

OFFICIAL SENSITIVE

OLDHAM COMMUNITY SAFETY PARTNERSHIP

DOMESTIC HOMICIDE REVIEW

OVERVIEW REPORT

LIZZIE

Died May 2021

62 years of age

Chris Brabbs

Independent Chair & Overview Report Author:

February 2024

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1. CIRCUMSTANCES LEADING TO THE DOMESTIC HOMICIDE REVIEW (DHR)

- 1.1 This Domestic Homicide Review (DHR) was commissioned following the murder of Lizzie, age 62, by her former husband Dennis, age 64, in May 2021. He attacked Lizzie in the driveway of her home striking her with an axe 19 times having lain in wait for her to return home from work. He then immediately rang the police to say what he had done. Lizzie sadly died in hospital an hour later.
- 1.2 Lizzie had ended the marriage in April 2017 by leaving Dennis who continued to live in the former matrimonial home. Lizzie's application for a divorce was granted in December 2018 but the subsequent financial remedy proceedings became protracted and these were ongoing at the time of Lizzie's murder. This was because Dennis had been opposed to the sale of the house and the proceeds being shared. After a court order was made in July 2020 that the home should be sold he continued to engage in obstructive behaviours that delayed completion of the sale.
- 1.3 Two weeks before the murder, Dennis had been served with a court order requiring him to vacate the property prior to allow completion of the sale. Dennis told Lizzie's firm of solicitors who were handling the sale that he was not prepared to leave and he would be waiting for anyone who came to evict him. The murder was committed a few days before the date by which he had to leave.

2. THE DECISION TO COMMISSION THE DHR AND TIMESCALES

- 2.1 Section 9 of the Domestic Violence, Crime and Victims Act (2004) requires the relevant Community Safety Partnership (CSP) to conduct a DHR to review the circumstances of a death which meets the following criterion:-
- the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom he was related, or with whom he was, or had been, in an intimate personal relationship, or a member of the same household as himself.
- 2.2 The first screening for this case indicated that apart from routine health issues, local agencies held little information about the family and there had been no reports of previous incidents of domestic abuse. Therefore, the recommendation that was endorsed by the Oldham Community Safety Partnership (OCSP) was that as the death appeared to be a single incident related to the sale of the former marital home, it would not be proportionate to carry out a DHR as it was unlikely that any learning would be identified.
- 2.3 However following notification of this decision, the Home Office requested that this decision be reconsidered as there was the potential for learning given that nationally there had had been an increasing number of DHRs where domestic homicides had occurred linked to disputes about the division of marital assets within divorce proceedings.
- 2.4 That subsequent review included a second independent examination of the records held by the solicitors who had acted for Lizzie, and the statements taken by the police from family and friends after the murder. These revealed that Dennis had sought to delay the sale of the property and that his obstructive behaviour included elements of coercive and controlling behaviour. Therefore, the OCSP revised its recommendation and the Home Office was notified that a DHR would be carried out.

Timescales

- 2.5 The review commenced in December 2021 when the DHR Panel met to scope the terms of reference and agree the review methodology. Further meetings of the panel were held in April 2021, July 2021, September 2021, February 2023 and April 2023. The final draft Overview Report, which had been endorsed by the DHR Panel, was approved at a meeting of the Oldham Community Safety Partnership on the 6th July 2023. The report was submitted to the Home office on the 10th July 2023. Feedback was received from the Home Office in January 2024 who gave approval for the report to be published subject to minor amendments being made.

3. SUBJECTS OF THE REVIEW

- 3.1 This focus of this DHR was on the following people:-

Name	Lizzie	Dennis
Relationship	Victim	Perpetrator
Age at time of the fatal incident	62 years old	64 years old
Ethnicity	White British	White British

4. TERMS OF REFERENCE

- 4.1 The time period covered by the DHR was from 1st January 2016 in order to include coverage of the factors which led to Lizzie deciding to end the marriage and then the issues that arose within the subsequent divorce and financial remedy proceedings.
- 4.2 In addition to the standard questions to be considered as set out in the Home Office Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews, the main focus of this DHR was to draw out the learning around the following issues:-
1. How the risk of all forms of domestic abuse, including economic abuse, may increase during separation and divorce proceedings - particularly where this involves the distribution of assets and in this case the sale of the former marital home;
 2. Whether the Family Court and private law firms have guidance and procedures to support the recognition of possible domestic abuse (all types of abuse) and includes action which should be taken to raise concerns in respect of children and adults who may be at risk;
 3. How do courts and private law firms link in with other agencies when they identify concerns about possible domestic abuse or the safeguarding of children and / or adults;

4. The extent to which family and friends have an understanding of how domestic abuse manifests itself, including coercive and controlling behaviour, and how they can raise concerns with the appropriate statutory organisations;
 5. Are there any particular barriers which prevent victims from accessing support where they continue to be subject to some form of domestic abuse during separation and divorce proceedings.
- 4.3 The full terms of reference are attached at Appendix 1 which set out the specific questions to be addressed by agencies, and questions to be explored with family and friends through discussions with the Overview Report Author.

5. METHODOLOGY

- 5.1 The DHR was conducted in accordance with the Home Office Statutory Guidance for the Conduct of DHRs which explains that the purpose of the review is to:
- establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually and together to safeguard victims;
 - identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result;
 - apply these lessons to service responses including changes to policies and procedures as appropriate; and
 - prevent domestic violence homicide, and improve service responses for all domestic violence victims and their children through improved intra and inter-agency working.

Confidentiality

- 5.2 At the outset of the review, and at each panel meeting, members signed the confidentiality agreement that information was only available to officers/professionals and their line managers who participated in the DHR. Pseudonyms are used in the report to protect the identity of the individuals involved and family members. Professionals are referred to by their job role, and with the exception of the victim and the perpetrator, all other references to people and professionals are gender neutral.

6. INVOLVEMENT OF FAMILY, FRIENDS, WORK COLLEAGUES, NEIGHBOURS AND THE WIDER COMMUNITY

- 6.1 The review established that there were 4 adult children. Jordan and Alex were children from Lizzie's first marriage. Cameron and Ashley were children of the marriage to Dennis.
- 6.2 The panel heard that the eldest child, Jordan, has learning disabilities and would not have capacity to contribute to the review. Alex and Cameron had provided a joint statement to the police during the investigation into Lizzie's death, and during the support provided by the Police Family Liaison Officer, had expressed their willingness to assist the review. It was noted that the youngest child, Ashley, who was said to have a close ongoing relationship with Dennis, had not provided a statement to the police.

- 6.3 The panel was also informed that two of Lizzie's close friends, one a work colleague, were also willing to contribute to the review. At the request of the panel, the hospital where Lizzie had been employed, was asked to check if there were any other work colleagues who might be able to assist the review, but none were identified.
- 6.4 Letters were sent explaining the review process to the 2 children who had expressed their willingness to contribute and to the 2 friends. All four confirmed their willingness to talk to the author and provided their contact details.
- 6.5 The author then made direct contact by email and / or text message which led to him holding video calls with the second eldest child, Alex, and the 2 friends. In addition, on the recommendation of the friends, the author had a telephone discussion with one of Lizzie's siblings because they thought the sibling might be better placed to provide insights about how Lizzie had experienced her situation.
- 6.6 All the above discussions provided valuable insights about Lizzie's personality, the relationship between Lizzie and Dennis during the marriage, and factors which may have contributed to Lizzie's decision to separate from Dennis. They also provided insights into Lizzie's situation and experiences following the separation, including the difficulties she experienced during the subsequent divorce and financial remedy proceedings. These perspectives are referred to at relevant points in the report.
- 6.7 No response was received to the two email and text message approaches made to Cameron despite the latter's previous willingness to assist the review. Therefore, the panel made the decision that it would not be appropriate to make any further approach.
- 6.8 As the review progressed, the panel gave further consideration as to whether Ashley should be given the invitation to contribute but decided against this. The reason was that given the latter's ongoing contact with Dennis, the panel were mindful of the possible risks that an approach at this stage could jeopardise the ongoing legal processes that had been initiated following Lizzie's death and also potentially cause further upset within the family.
- 6.9 These legal processes first involved the application to obtain probate of Lizzie's estate, and then for the executors to obtain a court order to secure transfer of trusteeship of the former matrimonial home from Dennis to them which would enable them to progress the sale of the house. The author had previously established that these legal processes had become very drawn out and complex because Dennis had continued to seek delay to the house being sold following his imprisonment.
- 6.10 For the same reason, the decision was made that no approach would be made to Dennis to offer the opportunity to meet with the author.

7. CONTRIBUTORS TO THE REVIEW

- 7.1 In line with standard practice, all the relevant agencies in Oldham and Tameside were asked to check their records:-

Greater Manchester Police;

The Probation Service;

NHS Oldham Clinical Commissioning Group (CCG) - now replaced by the Oldham Integrated Commissioning Board (Oldham ICB);

NHS Tameside Clinical Commissioning Group (CCG) - now replaced by the Tameside Integrated Commissioning Board (Tameside ICB);

CCG (now ICB);

Manchester University NHS Foundation Trust
Pennine Care NHS Foundation Trust;
Early Help & IDVA Services – Oldham Council
Early Help & IDVA Services – Tameside Council;
Adult Social Care – Oldham Council;
Adult Social Care – Tameside Council
Turning Point (Oldham commissioned Drug and Alcohol Treatment Service);
Housing Strategy (Homelessness Service) - Oldham Council
Housing Strategy (Homelessness Service) - Tameside Council
North West Ambulance Service
Victim Support
Children's Social Care
Greater Manchester Community Rehabilitation Company
Northern Care Alliance
Bridgewater Community Healthcare NHS Foundation Trust
Tameside & Glossop Integrated Care NHS Foundation Trust

7.2 These enquiries established that with the exception of some health services, Lizzie and Dennis were not known to any other agencies prior to the fatal incident.

7.3 Chronologies and IMRs were provided by:-

- Tameside CCG
- Stockport Family Court and Tribunals Service
- The firm of solicitors who acted for Lizzie
- Greater Manchester Police
- Northern Care Alliance
- The Probation Service

The reports from the last 3 agencies listed above solely covered their involvement after Lizzie's death as they had not had any contact prior to this.

Other sources of information

7.4 After the necessary approvals had been obtained, the author had access to a complete set of the solicitor's file records. These included all correspondence, file notes of work completed, copies of statements submitted during the proceedings by both parties, and copies of the various court orders made.

7.5 The author was also provided with copies of the witness statements provided to the police by Alex and Lizzie's two close friends during the investigation following Lizzie's murder.

Engagement with the Judiciary

7.6 During the review, an approach was made in September 2022 to the Designated Judge for the Manchester Civil Justice Centre to ask if a member of the Family Court Judiciary would be able to contribute to the review. In making this approach, it was made clear that the review was not seeking any observations on this specific case given the restrictions imposed by the fundamental principle of judicial independence, but that the DHR Panel would value the judiciary's perspectives on some of the general issues that had emerged during the review.

7.7 The Designated Judge responded to say that the request had been forwarded to both the Family Liaison Judge for the area, and the Deputy to the President of the Family Division of the High Court, to seek their advice as to how to proceed.

- 7.8 In a follow up approach to the Designated Judge in November 2022, the author acknowledged the pressures the Judiciary continued to experience post Covid but explained that a revised timetable needed to be drawn up urgently to complete the review. This was because of the need to adhere as closely as possible to the statutory time period set out in the Home Office national guidance. In addition, until the DHR was completed, a date for the inquest could not be set because the Coroner wished to take into account the findings from the DHR to inform the planning for the hearing.
- 7.9 This approach to the Designated Judge established that the request had been escalated to the President of the Family Division and a response was being awaited.
- 7.10 A further progress check made with the Designated Judge in early January 2023 established that the President's response was still awaited. The author explained that rather than delay completion of the DHR any further, the overview report would refer to the issues raised during the approach made to the Judiciary so that these could be explored further at national level. These issues will be covered in the learning later in the report.
- 7.11 Later that month the Designated Judge sent the following reply which had been authorised by the Judicial Office to whom the enquiry had been referred by the President's Office:-
- 'Having consulted with the President's Office, it is considered that it would not be appropriate for the Judiciary, or by extension the Judicial Office, to comment on or participate in an individual Domestic Homicide Review (DHR). It would not be appropriate for judges to comment on, or explain, their decisions in individual cases, nor to provide views upon any general issues the DHR is considering.'*
- 7.12 The national learning and recommendations that flow from the unsuccessful attempt to seek the perspectives of the Family Court Judiciary are set out later in the report.

The Domestic Homicide Review Panel Members

- 7.13 The membership of the Review Panel comprised:-

Chris Brabbs	Independent Chair & Report Author
Lorraine Kenny	Head of Community Safety Services and DHR Lead
Julie Wan-Sai Cheong	Safeguarding Adults, Northern Care Alliance
Hayley Eccles	Deputy Managing Director of Adult social care
Julie Daniels	Assistant Director for Safeguarding Children's Social Care
Lisa Morris	Children's Safeguarding Partnership Manager
Sarah Radford	Safeguarding Families Practitioner, Pennine Care NHS Foundation Trust
Steve Simmons	Turning Point
Sue Fawcett	Safeguarding Review Unit, Greater Manchester Police
Amy Poulson	Head of Probation Oldham Delivery Unit
Bruce Penhale	Assistant Director Early Help
Tanya Farrugia	Strategic Domestic Abuse Manager - Oldham Council
Abi Pemberton	Strategic Safeguarding Service Manager.
Janine Campbell	Designated nurse, Adult Safeguarding, Oldham, CCG
Jayne Ratcliffe	Deputy Manager Director Health and Social Care Service
Elaine Devaney	Director Children's Social Care, Oldham Council
Sarah Crowe	Principal Housing Strategy Officer, Oldham Council
Eileen Mills	Designated Business Manager Children's Safeguarding, Oldham CCG
Julie Farley	Business Manager Safeguarding Adults Board

- 7.14 An invitation was made to the Solicitors Regulation Authority to become a member of the panel, but this was declined with the explanation that this was not within its remit. This decision leads to important learning about a perceived gap in the current Home Office Statutory Guidance on the Conduct of DHRs in respect of the list of organisations who are required to participate. This learning will be covered later in the report.

Independent Chair and Overview Report Author

- 7.15 The independent chair of the DHR panel, and report author, was Chris Brabbs, who is a qualified social worker whose career saw him holding the post of Director of Social Services in 3 local authorities. He has been an independent safeguarding and social care consultant, since 1999, and from 2006 has specialised in leading and authoring DHRs, safeguarding adult reviews, and child serious case reviews (now child safeguarding practice reviews). He had no prior connection with any of the agencies involved in this case.

8. PARALLEL PROCESSES

- 8.1 The criminal investigation into Lizzie's death concluded that Dennis acting alone, was responsible for her death. He subsequently pleaded guilty and was sentenced to life imprisonment in July 2021 with a requirement that he serve a minimum of 22 years.
- 8.2 A date for the inquest into Lizzie's death has yet to be set. The DHR Panel was informed that one reason for this was that the HM Coroner wished to take into account the findings from the DHR to inform the planning for the hearing.

9. EQUALITY AND DIVERSITY

- 9.1 Lizzie's sex was a relevant factor in this case as the statistics relating to domestic abuse provided in the Annual Crime Surveys for England and Wales continue to show that women are disproportionately represented among victims of domestic abuse-related crimes. This latest survey published in November 2023 shows that 73.5% of all victims of domestic abuse were female which was similar to the previous year when Lizzie was murdered.¹
- 9.2 The review identified one issue in respect of the nine protected characteristics listed within the Equality Act 2010. The review concluded that Lizzie and Dennis's age, and the length of the marriage, affected the way in which Lizzie's solicitor viewed the behaviour that Lizzie stated that she had experienced from Dennis during the marriage. This is explored in more detail in the analysis, and leads to learning about the importance of avoiding ageism when assessing possible indicators of domestic abuse.
- 9.3 The review noted that during the financial remedy proceedings, Dennis cited various health conditions he was experiencing that he asserted had led to his having to give up work, and which as a consequence had an adverse impact on his financial situation. These issues were explored fully during the review and the findings are set out later in the report.

1

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2023#:~:text=The%20Crime%20Survey%20for%20England%20and%20Wales%20estimated%20that%202.1,compared%20with%20the%20previous%20year.>

10. DISSEMINATION

- 10.1 In addition to family members, the following will receive a copy of this review: all agencies contributing and represented on the DHR Panel, partner agencies of Oldham Community Safety Partnership and parallel Boards in accordance with local arrangements, including the Domestic Abuse Partnership, Oldham Adults Safeguarding Board, Oldham Safeguarding Children's Partnership and Oldham Health & Well Being Board.

11. BACKGROUND INFORMATION

- 11.1 Lizzie was the eldest of four children and spent a lot of time looking after her siblings while her parents were at work. Although this contributed to her leaving school at 16 years of age with few qualifications, she was continuously in work as a sales assistant up to her first marriage.
- 11.2 Dennis was one of three children. He left school without any qualifications when he was 15 years of age. He worked as a bricklayer / labourer with his father and later became a self-employed builder in his own right.
- 11.3 Lizzie married her first husband in 1979 shortly after giving birth to their first child Jordan. Their second child Alex was born in 1981. The couple separated 10 months later, and the divorce was finalised in 1983 with the 2 children remaining with Lizzie.
- 11.4 Lizzie met Dennis in 1981 shortly after the separation, and they began living together 2 years later. The first child of this marriage, Cameron was born in 1985. They married in 1988 and their second child, Ashley was born in 1990.
- 11.5 From 2003, the couple were living on their own as Jordan had moved to sheltered accommodation, and the other 3 children had left home after completing their secondary education.

History of houses owned during the marriage

- 11.6 Lizzie and Dennis first lived in the house that Dennis owned. They sold this in 1986 and bought a house in joint names, which Dennis renovated, and they remained there until 2003.
- 11.7 A year before that in 2002, Dennis had bought a plot of land for £35,000, and with the balance of a £75,000 mortgage, built a 3-bedroom detached bungalow. This was sold in 2005 for £200,000.
- 11.8 The couple sold their main home in 2003 for £80,000, and they used the proceeds to purchase in joint names another plot of land for £92,000, where Dennis built the 4-bedroom detached house. This was funded, without a mortgage, from the proceeds of the sale of the bungalow referred to above. While the house was being built, the family lived in rented accommodation, and eventually moved into the new house in 2007. This remained the marital home up to the separation in 2017, and Dennis continued to live there after Lizzie left him.

