



# **Domestic homicide review concerning the death of Daniel, April 2021**

## **Executive summary**

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## **1. Introduction and participating agencies:**

1.1 The pseudonym of Daniel, which was a name picked by his family, will refer to the victim in this case and his partner will be referenced at her request as Mary. The panel would like to make special mention of the fact that our thoughts are with the family of Daniel. No words can adequately describe their loss, but the panel is motivated to undertake a review and compose a report that ensures that any lessons learnt are identified so that others can benefit from that learning not just locally but nationally.

1.2 This review has been conducted during the nationally imposed restrictions because of the Covid-19 pandemic and is cognisant of the resulting effect on the respective agencies and professionals who have contributed to this review. The Independent Chair and Author of this Review would like to thank all those professionals from both statutory and voluntary agencies that have assisted in compiling and reviewing the information culminating in this report despite those other competing demands. He would also like to thank Mary and Daniel's mother, step-father and brothers for all of their help and support.

1.3 This report has been commissioned by the Fenland Community Safety Partnership (FCSP).

1.4 Several agencies have contributed to the review with, in almost all cases, the provision of an Individual Management Review:

- Cambridgeshire Constabulary (*IMR*)
- Cambridgeshire and Peterborough NHS Foundation Trust (CPFT) (*IMR*)
- GP Medical Practice-Produced by Cambridgeshire & Peterborough (*IMR*)
- Cambridgeshire County Council DA/SV Partnership - IDVA Services (*IMR*)
- North West Anglia NHS Foundation Trust (NWAFT) (*IMR*)
- CAFCASS (*IMR*)
- Children's Primary School (*Report*)

## **2. Purpose and terms of reference for the review**

2.1 The purpose of this Domestic Homicide Review is to ensure that it has been conducted in accordance with good practice. With effective analysis and conclusions arising from the information related to the case in accordance with both statutory guidance, best practice and with due regard to the needs of the family. A key consideration herein was to ensure that the family of Daniel could seek answers to questions by the author, panel members and participants to the review and to have the confidence that they would be addressed accordingly.

2.2 The family was extremely keen that the review highlighted any learning in relation to the risks to the safety of Daniel and Mary whilst the child arrangement order issues in respect of Daniel's two children was progressing through the family court proceedings.

2.3 Consequently, the following Terms of Reference for this DHR concerning Daniel were agreed.

- a) Establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually, and together, to safeguard victims.
- b) Identify clearly what those lessons are, both within, and between agencies, how, and within what timescales they will be acted on, and what is expected to change as a result.
- c) Apply these lessons to service responses including changes to inform national and local policies and procedures as appropriate.
- d) Prevent domestic violence and homicide and improve service responses for all domestic violence and abuse victims and their children by developing a co-ordinated multi-agency approach to ensure that domestic abuse is identified and responded to effectively at the earliest opportunity.
- e) The further specific areas that this review has looked to address are: To what extent did protracted custody (private law) and criminal law proceedings contribute to the death of the victim?
- f) To what extent did the child custody proceedings in the family court heighten the risk to the safety of Daniel and Mary?

### **3. Agency Contact and summary of information from the review process:**

3.1 In late 2007, Daniel met his ex-partner who is called Beth<sup>1</sup> for the purposes of this report. Beth is the Perpetrators' daughter. The Perpetrator is called Andrew<sup>2</sup> for the purpose of this report. Beth and Daniel were not married.

3.2 In 2010 their first child was born, and in 2014, they moved into a house owned by Andrew, and in 2014 their second child was born. There is no reported history of domestic abuse between Daniel and Beth before they separated.

3.3 Andrew had no known history of domestic abuse. At the time of the murder he had been married for nearly 40 years and had enjoyed a long career with a national

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<sup>1</sup> Pseudonym

<sup>2</sup> Pseudonym

retail business in a senior position until his retirement. He was of a previous good character.

3.4 By 2015, the relationship between Daniel and Beth had deteriorated, with Beth's relationship with another man seemingly accelerating their mutual separation. By April 2016, Daniel had moved out of the house, but he maintained regular contact with his children. Beth remained living at the home they had shared, which was as already mentioned in this report owned by Andrew.

