

Publication.



**Domestic homicide overview report
concerning the death of
Daniel
in April 2021**

Dr Russell Wate QPM

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Section One - Introduction

1. Introduction

Daniel

For this report, and at the request of his family, the pseudonym of Daniel will refer to the victim in this case and his partner will be referenced at her request as Mary.

1.1 The review chair and the panel feel that it is only right that this report has at its very beginning, a picture of who Daniel actually was. Mary and Daniel's mother, his stepfather and his brothers want the following information known about him. Daniel was the second eldest in his family and had three brothers. His eldest brother is someone whom Daniel and this brother would describe as being each other's best friend. Daniel was extremely close to all his family. He loved being active and being in the outdoors. He loved hiking and canoeing. He played squash and badminton. He worked as an inventory controller for a number of years which was the job he was doing at the time he died at the age of 35 years old. Daniel had two children that he absolutely loved, and a step- daughter who he equally loved and adored. He was someone that always had a smile on his face and was a gentle soul who tried to live his life to the full.

1.2 On behalf of the Fenland Community Safety Partnership, the author wishes to acknowledge the integral involvement given to this review by family members, friends and others concerning the tragic death of Daniel. He is the focus of this review and because of his death lessons need to be learned. The review author and the panel would like to convey their sincere condolences to Daniel's family. The death of a loved one, particularly under such circumstances as will be apparent within this report, has a profound effect on families that may endure for generations to come and continue to have an impact not confined to the family, but also to friends, work colleagues and the wider community alike.

The Report

1.3 This report has been commissioned by the Fenland Community Safety Partnership (FCSP). The FCSP is a statutory partnership which brings together agencies with the aim of reducing crime, disorder and anti-social behaviour across the Fenland area of Cambridgeshire. These agencies work together to improve the safety of residents and visitors by information sharing and partnership activity. One of the key safeguarding roles of the partnership is that of examining and reducing domestic violence and supporting victims of domestic abuse, these are policies which are enshrined in each of the statutory agencies within the partnership.

1.4 On the 13th of May 2021, the Cambridgeshire Constabulary notified the Chair of the Fenland Community Safety Partnership that the death of Daniel, which occurred in April 2021, was being investigated as a murder. This notification was made in accordance with the Cambridgeshire Domestic Homicide Review Protocol.

1.5 Daniel was discovered by Mary at their home, having suffered horrific injuries in what was a brutal attack. He was declared deceased following the attendance of the emergency services. By the date of referral to the FCSP, the suspect (referenced as Andrew (a pseudonym¹) throughout this report) had been arrested, charged with Daniel's murder, and remanded to custody.

1.6 The Chair of the FCSP Board considered the case in conjunction with other key agencies that had had contact with Daniel, and concluded that the case met the criteria and justification for a Domestic Homicide Review (DHR). This review acknowledges that the legislation concerning Domestic Abuse has become defined in statute since October 2021 in the Domestic Abuse Act 2021. However, this review has been conducted, and is focused to the requirements of domestic homicide reviews in accordance with the Home Office Multi-Agency Statutory Guidance for the conduct of Domestic Homicide Reviews 2016, and the relevant definitions of domestic abuse contained therein.

1.7 Under section 9(3) of the Domestic Violence, Crime and Victims Act 2004, it is recognised that the Chair of the Fenland Community Safety Partnership is required to ascertain, whether or not, the circumstances of the death fulfil the requirement for a Domestic Homicide Review (DHR) to be carried out. That was duly commissioned, and the Home Office was notified accordingly of the decision by the Chair on 17th May 2021. The FCSP held an initial scoping in September 2021 and commissioned the review appointing an Independent Chair and author. However, following unforeseen circumstances concerning the original author, the FCSP made alternative arrangements and commissioned Dr Russell Wate, QPM, as the Independent Chair and author of this report.

1.8 Whilst it is important to scope any improvements as well as good practices within safeguarding and the partnerships in this case, it is as equally as imperative to acknowledge the sensitivities moving forward for the sake of the survivors. Those survivors remain at the heart of this review, not least the two children of the victim.

¹ The pseudonym for Daniel was selected by his family and Mary by herself. The pseudonym's for Andrew and Beth (Daniel's former partner and mother of their two children) were selected by the panel chair following no engagement by Beth or her family.

2. Background

2.1 As already stated, Daniel was just 35 years old at the time of his death. He was not married but had been in a relationship with Mary for around three years and they owned and lived together in a home that they had recently bought and settled into. Daniel worked for a locally based company and had been partly working from home due to the Covid-19 pandemic restrictions. Mary worked near their home and was continuing to work from her usual workplace, she would return home for her lunch on a regular basis, especially when Daniel was working from home. Their home was the scene of the murder.

2.2 Daniel had two children from a previous relationship with an ex-partner (the ex-partner is referred to in this report as Beth) and Mary had one child from a previous relationship, although none of those children lived with Daniel and Mary on a permanent basis. Daniel's attempts to have access to his children will feature as being integral to the background of this tragic homicide in April 2021. The complexities to the case are compounded because Andrew is the maternal grandfather of Daniel's two children with Beth and the father of Beth. Consequently, the impact suffered by the children is that not only have they suffered the tragic loss of their father but have also witnessed the ongoing family law, criminal proceedings, and the imprisonment of their grandfather whom they were both very close to and who also had a close relationship with them.

2.3 The DHR panel are cognisant of the impact that this report may have on individuals and will seek to ensure that any publication is sensitive to the ongoing needs and future considerations of each of those children, both for now, and the future. The importance of their future must not be compromised by the impact of this review which will remain faithful and sensitive to their needs.

3. Timescales

3.1 To ensure the review into the circumstances that led to the death of Daniel was dealt with in a timely manner, the FCSP and the DHR panel decided to keep the review active throughout all nationally and locally imposed restrictions in respect of the Covid-19 pandemic and have expedited the process to accord with best practice where possible to minimise delays to the process. However, the review acknowledges that inevitable delays have taken place and that, in particular, health service professionals have had to prioritise response for services both locally and nationally during the ongoing pandemic.

3.2 Consequently, this review has had a slight delay in completion, but has been timely, taking all such factors into consideration.

3.3 The review commenced on the 13th of May 2021 and the final report was agreed by the panel on the 16th of May 2022 and then further agreed following submission to the Home Office on the 24th January 2023.

4. Confidentiality

4.1 The findings of this review document are confidential. Information is available only to participating officers/professionals and their line managers from the participating agencies and the Home Office. This matter has not been discussed other than in closed and minuted confidential meetings with appropriate representatives present or informed of progress in their absence. Pseudonyms are used in the report to protect the identity of each of the individuals involved and should have no bearing on the actual identities of those individuals.

5. Terms of reference

5.1 The following Terms of Reference for this DHR were agreed by the chair and the DHR panel: The family of Daniel were asked if there were any questions they had that they wished the review to answer, they were extremely keen that the review highlighted learning in relation to the risks to the safety of Daniel and Mary whilst going through the family court proceedings and this question is included below.

- a) 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.
- b) 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.
- c) Apply these lessons to service responses including changes to inform national and local policies and procedures as appropriate.
- d) 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.
- e) The further specific areas that this review has tried to address are: To what extent did protracted child arrangement order² (private law) and criminal law proceedings contribute to the death of the victim?
- f) To what extent did the child arrangement order proceedings in the family court heighten the risk to the safety of Daniel and Mary?

² A Child Arrangement Order or Child Arrangements Order (CAO) is an agreement under English family law concerning where a child lives and whom a child can have contact with. CAOs are usually sought following the Breakdown of a relationship and replace 'contact orders' and 'residence orders'. Their legal basis is under section 8 of the Children Act 1989.

5.2 The timescale agreed for this review is an examination of agency records dating from January 2010 to the time of the victims death in April 2021. These dates were felt to be the most relevant and appropriate in the life of Daniel and the other key subjects. However, to provide some additional context and value, the author is grateful for several of the reporting agencies who have explored the background of the subjects of this review which pre-dates that timeline.

6. Methodology

6.1 The aim of the IMRs is to:

- Allow agencies to look openly and critically at individual and organisational practice and the context within which people were working to see whether the homicide indicates that changes could, and should, be made.
- To identify how those changes will be brought about.
- To identify examples of good practice within agencies. (Multi- Agency Statutory Guidance for the conduct of DHR's, para 8.2)

6.2 The purpose of this Domestic Homicide Review overview report is to ensure that the review has been conducted according to good practice, with effective analysis and conclusions of the information related to the case. To establish what lessons are to be learned from the case about the way in which local professionals and organisations work individually, and together, to safeguard and support victims. To 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. To apply these lessons to service responses, including changes to policies and procedures as appropriate, and to prevent domestic violence and homicide. Finally, to improve service responses for all domestic abuse victims and their children through improved intra and inter-agency working, to ensure that such abuse is identified and responded to effectively and at the earliest opportunity.

6.3 This overview report has been compiled with specific reference to the comprehensive Individual Management Reviews (IMRs) prepared by experienced practitioners and authors from the key agencies involved in this case. Each author is independent of the victim and family and of management responsibility for practitioners and professionals involved in this case. Where IMRs have not been required, reports from agencies or professionals have been received as part of the review process.

6.4 The overview author has fulfilled a dual role and has chaired the panel meetings in respect of this case. This is recognised as good practice and has ensured a continuity of guidance and context for the review process throughout. There have been several useful professional discussions arising and the DHR panel meetings

have been narratively recorded and minutes prepared and approved for transparency.

6.5 The review author also made several requests to agencies and individuals for clarity of issues arising and is grateful for the participation of individuals and agencies throughout. The professionalism of the panel members and the overall quality of the responses has been of a high standard with useful discussions and professional critique.

6.6 It is important that this Domestic Homicide Review has due regard to the legislation concerning what constitutes domestic abuse which is defined as:

‘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 and emotional.’

6.7 The Government definition also outlines the following:

‘Coercive behaviour is an 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.’

‘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.’

6.8 Section 76 of the Serious Crime Act 2015 created the offence of controlling or coercive behaviour in an intimate or family relationship. Prior to the introduction of this offence, case law indicated the difficulty in proving a pattern of behaviour amounting to harassment within an intimate relationship.³

6.9 The author and panel are cognisant of the Domestic Violence Act 2021 which now defines domestic abuse within statute. This legislation became enshrined in law commencing from October 2021 and although this has no effect on the process of this review, it is important that the author and panel identify their awareness of the legislation which will be in effect during the conduct of this review.

