

# CROSS-GOVERNMENT DEFINITION OF DOMESTIC VIOLENCE A CONSULTATION

December 2011



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# Home Secretary's foreword



Everybody should feel safe within their own home. But for too many women in the UK, their home is actually one of the most dangerous places to be. On average two women are murdered by their current or former partner each week<sup>1</sup>. Each year around 1.2 million women suffer domestic violence. Around one in four women will experience domestic abuse in their lifetime<sup>2</sup>, often accompanied by years of psychological abuse. This just should not happen in modern day Britain. And that is why I am so determined to end domestic violence.

As we set out in our strategic vision – ‘Call to End Violence Against Women and Girls’ – prevention will be key to achieving that ambition. Effective prevention can only happen when it involves all agencies, working together to common goals and a common understanding. That is why we are now consulting on the definition of domestic violence that all agencies and all parts of government should use.

There are a number of aspects to the definition that this consultation considers.

The British Crime Survey has found that women between 16-24 years of age and men aged 16-34 were more likely to suffer relationship abuse than any other age range<sup>3</sup>. That is why this consultation seeks views on whether the definition of domestic violence should include younger victims, including boys.

We also know that abuse may often include coercive control. Coercive control is a complex pattern of abuse using power and psychological control over another – financial control, verbal abuse, forced social isolation. These incidents may vary in seriousness and may be repeated over time. However, coercive control is not currently reflected in the government's definition of domestic violence. We would welcome views on whether it should be.

Domestic violence ruins lives. Sadly, in some cases it ends them. This consultation will help us achieve the right agreed definition of domestic violence so that all agencies can work together to defeat this dreadful crime.

**Theresa May**  
Home Secretary

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<sup>1,2</sup> Smith, K. et al. (2011) Homicides, Firearm Offences and Intimate Violence 2009/10. Home Office Statistical Bulletin 01/11. London: Home Office.

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<sup>3</sup> Smith, K. et al. (2011) Homicides, Firearm Offences and Intimate Violence 2009/10. Home Office Statistical Bulletin 01/11. London: Home Office.

# About this consultation

## WHY ARE WE CONSULTING?

This consultation exercise is essential to enable the government to fully scope and explore the potential impacts of a number of options to widen the definition of domestic violence.

## SCOPE OF THE CONSULTATION

<b>Topic of this consultation:</b>	This consultation seeks views on the desirability of widening the current cross-government definition of domestic violence. In addition, it also seeks views on whether the current definition is being applied consistently across government and if it is understood by practitioners, victims and perpetrators.
<b>Scope of this consultation:</b>	<p>This is a consultation to seek views of key partners, and directly affected parties, including the police, practitioners, other government departments and organisations with a direct interest in preventing domestic violence. We also invite comments from members of the public.</p> <p>The consultation is also available on the Home Office website.</p> <p>The responses to the options outlined in this consultation will assist in informing the proposals for further consideration by government.</p>
<b>Geographical scope:</b>	England and Wales
<b>Impact assessment:</b>	A consultation stage impact assessment is available on the Home Office website alongside this consultation.

## BASIC INFORMATION

<b>To:</b>	<p>This consultation is open to the public.</p> <p>We are particularly interested to hear from organisations representing victims (female and male), front line workers, Independent Domestic Violence Advisers, Multi-Agency Risk Assessment Conference (MARAC) coordinators, Violence Against Women and Girls coordinators, those working in refuges, health practitioners, housing providers, housing charities, local authorities, children's services, MARAC representatives and chairs.</p>
<b>Duration:</b>	14th December 2011 to 30th March 2012
<b>Enquiries and Responses:</b>	<p>Domestic Violence Definition Consultation 4th Floor, Fry Building 2 Marsham Street London SW1P 4DF Email: <a href="mailto:DVdefinition@homeoffice.gsi.gov.uk">DVdefinition@homeoffice.gsi.gov.uk</a></p>

<b>Additional ways to become involved:</b>	This will be an online consultation exercise. Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.
<b>After the consultation:</b>	A summary of responses will be placed on the Home Office website.
<b>Getting to this stage:</b>	<p>The current cross-government definition of domestic violence was introduced in 2004.</p> <p>The Home Office has had initial discussions with our partners in the voluntary and community sector as well as those in the statutory sector in developing these options.</p>
<b>Previous engagement:</b>	Key partners have been consulted informally during the development of these options.

**The government seeks views on the desirability to revise the definition of domestic violence. There are four options for consideration.**

**Option 1 – The government’s definition of domestic violence remains the same.**

This option seeks views on whether the cross government definition should remain the same or should it be widened or amended? In addition we are also seeking views on if the definition is applied properly by government departments and frontline practitioners.

**Option 2 – The definition of domestic violence is amended to include coercive control.**

This option asks for your views on whether the cross-government definition should also include the wording of ‘coercive control’. Coercive control is a complex pattern of abuse using power and psychological control over another – financial control, verbal abuse, forced social isolation.

**Option 3 – The government’s definition of domestic violence is extended to all 16-17 year olds.**

The current cross-government definition of domestic violence applies to adults over the age of 18. This option seeks your views on whether the cross government definition should be extended to include 16-17 year olds.

