Submission to Government Consultation on the proposed Domestic Violence and Abuse Bill

About Respect

Respect is the UK membership organisation for work with domestic violence perpetrators, male victims of domestic violence and young people’s violence in close relationships.

In 2004, we launched the Respect Phone line for anyone who is concerned about their own or someone else’s behaviour towards their partner and is also available for frontline workers. We have developed the Respect Accreditation Standard which is the benchmark for the provision of quality interventions for domestic abuse perpetrators and support the network of specialist organisations providing these interventions. These services focus on changing the behaviour and managing the risk of perpetrators, with the safety of victims, including children, at their heart. We help new services to set up and existing services to develop, and support best practice in commissioning.

Respect also works in partnership with a range of other agencies to support innovation in working with perpetrators. For example, we co-produced an Employers’ Manual with Refuge, we are working with Safe Lives and Social Finance on the Drive Project and with Welsh Women’s Aid and Women’s Aid England on Change that Lasts.

Respect has been supporting male victims of domestic violence since 2007, when we launched the Men’s Advice Line as a UK-wide service on freephone 08088010327. Since then, we have helped thousands of male victims, as well as frontline workers and concerned friends and family, by phone, email and webchat.

In 2008 Respect launched a Young People’s Service. It focuses on interventions with young people who use violence and abuse in close relationships, including:

- relationship abuse;
- adolescent to parent violence and/or;
- abusive behaviour within the family e.g. sibling abuse, young parent abuse.

Introduction

Respect welcomes the opportunity to contribute to this consultation on the proposed Domestic Violence and Abuse Bill.

In preparation for this consultation, Respect organised a series of consultation events with our members and other stakeholders. These took place in London, Cardiff and Newcastle and were funded by the Noel Buxton Trust and the Home Office. Issues raised at these events have been incorporated into this response. Below we have made a considered response to most of the questions in the long version of the consultation but we also wish to make the following summary of our views on the proposals.

1. We welcome:
   - the clear acknowledgement of domestic abuse as a gendered issue
   - the recognition that the current postcode lottery is unacceptable
   - the commitment to making it easier for survivors to access Legal Aid
• the work being undertaken by Department for International Development. Respect would recommend that a similar approach be undertaken within the UK, including, like DFID, a Violence Against Women approach rather than the sole focus on domestic abuse

2. Perpetrator proposals need to be more comprehensive and ambitious

We would have liked a vision for responses to perpetrators that was broader than the ‘pursue and deter’ focus in the consultation.

Every survivor and child living with domestic abuse deserves not just support for themselves but the knowledge that the perpetrator is being held to account and dealt with effectively.

For communities to do this, they need to understand the scale of the problem, who the perpetrators are and how best to respond to them.

The scale of the problem

The Office of National Statistics annual crime survey\(^1\) estimates that 1.9 million adults aged 16 to 59 years experienced domestic abuse in the year ending March 2017. There is no specific data on perpetrators but we can presume that 1.9m victims equates to a very significant number of perpetrators and presents a considerable challenge to every local community.

The cohort

The whole cohort of perpetrators is a diverse group. Mainly men, but some women, and including those in same sex relationships. All backgrounds, ages, religions, social classes and ethnicities. Perpetrators of intimate partner abuse and of abuse against parents, siblings and other family members. Multiple perpetrators abusing and controlling the same victim. Serial perpetrators with multiple victims. Some perpetrators just at the beginning of what could escalate, others entrenched in years, even decades of violent, abusive, controlling behaviour. Many causing high levels of harm with severe impacts. Some totally resistant to admitting and taking responsibility for their behaviour, others seeking help and determined to change. Some ready, willing and able to take part in behaviour change programmes, others with complex needs which act as barriers to engagement. Some in plain sight and well known to agencies, others invisible and yet to be identified. All requiring a response which is safe and effective in stopping their abuse.

Restricted space for action

As part of the Mirabal\(^2\) research project, Professors Kelly and Westmarland outlined six measures of success for behaviour change programmes\(^3\) which included the helpful concept of ‘expanded space for action’ for survivors: ‘safety is insufficient to undo the harms of abuse, women need to have the freedom restored that abuse restricts.’

This concept can be flipped so that the success of any response to perpetrators is to restrict their ‘space for action’ and reduce their ability to abuse. This can be achieved through behaviour change, but also by limiting the opportunities a perpetrator has to be abusive.

\(^1\) https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017

\(^2\) https://www.dur.ac.uk/criva/projectmirabal/

\(^3\) https://www.dur.ac.uk/resources/criva/whatcountsassuccessbriefingnote.pdf
A whole system approach

Every local community needs a whole system approach to domestic abuse perpetrators that puts the safety, wellbeing and freedom of survivors and children at its heart.

This approach should include:

- Coordinated multi-agency action
- Early intervention
- Assessment of harm, capacity to change and need
- A range of responses
- Intensive case management
- Justice
- Disruption activities
- Behaviour change programmes
- Principles and standards

Coordinated multi-agency action

One of the key Respect principles for any response to perpetrators is ‘the system counts - domestic violence and abuse cannot be addressed by one agency alone and work with perpetrators should never take place in isolation.’ Every area should have local multiagency arrangements such as the MATAC approach currently being trialled in Northumbria, bringing together all agencies – public sector, voluntary sector and private sector – who have contact with perpetrators to agree an action plan to address their behaviour and its impacts, and to reduce future harm.

Early intervention

Every community should aim to address domestic abuse at the earliest possible opportunity when there is most chance of preventing abuse from escalating. This involves all agencies having processes for the identification of perpetrators, such as a ‘recognise, respond, refer’ model, and referral routes to a specialist organisation which can provide assessment and intervention. Change That Lasts is developing an innovative early intervention perpetrator response for pilot in South Wales, Lincolnshire and Sussex.

Assessment of harm, capacity to change and need

The diverse cohort of perpetrators described above don’t all require the same response. Communities, commissioners and services will want to target the right intervention to the right individual, to ensure the most successful outcome in each case and guarantee that public money is spent wisely. An intervention for someone who is just beginning to be abusive, who recognises they have crossed a line and wants to stop before it gets worse, is very different to an intervention for a perpetrator who has been abusive for decades, is in denial about their behaviour and has no motivation to change.

Assessment and triage processes are needed to ensure that each perpetrator gets the right response based on these 3 key factors:

1. Harm

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5 https://www.sussex-pcc.gov.uk/about/news/early-intervention-domestic-abuse-service-gets-14m-boost/
Are they perpetrating high levels of harm – not just physical injuries, but controlling and abusive behaviour which has a high impact on victims? Is there risk of further high levels of harm, including risk of lethality? Agencies will want to identify those whose behaviour needs to be addressed most urgently.

2. Capacity to change

To what degree are they ready, willing and able to change versus being entrenched in their behaviour, in denial and resistant to change?

The capacity to change is made up of a combination of factors, including:

- motivation or willingness to change
- ability to learn and try new ways of relating to others
- resilience
- stake in conformity
- the social supports they have for change

Behaviour change programmes will need to be responsive to these factors and tailor both the intervention and its delivery to address them.

3. Need

Do they have additional / complex need(s) which act as barriers to engagement with behaviour change programmes and contribute to the likelihood of a continuation of abusive behaviour? Perpetrators with poor mental health, drug and alcohol abuse, Post Traumatic Stress Disorder (PTSD), homelessness and/or unemployment may require additional support to stabilise their lives. Those on the autistic spectrum, with brain injuries, cognitive impairments, learning disabilities, Alzheimer’s or other such conditions will all require additional support.

The accuracy of any assessment is limited by what is known, what is knowable and the reliability of information. Defensible professional judgement of well trained, experienced domestic abuse workers specialising in work with perpetrators has a central role in this process.

A range of assessment tools exist mainly covering risk and harm, including:

- ‘Domestic Violence Risk and Needs Assessment’ (DVRNA), developed in Colorado, this is a risk, needs and responsivity model (a criminological approach to offender assessment) adapted for domestic abuse and mainly used in the USA
- ‘Recency, Frequency, Gravity’ assessment, developed by Strathclyde police, Scotland and adopted in Northumbria and other areas of the UK
- ‘Spousal Assault Risk Assessment’ (SARA), developed by Kropp et al, Canada and used extensively in the UK prison and probation system
- ‘Brief Spousal Assault Form for Evaluating Risk’ (B-Safer), a brief tool developed from the SARA, for use by police


7 http://library.college.police.uk/docs/Predictive-Preventative-or-Intelligence-Led-Policing.pdf page 14

8 https://www.bscmi.org/documents/Spousal_Assault_Risk_Assessment.pdf

9 http://www.justice.gc.ca/eng/rp-pr/fl-fl/famil/rr05_fv1-rr05_VF1/p5.html
• ‘Domestic Assault Stalking and Honour Based Violence’\textsuperscript{10} (DASH) Risk Indicator Checklist (RIC), developed by SafeLives to identify the risks victims face, used across England and Wales

• ‘Domestic Violence Risk Identification Matrix’\textsuperscript{11} developed by Barnardos to identify the risk to children of male to female domestic violence, used in the UK within Barnardos settings

Respect is developing a comprehensive tool encompassing the 3 criteria of harm, capacity to change and need, to aid both specialist and frontline services.

A range of responses

Following assessment of harm, capacity to change and need, each local area needs a triage system to decide which response(s) are appropriate for each individual with access to a range of options including the criminal justice system, intensive case management, disruption activities, support for additional needs and behaviour change programmes.

Intensive case management

Perpetrators causing high levels of harm, particularly those with additional or complex needs and/or those who are resistant to change require intensive case management, such as that provided by the Drive project\textsuperscript{12} currently being piloted in Sussex, Essex and South Wales and about to expand to London, West Mercia, West Midlands and to a further site in South Wales.

Case Managers have contact with perpetrators directly where it is safe to do. They also oversee the coordinated action taken by agencies to reduce harm. This includes:

• motivating the perpetrator to engage with a behaviour change programme
• coordinating disruption activities
• overseeing a support plan to deal with additional needs such as substance misuse, mental health support and housing as well as therapeutic support to address past trauma and adverse childhood experiences
• continuing to assess harm, capacity to change and need, and coordinating risk management and safeguarding plans

Justice

Key to the management of perpetrators and protection of survivors is an effective criminal justice system. High quality evidence gathering to ensure a successful prosecution where crimes have been committed is essential, as is appropriate sentencing and robust management of offenders. Despite improvements, the attrition rate for domestic and sexual violence is still far too high.

