



HM Government

Transforming the Response to Domestic Abuse

Government Consultation (full version)

This consultation begins on 8 March 2018

This consultation ends on 31 May 2018



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A consultation produced by the HM Government. This is the full version containing all consultation questions. The online version is available at:

<https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation>

We have also designed a shorter, simplified version which is available at:

<https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation-short-version>

This asks fewer questions, uses simpler language and is quicker and easier to complete.

About this consultation

To:	<p>This consultation is open to the public.</p> <p>We will be particularly interested to hear from victims and survivors of domestic abuse, organisations representing victims and survivors, the police, criminal and family justice practitioners, front line service providers, social workers, adult and child safeguarding boards, teachers, health care professionals, police and crime commissioners, health and wellbeing boards, local authorities and community safety partnerships.</p>
Duration:	<p>From 8 March 2018 to 31 May 2018</p>
Enquiries (including requests for the paper in an alternative format) to:	<p>Inter-Personal Violence Team 5th Floor, Fry Building 2 Marsham Street London SW1P 4DF Email: DomesticAbuseConsultation@justice.gsi.gov.uk</p>
How to respond:	<p>To help us analyse the responses please submit your response using the following online form: https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation</p> <p>There is also a shorter version of the consultation available at: https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation-short-version</p> <p>This is quicker and easier to complete as it contains fewer questions and uses simpler language.</p> <p>Please send your response by 31 May 2018.</p> <p>If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it to: Inter-Personal Violence Team 5th floor, Fry Building Home Office 2 Marsham Street London SW1P 4DF Email: DomesticAbuseConsultation@justice.gsi.gov.uk</p> <p>Please also contact the Domestic Abuse Policy teams (as above) if you require information in any other format, such as Braille, audio or another language.</p> <p>We cannot analyse responses not submitted in these provided formats.</p>
Additional ways to feed in your views:	<p>We will also be holding regional roadshows across England and Wales during the consultation period, and a series of events with victims/survivors, their families, charities and frontline professionals to canvas views. Please contact the Domestic Abuse Policy teams (as above) for further information on these events.</p>
Response paper:	<p>A response to this consultation exercise is due to be published at: https://consult.justice.gov.uk/</p>

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Joint Home Secretary and Justice Secretary foreword

All forms of violence and abuse are unacceptable but it is particularly shocking when it is carried out by those who are supposedly closest to the victims, and by those who profess to love the very people that they subject to terrible psychological, emotional and physical abuse. Domestic abuse impacts on victims' everyday lives, can feel inescapable and can have devastating inter-generational consequences on children.

Both women and men are victims of domestic abuse, and this consultation seeks views on how we can best support all of those affected. However, we know that a disproportionate number of victims are women, especially in the most severe cases. This is why the government's approach to domestic abuse is framed within the Violence Against Women and Girls strategy, which has proved effective.

This government is committed to doing everything we can to end domestic abuse. To achieve this we need to build a society that has zero tolerance towards domestic abuse and actively empowers victims, communities and professionals to confront and challenge it. We are determined to ensure victims feel safe and supported, both to seek help and to rebuild their lives.

We also want to challenge and change the attitudes that can underpin domestic abuse to prevent it from happening in the first place. To do this we need to break the silence and encourage people to talk more openly about the issue. We want to ensure that perpetrators are held responsible for their actions and are brought to justice in a way that properly recognises the devastating consequences of their behaviour. We also need to ensure all professionals have the knowledge, tools and guidance to intervene earlier to protect victims before abuse escalates, and where possible rehabilitate offenders to prevent reoffending.

Finally, we need to ensure that the response victims receive, and the action taken to punish and rehabilitate offenders, is not a postcode lottery. We know that some areas have already introduced innovative and effective programmes to both support victims and their families and prevent domestic abuse happening, but we know these approaches are not widespread enough. Our ambition is that all areas rise to the level of the best, and that services reform further and faster to meet the needs of those experiencing abuse and violence.

This consultation seeks views on a number of specific measures that we set-out in the Queen's Speech, as well as views on other steps that we can take forward through future domestic abuse legislation. But we also wholly recognise that it will take more than new laws to help victims and survivors rebuild their lives and to combat this insidious harm. The consultation accordingly also sets out, and seeks views on, the steps we can take to raise awareness, support victims, and ensure perpetrators are stopped.

We want this consultation to stimulate a national conversation on how to prevent and tackle domestic abuse. We will continue to work closely with support organisations that do excellent work supporting victims and will be holding a series of events across the country to capture as many views and experiences as possible.

We are optimistic that by working together we can better prevent, protect and support victims of domestic abuse.



A handwritten signature in black ink, reading "Amber Rudd".

The Rt Hon Amber Rudd MP
Home Secretary



A handwritten signature in black ink, reading "David Gauke".

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

Introduction

This paper sets out for consultation the government's approach to tackling domestic abuse. It seeks to address domestic abuse at every stage from prevention through to rehabilitation. It references the connections and provisions of cross-sector agencies and departments and reinforces the government's aim to **make domestic abuse everyone's business**.

By consulting we aim to harness the knowledge and expertise of victims and survivors, support organisations and research experts. We are also interested in the views of professionals across policing, criminal justice, health, welfare, education and local authorities who deal with these issues every day.

Our main aim through this work is to **prevent domestic abuse** by challenging the acceptability of abuse and addressing the underlying attitudes and norms that perpetuate it. This consultation asks questions under four main themes with the central aim of prevention running through each:

- **promote awareness** – to put domestic abuse at the top of everyone's agenda, and raise public and professionals' awareness
- **protect and support** – to enhance the safety of victims and the support that they receive
- **pursue and deter** – to provide an effective response to perpetrators from initial agency response through to conviction and management of offenders, including rehabilitation
- **improve performance** – to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors

For each of these themes we will outline the current position and identify any potential areas where we think we could do more. These areas will be at different stages of development, and the accompanying questions will reflect this. In some instances, we will ask for feedback on specific proposals, while in others we may ask for evidence or experiences to further understand the problem.

The consultation includes some topics which are complex and/or technical. **We do not expect every respondent to answer every question and ask that you only answer those relevant to your experience or your expertise.**

A Welsh language consultation paper will be available at consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation

Background

Progress so far

Since 2010, the government has made tackling domestic abuse an absolute priority. We have worked closely with partners to introduce measures which tackle the fundamental drivers of domestic abuse, address the needs of survivors and victims, and ensure perpetrators are brought to justice.

In the ten-year period between 2007/08 and 2016/17, the Crown Prosecution Service has reported that the volume of convictions secured for domestic abuse related crimes have risen by 61% to 70,853 per year.¹ This has been achieved by prioritising the prosecution of domestic abuse cases and providing comprehensive guidance, training and support for prosecutors across England and Wales.

We listened when professionals told us that this abuse was not just characterised by physical violence, and that victims of domestic abuse are often subjected to wider abuse through control and coercion which permeates all aspects of their life. In response, we introduced a new offence of controlling or coercive behaviour in an intimate partner or family relationship through the Serious Crime Act 2015. Since the introduction of the offence, more than 300 offences have been charged and reached a first hearing.² This ground-breaking legislation sends a clear message that it is wrong for people to violate the trust of those closest to them, and provides better protection to victims trapped in cycles of violent and non-violent abuse.

We are also working to improve support for people affected by domestic abuse in the family justice system by making it easier for them to access legal aid, increasing physical court protections where possible, and providing updated training for court staff. Revised guidance for judges dealing with child arrangement cases where domestic abuse is a factor has also recently come into effect. This uses a broader definition of domestic abuse than before and emphasises the severe, long-lasting harm of domestic abuse on children.

Domestic Homicide Reviews have been placed on a statutory footing so that local areas and agencies can identify the lessons they need to help prevent future murders. We have rolled out Clare's Law (the Domestic Violence Disclosure Scheme) which allows anyone to ask if their partner has a violent history and helps the police in providing information where they have identified a risk. We also introduced Domestic Violence Protection Orders to give the police and courts better options for controlling the harmful behaviour of dangerous perpetrators.

We have brought agencies in England together with the introduction of Joint Targeted Area Inspections by the Care Quality Commission, Ofsted, HMI Constabulary and Fire Services and HMI Probation. These inspections have prioritised looking at both child sexual exploitation and abuse and children living in domestic abuse households.

¹ Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

² Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

Where families are experiencing domestic abuse, children's social care services are vital. The Department for Education in England is driving forward wide-ranging reforms so that where the impact of domestic abuse is severe, children and families receive the right help, at the right time. This includes improving the capacity and capability of the social care workforce, creating a stronger national practice system, and strengthening governance and accountability. An important focus of a number of projects supported through the £200 million Children's Social Care Innovation Programme is the prevention of harm and improved outcomes for children in families experiencing domestic abuse.

The Ministry of Justice is providing £68 million per year for support services for victims of crime in their local areas, which includes services specifically targeted at victims and survivors of domestic abuse. Additional government funding has been used to boost the support available for victims and to encourage innovation and transformation among the professionals who know these issues best. £17 million is being provided through the Violence Against Women and Girls Service Transformation Fund to 41 local areas across England and Wales to support victims and survivors of violence against women and girls, including domestic abuse. This funding forms part of a wider commitment of £100 million through to 2020 to combat violence against women and girls, which includes a two-year £20 million fund from the Ministry of Housing, Communities and Local Government to local authorities for refuges and accommodation-based services. This money is supporting 80 projects and creating 2,200 new bed spaces in refuges and other specialist accommodation. An additional £7.5 million awarded through the Tampon Tax Fund is also supporting charities that work with victims and survivors of violence against women and girls.

We are also proud to be supporting innovative approaches which focus on early intervention and partnership working. We are funding a pilot of SafeLives' 'One Front Door' model which promotes effective information flows between agencies working with the same victim, survivor, children or perpetrator. We are also supporting other projects, including the Women's Aid 'Ask Me' project which trains domestic abuse ambassadors who raise awareness about domestic abuse and can refer people affected to support, and the 'Drive' partnership³ which is providing specialist interventions for high-risk, serial perpetrators.

There has been great progress in the response to domestic abuse and the way we treat victims and survivors. We have challenged attitudes and seen a step change in how domestic abuse is understood and how victims and survivors are treated. We are witnessing a long term fall in prevalence of domestic abuse (from 8.9% of the population of England and Wales in year ending March 2005 to 5.9% in the year ending March 2017⁴) and know that those who are affected and go on to report a crime are more likely to be taken seriously by the police⁵ and see their perpetrator brought to justice.⁶ The latest statistics show a 20% rise in the reporting of domestic abuse-related offences on the previous year, which the Office for National Statistics have attributed to better identification of victims by police and improvements in recording practice.⁷ As well as

³ <http://driveproject.org.uk/>

⁴ Office for National Statistics (2017). Crime in England and Wales: Annual supplementary tables, Table S39

⁵ "Attitudes of frontline officers have started to improve, along with their understanding of the importance of dealing with victims in a supportive and sympathetic way", as reported in HMICFRS (2017). A progress report on the police response to domestic abuse

⁶ The conviction rate in 2016-17 is 75.7% - the highest rate ever recorded which should be seen alongside a fall in the volume of convictions. Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

⁷ Office for National Statistics (2017). Crime in England and Wales: year ending September 2017

shining a light on further improvement that is needed, the recent third report from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services on domestic abuse details further continued improvements in the way it is dealt with by forces.⁸

On a global level, domestic abuse is one of the most endemic forms of violence against women and girls. For example, research in South Sudan shows that even in this conflict-affected setting, women and girls are at the greatest risk of physical, sexual or emotional abuse within their own homes, at the hands of their partners or family members.⁹ Strong UK leadership has seen us expand our portfolio of programmes worldwide and push for increased international action. Crucially, the UK is leading innovation and evidence on the most effective interventions to drive down global prevalence. The Department for International Development's flagship 'What Works' programme is developing and rolling out pioneering approaches to prevent abuse across Africa and Asia. The evidence generated is a global public good that will help governments, donors and civil society everywhere to improve efforts to prevent domestic abuse.

More to be done

We are rightly proud of this progress. However, there is more to do. Domestic abuse remains pervasive within our society. Despite the long-term falling prevalence, an estimated 2 million adults report being subjected to domestic abuse¹⁰ and, tragically, 82 women and 13 men were killed by a partner or former partner in 2016/17.¹¹ While the reporting of these crimes to the police is increasing,¹² referrals of cases to the Crown Prosecution Service have recently fallen¹³ and still only one-fifth of victims speak to the police in the first place.¹⁴

We know the chronic impact that domestic abuse has on children and their futures and there is evidence to support this. Shockingly, research by the NSPCC found that around one-fifth of those they interviewed had been exposed to domestic abuse during childhood.¹⁵ A study by SafeLives suggests that 52% of children who witness domestic abuse experienced behavioural problems and issues with social development and relationships, 39% had difficulties adjusting to school, and 25% exhibited abusive behaviours when they were no longer exposed to abuse.¹⁶ Evidence shows that adults who witnessed domestic abuse as a child in their home were far more likely to experience abuse by a partner as an adult (34% compared with 11% who did not witness domestic abuse).¹⁷ Domestic abuse is identified as a factor affecting half of children in need

⁸ HMICFRS (2017). A progress report on the police response to domestic abuse

⁹ International Rescue Committee (2017). No safe place. A lifetime of violence for conflict-affected women and girls in South Sudan

¹⁰ Office for National Statistics (2017). Domestic abuse in England and Wales: year ending March 2017

¹¹ Office for National Statistics (2017). Appendix Tables – Focus on Violent Crime and Sexual Offences, Table 2.05

¹² Office for National Statistics (2017). Domestic abuse in England and Wales: year ending March 2017

¹³ Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

¹⁴ Crime in England and Wales: year ending March 2015, Compendium: Intimate personal violence and partner abuse, Table 4.28

¹⁵ Radford L and others (2011). Child Abuse and neglect in the UK today

¹⁶ SafeLives (formerly CAADA) Policy Report (2014). In Plain Sight: Effective help for children exposed to domestic abuse

¹⁷ <https://visual.ons.gov.uk/people-who-were-abused-as-children-are-more-likely-to-be-abused-as-an-adult/>

assessed by children's social care services.¹⁸ And recent findings from SafeLives' Insight data reveals that two in five children (41%) in families where there is domestic abuse have been living with that abuse since they were born.¹⁹

Research by Sylvia Walby and Philippa Olive estimated that in 2012 the overall cost of gender-based violence to both victims and society in the UK is approximately £26 billion annually. This includes an estimated cost to the economy of £3.4 billion, due to absences from work resulting from injury.²⁰ There are also likely to be additional detrimental consequences on work performance.

In February 2017, the Prime Minister announced a new programme of work leading towards a draft Domestic Abuse Bill to transform how we think about and tackle domestic abuse. That commitment was affirmed in the Queen's Speech which committed to bring forward a draft bill that proposes to:

- enshrine a definition of domestic abuse in law
- introduce a new protection order to better protect victims from their abusers
- recognise the harm domestic abuse inflicts on a child
- create a Domestic Abuse Commissioner in law
- demonstrate our commitment to ratifying the Istanbul Convention by extending extraterritorial jurisdiction over Violence against Women and Girls (VAWG) related offences

This consultation seeks views on how we can deliver on these commitments and go further.

The wider context

We know that domestic abuse is disproportionately gendered and have framed our consultation to recognise this. Equally, that is why our approach to tackling domestic abuse remains within the context of a wider Violence Against Women and Girls Strategy. The majority of domestic abuse victims are women, with men far more likely to be perpetrators.²¹ This is especially true when looking at the most serious crimes as can be seen by the profile of victims being discussed at a Multi-Agency Risk Assessment Conference (MARAC) – which only deals with the most severe cases of domestic abuse. According to SafeLives' estimates, in 2016/17, 95% of cases were for female victims.²² Data on domestic homicides shows that the majority of victims are women killed by men. Between March 2014 and March 2016, 242 women were killed by a male partner/ex-partner and one was killed by a female partner/ex-partner. During this same

¹⁸ Department for Education (2017). Characteristics of children in need: 2016-2017, Table C3

¹⁹ SafeLives Insight National Briefing. Available at: <http://www.safelives.org.uk/sites/default/files/resources/Insights%20National%20Dataset%20Briefing%20017%20-%20children.pdf>

²⁰ The European Institute for Gender Equality (2014). Estimating the costs of gender-based violence in the European Union. Available at: <http://eige.europa.eu/rdc/eige-publications/estimating-costs-gender-based-violence-european-union-report>

²¹ Office for National Statistics (2017). Domestic Abuse in England and Wales; Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

²² SafeLives (2017). Latest Marac data. Available at: <http://www.safelives.org.uk/practice-support/resources-marac-meetings/latest-marac-data>

period, 72 men were killed, 32 by their male partner/ex-partner and 40 by a female partner/ex-partner.²³

However, we know that men are also victims of domestic abuse, and as shown by the evidence above this includes abuse of the most violent kind. Our aim is that all victims and survivors benefit from measures brought forward following this consultation, and we therefore encourage the views of all victims and survivors: women, men and those who identify as non-binary.

We further recognise the close ties between domestic abuse and other crimes like sexual abuse, stalking, so called 'honour based' violence, forced marriage and female genital mutilation. For example, evidence has shown that in over half (57%) of serious sexual assaults on women since the age of 16, the offender was a partner or ex-partner in at least one incident. Meanwhile, 24% of women who suffer domestic abuse at the hands of a partner or ex-partner were more likely to have experienced stalking.²⁴ We will be updating our plan for tackling the full spectrum of violence against women and girls (VAWG) crimes, including new provisions to tackle domestic abuse, through a refreshed VAWG strategy this year and by strengthening the links to other related strategies across government where they exist.

We also recognise there often is an association between complex needs and domestic abuse, for example drug and alcohol misuse, offending, mental illness and poverty. We will seek to ensure, where we have not already done so, that domestic abuse is represented through action in those areas.

