



Counter allegations podcast transcript

Dan Ryan

Hello everyone and welcome to this podcast that we have decided to record. I'm Dan Ryan Senior Practice Consultant in the practice team, and I'll be talking with my colleague Lucy Giles, a Practice Consultant who has led on this particular guidance around counter allegations. So, Lucy, why are we writing this guidance?

Lucy Giles

So, we are basically in a nutshell writing it for two reasons or two main reasons. The first is that part of the work that the practice team does is our public health approach, and that means that we get commissioned to go into areas, into local authorities, to look at their domestic abuse systems across the board, and that's with all risks. But we've been doing that for about three years now and we're four years, sorry, it feels like it's been a long time. And in the last two years, well since COVID primarily, and that also might have an effect on this too, we have seen in our observations, we've seen an increase in challenges around identifying the primary perpetrator, and we've seen that within the actual Marac forum, and also seen that in our work at kind of looking at the systems where it has felt, and from the case audits that we do, it's felt that there's been a lack of confidence and a lack of training and awareness in terms of identifying who is the victim, who is the primary perpetrator, and with that we've seen an increase in victims and perpetrators being identified as both being the perpetrator, and as we'll talk about a little bit later, we know

that that is really, really rare in domestic abuse. So those are our observations as a team, as practice consultants, but actually coincidental to that, we have also been having lots of feedback from people in regions from each level, so on an operational basis, so kind of practitioners, people in specialist services, people in the police, people in partner agencies, *cough, excuse me* and also from a strategic level so people who actually kind of, DA partnership boards that kind of bring us in to look at that, look at the systems, also saying that they're kind of having real challenges with identifying it. So there also feels along with that an anxiety amongst practitioners around kind of looking at those issues, and so I guess that, you know, one of the main, another reason is that we want to ensure consistency in assessing and consistency in those thresholds and especially in terms of referring to Marac.

Also, writing it just kind of, I suppose bringing it back to basics. So, for some people this will be a return to kind of sort of looking at I guess reflecting on that knowledge around dynamics of domestic abuse, for some people who aren't in the arena, who it's not their core business every day it will be something new. So it's actually kind of really looking at the dynamics of domestic abuse and how this will help support the correct identification of the of the victim as well, and focusing on the Marac in this particular one as we need to remember that the risk led approach is key in keeping victims safer and identifying and assessing domestic abuse well and also just to say this, this guidance, this podcast, we're kind of looking at it as sort of stage one and then over the coming year we'll be doing a kind of second stage which will be broadening it out a bit more into kind of partner agency work and non DA specialist, so although this guidance is for partner agencies, not just for specialist agencies, the second stage will be kind of much broader. I hope that makes sense.

Daniel Ryan

Yeah it does, absolutely. And you, you kind of, you touched on it just now, but in terms of who's this, this guidance actually for? This particular, in terms of this first one, who's the guidance for?

Lucy Giles

So primarily it is because it is the risk led approach, It's primarily kind of Marac representatives including chairs and obviously the representatives, I won't list them now, although I obviously would love to because I love Marac, but on the website, it'll kind of give you the core agencies, so Idva, police and then the partner agencies, Marac governance groups, so we always say a good operational Marac can't function unless it's got a good strategic group, so it's definitely for those groups, local domestic abuse partnership boards and as I said, they were some of the people that have been giving us the feedback around counter allegations, local safeguarding boards, they have a duty, so that's adult and children, in terms of accountability of looking how their particular agencies and those with safeguarding statutory duties actually kind of work with counter allegations because also, it can be that challenge around same victim, same perpetrator work, can be very, very prevalent with, in particular kind of areas of safeguarding such as child safeguarding, and domestic abuse services, and then all statutory and non-statutory services who have direct contact with victims, perpetrators. So, whether it's a core bit of your business or a non-core function, so, yeah, everyone.

Dan Ryan

Thank you. So, I mean, I suppose the question the question that I know that we've had from a lot of local areas and a lot of professionals and practitioners and ultimately, why, why we've kind of put this, this advice and guidance together is why are we actually seeing a rise in counter allegations. I know that's a 64,000 or million dollar question.

Lucy Giles

We'll be here til next Tuesday Dan.

Dan Ryan

I know, absolutely, but in terms of briefly, why are we seeing a rise in counter allegations?