**Option 4 – The government’s definition of domestic violence is extended to all those under 18.**

The current cross-government definition of domestic violence applies to adults over the age of 18. This option seeks your views on whether or not the cross government definition should be extended to include all those under 18.

# 1. Option 1 – The government’s definition of domestic violence remains the same.

In 2004, the government introduced a single definition of domestic violence, replacing the previous different definitions in use across government and the public sector. The definition is not a statutory definition. It is used by government departments to inform policy development and, for example, by police, the Crown Prosecution Service and the UK Border Agency, to inform the identification of domestic violence cases. The current definition defines domestic violence as:

‘any incident of threatening behaviour, violence or abuse [psychological, physical, sexual, financial or emotional]<sup>4</sup> between adults who are or have been intimate partners or family members, regardless of gender or sexuality’.

This definition includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group. An adult is defined as any person aged 18 years or over.

We recognise that domestic violence may be perpetrated by family, extended family members and within communities and this can make it even more difficult for victims to speak out about the abuse.

We know that differing definitions can be problematic for victims as they may be recognised as such by some services and not by others. Our aim is to ensure that we have a consistent definition of domestic violence. The government seeks views on whether the current definition of domestic violence is working and should remain.

## QUESTIONS

**Do you think the cross-government definition of domestic violence should remain the same?**

Yes

No

Don’t know

**Please add any comments to support your view:**

<sup>4</sup> Recognises FGM, forced marriage & so-called ‘honour-crimes’. Adult is any person aged 18 and over family members are: mother, father, son, daughter, brother, sister & grandparents; directly-related, in-laws or step-family.

Do you think the current definition of domestic violence is properly applied by government departments, Local Government, and frontline practitioners?

For each option below, please indicate if you think the sector / organisation properly applies the definition of domestic violence.

	Yes, apply the definition properly	No, do not apply the definition properly	Don't know
Government departments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Front line practitioners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any comments to support your view:

Do you think the current definition is understood by victims, perpetrators and front line practitioners?

For each option below, please indicate if you think each group understands the definition of domestic violence, or not. Please tick one option per row.

	Yes, understood	No, not understood	Don't know
Victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Perpetrators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Front line practitioners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Government departments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any comments to support your view:



## 2. Option 2 – The definition of domestic violence is amended to include coercive control.

The government definition identifies domestic violence as ‘incidents of threatening behaviour, violence or abuse.’

Other administrations have defined domestic violence in a broader way. The Welsh Government, for example, currently work to the following definition:

Domestic abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship.

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse’s or partner’s property, their isolation from friends, family or other potential sources of support, threats to others including children, control over access to money, personal items, food, transportation and the telephone, and stalking.

It can also include violence perpetrated by a son, daughter or any other person who has a close or blood relationship with the victim/survivor. It can also include violence inflicted on, or witnessed by, children. The wide adverse effects of living with domestic abuse for children must be recognised as a child protection issue. The effects can be linked to poor educational achievement, social exclusion and to juvenile crime, substance abuse, mental health problems and homelessness from running away.

Domestic abuse is not a ‘one-off’ occurrence; it is frequent and persistent.

Domestic violence is often underpinned by a pattern of coercive control. Coercive control is a complex pattern of overlapping and repeated abuse perpetrated within a context of power and control. It can be described as a series of repeated incidents which may vary from lesser to greater severity. This could include things like the control of finances, verbal abuse or isolation which may include control over whom a person can see or where they can go. Psychological

control is a unique factor that sets domestic violence apart from other types of crime. Such control could also include a person being forced to change their behaviour as a result of fear.

Without the inclusion of coercive control in the definition of domestic violence, there may be occasions where domestic violence could be regarded as an isolated incident. As a result, it may be unclear to victims what counts as domestic violence – for example: it may be thought to include physical violence only. We know that the first incident reported to the police or other agencies is rarely the first incident to occur; often people have been subject to abuse on multiple occasions before they seek help.

## QUESTION

Do you think that coercive control should be included in the definition of domestic violence?

Yes

No

Don't know

Please add any comments to support your view:

**Do you think extending the definition would be helpful to victims as well as front line practitioners?**

Yes

No

Don't know

**Please add any comments to support your view:**

### 3. Option 3 – The government’s definition of domestic violence is extended to 16-17 year olds and Option 4 – The government’s definition of Domestic Violence is extended to all those under 18.

In 2008, the Home Affairs Select Committee report on Domestic Violence, Forced Marriage and Honour Based Violence (HBV) stated that:

We heard of concerning attitudes and abuse between young people in intimate relationships. However, 16–18 year olds are excluded from the current government definition of Domestic Violence, there has been little research on the needs of teenage victims and perpetrators of domestic violence, and there is little support for under-18s in abusive relationships. The existence of abuse in teenage relationships further underlines the urgent need for effective early education on domestic violence and relationships. (Paragraph 76)

We welcome the research being carried out by Respect and the NSPCC with the Big Lottery Fund. We recommend that the government consider amending its definition of domestic violence to include under-18s. (Paragraph 77)

The full report can be found at:  
<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/263/263i.pdf>

A commitment to consider this change was made in the Violence Against Women and Girls Action Plan, published in March 2011:

Following a recommendation from the Home Affairs Select Committee report in 2008, the government will consult on a revised definition of domestic violence to include victims under 18 years of age.