3.5 By July 2016, communications had virtually completely broken down between Daniel and Beth. She posted a letter to Daniel dated the 18<sup>th</sup> of July 2016, setting out a list of her requirements for future contact, communications, and access she would allow him to his children. On the 20<sup>th</sup> of July 2016, an arson attack at the home the couple had formerly shared led to the entire house and most of the contents being severely damaged by the resulting fire.

3.6 Daniel was implicated as a suspect, principally by Andrew and was arrested on the day of the fire. The focus of the police investigation was to Beth, as the victim of the arson and the associated high risk domestic abuse posed to her as a direct consequence of the arson attack. Daniel denied the arson. There was no direct evidence associating him with the offence.

3.7 As the risk assessment following the arson to Beth was high, the case was referred to Multi-agency Risk Assessment Conference (MARAC.) Daniel remained under criminal investigation and on police bail which resulted in him having no access to his children. An IDVA supported Beth during the progress of the police investigation.

3.8 On the 12<sup>th</sup> of September 2016, reports were made that Daniel was breaching his police imposed bail conditions, this report had emanated from Andrew. It is also inferred that Andrew had taken images of Daniel's car and identified the address he was residing at.

3.9 In late October 2016, the police closed the arson investigation, no action was taken against Daniel as, other than circumstantial evidence, he could not be forensically linked to the offence. In November 2016, a non-molestation order was granted against him, which he did not contest.

3.10 In early January 2017, CAF/CASS become involved following Daniel making an application to the Family Court to have a child arrangement order for access to spend time with his two children. A Family Court Advisor (FCA) was appointed to complete checks and interviews with both parents and provide a safeguarding letter

to the court. Daniel cited that Andrew was causing him difficulties and he was granted limited access to his children under supervision.

3.11 In late January 2017, a Victim's Right to Review (VRR) was made to the police by Andrew, who made it clear that he was of the strong opinion that Daniel was the person responsible for the arson attack. On the 12<sup>th</sup> of March 2017, the police notified Andrew and Beth that the VRR had been upheld and that the arson would now be further investigated.

3.12 In April and early May 2017 the FCA again interviewed Daniel and Beth with both raising conflicting views about who was controlling whom. Beth did not want Daniel to spend time with the children. When the children were spoken to at school, the son informed the FCA that he knew that his daddy had started the fire in his home, because his grandfather had told him this is what had happened. The FCA noted and informed the court that they had concerns that the children were not being adequately sheltered from the maternal family's views of Daniel.

3.13 The CAFCASS FCA submitted their report which included information from the supported contact centre that highlighted Daniel's time with the children was of benefit to them. The FCA recommended Daniel's time with the children progressed into community based contact.

3.14 In July 2017, a new FCA met with the children at their home. The children did not feel frightened or worried about spending time with their father. Contact was suitable outside of the contact centre and Daniel had been assessed by health services as not requiring an anger management course.

3.15 On the 14<sup>th</sup> of September 2017, Daniel was further arrested for the arson, interviewed and released on bail without charge. In November 2017, an identification procedure resulted in a positive identification of Daniel being made some 16 months since the original sighting by a witness to a man in the area at the time of the arson. Andrew and Beth were notified by the police of the identification and within days of that occurring, Andrew put forward another local resident as a potential witness, not previously brought to the attention of the investigation.

3.16 On the 24<sup>th</sup> of November 2017, Beth reported to the police that Daniel had confronted her at a public event and she felt threatened and intimidated by his actions. On the 21<sup>st</sup> of December 2017, Daniel was arrested for witness intimidation and was further arrested concerning the arson attack. He was interviewed and again released.

3.17 In May 2018, the Crown Prosecution Service determined that the threshold for a charging decision for arson was met. The investigating officer informed Beth and Andrew of that decision. Daniel was summonsed in a postal requisition charge.

However, due to an apparent administrative error, he did not attend the initial hearing. When he heard that Daniel had failed to attend, Andrew informed his daughter of Daniel's whereabouts, who in turn notified the police.

3.18 A formal statement from Andrew concerning the arson was obtained from him in August 2018. The statement did not include any of the information that he had obtained during the span of the investigation that he had passed on directly, or indirectly, via his daughter to the police concerning his knowledge of Daniel's movements and whereabouts.