In cases where there isn’t enough evidence to prosecute, other sanctions can be employed, such as a Domestic Abuse Prevention Order or Out of Court Disposal, to restrict and

\textsuperscript{10}http://www.safelives.org.uk/sites/default/files/resources/Dash%20risk%20checklist%20quick%20start%20guidance%20FINAL.pdf

\textsuperscript{11} http://www.barnardos.org.uk/Barnardos_Domestic_Violence_Risk_Identification_Matrix.pdf

\textsuperscript{12} http://driveproject.org.uk/
manage perpetrators. It is essential that these options are only used where the threshold for charging has not been reached, and not as a diversion from prosecution.

Justice for survivors can mean many things other than criminal justice. Recent research findings\(^\text{13}\) show that:

- Formal justice systems not effective, although an essential part of the ‘mix’
- The most vulnerable have least justice
- Whatever the form, victim focused justice has to take into account that victims/survivors:
  - Want fairness
  - Want recognition by perpetrators
  - Being listened to
  - Getting a genuine (public) apology for the harm done
  - And being given a voice

**Disruption activities**

Particularly in cases where the perpetrator refuses to engage with behaviour change and where the criminal justice system has failed to hold them to account, a range of disruption activities can be considered, which restrict the perpetrator’s space for action and limit their ability to continue to be abusive and controlling. For example, this could be the arrest or recall of a perpetrator for breach of restraining order or bail conditions, completing a house call and welfare checks, or placing flags on the perpetrator’s vehicle. In order to disrupt perpetration of abuse, the knowledge of the perpetrator’s whereabouts, activity and risk factors are absolutely crucial and the information that can be shared by the police with other agencies is key to facilitating this activity.

**Behaviour change programmes**

Perpetrator behaviour change is the best long-term solution to domestic abuse. For those ready, willing and able to change there is clear evidence from the Mirabal research findings\(^\text{14}\) that Respect accredited\(^\text{15}\) programmes have a positive effect, particularly in reducing physical and sexual violence.

These programmes, sometimes called Domestic Violence Perpetrator Programmes (DVPPs), are delivered in a groupwork setting or on a one-to-one basis, according to need. Some groups are discussion based, but most use a variety of interactive exercises to make the learning realistic, stimulating and relevant to each person’s own situation. There are many different programmes across the UK, and the content will vary, but on the whole they will help perpetrators to:

- Understand what violence, abuse, coercion and control are
- Unpick why they are abusive, exploring their past use of abuse to identify the attitudes and beliefs that underpin their behaviour, making way for change
- Learn that they are in control of their own behaviour and can choose not to be abusive
- Take responsibility for their behaviour, without blaming others or minimising it

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\(^{13}\) Hester et al. 2018 ‘Justice, Inequality and Gender Based Violence’, research funded by ESRC Grant Number ES/M010090/1 [http://www.bris.ac.uk/sps/research/projects/current/justiceinequality/](http://www.bris.ac.uk/sps/research/projects/current/justiceinequality/)

\(^{14}\) [https://www.dur.ac.uk/resources/criva/ProjectMiraballfinalreport.pdf](https://www.dur.ac.uk/resources/criva/ProjectMiraballfinalreport.pdf)

• Build empathy and realise the impact of their abuse on their partner and children
• Learn how to notice when they are becoming abusive and how to stop
• Learn different, non-abusive ways of dealing with difficulties in their relationship
• Deal non-abusively with their partner’s anger
• Develop negotiation and listening skills and learn how to build a respectful relationship

Every local community should have such a programme as a resource for agencies to refer to and for perpetrators themselves to get help directly.

Principles and standards

A community’s approach to domestic abuse perpetrators should be underpinned by the principles set out in the Respect Standard\textsuperscript{16}. These are aimed at specialist service provision but can be applied to any response to perpetrators across the public, voluntary and private sectors.

1. **Do no harm.** Organisations take all reasonable steps to ensure that their services do not create additional risks for survivors of domestic violence and abuse.
2. **Gender matters.** Organisations work in a way that is gender informed, recognising the gender asymmetry that exists in the degree, frequency and impact of domestic violence and abuse. They understand that men’s violence against women and girls is an effect of the structural inequality between men and women and that its consequences are amplified by this. A gender analysis includes violence and abuse perpetrated by women against men and abuse in same-sex relationships, and these also require a gender informed response.
3. **Safety first.** The primary aim of work with perpetrators is to increase the safety and wellbeing of survivors and their children. The provision of an Integrated Support Service for survivors alongside the intervention for perpetrators is essential. When working with perpetrators it is important to recognise the need for behaviour change, but risk reduction should always be prioritised.
4. **Sustainable change.** Organisations offer interventions that are an appropriate match to the perpetrator, considering the risks they pose, the needs they have and their willingness and ability to engage with the service offered. This will ensure that they are offered a realistic opportunity of achieving sustainable change.
5. **Fulfilling lives.** Organisations are committed to supporting all service users to have healthy, respectful relationships and to lead fulfilling lives.
6. **The system counts.** Domestic violence and abuse cannot be addressed by one agency alone and work with perpetrators should never take place in isolation. Organisations are committed to working with partners to improve responses as part of their local multiagency arrangements.
7. **Services for all.** Organisations recognise and respect the diversity of their local community and take steps to respond to everyone according to their needs.
8. **Respectful communities.** Organisations recognise that the environment their service users live in has an impact on their lives. They will make the links between individual change and the development of respectful communities.
9. **Competent staff.** Organisations deliver a safe, effective service by developing the skills, well-being and knowledge of their staff through training, supervision and case work support.

10. **Measurably effective services.** Organisations employ clear and proportionate measurement tools, which demonstrate both the individual benefits and the impact of interventions.

3. **Young people who use violence and abuse need to be included**

The consultation says nothing about young perpetrators (below 18 years old) which is a missed opportunity and something we’d like to discuss further. There is a complete absence of any role envisaged for youth justice or any exploration of the link between living with domestic abuse and involvement in crime (eg gangs).

3. **Recovery work with children should be a key priority**

The absence of any proposals to enable recovery work with children to take place is concerning and something we’d like to see urgently addressed.

We welcome the limited number of projects referenced under the Children’s Social Care Innovation Programme which focused on domestic abuse. Evidence from the evaluations suggested better outcomes were achieved when work was done with all family members, there was one key worker, small caseloads and work was done with perpetrators. However, these projects remain the exception rather than the rule.

4. **Health responses need to be prioritised**

It was disappointing to note the absence of proposed developments in the health sector, not least because this is one of the least stigmatised public services and where large numbers of both victims and perpetrators seek early help.

5. **Cultural change and leadership outside of the criminal justice system needs to be included**

This consultation contains no proposals to address cultural change or foster leadership within Children’s Social Care, Education or Health. Improvements have been seen across the criminal justice system because of sustained leadership, demands for internal and external accountability and cultural change. If domestic abuse is truly to be ‘everyone’s business’ then all Government Departments need to be equally committed. In its current form, both this document and the violence against women strategy still see it as principally a criminal justice system issue with the subsequent poor engagement from other statutory agencies.

We agree with AVA, that the majority of survivors choose not to access the Criminal Justice System (CJS), and choose other pathways to disclose and seek support (if at all) (Office for National Statistics, 2016). This is particularly true for Black Minority and Ethnic (BME) and migrant women, who are likely to be the most vulnerable (Imkaan, 2017). The non-legislative package will need to ensure its scope acknowledges this, and provides pathways for all women to disclose and access support in ways that work for them. Measures that consider intersecting inequalities and complex needs, and that take a gendered, trauma informed approach, will be crucial.

Respect would like to see domestic abuse, or indeed violence against women become a core part of undergraduate training for all relevant professionals; each Government Department to have a strategy for bringing about cultural change and visible leadership on this issue beyond the Home Office.

1. **Disaggregated data**
We welcome the acknowledgement of the co-existence of complex needs and domestic abuse but were disappointed that the information in the consultation was not disaggregated by gender, victim and perpetrator. Similarly, one of our key concerns about the statutory definition proposal could be partially addressed by a commitment to disaggregating the data by relationship and gender. There is a particular lack of data on perpetrators; although the situation is improving, most areas are still tracking repeat victims and not perpetrators and little to no data exists about the extent of additional / complex needs of perpetrators. We know how many people are victims of domestic abuse but there is no correlating data as to how many perpetrators this involves.

6. Victim consent versus perpetrator accountability

We are concerned at the number of proposals which focus on enabling disclosure of victim’s experiences and taking legal action on her behalf with no mention of consent. Whilst of course we support encouraging survivors to seek help, foisting it upon them against their will is likely to be counter-productive, diminishing their social networks still further and placing them at greater risk. If the new orders proposed within this document are to go ahead, issues of consent must be made explicit. We propose that flipping the focus to perpetrator accountability would be more useful.

7. The root cause of domestic abuse needs to be addressed

The UK Government’s own research (DfID) states that inequitable ideals of masculinity are a major cause of domestic abuse yet there are no proposals to address this outside of healthy relationships education for children. We propose that this is addressed particularly within the non-legislative activities.

8. DAPOs

Respect proposes that the new notice would be better focused on preventing perpetrators from further violence, abuse, coercion or control, rather than protecting victims. We propose therefore that the DAPO is a Domestic Abuse Prevention Order focused on holding perpetrators to account and applied for as part of a multi-agency approach to reducing the harm the perpetrator is causing, rather than a Domestic Abuse Protection Order applied for mainly by victims.

9. The proposals are narrow and still fail to guarantee women will be protected

We agree with EVAW that while there are some proposed measures in the consultation which would be useful, overall the ‘offer’ is narrow and cannot possibly be seen as a ‘once in a generation’ attempt to end abuse and protect survivors. It is especially disappointing that at a time when the national and global conversation on sexual violence has never been louder or more pressing, measures to address sexual violence are absent from the proposals. In particular, the proposals are focused on new criminal sanctions and sentencing changes, while there is no national vision or material commitment to ensuring women will receive protection from violence if they seek it. Encouraging women to come forward and support prosecutions and other sanctions, without ensuring adequate protection for them is available, amounts to an experiment with women’s safety. In addition, it is notable that the proposals include specific measures to help enable the UK to finally ratify the Istanbul Convention, but Istanbul requires adequate provision of advocacy and support services as well as criminal law compliance, and without substantial commitment to better protection, the UK will be found wanting.

10. The new Commissioner needs a broader VAWG brief

Alongside other VAWG sector organisations, we believe the Commissioner should be a Violence Against Women and Girls Commissioner in order to ensure this critical new role
has clear and solid powers to make a real difference. We would like to see them have powers to map the national provision of services across all forms of VAWG, ensure data collection is comprehensive and ensure local commissioning is working. The limited ambition for the Commissioner set out in this proposal is out of step with the national policy framework and the need in this area.

