

APPENDIX 1

Home Office Consultation – Transforming the Response to Domestic Abuse

Consultation Response on behalf of Gateshead Council

Purpose of Report

1. The purpose of this report is to retrospectively seek endorsement from Cabinet in relation to the Council's response to Government's consultation "Transforming the Response to Domestic Abuse" that was published in March 2018.

Background

2. We know domestic abuse can have a devastating and lasting impact on victims, their children, their families and the communities in which they live. By responding proactively to this consultation, we are helping to shape the national response to raising awareness of domestic abuse, supporting victims as well as ensuring that effective measures can be implemented to ensure perpetrators are stopped at the earliest possible opportunity.
3. The consultation sets out the Government's proposed approach to dealing with domestic abuse – which it seeks to address it at every stage (from prevention through to rehabilitation) and reinforces the Government's aim to make domestic abuse 'everyone's business'.
4. The consultation is wide-ranging and seeks views on both legislative proposals for a landmark Domestic Abuse Bill and a package of practical actions/interventions that can be implemented to tackle domestic abuse. Views were sought against the following four 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/management of offenders, including rehabilitation
 - improve performance: to drive consistency and performance in the response to domestic abuse across all local areas, agencies and sectors.
5. There were a total of 64 separate questions to consider as part of the consultation (<https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation>) which were submitted via the online portal in May 2018 – a copy of the questions and the response is attached as Annex A.

Consultation

6. The response to the consultation has been produced following consultations with partner agencies who are represented as part of the Domestic Abuse Executive Forum, which is a formal sub-group of Gateshead Community Safety Board. The Forum includes representatives from both statutory and non-statutory agencies, a range of internal Council services as well as voluntary sector organisations. The Office for the Police and Crime Commissioner and Chair of the Community Safety

Board were also contacted as part of the response along with Communities, Children and Adults Portfolio Holders. In addition, a range of specific examples were also sought from the Independent Domestic Violence Advisers service, who are the local domestic abuse specialists within Gateshead.

Alternative Options

7. Gateshead Council could choose not to respond to the consultation. However, by not submitting a formal response, the Council would miss a potential opportunity to help shape and influence the way in which domestic abuse is potentially to be combatted in the future.

Implications of Recommended Option

11. **Resources:**
 - a) **Financial Implications** – There are no financial implications arising directly from this report.
 - b) **Human Resource Implications** – There are no human resource implications arising from this report.
 - c) **Property Implications** – There are no property implications arising from this report.
12. **Risk Management Implications** – There are no risk management implications directly arising from this report.
13. **Equal Opportunities Implications** – There are no specific equal opportunities implications directly arising from this report, however – although it is an issue that is unrestricted by age, gender, sexual orientation or background, it must be recognised that domestic abuse has a disproportionate impact upon females.
14. **Crime and Disorder Implications** – The introduction of the measures outlined within the consultation may improve our partnership response to domestic abuse – and may subsequently generate improvements in perceptions of safety amongst individuals impacted upon by domestic abuse.
15. **Health Implications** – There are no direct health implications arising from this report; however, it is well documented that domestic abuse has a negative impact upon the emotional and physical wellbeing of those experiencing it.
16. **Sustainability Implications** – There are no sustainability implications directly arising from this report.
17. **Human Rights Implications** – There are no implications directly arising by responding to the consultation.
18. **Area and Ward Implications** – The consultation applies to all wards and localities throughout Gateshead.

Background Information

19. The following background papers were used in preparing this report:

- Community Safety Board – Partnership Plan
- Community Safety Board – Strategic Assessment
- Community Safety Board – Domestic Abuse Strategy
- Transforming the Response to Domestic Abuse – Consultation Paper
- Violence Against Women and Girls Strategy – Regional/National

ANNEX A: Gateshead Council Response to "Transforming the Response to Domestic Abuse" – Government Consultation

Chapter 1: Promoting Awareness of Domestic Abuse

Question 1:

Do you agree with the proposed approach to the statutory definition?

- **Strongly agree** – we broadly welcome the proposed approach to the new statutory definition. By creating a statutory definition, we feel this will place a greater spotlight on domestic abuse leading to increased awareness, understanding and response (from individuals, partners and wider society/community).
- The wording of the definition is geared predominately towards professionals who are likely to understand it – however, it may not necessarily be fully understood by victims of domestic abuse – and a simpler version of the definition should also be considered.
- Coercive and controlling behaviour remains an under acknowledged element – and further strengthening the statutory footing of domestic abuse will also help increase its understanding and prominence. We agree that it is appropriate to include economic abuse and intimate relationships as this will capture a broader range of abuse typologies.
- Within the coercive behaviour section, the example of assault should be listed towards the end of possible examples (and not the first). This will help to shift public 'opinion' that domestic abuse is predominately based around violence – and would also help to demonstrate that non-physical abuse plays a significant part of the domestic abuse agenda.
- Some partners have expressed a view that considerations should be given to broadening the definition to include if someone 'perceives themselves to be a victim of domestic abuse' (i.e. no actual incident has taken place but the victim perceives a potential threat etc. – although careful consideration will need to be given to how this is enforced).
- Finally, the definition should also try and reflect that although domestic abuse can and anyone in society regardless of their age, economic background, and ethnicity – it does largely remain a gendered crime, with a significantly higher proportion of female than male victims.