³ The Statutory Guidance cites the following cases - Curtis [2010] EWCA Crim 123 and Widdows [2011] EWCA Crim 1500.

7. Involvement of family, friends, work colleagues and community.

7.1 Unexpected deaths are tragic not just for the family, but also for friends and work colleagues, and this review process has worked hard to include the respective thoughts and views throughout. In support of the information received from agencies, the author has engaged extensively, meeting with, and corresponding with the family of Daniel, in particular, Mary, and Daniel's mother, enabling them to feel integral to any learning that emerges.

7.2 The Home Office leaflet was sent to the family members in May 2021 and the letter that accompanied it also emphasises the opportunity to access an advocate (including the assistance of AAFDA) to support them in the DHR process in voicing their views and feelings. Both Mary and Daniel's mother have been supported throughout by advocates from the Victim Support homicide section, who also provided support for them throughout the criminal trial process. In order for the family to feel they are integral to the reviews report and findings, the review author has maintained open communication channels for all contributions that both family, friends, or other relevant parties wish to make, and has kept them updated on a number of occasions about the progress of the review process.

7.3 Key matters pertaining to individuals have been addressed in the respective narrative of this report, but it is acknowledged by the review that there are survivors of this tragic episode, not least the family of Daniel and Mary, and this review must be seen as a way forward in supporting them and others who may have similar needs. Obtaining individual, and sometimes personal views, may assist in identifying intervention opportunities for agencies in the future. Hearing those voices is crucial to ensuring a balanced perspective is achieved.

7.4 The review author and panel would like to thank Daniel's mother, his brothers, and especially Mary for being so open and thoughtful about what has happened to Daniel and them. Even though they are understandably suffering from post-traumatic stress, they really wanted to be, and are, an integral part of the review, in order to enable others to learn lessons and try to prevent future domestic homicides. An example of this is their request to have included in the terms of reference the learning for the family court. They have had shared with them the findings, recommendations and a draft of the review before the report was agreed as complete and before submission to the Home Office and they feel the report captures the learning and has made some really good points with which they are pleased.

7.5 This is a dreadfully tragic case as it has affected so many people. Mary and Daniel's family have suffered an intolerable loss, and what Mary said to the review author, and also in her impact statement made following the death of Daniel,

particularly highlights this loss and with Mary's permission is included in this report. *"Although I know I couldn't have saved Daniel, I still live with the guilt of being too late to help him. The fear and pain that the perpetrator has caused me is unquantifiable, this is something that I will never get over. I lost everything that day. I lost my soul mate, my best friend, my daughter lost a step-dad and we lost not only Daniel but also his children. Daniel's daughter and I had grown close and had built a good foundation of trust, love, and safe space. Because of the Perpetrator's actions my world has changed for ever; nothing will be the same, it is me not the Perpetrator that has been given a life sentence."*

7.6 Mary, and Daniel's mum and step-father also said to the review author. *"Daniel spent the last four years of his life in a bitter court battle with the Perpetrator and his daughter in order for Daniel to have access to his children. Daniel's ex-partner and her father were relentless, stopping at nothing in preventing Daniel from seeing his own children."*

7.7 Beth and Daniel's mother and his family have been locked in a child arrangements order dispute in the family court. The review author has left open access to him and the panel if any time the children may wish through the review process to contact them they can. The review has also approached on two occasions Beth and Andrew to see if they wish to contribute to the review in any format that they feel appropriate but the panel have received no reply to their requests.

7.8 Daniel and Mary lived in a lovely close community and their neighbours were all very fond of Daniel, they shared BBQ's together and Daniel assisted with help to them if, and when required. They feel his loss greatly and some still call on Mary to make sure she is ok. One of the neighbours at the time of the murder rushed to Mary and Daniel's assistance to help them and understandably the stress of what she encountered will endure.

7.9 All further comments from family and friends will be included in the narrative of this report.

8. Contributors to the review:

8.1 Several agencies have contributed to the review with, six agencies submitting an Individual Management Review:

- Cambridgeshire Constabulary (IMR)
- Cambridgeshire and Peterborough NHS Foundation Trust (CPFT) (IMR)
- GP Medical Practice-Produced by the CCG (IMR)

- Cambridgeshire County Council Domestic Abuse/Sexual Violence Partnership - IDVA Services (*IMR*)
- North West Anglia NHS Foundation Trust (NWAFT) (*IMR*)
- CAFCASS (*IMR*)
- Children’s Primary School (*Report*)

9. Review Panel members

9.1 The following comprise the DHR panel in this case, they are all independent of the case.

Agency	Panel Member	Role
Cambridgeshire Constabulary	Jenni Brain	DCI Protecting Vulnerable People Department
Bedfordshire, Cambridgeshire, Hertfordshire- Major Crime Unit	James Bambridge	Review Officer
Children’s Social Care Safeguarding	Aiden O’Reilly	Head of Service
Domestic Abuse/ Sexual Violence Partnership	Vickie Crompton	Domestic Abuse and Sexual Violence Partnership Manager
Cambridgeshire County Council	Julia Cullum	Domestic Abuse and Sexual Violence Partnership Manager IDVA Service
Cambridgeshire and Peterborough Clinical Commissioning Group	Linda Coultrup	Named Nurse Safeguarding Adults, Primary Care
FCSP/FDC	Alan Boughen	Community Safety and Partnerships Officer
North West Anglia NHS Foundation Trust	Emma Foley	Named nurse Adult Safeguarding
Cambridgeshire and Peterborough (NHS) Foundation Trust	Karen Smith	Lead Nurse Domestic Abuse, Think Family Safeguarding Team
Refuge	Mandy Geraghty	Service Manager
CAFCASS	Kirsteen Newton	Service and Operations Manager

RJW Associates LTD	Russell Wate	DHR Panel Chair and author
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10. Panel Chair and author of the overview report:

10.1 Dr Russell Wate QPM is a retired senior police detective. He was a member of the Cambridgeshire Constabulary; however, he retired 13 years ago and has not been employed by them since. He has extensive experience in partnership working within numerous safeguarding environments, authoring Serious Case Reviews and conducting Child Safeguarding Practice Reviews. He also has extensive experience in conducting Domestic Homicide Reviews; having chaired and authored several such reviews across the country, as well as internationally. He has completed the Home Office DHR training, the Sequeli and NSPCC training and the Standing Together and AADFA DHR training. He himself trains widely, both nationally and internationally, on the carrying out of Safeguarding Reviews, including DHRs.

10.2 Dr Wate is entirely independent of all agencies in this process having no connection with the Fenland Community Safety Partnership other than previously providing professional and Independent services in respect of unrelated Domestic Homicide Reviews.

11. Details of any parallel reviews:

11.1 The death of Daniel was reported to the HM Coroner by the Cambridgeshire Constabulary and it is understood that following the opening and adjournment of the inquest, pending the trial of Andrew, the HM Senior Coroner has now rested on the murder conviction and no further inquest will take place. A copy of this report will be made available to the Senior Coroner for Cambridgeshire.

11.2 The criminal proceedings concluded extremely quickly with Andrew pleading guilty to the murder of Daniel in July 2021 and was sentenced to life imprisonment with a minimum term to serve of 20 years.

12. Equality and diversity

12.1 The panel have scrutinised the IMR's and discussed the nine protected characteristics in accordance with the Equality Act 2010. Specific comment is made accordingly within the report narrative where appropriate in respect of those characteristics which recognised as being.

- Age
- Disability

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- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

12.2 In this case, each of the subjects identify as being white and British by either self-identification, or, as has been determined by this review process. There are no apparent disabilities identified which may have a bearing on this case. Daniel's family agree that he has no disabilities. Daniel is identified as being heterosexual.

12.3 Evidence has shown that domestic abuse is a gendered crime and research supports the theory that men commit more acts of domestic abuse than women. Statistically, women are more likely to be victims of domestic abuse. The Crime Survey for England and Wales in the year ending March 2020, estimates that 5.5% of adults aged 16 to 74 years (2.3 million) experienced domestic abuse in the last year. This equates to a prevalence rate of approximately 5 in 100 adults. The latest prevalence estimates for all types of domestic abuse experienced in the last year showed no statistically significant change compared with the previous year of which 1.6 million were women and 786,000 were men, although it showed that women were more likely to be repeat victims of abuse and men are more likely to be repeat perpetrators.

12.4 In this case it is slightly different as the victim of the domestic homicide is male. The murder does though fit in with the research featured above and the perpetrator of the violence is a male and supports the theory that many more males commit domestic abuse and domestic homicide than women.

12.5 Mary though, asked for the review author and panel to include in this report, her desire for professionals and the family court to please be aware that in child access hearings there are occasions, when, like Daniel, the male is also the victim of Domestic Abuse through the coercive controlling behaviour of the other party to the hearing. A male can be a victim as well.

13. Dissemination

13.1 This anonymised report and an executive summary have been prepared by the author and panel for consideration of publication in accordance with the policy of the Fenland Community Safety Partnership, following the completion of the review process. The report has been shared with the Police and Crime Commissioner for Cambridgeshire and Peterborough and all agencies within Cambridgeshire.

13.2 The author wishes to assure all parties that any such publication will be made with due regard to the potential ongoing sensitivities specifically concerning those surrounding the development of Daniel's children affected by this tragic event.

Section Two – The facts

This review will focus on the death of Daniel and the actions of Andrew. However, it is also essential that the wider issues are examined to add context. This has meant, by necessity, for that contextual analysis, included examining Daniel's alleged actions leading up to his death as this is crucial in looking at that wider picture. This context setting is not intended to minimise the fact that he is the victim or be regarded in any way by the author and the panel as seen as victim blaming towards him at all.

14. Circumstances

14.1 At around midday in April 2021, Mary returned home from work for lunch to the home she owned with Daniel. He was working from home that day. Immediately on entering the house she discovered his apparently lifeless body at the foot of the staircase in the hallway. It was a horrific scene. Daniel had been viciously and repeatedly attacked, suffering numerous stab wounds as well as defensive injuries. Shocked and distressed, Mary sought immediate assistance from a neighbour and the emergency services were alerted. Paramedics were first on the scene and administered emergency first aid to Daniel, but sadly he was pronounced deceased shortly afterwards.