We are concerned by the reported attitudes of some young people in relation to the acceptability of abuse. Currently, those under 18 years of age are excluded from the domestic violence definition.

At present, domestic violence committed against a person under 18 would be considered child abuse by most services. Whilst this may be appropriate for children experiencing parental or family based violence, there is the suggestion that the nature

of teenage relationships is often more similar to relationships between adults and as such could be considered as an extension of adult domestic violence.

In the current cross-government definition we refer to ‘intimate partner’; however studies into the prevalence of teenage relationship abuse use different definitions for relationships that reflect the more fluid, less narrow labels used for describing relationships between and with under 18s. Non-cohabiting couples are more likely in teenage relationships than in adult relationships and a ‘date’ can take many different forms. (Hickman, 2004<sup>5</sup>, Lavoie et al.<sup>6</sup>).

We have set out below some examples to demonstrate why this issue should be explored further.

#### TEENAGE RELATIONSHIP ABUSE

The 2009/10 British Crime Survey found that young people were more likely to suffer partner abuse in the last year than any other age range<sup>7</sup>. The 2009/10 BCS found 12.7% of women and 6.2% of men aged 16-19 had experienced some form of domestic abuse in the last year<sup>8</sup> (Smith et al, 2011<sup>9</sup>). Anecdotal evidence has also shown there are worryingly high levels of acceptance of abuse in teenage relationships.<sup>10</sup>

- 5 Hickman, M. (2004) Dating violence among adolescents: prevalence, gender distribution, and prevention program effectiveness. *Trauma Violence Abuse*. 2004 Apr;5(2):123-42.
- 6 Lavoie, Lavoie, F., Robitaille, L. and Hebert, M. (2000), ‘Teen Dating Relationship and Aggression: An Exploratory Study’, *Violence Against Women*, 6, 6.
- 7 The 2009/10 British Crime Survey asked 22,000 people in England and Wales aged 16 to 59 questions on intimate violence via a self-completion module. Estimates from this survey showed that women between the ages of 16 and 24 were more likely to have been the victim of domestic abuse in the last year compared with other age groups. The survey also showed that men between the ages of 16 and 34 were more likely to be a victim of domestic abuse than older men.
- 8 When narrowing to partner abuse this rate is lower overall, but the 16-19 age range remains the most at risk group for women, 7.3% compared to 4.6%.
- 9 Smith, K. (ed), Coleman, K, Eder, S and Hall, P (2011). *Homicides, firearm offences and intimate violence 2009/10* (Supplementary volume 2 to *Crime in England and Wales 2009/10 2nd Edition*). Home Office Statistical Bulletin 01/11.
- 10 Information from the Home Office teenage relationship abuse campaign, 2011

It is important to consider that people can be married aged 16 in England and Wales, provided they have consent from their parents or guardians, and many teenagers under the age of 18 are also parents.

In 2009, the NSPCC conducted research with young people aged 13-17 in mainstream education which examined their experiences of physical, emotional and sexual forms of violence in their partner relationships (Barter et al, 2009<sup>11</sup>). The research found that:

- 25% girls (the same proportion as for adult women) and 18% boys experienced some form of physical abuse;
- 75% girls and 50% boys reported some sort of emotional abuse; and
- 33% girls and 16% boys reported some form of sexual abuse.

In addition, results showed that having an older partner and in particular a 'much older' partner was a significant risk factor for girls. Overall, three quarters of girls surveyed with a 'much older' partner (which was defined by the girls participating as being more than 2 years older) had experienced some form of physical violence.

A second small scale report by the NSPCC (Wood et al, 2011<sup>12</sup>) looked at violence in intimate relationships of disadvantaged teenagers who are not in mainstream education. Although the study does not claim to be representative of the UK population.

More than half of the girls who supplied information in the study said they had been in a sexually violent relationship before they were 18 and over half of the girls reported that they had been a victim of physical violence in at least one of their intimate relationships.

A quarter of boys who responded said they had dated physically aggressive partners.

We know that there is a stigma surrounding the issue of teenage relationship abuse. Young people may feel they are not taken seriously by adults, and research indicates that adults can trivialise abuse or minimise the effects of emotional abuse due to the lack of visible harm (Barter, 2009<sup>13</sup>). Research has shown that young people are much more likely to disclose relationship abuse issues to a friend or peer than to a parent or social worker (Makepeace, 1981; Molidor et al, 2000; Barter et al 2009<sup>14</sup>).

The government's teenage relationship abuse campaign was recently re-launched by the Home Office. The campaign ran from September to November 2011 and aims to prevent teenagers from becoming victims and perpetrators of abusive relationships. The campaign encourages teenagers to re-think their views of acceptable violence, abuse or controlling behaviour in relationships and directs them to places for help and advice.

