

**Dorset Community Safety Partnership  
Safer Somerset Partnership**

**Domestic Homicide Review**

**Victim – 'William' who died in May 2019**

**Independent Author – David Mellor BA QPM**

**Report completed on 3<sup>rd</sup> December 2020**

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## **1.0 Introduction**

**1.1** This report of a Domestic Homicide Review (DHR) examines agency responses and support given to William (not his real name), a resident of Sherborne, Dorset prior his death which took place on in May 2019.

**1.2** In addition to agency involvement the review will also examine the past to identify any relevant background or trail of abuse before the homicide, whether support was accessed within the community and whether there were any barriers to accessing support. By taking a holistic approach the review seeks to identify appropriate solutions to make the future safer.

**1.3** The victim, who will be referred to as 'William' in this report, was murdered by his son, who will be referred to as 'Justin' in this report. At the time the murder took place Justin had been staying at his father's address in Dorset for around two months. Prior to that, Justin had lived with his mother, who will be referred to as 'Dorothy' in this report, in Somerset for most of his life. After assaulting his mother at the Somerset address they shared, Justin was arrested, charged and placed before the Magistrates Court which imposed bail conditions which prevented his return to his mother's address. He subsequently moved in with his father. Justin was awaiting sentencing for the assault on his mother when he murdered his father. Justin has since been convicted of the murder of William and sentenced to life imprisonment with a minimum term of fourteen years.

**1.4** Dorset Community Safety Partnership and Safer Somerset Partnership decided to jointly commission a Domestic Homicide Review (DHR) in respect of the death of William.

**1.5** The review will consider agency contact/involvement with the perpetrator Justin and his mother Dorothy and father William which occurred between 1<sup>st</sup> January 2014 and 21 May 2019. Events which are of relevance to the review which occurred outside this timeframe have also been considered.

**1.6** The key purpose for undertaking DHRs is to enable lessons to be learned from homicides where a person is killed as a result of domestic violence and abuse. In order for these lessons to be learned as widely and thoroughly as possible, professionals need to be able to understand fully what happened in each homicide, and most importantly, what needs to change in order to reduce the risk of such tragedies happening in the future.

## **DHR Timescales**

**1.7** This decision to review was made in June 2019, however due to the criminal trial, the review fully began in January 2020 and was concluded in January 2021. Panel meetings were held in January, March and May 2020. Reviews, including the overview report, should be completed, where possible, within six months of the commencement of the review. This review has been delayed because it is complex, involving two local authority areas, the family member who contributed to the review does not live locally and engaging with the Magistrates Court and HM Courts and Tribunals Service required additional time. Both CSPs were informed of, and agreed to, all the extensions.

## **Confidentiality**

**1.8** The findings of each DHR are confidential. Information is available only to participating officers/professionals and their line managers. Pseudonyms were agreed with William's family and used in the report to protect the identity of the individuals involved. At the time of the murder, the victim William was 73 years old and the perpetrator Justin was 36. Both were White British.

**1.9** Both Dorset Community Safety Partnership and Safer Somerset Partnership wish to express sincere condolences to the family and friends of the victim William. Shortly before this DHR report was published the Community Safety Partnerships in Dorset and Somerset were informed of the death of Dorothy and so they wish to express their sincere condolences to her family and friends also.

## **2.0 Terms of Reference**

### **2.1** The general terms of reference are as follows:

1. 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;
2. 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;
3. Apply these lessons to service responses including changes to inform national and local policies and procedures as appropriate;
4. Prevent domestic violence and homicide and improve service responses for all domestic violence and abuse victims and their children by developing a co-ordinated multi-agency approach to ensure that domestic abuse is identified and responded to effectively at the earliest opportunity;
5. Contribute to a better understanding of the nature of domestic violence and abuse;
6. Highlight good practice.

### **2.3** The case specific terms of reference are as follows:

- The domestic homicide victim, William, was the father of the perpetrator. Additionally, the perpetrator inflicted domestic violence on his mother, Dorothy, two months prior to the murder of his father. Both the father and mother of the perpetrator will be referred to as the perpetrator's victims. Were either of the victims known to local domestic abuse services and were there any warning signs? Could more be done to raise awareness of services available to victims of domestic abuse?
- Were there any barriers experienced by the victims or family, friends and colleagues in reporting the abuse?
- Where there any opportunities for professionals to routinely enquire as to any domestic abuse experienced by the victims that were missed?
- Are there any training or awareness raising requirements that are necessary?

to ensure a greater knowledge and understanding of the services available?

- Following the incident in which the perpetrator assaulted his mother, a referral was made to Somerset MARAC. How effectively was the referral addressed by the MARAC and did the resource issues affecting the MARAC at that time have any impact on the manner in which this referral was handled?
- Following the assault on his mother, the perpetrator was arrested by the police, charged, denied bail and placed before the next available Court. The Magistrates Court subsequently bailed the perpetrator with conditions. Was the decision to bail the perpetrator with conditions informed by any assessment of the risk the perpetrator presented to others?
- Was appropriate action taken when the perpetrator breached the bail conditions imposed by the Magistrates Court?
- When the perpetrator moved in with his father, did any risk assessment conducted by Dorset Police at that time take account of the previous incident of domestic violence, in which the perpetrator assaulted his mother in the Avon and Somerset Police area?
- Was the perpetrator known to have a history of Domestic Violence and Abuse, if so what support was offered to the perpetrator?
- Were staff working with perpetrator confident around what service provision is available around Domestic Violence and Abuse locally?
- Give appropriate consideration to any equality and diversity issues that appear pertinent to the perpetrator.

### **3.0 Methodology**

**3.1** On 24<sup>th</sup> May 2019 Dorset Police referred the case to the Dorset Community Safety Partnership for consideration of holding a DHR. On 18<sup>th</sup> June 2019 representatives of the Dorset Domestic Homicide Review Panel met to consider the referral. There was unanimous agreement that the circumstances of the death met the criteria for a Domestic Homicide Review and a recommendation was made to the Chair of the Dorset Community Safety Partnership to proceed with a review. This was agreed and the Home Office notified. Due to the involvement of Somerset agencies in this case, the Chair of the Safer Somerset Partnership was approached in June 2019 to consider conducting the review jointly and a partnership agreement was signed in November 2019.

**3.2** The DHR was conducted in accordance with the Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews (December 2016). Individual Management Review (IMR) reports were requested from all agencies who had had relevant contact with the victim, the victim's family and the perpetrator. One agency provided information to the review which was not in the form of an IMR. The authors of the IMRs had the discretion to interview members of staff if this was required.

**3.3** The IMRs were scrutinised by the DHR Panel and further information was requested where necessary.

### **Contributors to the DHR**

**3.4** The following agencies provided Individual Management Reviews to inform the review:

- Dorset Police
- Avon and Somerset Constabulary
- Somerset CCG
- Dorset CCG
- Somerset Partnership NHS Foundation Trust
- Taunton and Somerset Foundation Trust
- Somerset Council – Adult Safeguarding Service
- Live West
- Deane reporting line
- South West Ambulance Services Trust
- National Probation Service Somerset
- Taunton Magistrates Court
- Crown Prosecution Service (Bristol)

- Somerset Independent Domestic Abuse Service

Information was also provided by the Department of Work and Pensions.

**3.5** The authors of each IMR were independent in that they had had no prior involvement in the case.

### **The DHR Panel Members**

**3.6** The DHR Panel consisted of:

Stewart Balmer	Force Review Officer, Dorset Police
Kirsten Bland	Adult Safeguarding Lead, Dorset Clinical Commissioning Group
Andy Frost	Service Manager for Community Safety, Dorset Council
Andy Harris	Senior Probation Officer, National Probation Service
Suzanne Harris	Senior Commissioning Officer (Interpersonal Violence), Somerset County Council
Melanie Munday	Deputy Designated Nurse, Somerset Clinical Commissioning Group
Andy Sparks	Detective Inspector, Avon and Somerset Police
Heather Sparks	Somerset Partnership NHS Foundation Trust/Taunton and Somerset Foundation Trust
Leanne Tasker	Somerset Integrated Domestic Abuse Service (Live West)
Louise White	Safeguarding Service Manager, Somerset County Council.
Kay Wilson White	Business Manager, Dorset Council Community Safety
David Mellor	Independent Chair and Author

**3.7** DHR Panel members were independent of the line management of any staff involved in the case. The Panel met on three occasions in January 2020, March 2020 and May 2020.

### **Author of the overview report**



**3.8** David Mellor was appointed as the independent author and chair of the DHR Panel established to oversee the review. David is a retired police chief officer who has over eight years' experience as an independent author of DHRs and other statutory reviews.

### **Statement of independence**

**3.9** The independent chair and author David Mellor was a police officer in Derbyshire Constabulary, Greater Manchester Police and Fife Constabulary between 1975 and 2005. He retired as a Deputy Chief Constable.

**3.10** Since 2006 he has been an independent consultant. He was independent chair of Cheshire East Local Safeguarding Children Board (2009-2011), Stockport Local Safeguarding Children Board (2010-2016) and Stockport Safeguarding Adults Board (2011-2015). Since 2012 he has been an independent chair/author/lead reviewer of a number of Serious Case Reviews, Local Child Safeguarding Practice Reviews, Safeguarding Adults Reviews and Domestic Homicide Reviews.

He has no current or previous connection to any agency in Dorset or Somerset.

### **Parallel reviews**

**3.12** An inquest into the death of William will be held in due course.

### **Equality and diversity**

**3.13** The protected characteristics relevant to both the victim William and Dorothy are addressed in Paragraphs 6.46 to 6.50.

### **Dissemination**

**3.14** The family member and contributing organisations reviewed copies of the reports prior to submission to the Home Office to ensure that their information was fully and fairly represented. The reports will also be sent to the Dorset and Avon and Somerset Police and Crime Commissioners, the Domestic Abuse Commissioner and the Safeguarding Adults Board for the two areas. It is expected that anonymised copies of the reports will also be placed on both Community Safety Partnership websites.

#### **4.0 Involvement of the family of the victim William**

**4.1** Dorothy decided not to contribute to this review. There is no obligation on the family or friends of the victim to do so. However, Dorset Police agreed to share the witness statement taken from Dorothy as part of the murder investigation with this review. (She had declined to make a statement to the police following the assault on her by Justin on 4<sup>th</sup> March 2019). A letter was sent to Dorothy to ask if she had any objections to her police statement being used to inform this review and no reply was received.

**4.2** In her police statement Dorothy described Justin as a wonderful son who was affectionate, great company and made her laugh. She acknowledged that he had been a 'horrible teenager' who, for a short period, had become violent towards her, elaborating on this by saying that he assaulted her around half a dozen times during this period of his life, slapping or punching her in the face, punching her in the breast or stomach and spitting on her. She said his punch was 'very hard' and she suffered bruising on one occasion. Dorothy said that her son had begun using cannabis at this time. She described how he began to mature in his late teens and early twenties and 'became really lovely again'.

**4.3** She said that her son had been treated for depression for the ten year period prior to the murder and suffered from anxiety and panic attacks. She added that he had also been taking medication for a decade.

**4.4** Dorothy said that her son had an interest in martial arts and kept nun chucks (a weapon that consists of two sticks joined by a short length of cord or chain), swords and knives in his room along with pictures of Bruce Lee who she said he regarded as his hero. She said he had read all of his books and watched Japanese and Chinese films 'all the time'.

**4.5** She said that her relationship with her son had been very close except when he had been drinking when he could become 'vicious and violent'. He began drinking in his early twenties and she felt that the problems associated with his drinking had worsened over time. She described her son as a binge drinker who, once he started drinking, didn't know when to stop. He drank 'quite a lot', every week. She said he would usually pass out after drinking but sometimes would become violent. She said he had slapped her several times when he had been drinking.

**4.6** She described how he attacked her on 4th March 2019, saying that he knocked her to the floor whilst 'blind drunk' and began kicking and punching her 'all over', including to her head. She didn't say whether anything had triggered Justin's assault on her apart from alcohol consumption. Following the assault, Justin had been

arrested and 'had to live' with his father whilst he was on bail. She went on to say that her ex-husband thought he was going to have a 'difficult boy on his hands' at first but he later told her how wonderful his son was and how pleased he was with him. When her son first moved in with her ex-husband, her son would tell her, 'Dad's panicking' and she worried that her ex-husband thought that he was dealing with a bad tempered drunk. However, she felt that their relationship had improved and he began telling her only 'nice things' about their son. She added that she could not believe that her son had killed his father as they appeared to be getting on so well. She said that she understood that her son had reduced, if not stopped, drinking whilst he was staying with his father.

**4.7** However, William told her that their son had been sucking or sniffing aerosols, specifically mentioning hairspray. She said that William asked her not to mention this to their son, as he (William) would deal with it. Dorothy recalled that William first mentioned the aerosol sniffing to her a couple of days prior to the murder. Dorothy said she had not seen her son sniffing aerosols whilst he lived with her, although she had seen an aerosol can on his bedside table. She added that she had also seen a box of butane gas cans and a collection of lighters in her son's bedroom.

**4.8** Turning to the relationship between her son and his father, she said that she and William had separated when their son was around 18 months old. Contact between father and son appeared to have been quite limited thereafter although Dorothy said that her son stayed with his father for a time when she was admitted to hospital and later recovered at home. He would have been twelve years old at that time. She added that William had not visited his son at her home for eighteen years despite her begging him to do so. Contact between father and son had been primarily over the telephone but Dorothy said that her son had become reluctant to call his father in recent years.

**4.9** Dorothy said that whilst he was staying with William following the assault on her, their son slept on a sofa as William had become a hoarder and, as a result, did not have a bed or a room free to let him use. William told their son that he would address this issue after he had completed his prostate cancer treatment.

**4.10** Dorothy said that she and William had remained in regular contact by telephone, speaking several times each day. Her last telephone contact with William was on the afternoon on which he was murdered when he told her that he was going to prepare an evening meal for himself and their son. When she tried to ring him back to wish them good night, as she usually did, she was unable to obtain a reply as, unknown to her, the attack had taken place.

**4.11** William's brother agreed to contribute to this review. He said he spoke to William roughly once a week on the telephone. They lived some distance from each other and had not met since around 2007. William's brother had not seen Justin since he was around ten years old and he described Dorothy as a 'complete stranger' with whom he had had no contact apart from attending their wedding.

**4.12** The brother said William was a retired estate agent who had been a very keen sportsman who kept himself fit in later years through walking and cycling. He lived alone.

**4.13** The brother was aware that William had been diagnosed with prostate cancer but felt that he was putting off seeking treatment.

**4.14** Turning to the relationship between William and Justin, the brother said that their relationship seemed 'OK' although his brother was unhappy that Justin had not got a career. The brother said he had offered to provide him with some career advice but this had not been taken up. The brother said he understood that Justin had not had a happy time at school, had truanted and ended up with no qualifications. He also understood that he spent most of his time on his computer at Dorothy's house and hadn't seemed interested in getting a job. He was aware that Justin had become 'a bit of an alcoholic' but didn't know whether he had received any support or treatment for this. He was also aware that Justin had been in trouble with the police for violence and may have worn an electronic tag for a while.

**4.15** The brother said he was aware that Justin had lived with William for a while a few years ago, perhaps five years ago, but the impression he got was that this had not gone well because of Justin's drinking.

**4.16** The brother was aware that William's main contact with his son was by phone. He felt that this was because Dorothy's move from one Somerset town to another had increased the distance his brother had to drive to visit his son. However, the brother was aware that when William rang Dorothy, Justin often wouldn't come onto the phone to speak to his father.

**4.17** The brother said William told him that his son had moved in with him in March 2019 and estimated that they must have spoken on the phone about half a dozen times following Justin's arrival. The brother recalls asking William whether he was taking a risk in taking his son in, but William seemed quite happy with the arrangement and told him that they were getting along very well. The brother said that there was no indication of concern in any of the subsequent telephone conversations he had with William and so he didn't take the matter any further.

**4.18** The brother said he would like to know whether anyone had assessed whether it was safe for Justin to live with William and whether any authority was required for this to happen, given the prior assault by Justin on his mother.

**4.19** The perpetrator Justin was offered the opportunity to contribute to this review but declined to do so.

**4.20** The final report was shared with both William's brother. Dorothy declined the opportunity to read the final report. Because of Covid-19 restrictions it was necessary to mail a copy of the final report to William's brother and then make a follow up telephone call to discuss the report with him. During the telephone call William's brother was supported by a Senior Homicide Case Worker from Victim Support.

**4.21** William's brother said that he was satisfied with the report and supported the recommendations. He said he was struck by the different response by agencies to the risks presented to Dorothy and William, although he felt that both parents were 'shielding' their son to varying degrees. He expressed surprise at how 'easy' it was for Justin to go and live with William at a time when his bail conditions prevented contact with Dorothy. He felt that the GP and the police officer had done a good job when they saw William on 21<sup>st</sup> March 2019 although he thought it would have been helpful for the GP practice to have followed up when William was seen in the GP practice on a later date.

**4.22** Home Office leaflets explaining the DHR process were sent to Dorothy and William's brother. William's brother was supported by a Victim Support Specialist Homicide Worker. William's brother was not offered specialist advocacy as he was supported by Victim Support. Dorothy declined to contribute to the review.