11. The Bill must recognise the continuum of violence and abuse, including sexual violence

The limiting of the Bill proposals to measures addressing only domestic abuse is also disappointing when the established national policy framework is violence against women and girls, and is not true to many women’s lived experience of different forms of abuse. There are ongoing urgent needs for changes in the criminal law related to sexual violence including the need to address sexual history evidence in rape trials; rules around disclosure rules; so-called “upskirting”; and anonymity for complainants across sexual offences. At various points the document makes reference to other forms of abuse such as forced marriage and honour based violence as if they are forms of domestic abuse. A focus on domestic abuse sits contrary to Government’s integrated VAWG strategy (HM Government, 2016), the National Statement of Expectations (Home Office, 2016) and the Istanbul Convention.

12. Systems change

We are pleased that the Bill is accompanied by a ‘non-legislative package’ and hope that this will refresh the VAWG Strategy, and make radical and resourced commitments to systems change across the public sector.

13. Istanbul Convention

We welcome the legislative commitment to ratify the Istanbul Convention and hope that this means honouring all the commitments within, including that all survivors of gender based violence have full access to specialist support and advocacy, and that preventive intervention and treatment programmes are available for perpetrators.

14. Migrant women living in a ‘hostile environment’ must be included

It is extremely disappointing that women with insecure immigration status receive scant attention in the proposals, when if one were to ask women’s services up and down the country what the most urgent issues needing attention are, the needs of these women would be at the top of the list. Women with insecure immigration status, including but not limited to women who are here on spousal visas, victims of trafficking, and asylum seekers, are among the most desperate and the most vulnerable to further abuse because of their status and inability to access safety, but they commonly face treatment as ‘immigration offenders’ due to the ‘hostile environment’ rather than victims of abuse.

15. Intergenerational cycle of abuse

We are disappointed to see the frequent references to this contested theory, which attempts to reduce complex social realities to simplistic behavioural and individualistic models (Kelly, 1996).

Some empirical research shows a small correlation between childhood abuse and the potential for someone to become a future victim or perpetrator, but these findings are in the minority and there is no evidence that this is a causal relationship. This theory tends to lead to victim blame and renders the perpetrator – and their choices - invisible.

- Growing up with domestic abuse is not the only factor that influences children; they are surrounded by different people and influences.
• Becoming a perpetrator of abuse is a choice. Perpetrators do not usually abuse or assault their colleagues at work, they make decisions about when to use violence
• Growing up in a family where there is domestic abuse may make someone additionally vulnerable but that does not prove there is a link, it just means perpetrators are good at hunting out vulnerability
• Enduring domestic abuse as a child may also teach boys that violence, abuse, coercion and control are 'normal' – but not all boys growing up with domestic abuse become perpetrators – some become the biggest advocates for and supporters of women
• The theory disregards the large number of women who become victims of domestic violence and men who become perpetrators, who did not grow up with domestic abuse
• There is currently only research available on identified perpetrators who have been convicted or who are on perpetrator programmes. As this is a vastly under-reported crime, the majority of perpetrators are not known about.
• The theory places negative expectations and judgements on children who have experienced domestic abuse, when what they need is support. Moreover, it ignores the courage shown by many children who actively protect their mothers and / or siblings. ‘Children exposed to simulated scenes of violence and other destructive forms of conflict have been shown to be more likely to endorse the use of intervention strategies or avoidance behaviour, rather than suggest they would model their parents’ violent behaviour’ (Davies, Harold, Goeke-Morey, & Cummings, 2003).
• It undermines support services for children, as the aim becomes preventing them ‘repeating the cycle’ rather than enabling them to cope with having been victimised (Kelly, 1996)

It is clearly a mathematical impossibility that all or even the majority of abused children grow up to be abusers / victims in their adult lives; most children who live with domestic abuse grow up to be neither victims or perpetrators. Those that are struggling do not need the cultural weight of this theory to provide them with a ready-made excuse.

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

There are parts of the proposed approach which we support, but there are critical areas which we oppose, and as such we are unable to either agree or disagree with the proposal.

We support the clear descriptions of controlling and coercive behaviour and the stated intention to improve perception and understanding of economic abuse. We also support the proposal to maintain the age limit to 16 although question therefore the inclusion of FGM as a ‘subset’ of domestic abuse given that it is overwhelmingly performed on girls under the age limit.

However, we also have a number of concerns:

We do not accept the inclusion of ‘incidents’ of domestic abuse. This is another example of the dominance of the criminal justice system lens; a single incident of violence is not domestic abuse. It also serves to distort the gendered nature of domestic abuse: the headline figures (1 in 4 women and 1 in 6 men experiencing domestic abuse at some point
in their lives) suggest a degree of parity which doesn’t in fact exist\textsuperscript{17}: women who have ever been subject to domestic abuse experience around 5 times more incidents than do men\textsuperscript{18}. If we defined domestic abuse only as a pattern (involving at least two incidents, taking place within a context of coercion and control) this would not alter the lifetime prevalence rates of 1 in 4 women, but for men, would tend to reduce them to less than 1 in 13. This would make the gendered disparity much clearer. Moreover, by including ‘incidents’, acts of physical violence are being elevated above other forms of abuse (what is an ‘incident’ of coercive control or economic abuse?) This in turn gives service providers and survivors mixed messages about what ‘counts’ as abuse. Uncertainty over whether their experience ‘counts’ as domestic abuse is extremely common (almost universal) amongst survivors, and this has negative consequences, in that it may tend to delay survivors in seeking help. We appreciate the concern that professionals may fail to respond appropriately if they believe it to be a single incident but think this is better addressed through training rather than distorting the definition.

We are uneasy about the phrasing ‘between’ partners; this implies bi-directional abuse and a degree of equality which in most instances is emphatically not the case. It is also victim-blaming.

We question the absence of any mention of perpetrator intent in the proposed definition; this currently leads to much confusion amongst professionals as specific acts of behaviours are described as if they take place in a vacuum. Moreover, the same behaviours may have different meanings depending on the context. For example, if a husband deprives his wife of access to money because he wants to subordinate and control her, it is domestic abuse. However, it could be a caring and helpful act if he is supporting his wife to control her gambling.

We are also uneasy about setting into statute a definition of domestic abuse for reasons that are difficult to discern given that there is no intention to create a specific criminal offence of domestic abuse. All people will have varying perceptions as to what ‘counts’ as domestic abuse and whilst this can be influenced by the Government definition it is not the only factor. The meaning people attach to the term ‘domestic abuse’ will be affected by their past experiences, their age, their sexuality, their sex, their gender identity, their ethnicity, their (dis)ability, income, marital status, political and social culture, media exposure, social networks, access to support and information, the reactions and opinions of others, their faith / religion, family structure, sense of self-worth, capacity for resilience and their physical and mental health to name but a few. Variations in the above also mean that for each individual, as well as broader society, understanding shifts and changes over time. What behaviours are considered to be abusive are clearly influenced by a political, social and to some extent, cultural, context. For example, the concept that a husband could rape his wife has only become accepted by most people in the past few decades; it was assumed (and still is by many) that once a woman agreed to marriage, she had no right to deny sexual access to her body; indeed, she had a duty to allow unrestricted access. As a consequence of a change in attitudes, brought about by an increase in women’s social, economic and cultural autonomy, rape within marriage has now been added to the definition of abusive behaviour. Coercive control has only recently been added to the (non-statutory) definition and service providers are still grappling with including technology-assisted abuse and stalking. We do not believe that abuse can be conclusively defined, once and for all – it is not a scientific or objective

\textsuperscript{17} These headline figures are also problematic because they exclude those aged 59 and over.

activity but rather a political and social construct. As such, setting in statute a definition of
domestic abuse may have the unintended effect both of becoming rapidly outdated and of
excluding some people’s experiences. As such, we seek reassurance that the Government
has considered how to ‘future-proof’ the definition.

Furthermore, by trying to be inclusive, the definition incorporates all forms of family violence
under a single definition which confuses rather than clarifies. The majority of domestic abuse
consists of women being abused by male partners and grouping together several different
permutations under a single definition has had the effect of ‘drowning out’ some of the
differences that exist. This means that tools developed to deal with intimate partner violence
are being used when not appropriate / applicable. For example, if two brothers have a fight
and the police are called, they are currently required to carry out a DASH risk assessment.
Whatever the actual level of risk, the outcome will almost certainly be standard since it is
unlikely that either party is pregnant, in the process of separating, having disputes over child
contact and so on. It also deters some categories of victims seeking help because they are
not calling what is happening to them ‘domestic abuse’ and thus are not seeking help from
domestic abuse services. Thus far from being inclusive, the current definition does not take
account of the specific needs and experiences of other types of violence which occur within
families / close relationships.

As mentioned above, Respect very strongly recommends that if a statutory definition is to go
ahead, it should be both gendered and disaggregated so that a clear picture of what is
actually being addressed can be developed.

There is also inconsistency from professionals – including Government – on the application
of this definition. For example, all recent domestic abuse inspections of statutory bodies
have focused only on intimate partner violence. All monies from central Government for work
with perpetrators have focused solely on intimate partner violence. If the Government is
serious about encompassing all forms of violence which occur within families under a single
definition, this needs to be consistent.

We agree with EVAW that the statutory definition should also recognise that threats
concerning women’s immigration status, and control of documents and application
processes related to settled status or citizenship, are also common where there is domestic
abuse. The supplementary guidance should explain that fear of their and their children’s
deporation is a key barrier which stops women with insecure immigration status being able
to report domestic and sexual violence and seek protection and justice. And, we strongly
support the development of further underpinning statutory guidance for professionals
including typologies, prevalence and impacts information, and information on the gendered
nature of abuse. Professionals across most public services, the majority of employers and
many others will encounter domestic abuse during their working lives, but for many who are
fortunate not to have direct personal experience, it can sometimes be difficult to perceive
domestic abuse if your understanding of the term comes from popular culture/media and
‘gendered social norms’ about how it is acceptable for men and women in intimate
relationships to behave. This guidance may also be a good place to include descriptions of
forced marriage and so-called ‘honour-based violence’ (as well as less recognised forms
such as dowry abuse and abandonment) as forms of, related to and a context for domestic
abuse, enabling readers to understand that sometimes there are multiple as to single
perpetrators. We welcome new, well written and consulted on supplementary guidance,
especially including typologies and scenarios, and believe it will be very useful.