Question 2:

Will the new definition change what your organisation does?

- **Yes, in a positive way.** It is envisaged the statutory change in definition will help to positively complement our existing organisations response to domestic abuse. We already provide a variety of interventions to tackle domestic abuse so a new definition will not change our operating model as such but we believe that making it statutory will only serve to enhance what we currently do. In addition, by issuing statutory guidance for frontline practitioners, this will ensure domestic abuse is more widely understood and recognised, hopefully leading

to increased referrals into local support services, where clients are afforded an opportunity to be safeguarded from further abuse. We already work with victims who are the victim of economic abuse but the expanded definition is still welcomed – and allows action to be taken covering a broader range of financial abuse circumstances.

Question 3:

How can we ensure the definition is embedded in frontline practice?

- The statutory guidance that will be issued for all professionals who have safeguarding obligations is a useful way to disseminate changes to frontline practice; however, this should be accompanied by a series of e-training sessions, briefings and case study examples that allows greater awareness and clarity around the revisions. Bespoke examples from a range of services (e.g. housing, social care, health) of how domestic abuse manifests in their area of work as well as practical steps and advice on how to respond would also be a useful addition.
- It should be up to local organisations and services on how they intend to embed this in practice – and it should be the responsibility of CSP, LSCB and SAB arrangements to ensure the definition is embedded. This will be achieved through changes to internal and multi-agency policies, procedures and definitions – as well as regular single and multi-agency audits which will also help local organisations to ascertain if it is being used in practice; along with checks undertaken as part of any statutory inspections frameworks.
- It might be worthwhile considering how private organisations are encouraged to be involved in recognising the signs of domestic abuse and how to deal with this and support victims, perpetrators and children, as necessary.

Question 4:

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

- **Positive** – it is positive to have widened the age range identified within the definition to include 16 to 17-year-olds. This allows agencies to provide support to those experiencing domestic abuse from a younger age – but can in some occasions conflict/blur with safeguarding obligations.
- Although the number of 16 to 17-year-old victims of domestic abuse continues to be relatively small in Gateshead (e.g. 2017/18 Northumbria Police recorded only 39 victims – 22% reduction on 2016/17), the evidence base available to us indicates a prevalence of domestic abuse in this age range.
- Although the lower age range is positive – further work needs to be undertaken in relation to Adolescent to Parent Violence issues – which is an increasing and rising trend – as well as work with pre-16-year-olds to increase general awareness of domestic abuse.

Question 5:

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.

- **Agree** – our current services already respond to, and actively work with, clients of this age bracket so if it was/wasn't included as part of the statutory definition, it wouldn't make too much of a difference. It is recognised that early intervention and help is key to tackling domestic abuse – and by capturing and responding to this at an earlier age will help. In addition, a lot of activity has, and will continue to, take place in relation to Healthy Relationships and national campaigns around Teen Relationship Abuse etc – all of which appear to have been well received.
- Although the lower age range is positive – further work needs to be undertaken in relation to Adolescent to Parent Violence issues – which is an increasing and rising trend – as well as work with pre-16-year-olds to increase general awareness of domestic abuse.

Question 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?

- If relationship education is to be made mandatory in schools, we could look to provide standardised education/training resources that can be delivered to all children across the UK ensuring similar messages are delivered/rolled out.
- We also need to consider what 'relationship education' entails – will this include elements of domestic and sexual abuse (or not – need to be very prescriptive to ensure that domestic abuse features within its remit).
- Peer mentoring/real life case studies that young people can relate to and/or identification of a 'well-known' champion that adolescents will respect.
- The use of Peer Support and/or 'Experts by Experience' may also help young people to better understand and relate to domestic abuse situations.
- Targeted media campaigns on social media to try and engage with young people at an earlier stage would also be helpful.
- Ongoing 'maintenance' of relationship education needs to be considered (i.e. initially, it is okay to target our activity towards young people, but this education needs to 'follow from early adolescence into adulthood' so that victims can draw upon these skills at various stages within their life – e.g. providing education to a 14 year-old will not necessarily have any impact if the victim then goes on to experience domestic abuse at 30 year-old, as a lot of the skills/understanding that were initially taught may have been 'lost').
- Recognition that this therefore is a longer-term aim/goal – that requires societal values to change as well as accepting that wider issues also play a part.
- Secondary prevention – training to look for the signs of domestic abuse at an earlier stage and where to report these if a young person is worried/concerned.

Question 7:

Which statutory agencies or groups do you think the UK Government should focus its efforts on to improve the identification of domestic abuse?

Please tick the top 3 from the list.

- It was difficult to ascertain a top three agencies from the list provided.
- Based on local issues, data and/or the fact that these services are those most likely to come across domestic abuse (but not necessarily recognise it and could do with additional efforts to improve identification) are:
 - **Armed forces** – we currently have a DHR that demonstrates more work should be done to improve domestic abuse awareness within this sector;
 - **Children’s services** – early intervention and prevention is key.
 - **Criminal justice agencies** – domestic abuse is not confined to a single organisation and it is a system-wide response involving all agencies involved with the criminal justice.
 - **Education professionals** (for example teachers, school staff) – early intervention and prevention is key.
 - **Health professionals** – evidence shows health providers and services are a key area for domestic abuse disclosures.
 - **Housing staff** – similarly, housing providers come across the symptoms and consequences of domestic abuse on a regular basis.
 - **Providers and commissioners of adult social care services** – early intervention and prevention is key.

