevention of crime.

Lack of Professional Curiosity

- 2.14 Practitioners in a number of agencies demonstrated a lack of professional curiosity and an investigative approach to case management. This is not just criminal justice agencies, but all agencies where information needs to be sourced, analysed and assessments undertaken.
- 2.15 For example offender managers did not pursue information about Terry's new relationship and he refused to divulge the woman's identity. This warranted greater investigation, especially as it was not known if children were involved. There was a need for practitioners to join up the dots to achieve the bigger picture

Avoidance & Disguised Compliance:

- 2.16 Terry and Anne both appeared to engage with services when they needed to, but then disengage or avoid contact entirely. Terry engaged with some programmes whilst being managed by Probation, but made it clear on one occasion that this was on his terms and he did only what he needed to do at the time. Similarly with signing the DBS form he played for time by using delay tactics.
- 2.17 Practitioners need to be very mindful of *non-effective compliance* where service users lack commitment or the ability to change, and where they will work subversively to undermine the process by concealment, superficiality, dishonesty or incapacity. Actions in this case are suggestive of these tactics. The outcome of this type of avoidance is that compliance cannot be sustained over time.
- 2.18 There appeared to be only one occasion when Anne's attendance at a service she had

⁶ Criminal Records Bureau (CRB) checks are now called Disclosure and Barring Service (DBS) checks.

been referred to was checked; planned checking mechanisms seemed to be missing. In cases where avoidance is observed, practitioners need to follow up their referrals, or check if a service user is engaging with a service they purport to be using.

Misplaced Optimism & Professional Dangerousness

- 2.19 Leading on from disguised compliance; when Anne or Terry did engage with services and demonstrated what was expected of them then this appeared to raise professionals' optimism that change was happening, but this was often in the absence of evidence of change.
- 2.20 Professionals appear to have had short memories which induced misplaced optimism. For after each domestic abuse incident Anne maintained she was not going to resume the relationship with Terry, but each time she did.

Guidance and Assessment Tools:

- 2.21 Local domestic abuse guidance is comprehensive, but very lengthy. From this case it appears that aspects of case management did not follow the guidance. It would be helpful for practitioners to have an easily accessible stand-alone version of guidance for managing domestic abuse cases to refer to. This should accompany domestic abuse training. Separate guidance could be compiled when carrying out updates to take account of Section 1(4) of Statutory Guidance on Controlling or Coercive Behaviour December 2015, which requires that controlling or coercive behaviour should be dealt with as part of safeguarding and public protection procedures.
- 2.22 Assessments and planning templates are designed with the intention of gathering the information required to assess need, plan interventions, and identify risks and vulnerabilities. During the review of documentation and procedures some minor adjustments have been identified which may help practitioners in these tasks. Templates are predominantly victim focused. This Review has highlighted the importance of a perpetrator's history; there is no prompt concerning the perpetrator's background history in local practice guidance. The guide to assessment in domestic abuse cases would be improved and aid practitioners further if it included taking into account the background, any previous abusive relationships, and criminal history of the abuser.
- 2.23 In the guide the only points focussing on the abuser is their pattern of assault and coercive behaviours and risks. Whilst domestic abuse can rightly be identified as a pattern of abuse, care needs to be taken when defining a pattern of behaviour and the timescales within which those behaviours occur. Incidents of abuse can appear to have long periods of time between them because they are not reported to agencies and this may disrupt the 'pattern' as it is perceived by assessors. There may be reasons for a break in reports such as an offender being in prison for an unrelated offence, or a long term period of support which reduces the abuse as the couple are under closer scrutiny. Equally, incidents must not be seen in isolation or in terms of serious injury; minor injuries can belie other forms of abuse and coercive control
- 2.24 The North Essex Partnership risk assessment tool used by Drug and Alcohol Services has no specific question asking about domestic abuse. Those affected by drug and alcohol use difficulties may be abusers when under the influence, or equally they are more vulnerable to abuse when under the influence of substances. It is important that this issue is included in screening. Therefore under the 'Vulnerability' section of risk assessment tools there should be questions explicitly asking about domestic abuse by a partner, former partner, or family member and this should include asking about physical, emotional, sexual, and financial abuse and exploitation, and coercive and controlling behaviour. Equally a gap has been found in identifying family support

networks. The inclusion of family members or partners in this context could also explore any tensions in the caring role.

Staff Training:

- 2.25 Judging from the way a number of Police incident notifications and referrals were dealt with by partner agencies there is scope for further training in domestic abuse, particularly around risk assessment not just of victims, but of children and the perpetrators of domestic abuse. Training on coercive control is also advisable in light of new statutory guidance which came into force on 29 December 2015⁷. Attention in training to the importance of recording will be helpful to evidence patterns of coercive and/or controlling behaviours.
- 2.26 Working with male perpetrators is challenging, and practitioners should be given training in this specific area to ensure that they can hold abusers to account, undertake assessments with confidence, and with appropriate consideration for personal safety.