## **5.0 Chronology/Overview**

### **Background information (Paragraphs 5.1 to 5.6)**

**5.1** This chronology/overview of the case has been informed by chronologies of the contact agencies in Somerset and Dorset had with the perpetrator Justin, the victim – his father William, and the perpetrator’s mother Dorothy. However, Dorothy did not consent to the sharing of her medical records with this review. Therefore it has not been possible for information held by NHS services in respect of Dorothy to be shared with this review. William, Dorothy and Justin were of White British origin. At the time of his death William was 73, Dorothy was 70 and Justin was 36 years of age.

**5.2** Justin was the only son of Dorothy and William who separated early in his childhood, when he was a toddler. Thereafter he lived with his mother Dorothy, initially in a Somerset town where most of Dorothy’s wider family lived before moving to a different Somerset town. William lived in Dorset and does not appear to have played a significant role in his son’s life.

**5.3** William was a retired estate agent who lived alone. He had been a keen sportsman and maintained his fitness through cycling and walking. He was in good health until his diagnosis with prostate cancer for which he was receiving treatment at the time of his murder. He collected antiques and other items which may have developed into hoarding behaviour. He appears to have maintained a close relationship with Dorothy who he regularly spoke to on the telephone. His relationship with Justin appears to have been somewhat distant. Justin stayed with him for short period a number of years ago but this does not appear to have been successful. Contact between William and Justin - as an adult - was primarily by telephone although this contact appears to have been intermittent.

**5.4** Although Dorothy’s medical records have not been shared with this review, contacts with Somerset Adult Social Care from 2016 onwards documented that she experienced a range of physical and mental health issues and had long term mobility problems. She brought up Justin largely on her own and he appears to have lived with her for the majority of his childhood and adult life. For many years she lived in the Somerset town in which her wider family resided and was able to call upon them for support, particularly when she experienced difficulties in managing Justin’s behaviour during his teenage years. She and Justin later moved to another Somerset town for reasons which are unknown, which appears to have had the effect of isolating them from family support. Dorothy appears to have been very committed to Justin and he may have assumed some caring responsibilities for her as her health needs increased although in many ways, he appeared to be dependent on his

mother. The flat which she and her son shared was not large and the space available was reduced by Dorothy's hoarding behaviour. Dorothy was adversely affected by Justin's violent and aggressive behaviour after drinking alcohol.

**5.5** Justin had agoraphobia and day-night disruption/reversal, spending a long time on his computer overnight and not rising until late afternoon. His GP described him as somewhat 'childlike' and unwilling to take responsibility for his own life. His GP said that the practice was only rarely able to persuade him to visit the surgery despite living five minutes walk away. Often he would cancel an appointment at short notice, and missed multiple medication reviews or cancelled them just before attendance was due. Many of the GP contacts were with his mother on Justin's behalf. His GP said that he was a persistent alcohol user, often in binges, and also used cannabis and a herbal 'legal high' called Kratom. The GP thought he left the flat he shared with his mother only once or twice a week, usually at night. From 2009 Justin was prescribed sertraline for low mood and to try to achieve control over his disabling social anxiety.

**5.6** Justin first came to the notice of the police in 2003 when he was cautioned for criminal damage. He would have been twenty one years of age at that time.

**5.7** On 18<sup>th</sup> February 2008 Dorothy telephoned the Ambulance service because Justin was intoxicated. The ambulance service subsequently contacted the police as Dorothy was said to be fearful of her son's behaviour. The police arrested Justin to prevent a breach of the peace as he was intoxicated and behaving in an argumentative manner.

**5.8** During 2009 Dorothy began to receive support from the Deane Helpline which is a 24/7 emergency alarm service provided by Somerset West and Taunton District Council. This enabled her to summon assistance by pressing a button on a pendant linked to her home telephone. She first used the service in July 2009 and provided them with a duplicate key to her property the following year.

**5.9** Shortly after midnight on 22<sup>nd</sup> August 2009 Justin repeatedly punched a male friend in the face after he asked Justin to leave his flat. The police were called and arrested and charged Justin. He was later convicted of assault occasioning actual bodily harm and was sentenced to a community order accompanied by electronic tagging.

**5.10** On 8<sup>th</sup> September 2009 Justin was alleged to have punched a female causing bruising to her left head and eye. She also lost two teeth in the incident. He was charged with assault occasioning actual bodily harm but the case was subsequently discontinued. On the same date Dorothy contacted the Deane Helpline to report that

she had 'thrown out' a friend of her son. It is not known whether this incident was linked to the alleged assault on the same date. This incident was not treated as domestic violence as Justin and the female denied being in a relationship at that time. The police later established that this was untrue.

**5.11** On 19<sup>th</sup> September 2009 Dorothy contacted the Deane Helpline to say that she was 'very worried' because she thought Justin was in danger as there had been a man at the door looking for him. Dorothy also said that her son had fractured his ankle. The Deane Helpline recorded that both the ambulance service and the police were called about this incident.

**5.12** On 12<sup>th</sup> October 2009 the police were called to an argument during which Justin had been verbally abusive to his mother. The police took no further action after advising Dorothy to contact them again if Justin became verbally aggressive. The police had been called by the Deane Helpline after Dorothy contacted them to say that her son was drunk and aggressive. The Helpline call taker documented that they could hear Justin in the background shouting at her before apparently leaving the flat. In the information about this incident the police shared with the Crown Prosecution Service (CPS) following Justin's arrest for assaulting his mother on 4<sup>th</sup> March 2019, it was documented that he was intoxicated and had been verbally aggressive towards Dorothy.

**5.13** During the early hours of 19<sup>th</sup> October 2009 Justin became involved in a fight with another male with whom he had been drinking in company with a woman referred to as Justin's partner. The person involved in the fight with Justin sustained a gash above his left eye socket, bruising and swelling of the eye socket and 'split' upper and lower lips. The police later documented that there was insufficient evidence to proceed.

**5.14** During the early hours of 5<sup>th</sup> November 2009 Dorothy contacted the Deane Helpline to say that Justin had taken an overdose and requested an ambulance. The Deane Helpline operator called an ambulance.

**5.15** On 6<sup>th</sup> November 2009 Justin assaulted a woman with whom he and his partner had been drinking. An argument developed and he punched the woman in the forehead causing a lump. The police later documented that there was insufficient evidence to proceed.

**5.16** On 9<sup>th</sup> November 2009 Dorothy again contacted the Deane Helpline to say that Justin had taken an overdose - 24 diazepam and a bottle of vodka – and an ambulance was called. Later in the day the Helpline followed up with a call to



mother who said that she had just arrived home from hospital and thanked the Helpline for their support.

**5.17** On 2<sup>nd</sup> March 2010 Dorothy contacted the Deane Helpline to say that a neighbour was kicking the door. The Helpline call taker documented that they could 'hear a commotion going on in the background'. The Deane Helpline contacted the police who have advised this review that they attended the incident and found that the neighbour was the ex-partner of Justin who had been drinking.

**5.18** On 24<sup>th</sup> June 2010 the police attended Dorothy's address after she and Justin had a verbal argument. No further action was taken as no offences had been committed and no complaints were made by either party. However, the officers noted that both Justin and his mother appeared to be agoraphobic, appeared to have 'learning difficulties', mental health problems and were living in a 'very small' flat together.

**5.19** On 19<sup>th</sup> August 2010 Justin was alleged to have assaulted an ex-partner by grabbing her hair and smashing her face into a wall causing injuries. No action was taken as the investigating officer believed the allegation to be malicious and there was said to be no evidence to support it. In the information about this incident shared with the CPS following Justin's assault on his mother on 4<sup>th</sup> March 2019 it was stated that the victim refused to provide a statement and that Justin denied the offence and also denied that he had been in a relationship with the victim. On the same date Dorothy twice contacted the Deane Helpline to say that her son who she described as 'blind drunk' was lying at the bottom of the stairs. When she re-contacted the Helpline, Dorothy said that her son had broken into the flat, snapping the safety chain and was 'covered in blood'. The Helpline call taker recorded that the police and ambulance service were called. It is unclear whether this incident was connected to the alleged assault by Justin which took place on the same date.

**5.20** It is understood that Justin was in a relationship for a time with a woman who resided in the same complex as his mother. Justin's GP also reported that he had been in a brief relationship around ten years before the 4<sup>th</sup> March 2019 assault on his mother. It is understood that the incidents referred to in Paragraphs 5.10, 5.12, 5.14, 5.16 and 5.18 related to Justin's relationship with this woman.

**5.21** On 14<sup>th</sup> April 2011 Justin assaulted two members of staff in a public house whilst drunk and abusive. No injuries were caused but Justin was charged with battery for which he was later convicted and a conditional discharge imposed.

**5.22** Following this incident, there was an interval of five years before Justin came to the notice of the police again. During this interval there is no record of Dorothy seeking help from the Deane Helpline in respect of her son's behaviour.

**5.23** During August 2014 Justin was assessed by a registered nurse on behalf of the Department for Work and Pensions (DWP) and found to have 'severe functional disability', specifically that he was unable to engage in any social contact due to difficulty relating to others, or his own significant distress, due to cognitive impairment or mental disorder arising from anxiety and agoraphobia. An extensive history of mental health functional impairment was noted. He was considered unlikely to be fit for work for two years. Assessments which resulted in similar findings had been conducted in 2008 and 2012. Justin's GP appears to have been consulted as part of the 2014 assessment.

**5.24** During 2015 and 2016 Justin's GP prescribed diazepam tablets for anxiety on five occasions.

**5.25** In January 2016 Dorothy contacted Adult Social Care as she was struggling to sit up from a lying down position when in bed. An occupational therapist responded by ordering a bed lever to support her. She was noted to live with her son Justin. Later in the year Dorothy again contacted Adult Social Care to request an assessment for a wet room in her flat which resulted in a positive recommendation to her social landlord, Livewest Housing.

**5.26** On 3<sup>rd</sup> February 2016 Royal Mail seized a flick-knife which had been posted to Justin at the address he shared with mother from Hong Kong. The package was marked as 'gift/toy'. The details of the seizure were passed to Avon and Somerset police. Background checks disclosed Justin's criminal history and markers on his record for violence, alcohol misuse, depression and self-harm (the origin of the self-harm marker was his expression of suicidal thoughts whilst in police custody in 2009). It was also noted that Dorothy, who was known only to the police as a victim or involved party in domestic incidents, was thought to be agoraphobic. The officer in the case allocated the case to Embedded Intelligence Somerset - the local intelligence team - for their consideration. They suggested a risk assessment and visit to Justin may be appropriate but this was not actioned and after a time the case was returned to the officer in the case who decided that no further action should be taken, the weapon having been destroyed. The police did create an intelligence report stating that Justin was collecting knives and weapons at his mother's address.

**5.27** On 26<sup>th</sup> April 2016 a parcel addressed to Justin, containing weapons including a double bladed kubaton - which is a martial arts weapon for which there is no lawful authority to possess in the UK - was intercepted. The police contacted Justin

by telephone and he said he was unaware of the law relating to such weapons which he collected as a hobby. He said that he had no intention of using the weapons. The weapons, having been intercepted and destroyed, no further action was taken.

**5.28** On 29<sup>th</sup> March 2017 the police added Justin's name to a list of people who had attempted to procure weapons, to enable relevant background checks to be carried out. It is not known what checks were carried out in respect of Justin as they were not recorded.

**5.29** On 3<sup>rd</sup> May 2017 the Border Force seized a gravity knife and carry case addressed to Justin which had been sent to him from Hong Kong. The package was marked 'camping tool'. He was later interviewed by the police at a police station when he admitted importing the item from Hong Kong and acknowledged the advice he had been given previously by the police. He was given an adult caution. The gravity knife was destroyed as were three further knives which he voluntarily gave up to the police.

**5.30** On 15<sup>th</sup> May 2017 Justin attended Hospital 1 emergency department (ED) with a laceration to his left hand which he said he had accidentally caused whilst cutting vegetables the previous day. The wound was cleaned and closed with sutures which were to be removed by his GP five days later. He did not attend the GP practice as advised.

**5.31** On 25<sup>th</sup> October 2017 Dorothy requested a further occupational therapy assessment from Adult Social Care as she had recently been experiencing falls. The outcome was that she was advised to purchase a non-slip mat. The presence of Justin in the household was noted. It was noted that due to his mother's size, he was unable to lift her up.

**5.32** On 17<sup>th</sup> April 2018 Justin's medication was reviewed by the pharmacist based in the same building as his GP practice. The review was conducted by telephone. Justin's last face to face visit to his GP practice had been in October 2016 and his contact with the practice was by telephone only thereafter. Justin was noted to be tolerating sertraline well and reported no concerns about his mood although he experienced fleeting thoughts about ending his life. He avoided going out and coped with low mood by isolating himself and 'calming himself down'. He was said to have support from his mother and 'online friends around the world'. He was signposted to Talking Therapies, which he agreed to contact, and the Moodjuice website – an emotional health and wellbeing self-help resource. Justin said he took vitamin supplements and guarana, which is a paste made from the seeds of a South American plant taken as a stimulant.

**5.33** Also on 17<sup>th</sup> April 2018 a baton and disguised knife addressed to Justin was intercepted at Heathrow Airport. The package had been sent from Singapore. The police requested Justin to voluntarily attend the police station for interview which he did. He answered 'no comment' to all questions and, in the absence of proof of order of the weapons, no further action was taken.

**5.34** On 11<sup>th</sup> May 2018 the Border Force seized a lock knife addressed to Justin. The knife was deemed to be a legal camping knife and so no further action was taken.

**5.35** On 10<sup>th</sup> June 2018 Justin attended Hospital 1 ED with a fractured ankle which he said he had twisted on the stairs two days earlier. Plaster was applied and he was discharged for follow up by the fracture clinic. Dorothy had contacted the Deane Helpline about her son's injury and they had suggested ringing NHS 111, following which an ambulance was sent.

**5.36** During August and September 2018 Dorothy twice contacted the Deane Helpline after falling and being unable lift herself up. On the second occasion the Helpline documented that Justin was unable to help his mother to her feet.

**5.37** On Sunday 3<sup>rd</sup> March 2019 Dorothy contacted the Deane Helpline after falling. An ambulance attended. The Helpline call taker documented that they were unable to ascertain whether Justin was present.

### **Monday 4<sup>th</sup> March 2019**

**5.38** During the evening Justin assaulted his mother in the home they shared. Dorothy contacted the Deane Helpline at 8.55pm and the call taker documented that she was distressed and said she was on the floor in the kitchen and had been beaten 'all over' by her son who was still in the property. The call taker could hear Justin in the room and advised him not to do anything. The Deane Helpline contacted the police and a member of the Deane emergency response team took a key to Dorothy's flat to the scene to facilitate police entry. The police documented that Dorothy had been pushed to the floor by her son who then repeatedly punched and kicked her. She had visible bruising to her head and told the officers that the abuse had been going on for weeks. She said she had been trying to shelter and protect her son but that this was too much. She was taken to Hospital 1 by ambulance where a CT scan was completed. She was treated for bruising to her face and left hand.

**5.39** Justin left the scene but was quickly located, arrested and taken into police custody.

**5.40** A Domestic Abuse, Stalking and Honour Based Violence (DASH) risk identification checklist tool – which is used to assess the immediate risk, threat and danger to a victim/survivor of domestic abuse – was completed using the attending officer's observations as Dorothy was not well enough to contribute to the DASH at that time. The officer assessed risk as 'high' based on the severity of the incident and Dorothy's vulnerability. The Lighthouse Safeguarding Unit – which is Avon and Somerset Constabulary's integrated Victim and Witness care unit – was notified of the incident.

### **Tuesday 5<sup>th</sup> March 2019**

**5.41** The Hospital 1 safeguarding team contacted the police to advise that they had seen Dorothy in hospital and carried out what was described as a full DASH risk assessment which had identified a 'high' risk, they were in the process of referring her to Somerset Survivors Domestic Abuse Service (SIDAS) and seeking to appoint a key worker for support. They confirmed that Dorothy had been discharged to her home address.

**5.42** The Hospital 1 safeguarding team documented that Dorothy told them that Justin had been physically abusive for the last five years, although she felt that the 4<sup>th</sup> March 2019 incident was the worst physical assault and the first time she felt scared for her life. She said that her son was a recovering alcoholic and had made threats to kill her. Dorothy said she was scared that the abuse would continue if her son returned to live with her. She said she had asked Justin to leave the flat on multiple occasions but he had not done so. She went on to say that he had no respect for women, expected them to do all the household chores but that they should be 'punished like a man'. Dorothy also expressed concern about her son's knife collection, adding that he was 'trained in martial arts'. She said he had never used the weapons on her. She said he was prescribed medication for depression and may recently have been struggling with thoughts or spiritual beliefs that he was 'a son of God'. Dorothy's health needs – which would require a package of district nurse care on discharge from hospital – were noted. It was documented that Justin was financially dependent on Dorothy.

**5.43** The police arranged for the Bobby Van (now called Be Home Safe) - which is a service for vulnerable victims and witnesses of crime which offers home visits to carry out crime prevention assessments, install home security products and provide advice and reassurance - to visit Dorothy. An information marker was also placed on her address and land line number which summarised the risks to Dorothy from her son and advised attending officers to consider the use of body worn video.