14.2 Police officers attended and whilst securing the scene, suspicion for the attack fell almost immediately on the father of Daniel's ex-partner Beth. The Cambridgeshire Constabulary identified a vehicle being driven by Beth's father Andrew in a nearby town early that same afternoon. The vehicle was stopped and searched. He had injuries to his hands that were indicative of being of a very recent nature, and despite being bound, were still bleeding. He was arrested on suspicion of murder. The investigation was managed by the Bedfordshire, Cambridgeshire, and Hertfordshire Major Crime Unit in accordance with homicide investigation protocols and overseen by a senior investigating officer.

14.3 Andrew was interviewed, remained silent, and following a decision by the Crown Prosecution Service, he was charged with Daniel's murder. Evidence found at the scene conclusively linked him to the attack which was subsequently proven by forensic reports. In the early administrative proceedings he entered a guilty plea.

14.4 In July 2021, he was sentenced to life imprisonment. He was 65 years of age at the time, had no previous history of violence and was of previous good character. Despite the guilty plea, Andrew offered no explanation as to his actions throughout the proceedings.

14.5 Research of police systems did not identify any incidents of abuse occurring specifically between Daniel and Andrew. However, there are incidents that are relevant to the relationship between Daniel and Beth which this reviews considers to be intrinsic to the overall perspective, possibly influencing how, and why, the murder took place. This includes underlying issues that appear to have influenced behaviours of individuals.

14.6 In September 2021, the Fenland Community Safety Partnership held a scoping meeting to discuss the case and agree a terms of reference for the review. In accordance with the 2016 Home Office Statutory Guidance for conducting domestic homicide reviews, the circumstances surrounding the death of Daniel, led the partnership to conclude that a domestic homicide review should be commissioned.

14.7 A “domestic homicide review” means a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse, or neglect by.

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

(b) a member of the same household as himself, held with a view to identifying the lessons to be learnt from the death.

14.8 The timescales for the review initially requested a scoping period by agencies dating back to 2016, however, this was subsequently broadened to commence in 2010, with the police IMR examining contextual matters dating back further, which has added value to the overall process.

14.9 The DHR commenced in May 2021 with the family notified and agencies commenced completing chronologies and IMR activity. The first panel meeting was in September 2021, and following the change of chair a further set up meeting took place at the beginning of October 2021. A further panel meeting (third) took place in December 2021 to discuss the chronologies and IMRs. Contact with family took place including a meeting in February 2021 and following a virtual panel (4th) meeting to examine draft one of the report, a fifth panel meeting took place to examine version two in February 2022. After further contact with the family another panel meeting took place (6th) in April and the report was signed off by all agencies

and the panel on the 16th of May 2022. A further virtual panel meeting took place in January 2023 to agree to changes following the receipt of the Home Office QA letter.

15. Chronology

The Victim

15.1 Daniel has a history of violence both as a victim, and perpetrator of domestic abuse, dating back to 2005. All this history up until late 2007, involved him, and his then partner who is not involved in this review. The police IMR helpfully identifies that the significant contributory background to all those recorded events involving them was predicated by both parties' misuse of alcohol. Daniel and the previous partner continued to have contact as friends with each other even though they separated in 2007.

15.2 Daniel met Beth, who is Andrew's daughter, in late 2007. They were not married. In 2010 their first child was born, and they moved into accommodation together. In 2014, they moved into a house owned by Andrew, in which he allowed them to live rent-free. By 2015, their relationship had deteriorated, and it was apparent to each of them that they were both involved in other relationships. Beth's relationship with another man seemingly accelerated their eventual, but at that time, mutual separation, which happened around April 2016.

The Perpetrator- Andrew

15.3 Andrew had no known history of domestic abuse. At the time of the murder he had been married for nearly 40 years and had enjoyed an extensive career with a national retail business in a senior position until his retirement. The police IMR confirmed that Andrew was of a previous good character and had not come to the attention of the police in any negative capacity.

The Events

15.4 In 2013, Andrew's mother was taken ill, and following her passing away, he was bequeathed her property, which he had lived in from the age of five. In 2014, following renovations that he made to the property, Andrew allowed his daughter Beth and Daniel to live at the premises, rent free.

15.5 By early 2016, the relationship between Daniel and Beth had broken down but was not embittered as they seem to have separated on what appears to have been mutual terms. By April 2016, Daniel had moved out of the house, but he maintained regular contact with his children. Both Daniel and Beth were in other relationships (which have not been explored by agencies, as deemed by the panel as not relevant

to the review) although for Daniel, this was not with Mary at that time. Beth remained living at the home owned by Andrew, and Daniel moved back to his mother's address some distance away. He remained working locally which was close to his former home.

15.8 There was no domestic abuse within Daniel's and Beth's relationship that was identified within the contributing agencies records, or indeed admitted by either of them when they lived together prior to 2016⁴.

15.9 By June 2016, Beth was allowing her new partner to stay at her home. Daniel was unhappy with this arrangement and on the 10th June 2016, Beth reported to the police that he had sent text messages of a threatening nature to her mother (Andrew's wife) demanding to collect the children from her mother's address and not from his former home. This was refused by her, and Daniel then sent a further text message to the effect that he "*would not be held accountable,*" if Beth's new partner was present when he arrived at his former home for the hand-over, when he collected the children.

15.10 Police officers attended and spoke to Beth. At this time she additionally reported another incident which had taken place earlier that same month following her having the locks changed at her home. This had resulted in Daniel kicking at the door, remonstrating with her, and upsetting the children when he had attended the address un-expectedly and was unable to gain access to the house.

15.11 The police determined that both incidents identified the presence of domestic abuse, recording and assessing the latter incident of June 10th 2016 in a domestic abuse Stalking and Harassment risk assessment (DASH) as a 'standard risk' incident, with Daniel identified as the perpetrator. As a standard risk incident, in accordance with what was understood to be the local Police policy in 2016, unless a crime was raised which it wasn't in this case, no referrals were made to other agencies. This report though is clear that professional judgement can be used to share standard risk referrals. The earlier incident was not recorded separately but the DASH narrative referred to both the reported incident they were attending as well as the earlier, but previously unreported incident disclosed by Beth from earlier that month. The latter incident was closed by the police as being a '*verbal domestic dispute,*' and no further action was taken at the request of Beth. (Ideally there should have been two DASH assessments and that would have raised the risk to medium for the second) There is no indication that there were any further disputes when Daniel collected the children after this record had been made.

15.12 By early July 2016, communications had almost completely broken down between Daniel and Beth which resulted in her refusing to have any direct contact

⁴ The Arson investigation did not identify any indication of domestic abuse before June 2016.

with him. She sent Daniel a letter setting out a list of her requirements for future contact and communications, as well as what access he could have to his children. This was posted to Daniel by her on the 18th July 2016. The letter also included how, when, and under what circumstances Daniel was to be allowed to have access to the house concerning possessions, fixtures and fittings. Daniel did not reply to this letter.

15.13 Mid-morning on the 20th July 2016, an arson attack occurred at the home the couple had formerly shared, which led to the entire house and contents being severely damaged by the resulting fire. There was an apparent entry point to the rear kitchen, suggesting that an intruder had forced entry at the rear of the house and had set two seats of fire. Petrol was used as an accelerant. One seat of fire was upstairs, the other downstairs. At the time, the house was unoccupied as Beth was at work and their two children were at school. A neighbour discovered the fire shortly after 11 a.m. They called the emergency services. Little property or personal belongings were saved from the resulting fire as both the building and contents were extensively damaged by both fire and smoke.

15.14 The arson was investigated by the police and Daniel was immediately put forward as a suspect, by Andrew. Daniel was located at his mother's address and he was arrested the same day. His clothing was seized and his car was recovered for forensic examination. There was no apparent evidence associating him with the fire. However, a nearby resident to the house had seen a man acting suspiciously in the vicinity shortly before the fire was reported at around 11 a.m., and a description was recorded on the incident during the police house to house enquiries. However, this information was overlooked at the time of the initial investigation and not followed up until much later.

15.15 The report author notes that although the property itself was owned and insured by Andrew, Beth was identified as the victim of the attack. Andrew was referenced as being the owner of the property and having the buildings insurance, but was not recorded by the police as being a primary victim. The focus of the police investigation was to Beth, as the victim of the arson and the associated domestic abuse.

15.16 Because of the fire, the house was uninhabitable, and consequently Beth and the children were homeless. They moved into Andrew's home (where they stayed and still were at the time of Daniel's murder,) and the police put in place some additional security measures for the family. The police recorded a DASH risk assessment for Beth, citing Daniel as the suspect and identifying the risks posed to her as high. The children were included within that risk assessment.

15.17 Daniel denied the arson and he put forward a comprehensive alibi for his movements that day. He was released pending further investigation with police-imposed conditions not to contact Beth or visit the town she and his children resided

in. He could continue to work in a village located within a relatively short distance from both the scene of the attack and where Beth was re-located with their children.

15.18 The DASH risk assessment was reviewed at the police Multi Agency Safeguarding Hub (MASH) and was referred by the police to MARAC on the 22nd July at which time an IDVA representative was appointed to Beth. She was contacted by the service the same day.

15.19 The MARAC submission by the police noted that the risk concerns elevating the overall risks to high were Daniel's unpredictable behaviour and his having (suspected of) the capability to commit a serious offence, his mental health, and the potential exposure to the children of emotional harm. Daniel was also identified by Beth as being a binge drinker and the situation was exacerbated by separation. Although Daniel's alleged drinking habit was recorded as a factor, as well as his mental health, neither of these issues had manifested themselves to anyone else beforehand, so could only have been mentioned by Andrew and Beth.

15.20 The Cambridgeshire County Council Domestic Abuse and Sexual Violence Partnership, which manages the allocation of Independent Domestic Violence Advocates (IDVA), confirms that a referral was received from the police on the 22nd July 2016, and that on that date the service made initial contact with Beth who stated that the police investigation identified that there was reason to believe that the fire was started by somebody who knew the property well. She made it clear in those conversations that the two seats of fires were started on her side of the bed and her chair, suggesting that the arson was targeted specifically at her.

15.21 Beth stated that she was happy to live with her parents as she felt safe there with her children but was concerned that Daniel must not know where she and the children were living. No concerns were raised about her, or the children's immediate safety. It is however a fact that Daniel knew where Beth's parents lived, so the likelihood was that he knew that they would be taking care of her and his children.

15.22 On the 26th July 2016, the case was discussed at MARAC and Beth spoke with the allocated IDVA the following day where she welcomed the opportunity to discuss the children's well-being with the children's social care representative available through the MARAC functions (there is no record of this actually taking place). She indicated that she would be remaining at her parents for up to six months. The question of applying for a non-molestation order was discussed and needed to be obtained. No exceptional concerns were raised by the IDVA or by Beth.

