

Domestic Abuse – It's Criminal¹

Time: approximately 50 minutes

Learning Outcomes

By the end of this lesson:

All young people will be able to understand that domestic abuse takes many forms and some behaviours can be criminal;

Most young people will be able to understand and explain how domestic abuse can lead to different crimes being committed and possible sentences for each of those crimes;

Some young people will be able to understand and explain in greater detail how the law works to protect people who are experiencing domestic abuse; explain the ramifications of having a criminal record; explain the sources of help that are available to victims of domestic abuse.

Resources

- ✓ Suggested Ground Rules (provided in section 4);
- ✓ Information on Sources of Help (provided in section 4);
- ✓ True/False quiz – Appendix 1;
- ✓ Answers to True/False quiz – Appendix 2;
- ✓ Flip chart paper and Blu-tac;
- ✓ Possible Criminal Behaviour Cards – Appendix 3 (one set per group, photocopied and cut up beforehand);
- ✓ Crimes – Answer Sheet – Appendix 4;
- ✓ Additional Legal Information – Appendix 5.

A Introductory Activity

Time: about 10 minutes

1. Set ground rules or use prepared ground rules provided in section 4. (Please note that these activities may lead to disclosure so it is advisable to read the guidance on dealing with disclosure in section 1 prior to the lesson).
2. Explain that in today's lesson we are going to explore some of the issues surrounding domestic violence and abuse.
3. Read out the following statements about domestic abuse:
 - Domestic abuse (also called domestic violence) happens when one person hurts or bullies another person who is or was their partner or who is in the same family.

¹ This lesson is adapted from *Spiralling toolkit for safer, healthier relationships* – Bristol Domestic Abuse Prevention Programme (Domestic Violence Responses for Safer Bristol) and *Heartstrings: A PSHCE pack for secondary schools to challenge domestic abuse and build healthy relationships*. Cheshire County Council Community and Education Service Secondary Schools Project.

- It can happen between people who are going out together, living together, have children together or are married to each other. It can happen either when people live together or separately.
 - Domestic abuse can also happen after a relationship has finished.
 - Usually (but not always) it is the man who is the abuser and the woman who gets hurt.
 - Although domestic abuse happens mostly between adults, young people can be affected by the abuse that they see and hear, and they can be hurt or bullied as part of domestic abuse between adults.
 - Young people may also experience abuse from their own boy/girlfriend.
 - Domestic abuse is a repeated pattern of behaviour.
 - It often includes several different types of abusive behaviour, including physical, emotional, sexual and financial abuse.
 - People use domestic abuse to control other people they have a relationship with.
- 4.** Hand out copies of the true/false quiz (Appendix 1) for the young people to fill in individually or in small groups. Alternatively, read out the statements and ask for thumbs up for true, thumbs down for false and arms folded for not sure or, if you have time, label 3 sides of the room True/False/Not sure and ask the young people to move to appropriate place after you have read out the questions.
- 5.** Give correct answers (Appendix 2) – allow time for clarification and discussion.

B Main Activity

Time: about 30 minutes

NB. Before doing this exercise, it is advisable to familiarise yourself with the material to avoid any confusion.

1. Head up 8 pieces of flip chart paper with the names of 8 crimes as follows:

- MURDER;
- MANSLAUGHTER;
- GBH (Grievous bodily harm);
- ABH (Actual bodily harm);
- COMMON ASSAULT;
- HARASSMENT;
- IMPROPER USE OF TELECOMMUNICATIONS;
- FALSE IMPRISONMENT.

2. Stick the posters up on the walls of the classroom at different points.

3. Split the young people into small groups and hand out the 'Possible Criminal Behaviour' cards (Appendix 3) (one set per group) and explain that these are types of behaviour that may lead to a person committing a crime.

4. Ask the young people to look at the behaviour on their cards and think about what crime may be being committed. Allow a few minutes for them to decide.

5. Read out the behaviours one at a time and ask a representative from each group to come up and stick their card onto what they believe to be the appropriate Crime sheet. Does everyone agree? Could the card belong in more than one category? Repeat until all cards have been placed.

6. Allow time for discussion and clear up any misunderstandings using the answer sheet (Appendix 4). Ensure that all the young people are clear about the behaviours which can lead to someone being charged with and possibly convicted of a crime. Ensure that the young people understand that certain cards **can** go in more than one place depending on the severity of the behaviour.

7. Explain that different crimes have different sentences and write the six sentences on the board as follows:

a. LIFE (MANDATORY);

b. LIFE;

c. 10 YEARS;

d. 5 YEARS;

e. 6 MONTHS;

f. UNLIMITED MAXIMUM PENALTY.

8. Now ask the young people to discuss in small groups what they feel the maximum sentence would be for each of the 8 offences.

9. Take feedback from the group – do they all agree?

10. Give correct answers (Appendix 4) and hold a discussion. Were there any sentences that surprised them? Do they feel the sentences are fair?