Finally, we would also like to reflect the feedback from attendees at our consultation events
on this issue which was one of confusion regarding the purpose of creating a statutory
definition if it is not to become a specific criminal offence. This would suggest that there is a
communication issue to be addressed to convince people of the necessity and relevance of this proposal. There was a general feeling that creating a statutory definition was the wrong solution to identified problems of poor understanding of commissioners and the confusion expressed by many professionals when dealing with so many different types of relationships and dynamics under one overarching definition.

2. **Question: Will the new definition change what your organisation does?**

Yes; in a negative way. Obviously we do not work in a vacuum and indeed Respect strongly supports co-ordinated community responses. If other statutory partners are bound to this proposed definition, it will make it harder for Respect and our Members to continue to work to its own, more nuanced and complex definition. We also received strong opposition from our consultation event in Wales where practitioners fear that this definition is at odds with the Welsh definition to which all devolved services work. If this definition is to go ahead, it will negatively impact on co-ordinated responses as non-devolved services in Wales will be operating under a different definition. This will make tracking cases across systems impossible thus undermining the good progress that has been made.

We are also concerned that despite much guidance for Commissioners, poor practice still abounds. Our concern is that Commissioners will use the proposed definition to insist that providers meet the needs of all stated relationships when specialist services are ill-equipped to do so thus opening the door still wider for generalist providers to take over. We are also concerned that due to the sole focus on domestic abuse, Commissioners will once again see this particular form of violence against women as a priority rather than – as should be happening – to fund provision across all forms of violence against women.

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

We believe that a definition which encompassed our points above would have the potential to be transformative on front line practice; guiding professionals to recognise exactly what they were dealing with, making the perpetrator visible and thus leading to more appropriate interventions. Many statutory staff quickly become disillusioned and frustrated when working with domestic abuse as many of their cases do not seem to ‘fit’ with the interventions they have to offer. Sadly, this frustration is equally quick to manifest itself as victim-blaming. Respect has recently produced standards for services working with male victims of domestic abuse and further promotion of these is needed to both providers and commissioners to ensure that the needs of all survivors are being met.

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

Positive

30% of those experiencing forced marriage and ‘honour’ based violence are under 18 and prior to the change in the age, this meant that responsibility lay with both domestic abuse partnerships and child protection partnerships. In turn this meant that local BAMER groups, disproportionately small and under-funded in comparison to the rest of the sector, had to allocate resources to two sets of partnerships with consequent effects on their capacity to deliver services. Including 16-18 years old has also had the effect of raising awareness that domestic abuse can occur outside of the traditional married couple example.
5. **Question:** We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach? Please select one.

Yes

Lowering the age still further would unhelpfully blur the boundaries with child protection where different rules apply. Our experience when this happens is that rules intended for children are then applied to adults, denying them agency and autonomy. Respect argues for greater disaggregation of relationships and gender rather than including yet more issues within the overarching title of domestic abuse.

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

Good quality relationships education needs to be delivered as one linked up part of a whole school approach to ending and preventing domestic and sexual violence. The other key elements are: school leaders to take high level leadership of the duty to end and prevent abuse, from being the named people in school policies to speaking out in school assemblies and making the rejection of abuse and harassment part of their school ethos; school bullying, child protection and equality policies to explicitly name and set out action towards eradicating domestic and sexual abuse and harassment; involving young people as peer educators, and parents as partners to join proactive awareness events and more in school; making links with local specialist women’s organisations who can advise on long-term prevention work.

Supporting the provision of emotional resilience work in schools would be a beneficial addition to any work around raising awareness of healthy relationships/early intervention work. This will equip young people with the skills, confidence and ability to do something about an unhealthy relationship. Some of Respect’s members are already delivering such work in both primary and secondary schools which involve group work sessions which aim to:

16. build emotional intelligence and resilience
17. introduce young people to a variety of tools to help them to identify their own strengths and resources.
18. promote opportunities for the young person to realise their potential and move forward to a more emotionally secure future.
19. support the young person to gain an understanding of self and coping strategies to enable a more secure attachment to self and others.

It will also be important that the accompanying guidance recognises the gendered nature of abuse as should revisions to key schools statutory guidance such as Keeping Children Safe in Education. Attendees at our consultation events also felt that embedding Operation Encompass would be a useful safeguard in all schools but especially in those teaching SRE.

We are concerned that only a limited number of children will be exposed to relationship education in schools given that academies (61% of secondary schools and 21% of primary schools in England) do not have to follow the national curriculum. We would urge the Government to create a requirement for all schools, primary and secondary, state, private, academies and free schools, to deliver relationship education, to remove the option for parents to remove their children from these lessons and to include domestic abuse.
awareness within teacher training. Quality assurance could be provided by making it a core feature of Ofsted inspections.

We feel it is important to recognise that relationship education will already be too late for some and that it will be intervention that is needed rather than prevention. As such, referral pathways will need to be established not just for children who disclose parental domestic abuse but also for those young people who are already in unhealthy relationships.

We support the ‘This is Abuse’ campaign but feel that more could be done to address the wider culture which is giving often very unhealthy messages to girls and boys about gender roles and relationships, with a backdrop of the sexualisation of women. Attendees at our consultation events suggested that the Government open a dialogue with the Advertising Standards Authority about sexism (especially in children’s toys and in sexualised images of women) and to utilise those clauses in the contracts for the BBC and Channel 4 to educate to commit to awareness raising about domestic abuse.\footnote{19 The BBC last ran a campaign on domestic abuse (Hitting Home) in 2003}

International research in the area of preventing violence against women and girls finds that public information/awareness and ‘edutainment’ awareness-raising can successfully shift attitudes of tolerance when accompanied by opportunities for face to face conversations concerning the ideas presented. In the UK, the teen abuse media campaign would likely be more effective if it were integrated with schools’ delivery of Relationships Education, to enable these conversations to happen soon after exposure to the messages in the campaign.

We would re-emphasis here our point above regarding inequitable ideals of masculinity as a major cause of domestic abuse. Expanding the social expectations of what it means to be a man could have transformative results.

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

All of the agencies listed above need to improve their response and cannot be ‘ranked’ as requested. However, we were disappointed to note the absence of agencies working to rehabilitate perpetrators such as Probation or CRCs. This occurs throughout the document where the beginning and end of what to do about perpetrators appears to be limited to arrest and prosecute despite the fact that only a minority of perpetrators end up in the criminal justice system.

Every single example given in the document under the sub title ‘Reporting domestic abuse to statutory agencies’ concerns identification of victims. We would point out that it is the invisibility of perpetrators that is a significant part of the problem. We further note the absence of any mention of working with perpetrators in the national assessment for child and family social workers.

Domestic Violence Intervention Project (Respect member) has developed the ‘Hackney model’ which is used within Children’s Social Care and which has potential to be rolled out, including into other statutory services that see significant numbers of perpetrators such as Mental Health services and substance use services. The model involves the co-location of Perpetrator Programme workers within the statutory service. They are expert consultants and do not hold a caseload. Their role is to provide training and awareness raising on identifying, speaking to and working with perpetrators as well as to provide advice on...
individual cases. Within Hackney Children’s Social Care this has led to greater identification of domestic abuse as a root cause, a reduction in cases going to court, more visibility of perpetrators and an increase on Social Worker’s confidence in dealing with domestic abuse cases. We would also suggest that the ‘Safe and Together’ model\(^\text{20}\) be implemented across Children’s Social Care.

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

It would be helpful if more emphasis were placed on who is doing what to whom\(^\text{21}\), motivations and impacts. In our experience, these are the areas that still inhibit shared understanding across agencies with the often unfortunate consequence of undermining positive work. This would also help to make the perpetrator more visible as well as enable professionals to understand the differing needs of male and female victims.

We would also recommend that training on domestic abuse not be subsumed under general safeguarding training as such courses are unable to impart sufficient specific information to achieve safe practice. We also think that such training should be mandatory as it is far too often a voluntary option and that violence against women should be a key component module of undergraduate courses for professionals.

**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?

We would have liked this question to also include the support to be provided to the public so they can refer perpetrators to help effectively and safely.

Respect would highly recommend the RUOK campaign which has been running in New Zealand for the past decade (\[\url{http://areyouok.org.nz/}\]) The ‘It’s not OK’ campaign is a community driven effort of national and local activities to reduce family violence through challenging attitudes and behaviour that tolerate any kind of family violence.

It has three core interrelated elements:

- community action
- communications /mass media
- research and evaluation

Independent evaluation shows that one in five people now report taking some action (such as talking with others or seeking help); more people – both victims and perpetrators - are seeking help for family violence; local communities – including businesses - are launching their own programmes adopting the ‘it’s not OK’ message and media reporting of family violence has vastly improved. A similar campaign in the UK would fit very well with the Government’s message that domestic abuse is everyone’s business and provide an overarching national framework within which local campaigns could be developed.

\[\footnotesize\]

\(^{20}\) \[\url{http://www.ucdenver.edu/academics/colleges/medicalschool/departments/pediatrics/subs/can/DR/Documents/Presentations%20from%20Conference/The%20Safe%20and%20Together%20Model.pdf}\]

10. **Question:** We are in the process of identifying priority areas for central Government funding on domestic abuse. Which of the following areas do you think the UK Government should prioritise? Please select up to 3.

It is regrettable that services for perpetrators have been pitted against victim’s services in these options and we disagree with the description provided of perpetrator programmes as it does not mention their key function of managing risk. We are also disappointed that the case study from South Wales PCC omitted to mention that Respect was a partner albeit that we welcome the recognition of the work. Please also note that at the bottom of page 30, the Men’s Advice Line should be capitalised.

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

It is unhelpful to ask for these interventions by (central) Government to be ranked. They are not entirely separate and all are needed if this issue is to be adequately addressed. An effective co-ordinated community response can only occur when all component parts of the agencies that victims and perpetrators will need are involved. As mentioned above, disaggregated data will be crucial in enabling local areas to properly direct their resources to ensure that the needs of different groups of survivors and perpetrators are met.

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

We agree with EVAW that when public sector commissioners are determining the funds that will ultimately be available to support some of these most vulnerable people, it would help if these commissioners were instructed to carry out thorough needs assessments as a condition of receiving their devolved funding (the PCCs, when receiving victims monies from the MOJ, should be required to assess the needs of survivors of domestic and sexual violence in their area on the basis of gender, age, social background and other protected characteristics). These needs assessments should be required to be made central to tendering processes such that “innovative” bids are not able to score more highly than that which is not necessarily new but is shown to soundly meet local need. This would go some way to reversing the critical funding crisis that specialist services are facing with significant closures having already occurred.

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

Respect endorses the response submitted by Women in Prison.