We are determined to use this opportunity to build momentum and drive further reform in a way that will make a real and lasting difference to victims and survivors and their children. Thank you for taking the time to complete this consultation. By doing so you are making an important contribution towards making this programme of work a success.

Devolved administrations

The proposals set out in this consultation document broadly apply to England or England and Wales only, including some relating to health and health services that are devolved matters in Wales. As we move forward with this package of legislative and non-legislative proposals we will continue to discuss them with the Welsh Government. In the normal way, the Government of the United Kingdom will seek a legislative consent motion for any legislative measures that may impact or fall within the legislative competence of the National Assembly for Wales.

The matters dealt with in this consultation are generally devolved to the Scottish Parliament, which is currently considering the Domestic Abuse (Scotland) Bill, and Northern Ireland Assembly. Nonetheless, responses to this consultation are invited from individuals and organisations throughout the UK. We will continue to discuss with the Scottish Government and Northern Ireland Department of Justice whether any legislative measures should also apply to Scotland and Northern Ireland respectively, subject to a legislative consent motion where appropriate.

²³ Office for National Statistics (2017) Domestic Abuse in England and Wales: year ending March 2017. Appendix Table 14

²⁴ Office for National Statistics (2016). Intimate Personal Violence and Partner Abuse

Chapter 1: Promoting Awareness 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”

We are seeking views on how to achieve this. In this consultation we:

- propose introducing a new statutory definition of domestic abuse (p.12), which includes economic abuse as one example of the type of victim experience
- outline efforts to increase young people’s awareness and understanding of healthy relationships and ask how we can ensure high quality relationship and sex education (p.17)
- focus on improving the identification and response to domestic abuse by organisations and individuals (p.18)

1A: Introducing a new statutory definition of domestic abuse

Domestic abuse is a complex area, which is often misunderstood and goes unrecognised or unidentified by agencies, families and friends and even victims themselves. There are many myths and stereotypes surrounding domestic abuse that can lead to victims receiving negative responses, and poor advice which can exacerbate suffering. In order to transform our response to domestic abuse we first need to ensure that it is properly understood.

One domestic abuse stereotype involves a drunk perpetrator who seemingly loses control and assaults their partner. While there is evidence of a link between alcohol and domestic abuse²⁵ this presentation is too simplistic and does not reflect either the complex reality and lived experience of victims or the range of relationships in which domestic abuse can occur.

“I don’t think I would have admitted it was a domestic abuse situation. I just felt my ex was just a nasty man. The hospital IDVA went through one of her questionnaires and I was on the border of being high-risk.”²⁶

Domestic abuse does not only occur between couples but can also involve wider family members, such as parental abuse by an adolescent or grown child. Statistics from the Homicide Index show that between the end of March 2014 – end of March 2016 there were 13 instances of individuals killing a parent.²⁷ Domestic abuse can also involve abuse

²⁵ In one third of domestic violence incidents, the victim believed the offender to be under the influence of alcohol. Office for National Statistics (2016). Focus on violent crime and sexual offences, England and Wales: year ending Mar 2016, Table 3.10
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2016/relateddata>

²⁶ SafeLives (2016). A Cry for Health
http://www.safelives.org.uk/sites/default/files/resources/SAFJ4993_Themis_report_WEBcorrect.pdf

²⁷ Office for National Statistics (2017). Domestic abuse in England and Wales: year ending March 2017, Table 1

between older siblings or the wider extended family. Such abuse can be directed in a coordinated and collusive way designed to completely isolate the victim.

“My husband started the physical abuse, and the other family members soon followed. His family began to give the children expensive gifts and my children began to turn against me... From day one, my mother-in-law, father-in-law, sisters and brothers in law, and then my husband and now children too. What was I going to do?”²⁸

There are many types of behaviour which can be exhibited as part of domestic abuse including manipulation, isolation, control and use of threats and humiliation which harm, frighten or punish a victim. Simplistic depictions often fail to recognise the dynamics of power and control which are present in many abusive relationships, the risk that control represents to a victim’s safety and the autonomy and responsibility of the perpetrator. Research carried out by Jane Monckton Smith found control was a key feature in 92% of domestic murders, obsession in 94%, and isolation from family and friends in 78%.²⁹

“She controlled my friendships and controlled my contact with my family. This would include logging onto my emails and sending emails to my family pretending to be me.”³⁰

We want to ensure that domestic abuse is properly understood which is why we have committed to introducing a statutory definition of domestic abuse which aims to affirm the current government definition of domestic abuse and links to some of the other powers that may be included in the draft bill. It is not our intention that this definition should automatically replace all other existing definitions, or apply to other legislative provisions, already set out in statute. However, we will consider instances where that might be appropriate.

We propose that we use the existing cross-government definition as the basis for the new statutory definition. In line with the existing definition, it would:

- **not be limited to women and girls and recognise abuse that happens in all relationships** i.e. intimate partner and familial settings
 - this will ensure all victims and all types of domestic abuse are sufficiently captured and no victim is inadvertently excluded from protection or access to services
- **include both single incidents and patterns of behaviour**
 - whilst the government recognises that domestic abuse is almost always part of an ongoing pattern of behaviour,³¹ limiting the definition solely to patterns of abuse could risk preventing the police and public services from providing protection in seemingly one-off instances

²⁸ SafeLives (2017). Your Choice: ‘honour’-based violence, forced marriage and domestic abuse, unpublished

²⁹ Monckton-Smith, Jane and Szymanska, Karolina and Haile, Sue (2017) Exploring the Relationship between Stalking and Homicide

³⁰ Bates, E. (2017). Hidden Victims: Men and their Experience of Domestic Violence. Available at: <http://insight.cumbria.ac.uk/id/eprint/3463/>

³¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf

However, unlike the existing definition it would:

- **cover the concept of ‘economic abuse’ rather than simply financial abuse**
 - while the current non-statutory government definition of domestic abuse already recognises financial abuse, we are aware that this can be restrictive in circumstances where victims may be denied access to basic resources such as food, clothing and transportation. In addition, victims may be forced into taking out loans or entering into other financial contracts by the perpetrator. We therefore want to take a more expansive approach to account for all these forms of abuse
- **be accompanied by underpinning statutory guidance for professionals who have safeguarding obligations**
 - this would provide more detail on the typologies and nuances of domestic abuse; the circumstances where we expect the definition to be used; and elaborate and provide context on, for example, the gendered nature of domestic abuse and features of abusive relationships

The proposed statutory definition would therefore define domestic abuse as:

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*
- *emotional*

Controlling behaviour

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

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 their victim.

1. Question: Do you agree with the proposed approach to the statutory definition?

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Please give reasons [free text]	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

[Question 2 for organisations only]**2. Question: Will the new definition change what your organisation does?**

Yes, in a positive way Explain how? (free text) <input type="text"/>	<input type="checkbox"/>
Yes, in a negative way Explain how? (free text) <input type="text"/>	<input type="checkbox"/>
No, it won't change Explain how? (Free text) <input type="text"/>	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

3. Question: How can we ensure that the definition is embedded in frontline practice?Free text

In 2012 the Government consulted on the definition of domestic abuse and widened it to include 16 to 17 year olds. We want to review that decision in order to assess its impact.³²

4. Question: What impact do you think the changes to the age limit in the 2012 domestic abuse definition have had? Please select one.

Very Positive	<input type="checkbox"/>
Positive	<input type="checkbox"/>
None	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Very Negative	<input type="checkbox"/>
Please give reasons [free text]	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

We recognise that there will be different combinations of age ranges within relationships where there is domestic abuse. We also recognise that those under 16 can also be victims of domestic abuse either in their own relationships or as a result of abuse in the home. The government has carried out a range of activities to raise awareness of this abuse, including the Teenage Relationship Abuse campaign.³³ Going forward, we are concerned that including those under 16 in the statutory definition of abuse could blur the lines between what is understood as domestic abuse or child abuse and impact delivery of child protection and safeguarding procedures. We therefore are proposing to maintain the current age limit.

³² <https://www.gov.uk/government/consultations/cross-government-definition-of-domestic-violence-consultation>

³³ <https://www.gov.uk/government/publications/teenage-relationship-abuse-campaign-posters>

5. Question: We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach? Please select one.

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Please give reasons [free text]	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

1B: Making domestic abuse everybody's business

Educating young people on relationships

As our Violence Against Women and Girls (VAWG) strategy sets out, prevention and early intervention remain the foundations of our approach to tackling violence, and we will apply the same principle to domestic abuse more generally. In order to achieve this, we have to challenge the acceptability of violence and abusive behaviour and address underlying gender norms.

“To be honest, I never knew there were services that could support you and help people in my situation. Because to us, for me, it's like a normal thing: I've seen my grandmother, my aunties, my mother going through all that... people just think that is the way it is, that is the way that it's supposed to be. They don't know that there are organisations or people that can help me.”³⁴

“I suppose although I knew the signs from seeing my mam go through abuse, the signs were different for me and more importantly I didn't think it would happen to me.”³⁵

We recognise that if we are to meaningfully address attitudes we need to engage with young people at the earliest possible stage. Too many young people witness domestic abuse in their homes and this can impact on their behaviour and relationships.

Case study: Teenage Relationship Abuse Campaign

In the last year, we have provided £3 million for the ‘Disrespect NoBody’ teenage relationship abuse campaign, designed to educate teenagers about different types of abusive behaviour.³⁶ The Disrespect NoBody campaign helps young people to understand what a healthy relationship is, to re-think their views on controlling behaviour, violence, abuse, sexual abuse and what consent means within their relationships. It aims to prevent the onset of domestic abuse in adults by challenging

³⁴ SafeLives (2017). Your choice: ‘honour’-based violence, forced marriage and domestic abuse. Unpublished

³⁵ SafeLives (2017). Spotlight on young people and domestic abuse. Available here: <http://www.safelives.org.uk/knowledge-hub/spotlights/spotlight-3-young-people-and-domestic-abuse>

³⁶ <https://www.gov.uk/government/collections/disrespect-nobody-campaign>

attitudes and behaviours amongst teenage boys and girls that abuse in relationships is acceptable. The campaign directs them to places for help and advice.

We want to help all schools deliver high-quality Relationships Education, Relationships and Sex Education (RSE) and Personal, Social, Health and Economic (PSHE) Education so that all young people are equipped to have healthy and respectful relationships, and leave school with the knowledge to prepare them for adult life.

*"Well, obviously I went into here not knowing what was right and wrong in a relationship. ...so everything he once said to me I thought 'well yeah, that's ok, he's allowed to say that'... And 'oh he's done this', I took it because we're together and stuff like that."*³⁷

The Children and Social Work Act 2017 places a duty on the Secretary of State for Education to make Relationships Education at primary and RSE at secondary school mandatory in England through regulations. The act also provides a power for the Secretary of State to make PSHE, or elements therein, mandatory in all schools in England in the future and subject to careful consideration.

The Department for Education has been conducting a thorough engagement process on the scope and content of Relationships Education and RSE, involving a wide range of interested partners. This included a public call for evidence, which was open between 19 December 2017 and 12 February 2018. From this, they will develop the regulations and accompanying statutory guidance for these subjects and both will be subject to public consultation.

6. Question: In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?

Free text

Reporting domestic abuse to statutory agencies

We recognise how important it is that statutory agencies and professionals properly understand what domestic abuse is. Without a good understanding the response can be poor and victims' safety can be compromised.

*"I felt pressured to leave my husband. I told them that this was my house and that I did not want to go into a council flat on the ground floor where I would not feel safe. I told them of my other physical issues but I did not feel listened to. They just wanted me to leave."*³⁸

In March 2014 when Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) published their first report into domestic abuse they found some alarming and unacceptable weaknesses in the police response. They were deeply concerned by the attitudes of some officers where comments like "it's just a domestic"

³⁷ SafeLives (2017). Spotlight on young people and domestic abuse. Available here: <http://www.safelives.org.uk/knowledge-hub/spotlights/spotlight-3-young-people-and-domestic-abuse>

³⁸ SafeLives (2016). Safe Later Lives: Older people and domestic abuse

demonstrated a lack of understanding of both the issue and potential risk facing a victim.³⁹ In 2017 HMICFRS noted that there have been improvements in police practice and that while many police officers have positive, caring and empathetic attitudes towards victims, some still have a negative approach to those who are most vulnerable.⁴⁰

Wide-ranging action is being taken to improve understanding of domestic abuse across many statutory agencies. This includes statutory guidance, targeted resources and training. A handful of examples are listed below:

Police

A training programme for the police entitled Domestic Abuse Matters has been developed by the College of Policing with support from the charity SafeLives. An evaluation by the College of Policing has found it has a positive impact on police officers' knowledge of coercive control and attitudes to domestic abuse.⁴¹

Housing

The Ministry of Housing, Communities and Local Government (MHCLG) commissioned domestic abuse awareness training for front line housing options staff in English local authorities in 2016. The National Practitioner Support Service ran 14 events across nine English regions training 232 frontline housing staff. The purpose of the training was to ensure that front line officers are able to provide the right support at the right time to victims of domestic abuse, sign posting victims to the appropriate services. The training was supported by an online toolkit.

The Crown Prosecution Service

The Crown Prosecution Service has published comprehensive legal guidance on domestic abuse for all prosecutors across England and Wales.⁴² This is being supported by training, including mandatory training on taking forward prosecutions using a full range of evidence, and through extensive compliance checks.

Health agencies

In March 2017, the UK government Department of Health and Social Care produced an online publication 'Responding to Domestic Abuse – a resource for health professionals'.⁴³ The Royal College of Nurses have developed a pocket guide in recognition of the need for nurses, midwives and health care support workers and all other health care professionals to have an understanding of the impact of domestic abuse on patients, clients and colleagues.⁴⁴ Similarly, the Royal College of General Practitioners (RCGP) with Identification and Referral to Improve Safety (IRIS) and Safe Lives have also produced guidance for General Practices (GPs) to help them respond effectively to patients experiencing domestic abuse as demonstrated by the case study below.⁴⁵

³⁹ HMIC (2014). Everyone's business: Improving the police response to domestic abuse

⁴⁰ HMIC (2017). A progress report on the police response to domestic abuse

⁴¹ http://whatworks.college.police.uk/Research/Documents/Domestic_Abuse_Matters_2.0.pdf

⁴² http://www.cps.gov.uk/legal/d_to_g/domestic_abuse_guidelines_for_prosecutors/

⁴³ <https://www.gov.uk/government/publications/domestic-abuse-a-resource-for-health-professionals>

⁴⁴ <https://www.rcn.org.uk/professional-development/publications/pub-005985>

⁴⁵ http://www.safelives.org.uk/sites/default/files/resources/SafeLives_GP_guidance_manual_STG1_editable_0.pdf

Social workers

Recognising the key role social workers can play, the government is rolling out a new national assessment for child and family social workers in England. Through this assessment social workers will be accredited against a set of criteria which describes what effective social work practice looks like.⁴⁶ This criteria includes domestic abuse and is expected to start from mid-2018.

Cafcass

The Children and Family Court Advisory and Support Service (Cafcass) work directly with vulnerable children and families in the family courts. They have developed a tool which provides social work practitioners with a structured framework when assessing family court cases where domestic abuse is or may be a feature. The tool was developed to bring together the current understanding of risk assessment and the impact on children of living with domestic abuse into one usable format for practitioners. It has been widely recognised as a model of best practice.

Jobcentre Plus

The Department for Work and Pensions (DWP) is committed to strengthening its Jobcentre Plus work with local partners to ensure that people with complex needs, including those who have experienced domestic abuse, are able to access benefits, receive the right level of employment support and requirements, and are referred on to local organisations to provide the wider support needed.

“I could talk to my doctor as I trust him and he knows most of the things that go on in my life... talking to my doctor really opened my eyes”.⁴⁷

Case study: Identification and Referral to Improve Safety of women experiencing domestic violence (IRIS) scheme

The IRIS programme trains general practice teams to identify patients with experience of domestic violence and abuse and offer them a referral into specialist support. Staff are taught how to spot the signs and symptoms which suggest that a patient might have experience of domestic violence and abuse, how to ask about this and then give an appropriate and supportive response. A simple referral system ensures that patients who disclose and who would like support are referred to a specialist, named worker, linked to the GP practice – the IRIS Advocate Educator. Contact information is provided to patients who don't want to be referred and the training includes information about national helplines for male victims and perpetrators. The discussion is recorded in the patient's medical record.

Quote from a GP who undertook training: “I'd known one of the patients who disclosed to me for 21 years. In that entire time I had no idea that she was living with a very controlling and psychologically abusive husband, and that this abuse played a key role in her health problems. I've also had women in their sixties and seventies disclose.

⁴⁶ <https://www.gov.uk/government/publications/knowledge-and-skills-statements-for-child-and-family-social-work>

⁴⁷ SafeLives (2016). *Safe Later Lives: Older people and domestic abuse*. Available at: <http://safelives.org.uk/sites/default/files/resources/Safe%20Later%20Lives%20-%20Older%20people%20and%20domestic%20abuse.pdf>

These women have put up with it for so long, but when offered the right support they are capable of making really brave decisions and changing their lives for the better.”⁴⁸

We recognise the value the voluntary sector can play in educating statutory agencies about domestic abuse. Jobcentre Plus offices routinely work with local charities on domestic abuse initiatives. For example, Jobcentre Plus Essex have formed a local partnership with Safer Places in Essex to train staff, support the creation of networks of domestic violence champions and safe places for victims to disclose across the county. The training aims to equip staff to respond appropriately and effectively and be able to refer on to appropriate services.

Case study: J9 initiative

The J9 initiative, named in memory of Janine Mundy, the mother of two young boys who was killed by her estranged husband who was on police bail, was established by Somerset and Devon and Cornwall police and Janine’s family to raise awareness and help victims of domestic abuse. The J9 logo is displayed in premises where victims can obtain information which will help them to access support and use a telephone.

The initiative includes awareness training developed by Safer Places, an Essex based charity, as well as the creation of domestic violence champions networks and safe places for victims to disclose across the county.