Question 8:

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

- We feel that statutory services do work together very well and, by in large, recognise and understand the key issues linked with domestic abuse – however, some services are no longer available to support clients at the same level (following budget cuts – which has left those organisations working around domestic abuse, particularly those in the third sector, struggling to sustain at a time of ever increasing pressure around demand for service).
- Awareness of the domestic abuse agenda is positive – however, greater recognition / education around the actions to take in the event of domestic abuse disclosures is key to help improve understanding and responses to domestic abuse. This will also increase confidence within local professional around how to respond confidently in domestic abuse situations (*and will help to facilitate 'open' conversations around this agenda so that it is 'normalised').
- Consider the possibility of embedding domestic abuse in all commissioning arrangements (like it is for the Preventing Violent Extremism agenda currently).
- Mandatory training for domestic abuse and safeguarding for all staff working public-sector organisations – which will not only upskill our employees to improve understanding but it will also positively impact on local communities (as employee will share this knowledge with friends, families etc. consequently,

leading to increased community awareness/recognition of domestic abuse).

- Tailored training for specific sectors in which domestic abuse disclosures could be more prevalent – GPs, midwives, nurses, health etc.
- Roll out standardised HR Policies and Procedures and Domestic Abuse Champions/Advocates schemes across all public-sector organisations.

Question 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?

- Greater information on where to report, what to report and signs of abuse.
- High profile / media campaigns aimed at equipping employers, friends, family, community figures with relevant information and the confidence to support victims and challenge perpetrator behaviours.
- Increased awareness of successful cases to reassure victims of domestic abuse that effective action is, and will be undertaken, with positive outcomes.
- Case studies – particularly on 'lower-level' domestic abuse cases to that friends, family and community figures can resonate with domestic abuse and encourage reporting).
- Northumbria Police and Crime Commissioner has successfully introduced Domestic Violence Champions Scheme to raise awareness with private and public-sector organisations – which could be replicated elsewhere.
- Better engagement with faith/community leaders would help to break down some potential barriers to dealing with domestic abuse.
- Improved HR policies and procedures to help improve discussions and 'open-up' conversations ensuring that domestic abuse is part of mainstream discussions with all staff/employees.

Chapter 2: Protect and Support Victims

Question 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? Please select up to 3.

We believe that immediate “safety-based” planning and access should be maintained as a priority for victims including access to appropriate accommodation and support. Alongside this, more availability of perpetrator programmes is essential to enhance the overall response to the prevalence of domestic abuse:

- **Therapeutic services to help victims of domestic abuse recover from their experience** – this would enhance the level of support provided to victims of domestic abuse (and should encompass services that are delivered to support both children and adults).
- **Accommodation services** – continues to be one the biggest barriers for domestic abuse clients to overcome (*and if include Sanctuary Scheme – would enable victims to remain safety within their own home).

- **Perpetrator programmes which aim to change offenders' behaviour and stop reoffending** – remains one of the key gaps in relation to domestic abuse and central funding opportunities would mitigate the potential for differences in service provision across localities. This relates to voluntary programmes that are ran by the third-sector and not statutory interventions delivered by CRC.

Question 11:

What more can the Government do to encourage and support effective multi-agency working, to provide victims with full support and protection?

Please select up to 3.

It must be recognised we in a 'deficit budget' scenario – where demand/need for services will always outstrip the level of resources that are put in place.

- **Incentives through funding** - funding opportunities would support multi-agency working to develop innovative practice – however, we also need to recognise that we are doing a lot already (i.e. its not always about innovation/change but about retaining and sustaining existing services/delivery models).
- **Sharing effective practice** – greater sharing of what works well, what hasn't worked and how to overcome barriers will encourage services / organisations to work collectively. For example, encourage CRC's to share information on the interventions/programmes and effectiveness in respect of work done with domestic abuse in community and custody to help other agencies learn.
- **Training** - raising awareness of what agencies can do to support victims is crucial – it is not always about handing a client over to a specialist service. By upskilling and increasing understanding about domestic abuse and the support available, we will be able to intervene earlier and prevent further escalation (e.g. Northumbria Police and Crime Commissioner roll out of the Northumbria Domestic Abuse Practitioner Standard Project).

Question 12:

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

- We believe all victims (and particularly those classified as facing multiple barriers) are best served by having a single point of access to services. An ability to access one "front single door" and being assigned a lead professional to co-ordinate services and interventions based on need is the ideal model.
- Although we recognise that victims often present with complex and multiple needs – services need to be able to flexible enough to react accordingly and cater for these varying needs. Sometimes the services commissioned are not necessarily conducive to addressing all issues for clients (e.g. dual diagnosis, victims with male children, mental capacity, accommodation, disabilities and where the carer is a perpetrator).
- We know that tackling domestic abuse remains resource intensive – additional funding/capacity to deliver activity to support clients experiencing complex and

multiple needs would be welcomed alongside increased support for multi-agency working.

