

TRANSFORMING THE RESPONSE TO DOMESTIC ABUSE – CONSULTATION RESPONSE

About the Institute of Alcohol Studies

The Institute of Alcohol Studies (IAS) is an independent institute bringing together evidence, policy and practice from home and abroad to promote an informed debate on alcohol's impact on society. Our purpose is to advance the use of the best available evidence in public policy decisions on alcohol.

INTRODUCING A NEW STATUTORY DEFINITION OF DOMESTIC ABUSE

Domestic abuse is a complex area, which is often misunderstood and goes unrecognised or unidentified by agencies, families and friends and even victims themselves.

There are many myths and stereotypes surrounding domestic abuse that can lead to victims receiving negative responses, and poor advice which can exacerbate suffering. In order to transform our response to domestic abuse we first need to ensure that it is properly understood.

One domestic abuse stereotype involves a drunk perpetrator who seemingly loses control and assaults their partner. While there is evidence of a link between alcohol and domestic abuse [1] this presentation is too simplistic and does not reflect either the complex reality and lived experience of victims or the range of relationships in which domestic abuse can occur.

“I don't think I would have admitted it was a domestic abuse situation. I just felt my ex was just a nasty man. The hospital IDVA went through one of her questionnaires and I was on the border of being high-risk.” [2]

Domestic abuse does not only occur between couples but can also involve wider family members, such as parental abuse by an adolescent or grown child.

Statistics from the Homicide Index show that between the end of March 2014- end of March 2016 there were 13 instances of individuals killing a parent. [3] Domestic abuse can also involve abuse between older siblings or the wider extended family. Such abuse can be directed in a coordinated and collusive way designed to completely isolate the victim.

“My husband started the physical abuse, and the other family members soon followed. His family began to give the children expensive gifts and my children began to turn against me... From day one, my mother-in-law, father-in-law, sisters and brothers in law, and then my husband and now children too. What was I going to do?” [4]

There are many types of behaviour which can be exhibited as part of domestic abuse including manipulation, isolation, control and use of threats and humiliation which harm, frighten or punish a victim.

Simplistic depictions often fail to recognise the dynamics of power and control which are present in many abusive relationships, the risk that control represents to a victim's safety and the autonomy and responsibility of the perpetrator.

Research carried out by Jane Monckton Smith found control was a key feature in 92% of domestic murders, obsession in 94%, and isolation from family and friends in 78%. [5]

“She controlled my friendships and controlled my contact with my family. This would include logging onto my emails and sending emails to my family pretending to be me.” [6]

We want to ensure that domestic abuse is properly understood which is why we have committed to introducing a statutory definition of domestic abuse which aims to affirm the government definition of domestic abuse and links to some of the other powers that may be included in the draft bill.

It is not our intention that this definition should automatically replace all other existing definitions, or apply to other legislative provisions, already set out in statute. However, we will consider instances where that might be appropriate.

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

not be limited to women and girls and recognise abuse that happens in all relationships i.e. intimate partner and familial settings.

this will ensure all victims and all types of domestic abuse are sufficiently captured and no victim is inadvertently excluded from protection or access to services

include both single incidents and patterns of behaviour.

Whilst the government recognises that domestic abuse is almost always part of an ongoing pattern of behaviour [7], limiting the definition solely to patterns of abuse could risk preventing the police and public services from providing protection in seemingly one-off instances

However, unlike the existing definition it would:

cover the concept of 'economic abuse' rather than simply financial abuse.

while the current non-statutory government definition of domestic abuse already recognises financial abuse, we are aware that this can be restrictive in circumstances where victims may be denied access to basic resources such as food, clothing and transportation. In addition, victims may be forced into taking out loans or entering into other financial contracts by the perpetrator. We therefore want to take a more expansive approach to account for all these forms of abuse

be accompanied by underpinning statutory guidance for professionals who have safeguarding obligations.

this would provide more detail on the typologies and nuances of domestic abuse; and on the circumstances where we expect the definition to be used. This could elaborate and provide context on, for example, the gendered nature of domestic abuse and features of abusive relationships

The proposed statutory definition would therefore define domestic abuse as:

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation.

The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- economic
- emotional

Controlling behaviour

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

Coercive behaviour

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

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

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know/no answer

Please explain your answer.

We understand from our conversations with organisations working within the domestic violence field that this broadening of the statutory definition and its exploration of controlling and coercive control are welcome changes.