**5.44** Justin was interviewed by the police and gave a pre-prepared statement in which he denied assaulting his mother and suggested she may have fallen. The police sought a charging decision from CPS Direct (CPS out of hours service) which authorised a charge of assault by beating against Justin (a charge that attracts a maximum sentence of six months imprisonment and can only be tried in the Magistrate's Court). The duty custody sergeant denied Justin bail on the grounds that he had no suitable address (he was considered to have nowhere to go other than back to his mother's address), had previously offended on bail, had a history of violence and was difficult to engage due to alcoholism.

**5.45** Justin was seen by the ASCC service (Advice and Support in Custody and Court) whilst in custody and declined a mental health assessment and support, saying he was a recovering alcoholic and had support from his GP and Turning Point, the drug and alcohol service. (Justin was not receiving support from Turning Point at that time). No other needs were identified at this time.

### **Wednesday 6<sup>th</sup> March 2019**

**5.46** The police supplied a document to the CPS outlining the reasons why they had kept the defendant in custody. This contained a comment that the police believed Justin had been abusing his mother for a long period of time but that this had gone unreported, although no evidence was provided to the CPS to support this. The Senior Crown Prosecutor who made the charging decision in respect of Justin endorsed the charging decision that in light of the information provided by the police Justin could be bailed with appropriate conditions to safeguard Dorothy.

**5.47** The police provided the CPS with a Joint CPS and Association of Chief Police Officers (ACPO) Evidence Domestic Abuse checklist which provided details of the previous domestic abuse incidents involving Justin and his mother described in Paragraphs 5.7, 5.12 and 5.18.

**5.48** The police also provided the CPS with details of Justin's previous convictions which the CPS correctly understood had not taken place in a domestic abuse context. There is no indication that the adult caution administered to Justin for the importation of a gravity knife from Hong Kong in May 2017 (Paragraph 5.29) was shared with the CPS, as would have been expected.

**5.49** Dorothy was not supportive of a prosecution against her son and did not provide a witness statement to the police or provide other background information. (It is unclear at what point Dorothy indicated that she would not support a prosecution. The information shared with this review by the CPS states that it was 'from the outset'). However, the CPS, in accordance with the Code for Crown

Prosecutors and their domestic abuse policy, prosecuted this case notwithstanding that the victim was not supportive.

**5.50** The court concluded that it was appropriate to bail Justin with conditions not to contact his mother in any way (direct or indirect) and not to go to his mother's address. The Court applied the Bail Act 1976 (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012). According to Justin's previous convictions he had not offended since 2011 and had no history of breaching his bail conditions or committing further offences whilst on bail. The only ground available to consider refusing bail to Justin was whether there were substantial grounds for believing that he would commit an offence on bail that would be likely to cause physical or mental injury (or fear of injury) to an associated person. It is assumed that the bail conditions, if complied with, would address this ground in respect of Dorothy.

**5.51** Justin gave up his keys to his mother's address which were retained by the police to facilitate the collection of his belongings which took place that evening. The police later handed Justin's keys to his mother.

**5.52** Justin was again seen by the ASCC service whilst in court at the request of his defence solicitor. On this occasion he agreed to a mental health assessment by a Criminal Justice Mental Health Practitioner. The practitioner found that Justin had the ability to engage in the criminal proceedings. Justin reported no previous contact with mental health services and that his long standing anxiety and low mood had been managed by his GP. He said he had been unable to take his GP prescribed sertraline whilst in police custody which had been causing him further anxiety. He said that he had received support from Turning Point in the past - which he had found helpful - but had been discharged from the service after attending an appointment whilst drunk on one occasion.

**5.53** The practitioner documented that Justin's anxiety appeared to manifest itself as a generalised anxiety, social phobia and panic attacks which had led to him rarely leaving his home and losing contact with friends and his support network generally. Justin also reported struggling with alcohol since the age of 19, which he had used in part to help him socialise with others. He said he had been abstinent from alcohol since the beginning of February 2019 until a recent relapse which had led to the 4<sup>th</sup> March 2019 assault on his mother. Justin said he was resolved to return to alcohol abstinence and felt confident in his ability to do so. He reported what was documented to be 'historical' drug use, but denied any current difficulties with drugs.

**5.54** The practitioner documented that until the 4<sup>th</sup> March 2019 assault, Justin had lived with his mother. He said he had tried to care for her but had struggled to do so

as a result of his ongoing mental health difficulties. He reported that he had not seen his father 'for years' and had 'limited contact', adding that his father currently had prostate cancer and depression. Justin appeared to be able to manage his income from benefits and was able to pay for temporary bed and breakfast accommodation but was documented to have no long term solution to his accommodation needs. He reported that he was currently on 'the housing list' although this has not been confirmed.

**5.55** Justin denied any thoughts or plans to harm himself and it was documented that there did not appear to be any further risk to others. Protective factors were documented to be Justin's proactivity in recovering from alcoholism and the steps he had taken to remain abstinent, his proactivity in developing coping strategies to try and manage anxiety such as meditation and his willingness to engage with a support, time and recovery (STR) worker for support with his immediate accommodation needs.

**5.56** The practitioner provided information to Justin to enable him to consider self-referral to Somerset Partnership's Talking Therapies Service, which he completed on 8<sup>th</sup> March 2019. The referral was screened and Justin was considered appropriate for assessment. However, he did not proceed with this self-referral, declining to opt-in for the arrangement of an appointment.

**5.57** He was also referred to the STR worker for support with accommodation needs. An appointment was booked for Friday 8<sup>th</sup> March at 10.30am but there is no record of Justin attending. The mental health assessment was shared with the Court and Justin's GP, with his consent.

**5.58** During the day, (Wednesday 6<sup>th</sup> March 2019) Dorothy's niece contacted the police to share concerns that Justin had been abusing his mother for some time but that this had not been fully disclosed to the authorities before. She described Justin as his mother's carer and expressed concern that Dorothy would let her son back into the property. The niece was keen for Dorothy to move back to the Somerset town in which her wider family resided. The niece was advised to contact 'social services' and the local authority.

**5.59** The niece then attempted to make a safeguarding referral in respect of Dorothy to Adult Social Care on the grounds that Justin had been abusing her physically and verbally for years. She added that he drank alcohol and possibly had an underlying mental health issue. She was also concerned that he had weapons in his room at his mother's address. The niece was said to be 'petrified he will come back to the house and something terrible will happen, concerned this will end with one or both of them heavily injured or worse, dead'. The safeguarding referral was



not accepted by Adult Social Care on the grounds that Dorothy had not consented to the referral. The niece was advised to gain consent from Dorothy and then re-refer. Contact details for 'domestic abuse' services were provided to the niece so that she could share these with her aunt.

**5.60** The police Lighthouse Safeguarding Unit also contacted Dorothy during the day. She reported feeling unwell and was advised to return to hospital. The niece re-contacted Adult Social Care later in the day to advise them that Dorothy had been re-admitted to hospital and Adult Social Care advised the niece to speak to ward staff at Hospital 1 in order to notify them of her concerns about Dorothy's welfare. In the event, Dorothy declined hospital attendance – see Paragraph 5.65.

**5.61** Adult Social Care then received a safeguarding referral in respect of Dorothy from the ambulance service. The referral stated that on 4<sup>th</sup> March 2019 Justin had slapped his mother in the face, knocking her to the ground and then punched and kicked her in the face and head. The referral also expressed concern over hoarding in the address Dorothy shared with her son. Adult Social Care established that the police were investigating the assault, that the hospital to which Dorothy had been taken following the assault had carried out a DASH risk assessment, that she had been referred to SIDAS, an IDVA had been allocated to her who would be helping her with an application to move to the Somerset town where her wider family lived. (SIDAS had received a MARAC referral from both the Lighthouse Safeguarding Unit and the Hospital 1 safeguarding team and allocated her an IDVA as a high risk referral. The Lighthouse Safeguarding Unit documented making a safeguarding referral in respect of Dorothy to Adult Social Care but the latter service has no record of receiving it. SIDAS also documented that a Domestic Violence Protection Order (DVPO) was being pursued although it has been confirmed that the police did not apply for a DVPO because the aims of such an Order were achieved by the imposition of bail conditions by the Court. Adult Social Care decided to refer Dorothy to the Locality Team for an assessment of her needs as it was believed that Justin may have been caring for his mother. The Safeguarding referral was concluded at this point as it was deemed that all relevant professionals were involved and Adult Safeguarding would not have anything further to contribute.

**5.62** Adult Social Care received a third call from Dorothy's niece before the end of the day in which she advised them that Justin was being released on bail and that the police were planning to submit a safeguarding referral. This contact was logged as 'for information only'. They also received a similar call from Dorothy's brother (father of Dorothy's niece) which was handled in the same manner.

**Thursday 7<sup>th</sup> March 2019**

**5.63** An Adult Social Care Locality social worker telephoned Dorothy who was considered to be at risk of self-neglect as Justin was no longer able to support her as a result of his bail conditions. Her needs were to be assessed by Adult Social Care who would work in partnership with the IDVA allocated to her case.

**5.64** The IDVA telephoned Dorothy who told her that her brother had visited her the previous day and she was keen to move near to him and other family members. Safety planning was discussed with Dorothy who said that she would contact the Deane Helpline and ring 999 if Justin returned. She would not open the door to him and she was keeping all doors and windows locked. (There is no indication that this safety plan was shared with the Deane Helpline). It was established that Dorothy did not rely on her son for tasks such as shopping – which she did online – or collecting medication – which was delivered to her.

**5.65** It is understood that Justin checked in to a hotel in the same Somerset town in which he had been living with his mother on 7<sup>th</sup> March 2019 and stayed there until he moved to his father William's address around 18<sup>th</sup> March 2019.

### **Friday 8<sup>th</sup> March 2019**

**5.66** Adult Social Care received a further safeguarding referral in respect of Dorothy from the ambulance service who had been called to her address on 6<sup>th</sup> March 2019 after she became unwell. In their referral, the ambulance service stated that Dorothy declined hospital attendance. The referral expressed concern about domestic abuse and hoarding. As she was open for assessment, the contact from the ambulance service was sent to the Locality team social worker who was unable to contact Dorothy by telephone that day. The social worker contacted the IDVA to advise her of the process of making a housing application for the Somerset town in which Dorothy's wider family resided. The social worker referred Dorothy to the Independent Reablement Team (IRT) in respect of ongoing health and support needs on the understanding that the latter service would refer her back to the Locality team for assessment if they felt that she had eligible needs. The IDVA expressed concern to the Locality team that no broader assessment of Dorothy was now to take place.

**5.67** The IDVA telephoned Dorothy who advised her that the IRT assessment was scheduled for 11<sup>th</sup> March 2019 and a Community Council for Somerset (CCS) Village Agent service – which supports people to manage their affairs and remain independent – was due to visit her the day after that to look at her support needs. The IDVA arranged to visit and support Dorothy at the time the Village Agent was present.

### **Monday 11<sup>th</sup> March 2019**

**5.68** At 7.26 pm Dorothy contacted the Deane Helpline to say that Justin had been banging on her door but she would not let him in. The Helpline call taker documented that Dorothy was very concerned for her safety and contacted the police via the 101 number. The police treated the call as an emergency and attended at 7.50pm but found no sign of Justin. They spoke to Dorothy who said that her son had come to the door and said he was sorry. She said she had not seen him as she was upstairs at the time. Enquiries in the vicinity were negative and there was no CCTV camera in the area. The police filed the incident because of a lack of independent corroborative evidence.

### **Tuesday 12<sup>th</sup> March 2019**

**5.69** The IDVA was unable to keep her appointment with Dorothy due to being urgently needed at Court. An alternative date of 15<sup>th</sup> March 2019 was agreed.

### **Thursday 14<sup>th</sup> March 2019**

**5.70** The Bobby Van service and the Neighbourhood Beat Manager visited Dorothy. The latter expressed concern that Dorothy was likely to let her son in should he return and so it was arranged for the local Police Community Support Officer's (PCSO) to meet and maintain contact with her to ensure she was receiving the correct support.

**5.71** During the day Dorothy telephoned the police to raise concerns about Justin's wellbeing. She told the police call handler that Justin had telephoned her from the hotel in which he was staying. After initially saying that he couldn't remember assaulting her, she said he had threatened to hang himself. A police triage worker – who was a mental health practitioner working in police control room – telephoned Justin who said that although he was feeling low he had no plans to harm himself and that his mother may have 'got the wrong end of the stick'. He confirmed that he was staying in a local hotel and that his reservation expired the following Sunday (17<sup>th</sup> March 2019) and that he would have to declare himself homeless at that point. He said he was not sleeping well. He said he has been taking sertraline for several years. The practitioner suggested that Justin contact his GP for a medication review which he agreed to do (There is no indication that he followed through on this). The practitioner texted him telephone numbers for CALM, the Home Treatment Team, Samaritans, MIND and Talking Therapies. He agreed that the police could visit him to check on his welfare but there is no record that they did so. There is no indication that this incident was considered to be a potential breach of Justin's Court bail conditions.

### **Friday 15<sup>th</sup> March 2019**

**5.72** The IDVA met Dorothy who she documented to be a 'very vulnerable lady' who was seen to struggle to climb the stairs in her first floor flat. Dorothy was said to be desperate to move back to the Somerset town in which her wider family lived and the IDVA later contacted her Livewest (social housing provider) housing officer who advised that she had identified a suitable property for Dorothy but would need managerial authority for an emergency move in order to bypass the Homefinder system. The housing officer was to look into getting the locks to Dorothy's current property changed.

**5.73** Dorothy telephoned the police to report that she had spoken to her ex-husband William on the telephone and he had said that she should forgive their son and take him back, before going on to say that he would hang himself if Justin came to stay with him. Avon and Somerset Constabulary contacted Dorset Police to ask them to visit William at his address in Dorset and check on his welfare. The latter force visited William who said that a miscommunication had occurred and that he had no intention of hanging himself. He added that their son Justin had made a comment that he (Justin) might as well hang himself which is what William said he told Dorothy. Dorset Police noted that Justin was living in a hotel in the Somerset town in which he had been living with his mother as he was subject to bail conditions which prevented him from returning to his mother's address. There were no concerns for William and no public protection notification (PPN) was considered to be required. Dorset Police advised Avon and Somerset Constabulary that William was safe and well.

**5.74** Justin again telephoned his mother, apparently to arrange for the collection of his belongings. This was reported to the police by Dorothy. The contact was not regarded as a potential breach of bail conditions.

### **Monday 18<sup>th</sup> March 2019**

**5.75** Dorothy contacted the police to tell them that Justin had telephoned her from a withheld number on 15<sup>th</sup> and 17<sup>th</sup> March 2019 apparently to arrange for the collection of his belongings. Dorothy asked if the police could facilitate this. Justin was advised by the police that if he breached his bail conditions again he would be arrested. When the police telephoned him to impart this advice, Justin told them that he was now staying with his father William in Dorset.

### **Tuesday 19<sup>th</sup> March 2019**

**5.76** The IDVA telephoned Dorothy who told her that Justin was staying with his father William. However, she said that William had been calling her since 6am that morning saying that he couldn't cope. She said that he had asked her to take Justin back, adding that if she did so she would be saving two lives. Dorothy said that she had just had a visit from the officer dealing with Justin's assault on her and that he was going to telephone William to tell him to stop calling her. Avon and Somerset Constabulary has no record of any such call to William. The IDVA advised Dorothy that the Livewest Housing Officer was planning to see her on Friday 22<sup>nd</sup> March 2019.

### **Wednesday 20<sup>th</sup> March 2019**

**5.77** It had been thought that Dorothy's case was discussed at the local Somerset MARAC on 20<sup>th</sup> March 2019. However, it has subsequently been established that no meetings of the local Somerset MARAC were held in March or April 2019 as MARAC had been placed on hold whilst SIDAS assumed responsibility for the MARAC process from Avon and Somerset Constabulary. It is understood that all MARAC cases were carried forward to the local Somerset MARAC held in May 2019, by which time Dorothy's case had been closed by SIDAS.

**5.78** It is also understood that multi-agency meetings were to be arranged for individual cases which had been referred to MARAC during this period which were considered to be 'urgent'. There is no indication that such a multi-agency meeting was held in respect of Dorothy's case.

**5.79** Had Dorothy's case been discussed at a MARAC meeting, it seems likely that MARAC would have taken comfort from the support that she was receiving from agencies and her intention, at that time, to move to the Somerset town where her wider family resided. By the scheduled date of the MARAC meeting, Justin had moved in with his father in the Dorset Police area. This was known to the police and the IDVA by that date. If Dorothy's case had been discussed at MARAC, this information could have been shared and any action considered necessary could have been discussed.