- Some specific examples also include: expedited access to benefits, extension to 13-week deferment in Job Seekers Allowance and Universal Credit for victims allowing more time to access services (for example, talking therapies which typically has a waiting list). In addition, stronger guidance on disregarding housing related debt when rehousing would also be welcomed.

Question 13:

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** – vulnerable women may not access support from statutory services voluntarily so it is imperative that professionals are effectively able to enquire into history of domestic abuse at each stage of the criminal justice process and share this information to best engage victims.
- **Encourage the use of schemes which divert vulnerable women out of the criminal justice system (where appropriate) and into services** – there are examples of successful use of “out of court disposals” utilised to engage vulnerable women to access services. These “whole system” multi-agency approaches afford women a route of diversion and access to services without criminalisation. There are of course resource implications for those agencies involved and these require appropriate support to continue to deliver services effectively.
- **Improve availability of support for domestic abuse victims in prisons** – this provides an opportunity to intervene and 'grip' clients whilst in prison and the Government intention to revise the specifications for providers of Through the Gate Services should also help to better support women's access to services both in custody and on release.

Question 14:

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

The top three interventions highlighted by the local Gateshead IDVA Service to make greater use of women-specific services are:

- **Delivery of health interventions such as mental health and substance misuse treatment at women-only services** – identified as high barriers for domestic abuse clients.
- **Improving access to benefits, finance and accommodation advisors at women-only services** – identified as high barriers for domestic abuse clients.
- **IDVAs located or linked to women-only services** – this will help women-specific services to have direct access to specialist domestic abuse workers (and it is envisaged that over time this will help increase understanding and knowledge around domestic abuse and therefore upskill women-specific

services to better support clients). In addition, IDVA Services will be linked in with a range of services including voluntary sector organisations that can offer support and can help facilitate specialist referrals (e.g. for women from different BME backgrounds).

Question 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?

- Broadening of the current concession would be welcome and would support domestic abuse victims with no recourse to public funds. Further educational work needs to be explored to ensure that mainstream services: 1) understand this provision and 2) understand the thresholds around who is eligible.
- Increased awareness for refuges, housing and other accommodation providers would be particularly helpful – as often they will not provide accommodation to victims with no recourse to public funds as they are not necessarily aware of Destitute Domestic Violence Concession (DDVC) and/or are concerned that their right to reside may change.

Question 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)?

- **Yes** – this is a welcomed addition and feel this could be used more broadly as an early sanction as a precursor to a Domestic Abuse Protection Order (DAPO). Standardised process and routine evaluation of its effectiveness is required (to ensure the use of DAPN/Os are similar across all localities).
- Where proposed sanctions include prosecution/sentence to a community order and/or imprisonment – greater liaison with Courts/CJS needs to be established and expectations of sentence and management needs to become explicit – particularly if the perpetrator is subject to a statutory order/licence.

Question 17:

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

- We believe that this should be victim-led with the agency most appropriate to the victim making the application. There is an issue here in relation to victim consent and understanding that is imperative to avoid re-victimisation.
- All organisations/individuals included in the list should be able to apply:
 - The victim
 - Certain persons associated with the victim (for example certain family members) on behalf of the victim

- The police (following the issue of a Domestic Abuse Protection Notice or at any other time)
- Relevant third parties, who would be specified by regulations, on behalf of victims (see Question 18 for further details)
- With permission of the court, any other person or organisation
- However, we would be slightly concerned should this result a potential drop-in use of the order by Police (as they may simply advise victims to apply for these themselves). Whilst a self-remedy is not rejected, there could be danger that vulnerable victims will not progress for multiple reasons; fear, minimising risks, not wanting conflict with perpetrator etc.
- The process should also be streamlined to encourage the Police to apply for the order (as the current amount of paperwork required and having the request signed off by a Chief Inspector is a potential significant factor in dissuading the use of DVPO's being applied for).

Question 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? Please select all that apply:

- We believe that this should be victim-led with the agency most appropriate to the victim making the application – as a result, all organisations/individuals included in the list should be able to apply:
 - Local authority safeguarding or social care professionals
 - Providers of probation services
 - Specialist domestic abuse advisers/Independent Domestic Violence Advisers (IDVAs)
 - Specialist non-statutory support services (e.g. refuge support staff)
- Having a range of persons or bodies who can apply for a Domestic Abuse Protection Order on a victim's behalf will increase the number of potential routes for this sanction to be considered (and will potentially help to remove onus and duress for victim).

Question 19:

We propose that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made. Do you agree?

- **Yes** – however, we need to ensure that we have a robust system in place that will allow all agencies to know that an application is being submitted (to reduce potential for duplication/conflicting requests) as well as a process for informing support agencies to help provide support/enforcement, as necessary.

Question 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?

- **Yes** – having a range of persons or bodies who can apply for a Domestic Abuse Protection Order on a victim’s behalf will increase the number of potential routes for a DAPO/N to be considered (and will help to remove onus and duress for victim).

Question 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? Please select one and give reasons.