The 'This is Abuse' website gives teens the chance to discuss the issues with their peers and get access to third party support and advice. We also ran online discussion forums during the campaign with the support of our partners such as Against Violence and Abuse, Women's Aid, Respect – Men's Advice Line and Broken Rainbow and Beat Bullying.

To date there have been 151,998 Visits to the [This is Abuse website](#).

11 Barter, C., McCarry, M, Berridge, D. and Evans, K. (2009). 'Partner exploitation and violence in teenage intimate relationships', NSPCC September 2009. 1,353 young people, between 13 and 17 years old from England, Scotland and Wales took part in the research survey and 91 young people took part in in-depth interviews.

12 Wood, M., Barter, C., Berridge, D. (2011) 'Standing on my own two feet': Disadvantaged Teenagers, Intimate Partner Violence and Coercive Control. NSPCC, September 2011. Interviews with 82 boys and girls aged 13-18 from one city.

13 Barter, C. (2009) 'In the name of love: partners abuse and violence in teenage relationships' British journal of social work; 39: 211 – 233

14 Makepeace, M. J. (1981) Courtship Violence Among College Students. Family Relations. Volume 30, No.1. Jan, 1981.; Molidor, C., Tolman, R. M. and Kober, J. (2000) 'Gender and contextual factors in adolescent dating violence', Prevention Research, 7(1), pp. 1–4.; Barter, C., McCarry, M, Berridge, D. and Evans, K. (2009). 'Partner exploitation and violence in teenage intimate relationships', NSPCC September 2009

## FORCED MARRIAGE

Statistics from the Forced Marriage Unit (FMU) from January to December 2010 show:

- over 1700 instances where the FMU gave advice or support relating to a possible forced marriage were received;
- 35% of the assistance cases involved minors (those under 18) and of that number almost 14% involved minors who were aged 16 and under;
- where the age was known, the oldest victim was 73 and the youngest was 12.

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some vulnerable adults, cannot) consent to the marriage but are coerced into it. The key thing to focus on is choice – individuals should always be able to freely choose who they do or do not marry.

Forced marriage is a hidden practice, where due to its nature the full scale of the issue is unknown. It can happen to both men and women, although most cases involve young women and girls aged between 16 and 25.<sup>15</sup>

The Unit provided direct support to victims in over 400 cases in the UK and to British nationals overseas. Around a third of assistance cases involved a minor (under 18 years old). The assistance provided ranged from simple advice, through to aiding a victim to prevent their unwanted spouse moving to the UK ('reluctant sponsor' cases), and, in extreme cases, the rescue of victims held against their will overseas.

## IMMIGRATION

In relation to immigration, the UK Border Agency will not give permission to enter or remain in the UK to a person who is applying as a spouse/partner if they or their settled partner will be aged under 18 on the date when they would arrive in the UK or the date

when permission to enter or remain would be given. There are provisions within the Immigration Rules (paragraph 289A), for victims of domestic violence who have entered as the spouse/partner of a settled person to apply for settled status (indefinite leave to remain) if they are a victim of domestic violence.

## FEMALE GENITAL MUTILATION (FGM)

Female genital mutilation involves procedures that include the partial or total removal of the external female genitalia organs for non-medical reasons. Carrying out FGM is a crime in the UK. It is also an offence for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal.

Female genital mutilation (FGM) is recognised as a form of domestic violence and can also be recognised as a form of child abuse (depending on the age of the victim). It has serious health consequences, including the high risk of infection, long-term disability, severe problems in pregnancy and childbirth, and death.

It is estimated that over 20,000 girls under the age of 15 in England and Wales are potentially at risk of FGM (Dorkenoo et al, 2007)<sup>16</sup>.

The age at which girls undergo FGM varies enormously according to the community. The procedure may be carried out when the girl is newborn, during childhood or adolescence, just before marriage or during the first pregnancy. However, the majority of cases of FGM are thought to take place between the ages of 5 and 8 and therefore girls within that age bracket are at a higher risk (Dorkenoo et al, 2007)<sup>16</sup>.

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<sup>16</sup> Dorkenoo, E., Morison, L., Macfarlane, A. (2007) 'A Statistical Study to Estimate the Prevalence of Female Genital Mutilation in England and Wales'. Forward UK, 2007. Estimates are based on 2001 census data.

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<sup>15</sup> Statistics provided by the Forced Marriage Unit

## CHILDREN AND DOMESTIC VIOLENCE

Domestic violence affects both adults and children within the family. Some 200,000 children (1.8%) in England live in households where there is a known high risk of cases of domestic abuse or violence (cited in Laming, 2009)<sup>17</sup>. Prolonged and/or regular exposure to domestic violence can have a serious impact on children's safety and welfare, despite the best efforts of parents to protect them. An analysis of Serious Case Reviews found evidence of past or present domestic violence in over half (53%) of cases (Brandon et al 2009)<sup>18</sup>. In addition, we know that children who are living in a home where domestic violence is occurring are often more likely to be subject to abuse themselves. Research shows that in-between 30% and 66% of domestic violence cases, the abusive partner is also directly abusing children in the family (Edleson, 1999<sup>19</sup>; Humphreys and Thiara, 2002<sup>20</sup>). In addition, domestic violence often begins or increases during pregnancy. Any violence during pregnancy can affect not just the mother but also the unborn child. Indeed, domestic violence is known to be a major cause of miscarriage and still-birth (Mezey, 1997<sup>21</sup>; World Health Organisation, 2005<sup>22</sup>).