### **Thursday 21<sup>st</sup> March 2019**

**5.80** William visited his Dorset GP who documented that he was 'in great state of angst' because his son Justin had moved in with him the previous day and was sleeping on the sofa. William explained that his son had assaulted his ex-wife Dorothy at the home she and their son shared in Somerset. The GP documented that Justin had been removed from his mother's address and that a non-molestation order was in place (There was no non-molestation order in place). William said he

had been asked by Dorothy to allow their son to stay with him but was upset about this because he 'had so much on his plate' as a result of his prostate cancer treatment (diagnosed in January 2019) and there was a lack of space in his house. William told his GP that he had become so upset by his ex-wife's suggestion that he allow their son to stay with him, that Dorothy rang the police who later visited him. William went on to say that Justin had been 'slightly violent' towards him when he had visited him in the past. William said that Justin had 'stolen' hairspray the previous day, sniffed it and was 'out of it'. William was documented to be 'scared for his life' and fearful for his safety. He felt that his son needed to be taken back to Somerset by ambulance and sectioned under the Mental Health Act. No physical injuries to William were apparent and he made no disclosure of assault by his son.

**5.81** The GP contacted the police who arranged to see William at the GP practice. William was advised not to return home until the conversation with the police had taken place. His GP telephoned Justin's Somerset GP practice and information about his 'recent mental health status' was shared with his father's GP practice.

**5.82** A police officer who knew William professionally later saw him at the GP practice in company with the GP. By this time William's perception of the threat his son posed to him had diminished but he still wished him to leave his property. The officer noted that William has reluctantly agreed with Avon and Somerset Constabulary to allow Justin to stay with him on a short term basis (Avon and Somerset Constabulary has no record of any such agreement). The officer judged William to be of 'sound mind' and entirely capable of making his own decisions. He noted that William was concerned about his son's potential to cause him future problems, citing his aggressive manner, his drink problem, mental health issues and possibly his sniffing of household chemicals. The officer offered to visit William's house and ask his son to leave but William declined this option. The officer also offered to visit Justin and advise him that Dorset Police were aware that he had moved to live with his father but again this was declined by William. The officer went on to advise him that if he decided to ask his son to leave he should do this in a public place. The officer also advised him that if any problems arose with his son, William should go to a neighbour and ring the police.

**5.83** Prior to the conversation concluding, the GP provided William with contact details for Somerset and Taunton social services in case he wished to contact them to enquire about alternative accommodation for his son.

**5.84** Later in the day the police officer completed an Adult at Risk Public Protection Notification (PPN) on the grounds that William was an elderly male living with his newly arrived estranged son Justin, adding that William was concerned about his son's alcoholism and recent aggression to his mother. The officer had viewed

Justin's Police National Computer (PNC) entry including the assault on his mother, the bail conditions and his previous convictions.

**5.85** The PPN was assessed within the police Safeguarding Referral Unit by a Detective Sergeant who decided that it was not necessary to share the information as William was not, in their opinion, nor was there a flag to indicate that he was, an adult at risk and had no care or support needs. Additionally Justin had no identified needs which would prevent him from seeking assistance with housing or GP support in respect of mental health issues. William was said to have refused consent for the information to be shared. (On 24<sup>th</sup> May 2019 the PPN had been returned to the officer who completed it to clarify whether William consented to his information being shared. This query did not necessitate further contact with William).

**5.86** Prior to the 21<sup>st</sup> March 2019 contact with William, Justin was unknown to Dorset Police. As a result of this contact, Justin was created as a nominal with his own unique record on Dorset Police systems.

**5.87** Dorset Police had no further contact with William or Justin prior to the murder.

### **Monday 25<sup>th</sup> March 2019**

**5.88** The ASCC support, time and recovery worker telephoned Justin who reported that he was staying with his father in Dorset and planned to do so until his forthcoming court appearance. He said he felt much brighter in mood adding that the previous contact with the police was a misunderstanding and that he was not suicidal (Paragraph 5.71). He denied any thoughts of harm towards himself or others. The ASCC worker agreed to re-contact him within the next few weeks although Justin was encouraged to contact the worker if he felt that 'things were declining'.

### **Wednesday 27<sup>th</sup> March 2019**

**5.89** The Livewest housing officer updated the IDVA. She said that she had discussed the flat which would shortly become available in the Somerset town in which Dorothy's wider family resided with Dorothy but the lack of a wet room prevented her from considering this option further as she would not be able to get in and out of a bath. Registering on Homefinder was discussed with Dorothy and treating her request to move as an emergency was also discussed. This discussion had taken place on the previous Friday, but when the housing officer had spoken to Dorothy by telephone that morning (27<sup>th</sup> March 2019) she said she had decided against moving at that time, saying she was settled and well supported where she

was and was said to be confident that Justin would not return. Dorothy was advised to remain in touch so that support could be provided should she decide to move.

#### **Thursday 28<sup>th</sup> March 2019**

**5.90** The IDVA telephoned Dorothy who told her that she had decided to remain in her current home. She said she wanted Justin to return home after his trial as 'he is her son'. The risks involved in following this course of action were discussed with her but she was said to be adamant that she wanted to help Justin. She said that she didn't require any further support from SIDAS. The IDVA later shared her concerns about Dorothy's plan to allow her son to return with the Livewest housing officer who planned to discuss this further with Dorothy when she saw her during a fire service visit to her flat scheduled for 12<sup>th</sup> April 2019.

#### **Tuesday 2<sup>nd</sup> April 2019**

**5.91** SIDAS closed Dorothy's file. She was said to be receiving support from Livewest Housing and had been provided with the Domestic Abuse Freefone Service (DAFFS) (freephone number which does not appear on telephone bills and which offers specialist support, advice and guidance to callers). Livewest Housing was notified of the case closure.

#### **Monday 13<sup>th</sup> May 2019**

**5.92** Justin was convicted of assault by beating following a trial, having pleaded not guilty. He put forward a defence of self-defence. Dorothy had not made a witness statement and did not give evidence. The case was then adjourned until 28<sup>th</sup> May 2019 for sentencing and to allow the National Probation Service to complete a pre-sentence report. The Court bailed Justin with the same conditions as previously which did not include a condition of residence. This review has received no indication that the Court was informed that Justin had moved to his father's address in Dorset.

#### **Wednesday 15<sup>th</sup> May 2019**

**5.93** Justin was interviewed by a probation officer for the pre-sentence report. The probation officer had spoken to William by telephone the previous day who had said he would support his son to attend the appointment or give him money to attend by public transport. During the pre-sentence report interview Justin said he had resided with his mother for approximately 15 years also living with his father and grandparents for short periods of time (It is understood that Justin had mainly lived with his mother for his entire life). He spoke of an unhappy childhood in which he



struggled at school and subsequently left at the age of fifteen. He said he had suffered from depression and anxiety since the age of sixteen which had significantly impacted on his life. He said he had begun consuming alcohol from the age of nineteen which he attributed to the influence of his associates and mental health issues. He said that at the age of thirty three (2015) he realised the impact of his alcohol use and made the necessary changes to his life to address his issues, such as distancing himself from 'negative influences' and associates.

**5.94** He said that learning that his father was suffering from cancer (prior to the assault on his mother) had adversely affected his emotional health and wellbeing. He described his father as a protective factor in his life but felt socially isolated with no friends and no-one to talk to.

**5.95** Turning to the 4<sup>th</sup> March 2019 assault on his mother, he said that this occurred after he had relapsed and consumed alcohol although he said he was unable to recall the incident due to his intoxicated state. He presented as remorseful for his behaviour. He said that he hoped to be able to return to his mother's address and said he did not pose any risk of harm to her. He denied assaulting her prior to the 4<sup>th</sup> March 2019 incident. Justin said he had not consumed alcohol since the assault on his mother.

**5.96** The pre-sentence report was never fully completed because the murder of William took place prior to the date on which Justin was due to be sentenced for the assault on his mother. However, the probation officer concluded that Justin presented as a person with poor problem-solving skills and emotional literacy. She felt that he demonstrated a lack of maturity and insight into the impact his emotional well-being had on his behaviour. Justin was said to continue to use alcohol to manage his emotions but presented as motivated to address his offending behaviour and alcohol issues.

**5.97** He was assessed as posing a medium risk of serious harm to his mother but this was not considered to be an imminent risk as a result of his bail conditions to which he had been adhering more recently. He was also assessed as posing a medium risk of serious harm towards himself through self-harm or suicide although he had not disclosed any imminent threat to his own life. The circumstances in which the risk of harm to his mother or himself would be greatest was considered to be when under the influence of alcohol at a time when his emotional wellbeing had declined.

**5.98** The probation officer would have recommended a sentence of a 12 month community order with a rehabilitation activity requirement of 20 days to allow Justin

the opportunity to address his behaviour. A Restraining Order to prevent him contacting his mother would also have been supported.

### **Monday 20<sup>th</sup> May 2019**

**5.99** William was seen in his GP practice for an injection of Leuprorelin which is used in the treatment of prostate cancer. (He had also been seen by his oncologist on 1<sup>st</sup> April 2019).

### **Later in May 2019**

**5.100** The ambulance service were contacted by Justin via a 999 call in which he said he had killed his father. He said that there had been an argument and a fight and he thought his father was going to attack him. He said he had then hit William several times on the head with a dumbbell. The ambulance service attended and William was conveyed to hospital by air ambulance where he died later that day. Justin was arrested by the police.

## **6.0 Analysis**

**6.1** In this section of the report each of the case specific terms of reference questions will be addressed in turn.

**Were either of the victims – the mother of the perpetrator Dorothy or the father of the perpetrator William - known to local domestic abuse services and were there any warning signs? Could more be done to raise awareness of services available to victims of domestic abuse?**

### **Dorothy, the mother of the perpetrator**

**6.2** To enable issues to be considered chronologically, Dorothy will be considered before William, even though he is the victim of the homicide. When assaulted by her son on 4<sup>th</sup> March 2019 Dorothy was 70 years old. From her contacts with Adult Social Care from 2016 onwards, it appears that Dorothy had multiple physical health problems. She had long term mobility problems which by October 2017 had begun to result in falls and slipping when trying to get out of bed. She also struggled to climb the stairs within her home. A wet room had been installed because she was unable to get in and out of the bath. Dorothy also disclosed that she had a mental health diagnosis. The police recorded that she appeared to be agoraphobic.

**6.3** Adult Social Care `s contacts with Dorothy prior to the 4<sup>th</sup> March 2019 assault tended to be efficient task focussed responses to the presenting problem only. There appeared to be little consideration that her needs were increasing. One of the key principles of the Care Act 2014 is the importance of preventing or delaying the development of needs for care and support (1). The statutory guidance which accompanies the Care Act states that `at every interaction with a person, a local authority should consider whether or how the person`s needs could be reduced or other needs could be delayed from arising` as `effective interventions at the right time can stop needs from escalating, and help people maintain their independence for longer`. Had a conversation taken place with Dorothy about her increasing care and support needs she could have been offered an assessment which might have shed light on any care provided by her son, the dynamics of the relationship and whether abuse, including domestic abuse, or neglect might be present.

**6.4** Overall, the focus of Adult Social Care only on the presenting problem seems unlikely to provide opportunities to unearth the presence of familial domestic abuse, assuming that in this case, Dorothy was prepared to disclose any abuse by her son which may have taken place prior to 4<sup>th</sup> March 2019.

**6.5** It is unclear to what extent her son Justin cared for her. This was an issue it would have been useful to explore during the various interactions Adult Social Care had with Dorothy from 2016 onwards but the subject does not appear to have been discussed, other than noting that Dorothy was 'independent' and that her son was unable to lift her. The evidence that Justin provided care for his mother is quite limited. He was described as 'childlike' by his GP, lacking maturity and problem solving skills by the probation officer and having 'severe functional disability' by the DWP. Indeed, his dependency on his mother appeared to be as great, if not greater, than her dependency on him when the bail conditions imposed after his assault on his mother prevented him returning to the address he shared with her.

**6.6** If Justin was providing care to his mother, he could have been offered a Carer's assessment. The Care Act statutory guidance states that 'where an individual provides or intends to provide care for another adult and it appears that the carer may have any level of needs for support, local authorities must carry out a carer's assessment' (2). The Act introduced parity of esteem between carers and service users, strengthened carer's rights to an assessment of need and placed a new duty on local authorities to fund support for carers 'eligible needs'. A carer's assessment could have provided a further opportunity to explore the dynamics of the relationship between Dorothy and her son.

**6.7** There may have been opportunities for other agencies with which Dorothy came into contact to refer her to Adult Social Care for an assessment of her care and support needs. Assuming she was a patient at the same GP practice as her son, then one might have expected the GP practice to consider a referral to Adult Social Care on the grounds of both her own needs and the needs of her son - who the GP practice observed was often reliant on his mother to communicate with the practice on his behalf. Additionally, when the police attended a verbal argument between Dorothy and her son in 2010, they observed that they both appeared to be agoraphobic, appeared to have 'learning difficulties', mental health problems and were living in a 'very small' flat together. Although this incident preceded the 2014 Care Act, the police could have considered a referral to Adult Social Care at that time.

**6.8** There is evidence that Dorothy suffered from domestic violence and abuse from her son over a number of years. Although she was unwilling to provide a statement to the police following the 4<sup>th</sup> March 2019 assault, she told the hospital 1 safeguarding team that her son had been physically abusive for the past five years. When she made a police statement to the subsequent murder investigation, she disclosed that Justin had become violent towards her during his teenage years and had slapped and punched her half a dozen times during that period of his life. In the statement she implied that the violence may not have been limited to Justin's

teenage years, stating that when he had been drinking, he could become 'vicious and violent'.

**6.9** During her son's childhood Dorothy and Justin lived near wider family members. Dorothy and Justin's subsequent move to another Somerset town isolated her from family support and may have made her more vulnerable to abuse from Justin who began drinking to excess from his late teenage years.

**6.10** Justin came to the notice of the police on several occasions between 2008, when he was twenty six years old, and 2011, when he would have been twenty nine. Common factors in nearly all of the incidents were alcohol, aggression and violence. Self-harm was present in one of the incidents when he took an overdose. Three of the incidents involved Dorothy and Justin and in two of the incidents she was noted to be in fear of violence or aggression from her son.

**6.11** It is possible that one of the reasons that mother obtained support from the Deane Helpline from 2009 was her fear of Justin. Having said that, examination of the Deane Helpline records of contact they received from Dorothy did not disclose additional incidents which indicated domestic violence and abuse. However, Dorothy would have known that had she sought the assistance of the Deane Helpline in respect of domestic abuse, they would have alerted the authorities.

**6.12** In his interview with the Probation Officer, Justin claimed to have made changes to his life in order to reduce the impact of alcohol on his behaviour at the age of thirty three, i.e. from 2015 onwards (Paragraph 5.93). Whilst Justin may have been wishing to present himself in the best possible light for the purposes of the pre-sentence report, there is a gap of five years prior to the 4<sup>th</sup> March 2019 assault when he did not come to the notice of the police for incidents involving alcohol and violence during which it is possible that his abusive behaviour towards his mother may have diminished.

**6.13** As previously stated Dorothy did not consent to the sharing of her medical records with this review. However, the authors of the Individual Management Reports from Somerset Partnership, Somerset Clinical Commissioning Group and Taunton and Somerset NHS Foundation Trust note no record of her having disclosed domestic abuse to their services prior to 4<sup>th</sup> March 2019.

**6.14** Following the 4<sup>th</sup> March 2019 assault on Dorothy, several agencies contributed to efforts to safeguard her from further domestic violence from her son.

**6.15** The court imposed bail conditions on Justin were less successful than anticipated in preventing direct or indirect contact with his mother (See Paragraphs

5.67, 5.70, 5.73 and 5.74). The four contacts Dorothy reported her son as having made may have been intended, in part, to persuade her to allow him to return to the home he had shared with her. Certainly her ex-husband William began imploring her to forgive Justin and take him back both before and after Justin moved in with him.

**6.16** The safeguarding team at Hospital 1 assessed Dorothy as being at high risk of domestic abuse and promptly made a MARAC referral. The police placed an information marker on her address and landline, arranged for the local PCSO to contact her and for a visit by the Bobby Van. They seized Justin's house keys and returned them to Dorothy although it is unclear whether the locks were changed at her address. This appeared to be a task which eventually fell to Livewest Housing but it is unclear whether this was completed.

**6.17** The CPS successfully initiated an evidence-led prosecution of Justin in the absence of any witness statement from Dorothy, who was initially willing to report the 4<sup>th</sup> March 2019 assault and make disclosures about prior domestic violence and abuse from Justin but later became reticent. She initially appeared to have been very badly shaken by the severity of the assault by her son but maintaining her apparently mutually dependent relationship with her son gradually appeared to assume greater importance for her and, as stated she came under pressure from her ex-husband William and probably her son to forgive him and allow him to return to live with her.

**6.18** In common with many victims of domestic abuse, Dorothy may have faced many barriers to disclosing domestic abuse from Justin (3) such as the abuse having become a normalised part of their relationship with her son, the desire to protect her son and fears for her future - as she aged and her health issues worsened - if Justin was removed from her address. Additionally, research conducted by Choice – a Welsh initiative promoting justice for older victims of domestic abuse – found that a parent being abused by an adult child may see the abuse as a consequence of their 'poor parenting' and that this 'self-blame' may be a further barrier to seeking help (4). After making initial disclosures, these and other factors may have led her to review her circumstances and decide against supporting the prosecution of her son.