Lucy Giles

So, I think that is really, really challenging and it's some of the discussions that we've had in areas. So as people, when you read the guidance, you will see that I've just picked, myself and also our amazing Scottish team, who also kind of helped with this work, sort of pulled out a few ideas, so one of the one of the ones which I'm not going to go into detail with, but I'm really happy to kind of have further discussions at some point, I think we can't get away from the fact that there is a myriad of reasons, but one of these reasons could be around kind of the media and societal effects on a broad level. So in the past kind of 2-3 years, we have seen certain aspects of this in the media and conversations etc. etc. around counter allegations about perpetrators, victims in the public eye, or all of that, and I don't think we can completely remove that from the reality of what's going on, but we're, that's not for discussion here.

I think also, and this is, I'm, I'm not saying this isn't a positive thing, it's an amazing thing in that some ways Maracs have been a victim of their own success. And we have seen the increase in that volume over the past few years. It might not necessarily always be high volume, that's absolute high volume, there may be issues around that, but we have seen an increase in identification, which is fantastic because you know that was always the goal of the work with SafeLives is to actually kind of you know, move away from domestic abuse services and the police being the only people

that are identifying, but actually more partner agencies are. So, I think that has happened, which is great, but along what has happened alongside that is that maybe people aren't feeling as confident in terms of being presented with the victim and perpetrator and being able to correctly assess which, which, which is a primary perpetrator.

Also, I think you know some of the other issues is that generally in society we've become more aware. So, I think there there's more of a focus on it now, which is really, really good. But I think with that there can be kind of misinformation that actually the victim can also be the perpetrator, which we know is very rare.

Also, there's been an increase in identification of LGBTQ plus cases which is great, but dual identification can be really prevalent in that area and we're not, we're not going to go much into detail in this podcast but read the guidance, and also often counter allegations is talked about in terms of people who have dual needs. So, any substance use needs and mental health needs because it can be a way of perpetrators using power and control.

And also I think, therefore the increase of identification of those people can often result in professionals identifying them as both the victim and perpetrator, which isn't, is rarely, rarely the case that that happens. And then also important to acknowledge other changes in the safeguarding field around children and young people and the importance of ensuring appropriate risk assessment to differentiate between domestic abuse and parental alienation and parental conflict, which is another, something for another podcast, but also that may be something down to the increase in misidentification of the of the correct perpetrator. That was a very long response Dan!

Dan Ryan

It was, it was, but really important I think, and I suppose so, within the

guidance, there's quite a big element of looking at the typologies of DA when we're talking about counter allegations and identifying those. So, who's doing what to who and the impact of that behaviour, and ultimately, within it, we look at the most common typologies within counter allegation which is the violent resistance and intimate terrorism. And this feeds into acknowledging that resolving counter allegations that can be really hard work, right? For a number of reasons. Do you just want to go into a little bit of that in terms of, you know...?

Lucy Giles

Yeah. Well, I think that as you sort of said, I think it's, one of the things that we are advocating for when our practice team go into areas to work with Maracs and partner agencies, is that we are definitely, definitely what we're not saying is, is that partner agencies need to spend thousands of pounds of having very in depth training around domestic abuse. That's definitely not what we're saying but probably what we see a lot and what we kind of hear from in terms of feedback is probably a need for partner agencies to have some basic knowledge around domestic abuse typologies, because actually if that was the case, and although we do see pockets of brilliant experience around the Marac table, sometimes that's lacking and actually that overall also can affect the kind of the running, the effectiveness of the Marac, whereas actually if people had kind of some basic knowledge around it, it would help. So, it definitely kind of feeds into that issue, so for example, perpetrators presenting as a victim, so maybe because they see themselves as the aggrieved party, if they have experienced specific incidents or because they are seeking to control and isolate their ex-partner by using the response of agencies, in particular with the criminal justice system to further abuse and individual agencies, partner agencies alone may not have all the information about the relationship, so, either party's history of abusive behaviour or current risk

and therefore be unable to identify this behaviour. So, in the guidance like Dan says, we have kind of included not all the typologies, but certainly intimate terrorism and kind of violent resistance, because violent resistance is the biggest, biggest issue where you see victims wrongly being risk assessed as the perpetrator and they're not, what they're using within the typology is defensive or retaliatory violence. So while these be subject to sanctions, so we're not sort of saying that someone shouldn't, you know, be held accountable, especially if that violence causes harm, including prosecution, the context of any violence or abuse, must be understood to identify a primary aggressor or victim, and manage risk to all parties appropriately.