11. Refer to additional legal information on Appendix 5 for further discussion possibilities if there is time.

12. Reflect and reinforce the types of behaviour that can lead to a criminal conviction and what repercussions may follow from having a criminal record, e.g. on career options, etc.

Plenary

Time: about 5 minutes

1. Highlight the fact that protection under criminal law is only one way that victims can get legal help. There are also ways of seeking protection without involving the police under civil law. The civil law is primarily aimed at protection (or in some cases compensation). A victim of domestic abuse can make an application for an injunction (a court order) either to the family proceedings court or the county court (usually through her solicitor). Other family proceedings – such as child contact or divorce – also take place in the county court.

2. Stress that nobody ever deserves to be abused and anyone who is affected by the issues should talk to an appropriate adult about making themselves safer.

3. Remind young people about sources of help that are available (see information on sources of help in section 4).

4. Remind young people that domestic abuse is unacceptable and in many cases criminal. The police do take this seriously and have specially trained officers to deal with this.

Suggested Extension Activities

- Research and discussion on other forms of protection for victims of domestic abuse under civil law (see information on civil law on www.womensaid.org.uk);
- Further exploratory work and discussion on the issue of consent to sexual intercourse and the role that alcohol plays in decision making;
- Mock trials, including 'hot seating' of perpetrators and victims (see information on hot seating in section 4);
- Research local crime data on domestic violence and abuse;
- Invite a visiting speaker from the police or a local agency that helps victims of abuse.

Learning outcomes	National Curriculum – PSHE and Citizenship	Links to SEAL	Every Child Matters
<p>All young people will be able to understand that domestic abuse takes many forms and some behaviours can be criminal</p> <p>Most young people will be able to understand and explain how domestic abuse can lead to different crimes being committed and possible sentences for each of those crimes</p> <p>Some young people will be able to understand and explain in greater detail how the law works to protect people who are experiencing domestic abuse</p> <p>Explain the ramifications of having a criminal record</p> <p>Explain the sources of help that are available to victims of domestic abuse</p>	<p>Key Stage Four Pupils should be taught/given opportunities:</p> <p>PSHE</p> <p>2g) to seek professional advice confidently and find information about health</p> <p>3b) to be aware of exploitation in relationships</p> <p>c) to challenge offending behaviour, prejudice, bullying, racism and discrimination assertively and take the initiative in giving and receiving support</p> <p>j) to know about the statutory and voluntary organisations that support relationships in crisis</p> <p>4g) consider social and moral dilemmas [for example, attitudes to the law]</p> <p>h) find information and provide advice</p> <p>Citizenship</p> <p>1a) the legal and human rights and responsibilities underpinning society and how they relate to citizens, including the role and operation of the criminal and civil justice systems</p> <p>2c) contribute to group and exploratory class discussions, and take part in formal debates</p> <p>3a) use their imagination to consider other people's experiences and be able to think about, express, explain and critically evaluate views that are not their own</p>	<p>Empathy</p> <p>36) I understand the impact of bullying, on all those involved</p> <p>Social skills</p> <p>39) I can communicate effectively with others, listening to what others say as well as expressing my own thoughts and feelings</p> <p>43) I can work and learn well in groups, co-operating with others to achieve a joint outcome</p> <p>50) I can be assertive when appropriate</p>	<p>Be healthy (physical, mental, emotional health)</p> <p>Stay safe (from neglect, violence, abuse)</p> <p>Enjoy and Achieve (personal and social development)</p> <p>Make a positive contribution (develop positive relationships)</p>

Year 11 – Appendix 1

True/False Quiz

Think about each of the following statements and write True, False or Not sure next to each.

1. 10% of all violent crimes in the UK is domestic violence
2. If the police are called to a house to deal with a domestic violence incident, they cannot do anything
3. One in four adult women are estimated to experience some form of domestic violence by their partner or ex-partner at some point in their adult lives
4. Children living with domestic violence are much more likely to become violent or abusive to their own partners when they grow up, than someone who had no experience of domestic violence
5. A man can be prosecuted for having sex with his wife against her will
6. Women in the over 40 age group are at the greatest risk of domestic abuse
7. If a woman reports domestic violence to the police and then changes her mind, the case cannot go to court
8. Regularly following someone to and from their work and sitting outside their house when they are at home is against the law
9. If someone regularly threatens to hurt someone, but does not do anything, that is against the law
10. Approximately 2 women are killed each year by their partner or ex-partner in England and Wales