15.23 Daniels' GP record was updated on July 27th 2016, following the sharing agreements from MARAC, where the records note him as being a high-risk perpetrator of domestic abuse. His ex-partner's record of July 2016 shows that she

was identified as a high-risk victim of domestic abuse, again, through sharing via the MARAC process.

15.24 The next GP contact concerning Daniel was 10 months later when he saw his GP to ask for support with anger management as this was a court requirement for contact with his children.

15.25 Further contact was made with Beth in August 2016 by the IDVA where she stated that Daniel's mother had contacted her mother seeking to establish where the children were. The IDVA records indicate that the police had warned Daniel's mother not to make any further direct attempts to contact the family. (Daniel's mother and stepfather told the review author that they were furious with this intervention as it was one of the children's birthdays and as a grandmother she only wanted to wish her grandchild a happy birthday.) There is no corresponding record within the police IMR of this apparent warning being given and it did not appear in the investigation report concerning the arson. There was no resulting DASH risk assessment made concerning this occurrence.

15.26 In further contact made on the 8th of September 2016, the IDVA spoke to Beth who stated that her child benefit had been stopped. The IDVA made enquires to the Benefit Agency on her behalf seeking why it had been stopped, a representative of the agency advised that it was possibly linked to another party making a benefit claim for the children. This was thought to be Daniel, although this was not confirmed at the time by the Benefit Agency because of data protection.

15.27 On the 8th of September 2016, two tyres were damaged on Beth's car whilst it was parked on the driveway of her parent's home where she was temporarily residing with the children. This appears to have been a targeted offence as the police had not recorded any similar offences in the vicinity. Beth reported this by phone to the police Incident Management Unit. No suspect was identified although the suspicion fell on Daniel as having the most likely motive and capability. No forensic examination took place, and it does not appear that officers attended the scene. No DASH risk assessment was made. The offence was suspected of being associated with the arson, and as such, the investigating officer for the arson was notified by the Incident Management Unit recording the crime report and the officer was tasked to link the two investigations.

15.28 On the 12th of September 2016, two reports were made that Daniel was breaching his police imposed bail conditions (he was staying overnight with a partner that happened to be in the same town as Beth.) Although this alleged breach was reported to the police by Beth, the original information emanated from Andrew who had in turn informed his daughter. She had not witnessed this first-hand. In the second reported incident, which was some thirty minutes later, Daniel's address and whereabouts were identified again from information emanating from Andrew and

communicated to the police via his daughter. It is also inferred that Andrew had taken images of Daniel's car and the address he was residing at, although there is no record of these being presented to the police.

15.29 A statement was taken the following day from Beth, but not Andrew, concerning the alleged breaches of bail. On the 15th September 2016, Daniel was arrested for breaching his bail and for criminal damage to Beth's car. Daniel was not charged and was released on bail as before, having admitted the breach of his bail, but denying being responsible for the damage. There was no evidence that he was responsible. In fact he was able to provide alibi and telephony evidence that he was not responsible.

15.30 The ongoing investigation shows that there was regular communication and contact between the police officer investigating both the arson and linked criminal damage and the IDVA during the time that Daniel was on police bail and under investigation. This was in response to the ongoing investigations and to ensure that ongoing safeguarding needs were being met, this appears in both agencies narratives. In addition, communications between the IDVA and Beth's legal advisor were maintained in support of opportunities to make application for a non-molestation order in the event of no formal action being taken against Daniel by the police.

15.31 Despite a number of enquiries, the police closed the arson investigation in late October 2016. There was some circumstantial evidence against Daniel but there was no supporting forensic evidence to place him at the scene of the fire despite his early arrest and the seizure of his clothing, car and phone at the same time. The decision to take no further action was made by a police force 'gatekeeper,' a function performed by a police supervisory officer who considers the case based on the evidence and the threshold test to satisfy that there could be a realistic prospect of conviction before submitting the case to the Crown Prosecution Service.

15.32 The case did not meet the standards and consequently was not referred to the Crown Prosecution Service. Daniel's police-imposed bail conditions were removed, and he was notified by the police that no further action was being taken against him. He was released without charge and all property seized from him during the investigation was returned to him.

15.33 The police officer in charge of the investigation closure, personally notified Beth. Interestingly, there is no record of Andrew being notified personally of the closure and no further action being taken, which may have been an omission, given that he was the owner of the building and both he and his daughter were victims of the same crime.

15.34 Following the police's decision to take no further action, in October 2016, Beth obtained an emergency non-molestation order, and in November 2016 a full order was granted against him for a 12-month period. Daniel did not contest this so no evidence was heard.

15.35 On the 10th of November 2016, the case was closed by the IDVA service on the basis that no other agencies continued to be involved in the case. With the non-molestation order in place and the additional safeguarding measures taken by the police removed, statutory agencies were now no longer involved. Matters concerning Daniel's access to the children were in early proceedings at the family court. None of that ongoing process was either directly or indirectly addressed within the statutory agencies reporting, given that these were civil proceedings and consequently were not reported back into those agencies.

15.36 On the 26th of November 2016, Daniel reported to the police that property belonging to him had been removed from outbuildings at his former home, citing that Beth must be responsible. This property was the subject of a dispute between Daniel and Beth concerning its ownership, however, the police correctly recorded his complaint as a potential crime and undertook an investigation. This necessitated an interview being completed with Beth. A supervisory police detective noted that the allegation appeared to be a civil dispute arising from the arson investigation. This allegation by Daniel against Beth was closed as being a non-crime civil dispute and no further action was taken by the police. There was no contact with Andrew during this short investigation.

15.37 With the non-molestation order in place and the police investigation closed, matters turned solely to the family court proceedings. There were no further reported incidents, contact or occurrences involving Daniel, Beth or Andrew noted by any of the statutory agencies. None of the proceedings taking place within the family court appear to be referenced in any of the statutory agencies records.

15.38 In early January 2017, CAFCASS become involved in the case after Daniel had made an application to the family court to have a child arrangement order to spend time with his children. CAFCASS appointed a Family Court Advisor (FCA) to complete the safeguarding checks and interviews with the parents and provide a safeguarding letter to the court.

15.39 In late January 2017, some two months after the no further action closure by the police of the arson investigation, an appeal for a review was made to the police by Andrew. This is referred to as a Victim's Right to Review (VRR)⁵ The request must meet certain criteria, and in summary, can be made when a suspect for an

⁵ "A person who has made an allegation that they have suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by criminal conduct."

offence has been arrested or interviewed and a decision made by the police (or the Crown Prosecution Service) not to prosecute the suspect, decisions which are commonly referred to as no further action (NFA). VRR reviews are completed by an officer of Inspector rank or above, who must be independent of the original investigation. The request can be made by the victim or a person acting for, or on their behalf. On this occasion, the VRR was made in writing by Andrew who Andrew's narrative in support of his appeal request read:

"On the morning of the fire, before they had the evidence, I informed the Fire Brigade that it was arson and it was obvious who had done it. Later that morning I told the Police and named the perpetrator." The email closed with, "I do believe there is enough circumstantial evidence to expect a conviction."

15.40 The police initially delayed their response which under their policy should have been made within 30 days of the notification being made by the appellant. It was allocated to a senior manager but was not completed in the requisite timescale.

15.41 On the 10th February 2017, under agreed protocol for information sharing, CAF/CASS requested relevant information from the police concerning Daniel. The information supplied by the police to CAF/CASS via the MASH was in respect of Daniel's domestic abuse history dating back to 2005. According to the police IMR, there is no further apparent communication between the MASH and CAF/CASS following this interaction and that initial information exchange. There is no record of any interaction within the police records of communications with Children's Social Care at this, or any other time concerning the children. The FCA interviews with both Daniel and Beth cite each other as being the controlling one, albeit Daniel mentions Andrew as supporting Beth and causing him difficulties.

15.42 Following the expiry of the 30 days since the VRR had been made Andrew made a further written enquiry to the police questioning why he had not received a reply. On this occasion, the police responded to Andrew within the requisite timeframe and a review was completed. The reviewing supervisory detective examined the original investigation and determined that several lines of enquiry appeared to be unresolved and were therefore incomplete. The reviewing officer determined that the investigation concerning the arson should be re-opened to complete the outstanding enquiries as well as making recommendations concerning some additional lines of enquiry not previously considered in the investigation to that date.

15.43 The FCA and subsequently the family court agree that Daniel could have contact with his children and recommended that a contact centre would be an appropriate resource to use to reintroduce the children to their father. This happened for two hours a week, fortnightly.

Events from March 2017

15.44 On the 12th of March 2017, the police notified Andrew and Beth that the VRR had been upheld and that the arson would be further investigated. On this occasion, no DASH referral was made by the police on the re-opening of the investigation, nor was the IDVA case worker notified. The police records do not indicate that Daniel was informed that the investigation had been re-opened at this point, although it is unlikely that this would occur as he remained the primary suspect and this would not serve in the best interests of the investigation at that time. Daniel was arrested on a later date, but in the interim, he continued as the focus of the investigation as the suspect.

15.45 In April and early May 2017 the FCA again interviewed Daniel and Beth, and both raised conflicting views about who was controlling. Beth did not want Daniel to spend time with the children. When the children were spoken to at school, the son informed the FCA that he knew that his daddy had started the fire in his home, as his grandfather had told him. The FCA made a note in the records that they had concerns that children were not being sheltered from the maternal family's views of Daniel.

15.46 In May 2017, Daniel was referred to mental health services by his doctor for anger management as part of the conditions from the family court as a requirement for contact with his children.

15.47 The CAFCASS FCA submitted their report to the court which included information from the supported contact centre that highlighted that Daniel's time with the children was of benefit to them. The FCA recommended Daniel's time with the children progress into the community based contact, following him attending a course such as anger management. The family court agreed to this as being a course of action following the course that Daniel was going to attend.

15.48 The police re-investigation of the arson initially passed between several investigators before being allocated to a dedicated investigator in June 2017 who then managed the investigation to its conclusion.

15.49 In July 2017 a new FCA met with the children at their home. They reported that they spent time with their father at the contact centre. They did not feel frightened or worried about spending time with Daniel, the son said he would like this to continue for both his sister and himself. They would be happy for contact to take place outside of the contact centre. The report from the contact centre was positive and Daniel had also been assessed by health services as not needing an anger management course.

