



HM Government

# **Transforming the Response to Domestic Abuse Consultation Response and Draft Bill**

**January 2019**





# Transforming the Response to Domestic Abuse: Consultation Response and Draft Bill

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

January 2019

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ISBN 978-1-5286-0923-4

CCS1218158068 01/19

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the  
Controller of Her Majesty's Stationery Office

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## Foreword by Home Secretary and Justice Secretary

### The importance of tackling domestic abuse

Domestic abuse destroys lives. It is a cruel and complex crime that can affect anyone, leaving physical and emotional scars that can last a lifetime.

No one should have to suffer the pain of this abhorrent crime, particularly at the hands of those closest to them. Children should not have to witness violence and abuse in their own homes. We have a duty to support victims and prevent people from being hurt.

That is why the government has committed to introduce a Domestic Abuse Bill, which will provide a once-in-a-generation opportunity to transform the response to this terrible crime. In March 2018, we set out our legislative proposals for this landmark bill, alongside a package of practical action. We consulted on these, seeking views from victims and survivors, support organisations and frontline professionals, to harness their knowledge and expertise.

We asked questions on how we could achieve four main objectives, each with prevention and protection at their heart. The responses explore how we can:

- **promote awareness** – to put domestic abuse at the top of everyone’s agenda, and raise public and professional awareness
- **protect and support** – to enhance the safety of victims and the support that they receive
- **transform the justice process** – to prioritise victim safety in the criminal and family courts, and review the perpetrator journey from identification to rehabilitation
- **improve performance** – to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors

Having considered these responses, we are committed to delivering on the measures set out in the Queen’s Speech. We are taking forward domestic abuse legislation to fundamentally change the way we, as a country, think about this insidious crime.

We are also dedicated to ending all forms of violence against women, and our Violence Against Women and Girls Strategy 2016–2020 sets out our ambition to protect women and girls from violence, support victims and provide leadership at a national and international level on ending these forms of abuse. But much has changed since we published the strategy in 2016, and we have gone much further and faster than ever before. Therefore, we will shortly be publishing a refreshed Violence Against Women and Girls Strategy, which sets out achievements made to date as well as setting out new action to tackle these crimes, in line with our 2016 vision.

We have also committed to improve support for all victims through our Victims Strategy, which was published in September 2018 and sets out our commitment to improve support for all victims of crime by giving victims the certainty that they will be understood, protected and supported throughout their journey. In addition, we know that nearly 60% of female offenders have experience of domestic abuse, so through our Female Offender Strategy we have also committed to investing £5 million in community provision for female offenders and women at risk of offending, which includes £2 million of funding for women who have experienced domestic abuse.

Our aim is to support victims, communities and professionals to confront and challenge all types of abuse, wherever they find it.

Ending domestic abuse remains an absolute priority for this government and we will continue to show strong leadership and take decisive action to ensure that we are doing all we can to transform our response and end the suffering and harm that abuse causes.



A handwritten signature in black ink, appearing to read 'S. Javid'.

**The Rt Hon Sajid Javid MP**  
**Home Secretary**



A handwritten signature in black ink, appearing to read 'David Gauke'.

**The Rt Hon David Gauke MP**  
**Lord Chancellor and Secretary**  
**of State for Justice**



## Executive summary

**In February 2017, the Prime Minister announced plans for work to transform the way we think about and tackle domestic abuse, leading to the introduction of a new Domestic Abuse Bill.** The commitment to introduce this bill was re-affirmed in the Queen's Speech at the opening of Parliament in June 2017.

**On International Women's Day 8 March 2018 the government launched a nationwide consultation to seek views on how this transformation can be achieved.** The consultation – *Transforming the Response to Domestic Abuse* – ran for 12 weeks and closed on 31 May. The aim of the consultation was to harness the knowledge and expertise of victims and survivors, as well as charities, specialist organisations, and experts across policing, criminal justice, health, welfare, education, social services, employment and local authorities who deal with the effects of domestic abuse every day. The consultation was launched in two versions, one with 65 questions, and a shorter version with 12 questions that were focused on the experience of victims.

**The consultation received over 3,200 responses from across the UK.** During the consultation period, a large number of events were held across England and Wales, engaging over 1,000 people including victims, charities, local authorities and professionals from other organisations. We want to extend our thanks to all those who shared their personal experiences through the consultation process and to all the organisations who hosted events and made sure as many victims voices were heard and amplified as possible. We have put these victim testimonies and experiences at the centre of our response.

**The majority of those who responded to the consultation agreed with the proposals within it.** The response also provided important insight into the lived experience of domestic abuse as well as useful examples of what can be effective in tackling it.

**The response to the consultation identifies nine measures that require primary legislation to implement.** These will now be taken forward in a draft Domestic Abuse Bill, which is annexed to this document (Annex D), together with the explanatory notes for the draft Bill (Annex E). These nine measures are:

- provide for a statutory definition of domestic abuse
- establish the office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers
- provide for a new Domestic Abuse Protection Notice and DAPO
- prohibit perpetrators of domestic and other forms of abuse from cross-examining their victims in person in the family courts (and prevent victims from having to cross-examine their abusers) and give the court discretion to prevent cross-examination in person where it would diminish the quality of the witness's evidence or cause the witness significant distress

- create a statutory presumption that complainants of an offence involving behaviour that amounts to domestic abuse are eligible for special measures in the criminal courts
- enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody
- place the guidance supporting the Domestic Violence Disclosure Scheme on a statutory footing
- ensure that, where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy), this must be a secure lifetime tenancy
- extend the extra-territorial jurisdiction of the criminal courts in England and Wales to further violent and sexual offences

**The draft Bill will now be subject to pre-legislative scrutiny by a joint committee of both Houses of Parliament.**

**We recognise that this issue cannot be addressed through legislation alone and therefore we have also proposed a package of measures to sit alongside the legislation. This programme of work includes a wide range of cross-government commitments which will be taken forward over the coming year.**

**Through the measures set out in both the draft Domestic Abuse Bill and the practical package of action outlined in this document, we seek to transform the government's response to domestic abuse.**

## Section 1: Promoting awareness

### 1.1 Introducing a new statutory definition of domestic abuse

We want to ensure that all domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes.

**Domestic abuse is complex.** It can go unidentified by agencies, families and friends, and even victims<sup>1</sup> themselves. In order to transform the response to domestic abuse, it is important that it is first properly recognised and understood.

**Domestic abuse does not only occur between couples.** It can also involve wider family members, including parental abuse by an adolescent or grown child. It can exist between older siblings, or the wider extended family in elder or honour-based abuse.

**Domestic abuse involves many different acts and behaviours.** These include physical violence, manipulation, isolation, control, and use of threats and humiliation which harm, frighten or punish a victim. We recognise that a simplistic description may fail to completely encompass the dynamics of power and control, and the risk that control represents to the victim.

We consulted on the following definition:

***Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation. The abuse can encompass, but is not limited to: psychological, physical, sexual, economic and emotional forms of abuse.***

***Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.***

***Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten a person.***

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<sup>1</sup> We recognise that there are differing views on the use of the words victim and/or survivor. Throughout this document we will be using the word victim, in recognition of the fact that a victim of domestic abuse is a victim of a crime. However, we understand that many victims prefer the term survivor, to place focus on their strength and resilience rather than the crime committed against them. We have not used the term victim/survivor for readability but encourage you to read this term as appropriate, according to your preference.

**You said:**

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*“Too often people ignore what is abuse, merely saying it can only be abuse if violence is involved.”*

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Over 85% of you strongly agreed or agreed with the proposed definition of domestic abuse. You agreed that recognising that abuse includes not only physical acts, but emotional and other types of abuse too was important. This was supported by the Home Affairs Select Committee Inquiry into domestic abuse, which welcomed the government’s recognition that domestic abuse can take different forms and that it can be displayed not only through a single act of serious abuse, but also through a series of incidents.

The Home Affairs Select Committee Inquiry into domestic abuse also echoed the Equality and Human Rights Commission recommendation that the new statutory definition of domestic abuse applies to both sexes.

The inclusion of the term economic abuse was particularly welcomed as it encompasses a wider range of behaviours than financial abuse. Also welcomed was recognition that domestic abuse could involve different types of relationships and former partners.

Most agencies and charities said that the statutory definition would not necessarily change the way in which their organisation works (56% said it wouldn’t change, 44% said it would). The most commonly cited reason was that organisations were already using the existing cross-government definition. However, there was an acknowledgment that the definition would still be important to reinforce current messages and allow organisations to update their training packages, guidance and resources.

To ensure the definition is embedded in frontline practice, 44% of you said that it was important that training was given to the police, voluntary sector and the criminal justice system.

You said that the impact of reducing the lower age limit to 16 in 2012 was positive, as it increased awareness of domestic abuse among young people. In all, 59% of you strongly agreed or agreed that the current lower age limit of 16 years should be maintained in the statutory definition. One of the central arguments against lowering the lower age limit further was the risk of blurring the lines between child abuse and domestic abuse between adults; abuse perpetrated by an adult towards someone under 16 is classified as child abuse and the distinction needs to be maintained. However, there was an acknowledgement that the impact of domestic abuse on under-16s needed to be recognised. This included ensuring that sufficient services were in place both for children in households affected by domestic abuse and also for young people experiencing abuse in their own intimate relationships. You also said that we should avoid prosecuting young people who perpetrate abuse so as not to unnecessarily criminalise the under-16s.

**We will:**

**We will include a definition of domestic abuse based on the one proposed in the consultation document**, in the draft Domestic Abuse Bill.

**We will specify economic abuse as a distinct type of abuse**, as it encompasses a wider range of behaviours than financial abuse.

**We will ensure that different types of relationships are covered**, including family members, ex-partners and those who are not cohabiting.

**In the statutory guidance that will accompany the definition, we will expand further on the different types of abuse and the forms they can take.** This will include types of abuse which are experienced by specific communities or groups, such as migrant women or ethnic minorities and also teenage relationship abuse. This will also recognise that victims of domestic abuse are predominantly female.

**We will recognise the devastating impact that domestic abuse can have on children who are exposed to it within the statutory guidance.** The guidance will be directed at all statutory and non-statutory service providers.

**We will include 16 and 17 year olds in the statutory definition, as this change to the definition has been viewed as having a positive impact by most of you.** However, it is clear that the impact of domestic abuse on young people needs to be properly recognised and we need to ensure that agencies are aware of it and how to appropriately identify and respond. This includes: children living in abusive households; teenage relationship abuse; and abuse directed towards siblings and parents. Courts and responding agencies must take into account youth justice guidelines when responding to cases and must avoid unnecessarily criminalising young people.

## 1.2 Educating young people on relationships

**As outlined in our Violence against Women and Girls Strategy,<sup>2</sup>** prevention and early intervention remain the foundation of our approach, and the same principle will apply to domestic abuse more generally.

**We recognise that if we want to change attitudes we need to engage with children at the earliest possible opportunity.** We know that exposure to domestic abuse can have a serious, lasting impact on children, with negative effects on their future behaviour and relationships. All children should be supported to understand that abuse is never acceptable.

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<sup>2</sup> HM Government (2016) Ending Violence Against Women and Girls Strategy 2016–2020. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VA\\_WG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VA_WG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF).

**We want to help schools deliver high-quality relationships education that covers domestic abuse.** This includes the provision of Relationships Education, Relationships and Sex Education, and Health Education. This will help equip children with the information they need to have healthy and respectful relationships, and leave school prepared for adult life.

**The commitment to provide Relationships and Sex Education in schools is already enshrined in the Children and Social Work Act 2017.<sup>3</sup>** We are making Relationships Education compulsory in all primary schools in England, and Relationships and Sex Education compulsory in all secondary schools from September 2020, as well as making Health Education compulsory in all state-funded schools.

**You said:**

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*“Education is needed. I had no idea I was in an abusive relationship until it was far too late. Start in schools to help awareness for both potential victims and potential abusers, but it’s also vital to do the same through media.”*

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You asked the government to ensure that children and young people learn about healthy relationships and domestic abuse so they can form positive relationships into adulthood and know how to find help if they ever feel unsafe. Of those of you who considered the best way to reach children and young people, almost 40% suggested media campaigns.

Almost half of you (46%) made suggestions about what children should learn in school, asking for children and young people to:

- receive quality teaching about healthy relationships
- learn about unhealthy relationships and the signs of domestic abuse at an age that is appropriate for their development

Many of you commented on ways to support schools to deliver quality Relationships Education and Relationships and Sex Education, and 58% of those responses suggested that schools should have access to training, useful resources or advice from specialist organisations.

With regards to Relationships Education, the Home Affairs Select Committee Inquiry into domestic abuse recommended that the government should allocate resources and determine priorities for evaluating the efficiency of initiatives.

**We will:**

**We will introduce regulations and statutory guidance for schools on Relationships Education, Relationships and Sex Education, and Health Education.** In primary schools, we want to equip children with the foundations for healthy, respectful relationships. In secondary schools, we propose teaching

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<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2017/16/contents/enacted>

young people about healthy intimate relationships, and the concepts and laws relating to consent, sexual exploitation, grooming, harassment and domestic abuse. Through this teaching, we can help children to understand domestic abuse, including coercive control, so they can recognise the signs of abuse and stay safe.

While many schools will be able to begin teaching quickly and are supported and encouraged to start from September 2019, it is essential that we ensure that all schools have enough time to plan and prepare their staff. **We will begin working with schools, unions, other education providers and expert organisations such as subject associations to determine what support schools will need to deliver the subjects well, including consideration of training and quality materials.**

**We will also work with schools to provide advice, sources of expert information and recommendations of useful teaching resources such as lesson plans based on the government's Disrespect NoBody campaign.<sup>4</sup>**

**In November 2018, we published Respectful School Communities, a self-review and signposting tool to support schools to develop a whole-school approach to promote respect, healthy relationships and discipline.** This tool can help schools build on their existing duties to take a wider preventative approach to combat bullying, harassment and abuse of any kind, and create inclusive and tolerant school communities.

### 1.3 Reporting domestic abuse to statutory agencies

**We know how important it is that statutory agencies and professionals properly understand domestic abuse.** Wide-ranging action is being taken to improve understanding of domestic abuse including statutory guidance, targeted resources and training.

**We want all agencies to be able to confidently and appropriately identify, assess and support victims of domestic abuse by signposting them to the right support.** Government departments are working to improve the training provided to professionals to ensure that this happens and that all victims receive the help they need.

**There is, however, more that can be done to improve the response from the police and across other statutory agencies,** including health, education, social care, Jobcentres and the courts.

**We also recognise and value the contribution that the voluntary sector can make in educating statutory agencies about domestic abuse.** There are already many examples of good practice. For example, many Jobcentre Plus offices routinely work with local charities on domestic abuse initiatives that aim to equip staff to respond effectively and signpost users to appropriate

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<sup>4</sup> <https://www.disrespectnobody.co.uk/>

support. Every Jobcentre has a District Provision Tool, which lists expert organisations both locally and nationally, and which Work Coaches and Case Managers can use to direct claimants to further support.

We recognise the importance of improving awareness of domestic abuse amongst health staff. In March 2017, the Department of Health and Social Care (DHSC) published an online domestic abuse resource for health professionals to improve awareness. It advises health staff on how they can support adults and young people over 16 who are experiencing domestic abuse, and dependent children in their households, by showing how they can respond effectively to disclosures of abuse.

Routine enquiry on domestic abuse already takes place in place in maternity and mental health services, to improve earlier disclosure and support people to get the care that they need. Domestic abuse training materials for staff were updated from the results of research commissioned by DHSC. The National Institute for Health and Care Excellence also published its Quality Standard for Domestic Abuse<sup>5</sup> in March 2016.

DHSC have also funded the 'Identification and Referral to Improve Safety' (IRIS) project. This is a staff training and support programme that bridges between the voluntary sector and primary care, to harness the strengths of each, and provide an improved domestic violence service. DHSC has invested £2 million to fund the expansion of the Standing Together Against Domestic Violence pathfinder programme. This programme will create a model health response for victims of domestic abuse across community, mental health and A&E settings. The additional funding will increase the number of clinical commissioning groups who will become pathfinder sites to eight providing health services to approximately 18,000 survivors. **The programme will run until March 2020 but emerging learning from the programme will be shared as soon as possible.**

#### You said:

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*“Everyone should be aware of domestic abuse. Once people start to talk about it you realise how prevalent it is in the world today. We should not be brushing this under the carpet.”*

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The top three agencies you identified as needing to do more to recognise the signs of domestic abuse were: education professionals, police, and health professionals (full results can be seen in Figure 1). Many of the consultation responses were clear that it is the responsibility of *all* agencies to do more.

You said that training should incorporate an understanding of how domestic abuse affects groups of people differently – including lesbian, gay, bisexual and trans plus (LGBT+), male, black and minority ethnic (BAME) and older victims. You also said you wanted the effectiveness of training to be monitored or assessed.

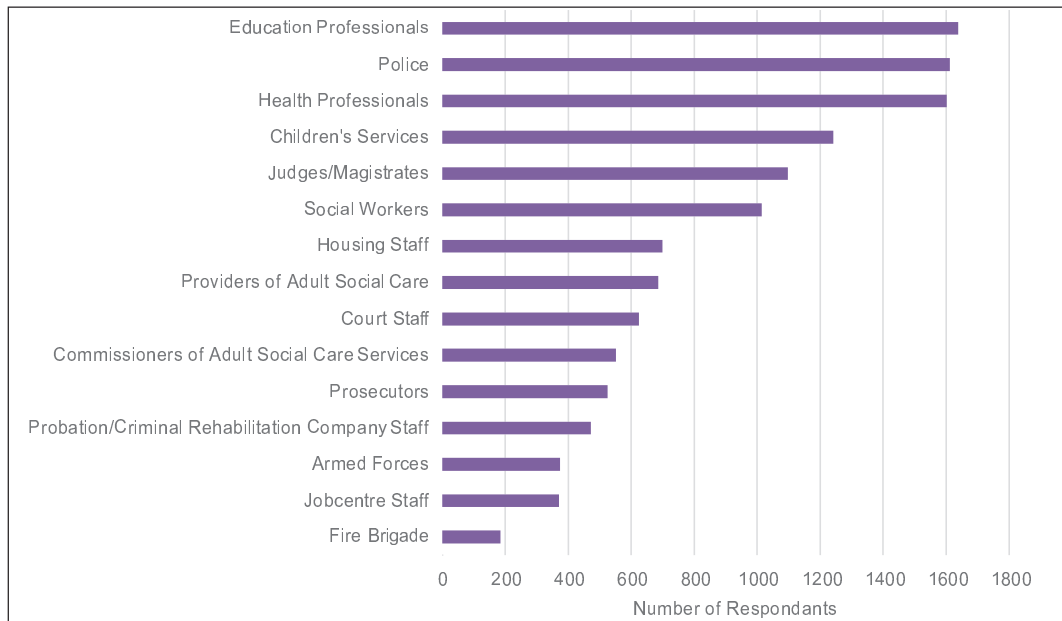
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<sup>5</sup> <https://www.nice.org.uk/guidance/qs116>



This was echoed in the report published by the Home Affairs Select Committee Inquiry on domestic abuse. It recommended that more training and guidance was needed for public sector staff dealing with domestic abuse, so that they can respond appropriately to public needs and refer individuals on to specialist services.

**Figure 1: Responses to Question 7 of the consultation: “Which of the following organisations do you think should do more to recognise the signs of domestic abuse? (Please select the top three you think the government should focus on)”**



**We will:**

Given that the responses from the consultation highlighted the importance of training, we will invest in police training on coercive control to extend the rollout of the Domestic Abuse Matters police change programme, developed by the charity SafeLives and the College of Policing. We recognise that there is further work to do in transforming the police response to domestic abuse, and have laid out plans for work in this area in Section 3.

**We will provide £220,000 to develop and pilot a training programme for social workers on coercive control** to make sure they can effectively identify and respond to all types of domestic abuse.

**We will fund the development of domestic abuse training materials, both online and face-to-face, for frontline professionals working in probation services and community rehabilitation companies.**

**The Department for Work and Pensions (DWP) is in the process of developing future learning and development products, for all Universal Credit work coaches, which will focus on how to support victims of domestic abuse.**

As recommended by the Work and Pensions Select Committee, **DWP will introduce domestic abuse specialists in each Jobcentre, who will receive further training on how to support claimants who are victims of domestic abuse.** These specialists will also have the opportunity to upskill their colleagues and promote awareness of domestic abuse in their Jobcentres. This will be delivered in Summer 2019.

The Department for Education (DfE) recently updated 'Keeping Children Safe in Education' – the statutory safeguarding guidance for schools and colleges. It includes information on domestic abuse and the long-lasting emotional and psychological impact it can have on children. The guidance is clear that schools should ensure that all staff receive regularly updated safeguarding training, so that they can take appropriate steps to identify, protect and support children. **We will continue to raise awareness of this update. DfE keeps the effectiveness of the guidance under review and will consider strengthening it further as required.**

**DfE will also drive forward wide-ranging reforms to children's social care.** It is essential that social workers provide effective support to children and families affected by domestic abuse. Our children's social care reform programme is working to improve social work practice across the country through initial education, continued professional development and tougher professional regulation. The Knowledge and Skills Statements underpin reforms, and state that all social workers must be able to identify the impact of domestic abuse and act to protect vulnerable adults and children.

We also recognise the importance of strong leadership in driving local changes in delivery, which is why the **National Oversight Group on Domestic Abuse, chaired by the Home Secretary, will continue to oversee the police response to domestic abuse and the implementation of Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services' inspection recommendations.**

DHSC and NHS England are improving the awareness of abuse amongst health staff, with an online domestic abuse resource for health professionals and have also developed a number of e-learning and training modules with the Institute of Health Professionals and the Royal Colleges of Nursing and General Practice. **NHS England is refreshing the training to reflect emerging practice and a whole-family approach to safeguarding.**

DHSC will continue to work with NHS England to raise the awareness and understanding of healthcare providers so they know what action to take and when. **This will include a comprehensive four-year plan to both raise awareness amongst NHS staff and address the issue of NHS staff who are themselves victims. It will also ensure support is available for prevention purposes for any staff who are, or are known to have been, perpetrators.** NHS England will also use expert partners in domestic abuse to inform and shape the plan.