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

Again, we feel strongly that ranking these options in a ‘top 3’ is unhelpful when all may be beneficial and more detail is needed before comparison can be considered in a context of limited resources. Also, ISVA provision should be considered alongside IDVAs.
15. **Question:** In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the Government make in respect of protecting domestic abuse victims with no recourse to public funds?

We agree with EVAW that the Government should begin by recognising that abusive partners can use women's insecure immigration status as a means to coerce and control them. The DDVC should be extended to at least six months, and there should be a review of the experience of women who have used it to date so that the delays and barriers they encounter can be understood, in order to improve access to and fairness in this system. The DDVC should be extended to all survivors of gender-based violence, so that it is not limited to spouses and is not limited to domestic violence in a marital context. The Government should also investigate urgently the impact of requiring many critical public services to conduct immigration checks on service users (the “hostile environment”) in order to understand how women with insecure immigration status who need police protection from abuse, who want to seek justice, or who may need healthcare, for example, may be deterred from seeking it. Indeed, when reviewing the responses to the next set of questions in this consultation (regarding DVPOs and other criminal justice measures), the Government should consider how women with insecure immigration status currently face a “justice gap” – (1) they are already less likely to access civil protection orders when they and their children may benefit from them; (2) when they report DV, the police are less likely to proceed to a criminal charge; (3) they may have a well-founded fear of being penalised and even deported if they do report and seek sanction of a dangerous partner. If our society is serious about all women and children at risk being able to seek justice and support, we should end the “hostile environment” and work towards the establishment of ‘firewall’s’ to separate immigration control and all public services scenarios where victims may report or seek help. The dispersal of asylum-seeking women who have suffered violence should stop because it destroys their support networks.

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

No. Respect proposes that the new notice would be better focused on preventing perpetrators from further violence, abuse, coercion or control, rather than protecting victims. We propose therefore that the DAPO is a Domestic Abuse Prevention Order focused on holding perpetrators to account and applied for as part of a mult-agency approach to reducing the harm the perpetrator is causing, rather than a Domestic Abuse Protection Order applied for mainly by victims.

Attendees at our consultation events raised a range of practical considerations that would need to be addressed before any version of this order was implemented. These included:

- Who would pay for the DAPO?
- If a DAPO was issued, whose responsibility would it be to serve the order on the alleged abuser?
- Why is victim consent not mentioned?
- Is this intended as purely punitive or will a support package for alleged abusers also be put in place?
• If the alleged abuser is to be made homeless as a consequence of a DAPO, what parallel work is being done to ensure that alleged abusers don’t just ‘disappear’ (which would raise the risk) or become a risk to others who they might turn to for housing?
• What measures will be put in place to ensure that DAPOs (and conditional cautions) are not utilised to divert offenders away from prosecution?
• Has thought been given to the training that applicants would need to present their evidence in court?
• A Superintendent currently has to authorise an application for a DVPO. Who will the equivalent be in the list of proposed agencies who could apply for a DAPO?
• Who will hold responsibility for monitoring breaches, especially since the police are already struggling to monitor breaches of current orders?
• The illustrative list of positive requirements are predicated on the assumption that such provision exists but in the areas where we consulted there are already long waiting lists and much of the provision would only be available to perpetrators who were available during business hours.
• Respect would strongly recommend that a structured assessment is needed to ensure that the positive requirements are appropriate and meaningful. This then raises the issue of who would be responsible for undertaking such assessments?
• We also recommend that a quality assurance system (such as the Respect standard for work with perpetrators) is in place for all positive requirements.

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

Please see above. As such, we do not think that a victim, persons associated with the victim, IDVAs or refuge workers should apply for these orders. They should be applied for as part of a multi-agency response to the perpetrator. We would further add that whilst Respect welcomes the increased focus on perpetrators, we are concerned that some of the proposals will result in homelessness which could have the unintended consequence of increasing risk. In our experience, the consequence of homelessness is that perpetrators often ‘disappear’ or they end up seeking a bed from another woman (mother, sister, ex-girlfriend) who is then at risk from abuse. We are cautiously optimistic about the scheme currently being run by Gentoo Housing Association where perpetrators willing to engage with behaviour change interventions are offered accommodation. This has the added advantage of being cheaper and more just than rehousing the victim and her children.

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

See above

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

• at a magistrates’ court by the police following the issue of a Domestic Abuse Protection Notice or at any other time
• as a standalone application by, for example, the victim or a person or organisation on the victim’s behalf to a family court

• by a party during the course of any family, civil or criminal proceedings

Do you agree? Please select one.

No – see above

20. Question: Do you agree that family, civil, and criminal courts should be able to make a Domestic Abuse Protection Order of their own volition during the course of any proceedings?
   Yes but see Q16 – we would suggest that this is a Prevention Order focused on perpetrator accountability and restriction

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

   Yes, but only if they are properly resourced, quality assured, delivered by domestic abuse specialists and monitored.

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

   Whilst Respect has no objection in principle, DHRs show that relying on self-reporting of new relationships can be a fatally weak mechanism. This also imposes yet another burden on the police to monitor domestic abuse requirements at a time of diminishing resources and inability to even cope effectively with current demands.

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

   [leave blank]

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

   Yes

   There was unanimous agreement from all of our consultation events that a breach be a criminal offence albeit that some police officers raised concerns about their ability to follow through.

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

   No

26. Question: Do you agree that courts should be given an express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order?
Respect has no objection in principle to the use of electronic monitoring as a way of decreasing perpetrator 'space for action'. However, we feel this proposal lacks ambition given the examples from Europe of how GPS enabled electronic monitoring can be used to add an extra layer of protection for survivors and would recommend that it also be accompanied by a package of support for the victim and behaviour change programme options for perpetrators.

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

See above

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

Somewhat easier

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

We agree with EVAW that the list of attestors should be reviewed to include Independent Domestic Violence Advocates or Advisors (IDVAs). Women experiencing domestic violence may, for a number of reasons, choose not disclose abuse to authorities or access criminal justice measures such as injunctions and orders. IDVAs provide support and work with women from the point of crisis through to safety planning and during any related court proceedings. They are extremely well placed to attest to potential ongoing risk and could also increase awareness of the scheme which would improve accessibility for survivors.

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

We agree with EVAW that wider types of documentary evidence should be introduced to enable more women to demonstrate their safety is at risk. For example, evidence should also extend beyond criminal court orders to proof that someone has been granted legal aid in private family proceedings on domestic violence grounds. And, evidence that someone has been granted indefinite leave to remain in the UK as a victim of domestic violence should also be permissible. This measure is important for women who could be qualified to vote, for whom it is often more difficult to obtain relevant supporting documentary evidence. The University of Bristol's research project, Justice, Inequality and Gender-Based Violence suggests police, in relation to this cohort of women, are less likely to pursue investigations into reports of abuse and it is less likely that those investigations will proceed to criminal charge. These women are also less likely to access civil protection orders (16% compared with 25% for UK/EU nationals). The government should show it has taken reasonable steps to ensure women with different characteristics can access this scheme.

31) **Aside from anonymous registration, how else can we keep victims’ addresses safe?**
The government should remove the 12 month time limit for anonymous voter registration allowing it to stay in place indefinitely. This is because domestic violence can have lifelong impacts on victims and their children, with many fleeing abuse for the rest of their life; criminal / civil court proceedings in such cases often exceed periods of 12-24 months; women are at the greatest risk of domestic violence homicides after they have left the perpetrator of abuse; domestic and sexual violence are inextricably linked, with victims of a sexual offence afforded anonymity for life under the Sexual Offences Act 2003.

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

33) Do you agree the guidance underpinning the DVDS should be put into law?
We agree with EVAW that statutory guidance underpinning the DVDS would raise awareness of the scheme and help to ensure it is embedded into good practice across police forces, for which there are currently considerable regional disparities in levels of disclosure and in responses to requests for partner background checks. To address this, guidance should recommend training of police officers to better understand the scheme’s purpose and the application process. It should also ensure there are effective referral pathways to specialist domestic and sexual abuse advocacy and support services. It is also important for those women who request background checks on current partners and chose to stay in their relationships, to not face a ‘blame culture’ in any potential future investigations or court proceedings related to domestic violence or abuse. We wish to add here also – the DVDS has not been used to the extent perhaps anticipated (as predicted by some) and should not be considered a core part of response to DV.

34) How do you think we can best promote awareness of the Domestic Violence Disclosure Scheme amongst the public?
Considerations around raising awareness of DVDS must take into account the immediate availability of advice and support services for those who are vulnerable to or are experiencing abuse and routes into these. Offering a scheme in isolation will not help to keep women safe from potential abusers. We are somewhat sceptical about the efficacy of the DVDS to date; the relatively low take up might indicate that it is not a service that meets needs.

35) What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?
Economic abuse can leave victims without access to the financial resources which would enable them to leave abusive situations and can create a lack of financial independence in women which would delay or entirely prevent them from leaving their abusers. Women whose immigration status is insecure or dependent on a spouse, partner, or relative, where the expectation is of financial dependence on the sponsor, are especially vulnerable to economic abuse. Where access to household finances is being denied, a victim’s situation is compounded by restrictions on their access to welfare/recourse to public funds as a route to safety. The Destitution Domestic Violence Concession (DDVC) is too restrictive to be an effective safety net, and should be widened to include more women reporting domestic abuse with varying leave conditions. Means-tested benefits assume that income is shared equitably within a household, but this assumption has been challenged by research. Male-controlled money management systems such as giving the female partner a housekeeping allowance, means women’s deprivation and poverty can remain hidden when men control finances. The introduction and roll-out of universal credit which entails making one payment
to a couple may worsen a situation of economic abuse, and/or present a greater risk of economic dependency. The Government should urgently seek advice on this. Broadly cuts to government public expenditure have disproportionately reduced the income of women compared to men and reductions in national and local budgets for domestic violence services and financial support to access legal advice, have further compromised women’s ability to leave abusive situations. Financial abuse is also not well-recognised by agencies. Banks, advice agencies and creditors should do more to develop helpful responses to disclosures of abuse, protect confidentiality, signpost to specialist advocacy, and provide support to survivors trying to regain control of their financial affairs. We would further urge that holding someone’s passport against their will should be a specific criminal offence.

Finally, we are concerned at the introduction of Universal Credit where all benefit payments are paid to a single member of the household. This will have obvious negative consequences in households with a domestic abuse perpetrator.

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

Yes to everything

We agree with EVAW that it should be unlawful to apply spyware or GPS locators as standard to devices or apps. This change would take the emphasis off the consumer to protect themselves and would make it harder for perpetrators to use the software against victims. Any Government or charity ‘awareness raising’ of risks should be addressed to potential perpetrators and not simply exhort potential victims to stay safe/ keep themselves safe. It is essential that schools include learning about the ways technology can be used as part abuse in the curriculum for Relationships and Sex Education and ICT learning. Protection Orders should include and be relevant in this area, and extend fully to online abuse; making contact online should constitute a breach of any order.