- **Yes** – imposing positive requirements is a positive measure. However, we need to be mindful of the potential cost and resource implications linked with their inclusion. It must be recognised that although the activity will, if successful, go a long way to challenging and influencing perpetrator behaviour – resources must be set aside to be able to fund and deliver these local interventions. We also need to be mindful of how these fit with existing commissioned services (e.g. drug and alcohol treatment).
- Learning from the positive requirements associated with the ASB, Crime and Policing Act will also help identify any barriers/gaps – and will demonstrate the need for clear guidance on roles and responsibilities in relation to the supervision/coordination of the positive requirements – and the action that will be taken if these are not complied with.

Question 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?

- **Yes** – it is central to safety planning to have the most up to date and full knowledge on the perpetrator.

Question 23:

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

- **Yes** – it is central to safety planning to have the most up to date and full knowledge on the perpetrator. The level of information provided would probably have to be considered on a case by case basis but it is feasible for all the information listed to be collected / provided to the Police by the perpetrator:
 - Name/change of name
 - Home address/change of home address
 - Formation of new relationship with an intimate partner
 - Change of circumstances relating to household – including where a new child is born or otherwise joins the household
 - 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

- Nevertheless, some caution needs to be exercised where this information may exceed the right to privacy, or be over bureaucratic for the Police, but where appropriate this information should also be shared with other relevant agencies. The issue here being one of what is proportionate and necessary to protect victims. Consideration also needs to be given as to how and where this data will be stored.
- We need to remember that it is not only about sharing information with Police – and need to consider other agencies that would benefit from this information (e.g. where a perpetrator is known to CRC/NPS).

Question 24:

Do you agree that breach of the proposed order should be a criminal offence?

- **Yes** – this will help strengthen the response and send a message that non-compliance is taken seriously. It would also act as a significant deterrent and would provide further reassurance to victims of domestic abuse. However, we need to be clear what the penalties will be and the expectations of these towards the perpetrator or if the penalty will lead to intervention from CRC/NPS.

Question 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?

- We would welcome whatever sanctions are the most stringent and have the chance of providing the greatest deterrent to breaches.
- However, we feel that sentencing guidelines should also be developed which are better able to support the nature of the breach on a case by case basis so as not to mitigate or dilute the seriousness of the matter. Also, if breach not contempt, this is a different standard and could take longer to resolve, thus increasing the potential risk to victim as outcome/sanction is delayed.
- Any breach also needs to be done in a timely manner to send out a clear message to victim/perpetrator – as any delay will change the impact.

Question 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?

- **Yes** – power to impose electronic monitoring would be a positive move. At present, electronic monitoring can only be suggested as voluntary intervention, with low take up by perpetrators; this needs to be made subject to sentencing requirements which would help strengthen its use. Like the imposing of the positive requirement, we need to be mindful of the potential cost and resource implications of this additional intervention / tool (including clarity on the different options and variations available for curfew). In addition, further consideration needs to be given to which agency will be required to take enforcement action as well as the possible implications for the breach (e.g. will this relate to more

intervention based sentence involving CRC/NPS and/or a penalty 'fine', which then is usually be ignored).

Question 27:

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

- **Unsure** – but would suggest that it is like the safeguards used currently for electronic monitoring arrangements – and is something that will require appropriate resource and multi-agency information exchange (to ensure that issues such as address suitability and proximity to the victim are considered).

Question 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?

- **Don't know/no answer** – the suggested improvement would seem to assist but unable to comment to what extent.

Question 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.

- There could be broader range of professionals who could support any such application for the survivor to have their details removed. In addition, information from local housing providers would be useful as often victims will not have reported to the police or other agencies but will very often have approached housing.

Question 30

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

- Ensure the individual does not need to re-apply and that a greater range of practitioners are able to support an application for removal. In addition, a flag could be added to local authorities or most appropriate agency systems to highlight that victim has suffered domestic abuse and may require a different pathway of support (*which would include supporting clients to be able to anonymously register to vote).

Question 31:

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

- Ensure that survivors' details are redacted from official documents (e.g. reports from social care/health/court listings etc) as well as the tightening of online credit check companies as it's now very easy to access information on other people with little information.

Question 32:

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

- **Yes** – we were aware of the Domestic Violence Disclosure Scheme (Clare's Law) prior to the consultation.

Question 33:

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

- **Agree** – any additional legislation to improve support for potential victims can be seen a positive move – however, it could also be argued that placing this in statute does not necessarily resolve the issues associated with take-up, which could potentially be achieved/supported via additional educational work across agencies and the public to help them understand how to access and make use of the existing scheme.

Question 34:

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

- All those identified within the list are appropriate:
 - Marketing materials (for example posters, leaflets)
 - TV & radio
 - Media (for example newspapers, magazines,)
 - Social media (for example Facebook, YouTube, WhatsApp, Twitter, Instagram)
 - Online through search engine
 - Other (free text) – employers through disseminating information within their respective organisations
- Any opportunity to increase awareness of the DVDS is positive but need to be proportionate and targeted based on need (e.g. younger people will be more inclined to use social media compared to different media types for older generations) and as a result needs to be tailored to ensure maximum coverage/take up.