## STATUTORY RESPONSIBILITIES FOR UNDER 16S

Local Safeguarding Children's Boards (LSCBs) provide local guidance and procedures relating to children identified as 'at risk of significant harm'.

A Local Authority has a duty to safeguard and promote the welfare of children within their area who are in need (Section 17 Children Act 1989) and has a duty to investigate when there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm (Section 47, Children Act 1989).

If a child (someone under 18) is suffering significant harm as a result of abuse or neglect, they would come within the child protection framework and local authority responsibilities, which would be within the LSCB's remit.

Children who are subject to domestic violence are addressed in, 'Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children'<sup>23</sup>, which recognises the need for professionals to safeguard children from harm arising from abuse or violence in their own relationships.

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17 Lord Laming (2009). The Protection of Children in England: A Progress Report, HC 330, March 2009.

18 Brandon, M., Bailey, S., Belderson, P., Gardner, R., Sidebottom, P., Dodsworth, J., Warren, C. and Black, J. (2009) Understanding Serious Case Reviews and their Impact: A Biennial Analysis of Serious Case Reviews 2005-7. London: Department for Children Schools and Families.

19 Edleson, J.L. The overlap between child maltreatment and woman battering. *Violence Against Women*. 5 (2): 134-154, 1999 Feb.

20 Humphreys, C. and Thiara, T. (2002) Routes to Safety: Protection Issues Facing Abused Women and Children and the Role of Outreach Services, Bristol: Women's Aid Federation England

21 Mezey, G (1997) Domestic Violence in Pregnancy, in Bewley, S., Friend, J., and Mezey, G: (ed.) Violence against women, Royal College of Obstetricians and Gynaecologists, 1997, cited by Women's Aid: <http://womensaid.org.uk/page.asp?section=000100010010000400020003>.

22 Garcia-Moreno, C., Jansen, H., Ellsberg, M., Heise, L. Watts, C. (2005). WHO Multi-country Study on Women's Health and Domestic Violence against Women. Initial results on prevalence, health outcomes and women's responses. World Health Organisation, 2005. To

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23 Department for Children, Schools and Families, (2010). Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children. HM Government, March 2010.

## QUESTIONS

Do you think the government's definition of domestic violence should be extended to include 16-17 year olds?

Yes

No

Don't know

## Comments



Should the government's definition of domestic violence be extended to include all those under 18?

Yes

No

Don't know

**Comments**

## IMPACTS ON SERVICES

We recognise that lowering the age criteria of the definition may have an impact on domestic violence services as they may be required to cater for age groups that had previously been excluded. It is recognised that there will inevitably be an overlap in some services – for example, both sexual and domestic violence services already deal with cases of relationship abuse that include sexual violence. In addition, there may also be child exploitation issues within a domestic violence situation. It is also recognised that there are often multiple issues experienced by either party in a relationship, or within families, where domestic violence is occurring, which could encompass issues such as substance misuse or mental health problems. This raises the question about how local agencies can work together to ensure the most appropriate response for the young person concerned.

One example of an age inclusive domestic violence policy is that of the Crown Prosecution Service (CPS) which is not age-specific and states:

Because domestic violence against and by people of all ages needs to be dealt with seriously, and because victims', children's and young people's safety issues and defendant accountability are so important to us, we will also apply our domestic violence policy when dealing with criminal offences that occur in a domestic context involving victims and abusers whatever their age.

The CPS has had specific domestic violence policy and guidance for prosecutors since 2001. This was amended and published in March 2009, together with a leaflet specifically designed for victims and witnesses.

The CPS also supports information sharing and effective practice in the criminal justice system through a network of specialist violence against women co-ordinators implementing CPS policy locally; supporting specialist prosecutors where relevant; and working with local violence against women and girls services.

In September 2011 the CPS reviewed all domestic violence cases prosecuted in 2010-11 involving a defendant and victim under the age of 18, focussing on cases of partner abuse. The results of the review and future work in this area was discussed with stakeholders in December.

## SUPPORT SERVICES AVAILABLE FOR VICTIMS AND PERPETRATORS UNDER THE AGE OF 18

### REFUGE SPACES

Currently, many refuges can only offer accommodation to victims who are aged 18 or over and this can act as a barrier for those who are trying to leave their current home in order to escape abuse.

Referrals to refuges come from a variety of sources; this could include a self referral (where a person approaches a service directly), a referral from a statutory agency or from a voluntary organisation. As the current definition of domestic violence is only applicable to those aged 18 or over, those under 18 may not be recognised as a victim, meaning a referral to specialist domestic violence services may not take place. In addition, the costs of accommodating those aged under 18 in specialist housing such as a refuge may not be covered by local authorities as they would be viewed as outside of the remit for domestic violence services.