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?

Multiple reports (including DHRs, Inspectorates and IPCC investigations) find police force failures to protect women from intimate partner violence, despite their obligation under human rights law to do so. Commonly, police forces make poor risk assessments at first and subsequent points of contact, and it may be that the risk framework itself is unhelpful, being a very blunt tool which inevitably ‘downgrades’ some cases. It is critical that police receive in-depth and continuous training in recognising coercive and controlling behaviour as the core of intimate partner violence, and are enabled through this to make good, experience-based professional judgements when perceiving it. This makes putting coercive control at the heart of the statutory definition, and extensive awareness raising and training around this, essential. In addition, potential perpetrators need to know before abuse occurs, as well as afterwards, that they will be held accountable for and sanctioned for abusive behaviour (the current failure to respond when protection orders are breached contradicts such a message). Experience of those reporting domestic violence varies depending on where they live, and the attitude of their local police force - arrest and charging decisions vary widely. There is unreliable data on domestic violence and variation of use of DVPOs and DVDS by different forces, which points to a need for more consistent and wider data collection and national oversight of this and police response. Evidence from Bristol University’s Justice Project research on police response to women with insecure immigration status points to police often being unwilling to take action in their cases, and wrongly advising women they have to deal with regularisation of status before action can be taken. There are very poor outcomes in the criminal justice system for women who have insecure immigration status and the lack of consistent police response, the varying protocols on how to deal with reports,
and the insistence by some forces to move straight to an immigration enforcement response is contributing to this failure.

Respect would prefer that responses to perpetrators focused on harm, change and need assessments rather than risk. An intervention for someone who is just beginning to be abusive, who recognises they have crossed a line and wants to stop before it gets worse, is very different to an intervention for a perpetrator who has been abusive for decades, is in denial about their behaviour and has no motivation to change.

Assessment and triage processes are needed to ensure that each perpetrator gets the right response based on these 3 key factors:

**Harm**

Are they perpetrating high levels of harm – not just physical injuries, but controlling and abusive behaviour which has a high impact on victims? Is there risk of further high levels of harm, including risk of lethality? Agencies will want to identify those whose behaviour needs to be addressed most urgently.

**Capacity to change**

To what degree are they ready, willing and able to change versus being entrenched in their behaviour, in denial and resistant to change?

The capacity to change is made up of a combination of factors, including:

- motivation or willingness to change
- ability to learn and try new ways of relating to others
- resilience
- stake in conformity
- the social supports they have for change

Behaviour change programmes will need to be responsive to these factors and tailor both the intervention and its delivery to address them.

**Need**

Do they have additional / complex need(s) which act as barriers to engagement with behaviour change programmes and contribute to the likelihood of a continuation of abusive behaviour? Perpetrators with poor mental health, drug and alcohol abuse, Post Traumatic Stress Disorder (PTSD), homelessness and/or unemployment may require additional support to stabilise their lives. Those on the autistic spectrum, with brain injuries, cognitive impairments, learning disabilities, Alzheimer’s or other such conditions will all require additional support.

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, please give reasons:

We believe that it is essential that all domestic abuse victims are treated as eligible for special assistance to ensure they are able to access justice. But eligibility is not enough. The courts service has to have the equipment and training to ensure victims can access special measures. We also know that victims of all forms of VAWG are more likely to achieve a just
outcome if they are supported by a specialist advocate. This means that to improve access to justice across the whole system victims should have a right to advocacy, and that advocacy should be specialist and available.

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.

Timely application for special measures need to be made to reassure victims that they will be able to access these at court and of course the equipment itself needs to be available and working.

40. Question: Do you know of instances in criminal proceedings when an application to prevent cross-examination of a victim by an unrepresented defendant has been denied in a domestic abuse case? Please select one.

[Leave blank]

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

Yes. Respect strongly believes that the court system should not allow itself to be used as a tool of abuse. Cross-examination of the victim by the perpetrator should not be permitted under any circumstances.

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

Victims are more likely to remain engaged when the response they have received from the CJS prior to court has made them feel safe. This means providing regular updates – even when nothing has changed – as well as timely notifications of key events such as when the perpetrator is leaving custody (police as well as prison) or bail conditions are altered.

We also agree with EVAW that ample research shows that specialist advocacy can have a significant impact on justice outcomes and reduce the numbers of victims ‘disengaging’ from the system. This is true for all women and has a notable impact on BME and more marginalised women. We recommend access to advocacy be given as a right, as promoted by the Istanbul Convention (which this Bill seeks to enable the UK to ratify), especially specialist advocates like IDVAs and ISVAs. We would encourage the MoJ to undertake more research into points of attrition in the criminal justice process, in order to get a better understanding of the complexity of victim withdrawal, including how much of it is withdrawal of faith in criminal justice system and why this happens. Too often cases are deferred, sometimes again and again, which means a victim/witness has to prepare to appear, only to be stood down at the last minute and then asked to do it all over again a few weeks later. This can seriously impact mental health, ability to achieve ‘resolution’ and confidence in the system. Other times victims arrive at court to find the special measures haven’t been put in place, there isn’t access or interpreters, or they haven’t been able to have effective discussions with the prosecuting counsel. All of these delays mean justice is less likely to be achieved and require significantly increased resources and training across the system.
Respect would also point out the incongruence of working to increase victim confidence in the CJS whilst simultaneously increasing out of court disposals.

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

(1) Advocacy throughout the process  
(2) Improve police first response  
(3) Address time delays in criminal justice process

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

There are a number of measures which the family courts could learn from the criminal courts.

(1) There is a need to ensure cooperation between court jurisdictions. Many women see their perpetrator sanctioned by the criminal courts only then to find that this is ignored and seems irrelevant when they then appear in the family court. There may be no special measures, the court workers may display little understanding of abuse, especially coercive and controlling behaviour, and in adjudications, abusive parents who have convictions may still be given access to children for example. Especially given that the Bill is proposing recognising harm to children in households where there is domestic violence as an aggravated offence, the family courts should specifically consider the appropriateness of making any presumption of shared parental access in families where domestic violence has occurred.

(2) Clear prohibition of cross examination by perpetrators in civil / family courts.

(3) Special measures in civil / family courts for victims of domestic violence (including screens and video links).

(4) Acknowledge the ability of perpetrators of domestic abuse, stalking and harassment to misuse or abuse family and civil courts to cause further distress and exercise control their victims, and as such allow family courts to dismiss meritless applications in these circumstances.

(5) Strengthen sanctions available for family courts in the case of a breach of restraining or other restrictive orders. In the event of multiple breaches, introduce a presumption against custody.

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

We agree with EVAW that it is imperative that in-depth training in recognising and responding to coercive and controlling behaviour as the core of domestic violence is delivered to all frontline police officers on an ongoing basis. Demonstrating good knowledge and understanding of this offence, which is an extremely high volume offence, should be essential to progression in the police.
46. **Question:** Do you think the current approach of using sentencing guidelines, as per guidelines issued in February 2018 is effective in ensuring sentences imposed reflect the seriousness of domestic abuse when it involves children? Please select one.

We agree with EVAW that we feel this set of questions (46-48) regarding sentencing for DV where there are children in a household, is much less important than Government action toward implementing, for example, the recommendations of the Ofsted-led joint inspectorate report on harm to children when there is domestic violence. This report, and ample other research on the harms to children of living in households where there is domestic violence, show an urgent need for systems change, including programmed preventative work with perpetrators rather than just crisis response; and training of frontline workers in coercive control, including social workers and school staff. It cannot simply be a matter of discretionary or mandatory sentencing, in an area where it is unknown whether such a measure as longer sentences would produce any deterrent effect/behaviour change.

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

See free text box answer at Question 46.

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

See free text box answer at Question 46.

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

No.

We agree with EVAW that it is not clear that introducing extraterritorial jurisdiction over these offences will be in any way sufficient to satisfy the requirements of the Istanbul Convention. Article 1a of the Istanbul Convention requires that states “protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence”. It is not enough to simply have laws in place outlawing violence against women and girls; those laws have to work in practice. But, it is clear that in many areas of law, the criminal and civil justice systems in the UK do not work for many women. For example, there is currently a crisis in prosecuting rape in England and Wales; detection and prosecution rates are very low, and ongoing discussions about disclosure of evidence mean that many rapes and serious sexual assaults can, in effect, not be prosecuted. There is nothing in this Bill to address this very serious problem, and no recognisable Government attempt to improve justice for rape Article 1c of the Istanbul Convention requires that States “design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence”. The postcode lottery faced by women accessing services, the closure in particular of specialist services for BME women, and the restrictions on access to justice and
advocacy, make it impossible to suggest that the UK is meeting this requirement. In particular, women in the UK who have insecure immigration status routinely feel unable to access support or assistance to escape violence because of the perceived or actual risk of being referred to immigration authorities and detained or deported. The provision of adequate per capita support services, including advice and advocacy, and assurance that a woman’s immigration status will not affect her access to justice and support, need to be included in this Bill if the UK is to meet the requirements for ratifying the Istanbul Convention. Article 1e of the Istanbul Convention requires that states “provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence”. Ongoing police failure to provide adequate protection of women from domestic and sexual violence (detailed in previous answers and as recently recognised at the Supreme Court), and the multiple statutory agencies’ failings to protect children from domestic violence as detailed in the Ofsted-led joint inspectorates report (September 2017) demonstrate a failure to comply with the Istanbul standards.

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

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protect children from domestic violence as detailed in the Ofsted-led joint inspectorates report (September 2017) demonstrate a failure to comply with the Istanbul standards.

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

No

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

The Protection from Harassment Act 1997 is inadequate as it enshrines in law the principle that there must be a course of conduct perpetrated against one victim by one offender. This denies the reality of sexual harassment which for many women is experienced as ‘street harassment’ i.e. multiple incidents each perpetrated by a different offender e.g. cat-calling. This can be summarised as one ‘victim’ - multiple offenders, one offender - multiple ‘victims’. The impact on the victim is no less than if these multiple incidents were being perpetrated by a single offender but there is currently no redress. As this behaviour is so widespread and every day we do not think that criminalising it would necessarily be the most effective approach. To satisfy the Convention, this behaviour needs to be addressed either through legislation or other social approaches/ interventions such as education and culture change programmes. In examples of harassment cases that do meet the current legislative framework, women may struggle to access the civil remedy. Costs and limited access to legal aid may be prohibitive in terms of securing legal representation and the civil court system is hard to navigate as a litigant in person.