Jobcentre Plus already has measures in place to support victims who have fled an abusive household. The enhanced J9 service enables Jobcentre staff to also signpost to practical help and support from within the Jobcentre. On each floor in the Jobcentre there is a J9 point where staff can easily obtain information including contact details for Safer Places and local support refuges. Jobcentre staff who have been J9 trained wear a small J9 badge or lanyard.

These are just some of the examples of efforts to improve statutory agencies’ understanding and identification of domestic abuse. However, we recognise there is still more to do to ensure there is a consistent response across the country. As the Joint Targeted Area Inspection (JTAI) Report on the Multi-agency Response to Children Living with Domestic Abuse⁴⁹ highlights, there has been good overall progress made by local areas in responding to domestic abuse. This is particularly true of protecting children and victims. However, the report identifies that a step change is needed in the way agencies understand and respond to the issue. We are looking at options to further roll out information to jobcentre staff, health services and Troubled Families’ workers (in England) to improve their ability to recognise the signs of domestic abuse and to offer the tailored support required.

- 7. Question: Which statutory agencies or groups do you think the UK Government should focus its efforts on in order to improve the identification of domestic abuse? Please tick the top 3 from the list.**

Armed forces	<input type="checkbox"/>
Children’s services	<input type="checkbox"/>

⁴⁸ <http://irisi.org/>

⁴⁹ Joint Targeted Area Inspection (2017). The multi-agency response to children living with domestic abuse

Court staff	<input type="checkbox"/>
Education professionals (for example teachers, school staff)	<input type="checkbox"/>
Fire brigade	<input type="checkbox"/>
Health professionals	<input type="checkbox"/>
Housing staff	<input type="checkbox"/>
Jobcentre staff	<input type="checkbox"/>
Judges/magistrates	<input type="checkbox"/>
Police	<input type="checkbox"/>
Probation/Criminal Rehabilitation Company staff	<input type="checkbox"/>
Prosecutors	<input type="checkbox"/>
Providers of adult social care	<input type="checkbox"/>
Commissioners of adult social care services (local authorities and clinical commissioning groups)	<input type="checkbox"/>
Social workers	<input type="checkbox"/>
Other – please state	<input type="checkbox"/> <input type="text"/>
Don't know/no answer	<input type="checkbox"/>

8. Question: In addition to improving training programmes and introducing guidance, what more can the Government do to improve statutory agencies' understanding of domestic abuse?

Free text

Alternative ways to report domestic abuse

Estimates based on those interviewed in the Crime Survey for England and Wales showed that around 4 in 5 victims (79%) of partner abuse did not report it to the police.⁵⁰ Victims are far more likely to confide in their family and friends. Survivors told Women's Aid that opportunities to help them were missing in their local communities. To address this issue, and to take advantage of pre-existing community relationships, Women's Aid have created the 'Ask Me' scheme.

Case study: Ask Me

'Ask Me' is an opportunity to join a community movement to break the silence of domestic abuse. A free, two-day course run by Women's Aid in partnership with local domestic abuse services will upskill people that have a reach within their communities to take on the role of an 'Ask Me ambassador' where they will learn about how they can take action to break the silence and raise awareness within their networks. As we talk more about domestic abuse our communities will become spaces where people

⁵⁰ Office for National Statistics (2016) Intimate personal violence and partner abuse, Table 4.28

feel able to speak out. The training also includes how ask me ambassadors can respond in a supportive and understanding way to anyone that shares their personal experiences of domestic abuse. The course works on the knowledge that often, it is a friend, family member or neighbour – a member of the community – that victims speak to, rather than local authorities.

The role of an ask me Ambassador is to:

- break the silence around domestic abuse
- raise awareness of domestic abuse
- respond respectfully to anyone that shares their personal experiences

The scheme is currently being run as a pilot in three areas in England and Wales.⁵¹

We know there are other key groups of individuals (not employed by statutory agencies) who could potentially play a key role in tackling domestic abuse. As highlighted by learning from domestic homicide reviews, one such group is employers.⁵² Any employer with a substantial headcount is likely to have some employees affected by domestic abuse, either as victims or perpetrators. The Employers' Initiative on Domestic Abuse is a group of over 200 companies and public sector organisations who have come together to take action to help staff affected by domestic abuse.⁵³ These employers recognise that domestic abuse reduces work performance, increases absenteeism and ultimately may result in staff leaving. The network comes together to exchange information about best practice and to encourage, promote and develop action to help staff who are enduring domestic abuse or who are perpetrators.

Public Health England (PHE), in partnership with Business in the Community, is developing a toolkit which will provide clear and comprehensive advice on steps that employers can take. The toolkit will be informed by an evidence review conducted by PHE and the recent report commissioned by the Vodafone Foundation.⁵⁴ Above all, it will feature the voices and testimony of those people directly affected and case studies of employers who have gone beyond compliance in tackling the issue and supporting their employees.

The government has also funded the Domestic Abuse Housing Alliance (DAHA) to develop a set of standards for how housing providers should respond to domestic abuse in England and Wales. Housing officers are likely to come into contact with domestic abuse victims on a daily basis and they are ideally placed to identify those carrying out domestic abuse and also those at risk, such as children. Recognising that abuse is taking place is only part of their role, and providing an effective and supportive response is even more important. Tasks like carrying out a thorough risk assessment, developing an action plan and making suitable referrals are all activities that housing officers with the appropriate training are well placed to do. The set of standards⁵⁵ enable housing

⁵¹ <https://www.womensaid.org.uk/our-approach-change-that-lasts/askme/>

⁵² Home Office (2016). Domestic Homicide Reviews

⁵³ <https://eida.org.uk/about/>

⁵⁴ Vodafone Foundation (2017). Domestic violence and abuse: working together to transform responses in the workplace

⁵⁵ <http://accreditation.dahalliance.org.uk/>

providers to examine service delivery and practice, identifying gaps and areas for improvement.

The government recognises there is a need to provide a directory of information for the public outlining clearly what domestic abuse is, what to do if they are a victim or concerned about someone who is a victim, what to do if they are a perpetrator or think someone they know is perpetrating domestic abuse and where to go to get help. We are committed to updating GOV.UK to ensure it has easily accessible, clear and up to date information on domestic abuse.

9. **Question: What further support can we provide to the public (employers, friends, family, community figures) so they can identify abuse and refer victims to help effectively?**

Free text

Chapter 2: Protect and Support Victims

“We want to improve support and recovery services for all victims of domestic abuse and children who live with it”

We are seeking views on how to achieve this. In this consultation we:

- set out examples of the government’s current service provision and funding models – we ask about priorities for central government funding and how the government can encourage effective multi-agency working which delivers holistic support to victims (page 25)
- recognise that many victims have specific and/or multiple needs and ask what more the Government can do to better support those victims who face barriers to support (page 32), including amongst female offenders (page 33) who often have a history of domestic abuse. We also discuss the challenges for those victims who have no recourse to public funds (page 35) and are therefore particularly vulnerable
- propose creating a new Domestic Abuse Protection Order which takes the strongest elements of existing order regimes to ensure that victims are protected and prevent further escalation of abuse (page 36), outlining in detail the application process and possible conditions
- seek views on recent legislative changes that make it easier for victims to anonymously register to vote while keeping their personal details safe (page 43) – this will ensure safety is not compromised in order to exercise their democratic right
- propose to put the Domestic Violence Disclosure Scheme into law (page 44) to drive greater use and consistent application across the country – By strengthening the visibility of the scheme we hope more victims and prospective victims will be warned of the dangers their partner poses
- consider what can be done to help victims of economic abuse to escape and recover (page 47)
- reflect on the role of technology in domestic abuse, both in how it can be a tool used to abuse victims, and how it can be used to support and protect victims (page 48)

2A: Improving support services for all victims of domestic abuse and their children

The government is clear that having the right tools, resources, services and powers to protect and support victims of domestic abuse will make individuals and families safe, sooner. We recognise that there are different types of support that may be needed at different times and we are working on ways to improve these – including through the services provided to families by children’s social care.

As set out in the introduction, over the last ten years we have supported a variety of voluntary sector-led support services, including helplines, advocacy and accommodation-based services.

Refuges and safe accommodation

We know how important it is that victims of domestic abuse have a range of options for safe accommodation, so that they can move to safety and rebuild their lives. Safe accommodation can be provided in a refuge, as well as through sanctuary schemes⁵⁶ and dispersed housing,⁵⁷ both with floating support.⁵⁸ Dispersed housing and sanctuary schemes can help those victims who prefer to remain in or near their homes with the right support services. Local authorities are responsible for commissioning refuges and other safe accommodation in their areas, recognising the diverse needs of victims and their children. Local authorities are also subject to the duty to provide accommodation for victims of domestic abuse facing homelessness.

The government believes that local authorities, working in partnership with agencies such as the police and health bodies and specialist domestic abuse service providers, are best placed to assess and meet the need for safe accommodation for victims from both within and outside their local area. The government's Priorities for Domestic Abuse Services, published in November 2016, are clear that local authorities should make provision for victims of domestic abuse from outside their local area, in recognition that many victims need to move to another area to stay safe. Local authorities are also expected to collaborate with each other to allow victims easy movement from one area to another while ensuring their safety.

Since 2014 we have provided £33.5 million in direct grant funding to local areas for refuges, other specialist accommodation-based services and local service reform. Service reform could include better service commissioning, improving victims' pathways to accessing support by tailoring provision to their needs, partnership working both within and across local authority boundaries, and the strengthening governance arrangements. The Ministry of Housing, Communities and Local Government (MHCLG) is funding 80 projects around the country, covering 258 local authorities, which will provide support to over 19,000 victims. The projects are providing safe accommodation in refuges, dispersed housing and through sanctuary schemes, as well as other support services for victims of domestic abuse and their children.

For example, a project led by Newcastle City Council has partnered with a wide range of agencies including neighbouring councils, specialist domestic abuse services, health partnerships and housing providers. Together they are looking to improve and strengthen the availability of and access to refuges alongside other specialist accommodation, including self-contained flats. This is matched with improved support visits and dedicated care for victims with complex needs, such as problematic drug use. By working across councils and the relevant agencies the project aims to identify victims' needs at a much earlier stage.

'The Hampshire Making Safe Scheme' is led by Hart District Council and covers 11 local authorities in Hampshire. It aims to fund three approaches to supporting victims of domestic abuse. The first is safe houses across the area as an alternative to refuge accommodation. The second is the provision of enhanced security measures and support within client's own homes to enable them to remain safe and avoid the need for refuge

⁵⁶ Sanctuary schemes enable households at risk to remain in their own homes and reduce repeat victimisation by providing enhanced security measures and support

⁵⁷ Dispersed housing is semi-independent supported housing with wrap-around support for refuge residents who no longer require the intensity of support provided by a refuge

⁵⁸ Floating support is a flexible service which supports residents to access appropriate specialist services

accommodation. The third is support to deliver effective pathways out of safe house/refuge accommodation. This supports individuals to move on when appropriate, which in turn allows assistance to be provided to more individuals. This is particularly targeted at those from BAME communities or those with complex needs.

The Suffolk Satellite Accommodation and Support Concept is a partnership between Suffolk County Council, Ipswich Borough Council and seven district councils, with support from the Suffolk Police and Crime Commissioner, Phoebe, Anglia Care Trust and local refuges. This project aims to provide more accommodation for victims of domestic abuse who do not meet the criteria to be supported in refuge accommodation. Extra housing will be sourced through the local authority, registered social landlords and the private rented sector. Working closely with existing refuges, the aim is to create a flexible alternative that also offers specialist support to victims with complex needs.

Review of funding for domestic abuse services, including Refuges

In our Violence Against Women and Girls Strategy, we were clear we wanted to work with local commissioners to deliver a secure future for refuge. While bed spaces have increased since 2010, the government is committed to reviewing funding for domestic abuse services, including refuge, particularly the critical care and support costs. To inform our review, we have commissioned an independent, external audit of domestic abuse services. This will give us a complete picture of provision for all victims across England, enabling us to assess what impact services are having and identify any gaps in provision. The audit will report in spring 2018, and the review will be completed by summer 2018. We are committed to working closely with the sector and local authorities on the audit and overall review, drawing on their expertise and knowledge, to ensure we have a robust evidence base on which to take future decisions about the funding of these vital services.

Our review will complement wider work on the funding of short-term supported housing, which includes refuge. We have recently held a consultation on the design of a new housing costs model to fund emergency and short-term supported housing in England. The Policy Statement and Consultation can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/655990/Funding_supported_housing_-_policy_statement_and_consultation.pdf

The consultation closed on 23 January 2017. The Supported Housing reforms will be implemented in April 2020 and we are consulting and closely engaging with the sector to help us shape the detail of the funding model. We are clear that no options are off the table in terms of delivering on our aims to ensure no-one is turned away from the support that they need.

Access to social housing for victims of domestic abuse

We also know that it is critical to ensure that victims of domestic abuse who are ready to leave refuge and other safe accommodation with support are not disadvantaged when they apply for social housing.

In November 2017, MHCLG launched a consultation on proposals for new statutory guidance for local authorities, designed to help victims of domestic abuse who are currently living in a refuge or other form of safe temporary accommodation to move on into social housing. The new guidance would build 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 another district
- setting out how local authorities can give appropriate priority to this group

We are also proposing that the guidance should advise 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 evicting the perpetrator and granting a sole tenancy to the victim.

The consultation ended on 5 January 2018 and we expect to issue the new guidance in spring 2018.

On 19 December 2017, MHCLG introduced the Secure Tenancies (Victims of Domestic Abuse) Bill. The bill will require local authorities in England, when re-housing an existing lifetime tenant who needs to move or has recently moved from their social home to escape domestic abuse, to grant such tenant a lifetime tenancy in their new home. The measures in this bill will provide the security these victims need to leave an abusive situation. The bill applies to lifetime tenants of local authorities and Private Registered Providers of social housing (housing associations).

The Secure Tenancies (Victims of Domestic Abuse) Bill delivers on a commitment made during passage of the Housing and Planning Act 2016 ('the 2016 Act'). The 2016 Act reforms local authority secure tenancies so that, when in force, most tenants will be granted a fixed term tenancy, rather than a lifetime tenancy as now. At Lords Report stage of the 2016 Act the government gave a commitment to ensure that local authorities would grant victims of domestic abuse, who had a lifetime tenancy, a further such tenancy if it was unsafe for them to remain in their current home.

Independent Domestic Violence Advisors

Independent domestic violence advisors (IDVAs) address the safety of victims and survivors at high risk of harm from intimate partners, ex-partners or family members to secure their safety and the safety of their children. IDVAs act as a victim's primary point of contact and normally work with them from the point of crisis. IDVAs assess the level of risk posed by the perpetrator and to discuss the range of suitable options. This includes developing and implementing safety plans, discussing possible injunctions and sanctions available through the courts, housing options and support services.

Data from SafeLives shows that there are a total of 815 full time equivalent IDVAs working across England and Wales. Evidence shows that following support and interventions from an IDVA service, victims experience significant reductions in abuse and positive changes in safety and quality of life: 84% of victims reported feeling safer, 82% felt that their quality of life had improved, and 57% of victims reported cessation of abuse at point of case closure.⁵⁹

⁵⁹ SafeLives 2016 survey of Independent Domestic Violence Advisor provision in England and Wales (2016). IDVA survey. Available at: <http://www.safelives.org.uk/news-views/safelives-idva-survey-2016>

Protecting children

The government are also clear that the safety of children is paramount in instances of domestic abuse. The statutory responsibility for safeguarding and promoting the welfare of children falls to local authority children's social care, where domestic abuse remains the most prevalent factor identified by social workers when assessing children's needs.⁶⁰ The best children's social care services deliver excellent help and support to children and families. Yet whilst there is much impressive social work in the system and progress has been made in laying the foundations for systemic improvement, there remains inconsistency in the services that children receive – and there is further to go, if all children are to receive the right help, at the right time. Through wide-ranging children's social care reforms, the government is driving improvements across the system, from the targeted recruitment and retention of high-calibre social workers into children's social care, to encouraging innovation and developing new approaches to the prevention, detection and response to domestic abuse.

Through the Children and Social Work Act 2017, we are introducing new multi-agency safeguarding arrangements and Local Safeguarding Children Boards will be superseded by new local safeguarding arrangements, led by three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups). By requiring local areas to work together to develop stronger, bespoke working arrangements between the three key agencies and other relevant agencies, we expect to see an improvement in the quality of inter-agency work to safeguard children. The new legislation will provide additional powers to secure effective participation from key agencies and agree plans to strengthen information sharing.

We have also funded a pilot of SafeLives' 'One Front Door' model in seven areas across the UK. This moves away from an approach in which all family members are considered separately to a whole family one, identifying risks to all members of the family and working with them to develop a safeguarding response. You can find out more at www.safelives.org.uk/one-front-door

The Home Office have also launched the 'Trusted Relationships Fund' which is allocating £13m over four years to local initiatives that improve support for young people aged 10–17 at risk of exploitation and abuse, including peer and relationship abuse. Local authorities can apply for funding to run projects with the focus of facilitating trusted relationships between vulnerable young people and the adults there to support them, with the aim of building up protective factors including a positive support network, personal resilience and self-esteem.⁶¹

Local needs

We have always been clear that local communities are best placed to assess and meet local needs. That is why considerable national funding has been directed towards local commissioning. This allows local leaders who have a clear understanding of their local area's needs and existing service provision, to focus funding where it will have the most

⁶⁰ Department for Education (2017). Characteristics of children in need: 2016-2017, Table C3

⁶¹ The total funding available across the local areas will be £2.45m in 2018/19 and £3m in 2019/20. A pot of £3m in 2020/21 and £2.6m in 2021/22 has been identified but this will be dependent upon the department's funding position and priorities following the 2019 Spending Review. Additional funding has been allocated to support implementation and evaluation across the programme

impact. For example, the Ministry of Justice (MoJ) allocated around £96 million in 2016/17 and again in 2017/18 to fund crucial support services for victims of crime, about £68 million of which went to Police and Crime Commissioners (PCCs). PCCs reported spending about £11.6 million of the MoJ grant on providing services to victims of domestic abuse in 2016/17. PCCs also reported spending £9.2 million from funding sources outside the MoJ grant, bringing the total PCC spend on domestic abuse to approximately £20.8 million.