3.19 Daniel's trial for arson took place at the Crown Court in March 2019, where following a week-long hearing, he was acquitted.

3.20 Following acquittal, Daniel was resolute in his continued efforts to gain access to spend time with his children and made an application to the Family Court to have a child arrangement order to spend time with his children. In March 2019 CAFCASS appointed a FCA to assist this process. It was approved for Daniel to have four hours with them, fortnightly.

3.21 In July 2019 Daniel was concerned that his son was not attending for contact and he informed the FCA that he felt that Beth had an agenda to stop him spending time with the children. The FCA recorded that Daniel stated he was fighting an ongoing battle with Beth and was pitted against not just her, but also the influence and interventions of her father, Andrew.

3.22 In August 2019, the FCA completed direct work with both children and highlighted the positive early reports of contact with Daniel. The family court agreed a stepped progression of the time Daniel could spend with the children, albeit the son was not currently attending, and to have an assessment of Mary, Daniel's partner.

3.23 The family court granted additional and unsupervised access to his children, and all handovers between Daniel and Beth took place at a neutral location. On every occasion, Daniel would be accompanied by Mary and Beth would be accompanied by Andrew. Both Mary and Daniel were intimidated by Andrews presence at the handovers.

3.24 On several occasions, Daniel's daughter attended wearing watches that were found to contain memory cards where movement, locations and recordings could be made. Those devices were found to have been given to her by Andrew. When removed by Daniel and Mary, they were replaced by new tracking devices by Andrew.

3.25 In March 2020 the family court appointed the FCA to act as a Rule 16.4 Guardian for the children within the proceedings and a solicitor was appointed to act for them. On the 26th of March 2020, a direction by the Family Court was that no devices capable of recording or monitoring their location must be worn by the children. On his son's birthday, Daniel had telephoned to speak with his son, but Andrew had bluntly refused to allow him to talk to him and refused to bring him to the phone.

3.26 On the 4<sup>th</sup> of June 2020, the family court directed that Daniel and Mary must supply their home address to Beth as their daughter was now permitted to stay for longer periods. Prior to this, they had intentionally made efforts not to disclose their new address out of privacy and safety, having only recently taken up residence. Their address was disclosed.

3.27 Beth had accused Daniel of being abusive and bullying towards the children, allegations which the court found had no foundation. In March 2021, the Children's Guardian informed Beth that the court may form a view that she was unduly influencing the children to her own feelings against their father. The family court also directed that no maternal family was to be present when Daniel's daughter was handed over in future, specifically citing Andrew was not to be present.

3.28 By April 2021, it was determined that a hearing would be held at the family court during May 2021 where the custody of the children was to be resolved.

3.29 Daniel was murdered at the end of April 2021. He had for several months been working from home on a variable basis, split between his usual place of work and home. Mary had returned home from work for lunch and discovered his body. It was a horrific scene. Daniel had been viciously attacked suffering numerous stab wounds.

3.30 The evidence of the criminal case demonstrated that Andrew, angered at Daniel's acquittal for arson, was increasingly angered by the family court findings in favour of Daniel. Andrew had responded by taking matters into his own hands including manipulating the children. The evidence demonstrated that the killing was carried out ruthlessly and intentionally. Andrew did not contest the charge of murder, pleading guilty at the initial pre-trial hearing. He was sentenced to life imprisonment in July 2021.

3.31 Daniel had no intention of removing the children from their mother, he was in fact, content to have equitable custody with Beth but at the same time he wanted them isolated from the strong influences of Andrew. Daniel loved his children and wanted to secure contact and access to spend time with them.



#### **4. Key issues arising from the review.**

4.1 Andrew displayed behaviours towards Daniel which were primarily directed at trying to control him and prevent him having contact with and access to his children.

4.2 The criminal proceedings in relation to the arson case were protracted and running in parallel was the family court process. Although common, it may be difficult for individuals to understand the context within how both functions operate when faced with such differing processes and the different burdens of proof.