The Ministry for Housing, Communities and Local Government (MHCLG) are funding a 'whole housing' pilot project in London and Cambridgeshire that will develop the practice and knowledge of housing professionals in the private rented, privately owned and social rent sectors. Much of the focus of existing training and awareness raising in the housing sector is focused on social housing but a key element of the 'whole housing' project is to enable better engagement with the landlord professional bodies and provide training on domestic abuse to their members.

The Ministry of Defence (MOD) published its No Defence for Abuse Strategy in July 2018<sup>6</sup>. This five-year strategy highlights that although there is no evidence that domestic abuse is more prevalent in the defence community, the MOD takes the issue of domestic abuse extremely seriously and recognises that there are aspects of service life that may impact on family life. The Strategy sets out plans to create a culture of safety and support for those who experience domestic abuse and their children, taking steps to remove barriers that can deter victims from asking for help. The Strategy is focused on three key areas: prevention – raising awareness, encouraging openness and identifying those most at risk; intervention – enabling safe disclosure, appropriate responses and consistent support; and partnering – working across boundaries in defence to improve information sharing, working with specialist organisations and expert bodies to encourage provision of services tailored to the armed forces and learning from best practice.

#### 1.4 Raising public awareness of domestic abuse

**We know that victims of domestic abuse are far more likely to confide in family and friends than in the police or agencies.** Women's Aid created the 'Ask Me' programme, which is supported by government, because victims said that they needed more help from their local communities.

**We know that there are other groups who could play an important role in tackling domestic abuse.** The Employers' Initiative on Domestic Abuse is a group of over 200 companies and public sector organisations who have come together to help staff affected by domestic abuse. Other groups such as Business in the Community and the Domestic Abuse Housing Alliance are pioneering work to tackle domestic abuse within their sectors.

**We are funding several projects to improve community awareness of domestic abuse.** We have provided £1.5 million for the Women's Aid 'Ask Me' programme to raise awareness and support among young people, and £1 million for the Hestia Housing and Support 'Tools for the Job' project, which aims to improve employers' responses to domestic abuse.

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<sup>6</sup> Ministry of Defence (2018) No Defence for Abuse. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/725400/Domestic\\_Abuse\\_MOD\\_booklet\\_Digital.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/725400/Domestic_Abuse_MOD_booklet_Digital.pdf)

**We recognise that there is a need to provide more information to the public.** This should outline clearly what domestic abuse is, and what options they have if they are a victim or are concerned about someone else who is a victim. The guidance should also give advice on what to do for those who identify as perpetrators or think someone they know may be a perpetrator.

**We want to challenge the social attitudes that allow domestic abuse to occur.** By making domestic abuse socially unacceptable in any form, we can start to prevent abuse before it happens rather than repairing the damage once it has occurred.

**You said:**

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*“A lot of what happens is behind closed doors, I know in my circumstances he looked amazing to everyone looking in.”*

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You asked for more to be done to raise awareness of domestic abuse for all, including:

- who could be affected
- what the warning signs are
- where victims could go to seek support
- where concerned family members or friends can go for advice

It was clear that there needs to be a better understanding of the fact that anyone can be a victim, regardless of age, gender, sexual orientation, ethnicity or background. You also said that you wanted employers to do more to support victims and to see increased support for victims in the community. The most common suggestion was for a national public awareness campaign.

**We will:**

**We will continue to provide annual funding of £1.1 million up to 2020/21 for helplines, subject to the outcome of the Spending Review:** supporting victims of domestic abuse, stalking, so-called honour-based violence and revenge porn, as well as perpetrators of domestic abuse. We are currently re-tendering these helplines to improve the service offer.

**We will continue to show leadership in supporting the Employers’ Initiative events and raising awareness of the Business in the Community domestic abuse toolkit.**<sup>7</sup> This provides support and information for employers, so they can better understand the scope of the problem and improve the support available to employees, both victims and perpetrators, who are affected by domestic abuse.

**We will work with partners to review, evaluate and understand current communication activities, which will help inform future communication**

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<sup>7</sup> Business in the Community (2018) Domestic abuse: a toolkit for employers. Available at: [https://wellbeing.bitc.org.uk/sites/default/files/kcfinder/files/bitc\\_phe\\_domestic\\_abuse\\_toolkit.pdf](https://wellbeing.bitc.org.uk/sites/default/files/kcfinder/files/bitc_phe_domestic_abuse_toolkit.pdf).

**activity.** This will include identifying where there are potential gaps and opportunities for the government to enhance our communications approach.

**We will work to tackle harmful gender norms, in recognition that all forms of violence against women and girls are both a cause and a consequence of wider gender inequality.** Through the refreshed Violence Against Women and Girls Strategy, we are embarking on an ambitious programme to tackle restrictive and harmful gender norms, with a focus on working with the advertising industry, on body image, and through working with men and boys to challenge harmful attitudes.

DWP will look to update existing Universal Credit communication products and materials (for example, the myth-busting leaflets and the Understanding Universal Credit website) to include additional content on and better signposting to DWP's existing package of support available to domestic abuse victims. This support includes a range of measures, including conditionality easements, advance payments, referrals to expert organisations, special provisions in Housing Benefit and Universal Credit housing support, and exemptions from Child Maintenance Service application fees.

The option to request split payments is also available to claimants as part of this package of support. When an individual suffering from domestic abuse requests a split payment, DWP will support them in putting this arrangement in place. Split payments will always be given when they are requested, and where they are the best option for the claimant. Split payments can be used to support claimants in a number of different scenarios where there is financial mismanagement, for example when one member of the couple has an addiction, or is a victim of domestic abuse. Not all victims of domestic abuse will want a split payment, and so we work with claimants on an individual case basis.

DWP is also proactively exploring additional measures based on an official-level meeting with Home Office colleagues, and steers from the Secretary of State and the Minister for Family Support, Housing and Child Maintenance.

In order to raise public awareness of this support, DWP will also look to create a tailored factsheet and a series of digital assets, for example explainer videos and infographics that could be used and shared online across corporate and stakeholder channels. We will seek to encourage stakeholders to share this information both internally with their staff and to promote it externally to the audiences they reach. This content could also be tailored for use by our operational colleagues in Jobcentres and in their discussions with potential claimants who are victims of abuse. Any product would be 'informative messaging' in style and would include the relevant call to action/link to GOV.UK and further support.

Home Office and DWP communications teams are also working together to ensure an integrated approach to domestic abuse communications.

## Section 2: Protect and support victims

### 2.1 Support for children

**No child should ever experience the trauma caused by domestic abuse.** Research suggests that between a quarter and a third of children in the UK have been exposed to domestic abuse. Children can witness or overhear abuse, observe their parent's ongoing distress and be harmed trying to intervene. Many teenagers also experience domestic abuse in their own relationships.

**We know domestic abuse can have a devastating, long-term impact on children.** Growing up in a household of fear and intimidation can profoundly impact children's wellbeing and development, with lasting effects into adulthood. Children exposed to domestic abuse are more likely to suffer from mental health difficulties, do worse at school and experience domestic abuse in later life.

**Children exposed to domestic abuse are victims of child abuse.** The Serious Crime Act 2015 made it explicit that cruelty to children which causes psychological suffering can be a crime. This includes when children are emotionally harmed by exposure to domestic abuse, holding perpetrators to account for the impact of their abuse on children. Under existing law, the definition of 'harm' to children recognises the impact of seeing or hearing the abuse of someone else, so local authorities may take action to protect children who witness domestic abuse.

**Domestic abuse is the most prevalent risk affecting children in need, who receive statutory help and protection from children's social care.** These children have complex needs, and in school they do far worse than their peers. The Children in Need Review recently published interim findings on what works to support these children and improve their educational outcomes.

**We have undertaken a literature review on the impact of domestic abuse on children,** which has been published alongside this consultation response as an annex to the *Economic and Social Cost of Domestic Abuse* paper. We hope this will contribute to the wider understanding of how children are affected by domestic abuse.

**We have provided funding to enable the rollout of Operation Encompass across England and Wales. Operation Encompass is a scheme that facilitates multi-agency working to support children who witness domestic abuse.** The scheme supports police and schools to work together to provide emotional and practical help to pupils affected. Whereas children's social care only intervene in the most serious cases, Operation Encompass enables every child to receive support, regardless of whether the incident has been recorded as a crime.

The Home Affairs Select Committee Inquiry into domestic abuse recommended that children in refuge should be given priority access to new school places, to

prevent delay if they have been forced to flee their home and require an in-year school move.

We have already invested over £1 billion to develop capacity and capability across the system to support the transformation in children and young people's mental health. This will ensure that an extra 70,000 children a year receive the support they need by 2020/21.

**You said:**

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*“My teenage son now tells me he used to believe that I would be killed and grew up tormented by the fear which made him reluctant to attend school because he was afraid to leave me.”*

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In response to the consultation, NSPCC ran a workshop with 10 young people aged 11 to 19 with experience of domestic abuse. They described feeling sad, scared, anxious and depressed as a result of witnessing abuse. The young people were worried about how living with domestic abuse might affect their behaviour and their future. They expressed concerns about turning to drugs and alcohol, involvement with bullies or gangs, and having nowhere to go to escape, so running away and becoming homeless.

Respondents to the consultation said that children affected by domestic abuse need support to recover. Suggestions included helping children to feel safe and supported in schools, a more effective response from children and family social workers, and therapeutic interventions.

The Home Affairs Select Committee Inquiry into domestic abuse recommended that the draft Domestic Abuse Bill should explicitly safeguard children who have suffered domestic abuse and that the government should develop a clear strategy to ensure that children are protected and receive support underpinned by adequate funding for specialist services.

**We will:**

**We will allocate funding to support children affected by domestic abuse.**

In July 2018, the government launched a fund to give charities, local authorities and other organisations the chance to run programmes that intervene early and help children affected by domestic abuse. This could be children exposed to domestic abuse in the family home, experiencing domestic abuse in their own relationships or demonstrating harmful behaviours to those closest to them. Details of the successful bids can be found in Annex A.

Everyone needs to recognise that children exposed to domestic abuse are victims of a crime. They do not need to be directly physically harmed, but suffer when they are exposed to domestic abuse and live in an environment of fear and intimidation. **We will undertake research to understand why more perpetrators of domestic abuse are not convicted of causing emotional harm to children, and whether action should be taken to improve the response to this crime.**

**Through the Children in Need review we will identify what needs to be done in policy and in practice to address the injustice of poorer educational outcomes for children in need.** This will be based on evidence of what works, and we will continue to build the evidence through ongoing partnership with three What Works Centres, including new analysis by the Education Endowment Foundation.

We have provided £163,000 to fund the national rollout and evaluation of Operation Encompass across all police forces. **We will monitor the implementation of the rollout and share findings from the evaluation in order to increase its effectiveness and develop the scheme further.**

The School Admissions Code places a requirement on local authorities to have a Fair Access Protocol to ensure that children without a school place, especially the most vulnerable, are offered a place at a suitable school without unnecessary delay. However, we recognise that there can be challenges. Therefore, as part of the Children in Need Review, **we will improve the process for in-year school admissions by considering changes to the Schools Admissions Code to help vulnerable children, including those in refuge, access a new school place as quickly as possible.**

We published Transforming Children and Young People's Mental Health Provision: a Green Paper<sup>8</sup> in December 2017. This set out ambitious proposals to fill the gap in support for children and young people's mental health. We are incentivising and supporting all schools and colleges to identify and train a Designated Senior Lead for Mental Health and funding new training to help leads put in place whole school approaches to mental health. We are also introducing new Mental Health Support Teams working in or near schools and colleges to provide earlier access to a wider range of support and treatments.

## 2.2 Resources

### 2.2.1 Funding

**We understand that having the right tools and services to protect and support victims of domestic abuse will make individuals and families safe, sooner.** Different types of support may be needed at different times in a victim's journey, and it is important that the funding of domestic abuse services reflects that.

**We have supported a variety of volunteer-led services over the last 10 years.** However, we understand that more still needs to be done to ensure that these services and others like them have the support that they need to continue delivering a high quality service.

**The funding landscape for domestic abuse services is diverse.** Funding is needed to support: safe accommodation, including refuges and social housing; support workers, including Independent Domestic Violence Advisors (IDVAs); and first-touch services, such as helplines. We also need to ensure that these

<sup>8</sup> <https://www.gov.uk/government/consultations/transforming-children-and-young-peoples-mental-health-provision-a-green-paper>



services work for communities on a local level, and that service provision is intelligence-led through effective multi-agency working.

In the Victims Strategy,<sup>9</sup> we addressed funding for domestic abuse victims in three critical areas. Many victims of domestic abuse also experience sexual violence and seek assistance from sexual violence services. **We are responding to increasing demand for sexual violence services.** We increased funding for rape and sexual abuse support services across England and Wales – offering £24 million over three years to provide advice, support and counselling for women affected by rape and sexual abuse. This funding will increase the resilience of the wider sector supporting victims of sexual violence, including those who experience domestic abuse, to provide timely, wrap-around support.

In the Victims Strategy, we also announced that we would increase funding by £200,000 over two years to provide further advocacy support to families bereaved by domestic homicide. We want to ensure that all bereaved families, who consent, are provided with specialist advocacy support.

We recognise the devastating impact of domestic abuse on children, and launched an £8 million fund in 2018 for children affected by domestic abuse details of successful bidders can be found in Annex A.

In addition, NHS England with partners across government have published the Strategic Direction for Sexual Assault Services.<sup>10</sup> The measures set out in the Strategic Direction aim to improve health outcomes for victims of sexual assault and abuse. They intend to radically improve access to services for victims of sexual assault and abuse and support them to recover, heal and rebuild their lives.

#### You said:

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*“Funding should be delivered in a co-ordinated way by all government departments responsible for responding to domestic abuse, as all will benefit from resulting cost savings from preventing and reducing this form of harm.”*

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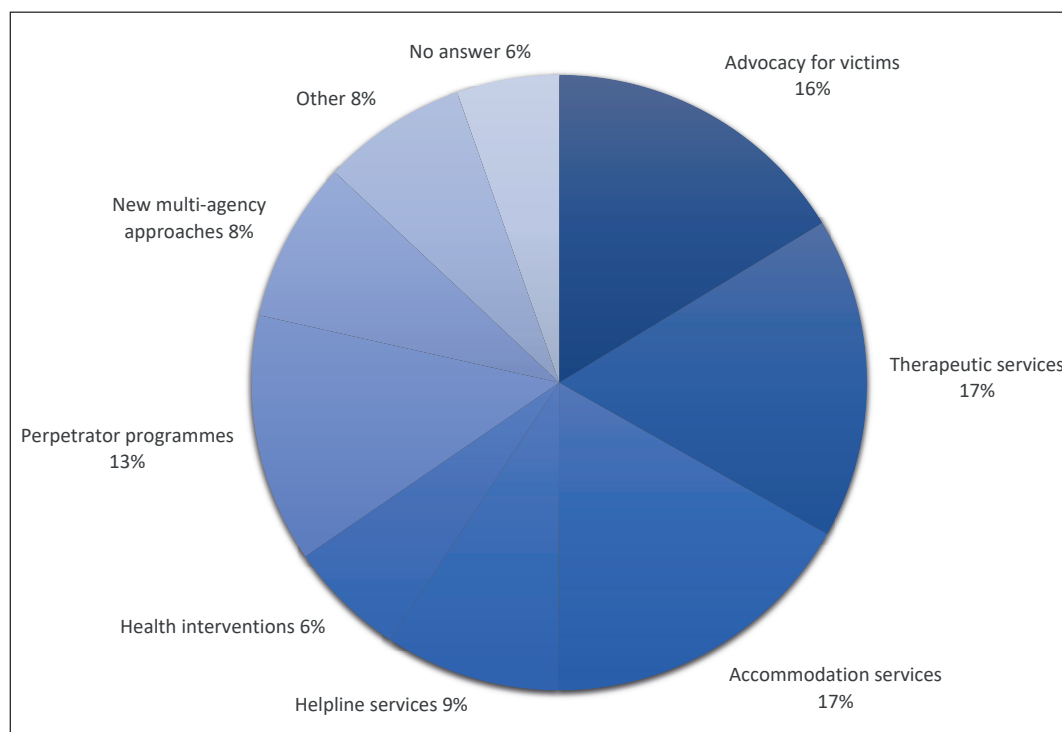
From the consultation, you were asked to select up to three areas that you felt the UK government should prioritise for central government funding.

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<sup>9</sup> HM Government (2018) Victims Strategy. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746930/vic\\_tim-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746930/vic_tim-strategy.pdf).

<sup>10</sup> <https://www.england.nhs.uk/wp-content/uploads/2018/04/strategic-direction-sexual-assault-and-abuse-services.pdf>

**Figure 2:** Responses to Question 10 of the consultation: “We are in the process of identifying priority areas for central government funding on domestic abuse. Which of the following areas do you think the UK government should prioritise?”



**We will:**

As announced in the Victims Strategy, **we will develop a new victims services delivery model to increase the availability of services through more joined-up and sustainable funding.** This will explore the potential to align government funding for victim support services.

The government has already pledged over £100 million of funding to tackle violence against women and girls from 2016 to 2020. Over £80 million of this total has been allocated for the provision of victims’ services, including over £40 million for safe accommodation-based services and around £5 million for national helplines.

At the launch of the consultation, we announced that £12 million of the remaining £20 million would support children affected by domestic abuse, female offenders who have experienced domestic abuse and a health pathfinder project designed to identify best practice in healthcare settings. **With the remaining £8 million we will support a wide range of individuals who are affected by domestic abuse including:**

- the LGBT+ community
- elderly victims
- male victims
- disabled victims

- those affected by adolescent to parent abuse
- victims of economic abuse

**We will also fund initiatives that will strengthen the frontline response, raise awareness and knowledge of domestic abuse and deliver projects to support victims in the justice system – details of which can be found in Sections 1 and 3 of this consultation response, respectively.**

**From April 2019, we will explore the benefits of full local commissioning of rape and sexual violence support services by Police and Crime Commissioners (PCCs).** We believe that this will lead to better service integration and local join-up to offer more seamless support pathways for victims with specific or complex needs. PCCs are well placed to understand the needs of victims in their area, and to subsequently commission services to meet these needs. They are familiar with the local provider landscape, including smaller providers who often find it difficult to successfully bid for larger pots of government funding but still provide a specialist service.

#### [2.2.2 Accommodation-based services including refuges](#)

**We know how important it is that victims of domestic abuse have access to safe accommodation.** We believe that the best way to assess need and provide safe accommodation is through local authorities working in partnership with other agencies.

**MHCLG is carrying out a review of how domestic abuse services are locally commissioned and funded across England.** This work combines the manifesto and Violence Against Women and Girls Strategy commitments to review funding for safe accommodation, including refuges, and the locally led approach to commissioning and delivering these services. The review has been informed by an independent audit of provision of domestic abuse services across England, to measure the amount and nature of domestic abuse service provision and how it is delivered by local authorities in the context of MHCLG's Priorities for Domestic Abuse Services. In September and October 2018, MHCLG held a series of Domestic Abuse Service events across the country with local authorities, the Local Government Association and London Councils and key domestic abuse sector partners. MHCLG also sought views from PCCs, other organisations which support victims and groups which support victim with protected characteristics. This was an opportunity to listen and draw on experience and expertise and gather intelligence on what works well and where challenges and barriers prevent victims and their children to accessing the right support at the time of need.

**MHCLG continue to work closely with sector partners, drawing on their data, expertise and knowledge, as it undertakes this critical work** to develop future, sustainable delivery options for support elements of accommodation-based services for domestic abuse across England.

**These options may include a statutory duty or guidance on local authorities that could be included in the Domestic Abuse Bill** (this provision will not be in the draft Bill).

**The outcomes of the review have not yet been finalised but MHCLG is aiming to launch a public consultation shortly.**

**MHCLG will continue to invest in the Women’s Aid ‘Routes to Support’ project,<sup>11</sup> subject to the outcome of the Spending Review. The funding contributes to a database and staff to support victims who need to access refuges** and enables detailed monitoring and analysis of the availability of bed spaces and other violence against women and girls services. The funding also supports the ‘No Woman Turned Away’ project,<sup>12</sup> which offers caseworker support to victims who may have faced difficulties accessing refuge. Since 2016, 668 victims have been supported.

#### *Supported housing*

We announced in August that housing benefit will be maintained for all supported housing. This will apply to all support housing including refuges. This reflects the particular needs of the vulnerable groups of people who access supported housing, and the government’s commitment to get the best possible outcome for them. We are working on oversight arrangement to ensure that both quality and value for money are delivered in this sector.

#### *Secure tenancies*

The government took through the Secure Tenancies (Victims of Domestic Abuse) Act 2018<sup>13</sup> (the 2018 Act) to deliver on a manifesto commitment to ensure that where local authorities grant a new tenancy to lifetime tenants who are victims of domestic abuse, it must be a further lifetime tenancy.

The 2018 Act amended provisions in the Housing and Planning Act 2016 that make fixed-term tenancies generally mandatory for local authorities. However, the social housing green paper<sup>14</sup> has since announced a decision not to implement the fixed-term tenancy provisions in the Housing and Planning Act 2016 at this time.

This means that we also cannot implement the 2018 Act at this time. The green paper therefore includes a commitment to bring forward new legislation to put in place similar protections for victims of domestic abuse where local authorities offer fixed-term tenancies at their discretion. The draft Domestic Abuse Bill includes provisions to deliver on this commitment.

#### *Access to social housing for victims of domestic abuse*

Following consultation, the government issued new statutory guidance<sup>15</sup> for local authorities on 10 November 2018, designed to help victims of domestic abuse who are currently living in a refuge or other forms of safe temporary

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<sup>11</sup> <https://www.womensaid.org.uk/routes-to-support/>

<sup>12</sup> <https://www.womensaid.org.uk/research-and-publications/nowomanturnedaway/>

<sup>13</sup> <http://www.legislation.gov.uk/ukpga/2018/11/contents/enacted>

<sup>14</sup> MHCLG (2018) *A new deal for social housing*. Green paper. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733605/A\\_new\\_deal\\_for\\_social\\_housing\\_web\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733605/A_new_deal_for_social_housing_web_accessible.pdf).

<sup>15</sup> MHCLG (2018) *Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation: Statutory guidance on social housing allocations for local authorities in England*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/753667/Improving\\_access\\_to\\_social\\_housing\\_for\\_victims\\_of\\_domestic\\_abuse.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753667/Improving_access_to_social_housing_for_victims_of_domestic_abuse.pdf).

accommodation to move on into social housing. The new guidance builds on existing statutory social housing allocations guidance to improve access to social housing for victims of domestic abuse by:

- making it clear that local authorities are expected to disapply any residency tests for those victims who have fled to a refuge or other form of temporary accommodation in another local authority district;
- setting out how local authorities can ensure that victims who are in a refuge or other form of temporary accommodation are given appropriate priority.