## REFERRALS TO MULTI AGENCY RISK ASSESSMENT CONFERENCES (MARACS) AND INDEPENDENT DOMESTIC VIOLENCE ADVISER (IDVA) SERVICES

The MARAC is a multi-agency meeting that focuses on the safety of high-risk domestic violence victims. MARACs share information to build a picture of the victim's situation and jointly devise a risk management plan to reduce harm faced by the victim and their families.

The agencies that attend MARACs will vary but are likely to include, for example: the Police, Probation, Independent Domestic Violence Advisers (IDVAs) who represent the 'voice' of the victim at the meeting,

Children's Services, health and housing. MARACs are now in place in approximately 250 areas.

The guidance for referrals to MARAC states that in cases involving 16-17 year olds professional judgement will be required to decide whether the MARAC or safeguarding route is more appropriate. IDVA services are officially available to those aged 18 or over, however, cases involving 16-17 year olds may also be referred to these services in some instances.

Existing research indicates that MARACs (and IDVAs) have the potential to improve victims safety and reduce re-victimisation (Steel et al, 2011<sup>24</sup>).

On recognising a local need for services for young people, some local authorities have already begun referring those aged 16-17 to MARAC and some areas have also developed specialist IDVA services for children even younger than 16 years of age.

## CASE STUDY

### **Blackpool's existing domestic violence services for young people:**

Blackpool provides a range of domestic violence services to those aged under 18, some of which are commissioned by the local authority. These include:

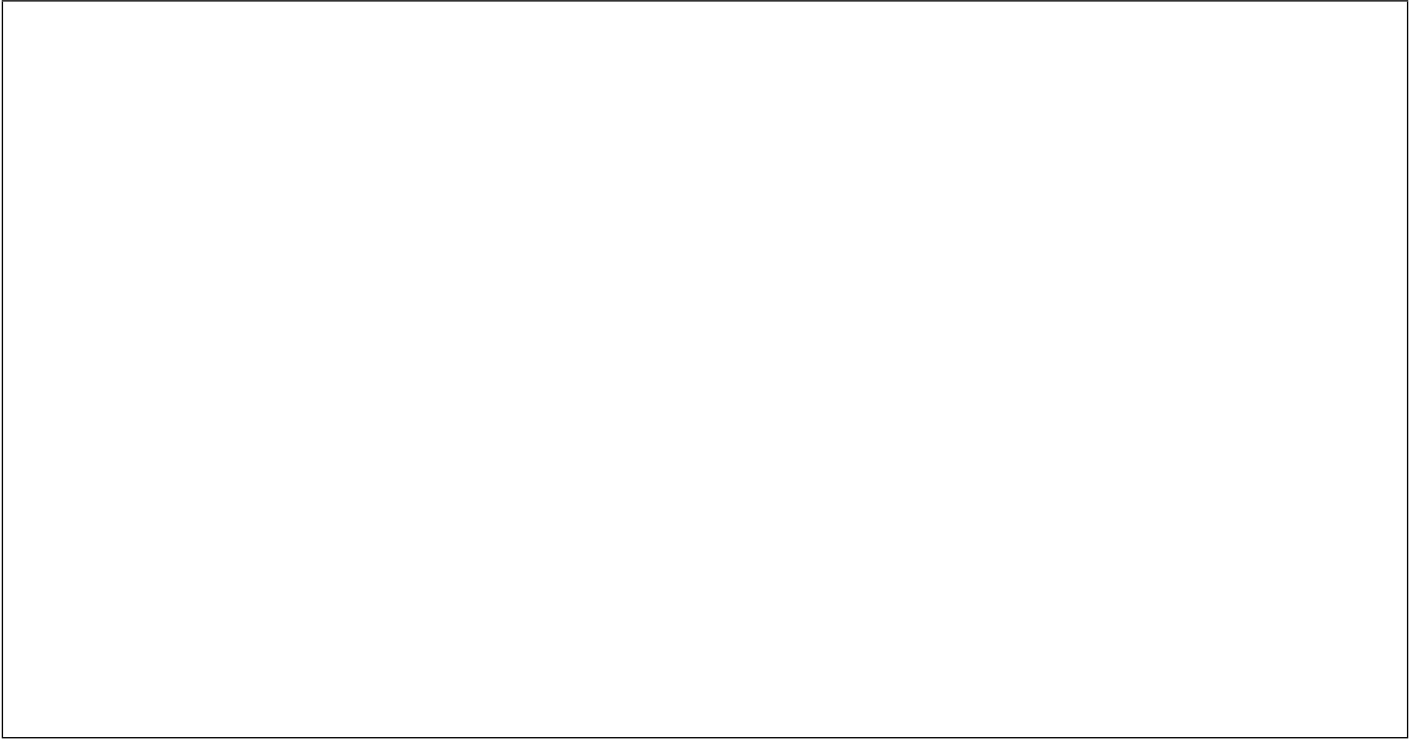
- The Children's IDVA Service was established to support children and young people under the age of 21 years who have been affected by domestic violence, either directly in their own relationships or through domestic violence within their family. The support offered is child centred and directed by children and young people, in a location of their choice such as at school or in the children's space – known as The Den. The Children's IDVA Service provides weekly drop-in sessions in all the Blackpool High Schools for self referrals. These sessions are attended daily by young people affected by abuse in their own relationships. The age range is from 13 yrs to 16 yrs and the service caters for girls and boys who are both victims and perpetrators. The Service sits alongside the adult IDVA Service under an umbrella organisation, a registered charity, Blackpool Advocacy. During 2010/11 the service supported 1,200 young people.
- Working in partnership with the NSPCC, the Domestic Abuse Team delivers INSET training for