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

Respect is not wholly opposed to the use of conditional cautions although we are concerned that contrary to the ambition of engaging perpetrators who might otherwise receive no intervention, in practice it will result in being used for cases that might otherwise have resulted in a prosecution. As has been well established, by the time a perpetrator comes to police attention, it is very likely that their behaviour is embedded and not at all the ‘first instance’. We would be much reassured if mechanisms were put in place to monitor this with action taken should our fears prove to be realised.

We would further point out that contrary to its presentation in the consultation document, CARA is not a rehabilitation programme. Even this project, deliberately designed to exclude repeat offenders with stringent screening and assessment mechanisms in place, resulted in some men ‘slipping through’ who were far more dangerous that the cohort for whom CARA was designed. Respect would therefore recommend that the decision to issue a conditional caution not be within the sole authority of the police.

CARA was also delivered with concurrent support services for the partners; in our experience, when the model is replicated, this is the first aspect to be excluded and what began as a motivational experience has been elided into an ‘intervention’. This is not perhaps the place to offer an extensive critique of the evaluation of CARA but we have identified a number of errors and would urge caution in relying on this. We would be happy to discuss this in more detail should you require.
If there were a whole system approach such as we recommend in our vision above, CARA would be a useful component part. In such circumstances, if the initial screening later revealed itself to be inaccurate, a perpetrator could then be referred to a more suitable intervention. In isolation however, we would urge extreme caution.

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

If conditions are to be attached to cautions then it is essential that the provisions are available (eg behaviour change programmes or substance use services). It is also important that such programmes are accessible for perpetrators so that they do not, for example, lead to unemployment in an effort to comply. Finally, all interventions must be suitable for domestic abuse perpetrators. For example, many parenting programmes are designed to teach parents how to impose discipline and boundaries which are rarely the key deficits in the parenting skills of a perpetrator.

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

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

Every local community needs a whole system approach to domestic abuse perpetrators that puts the safety, wellbeing and freedom of survivors and children at its heart.

This approach should include:

- Coordinated multi-agency action
- Early intervention
- Assessment of harm, capacity to change and need
- A range of responses
- Intensive case management
- Justice
- Disruption activities
- Behaviour change programmes
- Principles and standards

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**Coordinated multi-agency action**

One of the key Respect principles for any response to perpetrators is ‘the system counts - domestic violence and abuse cannot be addressed by one agency alone and work with perpetrators should never take place in isolation.’ Every area should have local multiagency arrangements such as the MATAC approach currently being trialled in Northumbria, bringing together all agencies – public sector, voluntary sector and private.

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sector – who have contact with perpetrators to agree an action plan to address their behaviour and its impacts, and to reduce future harm.

**Early intervention**

Every community should aim to address domestic abuse at the earliest possible opportunity where there is most chance of preventing abuse from escalating. This involves all agencies having processes for the identification of perpetrators, such as a ‘recognise, respond, refer’ model, and referral routes to a specialist organisation which can provide assessment and intervention. Change that Lasts\(^{23}\) is developing an innovative early intervention perpetrator response for pilot in South Wales, Lincolnshire and Sussex.

**Assessment of harm, capacity to change and need**

The diverse cohort of perpetrators described above don’t all require the same response. Communities will want to target the right intervention to the right individual, to ensure the most successful outcome in each case and guarantee that public money is spent wisely. An intervention for someone who is just beginning to be abusive, who recognises they have crossed a line and wants to stop before it gets worse, is very different to an intervention for a perpetrator who has been abusive for decades, is in denial about their behaviour and has no motivation to change.

Assessment and triage processes are needed to ensure that each perpetrator gets the right response based on these 3 key factors:

**Harm**

Are they perpetrating high levels of harm – not just physical injuries, but controlling and abusive behaviour which has a high impact on victims? Is there risk of further high levels of harm, including risk of lethality? Agencies will want to identify those whose behaviour needs to be addressed most urgently.

**Capacity to change**

To what degree are they ready, willing and able to change versus being entrenched in their behaviour, in denial and resistant to change?

The capacity to change is made up of a combination of factors, including:

- motivation or willingness to change
- ability to learn and try new ways of relating to others
- resilience
- stake in conformity
- the social supports they have for change

Behaviour change programmes will need to be responsive to these factors and tailor both the intervention and its delivery to address them.

**Need**

Do they have additional / complex need(s) which act as barriers to engagement with behaviour change programmes and contribute to the likelihood of a continuation of abusive behaviour? Perpetrators with poor mental health, drug and alcohol abuse, Post Traumatic Stress Disorder (PTSD), homelessness and/or unemployment may require additional support to stabilise their lives. Those on the autistic spectrum, with brain injuries, cognitive impairments, learning disabilities, Alzheimer’s or other such conditions will all require additional support.

A range of assessment tools exist, for example:

- ‘Domestic Violence Risk and Needs Assessment’24 (DVRNA), developed in Colorado, this is a risk, needs and responsivity model (a criminological approach to offender assessment) adapted for domestic abuse and mainly used in the USA
- ‘Recency, Frequency, Gravity’25 assessment, developed by Strathclyde police, Scotland and adopted in Northumbria and other areas of the UK
- ‘Spousal Assault Risk Assessment’26 (SARA), developed by Kropp et al, Canada and used extensively in the UK prison and probation system
- ‘Brief Spousal Assault Form for Evaluating Risk’27 (B-Safer), a brief tool developed from the SARA, for use by police
- ‘Domestic Assault Stalking and Harassment’28 (DASH) Risk Indicator Checklist (RIC), developed by SafeLives to identify the risks victims face, used across England and Wales
- ‘Domestic Violence Risk Identification Matrix’29 developed by Barnardos to identify the risk to children of male to female domestic violence, used in the UK within Barnardos settings

The accuracy of any assessment is limited by what is known, what is knowable and the reliability of information. Defensible professional judgement of well trained, experienced domestic abuse workers specialising in work with perpetrators has a central role in this process.

A range of responses

Following assessment of harm, capacity to change and need, each local area needs a triage system to decide which response(s) are appropriate for each individual with access to a range of options including the criminal justice system, intensive case management, disruption activities, support for additional needs and behaviour change programmes.

Justice

- Key to the management of perpetrators and protection of survivors is an effective criminal justice system. High quality evidence gathering to ensure a successful

25 http://library.college.police.uk/docs/Predictive-Preventative-or-Intelligence-Led-Policing.pdf page 14
26 https://www.biscmi.org/documents/Spousal_Assault_Risk_Assessment.pdf
27 http://www.justice.gc.ca/eng/rp-pr/fl-flf/famil/rr05_fv1-rr05_vf1/p5.html
28 http://www.safelives.org.uk/sites/default/files/resources/Dash%20risk%20checklist%20quick%20start%20guidance%20FINAL.pdf
prosecution where crimes have been committed is essential, as is appropriate sentencing and robust management of offenders.

- In cases where there isn’t enough evidence to prosecute, other sanctions can be employed, such as a Domestic Abuse Prevention Order or Out of Court Disposal, to restrict and manage perpetrators. It is essential that these options are only used where the threshold for charging has not been reached, and not as a diversion from prosecution.

Most abusers are serial abusers, and it is likely that at any one time most of them are not subject to a criminal sanction. It is therefore essential that combating violence against women and girls is understood to be everyone’s business. This means there has to be a shift in the way we talk about VAWG, and how we collectively respond to it. It is essential that statutory services beyond criminal justice take a lead in responding to VAWG, and it isn’t left only to the police. This means:

- Health – effective and tested interventions like IRIS in primary care and IDVAs in hospital settings are introduced across the country to ensure women have access to the appropriate services and perpetrators can be identified and the abuse disrupted;

- Mental health – There needs to be better training of frontline staff and an understanding of their duty to protect victims of VAWG and report concerns if they think someone is a survivor of abuse or is still at risk;

- Welfare changes must be reviewed to ensure they don’t undermine independence or enable economic abuse;

- Housing – rules must be enforced to ensure victims can be safe and remain in their own home. All statutory services must learn from the findings of Domestic Homicide Reviews (DHRs) and in particular Standing Together’s ‘review of the reviews’ which highlighted systemic failures to identify risk and protect victims. In particular the review found that ‘… a lack of fundamental understanding of coercive control, a lack of focus on the perpetrator and the need for more professional curiosity in thinking beyond basic policy and procedure.’ Better professional training on understanding and responding to coercive control should lead to better judgement in relation to individual cases and less reliance on ‘mechanical’ risk assessment which is often poor.

Attendees at our consultation events were unclear how ‘serial’ or ‘repeat’ abuser was being defined, which highlights the need for a shared definition. Attendees repeatedly pointed out that almost all abusers are repeat and serial by the time they come to the attention of the authorities and it is not helpful to assume that professionals are dealing with a ‘first time offender’ as this leads to dangerous underassessments of risk. Additionally, if we were to prioritise a certain subgroup of the broad perpetrator cohort, we would choose those causing the highest levels of harm rather than those identified as ‘serial’ or ‘repeat’.

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

We suggest that offenders who are unable to complete a domestic abuse perpetrator programme in custody, complete it when on licence in the community.
Any programme in prison should be subject to the same principles and standards as other programmes, particularly with regard to providing partner support and being part of a multi-agency response, particularly during the time of the perpetrator's release.

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

**Intensive case management**

Perpetrators causing high levels of harm, particularly those with additional or complex needs and/or those who are resistant to change require intensive case management, such as that provided by the Drive project[^30] currently being piloted in Sussex, Essex and South Wales and about to expand to London, West Mercia, West Midlands and South Wales.

Case Managers have contact with perpetrators directly where it is safe to do. They also oversee the coordinated action taken by agencies to reduce harm. This includes:

- motivating the perpetrator to engage with a behaviour change programme
- coordinating disruption activities
- overseeing a support plan to deal with additional needs such as substance misuse, mental health support and housing as well as therapeutic support to address past trauma and adverse childhood experiences
- continuing to assess harm, capacity to change and need, and coordinating risk management and safeguarding plans

**Disruption activities**

Particularly in cases where the perpetrator refuses to engage with behaviour change and where the criminal justice system has failed to hold them to account, a range of disruption activities can be considered, which restrict the perpetrator’s space for action and limit their ability to continue to be abusive and controlling. For example, this could be the arrest or recall of a perpetrator for breach of restraining order or bail conditions, completing a house call and welfare checks, or placing flags on the perpetrator’s vehicle. In order to disrupt perpetration of abuse, the knowledge of the perpetrator’s whereabouts, activity and risk factors are absolutely crucial and the information that can be shared by the police with other agencies is key to facilitating this activity.