Question 35:

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

- There are major barriers to individuals fleeing abusive relationships: 6 week wait to access Universal Credit; limitations on access to Food Banks; Legal Aid needs to be more accessible; 'limbo' period between fleeing and being completely independent; professionals are not always aware of the way that perpetrators purposely create arrears and debts to control the survivor; and, better access to information around how survivors can access support when they have experienced economic abuse – hints and tips.
- Economic abuse can impact very widely and include access to services, accommodation, life management skills and criminality – and can be magnified in certain groups (e.g. there are significant issues in relation to BME communities and victims who may have been involved in Modern Slavery).
- Some practical examples provided from a local housing perspective:
 - No credit history as perpetrator has been responsible for bills and utilities – letter from support service or other professional so accounts can be opened
 - No paperwork/ID to open a bank account or access benefits like Universal Credit – letter from support service or other professional accepted by banks/benefits confirming ID in cases of domestic abuse.
 - Taking out credit/loans in victims' name resulting in debts and bad credit rating – debts more easily disregarded when provided with supporting evidence of abuse (e.g. utility companies not requiring a deposit)
 - Rent arrears – very difficult to prove this is because of domestic abuse – and should be disregarded for domestic abuse victims
 - No proof of payments or landlord reference e.g. impacting access to housing
 - References from previous landlords – not knowing details of landlord, or receiving bad reference due to damage or behaviour of perpetrator etc.
 - In addition, practical issues also relate to how and where to access services; for example, the Citizens Advice Bureau is not a 24-hour service etc.

Question 36:

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

- All the items listed remain appropriate:
 - Appropriate reporting categories on social media platforms and signposting victims to off-platform support, such as helplines
 - Clear guidance from social media companies on privacy settings for users at risk or victims of domestic abuse on online domestic abuse
 - Effective use and handling of evidence from social media within the investigation and prosecution processes
 - Government /charities and others promoting awareness of online and technology risks in relation to domestic abuse, such as through advertising

- Government raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators.
- Retailers, applications and the wider technology industry raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators
- Other – legislation regarding the use of trackers, banning cheap tracking devices etc.

Free text for further explanation of choice

- If only one choice is required, the promotion and awareness of online and technology risks in relation to domestic abuse, such as through advertising would be key – as this could encompass all the bullets above and cover a magnitude of issues (*including specialist areas such as spyware, keeping safe online etc). In addition, we feel as though there is work to be undertaken in schools and educational establishments to appropriately inform at the earliest possible opportunity.

Chapter 3: Pursue and Deter Perpetrators

Question 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?

- Government should continue to cascade the learning from Domestic Homicide Reviews and sharing of best practice examples identified through current HMIC Inspections, Joint Targeted Area Inspections etc all of which help to encourage and support improvements in current practice.
- The potential advent of a Domestic Abuse Commissioner would also help to drive standardisation and improved outcomes for victims of domestic abuse; whilst the influence afforded by the Police and Crime Commissioner should not be overlooked.
- Further work to be undertaken to ensure the Police are hearing the 'voice of the child' (i.e. ensuring that officers are speaking to children when attending domestic incidents) and increased education to front line police officers when faced with potential male victims of domestic abuse (i.e. to ask searching questions to avoid gender bias).
- On a practical level, consideration should be given to making it easier to put DVPNs / DVPOs in place and clarifying the circumstances the orders can be used (as knowledge varies greatly).
- Further training on the dynamics of domestic abuse and why victims stay (e.g. Zoey Loderick sessions) for frontline officers (particularly 24/7 response).
- Investigating officer should also look assure that when on leave / rest day's victim has an alternative contact to speak with (as often one point of contact but if they are unavailable, the victim often will have to wait etc).
- Better understanding of cyber stalking and the impact this can have on victims and a recognition that this often means offences can take place across a much larger geographical scale).

Question 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? Please select one.

- **Yes** – consideration needs to be given to whether this should be an 'opt-out' system (i.e. that special measures are in place for all domestic abuse cases as a standard measure – unless the victim does not want it). This will help to greatly minimise the potential for negative experiences at Court and would enable victims to be reassured from the outset (i.e. at the time of an incident that this option is available to them – therefore increasing the likelihood of giving evidence etc).
- However, we need to recognise the potential resource and cost implications of this and need to ensure that special measures are not an 'empty promise' e.g. screens sometimes not available or courts do not have separate victims' suites with different entrance / exits to avoid contact with perpetrator).

Question 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? Please select one.

- **Yes** – any additional advice/guidance provided alongside support at Court will be of benefit to victims of domestic abuse. However, we need to recognise not to overwhelm clients and can provide different types of advice/guidance at the various stages of the Criminal Justice System process.
- In addition, more could be done to 'clarify the true meaning of imprisonment' (i.e. 6 months is 3 months to serve) as victims often feel let down when they find this out. Greater clarity of sentence and potential for release needs to be considered – which could potentially be achieved by being more explicit when advising victims so that they are aware of the expectations – but we also recognise that this might also potentially lead to victim disengagement.

Question 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? Please select one. Where possible, please provide evidence or details of the experience to support your answer.

- **Don't know/no answer** - discussions with the local IDVA Service suggests, to their knowledge, that this hasn't taken place for high risk clients under their support; but could have taken place for medium and standard risk clients, whom they don't support. There have been examples within the family court, however in such circumstances the defendant had been required to submit

their questions ahead of time to allow the Judge to vet their appropriateness and reduce the risk of re-victimisation.