In addition, £17 million has been awarded to 41 local areas through the Home Office's VAWG Service Transformation Fund, encouraging the delivery of joined-up local services between local authority, health, and PCCs with a focus on early intervention and prevention.

Case study: Multi-agency projects funded by the Government

Birmingham ASSIST project: led by Birmingham Cross-City Clinical Commissioning Group:

The government has provided £600,000 for the ASSIST Project being led by Birmingham Cross-City Clinical Commissioning Group, working in partnership with the local authority and specialist providers. This project will offer specialist, trauma-informed support for highly vulnerable women who have the most complex needs, including focused work with women who are at risk of having their children removed.

London Borough of Southwark:

This project creates a new model for domestic abuse survivors at high risk, often with complex needs, who have children on child protection plans and/or who have been re-referred to MARAC, and who for a variety of reasons don't engage with existing support services. The project provides bespoke dedicated support which places emphasis on researching, planning and resourcing tailored engagement approaches. The proposal also introduces therapeutic support for children to ensure the effects of witnessing abuse are addressed and its long-lasting effects minimised.

South Wales:

South Wales PCC received the largest single award (£1.4 million) from the VAWG Service Transformation Fund. The project will pilot the 'Change that Lasts' model, in partnership with Welsh Women's Aid. They are working with local authorities, health boards and specialist third sector organisations to develop a joint regional strategy to tackle VAWG. They will roll out the 'Ask Me' scheme, training 30 people as Community Ambassadors who will improve understanding of domestic abuse in their communities, including through establishing hair salons, shops and sports clubs as 'safe spaces' where women can report domestic abuse without going to a police station. They will also maximise support service responses through introducing a trusted professional model and develop, deliver and evaluate new programmes of interventions to work with perpetrators of abuse to change their behaviour, including through a whole family approach.

Central government

Central government has an important role to play in providing direction and support to local areas to improve the response to victims. We have published a new National Statement of Expectations (NSE) on VAWG.⁶² This sets out what local areas need to put in place to ensure their response to Violence Against Women and Girls (VAWG) is effective. Ministry of Housing, Communities and Local Government (MHCLG) have issued quality standards on accommodation-based services as well as priorities for domestic abuse services for local authorities.

MHCLG will be conducting an audit of local authority commissioning of domestic abuse services in England and will be sharing more details on plans for the audit with local authorities and key domestic abuse partners shortly. The evidence from the audit will be fed into the review of the current approach to refuge provision in England.

The government announced an additional £20 million for domestic abuse services in the Spring Budget 2017 to support its work to transform the response to domestic abuse in England and Wales.⁶³ We are allocating some of this money to support children who have witnessed domestic abuse and female offenders, and to help identify best practice in responding to domestic abuse in healthcare settings. We are keen to ensure that this consultation informs the allocation of the remainder of this funding, and helps overcome other barriers that victims face in seeking appropriate support. We want the funding to be used in a way that supports local ownership and prioritises the areas where national funding can have the most impact in supporting victims.

10. Question: 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? Please select up to 3.

Advocacy for victims to enable them to stay safely in their own home (Independent Domestic Violence Advisors or their equivalent)	<input type="checkbox"/>
Therapeutic services to help victims of domestic recover from their experience	<input type="checkbox"/>
Accommodation services	<input type="checkbox"/>
Helpline services for those affected by domestic abuse to call for advice and support	<input type="checkbox"/>
Interventions embedded in health	<input type="checkbox"/>
Perpetrator programmes which aim to change offenders' behaviour and stop reoffending	<input type="checkbox"/>
Rolling out of new multi-agency approaches	<input type="checkbox"/>
Other (free text)	
Don't know/no answer	<input type="checkbox"/>

⁶² <https://www.gov.uk/government/publications/violence-against-women-and-girls-national-statement-of-expectations>

⁶³ <https://www.gov.uk/government/news/spring-budget-2017-21-things-you-need-to-know>

11. Question: What more can the Government do to encourage and support effective multi-agency working, in order to provide victims with full support and protection? Please select up to 3.

Guidance	<input type="checkbox"/>
Incentives through funding	<input type="checkbox"/>
Sharing effective practice	<input type="checkbox"/>
Training	<input type="checkbox"/>
Other (free text)	
None of the above	<input type="checkbox"/>
Don't know/ No answer	<input type="checkbox"/>

2B: Supporting victims with specific needs

Domestic abuse can affect anyone, regardless of age group, gender, socio-economic status, sexual orientation, disability, religion or ethnicity.

*"Maria, a disabled woman, is denied access by her partner to the specialist nurse for her condition; the partner refuses to have handrails installed in their home. She stops Maria from using a walking stick, and Maria tries to walk without it, mocks her walking and tells her to stand up straight knowing she will fall and hurt herself."*⁶⁴

We know that there may be additional barriers to reporting for some groups, which is why we have funded specific services which provide targeted support, such as for disabled women; older people; male; and lesbian, gay, bisexual and transgender (LGBT) victims.

- through the Tampon Tax we are funding 'Shaping Our Lives' which will ensure that the needs of disabled women experiencing or at risk of violence or abuse are met through current service provision
- also through the Tampon Tax we are funding the organisation 'Jackson's Lane' in Haringey, London to engage older people in community-based activities to increase their understanding of wellbeing, harassment and domestic abuse and provide the support services needed to tackle these issues
- we provide funding for a men's advice line and LGBT helpline to provide direct support to victims of domestic abuse
- through MHCLG's £20 million specialist accommodation-based support fund we are funding Manchester City Council to provide independent living accommodation for 10 to 15 LGBT survivors of domestic abuse – this also includes caseworker support and intensive outreach support for a further 20 people as well as work to raise awareness of services among the wider LGBT community

Other factors such as socio-economic status or area deprivation may also impact upon how victims seek help – those with fewer resources may be less able to leave perpetrators or seek help. We are also aware that for some communities, there may be additional barriers such as lack of trust in statutory agencies (such as the police, social

⁶⁴ SafeLives (2016). Disabled survivors too: disabled people and domestic abuse

services, or housing authorities), or a fear of rejection from their community if help is sought. Insecure immigration status may also impact on a victim's decision to seek help.

We also know that domestic abuse is not limited to abuse between partners. It can be adult child on older parent abuse, adolescent on grandparent abuse or abuse between teenagers (16+) in an intimate relationship. It can be carried out by those who look after vulnerable (for example older or disabled) people. It can also be carried out within informal caring relationships due to the pressures of these circumstances. This can impact upon how a victim seeks support and how this is received.

Case study: Victim's experience

A defendant and victim were involved in an arranged marriage and since arrival in England in 2012 the victim was kept in servitude. The defendant took wedding jewellery from his wife as a way of exploiting and controlling her. The victim became financially dependent on her husband and was responsible for doing all the chores that he demanded. She was not allowed out unaccompanied and when she was alone at home she was called every ten minutes to make sure the phone was not engaged. He was sentenced to 2 years' imprisonment for holding his wife in servitude and for assault occasioning actual bodily harm, breaking her nose. A restraining order was also imposed. It is believed to be the first conviction of this kind in England and Wales.

Finally, we recognise that many victims of domestic abuse have multiple complex needs and may struggle to access services to support them. While it should not be assumed that the presence of vulnerable factors means that victims will automatically have complex needs, their recognition is important as it can highlight when a different approach is required.

We have had extensive discussions with local authorities and domestic abuse partners to understand the scale of the problem and identify best practice. Local authority-led projects in England focusing on providing support to victims with complex needs have been funded from MHCLG's £20 million specialist accommodation-based support fund. We have joined up across government to deliver a co-ordinated approach to improving the service and support we offer victims of domestic abuse with complex needs, and will continue to work closely with local authorities and domestic abuse partners as this work develops further.

12. Question: What more can the Government do to better support victims who face multiple barriers to accessing support.

Free text

Supporting female offenders

We know that female offenders often have complex issues including a background of abuse. We recognise the major part that domestic abuse can play in female offending with over 60% of female offenders indicating they have experienced domestic abuse.⁶⁵

⁶⁵ Of the women assessed using OASys, 67% of those in custody or managed in the community by the National Probation Service, and 61% of those managed in the community by the Community Rehabilitation Companies, indicated that they had been victims of domestic violence. Taken from National Offender Management Service (2015). Better Outcomes for Women Offenders

Case study: Female offenders⁶⁶

One woman described how she ended up offending in order to support her drug use, while under the control of her partner:

“I had been smoking heroin before I met him. He injected me for the first time as he said he wanted me to be safe. From then I’d just be out of it – he’d go out and steal and then come back and inject me and I’d just be lying there. I was only 18 myself and was with him for seven or eight years. I was completely reliant on him, completely emotionally dependent. He wanted me to watch over and sell the stolen goods. It was the only way to get the money for the heroin. I ended up going to prison for him for theft.”

The Ministry of Justice is investing £1 million seed funding in six local areas to develop a ‘Whole System Approach’ to female offenders. This model brings together local agencies (criminal justice, statutory and voluntary) to provide joined-up, targeted holistic support to address the often complex needs of female offenders, including domestic abuse.

Women’s centres are at the heart of many of these models.

13. Question: How can we work better with female offenders and vulnerable women at risk of offending to identify their domestic abuse earlier? Please select top 3.

Criminal justice agencies to adopt appropriate enquiries into history of abuse at each stage of the criminal justice process	<input type="checkbox"/>
Dedicated support and/or IDVAs in women’s services	<input type="checkbox"/>
Encourage the use of schemes which divert vulnerable women out of the criminal justice system (where appropriate) and into services	<input type="checkbox"/>
Improve availability of support for domestic abuse victims in prisons	<input type="checkbox"/>
Support signposting into appropriate services for women who come into contact with the police	<input type="checkbox"/>
Other (free text)	<input type="checkbox"/> <input type="text"/>
Don’t know/no answer	<input type="checkbox"/>

⁶⁶ Prison Reform Trust (2017). There’s a reason we’re in trouble

14. Question: How can we make greater use of women-specific services to deliver interventions in safe, women-only environments? Please select top 3.

Availability of a GP at women-only services	<input type="checkbox"/>
Availability of a nurse at women-only services	<input type="checkbox"/>
Child contact sessions so that women who are not living with their children can have supervised access to their child	<input type="checkbox"/>
Delivery of health interventions such as mental health and substance misuse treatment at women-only services	<input type="checkbox"/>
IDVAs located or linked to women-only services	<input type="checkbox"/>
Improving access to benefits, finance and accommodation advisors at women-only services	<input type="checkbox"/>
Provision of employer interventions at women-only services to help individuals become work ready, including offering work experience and/or mentoring	<input type="checkbox"/>
Other (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

Those with no recourse to public funds

We recognise that people living in the UK on spousal visas are not entitled to receive financial support from the state in the form of most benefits, tax credits or housing assistance. This is referred to as the 'no recourse to public funds condition'. However, these people do have the right to work. Nonetheless, we also recognise that some of these people may encounter issues in accessing financial support if their relationship breaks down as a result of domestic abuse.

The Destitute Domestic Violence Concession⁶⁷ is available to provide eligible individuals with a period of three months' leave outside the immigration rules with access to public funds in order to support them to amongst other things make an application for indefinite leave to remain. We are currently working to create an evidence base in order to review and improve how the immigration system caters to individuals who have been victims of domestic abuse. This includes the provision of £250,000 funding through the Tampon Tax to Southall Black Sisters to pilot support for women and their children affected by violence and abuse on non-spousal visas with no recourse to public funds.

15. Question: In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the Government make in respect of protecting domestic abuse victims with no recourse to public funds?

Free text

⁶⁷ <https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence>

2C: Proposals to keep victims safe

Creating a new Domestic Abuse Protection Order

Protective orders taken out against perpetrators are an important tool for keeping victims safe and preventing the continuation or escalation of abuse. They can also provide victims with the breathing space they need while they consider the options open to them, and give the police additional time and evidence to build the case for prosecution.

Current protection orders:

There are a range of orders that can currently be used to protect victims of domestic abuse. Domestic Violence Protection Orders⁶⁸ (DVPO) are specific to cases of domestic violence – but other orders, including restraining orders, non-molestation orders, and occupation orders, can be made in varying circumstances. These orders vary in terms of who can apply for them, the conditions attached and the consequences of breach. Different parties, including victims, agencies and the police, can apply for different orders and there is no single order that is applicable across the criminal, family and civil court jurisdictions. This can lead to confusion for victims and practitioners in domestic abuse cases and problems with enforcement. Some police practitioners and organisations representing victims have also cited the absence of the potential for criminal sanction following breach as limiting the effectiveness of the existing domestic violence protection order.

Proposed new protection notice and order

We propose to create a new Domestic Abuse Protection Notice (DAPN), which could be made by the police, and a Domestic Abuse Protection Order (DAPO), which could be made by the courts in a wide range of circumstances. These measures would bring together the strongest elements from existing protective orders used in domestic abuse cases, creating a single, flexible pathway for victims, police and other practitioners.

While we propose that the existing domestic violence protection notice and order be replaced by the new DAPN and DAPO regime, other existing orders, such as restraining orders, non-molestation orders and occupation orders, will continue to exist as these provide protection in situations other than domestic abuse.

Specific proposals for Domestic Abuse Protection Notice:

We propose that the new notice would be modelled closely on the existing notice. This is because we consider it an effective way of providing immediate breathing space to victims. The main substantive change would be that the circumstances in which it could be made would be linked to the new statutory definition of domestic abuse, thereby extending its application to cases involving abuse other than violence or the threat of violence (unlike the current notice which is limited to cases involving violence or threats of violence).

⁶⁸ A DVPO is a civil order, made by a magistrates' court after a DVPN has been issued, which provides protection to victims for up to 28 days by preventing the perpetrator from molesting the victim. It can also prevent the perpetrator from entering a home shared with the victim.

16. Question: Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	
Don't know/no answer	<input type="checkbox"/>

Specific proposals for the Domestic Abuse Protection Order:

For the Domestic Abuse Protection Order we propose the following key elements to provide better protection to victims:

- Like the proposed notice, the circumstances in which the new order could be made would be linked to the new statutory definition of domestic abuse, extending its application to cases involving abuse other than violence or the threat of violence.
- The new order could be made by a court following a freestanding application, including by the victim and certain parties on the victim's behalf (for example a family member or support service), and could also be made by a court during any ongoing proceedings, including on conviction or acquittal in any criminal proceedings. The police would also have the power to apply for the new order, including after they had made a Domestic Abuse Protection Notice. In practice, this would mean that Domestic Abuse Protection Orders could be made in family, civil and criminal courts. By enabling these orders to be made across all jurisdictions we intend to provide flexibility and improve how the different jurisdictions can respond to domestic abuse.
- The new order would also be more flexible in terms of the conditions that could be attached to it, which could include both prohibitions (for example requirements not to contact the victim, including online, not to come within a certain distance of the victim, and not to drink alcohol or take drugs) and positive requirements. These positive requirements could include attendance at perpetrator programmes, alcohol and drug treatment programmes and parenting programmes. Electronic monitoring (for example location or alcohol monitoring) and notification requirements (for example the requirement for certain perpetrators to provide the police with personal information such as their address and details of relationship and family circumstances) could also be used as conditions attached to the new order.
- There would be flexibility as to the length of time that the new order could be in place: it could be for a period to be specified by the court or until the court made further order, in contrast to the current maximum duration for the existing domestic violence protection order of 28 days.
- It would be a criminal offence to breach a Domestic Abuse Protection Order.

17. Question: Which of the following individuals/organisations should be able to apply for a Domestic Abuse Protection Order? Please select all that apply:

The victim	<input type="checkbox"/>
Certain persons associated with the victim (for example certain family members) on behalf of the victim	<input type="checkbox"/>
The police (following the issue of a Domestic Abuse Protection Notice or at any other time)	<input type="checkbox"/>
Relevant third parties, who would be specified by regulations, on behalf of victims (see Question 18 for further details)	<input type="checkbox"/>
With permission of the court, any other person or organisation	<input type="checkbox"/>
Other (free text)	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

18. Question: Which persons or bodies should be specified by regulations as 'relevant third parties' who can apply for a Domestic Abuse Protection Order on a victim's behalf? Please select all that apply:

Local authority safeguarding or social care professionals	<input type="checkbox"/>
Providers of probation services	<input type="checkbox"/>
Specialist domestic abuse advisers/Independent Domestic Violence Advisers (IDVAs)	<input type="checkbox"/>
Specialist non-statutory support services (for example refuge support staff)	<input type="checkbox"/>
Other (free text)	<input type="checkbox"/>
None of the above	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

19. Question: We propose that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made, including:

- at a magistrates' court by the police following the issue of a Domestic Abuse Protection Notice or at any other time
- as a standalone application by, for example, the victim or a person or organisation on the victim's behalf to a family court
- by a party during the course of any family, civil or criminal proceedings

Do you agree? Please select one.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

20. Question: Do you agree that family, civil, and criminal courts should be able to make a Domestic Abuse Protection Order of their own volition during the course of any proceedings?

This would include where no application has been made by the victim or relevant third parties. In a criminal court this could include following a conviction or an acquittal. This should improve how different jurisdictions can respond to domestic abuse by giving all courts a clear pathway for protecting individuals who are identified as being at risk.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

Conditions of the order

The existing domestic violence protection order can only impose certain prohibitive conditions, for example preventing the abuser from molesting the victim or entering premises shared with the victim. For the new order, we propose that courts should be able to impose positive requirements, as well as prohibitions, that they consider necessary to reduce the risk of further domestic abuse. Positive requirements could include attendance at perpetrator programmes, parenting programmes or drug and alcohol treatment. These aim to reduce the risk the perpetrator poses and to encourage behaviour and attitudinal change. As we propose that the new order should be available to be made in family, civil and criminal courts, these positive or prohibitive requirements could be made in circumstances where there has been no criminal charge, on acquittal, or on conviction if the court is of the view that they are necessary to prevent further abuse. We propose that it would be a criminal offence to breach any conditions attached to the new order.