However, we believe that within any explanation of controlling or coercive behaviour, the role alcohol can play in this should be referenced – where this is not acknowledged, this is problematic. For example, alcohol may be used as a means to incapacitate a victim in cases of sexual assault – this may be opportunistic (for example, identifying already

intoxicated victims), or facilitated (for example, through supply of alcohol of which victims may or may not be aware). However, the Sexual Offences Act 2003 (SOA) distinguishes voluntarily intoxicated complainants from those who have alcohol or drugs surreptitiously administered to them. As such the SOA offers little protection to many women, and rather than alcohol consumption being recognised as a potential causal factor in their sexual assault, it is often seen by juries as making the complainant unreliable. Indeed, the charity Against Violence and Abuse have called for a change in the law so that intoxication – whether voluntary or involuntary – is seen as a possible indicator that abuse has taken place (Against Violence and Abuse (2014), ‘Not worth reporting: women’s experiences of alcohol, drugs and sexual violence’).

Considering this, we would propose the definition be amended as follows:

“Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape (including through the use of substances such as alcohol and other drugs) and regulating their everyday behaviour.”

This is just one example where proper recognition of alcohol’s role could bring better outcomes for victims. It is recognition that is sorely needed. Where alcohol is involved in domestic abuse it is often not the root cause, but rather a compounding factor – alcohol should not be used as an excuse for those who perpetrate abuse, but neither should its influence be ignored. Research typically finds that between 25% and 50% of those who perpetrate domestic abuse have been drinking at the time of assault (Bennett L., and Bland P. Substance Abuse and Intimate Partner Violence. National online recourse centre on violence against women), although in some studies the figure is as high as 73% (Gilchrist E., Johnson R., Talriti R., Weston S., Beech A., and Kebbell M. 2003. Domestic Violence offenders: characteristics and offending related needs, Findings, 217, London, Home Office). Cases involving severe violence are twice as likely as others to include alcohol (McKinney C., et al. 2008. Alcohol Availability and Intimate Partner Violence Among US Couples. Alcoholism: Clinical and Experimental Research, Volume 33: Issue 1, pp. 169–176), and risk of rape has been found to be twice as high for attacks involving drinking offenders (Brecklin L., and Ullman S. 2002. The Roles of Victim and Offender Alcohol Use in Sexual Assaults: Results from the National Violence against Women Survey. Journal of Studies on Alcohol and Drugs, Volume 63: Issue 1, pp. 57–63). Alcohol misuse is consistently found in a high proportion of those who perpetrate domestic abuse and sexual assault, and it has been found that within intimate relationships where one partner has a problem with alcohol or other drugs, domestic abuse is more likely than not to occur (Galvani S. 2010. Supporting families affected by substance use and domestic violence. The Tilda Goldberg Centre for Social Work and Social Care, University of Bedfordshire, ADFAM, p. 5).

Further to this however, we also echo the sentiments of colleagues in the domestic violence sector that the Bill’s scope is somewhat narrow. As Ascent and AVA note, the Bill “does not account for the wider issues around VAWG and the contexts of abuse and inequality” and that “the experiences of many women and girls are therefore not considered or covered” (Ascent & AVA. 2018. Good Practice Briefing: Transforming the response to Domestic Abuse. [https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=\[UNIQID\]](https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=[UNIQID]). p. 6).

We feel this is a highly important point, particularly considering the many problematic experiences women face within the night-time economy that we have identified in our work. Alcohol-related sexual harassment and assault, including of frontline emergency service personnel, is commonplace in the night-time economy (IAS. 2015. Alcohol’s Impact on Emergency Services). In a report covering the findings of a seminar series on issues relating to women and alcohol, Scottish Health Action on Alcohol Problems (SHAAP) and the Institute of Alcohol Studies (IAS) noted that “the night-time economy places a great deal of emphasis on a hyper-sexualised femininity where beauty, confidence, and sexual competence are seen as advantageous and as desirable characteristics, to which women need to conform” and that “overtly sexualised displays of femininity are often encouraged and rewarded within the night-time economy”. It was suggested that this might not only harm women’s “internalised attitudes and personal reflections about themselves” but might contribute to “normalising the objectification of women...in turn [normalising] sexual harassment and assaults (Rogan, Piacentini, & Szmigin, 2016)” (SHAAP and IAS. 2018. Women and Alcohol: Key Issues. pp. 7-8). Clearly, if the Bill hopes to limit the harassment, violence, and harm experienced by all women, its scope must be broadened.

2. Will the new definition change what your organisation does? Please select 1. (This question is for organisations only)

Yes, in a positive way

Yes, in a negative way

No it won't change

Don't know/no answer

Explain how it will change what your organisation does.