all Primary Schools' staff in relation to Domestic Violence. Children's groups are held within the school prior to and then following the staff training. Police reported incidents, where there are children in the family, have been shared with schools for the past 3 years.

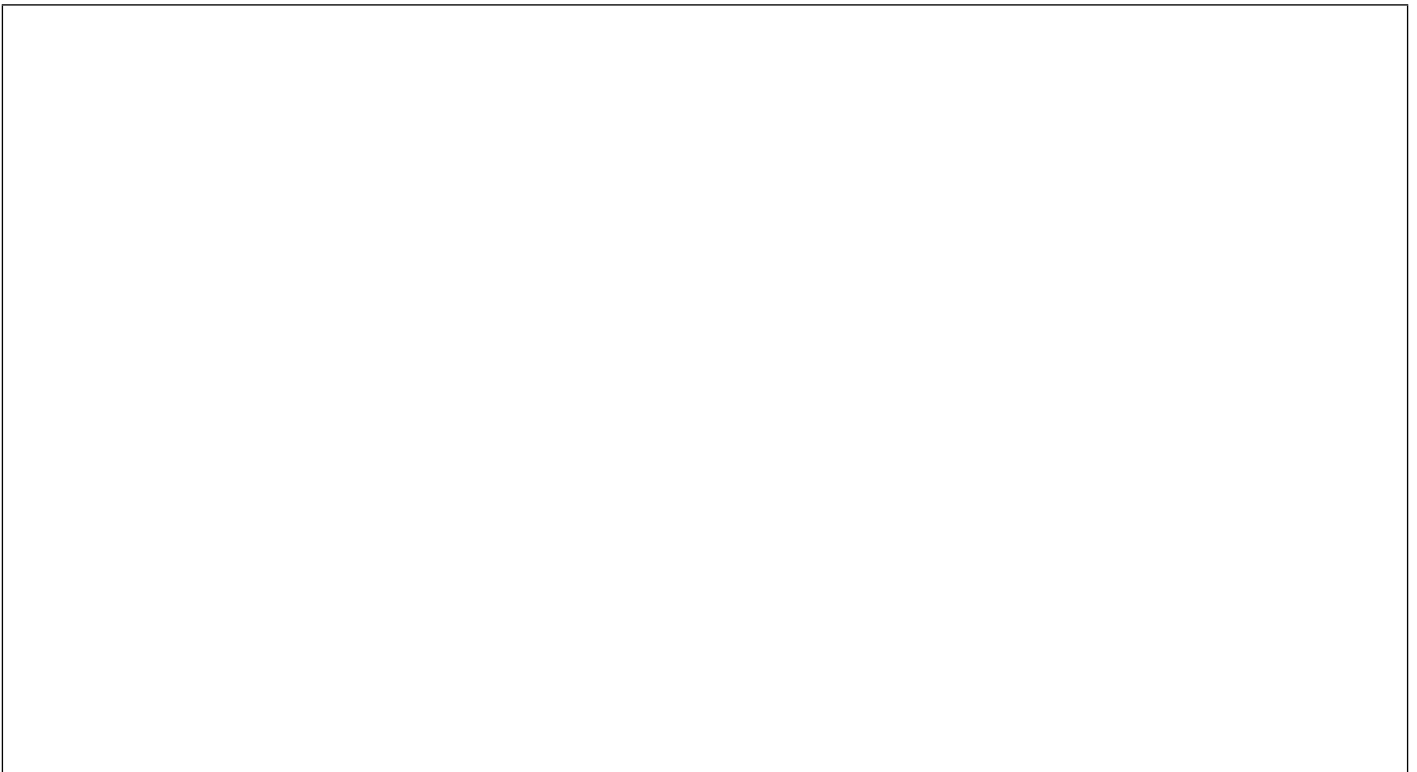
- Fylde Coast Women's Aid provides support work within the Refuges and Outreach Support across the area. There is a Recovery Programme delivered across the age range, to support women and girls.
- The Catalyst Team, established 2 years ago, responds to initial incidents of DV reported to the Police. The team is multi-agency and co-located, consisting of Police, Children's Social Workers and Health Safeguarding Practitioner. Close links exist between this team and Probation, Substance Misuse Services and Housing etc.
- The Children's Centre Senior Outreach Worker for Domestic Violence provides a vital link with Early Years Services and is the conduit for MARAC and information sharing. The worker also holds a caseload of Domestic Violence related cases.
- If appropriate and on a case by case basis, 16 and 17 year olds can be managed through the MARAC process. During 2010/11, 756 children were supported through MARAC as part of the family, twenty 16-17 year olds were supported as victims and three as perpetrators.