21. Question: Do you agree that courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order? Please select one.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

Notification requirements

We propose that courts should be able to require individuals who are subject to a Domestic Abuse Protection Order to notify certain personal details to the police where they consider that they would assist to prevent future abuse.

This would mean the individual could in some circumstances be obliged to provide certain personal information, for example details of where and with whom they live and of their intimate relationships and any associated children to the police. This would assist officers in accurately assessing the risk that an individual could pose to any potential victims and

in taking appropriate action to protect them. For example, in some cases, this action could include the disclosure of information about previous offending to a new partner, or police working with children's services to ensure the needs of children joining a household affected by domestic abuse are identified. A similar, more extensive system of notification requirements is already available to the police to help them manage qualifying sex offenders (this system is commonly referred to as the Sex Offenders' Register).

22. Question: Do you agree that courts should be able to require individuals subject to a Domestic Abuse Protection Order to notify personal details to the police?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

23. Question: If so, what personal details should the courts be able to require individuals to provide to the police? Select all that apply.

Name/change of name	<input type="checkbox"/>
Home address/change of home address	<input type="checkbox"/>
Formation of new relationship with an intimate partner	<input type="checkbox"/>
Change of circumstances relating to household – including where a new child is born or otherwise joins the household	<input type="checkbox"/>
Details of child arrangements orders for where and with whom a child is to live and with whom a child is to spend time or otherwise have contact	<input type="checkbox"/>
None of the above	<input type="checkbox"/>
Other (free text)	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

Domestic Abuse Protection Order – breach

Making breach of the proposed order a criminal offence would send the message that non-compliance is taken very seriously. This would be on par with the criminal offence that results from the breach of restraining orders and non-molestation orders. This, in turn, should have a deterrent effect and encourage compliance with the terms of the order, offering better protection to victims.

However, we know that domestic abuse is complex and that some victims could have concerns reporting the breach of an order if it could lead to the abuser being prosecuted. There is therefore a risk that criminalising breach could deter people from applying for the proposed order, or where an order has been made, reporting a breach. One possible way to respond to these concerns would be to provide that breach of a Domestic Abuse Protection Order could also be punished as a contempt of court and that, where breach was punished as a contempt of court, the perpetrator could not also be convicted of a criminal offence. This is the model used for the non-molestation order.

24. Question: Do you agree that breach of the proposed order should be a criminal offence?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

25. Question: If you do agree that breach of the proposed order should be a criminal offence, should it be possible for breach to alternatively be punished as a contempt of court?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

Domestic Abuse Protection Order – electronic monitoring

We believe there is scope for electronic monitoring to be used as part of the proposed order to help prevent further abuse. With new electronic monitoring technologies becoming available, it could be used as part of a Domestic Abuse Protection Order to monitor the perpetrator's compliance with one of the other conditions imposed, such as compliance with an exclusion zone, or a prohibition to drink alcohol. It could also enable the monitoring of a perpetrator's location to establish behaviour patterns or provide evidence of someone's movements, which in turn could help prevent stalking or intimidation. We would want the provision to be flexible to enable the courts to target and prevent specific behaviours or risks, rather than focus on a specific technology.

The circumstances in which courts might consider imposing electronic monitoring, in the absence of an express legislative power to do so, are limited. To support the aims of the draft bill, we therefore propose to give courts an express power to impose electronic monitoring as a condition of the new order.

We also propose to include a statutory set of safeguards to ensure electronic monitoring is only used where necessary to prevent further abuse and where it is proportionate to do so. This would include requiring a threshold to be met before the court can impose an electronic monitoring condition in a Domestic Abuse Protection Order. A requirement to pilot the use of electronic monitoring could also help assess whether it is an effective preventative measure in a domestic abuse context before commencing the provision nationally.

26. Question: Do you agree that courts should be given an express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

27. Question: Which particular statutory safeguards relating to the use of electronic monitoring with Domestic Abuse Protection Orders should be put in place?

Free text

Anonymous registration

We want to ensure that once a victim has left an abusive relationship they have access to schemes that support them in keeping their personal details safe.

When individuals register to vote in elections, their name and address appear on the publicly available electoral register. This helps protect the integrity of our democracy.

Anonymous registration was set up to help individuals whose safety would be at risk (or where the safety of other people at the same address as them would be at risk) if their name or address was listed on the electoral register. This could include, for example, witnesses in criminal cases and those escaping domestic violence.

When an individual applies to register anonymously, they must include evidence that their safety, or the safety of someone who lives at the same address, would be put at risk if their name and address appeared on the electoral register. In the past this has not been easy for domestic abuse survivors.

In September 2017, the Government announced a package of legislative changes to make registering to vote anonymously easier.⁶⁹ The changes are expected to come into effect ahead of the 2018 May local elections in England. The changes help survivors of domestic abuse to prove their safety is at risk by:

- broadening the range of people able to formally certify that an applicant's safety is at risk (to include refuge managers, health professionals and police inspectors)
- expanding the list of documentary evidence to include domestic violence protection orders (DVPOs), and Female Genital Mutilation (FGM) protection orders.

However, the government is keen to further investigate potential improvements in this area.

⁶⁹ <https://www.gov.uk/government/news/domestic-abuse-survivors-given-a-voice-to-vote>

28. Question: How much easier do you think it will be for domestic abuse victims to register to vote anonymously, once the changes summarised above happen?

Much easier	<input type="checkbox"/>
Easier	<input type="checkbox"/>
Somewhat easier	<input type="checkbox"/>
Slightly easier	<input type="checkbox"/>
Not easier	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

29. Question: What further support could survivors receive to prove their safety would be at risk if their name and address appeared on the electoral register? Please put forward one suggestion.

Free text

30. Question: Do you have any further comments or suggestions on how to make it easier for domestic abuse survivors to anonymously register to vote?

Free text

31. Aside from anonymous registration, how else can we keep victims' addresses safe?

Free text

The Domestic Violence Disclosure Scheme

The Government piloted and then rolled out nationally the Domestic Violence Disclosure Scheme (DVDS), also known as Clare's Law.⁷⁰ The scheme is based on the police's common law powers and is underpinned by detailed guidance.

The DVDS did not introduce any new legislation. The scheme is based on the police's common law power to disclose information where necessary to prevent crime. The scheme provides structure and processes for the exercise of the powers. It does not provide the power to disclose or to prevent disclosures being made in situations which fall outside this scheme. Any disclosure under the scheme must be within the existing legal framework and, in particular, have due regard to established case law, the Human Rights Act 1998 and the Data Protection Act.

The scheme provides a set of recognised procedures for sharing information with a victim or potential victim, regarding their partner's previous violent offences and spent convictions. The purpose of the scheme is to increase public safety and afford victims of domestic abuse better protection by helping them make a more informed decision on

⁷⁰ Home Office (2016). Domestic Violence Disclosure Scheme. One year on – Home Office assessment of national roll-out. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/505434/2016-03-08_DVDS_report_final_.pdf

whether to continue a relationship. We want to ensure that the DVDS is used consistently by police forces, especially the way in which disclosures are managed.

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) domestic abuse thematic report in 2017 reported that police forces need to raise awareness of the DVDS amongst victims and ensure victims are linked into specialist domestic abuse organisations who can provide additional support and advice.⁷¹ It identified inconsistencies surrounding the use of the scheme by police forces, noting the low volume of disclosures and the discrepancy between the use of 'right to know' and 'right to ask' disclosures.

To drive greater use and consistent application of the DVDS we propose to put the guidance underpinning the scheme into law, which would place a duty on the police to have regard to the guidance. We believe that this would strengthen the visibility, and therefore use, of the scheme, resulting in more victims and prospective victims being warned of the dangers posed by a partner and thereby preventing further instances of abuse.

We would also welcome ideas on how else we can improve the uptake and effectiveness of the scheme and share best practice in its usage.

32. Question: Before reading this consultation, were you aware of the Domestic Violence Disclosure Scheme (Clare's Law)?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

33. Question: Do you agree the guidance underpinning the DVDS should be put into law?⁷² Please select one.

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

34. Question: How do you think we can best promote awareness of the Domestic Violence Disclosure Scheme amongst the public?

Marketing materials (for example posters, leaflets)	<input type="checkbox"/>
TV & radio	<input type="checkbox"/>

⁷¹ HMIC (2017). A progress report on the police response to domestic abuse

⁷² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575361/DVDS_guidance_FINAL_v3.pdf

Media (for example newspapers, magazines,)	<input type="checkbox"/>
Social media (for example Facebook, YouTube, WhatsApp, Twitter, Instagram)	<input type="checkbox"/>
Online through search engine	<input type="checkbox"/>
Other (free text)	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>
Please give reasons (free text)	<input type="text"/>

2D: Forms of domestic abuse

Economic abuse

Domestic abuse is not just physical or psychological – it can also be economic or financial. As stated earlier, we are considering explicitly recognising and including economic abuse (which includes financial abuse) in the statutory definition.

“She had control of my wages and gave me £20 per week from them”⁷³

Economic abuse goes beyond purely financial abuse and can involve behaviours that control a person's ability to acquire, use and maintain economic resources – threatening their economic security and potential for self-sufficiency. Coerced debt can leave victims with debts they cannot pay or with a poor credit rating. Alternatively, if an abusive partner manages the household finances, the victim can be left with a thin credit file when they leave a relationship. These issues can be significant barriers to victims escaping domestic abuse, making it harder for them to rebuild their lives.⁷⁴

“I was completely taken over by the relationship. I went from being an independent woman to nothing. He totally controlled me. When I met him I had a good career, savings and my own car. He wanted to have an amazing lifestyle and it was my income that had to support it. He leased a car and loaned money for the deposit in my name. He used my credit cards and store accounts to purchase goods for himself. He took money from my current account using my bank card and stole from my purse. I was coerced into paying for things or giving him money. The more I invested financially in the relationship, the more difficult it was for me to leave.

In the end his behaviour resulted in me losing my job and career as a teacher. Eventually he was arrested and sent to prison. Despite being free of the abuse, I am still paying the price for being in the relationship. Because I was constantly monitored I was unable to respond to calls and letters from the bank. A default notice was served and the balance on my credit card recorded as unsettled. I have appealed to the Financial Ombudsman to remove this since it means I am unable to move on with my life.”⁷⁵

⁷³ Bates, E. (2017). Hidden Victims: Men and their Experience of Domestic Violence. Available at: <http://insight.cumbria.ac.uk/id/eprint/3463/>

⁷⁴ More information about types of economic abuse at: Women's Aid (2012). Chapter 2 – Domestic abuse and financial abuse: An overview

⁷⁵ <http://www.survivingeconomicabuse.org/>

In 2013, the government established a conduct-focused financial services regulator, the Financial Conduct Authority (FCA), to ensure the interests of consumers and participants in our financial markets are placed at the heart of the regulatory system and given the priority they deserve. One of the FCA's three operational objectives is to secure appropriate protection for consumers and the FCA's rules require financial institutions to treat customers fairly.⁷⁶

We are interested in identifying practical issues that make it harder for a victim to escape or recover from financial abuse. The finance and banking trade body, UK Finance, is examining recent research and working alongside key stakeholders such as Citizens Advice and Refuge to establish the role that the financial services industry can play in combating financial abuse and assisting victims. It aims to develop a voluntary industry code of practice to help guide the response of financial institutions when dealing with victims. It will also establish the role the financial services industry can play in helping to raise awareness about financial abuse, and empower victims to regain control of their finances by making informed decisions based on their personal circumstances.

In addition, breathing space – a period of respite from fees, charges and enforcement action for severely over-indebted consumers – may be of practical benefit to victims of financial abuse. The government has recently published a call for evidence for breathing space, which would be followed, where appropriate, by a statutory debt repayment plan.⁷⁷

35. Question: What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?

Free text

Online threats and the role of technology in abuse

Technological advances have radically improved the lives of many. However, there is also a darker side where the increasing importance and range of technology in our everyday life creates new opportunities for domestic abuse. This can include perpetrating abuse online via social media, controlling victims' access to their mobile phones, or installing tracking devices so victims' movements can be followed at all times. Victims can feel like there is no escape, physically and virtually, and that technology is being used to isolate, punish and humiliate them. We have seen this rise in technology-related abuse reflected in prosecutions. Since its introduction, many of the prosecutions of coercive or controlling behaviour have related to control of victims through the internet, tracking software and social media platforms. There has also been an increase in the proportion of domestic-abuse related offences of indecent or grossly offensive communications.⁷⁸

“After a few months of being together we ended up with each other’s Facebook passwords but at that time I thought this was a normal thing to do. Not long after, he began to go on my Facebook quite often until it turned into him being on it every day”⁷⁹

⁷⁶ <https://www.fca.org.uk/publication/corporate/fca-approach-advancing-objectives-2015.pdf>

⁷⁷ <https://www.gov.uk/government/consultations/breathing-space-call-for-evidence>

⁷⁸ Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

⁷⁹ SafeLives (2017). Spotlight on young people and domestic abuse. Available at: <http://www.safelives.org.uk/knowledge-hub/spotlights/spotlight-3-young-people-and-domestic-abuse>

We know we must do more to tackle technology-related domestic abuse and to empower both potential victims and survivors to feel safer online. On 11 October 2017, the government published the Internet Safety Strategy Green Paper.⁸⁰ It aims to make Britain the safest place in the world for online users by developing safer online communities and empowering people to take steps to improve their online safety. The strategy considers the responsibilities of companies to their users, the use of technical solutions to prevent online harms and the government's role in supporting the public online.

The government will work through the measures set out in the strategy to prevent and tackle harmful but legal online behaviour. Initiatives include:

- Establishing a social media code of practice to address conduct that is bullying or insulting to users, or other behaviour that is likely to intimidate or humiliate. The code will provide guidance for social media providers on the arrangements for individuals to notify platforms of such conduct and the processes for dealing with these notifications.
- The introduction of an annual internet safety transparency report to provide UK-level data on what offensive online content is being reported, how social media companies are responding to complaints, and what material is removed. Annual reporting will help to set baselines against which to benchmark companies' progress, and encourage the sharing of best practice between companies.
- Working with startups and established technology companies to build safety features and settings into products and platforms from the start so that all users have access to technical tools which can help keep them safe online.
- Department for Digital, Culture, Media and Sport and Department for Education are generating the 'online safety' aspects of new compulsory subjects: 'Relationship Education' and 'Relationship Sex Education'. We recognise this is the first generation of children who are learning about relationships and sex in an online world, therefore it is important that children build their digital literacy skills so they have the right tools to make smart choices online.
- Looking at how all online users, including victims of domestic abuse and other vulnerable adults, can be better supported to manage online risks through guidance and technological tools.
- A Law Commission review of current legislation relating to offensive online communications to ensure that laws are up to date with technology.

Case study: Tackling technological abuse

"He integrated my iPhone activity onto his iPad ... he watched and monitored everything. It made me stop contacting people. It isolated me even more."

Refuge, with funding from the Tampon Tax, Google.org and Comic Relief, has recently launched a programme aimed at protecting and empowering women against the abuse of modern technology.

⁸⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/650949/Internet_Safety_Strategy_green_paper.pdf

Modern technology can give perpetrators new ways of controlling, isolating and humiliating and dominating victims using items such as phones, laptops and even satnavs.

Refuge's innovative project will keep victims safe from tech threats by teaching them how to protect their devices, empower victims to access technology, train 300 frontline staff to tackle tech abuse and recruit tech experts to keep ahead of trends.

While technology is used as a means to perpetrate abuse, there are opportunities to use innovative technology as a way of tackling domestic abuse and also to provide further support for victims.

Case study: Technology for good

TecSOS (Technical S.O.S.) is a not-for-profit initiative that seeks to support high-risk victims of domestic abuse through the provision of a specially adapted mobile phone that enables enhanced access to the police in an emergency. The handsets link directly to the 999 service where the calls are immediately recognisable and announced to the police call taker as a TecSOS call. TecSOS also provides a global location and tracking capability which is delivered directly to police control rooms.

TecSOS is live in 40 UK police forces and is also available in a number of other European countries with over 81,000 users. Independent evaluations have demonstrated a range of benefits including improved police response times, increased mobility and self-confidence for users and cost savings. TecSOS has been accredited and licensed by Secured by Design.

36. Question: What more can we do to tackle domestic abuse which is perpetrated online, or through control of technology?

Appropriate reporting categories on social media platforms and signposting victims to off-platform support, such as helplines	<input type="checkbox"/>
Clear guidance from social media companies on privacy settings for users at risk or victims of domestic abuse on online domestic abuse	<input type="checkbox"/>
Effective use and handling of evidence from social media within the investigation and prosecution processes	<input type="checkbox"/>
Government /charities and others promoting awareness of online and technology risks in relation to domestic abuse , such as through advertising	<input type="checkbox"/>
Government raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators	<input type="checkbox"/>
Retailers, applications and the wider technology industry raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators	<input type="checkbox"/>
Other – please state	<input type="checkbox"/> <input type="text"/>
Don't know/no answer	<input type="checkbox"/>

Free text for further explanation of choice

Chapter 3: Pursue and Deter Perpetrators

“We want to manage perpetrators from initial agency response through to conviction and rehabilitation using effective interventions aimed at preventing abuse and increasing victim safety”

We are seeking views on how to achieve this. In this consultation we:

- outline recent action taken to improve the police response and ask how we can further improve compliance (page 53)
- consider how we can improve the victims’ experience of the justice system, to ensure victims come forward and support prosecution through to conclusion (page 55)
- discuss the coercive or controlling offence introduced in 2015 and reflect on whether it is working effectively (page 59)
- outline proposals for ensuring that sentencing of domestic abuse related offences duly recognises the devastating impact of domestic abuse on victims and any children involved page 60
- describe the government’s approach to meeting the extra-territorial jurisdiction and sexual harassment requirements of the Istanbul Convention (page 62)
- explore whether the wider use of conditional cautions would be appropriate in instances of domestic abuse (page 65) in order to reduce reoffending
- consider what changes would improve management of serial perpetrators (page 66) and what more could be done to work with perpetrators to change their offending behaviour (page 67)

Preventing domestic abuse in the first instance is the most effective way to end domestic abuse. This needs to be the priority of the government, civil society and the wider public. However, when prevention fails we must ensure our justice system is able to effectively prosecute perpetrators, while protecting victims⁸¹ from further distress.