Then you've got perpetrators using coercive and controlling behaviour, which is really common, so, victims of this type of abuse may have been coerced, knowingly or unknowingly into taking part in behaviours that make them believe they are to blame for the abuse and/ or believe that it is mutual. So, for example, being forced to help with perpetrator's self-harm or running from a perpetrator who then falls when in pursuit is a good example.

And then also providing the best support to lesbian, gay, bisexual and trans LGBTQ plus victims, particularly where there are counter allegations. So, provision for victims from these communities can be very limited as we know and generic services can find counter allegations challenging because of a lack of knowledge, experience or confidence in these cases or other involving victims from diverse communities with specific needs, it's important to seek appropriate guidance and I think as we often say, with our Marac data where we see that happening in the best way in terms of that identification and the kind of the, the I guess the most increased data of that happening well is usually in areas where they have got specialist LGBTQ plus services, so just to add to that.

Dan Ryan

Thanks, thanks, so also in terms of the typologies and things like that, if you would like more information of that, you're not exactly sure about those, you can always contact your local Idva service, that will have that information. Alternatively, you can also e-mail the, our practice team's info box e-mail so it's info@safelives.org.uk for more information around that. So, we know it's in the guidance, obviously, but should we go into a little bit about why it's so important to have clear understanding, yeah, that the primary victim needs to be established as early as humanly possible.

Lucy Giles

Yeah, yeah, yeah, it's really tempting, Dan, to not go into the detail of the guidance but I am completely trying to stop myself doing it. I was going to start talking about the detail and I'm going to stop. OK, so yeah, so we yeah, absolutely. So, we have written like Dan said a series of bullet points around that. So, if the victim is identified as the perpetrator, they may not access services. And because of this, will trust services less in the future. Their risk, and sorry, just to kind of I guess if you think about that comment in isolation as well, that it's hard for victims who are identified as victims to actually access services for a myriad of reasons that we won't go into. So then if they are, then at some point wrongly identified as the perpetrator and like I say, we've seen this a lot recently, then it means that their trust and services, and therefore their risk of being at serious harm is much higher and their risk might increase further due to isolation, care of their children may become a real issue for them in terms of care proceedings. They might be at increased risk of abuse from the primary perpetrator, so an example of that is that often victims use the violent resistance as a as a way of trying to escape, so it might be that they, they know what their perpetrator is going to do, they see a gap and then lash out because they know it's a way of them leaving with the

children very, very quickly. But then if that doesn't work, they are then at massively increased risk of that retaliation from the actual primary perpetrator. They also might suffer psychological impact from not being believed. You know that has a, as we know there's lots of research and evidence to suggest that anyway.

If the perpetrator is seen as the victim, this can also cause extraordinary harm, so their behaviour may feel vindicated, based on the response from services believing them and because of this, they will receive support from services which would be inappropriate and also dangerous. They could use being supported by the Marac process and their victim status to further control and abuse to primary victim and if you kind of think that coercive control is so prevalent in domestic abuse, that's a classic example of really extreme coercive control when they they're using that ability of being a case as victim, that Marac process, as another way to control their victim and maybe other members, and actually they could be at risk of harm from the primary victim acting in self-defence.

And actually we've seen a few Maracs recently that have been absolutely excellent, because actually part of their action planning is to talk to the victim about whether they feel they are going to retaliate because that's a way of supporting the victim and also protecting them so they don't get themselves into a situation where they too may be kind of held for criminal justice sanctions, and then looking at a whole family response, which is what the public health approach is based on, the children will also be at increased risk of harm by the perpetrator. The children will not trust the support often in future and child protection strategies are less likely to help.

And then from a Marac point of view and the impact on agencies, counter allegations can undermine this whole process as we've, I've already mentioned a few times, so valuable resources are wasted and that's partly because a lot of time might be added to discussing whether they're the

victim or the perpetrator, or kind of going around the houses because there isn't a robust risk identification process initially, Marac fails to achieve its aims, so supporting the wrong party through the Marac process could create service generated risks, shared information at Marac may not be relevant or proportionate, again, adding to a lack of robustness in the Marac, and if the counter allegation is not resolved and the wrong party is supported through the Marc process, this could have implications for safe and legal information sharing.