24 Steel, N., Blakeborough, L., and Nicholas, S. (2011). Supporting high-risk victims of domestic violence: a review of Multi-Agency Risk Assessment Conferences. Home Office research report 55. The report acknowledges that more robust evidence would strengthen these findings as the existing research is relatively weak methodologically.

**If the definition were to be widened, what would the likely impacts be on services?**



**How can services for those under 18 work together to better provide for victims with multiple issues?**



**Please state any ideas or suggestions that you might have for delivering savings or other benefits in relation to the four options outlined in this consultation?**

# 4. Consultation information

## CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other 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 an 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 Department.

The Department 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.'

## GOVERNMENT'S CODE OF PRACTICE ON CONSULTATION

This Consultation follows the Code of Practice on Consultation – the criteria for which are set out below:

### Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

### Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

### Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

### Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

### Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

### Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

### Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>

## CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Adam McArdle. Please **DO NOT** send your response to this consultation to Adam McArdle. The Co-ordinator works to promote best practice standards set by the Code of Practice advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at:  
[Adam.McArdle2@homeoffice.gsi.gov.uk](mailto:Adam.McArdle2@homeoffice.gsi.gov.uk)  
or alternatively write to him at:

Adam McArdle,  
Consultation Co-ordinator  
Home Office  
Performance and Delivery Unit  
Better Regulation Team  
3rd Floor Seacole  
2 Marsham Street  
London  
SW1P 4DF

# 5. Groups affected by this consultation

During the initial development of this consultation, the Home Office has given due consideration to the equality duty. We will take account of the evidence gathered through this consultation in developing final policy proposals:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour or nationality
- Religion, belief and non-belief
- Sex
- Sexual orientation

We have identified that impacts may occur in relation to age and gender if the options to reduce the age of the current definition of domestic violence are taken forward, as, those under the age of 18 may be included in the definition. The definition of domestic violence is gender neutral but statistically women are more often victims than men and this has been identified as a possible impact on gender.

The 2010/11 British Crime Survey showed that seven per cent of women and five per cent of men reported having experienced any domestic violence in 2010/11.

The 2009/10 British Crime Survey found that young people were more likely to suffer partner abuse in the last year than any other age range<sup>25</sup>. The 2009/10 BCS found 12.7% of women and 6.2% of men aged 16-19 had experienced some form of domestic abuse in the last year<sup>26</sup> (Smith et al, 2011<sup>27</sup>).

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25 The 2009/10 British Crime Survey asked 22,000 people in England and Wales aged 16 to 59 questions on intimate violence via a self-completion module. Estimates from this survey showed that women between the ages of 16 and 24 were more likely to have been the victim of domestic abuse in the last year compared with other age groups. The survey also showed that men between the ages of 16 and 34 were more likely to be a victim of domestic abuse than older men.

26 When narrowing to partner abuse this rate is lower overall, but the 16-19 age range remains the most at risk group for women, 7.3% compared to 4.6%.

27 Smith, K. (ed), Coleman, K, Eder, S and Hall, P (2011). Homicides, firearm offences and intimate violence 2009/10 (Supplementary volume 2 to Crime in England and Wales 2009/10 2nd Edition). Home Office Statistical Bulletin 01/11.



## 6. Timescales

A response to the consultation of responses will be published on the Home Office website following completion of the consultation period.

If any option to widen the definition emerges as a preferred way forward we will work with our partners and other government departments to consider its development.

## 7. Information about you

**What is your age? (tick one)**

- Under 16
- 16-17
- 18-24
- 25-29
- 30-44
- 45-60
- Over 60

**What is your gender (tick one)**

- Male
- Female

**What region are you in? (tick one)**

- North East
- North West
- Yorkshire/Humberside
- East Midlands
- West Midlands
- Wales
- East Anglia
- South West
- South East
- Greater London

**Are you responding on behalf of an organisation or as a member of the public?**

- On behalf of an organisation
- As a member of the public

**Which of the following best describes you/your organisation:**

- Victim of domestic violence
- Police
- Local authority / Local government / Local council
- Community Safety Partnership
- Multi-agency Risk Assessment Conference (MARAC)
- Independent Domestic Violence Adviser (IDVA)
- Charitable and voluntary sector
- Home Office
- Other government department

## Victim

**Have you, or a close friend or family member, ever been a victim domestic violence?**

- Yes, I have been a victim of domestic violence
- I know a close friend or family member who has been a victim of domestic violence
- Neither
- I'd rather not say

**How did you hear about this consultation?**

- Word of mouth
- Article in national press
- Article in local press
- Article in the Crime and Policing Policy News Update
- TV or radio
- Face to face meeting
- Home Office website
- Directgov website
- Other (please specify below)



**Home Office**