**Behaviour change programmes**

Perpetrator behaviour change is the best long-term solution to domestic abuse. For those ready, willing and able to change there is clear evidence from the Mirabal research findings[^31] that Respect accredited[^32] programmes have a positive effect, particularly in reducing physical and sexual violence.

These programmes, sometimes called Domestic Violence Perpetrator Programmes (DVPPs), are delivered in a groupwork setting or on a one-to-one basis, according to need.

[^30]: http://driveproject.org.uk/
[^31]: https://www.dur.ac.uk/resources/criva/ProjectMirabalfinalreport.pdf
Some groups are discussion based, but most use a variety of interactive exercises to make the learning realistic, stimulating and relevant to each person’s own situation. There are many different programmes across the UK, and the content will vary, but on the whole they will help perpetrators to:

- Understand what violence, abuse, coercion and control are
- Unpick why they are abusive, exploring their past use of abuse to identify the attitudes and beliefs that underpin their behaviour, making way for change
- Learn that they are in control of their own behaviour and can choose not to be abusive
- Take responsibility for their behaviour, without blaming others or minimising it
- Build empathy and realise the impact of their abuse on their partner and children
- Learn how to notice when they are becoming abusive and how to stop
- Learn different, non-abusive ways of dealing with difficulties in their relationship
- Deal non-abusively with their partner’s anger
- Develop negotiation and listening skills and learn how to build a respectful relationship

Every local community should have such a programme as a resource for agencies to refer to and for perpetrators themselves to get help directly.

**Principles and standards**

A community’s approach to domestic abuse perpetrators should be underpinned by the principles set out in the Respect Standard. These are aimed at specialist service provision but can be applied to any response to perpetrators across the public, voluntary and private sectors.

9 **Do no harm.** Organisations take all reasonable steps to ensure that their services do not create additional risks for survivors of domestic violence and abuse.

10 **Gender matters.** Organisations work in a way that is gender informed, recognising the gender asymmetry that exists in the degree, frequency and impact of domestic violence and abuse. They understand that men’s violence against women and girls is an effect of the structural inequality between men and women and that its consequences are amplified by this. A gender analysis includes violence and abuse perpetrated by women against men and abuse in same-sex relationships, and these also require a gender informed response.

11 **Safety first.** The primary aim of work with perpetrators is to increase the safety and wellbeing of survivors and their children. The provision of an Integrated Support Service for survivors alongside the intervention for perpetrators is essential. When working with perpetrators it is important to recognise the need for behaviour change, but risk reduction should always be prioritised.

12 **Sustainable change.** Organisations offer interventions that are an appropriate match to the perpetrator, considering the risks they pose, the needs they have and their willingness and ability to engage with the service offered. This will ensure that they are offered a realistic opportunity of achieving sustainable change.

13 **Fulfilling lives.** Organisations are committed to supporting all service users to have healthy, respectful relationships and to lead fulfilling lives.

14 **The system counts.** Domestic violence and abuse cannot be addressed by one agency alone and work with perpetrators should never take place in isolation. Organisations are committed to working with partners to improve responses as part of their local multiagency arrangements.

15 **Services for all.** Organisations recognise and respect the diversity of their local community and take steps to respond to everyone according to their needs.

[33](http://respect.uk.net/wp-content/uploads/2017/02/Respect-Standard-15.11.17.pdf)
16 **Respectful communities.** Organisations recognise that the environment their service users live in has an impact on their lives. They will make the links between individual change and the development of respectful communities.

17 **Competent staff.** Organisations deliver a safe, effective service by developing the skills, well-being and knowledge of their staff through training, supervision and case work support.

18 **Measurably effective services.** Organisations employ clear and proportionate measurement tools, which demonstrate both the individual benefits and the impact of interventions.

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

- Monitor sentencing
- Tracking perps across relationships and all component parts of cjs and civil interventions / caf cass nc probation / successful completion of sentence
- Linking data – this doesn't help given that most outside cjs / could end up with distorted findings

It is essential that data about perpetrators and victims, along with the frequency of incidents with no upper limit on number of incidents, is collected to ensure a real picture of the prevalence and harm caused by domestic violence. More information about the type of harm, covering all the types of abuse and the context in which it happened, would be extremely useful. Information about the household, and others including children within the household, is very relevant to ensuring collected data is useful.

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

- No.

We welcome the creation of a new commissioner in this area, in particular one which is a permanent and independent mechanism for scrutinising policy and practice. But, understanding the interconnectedness of experiences of different forms of gender-based violence in many women’s and girls’ lives, and indeed the interconnectedness for male victims too, mean that a truly useful and productive commissioner must have duties relating to all forms of gender based violence: we recommend a Violence Against Women and Girls Commissioner. If a new commissioner’s brief were limited to domestic violence only, they would be out of step with the established national policy framework in this area: the Home Office-led but cross-departmental Strategy to end violence against women and girls, leaving them working on a limited set of objectives, only parts of service provision, only some relevant data, only parts of local commissioners’ powers, and inevitably needing to review law in areas stretching beyond what is termed domestic violence (in the area of new and emerging forms of abuse online as only one example). Established ‘VAWG’ policy frameworks at the Home Office, the CPS, in London and other local areas, are inclusive of men’s and boys’ victimisation, and criminal justice and other statutory agencies usually find that it makes sense to be tasked and to report on their work in relation to the different forms of gender based violence, not domestic violence alone.

This Violence Against Women and Girls Commissioner could:
(1) map provision of services across all forms of VAWG ensuring the National Statement of Expectations is met and in line with the VAWG strategy;
(2) ensure data collection is effective and comprehensive, mapping prevalence and response across England for all types of VAWG;
(3) make the links in DHRs and help ensure lessons are learned;
(4) ensure the criminal justice system is able to respond lawfully to rape and sexual violence in a way which offers justice for victims;
(5) ensure the ambitions within the VAWG strategy are met, including taking an overview of public services’ response to VAWG, and analysing the potential impact of policies which could have a negative impact on some women. This may include, for example, analysing any new immigration legislation for disproportionate impact on women who’ve experienced VAWG, highlighting possible unintended consequences of welfare changes which could enable economic abuse by reducing independence, or exploring housing policy to create greater protections for women and children who experience abuse to remain in their homes.
(6) ensuring the response to VAWG is reflective of women’s lives and services meet their needs; this means being alert to the need for specialist support services including BME and LGBT specialist services which are an essential element of the response to VAWG.

The Commissioner should also be required to regularly consult with survivors and specialist services.

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

We agree with EVAW that selecting three options is neither possible or desirable especially since some of the options are quite limited in nature and would not help create an impactful commissioner. The Children’s Commissioner, on the other hand, has a wide remit with real influencing powers because of her focus on children’s rights, enabling her to reach across statutory systems. This commissioner’s powers should not be limited to specific areas of investigation (specialist courts and DHRs) but rather be based on the needs and rights of all victims of gender based violence, with powers to investigate across public, private and voluntary sectors, powers to commission and gather data, and powers to require a response from those to whom she/he takes questions or complaints. This role could then become a critical part of our society’s commitment to ending gender based violence. Their powers should extend beyond domestic violence to cover all forms of violence against women and girls, given what we know about the interconnectedness of these issues and their impact on the lives of victims. Many specialist services and the statutory response don’t make an artificial distinction between types of VAWG and it is important that a new commissioner in this area has scope to meet this reality. It is impossible to disaggregate domestic abuse from broader VAWG services meeting the requirements in the NSE.

61. **Question for public bodies only:** What would be the practical implications of complying with the proposed Domestic Abuse Commissioner’s powers?
62. **Question:** One proposal is that the Domestic Abuse Commissioner could routinely collate, quality assure and share lessons learnt from DHRs. What more could be done to increase awareness of the learning from DHRs?

While quality assurance is vital, the process can take far too long so that momentum within the local area can get lost. The Domestic Abuse Commissioner should be charged with taking stock of quality assurance to date, evaluating its impact and designing a process for the future that is timely, focused and robust. This should include addressing areas or Chairs that repeatedly produce substandard DHRs. The Domestic Abuse Commissioner should also have responsibility for creating a regional and national picture of what is being learnt from DHRs, as well as what is changing as a result of recommendations. There should be an expectation that CSPs take a DHR and turn it into a practical document that can be used by professionals in day to day practice by producing learning briefings, running dissemination events and integrating learning into existing training. The proposed Domestic Abuse Commissioner has a role here, asking local areas to explain how they disseminate learning and evidence the impact of this as part of the quality assurance process.

DHRs are currently commissioned by CSPs but the landscape has changed since 2011 and a role for the PCC should be considered, perhaps regionally and as co-commissioners of DHRs thus bringing an additional level of support and scrutiny. There needs to be a requirement for regions, perhaps under the auspices of the local PCC, to regularly bring together findings and report progress against action plans. This would make it easier to share lessons learnt from DHRs, as well as to identify common (or repeating) themes and recommendations, and if need be, driving forward actions across regions. With some forethought the DA Commissioner could use these regional summaries to provide a regular national overview.

Once a DHR has been completed, the statutory guidance is clear that an action plan needs to be developed. To date, there has been little scrutiny of the implementation of these and too often the condensation of the report is viewed as the end of the process. If DHRs are to continue, local areas should be required to report on progress, make accessible what has changed as a result and arguably also need additional democratic oversight by being presented to locally elected Members.

Currently the Home Office requires local areas to submit some limited information about DHRs using a reporting form but a national data set of these is needed, collating demographics; personal characteristics; risk factors; and contributory factors in each and every homicide. The Domestic Abuse Commissioner should be charged with developing standards around this data collection.

Finally the Domestic Abuse Commissioner should review the statutory guidance with a particular emphasis on learning from other types of reviews that might help improve the DHR process and thinking about how front line professionals might be involved.

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

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

We would like the government to do more to promote the use of the Respect Standard with commissioners, and to use it for its own commissioning (for example Tampon Tax, VAWG Transformation fund etc).

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

We agree with EVAW that whilst local areas have a role to play in sharing best practice and what works, but the government can’t expect the change which is needed to be delivered by ‘localism’. We need a national strategy which genuinely ensures national coverage of support services, and a joined up approach by all the statutory agencies. There is too much risk in letting every area design their own provision or in letting every police force, school, clinical commissioning group and others to decide how much resource or attention to give to these very high harm crimes. The violence we are talking about is systemic, gendered and a consequence of inequality. It is also preventable, but that requires change and a commitment at every level of society and government. This is not something which can be undertaken in a piecemeal and local way.