12. CHRONOLOGY

2016 / 2017

- 12.1 Towards the end of 2016, it appears that Lizzie had reached the decision to leave Dennis but did not inform him of this intention. Subsequently, during the first 3 months of 2017 she secretly set about making arrangements to leave - securing and furnishing rental accommodation with the help of a bank loan.
- 12.2 Lizzie left Dennis in April 2017 without telling him and just took some clothes and other personal possessions.

2018

- 12.3 In January 2018, Lizzie consulted a solicitor to initiate divorce proceedings and her petition was submitted to court a month later. In March 2018, Dennis instructed solicitors to defend the divorce application, and proceedings were issued by the court later that month.
- 12.4 At the first case management hearing in July 2018, the application was stayed for 10 weeks to enable mediation to take place. At the first joint mediation meeting Dennis accepted that the marriage had broken down, Lizzie did not intend to reconcile with him, and therefore he would no longer defend her application. The decree nisi was subsequently granted in December 2018 and became absolute in January 2019.

2019

- 12.5 At the start of January 2019, Dennis made an unannounced visit to Lizzie at her new address.
- 12.6 In February 2019, Lizzie told her solicitor that she wanted an interim lump sum payment from Dennis but was advised that this was unlikely to be agreed as the financial remedy proceedings had yet to be issued. This was because the solicitor was waiting to receive Dennis's voluntary financial disclosure document from his solicitor.
- 12.7 Two weeks later, Lizzie's solicitor issued the Form A giving notice of intention to proceed with an application for a financial order, and a request that the court assess whether Lizzie would qualify for help with the court fee as she was struggling to find the money to pay this. However, the Family Court returned the application a week later as the application for help with fees had been refused.
- 12.8 Towards the end of March 2019, the solicitors exchanged the required Form E's setting out each party's financial situation. This led to Lizzie's solicitor requesting further information about the inheritance that Dennis had received following the death of his father, and to seek confirmation that Dennis was agreeable to placing the former matrimonial home (FMH) on the open market.
- 12.9 In early May 2019, Lizzie was informed by her solicitor that it would be necessary to submit an application to court as there had been no response to the request for more information about the inheritance, and Dennis' refusal for the FMH to be sold. Instead he advanced a 'special contribution' argument in respect of the financial settlement that he had built the FMH which had been entirely funded from the profits generated from his renovation and sale of previous properties. The application was listed for a first hearing in September 2019.

- 12.10 At that hearing, the court directed that a valuation of the FMH should be obtained, that there should be an exchange of Form E financial disclosure documents. In addition, a statement should be provided by Dennis setting out his case as to why a 'special contribution' should be considered, and each party should submit information about properties that were suitable to meet their housing needs along with their mortgage raising capacity. A further directions meeting would be held on the first available date from the start of December 2019 which proved to be in February 2020.
- 12.11 The subsequent Form E provided by Dennis disclosed that the amount of the inheritance received was £94,000 which Dennis had transferred into Ashley's bank account. Bank statements showed that Ashley had then transferred £20,000 back to Dennis in small payments each month which was said to help him budget. This was because Dennis needed to draw on the inheritance to meet his living costs as he only had a small work pension of £2,450 a year, and he would not be able to access his state pension until 2023.
- 12.12 In the light of this information, and the suspicion that Dennis may be hiding some of his assets, Lizzie's solicitor raised additional questions with Dennis's solicitor about his finances, and the above arrangements, making the observation that these seemed a strange course of action for Dennis to take.
- 12.13 During October 2019, Dennis's narrative statement was received which set out in detail why his 'special contribution' argument was justified because the wealth of the marriage was entirely due to his hard work in renovating and selling their properties at a profit. His argument was that Lizzie had made no financial contribution to the purchase of the land. and because of his higher income he had paid the bills and funded the household expenditure – Lizzie's income solely being used to purchase her clothes and other personal items.
- 12.14 In response to this, Lizzie's solicitor again wrote to Dennis's solicitor to pursue the continuing lack of response as to whether Dennis would agree to the sale of the FMH, but received the response that he was not in agreement with this and invited any other proposals from Lizzie. Lizzie solicitor replied to say that Lizzie was not in a position to do this until the valuation of the FMH had been received.
- 12.15 In November 2019, the respective solicitors exchanged each party's responses to the questions raised about the other's finances. When Lizzie met with her solicitor to discuss these, she expressed her frustration that the next hearing was not until February 2020. Her solicitor shared the suspicion that Dennis was hiding assets and if he was not willing to provide full disclosure, his evidence would have to be tested in court.
- 12.16 The solicitor also explained that there were no applications that could be made to the court to ensure that the property was sold or for an interim lump sum to be awarded. However, the solicitor agreed to write to Dennis's solicitors to float Lizzie's wish to request a £10,000 interim payment. Lizzie's narrative statement was then prepared for court which disputed Dennis's claims that he did all the work on the houses. This was because he was a bricklayer and therefore, he had engaged other tradesmen to help renovate the properties, such as plumbers, electricians and joiners. In addition, Lizzie had helped with the decoration.
- 12.17 In December 2019 the house was valued at £350,000 which resulted in Lizzie telling her solicitor that she wanted to propose to Dennis that she received half of this figure. She said that she was not bothered if he was hiding assets, she just wanted to settle the matter, but she would not settle for anything less than £150,000.

- 12.18 Later that month, Lizzie's solicitor received Dennis's response to the additional questions raised about his inheritance which showed that the amount received was £18,000 more than had previously been stated. In addition, the response revealed that the residue of the inheritance amounting to £62,000 had by then been paid back into Dennis's bank account. Lizzie's solicitor shared her concern with Lizzie that this meant that Dennis had allowed Ashley to keep £30,000 for Ashley's own use.
- 12.19 The solicitor therefore raised the concern with Dennis's solicitor that while Dennis had been unwilling to provide Lizzie with any financial support, he had allowed £30,000 of his inheritance to be dissipated to Ashley. Therefore, the position was advanced that the balance of the inheritance should form part of a total matrimonial pot totalling £442,000, and as such, Lizzie should be awarded £221,000. However, it was explained that Lizzie would settle for £175,000 - half the value of the FMH.

2020

- 12.20 In early January 2020, Lizzie told her solicitor that she had been considering matters over Christmas and was 'furious about Dennis's lies' and how the inheritance money had disappeared. Therefore, she wanted to apply for a costs order. The solicitor explained that this would be difficult but that it might be possible to apply for this at a final hearing if Dennis continued to block progress.
- 12.21 Later in January 2020, Dennis's solicitor informed Lizzie's solicitor that Dennis would not agree to Lizzie receiving half the value of the house and therefore matters would need to be put before the court.
- 12.22 On the day of the directions hearing in mid February 2020, the respective solicitors discussed the situation prior to going into court when Dennis's solicitor confirmed that there was little point in further negotiations as Dennis would not budge. However, Dennis's solicitor then proposed a settlement figure of £60,000 which was said to be the balance of Dennis's savings. This was immediately rejected by Lizzie following advice from her solicitor.
- 12.23 According to the solicitor's note of that hearing, the Judge spoke quite firmly to Dennis to explain his finding that there was no merit to Dennis's 'special contribution' argument, and that the FMH would ultimately be sold and nothing less than an equal division of the sale proceeds would be acceptable in order to achieve fairness given the length of the marriage. The fact that Lizzie had left him would not have an impact on the ultimate division of the finances. The Judge was also said to have commented that it was absolutely right that Dennis's offer of £60,000 had been rejected and encouraged Dennis to move beyond this position. However, Dennis's solicitor told the Judge that Dennis was still unwilling to negotiate beyond the £60,000 proposed.
- 12.24 Consequently, the matter was set down for a final hearing in May 2020 and the following orders were made which needed to be adhered to within 3 weeks:-
- each party to serve on the other a concise narrative statement;
 - Lizzie's solicitor to prepare the court bundle – agreed if possible, with Dennis's solicitor;
 - financial disclosure documents to be exchanged, and an explanation provided by Dennis about the amount of the inheritance and how it had been spent;
 - Dennis to serve on Lizzie particulars of properties he considered suitable to meet her needs, his own housing needs, and mortgage raising capacity.

Author's Comment

It is relevant to note at this point that the first lock-down in response to COVID-19 was implemented from 26th March 2020.

- 12.25 In early May 2020, Lizzie's solicitor received notification that the final hearing could not go ahead in May due to the district judge's unavailability and would now be held at the start of July 2020.
- 12.26 In June 2020, Dennis's solicitors wrote to Lizzie's solicitors to say that Dennis had now agreed that the FMH be sold, the proceeds to be divided equally, and that there would be a clean break with neither party making further claims on any other assets such as pensions and inheritance.
- 12.27 When the court reviewed progress a week before the July 2020 hearing the decision was made that it could not go ahead because the updated bundle was inadequate. However, the court was able to issue an order that the FMH should be sold as Dennis had previously agreed to this.
- 12.28 During August 2020 the estate agents encountered difficulties in securing signed copies of the paperwork from Dennis to enable the house to be advertised until a personal visit was made by the branch manager.
- 12.29 In October 2020, an offer of £450,000 was accepted by both Lizzie and Dennis but there was a 2-week delay before Dennis returned the signed instructions to his solicitor so the sale agreement could be progressed. In early November, Dennis then refused the surveyor access and would not agree to re-arrange the visit until the COVID lockdown was lifted. Dennis finally agreed to the survey being carried out in mid December.

2021

- 12.30 In early January 2021 Dennis informed the estate agent that the heating did not work but because of COVID restrictions he continually refused to allow a visit from a heating engineer to examine the boiler on behalf of the buyers. Dennis also twice failed to sign and return the sale documents sent to him to enable the conveyancing to progress.
- 12.31 In response to this, Lizzie's solicitor made an application to court for an order to be made urgently to enforce the sale given that Dennis had been obstructing progress, and there was a risk that the prospective buyers might withdraw if the sale was not completed by the end of March when the change to stamp duty would come into effect.
- 12.32 A 'remote' hearing to consider this application was held in April 2021 which proceeded in Dennis's absence. This was because when the court usher contacted Dennis before the hearing, Dennis said that he had just returned from the hairdresser, he had not checked his emails, and he did not consider it necessary to join the meeting.

- 12.33 The court finding was that Dennis had neglected, or refused to comply, with the order made in June 2020 to sign the documents to enable the sale to be executed. Therefore, if he did not return the documents duly signed in the next 3 days, these were to be signed and executed on his behalf by the senior partner of the solicitors dealing with the conveyance.²
- 12.34 In addition, Dennis was ordered to deliver up vacant possession on or before the completion of the sale, and a penal notice was issued that if he did not comply with the order, he might be held in contempt of court and either imprisoned and / or his assets seized. He was also ordered to pay Lizzie's costs of £2,123.00 which would be deducted from the net sale proceeds if they remained unpaid. These orders were served on Dennis by personal service the following day.
- 12.35 At the end of April 2021 the conveyancing solicitor wrote to Dennis to confirm that the contract had been signed on his behalf and that the date set for completion was in early May 2021. The letter asked Dennis to contact the estate agents and conveyancing solicitor to confirm he would be vacating the property before then.
- 12.36 When Dennis rang the conveyancing solicitor, he made it clear he would not be offering up vacant possession stating, 'I'm not going anywhere, send the bailiffs, I will be waiting for them'. In the light of Dennis's comments, Lizzie was contacted by the conveyancing solicitor to ask if Dennis had any weapons to which she replied that to her knowledge he only had an air rifle.
- 12.37 The same day, Lizzie's divorce solicitor made a file note referring to the concern that completion of the sale could not go ahead unless the solicitors knew that Dennis was going to offer up vacant possession as otherwise Lizzie would be held in breach of contract. The note referred to internal discussions that had taken place to consider what legal remedies might be available, and the observation that Counsel's input would be needed.
- 12.38 Over the weekend prior to the completion date, Alex visited Dennis to offer help in finding somewhere to go. Alex noted that Dennis had already started to prepare for leaving and Alex helped Dennis to pack up the rest of his belongings. Dennis later rang Alex to thank him for his help saying that he had not wanted to ask for assistance because he was so proud. During this call, Dennis said he would not mind living in a park home in the nearby area, so Alex started researching this for him.
- 12.39 Alex then visited Lizzie the following day and told her that Dennis had calmed down and was looking for somewhere to go with Alex's help, but that Dennis needed another week to sort this out. Lizzie was said to be happy that Alex was helping and that the end was in sight with regard to the sale of the FMH. The following day, Alex helped Dennis with more packing and then visited Lizzie to explain more about Dennis's moving plans.
- 12.40 The next day, following a discussion between Lizzie and her solicitor, the completion date was put back by a week. It remains uncertain as to whether this was at Lizzie's request or was suggested by the solicitor.

² This is provided for in Section 39 of the Senior Courts Act 1981.

- 12.41 Alex then spoke to Dennis after earlier texting him a link to a caravan park in Lancashire for him to look at. Dennis said he would get the coming weekend out of the way and then go and view some homes. This conversation was done via text message and the last message Alex received from Dennis was at 18.38 which said 'Yeah, sounds good', in relation to the two of them doing the viewing together.
- 12.42 Later that evening, Lizzie finished work at 20.30 hours, and after talking to her close friend, drove home where on arrival she was murdered by Dennis who was waiting for her return and attacked her repeatedly with an axe.
- 12.43 Immediately afterwards, Dennis contacted the police to report that a female had been murdered at Lizzie's address but did not provide any further information at that time. He left the scene prior to the arrival of the police and returned to the FMH. About 40 minutes later, Dennis contacted the police again to say that he was responsible for murdering Lizzie. Firearms officers then attended Dennis's home address and arrested him on suspicion of murder.
- 12.44 Sadly, Lizzie died at hospital soon after being transported there by paramedics.

13. OVERVIEW

- 13.1 The only professionals who had any significant contact with Lizzie and Dennis during the period covered by the review were their respective solicitors. HM Courts and Tribunals Service had no direct contact with either party during the proceedings, and most agencies held no information about the family. The couple's contact with primary and secondary care services was limited during which there was no indication of any issues around marital difficulties or domestic abuse.
- 13.2 The IMR provided by the CCG revealed that Lizzie and Dennis had both registered with the GP Practice in December 2010. Prior to the 2016 start date of the period covered by the DHR, Lizzie had only consulted her GP twice, once in 2011 because of some pain she was experiencing, and once in 2014 when she reported feeling stressed as a result of a sibling approaching end of life.
- 13.3 During the DHR review period, there were 9 entries recorded on the practice EMIS system for Lizzie – all of a routine nature. There are records of 2 routine screening appointments being missed and that there was no response to the requests sent for these to be re-arranged. It appears that Lizzie may not have received these because she had not notified the GP Practice of her change of address following the separation.
- 13.4 The few GP contacts with Dennis were also of a routine nature. There were telephone consultations in April 2020 regarding leg pain and lower back pain which were severely affecting his mobility. This resulted in him being sent the form to self refer for physiotherapy. Four days later, on the GP's advice, Dennis was taken by Ashley to the emergency department for an urgent assessment as he was unable to walk. The hospital discharge notification stated that Dennis had attended for right leg pain, difficulty in walking and backache. He was discharged and advised to arrange a follow up appointment with the GP which it appears he did not do.
- 13.5 The inclusion of the above summary of the official records in respect of Dennis's health was considered to be essential to underpin the later analysis of his explanation to the court that he had had to give up work because of various health conditions, and the case he advanced that this placed him in a less advantageous position than Lizzie.

PART 2 ANALYSIS

14. INTRODUCTION TO THE FINDINGS

- 14.1 The analysis will first look at the information that has emerged about Lizzie and Dennis's relationship and lifestyle during the marriage that led to Lizzie's decision to end the marriage. This is followed by the conclusions reached as to whether domestic abuse by either party was evident during the marriage.
- 14.2 The report will then consider the key issue included in the DHR terms of reference as to how all forms of domestic abuse, including economic abuse, may increase during separation and divorce proceedings particularly where this involves the distribution of assets and in this case the sale of the former marital home.
- 14.3 This analysis will then move onto exploring the factors, mainly relating to Dennis's attitude and behaviour that led to the financial remedy proceedings becoming so protracted. This is then followed by a detailed analysis of the financial difficulties that Lizzie experienced in seeking to rebuild her life after the separation, the problems she faced in finding the money to meet the costs of the court proceedings, and the impact of the spiralling debts that she incurred as a result.
- 14.4 The report will then draw together the evidence from the above sections to set out the conclusions reached as to whether Lizzie was a victim of controlling behaviour and / or economic abuse during the proceedings, and whether this was recognised by her solicitor and the Family Court.
- 14.5 The analysis section ends with examination of events leading up to Lizzie's murder, which includes the insights provided by Lizzie's solicitor, Alex, and the psychiatric report prepared on Dennis during the criminal proceedings.
- 14.6 Within each of the sections there will be reference to the findings in respect of the key lines of enquiry in the terms of reference.

15. ISSUES DURING THE MARRIAGE THAT LED TO LIZZIE'S DECISION TO LEAVE DENNIS

- 15.1 The analysis has been drawn from the following sources of information:-
- (i) the information Lizzie shared with her solicitor;
 - (ii) the information provided by Alex and Lizzie's friends;
 - (iii) the text messages exchanged between Lizzie and her closest friend;

Information Lizzie shared with her solicitor

- 15.2 In her divorce application Lizzie stated that the marriage had broken down because of Dennis's unreasonable behaviour. She alleged that he had shown a complete lack of affection and had been disrespectful - laughing and joking at her expense. In addition, Lizzie told the solicitor that she believed that Dennis had been unfaithful, and he had not provided an explanation for the empty bottles of Viagra tablets she had found. These were allegations which Dennis denied in initially defending the divorce application.