The data we have on domestic abuse is fragmented, with different measures being collected by different organisations, on different timescales and using different collection methods. However, data shows that in the year ending March 2015, four in five domestic abuse victims did not report their abuse to the police.⁸² For the year ending March 2016, of the domestic abuse related incidents and crimes reported to the police, 41% were recorded as crimes.⁸³

⁸¹ Please note we use the word ‘victim’ throughout this chapter as shorthand for ‘alleged victim’. A central pillar of our justice system is the right to a fair trial, and that a defendant is innocent until proven guilty.

⁸² Office for National Statistics (2016). Crime in England and Wales: year ending March 2015, Compendium: Intimate personal violence and partner abuse, Table 4.28

⁸³ Office for National Statistics (2017). Crime in England and Wales: year ending March 2016, Compendium: Domestic abuse, sexual assault and stalking

While over the last 10 years there has been a 61% rise in the volume of convictions to 70,853,⁸⁴ we know there is more we must do to ensure that perpetrators do not go unchallenged.

3A: Improving the police response

In September 2013, Her Majesty's Inspectorate of Constabulary (HMIC) was commissioned by the then Home Secretary to review the response to domestic abuse victims in all 43 police forces in England and Wales.⁸⁵ The report highlighted failings in culture, attitude and core skills. In response the Home Secretary established a national oversight group to ensure action against the recommendations and drive new and innovative approaches in the way that the police respond to domestic abuse.

The group has overseen a domestic abuse improvement plan being published by every police force, new guidance published by the College of Policing, new training piloted, and police collecting data against a national standard on all domestic abuse recorded crimes.⁸⁶

We want to continue to tackle the challenges faced by victims in reporting crimes and to promote the importance of the good initial contact and a timely first response by the police to victims.

The College of Policing is in the process of defining how it will implement a 'Licence to Practise' system.⁸⁷ This will be a major step in raising standards for specialist investigators. It aims to ensure staff and officers engaged in high harm areas, such as domestic abuse, always have access to the right development, skills and knowledge required to undertake their roles.

In parallel, the government has implemented, and is trialling a number of different measures to improve the police response to domestic abuse. The Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) model⁸⁸ is used by the majority of police forces in England and Wales to assess risk in domestic abuse and stalking cases. In 2014 a College of Policing review found the risk tool was not being applied consistently by front-line police officers and did not effectively promote recognition of non-violent abuse such as coercive control.

As a result, three forces took part in a College of Policing pilot which aims to assist frontline officers to identify patterns of abusive behaviour and, in particular, improve officers' understanding of the risks around coercive control. The College of Policing expects to publish the results of this pilot early in 2018. In the meantime, HMICFRS and the National Police Chiefs' Council have been clear that forces should continue to improve their use of the current tool, DASH.

⁸⁴ Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

⁸⁵ <https://www.gov.uk/government/news/home-secretary-leads-action-on-police-response-to-domestic-violence-and-abuse>

⁸⁶ HMIC (2015). Increasingly everyone's business: A progress report on the police response to domestic abuse

⁸⁷ <https://www.gov.uk/government/speeches/home-secretarys-college-of-policing-speech-on-vulnerability>

⁸⁸ <http://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/DASH-2009.pdf>

We also understand that victims may not always want to pursue a criminal justice response and are looking to strengthen our ability to obtain relevant evidence in addition to the victims' which can be used in prosecutions where appropriate.

Video cameras worn by police, known as body-worn video, can strengthen a prosecution case when used to capture images following reports of domestic abuse. The recording can provide an immediate and exact record of the disturbance at the scene and the emotional effect on the victim and their family or other immediate witnesses. A 2014 investigation by the College Policing into the impact of body-worn video on the criminal justice outcomes of domestic abuse incidents found that issuing officers with body-worn video could be effective in increasing the number of charges made, thereby reducing attrition of domestic abuse cases through the criminal justice system.⁸⁹ We have already provided £1.4 million through the Police Innovation Fund for body-worn video cameras to help officers gather evidence at the scene.

In addition to these measures we have funded six police forces in the North East to pilot a 'whole system approach' to tackle domestic abuse.

Case study: Police Transformation Fund (PTF)

The PTF is funding six police forces in the North East to pilot a 'whole system approach' to tackle domestic abuse. The project has already proved successful in Northumbria in bringing together a range of methods and partners to help tackle domestic abuse, and this new funding will enable it to grow and develop over the next 3 years.

There are 3 central strands to the project which focus on: close partnership working with the criminal justice system; civil and family courts; and multi-agency victim support and offender management. It is planned that West Yorkshire, North Yorkshire, Humberside, Cleveland, and Durham forces, with Northumbria will together develop a six-force domestic abuse strategy, enabling strong mutual learning and close collaboration both in policing and across partner agencies.

37. Question: How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?

Free text

3B: Improving victims' experience of the justice system

We want to ensure victims have confidence in the justice system. Confidence that it is a fair, impartial system that recognises the full spectrum of domestic abuse.

We recognise that the justice system can be daunting and that victims of domestic abuse may disengage from the process or may not want to be involved at all for a number of reasons. For example, due to the level of fear and control exerted by the perpetrator or concern that they will not be believed. Crown Prosecution Service data on cases flagged as domestic abuse shows that over half of prosecutions (54%) which do not secure a

⁸⁹ College of Policing (2014). The Essex Body Worn Video Trial

conviction are due to victims retracting their statements, not attending court to give evidence, or otherwise not supporting the case.⁹⁰

A technique to avoid delay likely to cause victims to retract their statements has been the arrangement of faster trials.

Case study: speeding up court proceedings

In one Crown Court Centre, domestic abuse cases were being tried on average somewhere between 6 to 9 months after the event. This delay meant that the victim's circumstances may have changed and in virtually every case the victim had "moved on with their life" and no longer wished to support the trial.

Working with other criminal justice agencies and the defence, the Resident Judge has started a trial of a 'fast track' process for domestic abuse cases. To make this procedure work in practice, it is only used in straightforward cases where the issues are limited so that cases are usually completed within two hours. All these straightforward domestic abuse cases are tried within two weeks and one day of the Resident Judge first reviewing the case.

In order to achieve this accelerated process, the police have agreed that in these cases a full file of evidence would be served (including body-worn camera footage) when the case is sent from the magistrates' court. This is reviewed by two dedicated Crown Prosecution Service prosecutors. Local defence advocates have also supported this initiative following excellent local engagement.

While this initiative is working well at this particular crown court, it will be a matter for the senior judiciary to determine if it is suitable for other crown court centres bearing in mind their size, capacity, workloads and other interdependencies.

A range of mechanisms are designed to help support victims to give their best evidence. This includes special measures for vulnerable and intimidated witnesses, prohibiting unrepresented defendants from cross-examining victims, support from the Witness Care Unit (who are the single point of contact for victims and witnesses for information regarding the progress of their cases), the court-based witness service (who can provide emotional support and practical advice and information to witnesses in criminal proceedings), and criminal justice professionals specially trained in domestic abuse. Independent Domestic Violence Advisors (IDVAs) are available in many areas to support victims through the justice system.

Case study: Co-location of police and IDVAs

In Durham the IDVAs are co-located with the police. They act as the single point of contact with the victim and liaise closely with Witness Care Unit and the prosecution on the victim's behalf. They inform the victim of case progression as well as providing them with emotional and practical support. The IDVAs accompany victims on pre-trial familiarisation visits. They ensure that a copy of the Victim Personal Statement is taken to court so the prosecutors have this on the day of the trial. They speak regularly with the prosecution to ensure all available information and evidence for the trial is available. The IDVAs have access to the exhibit court systems which enables them to

⁹⁰ Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

review the daily court listings and status of the cases. They also offer practical advice to the courts such as help drafting restraining orders.

One example of our efforts to continually improve our response is the work by the National Criminal Justice Board, chaired by the Justice Secretary. This has overseen a cross-criminal justice system exercise on domestic abuse – called the domestic abuse ‘deep-dive’ project – which developed and tested a best practice framework for use across all Magistrates’ Courts. It is a multiagency project which followed high performing court areas (in terms of 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.

Special measures in criminal proceedings

Victims of domestic abuse may already have access to special measures if the court is satisfied that the quality of evidence given by the victim is likely to be diminished by reason of fear or distress in connection with giving evidence. There are a range of special measures available but the most commonly used is a screen – allowing the witness to give evidence in the court room without being seen by the defendant and the public gallery.

Currently prosecutors apply for these special measures for victims of domestic abuse at the first court hearing on the basis that they are eligible for assistance on grounds of fear or distress under s17(1) of the Youth Justice and Criminal Evidence Act.

We could create a legislative assumption that all victims of domestic abuse are to be treated as being eligible for assistance on the grounds of fear and distress, if the victim wants such assistance. If the victim is deemed to be eligible for assistance the court will then determine whether any available special measures would be likely to improve the quality of the evidence given by the witness and whether the measure might inhibit a party effectively testing that evidence. This is similar to the assumption for victims of other specific offences such as sexual offences and modern slavery offences.

As a result, the prosecution would not have to establish eligibility for special measures on the grounds of “fear or distress”, simply that the special measure (such as a screen or evidence via video-link) is likely to improve the quality of the evidence and would not inhibit any party effectively testing that evidence. This would mean the victim would have greater certainty from the outset that they would not have to face the accused in court.

38. Question: Do you think creating a legislative assumption that all domestic abuse victims are to be treated as eligible for assistance on the grounds of fear and distress (if the victim wants such assistance), will support more victims to give evidence? Please select one.

Yes, please give reasons	<input type="text"/>
No, please give reasons	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

- 39. Question: Is there more this government could do to explain the range and remit of existing measures for victims to help support them in the criminal justice process? Please select one.**

Yes, please describe	<input type="text"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

Cross-examination in criminal proceedings

At present if a defendant is unrepresented in criminal proceedings, the court can make an order to prevent the victim from being cross-examined by the defendant in person. Instead a lawyer will be instructed to do so on behalf of the defendant. The court can do this on its own or on an application by the prosecution.

- 40. Question: Do you know of 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? Please select one.**

Where possible, please provide evidence or details of the experience to support your answer.

Yes, please describe	<input type="text"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

In sexual offence cases, there is a prohibition on victims being cross-examined by an unrepresented defendant. This means that victims know from the outset that they will not be cross-examined by the accused in person. This could be extended to victims of domestic abuse in criminal proceedings.

- 41. Question: Do you think extending the prohibition on cross-examination in criminal proceedings would support more domestic abuse victims to give evidence? Please select one.**

Yes, please give reasons	<input type="text"/>
No, please give reasons	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

While family courts have a range of powers to make sure difficult courtroom situations are handled sensitively for vulnerable witnesses, they do not, unlike the criminal courts, have a specific power to prevent perpetrators of abuse (alleged or otherwise) from cross-examining their victims in person. The government is committed to addressing this issue and will legislate to give family courts the power to stop this practice as soon as legislative time allows.

Prosecution without victim's evidence

Where (through fear or for some other reason) a victim does not attend court to give evidence, it does not necessarily mean that the case cannot be prosecuted – there may be other relevant evidence of the offence. For example, recorded evidence such as a 999 tape, or video footage captured by police using a body-worn camera, allows courts to hear and see the nature of the event (including the victim's account) and the immediate behaviour of the suspect and victim. If the defence object to this evidence, it is then for the prosecution to argue that it is admissible.

Improving provisions

42. **Question: Do you have suggestions for how we can better support prosecutions through to conclusion, including providing better support for witnesses who currently disengage from the process. Please select one.**

Where possible, please provide evidence or details of the experience to support your answer.

Yes, please describe	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

43. **Question: What more can police, witness care units and the Crown Prosecution Service do to support victims through the justice process from the point of report onwards?**

Where possible, please provide evidence or details of the experience to support your answer.

Free text

Protections in the family court

We also want to make sure that individuals in the family justice system receive the support and protections they require. We have worked closely with senior family judges and the Family Procedure Rule Committee to introduce new rules of court and a new practice direction relating to vulnerable parties and witnesses involved in family proceedings. The new rules require the court to consider whether a party's participation in the court proceedings is likely to be diminished by reason of vulnerability, or if the quality of the evidence of a party or witness is likely to be diminished by reason of vulnerability. If so, the court must consider whether the person needs the assistance of a particular measure, such as a protective screen or a video link. We have developed fresh training for family court staff to help them identify and support vulnerable court users. This will contribute to a more positive court experience beyond the courtroom for vulnerable people.

44. **Question: Are there other aspects of the criminal court treatment of vulnerable people which the family court could learn from? Please select one.**

Yes, please describe	<input type="text"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

3C: Prosecuting domestic abuse

Controlling or Coercive behaviour offence

“As our relationship developed he became more and more controlling and paranoid. I wasn’t allowed to visit my family or friends and I wasn’t allowed to work. I only had £70 a week to live off and this had to pay for everything: food, electricity, bills and clothes for the baby. I had to wear my long hair short, I wasn’t allowed to use makeup and I had to have baggy, loose fitting clothes. I wasn’t even allowed to answer the door.”⁹¹

Incidents of domestic abuse can be prosecuted under a wide range of criminal offences, including assault or other relevant offences against the person, sexual offences, criminal damage, public order offences and murder. In December 2015 an additional offence specific to domestic abuse was introduced of Controlling or Coercive Behaviour in an Intimate or Family Relationship (section 76 of the Serious Crime Act 2015). The offence allows perpetrators whose behaviour amounts to psychological and emotional abuse, but stops short of inflicting physical harm or violence, to be prosecuted. This offence now exists alongside other relevant criminal offences which are often used to prosecute domestic abuse. This offence closed the gap in the law around patterns of controlling or coercive behaviour during a relationship between intimate partners, former partners who still live together, or family members, with other relevant offences still available to prosecutors.

Since the introduction of the offence, more than 300 cases have been charged and reached a first hearing.⁹² Although it is still early days we are keen to identify areas that may strengthen the offence.

45. Question: Do you think there is further action the government could take to strengthen the effectiveness of the controlling or coercive behaviour offence? Please select one.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

Please give further detail

Aggravating factors in sentencing

Having the right legal framework to allow the courts to deal effectively with perpetrators of abuse is fundamental. Sentencing should recognise the devastating impact of domestic abuse on victims. These include children who are either witnesses or are used as emotional collateral to torment the victim. For example, in cases where a child is repeatedly stopped from comforting or communicating with the abused parent in an attempt to further isolate them. Recent analysis of the Crime Survey for England and Wales, year ending March 2016, showed that those who had witnessed domestic violence

⁹¹ SafeLives (2015). Getting it Right First Time.

⁹² Crown Prosecution Service (2016-17). Violence Against Women and Girls report. 10th edition

or abuse as a child (before the age of 16) were more likely to experience domestic abuse by a partner as an adult (34% compared with 11% who did not witness domestic abuse).⁹³

A revised set of guidelines for sentencing in domestic abuse cases were published by the independent Sentencing Council on 22 February 2018.⁹⁴ While there is no specific offence of domestic abuse, the guideline identifies principles relevant to the sentencing of cases involving domestic abuse.

The guidelines outline the seriousness of domestic abuse and state that:

“The domestic context of the offending behaviour makes the offending more serious because it represents a violation of the trust that normally exists between people in an intimate or family relationship. Additionally, there may be a continuing threat to the victim’s safety, and in the worst cases a threat to their life or the lives of others around them.”

The guidelines apply to sentencing of all offences involving domestic abuse, making the offence more serious and therefore likely to lead to a higher sentence.

The guidelines list specific aggravating and mitigating factors which may have particular relevance to offences committed in a domestic abuse context. As part of a list of suggested aggravating factors, the guideline refers to factors such as abuse of trust or where the perpetrator takes steps to prevent the victim reporting an incident or obtaining assistance. The guidelines also highlight the need to consider the impact of the offence on children (by direct or indirect exposure to domestic abuse) or where contact arrangements with children as used to instigate an offence.

Sentencing guidelines, once in force, have to be followed by judges, unless they consider that to do so is contrary to the interests of justice.

The government welcomes these new overarching guidelines from the Sentencing Council but continues to consider ways to strengthen the law.

An example of potential changes would be to supplement guidelines by creating a statutory aggravating factor that would apply to all offences in sentencing, similar to those already in law for hate crimes (where consideration is given to the offender’s hostility towards the victim based on a particular protected characteristic). With a statutory aggravating factor, the court could be required to consider that factor, and to state in open court that they had done so. The aggravating factor could be drafted to apply to circumstances of domestic abuse, including behaviour involving, or with particular impact on, a child. 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 additional evidential burdens on the police and Crown Prosecution Service (where the factual circumstances are disputed) and increases the potential for more defendants to plead not guilty to the charges.