4.3 The DHR panel acknowledges that there were significant blockages to both of those judicial processes taking place.

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

4.5 What does become apparent, and is highlighted by the police author in their IMR, is that Andrew had an apparent dislike for Daniel from an early stage in his daughter's relationship with him. It does appear that Andrew treated Daniel differently from his daughter and the children and that he also appears to have placed some considerable effort in maintaining what might be construed as being an unhealthy interest in Daniel throughout the police investigation and subsequent criminal proceedings which then permeated into the Family Court process. These matters were not missed by the FCA and became necessary of comment and specific direction by the Family Court Judge but otherwise went unreported to any other agency.

4.6 In examining potential missed opportunities by agencies, one of the key issues is the decision by the police, made on the 12<sup>th</sup> of March 2017, following the VRR, to re-open the arson investigation and although Andrew and Beth were notified, other agencies were not made aware and were unsighted.

4.7 Andrew consistently asserted his view of Daniel's guilt to the police, and put forward a further witness almost immediately after he was informed of the positive identification of Daniel had taken place. There was no evidence that Daniel had committed the arson, but Andrew suggested Daniel had the strongest motive,

despite the weakness of the evidence and Andrew took efforts to influence this. Following his acquittal for the arson Daniel was in a much stronger position in comparative terms to seek lawful access to spend time with his children. Andrew was demonstrably unhappy with the acquittal.

4.8 Daniel was viewed as a perpetrator of domestic abuse throughout the span of the police arson investigation but at no time, other than generic risk assessments being made of him at the time of his arrests, interviews and subsequent releases, was he ever considered to have been at risk himself from Andrew. The review author and panel are of the viewpoint that Daniel was in fact the victim of coercive and controlling behaviour by Andrew, something that agencies had not considered.

4.9 If it is accepted that Andrew had an apparent intimate knowledge of Daniel's movements and whereabouts coupled with his overbearing and uncomfortable presence at the child handover, his continued and persistent use of installing tracking and listening devices to Daniel's daughter when she visited, portray a man intent on totally controlling the situation to the absolute detriment of Daniel. Coupled with this was his apparent financial control directed specifically at Daniel when he was living with Beth.

4.10 Andrew's decision to remain effectively silent in respect of the murder provides little insight into why he took such a decisive step in committing such a horrific act. The attack does appear to have an element of pre-planning, given that weapons used appear to have been acquired by Andrew.

4.11 The decision by the Fenland Community Safety Partnership to conduct a DHR under the circumstances as presented by this case was a mature and professionally judged decision. The decision is made in a particularly positive manner within which the Partnership considers its safeguarding responsibilities. Exploring relationships that were 'hidden' may assist in highlighting considerations in exploring wider family issues in similar instances and broadening agencies exploration of individuals who may appear to be peripheral to events.

4.12 Andrew's early guilty plea meant that he ensured that his family were not put through any further trauma of a lengthy and public trial but his actions have had the consequential effect of isolating his grandchildren and their development by killing their father.

## **5. Learning themes**

5.1 This review has identified learning both for individual agencies as well as for agencies working together.

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

## 6. Conclusions

6.1 The Cambridgeshire Constabulary should have dealt with the original arson investigation in 2016 more diligently and expeditiously. The securing of early evidence was missed as well as omissions in examining Daniel's alibi. The focus of the arson investigation from a victim's perspective was to Beth, but this should have focused on there being two victims, one of whom is Andrew as he owned the house. Witness statements were obtained late into the investigation. The later investigation was managed in a much more measured manner however, opportunities to secure timely evidence by then had been lost.

6.2 There was a lack of Domestic Abuse risk assessments at key points within the resumed criminal investigation process. The approach to risk assessments should be informed by the currency of events and not on information and decisions previously made. All risk assessments should be referred to the Multi-agency Safeguarding Hub (MASH) in appropriate cases and then shared, in particular consideration where cases have been previously identified as high risk and have been subject to actions managed through the MARAC process. In this case this was not a repeated occurrence, rather a continuing one.

6.3 With the two judicial processes running in parallel, the lines of distinction between them may have been blurred. What this review identifies is that all parties should be clearly aware of what the respective judicial processes mean and the effect and influences that one may have against the other. With the IDVA support concluded from November 2016, other than legal advice within the family court process, Beth may have placed considerable reliance on Andrew for her immediate support and advice.

6.4 Do agencies consider the impact on child arrangement order proceedings, when there is a lengthy criminal investigation and then trial process? Once criminal proceedings cease, agencies should review their understanding of the case and the risk posed to all individuals involved in domestic abuse cases.