15.50 On the 14th of September 2017, Daniel was arrested for arson, interviewed and released on bail pending the outcome of the continued investigation. He spoke freely to officers concerning his movements on the date of the arson but continued to deny involvement. An identification procedure was arranged. There was no DASH risk assessment completed following his arrest and release by the police and no referrals were made to other agencies.

15.51 In November 2017, the identification procedure by the police took place. This resulted in a positive identification of Daniel being made. This was some 16 months since the original sighting of the 'suspect'.

15.52 Andrew and Beth were notified by the investigating officer that the witness had identified Daniel. Within days of that occurring, Andrew contacted the investigating officer putting forward another local resident as a potential witness. That witness was promptly seen and disclosed that a vehicle resembling Daniel's had been seen in the immediate area at the relevant time. This was the first occasion that the police had been made aware of this witness.

15.53 The witnesses' account reads; *"I do recall someone saying to me that they saw [Daniel's] red vehicle in the area of [the scene] at the time of the fire. I don't know if they told police this information. I told [Andrew] that someone mentioned this to me. But I really can't recall who said this to me."*

15.54 A neighbour, who had alerted the fire service to the fires also provided some background narrative in a witness statement dated 22nd November 2017, concerning allegedly overhearing Daniel being abusive when he had visited Beth to collect his children during the summer of 2016. The witness also stated that they had never heard, seen, or had experienced any abusive behaviour by Daniel when he had lived at the location. The date of this event was unspecified, and the witness had made no previous mention of this information at the time of the original enquiries being made by the police.

15.55 On the 24th of November 2017, a date by which the non-molestation order had expired and does not appear to have been renewed, Beth reported to the police that Daniel had 'confronted' her at a well-attended public event. She reported that he had stared and then laughed at her, and as she left, he had then followed her. Daniel had not engaged directly with her, but she reported that she felt threatened and was intimidated by his actions.

15.56 The police visited Beth the same day and completed a DASH risk assessment which they graded as being of a medium risk. The reporting officer noted the following: *"This meeting was a chance meeting in a public place with several hundred persons present. The male did not engage or converse with the female at any point and has followed the female for a short distance but again not making any*

contact.” Although relevant agencies were notified by the MASH, the risk did not meet the threshold for a referral to MARAC.

15.57 On the 21st of December 2017, Daniel was arrested for witness intimidation concerning the incident of the 24th of November 2017, and was further arrested in respect of the ‘new’ witness evidence for the arson attack of 2016, including the identification evidence. He was interviewed and although he initially spoke to the officers, following legal advice, he declined to answer further questions. Following a further review of the evidence at that time, a police supervisory officer determined that there was insufficient evidence with which to charge Daniel and he was released pending the outcome of the continued investigation.

15.58 The police consulted with the Crown Prosecution Service in the interim, following which, further additional lines of enquiry were identified as being necessary to be completed before any formal decision concerning prosecution could be made.

15.59 Following those further enquiries and a review of the evidence, in May 2018, the Crown Prosecution Service determined that the threshold for a charging decision for arson had been met. Daniel was informed that he would be facing prosecution. The investigating officer notified Beth and Andrew of the prosecution decision.

15.60 Daniel was not arrested and charged but was summonsed in a postal requisition charge issued in June 2018, to attend an initial hearing at the Magistrates Court on 10th of July 2018. However, due to an apparent administrative error, he did not attend the hearing. Although an arrest warrant was issued by the Justices for his failing to appear, this was withdrawn following legal representation made on his behalf. An alternative date for the hearing was listed for which he did attend, and the proceedings were commenced. Daniel was charged with arson with intent to endanger life and the case was remitted to the Crown Court in view of the serious nature of the allegations.

15.61 The police IMR indicates that following Daniel having not appeared at the initial hearing, that Beth had contacted the investigating officers with the following information on the day of the hearing, 10th of July 2018; *“Victim called in to advise that her parents saw the suspect's car at his home address tonight and this would indicate that he is there.”* The police noted the information but did not take any action at that time.

15.62 A witness statement from Andrew concerning the arson was not obtained from him by the police investigation until as late as August 2018, which was after criminal proceedings had been commenced. Why this was not obtained before that time is not apparent, but the statement did not include any of the information that he had obtained during the span of the investigation or passed on directly, or indirectly, via his daughter to the police. The statement focused on his ownership of the property

which was the subject of the arson attack. Andrew made it clear that he allowed his daughter to live at the house rent free and that this benefit extended to Daniel as her partner, but this was not legally binding for Daniel as he regarded his daughter as being the legal tenant.

15.63 Throughout the investigation and during the period before his trial, Daniel was permitted to see both of his children, but only within the directions made by the family court which only permitted his limited access under supervision and at a neutral location. Daniel continued to pursue child access arrangements for the children through those proceedings which brought him into regular contact with Beth and Andrew.

15.64 Daniel's trial for arson took place at the crown court in March 2019, where following a week-long hearing, Andrew and Beth attended daily, he was acquitted by the jury. There was no appeal made by the prosecution following Daniel's acquittal.

15.65 Daniel was resolute in his continued lawful efforts to gain access to his children and made an application to the family court to have a child arrangement order to spend time with his children. CAFCASS in March 2019 again appointed a Family Court Advisor (FCA) to assist this process. It was approved for Daniel to have four hours with them fortnightly. The FCA did not identify any safeguarding concerns.

15.66 In July 2019 Daniel was concerned that his son was not attending contact and told the FCA that he felt that Beth had "an agenda" to stop him spending time with the children. The FCA recorded that Daniel said it was an ongoing battle and Beth now has help from her dad, so he is getting desperate and was fighting against someone (Andrew) who is clever.

15.67 In August 2019 the FCA completed direct work with both children at the CAFCASS office. The daughter shared that she liked seeing her daddy and there was nothing that worried her. The son stated that he felt his daddy did not spend equal time with both children, favouring the daughter, and this was why he was not going to contact. The report included the children's wishes and feelings and also highlighted the positive early reports of contact for both children. The family court now agreed a stepped progression of the time Daniel could spend with the children, albeit the son was not currently attending, and to have an assessment of Mary.

15.68 When the family court granted additional and unsupervised access to his children, all hand-overs of the children between Daniel and Beth took place at a neutral location of a supermarket car-park. On every occasion, Daniel would be accompanied by Mary and Beth would be accompanied by Andrew. Mary described to the review author that several of these encounters as being "uncomfortable" and she felt intimidated by Andrew's presence even though he did not communicate directly with her and had minimal communication with Daniel.

15.69 Mary told the review author that on occasions there was a reluctance by the children to go with their father and as time progressed, Daniel's son refused to see his father and he no longer accompanied his sister to the hand-overs. This culminated in Daniel only seeing his daughter.

15.70 In one of her witness accounts made to the homicide investigation, and also what Mary told the review author when they met, she stated:
"We first noticed that on the 8th of December 2019 when Daniel's daughter came to visit us at our house when we picked her up from a neutral location we found a small black tracking device in her coat pocket, underneath her gloves. Initially we didn't know what it was, but we then found a sim card in the device. I then Googled it to see what it was and realised that it was some kind of tracking device. We asked Daniel's daughter about it and she did not know what it was." The device had Daniel's sons name on it and the specifications listed that it had the capability of being tracked and located and conversations could be listened to from it. Daniel and Mary removed the device which was later seized as an exhibit by the homicide investigation.

15.71 Mary continued by telling the review author *"Following this incident, the next time Daniel's daughter came to our house for a visit, 22nd of December 2019, she was wearing a purple strapped GSM, GPS kids tracking watch. Again, we noticed this when we picked her up. It was huge on her arm, so we noticed it straight away. We asked her what it was, and she said that she had a new watch. She said that she could play games and call her grandad from it. I asked her if I could have a look at it and when I did, I saw that it had a SIM card in it again. I took the SIM card out and snapped it. We asked her if she wears it all the time and she said, only when she comes to see daddy."*

"When we looked on the watch, the only contact shown on the contacts list was the Perpetrator's. When Daniel's daughter came back again two weeks later for a visit, she was wearing the same watch. When we picked her up, we noticed that the SIM card slot was now glued closed, so we weren't able to open it."

15.72 In March 2020 the court appointed the FCA to act as a Rule 16.4 Guardian for the children within the proceedings. This meant the children were made parties to the proceedings and a solicitor was appointed to act for them. Later in March 2020 at a remote court hearing (hosted on a video conferencing platform), the solicitor for the children was instructed by the Guardian to make an application for a Systemic Family Therapist to complete an assessment and therapeutic work with the whole family. This was agreed by the court and the parties.

15.73 On the 15th of March 2020, Daniel and Mary collected his daughter and on this occasion, she was wearing a new watch which had a SIM card installed.

15.74 On the 26th of March 2020, a direction by the family court was made stating: *“When the children attend, spend time with their Father, the Mother shall ensure they do not take with them any device capable of recording or monitoring their location, e.g. a watch.”*

15.75 With restrictions imposed by the national lockdown, Daniel was denied access to his children between March and June 2020. He was told by Beth that their daughter was shielding. By June 2020, the family court determined that there was no need for Daniel’s daughter to shield further and she could stay over with him in a slightly extended period every other Friday to Sunday. Daniel and Mary continued to collect her from a neutral location as agreed. Daniel’s son no longer visited and by this time had virtually ceased contact with his father. Mary reported that on his son’s birthday, Daniel had telephoned to speak with his son, but Andrew had bluntly refused to allow him to talk to him and refused to bring him to the phone.

15.76 On the 4th of June 2020, the family court directed that Daniel and Mary must supply their home address to Beth as their daughter was now permitted to stay for longer than overnight. Mary told the review author that she believed until this time, neither Andrew nor Beth were aware of the location of their home address as it had not been disclosed within the earlier proceedings. They had intentionally made efforts not to disclose their address out of privacy and safety. Their address was disclosed. Having to disclose their address and the risk to Daniel and Mary’s safety is explored later within this report.

15.77 Mary stated that on two occasions in February 2021, Daniel’s daughter refused to acknowledge her father and she would not get out of Andrew’s car at the hand-overs and consequently did not go with Daniel and Mary. On both occasions Mary stated that Andrew was pacing around the cars at the time. On the second occasion Andrew slammed the door of his car shut with Daniel’s daughter remaining in his car. Although Mary was unable to hear the full extent of the exchange that then took place between Daniel and Andrew, she asked Daniel what had been said. The context was that when Daniel had asked Andrew why his daughter refused to get out of the car and come to him Andrew responded, *“Maybe you should be the one answering that.”* Mary was of the view that Beth accused him of being abusive and bullying towards the children, allegations which she said were false and had no foundation.