- 15.3 In preparing the application for the financial remedy proceedings Lizzie shared more insights with her solicitor about her experiences, stating that Dennis had been very controlling during the marriage with everything they did being dictated by what he wanted. Although they did take some holidays, they rarely went out and trips to visit the grown up children were restricted by Dennis prioritising the breeding/ racing schedules of his racing pigeons. Accordingly, while she was having to work and look after the children, Dennis just did what he enjoyed doing.
- 15.4 Within the author's discussions with Alex, the latter shared a different perspective to Lizzie's. Alex's perception was that Lizzie saw her role as sorting everything inside the house while leaving it to Dennis to do all the 'outdoor' activities with the children as Lizzie would rather stay at home. In addition, a lot of Lizzie's time revolved around supporting her siblings through any difficulties they encountered, and later caring for both her own parents and Dennis's when their health declined.
- 15.5 In exploring the issues around the parents' relationship, Alex described how throughout the marriage, Lizzie had regularly subjected Dennis to what Alex described as her 'silent treatment'. In the early years, this would last for a day or two. However, as time went on, these episodes became longer, and towards the end were said to go on for as long as 2 months resulting in a very tense atmosphere within the home. Alex's perception was that Dennis found it difficult to work out the reason for these episodes or know what to do to bring these to an end. Alex's perception was that trying to clear the air was made harder because Lizzie was a very private person, who was either not willing, or found it hard, to talk things through.
- 15.6 From the shared picture provided by Alex and Lizzie's two friends, it is evident that Lizzie and Dennis had grown apart and this had reached the point prior to the separation where they were leading completely separate lives which included having separate food cupboards as well as separate beds. Alex made the observation that this was made possible by the large size of the house.
- 15.7 During the author's discussion with Lizzie's friends, they shared the following examples of Dennis's controlling behaviour which Lizzie never shared with her solicitor or her children:-
- turning off the heating so Lizzie was sat in the house in the cold;
 - turning the water off so Lizzie could not have a shower on returning home from work;
 - once putting all Lizzie's clothes in the bath to prevent her going out to a social event;
 - once locking Lizzie out of the house when she returned from an evening theatre trip resulting in her having to stay overnight at her friend's house.

The couple's financial arrangements

- 15.8 Issues around money also appear to have been a significant issue within the marriage, with Lizzie telling her solicitor that she was felt resentful around the difference in her and Dennis's respective contribution to the family finances to support the children.

- 15.9 The review established that Lizzie and Dennis managed their money quite separately, and from what Lizzie told her solicitor, Dennis was very secretive about his earnings, and never informed her of what he was doing or where he was going. She explained that she needed to work ³ not only to fund her own personal expenses, but also to pay for everything the children needed and household items such as soft furnishings. This was because Dennis would only give her money once a week for housekeeping.
- 15.10 These allegations were disputed by Dennis in his statements for the financial remedy proceedings, and also by Alex in the discussion with the author. Alex's recollection was that as Dennis's business was thriving, his father always had "wedges" of money in his wallet, which he would then put on the table to fund whatever was needed in addition to paying the bills.
- 15.11 It also appears from the recollections that Alex shared, that frustration about the management of the finances within the family was not something that was only experienced by Lizzie, and that a recurring bone of contention within the family was that Lizzie was said to be not good in managing money - "always frittered money away" being a comment made by Dennis to Alex after the separation. Alex cited examples of how Lizzie frequently spent money on things for the house that he described as 'unnecessary clutter'. In addition, Lizzie was said to have constantly spent money on replacing furniture that was nearly new and which she had given away to someone who she thought needed it more.
- 15.12 Related to this, Alex also described how Lizzie would always be decorating and that no sooner had all the rooms been completed, she would start the process all over again. Consequently, the house was always in a state of flux. Alex's perception was that this appeared to reflect a pattern whereby Lizzie always seemed to prefer doing practical things rather than sitting and chatting. This was also her behaviour during visits to Alex when she was always wanting to do things such as painting a door or re-arranging the furniture.

Conclusions reached by the DHR Panel

- 15.13 On the basis of the descriptions given by Lizzie to her solicitor, and the anecdotal information provided by Lizzie's friends, it would appear that Lizzie was a victim of controlling behaviour during the marriage.
- 15.14 The experience and nature of that controlling behaviour appears to have been something Lizzie took into account when she set about secretly planning for her departure. Lizzie explained to her solicitor that she had to approach the preparations in this way, because if she had forewarned Dennis that she was leaving, he would have made things very difficult and would probably have told her to leave when she had nowhere to go.
- 15.15 It would also appear that emotional abuse was an issue that featured in the behaviour of both parties. While Lizzie referred to Dennis's lack of affection and respect, she in turn regularly subjected Dennis to her 'silent treatment'.

³ *Initially this was through working 5 evenings a week in a public house and then a shop. Once their youngest child started school in 1994, Lizzie was able to go back to work in a school where she started as a lunchtime supervisor before progressing to become a learning support assistant to children with additional needs. In 1998, Lizzie started working in the restaurant in the hospital and 6 years later progressed to working on the wards in 2004 as a health care assistant.*

- 15.16 It remains inconclusive as to whether Lizzie was also a victim of economic abuse during the marriage. This is because the review did not uncover any clear evidence that corroborates Lizzie's allegations that she needed to work to fund the children's needs and furnish the home. In addition, Alex provided some support for Dennis's claim that he funded the family's bills and material needs.
- 15.17 However, It is important to highlight that the direct observations shared by Alex with the author related to the period prior to leaving home in 1999, and therefore Alex would have had little direct knowledge of how the financial arrangements were managed on a day to day basis after this date. While Dennis appears to have kept Lizzie in the dark about his finances, Lizzie was equally secretive about her own finances and expenditure.
- 15.18 The difficulties encountered by the DHR in building up a full picture and arriving at firm conclusions on these issues stems from Lizzie having been a very private person who kept things to herself - an observation made by both family members and friends who contributed to the review. Her friend made the observation to the police that Lizzie never told her children about her experiences with Dennis, or her difficult financial situation, because she did not want to worry them or to place them in a situation where they had to take sides. Similarly, Lizzie's solicitor stated in the IMR that Lizzie was a very quiet individual and required prompting to divulge personal information.

Changes in Lizzie's and Dennis's life after the separation

- 15.19 The shared perception of Alex, and the two friends, was that Lizzie seemed much happier living on her own and being able to do things she wanted to do. From their descriptions, it is evident Lizzie led a very full life. While continuing to work long hours, she spent as much time as possible visiting her children and her 3 grandchildren whom she was said to dote on. Alex described how Lizzie had kitted out a bedroom for the grand-children and regularly wanted them to stay to give Alex and Cameron a break. Lizzie also liked socialising with her 2 close friends, and they would usually go out every two months to the theatre or for a meal out.
- 15.20 Lizzie also spent time decorating and furnishing her rented accommodation. Lizzie remained in her first rental for approximately a year before moving to a rented house nearer to her mother which made it easier to help provide care for her. She was continuing to live there when the fatal assault took place.
- 15.21 However, Alex noted that Lizzie had aged considerably in the last few months before her death and his perception was that the stress of the divorce and financial remedy proceedings appeared to have taken their toll. Lizzie's sibling also told the author that Lizzie had not been eating much during the final months and she had lost a lot of weight.
- 15.22 The factors which led to this adverse impact on Lizzie's health and emotional well-being will be picked up in the next section of the report which examines the factors that led to the financial remedy proceedings becoming so protracted.

16. FACTORS AFFECTING THE LENGTH OF THE FINANCIAL REMEDY PROCEEDINGS

16.1 By the time of Lizzie's murder, 3 YEARS AND 4 MONTHS had elapsed since Lizzie first consulted a solicitor to seek a divorce. Although the divorce itself was granted within a year, the subsequent financial remedy proceedings had then been ongoing for 2 YEARS AND 3 MONTHS.

16.2 The above paragraph has been presented in bold text to highlight how the proceedings became so protracted principally as a result of the delays caused by Dennis's obstructive behaviour. It took sixteen months before Dennis agreed to the sale of the former matrimonial home, and then a further 11 months to reach the date set for transfer of the house to the prospective purchasers.

Issues around Dennis's inheritance

16.3 From the outset of Lizzie's solicitor's efforts to achieve a financial settlement, Dennis kept stalling on providing full information about his financial situation, particularly in relation to the inheritance from his father. Although Lizzie was aware of the inheritance having helped Dennis to obtain probate, she was unaware of the amount received as the funds were paid out after the separation.

16.4 To begin with, Dennis did not refer to the inheritance in his voluntary disclosure in March 2019, nor did he respond to the further enquiry sent by Lizzie's solicitor in August. It was only following the first court hearing in September 2019, and the requirement to exchange the Form E financial disclosure documents, that information about the inheritance was shared. However, this under-reported the amount he had received and it was only when the solicitor raised further questions that the actual amount received was disclosed.

16.5 The revelation that Dennis had allowed Ashley, to keep £30,000 for Ashley's own use prompted a strong reaction from Lizzie's solicitor who not only shared the concern that Dennis had allowed this significant sum to be 'dissipated' from his inheritance, but also fuelled the suspicion that Dennis was hiding some of his assets. This was therefore the reason the solicitor felt unable to advise Lizzie at that stage as to what position should be taken on the distribution of the marital assets until the full picture had been established.

16.6 The solicitor's decision to pursue this matter further not only had the effect of adding to the proceedings becoming even more protracted but also led to a hardening of Lizzie's attitude. This is evident from the anger Lizzie voiced in her meeting with the solicitor in January 2020, and her wanting Dennis to pay all her costs because of the continuing delays caused by his intransigence. This represented a major change in Lizzie's attitude given that before Christmas her position was that she would settle for half the value of the FMH and told the solicitor that she was not bothered if Dennis was hiding assets, she just wanted to settle the matter.

Delays to the sale of the former matrimonial home

- 16.7 The breakthrough of Dennis agreeing to market the house did not result in any change in his obstructive behaviour and the following series of delaying tactics ensued in what was probably his hope that a sale would not be achieved:-
- the 2-month delay before the estate agents were successful in obtaining back from Dennis all the signed paperwork back that eventually enabled them to market the property in September 2020;
 - his initial refusal to allow viewings until the consequences of a breach of the court order was pointed out to him;
 - the 2-month delay after an offer had been accepted before Dennis signed the terms of business for Lizzie's firm of solicitors to carry out the conveyancing;
 - his refusal to allow access to the surveyor in early November resulting in a 5-week delay before the visit could be carried out, followed by his refusal to allow an engineer to check the boiler which Dennis had reported was not working.
 - his failure to return the draft Contract and Transfer in January 2021.
- 16.8 It was this last default that proved the final tipping point for Lizzie's solicitor who then submitted the successful application to court in February 2021 for an enforcement order to execute the contract of sale and transfer of the property.
- 16.9 By this time, 7 months had elapsed since the court ordered that the house should be placed on the market. This raised the issue for the DHR Panel as to whether the application for an enforcement order could have been made at a much earlier point as soon as it became evident that Dennis was deliberately seeking to slow the sale process down, and whether an earlier application would have been entertained by the court.
- 16.10 In the discussion with the author, the solicitor explained that an earlier application could have been made but only at considerable risk of a cost order being made against Lizzie if the court was to conclude that there was insufficient evidence to show that Dennis was deliberately not complying with the order.
- 16.11 The solicitor's view was that Dennis would have been able to advance a number of reasons as to why his behaviour was reasonable. For example, he might have asserted that he did not know the surveyor was coming. Also, his concerns about maintaining Covid safety would have been hard to disregard given his age and health conditions.
- 16.12 Therefore, given these possible explanations, and the cost risk issue, the solicitor felt she had little choice but to keep giving him the chance to comply. The solicitor also made the point that eventually Dennis did comply with each step of the sale process until his failure to return the contract and transfer documents.

Other factors that delayed the holding of a final hearing

- 16.13 While the reasons for the protracted proceedings were principally because Dennis sought to block progress at every turn, the review also identified the following other contributory factors.

- 16.14 The dates set for the final hearing had to be deferred on 2 occasions during 2020. The postponement of the original date in May appears to have been related to the disruption caused by the impact of the Covid-19 lockdown – the solicitor explaining to Lizzie that postponements were becoming a regular occurrence at that time. This resulted in a slight delay of a few weeks with the hearing re-arranged for early July.
- 16.15 However, the date for that hearing was vacated for the entirely different reason that the updated court bundle was judged to be inadequate. The Court was critical of both parties for not adhering to the order made in May because there was no chronology, no schedule of assets, and no open proposals. In the event, this did not delay matters unduly as shortly after Dennis agreed to the sale of the house, and the proceeds being shared equally, with a court order being issued to confirm this.
- 16.16 One possible contributory reason to the absence of a schedule of assets was that Lizzie’s solicitor had experienced difficulty in obtaining the documentary evidence from Lizzie about her finances. The solicitor’s records show there were 5 reminders given to Lizzie between August 2019 and March 2020 to provide copies of her bank statements, details of her loans, and the cash equivalent transfer value of her NHS pension. The delay in Lizzie requesting the transfer value from the hospital was a particular concern to the solicitor because experience had shown that it could take several weeks for the employer to provide this information.
- 16.17 Although the solicitor provided constant reminders to Lizzie, the issue this raised for the DHR Panel was whether there could have been some proactive problem solving by the solicitor. This was because the solicitor’s records do not indicate that at any time there was any enquiry of Lizzie as to the reasons for the delay, and whether there was any practical help that could be suggested or offered to expedite matters.
- 16.18 The final factor was the recurring difficulties faced by Lizzie in being able to fund the litigation which will be covered in detail in the next section.

17. LIZZIE’S FINANCIAL DIFFICULTIES

- 17.1 From the outset of the divorce proceedings, it was evident that Lizzie faced severe financial difficulties in funding both the solicitor’s costs and the court fees.
- 17.2 Lizzie’s close friend told the author that that the mounting legal costs had made it difficult for Lizzie to “make ends meet” despite working additional “bank” shifts on top of her full-time job, and the friend had often lent Lizzie money. Her friend also described how the increasing debt caused Lizzie considerable stress and she dreaded the cost implications of every contact with the solicitor. This was the explanation Lizzie gave her friend when the latter urged her to chase the solicitor to try and move matters forward.
- 17.3 When Lizzie first consulted her solicitor, she already had bank loans amounting to £7000. The bulk of this, £6,000, had been borrowed in 2015 to purchase a car during the later stages of the marriage. This loan was then topped up twice – first in February 2017 to furnish the accommodation she planned to move to after the separation, and again in July 2018 when she moved to other rented accommodation. Lizzie’s repayments stood at £217 a month on these loans and she was also paying £150 per month off her credit card accounts.
- 17.4 As a consequence, Lizzie told her solicitor she would struggle to find the money for the fee to lodge the divorce application, and again when she was asked to pay £500 for the solicitor to prepare for, and attend, a first directions hearing.

- 17.5 Lizzie was warned that the costs were likely to increase significantly if the matter was not resolved at that hearing, which the solicitor acknowledged could place Lizzie in difficulty given the previous conversations about her financial situation. The solicitor asked Lizzie to consider her funding options and let her know how she wanted to proceed. However, Lizzie explained that there was 'absolutely no way' she could raise any additional funds, she could not increase her loan, and would have no means of repaying it.
- 17.6 Lizzie was told that the solicitor could not advise Lizzie as to the means to raise the necessary funds but did refer to the possibility of a Legal Services Payment Order (LSPO) ⁴ but that would only 'really come into play' later when any financial proceedings had commenced. In addition, the solicitor explained such orders were difficult to obtain and Lizzie would have to prove that she had done everything to obtain a loan through other means.
- 17.7 As a way forward, the solicitor offered to do the paperwork to apply for a directions hearing but perhaps Lizzie could attend without legal representation, after which the solicitor would check if Lizzie had managed to source any funds from elsewhere. Lizzie was said to be happy with this proposal. However, the solicitor did subsequently attend the hearing after Lizzie entered into an agreement to make monthly payments of £100 although it is not clear from the solicitor's file when this arrangement was agreed and what led Lizzie to opt for this.
- 17.8 Lizzie's ongoing difficulties in funding the divorce costs again came to the fore in August 2018 when she was required to pay £105 for the initial mediation consultation, with the prospect of further fees of £153 per session. Lizzie therefore asked if she could temporarily reduce the £100 monthly payment towards the solicitor's fees, but this was refused as this amount was the minimum contribution the firm's credit control department was prepared to accept. Although the solicitor did write to Dennis's solicitor to see if Dennis would agree to fund her mediation fees this request was soon rebuffed.
- 17.9 Later, in February 2019, when the solicitor indicated that a court application would need to be made because Dennis was continuing not to provide full financial disclosure on a voluntary basis, it was recognised that Lizzie could ill afford the application fee of £255. The unsuccessful application made to the court for help with the fee then resulted in a 3-month interval before the application was subsequently lodged in May 2019. During this time, Lizzie's solicitor made further efforts to obtain voluntary disclosure from Dennis's solicitors.
- 17.10 The delay also meant that Lizzie's request for her solicitor to press for an interim lump sum payment was not progressed because the latter's advice was that it would be difficult to do this until financial disclosure had been obtained.

⁴ *Under Sections 22ZA and 22ZB of the Matrimonial Causes Act 1973 (MCA 1973), the court has been able to make orders requiring one party to the marriage to pay to the other an amount for the purpose of enabling the applicant to obtain legal services for the purposes of the proceedings. If granted, the court specifies which of the legal services the order is to cover and what payments must be made. These additions to the MCA 1973 in April 2013 were made through amendments included in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).*

The offer of the ‘Sears Tooth Agreement’

- 17.11 The financial pressures this continued to create for Lizzie again became apparent in May 2019 when she again explained that she could not afford any further legal costs when Lizzie’s solicitor advised her that the application to issue proceedings would need to be re-submitted as the attempts to secure full voluntary disclosure from Dennis had proved unsuccessful.
- 17.12 At this point, 15 months after Lizzie first said that she was struggling to pay the various costs involved, the solicitor informed her that the firm was prepared to take on the funding of the case through what is termed a ‘Sears Tooth’ agreement.⁵ Prior to this, there does not appear to have been much problem solving by the firm of solicitors in respect of Lizzie’s difficulties in meeting their costs and paying the various fees other than their agreement to accept monthly contributions towards the bill.
- 17.13 However, the new arrangement came at a price because the firm said that a 20% premium would need to be added to their fees to take account of the added risk for the firm should Lizzie’s application not prove successful. This resulted in the hourly fee being increased from £190 to £228.
- 17.14 In the author’s exploration with the solicitor as to why the increase was considered necessary, the solicitor said that as far as she could recollect the increased fee was not specific to Lizzie’s case but represented the general increase to the solicitor’s hourly rate that was introduced around that time for all clients. However, that explanation does not accord with the solicitor’s file note describing the explanation given to Lizzie at the time.
- 17.15 The increase in the hourly fee rate raises the question as to whether the solicitors were taking advantage of Lizzie’s predicament. Although their justification was that the increase reflected the risk they were taking on should there not be a settlement, such an outcome was unlikely given that Lizzie stood to receive a substantial settlement given the length of the marriage and that there were no conduct issues on her part.