The guidance also advises local authorities on how they can use their existing powers to support tenants who are victims of domestic abuse to remain safely in their homes if they choose to do so; for example, by putting in place appropriate security measures and/or evicting the perpetrator and granting a sole tenancy to the victim.

### 2.2.3 Whole Housing Partnership Project

As mentioned in Section 1, MHCLG are funding, as part of their recent £22 million fund, a pilot of a 'whole housing' partnership project in London and Cambridgeshire to provide individual housing support to a diverse range of victims of domestic abuse and their children. It includes all type of housing from private housing through to social housing and refuges and will ensure that the full range of housing-related professionals will be able to recognise domestic abuse and intervene appropriately at an earlier stage. It will enable better engagement with landlord professional bodies and training for their members. In addition, good practice will be available for landlords in order to avoid eviction and to provide early support to domestic abuse victims.

### 2.2.4 Support for those with no recourse to public funds

**We recognise that not everyone living in the UK has automatic access to public funds.** The destitute domestic violence concession is available to support such individuals so they can escape the abusive situation.

**The destitute domestic violence concession provides eligible individuals with a period of three months' leave outside the immigration rules, allowing them to apply for access to public funds,** which may help fund alternative accommodation away from their abuser. This period of leave enables individuals to reflect and make arrangements to regularise their status by applying for indefinite leave to remain if they wish. The destitute domestic violence concession is open to partners of British citizens and settled persons where those partners are on a spouse, civil partner, unmarried partner or same-sex partner visa.

**Though not eligible for the destitute domestic violence concession, we provide analogous support to asylum seekers if they are destitute.** There are systems that enable accommodation providers to quickly move asylum-seeking victims of domestic abuse to safety.

We are looking at how to improve the way that the immigration system accommodates victims of domestic abuse.

In terms of the police response to this issue, there is a clear policy that when a person has reported to the police that they are a victim of crime, particularly ones of significant vulnerability, they will be treated as victims first and foremost, regardless of their immigration status.

**You said:**

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*“There is still a lack of understanding across frontline professionals around what support is available for women with no recourse to public funds. Many women are so fearful of deportation that they do not report crimes of sexual and domestic violence to the police, or seek support to escape the abuse, despite being entitled to protection.”*

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The consultation asked what other actions the government could take, in addition to reviewing who may be eligible for the destitute domestic violence concession, in respect of protecting domestic abuse victims with no recourse to public funds.

You highlighted the lack of awareness that victims, the public and expert organisations have about the immigration rights of migrant domestic abuse victims.

You recommended expanding the eligible cohort for the destitute domestic violence concession to include those not on partner visas. There were also recommendations for extending the time period for which the destitute domestic violence concession is available, from three to six months.

The Home Affairs Select Committee Inquiry into domestic abuse stated that immigration status itself is used by perpetrators of domestic abuse as a means to coerce and control and it is vital that insecure immigration status must not bar victims of abuse from protection and access to justice.

**We will:**

**We will help build long-term capacity and expertise about immigration rights for those working to combat domestic abuse.** We will build on current protections under the destitute domestic violence concession to improve our understanding of the number of migrant victims who need crisis support, providing funding for such projects through a £500,000 grant.

**We will consider how best to raise awareness of the destitute domestic violence concession** and the support that is available to migrant victims.

**We will consider the argument for widening the cohort of individuals eligible under the destitute domestic violence concession.** It will take time to build an evidence base on which to base any decisions. In some cases, the

victim of domestic abuse may be best served by returning to their country of origin and, where it is available, to the support of their family and friends.

**We have considered the policy rationale for extending the destitute domestic violence concession from three to six months and have concluded that it would make little difference** in supporting victims while they make arrangements regarding their future immigration status. This is because the vast majority of applications for indefinite leave to remain made on the basis of suffering domestic abuse are resolved quickly and well within three months.

**The National Police Chiefs' Council (NPCC) leads for domestic abuse and vulnerability will work with forces to raise awareness of guidance on supporting victims with insecure immigration status to help overcome barriers to reporting and accessing protection and support.** Immigration Enforcement is also working with the NPCC lead on domestic abuse to ensure that police and immigration officers work collaboratively to quickly recognise victims and to ensure that immigration status is not used by perpetrators to coerce and control vulnerable migrants.

## 2.3 Working together: a proactive and reactive multi-agency response

### 2.3.1 Domestic Abuse Protection Order

Protection orders are an important tool for keeping victims safe and preventing the continuation and/or escalation of abuse. They provide victims with space to consider the options open to them and give the police time to gather evidence to build a case.

There are a range of orders, including the Domestic Violence Protection Order (DVPO), which are currently used to protect victims of domestic abuse, but this can lead to confusion and issues with enforcement.

Some have said that the lack of a criminal sanction in the case of a breach limits the effectiveness of the DVPO.

We want to introduce a new Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO). These will combine the strongest elements of the various existing orders and provide a flexible pathway for victims and practitioners.

#### You said:

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*“Streamlining protective orders and also giving teeth to the DAPO is a positive step.”*

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Responses from the consultation showed that the majority of you agreed with the proposals for the new DAPN and DAPO but wanted us to make sure that the new orders would be easy to access, properly enforced and backed up by

support and guidance for victims and for the agencies responsible for making sure they work effectively.

In all, 56% of you also agreed that the DAPN should operate in the same way as the existing Domestic Violence Protection Notice but wanted to make sure that police were supported and trained to use the new notices.

**We will:**

**We will legislate to provide for the new DAPN and DAPO.** We recognise that the new order introduces some untested ideas, for example in relation to the effectiveness of electronic monitoring in this context, and we want to continue to work with expert professionals from the police, courts and specialist domestic abuse sector to ensure that these new orders work on the ground. To this end, we will pilot the DAPN and DAPO in a number of police force areas.

To support the introduction of the orders **we will issue statutory guidance which will be accompanied by a programme of training and practical toolkits for professionals.**

*Who can apply?*

**Applications for previous orders have been open to different groups.** We asked you who you felt should be able to apply for a DAPO and why.

**You said:**

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*“I think it’s really important that it’s quite simple for a victim to gain this protection. It’s such a huge step to ask someone for help so it’s frightening to think you have to recount it all again to another person. I never informed police of the violence that occurred as I was too scared.”*

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You said that a wide range of people should be able to apply for a DAPO, with 60% of you choosing the victim, 62% choosing the police, 54% choosing relevant third parties and 44% choosing certain other persons with permission of the victim and/or court.

However, you raised concerns about allowing persons associated with the victim, such as family members or friends, to apply because this route may be open to abuse by those who wish to interfere in relationships of which they do not approve.

**We will:**

**We will enable victims, the police and relevant third parties to apply for a DAPO** but, taking on board concerns outlined above, the draft bill **does not allow family members and friends to apply directly without the court’s permission.**



Family and friends will be able to approach police or specialist services to seek help for someone close to them, and these will, in turn, be able to work with a victim to establish the best course of protective action for the individual. **We will ensure statutory guidance optimises the use of multi-agency processes to ensure police and partners work together to identify, assess and agree the best way to mitigate risk to a victim.**

#### *Routes for application*

**Previous orders have had different routes for application.** We asked you which routes you felt would be suitable for a DAPO.

#### **You said:**

Of those who responded to the consultation, 75% of you agreed that applications should be able to be made via multiple routes. You thought this approach would make the process of getting an order easier, quicker and more flexible. There was particular support for enabling DAPOs to be applied for in the family court. However, you were concerned about the cost of applications and the importance of making sure applications were properly supported by evidence.

In total, 72% of you also agreed that family, civil and criminal courts should be able to make DAPOs of their own volition. You thought that this would improve protection for victims, particularly given that abuse can come to light during the court process. However, you wanted to make sure that a range of agencies, including domestic abuse specialists, would be involved in the process and that the wishes of victims would be properly considered.

#### **We will:**

**The draft Bill will enable police to apply to a magistrates' court for a DAPO, and any other eligible applicant to apply to the family court.**

**We will also enable DAPOs to be applied for by a party in any ongoing family or criminal proceedings or specified ongoing proceedings in the civil courts.** To address concerns raised in the consultation, **we will ensure that the statutory guidance provides clear information about how the various pathways for applications work and provide practical toolkits for professionals to use when making applications. We will work with domestic abuse specialists and relevant agencies to ensure that the process for obtaining an order through the family court is as straightforward as possible and that victims and third parties are supported through the process.**

Although we do not intend to require victims to consent to orders in order to protect them from coercion and pressure to withdraw their support, **we will include a requirement in legislation for courts to take into account the wishes of victims before making an order.** We will also look at how we can improve sharing of information, especially between civil and criminal courts.

*Positive requirements*

**Current orders can only impose prohibitive conditions on a perpetrator.**

For example, preventing an abuser from molesting their victim or entering premises shared with the victim.

**We want courts to be able to impose positive requirements on perpetrators.** These requirements could include participation in an intervention or parenting programme, or drug and alcohol treatment.

**You said:**

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*“It highlights the fact that the perpetrator has to take responsibility for his actions and they have to change their way of thinking/doing.”*

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Of those who responded to the consultation, 83% agreed that courts should be able to propose positive requirements.

You said that courts should be able to impose positive requirements, as well as prohibitive conditions, which are necessary to reduce the risk of further abuse and encourage attitudinal and behavioural change in perpetrators. You did, however, tell us that you were concerned about programmes being seen as ‘magic bullets’ and thought that it was important that programmes were used as part of a wider risk management plan. Some of you also foresaw challenges with the commissioning of sufficient numbers of good quality intervention programmes.

**We will:**

**We will draft legislation to allow courts to place positive requirements on perpetrators through orders.** To address concerns about how these interventions can be best used, **we will issue supporting commissioning guidance to help local agencies support positive requirements effectively.** **We will test this approach through a pilot.**

*Notification requirements*

**We think that the DAPO should include notification requirements.** This means that, if it would assist in preventing further abuse, those who are subject to a DAPO would have to register certain personal details with the police.

These details might include their address, who they live with, and details of intimate relationships and their access to any associated children. These details would allow the police to make an accurate risk assessment of the danger that person poses.

**You said:**

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*“So many victims of domestic abuse, and their children, are in a long line of victims. Notifying personal details could prevent abusers preying upon unsuspecting new victims.”*

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Of those who answered, 76% of you agreed that courts should be able to require individuals subject to a DAPO to notify the police of their personal details. Many respondents thought that this would help the police to protect victims but there were also concerns about proportionality and the resources that would be needed to support this proposal.

You were keenest on individuals providing their name and home address but also supported the idea of providing details about new relationships, their household and child arrangement orders. Some of you provided other interesting suggestions including workplace details, firearms licence details and details of new applications for dependent or spousal visas.

**We will:**

**We will introduce a standard requirement on individuals subject to a DAPO to notify the police of their name (including any aliases) and address and to keep such details up to date.**

**We will also enable the court to impose additional notification requirements on a case-by-case basis;** these could include details of new relationships, visa applications and firearms licences held as suggested in the consultation response. **We will work with police and courts to make sure additional notifications are effective, testing this new approach through a pilot.**

*Breach*

**Currently DVPOs do not have a criminal sanction if they are breached.** By making the breach of a DAPO a criminal offence, we think that it would be sending a strong message that non-compliance is taken seriously.

**However, we understand that domestic abuse is complex and that victims may have concerns about this approach.** We do not want the possibility of criminal action to deter victims from applying for a DAPO or from reporting breaches. We therefore asked if you thought that there should be an alternative option to a criminal sanction. This would mean that a breach could instead be treated as a contempt of court, as it can be with a non-molestation order. This would not lead to a criminal record.

**You said:**

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*“This approach seems to balance the need to pursue breaches and the needs of victims who might feel less comfortable reporting such breaches. This approach would have to be fully explained to victims at the point of imposition.”*

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In total, 83% of respondents agreed that a breach of a DAPO should be a criminal offence.

The majority told us that by making a breach a criminal offence this would act as a stronger deterrent to perpetrators and reduce breach rates. A smaller number of you, however, were concerned that criminalising breaches may discourage victims from reporting to the police.

Your views were more evenly split on whether it should be possible, as an alternative, for a breach of a DAPO to be punished as a contempt of court (48% thought there should be a contempt of court option, 34% disagreed and 18% didn't know).

### **We will:**

**The draft Bill will provide that the breach of an order will be a criminal offence, subject to a maximum penalty of five years' imprisonment, an unlimited fine, or both. It will also be open to a court to punish a breach as a contempt of court, as an alternative to criminal proceedings.** This will allow for a flexible approach in cases where a criminal sanction for the perpetrator would not be in the best interests of a victim. **We will ensure that guidance is clear on the contempt of court option and the importance of discussing its availability with victims when a DAPO is made.**

### *Electronic monitoring*

**We think that electronic monitoring could be used as part of a DAPO to prevent further abuse** and ensure that perpetrators are complying with the conditions of their order.

**Electronic monitoring is not just restricted to GPS tracking.** The type of electronic monitoring used would depend on the conditions of the order and may include location monitoring to ensure compliance with an exclusion zone, radio frequency monitoring to ensure compliance with a curfew, or alcohol monitoring to comply with a positive requirement to attend an alcohol course.

**We understand that, without legal powers, the courts are limited in how they can apply electronic monitoring.** We think that the courts should have an express power to impose electronic monitoring, and we would also include a set of statutory safeguards to ensure that electronic monitoring is only used when necessary and proportionate.

### **You said:**

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*“The nature of power and control is that offenders may be tempted to continue to intimidate the victim. It will take a long time for the message to sink in to offenders of this type of crime. Perhaps this will help them to realise how seriously it is now being taken.”*

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Of those who responded to the consultation, 69% of you agreed that courts should be given an express power to impose electronic monitoring as a condition of a DAPO. You felt that it would be useful for safeguarding and evidential purposes for cases involving stalking and harassment.

Of those of you who were unsure, many said you did not know enough about electronic monitoring and felt that it should be piloted. There were also concerns that electronic monitoring should only be imposed if used proportionately and fairly. You also had some concerns around how its use affected a defendant's human rights. Some of you also suggested that alcohol monitoring, where alcohol may be a contributing factor, could also be used.

The most popular choice for which type of electronic monitoring should be used was location monitoring. Other suggestions were phone and social media monitoring and drug monitoring.

You agreed that there should be statutory safeguards relating to the use of electronic monitoring and DAPOs with certain offences, such as for repeat offenders, for child protection, in stalking cases, for high risk offenders and for vulnerable offenders.

#### **We will:**

Because there was clear support for the introduction of electronic monitoring, **the draft Bill will enable a court to attach an electronic monitoring requirement to a DAPO as a means of monitoring compliance with other provisions of the order (for example, a prohibition on the subject of an order entering a specified area).**

**We will also trial the use of electronic monitoring as part of the broader DAPO pilot.**

We acknowledge that many respondents thought that there should be statutory safeguards relating to the use of electronic monitoring. As with other requirements in an order, **a court will only be able to impose an electronic monitoring requirement where necessary and proportionate to protect a victim of domestic abuse.**

#### **2.3.2 Multi-agency working**

We know that effective multi-agency working is vital to ensure that the risk that victims of domestic abuse and their children face is properly identified and assessed. A multi-agency approach also provides more effective wrap-around support and recovery.

**The government recognises the most effective initiatives to tackling domestic abuse are those that adopt a collaborative multi-agency approach, with services commissioned locally and driven by local needs.**

The government's commitment to prevent, protect and drive service innovation is reflected in the projects, programmes and services currently being supported through the £100 million Violence Against Women and Girls funding and beyond.

**An example of an effective multi-agency approach is the Troubled Families programme, which is aimed at creating safe and nurturing environments for children.** Just under a quarter of troubled families on the programme had a family member affected by an incident of domestic abuse or

violence in the year before the intervention. That is why violence against women and girls is one of the six headline criteria under which families are eligible for support in the programme.

**The programme advocates a whole-family, integrated approach across multiple services, reflecting the Violence Against Women and Girls Strategy's wider ambition to embed early intervention and prevention in local areas.** Ensuring that family key workers are not just concentrating on the children or the mother but considering the family dynamic as a whole and the overlapping nature of the problems they face, enables them to offer a co-ordinated package of support. This can include working with perpetrators if appropriate. Those going through the programme report greater coping skills and resilience, improved confidence in dealing with problems, and more awareness of how to seek outside help. This can mitigate the risk and impact of family breakdown due to extraordinary reasons such as domestic violence.

Another example of a local initiative that the government is funding through the MHCLG accommodation fund is Norfolk's Anchor Project, which is a transformative and innovative multi-faceted initiative delivering a victim-centred integrated model, supported by local leaders. The initiative ensures services across Norfolk are effectively and efficiently joined up to support domestic abuse victims with additional needs, including those with poor mental health and substance misuse.

**In July 2018, after full consultation, the government updated *Working Together to Safeguard Children*, the statutory guidance on multi-agency working to safeguard and promote the welfare of children<sup>16</sup>.** It states that practitioners should be aware of the impact of domestic abuse on children and alert to the potential need for early help, and signposts to further guidance and information.

**You said:**

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*“As someone who has to engage in this all the time it's quite clear that there is no multi-agency working since agencies all have different cultures and agendas.”*

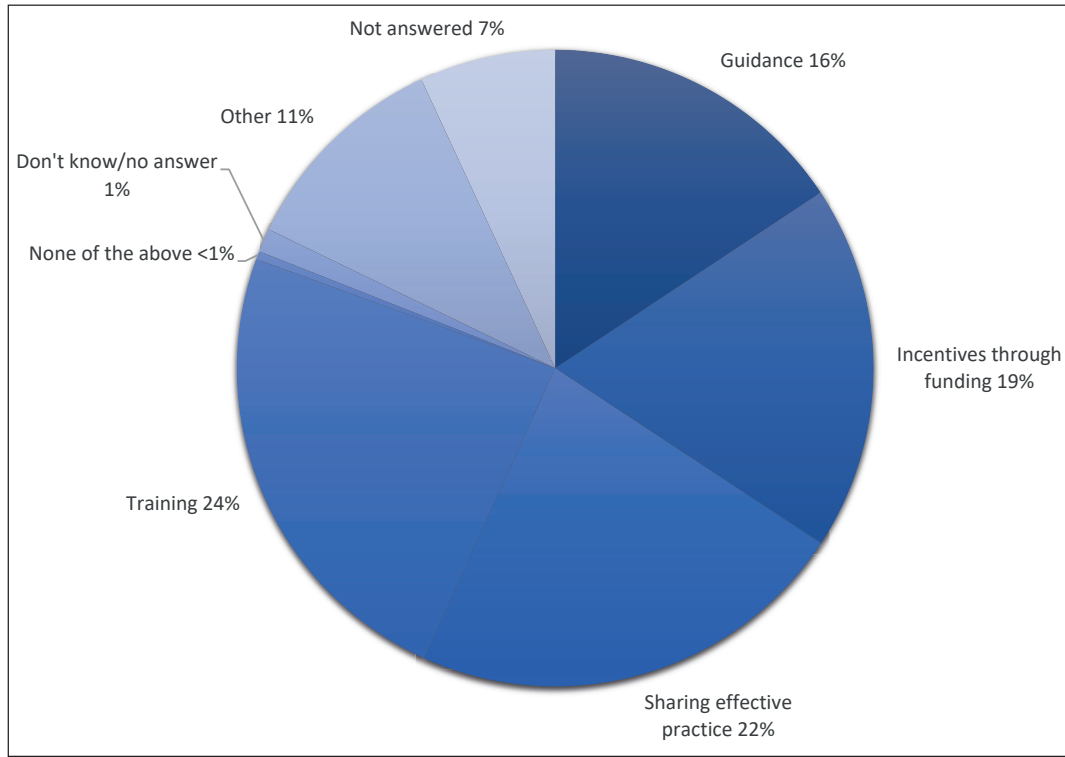
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We asked what more the government could do to encourage and support effective multi-agency working. The most popular responses were training, sharing effective practice, and incentives through funding.

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<sup>16</sup> HM Government (2018) Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/729914/Working\\_Together\\_to\\_Safeguard\\_Children-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf).

**Figure 3:** Responses to Question 11 of the consultation: “What more can the government do to encourage and support effective multi-agency working, in order to provide victims with full support and protection?”



**We will:**

Working with voluntary sector partners, **we will help local areas to develop a more integrated approach to multi-agency working that looks at victims, their families and perpetrators in the round.** Initiatives like the SafeLives One Front Door model can help to make the links between the risks faced by victims, child safeguarding needs and the risks posed by the perpetrators of abuse. Bringing together the expertise from the Multi-Agency Risk Assessment Conferences (MARACs) and Multi-Agency Safeguarding Hubs (MASHs) can help to ensure that no risks or potential solutions are missed.

***Working Together to Safeguard Children*<sup>17</sup> sets out the plan for the replacement of Local Safeguarding Children Boards with a new system of multi-agency arrangements and local and national child safeguarding practice reviews.** The new arrangements, to be implemented by September 2019, should provide better protection from abuse for children in all areas. Some areas are establishing multi-agency arrangements ahead of the final implementation date. Through the ‘Safeguarding Early Adopters’ programme, we are supporting these developments, which include innovative approaches to safeguarding children from domestic abuse. **We will monitor the**

<sup>17</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/729914/Working\\_Together\\_to\\_Safeguard\\_Children-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf)

**implementation of these multi-agency approaches to domestic abuse and disseminate the learning to safeguarding partners.**

On accommodation-based services, MHCLG is working closely with sector partners to develop future sustainable delivery options for domestic abuse services and is clear on the importance of multi-agency working in any future model. However, they are not yet in a position to say exactly what this looks like as the outcomes of the review of the funding and commissioning of these services have not been finalised.

The Female Offender Strategy, published in June 2018, set out the government's aims to improve outcomes for female offenders<sup>18</sup>. More detail is provided in Section 2.4.2. It is important for local agencies to take a joined-up approach to addressing the complex needs of this cohort of women and **we are investing £1 million (as part of a bigger £5 million fund) to develop whole-system approach models to female offenders in local areas**. Women's centres are often at the heart of these models, helping to provide the holistic, wrap-around and trauma-informed response that these women need to improve their lives and reduce reoffending.