As our organisation is not primarily involved in the sector, a definitional change would not affect our work.

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

Understanding the extent to which alcohol is used within controlling behaviour (and its place within incidents of domestic violence more broadly) will be central to designing appropriate services and strategies to address this. This understanding might be enhanced through the offer of Intervention and Brief Advice (IBA) to all accessing services and to perpetrators.

IBA involves the administration of a short questionnaire about current drinking behaviour. This is followed by advice and information, appropriate to the drinker and the context. It does not require extensive training, and can be delivered in a variety of settings, including primary care via GPs, community settings such as schools, job centres and pharmacies, via social care services, in accident and emergency settings, and in the workplace.

Not only might administering IBA to all accessing services and to perpetrators provide valuable data to build understanding of alcohol use within domestic violence, it might have additional benefits of identifying those with complex needs accessing domestic violence services, such as those seeking refuge places who also may benefit from access to alcohol treatment services. The importance of identifying individuals with such complex needs will be returned to in our response to question 12.

4. What impact do you think the changes to the age limit in the 2012 definition have had?

In 2012 the Government consulted on the definition of domestic abuse and widened it to include 16 to 17 year olds.

We want to review that decision in order to assess its impact.[8]

Very positive

Positive

None

Negative

Very negative

Don't know/no answer

Please explain your answer.

This question is not relevant to our organisation's remit.

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

We recognise that there will be different combinations of age ranges within relationships where there is domestic abuse. We also recognise that those under 16 can also be victims of domestic abuse either in their own relationships or as a result of abuse in the home.

The government has carried out a range of activities to raise awareness of this abuse, including the Teenage Relationship Abuse campaign.[9] Going forward, we are concerned that including those under 16 in the statutory definition of abuse could blur the lines between what is understood as domestic abuse or child abuse and impact delivery of child protection and safeguarding procedures. We therefore are proposing to maintain the current age limit.

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know/no answer

Please explain your answer.

This question is not relevant to our organisation's remit.

EDUCATING YOUNG PEOPLE ON RELATIONSHIPS

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

“To be honest, I never knew there were services that could support you and help people in my situation. Because to us, for me, it’s like a normal thing: I’ve seen my grandmother, my aunts, my mother going through all that... people just think that is the way it is, that is the way that it’s supposed to be. They don’t know that there are organisations or people that can help me.” [1]

“I suppose although I knew the signs from seeing my mam go through abuse, the signs were different for me and more importantly I didn’t think it would happen to me” [2]

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

Case Study: Teenage Relationship Abuse Campaign

In the last year, we have provided £3 million for the ‘Disrespect NoBody’ teenage relationship abuse campaign, designed to educate teenagers about different types of abusive behaviour. [3]

The Disrespect NoBody campaign helps young people to understand what a healthy relationship is, to re-think their views on controlling behaviour, violence, abuse, sexual abuse and what consent means within their relationships.

It aims to prevent the onset of domestic abuse in adults by challenging attitudes and behaviours amongst teenage boys and girls that abuse in relationships is acceptable. The campaign directs them to places for help and advice.

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

“Well, obviously I went into here not knowing what was right and wrong in a relationship. ...so everything he once said to me I thought ‘well yeah, that’s ok, he’s allowed to say that’... And ‘oh he’s done this’, I took it because we’re together and stuff like that.” [4]

The Children and Social Work Act 2017 places a duty on the Secretary of State for Education to make Relationship Education at primary and RSE at secondary school mandatory in England through regulations.

The Act also provides a power for the Secretary of State to make PSHE, or elements therein, mandatory in all schools in England in the future and subject to careful consideration.

The Department for Education has been conducting a thorough engagement process on the scope and content of Relationship Education and RSE, involving a wide range of interested partners. This included a public call for evidence, which was open between 19 December 2017 and 12 February 2018.

From this, they will develop the regulations and accompanying statutory guidance for these subjects and both will be subject to public consultation in England.

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

In line with colleagues from the domestic violence sector, we would welcome the inclusion of learning about coercive and controlling behaviours in the statutory curriculum (Ascent & AVA. 2018. Good Practice Briefing: Transforming the response to Domestic Abuse. [https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=\[UNIQID\]](https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=[UNIQID])) – particularly the role alcohol might play within this.

However, we feel there is further action which ought to be taken. Harmful gendered stereotypes perpetuated by alcohol advertising serve to promote the objectification of women, and may normalise violence against women and sexual assault. The current self-regulatory approach to alcohol marketing in the UK allows this to continue. It is vital

this is addressed in order to help children and young people learn about positive relationships and to counter this normalisation of violence against women and sexual assault.