Additional costs of pursuing the inheritance issue

- 17.16 The above point leads into the question as to the solicitor’s rationale for continuing to pursue the inheritance issue, and whether this was justified given this added to the legal costs incurred by Lizzie. Pursuing this did not reflect Lizzie’s previously expressed position that she had no interest in benefiting from Dennis’s inheritance and just wanted her half share of the value of the FMH.
- 17.17 The solicitor’s records show that the solicitor had previously told Lizzie that the inheritance would most likely be excluded by the court as forming part of the matrimonial ‘pot’ to be divided up. This was because Dennis would be able to mount a defensible argument that there was enough capital in the FMH to meet both parties’ needs. Although the valuation had not yet been obtained, it was already known at that time that the estimated value of the property was £300,000 on the basis of Dennis’s own assessment.

⁵ *A ‘Sears Tooth agreement’ comprises a deed that assigns the client’s settlement, or part of it, to the solicitor to enable them to cover their costs incurred in acting for the client and out of which they will be paid first and in full, when the case is over (Sears Tooth (A Firm) v Payne Hicks Beach (A Firm) and others [1997] 2 FLR 116). It is normally only suitable for cases where there is likely to be a high chance of success, and a significant financial settlement from which the solicitor can recoup their fees.*

- 17.18 There was also the risk that pursuing the inheritance issue might reinforce Dennis's unwillingness to agree a settlement, as he could view it as unfair to seek to include the inheritance as part of the marriage pot, which could lead to the proceedings becoming further extended and yet more costs.
- 17.19 During the discussion with the author, the solicitor confirmed that there was never an expectation that the court would take Dennis's inheritance into account, and that the rationale for pursuing the matter was entirely tactical for two reasons.
- 17.20 The first was to put Dennis under pressure so that he might see the advantage of quickly agreeing to the sale of the house and splitting the proceeds to avoid the inheritance becoming part of the financial settlement equation. The second was to provide evidence to the court of Dennis's duplicitous behaviour and by doing so seek to undermine what was viewed as his unjustified 'special contribution' argument.
- 17.21 There is no evidence within the solicitor's file that the above rationale was explained fully to Lizzie at the time which would have given her the opportunity to say if she agreed with the advice having regard to the cost / benefit analysis given that the further pursuit of the inheritance issue came at significant additional cost to Lizzie.
- 17.22 Ultimately, the court made it clear to Dennis at the May 2020 hearing that there was no merit to the 'special contribution' case he had advanced. However, it is not known whether the rejection of the 'special contribution' argument was in any way influenced by the difficulties that had been experienced in securing full disclosure about the inheritance.

Arranging of the Litigation Credit Funding

- 17.23 Although the solicitors were prepared to take on the risk in May 2019, that position changed a year later in May 2020 when Lizzie was informed by her solicitor that regrettably the firm's costs would need to be reviewed. This stemmed from it becoming apparent that substantial extra costs were going to be incurred from a contested final hearing and the need to engage a barrister. In addition, there was the ongoing possibility that there might be further delays and costs if Dennis did not engage with the sale process.
- 17.24 The acknowledgement at that point that Lizzie could not afford to increase her £100 monthly payment led to the suggestion being made to her of the possibility of an application being made to Iceberg Client Credit to fund the additional costs of the litigation. The subsequent successful application enabled the solicitors to draw down sums to pay their costs with Lizzie being required to pay interest at the rate of 1.5 per cent on the credit which equated to a monthly payment of £75 a month until the debt could be repaid from the eventual lump sum settlement. This figure was less than the previous amount she had previously been required to pay the solicitors.
- 17.25 According to Lizzie's statement drawn up in April 2021 for what was expected to be the final hearing, her total debt then amounted to approximately £20,000. This was made up of the £11,500 owed on the 2 bank loans and credit cards, plus the solicitor's fees of £5,500 that were outstanding at that point, with a further cost of £4,000 anticipated to cover the cost of the final hearing.

Options for securing funding to pursue litigation

- 17.26 Given the difficulties Lizzie experienced in funding the proceedings, the author sought the solicitor's perspectives on the funding options for litigants in Lizzie's position, and whether any of the solutions ultimately secured could have been put in place at an earlier point in the proceedings.
- 17.27 Whilst it was difficult for Lizzie to make ends meet, the solicitor explained that they could not resolve this financial hardship for a number of reasons. The solicitor could not secure an interim order for sale, nor was there any merit in making a maintenance application given Lizzie's level of earnings and there being no dependent children. In addition, when Dennis rejected Lizzie's request for an interim lump sum payment, the solicitor explained to the author that securing such payments is difficult having regard to the provision covering such payments in proceedings brought under the Matrimonial Causes Act.

Legal Aid

- 17.28 On the basis of the information Lizzie provided to the solicitor, the latter's conclusion was that she would not have met the criteria for legal aid which can be awarded to victims of domestic abuse. This was because the solicitor was not provided with any independent supporting evidence that Lizzie was a victim, and in addition Lizzie would not have passed the legal aid means test as her disposable income would have placed her above the threshold.
- 17.29 The wider issues and learning about the problems that are experienced by many victims of domestic abuse in accessing legal aid, or applying for a Legal Services Payment Order, will be picked up in the learning later in the report.

Sears Tooth Agreement

- 17.30 The solicitor conceded that a 'Sears Tooth' arrangement could potentially have been considered at an earlier stage. However, it was explained that many of the firm's clients seeking a divorce face funding difficulties and ask if the firm will fund the costs. Therefore, it is not possible to offer this in all such cases because of the costs and risks to the firm. The point was made that solicitor firms are a commercial business and that has to be factored into decisions as to which clients they feel able to support financially. In Lizzie's case, the arrangement was eventually offered because the solicitors were sympathetic to her situation given Dennis's continuing obstructive behaviour and his unjustified 'special contribution' argument.

18 EVIDENCE OF CONTROLLING BEHAVIOUR AND ECONOMIC ABUSE FOLLOWING THE SEPARATION AND DURING THE DIVORCE PROCEEDINGS

- 18.1 The conclusion reached by the DHR Panel was that Lizzie was a victim of both controlling behaviour and economic abuse from Dennis following the separation and during the subsequent court proceedings. The basis for reaching that finding was because of the continual delaying tactics adopted by Dennis - first by not providing full disclosure, then his initial refusal to sell the marital home, and finally his efforts to thwart the sale going through and prevent Lizzie from benefiting from the proceeds.
- 18.2 After the separation Dennis was not willing to provide Lizzie with any interim financial support and rebuffed all the requests made. Soon after the separation, he went back on his initial promise to give Lizzie £5,000 saying that he had been advised not to give her anything. Subsequent requests for interim payments during the divorce and financial remedy proceedings were similarly rejected.

- 18.3 This was despite the marked difference in their respective financial situation. Dennis was aware from Lizzie's disclosure documents, of her mounting debts and struggles in finding the money to service the bank loans and the increasing legal costs. In contrast, Dennis had substantial capital he could draw on from his inheritance to fund his legal costs.
- 18.4 Dennis's unwillingness to agree a fair settlement, or provide Lizzie with any interim financial support, was in marked contrast to his actions in giving £30,000 of his inheritance to Ashley for the latter's sole use.
- 18.5 The contrast in the couple's housing circumstances was also stark – Lizzie being in rented accommodation while Dennis continued to occupy the large detached 4-bedroom FMH. This differential did not result in any change in Dennis's argument that he should be entitled to retain the house without having to pay Lizzie any proportion of its value. This was because of his assertion that his contribution to the marriage far exceeded Lizzie's as he was solely responsible for generating the funds to buy and build the FMH. His stance therefore continued to be that it was not fair or reasonable for Lizzie to seek the sale.
- 18.6 Dennis's entrenched position also extended to the arguments he advanced about their respective work position and future earning potential. Dennis maintained that he had had to give up work as a builder for health reasons caused by spondylitis of the spine, pigeon lung, shortness of breath and under-active thyroid. The DHR panel noted that these were conditions that Lizzie had told her solicitor she was unaware of, and also that the information provided by the CCG did not refer to these as being the cause of his impaired mobility that he sought help for in 2020.
- 18.7 Dennis's position was that Lizzie had a far greater income than him, she was younger, physically healthier, and therefore was better placed to continue in employment until she reached the state retirement age when she became 67 years old. Therefore, his view was that Lizzie's needs would continue to be met appropriately by her remaining in the rental sector.
- 18.8 Dennis's arguments that Lizzie was in a more favourable position appear tenuous given the fact that there was only two years difference in age. In addition, the perspective shared by Lizzie with her solicitor was that her work had become increasingly demanding because the ward on which she worked had been converted into a Covid ward which had proved a strain physically and mentally. Given her age, Lizzie was unsure how much longer she could continue in that role and was hoping to be able to retire.
- 18.9 It appears however that health issues were not the only reason Dennis had given up work given the information provided by Alex to the police during their investigation. According to Alex, Dennis had told him that there was no point in him working if he would have to give it away in divorce proceedings. Alex's perception from this comment was that Dennis was not prepared to reach a settlement, he did not want Lizzie to receive anything, and that Dennis's hope was that by dragging the process out, Lizzie would lose interest. Through this conscious decision made by Dennis, it is evident that he was controlling matters for the purpose of his own financial benefit while clearly knowing it was detrimental to Lizzie.

18.10 Given that perception, the two unannounced visits he made to Lizzie's address in 2018 and 2019 are concerning. Lizzie shared her belief with her friend that these were motivated by Dennis wanting to check if there was any evidence of a new man in her life. Although this was not the case, had it been so, it is possible that Dennis would have used this information to strengthen his argument that it would be unfair for Lizzie to benefit from the sale of the house.

19 ISSUE OF WHETHER THE CONTROLLING BEHAVIOUR AND ECONOMIC ABUSE WAS IDENTIFIED BY LIZZIE'S SOLICITOR AND THE FAMILY COURT

19.1 The DHR finding that Lizzie continued to be a victim of controlling behaviour and economic abuse leads into the exploration of a key question in the DHR terms of reference as to whether this was recognised by her solicitor and the Family Court and if so, how did they respond.

19.2 The IMR provided by Lizzie's solicitor confirmed that the Dennis's obstructive behaviour during the divorce and financial remedy proceedings was recognised as controlling behaviour. The solicitor's view was that Dennis was defending the divorce application in order to prevent Lizzie pursuing her interest in the former matrimonial home and thereby he was continuing to exert control. The solicitor also recognised that the delay Dennis's behaviour caused in reaching a final financial settlement did have a detrimental impact on Lizzie's financial position and well-being.

19.3 However, despite this recognition of controlling behaviour and economic abuse, there was no explicit use of these terms in either the solicitor's file records or any of the documents submitted for the court proceedings. The HM Courts and Tribunal Service also confirmed that no issues were raised at any of the hearings regarding his behaviour, and a retrospective review of all the documents submitted by the solicitors found no reference to the existence of any vulnerabilities, or incidents of domestic abuse.

19.4 The solicitor's explanation for this was that while Lizzie had been subject to controlling behaviour and economic abuse during the marriage, she had to an extent freed herself from that by having the strength to leave Dennis, and she was coping independently despite the absence of any financial support from him.

19.5 Crucially, it is evident from the solicitors' IMR that the solicitor did not know about the two unannounced visits Dennis made to Lizzie's address. As far as the solicitor was aware, Lizzie and Dennis did not have any direct contact after the separation apart from the times they were in the same building for court hearings. The solicitor's understanding therefore was that Dennis had not made any attempt to contact Lizzie, or visit her rental property, and therefore there were no issues around possible harassment. In the discussion with the author, the solicitor confirmed that had this been known, it would have altered how matters were viewed.

19.6 The solicitor explained that Dennis's controlling behaviour had not been flagged up explicitly because in the solicitor's experience, courts only tend to pick up on such behaviour in cases where the behaviour is viewed as 'extreme', for example where it results in the deliberate disposal of the matrimonial assets in advance of decisions on the final settlement. However, that was not the situation in Lizzie's case because the assets in the matrimonial home remained fully available for distribution subject to the decision reached by the court.

19.7 This perception of how Family Courts approach the issue of controlling behaviour will be picked up in the learning later in the report.

20. EVENTS AFTER DENNIS WAS ORDERED TO VACATE THE PROPERTY

- 20.1 The DHR explored these events in some detail to gain any insights as to what triggered Dennis's decision to kill Lizzie, his state of mind around that time, and to consider the appropriateness of actions considered, or taken, to assess any possible risks to Lizzie or any third parties tasked with ensuring that Dennis vacated the FMH.
- 20.2 The solicitor's IMR explained that the knowledge of Dennis's response when the order was served on him derived from the feedback conversation with the process server. The latter's belief initially was that Dennis was going to evade service because there was a large dog roaming the premises behind the gates. However, Dennis did put the dog away and accepted service of the papers with little reaction – the process server describing Dennis as having been fairly pleasant.
- 20.3 In the record made by the conveyancing solicitor regarding the telephone call with Dennis as the date for completion became closer, Dennis said more than once he was not leaving the property and whoever came to move him out needed to be aware that he was 'ready' for them. Dennis said he did not care what any court said, he had built the property with his bare hands, and he would not be leaving it. The conclusion reached by the conveyancing solicitor was this represented a possible threat to anyone who attempted to remove him from the property.
- 20.4 There were no details in the IMR of the conversation when the conveyancing solicitor rang Lizzie to inform her of Dennis's comments – Lizzie's solicitor not being in the office that day. However, on returning to work the following week, Lizzie's solicitor rang Lizzie to express concern about the comment made by Dennis. The IMR made the observation that the solicitor's view was that this was more of a threat towards third parties such as court bailiffs who may approach the property. In response to the solicitor's enquiry, Lizzie said that as far as she was aware, Dennis did not have a firearms license.
- 20.5 In addition, Lizzie told the solicitor that matters had largely resolved themselves because Alex had spent the weekend helping Dennis to pack and it appeared the latter had finally admitted defeat. The outcome of the conversation was that the solicitor and Lizzie were both happy that there appeared to be an end to the situation. Following this discussion, the conveyancing solicitor again made contact with Dennis who was said to be jovial and reiterated his intention to vacate the property. However, that proved not to be the case.

Psychiatrist's report

- 20.6 In understanding more about the circumstances leading up to the murder, the DHR had the benefit of being able to access the interview carried out by the psychiatrist as part of the criminal proceedings who was asked to give an opinion on Dennis's ability to plead. Within that interview, Dennis was able to recall most of the events.
- 20.7 Dennis described how he booked a taxi to take him on the 30-minute journey to Lizzie's address, with a hand axe in his possession, and with the intention of killing Lizzie. He admitted to first walking around the local area, and then waiting at the back of the house for Lizzie's return from work. As she got out of her car, he repeatedly hit her in her head from behind with the blade part of the axe. The post-mortem later established that Lizzie suffered 19 blows to the head. Dennis had then immediately called the police because he wanted to admit what he had done because, according to what he later told the psychiatrist, he regretted murdering Lizzie.

20.8 The psychiatrist's opinion was that although Dennis was suffering from symptoms of stress at the time of the alleged offences, he was not suffering from any health problems that could have significantly impaired his ability to exercise self-control, to understand his actions and their potential consequences. Consequently, it was most likely that Dennis had the mental capacity to form the specific intent to commit the alleged offences of murdering Lizzie.

Reflections on these events

20.9 The Solicitors' IMR explained how since Lizzie's death, her solicitor had gone over and over the question of whether anything more could have been done to prevent the murder from happening. The conclusion reached was that neither the solicitor nor Lizzie, could have foreseen what Dennis was about to do. Lizzie had not disclosed any history of physical abuse or violent behaviour, and the one threat made by Dennis had not been directed at Lizzie. The solicitor's view also was that the granting of the enforcement order did not lead to an increase in the risk of domestic abuse.

20.10 The solicitor's perception was that Lizzie never presented as fearful of Dennis - instead her view of him was that he was just cantankerous and stubborn. The solicitor's observation was that Lizzie appeared to be almost dismissive of the warnings Dennis had made. This was because of the apparent change in Dennis's attitude reported by Alex.

20.11 If this apparent change in Dennis's attitude had not occurred, the solicitor would have spoken to Lizzie about contacting the Police. However, given that solicitors are bound by client confidentiality, the solicitor's view was that the decision to contact the Police would have been one for Lizzie to make. Equally, had it been necessary for any further third parties to attend the property, the solicitor would have forewarned them that police assistance might be necessary.

20.12 Equally, if the firm had had evidence that Lizzie was at risk of harm, they would have applied for a protective injunction. However, even if that step had been taken, the solicitor remains doubtful that a piece of paper would have prevented Dennis from taking the action he did.

20.13 With the benefit of hindsight, the solicitor's view was that Dennis had his mind set from the outset that there was no way he was giving up the property and he would do what was necessary to ensure that position.

20.14 Alex also came to a similar view, telling the police and the author that it appeared that Dennis had spent a lot of time going through the motions with Alex while all the time he had other plans. In making this observation, Alex referred to the last telephone call received from Dennis who thanked Alex for the support in packing up the house and helping him to find alternative accommodation. Alex said the nature of this call was unusual as Dennis had never made a call like that in the past.

21 CONCLUSIONS

21.1 The conclusion reached by this DHR is that Lizzie was a victim of controlling behaviour from Dennis during the marriage. Lizzie's disclosures to her solicitor also suggested that there may have been elements of economic abuse because of his secrecy about his finances and the burden allegedly falling on Lizzie on having to fund her own personal needs and those of the children. However, no firm conclusion could be reached by the DHR Panel on this latter aspect because of the absence of any corroborating evidence to confirm the claims made by Lizzie and which were disputed by Alex during the discussion with the author.