Recognition of the Impact of Domestic Abuse on Children:

- 2.27 Evidence from Terry's childhood and from research demonstrates the impact on children's emotional, physical and psychological development due to living in a household with high levels of domestic abuse plus substance misuse. This needs to be widely known and understood by professionals working with families. This has not always been apparent within agencies in this case. High risk incidents resulted in short term interventions under-informed by background history. An overall learning outcome from this Review is the importance of recognising the effects of childhood experiences of domestic abuse and substance misuse and the range of behaviours which can be an indicator of distress or being disturbed by what is going on around the child. Effective support and intervention is needed to mitigate against these detrimental effects.

3 Conclusions:

- 3.1 Based on what individual agencies knew at the time Henry's death could not have been predicted; agencies involved with him had not made any links between him, Terry, and his daughter Anne, therefore they were unaware that Terry knew Henry or posed a threat to him.
- 2.28 Could anyone other than Terry himself have prevented Henry's death? Firstly, a family member asked the question why he was on bail and not held in custody following the criminal damage to Anne's property. The Review clarified that this was due to time limits on holding an offender in custody and the need to obtain further evidence from a witness to support a prosecution. Circumstances outside the control of the Police. Terry had bail conditions imposed upon him and Anne's address was already flagged. Despite this he breached those conditions by going to Anne's property the night he killed Henry and injured another person. He had breached bail conditions before, notably in 2011 when a previous partner ended their relationship and was going to give evidence against him. In recent years he had been the one to phone the Police when according to him Anne was trying to make him breach his conditions, but there must have been different circumstances which resulted in him going to Anne's that night armed with two knives. Unbeknown to agencies until after the fatal event was that Terry had made threats against Anne's relatives; it is not clear why. Protective steps were taken within

⁷ Controlling or Coercive Behaviour in an Intimate or Family Relationship Statutory Guidance Framework, Home Office, December 2015

the scope of the law at the time, but this was unable to prevent Terry's actions. The Panel believes there is a strong likelihood that had a friend who was injured by Terry not stood in the way, Anne herself would have been a victim that night. However, information known to agencies could not have prevented Henry's homicide.

3. 2 Sadly, interventions in his early years were unsuccessful in diverting Terry from crime and effectively challenging his thinking. His early years' experience in a domestically abusive household where he too experienced abuse, and his early involvement in crime, set the scene for the development of a young man lacking in empathy for others, quick to anger and violence, and with a sense of entitlement in relationships. He was never identified as a high risk domestic abuser and yet research suggests his background and many of his behaviours put him in that category. High risk offenders who are termed generally violent/anti-social abusers are likely to have high levels of aggression outside the home; have an extensive criminal history and involvement with the criminal justice system; are prone to have an anti-social or psychopathological personality; been severely abused in childhood and/or witnessed domestic abuse as a child and been involved in juvenile delinquency⁸. They have a higher tendency to abuse alcohol and drugs than the other groups of domestic violence offenders; often have rigid sex-role attitudes and high levels of anger, depression, jealousy and anti-social behaviours. This group of offenders tend to blame their victims for their behaviour, show no remorse, and use violence and intimidation as problem solving strategies (see Appendix A).
3. 3 The relationship between Terry and Anne was the bringing together of two people from similar backgrounds, and it is not unreasonable to suggest that they had both been adversely affected by their personal histories. They had both been brought up in households where domestic abuse took place in addition to other problems faced by their parents. The normalisation of violence in these circumstances can not only lead to violence and aggression in adulthood, but a higher threshold for accepting violence and abuse.
3. 4 There were systemic issues which impinged on effective information gathering and coordinated multi-agency working in this case. From organisational processes and management decisions (some of which were taken within a legal context) at a macro level to incomplete or inadequate assessments and practitioner access to information on a micro level. Whilst it is uncommon for family members of a victim to be murdered by a perpetrator of domestic abuse it does happen and systems need to be adjusted to take this into account. If, in addition to individual agency learning, a systemic learning approach can be taken from this Review improvements in multi-agency working have the potential to be achieved and the safety of those at risk can be improved.

4 Recommendations

- 4.1. The following recommendations arise from the lessons learned during this Review, from Panel discussions, and from recommendations made by Individual Management Reviews. In some cases recommendations have been made for children based services to take account of the learning from Terry's childhood. Timescales for the completion of the recommendations have been set out in the Action Plan for the Review which will be monitored by the Community Safety Partnership Board. The recommendations are all county or local level.