**6.19** An IDVA was allocated promptly and co-ordinated support from Dorothy's housing provider and Adult Social Care. The IDVA discussed safety planning with her but could have considered involving the Deane Helpline in the plan (Paragraph 5.64). There was quite a strong emphasis on supporting Dorothy in her wish to move back to the Somerset town where members of her wider family lived. Her housing provider Livewest treated her case as an emergency and promptly offered her a property in the town in which her family lived which may well have met her

needs but for the lack of a wet room. However, Dorothy eventually decided not to move home as she gradually decided, or was persuaded, to take her son back once the case had been dealt with by the courts and the bail conditions no longer applied.

**6.20** At this point the IDVA closed her case (Paragraph 5.91). Dorothy's decision to allow Justin to return could have been considered an 'unwise decision' which might have prompted practitioners to question her mental capacity. A key principle of the Mental Capacity Act (MCA) is that a person must be assumed to have capacity unless it is established that they lack capacity. Another principle which underpins the MCA is that a person is not to be treated as unable to make a decision merely because they make an unwise decision. However, allowing Justin to return to live with her was a decision which exposed her to risk given her gradually increasing health and care needs, her vulnerability to abuse, his propensity for violence and his mental health issues and abuse of alcohol and other substances. It is understood that Dorothy had experienced mental health issues and it may have been appropriate for practitioners to consider investigating her mental capacity in the light of this unwise decision. Practitioners could also have considered the extent to which Dorothy was making this decision of her own free will and whether coercion and control by Justin may have been a factor. In this case the coercion and control may have been quite subtle in that Justin appears to have sought to elicit the sympathy of his mother for his plight as a potentially homeless person who was unable to fend for himself.

**6.21** Adult Social Care received multiple referrals and contacts in respect of Dorothy in the days following the 4<sup>th</sup> March 2019 assault. The niece's attempt to make a safeguarding referral on behalf of Dorothy was thwarted by not having her aunt's consent (Paragraph 5.59). Whilst it is always preferable for an adult to be made aware a referral is being made about them, it was inappropriate and not in accordance with procedure for the referral to be declined on these grounds. Following a referral to Adult Social Care from the ambulance service, Dorothy was referred to the Locality Team for an assessment of her needs as it was believed that Justin may have been providing some care to his mother (Paragraph 5.61). Unfortunately the Locality Team social worker referred her to the Independent Reablement Team in respect of a medical condition and risk of falls on the understanding that the latter service would refer her back to Locality for assessment if they felt that she had eligible needs. This decision was appropriately challenged by the IDVA and the author of the Adult Social Care IMR observed that a full assessment of Dorothy's needs should have been undertaken at this point as the service had sufficient information to suggest that she was unable to meet some of her day to day needs. There were also concerns about hoarding which went unexplored. An assessment would have helped identify what housing options would have been most appropriate for Dorothy, i.e. supported living or Extra Care Housing.

## **William, the father of the perpetrator**

**6.22** In contrast with his ex-wife Dorothy, William was not perceived to be a potential victim of domestic violence and abuse by any practitioner or agency in Somerset or Dorset at any time.

**6.23** Following the 4<sup>th</sup> March 2019 assault there was a strong focus on safeguarding Dorothy from further harm from her son. At that point, understandably little attention was paid to William. He lived some miles away in Dorset. He and Dorothy had separated over thirty years earlier and he had not played a significant role in his son's life. At the time that Justin was granted bail by the Magistrates Court on 6<sup>th</sup> March 2019, there appears to have been no suggestion that he would be moving to stay with his father. However, when bailed by the same Court following his conviction for the assault on his mother, Justin was bailed to his father's address (Paragraph 5.92).

**6.24** Agencies do not appear to have become aware that moving in with William was an option for Justin until 15<sup>th</sup> March 2019 when Dorothy contacted Avon and Somerset Constabulary to express concern that William had told her that he would hang himself if his son came to stay with him (Paragraph 5.73). Avon and Somerset Constabulary then requested Dorset Police visit William to check on his welfare and he told them that there had been a miscommunication and that he had no intention of hanging himself. William's presentation when he visited his GP five days later suggests that he may have been much more worried about the prospect of his son visiting him than he indicated to the Dorset Police officers who visited him on 15<sup>th</sup> March. Dorset Police noted that Justin was living in a hotel in the Somerset town in which his mother lived whilst subject to bail conditions which prevented him from living with her and concluded that no public protection notice was required. Given the fact that Justin remained in Somerset at that time and that William had denied threatening to hang himself and provided a plausible explanation about how a miscommunication had occurred, the decision not to complete a public protection notice was defensible.

**6.25** On Monday 18<sup>th</sup> March 2019 Avon and Somerset Constabulary were told by Justin that he had moved to Dorset to stay with his father (Paragraph 5.72). The following morning both the officer dealing with the assault by Justin and the IDVA were advised that Justin was staying with his father (Paragraph 5.76). The IDVA was told by Dorothy that William had been ringing her since 6am that morning saying that he couldn't cope and Dorothy went on to say that she had been visited by the officer dealing with the assault who was going to call William and ask him to stop calling her. The IDVA documented that during William's telephone conversations



with Dorothy that morning, William had said that she 'would be saving two lives' if she agreed to take Justin back. If this is what William communicated to his ex-wife, it does indicate that he may have been very concerned about his son staying with him.

**6.26** There is no indication that Avon and Somerset Constabulary or the IDVA considered the need to notify Dorset Police that Justin had moved into their area and was now staying with his father nor is there any indication that the possibility that Justin might present a risk to his father was considered.

**6.27** The following day (21<sup>st</sup> March 2019) William told his GP during a routine appointment that he was 'scared for his life' as a result of his son moving in with him. The GP documented the reasons for his fears for his safety to be that Justin had recently assaulted his mother to whom he had always been rude and threatening, he had been slightly violent towards William when he had visited him in the past, William thought his son was on antidepressants, had had problems with alcohol and substance misuse and he thought his son had 'stolen' hairspray since his arrival at William's address, sniffed it and had been 'out of it' as a result. William also seemed distressed at being asked to take on responsibility for his son at a time when he was being treated for prostate cancer. He was also concerned about the lack of space in his house which he described as 'choc-a-block' with items he had inherited. He felt that Justin should be returned to Somerset and 'sectioned' under the Mental Health Act.

**6.28** The GP responded by advising William not to go home and arranged for him to return to the surgery later that morning to enable the GP to see the remainder of her patients and develop a plan to support William. By the time she saw William later that morning the GP had decided to involve the police and William was invited to return to the surgery in the early afternoon to see the GP and a police officer. During this interval she arranged for Justin's GP practice in Somerset to be contacted so that William's GP could ascertain whether Justin had a formal mental health diagnosis, whether he had accessed mental health services and whether he was receiving treatment for drugs or alcohol. William's GP practice later documented that they had been advised by Justin's GP practice in Somerset that there was nothing significant in his patient notes that would increase the risk to the safety of his father other than the information that he had been removed from his mother's property. Justin's GP practice documented merely that information was given regarding Justin's recent mental health status. Justin's GP practice was not aware that he had been arrested for an offence of domestic violence against his mother. They had received a copy of the ASCC assessment (Paragraphs 5.52-5.56) which focussed on Justin's needs and did not explicitly describe the offence for which he was in custody.

**6.29** During the afternoon the GP saw William again in the presence of a Dorset Police officer who knew William having dealt with a 2016 complaint from him that he had been threatened by a Big Issue seller and a 2018 allegation that William may be financially abusing an elderly female. In respect of the latter matter, the officer had established that there was no abuse and that William and the female had a shared interest in buying collectables. At that time the officer described William as slightly eccentric and being a hoarder. During the conversation with the officer and his GP, William's concerns for his own safety were documented to have diminished but he did want his son out of his property. The officer offered to visit William's address to ask his son to leave but this was declined as was the offer of a visit to Justin to make it clear to him that the local police were aware of his arrival in Dorset, but this was also declined. The officer provided William with advice about maintaining his own safety if he decided to ask his son to leave and the action to take if he felt under any threat from his son. The GP provided contact details for Somerset and Taunton 'social services' should William or his son wish to enquire with them about alternative accommodation for Justin.

**6.30** William then left the GP practice and raised no further concerns regarding Justin with the GP practice on that date, or subsequently.

**6.31** The officer had viewed Justin's Police National Computer (PNC) entry including the assault on his mother, the bail conditions and his previous convictions, prior to the conversation with William and his GP. Following the meeting the officer completed an Adult at Risk Public Protection Notification (PPN) on the grounds that William was an elderly male (73 years) living with newly arrived estranged son Justin, adding that William was concerned about his son's alcoholism and recent aggression to his mother. The officer noted that William was 'suffering from cancer' but appeared to be of 'sound mind' and entirely capable of making his own decisions. There are a series of questions to answer when an officer completes an Adult at Risk PPN including whether the person has professional support which was answered 'No. Subject is in contact with GP but otherwise receives no additional support'; whether they require additional support from services which was answered in the affirmative; whether they are experiencing or at risk of abuse or neglect which was answered 'Yes – at potential risk'; and whether, as a result of their care and support needs, they are unable to protect themselves from the experience of abuse or neglect which was answered in the negative.

**6.32** When the PPN was assessed by a Detective Sergeant within the Dorset Police Safeguarding Referral Unit it was decided that the PPN would not be shared. There seems to have been a question raised over whether William had consented to the sharing of the information with relevant partner agencies and it appeared to have

been concluded that he had not given such consent. Had the Adult at Risk question relating to whether, as a result of his care and support needs, he was unable to protect himself from abuse or neglect been answered in the affirmative, the absence of consent would not have prevented the police making an adult safeguarding referral. A lack of consent would not have precluded the case being discussed with Adult Safeguarding although it would not have been possible to mention personal details in any such discussion. There may also have been an opportunity for Dorset Police to have shared the PPN with Avon and Somerset Constabulary given that criminal proceedings against Justin had been initiated in the latter force area and were not yet complete. Dorset Police disagree with this latter point on the grounds that Avon and Somerset Constabulary were aware that Justin had moved to stay at his father's address in Dorset.

**6.33** The author of the Dorset Police IMR notes that the officer could have considered a Domestic Abuse PPN rather than the Adult at Risk PPN. The Domestic Abuse PPN incorporates the Safe Lives DASH risk assessment. Had William been assessed as 'high' risk this would have triggered a referral to a MARAC in Dorset, although in the professional opinion of the Dorset Police IMR author, William would have been unlikely to have been assessed as 'high' risk on the basis of the information available at that time. The Dorset Police IMR author also observes that had William's GP completed a written referral, rather than calling the police this would also have resulted in a MARAC referral because external agency PPN's which relate to domestic abuse were referred to MARAC as a matter of course at that time. This is no longer the case. An external domestic abuse referral would now be triaged and allocated to the equivalent of an independent domestic violence advisor to make contact with the victim. However, had an external agency referral been made by William's GP in May 2019, it seems unlikely that he would have been perceived as a potential victim of domestic abuse and therefore no MARAC referral would have resulted.

**6.34** The Dorset Police IMR author also commented that the Adult at Risk PPN was not recognised as domestic abuse by the Safeguarding Referral Unit. The IMR author added that had the PPN been recognised as domestic abuse the likely risk grading that it attracted and the fact there was no previous history in Dorset meant that it would have been shared with a commissioned service (in that part of the county this would have been the You Trust) for a key worker to make contact with William.

**6.35** The fact that William was not perceived to be at risk of domestic violence and abuse from his son is a key area of learning from this review. William's vulnerability to domestic violence and abuse appears to have been completely overlooked by the agencies in Somerset which became aware of Justin's move to stay with him. In

Dorset William's GP and the police officer sensitively and compassionately explored his anxieties about his son's arrival in his home and made practical suggestions to help address his concerns. However, neither they, nor the Dorset Police Safeguarding Referral Unit explicitly recognised William as a potential victim of domestic violence and abuse. In Somerset there had been a very strong focus on safeguarding Dorothy from domestic violence and abuse and she had been perceived to be extremely vulnerable because of her complex physical and mental health needs and the degree to which she may have been dependent on her son for care and support. William appears to have been viewed completely differently possibly because he was male, in very good physical health until his recent prostate cancer diagnosis and, in the absence of any reported history of violence between them, perceived as capable of handling his son. Research by Dr. Hannah Bows has found that domestic abuse in older victims is not infrequently subsumed under 'elder abuse' discourses and policies because of ageist stereotypes and narrow understanding of domestic abuse (5). Neither his GP or the Dorset police officer had any doubts about his capacity to make decisions. His GP had been reassured about the risks Justin may present to William through contact with Justin's GP, although the latter were not aware that he had been arrested for domestic violence against his mother. The Dorset police officer will have gained a fuller picture of the risks Justin may present to others after viewing his PNC record but may have taken comfort from the lengthy period in which he had not committed any offences of violence prior to the 4<sup>th</sup> March 2019 incident.

**6.36** Practitioners involved in this case are likely to have been fully aware that the national definition of domestic abuse includes as potential victims of abuse those who are the current or former intimate partners of the perpetrator and those who are family members of the perpetrator. However, national and local guidance tends to focus on domestic abuse in intimate relationships because it is the most prevalent form of domestic abuse. However, the Home Office provides guidance on abuse between family members (6), but the focus of this very helpful guidance, and the University of Oxford research on which it draws (7) is on adolescent to parent violence and abuse. Both the University of Oxford research and international research has found that adolescent to parent violence is predominantly a son-mother phenomenon. Given that the Home Office guidance on familial domestic abuse focusses primarily on violence by teenage boys against their parents – primarily mothers – it is perhaps unsurprising that practitioners overlooked the possibility of domestic abuse in a relationship between a 36 year old male and his 73 year old father. However, more recent research is beginning to shed more light on homicide of older people by partners or family members (8) and has found that older people are almost as likely to be killed by their child as by a partner – which is a significant difference compared with domestic homicide in younger age groups where there is greater risk of homicide from partners. The research has also found

that the overwhelming majority of perpetrators of familial domestic homicide of older adults are sons or grandsons (9).

**6.37** The Care Act 2014 explicitly recognised domestic abuse as a potential adult safeguarding issue although work to support people experiencing domestic abuse and safeguarding adults work have historically developed as separate professional fields. In recent years awareness of the risk of familial domestic abuse of adults with care and support needs has increased, particularly where the vulnerable adult is being cared for by a family member. Whilst Dorothy was identified as a person with care and support needs - although this did not lead to a full assessment of her needs - William was not considered to have care and support needs over and above the need for primary care together with specialist care for prostate cancer.

**Were there any barriers experienced by the victims or family, friends and colleagues in reporting the abuse?**

**6.38** The perpetrator Justin lived with the victim William for just over two months prior to the murder. Prior to that he had lived most of his life with his mother. There was no barrier to William initially seeking help from his GP. Research with parents who had experienced APVA found that GPs were a common first port-of-call for parents looking for help (10), possibly because there is an absence of specialist support for parents at risk of domestic abuse from their children and a lack of awareness of services which may be available. The aforementioned research identified shame, guilt, fear and the lack of a sufficiently trusting relationship with services as factors which inhibit disclosure of APVA (11).

**6.39** In William's case, after discussing his options with the GP and the police officer, he may have concluded that until criminal proceedings had ended and there was no longer any barrier to Justin's return to live with his mother, he had little option other than to accommodate his son. He had initially wanted Justin to be detained under the Mental Health Act and returned to Somerset. Having realised that this was not a realistic option, he did not find any of the alternatives explored with the GP and the police officer to be attractive. Having sought help to remove his son and not achieved a successful outcome from his point of view, he may have felt that there was no further point in seeking help.

**6.40** Little is known about the nature of the relationship between William and his son during the two months after he spoke to his GP and Dorset Police. Dorothy spoke positively of how their relationship developed over this period although by this time she had decided she wanted her son to return to live with her and may have been putting a positive gloss on the situation. William's brother has advised this review that his brother 'seemed quite happy with the arrangement and told him that

they (William and Justin) were getting along very well' (Paragraph 5.26). It is difficult to gauge the dynamics of the triangular relationship between Justin, Dorothy and William. What seems clear is that William wished Dorothy to take Justin back and may have reached the pragmatic conclusion that he must cope with his son's presence in his home until the legal barriers to Justin returning to his mother had been removed, or may have felt under pressure to follow this course of action. Dorset Police regard Paragraphs 6.39 and 6.40 as speculation. They are correct in that the review cannot know what was in William's mind, but a Domestic Homicide Review must explore whether there *may* have been any barriers to the victim seeking help.

**6.41** William attended two routine medical appointments during the period Justin stayed with him, one of which was at his GP practice, and was also in contact with the Probation Service to help facilitate his son's attendance at an appointment for a pre-sentence report. William's GP practice could have made arrangements to check on his welfare at medical appointments subsequent to his contact with his GP on 21<sup>st</sup> March 2019 but did not do so.