Every GP practice and NHS Trust has access to expert advice on safeguarding from a named or designated healthcare professional. The DHSC and NHS England have held a number of events to raise awareness of the new safeguarding reports and the new role of health as an equal statutory partner. This includes addressing domestic abuse between adults, and the impact on children as witnesses, taking a whole family approach. This will build on the approach of multi-agency working to assess risk of domestic abuse, where health is now expected to be a full member of these arrangements.

NHS England are also exploring what contractual incentives are available to incentivise best practice in responding to violence and abuse.

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<sup>18</sup> Ministry of Justice (2018) Female Offender Strategy. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/fe\\_male-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/fe_male-offender-strategy.pdf).



## 2.4 Supporting victims with specific or complex needs

### 2.4.1 Specialist needs

**Domestic abuse affects a wide and disparate group and a ‘one size fits all’ approach is not appropriate to support all victims**, especially those with specific needs and vulnerabilities.

**Throughout the consultation a wide variety of focus groups were held to explore in detail the issues affecting victims with specialist needs. These included LGBT+, disabled and elderly groups** and brought to light examples of the specific needs some people in these groups have and the distinctive support they require.

#### You said:

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*“There needs to be a variety of tools in the toolbox and there needs to be a lot of choice for the victim.”*

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You told us that there is a need for funding for specialist services, improved training and information for statutory agencies working with those with specialist needs and raised public awareness.

As a part of the consultation, focus groups were held with victims with specific or complex needs, including deaf people, people with disabilities and the elderly, and with the professionals that work with those victims. These highlighted the specific challenges facing these groups, which included the lack of translators for deaf victims, the sense of shame that some older victims face in disclosing long-term abuse, and the consequences to care and living arrangements that disclosing abuse as a vulnerable adult may entail. The focus groups also raised the lack of representation in the media of victims with specific needs and there was a call to further highlight its prevalence.

The Home Affairs Select Committee Inquiry into domestic abuse was concerned about the reported decrease in specialist services for BAME victims of abuse. Some BAME women are more vulnerable to culturally specific types of abuse and can find it particularly difficult to seek help because of close-knit family and communities, and because of language difficulties. They argued that specialist ‘by and for’ BAME domestic abuse services are necessary to win the confidence of BAME victims of abuse, to understand the issues they face, and to have the skills and experience to provide the necessary support.

#### We will:

We recognise that specialist organisations often struggle to win funding from local commissioning channels and in competition with mainstream organisations. We will target funding to increase the reach of a range of specialist services, as set out below.

There are very few organisations that specifically support LGBT+ victims of domestic abuse and they are significantly under-resourced to support LGBT+ victims and to facilitate a co-ordinated national approach. **We will support LGBT+ victims by providing up to £500,000 to build capacity in the charitable sector, raise awareness and improve monitoring and recording practice.**

**We will improve capacity within the women’s sector by providing £250,000 to improve the response to disabled victims.**

**We will provide £250,000 to fund kits for refuges and other domestic abuse services to make them accessible to deaf victims, as well as investing in greater advocacy support for deaf victims and increasing the accessibility of information, advice and support for deaf users.**

**We will provide £100,000 to upskill domestic abuse organisations to respond to elder abuse** and develop a number of primary support services to extend their reach and capability.

Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services and Her Majesty’s Crown Prosecution Services Inspectorate are undertaking an inspection into crimes against older people, which will publish its findings in July 2019. **We will consider the results of the report and explore what more can be done to prevent elder abuse and improve safeguarding and support for victims.**

**MHCLG is investing nearly £300,000 to help reduce the impact of violence on the lives of BAME victims through building the capacity of and strengthening specialist BAME organisations.**

**MHCLG’s updated *Priorities for Domestic Abuse Services*<sup>19</sup>, developed with partners from the domestic abuse sector and local government, set out what local areas need to do to ensure that their response to domestic abuse is as effective as it can be<sup>20</sup>.** They are clear that local areas should respond to the needs of all domestic abuse victims including those from isolated and/or marginalised communities, BAME, LGBT+, older people and victims with complex needs.

#### 2.4.2 Female offenders

**The majority of female offenders have experienced domestic abuse and it is often linked to their offending**, with 6 in 10 female offenders indicating that they currently are or have been victims<sup>21</sup>.

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<sup>19</sup> <https://www.gov.uk/government/publications/domestic-abuse-fund-2018-to-2020-prospectus>

<sup>20</sup> See Annex C in: MHCLG (2018) *2018/20 Fund for Domestic Abuse Services, including refuge and other safe accommodation, to help local areas meet the Priorities for Domestic Abuse Services*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721495/Fund\\_for\\_domestic\\_abuse\\_services\\_2018-20\\_prospectus.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721495/Fund_for_domestic_abuse_services_2018-20_prospectus.pdf).

<sup>21</sup> Ministry of Justice (2018) ‘Women in the Criminal Justice System (CJS)’. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719768/infographic-for-the-female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719768/infographic-for-the-female-offender-strategy.pdf).

We know that where local partners work together to take a whole-system approach, this can enable local areas to address the complex needs of female offenders through holistic, wrap-around support.

**We know that there may be a link between controlling relationships and crime.** In a 2005/06 prisoner survey, almost half (48%) of female prisoners said that they had committed their offence to support the drug use of someone else<sup>22</sup>.

**Female offenders often face significant stigma when accessing domestic abuse services. We want to help female offenders and women at risk of offending to identify their abuse earlier and receive the support that they need to reduce their chances of reoffending.** We need to ensure that female offenders are included in guidance about supporting victims of domestic abuse and that they are able to access the same support services as non-offenders.

**You said:**

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*“All too often a female offender is seen as an offender before they are ever seen as a victim. We have worked with many female offenders in our prison programmes who have never been asked about the abuse that they have experienced. The majority of those women have been at risk of serious harm or murder when we have done risk assessments with them.”*

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Respondents highlighted the need for early intervention in work with female offenders.

Of the options provided, 80% of you felt that making sure that a history of abuse is captured at every stage of the criminal justice system as a way we can work better with female offenders and vulnerable women at risk of offending to identify domestic abuse earlier. You also said that diversion from the criminal justice system altogether was key for offenders with experience of domestic abuse. Some of you felt that there was a need to ensure availability of community and custodial support for these women. In total, 70% of you specifically highlighted the need for health, finance and accommodation interventions and advice for women in the community.

**We will:**

In summer 2018 we launched the government’s Female Offender Strategy, which recognises that female offenders can often have multiple and complex needs<sup>23</sup>. The Strategy outlines a programme of work driven by our vision to see:

- fewer women coming into the criminal justice system;

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<sup>22</sup> Ibid.

<sup>23</sup> Ministry of Justice (2018) *Female Offender Strategy*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf).

- fewer women in custody, especially on short-term sentences, and a greater proportion of women managed in the community successfully;
- better conditions for those in custody.

The Strategy moves the focus from custodial to community provision for women and, as part of this, **we will invest £2 million into community provision for women with experience of domestic abuse**. This is part of a £5 million fund that will enhance and expand community provision and the development of whole-system approaches to female offenders. **We will give grants to local communities to focus on issues such as health, finance and accommodation**.

**We will develop a National Concordat on Female Offenders to improve outcomes for female offenders**. The Concordat will also work at a local level to support joined-up working from statutory agencies and third sector organisations.

Alongside our strategy, **we are working with the NPCC to publish guidance on working with vulnerable women**, supporting the identification of abuse at every stage of a woman's journey through the criminal justice system.

**We are also supporting the rollout of trauma-informed training for probation and prison staff**, so that they can appropriately support female offenders with an experience of domestic abuse.

#### 2.4.3 Substance misuse

**Domestic abuse is prevalent among those with substance misuse issues and the stigma that is often felt by those who have experienced domestic abuse is compounded where substance misuse is present**. In 29% of incidents of domestic violence, the victim perceived the offender to be under the influence of alcohol<sup>24</sup>, although other studies indicate that this figure could be higher.

**The interplay between domestic abuse and substance misuse is complex**. Victims may misuse substances as a coping mechanism and perpetrators may use them as a form of coercion and control. Domestic abuse perpetration can arise from withdrawal from substances and disputes about buying substances. When they were children, perpetrators of domestic abuse commonly experienced familial substance misuse, physical abuse or sexual abuse, or witnessed domestic abuse.

#### You said:

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*“Each time I ask for help from my doctor, from drug or alcohol services, from child services, I have to explain my trauma again. I relive it each day. One service that encompasses all of the many complex needs we as victims may face could be helpful.”*

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<sup>24</sup> Office for National Statistics (2017) 'Nature of crime tables (violence) – year ending March 2017'. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofcrimetablesviolence>.

**You made it clear that women with experience of extensive physical and sexual violence are more likely to be substance-dependent and experience disadvantage in other areas of their lives.** Women experiencing abuse are therefore likely to require multi-agency support. You told us that successfully addressing complex needs requires sustained funding and can have significant social and financial benefits in the long term. Many of you commented that staff in substance misuse services and domestic abuse services should be better trained in how to use referral pathways to each other's services effectively.

**We will:**

**We will consider the impact of alcohol on domestic abuse and develop a response as part of the department's alcohol policy work.**

**We will hold workshops to improve our understanding of the links between alcohol and domestic abuse.** These workshops will identify good practice and challenges at a local and national level.

**We will identify gaps in the evidence base on the relationship between substance misuse and domestic abuse** by continuing to work with academia and improving the data available.

**We will learn from a recent roundtable on women's substance misuse about the importance of multi-agency women-only provision that is commissioned collaboratively, and the need to address women's specific needs in drug and alcohol policies.**

**We will allocate funding for training to promote greater joining-up between substance misuse and domestic abuse services.**

## 2.5 Types of abuse

### 2.5.1 Economic abuse

**Domestic abuse is not just physical or psychological; we recognise that domestic abuse can also be economic.** Economic abuse goes beyond financial abuse and can involve behaviours that control a person's ability to acquire, use and maintain economic resources. This may include money, food, transport and housing – for example, restricting the use of a car or ruining credit ratings.

**The government has already funded some key initiatives via the Tampon Tax Fund**, with £100,000 to set up the charity 'Surviving Economic Abuse' and £164,000 for the 'Domestic and Economic Abuse Project' led by Surviving Economic Abuse and Money Advice Plus to develop partnership working between banks, money advice services and domestic abuse services.

**We want to not only increase awareness and understanding of economic abuse but also ensure victims can be identified and supported and perpetrators held to account.**

**You said:**

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*“My ex-partner took full control over the finances, I was not even allowed to use my own bank card ... I was not allowed to buy essentials and had to ask for permission to buy things for my children, whilst he spent money daily on alcohol. He would hide bank statements, and even remove my card from my purse whilst I wasn't aware.”*

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You told us about the severity and lifelong impact of economic abuse and that it can often happen after the relationship has ended. You also made clear the immense barriers that victims and survivors face in escaping this abuse and rebuilding their lives: from the inability to end joint bank accounts and mortgages without both parties agreeing, to difficulties accessing appropriate housing and refuge, to something as simple as getting a mobile phone.

Other barriers that you identified included struggling to clear debt taken out by perpetrators in victims' names, and the resulting impact on credit ratings. Many of you highlighted that abuse can also be perpetrated through the courts system. Examples provided included perpetrators taking victims to court knowing the victim does not have the funds needed for lawyers, and child maintenance not being paid.

Difficulties with the benefits system, and specifically Universal Credit, were also identified in responses as well as the need to improve awareness among financial institutions and statutory agencies of economic abuse and its complexity.

You said that payment of Universal Credit for couples into a single nominated bank account risks increasing a perpetrator's economic control over their victim. Other difficulties with the benefits system were raised, such as delays in new claims being processed and difficulties accessing benefits where victims have had to flee without essential documents and identification.

The Home Affairs Select Committee Inquiry into domestic abuse also raised the issue of Universal Credit and recommended that split payments should be the standard approach in England and Wales.

**We will:**

**We will include economic abuse in the new statutory government definition of domestic abuse** and accompanying statutory guidance to ensure that economic abuse and its impact is legally recognised, to improve knowledge and awareness of the issue and provide better support to victims.

**We will update the statutory guidance** for the offence of controlling or coercive behaviour to include references to economic abuse and include it in the statutory guidance for future Stalking Protection Orders and DAPOs.

**We will update relevant legal guidance for prosecutors** to ensure cases of economic abuse can be successfully prosecuted where appropriate.

**We will continue to work with UK Finance to encourage banks and financial authorities to do more to support victims of domestic abuse** and help them move forward to escape debt, joint accounts and mortgages. UK Finance has recently launched its Code of Practice, designed to encourage banks to do more to support victims of domestic abuse. They have also created a consumer information pack, to help victims know what support they can expect.

**We will provide £47,000 of funding to update proven police training so that it covers economic abuse.**

**We will provide £200,000 of funding to the National Skills Academy for Financial Services to develop and deliver financial capability training** for frontline workers to support individuals who are experiencing economic and finance-related domestic abuse.

**We will provide approximately £250,000** to create a national advice service for banks and building societies, increase the capacity of existing telephone casework services for victims of domestic abuse and develop resources to help people identify if they are experiencing economic abuse.

The Department for Work and Pensions delivered updated training on domestic abuse, including financial abuse, to all Child Maintenance caseworkers in the second half of 2018. **DWP will continue to exempt victims of domestic abuse from the application fee for the statutory child maintenance scheme, and continue to pursue parents who fail to meet their financial obligations.**

We recognise that there are many barriers to victims in rebuilding their lives. In order to support people to return to work when they are ready to do so, **the government has committed to £500,000 of funding, which will be focused on those with additional barriers to participating in the labour market –** with a specific focus on those who have been victims of domestic abuse.

#### *Universal Credit*

DWP published data in July 2018 that shows that a majority of new Universal Credit claimants are being paid in full and on time. If someone cannot wait for a first payments because they are in financial need, they can claim up to a 100% advance payment of the indicative award in just a few days – even on the same day in some circumstances, for example for victims of domestic abuse. The government made improvements in the Budget 2018 to support the important aspect of Universal Credit by reducing the maximum debt recovery rate from 40% to 30% and by extending the maximum period for the repayment of advances to 16 months.

The option to request split payments is also available to claimant as part of this package of support. When an individual suffering from domestic abuse requests a split payment, DWP will support them to putting the arrangement in place. Split payments will also be given when they are requested, and where they are the best option for the claimant. Split payments can be used to support claimants in a number of different scenarios where there is financial mismanagement, for example when one member of the couple has an addiction or is a victim of domestic abuse. Not all victims of domestic abuse will want a split payment and we will work with claimants on an individual case basis.

In order to raise public awareness of this support, we will create a tailored factsheet and series of digital assets, for example explainer videos and infographics that could be used and shared online across corporate and stakeholder channels. We could seek to encourage stakeholders to share this information both internally and with their staff and promote it externally to the audiences they reach. This content could also be tailored for use by our operational colleagues in job centres and in their discussions with potential claimants who are victims of abuse. Any product would be 'informative messaging' in style and would include the relevant call to action/link to GOV.UK and further support.

**DWP delivered updated training on domestic abuse, including financial abuse, to all Child Maintenance caseworkers in the second half of 2018.**

We are working closely with Refuge, Women's Aid, and Mankind to improve the training provided to our staff, which means that Departmental training and awareness is now better than it ever has been, allowing Jobcentre staff to proactively identify, support and signpost victims of abuse.

**We will work closely with the Scottish Government to establish the practicalities of delivering split payments in Universal Credit in Scotland**

and will observe their implementation to further understand their impact, potential advantages and challenges of such a policy.

**DWP is committed to ensuring that household payments go directly to the main carer.** This is usually, but not always, the woman. For those couples currently claiming Universal Credit, around 60% of payments already go to the woman's bank account. However, we are looking at what more we could do to enable the main carer to receive the Universal Credit payment, and we will begin to make those changes later this year.

Childcare is essential to enable parents to work. Although Universal Credit's provision of funding up to 85% of a claimant's childcare costs is higher than under legacy benefits, this is paid in arrears once actual costs are known. In recognition that this may cause financial difficulty as some claimants struggle to pay upfront or report their costs on time, when the initial month of childcare prevents a claimant from starting work, the Flexible Support Fund can be used to help. It is also important to be flexible when parents are unable to report their childcare costs immediately, and so these costs will still be reimbursed.



## 2.5.2 Online abuse

**While technological advances have improved the lives of many, we recognise that the increasing importance of technology in our everyday lives presents new opportunities for perpetrators of domestic abuse.** This can involve using social media to perpetrate abuse online, as well as controlling a victim's access to technology. We also know that perpetrators sometimes install tracking software, turning a victim's device against them.

**Victims can feel like there is no escape.** Online abuse and abuse via technology is not restricted to location and is used to isolate, punish and humiliate. We have seen a rise in this type of offending in prosecutions and know that many of the prosecutions for coercive or controlling behaviour have contained elements of online abuse.

**We know that we must do more to tackle technology-related abuse.** We also know that we need to do more to empower both potential victims and survivors to feel safer online.

**While technology is used to perpetrate abuse, there are opportunities to use technology solutions to tackle domestic abuse** and to provide further support for victims.

### You said:

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*“Teaching teenagers about online abuse as part of tackling bullying and domestic violence. I think this should be brought in from the age of 11/12 (i.e. Year 7) and it should be tackled as ‘abuse’ e.g. where a boyfriend is insisting his girlfriend gives him her Facebook password.”*

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You said it was important to recognise the role technology now plays in everyday life, and the ways in which technologies can be misused. You asked the government to look at legal processes, ensure social media companies play their part, raise awareness and address spyware. You wanted:

- the government to look at how evidence collection and use could be improved, particularly within criminal investigation and prosecution processes (24%);
- social media companies to provide appropriate reporting categories and signposting to support services (20%), as well as providing clear guidance on privacy settings (18%);
- the government to raise awareness of online and technology risks in relation to domestic abuse (18%); and
- retailers and the technology industry (17%) and government (14%) to raise awareness about spyware and the misuse of technologies.

**We will:**

**We will continue working on the online harms white paper**, to be published later this parliamentary session, that will set out our proposals to address both harmful and illegal conduct and content, including the broad range of online harms associated with domestic abuse.

**2.5.3 Adolescent to parent violence**

Adolescent to parent violence is a relatively hidden but increasingly recognised form of domestic abuse. Victims of this type of abuse may feel unsure of how to access support and may not feel they will be believed if they do come forward.

It is important to recognise that services need to take an approach that provides wrap-around support to the entire family, and that responding agencies need training to be able to do so effectively, both to reduce harm and to prevent children ending up in the criminal justice system.

**You said:**

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*“It is important that adolescent to parent violence is recognised as distinct from intimate partner violence if patterns of violent and abusive behaviour by all children are to be taken seriously.”*

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You said that young people who perpetrate domestic abuse is still a relatively hidden area of abuse and that there is a lack of focus on it in current government activity. It is clear that this is a complex and hidden type of abuse, which requires a specialist response.

Some of you who have experienced abuse from your children cited feelings of alienation by social services and other agencies, and felt that there was a lack of services available.

You emphasised that services need to interact to support the entire family, and that agencies need training for dealing with this kind of abuse. By concentrating efforts on services available to children and parents, it potentially reduces the harm caused, as well as keeping children outside of the criminal justice system.

**We will:**

**We will draw together best practice and develop training and resources to improve the response to victims of adolescent to parent violence.**

**We will also promote and embed existing Home Office guidance** and general principles in addition to working with experts to develop service-specific guidance.

## 2.6 Victims' rights

### 2.6.1 Anonymous voter registration

**When individuals register to vote, their name and address appear on a public register or roll.** Anonymous registration was established for those whose safety would be at risk if their details were listed publicly.

**When an individual wants to register anonymously they are asked for evidence that their safety (or that of others at their address) would be at risk.** We understand that this process has not always been easy for victims of domestic abuse. In March 2018, the government made changes that allow a broader range of people to certify that the applicant's safety is at risk and expanded the types of evidence admissible when applying. We recognise the importance of these measures and will continue to assess their impact and engage on how the scheme could be improved.

#### You said:

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*"I think that it's quite clear. If perpetrators know where victims (and their children) live then they are put at significant risk. Risk to mental health, physical health and risk to their housing."*

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You were positive about the changes already introduced and 57% said it would make it easier for survivors of domestic abuse to register to vote anonymously. Only 2% of you thought that the changes would not make it easier.

While respondents did consider that there could be further ways to keep victims' addresses safe (75%), the majority of respondents who answered this question did not specify what this change should be.

#### We will:

To date, we have worked closely with domestic abuse charities, refuge managers and electoral administrators to understand the difficulties survivors of domestic abuse face in accessing the electoral register. **We will continue to work closely with them in order to promote further uptake of the scheme.**

We remain committed to ensuring that nobody is denied their democratic right to vote. **We will raise awareness of the anonymous registration scheme through engagement and communications** to ensure that more applicants are able to register with confidence using an accessible and secure system.

### 2.6.2 The Domestic Violence Disclosure Scheme

We introduced the Domestic Violence Disclosure Scheme (DVDS), also known as Clare's Law, in 2014. **It enables the police to disclose information to a victim, or potential victim, of domestic abuse about their partner's (or ex-partner's) previous abusive or violent offending.**

**The purpose of the scheme is to increase public safety.** We want to raise awareness of the scheme, increase the number of disclosures made and make sure that it is used and applied consistently across all police forces.

**You said:**

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*“I did not know my ex-partner had a history of domestic violence. I found out about Clare’s Law after I was assaulted by him. If I had known about Clare’s Law and his history of domestic violence I would never have been in that situation.”*

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In total, 32% of you had not heard of the DVDS before reading the consultation; of this, 61% were victims. This clearly shows that there is more work to be done to raise awareness of the scheme among the public.

The majority of you – 57% – agreed or strongly agreed that the guidance underpinning the scheme should be put into law.

With regard to promoting awareness, 32% of you felt that social media was the best way and 22% felt that television and magazines were the best.

**We will:**

**We will put the guidance on which the DVDS is based into statute.** This will place a duty on the police to have regard to the guidance and strengthen the visibility and use of the scheme. We think that this will result in more people being warned of the dangers posed by their partners (or ex-partners) and help keep victims safer.