6.5 It is reasonable for this DHR process to conclude that the acquittal of Daniel for the arson was the catalyst to Andrew's actions that followed. Albeit the timeframe for the duration of the criminal justice process was outside of expectations, it is implied that Andrew both anticipated and expected that a criminal conviction against Daniel for arson would happen. He voiced this view on the day of the arson and asserted that he knew Daniel was responsible, and in later written communications, specifically narrated his views within the VRR made to the police. When the verdict was announced, of all those present, his annoyance above others was apparent. The closure of the police investigation meant that no statutory agencies had any contact with the family from hereon.

6.6 Andrew was maintaining an unhealthy interest in Daniel throughout both the criminal and family court proceedings which became heightened following Daniel's acquittal. Such interest appears to have fallen below the radar until such time that the family court made direction that Andrew should no longer be present at the time of the children's hand-over to Daniel and the prohibition of the use of monitoring devices, provided by him and worn by the child. Those behaviours were not recognised in terms of any dangers that they presented to Daniel by Andrew, nor the control of the children by Andrew.

6.7 The use of the devices could have been thought of in terms of harassment and stalking towards Daniel. The fact that the equipment could track movements is an indicator that could be considered as a pattern and emphasises Andrew's desire to control, Daniel. He and Mary were affected by Andrew's actions and the child became an unwitting victim through coercion. If Daniel and Mary had reported the occurrences to the police, Andrew's actions could have been considered in the context of criminal offences.

6.8 To the point of his acquittal Daniel's access to the children was dictated and determined by the family court. The acquittal meant that Daniel was then able to free himself of those legitimately imposed directions and conditions made by the criminal court and this would therefore place his claims for access to spend time with his children on a level and lawful basis aligned to that of Beth. Once this had happened it brought him into more complex difficulties with Beth and Andrew in what appears to have been on occasions, direct conflict.

6.9 Professor Jane Monkton-Smith and the University of Gloucestershire published research titled the Homicide Timeline in 2019. Several of the final steps identified in that research have clearly occurred in this case, and it is important that professionals

think in much broader terms of the impact of domestic abuse in considering the wider relationships as exemplified in this case and not just the current definitions of what constitutes domestic abuse. The risks to Daniel from Andrew were recognised ultimately in the family court, but not elsewhere.

6.10 The disclosure of Daniel and Mary's address ultimately made their home accessible to Andrew. The panel member for CAFCASS, felt that the DHR panel needed to be aware of the rights of a parent who has parental responsibility (PR) for a child to know where they are and where they are staying overnight. That balance is understandable but there are wider safeguarding considerations that should be equitably considered. This review cannot influence decisions within the family court however, the family court and those professionals involved in that process should be aware of the wider relationship risks involved in child arrangement order cases.

## **7. Recommendations**

7.1 The Police IMR raises the learning that there appeared to be repeated occurrences where opportunities to have considered further risk assessments could have taken place, and as those did not occur that this, in turn, prevented the wider referral to other agencies if felt appropriate.

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

7.3 In addition to the agency specific recommendations, the DHR Panel make the following recommendations:

### **Recommendation 1:**

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

### **Recommendation 2:**

**The Fenland Community Safety Partnership should request a meeting with the Local Criminal Justice Board to discuss delays in cases that involve**

**Domestic Abuse to ensure that justice is timely, to safeguard all victims within the case.**

**Recommendation 3:**

**The Fenland Community Safety Partnership in conjunction with the Countywide DA/SV partnership should provide a case study briefing to all frontline staff to ensure that they consider the risks where wider family members are exhibiting stalking and coercive and controlling behaviour.**

**Recommendation 4:**

**The Fenland Community Safety Partnership should:**

**i) Raise awareness of the risks of Domestic Abuse and Domestic Homicide in cases of separation, in particular those cases that involve child arrangement orders in the Family court.**

**ii) They should meet and provide a briefing in relation to the findings of this report to the Local Family Justice Board.**

**iii) They should meet and brief the Designated Family Court Judge for Cambridgeshire and Peterborough to highlight this case and raise the issue in relation to the dangers of providing home addresses to all parties in proceedings.**

**Recommendation 5:**

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