15.78 In March 2021, the Children’s Guardian told Beth that the court may form a view that she is unduly influencing the children to her own feelings against their father. The Family Court makes a direction that no maternal family was to be present when Daniel’s daughter was handed over in future. Moreover, this direction specified that Andrew was not to be present at any future handover. Mary stated that she felt

that Andrew had been putting pressure on Daniel's daughter up until this point as on each occasion following this, his daughter went with her father willingly.

15.79 In April 2021, it was determined that a hearing would be held at the Family Court at which the question of access to the children by Daniel was to be resolved by May 2021. Mary feels that Daniel was believed to have strong grounds to gain his request to have access and time with his daughter which was contrary to Andrews' objectives. This may have been in her view the catalyst to the tragic events.

15.80 Daniel was murdered whilst working from his home in April 2021. He had for several months been working from home on a part time basis, split between his usual place of work and home. This followed a regular pattern of two days and then three days on alternate weeks.

15.81 At around midday on this day, Mary returned home from work for lunch to the home she owned with Daniel. He was working from home that day. Immediately on entering the house she discovered his apparently lifeless body at the foot of the staircase in the hallway. It was a horrific scene. Daniel had been viciously and repeatedly attacked suffering stab wounds as well as defensive injuries. Shocked and distressed, Mary sought immediate assistance from a neighbour and the emergency services were alerted. Paramedics were first on the scene and administered emergency first aid to Daniel, but sadly he was pronounced deceased shortly afterwards. Andrew was arrested shortly afterwards and subsequently charged, and on appearance at Crown Court pleaded guilty to murdering Daniel.

15.82 The strength of the prosecution case was that the evidence was capable of demonstrating that Andrew, angered at Daniel's acquittal, was increasingly worried that the Family Court would find in favour of Daniel (and his partner) in the child arrangement order proceedings. Andrew responded by taking matters into his own hands to prevent this from happening. The evidence suggested that the murder was not spontaneous, had a degree of planning and demonstrated that the killing was carried out ruthlessly and intentionally.

15.83 Mary stated that at the time of Daniel's murder their belief having discussed it at length together was that Andrew was manipulating the children against Daniel, which she believed was an extension of how Andrew had treated Daniel, that he had never welcomed or accepted him into his family. Daniel wanted to remove them from that environment but he was content to have equitable time with the children with Beth. He had no intention of removing the children from their mother, but at the same time he did want them isolated from the influences of Andrew, that matter was purely between him and Beth.

Section Three – Overview and analysis

16. Overview:

16.1 Daniel and Beth were involved in a lengthy, emotive and, at times, embittered dispute about child contact arrangements.

16.2 Beth made a number of allegations of post-separation domestic abuse against Daniel. As a result, she had been considered as a high-risk victim at a MARAC and had secured a non-molestation order against the victim. The most serious allegation was that Daniel had set fire to her home.

16.3 There is little doubt that the criminal proceedings in relation to the arson case were protracted and at times running parallel was the family court process. Although common that they do so, it may be difficult for individuals to understand the context within how both functions operate when faced with differing processes. The review author and panel recognise that this would have had a significant impact on each of the individuals involved over what was a prolonged period. Taking all matters into consideration the overall timeframe that has been examined in this review has been June 2016 to April 2021, a span of nearly five years.

16.4 The review does acknowledge that there were significant blockages to judicial processes taking place during this period, given the Covid-19 Pandemic and the nationally imposed lock-downs and associated restrictions which will, out of necessity, have had some impact on the timeliness of proceedings.

16.5 Although the arson investigation totally focussed on the culpability of Daniel, there remains no witness or forensic evidence to place him at the scene, the passive data located his phone some 10 miles away on the morning of the arson attack, he was found not guilty at court. The DHR panel formed the view that Daniel would not have wanted to jeopardise access to his children by committing such an act.

16.6 What does become apparent, and is highlighted by the police author in their IMR, is that Andrew had an apparent dislike for Daniel from an early stage in his daughter's relationship with him. It does appear that Andrew treated Daniel differently from his daughter and the children and that he also appears to have placed some considerable effort in maintaining what might be construed as being an unhealthy interest in Daniel throughout the police investigation and subsequent criminal proceedings which then permeated into the Family Court process.

16.7 Although the detective investigating the arson commented that Andrew did not take any obvious adverse interest in the investigation from the officer's perspective, it does become apparent that Andrew was keenly taking an interest in Daniel. For example, it appears that he was aware of Daniels movements, where he was living and later, he appears to have had some 'influence' on late presented witnesses to the arson investigation. Coupled with this was his frequent presence with his daughter and her children when engaging with Daniel and his use of tracking devices that he placed on the children. This could well be classified as his attempt to be coercive and controlling. These matters were not missed and became necessary of comment and specific direction by the Family Court Judge.

17. Analysis:

17.1 This analysis seeks to explore the terms of reference holistically as opposed to referencing each specifically, other than where this has relevance to key learning that has been identified.

17.2 In the year ending March 2020, around a half (49%, 341 offences) of all homicide cases resulted from a quarrel, **a revenge attack**, or a loss of temper. This was a similar proportion compared with previous years. As might be expected, this proportion was higher where the principal suspect was known to the victim (60%), compared with when the suspect was unknown to the victim (40%).⁶

17.3 What was not established in the murder case investigation is why Andrew attacked and murdered Daniel and if they found that there was any hidden background to this in either the immediacy of the attack or in events leading up to that time. The reports from the agencies do help to identify the actions of Andrew that point to him trying to manipulate everyone and control the situation to prevent Daniel having contact with his children. The reticence of Andrew throughout to make any comment, other than his admission to the murder by his guilty plea has not assisted this review.

17.4 In examining potential missed opportunities by agencies, one of the key issues identified arises from the decision by the police, made on the 12th of March 2017, following the VRR, to re-open the arson investigation, although Andrew and his daughter Beth were notified, other agencies were not. A contributory factor to this would appear to be that there had not been an up-to-date assessment of risk from the one originally made in July 2016, completed by the police when they re-opened the investigation. The other agencies were therefore unaware that the investigation was ongoing.

⁶ National homicide recording statistics.

17.5 Although it is noted that there had been no concerns raised by the police or other agencies, following the closure by the IDVA service of victim contact in November 2016, the review author questions whether the opening of a case that was previously raised at MARAC as an elevated risk, identifies a gap in practice. Re-assessing any risks-to victims of domestic abuse would have ensured if felt appropriate that agencies interest and knowledge of the case was renewed. .

17.6 The review author does acknowledge that the non-molestation order, granted in November 2016, remained current when the investigation was re-opened, which did afford Beth some protection.

17.7 The police IMR identifies that when the investigation was re-opened in March 2017, it was passed between several officers before being allocated to a dedicated investigator in June 2017. Although this seems to have been an unfortunate set of circumstances, it further delayed a thorough and effective investigation for a further three months.

17.8 No further risk assessments were made following Daniel's two arrests that took place for the arson in the autumn of 2017. The non-molestation order had expired in November 2017. The DHR panel discussed the possibility of recommending a notification or tag to record systems, if considered appropriate that the risk to a victim of domestic abuse had re-surfaced by an arrest a long while after the original incident.

17.9 Andrew consistently asserted his view of Daniel's guilt, and in endorsing that perspective Andrew put forward a witness to the arson at the eleventh hour whom allegedly sighted Daniel's vehicle in what appears to be circumstances that raise a number of questions. Andrew put this 'witness' forward in direct contact with the police almost immediately after he was informed of the positive identification of Daniel had taken place.

17.10 The police IMR also identifies that the witness who made the positive identification of Daniel, did so 16 months after the initial sighting had been made, but that the witness was aware that Daniel had resided at the address where the arson attack took place. Added to this was the fact that the witnesses' description of the 'suspect' had changed in the interim.

17.11 Andrew does appear therefore, to have been orchestrating his own enquiries which on one hand could be construed as being supportive, but the opposing view is that he was attempting to have some influence on witnesses by his late-led interventions.

17.12 As already mentioned in this report there was weak evidence that Daniel had committed the arson as demonstrated by the Crown Court result. Andrew and Beth

suggested that Daniel had the strongest motive, but the evidence against him does appear to have been weak. Following his acquittal for the arson Daniel was in a much stronger position in comparative terms to seek a child arrangement order to spend time with his children.

17.13 Research acknowledges that domestic abuse is a highly gendered issue and women are disproportionately affected. This report has already identified in detail the domestic abuse from Daniel where Beth was the victim and actions taken by agencies.. However, this case has another interesting dynamic in that although Daniel and Andrew were not in an intimate relationship, there was no recognition by any agency of any potential abuse between them. This was never a consideration. Their relationship was in plain sight throughout and was seemingly never considered on its own merits at any time, bearing in mind Andrew's behaviour towards Daniel.

17.14 Daniel was viewed quite rightly as a perpetrator of domestic abuse throughout the span of the police investigation but at no time, other than generic risk assessments being made of him by the police at the time of his arrests, interviews and subsequent releases, was he ever considered to have been at risk from Andrew.

17.15 Fully accepting that they are looking back in hindsight, the review author and panel have come to a different view not wanting to minimise the domestic abuse impact on Beth which has already been covered but in terms of the relationship between Daniel and Andrew. This is one where Daniel is the victim of coercive and controlling behaviour by Andrew. Andrew's intimate knowledge of Daniel's movements and whereabouts. His overbearing and uncomfortable presence at the child handover. His continued and persistent use of installing tracking and listening devices to Daniel's daughter when she visited. These show a man intent on totally controlling the situation to the detriment of Daniel.

17.16 In examining a key point from the terms of reference, of the effect of the criminal and legal proceedings and whether they contributed to the death of Daniel, Andrews ultimate decision to remain effectively silent in respect of the murder provides little insight into why he took such a decisive step in committing such an horrific murder when he did.

17.17 The conclusion reached in evidence by the police investigation into the homicide was that none of the family, his wife, his daughter, or others close to him were aware of what his intentions were. From the evidence arising from the homicide investigation, it is not apparent when he formed those intentions, although the homicide investigation believes that the weapons used in the attack were new and had been obtained for the specific purpose of inflicting serious harm and injury. That suggests an element of pre-planning. It was never established when, where, and how the knives used in the murder were acquired by Andrew.