Year 11 – Appendix 2

True/False Quiz Answers

1. **10% per cent of all violent crimes in the UK is domestic violence**
False – it is 25%. However, not all cases are reported to the police.
2. **If the police are called to a house to deal with a domestic violence incident, they cannot do anything**
False – assault is a crime wherever it happens. The police receive on average 1440 calls per day for assistance with domestic violence.
3. **One in four adult women are estimated to experience some form of domestic violence by their partner or ex-partner at some point in their adult lives**
True.
4. **Children living with domestic violence are much more likely to become violent or abusive to their own partners when they grow up than someone who had no experience of domestic violence**
False – in fact some research has shown the opposite.
5. **A man can be prosecuted for having sex with his wife against her will**
True – rape within marriage is a crime. The law was however only changed in the 1990s!
6. **Women in the over 40 age group are at greatest risk of domestic abuse**
False – Home Office statistics show that the group most at risk is young women aged 16-24.
7. **If a woman reports domestic violence to the police and then changes her mind, the case cannot go to court**
False – the case may still go to court. It is up to the police and Crown Prosecution Service to make the decision, based on the evidence available.
8. **Regularly following someone to and from their work and sitting outside their house when they are at home is against the law**
True – if that person is an adult and this is causing them distress or fear. This is called harassment.
9. **If someone regularly threatens to hurt someone but does not actually do anything that is against the law**
True – this is called threatening behaviour or harassment, if it is repeated.
10. **Approximately 2 women are killed each year by their partner or ex-partner in England and Wales**
False – approximately 2 women a week are killed by a violent partner or ex-partner. This is about 40% of all women killed in England and Wales.

Most answers come from Home Office figures – British Crime Survey. If you need further background reading, please refer to the Women's Aid website: www.womensaid.org.uk

Year 11 – Appendix 3

Possible Criminal Behaviour Cards



<p>1. Physical violence with or without weapons (including punching, slapping, pushing, kicking, head butting, hair pulling) resulting in permanent damage</p>	<p>2. Violence resulting in death</p>
<p>3. Choking, strangling, suffocating</p>	<p>4. Throwing things at someone, e.g. plates, even if they miss the person</p>
<p>5. Repeated threats to cause injury</p>	<p>6. Physical violence with or without weapons (including punching, slapping, pushing, kicking, head butting, hair pulling) requiring medical treatment but not resulting in permanent damage</p>
<p>7. Physical violence including spitting or hitting without leaving a mark</p>	<p>8. Preventing someone from visiting relatives or friends</p>
<p>9. Excessive contact e.g. persistent phone calls</p>	<p>10. Sending someone offensive or obscene texts or emails</p>
<p>11. Persistent verbal abuse</p>	<p>12. Locking someone in a room or a house or preventing them from leaving</p>

Year 11 – Appendix 4

Crimes – Answer sheet

Action (numbers link to action cards)	Crime	Maximum Sentence
Killing someone without any legal defence for doing so (2)	Murder	Life (mandatory)
Killing someone but not intending to or with valid legal defence (provocation, diminished responsibility) (2)	Manslaughter	Life
Physical violence causing long term damage (serious scars, disability) (1, 3 or 4)	GBH	Life
Physical violence or emotional abuse requiring medical or psychiatric treatment (1, 3, 4 or 6)	ABH	5 years
Physical violence including spitting or hitting without leaving a mark (4 or 7)	Common assault	6 months
Conduct likely to cause fear or distress in victim (similar behaviour on two or more occasions) (4, 5 or 11)	Harassment	6 months
Using phones or email to cause fear, offence, anxiety etc (9, 10)	Improper or malicious use of telecommunications	6 months and/or fine up to £5000
Illegally preventing someone from leaving a place, even with threats rather than actual physical violence (8, 12)	False imprisonment	Unlimited maximum penalty

Year 11 – Appendix 5

Additional Legal Information

ABH

(Actual Bodily Harm) is an offence of assault, which causes hurt to the victim that “need not be permanent, but must be more than transient and trifling”.

An example may be an assault that causes a bruise or a graze.

ABH cases can be heard in Magistrates' Court or Crown Court. Magistrates will pass up a case to Crown Court if they take the view that it is too serious for them to deal with.

In Magistrates' Court the offence carries a maximum six months in prison, and at crown court a maximum of five years.

The New Sexual Offences Act 2003 received Royal Assent in November 2003 and came into force on 1 May 2004. It makes many changes to the current law, much of which dates back to the Sexual Offences Act 1956.

The Act is split into two parts the first devoted to sexual offences, creating new offences and widening the scope of existing ones, and the second covering offenders with an emphasis on the protection of vulnerable individuals. It provides clear and coherent sex offences to protect individuals from abuse and exploitation, and is designed to be fair and non-discriminatory.

Rape and Consent

Rape is redefined to include penetration of the mouth as well as penetration of the vagina or anus by the penis.

There are three new measures on the issue of consent:

- There is now a statutory definition on the issue of consent: a person consents if he or she agrees by choice to the sexual activity and has the freedom and capacity to make that choice.
- All the circumstances at the time of the offence will be looked at in determining whether the defendant is reasonable in believing the complainant consented.
- People will be considered most unlikely to have agreed to sexual activity if they were subject to threats or fear of serious harm, unconscious, drugged, abducted, or unable to communicate because of a physical disability.

The new measures are designed to redress the balance in favour of victims without prejudicing the defendant's right to a fair trial, to help juries reach just and fair decisions on what is a difficult area or prosecution.