Dan Ryan

Yeah, yeah, I mean, it's really interesting, in terms of what we're talking about here, you can definitely understand the anxiety of practitioners and multi-agency forums and things like that with regards to counter allegations. And we've just spoken about, you know, the tip of the iceberg.

Lucy Giles

Totally, and also the fact that there isn't, there has kind of two strands to it, which I think makes it even more challenging. So, you've got, we're calling it counter allegations because it's an easier title, but you've got two elements where it's about the actual risk assessment, risk of identification in the first place. OK, is this a victim, is this a perpetrator? But then you've got the victims of perpetrators who are then making a counter allegation against each other at some point in that process, so they're that they're kind of quite nuanced differences, but that makes it extra challenging.

Dan Ryan

Absolutely. Ok, so with this in mind should we talk a bit about assessing counter allegations because, I see that within pages 13 and 14 of the of the advice and guidance document, there is a process checklist, as well

as checklist within that and that would be quite good just to touch on those, obviously not too much detail, but just touch on those for us.

Lucy Giles

Yeah, yeah, so, this is kind of put together and it is based on a really, really powerful domestic abuse counter allegation checklist by Damien Carnell. We've added it into the guidance and thank you to Drive for that, to Viv. So it might be that the person referred to you is the, as the perpetrator is not the perpetrator, and if there is a point in the assessment that you feel there is a good reason to believe this person to be the survivor who is actually resisting or retaliating, as we said, that's kind of one of the domestic abuse typologies, you can then complete the SafeLives Dash Ric instead. Or, if you feel that you're presented with both parties and it's hard to identify which person is the primary perpetrator, then do them both, so do the SafeLives Dash Ric and then do the counter allegations check checklist. So, it's a checklist as opposed to a risk identification tool, but it's also a kind of process checklist so it's really, really helpful. It's helpful to be familiar with this checklist and also to if you can kind of attend sort of training around counter allegations which Safelives is probably going to implement at some point as well. So yeah, if you kind of take a look at that with the guidance, so it'll give you kind of a series of common survival characteristics and also kind of common perpetrator characteristics as well to go through, and then kind of looking at the profile of the assessee, looking at kind of behaviour around the non-retaliating survivor and the retaliating survivor. So it helps you, with the checklist, breakdown the behaviour of both parties if it's unclear as to who the perpetrator is and it also kind of looks at their behaviour in in, in a in a silo way, which we don't normally talk about that in terms of risk identification and Marac because, there's people who've kind of seen me working in their area saying we'll talking about, actually don't look at stuff

in silos, it's important to look at the whole picture, but actually we're using this checklist, you're looking to see if maybe the the violence or the violent incident happened, but is in complete isolation and has only been perpetrated once because that means then you need to look at the whole picture to see actually if it's only one piece of violent behaviour is that person in fact the victim and has had a one off kind of sort of one off sort of incident and violence against the perpetrator. Does that make sense? That sounds quite complicated.

Dan Ryan

It does, it does make sense, yeah it does make sense, in terms of the silo working as well, that's really interesting yes, because of course you do this in isolation, but in terms of that, you also have the multi-agency approach there as well.

Lucy Giles

Yeah, yeah, absolutely, absolutely. And always, always seek advice and support from your multi-agency partners as well. And especially in Marac, we always say Marac is a process. It also shouldn't be a group of experts sitting around a table. It should be a team sitting around the table that you kind of work sort of together supporting each other along the whole way that the process happening.

Ok, is there anything else, Dan, you would like to know?

Dan Ryan

I don't think so, I don't, I think there's, so there's going to be a part two of this which looks at this in a bit more detail in terms of the multi-agency approach elements as well that we've touched on right at the end. I'd just like to say thank you to Lucy and also Sarah and Viv who put this together. It's fantastic, thank you very much.

Also, anything you've heard today, please get in touch if you're not sure about anything, on the, our practice team information e-mail inbox, which is info@safelives.org.uk. Thanks for listening.

Lucy Giles

Thank you.