17.18 The review author and panel observes that Beth, was not formally interviewed by the homicide investigation as the process of their investigation had ruled her out of involvement, as was Andrew's wife. This is an unusual approach as the review is not clear why Beth was not eliminated by the provision of a testimony of her movements. Family liaison officers were deployed to her and the family, which included contact with the children and the wife of Andrew, but the officers were withdrawn by the senior investigating officer during the homicide investigation.

17.19 What becomes apparent from this time, is that the relationship between Daniel and his son deteriorated over a relatively short timeframe and it would seem that this had been influenced by Andrew in company with his daughter. Mary suggests that false allegations of abuse were being made by Beth against Daniel concerning the children. Neither the police nor children's services have a record of any allegations of abuse from a safeguarding of children perspective. The full extent of those allegations cannot be quantified and appear to have been wholly made and dealt within the remit of the privately held family court proceedings and not shared to any other agencies.

17.20 Taking the arson criminal investigation into context, this was a particularly protracted investigation irrespective of the fact that it was filed with no activity for four months in an intervening period by the police. The case took in total, 32 months from the date of the offence to the date of Daniel's acquittal at trial, but undoubtedly remained as a focus within the Family Court proceedings within that time. This would undoubtedly have put a strain on all parties, as by any standards this timeframe was exceptionally long and an enduring feature in both cause and effect.

17.21 The 'Waiting for Justice' report⁷ from Victims Support identified that the waiting time between the offence and the trial needed to be reduced as a priority. Victims frequently reported that they were unable to move on from the crime until the resolution of the case. This had a similar effect on witnesses. Although this report was primarily focused on the time that cases were taking to conclusion within the criminal justice system (CJS) the impact on both the victims and witnesses identified that frustration and disillusionment were feelings that are commonly experienced. Added to that was the profound impact that a process may have when there is an expectation that a case will succeed but it fails. It is a probability that these emotions were experienced by Andrew, and the combination of an extended period within the criminal justice system followed by the acquittal of Daniel may have compounded Andrews frustration and anger.

17.22 Coupled with this were the ongoing family court processes, which were invariably protracted and complex. This added an additional layer to the stresses and anxieties and the lived experiences of all those involved. Resolution in the family

⁷ Published in 2015.

court proceedings could not take place until the conclusion of the criminal trial. Andrew understood this and it would appear was relying on a conviction.

17.23 The investigating officer for the arson described Beth's response to the acquittal of Daniel as being "*understanding of the outcome.*" This was at odds with Andrew, who, by comparison, was reported as being particularly unwelcoming of the jury's decision. Beth was a witness for the prosecution case. Andrew did not give evidence at the trial but was present in the court making notes throughout the trial.

17.24 The officer did indicate that the relationship between Daniel and Andrew was never explored as part of the arson investigation or in other background enquiries, and in hindsight they felt that it could have been. That relationship was not considered throughout the process as Beth, in the officer's eyes, was regarded as the victim.

17.25 However, it was established during the homicide investigation, that there was an apparent disparity in how Andrew treated his daughter Beth and grandchildren in comparison to Daniel. Specifically, when the family went on holidays, they would frequently accompany the maternal grandparents and Andrew would pay for his daughter and grandchildren's holiday and expenses whereas Daniel was made to pay for his own.

17.26 When Andrew was approached to make his witness statement concerning the arson, he made it clear that he regarded his daughter Beth as the legal tenant of the house and Daniel was 'allowed' to reside there, rent free.

17.27 In Beth's letter to Daniel in July 2016, sent shortly before the arson she expressly comments; "*from my perspective you have lived at [Address] for 3 years rent free*".

17.28 What both the statement of Andrew and letter from Beth are indicative of, coupled with the information disclosed concerning the family holidays and the share of the cost distribution, is that there appears to have been an element of financial control towards Daniel by Beth and Andrew. This does strengthen the view that Andrew treated Daniel entirely at odds with that of his daughter and grandchildren despite the fact that they were a couple. This divisive behaviour and treatment infer an apparent dislike for Daniel. It might go as far as to suggest that Andrew was trying to distance and isolate Daniel from the family circle, rather than to welcome and integrate him.

17.29 When Daniel was under the police investigation for arson, Andrew appears to have maintained an interest in him, which on one hand is understandable, given the domestic abuse risks that he potentially posed to his daughter, however, a compelling opposing view is that this interest could potentially be verging on

obsessive behaviour. It was Andrew who notified his daughter Beth of Daniel's whereabouts on the 12th of September 2016. How did he know where he was? The inference here appears to be that he was watching and gathering information on Daniel's movements and did this on two occasions. Andrew passed this information directly to Beth, who in turn notified the police. There is a suggestion that he may have taken photographic images at the time, although these were not presented to the police. If true this demonstrates stalking behaviour by Andrew towards Daniel.

17.30 When Daniel failed to appear at court for the initial hearing on the 10th of July 2018 concerning the arson, it was Andrew who put forward his whereabouts on that date, again to his daughter, who in turn notified the police. An extract from the associated incident 'phoned into the police by Beth reads, "*Victim called in to advise that her parents saw the suspect's car at his home address tonight and this would indicate that he is there.*" This again infers that Andrew was observing Daniel and where he was living. Daniel was not living at the address which was to become the scene of the murder at that time.

17.31 When Daniel was acquitted in March 2019, Andrew appears to have had a much higher profile within the ongoing family court proceedings. This did not go unnoticed and it is clear that Andrew orchestrated his granddaughter's wearing of equipment that could monitor her movements, location and even the recording of conversations. This is a significant attempt to not only influence the child but to underhandedly gather private information, none of which he was entitled to have, and was effectively an invasion of privacy. Those actions, which were persistent, given that they took place on at least three occasions are completely outside of expectations and had it not been for the intervention of the Family Court, it is likely that this would have continued. What Andrew was hoping to achieve is not apparent, as obtaining any information in that regard would be unlikely to have had any impact on the Family Court process. The conclusion is that this was for his own purposes and further emphasises his obsession with gathering information about Daniel. It does appear that at the time these devices were orchestrated, Andrew did not know where Daniel and Mary were living.

17.32 Mary was extremely clear when she met the review author that having to give out their home address in the Family Court to Beth and Andrew exposed them to the extreme danger that ultimately culminated in Daniel's death, as this was the location where Daniel was murdered by Andrew. This risk must, in her words, be learnt by the Family Court.

17.33 A literature review by A. Barnett (2020) Domestic Abuse in Private Law Children Cases⁸. Helps support this feeling of risk in these type of cases felt by Daniel and Mary, it stated:

⁸ A Barnett- Brunel University, London (2020), 'Domestic abuse and private law children cases-A literature review'. Ministry of Justice Analytical series.

‘Numerous statistics and research studies across a broad range of methodologies and populations reveal that domestic abuse can start, continue and increase in severity on and after parental separation.’

‘In England and Wales and in many other jurisdictions the family courts strongly promote ongoing relationships between children and both their parents following separation, even in circumstances of domestic abuse. A strong presumption of contact has led to domestic abuse being marginalised, misunderstood, and downgraded within private law children proceedings.’

17.34 Another research study by Child friendly Leeds⁹. ‘helps further to understand these risks: Domestic Violence - Risk at the point of separation.’ Highlighted the risk of Domestic Homicide in separation cases. ‘*There is evidence that the risk of domestic homicide is increased post-separation. In Leeds, separation has been a factor in a significant number of domestic homicides (more than half) in recent years.*’

Section Four – Conclusion and Recommendations

18. Conclusions:

18.1 The decision by the Fenland Community Safety Partnership to conduct a domestic homicide review under the circumstances as presented by this case was a mature and professionally judged decision although the circumstances of the death of Daniel are slightly outside of the definition contained within the 2016 Home Office Guidance. The decision is however, made in a particularly positive manner within which the Partnership examines its overall safeguarding responsibilities. Exploring relationships that were ‘hidden’ may assist in making both local and national recommendations.

18.2 What triggered Andrew to murder in April 2021? On the analysis as presented in this report it would appear to have been a build-up and combination of events, including the domestic abuse that his daughter Beth had suffered from Daniel and her understandable fear response having been told she was at significant risk from him by police and whereby Andrew felt that the efforts that he had personally taken to ‘prove’ that Daniel was responsible for the arson had failed, and, that the inference from the Family Court proceedings meant that the prospect was that Daniel would possibly gain the child arrangement order he was seeking for the perpetrator’s grandchildren. This seems to be at entire odds with Andrew’s wishes and how he

⁹ Child friendly Leeds (2017). ‘Domestic Violence - Risk at the point of separation.’ No. 158, April 2017.

had made such great efforts to control, manipulate and prevent this from happening, with his interventions not being met with any favour by the Family Court.

18.3 The prospect now was that Daniel's application within the child arrangements order proceedings was, on the balance of probabilities likely to be successful, which was something that Andrew was not prepared to accept. By taking such decisive action in murdering Daniel, Andrew sealed his own fate, but he effectively sacrificed his freedom for the sake of his daughter Beth. With Daniel's death, the children would not have to spend any time with their father but remain totally with their mother.

18.4 Andrew's early guilty plea meant that he ensured that the family were not put through the further trauma of a lengthy and public trial.

18.5 This review has identified some learning both for individual agencies as well as for agencies working together and should be useful for agencies to consider in looking at the wider issues raised therein. The critical point is that nobody appears to have known of, or anticipated, the actions that were taken by Andrew.

19. Learning Themes

Learning Themes

- The thoroughness of early investigation, evidence gathering from witnesses and identification of victims by the police.
- A consistent communication structure and response by agencies to ensuring up to date risk assessments are made when a criminal investigation is re-opened. In particular, where high-risk victims have previously been identified within the same investigation.
- The risks to victims of domestic abuse with delay in criminal investigations and the criminal justice process.
- Professionals understanding of all key relationships within a family structure and the risks they pose when domestic abuse occurs. In particular, any display of stalking and coercive and controlling behaviour.
- The risks to victims during private law process for separation and child arrangement orders.

[19.1 The thoroughness of early investigation, evidence gathering from witnesses and identification of victims by the police.](#)

19.2 The Cambridgeshire Constabulary should have dealt with the original arson investigation in 2016 more diligently and expeditiously. The securing of early evidence of identification was missed as well as omissions in examining Daniel's alibi. The focus of the investigation from a victim's perspective was on Beth, but this should have focused on there being two victims, one of whom is Andrew as he owned the house. The victim care contract for contact and updates of the investigation should have included them both throughout. Witness statements were obtained late into the investigation when such evidence should have been captured much earlier. The latter investigation was managed in a much more measured manner but by which time opportunities to secure evidence had been lost.