⁹³ Office for National Statistics (2017) People who were abused as children are more likely to be abused as an adult.<http://visual.ons.gov.uk/people-who-were-abused-as-children-are-more-likely-to-be-abused-as-an-adult/>

⁹⁴ <https://www.sentencingcouncil.org.uk/publications/item/overarching-principles-domestic-abuse-definitive-guideline/>

- 46. Question: Do you think the current approach of using sentencing guidelines, as per guidelines issued in February 2018 is effective in ensuring sentences imposed reflect the seriousness of domestic abuse when it involves children? Please select one.**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

Free text to explain answer

- 47. Question: Is a statutory aggravating factor needed in order for the court to reflect the seriousness of offences involving domestic abuse and children in sentencing? Please select one.**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

Free text to explain answer

- 48. Question: Please share any other views on how to ensure domestic abuse and its impact on children are taken into account in sentencing?**

Free text

The Istanbul Convention

Prosecuting offences committed abroad (extraterritorial jurisdiction)

The Council of Europe Istanbul Convention⁹⁵ is an international set of standards designed to address domestic violence and violence against women. The UK has signed the Convention and the government is committed to ratifying the Convention into our national law as soon as possible.

A key element of the Convention is making sure that ratifying states can use their national law to prosecute offences required by the Convention⁹⁶ when they are committed by their nationals overseas.⁹⁷ Generally, in the UK a crime is only prosecutable if the offending behaviour takes place in our territory. The legal term for powers to allow prosecution of offences in the UK when committed by nationals overseas is 'extraterritorial jurisdiction'. Taking such powers requires primary legislation.⁹⁸ Generally, government policy on extraterritorial jurisdiction is that criminal offending is best dealt with by the criminal justice system of the state where the offence occurred. This is because it is the law of that state

⁹⁵ <https://rm.coe.int/168046031c>. The coalition Government signed this Convention in 2012. See also the Explanatory Memorandum <https://rm.coe.int/16800d383a>

⁹⁶ Articles 33-39

⁹⁷ Article 44 read with Article 78 (reservations).

⁹⁸ The draft Domestic Abuse Bill will include the necessary legislation for England and Wales. Legislation necessary for compliance with the Convention in Scotland and Northern Ireland is a matter for the devolved administrations

which has been violated and that is where the community that has been wronged is located, where the victim will often reside and where the necessary evidence will normally be found. This is in keeping with the general international legal framework.

To address certain serious forms of offending effectively it may, however, be necessary for states to assume extraterritorial jurisdiction. An international obligation to put in place extraterritorial jurisdiction reflects the consensus that there may be exceptional instances where a crime is not prosecuted in the state where it occurs but should be brought to justice elsewhere, for example serious violence against women and domestic violence. In these instances, states should be able to use extended jurisdictional powers to step in, where appropriate, and prosecute such exceptional offences when committed in another country by one of their nationals or by a non-national ordinarily resident in their national territory.

It is not generally considered to be fair to convict a person in this country for something that is not a crime in the country where it happened. Consequently, extraterritorial powers usually apply only when the offending behaviour is a criminal offence in the country where it happened as well as in England and Wales. This is known as dual criminality.

The courts of England and Wales already have extraterritorial jurisdiction over some of the offences required by the Convention: the common-law offence of murder; certain sexual offences where the victim of the crime is under 18; offences of forced marriage; and offences of female genital mutilation. These laws provide partial compliance with the extraterritorial jurisdiction requirements of the Convention. New legislation would, therefore, extend extraterritorial jurisdiction in England and Wales to other offences required by the Convention that are not currently subject to such jurisdiction.

The Convention requires domestic law to be able to prosecute relevant offences when committed outside the UK. As with all criminal offences, however, the decision to prosecute would be a matter for the Crown Prosecution Service.

The government proposes to take extraterritorial jurisdiction over each of the offences listed in the table below when the offence is committed outside the UK by a UK national or a UK resident; and (except for the offences marked with a *) there is dual criminality⁹⁹

OFFENCE	ARTICLE(S)
Putting people in fear of violence* : section 4 of the Protection from Harassment Act 1997 Controlling or coercive behaviour in an intimate or family relationship*: section 76 of the Serious Crime Act 2015	33
Stalking involving fear of violence or serious alarm or distress* : section 4A of the Protection from Harassment Act 1997	33, 34
Actual bodily harm : section 47 of the Offences Against the Person Act 1861	33, ¹⁰⁰ 35, 39
Grievous bodily harm : section 20 of the Offences Against the Person Act 1861	33, 35, 39

⁹⁹ The offences marked * involve a pattern of behaviour or course of conduct rather than a single act and a dual criminality requirement could limit the ability to prosecute such offences in certain circumstances, for example where a course of conduct is committed across multiple jurisdictions

¹⁰⁰ ABH and GBH cover psychiatric (but not psychological) injury

Grievous bodily harm with intent: section 18 of the Offences Against the Person Act 1861	33. 35, 39
Procuring abortion: section 58 of the Offences Against the Person Act 1861	39
Rape: section 1 of the Sexual Offences Act 2003	36
Assault by penetration: section 2 of the Sexual Offences Act 2003	36
Sexual assault: section 3 of the Sexual Offences Act 2003	36
Causing a person to engage in sexual activity without consent: section 4 of the Sexual Offences Act 2003	36

We believe these offences are of a sufficient level of seriousness to be in keeping both with the intention of the Convention and the UK's general position on extraterritorial jurisdiction.

49. Question: Do you agree that taking extraterritorial jurisdiction over these offences is sufficient to satisfy the requirements of the Convention?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

50. Question: If not, what additional offences do you think we should take extraterritorial jurisdiction over and why?

Free text

Sexual harassment

The Convention also requires that sexual harassment¹⁰¹ is subject to criminal or other (for example, civil) legal sanctions.

The Protection from Harassment Act 1997 prohibits a person from pursuing a course of conduct which amounts to harassment, and which the person knows or ought to know amounts to harassment,¹⁰² and it provides both criminal and civil law remedies for breach of that prohibition.¹⁰³ The "course of conduct" requirement also accords with the intention of the Convention to cover repeated behaviour rather than single incidents of harassment.

The government believes that the definition of harassment in the Protection from Harassment Act 1997 is wide enough to satisfy the Convention. Where a person is (in the terms of the Convention) engaging in "verbal, non-verbal or physical conduct of a sexual nature" to create an intimidating or offensive environment, the person "ought to know" (in

¹⁰¹ Defined at Article 40 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, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment ..."

¹⁰² Section 1(1)

¹⁰³ Sections 2 and 3

the terms of the definition in the 1997 Act) that their behaviour amounts to harassment. Accordingly, the government proposes to rely on the civil law remedy in the 1997 Act to satisfy the Convention obligations in this regard.

51. Question: Do you agree that relying on the civil law remedy in the Protection from Harassment Act 1997 is sufficient to satisfy the sexual harassment requirements of the Convention?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

52. Question: If not, what do you think is necessary to satisfy those requirements?

Free text

3D: Preventing reoffending

Tackling domestic abuse does not end with a successful prosecution. To end the cycle of abuse we must consider the role of the criminal justice system in tackling the root causes of domestic abuse and prevent reoffending.

Conditional Cautions

Out of court disposals are measures which allow police to deal with low level offending in a proportionate manner without a prosecution. One type of out of court disposal is a conditional caution which requires an adult offender to comply with conditions that are rehabilitative, reparative or punitive in nature. If the offender fails to comply, then they may face prosecution for the offence.¹⁰⁴

Currently the Director of Public Prosecution's guidance restricts the use of conditional cautions for domestic abuse, saying they will rarely be appropriate (only in exceptional circumstances due to the nature of the crime or circumstances of the offender, and only with Crown Prosecution Service approval).

Results of the Project CARA¹⁰⁵ trial, where permission was given for wider use of conditional cautions for lower-level, normally first-time domestic abuse incidents, suggests that an effective rehabilitation programme delivered at an early stage to low-risk offenders can reduce crime harm and the prevalence and frequency of reoffending. The evaluation of CARA recommends that there should be more widespread testing of an effective rehabilitative approach for domestic abuse to increase the evidence base.

¹⁰⁴ For further information see the code of practice for adult conditional cautions <https://www.gov.uk/government/publications/code-of-practice-for-adult-conditional-cautions> and the Director of Public Prosecution's guidance on adult conditional cautions <https://www.cps.gov.uk/legal-guidance/adult-conditional-cautions-directors-guidance>

¹⁰⁵ Strang, H., Sherman, L., Ariel, B., Chilton, S., Braddock, R., Rowlinson, T., Cornelius, N., Jarman, R., & Weinborn, C. (2017). Reducing the Harm of Intimate Partner Violence: Randomized Controlled Trial of the Hampshire Constabulary CARA Experiment. Available at: <https://link.springer.com/article/10.1007/s41887-017-0007-x>

In addition, three police forces piloted a simplified out of court disposal framework¹⁰⁶ and were granted some additional freedom in use of conditional cautions, which may provide some preliminary research findings in relation to domestic abuse.

It should be noted that police are currently able to issue a simple caution (a caution which does not require the offender to comply with any conditions, essentially a formal warning) in limited domestic abuse cases without the approval of the Crown Prosecution Service.¹⁰⁷

We are interested in building further evidence on the effectiveness of early rehabilitative intervention to tackle domestic abuse offenders, and rapid resolution of cases for victims. Further controlled and monitored studies by police forces would support this. We are aware that the first time a domestic abuse incident is reported to the police is not likely to be the first actual incident, and if there are further trials, they should consider how to take account of this in determining eligibility for conditional cautions.

53. Question: Do you agree we should explore (with the Crown Prosecution Service) further controlled and monitored use of conditional cautions with rehabilitation programmes than is currently permitted for lower-level, normally first time domestic abuse incidents? Please select one.

Yes, please describe	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

If yes, please explain your answer, suggesting what procedures should be in place to ensure a conditional caution would only be given in appropriate cases with appropriate conditions attached.

If no, please explain your answer

54. Question: Do you have any additional evidence on current conditional caution practice which we should consider in relation to this issue? Please select one.

Yes, please describe	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

¹⁰⁶ More information on simplified Out of Court Disposal framework available at: <https://consult.justice.gov.uk/digital-communications/out-of-court-disposals/>

¹⁰⁷ More information on simple cautions for adult offenders available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416068/cautions-guidance-2015.pdf

Managing serial and repeat offenders

We want to stop repeat and serial perpetrators of domestic abuse from reoffending and ensure that victims are properly protected by the criminal justice system, including where the offending includes stalking behaviour.¹⁰⁸

The National Probation Service (NPS) and Community Rehabilitation Companies (CRCs) are both responsible for completing risk assessments and managing the risk offenders pose in order to enforce the sentence of a court. This includes management of domestic abuse offenders, both in the community and in custody.

Some offenders may be managed by the police and the NPS under Multi-Agency Public Protection Arrangements (MAPPA), where the risk they pose makes this necessary. This may include offenders who have committed violent offences such as assault or threats to kill, have received a sentence over 12 months, or are otherwise assessed to present a serious risk.

We are also proposing the introduction of new Domestic Abuse Protection Orders to provide police and courts with a new tool to place conditions on people who pose a risk of further abuse (as described on page 36 in section 2C: proposals to keep victims safe).

55. Question: What changes to current policies or procedures would help police and other agencies to better manage serial and repeat abusers, in particular those who are not subject to a sentence of the court. This can include how best to:

- **risk assess an abuser and plan for risk reduction**
- **engage an abuser in order to encourage compliance with control measures**

Free text

Working with perpetrators to change their behaviour

There are a number of programmes for domestic abuse perpetrators or those who think they may be at risk of offending. These are designed to change their behaviour, including preventing initial offending, escalation of abuse and/or reoffending.

Respect is a nationally recognised UK quality and safety standard which accredits organisations which offer safe and effective interventions with domestic abuse perpetrators. An example of such a programme is the 'Drive Project' developed by SafeLives, Respect and Social Finance, and part-funded by the government. Drive supports and challenges high-risk and serial perpetrators to change their behaviour and builds in wrap-around support for victims and children. This programme is not always dependent on a criminal justice intervention.

Some police forces also offer interventions to serial and repeat perpetrators to address their offending behaviour through local Integrated Offender Management (IOM) schemes. These interventions can begin before a conviction.

¹⁰⁸ We know that around 70% of all stalking prosecutions commenced are domestic abuse-related
<https://www.cps.gov.uk/Publications/equality/vaw/index.html>

Post-conviction, there are a number of programmes for domestic abuse perpetrators to reduce their risk of reoffending. These programmes are accredited the Correctional Services Accreditation and Advice Panel (CSAAP) and are quality assured. They use evidence of what factors help reduce reoffending, and are targeted at perpetrators in custody and the community. Two such accredited programmes are Building Better Relationships and Kaizen. Building Better Relationships aims to reduce domestic abuse in medium to high-risk adult male offenders. Kaizen is being rolled out in custody for adult males who present a high or very high level of risk and need, and who typically have convictions for either sexual offences, violent offences, or offences in a domestic abuse context. The following questions relate to perpetrators of domestic abuse related offences.

Case Study: Building Better Relationships

Building Better Relationships (BBR) is a programme for medium to high-risk adult male perpetrators convicted of an Intimate Partner Violence related offence against a female partner. BBR is accredited by the Correctional Services Accreditation and Advice Panel. It is delivered over 29 group and individual sessions to men serving sentences in prisons or in the community. BBR exists as part of a multi-agency response and other agencies outside of the criminal justice system can provide important support to participants both while they are on the programme and subject to supervision and beyond. BBR aims to reduce the risk of reoffending and promote the safety of current and future partners and children.

56. **Question: What more could be done to work with perpetrators in prisons, particularly offenders who receive a sentence of less than 12 months and do not have sufficient time to complete a domestic abuse programme in custody? We are interested to hear of particular examples of practice which have been successful.**

Free text

57. **Question: What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour? We are interested to hear of particular examples of practice which have been successful.**

Free text

Chapter 4: Improve Performance

“We want to increase performance and greater consistency in the way all sectors respond to domestic abuse across all geographical areas.”

We are seeking views on how to achieve this. In this consultation we:

- recognise that in order to better understand what works we need high quality data that can be linked together to create a meaningful story – we therefore ask about what the priorities for improving data collection should be (page 69)
- propose that a domestic abuse commissioner would have a key role in overseeing and monitoring provision and domestic abuse services, as well as providing public leadership on domestic abuse issues (page 71)
- consider how we can best ensure that learning from domestic homicide reviews delivers real change on the ground (page 73)
- Explore how the government and local authorities can better share what works in commissioning and delivering victim services (page 74)

Numerous indicators from across the criminal justice system shows clear variation in performance across the country in criminal justice outcomes. The number of domestic abuse related incidents and crimes recorded differs between police forces. Commissioning of victim-focused support also shows regional variations.¹⁰⁹ We are determined to confront this postcode lottery to ensure victims across the country get the support they need – when and where they need it.

4A: Improving performance using data

Ensuring local practitioners have a detailed understanding of how individual police forces and the wider criminal justice system deals with domestic abuse is vital to improving performance across the country. In December 2016 the Office for National Statistics published the first annual domestic abuse statistical bulletin¹¹⁰ and data tool¹¹¹ and has recently published its second.¹¹² These publications were borne out of an Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) recommendation, in 2015, from its domestic abuse re-inspection report 'Increasingly Everyone's Business'.¹¹³ They aim to bring together domestic abuse statistics in one place to enable a more thorough analysis of how domestic abuse is dealt with at a local level in England and Wales. Meanwhile the Ministry of Justice continues to develop its understanding of what works and is planning to make existing sources of information, data

¹⁰⁹ Office for National Statistics (2017) Domestic Abuse in England and Wales: year ending March 2017. Statistical bulletin.

¹¹⁰ Office for National Statistics (2016). Domestic Abuse in England and Wales: year ending March 2016. Statistical bulletin.

¹¹¹ Office for National Statistics (2016). Domestic Abuse in England and Wales – Data Tool: year ending March 2016

¹¹² Office for National Statistics (2016). Domestic Abuse in England and Wales: year ending March 2017

¹¹³ HMIC (2015). Increasingly everyone's business: A progress report on the police response to domestic abuse.

and evidence more easily accessible in one place via GOV.UK. The Department for Education is also looking at ways to improve the collection and usage of domestic abuse data in their child in need census for families where children receive support from social care.

We expect local practitioners across all agencies, including health, education, social services and the criminal justice system, to use such data, alongside local knowledge, to ask hard and critical questions about their performance in relation to domestic abuse in order to identify areas for improvement.

We would like to explore the feasibility of improving the collection and use of data across the justice system. This could include work to better identify domestic abuse related offences at the point of conviction, and linking the data collected by different agencies to better track outcomes, interventions, reoffending and the interactions with other types of offending. Improved data collection and reporting could also improve insight into the gender and relationship of the perpetrator and victim.

58. Question: Please select which of the following you believe should be priorities for improving data collection. Please choose up to 3.

Improving the collection and reporting of data on when domestic abuse is a feature of a case/intervention	<input type="checkbox"/>
Improving collection and reporting of data relating to the gender and relationship of the perpetrator and victim	<input type="checkbox"/>
Improving data to enable better tracking of outcomes in domestic abuse cases/ intervention	<input type="checkbox"/>
Linking data to enable better tracking of interventions and reoffending	<input type="checkbox"/>
Linking data to enable better understanding of the interactions/ relationships between domestic abuse and other types of offending	<input type="checkbox"/>
Other (free text)	<input type="checkbox"/>
None of the above	<input type="checkbox"/>
Don't know/ No answer	<input type="checkbox"/>

4B: Establish a Domestic Abuse Commissioner in law

We propose to appoint an independent Domestic Abuse Commissioner who would 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.

Many of those affected by domestic abuse access services and support that have been commissioned locally. Funding for these services is mainly provided through the local authority, police or health grant and Police and Crime Commissioners (PCCs) who are best placed to determine local service provision in their area. While this provides flexibility to best meet the needs of those affected by domestic abuse, we are aware that it can mean the quality and quantity of services can vary across the country.