⁸ Stewart A, (1999) *Domestic Violence: Detering Perpetrators*, Paper to the 3rd National Outlook Symposium on Crime in Australia, convened by the Australian Institute of Criminology, Canberra, 22-23 March 1999

⁸ Powis B (2002) *Offenders' risk of serious harm: a literature review* Offenders and Corrections Unit Home Office Research, Development and Statistics Directorate

Multi-Agency:

- 4.2. Using the commissioning and contract management process, Commissioners should ensure that any contracted provision is competent and capable of effectively identifying and addressing domestic abuse issues in both adults and children.

Multi-Agency:

- 4.3. All agencies must ensure that in assessing risk either to or from a service user where domestic abuse is present or suspected, that they source and include the background history of the alleged perpetrator and take account of high risk predictors and the threat they pose. Assessment templates should be amended to flag this requirement if possible and incorporated in staff training.

Multi-Agency:

- 4.4. A multi-agency information sharing guidance document should be provided which gives frontline practitioners straightforward, practical instructions about how and when they are able to share information.

Multi-Agency:

- 4.5. Practitioners and their managers should ensure that their domestic abuse training is sufficiently in-depth to perform their role, particularly around risk assessment of victims, children and perpetrators of domestic abuse. Training on coercive control should also be undertaken in light of new statutory guidance which came into force on 29 December 2015⁹.

MARAC:

- 4.6. MARAC information and safety plans must always include consideration of the perpetrator's full background history, any criminal record, past relationships where abuse has taken place, and the additional threat and risk such background poses to a victim and any children in the family.
- 4.7. Youth Offending Services should be included in the MARAC partnership of agencies with whom information is shared and where the Services have information they should provide this to MARAC and attend if required.

Family Operations:

- 4.8. That a review of social work training in domestic abuse is completed and training (preferably mandatory) is introduced which addresses cycles of violence, power and coercive and controlling behaviour, as well as assessment of risk and protective capacity.
- 4.9. It is recommended that 'Domestic Abuse Champions' be identified in each quadrant to provide specialist knowledge, supervision and direction to practitioners and linking with Police and local services.
- 4.10. All perpetrators of domestic abuse should be assessed in terms of the level of threat

⁹ Controlling or Coercive Behaviour in an Intimate or Family Relationship Statutory Guidance Framework, Home Office, December 2015

and risk they may pose; this should be recorded, referred to, updated in light of subsequent incidents, and a chronology of incidents recorded which is easily visible on file.

- 4.11. Social Workers to use Section 17 (with consent) more often to undertake checks with partner agencies such as Probation and Community Mental Health Teams.

Police Recommendations:

- 4.12. Where officers are executing search warrants and children are part of the household, consideration should be given to reporting their presence and outcome of enquiries to Children's Social Care proportionate to the seriousness of their findings.
- 4.13. When alerted to a breach of bail conditions in cases assessed as high risk, and children are in the household, the Police should consider that a notification is sent to Children's Social Care on each occasion.
- 4.14. Where a victim contacts the perpetrator of domestic abuse in contravention of bail conditions she/he should be given warning advice as to the consequences, and safeguarding of children emphasised where relevant.
- 4.15. JDATT to provide perpetrator's history of violence against other partners and record this on contacts/referrals.

Essex Community Rehabilitation Company:

- 4.16. Offender Managers must Review SARA when OASys is reviewed. This is a dynamic tool, not static.
- 4.17. Offender Managers must contact Police for regular updates where domestic abuse has been identified either past or present.
- 4.18. Offender Managers must include contact with Police as an activity within the Risk Management Plan where domestic abuse past or present is identified.
- 4.19. Details of children with whom service users have regular contact must be obtained, not just those for whom they have Parental Responsibility, and added to the relevant sections in OASys.
- 4.20. Practitioners and their supervisors should ensure that Risk Management Plans are updated when OASys is reviewed.
- 4.21. Ensure all Offender Managers are familiar with treatment providers and the referral pathway, in particular on which agency provides which service i.e. in relation to drug, alcohol and mental health provision
- 4.22. Offender Managers must record all attendances within 24 hours of contact and schedule next appointments.

Housing Options Life Opportunities, Tendring District Council:

- 4.23. Information sharing protocols amongst agencies should be reviewed and updated to ensure agencies are empowered to share information of victims and perpetrators. This information to include the agencies involvement with the victim and/or perpetrator, and their details of the risk to the victim. The purpose being to ensure that all involved

agencies can make in depth investigations to provide services which will safeguard victims and risk assess perpetrators.