[19.3 A consistent communication structure and response by agencies to ensure up to date DASH risk assessments are made when a criminal investigation is re-opened. Especially where high-risk victims have previously been identified within the same investigation.](#)

19.4 As has been highlighted, there was a lack of risk assessments considered at key points within the criminal investigation process. The report does not intend to repeat these here having previously identified those in chronology and in the analysis.

19.5 The approach to risk assessments should be dictated by current events and not rest on information and decisions previously made. All appropriate risk assessments should be referred to the MASH in such circumstances and then shared appropriately throughout, in particular, where cases have been previously identified as High Risk and have been subject to actions managed through the MARAC process. In this case this was not a repeated occurrence, rather a continuing one.

[19.6 The risks to victims of domestic abuse with delay in criminal investigations and the criminal justice process.](#)

19.7 With the two processes of the criminal investigation and the Family Court proceedings running in parallel, the lines of distinction between the two processes may have been blurred and continued past Daniel's acquittal. What this review identifies is that all parties should be clearly aware of what the respective judicial processes mean and the effect and influences that one may have on the other. With the IDVA support withdrawn from November 2016, other than legal advice within the Family court process, Beth may have placed considerable reliance on Andrew for her immediate safety, support and advice which may have exacerbated the process.

19.8 In summary, do agencies consider the impact on child arrangement order proceedings, when there is a lengthy criminal investigation and then trial process? Which in this case resulted in an acquittal in the criminal proceedings. Once criminal proceedings cease, agencies should review their understanding of the case and the risk posed to all individuals involved in domestic abuse cases.

19.9 Professionals understanding of all key relationships within a family structure and the risks they pose when domestic abuse occurs. In particular any display of coercive and controlling behaviour.

19.10 It can be reasonable for this review to conclude that the acquittal of Daniel for the arson was the catalyst to Andrew's actions that followed. To this point, albeit the timeframe for the duration of the criminal justice process was outside of expectations, it is implied that Andrew both anticipated and expected that a criminal conviction against Daniel for arson would happen. He voiced this view on the day of the arson and asserted that he knew Daniel was responsible, and in later written communications, specifically narrated his views within the VRR made to the police.

19.11 Finally, when the verdict was announced, it is reported that of all those present, his annoyance above others was apparent. What wasn't perceived was the effect that this had on him. The closure of the police investigation meant that none of the statutory agencies had any contact with the family from hereon and there was no independent monitoring of the ongoing family court proceedings.

19.12 Andrew was maintaining what was an unhealthy interest in Daniel throughout both the criminal and family court proceedings, this became heightened following Daniel's acquittal. Such interest appears to have fallen below the radar until such time that the family court made direction on his no longer being present at the time of the children's hand-over to Daniel and the prohibition of the use of monitoring devices, provided by him and worn by the children. Those behaviours were not recognised in terms of any dangers that they presented to Daniel as Andrew was never considered whether he was a risk to him or not. The use of the devices could have been thought of in terms of harassment and stalking towards Daniel. Stalking is not legally defined however, section 2A (3) of the Prevention Against Harassment Act 1997 (PHA) lists several examples of behaviours associated with stalking. The list is not exhaustive but gives an indication of the types of behaviour that *may* be displayed in a stalking offence. The Protection of Freedoms Act 2012 created two new offences of stalking by inserting new sections 2A and 4A into the PHA 1997. The listed behaviours are:

- (a) following a person,
- (b) contacting, or attempting to contact, a person by any means,
- (c) publishing any statement or other material relating or purporting to relate to a

person, or purporting to originate from a person,

(d) monitoring the use by a person of the internet, email or any other form of electronic communication,

(e) loitering in any place (whether public or private),

(f) interfering with any property in the possession of a person,

(g) watching or spying on a person.

19.13 An example of this behaviour is typified in the three reported instances that were reported by Daniel and Mary to the family court where the Perpetrator had seemingly made Daniel's daughter wear watches/devices that were capable of monitoring, recording, and providing GPS locations. Looking at the legislation elements within the criteria of the subsection many are met. Both Daniel and Mary were affected and by his actions and unwittingly, the child became a victim through coercion. Following a person, watching, or spying on them through any means constitutes an offence. The fact that the equipment was able to track movements is an indicator that could be likely to be considered as a pattern and emphasises the perpetrators need for control. And on at least three known occasions, devices provided by Andrew were worn by the daughter, would (in our view) be a course of conduct including the extremes that he went to, to prevent the devices being tampered with.

19.14 In considering Mary's perspective in testimony that she has given to both this review and the homicide investigation, there is little doubt that she and Daniel were distressed by the actions predicated by Andrew and why action was taken by the Family Court on their behalf. Had Daniel and Mary reported the occurrences to the police, Andrew's actions could have been considered in the context of potentially criminal offences. This information was not brought to the attention of the police at the time as Mary and Daniel felt that Beth had too many connections within the local police force area.

19.15 To the point of his acquittal Daniel's access to the children was dictated and determined by the family court. The acquittal meant that Daniel was then able to free himself of those legitimately imposed directions and conditions made by the criminal court and this would therefore place his claims for access on a level and lawful basis aligned to that of Beth. Once this had happened it brought him into more complex difficulties with Beth and Andrew in what appears to have been on occasions, direct conflict, and where Andrew orchestrated subterfuge in what seems to be acts designed to gather information and possibly have some bearing and influence those ongoing proceedings.

19.16 Coercive control or behaviour is an 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. Andrew has displayed a number of these behaviours towards Daniel. It appears that Andrew financially excluded him in favour of his daughter and the

grandchildren. Beth re-enforced that financial exclusion by her asserting that he was “allowed” to live with her rent-free, when that allowance was bestowed on her by her father and therefore vicariously to Daniel as her partner.

19.17 The Cambridgeshire Constabulary has recently reviewed the safeguarding reports for both child abuse/neglect referrals and DASH referrals following a national child protection inspection. These referrals now integrate the acronym VOICE which stand for, Vulnerability, Observe, Intelligence, Curiosity and Communication, Environment. These key points are used to ensure that they trigger observations made by the reporting officers and can be used in any situation where the police engage with a child or young person, no matter their age or communication level. Opportunities to add additional layers of safeguarding should serve to enhance the voice of the child.

19.18 In 2019 Professor Jane Monkton-Smith and the University of Gloucestershire published research titled the Homicide Timeline. It stated ¹⁰ *‘The eight steps she discovered in almost all of the 372 killings she studied were:*

- *A pre-relationship history of stalking or abuse by the perpetrator*
- *The romance developing quickly into a serious relationship.*
- *The relationship becoming dominated by coercive control.*
- *A trigger to threaten the perpetrator's control - for example, the relationship ends, or the perpetrator gets into financial difficulty.*
- *Escalation - an increase in the intensity or frequency of the partner's control tactics, such as by stalking or threatening suicide*
- *The perpetrator has a change in thinking - choosing to move on, either through revenge or by homicide*
- *Planning - the perpetrator might buy weapons or seek opportunities to get the victim alone.*
- *Homicide - the perpetrator kills his or her partner, and possibly hurts others such as the victim's children.*

19.19 A number of the final steps have clearly occurred in this case, and it is important that professionals think in much broader terms of the impact of domestic abuse in wider relationships, such as this one.

19.20 The risks to victims during private law process for separation and child arrangement orders.

19.21 In this case the risks to Daniel from Andrew were recognised ultimately in the family court. They made directions to stop the tracking devices and to stop Andrew being present at handover. The Family Court and those professionals involved should be aware of the wider relationship risks involved in child arrangement order cases.

¹⁰ [The Homicide Timeline - University of Gloucestershire \(glos.ac.uk\)](https://www.glos.ac.uk/research/homicide-timeline/)

19.22 However, the disclosing of their address through the Family Court to Beth and Andrew raised the risk for Daniel and Mary of harm that could be caused to them. The panel member from CAFCASS suggested that the DHR panel should be aware of the rights of a parent who has parental responsibility (PR) for a child, should know where they are including where they are staying overnight.

20. Recommendations:

20.1 The Individual Management Reviews raised few recommendations.

20.2 The Police IMR raises the learning that there appeared to be repeated occurrences where opportunities to have considered further DASH risks could have taken place, and that this, in turn, prevented the wider circulation and referral to other agencies.

20.3 Both the GP's IMRs (written on their behalf by the CCG) and the NAWFT IMR identified that there remains an apparent lack of professional curiosity by healthcare practitioners in seeking clarity concerning domestic abuse when engaging with patients, thereby leaving a gap in patient records. This may be a training issue and one that should be addressed by their individual agencies.

Recommendation 1:

The Fenland Community Safety Partnership should ensure that an appropriate action plan is put in place for all statutory agencies to review their policy on risk assessments in cases that are re-investigated and where the victim(s) were assessed and managed initially as high-risk. A tag and flag system could be considered in appropriate cases.

Recommendation 2:

The Fenland Community Safety Partnership should request a meeting with the Local Criminal Justice Board to discuss delays in cases that involve Domestic Abuse to ensure that justice is timely, to safeguard all victims within the case.

Recommendation 3:

The Fenland Community Safety Partnership in conjunction with the Countywide Domestic Abuse/Sexual Violence partnership should provide a case study briefing to all frontline staff to ensure that they consider the risks

where wider family members are exhibiting stalking and coercive and controlling behaviour.

Recommendation 4:

The Fenland Community Safety Partnership should:

- i) Raise awareness of the risks of Domestic Abuse and Domestic Homicide in cases of separation, in particular those cases that involve child arrangement orders in the Family court.**
- ii) They should meet and provide a briefing in relation to the findings of this report to the Local Family Justice Board.**
- iii) They should meet and brief the Designated Family Court Judge for Cambridgeshire and Peterborough to highlight this case and raise the issue in relation to the dangers of providing home addresses to all parties in proceedings.**

Recommendation 5:

The Fenland Community Safety Partnership should request that the Countywide Domestic Abuse/Sexual Violence strategic partnership include awareness raising in their training with frontline practitioners of Professor Monckton-Smith's homicide timeline including how this could be applied to conflict in private law proceedings cases involving child arrangement orders.