**We will work with the police to enable online applications to the DVDS to make it easier to use and more accessible.**

## 2.7 Male victims

**The government has always recognised domestic abuse as a gendered crime and included it within its Violence Against Women and Girls work.** Evidence supports this stance. For instance, according to the 2016/17 Crime Survey for England and Wales, an estimated 1.2 million women experienced domestic abuse in the year ending March 2017, compared with an estimated 713,000 men.<sup>25</sup>

**However, as is evident from these figures, men and boys are also victims of domestic abuse and responses show that some people both find it hard to identify themselves as a victim and find that they face barriers to reporting these crimes and accessing appropriate support services.** At a consultation

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<sup>25</sup> Office for National Statistics (2017). *Domestic abuse in England and Wales: year ending March 2017*. Statistical bulletin. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017>.

event focusing on this issue, you highlighted homelessness, unemployment and suicide as consequences of domestic abuse; the complexities of having children with the perpetrator; and the need for services that understand the particular experiences of male victims and can respond to their needs effectively. Since 2005, we have funded the Men's Advice Line, a confidential helpline for men experiencing domestic abuse. We also fund the National LGBT+ Domestic Violence Helpline, which provides information, advice and support to gay, bisexual and trans men (as well as lesbian, bisexual and trans women) who are affected by domestic abuse.

We want to bolster support to male victims nationwide, ensuring all victims are sufficiently captured and no victim is inadvertently excluded from protection or access to services, and to provide a more comprehensive package of supportive measures.

**You said:**

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*“About 40% of male victims don't report it. This needs addressing. Men don't even talk to anyone so when they talk to the police or anyone they need to be believed immediately and given help.”*

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You said that you would like more funding and resource allocated specifically for male victims. You also told us that there should be training for agencies and practitioners, specifically the police, social workers and healthcare professionals, to better recognise and understand male victims. In addition, you want to ensure that relationship education is fully inclusive, recognising that both women/girls and men/boys can be both perpetrators and victims and taking into account the needs of male and LGBT+ victims.

**We will:**

**We will publish a Male Victims' Position Statement to recognise the needs of male victims of domestic abuse, sexual violence and forced marriage, and to clarify the government's position.**

**We will provide £500,000 of funding to improve support to male victims of domestic abuse.**

**We will work with the Crown Prosecution Service (CPS) to improve the gender breakdown of CPS and police data to better understand the numbers of male victims of domestic abuse who engage with the criminal justice system.**

**We will conduct a review of the National Statement of Expectations<sup>26</sup> and, as part of this, consider its impact on the commissioning of male support services. This will work to ensure that commissioners are educated on the complexities of commissioning services that are victim focused, gender aware and provide an appropriate response according to the victim's needs, including for LGBT+ victims.**

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<sup>26</sup> <https://www.gov.uk/government/publications/violence-against-women-and-girls-national-statement-of-expectations>

## Section 3: Transforming the justice process and the perpetrator response

### 3.1 Transforming the police response

**A 2014 report by Her Majesty's Inspectorate of Constabulary that reviewed the police response to domestic abuse victims highlighted a number of failings.**<sup>27</sup> The report, which looked at all 43 police forces in England and Wales, raised issues about culture, attitude and core skills. In response, the then Home Secretary established a National Oversight Group. Over the past four years, the inspectorate has tracked police progress on domestic abuse on an annual basis, and has found that the police response is improving, with domestic abuse now seen as a consistent priority across all police forces.

**The National Oversight Group has overseen a range of new initiatives.**

These include the publication of a domestic abuse improvement plan by every police force; new guidance published by the College of Policing; new training and a national standard for the collection of data for crimes recorded as domestic abuse; the introduction of victim improvement surveys; and the publication by the Office for National Statistics of annual data bulletins on domestic abuse.

In response to findings that the Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) risk assessment model was being applied inconsistently across all police forces, **the College of Policing has piloted a revised risk assessment tool in three police forces.** Early evaluation has found that the new tool encourages victims to disclose more coercive and controlling behaviour and also increases the accuracy of risk assessments.

**We have seen innovation in a number of police forces.** The Home Office provided £6.7 million through their Police Transformation Fund to the Northumbria Police and Crime Commissioner, to develop a whole-system approach to domestic abuse. This includes measures to improve effective working within the criminal justice system; partnership work with civil and family courts; multi-agency victim support and offender management; and trials of body-worn cameras to strengthen cases for the prosecution. Early outcomes have been positive, with the multi-agency tasking and co-ordination pilot achieving a 65% reduction in reoffending in relation to domestic abuse-related offences.

**Prosecutions and convictions for domestic abuse have risen since 2010** – by 20% and 28% respectively. However, we have seen a slight fall in the number of prosecutions and convictions in 2018 and a decrease in the number of cases referred by the police to the CPS, which we are working to address.

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<sup>27</sup> Her Majesty's Inspectorate of Constabulary (2014) *Everyone's Business: improving the police response to domestic abuse*. Available at: [www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf](http://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf).

We also recognise that there are still challenges involved in investigating domestic abuse-related offences, with recent data from the Office for National Statistics showing that 49% of domestic abuse-related violence offences had evidential difficulties where the victim did not support action and 22% had evidential difficulties where the victim did support action.

**You said:**

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*“Some victims don’t trust the police or law enforcement, they don’t think that anything can be done because generally they have tried to report before and nothing has changed.”*

*“There [are] still cultural issues within the police ... We can be robotic in our approach, forcing arrest and insisting victims give statements. We can alienate victims and increase the risk to them.”*

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On the subject of improving the police response and outcomes for victims, your overwhelming view was that more training should be given to police officers. This included training to raise awareness of the dynamics of domestic abuse, training on how to recognise potential warning signs when taking the initial call and responding to a call-out, and training on sensitivity towards potential victims. You also mentioned more focused training on controlling and coercive behaviour, which you said was still not widely understood among all police officers. The importance of the police adopting a multi-agency approach, including signposting victims to third sector services, was also highlighted.

You said that you would like to see specialist domestic abuse police officers or standalone domestic abuse units within police forces. You highlighted that a key area to focus on for these new officers or units would be the initial response. You also highlighted the need for police to more effectively use their existing tools and powers, including the effective use of bail provisions, using body-worn cameras correctly, using better enforcement of protection orders, and using a more consistent application of Domestic Violence Disclosure Scheme. You also said that the police should maintain regular contact with victims and keep them better informed about the progress of the investigation. On the wider criminal justice response, you said that more evidence-led prosecutions should be brought forward, to reduce the burden on the victim.

**We will:**

**We recognise that there are further areas in which the police response to domestic abuse could be improved.** You have identified that a key issue concerns training, so we will consider how best to ensure that all police forces receive adequate training on domestic abuse. A number of forces have completed the Domestic Abuse Matters training and we are working with the College of Policing and the National Police Lead to ensure that this training or an equivalent is rolled out across all forces. **We will provide additional funding to support the further rollout of Domestic Abuse Matters training.**



**In order to raise the status and standard of police support for vulnerable victims, the College of Policing is designing a 'licence to practice' model for high risk and high harm areas of policing.** It is working with policing practitioners to develop a learning programme for strategic police leaders who have responsibility for public protection and safeguarding, including around domestic abuse.

Guidance already exists regarding tools and powers, including bail, body-worn cameras, protection orders and Domestic Violence Disclosure Scheme. However, we are considering how this guidance can be improved. **In order to effectively disseminate this guidance to all police forces, we are considering introducing a national effective practice toolkit.**

**We will continue to drive forward progress on the police response to domestic abuse** through the National Oversight Group, and will work closely with the College of Policing, the National Policing Lead and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. **We will continue to assess the police response to domestic abuse as part of the PEEL 2018/19 assessment which is the annual process of bringing together all the evidence from police force evaluations across the country**

**The College of Policing will undertake further testing of the new risk assessment process to establish whether it supports identification of coercive control and therefore offers better protection for domestic abuse victims.** It will also consult on the advice given to police on stalking and harassment so that the difference between the two offences is better understood, and the risks associated with stalking are identified and dealt with more effectively.

**We will continue to work closely with the police and the CPS to ensure perpetrators are brought to justice, as well as to further protect victims of abuse.** The CPS will continue to work closely with the police locally and nationally to ensure that appropriate referrals are made by the police and to address any fall in referrals where needed. Specific guidance will be updated to help prosecutors address complex issues involving witness attrition, to outline the appropriateness of charging or diversion from the criminal justice system for female offenders who have been previous victims of crime – especially for victims of domestic abuse or sexual exploitation – and to help challenge myths and stereotypes about the experience of male victims.

**We will seek to increase the effectiveness and number of evidence-led prosecutions where the victim does not support action.** Her Majesty's CPS Inspectorate and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services will conduct a joint inspection of the effectiveness of cases which are prosecuted on evidence other than that provided directly by the victim.

**We will continue to roll out body-worn cameras, which have been shown to have a positive impact on the number of charges made and can strengthen the case for prosecution.** Since 2013, we have provided £5 million funding to forces to trial body-worn cameras. At the end of 2017, more

than 65,000 devices were in use throughout all 43 forces. By 2019, current deployment and procurement plans will take that figure to nearly 81,000' devices.

## 3.2 Criminal justice system

### 3.2.1 Controlling or coercive behaviour offence

**In December 2015, we introduced a new offence of controlling or coercive behaviour in an intimate family relationship.** This offence is specific to domestic abuse and allows for justice to be sought against perpetrators whose behaviour includes a course of conduct of psychological and emotional abuse.

**In the year ending March 2018, a total of 9,053 offences of coercive control were recorded by the police and prosecutions for 960 offences were commenced at magistrates' courts.** This is encouraging, and suggests that there is a growing awareness of the offence among the police, the CPS, the wider criminal justice system and members of the public. However, we recognise that there is further work to do to raise awareness, improve understanding of the offence and increase the number of prosecutions.

**We also recognise that there are key similarities between controlling or coercive behaviour occurring within an intimate relationship and stalking behaviours, particularly those related to control, surveillance, intimidation and manipulation of the victim.** We also recognise that this can take place when an abusive intimate relationship has ended or the perpetrator and the victim are no longer living together. Where domestic abuse continues post-separation, particularly where this involves economic abuse, we want to ensure that guidance makes it clear when the behaviour should be addressed under the coercive control offence or the stalking and harassment offence.

**We are supporting Dr Sarah Wollaston's Stalking Protection Bill which will introduce new civil Stalking Protection Orders.** Subject to the passage of the bill, Stalking Protection Orders will be available to protect both victims of so-called 'stranger stalking' and victims of stalking in a domestic abuse context where appropriate.

#### You said:

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*“Controlling and coercive behaviour is difficult to quantify and explain. It is devastating. Greater understanding that abuse is never a ‘loss of control’, it is always ‘total control’, would go a long way to helping victims come forward.”*

*“We need to start joining up the dots between different crimes to close the net on coercive and controlling domestic abuse perpetrators.”*

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A total of 73% of you said that there was further action the government could take to strengthen the effectiveness of the offence of controlling or coercive behaviour.

Most responses called for improved understanding and awareness of the offence among statutory officials, including both the police and people working within the criminal justice system, so that victims are better protected and supported. Many responses also highlighted the need for improved understanding and awareness among the wider public. Both of these measures could translate into increased reporting, more cases going to court, and more successful convictions and prosecutions.

Responses also suggested amending the current law to include abuse perpetrated by ex-partners or partners who were no longer living with the victim. Respondents wanted the offence to recognise that abuse can happen even after the relationship has ended or partners have separated.

Responses called for economic abuse to be recognised as part of controlling or coercive behaviour, as well as abuse perpetrated through the courts system and through child contact arrangements, all of which can occur post-separation. This would also help to highlight and recognise the impact of controlling or coercive behaviour on children.

#### **We will:**

**We will improve understanding of the offence throughout the justice system**, and work to dispel stereotypes by promoting the updated statutory guidance for the offence through the courts and justice system. This will help to increase the number of cases that are brought, charged and successfully prosecuted under this offence.

We have also looked at the feasibility of extending the offence so that it covers abuse perpetrated by an ex-partner who no longer lives with the victim. We have concluded that this behaviour is already captured under existing stalking and harassment legislation.<sup>28</sup> However, from what you and our key sector stakeholders have said, it is clear that the relationship between these offences is not well understood, and this is sometimes a barrier to the effectiveness of the controlling or coercive behaviour legislation. **We want to make sure that victims are protected after a relationship has ended, so we will issue statutory guidance to the police on future Stalking Protection Orders to ensure it is clear that the order can be used in domestic abuse contexts as appropriate.**

We will also update the statutory guidance and CPS legal guidance for the controlling or coercive behaviour offence. The updated guidance will include:

- economic abuse, and how this form of abuse can manifest itself as part of coercive control

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<sup>28</sup> See Crown Prosecution Service (2017) *Controlling or Coercive Behaviour in an Intimate or Family Relationship*. Available at: [www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship](http://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship).

- a guide to how abuse can be perpetrated through both the criminal and family court systems, including through child contact arrangements
- further details on how witnessing domestic abuse or living in a household where domestic abuse is perpetrated can impact upon children

We feel that real change can be made by raising awareness and improving understanding of the offence in statutory agencies, and we are therefore not currently proposing to amend the legislation. **However, we will commit to reviewing its effectiveness to ensure it is fit for purpose, and that it adequately protects victims from abuse.**

### 3.2.2 Special measures

**Special measures are provisions put in place in the criminal courts for vulnerable and intimidated victims when the court is satisfied that the measures will improve the quality of the evidence given.** There are a range of special measures available, and eligibility depends on the particular needs and views of the victim. The most common special measure is a screen that allows the victim to give evidence without being seen by the defendant or the public gallery.

**Currently, parties can apply for special measures on behalf of victims, or the court may direct the use of special measures on its own.** For victims of offences involving domestic abuse, this is done on the basis that they are eligible under section 17 of the Youth Justice and Criminal Evidence Act 1999. The decision on whether to grant special measures in the courtroom is up to the presiding judge, depending on whether the measures would improve the quality of evidence given, and whether they would inhibit a party effectively testing that evidence.

**We sought views on whether creating a legislative assumption that victims of offences involving domestic abuse would be eligible for special measures on the grounds of fear and distress would support more victims in giving evidence.** This would mean that it would not be necessary to establish that the witness is in fear or distress, but only that they were a victim of an offence involving domestic abuse and that the provision of such measures would improve the quality of their evidence. It would still be the decision of the presiding judge whether to grant the use of special measures in relation to a particular witness.

#### You said:

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*“Unless you have experienced how difficult it is to tell just one person of what has happened, you will have no concept of how much harder it is to tell an entire room of strangers ... Anything that helps victims have voice and the courage to speak up is vital.”*

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Of those who answered the question, 83% said that access to special measures for victims of domestic abuse should be automatic, and that if the government

provided this you would have more confidence in the criminal justice system. You also said that the use and availability of special measures should be increased, that court staff need to have a better understanding of a victim's needs, and that there should be specialist advocacy for the victim. You raised the issue of trial length and said that you wanted us to speed up the trial process, and increase the provision of specialist domestic violence courts. You suggested that evidence captured by police body-worn cameras should be used more in court.

**We will:**

**We have listened to your responses about the provision of special measures.** The draft Domestic Abuse Bill will put forward proposals for legislative changes to provide for automatic eligibility for special measures in domestic abuse cases, removing the burden on the victim to prove they are in fear or distress. The judge will still make the final decision on which special measures will be appropriate in each case.

**We also recognise the issue of trial length and have already made significant steps towards speeding up this process.** The Single Justice Procedure was introduced in 2015 to deal with less serious offences where there is no named victim involved, such as travelling on a train without a ticket, failing to register a change in car ownership or failing to pay for a TV licence. Cases are dealt with quickly and efficiently and decided on the papers by a single magistrate without the defendant or prosecution having to attend court. This enables the courts to focus on more serious and complex cases.

**We will improve the court environment, with new waiting areas designed to ensure victim safety and a new court design guide focusing on accessibility for the most vulnerable.** Model waiting rooms for victims and witnesses have already been established in five criminal courts across the country. These are intended to improve the experience of the criminal justice system for all victims, including victims of domestic abuse.

Her Majesty's Courts and Tribunals Service is using these model waiting rooms along with a new design guide and the results of a facilities audit to target further improvements. As an early priority, it is focusing on **increasing the number of privacy screens available to allow vulnerable and intimidated victims and witnesses to give evidence without being seen by the defendant or the defendant's family.**

We will continue to use video links to allow vulnerable and intimidated victims to provide evidence away from the defendant and courtroom altogether. In addition, **the CPS is revising its legal guidance on special measures so that victims and witnesses can better understand what help might be available.** Her Majesty's Courts and Tribunals Service and the Ministry of Justice will develop a series of videos to explain the process of giving evidence to court and how special measures might assist.

**The National Criminal Justice Board, which is responsible for supporting local boards to bring more offences to justice, has overseen a cross-criminal justice system deep dive project to develop and test a best practice framework for use in domestic abuse cases.** This is a multi-agency project which analysed courts with high conviction rates for domestic abuse-related offences to identify the key reasons behind their performance and how these practices might be extended to other courts. There has been great innovation in the test sites, with the introduction of initiatives such as an IDVA car service, networking sessions between criminal justice agencies and victim support services, and refresher briefing sessions for magistrates.

Since September 2018, domestic abuse regional leads have been co-ordinating the implementation of this best practice framework locally. **We will continue to raise awareness of the framework and will develop implementation plans in preparation for the go-live date of the framework in January 2019.** In 2018/19, the National Domestic Abuse Best Practice Delivery Group will also support regional areas in their implementation of the domestic abuse deep dive best practice and revised specialist domestic abuse court model, which are specially adapted magistrates' court hearings that seek to increase the number of successful prosecutions and improve victim safety.

### 3.2.3 Cross-examination

**In criminal proceedings, if a defendant is unrepresented then the court can make an order for the defendant to be prevented from cross-examining the victim in person.** If this happens, the court is able to appoint a lawyer to represent the defendant. This can also be done through an application by the prosecution or by the court on its own. Under this provision, a court is currently able to prevent an alleged perpetrator of domestic abuse from cross-examining a victim.

**In proceedings relating to certain offences, including sexual offences, modern slavery offences, child cruelty, kidnapping, false imprisonment and assault, there is a prohibition on victims being cross-examined by an unrepresented defendant.** This provides reassurance to the victim as they know from the outset that they will not be cross-examined by the accused.

**We sought views on whether we should create a legislative prohibition for victims of domestic abuse in criminal proceedings,** and used the consultation as a call for evidence to determine whether there have been instances in criminal proceedings when an application to prevent cross-examination of a victim by an unrepresented defendant has been denied in a domestic abuse case.

**The family courts do not currently have the same express legislative powers that the criminal courts have to prevent cross-examination in person.** It is possible for judges in family proceedings to use their general case management powers to prevent a victim from being cross-examined in person by a perpetrator, but currently the family court is not able to appoint a legal representative to represent the victim and carry out the cross-examination in

their place. This means that in some cases the courts are unable to prevent victims from being cross-examined by their abuser.

**You said:**

Through your responses to the consultation and from your feedback at stakeholder events, you said that the courts' existing powers are sufficient to prevent a domestic abuse victim from being cross-examined by the accused in the criminal court. You also said that judges in the criminal jurisdiction have sufficient exposure to these issues to ensure that witnesses who may be intimidated by being questioned by the accused are protected.

Although we only asked about cross-examination in the criminal courts, your responses to this question overwhelmingly focused on family proceedings. You were unanimous on the need to give family courts the power to stop unrepresented perpetrators of abuse directly cross-examining their victims. This was also a key issue raised with us through stakeholder events.

**We will:**

**We have listened to your views on cross-examination in the criminal courts.** We used this question as a call for evidence to establish whether there was a need to create a legislative prohibition over direct cross-examination, and we received no evidence in response that the protections in the criminal court were inadequate. On this basis, we do not intend to create a legislative prohibition in the criminal courts.

**However, your responses overwhelmingly called for sufficient protections to be introduced into the family courts.** We recognise the importance of introducing new powers into the family court system to prohibit direct cross-examination of a victim by their abuser, and the consultation document reiterated our commitment to legislate on this. **We have therefore included these measures in the draft Domestic Abuse Bill.**

**3.2.4 Court communication**

**We want to ensure that victims have confidence in the justice system.**

Victims need to have confidence that the justice system is a fair, impartial system that understands the dynamics of domestic abuse and recognises the full spectrum of behaviours that may occur within it.

**We recognise that the justice system can be daunting,** and that the current process can be re-traumatising, particularly when victims are repeatedly asked to recount their experiences of abuse. We know that over half of cases flagged as domestic abuse result in a non-conviction due to an issue with the complainant, which includes cases where a victim has chosen to disengage with the process. We recognise that there is much more we can do to support victims through this process to stop this from happening.

**There are measures in place to support victims using the justice system.**

These include the Witness Care Unit, which acts as the single point of contact for victims and witnesses to access updates on their cases. We want to ensure

that court communication with victims of domestic abuse provides adequate support during what can be a traumatic process, and provides sufficient reassurance to victims to facilitate their access to justice.

**You said:**

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*“The one thing that I am totally unsure of is what support measures I or any other victim can reasonably expect. It would be extremely helpful if there were easily accessible guides on this available to victims. This would take some of the uncertainty out of the process.”*

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Of those who responded to the consultation, 68% of you felt that there was more to be done to explain what help is available to support victims in court. Many of you thought that there should be an increase in sharing data between agencies, and that there was a lack of awareness of what services and support are available for victims of domestic abuse. You said that there should be increased publicity about this support, that there should be an increased use of IDVAs and that legal aid should be more widely available.

**We will:**

**We recognise that there is much more we can do to support victims through the criminal justice system process, and we want to improve the way we deliver our services to court users.** This includes improving our digital offer to victims, providing victims with a greater choice of the way in which they access services, and reviewing the information available on criminal justice system webpages to ensure that information is easier to navigate and understand. **We want to ensure that victims are provided with services that are more accessible and convenient.** We will also tailor these services to the needs of individual victims – for example, by providing face-to-face support for the most vulnerable victims.

**We recognise that even if we improve the services we offer to victims of domestic abuse, they still do not always know what services are available to them.** We will improve our overall victim communication, including when explaining a decision not to prosecute and signposting for routes to review CPS decisions and to access the Criminal Injuries Compensation Scheme.