Question 41:

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** – there is an argument that perpetrators should not have an opportunity to potentially re-victimise their victims in court (and can in some circumstances lead to dropped cases and/or increased risk to clients).
- Any measures that are implemented to remove the fear and distress for victims giving evidence is welcomed.

Question 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 some evidence or details of the experience to support your answer.

- **Yes** – the issues highlighted by local IDVA Service include: ensuring all appropriate evidence is available at the time of the case is heard, greater use of Body Warn Video to support victimless prosecutions and increase evidence base by using professional agencies and/or using professional witnesses instead. In addition, greater levels of support available at Court (both prior to and following) will all help clients from disengaging from the process – but would require a level of appropriate funding for witness care/victim support agencies.

Question 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 details of the experience to support your answer.

- **Yes** – the issues highlighted by local IDVA Service include: ensuring all appropriate evidence is available at the time of the case is heard, greater use of Body Warn Video to support victimless prosecutions and increase evidence base by using professional agencies and/or using professional witnesses instead. In addition, greater levels of support available at Court (both prior to and following) will all help clients from disengaging from the process – but would require appropriate funding for witness care/victim support agencies.

Question 44:

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

- Don't know/no answer – unable to provide any additional information, which will be submitted separately by MoJ/Courts.

Question 45:

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** – greater awareness of the evidence that can be gathered by the Police and partners that can be used to prosecute would be welcomed. In addition, better understanding of coercive and controlling behaviour in general – across all agencies and organisations involved with supporting domestic abuse clients is crucial. There is also a case for placing MARAC (Multi-Agency Risk Assessment Conferences) on a similar statutory basis as MAPPA (Multi-Agency Public Protection Arrangements) to ensure engagement of all relevant partner agencies. Finally, the interventionist approach offered within Criminal Justice is also seen a positive aspect.

Question 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? Please select one.

- **Don't know/no answer** – contact with partner agencies suggests:
 - the presence of children within a domestic abuse setting should automatically be an aggravating factor. It would not be helpful to introduce this specifically if there was an implication that it would delay proceedings and require additional evidence gathering. This is more likely to result in more failed trials.
 - often despite children being present and serious assaults taking place perpetrators are given sentences that don't reflect the impact to children or the victim. For example, a woman strangled in front of her four-year-old son and punched in the face repeatedly resulting in a broken nose was given a £100 fine and ordered to complete a CDVP despite also breaching bail conditions not to approach the victim. Impact and distress caused to child was not considered.

Question 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? Please select one.

- **Yes** – this would send a clear message that domestic abuse is a serious matter and can impact adversely on later life of the child. There is clear value of the

aggravated nature being a prefix and law/sentence guidelines making this as a clear statement of intent with enhanced penalties and intervention.

Question 48:

Please share any other views on how to ensure domestic abuse and its impact on children are taken into account in sentencing?

- Police need to include the voice of the child in their initial attendance at domestic abuse incidents. This is as straightforward as speaking to any children present and recording their responses and detail of their presentation. This should then be able to serve as evidence going forward to trial.

Question 49:

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

- Yes – any additional extraterritorial jurisdictions linked domestic abuse are positive and will help support victims further.

Question 50:

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

- Not applicable

Question 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?

- **No** – as this this would not necessarily cover street sexual harassment or sexual harassment in the public arena.

Question 52:

If not, what do you think is necessary to satisfy those requirements?

- There is a potential for some forms of sexual harassment to be reported as a hate crime.

Question 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? Please select one.

- **Yes** – a conditional caution for a low-level offence would enable intervention at an earlier stage. Critical measures would need to be in place to ensure that there was not a greater history of offending this would include intelligence which had not resulted in a conviction but which indicated that the domestic abuse was a more significant problem requiring a higher-level intervention.
- There should be a developed and planned ‘brief intervention’ programme (i.e. 4 sessions) which can be applied in this setting – and could be run individually or group based.

Question 54:

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

- No

Question 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.

- Across Northumbria, there are Multi-Agency Tasking and Coordination (MATACs), which are multi-agency meetings that seek to reduce the offending of serial domestic abuse perpetrators. These are designed to focus on the individuals that are causing the most harm based on the Recency, Frequency and Gravity of their offending. Information and intelligence are shared on these individuals and an action plan is devised that includes measures designed to reduce harm and encourage compliance with several control measures. The successful of this approach has led to it being rolled out across neighbouring Police forces – and is something that should be explored. In addition, increased provision of voluntary perpetrator programmes and access to support in the community in the same way that victims can would help to reduce recidivism and enable us to collectively better manage serial/repeat abusers.

Question 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 examples of practice which have been successful.

- **From our local DVPP Programme** – as we know there is little that can be done in custody in less than 12 months custody because of allocation to suitable Prison which delivers appropriate work. Risk levels assessed by the

prison/probation OASYs system will probably not be sufficient for work to be recommended. Needs management through education and employment only. Probation in the shape of the National Probation Service or the Community Rehabilitative Company would also struggle to undertake meaningful work upon on release, again given the time lines involved. Allocation of offending behaviour work dependent on spaces available and whether they are prepared to do it. We believe that there is a way that this could be developed in terms of interacting with the man pre-sentence, during his prison sentence and post sentence as part of his licence conditions or post sentence supervision.