Domestic abuse also remains largely hidden – only an estimated one-fifth victims of domestic abuse report it to the police,¹¹⁴ and compared to the previous year, fewer referrals were made to the crown prosecution service from the police in 2016–17.¹¹⁵ We know we need to do more to embed government guidance, such as the National Statement of Expectations,¹¹⁶ share best practice and challenge local areas where provision is insufficient. This could be achieved by introducing a Commissioner who would stand up for victims of domestic abuse and their children, raise awareness of the issue, and monitor and oversee delivery of services including those provided to the majority who may never come into contact with the criminal justice system. The Commissioner could work with local areas to ensure that services provided, whether working with victims, perpetrators or those at risk, are as effective, evidence-based and safe as they can be. They would also work with Wales' National Advisor for Violence Against Women, other forms of gender-based violence, domestic abuse and sexual violence. To achieve this, the Domestic Abuse Commissioner could have the powers and resources to:

- map and monitor provision of domestic abuse services against the National Statement of Expectations, and publish information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected
- require local public bodies to cooperate and provide information
- oversee the Domestic Homicide Review Quality Assurance process (see section 4C), feeding lessons learned into their recommendations
- oversee compliance with the Specialist Domestic Abuse Courts Manual¹¹⁷
- publish findings in reports, which will be laid before Parliament
- provide recommendations to public bodies, including national and local government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations

It is important that we provide a balance between giving the Domestic Abuse Commissioner sufficient powers to improve services nationally, while avoiding duplicating existing inspection regimes and maintaining the independence of local areas to commission services.

59. Question: Do you agree with the proposed model for a Domestic Abuse Commissioner outlined above? Please select one.

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>

¹¹⁴ Crime in England and Wales: year ending March 2015, Compendium: Intimate personal violence and partner abuse, Table 4.28

¹¹⁵ Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition

¹¹⁶ <https://www.gov.uk/government/publications/violence-against-women-and-girls-national-statement-of-expectations>

¹¹⁷ https://www.cps.gov.uk/publications/equality/vaw/sdvc_resource_manual_2011_v2.pdf

Please give reasons [free text]	<input type="text"/>
Don't know/no answer	<input type="checkbox"/>

60. Question: Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner? Please choose up to 3.

Map and monitor provision of domestic abuse services against the National Statement of Expectations, and publish this information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected	<input type="checkbox"/>
Oversee compliance with the Specialist Domestic Abuse Courts Manual	<input type="checkbox"/>
Oversee the Domestic Homicide Review Quality Assurance process, including any potential changes implemented following this consultation, feeding lessons learned into their recommendations	<input type="checkbox"/>
Provide recommendations to both national and local government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations	<input type="checkbox"/>
Publish findings in reports, which will be laid before Parliament	<input type="checkbox"/>
Require local statutory agencies to cooperate and provide information	<input type="checkbox"/>
Other (please state other functions the commissioner should fulfil)	<input type="checkbox"/>
None of the above	<input type="checkbox"/>
Don't know/no answer	<input type="checkbox"/>

61. Question for public bodies only: What would be the practical implications of complying with the proposed Domestic Abuse Commissioner's powers?

Free text

4C: Learning from Domestic Homicide Reviews

We want to make sure that learning from Domestic Homicide Reviews (DHRs) is understood and acted on. A DHR is a multi-agency review of the circumstances in which a death has, or appears to have, resulted from violence, abuse or neglect in a domestic setting. The purpose of a DHR is to establish what lessons can be learned in order to safeguard victims and prevent future homicides and violence.

It is vital that DHR recommendations are put into practice to avoid future homicides and instances of domestic abuse. Poor information sharing practices and a lack of understanding of and training on the signs of domestic abuse and its impact are all common themes that emerge from DHRs.

We would like to increase awareness of the learning from DHRs, both at a local and national level. This could include making DHRs more accessible, routinely collating and sharing recommendations and providing updates, for example through regular newsletters. We would welcome ideas and proposals for ensuring DHR learning is understood and acted on.

62. **Question: One proposal is that the Domestic Abuse Commissioner could routinely collate, quality assure and share lessons learnt from DHRs. What more could be done to increase awareness of the learning from DHRs?**

Free text

63. **Question: How can areas best hold their own local agencies to account in terms of monitoring delivery against DHR action plans?**

Free text

4D: Sharing best practice across government

We want to share effective practice widely (including with the Devolved Administrations) and so the Department for Education is establishing a What Works Centre to develop strong evidence base for effective children's social care and help ensure social workers have the right tools on the ground.¹¹⁸ The government are reforming the arrangements for reviewing serious cases involving children and setting up a Child Safeguarding Practice Review Panel to review serious cases of national importance, which will feed into the What Works Centre. Similarly, the Department for International Development is sharing global evidence and best practice through its 'What Works to Prevent Violence Programme' in 12 countries.¹¹⁹

The Ministry of Housing, Communities and Local Government continues to work with the sector and local authorities to disseminate best practice for the Troubled Families Programme in England, including advice on how to overcome data-sharing barriers as well as sharing examples of best practice in local authority commissioning.

Using some of the £20 million announced in the Spring Budget, the Department of Health and Social Care is expanding the Tampon Tax pathfinder model to establish comprehensive health practice relating to domestic abuse in all healthcare settings.

64. **Question: How can the government better share and promote effective practice on domestic abuse across all public services both in regard to commissioning and delivery of services?**

Free text

65. **Question: What role should local areas play in sharing good practice?**

Free text

¹¹⁸ <https://www.nesta.org.uk/project/what-works-for-children>

¹¹⁹ <http://www.whatworks.co.za/>

Questionnaire

To help us analyse the responses please submit your response using the following online form:

<https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation>

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it to:

Inter-Personal Violence Team
5th floor, Fry Building
Home Office
2 Marsham Street
London SW1P 4DF

E-mail: DomesticAbuseConsultation@justice.gov.uk

Please also contact the Domestic Abuse Policy teams (as above) if you require information in any other format, such as Braille, audio or another language.

We would welcome responses to the following questions set out in this consultation paper.

1. **Do you agree with the proposed approach to the statutory definition?**
2. **Will the new definition change what your organisation does?**
3. **How can we ensure that the definition is embedded in frontline practice?**
4. **What impact do you think the changes to the age limit in the 2012 domestic abuse definition have had?**
5. **We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach?**
6. **In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?**
7. **Which statutory agencies or groups do you think the UK government should focus its efforts on in order to improve the identification of domestic abuse?**
8. **In addition to improving training programmes and introducing guidance, what more can the government do to improve statutory agencies' understanding of domestic abuse?**
9. **What further support can we provide to the public (employers, friends, family, community figures) so they can identify abuse and refer victims to help effectively?**

10. **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?**
11. **What more can the government do to encourage and support effective multi-agency working, in order to provide victims with full support and protection?**
12. **What more can the government do to better support victims who face multiple barriers to accessing support.**
13. **How can we work better with female offenders and vulnerable women at risk of offending to identify their domestic abuse earlier?**
14. **How can we make greater use of women-specific services to deliver interventions in safe, women-only environments?**
15. **In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the government make in respect of protecting domestic abuse victims with no recourse to public funds?**
16. **Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?**
17. **Which of the following individuals/organisations should be able to apply for a Domestic Abuse Protection Order?**
18. **Which persons or bodies should be specified by regulations as ‘relevant third parties’ who can apply for a Domestic Abuse Protection Order on a victim’s behalf?**
19. **We propose that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made, including:**
 - **at a magistrates’ court by the police following the issue of a Domestic Abuse Protection Notice or at any other time**
 - **as a standalone application by, for example, the victim or a person or organisation on the victim’s behalf to a family court**
 - **by a party during the course of any family, civil or criminal proceedings****Do you agree?**
20. **Do you agree that family, civil, and criminal courts should be able to make a Domestic Abuse Protection Order of their own volition during the course of any proceedings?**
21. **Do you agree that courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order?**
22. **Do you agree that courts should be able to require individuals subject to a Domestic Abuse Protection Order to notify personal details to the police?**
23. **If so, what personal details should the courts be able to require individuals to provide to the police?**

24. Do you agree that breach of the proposed order should be a criminal offence?
25. If you do agree that breach of the proposed order should be a criminal offence, should it be possible for breach to alternatively be punished as a contempt of court?
26. Do you agree that courts should be given an express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order?
27. Which particular statutory safeguards relating to the use of electronic monitoring with Domestic Abuse Protection Orders should be put in place?
28. How much easier do you think it will be for domestic abuse victims to register to vote anonymously, once the changes summarised above happen?
29. What further support could survivors receive to prove their safety would be at risk if their name and address appeared on the electoral register? Please put forward one suggestion.
30. Do you have any further comments or suggestions on how to make it easier for domestic abuse survivors to anonymously register to vote?
31. Aside from anonymous registration, how else can we keep victims' addresses safe?
32. Before reading this consultation, were you aware of the Domestic Violence Disclosure Scheme (Clare's Law)?
33. Do you agree the guidance underpinning the DVDS should be placed on a statutory footing?
34. How do you think we can best promote awareness of the Domestic Violence Disclosure scheme amongst the public?
35. What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?
36. What more can we do to tackle domestic abuse which is perpetrated online, or through control of technology?
37. How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?
38. Do you think creating a legislative assumption that all domestic abuse victims are to be treated as eligible for assistance on the grounds of fear and distress (if the victim wants such assistance), will support more victims to give evidence?
39. Is there more this government could do to explain the range and remit of existing measures for victims to help support them in the criminal justice process?
40. Do you know of 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? Where possible, please provide evidence or details of the experience to support your answer.

41. Do you think extending the prohibition on cross-examination in criminal proceedings would support more domestic abuse victims to give evidence?
42. Do you have suggestions for how we can better support prosecutions through to conclusion, including providing better support for witnesses who currently disengage from the process? Where possible, please provide evidence or details of the experience to support your answer.
43. What more can police, witness care units and the Crown Prosecution Service do to support victims through the justice process from the point of report onwards? Where possible, please provide evidence or details of the experience to support your answer.
44. Are there other aspects of the criminal court treatment of vulnerable people which the family court could learn from?
45. Do you think there is further action the government could take to strengthen the effectiveness of the controlling or coercive behaviour offence?
46. Do you think the current approach of using sentencing guidelines, as per guidelines issued in February 2018 is effective in ensuring sentences imposed reflect the seriousness of domestic abuse when it involves children?
47. Is a statutory aggravating factor needed in order for the court to reflect the seriousness of offences involving domestic abuse and children in sentencing?
48. Please share any other views on how to ensure domestic abuse and its impact on children are taken into account in sentencing?
49. Do you agree that taking extraterritorial jurisdiction over these offences is sufficient to satisfy the requirements of the Convention?
50. If not, what additional offences do you think we should take extraterritorial jurisdiction over and why?
51. Do you agree that relying on the civil law remedy in the Protection from Harassment Act 1997 is sufficient to satisfy the sexual harassment requirements of the Convention?
52. If not, what do you think is necessary to satisfy those requirements?
53. Do you agree we should explore (with the Crown Prosecution Service) further controlled and monitored use of conditional cautions with rehabilitation programmes than is currently permitted for lower-level, normally first time domestic abuse incidents?
 - If yes, please explain your answer, suggesting what procedures should be in place to ensure a conditional caution would only be given in appropriate cases with appropriate conditions attached
 - If no, please explain your answer
54. Do you have any additional evidence on current conditional caution practice which we should consider in relation to this issue?

55. What changes to current policies or procedures would help police and other agencies to better manage serial and repeat abusers, in particular those who are not subject to a sentence of the court. This can include how best to:
- risk assess an abuser and plan for risk reduction
 - engage an abuser in order to encourage compliance with control measures
56. What more could be done to work with perpetrators in prisons, particularly offenders who receive a sentence of less than 12 months and do not have sufficient time to complete a domestic abuse programme in custody? We are interested to hear of particular examples of practice which have been successful.
57. What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour? We are interested to hear of particular examples of practice which have been successful.
58. Please select which of the following you believe should be priorities for improving data collection.
59. Do you agree with the proposed model for a Domestic Abuse Commissioner outlined above?
60. Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner?
61. Question for public bodies only: What would be the practical implications of complying with the proposed Domestic Abuse Commissioner's powers?
62. One proposal is that the Domestic Abuse Commissioner could routinely collate, quality assure and share lessons learnt from DHRs. What more could be done to increase awareness of the learning from DHRs?
63. How can areas best hold their own local agencies to account in terms of monitoring delivery against DHR action plans?
64. How can the government better share and promote effective practice on domestic abuse across all public services both in regard to commissioning and delivery of services?
65. What role should local areas play in sharing good practice?

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

What region are you in?	<ul style="list-style-type: none"> • North East • North West • Yorkshire/Humberside • East Midlands • West Midlands • Wales • East Anglia • South East • South West • Greater London • Scotland • Northern Ireland • Other (please specify)
Are you responding on behalf of an organisation or as a member of the public?	
If relevant, which, if any, best describes you/your organisation	<ul style="list-style-type: none"> • Victim/ survivor of domestic abuse • Family/friend of a victim/ survivor • Perpetrator (including ex-perpetrator) • Police • Local authority/local government/local council • Community safety partnership • Multi-agency Risk Assessment Conference (MARAC) • Independent Domestic Violence Advisor (IDVA) or Specialist Domestic Abuse Advisor • Charitable/voluntary domestic abuse organisation • Health professional • Education professional • Social care professional • Children services • Providers of adult social care services, Government department • Legal practitioner • Court staff • Researcher • Other (please specify)
If applicable, please give the name of your organisation/ profession	
Date	

Equality Statement

The draft Domestic Abuse Bill and non-legislative programme of work will focus primarily on victims and perpetrators of domestic abuse.

This Equalities Statement relates to these target populations, and covers the options discussed in the consultation document, which broadly fall under the following categories:

- **promote awareness** – help put domestic abuse at the top of everyone’s agenda
- **protect and support** – enhance the safety of victims and the support that they receive
- **pursue and deter** – respond effectively to offenders from initial police response through to conviction and management of offenders including rehabilitation
- **Improve performance** – drive consistency and better performance in the response to domestic abuse across all geographical and sectoral areas

Equalities Duty

Section 149 of the Equality Act 2010 (EA) places a duty on Ministers and the Department, when exercising their functions, to have ‘due regard’ to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the EA
2. Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not)
3. Foster good relations between different groups (those who share a relevant protected characteristic and those who do not)

In line with our responsibilities under the EA we have paid early consideration to the 9 protected characteristics of the target groups:

1. race
2. sex
3. age
4. disability
5. sexual orientation
6. religion or belief
7. pregnancy and maternity
8. gender reassignment
9. marriage/civil partnership

Under our statutory obligations, the impact of the final proposals on the nine protected characteristics will be considered where data is available. **We encourage respondents to the consultation to highlight any equality issues and point to any further available data and evidence.** The equalities evidence gathered through this consultation will then be taken into account when developing final policy proposals.

Equality considerations

Direct discrimination

We believe the proposals are not directly discriminatory within the meaning of the EA Act as they apply equally to all domestic abuse victims and perpetrators irrespective of whether or not they have a protected characteristic – we do not consider that the proposals would result in people being treated less favourably because of the protected characteristic.

Indirect discrimination

There is limited data on the protected characteristics of the target populations (particularly for perpetrators of domestic abuse). Our initial assessment of the data suggests that the potential options may disproportionately impact on:

- victims with the following protected characteristics – sex (female), age (younger people), people of sexual orientation (gay, lesbian and bisexual people), and marital status (adults separated or divorced, or single women)^{120, 121, 122}
- offenders with the following protected characteristics – sex (male), age (younger people, or middle aged) and race (white)¹²³

We do not, however, consider that the proposals will result in unlawful indirect discrimination for people with these protected characteristics. Even if it were established that in some cases these effects constituted a particular disadvantage, implementation of the reforms represents a proportionate response to ensuring effective enforcement and contributes to providing more protection for victims of domestic abuse.

Harassment and victimisation

We do not consider there to be a risk of harassment or victimisation as a result of the potential options in the consultation document.

Advancing equality of opportunity

Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of domestic abuse victims and offenders with a particular characteristic, where those needs are different from the needs of those who do not share that particular characteristic.

While the potential options outlined in the consultation document may indirectly disproportionately impact on certain protected characteristics (please see above), the options should advance equality of opportunity because they cover all domestic abuse victims and perpetrators regardless of differences in their protected characteristics.

Fostering good relations

Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposals.

¹²⁰ ONS 2017, Statistical Bulletin: Domestic Abuse in England and Wales: year ending March 2017

¹²¹ ONS 2017, Domestic Abuse, Sexual Assault and Stalking: findings from the year ending 2016 CSEW

¹²² ONS 2016, Prevalence of intimate violence among adults aged 16 to 59, by sex and sexual identity of the victim, year ending March 2015 and year ending March 2016 Crime Survey for England and Wales

¹²³ CPS 2017, Violence against Women and Girls Report: Tenth Edition, 2016-17

Contact details/how to respond

Please respond using the online system available at:

<https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation>

Please submit your response by 31 May 2018.

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it to:

Inter-Personal Violence Team
5th floor, Fry Building
Home Office
2 Marsham Street
London SW1P 4DF

Email: DomesticAbuseConsultation@justice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at <https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation>.

Alternative format versions of this publication can be requested from DomesticAbuseConsultation@justice.gsi.gov.uk or by writing to the address above.

Publication of response

A paper summarising the responses to this consultation will be published online at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities

must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential.

If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office/ Ministry of Justice. We will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties outside government, unless required to do by law.

Please do not include the names of any individuals, if you do we will remove that person's name from your response although we will not make any other material changes. It is not possible to enter into a discussion about individual cases in the Consultation nor use it as a means of appealing against existing Court decisions but general expressions of opinion are acceptable.

Your views which you share with us by completing the Consultation may be used to inform future government policy decisions. To that end we may share your views with other government departments where the policy decision rests with that department.

Responses that are completed either online or via a formal written response will be retained for a maximum period of seven years after the close of the Consultation to allow for statistical analysis and implementation of policy decisions.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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Alternative format versions of this report are available on request from the Domestic Abuse policy team.

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