**In 2018 we recruited 25% more registered intermediaries.** We are continuing our programme of recruitment through 2019 to ensure that victims and witnesses with communication needs have timely access to the specialist assistance that they require to be able to give evidence. We also want to help victims to feel more comfortable when telling their story, and so we aim to give victims more choice over how and when they wish to give their witness statement and their victim personal statement. **We will review the support that is provided to victims, including by IDVAs,** to ensure that they can make the best use of their role to support victims of domestic abuse.



### 3.2.5 Introducing a statutory aggravating factor

**Having the right legal framework is essential to enable the courts to deal effectively with perpetrators of domestic abuse.** We think that sentencing should recognise the devastating impact that domestic abuse has on victims. This includes children who are witnesses, children who live in a house where domestic abuse is perpetrated, and children who are used as emotional collateral to torment victims.

**To provide courts with guidance when sentencing offences linked to domestic abuse, the Sentencing Council published a revised set of domestic abuse sentencing guidelines in February 2018.** The guidelines came into effect in May 2018, and outline a non-exhaustive list of aggravating factors which could lead to a higher sentence being imposed. Courts have a statutory duty to follow sentencing guidelines unless they consider that doing so is contrary to the interests of justice.

**We asked whether we should consider creating a new statutory aggravating factor that would apply to domestic abuse-related offences.** Under this approach, courts would consider any aggravating factors and increase sentences accordingly within the statutory maximum penalty available for the offence. However, a statutory aggravating factor would require the domestic abuse aggravation to be established beyond reasonable doubt, which risks placing evidential burdens on the police and the CPS, and increases the potential for more defendants to plead not guilty to the charges.

#### You said:

Of those who responded to the question, opinions were mixed. Some 47% of you were in favour of creating a statutory aggravating factor, 13% were against, and the rest selected either don't know or no answer. Those in favour argued that creating a statutory aggravating factor would reflect the impact of domestic abuse on the victims involved, including children. Others thought it would help offences involving domestic abuse to be taken more seriously and lead to sentences that better reflect the gravity of the offence.

Some of you expressed reservations about the proposal, including concerns that it may require more children to give evidence, which might cause more victims to withdraw from proceedings in order to avoid having to subject their children to appearing in court and that it could potentially reduce the number of guilty pleas. You said that *"it is likely that more children will be called to give evidence in cases involving domestic abuse"*, and that you are *"concerned that the result of introducing a statutory aggravating factor may result in an increase in not guilty pleas from perpetrators"*. There were also comments that it could undermine judicial discretion. Many of you also noted the importance of letting the new sentencing guidelines bed in first to see what impact they have.

#### We will:

**The new sentencing guidelines recognise that the domestic context of offending behaviour makes the offence more serious,** because it represents

a violation of the trust and security that generally should exist between people in an intimate or family relationship. The guidelines acknowledge that domestic abuse can inflict long-term trauma on victims and their families, especially children and young people who may witness or have an awareness of its occurrence. Courts are now directed to guidelines which acknowledge that many different offences can involve domestic abuse, and that they should seek to ensure the sentence reflects that an offence has been committed within that context.

**We will work with our stakeholders to understand how the new sentencing guidelines are working in practice** and whether the concerns raised by those who were in favour of this proposal have been sufficiently addressed by the guidelines. We will carry out an internal review, once the guidelines have been in place for a year, to assess whether legislation in this area is needed. If the review concludes that legislation is required, we will include such measures in the Domestic Abuse Bill when it is introduced.

### 3.2.6 Conditional cautions

**Out-of-court disposals are measures that allow the police to deal with lower risk offending in a proportionate manner.** One such measure is a conditional caution, which requires an adult offender to comply with conditions that are rehabilitative, reparative or punitive. If the offender fails to comply, they may subsequently face prosecution for the offence.

**Current guidance from the Director of Public Prosecutions restricts the use of conditional cautions in cases of domestic abuse.** The guidance says that this is because such a measure would rarely be appropriate.

**A trial project, called Project CARA, gave permission for conditional cautions to be issued for lower risk, normally first time reported, domestic abuse incidents.** The evaluation of the project showed that the combination of a conditional caution and a workshop had a positive effect on reoffending rates, in comparison with those of people receiving just a conditional caution. This indicates the need for more widespread testing, so we intend to build this evidence base by first looking at rehabilitation programmes for eligible domestic abuse offenders.

#### You said:

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*“There needs to be an alternative that can support rehabilitation of the offender. Victims usually just want the behaviour to stop; the conditional caution would provide some options in relation to lower level offending. This could encourage victims to report sooner.”*

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Of those who responded to the question, 52% supported further trials of conditional cautions and 18% were opposed. Those in favour suggested that further trials might “*encourage early intervention and prevent escalation of risk for the victim*”.

You recognised that support for further testing of conditional cautions could contribute to the evidence base in a controlled way. However, you also highlighted the importance of ensuring that perpetrators fully completed rehabilitation programmes which “*would need to be robustly supported by enforcements if the perpetrator did not engage*”, and that these programmes would need to be of high quality.

You highlighted that the first reported offence is not necessarily the first domestic abuse incident, and would be concerned if a conditional caution were offered to repeat offenders. You suggested it would be important to consider victim engagement, early education and behavioural change as part of pilots.

**We will:**

We are committed to building evidence on the effectiveness of early rehabilitative intervention to tackle domestic abuse offenders. **The Director of Public Prosecutions has agreed for some police forces to pilot conditional cautions for lower risk first reports of domestic abuse**, building on the success of Project CARA. Conditional cautions, when used appropriately and when feeding into good local early intervention programmes for offenders, could reduce reoffending.

**The CPS is working with the National Police Chiefs’ Council to agree a robust minimum standards framework for participating forces** to ensure that there is a consistent approach to eligibility and a high-quality intervention for perpetrators, as well as a robust evaluation and monitoring process. Issues and concerns raised in this consultation have been considered as part of the design of the minimum standards. Only lower-level first reports of domestic abuse where there is no evidence of controlling or coercive behaviour are in scope of the pilots. On an ongoing basis, the CPS, police partners, the Ministry of Justice and the Home Office will discuss any challenges or implementation issues arising from these pilots.

**3.2.7 The Istanbul Convention: extra-territorial jurisdiction**

**The Council of Europe’s Istanbul Convention is an international set of standards designed to prevent and combat violence against women and domestic violence.** It was adopted on 7 April 2011 and came into force on 1 August 2014. The UK signed the convention on 8 June 2012 and we are committed to ratifying it as soon as possible.

The full version of this consultation set out how the government proposed to satisfy, in England and Wales, the UK’s obligations under Article 44 (jurisdiction) of the Istanbul Convention, and why the government believes that our national law already satisfies our obligations under Article 40 (sexual harassment).

*Extra-territorial jurisdiction*

A key element of the convention is making sure that ratifying states can use their national law to prosecute offences required by Articles 33–39 of the

convention when they are committed by their nationals or residents overseas.<sup>29</sup> The consultation set out a list of offences over which the government proposed to take extra-territorial jurisdiction. The list included the offence of procuring abortion under section 58 of the Offences Against the Person Act 1861, but did not include the common law offence of murder for which the courts in England and Wales already have extra-territorial jurisdiction to a significant extent.

### You said:

A small number of you responded to this question: 286 of you agreed that taking extra- territorial jurisdiction over the listed offences would be sufficient to satisfy the jurisdiction requirements of the convention, and 143 disagreed. This means that 23% of you agreed with the proposal and 12% disagreed, with 65% of you saying either you didn't know or no answer. Those of you who disagreed suggested several other offences over which extra- territorial jurisdiction should be taken. However, most of the other offences suggested are not offences required by the convention, such as burglary and fraud, so there is no requirement to have extra-territorial jurisdiction over them. Some of the other offences suggested were ones where we already have extra-territorial jurisdiction, such as female genital mutilation and forced marriage.

Some of you expressed concern that jurisdiction for offences of murder and manslaughter does not go far enough, in the belief that the courts of England and Wales do not have jurisdiction over non-British nationals who commit these offences outside the UK.

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*“The major and serious omission from this list is domestic violence-related homicide. The government has said that the common law offence of murder is already subject to extra-territorial jurisdiction – however, current criminal law only extends extra-territorial jurisdiction to crimes committed by a British national or subject and not British resident, as some BAME perpetrators live in the UK as residents not citizens.”*

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Others of you expressed significant concerns about the proposal to take extra-territorial jurisdiction over the offence of procuring abortion, and the implications of this for women in Northern Ireland, following the Supreme Court judgment of 7 June 2018 in a case brought by the Northern Ireland Human Rights Commission (NIHRC).<sup>30</sup>

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<sup>29</sup> Article 44 read with Article 78 (reservations). See Council of Europe (2011) *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*. Available at: <https://rm.coe.int/168008482e>.

<sup>30</sup> The NIHRC was seeking a declaration that abortion law in Northern Ireland is incompatible with the European Convention on Human Rights (ECHR). A majority of the Supreme Court found that the NIHRC did not have standing to bring the application for judicial review, and dismissed the appeal on that basis. But the Supreme Court nevertheless went on to deliver substantive judgments and a majority considered that the current law in Northern Ireland is disproportionate and incompatible with Article 8 ECHR insofar as it prohibits abortion in cases of (a) fatal foetal abnormality, (b) pregnancy resulting from rape and (c) pregnancy resulting from incest.

**We will:**

The draft bill extends the circumstances in which certain sexual and violent offences committed abroad may be prosecuted in England and Wales, where the offence is committed by a UK national or a person habitually resident in the UK. **This will ensure that the law in England and Wales meets the requirements of the Istanbul Convention.**

Section 9 of the Offences Against the Person Act provides the courts of England and Wales with extra-territorial jurisdiction over British citizens who commit murder or manslaughter outside the UK. This provision does not include a non-British national who is habitually resident in the UK. A provision in the Suppression of Terrorism Act 1978, however, provides the UK with extra-territorial jurisdiction over murder and manslaughter committed: (a) in specified convention countries<sup>31</sup> by persons of any nationality; and (b) in cases where the person is a national of a convention country, and not a UK citizen, and the offence is committed in a third country. Despite its title, the Act does not only apply to terrorism-related offences, but to any offences specified in Schedule 1, including both murder and manslaughter.

The effect of these two statutory provisions is to provide extra-territorial jurisdiction in all cases where murder or manslaughter is committed abroad by a UK national and in most cases where those offences are committed abroad by a person who is habitually resident in the UK. There is, however, a small gap in UK law where murder or manslaughter is committed abroad by UK residents who are not nationals of 'convention countries' for the purposes of the Suppression of Terrorism Act. For example, the courts in England and Wales would not have jurisdiction over a UK resident of Pakistani nationality who commits murder in Pakistan.

**We will therefore include provisions to close this gap so that the courts in England and Wales have jurisdiction in all cases where murder or manslaughter is committed abroad by a person who is habitually resident in the UK.**

The proposal to take extra-territorial jurisdiction over the offence of procuring abortion was intended to ensure that the courts of England and Wales have jurisdiction over criminal acts covered by Article 39(a) of the convention when those acts are committed outside the UK by a UK national or a person habitually resident in the UK.

**Article 39(a) requires parties to ensure that intentionally performing an abortion on a woman without her prior and informed consent is criminalised.** Section 58 of the Offences Against the Person Act 1861 covers such behaviour, but it also covers situations where a woman has given her full and informed consent to an abortion. As highlighted by the consultation responses, we now recognise that taking extra-territorial jurisdiction over the offence of procuring abortion would do more than is necessary to satisfy our

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<sup>31</sup> For the purposes of the 1978 Act, 'convention country' means a country designated in an order made by the Secretary of State as a party to the European Convention on the Suppression of Terrorism.

obligations under Article 39(a), and therefore we now do not intend to take extra-territorial jurisdiction over this offence.

Instead, we believe that our obligations under Article 39(a) can be satisfied by relying on the following offences:

- section 47 of the Offences Against the Person Act 1861 (assault occasioning actual bodily harm)
- sections 18 and 20 of the Offences Against the Person Act 1861 (wounding, causing grievous bodily harm)
- sections 23 and 24 of the Offences Against the Person Act 1861 (administering poison or noxious thing so as to endanger life or inflict grievous bodily harm; or with intent to injure)
- section 1(1) of the Infant Life (Preservation) Act 1929 (child destruction)

**Taken together, these offences cover every stage of a pregnancy in which a forced abortion might take place, while recognising and respecting lawful terminations.**

This alternative approach is supported by organisations seeking to decriminalise abortion in the UK.

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*“Decriminalising abortion may require the creation of explicit new offences to cover forced or coerced abortion; to cover cases where abortion is not consensual, in the future. The welcome government commitment to ratify the convention however, should not be delayed by this process. Taking extra-territorial jurisdictions over the other offences listed – with the addition of the offence of ‘child destruction’, discussed below – will satisfy the requirements of the Convention ... Child destruction is the criminal offence of killing a child who is ‘capable of being born alive’ – and recorded convictions show clearly that it is an offence that is routinely perpetrated by intimate partners in a domestic abuse context.”*

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**We will therefore take extra-territorial jurisdiction over the offences listed in Annex B to satisfy our obligations under Article 44 of the convention.**

#### *Sexual harassment*

The consultation set out the government’s view that the civil law remedy in the Protection from Harassment Act 1997 is sufficient to satisfy our obligations under Article 40 of the convention. Article 40 requires sexual harassment<sup>32</sup> to be subject to criminal or ‘other’ legal sanction, which means that the drafters decided to leave it to the parties to choose the type of consequences that perpetrators of sexual harassment would face.

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<sup>32</sup> Defined as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person by in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”. The provision is intended to capture a pattern of behaviour whose individual elements, if taken on their own, may not necessarily result in a sanction (see Explanatory Report: paragraph 208).

## You said:

This section of the consultation was about whether the law of England and Wales already complies with the requirements of Article 40 of the convention or whether legislative changes are necessary before ratification. A total of 159 (13%) of you agreed that the civil law remedy in the Protection from Harassment Act 1997 is sufficient to satisfy the requirements of Article 40 of the Convention, while 202 (17%) of you disagreed. Most of those who disagreed called for stronger measures to tackle sexual harassment within the UK.

## We will:

Pursuing a course of conduct which amounts to harassment, and which the offender knows or ought to know amounts to harassment, is prohibited by section 1 of the Protection from Harassment Act 1997. This could include sexual harassment. The 'course of conduct' element accords with the intention of the convention to capture a pattern of behaviour whose individual elements, if taken on their own, may not necessarily result in a sanction.

Section 2 of the Protection from Harassment Act 1997 makes it a criminal offence for a person to breach the section 1 prohibition on harassment, and section 3 provides a civil remedy for an actual or apprehended breach of the prohibition. Our law therefore provides both criminal and civil sanctions against harassment, but Article 40 requires criminal *or* 'other' legal sanctions so the UK is not required to have both to ratify the convention.

**We will therefore rely on the civil law remedy in the 1997 Act to satisfy the requirements of Article 40 of the convention.** This does not mean that victims cannot have recourse to criminal and other sanctions against harassment as appropriate, but simply that there is no barrier to ratification in terms of sexual harassment because the law of England and Wales is already compliant with the requirements of the convention.

## 3.3 Family justice system

### 3.3.1 Family courts

**We recognise that family court proceedings can be incredibly difficult for victims, and over the past year we have taken several steps to improve the family court process for vulnerable people in the family justice system.**

This includes work with the judiciary on improved guidance for family judges on vulnerability, new court rules, and an accompanying Practice Direction 3AA aimed at improving in-court protections such as protective screens or giving evidence via video link. This came into effect in November 2017.

**We also introduced a revised Practice Direction 12J, which makes clear that the court should have full regard to the harm caused by domestic abuse when deciding child arrangements,** including the harm that can be caused to children from witnessing such abuse. We have also reformed the

arrangements for making legal aid available to victims of domestic abuse in private law cases, which took effect in January 2018.

**In addition, we provide ongoing training to all professionals working within the family justice system.** Her Majesty's Courts and Tribunal Service is committed to increasing the awareness and understanding of domestic abuse among all family court staff. At the end of November 2017, a new training programme was rolled out to all court staff focusing on the needs of vulnerable court users, including victims of domestic abuse.

**The Judicial College also ensures that awareness and understanding of domestic abuse are addressed on an ongoing basis as part of the College's regular training for family judges and magistrates.** Between April 2016 and April 2018, all family court judges received training from the Judicial College on how to address the challenges faced by vulnerable persons in the courts, including those who are victims of domestic abuse.

We have also allocated £1m funding through the Tampon Tax fund to Finding Legal Options for Women Survivors (FLOWS), a project which provides front-line domestic abuse workers with access to the legal resources they need to adequately safeguard the women they support.

**You said:**

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*"The bill [must] ensure that women and children do not fall between the gaps between the criminal and family courts and that all justice processes prioritise the safety of women and children at risk of harm from domestic abuse."*

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We did not ask any specific questions in the consultation about reforms to the family justice system, but in your responses and through stakeholder events many of you raised issues about the family courts and the family justice system. You said there is a need for better awareness and understanding of domestic abuse and controlling or coercive behaviour on the part of everyone involved in the family justice process, and that there is an urgent need to stop perpetrators of domestic abuse being able to directly cross-examine their victims in the family court. You called for oversight of child arrangement orders, and for all family justice professionals to have a better awareness of Practice Direction 12J, which outlines the court's requirements in child arrangement or child contact order cases where there is domestic abuse between family members.

You also said that better provision of in-court protection is needed for victims of domestic abuse, and that there is a need for better training for all family justice professionals on perpetrator behaviour and how abuse can be continued through the family justice system. You said that more training is needed on how technology can be misused by perpetrators to further their abuse, including through spyware and GPS tracking on mobile phones. You said that there is a need for better information sharing between jurisdictions, and for more



consistent data collection and more substantial research within the family justice system as a whole.

**We will:**

**We recognise the importance of introducing new powers to the family court system to prohibit cross-examination of a victim by their abuser.** As set out in Section 3.2.2, we are committed to introducing powers to prevent this from happening, and we have therefore included these measures in the draft Domestic Abuse Bill.

**We will improve the in-court protections available to victims of domestic abuse.** We are allocating £900,000 funding to organisations based in a number of family courts to provide specially trained staff who will offer dedicated emotional and practical support to domestic abuse victims before, during and after hearings. These organisations will also deliver a programme of awareness raising amongst key family justice stakeholders and practitioners. We have also asked all family courts to draw up local protocols setting out their operational procedures for dealing with vulnerable court users, and we are committed to ensuring that court staff are aware of and are implementing these procedures.

**We recognise that a better and more consistent approach to information sharing across jurisdictions is needed.** We understand that, currently, information is not shared across jurisdictions, meaning that family court judges are sometimes solely reliant on the information provided by the parties in the proceedings. You have said that this sometimes leads to unacceptable occurrences where orders issued by the family court contradict conditions imposed by the criminal court, and we are exploring options to better share information across jurisdictions to prevent this from happening.

**We also recognise that it is possible for perpetrators of domestic abuse to exercise coercive control over their spouse through divorce proceedings in the family courts,** and that the requirement to show evidence of conduct or separation in a divorce petition may not give equal access to all groups. For example, it is possible that a victim of domestic abuse might well have evidence of their spouse's conduct, but might find it unsafe to disclose due to the nature of the evidence required. This may compel them to remain in an abusive marriage until the requirements of the relevant separation fact could be met.

To address these concerns, in our recently published Reducing Family Conflict consultation we proposed to abolish the ability of parties to contest divorce as a general rule. **We also put forward the proposal that replacing the requirement to evidence conduct or separation may also help victims to move on from the perpetrator at an earlier opportunity.** We will publish our full response to the consultation in due course.

**We will continue to work with our stakeholders on what more can be done to support victims of domestic abuse in the family courts.**

### 3.3.2 The Children and Family Court Advisory and Support Service

**The Children and Family Court Advisory and Support Service (Cafcass) is appointed by the family court to safeguard and promote the welfare of the child.** It gives advice to the court, makes provision for the child to be represented, and provides information, advice and other support for the child and their family. Its role in private law proceedings is to provide the court with the information needed for a safe decision to be made about arrangements for whom the child should live or spend time with and what is in the child's best interests.

**The Cafcass social worker, known as a Family Court Adviser, writes a safeguarding letter to the court** which includes checks with police and local authorities, as well as interviews with both parties. If the court requires further work, this is usually in the form of a Section 7 report. Section 7 reports provide the court with relevant information about the child's welfare, as well as the practitioner's assessment of what is in the child's best interests.

#### You said:

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*"[The] recognition of harm on children must also go hand in hand with Cafcass and be considered in child contact arrangements. I have seen all too often the devastating impact where perpetrators are not interested in the wellbeing of their children and simply use child contact as a means of exerting power and control over their victims."*

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We did not ask any specific questions about the family courts or the role of Cafcass, but many of your responses to other questions highlighted the need to ensure that victim and child safety come first in all family court decisions and all Cafcass recommendations to the family court about whom the child should live or have contact with. You said the presumption that contact with both parents is in the best interests of the child is putting victims and their children at risk. You particularly highlighted concerns over Cafcass' guidance documents on domestic abuse and parental alienation. You also said that there is a need for better training for Cafcass practitioners on the dynamics of domestic abuse, on controlling or coercive behaviour, and on recognising perpetrator tactics.

#### We will:

**Cafcass takes victim and child safety extremely seriously**, and it follows the direction of legislation and Practice Direction 12J that *"in proceedings relating to a child arrangements order, the court presumes that the involvement of a parent in a child's life will further the child's welfare, unless there is evidence to the contrary"*. A key role of Cafcass social work practitioners is to identify and assess those issues that could affect the child's welfare, including domestic abuse, and to advise the court on the implications for child arrangements. To aid in the assessment of domestic abuse, Cafcass practitioners use evidence-based tools in the Domestic Abuse Practice Pathway, which was commended by Ofsted in its recent inspection of Cafcass.

**Cafcass has listened to stakeholder views in developing its Child Impact Assessment Framework.** In April 2018, Cafcass held a series of discussion groups with a range of sector experts and family justice stakeholders, and the feedback received during these events, including feedback on the new referral pathways, has informed the design of the updated framework. **The Child Impact Assessment Framework was published in October 2018**, and brings together and strengthens existing guidance and tools along with introducing new tools that practitioners can use to assess different case factors. All Cafcass practitioners working in private law will be trained in the use of the framework by the end of March 2019.