**6.42** Following the 4th March 2019 assault on her by her son, Dorothy disclosed that abuse had been taking place for five years. Since she decided not to make a witness statement to the police at that time, decided not to contribute to this review and has not consented to the sharing of her medical records with the review, it has been difficult to form a view about any barriers she may have faced in reporting abuse. In the statement she made to the murder investigation she stated that her son could become 'vicious and violent' in drink and had slapped her several times when he had been drinking (Paragraph 5.5). After moving away from the Somerset town in which her wider family lived with Justin she became isolated from their support. It is understood that none of the NHS agencies she came into contact with perceived her as a potential victim of domestic violence and abuse but it is not known whether they asked her if she was the victim of domestic abuse. It seems unlikely, given that she is not believed to have been in any intimate relationships which might have prompted the question. Her contacts with Adult Social Care have been shared with this review and during these interactions there appears to have been a lack of curiosity about the dynamics of her relationship with Justin including whether or not she was reliant on him for care.

**Were there any opportunities for professionals to routinely enquire as to any domestic abuse experienced by the victims that were missed?**

**6.43** As previously stated there was an opportunity for William's GP practice to enquire about his personal safety and welfare in the weeks after he disclosed his anxieties about Justin staying with him on 21<sup>st</sup> March 2019. Given the level of

concern William had initially expressed to his GP and the police officer on that date, it would have been good practice for Dorset Police to have arranged a follow up visit to William although the latter had rejected the offer of a visit by the police to make it clear to Justin that the local police were aware of his presence in his father's address. Dorset Police do not agree that a follow up call would have been good practice as William had been offered support by the GP and the police officer which he had declined.

**6.44** As previously stated it is not known if NHS services in contact with Dorothy routinely enquired about domestic abuse.

**Give appropriate consideration to any equality and diversity issues that appear pertinent to the victims.**

**6.45** The public sector equality duty covers the following protected characteristics: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In this case, age, sex and disability are relevant.

**Age:**

**6.46** William was 73 at the time of his murder and Dorothy was 70 at the time of the 4<sup>th</sup> March 2019 assault. *Safe Later Lives: Older people and domestic abuse* (2016) found that surveys and studies, such as the Crime Survey for England and Wales - which excluded consideration of victims of domestic abuse aged 60 or above until 2017 - and awareness raising campaigns which consistently focussed on younger victims and perpetrators reinforced a false assumption that domestic abuse ceased to exist beyond a certain age (12).

**6.47** Research also shows that older victims of domestic abuse are likely to have lived with the abuse for prolonged periods before getting help (13), as Dorothy may have done, and they may perceive there to be more at stake after a lifetime of shared history and possessions, financial issues which over time have become interlinked and a fear of any change to long term family dynamics. Over many decades the victim may have internalised the abuse and concluded that 'this is just the way it has always been'. Additionally older victims are likely to have grown up during a time when the home was regarded as a private domain and it would have been socially unacceptable to discuss matters which occurred behind closed doors. Additionally, the *Safe Later Lives* report found that 44% of respondents who were 60+ experienced abuse from an adult family member compared to 6% of younger victims (13) as was the case for both William and Dorothy.

## **Sex:**

**6.48** Awareness that males are also victims of domestic abuse has grown over recent years. The 2017 Crime Survey for England and Wales estimated that 1.9 million adults experienced domestic abuse in the previous year including 1.2 million women (7.5% of the female population) and 700,000 men (5.3% of the male population) (14). Assumptions based on William's gender -and age - may have obscured his status as a potential victim of domestic abuse. Whilst it was positive that the Dorset Police Officer perceived William to be an adult who may need safeguarding, the historical separation of the fields of adult safeguarding and domestic abuse created two routes for assessing the risks to which William was exposed and may have prevented the risks being considered holistically. It is interesting to pose the question of whether agencies would have adopted a different response to this case if the involvement of Justin's mother and father had been reversed. If he had assaulted his father and then gone to live with his mother, would she have been more likely to have been identified as at risk of domestic abuse and violence? It seems likely that this would have been the case.

## **Disability:**

**6.49** Dorothy had complex physical and mental health needs. It has not been possible to explore the extent to which these health needs may have been linked to the physical and traumatic effects of domestic abuse because she did not give consent to her medical records being shared with this review. Her care and support needs were not holistically assessed. William was said to be in good health until his prostate cancer diagnosis. He was receiving treatment for this at the time of his murder and it is known that his anxieties in respect of this diagnosis and his wish to be free to focus on his treatment and recovery, was a factor in his initial anxieties about Justin moving in with him. As with Dorothy, William may have been a hoarder, but in both of their cases this issue went unexplored.

## **Are there any training or awareness raising requirements that are necessary to ensure a greater knowledge and understanding of the services available?**

**6.50** See Section 7 - Findings and Recommendations – and Appendix A – single agency recommendations.

**Following the incident in which the perpetrator assaulted his mother, a referral was made to Somerset MARAC. How effectively was the referral addressed by the MARAC and did the resource issues affecting the MARAC**



**at that time have any impact on the manner in which this referral was handled?**

**6.51** As previously stated the local Somerset MARAC meeting at which Dorothy's case was to have been discussed did not take place (Paragraph 5.77).

**6.52** No meetings of the local Somerset MARAC were held in March or April 2019 as MARAC had been placed on hold whilst SIDAS assumed responsibility for the MARAC process from Avon and Somerset Constabulary. It is understood that all MARAC cases were carried forward to the local Somerset MARAC meeting held in May 2019, by which time Dorothy's case had been closed by SIDAS.

**6.53** It is not known whether the interval during which no meetings of the local Somerset MARAC were held was a planned element of the transfer of responsibility for MARAC management from Avon and Somerset Constabulary to SIDAS. Nor is it known if the risks involved in MARAC meetings not taking place were fully assessed and mitigated. This review has been advised that multi-agency meetings were to be arranged for individual cases referred to MARAC during this period which were considered to be 'urgent'. It is not known how agencies decided which high risk domestic abuse cases were 'urgent' and which were not. As previously stated there is no indication that such a multi-agency meeting was held in respect of Dorothy's case.

**6.54** As stated in Paragraph 5.78, had the March meeting of the local Somerset MARAC taken place, MARAC may not have felt any actions were necessary as they may have taken comfort from the support that had been offered to Dorothy. Had Dorothy's case been discussed at MARAC, the meeting may have been advised that Justin had moved to stay with his father in Dorset. MARAC could then have considered any risk of domestic violence and abuse to which his father might be exposed and whether MARAC should consider whether information should be shared with Dorset Police. SafeLives guidance on MARAC to MARAC referrals states that they should be made when partner agencies become aware that a MARAC victim has moved between areas, either on a temporary or permanent basis (15). In this case it was the perpetrator who had moved.

**Following the assault on his mother, the perpetrator was arrested by the police, charged, denied bail and placed before the next available Court. The Magistrates Court subsequently bailed the perpetrator with conditions. Was the decision to bail the perpetrator with conditions informed by any assessment of the risk the perpetrator presented to others?**

**6.55** The police decided not to grant bail to Justin following his arrest for the 4<sup>th</sup> March 2019 assault on his mother (Paragraph 5.44) on the grounds that he had no suitable address (he was considered to have nowhere to go other than back to his mother's address), had previously offended on bail, had a history of violence and was difficult to engage due to his alcoholism.

**6.56** Justin was charged with assault by beating, which is a charge which may not have fully reflected the seriousness of the assault. It is a charge that attracts a maximum sentence of six months imprisonment and can only be tried in the Magistrate's court. However, Dorothy had declined to make a witness statement to the police which meant that they lacked a first-hand account from the victim of the assault. Had this been provided, it may have been possible to consider a more serious charge.

**6.57** In deciding to grant Justin bail with conditions, the Court applied the Bail Act 1976 (as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012). In their contribution to this review the CPS have advised that in order to apply to remand a person in custody there are very strict grounds that need to be met under the above mentioned legislation.

**6.58** The CPS concluded that the only ground available for the Court to consider refusing bail to Justin was whether there were substantial grounds for believing that he would commit an offence on bail that would be likely to cause physical or mental injury (or fear of injury) to an associated person. The police supplied a document to the CPS outlining the reasons why they kept the defendant in custody. This contained a comment that the police believed Justin had been abusing his mother for a long period of time but that this has gone unreported, although no evidence was provided to the CPS to support this. There was no direct evidence of Justin abusing his mother between 2011 and 2019. Dorothy had declined to make a statement although it might have been possible to obtain a statement from her niece who had been in contact with a number of agencies on Dorothy's behalf, including the police, on the day of Justin's appearance in Court (Paragraph 5.55) although her knowledge of any post 2011 domestic abuse may have been limited.

**6.59** The CPS were advised that Justin's previous convictions had not taken place in a domestic abuse context which was accurate although there had been police call outs to incidents involving domestic abuse between Justin and a woman with whom he had been in a relationship which had not resulted in any convictions. There is no indication that the information that Justin had been attempting to procure prohibited weapons from abroad was shared with the CPS at this point. The adult caution Justin received for attempting to import a gravity knife from Hong Kong in May 2017 was not included in the information shared with the CPS. The review has been

advised that the reason why the adult caution was not included was that it had not been uploaded onto the PNC. The CPS has advised this review that they were not informed by the police that Justin had previously committed an offence whilst on bail. However, the police have advised this review that Justin committed an offence of assault on 8<sup>th</sup> September 2009 (Paragraph 5.10) whilst on police bail after being arrested and charged for an assault on 22<sup>nd</sup> August 2009 (Paragraph 5.9) and that this was included in the 'PNC Prosecutor Print' which was provided to the CPS. The CPS have confirmed that this information was included in the 'PNC Prosecutor Print' but have advised this review that as the 8<sup>th</sup> September 2009 offence was discontinued by CPS because it was decided that the offence was not made out in accordance with the Code for Crown Prosecutors, it was therefore not regarded as an offence committed whilst on bail. As far as the prosecution were concerned, this 8<sup>th</sup> September 2009 offence was stopped and not prosecuted.

**6.60** It is assumed that only Dorothy was considered to be an 'associated person' who could be at risk of physical or mental injury at this stage, as the prospect of Justin moving to live with his father did not appear to have been raised at this time. However, it appears that Justin did not provide an address to the Court at the time the decision was taken to bail him. Following his conviction for the assault on his mother, the same Court bailed Justin with the same conditions as previously which did not include a condition of residence. This review has received no indication that the Court was informed that Justin had moved to his father's address in Dorset or posed any risk to his father.

**6.61** The Magistrates Court was requested to provide information for this DHR. The Magistrates Court wished to obtain advice from HM Courts & Tribunals Service (HMCTS) data protection department on the issue of whether the Dorset Community Safety Partnership's information sharing protocol was sufficient for this purpose and whether it could be signed. At the time of writing, this issue had not been resolved and so it was agreed that the independent author of the DHR would discuss the involvement of the Magistrates Court in general, as opposed to case-specific, terms with a Senior Legal Manager from the Magistrates Court.

**6.62** The Senior Legal Manager advised that the Magistrates Court can grant bail where the defendant is of no fixed abode but would have a preference for an address to be provided. Indeed, the Court needs either an address or another reliable means of contact for the purpose of further communication with the defendant to progress the legal proceedings. In this case contact could be maintained through the local firm of solicitors who represented Justin. The lack of an address would however not be a legal ground under the Bail Act 1976, as amended, for refusing bail in this case. The content of the mental health assessment of Justin completed by the ASCC service was shared with the Senior Legal Manager

who observed that this was a type of assessment which the Courts generally find helpful. The Court may have been reassured about the support being offered to Justin to help him address his accommodation issues.

**6.63** The Senior Legal Manager advised that the CPS did not object to the granting of bail to Justin by the Court. The Senior Legal Manager then went on to say that the Court may also have heard representations from the defence solicitor who was likely to have reinforced the point that the ASCC service was supporting Justin to find accommodation and *may* have mentioned the possibility of Justin staying in a local hotel on a short term basis and *may* have advised the Court about whether or not Justin had funds available for this purpose.

**6.64** The Senior Legal Manager accepted that the court does not conduct a formal risk assessment but indicated that applying the Bail Act involves the weighing of risks in accordance with the statutory framework provided by that Act. Generally a Court would listen to representations from the CPS, the defence solicitor and should have access to any ASCC service mental health assessment and make their decision based on this information and in accordance with case law and statutory guidance.

**6.65** The Senior Legal Manager accepted that the courts were more familiar with domestic abuse involving teenagers and their parents however they also had some awareness of cases where adults were prosecuted for assaults on their elderly parents. In such cases it was sometimes suggested by the alleged perpetrator that they were their parent/s carer.

**6.66** After being granted Court bail on 7<sup>th</sup> March 2019, Justin stayed in a local hotel until he moved in with his father in Dorset. The hotel stay, which Justin appears to have booked independently, was a temporary measure and he would probably have needed to seek assistance from the local authority as a homeless person had his father not agreed to allow him to move in with him. Justin was offered support from the ASCC service which he initially declined (Paragraph 5.45) but subsequently engaged with for a time. The ASCC service conducted a mental health assessment, advised him how to self-refer to the Talking Therapies Service (Paragraph 5.53) and referred him to a support, time and recovery (STR) worker for support with his accommodation needs (Paragraph 5.54). Justin did not follow through on his initial self-referral to Talking Therapies and his move to his father's address reduced his need for support from the STR worker. Given Justin's lack of a family support network beyond the home he had shared with his mother for most of his life, his agoraphobia, his day-night disruption/reversal and his under-developed problem solving skills, he seemed likely to struggle to engage constructively with the services offered to him.

## **Was appropriate action taken when the perpetrator breached the bail conditions imposed by the Magistrates Court?**

**6.67** The bail conditions imposed by the Magistrates Court were that Justin was not to contact his mother in any way (direct or indirect) and not to go to his mother's address (Paragraph 5.50).

**6.68** Justin appears to have breached these bail conditions by contacting his mother on four occasions. On 11<sup>th</sup> March 2019 Dorothy contacted the Deane Helpline to say that her son had visited her address, banged on the door and apologised for assaulting her (Paragraph 5.68). On 14<sup>th</sup> March 2019 Dorothy advised the police that Justin had telephoned her from the local hotel in which he was staying to say he couldn't remember assaulting her and threatened to hang himself (Paragraph 5.71). On Friday 15<sup>th</sup> March 2019 Dorothy advised the police that Justin telephoned her again to arrange for the collection of his belongings (Paragraph 5.74). On 18<sup>th</sup> March 2019 Dorothy reported a further call from Justin to arrange for the collection of his belongings (Paragraph 5.75). The police treated the final two potential breaches as one incident.

**6.69** The first of these potential breaches of his bail conditions (Paragraph 5.65) appears to have been the most serious in that Dorothy alleged that he visited her address and banged on the door putting her in fear. She contacted the Deane Helpline who contacted the police although the helpline may not have fully appreciated the seriousness of the situation and contacted the police via the non-emergency 101 number although the police treated the incident as requiring immediate response. It would have been helpful if the Deane Helpline had been contacted by the police or the iDVA as part of the safety planning for Dorothy. Justin had left prior to the police arrival and they ultimately decided that they could take no further action in the absence of corroboration. However, there is no indication that the police asked the Deane Helpline for a recording of Dorothy's call to them in case Justin's voice had been heard or located and spoke to Justin.

**6.70** The second potential breach of bail conditions (Paragraph 5.71) was primarily treated by the police as a concern for Justin's welfare given his mother's concern that he may harm himself. Justin was provided with appropriate support but the potential breach of bail conditions appears to have been largely overlooked.

**6.71** The third and fourth potential breaches of bail conditions (Paragraphs 5.74 and 5.75) appeared to be prompted by Justin's desire to collect his belongings from his mother's address. However, the police had already facilitated the collection of his belongings (Paragraph 5.51), although it is accepted that if the plan to move in with

his father was beginning to materialise, he may have needed to return to fully collect his belongings.

**6.72** It is worthy of note that Dorothy decided not to support the prosecution of her son and declined to make a statement to the police describing the assault of 4<sup>th</sup> March 2019. It is unclear at what point she made this decision. She also decided against moving to the Somerset town in which her wider family resided and she eventually decided that she wished to take Justin back to live with her following his trial. It seems possible that Justin's contacts with his mother may have been intended to weaken her resolve to support his prosecution and eventually enable his return to her address. Dorothy also came under pressure from William to 'forgive' Justin and take him back. Given that Dorothy had been assessed as a high risk victim of domestic violence, one might have anticipated a firmer approach to Dorothy's potential breaches of his bail conditions. However, if it had been necessary for Dorothy to provide a statement in support of action against her son for breaching his bail conditions, that seems unlikely to have been forthcoming.

**6.73** On 18<sup>th</sup> March 2019 Justin moved to live with his father who, it is understood, Dorothy had maintained regular telephone contact with over the years. It seems highly likely that Justin would have spoken to his mother by telephone from his father's address, possibly on a regular basis. It seems likely that efforts to persuade Dorothy to relent on her plans to move home, 'forgive' Justin and ultimately allow him to return to live with her, would have continued.

**6.74** It seems that a Domestic Violence Protection Order (DVPO) was considered following the 4<sup>th</sup> March 2019 assault but ultimately not proceeded with. It is understood that the imposition of bail conditions by the Magistrates Court rendered an application for a DVPO unnecessary.