- 21.2 It is evident that Lizzie was also a victim of controlling behaviour and economic abuse following the separation and throughout the subsequent divorce and financial remedy proceedings. As set out earlier, 3 years and 4 months had elapsed since Lizzie first consulted a solicitor to seek a divorce. Although the divorce itself was granted within a year, the subsequent financial remedy proceedings had then been ongoing for 2 years and 3 months at the time of her murder.
- 21.3 The IMR provided by Lizzie's solicitor made the observation that financial remedy proceedings can become protracted, and the length of the process incurred by the parties in this case was not out of the ordinary. This can be because quite often litigants are restricted due to their financial position. Also, it is not uncommon for litigants to seek to delay matters as in Dennis's case. The IMR also made the further observation that the parties are then in the hands of the court and reliant on the court timetable.
- 21.4 It is evident that the protracted proceedings had a seriously detrimental impact on both Lizzie's financial position and her well-being. This was the perception of her family and friends, and it was also acknowledged by the solicitor in the IMR.
- 21.5 Although the IMR from the solicitors stated that it was identified that Lizzie had been subjected to controlling behaviour both during the marriage and after the separation, this was not referred to explicitly in the file record. Nor was this mentioned as such in any of the documents submitted during the divorce and financial remedy proceedings or in any of the oral submissions.
- 21.6 This finding that the controlling behaviour and economic abuse Lizzie experienced was never brought to the attention of the Family Court illustrates a key message made by the charity 'Surviving Economic Abuse' (SEA) ⁶ that patterns and issues of domestic abuse are likely to be present in many financial remedy cases, but the details will be insufficiently known to the court in a significant number of cases.
- 21.7 In addition the tragic circumstances of this case reinforce research findings that women can be at high risk of homicide following separation. The risks post separation are evidenced in the 2018 Femicide Census Report which highlighted that of the 91 women killed by a partner or former partner, 41% (37 of the 91) had separated or had taken steps to separate. 30% of these victims (11/37) were killed within the first month and 70% (24/37) killed within the first year. ⁷
- 21.8 On the basis of the information that was known at the outset of the DHR, Lizzie's murder might be viewed as having come 'out of the blue' and one that could not have been anticipated. This was because the couple had not come to the attention of the police or specialist domestic abuse agencies as there had been no reports of any relationship difficulties or previous domestic abuse. Nor were there any indications of possible abuse within Lizzie's or Dennis's limited contacts with universal health services which might have prompted further enquiry.

⁶ *Surviving Economic Abuse (SEA) is a UK charity dedicated to raising awareness of economic abuse and transforming responses to it.*

⁷ *Femicide Census - Annual report on UK femicides 2018*
<https://femicidescensus.org/wp-content/uploads/2020/02/Femicide-Census-Report-on-2018-Femicides-.pdf>

- 21.9 In addition, the threat that Dennis articulated to the solicitors when he was notified that he needed to vacate the FMH was viewed as being directed towards anyone who tried to remove him from the property rather than being directed at Lizzie. When checks were made by the solicitor with Lizzie herself regarding these threats, it was recorded that Lizzie was almost 'dismissive' about any possible risk to herself, and that he did not possess any firearms other than an air rifle.
- 21.10 It would appear therefore that the threat made by Dennis was treated as an isolated incident and not viewed in the wider context of his pattern of controlling behaviour and the lengths he had previously gone to prevent Lizzie gaining an equitable settlement through the sale of the FMH. If a more holistic approach had been taken to the assessment of risk, this may have prompted a referral to the police. The latter confirmed during the DHR Panel discussions that such a referral would have been looked at closely if they had been provided with the relevant background information about Dennis's pattern of controlling behaviour during the ongoing financial remedy proceedings.
- 21.11 With regard to the view that this was a murder that could not have been anticipated, it is evident from the information pieced together during the DHR, that the lead up to Lizzie's murder fitted with many of the 8 stages in the 'Intimate Partner Homicide Timeline' (*the Timeline*) developed by Dr Jane Monckton Smith.⁸ This timeline was developed from an analysis of 372 killings in the UK for a research project which looked at domestic abuse homicides through the lens of the impact of coercive and controlling behaviour.
- 21.12 The report will therefore examine the extent to which each of the following 8 stages in the 'Timeline' featured in this tragic case - pre-relationship; early relationship; relationship; trigger event; escalation; change in thinking; planning; homicide.

Stage 3 Relationship

- 21.13 Although the DHR was unable to gather much information about the first 2 stages, the review has concluded that Lizzie was a victim of various types of controlling behaviour. This included control of their daily life, Lizzie's ability to access heating and hot water, and occasions when Dennis either tried to prevent her having her own social life or punishing her if she went out with friends by locking her out of the house. There was also the secrecy and control that Dennis maintained about his income, expenditure and the state of the family finances.

Stage 4 Triggers

- 21.14 As in the many of the cases examined during Dr Monckton's research, separation appears to have been the main trigger. It is evident from Dennis's response in initially defending the divorce application he did not accept that the marriage was over, and he struggled to understand why Lizzie had decided to leave him given that they had a large house and had a comfortable lifestyle because of his income. The observation made by Alex in describing his contact with Dennis over the final weekend before the murder was significant in that he believed that Dennis would still have had Lizzie back if she had wished to return to him.

⁸ [https://eprints.glos.ac.uk/6896/1/6896%20Monckton-Smith%20\(2019\)%20Intimate%20Partner%20Femicide%20using%20Foucauldian.....pdf](https://eprints.glos.ac.uk/6896/1/6896%20Monckton-Smith%20(2019)%20Intimate%20Partner%20Femicide%20using%20Foucauldian.....pdf)

- 21.15 The other trigger linked to the separation was the possibility that the financial remedy proceedings would result in the former matrimonial home being sold and Lizzie gaining a half share of the marital assets. This was something Dennis thought was unfair and was not prepared to accept as shown by his continuing to advance a 'special contribution' argument within those proceedings.

Stage 5 Escalation

- 21.16 Within the 8-stage timeline, escalation is characterised by an increase in frequency, severity or variety of abuse, control or stalking which often appears to be an attempt to re-establish control or status. In this case, this was reflected by Dennis's repeated obstructive behaviour in trying to prevent or delay the sale of the FMH which according to what Dennis told Alex was because he did not want Lizzie to benefit and the hope that Lizzie would lose interest in continuing the proceedings to force a sale.

Stage 6 Change in thinking / decision

- 21.17 The 'Timeline' describes how this stage seems to occur during, or at the end of a period of escalation, and may be a response to perceived irretrievable loss of control and/or status. The idea that homicide may be a possibility may occur at this time when there is nowhere left to go to resolve the perpetrator's outrage or sense of injustice. Although it can be difficult to establish the timing of a change in thinking, there was evidence in some cases which suggest this as an identifiable stage.
- 21.18 Although there can be no certainty in this case when Dennis first thought of killing Lizzie, the reports of his attitude and behaviour as the situation moved closer to the point when he would be required to vacate the FMH appear significant.
- 21.19 There was an apparent contradiction in his attitude given the threats made if anyone tried to remove him from the property and his subsequent apparent acquiescence in packing up his possessions in readiness to vacate the FMH. With hindsight, Lizzie's solicitor came to the view that Dennis's mind was set on not giving up the FMH and that he would do whatever was necessary to ensure that outcome. Alex's hindsight conclusion was that Dennis had actually just been going through the motions in packing up the house and indicating that he was ready to leave. The fact that Dennis had no alternative accommodation lined up to go to when he was due to leave, now appears significant and adds some weight to these hindsight views.

Stage 7 - Planning:

- 21.20 The 'Timeline' explains that the planning stage can potentially last anywhere from a couple of hours to over twelve months. From Dennis's explanation to the psychiatrist, it appears that the plan was formed on the day of the murder and stemmed from his receiving the written notice that he would be required to vacate the property in a few days time.

Stage 8 Homicide

- 21.21 Dr Monkton-Smith's research describes how, as in this case, the final act of homicide may involve extreme levels of violence, even in previously non-violent people, and where the level of violence used appears to have no direct relation to the level of violence evidenced during the relationship. The ferocity of Dennis's repeated assault sadly provided another example of this finding. The 'Timeline' also describes how the act of murder can be followed by an immediate confession which happened in this case.

21.22 The DHR finding that this murder appears to have reflected at least stages 3 to 8 of the 'Timeline' forms one part of the important learning from this review.

PART 3 LESSONS TO BE LEARNT

22. INTRODUCTION

22.1 The findings from this review have identified several areas of learning that are important at both a national and local level. These include not only practice issues but also policy and organisational changes that need to be considered at a national level to ensure the effectiveness of DHRs where the participation of public and private organisations involved in the legal arena is viewed as essential.

22.2 The learning and recommendations in respect of the policy issues are important because the ability of the DHR to draw out all the possible learning from this case was affected by not being able to gain the perspectives of the Family Court Judiciary and the Solicitors Regulation Authority on the wider issues this case has raised.

22.3 The areas of learning are organised in the following order to provide a logical flow from the learning around professional practice into the related learning around national policy:-

- Action required by family law practitioners in identifying and responding to domestic abuse;
- Extending the list of organisations required to contribute to the completion of DHRs;
- How Family Courts approach cases involving controlling behaviour and economic abuse;
- The assistance that can be provided by the Family Court Judiciary in the completion of DHRs;
- Difficulties faced by victims of domestic abuse in funding divorce and related proceedings;
- Avoiding ageism in considering possible indicators of domestic abuse;
- Raising awareness, and increasing usage, of the 'Intimate Partner Homicide Timeline'
- Raising the levels of public awareness about how to recognise controlling behaviour and economic abuse, and how family, friends, and members of the public can report their concerns.

22.4 Within each of the above areas of learning, the report will include a reminder of the DHR findings that underpin these.

23 NATIONAL DEVELOPMENTS SINCE THIS CASE

23.1 First however, it is important to note that a key context for the review findings and learning identified is that this case preceded the implementation of the Domestic Abuse Act 2021. This broke new ground in providing for the first time a legal definition of domestic abuse with behaviour being described as abusive if it consists of any of the following, regardless of whether the behaviour consists of a single incident or a course of conduct:-

- a) physical or sexual abuse;
- b) violent or threatening behaviour;
- c) controlling or coercive behaviour;
- d) economic abuse;⁹
- e) psychological, emotional or other abuse.

23.2 In addition, the Act extended the controlling or coercive behaviour offence¹⁰ contained in Section 76 of the Serious Crime Act 2015 to cover post-separation abuse by removing the previous requirement that the victim and perpetrator needed to be living together.

23.3 This change was made in response to the evidence highlighted by specialist domestic abuse organisations that victims are often subjected to sustained or increased coercive or controlling behaviour post-separation. As in this case, financial remedy proceedings can be used to continue the controlling behaviour. This may include failure to provide full financial disclosure, adopting obstructive tactics to exhaust the funds of the other party in order to avoid or delay a settlement, and failing to comply with orders made by the court. Such behaviour, which amounts to “litigation misconduct” not only results in additional legal fees for the abused party, it is also emotionally draining for the victim.

24. ACTION BY FAMILY LAW PRACTITIONERS TO SAFEGUARD CLIENTS WHO HAVE BEEN, OR CONTINUE TO BE, VICTIMS OF DOMESTIC ABUSE

24.1 This case has highlighted the importance of family law solicitors exploring at an early stage with their clients whether they have been a victim of any form of domestic abuse, including controlling behaviour and / or economic abuse, and carry out a risk assessment as to whether there is any risk of further abuse. That initial assessment of risk then needs to be revisited throughout the period of involvement.

24.2 Where either is identified, this needs to be brought to the attention of the HM Courts & Tribunal Service and included in any application for divorce, financial remedy, or any other family law proceedings to be issued. This will ensure that the court can take account of the information in how it handles the proceedings, including whether any special arrangements should be put in place to safeguard the victim.¹¹ The DHR heard from HMCTS that if any parties or their representatives alert it to any vulnerabilities or safeguarding issues, it has extensive guidance, backed up by mandatory training for all staff, on action that should be taken.

⁹ *The Act defines economic abuse as any behaviour that has a substantial and adverse effect on an individual’s ability to:*

- *acquire, use or maintain money or other property; or*
- *obtain goods (such as food and clothing) or services (such as utilities, like heating)*

¹⁰ *Controlling behaviour is defined as “a range of acts” designed to make a person subordinate or dependent by isolating them from sources of support; exploiting their resources and capabilities for personal gain; depriving them of the means needed for independence, resistance and escape; and regulating their everyday behaviour. Coercive behaviour is defined as an act or pattern of acts of assault, threats, humiliation and intimidation; other abuse that is used to harm, punish, or frightened their victim.*

¹¹ See paragraph 386 in the statutory guidance on the Domestic Abuse Act 2021 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089015/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf

24.3 There are also three further reasons as to why it is important to establish if domestic abuse has taken place:-

- it enables the client to be exempted from attending the standard mediation information assessment meeting (MIAM) which all divorce applicants are required to attend before a divorce application can be considered by the court;
- any evidence of abuse will bring the client within the scope of the civil legal aid scheme – although eligibility will still be dependent on passing the means test. The issues regarding this will be covered later in the learning;
- to discuss with the client if they wish to be signposted to support from specialist domestic abuse services, or a referral made on their behalf.

24.4 The above learning stems from the DHR finding that the solicitor did not appear to probe Lizzie to gain further detail about the behaviours she experienced from Dennis during the marriage that she described at the initial consultation. This meant that the solicitor remained unaware of the examples of controlling behaviour that were described by Lizzie's friends during the review.

24.5 The fact that domestic abuse was not identified at the outset meant that Lizzie had to attend the MIAM which on the basis of the texts sent to her friend clearly caused her considerable anxiety because she would have to face Dennis. The solicitor's observation that the mediation referral process would have assessed whether either party were at risk of domestic abuse is a concern as it would be expected that the solicitor would have already done this as part of a solicitor's general duty of care.

Inclusion of victim's current address in court papers

24.6 Another issue that this review has drawn out is the importance of Family Law Practitioners exploring whether a request should be made to exclude the client's address and contact details in all court documents either to minimise risk of further abuse and / or to safeguard the client's right to privacy about their current circumstances. This learning stems from the DHR finding that the two unannounced visits made by Dennis to Lizzie's new address were as a result of his discovering her address from documents received from the court.

24.7 This was a concern raised with the author by Alex who was aware that Lizzie had not informed Dennis of either of her addresses. Alex therefore raised this as a possible learning point that it should become standard practice for solicitors and courts to check with the relevant party as to whether there are any issues or possible risks through the new address being disclosed.

24.8 There is provision for addresses and contact details not to be shared by virtue of Rule 29.1 of the Family Procedures Rules 2010. Within the application form for divorce or legal separation, there is a box covering confidentiality that asks whether the client's contact details can be shared with the spouse / partner. Where an applicant opts for all or some contact details not to be shared, the information not to be shared is then submitted on the separate Form C8.

- 24.9 The solicitor's records do not include information as to the extent to which the solicitor explored this issue with Lizzie, and if it was, why Lizzie agreed to her contact details being included. Given Lizzie's reported lack of concern later when the solicitor informed her of the threat made by Dennis when he was required to vacate the former matrimonial home, it is possible that she did not foresee that there was any possibility of her safety being at risk from his knowing her address.
- 24.10 The learning from this review is the importance of an explicit question being raised with the client at the outset as to whether the address should be included.

Sharing information without consent

- 24.11 This case has provided a reminder that there are situations where a solicitor can lawfully share information without the consent of the client where there is a reasonable belief that the client or another person may be at risk of domestic abuse or other harm.
- 24.12 The DHR Panel was informed that had Lizzie's solicitor come to the view following the risk assessment that the police should be informed about the threat made by Dennis, the solicitor would have spoken to Lizzie about this, but it would have been a decision for Lizzie to make because the solicitor was bound by the rules covering client confidentiality.
- 24.13 That stance does not seem to have taken account of the relevant sections of the guidance covering client confidentiality issued by the Solicitors Regulation Authority.¹² which explains that solicitors can lawfully share information without consent in the following circumstances:-
- (i) to prevent a crime being committed;
 - (ii) where there is a belief that the client is genuine in their intention to commit suicide or serious self-harm;
 - (iii) where the client reveals that he / she and / or their child is a victim of abuse but refuses to allow disclosure of that information;
 - (iv) where a client discloses abuse either by themselves or by another adult against a child or vulnerable adult but refuses to allow any disclosure.
- 24.14 The SRA guidance emphasises the importance of safeguarding and disclosure assessment plans to inform the solicitor's approach to these situations in evaluating the extent and nature of any safeguarding concerns and the seriousness of the risk of harm to the client if no action is taken. Importantly given the circumstances in this case, the guidance clarifies that the assessment of risk should also include consideration of non-physical risks to the individual, such as economic abuse or coercion. It also provides guidance on assessment of a client's capacity to protect themselves.

¹²

<https://www.sra.org.uk/solicitors/guidance/confidentiality-client-information/>

- 24.15 The guidance makes clear that although disclosure of confidential information, which is unauthorised by the client or by the law, could lead to disciplinary action or render the solicitor liable to a civil action arising out of the misuse of confidential information, the SRA would not want concerns about possible regulatory action to prevent solicitors raising concerns when it is necessary to prevent an event which could lead to harm to the client or a third party.
- 24.16 Consequently the guidance concludes that solicitors must therefore consider whether the threat to the person's life, health or welfare is sufficiently serious to justify a breach of the duty of confidentiality. The guidance acknowledges that in practice these judgments can be difficult, particularly where the facts or risks are not clear cut. However, the SRA supports solicitors erring on the side of disclosure when faced with genuine safeguarding concerns.

Response to controlling behaviour and economic abuse identified during divorce and related family proceedings

- 24.17 The findings from this DHR have highlighted that it is essential that where solicitors identify that their client is being subjected to controlling behaviour during divorce and / or financial remedy proceedings this again is brought to the attention of the court.
- 24.18 This learning stems from the DHR finding that although the solicitor confirmed that it was recognised at the time that Lizzie was a victim of controlling behaviour and economic abuse during the financial remedy proceedings, this was never referred to, or those terms used, in any of the written documents or oral submissions submitted to the court.
- 24.19 Although the orders made by the court addressed the delaying tactics and dismissed Dennis's 'special contribution' argument, the underlying issues and risks to Lizzie stemming from Dennis's pattern of controlling behaviour remained undetected. As highlighted earlier, this reflected the SEA finding that issues around domestic abuse are likely to be present in many financial remedy cases, but that the details are often insufficiently known to the court.

Exploration of these issues with Lizzie's solicitor

- 24.20 In the light of the DHR findings, and the firm of solicitors not identifying any learning for its own organisation, the author held further discussions with Lizzie's solicitor to explore the following questions:-
- (i) whether the firm has policies and guidance to help solicitors and other staff identify any possible issues around domestic abuse and / or safeguarding of adults and children?
 - (ii) how do family law solicitors discharge their general duty of care, and what steps do they take to identify whether a client who is seeking a divorce, has been, or is at risk, of any form of domestic abuse?
 - (iii) in what situations are victims referred or signposted to specialist domestic abuse services?