Alcohol advertising has been demonstrated to be highly gendered. In a report covering the findings of a seminar series on issues relating to women and alcohol, Scottish Health Action on Alcohol Problems (SHAAP) and the Institute of Alcohol Studies (IAS) noted "When marketing is targeted at women...the aim is to establish a link between alcohol and empowerment...Marketing targeted at men often depicts women as sexual objects..." (SHAAP and IAS. 2018. Women and Alcohol: Key Issues. p. 7).

Current regulatory approaches to alcohol marketing in the UK fail to address this. In the UK, alcohol advertising is governed through a mix of co-regulation and self-regulation, administered by the Advertising Standards Authority, Ofcom, and the Portman Group. The Advertising Standards Authority and the Portman Group are funded by the advertising industry and the alcohol industry respectively, and this system of regulation and the codes of conduct it operates have been criticised. As part of its 2009 investigation into the conduct of the UK alcohol industry, the House of Commons Health Select Committee concluded that there are: "major shortcomings in the current self-regulatory codes covering alcohol advertising. Specifically, the codes do not...prevent the promotion of drunkenness and excess; or the linking of alcohol with social and sexual success...[and] the codes are extremely weak in their treatment of new media which are rapidly becoming the biggest channel for alcohol promotion" (Memorandum by Professor Gerard Hastings, Institute for Social Marketing, University of Stirling & the Open University [AL 81] (January 2010)., "They'll Drink Bucket Loads of the Stuff": An Analysis of Internal Alcohol Industry Advertising Documents', to the House of Commons Health Select Committee Inquiry. p. 1).

This is problematic in itself, but becomes increasingly concerning when it is considered that young people have been shown to be a target for alcohol marketing. Internal marketing documents from alcohol producers and their advertising agencies obtained by the Health Select Committee in 2009 found that young people are a target for alcohol advertisers in spite of Advertising Standards Authority and Portman Group rules that alcohol ads must not be directed at people under 18. Not only did the documents analysed suggest market research data from 15-16 year olds have been used to develop campaigns, but that brands can court this appeal - Lambrini's TV advertisement was intended to be "a cross between Myspace and High School Musical" while Carling hoped to "become the most respected youth brand...". Within these same industry documents, one Carling executive suggested "[Young men] think about 4 things, we brew 1 and sponsor 2 of them" – this link these brands hope to embed in young people's minds between possibly toxic notions of masculinity and femininity, sexual success, and alcohol use may perpetuate social norms around gender inequity (Memorandum by Professor Gerard Hastings, Institute for Social Marketing, University of Stirling & the Open University [AL 81] (January 2010)., "They'll Drink Bucket Loads of the Stuff": An Analysis of Internal Alcohol Industry Advertising Documents', to the House of Commons Health Select Committee Inquiry. p. 1 & p. 3).

In line with the recommendations from the report already discussed from SHAAP and IAS (SHAAP and IAS. 2018. Women and Alcohol: Key Issues), restrictions should be in place for all forms of alcohol marketing, including online, which employ sexualised and disrespectful images and messaging relating to women. The report recommends that legislation comparable to France's 'Loi Évin' model should be implemented. This law includes a clear definition of alcoholic drinks - all drinks over 1.2% alcohol by volume - and restrictions on the placement and content of advertising messages. Messages can only relate to the attributes of the product, meaning lifestyle messages such as those featured in UK advertising that serve to objectify women are not permitted. (Institute of Alcohol Studies. 2017. Policies to regulate alcohol marketing. <http://www.ias.org.uk/Alcohol-knowledge-centre/Marketing/Factsheets/Policies-to-regulate-alcohol-marketing.aspx>).

REPORTING DOMESTIC ABUSE TO STATUTORY AGENCIES

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

"I felt pressured to leave my husband. I told them that this was my house and that I did not want to go into a council flat on the ground floor where I would not feel safe. I told them of my other physical issues but I did not feel listened to. They just wanted me to leave." [1]

In March 2014 when Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) published their first report into domestic abuse they found some alarming and unacceptable weaknesses in the police response.

They were deeply concerned by the attitudes of some officers where comments like "it's just a domestic" demonstrated a lack of understanding of both the issue and potential risk facing a victim. [2]

In 2017 HMICFRS noted that there have been improvements in police practice and that while many police officers have positive, caring and empathetic attitudes towards victims, some still have a negative approach to those who are most vulnerable. [3]

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

Police

A training programme for the police entitled Domestic Abuse Matters has been developed by the College of Policing with support from the charity SafeLives. An evaluation by the College of Policing has found it has a positive impact on police officers' knowledge of coercive control and attitudes to domestic abuse. [4]

Housing

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

The Crown Prosecution Service

The Crown Prosecution Service has published comprehensive legal guidance on domestic abuse for all prosecutors across England and Wales. [5] This is being supported by training, including mandatory training on taking forward prosecutions using a full range of evidence, and through extensive compliance checks.