**In response to stakeholder comments, Cafcass has restructured this framework to begin with the question, ‘What is happening for this child?’** Cafcass has also removed alienation from the harmful conflict guide, and has developed its guidance on identification and response to alienating behaviours as part of a wider guide supporting assessment of child refusal. **The guide emphasises that the first step in assessing reasons for child resistance is to consider whether an appropriate justified rejection is present, including any indicators that the child’s resistance is due to domestic abuse or any other form of harmful parenting.** The guide also emphasises that children may be subject to controlling or coercive behaviour as part of a longer history of the perpetrator controlling the victim and continuing their abuse through litigation in the family court.

**Cafcass has also renamed the ‘high conflict pathway’ the ‘harmful conflict guide’, to emphasise that conflict that is harmful to the child is not limited to high conflict.** Cafcass recognises that, as with all forms of harm to children, conflict can vary in nature, intensity and impact. The new framework emphasises that domestic abuse and harmful conflict are two distinct behaviours and should not be conflated or referenced interchangeably. Where cases feature allegations or indicators of both domestic abuse and harmful conflict, Family Court Advisers must prioritise the assessment of domestic abuse and check that the risk has been adequately and safely considered before assessing harmful conflict. In all cases, the primary focus is on the impact on the child, not the labelling of parental behaviours.

**Cafcass is committed to continuous learning and up-to-date training.** It has a range of tools for identifying domestic abuse, assessing its impact and making recommendations to the court about programmes to address perpetrator behaviour, and the implications for child arrangements. Guidance and programmes have been developed in collaboration with a range of organisations with specialist knowledge of domestic abuse. In addition, **Cafcass has recently commissioned additional training from Barnardo’s on the domestic violence risk identification matrix tool**, and it has recently introduced a new e-learning package for its practitioners on controlling and coercive behaviour, which was developed in collaboration with SafeLives and Research in Practice.

### 3.3.3 Legal aid

**We are committed to ensuring that legal aid and other forms of legal support are available to victims of domestic abuse and child abuse.** To be eligible for legal aid, applicants must usually have a legal issue that is in scope, that meets any relevant merits test, and meets any relevant means criteria.

**In emergency situations, legal aid is available without any evidence requirements and the Legal Aid Agency has the power to waive all upper financial eligibility limits.** An example of an emergency situation may be if a victim of domestic abuse needs a non-molestation order to protect them or their children from being harmed. In this case, their solicitor would be able to grant emergency representation straight away even if the victim's income or capital exceeds the eligibility limits, although a contribution from them may be required later.

**The Legal Aid Agency has put several steps in place to ensure high-quality advice is delivered in domestic abuse matters.** The agency requires that providers who deal with a large number of matters must employ at least one member of staff with specialist training, and that providers under the 2018 contract must employ a full-time supervisor who is either a member of the Law Society's Family Law Advanced Accreditation Scheme or is a Resolution Accredited Specialist in domestic abuse. Providers must also have appropriate arrangements in place to refer clients to local family support services, and have access to details of services locally available, and they must offer a first appointment to their client within a defined time limit.

#### You said:

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*“Survivors must have access to high-quality, non-means tested legal representation. The need for this is clear in regards to domestic abuse victims and survivors, particularly as professional legal representation in the courts is essential but expensive and many survivors are unable to afford this representation, particularly if they have experiences of economic abuse.”*

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You highlighted the need for victims of domestic abuse to have access to high-quality legal representation, who in turn must have a clear understanding of all forms of domestic abuse. You also emphasised the need for the legal aid means test to be reviewed. You pressed the need for the income thresholds to be adjusted to ensure that victims on modest incomes are able to access legal aid, and stressed the need to allow an exception to the capital means test for victims of domestic abuse, especially victims of economic abuse who are often unable to access capital from shared assets. You highlighted the issue of some GPs charging fees to provide evidence letters of domestic abuse in support of applications for legal aid, and that this can act as a barrier for victims trying to access legal aid.

## We will:

**In 2018, we made changes to legislation that aimed to make it easier for victims of domestic abuse to obtain and provide the evidence required to access legal aid**, and to reduce the risk of victims not being able to obtain the required evidence. We introduced new forms of evidence, expanded the scope of existing evidence and removed the time limit from all forms of evidence for domestic abuse and child abuse.

**We have already started to see a difference:** the latest statistics for July to September 2018 show an increase of 15% in applications by domestic abuse victims for legal aid in family cases compared to the same period of the previous year, without an observed increase in the rate of rejection due to evidence requirements.

We are aware that some GPs have been charging to provide letters as evidence of domestic abuse to support legal aid applications. Charges for services provided by GPs are set through the contractual relationship between GPs and the NHS. However, the changes introduced to January 2018 aim to **the revised legislation aims to reduce the reliance on GPs by broadening the categories of health professionals who can provide evidence letters for legal aid applications, so that now any medical practitioner or health professional who is registered with a relevant regulator body can provide this evidence**. We are also working with the DHSC to see if there is anything more we can do to reduce this reliance.

We are conducting a post-implementation review of the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This will be an evidence-based review of the effects of the legislation when considered against its original objectives, and will include an assessment of the effect of changes to legal aid provision for private family law cases. The review is also an opportunity to inform wider consideration of the future of legal support in the justice system. **We have engaged with more than 100 organisations and individuals as part of the evidence-gathering phase. Having finalised this engagement at the end of November 2018, the review is now near completion and will be published in early 2019.**

## 3.4 The perpetrator journey

**Domestic abuse usually occurs as a repeated pattern of behaviours, with some perpetrators abusing multiple partners over a number of years.**

To reduce and prevent domestic abuse, it is vital that we tackle perpetrators, including repeat and serial perpetrators, to stop them offending and to ensure that victims are properly protected by the justice system.

**Perpetrator interventions are available for those who have been convicted of offences and those who may be at risk of re-offending.** Her Majesty's Prison and Probation Service delivers interventions to those convicted of an

offence, and these interventions can be made a requirement of community sentence, or a condition of release.

**There are also options for interventions for perpetrators who have not been convicted of an offence.** These interventions can be delivered or commissioned by the police, local authorities, or by Cafcass, and are designed to support perpetrators to change their behaviour to prevent an initial offence from occurring. These interventions can also prevent the escalation of offences, or any instances of further abuse.

**We also support the important work of Respect, who through their service standards are helping to ensure that programmes targeted at a range of perpetrators are delivered safely and effectively.** One recent innovation for which Respect has been a key partner is the Drive programme. Drive works with a range of perpetrators, including those who are high risk and those who report multiple complex needs, and ensures that these primary support needs are met alongside interventions to change harmful behaviour.

**We recognise that the criminal justice framework for working with perpetrators of domestic abuse is complex and that there are variations in approaches across agencies and local areas.** We recognise that the criminal justice response to perpetrators needs to be improved through better multi-agency working with other statutory partners, better use of risk assessment to identify perpetrators, and clearer pathways for managing, monitoring and mitigating the risk that perpetrators pose.

**You said:**

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*“My ex-husband recently finished a 7-year sentence. I was contacted by probation shortly before his sentence ended to inform me that I should seek civil measures to protect myself as he was still considered a risk. I believe that this is completely unacceptable and really highlights the need for serial offenders (he is one) to be managed.”*

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You said that better information sharing and a stronger multi-agency approach would improve how the police and their partner agencies, including the National Probation Service and Community Rehabilitation Companies (CRCs), manage serial and repeat abusers. A register of domestic abuse perpetrators was suggested as a way of improving information sharing in relation to serial and repeat abusers. You made it clear that you think that the police response to perpetrators needs to be improved, with more regular monitoring of offenders and more robust risk assessments. Many of you want to see harsher penalties for abusers and think that attending a perpetrator programme should be made a condition of release. You also mentioned electronic monitoring as a way of strengthening the management of serial and repeat abusers.

In addition, many of you want to see harsher penalties for abusers. You said that a stronger multi-agency approach would also help to ensure that perpetrator's complex needs are identified and addressed, such as the impact of trauma, mental health difficulties, substance and alcohol misuse, and precarious housing or employment.

Many of you mentioned the importance of providing effective interventions to help perpetrators change their behaviour, and that programmes should take account of a range of individual needs and circumstances' at the end of the previous sentence. You told us that those on short prison sentences should be able to start a programme in prison and complete it in the community. You also suggested that educational materials should be provided to people who are unable to start a programme or who are waiting to start one.

Many of you also highlighted the need for common standards to guide the quality of perpetrator programmes and interventions, and that more research is needed on the effectiveness of programmes and on which approaches work best with different groups of perpetrators.

#### **We will:**

**Our aim in working with perpetrators is to prevent reoffending in order to protect victims and their children, and to give victims the space and security to rebuild their lives.**

#### **3.4.1 Criminal justice agencies' response**

**To achieve this aim, it is crucial that all criminal justice agencies have access to the right information at the right time**, so that they can work together to accurately identify, assess and manage dangerous perpetrators in order to keep victims safe.

**We will improve the framework for managing perpetrators and strengthen multi-agency working** by promoting the changes made to the guidance on referrals to national Multi-Agency Public Protection Arrangements teams. The aim of the guidance is to ensure that serial and repeat perpetrators of domestic abuse are considered for management.

**To improve identification and risk assessment of perpetrators**, we will review Her Majesty's Prison and Probation Service risk assessment model for perpetrators of intimate partner violence, pilot the use of the spousal assault risk assessment model with abusers prior to conviction, and strengthen guidance on the identification and management of domestic abuse perpetrators as potentially dangerous persons.

**We will also work with the police to improve the use of current information recording and analysis systems**. We will ensure that the introduction in 2020 of the Law Enforcement Data Service, which will bring together the current Police National Computer and Police National Database, reflects and sustains these improvements.

**To increase the range of tools available to professionals working with perpetrators, we propose to introduce notification requirements through the new DAPOs,** which will require abusers to tell the police if their personal details or circumstances change. As mentioned in Section 2, the new orders will also enable courts to impose electronic monitoring requirements on perpetrators and will carry a criminal penalty for breach.

**We recognise that the practical tools and systems available to frontline professionals working with perpetrators must be underpinned by robust training and guidance.** This will help to ensure that these tools are used safely and effectively to prevent reoffending and to protect victims. We will work with the National Police Chiefs' Council Lead on domestic abuse and the College of Policing to develop national guidance for police on serial and repeat perpetrators and share promising police work developing in this area. **We will also fund the development of online domestic abuse training materials for frontline professionals working in probation services and community rehabilitation companies.**

#### *Perpetrator interventions*

**We are committed to transforming our response to perpetrators of domestic abuse at all points in the criminal justice system, from pre-conviction to custody and through to post-conviction in the community.**

**Our aim is for people to receive the right intervention at the right time,** and this is based on effective assessment, sentence planning and the delivery of evidence-informed interventions. We will ensure that those convicted of a domestic abuse offence are properly targeted for programme intervention through the use of an effective proposal tool at court. This tool will guide practitioners on the suitability of programme recommendations.

**To support people to fully participate in programmes, we will promote the use of interventions that can help motivate people in prison to engage in a programme** or overcome barriers that are preventing them from engaging. We will also promote interventions that can help people to practise and maintain what they have learnt after they have attended a programme, such as the New Me MOT programme, which is available to programme graduates of Her Majesty's Prison and Probation Service high-intensity domestic abuse programme.

We also want to ensure we are meeting the needs of people who are not suitable for or who are not able to participate in the perpetrator programmes accredited by the Ministry of Justice, which may include people on shorter sentences. **We will therefore further specify the range of rehabilitation activity requirements to be delivered to people serving community sentences who are not eligible for an accredited programme.**

**We will also test the viability of a new digital toolkit for community-based staff working with people who have been released from prison or who are serving community sentences.** The toolkit could be delivered as a rehabilitation activity requirement, or as a part with regular supervision of people who are unsuitable for an accredited programme or unable to participate in one.



We will design the toolkit using the best available evidence, and carefully test the materials to ensure that people can understand and engage with them.

**We will work with specialist domestic abuse organisations to assess the range of interventions currently available for perpetrators who have not been convicted of a domestic abuse offence.** We will use this information to identify gaps in provision and develop a strategy for improving the availability of safe and effective interventions for this cohort.

**We will also introduce a measure through the Domestic Abuse Bill which will enable the National Probation Service to pilot polygraph testing with high risk domestic abuse perpetrators to monitor compliance with licence conditions in the community.** Polygraph examinations are already successfully used in the management of sexual offenders released on licence. Extending these examinations to perpetrators will provide an additional source of information for offender managers to enable them to formulate improved risk management plans, share information related to risk with other relevant agencies, and support victim safety planning.

*Ensuring the quality of interventions*

**To increase confidence in the quality of programmes, we will promote the use of recognised standards for the perpetrator programmes used by the Ministry of Justice.** Programmes targeted at convicted perpetrators are accredited by the Ministry of Justice's Correctional Services Accreditation and Advice Panel (CSAAP). A set of CSAAP-approved standards will also be developed to guide the quality of other interventions that may not be suitable for full accreditation.

**We will issue guidance that promotes approaches to programme delivery that ensure perpetrator programmes are flexible, trauma-informed, and adapted to accommodate people's individual needs and circumstances.** For example, Her Majesty's Prison and Probation Service is currently trialling and monitoring the application of its programme materials with male perpetrators who have offended against male partners, and with transgender male perpetrators.

**Her Majesty's Prison and Probation Service will also issue a new domestic abuse policy framework** which will set out expectations for working with domestic abuse perpetrators and access to interventions and referral routes, including those aimed at protecting victims and children.

**Alongside launching new initiatives in relation to working with perpetrators, we recognise the importance of evaluating existing projects and sharing evidence on what works throughout the sector.** In 2019, we will conduct an evaluation of the accredited moderate- intensity perpetrator programme Building Better Relationships and the high-intensity perpetrator programme Kaizen; this will include an assessment of the most appropriate methods and timing for a robust evaluation of both programmes. This will seek to understand the challenges and complexities facing domestic abuse programme evaluations and how these can be overcome.

**We will also work with the College of Policing, voluntary sector partners and local multi-agency partnerships** to ensure that learning from promising work with perpetrators is shared and embedded, such as the Drive project – of which Respect is a key partner – and perpetrator panels such as the Multi-Agency Tasking and Co-ordination model.

## Section 4: Improving performance

### 4.1 Domestic Abuse Commissioner

**We want to establish a Domestic Abuse Commissioner in law.** The Commissioner will provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring provision of domestic abuse services in England and Wales.

**The role of the Commissioner will be critical in ensuring consistency and shining a light on both effective and poor practice.** The majority of domestic abuse services accessed by victims are commissioned locally. The funding for these services is largely provided by local authorities as well as local police, health bodies and PCCs. We think that these bodies are best placed to determine the needs for local provision in their areas, though we understand that this means that the quality and quantity of services might vary from region to region.

**We need to do more to embed guidance and share best practice by appointing a Domestic Abuse Commissioner who will oversee the provision of services and will have the power to hold those delivering them to account.**

#### You said:

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*“Having a Domestic Abuse Commissioner gives the crime some status. It has been too long in the making. Finally it is being recognised as a serious offence!”*

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**The introduction of a Domestic Abuse Commissioner was strongly supported.** Of those who responded to the consultation, 65% either agreed or strongly agreed with the proposed model. Of the 22% who disagreed, just over half did so on the basis that they wanted the role to be expanded to consider all forms of violence against women and girls. The Home Affairs Select Committee also welcomed the creation of a new Commissioner but recommended that the new post be established as a Violence Against Women and Girls and Domestic Abuse Commissioner.

On the proposed role of the Domestic Abuse Commissioner, the following three elements were considered the most important:

- provide recommendations to both national and local government to improve the response to domestic abuse, accompanied by a duty on the responsible person/organisation to respond to these recommendations

- map and monitor provision of domestic abuse services against the National Statement of Expectations<sup>33</sup>, and publish this information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected
- require local statutory agencies to co-operate and provide information

**You said that the Commissioner should give a voice to victims and survivors of domestic abuse**, reflecting their experiences in the work that they do, and should work closely with specialist third sector organisations. You also said that the Commissioner must stand up for the children of victims and survivors of domestic abuse, and that marginalised groups of vulnerable women need to be properly represented and their particular needs considered.

The Home Affairs Select Committee recommended that the Commissioner should be able to comment on the impact of central government services on victims of domestic abuse, such as access to justice, health, housing and welfare benefits, as well as on specific domestic abuse services, and that the Commissioner should report directly to Parliament to safeguard the office's independence.

**We will:**

**The draft bill will establish the office of the Domestic Abuse Commissioner and set out the Commissioner's functions and powers.** Given the challenges of improving the statutory agencies' responses to domestic abuse, and the huge scale of the problem, we believe that the Commissioner's remit should be focused on this issue alone, rather than being dissipated across all forms of violence against women and girls. The government is committed to addressing this through the separate Violence Against Women and Girls Strategy.

We will be clear that the Domestic Abuse Commissioner has a unique opportunity to represent and magnify the voices of victims and survivors and must make those voices heard. **We will require the Commissioner, through the terms of appointment, to establish a victims' and survivors' advisory group, which will provide the Commissioner with expertise through their own experience.** The Commissioner will be required to meet the group regularly and take account of their insight and views. The draft bill will also require the Commissioner to establish a broader advisory board consisting of representatives from the specialist third sector, criminal justice agencies, local government and the health sector, and academia, as well as victims and survivors. They will provide advice, guidance and challenge to the Commissioner, and ensure that the Commissioner continues to exercise the functions as set out in law.

**In setting out the Commissioner's functions, the draft bill will expressly require the Commissioner to consider the impact of domestic abuse on**

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<sup>33</sup> Home Office (2016) *Violence Against Women and Girls National Statement of Expectations*. Available at: <https://www.gov.uk/government/publications/violence-against-women-and-girls-national-statement-of-expectations>

**children**, including within the remit the ability to review children's services and other agencies that interact and work with children. We will require the Commissioner, through the terms of appointment, to establish a thematic lead within the Commissioner's office to represent the interests of children. To ensure there is better continuity of support for those children affected by domestic abuse, we will expect the Commissioner to co-operate with the Children's Commissioner and the Victims' Commissioner, among others.

**We will ensure that the Commissioner has a sufficiently broad remit to cover the provision of specialist services, such as IDVAs, as well as considering how central services support and interact with victims and their families;** all government departments, as well as the health sector, education, social care and criminal justice agencies, will fall within the Commissioner's remit.

**To safeguard the Commissioner's independence, we will develop a charter setting out the relationship between the Commissioner and the Home Office as sponsoring department.**

The Commissioner will be able to provide, on request, advice on specific issues to ministers and specified public authorities. In the interests of transparency, the Commissioner will be under a duty to publish the advice to public authorities. In addition, the Home Secretary will be required to lay the Commissioner's annual report and other reports and strategic plans before Parliament.

**We will require the Commissioner to have a specific focus on the needs of victims and survivors from minority or marginalised groups.** And through the terms of appointment, the Commissioner will be required to establish thematic leads within the office for victims and survivors who are BAME, LGBT+, disabled, migrant, or who have complex needs.

But we don't need to wait for the bill to become law before making progress. That is why **we have launched a competition to recruit a non-statutory Designate Domestic Abuse Commissioner**, who will perform the same role as the statutory Commissioner, lacking only their formal legal powers. The role description for the Designate Commissioner incorporates many of the comments made by those who responded to the consultation.

## 4.2 Data

**We know that high-quality, insightful data analysis is critical to understanding and responding to domestic abuse.** A useful source is the Office for National Statistics' annual domestic abuse statistical bulletin. It aims to bring together domestic abuse statistics in one place to allow a more thorough analysis of how domestic abuse is dealt with both nationally and locally. First published in 2016, the bulletin has evolved and become more comprehensive each year and includes contributions from government departments, statutory agencies and domestic abuse charities. The third annual bulletin was published

on the Office for National Statistics' website on 22 November 2018, alongside an interactive data tool<sup>34</sup> allows users to compare data between police force areas.

We expect the data bulletin to be used in conjunction with local knowledge to enable practitioners and commissioners to ask hard and critical questions about performance and identify areas for improvement.

**The Ministry of Justice is taking work forward on data sharing to make existing information, data and evidence more easily accessible.**

Working with the CPS, it continues to develop a shared, single source of case information, known as the Common Platform, that will facilitate better collection, reporting and tracking of courts and sentencing data on domestic abuse data.

**You said:**

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*“Data needs to work across statutory services – what the police collect impacts on what Crown Prosecution Service can do, what housing, health and schools collect impacts on women’s access to safety and services.”*

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59% of you said your top three priorities are:

- improving data to enable better tracking of domestic abuse cases/ interventions
- the collection and reporting of data on when domestic abuse is a feature of a case/intervention
- linking data to enable better tracking of interventions and reoffending

You wanted an evidence-led response to domestic abuse and stressed the importance of using data from across a number of sources including data from third sector organisations and ensuring the best possible use is made of existing evidence and analysis.

**We will:**

**We will continue to develop means to better collect, report and track domestic abuse data through both the Common Platform and the Office for National Statistics' domestic abuse bulletin.** Future versions of the bulletin will continue to fill gaps on domestic abuse data by exploring new data sources and expanding on the detail of data such as the demographics of victims.

**In a similar vein, we will also work with the CPS and police to improve the gender breakdown of their data to better understand the numbers of both female victims and perpetrators of domestic abuse in the criminal justice system.**

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<sup>34</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domestic-abuseinenglandandwales/yearendingmarch2018>

We are working across government to understand what sources of available evidence could be included in the domestic abuse bulletin to ensure that we continue to increase our understanding of the prevalence of domestic abuse cases.

**We will pilot bringing together local data to assist commissioning.** The police, health and other agencies all gather data on domestic abuse; we will explore bringing that data together in a local area to see if it can help inform better commissioning, while being mindful to retain anonymity.

**DfE, through the Review of Children in Need, will continue to develop their data and analysis of how child, family and school-level factors, including the risk of domestic abuse, make a difference to children's outcomes over time.** This will support future changes in policy or practice to address the long-term impact of being in need.

**DWP are committed to providing better data on those with complex needs, including domestic abuse, and this work has already been prioritised as part of the wider work to improve Universal Credit.**

### 4.3 Learning from Domestic Homicide Reviews

**Domestic Homicide Reviews (DHRs) exist so that agencies and community organisations can learn from shortcomings and improve their future response to domestic abuse.** We want to ensure that this learning is acted upon and put into practice to avoid future homicides and instances of domestic abuse.

**We want to increase awareness of the learning from DHRs at a local and national level.** This might be achieved by making DHRs more accessible by sharing recommendations and providing updates through newsletters.