**When the perpetrator moved in with his father, did the risk assessment conducted by Dorset Police at that time take account of the previous incident of domestic violence, in which the perpetrator assaulted his mother in the Avon and Somerset Police area?**

**6.75** As previously stated the Dorset Police Officer who saw William with his GP completed an Adult at Risk PPN which focussed on the general risk of abuse or neglect rather than the specific risk of domestic violence and abuse William faced. The officer made himself aware of the details of Justin's 4<sup>th</sup> March 2019 assault on his mother which were recorded on PNC, but neither he, nor Dorset Police benefitted from a complete briefing about the 4<sup>th</sup> March 2019 assault, what the investigation had disclosed, the details of the support provided to Dorothy and an assessment of the risk that Justin presented.

**Was the perpetrator known to have a history of Domestic Violence and Abuse, if so what support was offered to the perpetrator?**

**6.76** There is no record of any support being offered to the perpetrator following the prior incidents of domestic abuse involving himself and his mother which took place between 2009 and 2011. It is unclear to what extent he was perceived as a perpetrator of domestic violence and abuse in respect of the incidents involving himself and the woman he appears to have been in a relationship for a time. Again there is no indication that he was offered support as a perpetrator of domestic abuse at that time. At that time, Somerset benefitted from a community voluntary perpetrator programme - commissioned by the county council – which could have been considered.

**6.77** Following the 4<sup>th</sup> March 2019 incident the ASCC service offered Justin the opportunity to self-refer to Talking Therapies and provided him with the support of a support, time and recovery worker to assist him with the accommodation issues he was likely to face after his bail conditions precluded a return to live with his mother. The ASCC completed a thorough mental health assessment which was shared with the Court and Justin's GP, although the Somerset CCG IMR authors note that the information shared with the GP Practice (seen from other IMRs) by the ASCC did not make it clear that the offence for which he had been arrested explicitly involved domestic violence against his mother.

**6.78** The DHR Panel noted that when Justin was released on bail by the Magistrates Court on 6<sup>th</sup> March 2019 with entirely appropriate conditions that he was not to return to his mother's address, he was effectively homeless. In these circumstances he presented an unassessed risk to himself and others which was mitigated only by the safety planning to safeguard Dorothy from further violence and the support offered to Justin through the ASCC service. This created something of a vacuum for Justin in which he struggled to cope, having never lived independently previously despite being thirty seven years of age. It was in these circumstances that the plan materialised for him to stay with his father which for agencies in Taunton who were focussed on Dorothy's safety, may have been superficially attractive.

**Were staff working with perpetrator confident around what service provision is available around Domestic Violence and Abuse locally?**

**6.79** At the time of the murder, Justin had very recently been convicted of the 4<sup>th</sup> March 2019 assault on his mother and awaited sentencing. His pre-sentence report was in the process of being completed by the Probation Service. Depending on the sentence imposed by the Magistrates Court, there may have been the opportunity to

address the domestic violence perpetrated against his mother. Perpetrator interventions which would have been available to Justin included SIDAS one to one support and an Avon and Somerset Constabulary intervention for perpetrators.

**Give appropriate consideration to any equality and diversity issues that appear pertinent to the perpetrator.**

**6.80** The single protected characteristic which appears relevant to Justin is disability. Justin was assessed by the ASCC mental health practitioner as experiencing significant long standing anxiety and low mood which appears to have been managed exclusively by his GP practice where his needs appear to have been well understood despite the lack of face to face contact arising from his reticence about leaving home due to his generalised anxiety. The DHR Panel questioned whether Justin could have been referred to secondary mental health services given his long standing mental health issues and the fact that the DWP found him to have 'severe functional disability'. The author of the Somerset CCG IMR was of the view that Justin's presenting symptoms were satisfactorily managed by primary care. The DHR Panel also noted that Justin did not take opportunities to self-refer to agencies and that his social anxiety may have been a factor in this which agencies could have taken into consideration.

**6.81** As stated earlier in this report Justin appeared likely to struggle when he was bailed by the Magistrates Court on 7<sup>th</sup> March 2019. At that point he was of no fixed abode and prevented by his bail conditions from contacting his mother on whom he seemed quite reliant. He was provided with support from ASCC although he initially declined to engage with this service until his defence solicitor intervened.

**6.82** There is no indication that he continued to be prescribed sertraline after moving to live with his father in Dorset.

**6.83** A case could be made that decisions taken by agencies following Justin's arrest had the unintended consequence of increasing the risks he presented to himself and others, in particular the decision to bail an individual who had not lived independently and lacked problem solving skills and was to be of no fixed abode. He faced a choice of becoming homeless and seeking the support of the local authority to find accommodation or gravitating towards living with a family member given his lack of any support network.

**To what extent was the risk of domestic violence and abuse from Justin assessed and addressed?**



**6.84** Following a series of incidents of violence and aggression towards others, including his mother and a former partner during the period from 2008 until 2011, Justin did not come to the notice of the police for offences of this nature until the 4<sup>th</sup> March 2019 assault on his mother. The sequence of incidents in which Justin was involved between February 2008 and April 2011 represented escalating concern about his behaviour, particularly violence towards others. During this period the police attended three domestic abuse incidents involving conflict between the perpetrator and his partner or ex-partner (Paragraphs 5.10, 5.17 and 5.19). None of the incidents appeared to be treated as domestic abuse incidents. Both the perpetrator and the victim denied being in a relationship in respect of the first incident and the perpetrator denied having been in a relationship with his ex-partner at the time of the third incident. Three of the incidents reported to the police between 2008 and 2011 involved the perpetrator and his mother and in two of the incidents his mother was noted to be in fear of violence or aggression from her son (Paragraph 5.7 – February 2008, Paragraph 5.12 – October 2009). The third incident involved a verbal argument between the perpetrator and his mother (Paragraph 5.18 – June 2010). These three incidents took place over a period of 28 months. As such any MARAC escalation policy in force at that time seems unlikely to have seen the perpetrator's risk to his mother as escalating over such an extended period. However, it is accepted that there were a number of other incidents reported during this period which appeared to have an impact on the perpetrator's mother.

**6.85** However, between February 2016 and May 2018 the police were alerted to five attempts by Justin to import weapons, primarily from Hong Kong. The author of the Avon and Somerset IMR observed that the police response to these incidents was insufficiently robust, particularly given the high threat of terrorism to the UK involving lone actors using low technology weapons. Whilst there is no indication that Justin used or threatened his mother with any weapon from his collection of knives, if she was in fear of her son, then his behaviour in attempting to import weapons, his collection of knives and his fascination with martial arts seems likely to have increased her fears. When they investigated his importation of knives, the police appear to have accepted Justin's assertion that he had no intention of using the knives to harm anyone. It is unclear whether the vulnerabilities of his mother formed part of the police assessment of any risk that Justin presented during the period he was attempting to import weapons.

**6.86** It is assumed Justin's weapons collection remained intact at the time of the 4<sup>th</sup> March 2019 assault as they are referred to in the DASH risk assessment completed by Hospital 1 and in Dorothy's statement to the murder investigation. It is not known what happened to the knives after Justin's arrest. There is no record of them being considered as part of safety planning for Dorothy. It is not known whether

Justin was allowed to take them with him when he was accompanied to Dorothy's address to collect his belongings on two occasions.

**6.87** As previously stated there is no indication that any health or social care agency in contact with Justin prior to the 4<sup>th</sup> March 2019 assault perceived him to present any threat of domestic violence to his mother.

**6.88** As previously stated no agency which became aware of Justin move to stay with his father William from around 18<sup>th</sup> March 2019 perceived him to present a risk of domestic violence to his father. William's GP and the Dorset police officer carefully and compassionately explored William's fears of his son during their interaction with him on 21<sup>st</sup> March 2019 but did not explicitly recognise the risk Justin presented to his father to be domestic violence and abuse.

**6.89** The focus on Justin's needs may have obscured the risks he presented to others on occasions. For example the response of the police triage team to Dorothy's concerns about her son's wellbeing on 14<sup>th</sup> March 2019 (Paragraph 5.71) appeared to focus largely on Justin's risk of self-harm rather than any risk he might present to others which was an omission given that he had breached his bail conditions by telephoning his mother in the first place.

**6.90** The ASCC assessment that Justin denied any thoughts or plans to harm himself and went on to state that there did not appear to be any further risk to others. However, the assessment stated that the 4<sup>th</sup> March 2019 assault had arisen after a relapse from alcohol abstinence. Justin was said to be confident in his ability to return to alcohol Justin's positive intentions, there appeared to be no plan for how abstinence might be achieved. He reported that he had not seen his father 'for years' and had 'limited contact', adding that his father currently had prostate cancer and depression. At that time there appeared to be no suggestion that Justin would move to stay with his father and Justin's characterisation of his relationship with him would not have suggested that staying with his father was a likely option.

**6.91** It is unclear whether Justin continued to access his antidepressant medication following his move to Dorset. There is no record of sertraline being dispensed to him after 20<sup>th</sup> February 2019. At that time he would have received 28 days supply. He may have had a 'stock' of sertraline from previous prescriptions but if he was no longer taking sertraline after his move to stay with his father there was a risk that he could have drifted into a depressive state and/or began self-medicating with alcohol or other volatile substances. In the prosecution psychiatric report for Justin's trial for the murder of his father, Justin is quoted as stating that at the time of his arrest he was on a high dose of sertraline supplemented by occasional diazepam, which suggests he may have retained a 'stock' of medication which he used whilst staying

with his father. At his trial for the murder of his father the Judge said that Justin was intoxicated with butane gas and experiencing hallucinations as a consequence. William initially told his GP and the Dorset Police officer that his son had been 'out of it' after sniffing hairspray and Dorothy said in her statement that William planned to discuss aerosol sniffing with his son shortly before the murder took place (Paragraph 5.7).

**6.92** The probation officer who interviewed Justin for a pre-sentence report on 15<sup>th</sup> May 2019 assessed him as posing a medium risk of serious harm towards known adults, namely Dorothy, and a medium risk of serious harm towards himself. She assessed the circumstances in which the risk of harm would be greatest would be if Justin was under the influence of alcohol and his emotional well-being had declined. In such circumstances the individuals at risk would be known adults and himself. William was not considered to be at risk from Justin, who had disclosed that he was living with William temporarily, spoke positively about his father, described the adverse impact on himself of learning that his father had been diagnosed with prostate cancer and said he had not been drinking alcohol whilst staying with him. It is not clear why the probation officer did not consider that Justin could present a risk of domestic violence and abuse to his other parent. Her focus appeared to be completely on the index offence against his mother for which he had been convicted and was awaiting sentence. Had the index offence been against an intimate partner, a probation officer conducting a pre-sentence report would surely have paid greater attention if Justin had been living with another intimate partner.

**6.93** However, although the assault on his mother on 4<sup>th</sup> March 2019 was violent, sustained and from which Dorothy was helpless to protect herself, the severity of the violence Justin inflicted on his father was at a level of seriousness which could not have been anticipated based on Justin's previous behaviour.

**Are there any training or awareness raising requirements that are necessary to ensure a greater knowledge and understanding of the services available?**

**6.94** Please see the following section of the report – 'Findings and Recommendations'.

**Good Practice**

**6.95** There are many examples of good practice in this case and the following are highlighted:

- The Deane Helpline's emergency response team worked well with partner agencies in responding to the 4<sup>th</sup> March 2019 assault, including despatching a member of their emergency response team to Dorothy's flat to facilitate police entry into her flat (Paragraph 5.38).
- Avon and Somerset Constabulary completed the DASH on the basis of the attending officer's observations on 4<sup>th</sup> March 2019 as Dorothy was not well enough to contribute to the DASH (Paragraph 5.40).
- The CPS, in accordance with the Code for Crown Prosecutors and their domestic abuse policy, successfully prosecuted Justin for the 4<sup>th</sup> March 2019 assault on his mother, notwithstanding that Dorothy was not supportive of a prosecution (Paragraph 5.49)
- The IDVA appropriately challenged the decision of Adult Social care not to conduct a broader assessment of Dorothy's needs (Paragraph 5.66).
- William's GP, later supported by the Dorset police officer, provided a caring and compassionate response to William's concerns about Justin moving in with him, including effective cross border communication with Justin's Dorset GP practice (Paragraphs 5.80 to 5.83)
- Livewest provided responsive support in an effort to facilitate Dorothy's initial wish to move to the Somerset town in which her wider family resided (Paragraphs 5.72 and 5.89).

## **7.0 Conclusion**

**7.1** This is a tragic case in which Justin subjected his mother Dorothy, who was very vulnerable as a result of her physical and mental health needs and advancing years, to a very serious assault in the flat in which they lived together. Prevented from contacting his mother or returning to her flat by Court imposed bail conditions, Justin eventually moved in with his father William, which necessitated a move from Somerset, where Justin had lived with his mother, to Dorset, where his elderly father lived alone. Two months later Justin murdered William.

## **8.0 Lessons to be learnt and recommendations**

### **Awareness of Familial Domestic Violence and Abuse (Professionals)**

**8.1** The fact that William was not perceived to be at risk of domestic violence and abuse from his son is a key area of learning from this review. William's vulnerability to domestic violence and abuse appears to have been completely overlooked by the agencies in Somerset which became aware of Justin's move to stay with him. In Dorset William's GP and a police officer sensitively and compassionately explored his fears and anxieties about his son's arrival in his home and made practical suggestions to help address his concerns. However, neither they, nor the Dorset Police Safeguarding Referral Unit explicitly recognised William as a potential victim of domestic violence and abuse.

**8.2** In Somerset there had been a very strong focus on safeguarding Dorothy from domestic violence and abuse as she had been perceived to be extremely vulnerable because of her complex physical and mental health needs and the degree to which she *may* have been dependent on her son for care and support. William appears to have been viewed completely differently possibly because he was male and, until his recent prostate cancer diagnosis, had been in very good physical health and, in the absence of any reported history of violence between them, may have been seen as being capable of handling his son.

**8.3** Although the national definition of domestic abuse includes family members of the perpetrator as potential victims, the overriding focus of services is on domestic abuse in intimate relationships because it is the most prevalent form of domestic abuse. Familial domestic abuse is far from overlooked but the emphasis is on adolescent to parent abuse, in which son to mother abuse is the most common form.

**8.4** William's age at the time of his murder (73) may also have been a factor which obscured the risks of domestic abuse he faced. Until comparatively recently, surveys, studies and awareness raising campaigns consistently focussed on younger victims and perpetrators, reinforcing a false assumption that domestic abuse ceased to exist beyond a certain age. This review sheds light on the phenomenon of domestic abuse of older parents by their adult children. Dorothy may have experienced domestic abuse from Justin for many years and gradually internalised it and amongst the barriers which may have prevented her seeking help may have been growing up during a time when the home was regarded as a private domain and it would have been socially unacceptable to discuss matters which occurred behind closed doors. Dorothy's decision not to contribute to this review may also be a reflection of this.

**8.5** However, this review also suggests that what agencies have learned about intimate partner domestic abuse also applies to familial domestic abuse, in particular that a perpetrator of domestic violence in one relationship may be a risk to future partners. In this case Justin presented a risk of violence to first his mother, and then his father but this was not recognised. Coercion and control was also present in this case but may have taken a different and more subtle form in the way that Justin appeared to manipulate his mother into taking him back by seeking to elicit sympathy as he was unable to fend for himself.

**8.6** The invisibility of William as a potential victim of domestic abuse appeared to permeate the decision making of agency after agency. Only Dorothy was considered by CPS and the Magistrates Court to be an 'associated person' who Justin might harm and the Probation officer considered only the index offence committed by Justin against his mother when preparing the pre-sentence report.

**8.7** From this family tragedy there is an opportunity to significantly raise professional awareness of the dynamics of familial domestic abuse and the need to apply what has been learned about intimate partner domestic abuse, whilst recognising that there are important differences between intimate partner and familial domestic abuse. It is therefore recommended that Safer Somerset Partnership and Dorset Community Safety Partnership widely disseminate the learning from this review locally but also consider preparing a briefing derived from the learning from this case and circulating it nationally.

### **Recommendation 1**

*That Safer Somerset Partnership and Dorset Community Safety Partnership widely disseminate the learning from this review locally but also consider preparing a briefing derived from the learning from this case and circulating it nationally.*

### **Awareness of Familial Domestic Violence and Abuse (Members of the Public)**

**8.8** Dorothy's family have advised the review that they were aware that Justin was physically abusing his mother from his teenage years or even earlier. It became more difficult for them to intervene after she and Justin moved away from the town in which Dorothy's wider family lived, but they do not appear have perceived Justin's violence towards his mother as domestic violence until the 4<sup>th</sup> March 2019 incident. Some of the barriers which prevent the victims of familial domestic abuse from seeking help may also be present within the wider community. Therefore there may be a case for promoting public awareness of familial domestic violence and abuse.

**8.9** It is therefore recommended that Safer Somerset and Dorset Community Safety Partnerships make use of the learning from this review to raise public awareness of familial domestic violence and abuse.