- 24.21 The solicitor explained that all the solicitors in the firm's family department have undertaken domestic abuse training and are either on the Law Society Family Law Panel and/or are members of 'Resolution' - an organisation of family lawyers. Members of Resolution have access to a domestic abuse toolkit that the solicitor shared with the author, which includes a comprehensive list of screening questions that solicitors can draw on to explore whether their clients have been subject to domestic abuse, and the nature of that abuse. However, there was little evidence that use was made of these in this case.
- 24.22 Members also have access to articles published regularly through the Resolution website that include coverage of current research and practice issues in respect of family law matters including domestic abuse. Although these are normally accessible to members only, the solicitor shared with the author some of the ones that relate to the issues and learning identified during this DHR.
- 24.23 One of these discussing the changes introduced by the Domestic Abuse Act 2021 acknowledged that the definition of domestic abuse being widened to include controlling / coercive behaviour and economic abuse would fundamentally impact on family law solicitors' practice and totally reframe how behaviour needs to be looked at. The point was made that the challenge for solicitors would be to revisit how they screen and present evidence in light of this new definition. The observation was also made that once a pattern of controlling behaviour, and the context, has been established, all other forms of abuse need to be seen through this lens.
- 24.24 The article also highlighted the need for extensive training on domestic abuse for all participants in the family justice system including the judiciary as recommended in the 2020 Ministry of Justice Family Harms Panel Report.¹³ Reference was made to the value of the training being provided by SafeLives¹⁴ to enhance practitioners' skills in reframing the way they look at cases and how best to assist clients.
- 24.25 In the light of the above findings, the DHR Panel considered that the toolkit published by 'Resolution' would benefit from being updated to reflect best practice developments since the implementation of the Domestic Abuse Act 2021 and should include a checklist of issues that solicitors should cover in their early contacts with clients.

¹³ 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases Final Report' – Ministry of Justice June 2020
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf

¹⁴ SafeLives, is the UK-wide charity established in 2004 dedicated to ending domestic abuse.
<https://safelives.org.uk/about-us>

Recommendation 1

The Home Office should request the Solicitors Regulation Authority to draw the findings from this DHR to the attention of 'Resolution' with a recommendation that the latter's Domestic Abuse Toolkit be updated to:-

- (i) reinforce the learning around best practice that should be applied by family law practitioners to establish if their clients have been victims of any type of domestic abuse and / or continue to be at risk of further abuse;*
- (ii) to reflect the changes to the definition of domestic abuse introduced by the Domestic Abuse Act 2021 and provide additional guidance on how to recognise and respond to possible indicators of controlling behaviour and / or economic abuse;*
- (iii) remind practitioners that any behaviour by a party in divorce and related proceedings that may reflect controlling behaviour and / or is causing economic abuse, needs to be addressed and brought to the attention of the court as early as possible;*
- (iv) to expand the coverage of the circumstances where information can be shared without consent with signposting to the guidance on client confidentiality issued by the Solicitors Regulation Authority.*

25 EXTENDING THE LIST OF ORGANISATIONS REQUIRED TO CONTRIBUTE TO THE COMPLETION OF DHRs

- 25.1 The above learning for family law practitioners leads into the issues that this DHR has identified in respect of the contribution to DHRs of organisations within the legal arena. These stem from the initial difficulties in securing the engagement of the firm of solicitors, and the unsuccessful approach made to secure the participation of the Solicitors Regulation Authority (SRA).
- 25.2 Involving the SRA was viewed as essential to gain their insights on any matters relating to the responsibilities of private law firms when dealing with cases involving domestic abuse. This was because the SRA has responsibility for overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and firms to practise, setting standards for the profession and enforcing compliance against these standards. The latter responsibility includes investigating allegations of a breach of the standards and regulations.¹⁵
- 25.3 The DHR Panel noted that the SRA has published both a code of conduct¹⁶ and a range of guidance setting out the solicitor's roles, duties and responsibilities on a wide range of issues. Therefore, the SRA's input would have been important in exploring whether the DHR findings indicated a need for the SRA to issue additional guidance on the responsibilities of solicitors when dealing with cases involving domestic abuse. This would be to supplement the existing guidance covering disclosure and confidentiality of client information which was described previously.

¹⁵ *The SRA is the largest regulator of legal services in England and Wales, covering around 80% of the regulated market overseeing some 196,000 solicitors and more than 10,300 law firms.*

¹⁶ <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>

Recommendation 2

The Home Office should share the findings from this DHR with the Solicitors Regulation Authority so that the latter can consider whether additional guidance should be issued on the responsibilities of solicitors when dealing with cases involving domestic abuse having regard to the Domestic Abuse Act 2021, any relevant regulations, and the associated statutory guidance.

- 25.4 Although the firm of solicitors did eventually engage fully, it required several approaches before an IMR was provided, and again to set up a follow up discussion with the author to explore a number of issues that required further exploration. This stemmed from the IMR being completed by the solicitor who acted for Lizzie which meant that there was a lack of objective independent analysis of the rationale for the advice provided and actions taken by the solicitor. This may have been a contributory factor for the IMR identifying no learning for its own organisation.
- 25.5 The challenges in securing the engagement of some organisations involved in the legal arena during this review mirrored similar difficulties that the author has encountered in previous DHRs.
- 25.6 A contributory factor is that the current legal framework ¹⁷ and the Home Office Statutory Guidance covering the conduct of DHRs, do not include in the list of those that are required to participate, the public and private organisations involved directly, or indirectly, within the legal arena other than the police and the probation service.
- 25.7 In addition, Section 9 of the Domestic Violence, Crime and Victims Act 2004 does not include the same requirement that is in place for Safeguarding Adult Reviews (SARs) and Child Practice Reviews. With regard to SARs, Section 45 of the Care Act 2014 sets out that any relevant person must comply with a request from a Safeguarding Adults Board (SAB) for information where the latter considers that the person is likely to have information relevant to the exercise of a function by the SAB. A similar provision is contained in Section 16N of the Children Act 2004 in respect of Child Practice Reviews.
- 25.8 In exploring this issue further, it was established that with the exception of the Crown Prosecution Service, it does not appear that the following organisations have published any policy guidance covering how they will respond to requests to participate in DHRs (or statutory safeguarding reviews):-
- *HM Courts and Tribunals Service;*
 - *Legal Aid Board;*
 - *Solicitors Regulation Authority;*
 - *Bar Standards Board.*

¹⁷ Section 9 of the Domestic Violence, Crime and Victims Act (2004)

- 25.9 CPS' own guidance document ¹⁸ states that although there is no compulsion for the CPS to participate in a DHR, requests to participate as a DHR panel member should be considered positively on a case by case basis where the CPS had previous involvement and may be required to explain its role and decision making process in a particular case. The guidance explains that while the CPS may not normally be part of the review panel it may be required to provide an IMR.
- 25.10 Therefore to enable Community Safety Partnerships carrying out DHRs to more easily secure the participation of all organisations involved, whether directly or indirectly, in matters that come before criminal and civil courts, the following recommendation is made.

Recommendation 3

The Home Office should take the necessary steps to:-

- (i) *seek an amendment to Section 9(4)(a) of the Domestic Violence, Crime and Victims Act 2004 to extend the list of organisations required to contribute to DHRs to include all those organisations who are involved, whether directly or indirectly, in matters that come before criminal and civil courts, including the:-*
- *Crown Prosecution Service;*
 - *HM Courts and Tribunals Service;*
 - *Legal Aid Board;*
 - *Solicitors Regulation Authority;*
 - *Bar Standards Board.*
- (ii) *Update Section 2 of the Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews to include the above agencies in the list of those persons or bodies who have a duty to have regard to the Statutory Guidance as to the establishment and conduct of such reviews.*

26 FAMILY COURTS' APPROACH TO CASES INVOLVING CONTROLLING BEHAVIOUR AND ECONOMIC ABUSE

- 26.1 In the light of the emerging DHR findings and the explanations shared by the solicitor as to why Dennis's controlling behaviour was not brought to the court's attention, the review sought to gain the perspectives of the Family Court Judiciary on the following areas of potential learning from this case:-
- (i) how do Family Court's approach situations involving controlling behaviour and / or economic abuse?
- (ii) how best solicitors and / or other agencies can assist the court by drawing such issues to the Court's attention?
- (iii) how quickly solicitors should draw to the attention of the court any continuing obstructive behaviour in failing to comply with orders made by the court, and the approach likely to be taken by the court in deciding whether an enforcement order should be made.

¹⁸

<https://www.cps.gov.uk/legal-guidance/child-and-vulnerable-adult-case-reviews>

- 26.2 The reason for raising the first two questions was to find out the extent to which the observations made by Mr Justice Hayden in the High Court case of *F v M* (2021)¹⁹ have become embedded in the approach taken by Family Courts, and secondly to draw out any challenges the courts face in identifying whether controlling behaviour is an issue that needs to be addressed.
- 26.3 In the case of *F v M*, the Judge examined the limitations of the approach often relied on by the Family Court in requiring allegations of domestic abuse to be listed in what are known as “Scott Schedules”,²⁰ with the court then hearing evidence to establish whether, on the balance of probabilities, each allegation has been proven.
- 26.4 The Judge made the point that the problem that arises from dealing with each allegation on a standalone basis is that each may not be viewed as significant in itself – an approach that does not sit well with the general understanding of controlling and coercive behaviour where it is the pattern of behaviour over a period of time that reveals the true impact of the abuse and the intention of the perpetrator. The Judge therefore highlighted the importance for professionals of looking out for clues, hints, indicators and triggers in what people report.
- 26.5 The reason for raising the third question was that in Lizzie’s case 7 months had elapsed before an application was made for an order to enforce the sale. This raises the question as to whether such an application can be made, and be accepted, at a much earlier point as soon as it becomes evident that one of the parties is deliberately seeking to stall the sale process. In raising this question, the DHR Panel was mindful of the experience shared by Lizzie’s solicitor that courts are unlikely to agree to such an application until there has been several events that indicate one party is deliberately seeking to block progress.

27. ISSUES AROUND THE ASSISTANCE THAT CAN BE PROVIDED BY THE FAMILY COURT JUDICIARY IN THE COMPLETION OF DHRs

- 27.1 The unsuccessful approach made to the Family Court Judiciary to seek its perspectives on the above issues leads into important local and national learning about the assistance that can be expected from the Family Court Judiciary in the completion of DHRs. This learning also has the potential to be applicable in respect of statutory reviews established by Safeguarding Adult Boards and Safeguarding Children Partnerships.
- 27.2 The review established that at present there is no practice guidance specifically covering the response of the Judiciary to requests to assist with DHRs. However, Practice Guidance had previously been issued in 2017 by the then President of the Family Division which clarified what the judiciary can, and cannot do, in respect of requests for judiciary participation in Children’s Serious Case Reviews (SCRs).²¹

¹⁹ <https://www.familylawweek.co.uk/site.aspx?i=ed218860>

<https://www.1cor.com/brighton/2021/01/19/coercive-control-in-the-family-courts-f-v-m-2021-ewfc-4/>

²⁰ *A Scott Schedule is a schedule or table setting out the allegations which are in dispute. This approach most commonly occurred in cases involving decisions about children’s future living arrangements and parental contact.*

²¹ *President’s Guidance issued by Sir James Munby, President of the Family Division on 2 May 2017 regarding judicial co-operation with Serious Case Reviews.*
<https://www.judiciary.uk/wp-content/uploads/2017/05/pfd-guidance-judicial-cooperation-with-scrcs.pdf>

- 27.3 This explained that while Judges should provide every assistance to SCRs this would necessarily be limited to comply with the key constitutional principles of judicial independence. Therefore, it would not be appropriate for judges to respond to requests to complete IMRs. It was explained that the judiciary took this stance, not because it wished to evade scrutiny or accountability, but in order to protect its independence the independence of individual judges and be protected from potential encroachment by the executive.
- 27.4 In addition, individual judges, in the exercise of their judicial functions, must be free from direction or management by other judges. Consequently, the senior judiciary, including the President of the Family Division does not have the right to intervene in, or take any responsibility for the decision of a judge in a particular case, which can only be subject to review by an appellate court.
- 27.5 Where an approach is made for a judge to participate in a SCR, this should be brought to the attention of the President's Office immediately who will then advise on how to respond. The guidance explains that in principle, unless there are highly exceptional reasons why this should not be so, it is appropriate for a SCR to have access to:-
- (a) all material that the judge had access to in hearing the case, including all expert reports;
 - (b) transcripts of the proceedings;
 - (c) all court orders and transcripts of all judgments.

The only documents that would not be released would be the Judge's notes.

- 27.6 The guidance also clarified the separate and distinct roles of the Judiciary and the HM Courts and Tribunal Service (HMCTS) - the latter's role solely relating to the administrative functions of the courts and it has no involvement in, or responsibility for, judicial decision-making. Therefore, where HMCTS decides to complete an IMR this can only relate to its administrative role and it cannot comment on decisions made by the court. This limitation was adhered to strictly in this DHR.

Conclusions and recommendations

- 27.7 The 2017 Practice Guidance is helpful in terms of the in-principle assistance that can be provided by the Judiciary. However, it only covered the assistance that could be provided in respect of serious case reviews.
- 27.8 Therefore within the author's approach to the Family Court Judiciary via the Designated Judge, the question was raised as to whether the 2017 guidance might act as a proxy on how the Judiciary might respond in respect of any approach made for its assistance in respect of DHRs.
- 27.9 The issue was also raised that the 2017 Guidance only covers requests received for case specific information and does not cover the type of assistance sought in this DHR. This was to seek the Judiciary's perspectives in general terms on the approach to be taken by the Family Courts when there is evidence of controlling behaviour and economic abuse during divorce and related proceedings, particularly in the light of the changes introduced by the Domestic Abuse Act 2021.

- 27.10 In making this approach, it was acknowledged that Oldham's request was breaking new ground and that more time might be required for careful consideration by the President that may not fit with the time constraints in completing the DHR. Hence the suggestion was made that the overview report include a recommendation that the issues identified through this DHR should be explored further at a national level with the involvement of the relevant government departments and senior levels of the Judiciary.
- 27.11 However, in the event, both these suggestions were disregarded in the response received that it would not be appropriate for the Judiciary or the Judicial Office to comment on, or participate in, an individual DHR.
- 27.12 In considering this response, the DHR Panel noted that the first part was a reaffirmation of the fundamental principle of judicial independence – one that was already well understood and fully respected.
- 27.13 However, the panel expressed concern at the decision that it would be inappropriate for the Judiciary to provide views upon any general issues the DHR is considering. This meant it was not possible to explore further what was viewed as a very important area of learning given that the Family Courts are potentially well placed to address issues around controlling behaviour and economic abuse when these are identified during matters that come before them.
- 27.14 In addition, the decision appeared to represent a departure from the 2017 President's Guidance that stated that the President will issue appropriate Practice Direction or Guidance if the findings of a SCR raise issues for the Family Court Judiciary that should be addressed.
- 27.15 Therefore the DHR Panel agreed that the outcome of the approach made to the President's Office should be brought to the attention of the Home Office having regard to the background to this DHR being established. As described earlier in paragraph 2.3, it was the Home Office's clear view that a DHR should be carried out because of the potential for learning given that nationally there had had been a number of DHRs where domestic homicides had occurred that were linked to disputes about the division of marital assets within divorce proceedings. That position taken by the Home Office was amply borne out by the findings from this DHR into the circumstances of this tragic domestic homicide.
- 27.16 Therefore, it was the DHR Panel's firm view that to implement the learning from this review in order to minimise the risk of further domestic homicides, the opportunity needs to be created to bring the findings and recommendations from this DHR, and future relevant DHRs, to the attention of the Judiciary. This is so that there can be some dialogue about these with relevant government organisations at a national level. to explore the vital role that the Family Courts can play in addressing these forms of domestic abuse that become evident during proceedings that come before them.
- 27.17 As described earlier, one of the potential benefits for the Family Court Judiciary from engaging in a dialogue is the opportunity to provide its perspectives on how solicitors and other professionals might best assist the court in drawing to its attention any evidence of controlling behaviour and economic abuse.

27.18 Therefore the following recommendation is directed to the Home Office as the DHR Panel's view was that the former is best placed to assume ownership for initiating further exploration at a national level of how some level of engagement with the Family Court Judiciary can be achieved to draw the learning from this, and future DHRs to the Judiciary's attention given that the Home Office has access to the findings from previous DHRs where domestic homicides have been linked to disputes about the division of marital assets within divorce proceedings.

Recommendation 4

The Home Office, through engagement with all the relevant stakeholders, should seek to establish:-

- (i) how any relevant findings and learning from the completion of DHRs should be brought to the attention of the Office of the President of the Family Division;*
- (ii) the circumstances, and process through which there can be dialogue with the Family Court Judiciary at a national level to gain the latter's perspectives on any general issues arising from the findings of domestic homicide reviews;*
- (iii) whether consideration should be given to the President of the Family Division issuing Practice Guidance on how Family Courts should approach issues of controlling behaviour and / or economic abuse that are present in divorce and related family proceedings taking account of the approach taken by the High Court Judge in the case of F v M (2021).*

Updating and dissemination of the 2017 President's Guidance

27.20 The DHR Panel also agreed that a further recommendation should be made that consideration should be given to the 2017 President's Guidance being updated and expanded so that it covers all types of statutory reviews including DHRs, Safeguarding Adult Reviews, Offensive Weapons Homicide Reviews²² and the arrangements for Child Practice Reviews that have replaced SCRs since the original guidance was issued. This will ensure a consistent approach when an approach is made to the Family Court Judiciary for assistance.

Recommendation 5

The Home Office, in consultation with the Department of Health and Social Care, and the Department of Education, should request the Ministry of Justice to recommend to the Office of the President of the Family Division that consideration be given to updating and expanding the 2017 President's Guidance on Judicial Co-operation with Serious Case Reviews to cover Domestic Homicide Reviews, Safeguarding Adult Reviews, Child Practice Reviews and Offensive Weapon Homicide Reviews.

Signposting to the President's Guidance

27.21 It became apparent during the conduct of this DHR, that there was a lack of awareness of the 2017 President's Guidance. Therefore, in the event of the above recommendation being agreed by the President of the Family Division, it will be essential that there is effective dissemination of any updated guidance.

²² Offensive weapon reviews were introduced through the Police, Crime, Sentencing and Courts Act 2022.

Recommendation 6

The Home Office should include signposting to any President's Guidance issued on Judicial Co-operation with Domestic Homicide Reviews in the next update of the Home Office Multi-Agency Guidance for the Conduct of Domestic Homicide Reviews.