**We asked you about how we can make sure that learning from DHRs is understood and acted upon.** This includes how we can increase awareness of the learning from DHRs and how local areas can best hold agencies to account in terms of monitoring delivery against DHR action plans.

#### You said:

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*“There should be a structure and a duty upon local agencies to report upon their delivery against DHR action plans. If the role of Commissioner was created, they could have an inspecting brief, similar to Ofsted or the Care Quality Commission.”*

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You said that we should focus on training and awareness-raising and that we should publish DHRs in an accessible place. You also told us that there should

be regular inspection or monitoring of action plans and that the role of local partnerships and PCCs should also be considered.

**We will:**

**We will create a public, searchable repository of DHRs and strengthen the DHR statutory guidance to ensure that published reviews remain publicly accessible for longer.<sup>35</sup>**

**We will work with the Domestic Abuse Commissioner, when appointed, to look at how learning is being implemented both locally and nationally.** We will also introduce regular updates on key learning from DHRs for local areas. We will work with PCCs to look at how they can best work with other local partners on the implementation of recommendations at a local level.

**At a national level, we will work across government to ensure that national recommendations from DHRs are shared and acted upon.**

**We will share learning from the pilot taking place in Wales which brings together DHRs and Adult Practice Reviews into a single review process.**

In addition, we are providing £200,000 of extra funding to the Ministry of Justice's National Homicide Service to increase provision of advocacy for bereaved families. We are also providing a further £200,000 to specialist organisation Advocacy After Fatal Domestic Abuse to increase awareness of the advocacy service to ensure that families are supported to contribute towards DHRs.

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<sup>35</sup> Home Office (2013, rev. 2016) Domestic Homicide Reviews: statutory guidance. Available at: <https://www.gov.uk/government/publications/revISED-statutory-guidance-for-the-conduct-of-domestic-homicide-reviews>.



## Annex A: Nine projects being funded through the government's Children's Fund, 2018/19

Project	Description
Project 1	A project in Hounslow to create four Parent and Child Workers who will work with schools to support children affected by domestic abuse and also work with the non-abusive parent.
Project 2	A project in Cambridgeshire to provide specialist support for children giving evidence in the criminal justice system, and for children participating in Domestic Homicide Reviews.
Project 3	A project spanning several local authorities in the Black Country to ensure there is a schools-based support service for children affected by domestic abuse, including one-to-one casework and group programmes. There will also be training and advice for schools to deal with disclosures, and integration with adult services to ensure a family approach to tackling domestic abuse.
Project 4	A project in London to provide free and confidential one-to-one support for children aged 5–18 affected by domestic abuse. Caseworkers will co-locate with social services and provide eight weeks of supportive interventions and nine months of one-to-one mentoring for most-in-need cases.
Project 5	A project in Stockport which targets children living on the edge of care. It will deliver intensive interventions and build toolkits to share with the wider workforce. It will also recruit Independent Domestic Violence Advisors to work in maternity wards and ante-/post-natal clinics; create Domestic Abuse Champions to raise awareness for all sectors; and provide therapeutic interventions for children, including counselling, through youth/community groups.
Project 6	A project in Lewisham which centres around awareness raising; implementing a series of interventions in schools; and delivering bespoke therapeutic support services.
Project 7	A Wales-based project run by a national charity to embed workers in children's social care to implement a variety of existing initiatives and programmes. These will enable children and young people to recover from their experiences of domestic abuse and to build resilience, as well as strengthening parenting capacity and supporting system change.

<b>Project</b>	<b>Description</b>
Project 8	A project in Northumbria to create the new role of School Safeguarding Liaison Officer, who will be responsible for: the delivery of input to KS1–KS4 children to increase their awareness of domestic abuse through Personal, Social and Health Education; training for school staff on domestic abuse and how to support children; and the creation of drop-in facilities at schools for parents, children and school staff.
Project 9	A project in North Somerset to create a new support service for children and young people recovering from their experience of domestic abuse. A team of advocates will use specialist therapeutic interventions and develop individualised programmes based on the child’s developmental needs and experience of domestic abuse.

## Annex B: List of offences we intend to take extra-territorial jurisdiction over to satisfy our obligations under Article 44 of the Istanbul Convention

Offence	Relevant convention articles
<b>Putting people in fear of violence:</b> section 4 of the Protection from Harassment Act 1997	33
<b>Controlling or coercive behaviour in an intimate or family relationship:</b> section 76 of the Serious Crime Act 2015	33
<b>Stalking involving fear of violence or serious alarm or distress:</b> section 4A of the Protection from Harassment Act 1997	33, 34
<b>Murder and manslaughter:</b> common law	35
<b>Actual bodily harm:</b> section 47 of the Offences Against the Person Act 1861	33, 35, 39
<b>Grievous bodily harm:</b> section 20 of the Offences Against the Person Act 1861	33, 35, 39
<b>Grievous bodily harm with intent:</b> section 18 of the Offences Against the Person Act 1861	33, 35, 39
<b>Child destruction:</b> section 1(1) of the Infant Life (Preservation) Act 1929	39
<b>Administering poison or noxious thing so as to endanger life or inflict grievous bodily harm:</b> section 23 of the Offences Against the Person Act 1861	39
<b>Administering poison or noxious thing with intent to injure, aggrieve or annoy another person:</b> section 24 of the Offences Against the Person 1861	39
<b>Rape:</b> section 1 of the Sexual Offences Act 2003	36
<b>Assault by penetration:</b> section 2 of the Sexual Offences Act 2003	36
<b>Sexual assault:</b> section 3 of the Sexual Offences Act 2003	36
<b>Causing a person to engage in sexual activity without consent:</b> section 4 of the Sexual Offences Act 2003	36

## Annex C: Grid of commitments

Section 1		
Ref.	Commitment	Lead
1	Include a statutory definition of domestic abuse in the draft Domestic Abuse Bill based on the one proposed in the consultation document.	Home Office
2	Issue statutory guidance to accompany the definition.	Home Office
3	Introduce Regulations and Statutory Guidance for Schools on Relationships Education, Relationships and Sex Education, and Health Education.	Department for Education
4	Support schools to teach high-quality relationships education and relationships and sex education.	Department for Education
5	Invest in the Domestic Abuse Matters police change programme to extend the roll-out.	Home Office
6	Provide £220,000 for the development and pilot of a training programme for social workers on coercive control.	Home Office
7	Fund the development of domestic abuse training materials for probation services and community rehabilitation companies.	Ministry of Justice
8	Develop future learning and development products for all Universal Credit work coaches.	Department for Work and Pensions
9	Continue to raise awareness of Keeping Children Safe in Education, keep its effectiveness under review and consider strengthening it if required.	Department for Education
10	Drive forward wide-ranging reforms to children's social care to provide effective support to children and families affected by domestic abuse.	Department for Education
11	Invest £2 million to fund the expansion of the Standing Together Against Domestic Violence Pathfinder Programme to eight areas to create a model health response to domestic abuse.	Department for Health and Social Care
12	Continue working with NHS England to raise awareness and improve the understanding that healthcare professionals have of domestic abuse.	Department for Health and Social Care
13	Implement a domestic abuse specialist in each Jobcentre who will receive further training on how to support claimants who are victims of domestic abuse.	Department for Work and Pensions
14	Continue to provide annual funding of £1.1 million up to 2021/22 for seven helplines, subject to the outcome of the Spending Review.	Home Office

15	Continue to show leadership in supporting the Employers' Initiative events and raising awareness of the Business in the Community domestic abuse toolkit.	Home Office
16	Work with partners to review, evaluate and understand current communications activities, which will help inform next steps.	Home Office
17	Work to tackle harmful gender norms, in recognition that all forms of violence against women and girls are both a cause and a consequence of wider gender inequality.	Gender Equality Office
18	Update existing Universal Credit communication products and materials, create a tailored factsheet and a series of digital assets to raise awareness of DWP support for victims of domestic abuse.	Department for Work and Pensions

## Section 2

Ref.	Commitment	Lead
19	Allocate £8 million of funding to support children affected by domestic abuse.	Home Office
20	Undertake research to understand why more perpetrators of domestic abuse are not convicted of causing emotional harm to children	Department for Education and Home Office
21	Through the Review of Children in Need, identify what needs to be done in policy and in practice to address the injustice of poorer educational outcomes for children in need.	Department for Education
22	Monitor the implementation of the rollout of Operation Encompass and share findings from the evaluation to increase effectiveness and develop the scheme further.	Home Office
23	Develop a new victims services delivery model to increase the availability of services through more joined-up and sustainable funding.	Ministry of Justice
24	Explore the benefits of full local commissioning of rape and sexual violence support services by Police and Crime Commissioners.	Ministry of Justice
25	Provide £500,000 to help build long-term capacity and expertise about immigration rights for those working to combat domestic abuse.	Home Office
26	Consider producing a communications product to raise awareness of the destitute domestic violence concession.	Home Office
27	Consider the argument for widening the cohort of individuals eligible under the destitute domestic violence concession.	Home Office

28	Work with police forces to raise awareness of guidance on supporting victims with insecure immigration status to help overcome barriers to reporting and accessing protection and support.	National Police Chiefs' Council
29	Legislate to provide for the new Domestic Abuse Protection Notice (DAPN) and DAPO (DAPO).	Home Office
30	Issue statutory guidance and a programme of training and practical toolkits on the DAPO for professionals.	Home Office
31	Work with domestic abuse specialists and agencies to ensure the process for obtaining a DAPO through the family court is straightforward.	Home Office and Ministry of Justice
32	Work with police, courts, victims and the domestic abuse sector to make sure DAPOs and DAPN are effective, testing the new approach through a pilot.	Home Office
33	Ensure that guidance is clear on the contempt of court option for a breach of a DAPO, discussing its availability with victims when an order is made.	Ministry of Justice
34	Monitor the implementation of multi-agency approaches to domestic abuse as set out in <i>Working Together to Safeguard Children</i> and the Safeguarding Early Adopters programme and disseminate the learning to safeguarding partners.	Department for Education
<b>2.4.1 Specialist needs</b>		
35	Support LGBT+ victims by providing £500,000 to build capacity in the charitable sector, raise awareness and improve monitoring and recording practice.	Home Office
36	Improve capacity within the women's sector by providing £250,000 to improve the response to disabled victims.	Home Office
37	Provide £250,000 to improve support for deaf users of domestic abuse services.	Home Office
38	Provide £100,000 to support domestic abuse organisations to respond to domestic abuse involving older people.	Home Office
39	Invest £300,000 to build capacity within specialist BAME organisations which support domestic abuse victims.	Ministry of Housing Communities and local Government
<b>2.4.2 Female offenders</b>		
40	Invest £2 million into community provision for women with experience of domestic abuse.	Ministry of Justice
41	Give grants to local communities to focus on issues such as health, finance and accommodation.	Ministry of Justice
42	Develop a National Concordat on Female Offenders to improve outcomes.	Ministry of Justice

43	Publish guidance with the National Police Chiefs' Council on working with vulnerable women.	Home Office and National Police Chiefs' Council
44	Support the rollout of trauma-informed training for probation and prison staff working with female offenders.	Ministry of Justice
<b>2.4.3 Substance misuse</b>		
45	We will consider the impact of alcohol on domestic abuse and develop a response as part of the Home Office's alcohol policy work.	Home Office
46	Hold workshops to improve our understanding of the links between alcohol and domestic abuse.	Home Office
47	Identify gaps in the evidence base on the relationship between substance misuse and domestic abuse.	Home Office
48	Learn from a recent roundtable on women's substance misuse about the importance of multi-agency women-only provision which is commissioned collaboratively and the need to address women's specific needs in drug and alcohol policies.	Home Office
49	Allocate funding for training to promote greater joining up between substance misuse and domestic abuse services.	Home Office
<b>2.5.1 Economic abuse</b>		
50	Include reference to economic abuse in the statutory guidance for the offence of controlling or coercive behaviour and in the statutory guidance for future Stalking Protection Orders and DAPOs.	Home Office
51	Update legal guidance for prosecutors to ensure cases of economic abuse can be successfully prosecuted.	Crown Prosecution Service
52	Continue to work with UK Finance to encourage banks and financial authorities to do more to support victims of domestic abuse.	Home Office
53	Provide £200,000 to the National Skills Academy for Financial Services to develop and deliver financial capability training for front-line workers.	Home Office
54	Provide funding to update the Domestic Abuse Matters police change programme so that it includes economic abuse.	Home Office
55	Provide approximately £250,000 of funding to create a national advice service for banks and building societies, increase the capacity of existing telephone casework services for victims of domestic abuse and develop resources to help people identify if they are experiencing economic abuse.	Home Office

56	Work closely with the Scottish Government to establish the practicalities of delivering split payments in Universal Credit in Scotland.	Department for Work and Pensions
<b>2.5.2 Online abuse</b>		
57	Publish an online harms white paper to introduce further online safety legislation and non-legislative measures on how we will tackle online harms.	Department for Digital, Culture, Media and Sport and Home Office
<b>2.5.3 Adolescent to parent violence</b>		
58	Develop best practice, training and resources to improve the response to victims of adolescent to parent violence.	Home Office
59	Promote and embed existing Home Office guidance and work with experts to develop service-specific guidance.	Home Office
<b>2.6.1 Anonymous voter registration</b>		
60	Continue to work closely with domestic abuse charities and electoral administrators and refuge managers to promote further uptake of the anonymous voter registration scheme.	Cabinet Office
61	Raise awareness of the scheme through communication and targeted engagement to ensure that more applicants can register securely and easily.	Cabinet Office
<b>2.6.2 The Domestic Violence Disclosure Scheme</b>		
62	Put the guidance on which the Domestic Violence Disclosure Scheme is based into statute.	Home Office
63	Work with the police to enable online applications to the DVDS to improve the accessibility of the scheme.	Home Office
<b>2.7 Male victims</b>		
64	Publish a Male Victims' Position Statement to recognise the needs of male victims and clarify the government's position.	Home Office
65	Provide £500,000 of funding to improve support to male victims of domestic abuse.	Home Office
66	Improve the gender breakdown of Crown Prosecution Service and police data to better understand the numbers of male victims of domestic abuse who engage with the criminal justice system.	Home Office and Crown Prosecution Service
67	Conduct a review of the National Statement of Expectations and its impact on the commissioning of male support services.	Home Office



Section 3		
Ref.	Commitment	Lead
<b>3.1 Transforming the police response</b>		
68	Design a licence to practise model for high risk and high harm areas of policing, including domestic abuse.	College of Policing
69	Consider the introduction of a national effective practice toolkit for police forces.	Home Office
70	Continue to drive progress on the police response to domestic abuse through the National Oversight Group and assess the response in the annual Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services PEEL inspections.	Home Office
71	Undertake further testing of a new risk assessment process to establish whether it supports better identification of coercive and controlling behaviour.	College of Policing
72	Update guidance to help prosecutors address complex issues in domestic abuse cases, and to further challenge myths and stereotypes.	Ministry of Justice, Crown Prosecution Service and Home Office
73	Conduct a joint inspection of the effectiveness of cases which are prosecuted on evidence other than that provided directly by the victim.	Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
74	Continue to roll out body-worn videos, which have been shown to have an impact on the number of charges made and can strengthen the case for prosecution.	Police
<b>3.2.1 Controlling or coercive behaviour offence</b>		
75	Improve awareness and understanding of the offence throughout all statutory agencies that work within the criminal justice system.	Home Office
76	Issue statutory guidance to the police on future Stalking Protection Orders to ensure it is clear that the order can be used in domestic abuse contexts.	Home Office
77	Update the statutory guidance and Crown Prosecution Service legal guidance for the controlling or coercive behaviour offence.	Home Office and Crown Prosecution Service

78	Review the effectiveness of the legislation offence to ensure it is fit for purpose and that it adequately protects victims from abuse.	Home Office and Crown Prosecution Service
79	Legislate to provide for automatic eligibility for special measures in domestic abuse cases.	Ministry of Justice
80	Improve the court environment, with new waiting areas designed to ensure victim safety and a new court design guide focusing on accessibility for the most vulnerable.	Her Majesty's Courts and Tribunals Service
81	Increase the number of privacy screens that are available to allow vulnerable victims and witnesses to give evidence without being seen by the defendant or the defendant's family.	Her Majesty's Courts and Tribunals Service
82	Revise legal guidance on special measures so that victims and witnesses can better understand what help might be available.	Crown Prosecution Service
83	Implement the Domestic Abuse Best Practice Framework, including the revised specialist domestic abuse courts system.	Crown Prosecution Service Ministry of Justice, the National Police Chiefs Council'
<b>3.2.3 Cross-examination</b>		
84	Introduce new powers to the family court system to prohibit direct cross-examination of a victim by their abuser.	Ministry of Justice
<b>3.2.4 Court communication</b>		
85	Improve the way in which we deliver services to court users to make services more accessible, convenient and tailored to individual needs.	Ministry of Justice
86	Improve our overall victim communication, including when explaining a decision not to prosecute and signposting for routes to review Crown Prosecution Service decisions and to access the Criminal Injuries Compensation Scheme.	Ministry of Justice
87	Review the support that is provided to victims in the criminal court, including by IDVAs.	Ministry of Justice
<b>3.2.5 Introducing a statutory aggravating factor</b>		
88	Work with our stakeholders to understand the impact the new sentencing guidelines are having in practice before committing to any new action.	Ministry of Justice
<b>3.2.6 Conditional cautions</b>		

89	Pilot the further use of conditional cautions for first-time reported domestic abuse incidents.	Crown Prosecution Service, National Police Chiefs' Council, Home Office and Ministry of Justice
<b>3.2.7 The Istanbul Convention: extra-territorial jurisdiction</b>		
90	Take extra-territorial jurisdiction over the offences listed in Annex B to satisfy our obligations under Article 44 of the Istanbul Convention.	Ministry of Justice
91	Rely on the civil law remedy in the Protection from Harassment Act 1997 to satisfy the requirements of Article 40 of the Istanbul Convention.	Ministry of Justice
<b>3.3.1 Family courts</b>		
92	Provide £1 million funding to organisations which provide in- court support to domestic abuse victims.	Ministry of Justice
93	Explore options to develop a better and more consistent approach to information sharing across court jurisdictions.	Ministry of Justice
94	Continue to work with our stakeholders on what more can be done to support victims of domestic abuse in the family courts.	Ministry of Justice
<b>3.3.3 Legal aid</b>		
95	Publish findings from the post-implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.	Ministry of Justice
<b>3.4 The perpetrator journey</b>		
96	Promote the revised guidance on referrals to the national Multi-Agency Public Protection Arrangements (MAPPA) teams to improve the framework for managing perpetrators and strengthen multi-agency working.	Home Office
97	Improve the identification and risk assessment of perpetrators.	Ministry of Justice and Home Office
98	Work with the police to improve the use of current information recording and analysis systems for perpetrators.	Home Office

99	Work with the National Police Chiefs' Council Lead on domestic abuse and the College of Policing to develop national guidance on serial and repeat perpetrators.	Home Office and National Police Chiefs' Council
100	Fund the development of online domestic abuse training materials for frontline professionals working in probation services and community rehabilitation companies.	Ministry of Justice
101	Improve assessment and identification of people convicted of a domestic abuse offence for perpetrator programmes.	Ministry of Justice
102	Promote the use of interventions that can help motivate and remove barriers for people in prison to engage in a programme.	Ministry of Justice
103	Further specify the range of rehabilitation activity requirements to be delivered to people serving community sentences.	Ministry of Justice
104	Test the viability of a new digital toolkit for community-based staff.	Ministry of Justice
105	Work with specialist domestic abuse organisations to assess the range of interventions currently available for perpetrators who have not been convicted of a domestic abuse offence.	Home Office
106	Legislate to pilot polygraph testing with high risk domestic abuse perpetrators to monitor compliance with licence conditions in the community.	Ministry of Justice and National Probation Service
107	Promote the use of recognised standards for perpetrator programmes.	Ministry of Justice and Home Office
108	Promote approaches to perpetrator programmes that are flexible and trauma-informed.	Ministry of Justice
109	Issue a new domestic abuse policy framework for working with perpetrators of domestic abuse.	Ministry of Justice and Her Majesty's Prison and Probation Service
110	Conduct an evaluability study of the accredited moderate-intensity perpetrator programme Building Better Relationships and the high-intensity perpetrator programme Kaizen.	Ministry of Justice
111	Work with the College of Policing, voluntary sector partners, and local multi-agency partnerships to ensure that learning from promising work with perpetrators is shared and embedded.	Ministry of Justice and Home Office

Section 4		
Ref.	Commitment	Lead
<b>4.1 Domestic Abuse Commissioner</b>		
112	Establish the office of the Domestic Abuse Commissioner and legislate on the Commissioner's functions and powers.	Home Office
113	Require the Commissioner, through the terms of appointment, to establish a victims' and survivors' advisory group, which will provide the Commissioner with expertise through their own experience.	Home Office
114	Develop a charter to safeguard the Commissioner's independence, setting out the relationship between the Commissioner and the Home Office as the sponsoring department.	Home Office
<b>4.2 Data</b>		
115	Continue to develop means to better collect, report and track domestic abuse data through the Ministry of Justice's Common Platform and the Office for National Statistics' domestic abuse bulletin.	Home Office, Ministry of Justice and Office for National Statistics
116	Pilot bringing local data together to assist commissioning.	Home Office
117	Continue to develop our data and analysis of how child, family and school-level factors, including the risk of domestic abuse, make a difference to children's outcomes over time through the Review of Children in Need.	Department for Education
118	Prioritise providing better data on complex needs as part of the wider work to improve Universal Credit.	Department for Work and Pensions
<b>4.3 Learning from Domestic Homicide Reviews</b>		
119	Create a public, searchable repository of Domestic Homicide Reviews (DHRs) and strengthen the Domestic Homicide Review Statutory Guidance to ensure that published reviews remain publicly accessible for longer.	Home Office
120	Work with the Domestic Abuse Commissioner, when appointed, to look at how learning from DHRs is being implemented both locally and nationally.	Home Office
121	Work across government to ensure that national recommendations from DHRs are shared and acted upon at the national level.	Home Office
122	Share learning from work under way in Wales to pilot joint DHR and Adult Practice Reviews.	Home Office
123	Provide £200,000 of funding to increase provision of advocacy and £200,000 to increase awareness of the advocacy service for bereaved families to ensure that families are supported to contribute to DHRs.	Home Office