- **From our local Community Rehabilitation Company** – utilisation of shorter duration programmes rather than accredited programmes. These could be delivered in-house by the prison or contracted out (e.g. to CRCs). Cumbria and Lancashire CRC are piloting the provision of the Safer Relationships Programme in HMP Preston in response to the high number of domestic abuse perpetrator inmates and lack of domestic abuse offence focused work available. Where work is undertaken within a prison setting, it is essential that a “hold” is put on the service user so that they cannot be moved to a new prison for the duration of the programme. Prisoners could also be released on temporary licence to complete interventions in the community. We should also encourage more use of domestic abuse specific interventions on licence/PSS.

Question 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 examples of practice which have been successful.

- **From our local DVPP Programme** – responsive, motivational approach. On its own is a blunt tool. With the addition of Social Services, family/child contact it becomes more relevant. Could develop more motivational work linked to issues of DV and foster self-change environment without threat of sanctions/restrictions. All our work has been allied to working with Social Services so there have been motivators to attend and then work has been done (responsive) to develop self-responsibility and promote an environment for change. Not telling, not getting them to admit to what others want them to admit to and listen to them and encourage and persuade, understanding the benefits for themselves and others of changing.
- **From our Commissioning Team (Gateshead Council)** – the use of DVPP Programmes – tiered approach/response (recognition that not all perpetrators will need a full 26-week programme, different programmes for female perpetrators, perpetrators under the age of 25, inter-family violence). We need to be mindful of the potential cost and resource implications. Whose responsibility is it to look at this (e.g. Com Safety Board, LSCB, SAB etc). We also need to look at societal and community responses to domestic abuse. Use of the Vol Sector organisations but again requires resource, consistency of approach, monitoring and reviewing to ensure its effectiveness.

- **From our local Community Rehabilitation Company** – provision of third sector support to assist perpetrators access appropriate help and advice, provision of perpetrator programmes for non-statutory perpetrators and the creation of multi-agency complex case hubs to manage the most complex DA cases in the community with ready access to substance misuse services and mental health provision.

Chapter 4: Improve Performance

Question 58:

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

- The main issues here primarily relate to establishing a “common data set” which can be readily shared and understood by relevant partners. The three of most use are:
 - Improving the collection and reporting of data on when domestic abuse is a feature of a case/intervention
 - Improving data to enable better tracking of outcomes in domestic abuse cases/ intervention
 - Linking data to enable better understanding of the interactions/ relationships between domestic abuse and other types of offending

Question 59:

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

- **Agree** – the creation of a national Domestic Abuse Commissioner will help to share best practice and effective learning across different localities – and will help to further bring domestic abuse causes/issues to the forefront/spotlight. Whilst we agree with this principle, what is not clear is the level of authority that this role will yield; whilst there are also additional concerns in relation to how we strike the balance between central control and a local response to domestic abuse issues.
- It is worth considering broadening this role to also include sexual abuse (to ensure that sexual abuse is captured).
- The creation of a Commissioner might also help to improve timescales around DHRs as well as holding partners and services to account for the delivery of DHR actions.

Question 60:

Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner?

- 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

- 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
- Oversee the Domestic Homicide Review Quality Assurance process, including any potential changes implemented following this consultation, feeding lessons learned into their recommendations

Question 61:

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

- It is envisaged that this would sit as part of existing local authority governance arrangements within local authorities – and we would comply like the way in which we comply with other similar roles (e.g. Modern-Day Slavery Commissioner).

Question 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?

- Sharing of recommendations and actions highlighted in different localities to ensure that learning is more widely shared than it is presently.
- National portal for all DHRs/action plans and learning to enable localities to draw upon what is already available (and potentially collaborate on shared action points – e.g. in a recent DHR, a recommendation was linked with improving links between civilian Police and MoD/Army – but work around this could already be being developed elsewhere – and would save on possible duplication, if known).
- Peer reviews and sharing learning outcomes around DHRs.
- Developing bespoke training to raise awareness and explain learning – particularly where there could be national learning.
- There is also a national piece of work to be undertaken to ensure that all those individuals that are commissioned to undertake DHRs are similarly trained and supported.

Question 63:

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

- Need buy in at senior/corporate level to ensure organisations are providing feedback on delivery against DHR actions – effective CSP arrangements are essential.

- We need to recognise the cost and resource implications for carrying out DHRs – of which this usually tends to fall to Local Authorities. Greater clarity should be given to how these are resources and/or which organisations should contribute to the financing of reviews.
- The potential creation of a Domestic Abuse Commissioner may also add weight to holding local agencies to account.
- Furthermore, there is additional work needed to ensure that agencies are held to account in the longer term (after delivery of the action plan) to ensure that learning is mainstreamed/embedded.

Question 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?

- There is a role for more effective cross board and cross geographical boundary work and best practice sharing (e.g. creation of sub-regional forums or develop steering groups to look at joint bids or project delivery for victims). This could be supported with the introduction of the Domestic Abuse Commissioner role.
- Practical examples/sharing of what works well across other localities and encourage similar schemes to be established.