## **Recommendation 2**

*That Safer Somerset and Dorset Community Safety Partnerships make use of the learning from this review to raise public awareness of familial domestic violence and abuse.*

## **MARAC effectiveness (Somerset)**

**8.10** At the time that Dorothy's case was referred, responsibility for MARAC co-ordination was in the process of being transferred from Avon and Somerset Constabulary to SIDAS. It has been established that no meetings of the local Somerset MARAC took place during March and April 2019 and so Dorothy's case, and one assumes many other high risk domestic abuse cases, were not considered by MARAC. It is understood that partner agencies had the option of holding multi-agency meetings to separately consider the most urgent MARAC referrals during this period but it is not known how agencies decided which cases were urgent and which were not. Suspending MARAC meetings, albeit for only two months, can only be described as an unsatisfactory decision which carried risks which were unlikely to be fully mitigated by holding individual multi-agency meetings for urgent cases.

**8.11** This review has been advised that the issues affecting the coordination of MARAC at that time have now been resolved in that the transfer to SIDAS has taken place and there is a different system in place now. It is understood that each organisation is now required to enter their own actions and any updates into a system called Professional Choices. This review is not in a position to comment on the effectiveness of current MARAC arrangements in Somerset. It is therefore recommended that Safer Somerset Partnership seeks assurance that the MARAC process is effectively supported and co-ordinated.

## **Recommendation 3**

*That Safer Somerset Partnership seeks assurance that the MARAC process is effectively supported and co-ordinated.*

## **Inclusiveness of safety planning for victims**

**8.12** The Deane Helpline played an important role in safeguarding Dorothy but this may not have been fully recognised and exploited by partner agencies. They do not



appear to have been involved in safety planning for Dorothy following the 4<sup>th</sup> March 2019 assault, which they alerted the police and ambulance service to. Nor were they advised of Dorothy's decision to allow Justin to return to live with her once criminal proceedings had concluded. Had they been involved in the safety planning they may have more fully appreciated the seriousness of the first potential breach of bail conditions by Justin and contacted the police via 999 as opposed to 101.

**8.13** Additionally, it would be helpful if IDVA and others involved in safety planning for the victims of domestic violence and abuse adopted a 'Think Family' approach, to ensure that other family members who may also be at risk of domestic abuse are not overlooked.

**8.14** It is therefore recommended that Safer Somerset Partnership seeks assurance that all partner agencies which could have a role to play in safety planning for the victims of domestic violence and abuse are involved in that safety planning.

#### **Recommendation 4**

*That Safer Somerset Partnership seeks assurance that all partner agencies which could have a role to play in safety planning for the victims of domestic violence and abuse are involved in that safety planning.*

#### **Information sharing where a person who presents risks to others moves from one geographic area to another.**

**8.15** Both Avon and Somerset Constabulary and SIDAS should have shared relevant information with their counterparts in Dorset once they became aware that Justin had moved in with William. Additionally, there was an opportunity for Dorset Police to have shared the PPN completed in respect of William with Avon and Somerset Constabulary given that criminal proceedings against Justin had been initiated in the latter force area and were not yet complete.

**8.16** As Dorothy's case was not discussed at MARAC, it was not possible for the local Somerset MARAC to consider any risks associated with Justin's move to stay with his father in Dorset. SafeLives guidance on MARAC to MARAC referrals states that they should be made when partner agencies become aware that a MARAC *victim* has moved between areas, either on a temporary or permanent basis. In this case it was the perpetrator who had moved.

**8.17** It is therefore recommended that Safer Somerset Partnership and Dorset Community Safety Partnership jointly write to the Home Office to recommend a

review of guidance in respect of MARAC to MARAC referrals to include consideration of such referrals when a *perpetrator*, such as Justin, moves between areas.

## **Recommendation 5**

*That Safer Somerset Partnership and Dorset Community Safety Partnership jointly write to the Home Office to recommend a review of guidance in respect of MARAC to MARAC referrals to include consideration of such referrals when a perpetrator moves between areas.*

### **Information sharing by police with CPS**

**8.18** When Justin appeared before Taunton Magistrates Court on 6<sup>th</sup> March 2019, the CPS were not notified of the adult caution Justin received for attempting to import a gravity knife from Hong Kong. Avon and Somerset Police has advised this review that this omission arose because the adult caution had not been uploaded onto the Police National Computer (PNC) and they have committed to a single agency recommendation to audit records to obtain assurance that PNC records are accurate. The omission of the adult caution for a thwarted attempt to import a gravity knife from Hong Kong seems unlikely to have altered the Court decision to bail Justin.

### **Insufficiently robust response to Justin's importation of weapons**

**8.19** The author of the Avon and Somerset Constabulary IMR correctly observed that the police response to Justin's persistent attempts to import weapons, primarily from Hong Kong, was insufficiently robust, particularly given the high threat of terrorism to the UK involving lone actors using low technology weapons.

**8.20** Additionally, it is unclear whether the vulnerabilities of his mother formed part of the police assessment of any risk that Justin presented during the period he was attempting to import weapons.

**8.21** The adult caution received by Justin for attempting to import a gravity knife from Hong Kong was not shared with the CPS when Justin appeared at Taunton Magistrates Court after assaulting his mother.

**8.22** Finally, it is not known what happened to Justin's knife collection after his arrest. There is no record of them being considered as part of safety planning for Dorothy. Nor is not known whether Justin was allowed to take them with him when he was accompanied to Dorothy's address to collect his belongings on two occasions.

**8.23** It is therefore recommended that Safer Somerset Partnership seek assurance that where Avon and Somerset Constabulary have intelligence or evidence that a perpetrator of high risk domestic abuse keeps weapons (of any sort), that this information is shared with the IDVA and other services, in order to facilitate effective safety planning.

### **Recommendation 6**

*That Safer Somerset Partnership seeks assurance that where Avon and Somerset Constabulary have intelligence or evidence that a perpetrator of high risk domestic abuse keeps weapons (of any sort), that this information is shared with the IDVA and other services, in order to facilitate effective safety planning.*

### **Risk assessments in respect of Court Bail Decisions**

**8.24** As previously stated the Magistrates Court felt unable to provide information to this DHR until they had received advice from HMCTS. At the time of writing, this issue had not been resolved and so the DHR has relied upon a telephone conversation between the independent author and a Senior Legal Manager from the Magistrates Court. This was a very helpful conversation although the Senior Legal Manager was unable to discuss the case specifically and was able to offer only general observations. Thus the opportunity for the DHR Panel to receive and scrutinise a report from the Magistrates Court was not available on this occasion which did not affect the outcome of the review, but did detract from the DHR to an extent.

**8.25** The Senior Legal Manager described the process by which the Magistrates Court may consider information from the prosecution, defence and from other sources such as the ASCC service mental health assessment, before making a decision to grant or refuse bail in accordance with the Bail Act 1976 as amended. No formal risk assessment is carried out although applying the Bail Act involves the weighing of risks in accordance with the statutory framework provided by that Act

**8.26** The Senior Legal Manager acknowledged that there could be learning from this case for the Magistrates Court, particularly in respect of awareness of the range of circumstances in which familial domestic abuse can occur.

**8.27** In an effort to resolve the Magistrates Court's reservations about sharing information with the DHR, the Dorset Community Safety Partnership Business Manager has been working with the Ministry of Justice to develop a Data Sharing Agreement which would enable Magistrates Courts to share relevant information

with DHRs commissioned in this region which could then be replicated in other areas of the country. The Data Sharing Agreement will not be in place in sufficient time to assist the current DHR, but will be of value to future DHRs. It is therefore recommended that Dorset Community Safety Partnership reviews the Data Sharing Agreement when complete, and shares it with the Home Office.

### **Recommendation 7**

*That Dorset Community Safety Partnership reviews the Data Sharing Agreement with the Ministry of Justice - which would enable Magistrates Courts to contribute to future DHRs - when the agreement is complete and shares it with the Home Office .*

### **Breaches of Court Bail Conditions**

**8.28** The court imposed bail conditions on Justin were less successful than anticipated in preventing direct or indirect contact with his mother. The four contacts from Justin which Dorothy reported to the police were not followed up with sufficient rigour. The possibility that Justin's contacts with his mother may have been intended in part to weaken her resolve not to allow him to return to live with her received insufficient attention from the police. Justin's breaches of bail conditions appeared to be intended to elicit sympathy from his mother in the hope that she would allow him to return to live with her and reject the option of moving closer to her wider family, who were not well disposed towards Justin because of their longstanding concerns about his violence towards his mother.

**8.29** Avon and Somerset Constabulary has advised this review that they have already taken action to address this issue by undertaking a review of information regarding bail breaches on 'Pocketbook' – their intranet system. It is therefore recommended that Safer Somerset Partnership obtains assurance from Avon and Somerset Constabulary that the changes they have made have fully addressed the learning arising from this review in respect of dealing with breaches of Court imposed bail conditions.

### **Recommendation 8**

*That Safer Somerset Partnership obtains assurance from Avon and Somerset Constabulary that the review of relevant information on their pocketbook system has fully addressed the learning arising from this review in respect of dealing with breaches of Court imposed bail conditions.*

### **GP role in preventing domestic violence and abuse**

**8.30** This was a case in which emphasised the important role which GP practices can play in addressing domestic violence and abuse. Additionally, research suggests that GP's are often the first 'port of call' for people who are victims or at risk from familial domestic abuse, as in this case in respect of William.

**8.31** However, Justin's GP practice was not aware that he had been arrested for an offence of domestic violence against his mother. Although they received a copy of the ASCC assessment, this focussed primarily on Justin's needs and did not explicitly describe the offence for which he was in custody. Nor was Justin (and Dorothy's) GP practice involved in the MARAC process despite possessing relevant information on both victim and perpetrator.

**8.32** It is therefore recommended that Safer Somerset and Dorset Community Safety Partnerships review the role of GP practices in addressing domestic violence and abuse, in particular the information which is shared with them and the extent to which the information they hold is shared with the MARAC process.

## **Recommendation 9**

*That Safer Somerset and Dorset Community Safety Partnerships review the role of GP practices in addressing domestic violence and abuse, in particular the information which is shared with them and the extent to which the information they hold is shared with the MARAC process.*

### **The extent to which opportunities to uncover domestic violence and abuse are adversely affected by narrow, reactive task-focussed approach of services**

**8.33** It is not known whether the health services from which Dorothy received services over the years considered her to be at risk of domestic abuse from her son and took any opportunities to safely and sensitively ask her about this. It seems probable that Dorothy was not asked about domestic abuse because she was not known to be in an intimate relationship.

**8.34** This review has more information about Dorothy's contact with Adult Social Care and it is noticeable that that agency focussed solely on the presenting problem which had prompted their involvement with Dorothy and appeared to overlook the fact that her needs were increasing. Had a conversation taken place with Dorothy about her increasing care and support needs, as expected by the Care Act, she could have been offered an assessment which might have shed light on any care provided

by Justin, the dynamics of the relationship and whether abuse, including domestic abuse, or neglect might be present.

**8.35** Overall, the focus of Adult Social Care only on the presenting problem seems unlikely to provide opportunities to unearth the presence of familial domestic abuse, assuming that in this case, Dorothy was prepared to disclose any abuse by her son which may have taken place prior to 4<sup>th</sup> March 2019.

**8.36** It is therefore recommended that Safer Somerset Partnership seek assurance that in discharging their responsibility to engage with service users holistically in order to anticipate and prevent the escalation of future needs, Adult Social Care also enquires about domestic abuse including familial domestic abuse.

### **Recommendation 10**

*That Safer Somerset Partnership seeks assurance that in discharging their responsibility to engage with service users holistically in order to anticipate and prevent the escalation of future needs, Adult Social Care also enquires about domestic abuse including familial domestic abuse.*

### **Comprehensiveness of Pre-sentence assessments (NPS)**

**8.37** This review has highlighted potential information deficits when probation officers are preparing pre-sentence reports. When preparing the pre-sentence report in respect of Justin, the probation officer had no access to MARAC minutes – had the MARAC meeting taken place – and had no access to information from other police force areas. Had Dorset Police been called out to any incidents involving Justin and his father, these would not have been shared with the probation officer preparing a pre-sentence report in Somerset.

**8.38** This appears to be a national issue and the Safer Somerset and Dorset Community Safety Partnership may wish to write to the Home Office to alert them to the issue so that they can liaise with the Ministry of Justice and consider what action is necessary.

### **Recommendation 11**

*That Safer Somerset and Dorset Community Safety Partnership write to the Home Office to alert them to the issue so that they can liaise with the Ministry of Justice and consider what action is necessary.*

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## **Appendix A**

### **Single Agency Recommendations:**

#### **Avon and Somerset Constabulary**

Recommendations already implemented:

- Review of information on pocketbook regarding bail breaches.
- Analysis of practice in weapons importation cases.

Recommendations:

- Audit VA records where there is a recorded positive outcome to provide assurance that the Police National Computer is accurate.
- Review and update the Domestic Violence Disclosure Scheme in line with the amendments from the Domestic Abuse Bill. This review should include how the use of the Domestic Violence Disclosure Scheme is promoted across the organisation, including when to instigate applications on a 'Right to Know' basis, as well as the 'Right to Ask' process.

#### **Crown Prosecution Service**

- No recommendations

#### **Dorset Police**

- Data Quality - Force Review Officer to issue a communication through 'Lessons Learned' bulletin reinforcing the importance of data quality.
- Understanding of Adult at Risk and Domestic Abuse reporting - Dorset Police will use this incident as a case study for the second round of vulnerability training which is scheduled for June 2020.

#### **LiveWest – SIDAS**

- No recommendations

#### **National Probation Service**

- MARAC Minutes made available to NPS court report writers
- NPS to review system for obtaining call out information from police forces outside Avon and Somerset Area

### **NHS Somerset Clinical Commissioning Group**

- Disclosure of suicidal thinking during a (pharmacy) medication telephone review should be shared with another clinician (GP) and decisions and actions documented.
- The GP as Primary Health Care Provider should be included in information sharing for high risk domestic abuse incidents which relate to their patients, both victims and perpetrators (e.g. police domestic abuse notifications and MARACs)

### **NHS Dorset Clinical Commissioning Group**

- No recommendations. (IMR - I think the GP care in this case was exceptional and I do not have any recommendations to add.

### **Somerset Council Adult Social Care**

- Safeguarding Service and Somerset Direct to ensure they are not declining Safeguarding referrals based on consent and advising people to re-refer as per adults wishes.
- Staff to form a decision based on presenting information, not previous decisions made. They need to take into consideration the accumulation of concerns to reassess levels of risk.
- Safeguarding Adults Service to ensure they have oversight of enquiries even if they do not identify any other active role in protection planning.
- Safeguarding service to ensure they respond to referrers at the point of triage.
- Locality Teams to undertake assessment of need when there is sufficient information to suggest an adult has needs for care and support. Not to request or rely on other agencies making initial assessments.

- A visit to be undertaken to Dorothy by Safeguarding Adults Service for welfare visit.

### **Somerset Partnership NHS Foundation Trust**

- No Recommendations

### **South Western Ambulance Service NHS Foundation Trust**

- No Recommendations

### **Taunton and Somerset NHS Foundation Trust**

- No recommendations

## **Glossary**

**Domestic violence and abuse** is any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

A **Domestic Violence Protection Order (DVPO)** is a civil order which fills a 'gap' in providing protection to victims by enabling the police and magistrates' courts to put in place protective measures in the immediate aftermath of a domestic violence incident where there is insufficient evidence to charge a perpetrator and provide protection to a victim via bail conditions.

An **Evidence-Led Prosecution** is one where the victim of domestic abuse decides not to support a prosecution, and in turn prosecutors need to decide whether it is possible to bring forward a case without that support.

**Independent Domestic Violence Advisor (IDVA)** Their main purpose is to address the safety of victims at high risk of harm from intimate partners, ex-partners or family members in order to secure their safety and the safety of their children. Serving as a victim's primary point of contact, IDVAs normally work with their clients from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans.

**Making Safeguarding Personal** - is a sector-led programme of change which seeks to put the person being safeguarded at the centre of decision making. It involves having conversations with people about how agencies might respond in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. It is about seeing people as experts in their own lives and working alongside them. It envisages a shift from a process supported by conversations to a series of conversations supported by a process.

**Multi Agency Risk Assessment Conference (MARAC)** is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. A victim/survivor should be referred to the relevant MARAC if they are an adult (16+) who resides in the area and are at high risk of domestic violence from their adult (16+) partner, ex-partner or family member, regardless of gender or sexuality.

The **Mental Capacity Act (MCA)** is designed to protect and empower those vulnerable people who may lack capacity to make their own decisions and applies to people aged 16 and over. Any assessment of a person's capacity is 'decision specific'

as a person can lack capacity to make some decisions (for example, to decide on complex financial issues) but retain the capacity to make other decisions (for example, to decide what items to buy at the local shop).

### **Section 42 Care Act 2014 Enquiry by local authority**

This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

- has needs for care and support (whether or not the authority is meeting any of those needs),
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case and, if so, what and by whom.

**Self-Neglect** covers a wide range of behaviour including neglecting to care for one's personal hygiene, health or surroundings, lack of self-care to an extent that it threatens personal health and safety, inability to avoid harm as a result of self-neglect, unwillingness to seek help or access services to meet health and social care needs and includes behaviour such as hoarding.

### **Think Family**

'Think Family' is an approach which seeks to ensure that the support provided by relevant services is co-ordinated and focused on problems affecting the whole family.

Strictly Confidential