All Substance Misuse Services:

- 4.24. WDP recommends that a review of the assessment and risk assessment be conducted by substance misuse services in Essex in order to ensure that family support networks are discussed and explored.
- 4.25. Under the 'Vulnerability' section of risk assessment tools used by services there should be questions explicitly asking about domestic abuse by a partner, former partner, or family member and that this include asking about physical, emotional, sexual, and financial abuse and exploitation, and coercive and controlling behaviour. *Note: It is understood that this action on this has already begun in some services.*

Anglian Community Enterprises:

- 4.26. In partnership with the health visitor service managers and leads the Safeguarding Children Team will review and amend existing policy/practice guidance/Standard Operating Procedures (SOP) to ensure they clearly state that those practitioners with caseload responsibilities utilise historic information held within the health record to inform risk assessments.
- 4.27. To reduce the likelihood of 'professional dangerousness' impacting on the ability of health practitioners to make effective assessments and professional judgements about risk when working with families.
- 4.28. To support health visitors to identify when parental non-engagement could indicate increased risk of harm to a child.
- 4.29. To ensure ACE community children's health practitioners accurately record key details about males in households where there are children, and consider men and their contribution to parenting and what risk or protective factors they may represent.
- 4.30. To ensure ACE has an effective plan in place that defines the organisational response to domestic violence.
- 4.31. ACE to ensure that the Health Visiting Service has MARAC representation and fully contributes to the MARAC process.

Local Safeguarding Children's Board

- 4.32. The independent chair to raise the awareness of the Local Safeguarding Children's Board to the issues raised in this Review concerning the need for greater multi-agency awareness of the impact on children and young people of living with domestic abuse, the added difficulties of substance misuse, and the importance of effective holistic interventions to support children and their non-abusing parent/carer.

Domestic Abuse Perpetrators - Key Criminogenic Factors

Domestic abuse perpetrators are not an homogenous group, however research indicates a variety of factors which suggest three typologies which can be used to assess risk of re-offending and dangerousness to their victims.^{10 11} These typologies are outlined below:

- 1. Family only abusers:** These are the least severely violent partner assaulters and abuse only in their own homes. They report little abuse in childhood and tend not to abuse alcohol. They are unlikely to have a history of involvement with the legal system. There is little evidence of psychopathology and their views on roles according to sex are more liberal. They tend to have compulsive and conforming personalities. If they are employed or married their conforming personality may mean they have more to lose by being involved with the criminal justice system with the result that they respond to arrest and community initiatives.
- 2. Emotionally volatile abusers:** This group engages in more frequent moderate to severe abuse which will include psychological and sexual abuse of their partners. They tend to confine their abuse to the home, but there may also be extra-familial violence and other violent and criminal behaviour. These offenders are more likely to be dysphoric (mood disordered), emotionally volatile, and have psychological problems. They display high levels of anger, jealousy and depression and are at higher risk of suicide, and may have drug and alcohol problems.
- 3. Generally violent/anti-social abuser:** These abusers are the most severely violent to their partners, including psychological and sexual abuse. They are likely to have high levels of aggression outside the home and have an extensive criminal history and involvement with the criminal justice system. They are prone to have an anti-social or psychopathological personality. These offenders are most likely to have been severely abused in childhood and/or witnessed domestic abuse as a child and been involved in juvenile delinquency. They have a higher tendency to abuse alcohol and drugs than the other groups of domestic violence offenders. They often have rigid sex-role attitudes and high levels of anger, depression, jealousy and anti-social behaviours. This group of offenders tend to blame their victims for their behaviour, show no remorse, and use violence and intimidation as problem solving strategies.

Although all social groups experience domestic abuse, male unemployment has been linked to domestic violence, as has alcohol and drug abuse with one study finding 60% of offenders having an alcohol problem and 21% a drug problem (ibid); recidivism is also more likely where there is substance misuse. These should not be seen as causes of domestic abuse, but as aggravating factors to be included in risk assessments.

In terms of risk the emotionally volatile and the generally violent/anti-social offenders clearly represent the highest risk to their partners. Their other criminal behaviours and 'external' violence also poses a risk to the public. These offenders warrant a coordinated and targeted approach which brings them to justice in conjunction with coordinated services which provide wrap-around safety plans and protection for their victims. The offenders themselves may also require access to psychological and/or mental health services.

¹⁰ Stewart A, (1999) *Domestic Violence: Deterring Perpetrators*, Paper to the 3rd National Outlook Symposium on Crime in Australia, convened by the Australian Institute of Criminology, Canberra, 22-23 March 1999

¹¹ Powis B (2002) *Offenders' risk of serious harm: a literature review* Offenders and Corrections Unit Home Office Research, Development and Statistics Directorate