28 DIFFICULTIES FACED BY VICTIMS IN FUNDING DIVORCE AND RELATED FAMILY PROCEEDINGS

- 28.1 This DHR has again brought to the fore the difficulties experienced by many victims of domestic abuse in sourcing the necessary funds to initiate divorce and related family proceedings. In this case, Lizzie's limited funds led to delays before proceedings were issued, she incurred more debt to progress matters which caused her considerable anxiety and stress, and at times she had to resort to borrowing money from her friend. Although solutions were ultimately found in this case, first through a Sears Tooth Agreement and later the securing of litigation credit, the solicitors conceded that these could have been offered to Lizzie at an earlier stage.
- 28.2 The learning from this DHR therefore is that as soon as solicitors become aware that their client's financial situation may prevent, or delay, a victim from progressing applications, they need to be proactive in exploring all possible solutions. These include checking possible eligibility for legal aid, offering a Sears Tooth agreement, or assisting to obtain litigation credit.
- 28.3 If none of these can be secured, consideration should be given as to whether the tests are met for an application to be made for a Legal Services Payment Order (LSPO). However, it is important to note that legal commentaries have made the observation that the tests that have to be met are stringent and an order will only be granted if the court is satisfied that all other possible ways of identifying sources of funding have been exhausted.²³ This reflected the experience of Lizzie's solicitor who had never had a case where an LSPO had been made.

Issues around access to legal aid for victims of domestic abuse

- 28.4 This DHR has again highlighted the difficulties experienced by many victims of domestic abuse in accessing legal aid that have been previously highlighted in national research reports.
- 28.5 This has proved important local learning because within the DHR Panel discussions there appeared to some misapprehension that access to legal aid was automatic if there was evidence of previous abuse being reported, or a supporting letter being provided by a professional or agency that their assessment had concluded that the person had been a victim of abuse.²⁴

²³ Further information that will be considered by the court can be found at <https://www.3pb.co.uk/content/uploads/Legal-Services-Payment-Orders-Aimee-Fox-16-04-2020.pdf>

²⁴ This evidence requirements relating to domestic violence are contained in Section 33 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and the updated guidance issued in May 2020 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/885447/Evidence_Requirements_for_Private_Family_Law_Matters_guidance_version_10.pdf

- 28.6 Although victims come within the scope of legal aid, they must also pass a merits test and a means test which considers capital, gross and disposable income.²⁵ Applicants are ineligible for legal aid if they have capital above £8,000, gross monthly income above £2,657, or disposable monthly income above £733. The disposable income limit is a more stringent threshold which was the one that rendered Lizzie ineligible.
- 28.7 A report published by Surviving Economic Abuse (SEA) in 2021²⁶ highlighted some of the most problematic aspects of the means test. These include assessments not reflecting real living costs or taking into account ‘trapped assets’ such as equity in the matrimonial home which is inaccessible. Although a High Court judgement in 2020 established that there is discretion for the Legal Aid Agency to ignore trapped capital, national organisations have reported that this discretion is being applied in an inconsistent way.
- 28.8 Even where applicants pass the means test, they face the difficulty of having to make a contribution towards their legal costs.²⁷ This even applies to applications for urgent protective orders where the ‘domestic abuse waiver’ means there are no upper limits for income and capital to be eligible for legal aid.
- 28.9 The SEA report found that 20% of victims who were eligible for legal aid could not proceed with their application because the contributions were not affordable. This can result in victims who are at risk of immediate physical harm having to remain within an abusive relationship. Where they do manage to leave, they are faced with the difficult choices that Lizzie had to make of either having to self-represent through complex legal proceedings, or resort to expensive loans to cover their legal costs – debts which are not taken into account by the means test.

Issues around level of fees awarded under Legal Aid

- 28.10 A further problem is the low level of fees granted for different kinds of legal work which has led to a significant drop in the number of firms of solicitors that are registered to undertake legal aid work.²⁸ The solicitor in this case made the observation that the general consensus among the profession is that on a cost benefit analysis it is often not worth taking on legal aid funded cases given that the risks are quite high but the payments are so low.²⁹

²⁵ The government published an eligibility key card in 2021 to help practitioners assess eligibility.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1067377/Eligibility-keycard_58_.pdf

²⁶ ‘Denied justice: How the legal aid means test prevents victims of domestic abuse from accessing justice and rebuilding their lives’ – Published by Surviving Domestic Abuse in October 2021.
<https://survivingeconomicabuse.org/wp-content/uploads/2021/10/Denied-justice-October-2021.pdf>

²⁷ Applicants with disposable incomes between £316 and £733 a month must contribute an amount towards their legal costs of 35% of all disposable income between £311 and £465, plus 45% of all income between £465 and £616 plus 70% of all income between £616 and £733.

²⁸ As of February 2022, there were just 1,062 firms holding a criminal legal aid contract compared with 2,010 in October 2007. There were just 1,369 firms holding a civil legal contract compared to 2,706 in October 2007.

²⁹ The current amounts allowed for different types of work can be viewed at <https://www.legislation.gov.uk/ukxi/2013/422/schedules/made?view=plain>

28.11 Similarly, solicitors can experience difficulty in trying to find barristers with the requisite experience and skills who are willing to take on legal aid cases. The issue around low fees is one that has been pushed by the Law Society³⁰ in calling for an increase in fees that reflects the time it actually takes to conduct cases.

Recent Developments

28.12 In 2019 the government launched the Legal Aid Means Test Review³¹ as part of its Legal Support Action Plan. This led to the Ministry of Justice carrying out a consultation in 2022 on proposals that create a substantially more generous legal aid system that is estimated to make 5.5 million more people eligible for criminal and civil legal aid.³²

28.13 Key changes proposed in respect of civil legal aid include:

- a significant increase in the income thresholds, using a cost-of-living based approach, the disposable capital thresholds and the equity allowance.
- disregarding from the capital assessment the value of any property or other assets which are the subject matter of dispute (SMOD) and removing the existing £100,000 cap.³³

28.14 Although the proposals have been broadly welcomed, the government's response to the results of the consultation process is still awaited and therefore it remains uncertain as to when the proposed changes will be implemented.

28.15 The DHR Panel noted that one of the priorities of the Domestic Abuse Commissioner is improving the experience of victims of domestic abuse in the Family Court and is supporting the call from SEA for victims to be exempt from the legal aid means test to ensure they can access the legal support they need as they escape from abusive partners and rebuild their lives.

28.16 In the light of this, it is recommended that the findings from this review should be brought to the attention of both the Domestic Abuse Commissioner and the Ministry of Justice to provide further evidence of the difficulties faced by victims in order to add impetus to the ongoing work on the planned changes to the civil legal aid arrangements.

³⁰ *Civil Legal Aid: A review of its sustainability and the challenges to its viability.*
Law Society Futures & Insight team - September 2021
<file:///C:/Users/Chris/Downloads/civil-legal-aid-evidence-review-september-2021.pdf>

³¹ <https://www.gov.uk/government/consultations/legal-aid-means-test-review>

³² *an extra 2 million people in civil cases, 3.5 million more people at the magistrates' court, and all Crown Court defendants*

³³ *This cap was introduced to avoid legal aid being given to those contesting valuable assets that could be used by the parties to fund their case.*

Recommendation 7

The Oldham Community Safety Partnership should share the findings from this DHR with the Domestic Abuse Commissioner for England and Wales, and the Ministry of Justice, to highlight the impact for victims of domestic abuse who are unable to access legal aid, so that this can inform the ongoing review of civil legal aid.

29. AVOIDING AGEISM IN CONSIDERING POSSIBLE INDICATORS OF DOMESTIC ABUSE

- 29.1 This review finding that the domestic abuse Lizzie experienced was not referred to as such in the solicitor's file, and she does not appear to have been given information about the support available for victims, reinforces key messages from research that older people continue to form one of the groups of 'hidden victims'. Signposting to this research is included in the statutory guidance on the Domestic Abuse Act 2021. In this case, some of the abuse that Lizzie experienced was attributed by her solicitor to behaviours that are not unusual in what the solicitor termed a 'traditional / old fashioned' marriage.
- 29.2 This issue was brought into the public spotlight in research published by SafeLives in October 2016³⁴ which highlighted how generational attitudes about domestic abuse may make this hard to identify because older victims are far less likely to view their situation as abuse and are likely to have lived with the abuse for prolonged periods of time before seeking or receiving help. As a result, older people are significantly under-represented in those being referred to specialist domestic abuse services as found in surveys carried out by Women's Aid.³⁵
- 29.3 The SafeLives report also made the observation that older people may feel additional pressures to stay with an abusive partner because of anxiety about the practical challenges of trying to build a new life, or a reluctance to walk away because of the contribution they have made over many years to the family and the home with the possible loss of other assets such as treasured possessions.
- 29.4 It is important therefore that training for all professionals highlights the issues around the recognition of the different types of domestic abuse that older people may experience. Use of the adapted Duluth Wheel developed by Dewis Choice can be a useful tool to improve recognition.³⁶
- 29.5 The DHR Panel was informed that the Oldham Safeguarding Adults Board and the Domestic Abuse Partnership have already undertaken specific work around older adult domestic abuse and this activity is detailed within the Oldham Domestic Abuse Action Plan. Research work relating to the needs of older victims has been undertaken and there is a work-stream specifically around the development of wraparound support. The work to date has also included the commission of a short film 'Eggshells'³⁷ about domestic abuse experienced by older adults including coercive control and 'gas-lighting'.

³⁴ *The full report, which was formed one in a series of reports on hidden groups of domestic abuse victims, can be viewed at*
<https://safelives.org.uk/sites/default/files/resources/Safe%20Later%20Lives%20-%20Older%20people%20and%20domestic%20abuse.pdf>

³⁵ <https://www.womensaid.org.uk/wp-content/uploads/2019/12/The-Annual-Audit-2019.pdf>

³⁶ <https://dewischoice.org.uk/wp-content/uploads/2021/02/Dewis-Choice-Duluth-Wheel-1.pdf>

³⁷ <https://www.youtube.com/watch?v=YIHxhmOsrHo>

30 INCREASING AWARENESS AND USE OF THE 'INTIMATE PARTNER HOMICIDE TIMELINE'

- 30.1 Following on from the learning about improving the recognition and response to evidence of controlling behaviour, this DHR has underlined the importance of the continuing efforts to raise awareness of the 'Intimate Partner Homicide Timeline'
- 30.2 A key point in promoting the 'Timeline' is that the analysis of the escalation of risk is explained through a narrative of controlling patterns being central to a perpetrator's motivation and behaviours and forming the homicide trigger. Therefore, identification of a pattern of controlling behaviour could be a key indicator of someone's potential to kill their partner or former partner.
- 30.3 This approach brings a very different perspective to bear on the factors that lead to domestic homicides and challenges the previous dominant discourses. These tended to view risk and culpability lying more equally between perpetrator and victim, and control being viewed as an abusive 'action' rather than the core motivation and driver of domestic abuse. In addition, in some previous research studies, there was a greater emphasis on homicides being often related to a crime of passion where victim behaviour was one of the contributory factors.
- 30.4 The research explains that progression through all eight stages is not inevitable, and circular journeys within the eight stages sequence were found to be quite common. However, where the early stages 1-2 are positively identified there is much higher likelihood that attempts at separation will be met with significant resistance. Where there is progression through stage 3, irrespective of the length of that stage, there is much higher likelihood that separation will be very difficult, or even dangerous. Travel through stages 4 and 5 are the clearest indication of the increased potential for homicide.

Conclusions and recommendations

- 30.5 The DHR Panel agreed that drawing on the 'Timeline' had proved invaluable in gaining a greater understanding of the circumstances and events leading up to Lizzie's murder. Therefore, increasing awareness, and its use, nationally and locally will be important in improving recognition of coercive / controlling behaviour and assist professionals in identifying opportunities for preventive intervention.
- 30.6 To embed its wider use, multi-agency training on the 'Timeline' will be essential. At a local level, a focus on the 'Timeline' is already included in training delivered through the Oldham Community Safety Partnership. The following recommendations are therefore made to promote its greater use nationally.

Recommendation 8

The Home Office should update the Multi-Agency Guidance for the Conduct of DHRs to include signposting to the 'Intimate Partner Homicide Timeline', with a requirement that this is applied in the analysis of the circumstances in all future DHRs that involve intimate partner homicides. Where these type of DHRs conclude that the various stages in the 'Timeline' are not applicable to the circumstances of the case, the reasons must be included in the overview report.

- 30.7 In addition to this being included in the Home Office Statutory Guidance, the Home Office should recommend to the Department of Health and Social Care that signposting to the 'Timeline' is included in guidance covering domestic violence and abuse issued by the Department and the National Institute for Health and Care Excellence (NICE).

Recommendation 9

The Home Office should recommend to the Department of Health and Social Care, the Department of Education, and the National Institute for Health and Care Excellence (NICE), that signposting to the 'Intimate Partner Homicide Timeline' is included in any guidance they issue covering the recognition and response to domestic abuse.

31. INCREASING PUBLIC AWARENESS OF HOW TO RECOGNISE AND REPORT CONCERNS ABOUT POSSIBLE CONTROLLING BEHAVIOUR AND / OR ECONOMIC ABUSE

- 31.1 The final area of learning is the importance of raising public awareness of how to recognise and respond to controlling / coercive behaviour and economic abuse given that, as in this case, it is often family and / or friends who witness these behaviours. Therefore, easily accessible information in the public domain is vital on how to recognise these behaviours and the support that victims can be signposted to when family and friends suspect these types of abuse are taking place.
- 31.2 The DHR Panel was informed that the Domestic Abuse Partnership has regularly put out information on how to recognise the signs of controlling behaviour, including the 'Eggshells' film referred to earlier, to raise awareness of indicators of domestic abuse experienced by older adults including controlling behaviour and economic abuse. In addition, as part of the action plan to implement the Partnership's Communication Strategy, further materials are being developed to raise public awareness.
- 31.3 In the light of this, the question for the CSP to consider now is how the impact of the above initiatives can be evaluated, and whether the higher profile given to controlling behaviour since the introduction of the Domestic Abuse Act is making a difference to the levels of public awareness of how to spot the signs and access the appropriate support.

Recommendation 10

The Domestic Abuse Partnership should give further consideration as part of the action plan to implement its communication strategy, as to how public awareness of coercive / controlling behaviour and economic abuse can be raised further, particularly through use of the 'eggshells' film.

32. LIST OF ALL RECOMMENDATIONS

1. The Home Office should request the Solicitors Regulation Authority to draw the findings from this DHR to the attention of 'Resolution' with a recommendation that the latter's Domestic Abuse Toolkit be updated to:-
 - (i) reinforce the learning around best practice that should be applied by family law practitioners to establish if their clients have been victims of any type of domestic abuse and / or continue to be at risk of further abuse;
 - (ii) to reflect the changes to the definition of domestic abuse introduced by the Domestic Abuse Act 2021 and provide additional guidance on how to recognise and respond to possible indicators of controlling behaviour and / or economic abuse;
 - (iii) remind practitioners that any behaviour by a party in divorce and related proceedings that may reflect controlling behaviour and / or is causing economic abuse, needs to be addressed and brought to the attention of the court as early as possible;
 - (iv) to expand the coverage of the circumstances where information can be shared without consent with signposting to the guidance on client confidentiality issued by the Solicitors Regulation Authority.
2. The Home Office should share the findings from this DHR with the Solicitors Regulation Authority so that the latter can consider whether additional guidance should be issued on the responsibilities of solicitors when dealing with cases involving domestic abuse having regard to the Domestic Abuse Act 2021, any relevant regulations, and the associated statutory guidance.
3. The Home Office should take the necessary steps to:-
 - (i) seek an amendment to Section 9(4)(a) of the Domestic Violence, Crime and Victims Act 2004 to extend the list of organisations required to contribute to DHRs to include all those organisations who are involved, whether directly or indirectly, in matters that come before criminal and civil courts, including the:-
 - Crown Prosecution Service;
 - HM Courts and Tribunals Service;
 - Legal Aid Board;
 - Solicitors Regulation Authority;
 - Bar Standards Board.
 - (ii) Update Section 2 of the Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews to include the above agencies in the list of those persons or bodies who have a duty to have regard to the Statutory Guidance as to the establishment and conduct of such reviews.

4. The Home Office should approach the Ministry of Justice to request further exploration of the following issues:-
 - (i) how any relevant findings and learning from the completion of DHRs should be brought to the attention of the Office of the President of the Family Division;
 - (ii) the circumstances, and process through which there can be dialogue with the Family Court Judiciary at a national level to gain the latter's perspectives on any general issues arising from the findings of domestic homicide reviews;
 - (iii) whether consideration should be given to the President issuing Practice Guidance on how Family Courts should approach issues of controlling behaviour and / or economic abuse that are present in divorce and related family proceedings to embed the approach taken by the High Court Judge in the case of *F v M* (2021).
5. The Home Office, in consultation with the Department of Health and Social Care, and the Department of Education, should request the Ministry of Justice to recommend to the Office of the President of the Family Division that consideration be given to updating and expanding the 2017 President's Guidance on Judicial Co-operation with Serious Case Reviews to cover Domestic Homicide Reviews, Safeguarding Adult Reviews, Child Practice Reviews and Offensive Weapon Homicide Reviews.
6. The Home Office should include signposting to any President's Guidance issued on Judicial Co-operation with Domestic Homicide Reviews in the next update of the Home Office Multi-Agency Guidance for the Conduct of Domestic Homicide Reviews.
7. The Oldham Community Safety Partnership should share the findings from this DHR with the Domestic Abuse Commissioner for England and Wales, and the Ministry of Justice, to highlight the impact for victims of domestic abuse who are unable to access legal aid, so that this can inform the ongoing review of civil legal aid.
8. The Home Office should update the Multi-Agency Guidance for the Conduct of DHRs to include signposting to the 'Intimate Partner Homicide Timeline', with a requirement that this is applied in the analysis of the circumstances in all future DHRs that involve intimate partner homicides. Where these type of DHRs conclude that the various stages in the 'Timeline' are not applicable to the circumstances of the case, the reasons must be included in the overview report.
9. The Home Office should recommend to the Department of Health and Social Care, the Department of Education, and the National Institute for Health and Care Excellence (NICE), that signposting to the "Intimate Partner Homicide Timeline' is included in any guidance they issue covering the recognition and response to domestic abuse.
10. The Domestic Abuse Partnership should give further consideration as part of the action plan to implement its communication strategy, as to how public awareness of coercive / controlling behaviour and economic abuse can be raised further, particularly through use of the 'eggshells' film.

APPENDIX 1 TERMS OF REFERENCE

KEY LINES OF ENQUIRY

The main focus of this DHR is to draw out the learning from this case around the following issues:-

1. How the risk of all forms of domestic abuse, including financial abuse, may increase during separation and divorce proceedings - particularly where this involves the distribution of assets and in this case the sale of the former marital home.
2. Whether the Family Court and private law firms have guidance and procedures to support the recognition of possible domestic abuse (all types of abuse) and covers action which should be taken to raise concerns in respect of children and adults who may be at risk.
3. How do courts and private law firms link in with other agencies when they identify concerns about possible domestic abuse or about the safeguarding of children and / or adults.
4. The extent to which family and friends have an understanding of how domestic abuse manifests itself, including coercive and controlling behaviour, and how they can raise concerns with the appropriate statutory organisations.
5. Are there any particular barriers which prevent victims from accessing support where they continue to be subject to some form of domestic abuse during separation and divorce proceedings.

COMPLETION OF INDIVIDUAL MANAGEMENT REVIEWS (IMRs)

In line with usual practice, all organisations should address the **standard list of questions** set out in the Home Office Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews. These are attached at Appendix 1.

In addition, the following **case specific questions** should be addressed by the organisations shown

By all organisations – public and private

1. During any contact with either the victim or perpetrator, was there any indication that the victim may have been at risk of domestic abuse, particularly in respect of coercive and controlling behaviour and / or financial abuse?

By both the Family Court and Private Law Firms

2. Was there information that emerged during the divorce proceedings that indicated that the victim was, or may be, experiencing coercive and controlling behaviour from the perpetrator, resulting in her experiencing financial abuse:-
 - within the documentation submitted to court, or oral submissions from the respective solicitors acting for the two parties?
 - or through observations of the victim's and perpetrator's presentation and behaviour during consultations with the respective solicitors, or during any court hearings held?

3. Was the continued obstruction of the sale of the property recognised as controlling behaviour and financial abuse by the perpetrator?
4. Was there any information to indicate that the victim may have been subject to coercive and controlling behaviour from the perpetrator prior to the separation?
5. Following the separation, how did the length of the process to finalise the divorce impact on the financial position and well-being of the victim and perpetrator?
6. How did this affect the approach taken by both parties within the proceedings following legal advice, and did this lead to an actual or potential increase in the risk of domestic abuse?
7. What was the perpetrator's response to the news that a possession order had been granted? Did this indicate a possible increase in risk for the victim or others who might need to execute the order? If this was recognised, what action was taken?
8. Does your organisation have policies and guidance that support professionals and staff:-
 - to identify possible issues around domestic abuse and / or safeguarding of adults and children;
 - about action which should be taken to raise concerns in respect of children and adults who may be at risk;
 - to understand the significant risk of escalation of abuse when victims leave relationships.
9. Were these policies and guidance applied appropriately in this case?

QUESTIONS TO BE EXPLORED WITH FAMILY AND FRIENDS

1. What insights can you share about the relationship between the victim and the perpetrator both before, and following, the separation?
2. Was the victim involved in any social groups prior to the separation, and was this affected by the perpetrator's attitude or behaviour?
3. What contact, direct or indirect took place between the victim and perpetrator following the separation?
4. Did the victim ever disclose, or did you have any suspicions, that she may have been a victim of any kind of domestic abuse, particularly coercive and controlling behaviour?
5. If you have concerns about possible abuse, would you know how to report your concerns?

Annex A

STANDARD QUESTIONS SET OUT IN THE HOME OFFICE MULTI-AGENCY STATUTORY GUIDANCE FOR THE CONDUCT OF DOMESTIC HOMICIDE REVIEWS.

1. Were practitioners sensitive to the needs of the victim and the perpetrator, knowledgeable about potential indicators of domestic violence and abuse and aware of what to do if they had concerns about a victim or perpetrator? Was it reasonable to expect them, given their level of training and knowledge, to fulfil these expectations?
2. Did the agency have policies and procedures for Domestic Abuse, Stalking and Harassment (DASH) risk assessment and risk management for domestic violence and abuse victims or perpetrators and were those assessments correctly used in the case of this victim/perpetrator? Did the agency have policies and procedures in place for dealing with concerns about domestic violence and abuse? Were these assessment tools, procedures and policies professionally accepted as being effective? Was the victim subject to a MARAC or other multi-agency fora?
3. Did the agency comply with domestic violence and abuse protocols agreed with other agencies, including any information-sharing protocols?
4. What were the key points or opportunities for assessment and decision making in this case? Do assessments and decisions appear to have been reached in an informed and professional way?
5. Did actions or risk management plans fit with the assessment and decisions made? Were appropriate services offered or provided, or relevant enquiries made in the light of the assessments, given what was known or what should have been known at the time?
6. When, and in what way, were the victim's wishes and feelings ascertained and considered? Is it reasonable to assume that the wishes of the victim should have been known? Was the victim informed of options/choices to make informed decisions? Were they signposted to other agencies?
7. Was anything known about the perpetrator? For example, were they being managed under MAPPA? Were there any injunctions or protection orders that were, or previously had been, in place?
8. Had the victim disclosed to any practitioners or professionals and, if so, was the response appropriate? Was this information recorded and shared, where appropriate?
9. Were procedures sensitive to the ethnic, cultural, linguistic and religious identity of the victim, the perpetrator and their families? Was consideration for vulnerability and disability necessary? Were any of the other protected characteristics relevant in this case?
10. Were senior managers or other agencies and professionals involved at the appropriate points?
11. Are there other questions that may be appropriate and could add to the content of the case? For example, was the domestic homicide the only one that had been committed in this area for a number of years?

12. Are there ways of working effectively that could be passed on to other organisations or individuals?
13. Are there lessons to be learned from this case relating to the way in which this agency works to safeguard victims and promote their welfare, or the way it identifies, assesses and manages the risks posed by perpetrators? Where can practice be improved? Are there implications for ways of working, training, management and supervision, working in partnership with other agencies and resources?
14. Did any staff make use of available training?
15. Did any restructuring during the period under review likely to have had an impact on the quality of the service delivered?
16. How accessible were the services for the victim and perpetrator?

APPENDIX 2 MULTI-AGENCY ACTION PLAN

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
1.	<p>The Home Office should request the Solicitors Regulation Authority to draw the findings from this DHR to the attention of 'Resolution' with a recommendation that the latter's Domestic Abuse Toolkit be updated to:-</p> <p>(i) reinforce the learning around best practice that should be applied by family law practitioners to establish if their clients have been victims of any type of domestic abuse and / or continue to be at risk of further abuse;</p>	National		Home Office	Domestic Abuse Toolkit is updated and includes a checklist of issues that solicitors should cover in their early contacts with clients.	31/03/24	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
	<p>(ii) to reflect the changes to the definition of domestic abuse introduced by the Domestic Abuse Act 2021; and provide additional guidance on how to recognise and respond to possible indicators of controlling behaviour and / or economic abuse.</p> <p>(iii) remind practitioners that any behaviour by a party in divorce and related proceedings that causes delay may reflect controlling behaviour, and may result in economic abuse, that needs to be addressed and brought to the attention of the court as early as possible;</p>						

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
	(iv) to expand the coverage of the circumstances where information can be shared without consent with signposting to the guidance on client confidentiality issued by the Solicitors Regulation Authority.						
2.	The Home Office should share the findings from this DHR with the Solicitors Regulation Authority so that it can consider whether additional guidance should be issued on the responsibilities of solicitors when dealing with cases	National		Home Office	Production of additional guidance which is shared through the SRA with clear expectations.	31/03/2024	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
	involving domestic abuse having regard to the Domestic Abuse Act 2021, any relevant regulations, and the associated statutory guidance.						
3.	<p>The Home Office should take the necessary steps to:-</p> <p>(i) seek an amendment to Section 9(4)(a) of the Domestic Violence, Crime and Victims Act 2004 to extend the list of organisations required to contribute to DHRs to include all those organisations who are involved, whether directly or indirectly, in matters that come before criminal and civil courts, including the:-</p> <p>- Crown Prosecution Service;</p>	National		Home Office	Legislative change resulting in inclusion of wider list of organisations who must comply with the Statutory Guidance and who are required to fully contribute to the DHR process.	31/03/2024	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
	<ul style="list-style-type: none"> - HM Courts and Tribunals Service; - Legal Aid Board; - Solicitors Regulation Authority; - Bar Standards Board. <p>(ii) update Section 2 of the Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews to include the above agencies in the list of those persons or bodies who have a duty to have regard to the Statutory Guidance as to the establishment and conduct of such reviews.</p>						

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
4.	<p>The Home Office should approach the Ministry of Justice to request further exploration of the following issues:-</p> <p>(i) how any relevant findings and learning from the completion of DHRs should be brought to the attention of the Office of the President of the Family Division;</p> <p>(ii) the circumstances, and process through which there can be dialogue with the Family Court Judiciary at a national level to gain the latter's perspectives on any general issues arising from the findings of domestic homicide reviews;</p> <p>(iii) whether</p>	National		Home Office	<p>Coercive and controlling behaviour and economic abuse are recognised fully within proceedings which relate to divorce and separation of assets.</p> <p>Manipulation of proceedings is recognised and responded to early.</p> <p>Overall learning from DHRs informs service delivery and practice.</p>	30/03/2024	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
	consideration should be given to the President issuing Practice Guidance on how Family Courts should approach issues of controlling behaviour and / or economic abuse that are present in divorce and related family proceedings to embed the approach taken by the High Court Judge in the case of F v M (2021).						
5.	The Home Office, in consultation with the Department of Health and Social Care, and the Department of Education, should request the Ministry of Justice to recommend to the Office of the President of the Family Division that consideration be given to updating and expanding the 2017	National		Home Office	Expansion of the 2017 President's Guidance on Judicial Co-operation with Serious Case Reviews to cover Domestic Homicide Reviews, Safeguarding Adult Reviews, Child Practice Reviews and Offensive Weapon Homicide Reviews. Evidence of compliance seen in future DHRs.	31/03/2024	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
	President's Guidance on Judicial Co-operation with Serious Case Reviews to cover Domestic Homicide Reviews, Safeguarding Adult Reviews, Child Practice Reviews and Offensive Weapon Homicide Reviews.						
6.	The Home Office should include signposting to any President's Guidance issued on Judicial Co-operation with Domestic Homicide Reviews in the next update of the Home Office Multi-Agency Guidance for the Conduct of Domestic Homicide Reviews.	National		Home Office	The updated Multi-Agency Guidance for the Conduct of Domestic Homicide Reviews.signposts to any President's Guidance issued on Judicial Co-operation with Domestic Homicide Reviews.	31/03/2024	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
7.	The Oldham Community Safety Partnership should share the findings from this DHR with the Domestic Abuse Commissioner for England and Wales, and the Ministry of Justice, to highlight the impact for victims of domestic abuse who are unable to access legal aid, so that this can inform the ongoing review of civil legal aid.	Local and National	Chairs of the CSP to write to the Domestic Abuse Commissioner.	Community Safety Partnership (Bruce Penhale)	Letter sent and response received.	31/07/2023	
8.	The Home Office should update the Multi-Agency Guidance for the Conduct of DHRs to include signposting to the 'Intimate Partner Homicide Timeline', with a requirement that this is applied in the analysis of the circumstances of the homicide in all future	National		Home Office	The updated Multi-Agency Guidance for the Conduct of DHRs includes signposting to the 'Intimate Partner Homicide Timeline', with a requirement that this is applied in the analysis of the circumstances of the homicide in all future DHRs.	31/03/2024	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
	DHRs. Where a DHR concludes that the various stages in the 'Timeline' are not applicable to the circumstances of the case, the reasons must be included in the overview report.				The Guidance states that where a DHR concludes that the various stages in the 'Timeline' are not applicable to the circumstances of the case, the reasons must be included in the Overview Report.		
9.	The Home Office should recommend to the Department of Health and Social Care, the Department of Education, and the National Institute for Health and Care Excellence (NICE), that signposting to the "Intimate Partner Homicide Timeline" is included in any guidance they issue covering the recognition and response to domestic abuse.	National		Home Office	The 'Homicide Timeline' is referenced in departmental policies and procedures and is included in any guidance issued.	31/03/2024	

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
10.	The Domestic Abuse Partnership should give further consideration as part of the action plan to implement its communication strategy, as to how public awareness can be raised further, particularly through use of the 'Eggshells' film, on how to recognise and respond to controlling behaviour and economic abuse.	Local	Review DAP Communications Strategy/Plan to ensure work to improve recognition and response to controlling behaviour and economic abuse is included in plan	Domestic Abuse Partnership (Tanya Farrugia)	<p>Included within Communications Plan and examples of inclusion in practice.</p> <p>Improved understanding, recognition and response to controlling behaviour and economic abuse within communities in addition to statutory and VCF sectors</p>	31/12//2023	<p>Update: Work is ongoing to develop the DA action plan with communications and workforce development part of this. These areas of abuse will be included within this work.</p> <p>The Eggshells Video was shown as part of the domestic abuse day of action.</p> <p>The video will also be used as a resource at an event with young people on</p>

DHR Panel Recommendations							
No	Recommendation	Scope local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target Date Completion	Completion Date and Outcome
							November 29 th .

Lorraine Kenny
Head of Community Safety Services
Oldham Community Safety Services
Level 9
Civic Centre
West Street
Oldham
OL1 1UT

15th January 2024

Dear Lorraine,

Thank you for submitting the Domestic Homicide Review (DHR) report (Lizzie) for Oldham Community Safety Partnership (CSP) to the Home Office Quality Assurance (QA) Panel. The report was considered at the QA Panel meeting on 13th December 2023. I apologise for the delay in responding to you.

The QA Panel felt this was a clear, well written DHR which raises interesting and useful points around the engagement of the legal sector in Domestic Homicide Reviews. The Chair was clearly tenacious in attempts to engage the judiciary, solicitor's regulation authority and the solicitor, and the learnings from this clearly show the need for the recommended actions in this area.

It was especially useful in this case to see that Lizzie's children and friends were engaged with as part of the DHR process – both to bring a sense of Lizzie to the DHR as a person, as well as inform the history of the relationship. Additionally, the use of Jane Monkton-Smith's homicide timeline in this case is a useful tool, backed up by the recommendation for this to be used more widely for DHRs.

The QA Panel felt that there are some aspects of the report which may benefit from further revision, but the Home Office is content that on completion of these changes, the DHR may be published.

Areas for final development:

- Under the Equality and Diversity section it would be useful for there to be an acknowledgement that sex is relevant to this case i.e., in that women are disproportionately victims in DHRs. It would also be useful to know if there was an exploration as to whether Dennis' health needs constituted a disability.

- The terms financial abuse and economic abuse seem to be used interchangeably in the review. As these are not the same thing, and for consistency, the term economic abuse would be better throughout.
- In paragraph 21.7 the point is made around the links between coercive control, economic abuse and homicide. It would be useful here for research to be used to illustrate this point.
- The adult children are referred to A, B, C, D rather than having been given pseudonyms, and no explanation is provided why this is the case. It is easier for the reader if the children have pseudonyms.
- There is conflicting information about the place of the victim's death, paragraph 1.1 states the victim died at the scene, whereas paragraph 12.42 states the victim died in hospital.
- The abbreviations CCG and ICB should be given in words on the first occasion (para 7.1 of report and 2.2 of exec summary).
- Recommendation 8 is rooted in Dr Monckton Smith's research which was on intimate partner homicide specifically not domestic homicide as a whole. It should be amended to make it clear that it applies to intimate partner homicides specifically rather than to all domestic homicides.
- There were missed opportunities for solicitors to be more professionally curious regarding Dennis's reluctance in submitting his financial statements and seeming to hide assets, adding to Lizzie's experience of financial abuse, emotional abuse, and coercive controlling behaviours.
- The report requires a proofread to amend that grammar and typo issues.

Once completed the Home Office would be grateful if you could provide us with a digital copy of the revised final version of the report with all finalised attachments and appendices and the weblink to the site where the report will be published. Please ensure this letter is published alongside the report.

Please send the digital copy and weblink to DHREnquiries@homeoffice.gov.uk. This is for our own records for future analysis to go towards highlighting best practice and to inform public policy.

The DHR report including the executive summary and action plan should be converted to a PDF document and be smaller than 20 MB in size; this final Home Office QA Panel feedback letter should be attached to the end of the report as an annex; and the DHR Action Plan should be added to the report as an annex. This should include all implementation updates and note that the action plan is a live document and subject to change as outcomes are delivered.

Please also send a digital copy to the Domestic Abuse Commissioner at DHR@domesticabusecommissioner.independent.gov.uk

On behalf of the QA Panel, I would like to thank you, the report chair and author, and other colleagues for the considerable work that you have put into this review.

Yours sincerely,

Home Office DHR Quality Assurance Panel



GREATER MANCHESTER
POLICE



Oldham
Council

Community Safety Partnership

Date: 18th March 2024
Our ref: DHR/HO/202102
Your ref: 20211019/0

Domestic Homicide Review Team
Violent Crime Unit
Home Office
2 Marsham Street
London
SW1P 4DF

Youth, Communities and Leisure
Community Safety Services
Level 9, Civic Centre
West Street, Oldham OL1 1UT

Tel: 07739 548899

email: lorraine.kenny@oldham.gov.uk

Dear Sirs,

Re: Conclusion of Domestic Homicide Review

Thank you for your letter of the 24th January 2024, detailing the feedback from the Quality Assurance Panel.

The points raised under the areas for development have all been addressed in the revised version, with the exception of:

‘there were missed opportunities for solicitors to be more professionally curious regarding Dennis’s reluctance in submitting his financial statements and seeming to hide assets, adding to Lizzie’s experience of financial abuse, emotional abuse, and coercive controlling behaviours.’

The rationale for retaining the original text is that the Overview Report sets out in detail the lengths to which Lizzie’s solicitor went to establish the reasons for Dennis’s reluctance, leading to her suspicions that he may be hiding some assets. The Report details how the whole process contributed to, and indeed exacerbated. Lizzie’s experiences and therefore this point is deemed to have already been appropriately reflected.

Yours faithfully,

Lorraine Kenny
Head of Community Safety Services
Internal Chair - Domestic Homicide Review Panel