Health agencies

In March 2017, the UK government Department of Health and Social Care produced an online publication 'Responding to Domestic Abuse – a resource for health professionals'. [6] The Royal College of Nurses have developed a pocket guide in recognition of the need for nurses, midwives and health care support workers and all other health care professionals to have an understanding of the impact of domestic abuse on patients, clients and colleagues. [7] Similarly, the Royal College of General Practitioners (RCGP) with Identification and Referral to Improve Safety (IRIS) and Safe Lives have also produced guidance for General Practices (GPs) to help them respond effectively to patients experiencing domestic abuse as demonstrated by the case study below. [8]

Social workers

Recognising the key role social workers can play, the government is rolling out a new national assessment for child and family social workers in England. Through this assessment social workers will be accredited against a set of criteria which describes what effective social work practice looks like. [9] This criteria includes domestic abuse and is expected to start from mid-2018.

Cafcass

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

Jobcentre Plus

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

“I could talk to my doctor as I trust him and he knows most of the things that go on in my life... talking to my doctor really opened my eyes”.[10]

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

The IRIS programme trains general practice teams to identify patients with experience of domestic violence and abuse and offer them a referral into specialist support.

Staff are taught how to spot the signs and symptoms which suggest that a patient might have experience of domestic violence and abuse, how to ask about this and then give an appropriate and supportive response.

A simple referral system ensures that patients who disclose and who would like support are referred to a specialist, named worker, linked to the GP practice - the IRIS Advocate Educator.

Contact information is provided to patients who don't want to be referred and the training includes information about national helplines for male victims and perpetrators. The discussion is recorded in the patient's medical record.

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

I've also had women in their sixties and seventies disclose. These women have put up with it for so long, but when offered the right support they are capable of making really brave decisions and changing their lives for the better.”[11]

We recognise the value the voluntary sector can play in educating statutory agencies about domestic abuse. Jobcentre Plus offices routinely work with local charities on domestic abuse initiatives.

For example, Jobcentre Plus Essex have formed a local partnership with Safer Places in Essex to train staff, support the creation of networks of domestic violence champions and safe places for victims to disclose across the county.

The training aims to equip staff to respond appropriately and effectively and be able to refer on to appropriate services.

Case study: J9 initiative

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

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

Jobcentre Plus already has measures in place to support victims who have fled an abusive household. The enhanced J9 service enables Jobcentre staff to also signpost to practical help and support from within the Jobcentre.

On each floor in the Jobcentre there is a J9 point where staff can easily obtain information including contact details for Safer Places and local support refuges. Jobcentre staff who have been J9 trained wear a small J9 badge or lanyard.

These are just some of the examples of efforts to improve statutory agencies' understanding and identification of domestic abuse. However, we recognise there is still more to do to ensure there is a consistent response across the country.

As the Joint Targeted Area Inspection (JTAI) Report on the Multi-agency Response to Children Living with Domestic Abuse[12] highlights, there has been good overall progress made by local areas in responding to domestic abuse.

This is particularly true of protecting children and victims. However, the report identifies that a step change is needed in the way agencies understand and respond to the issue.

We are looking at options to further roll out information to jobcentre staff, health services and Troubled Families' workers (in England) to improve their ability to recognise the signs of domestic abuse and to offer the tailored support required.

7. 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 your top 3 from the list.

- Armed forces
- Children's services
- Court staff
- Education professionals (for example teachers, school staff)
- Fire brigade
- Health professionals
- Housing staff
- Jobcentre staff
- Judges/magistrates
- Police
- Probation/Criminal Rehabilitation Company staff
- Prosecutors
- Providers of adult social care
- Commissioners of adult social care services (local authorities and clinical commissioning groups)
- Social workers
- Don't know/no answer**
- Other - please specify

If you selected other please add your response here:
This question is not relevant to our organisation's remit.

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

While alcohol cannot be considered a cause of abuse – and is never an excuse – it can be a compounding factor. As such, as discussed in question 1, we feel recognition of alcohol's role in some domestic violence within the statutory definition of domestic abuse would be beneficial. Further, as discussed in question 3, the understanding of this role may be enhanced through the offer of Intervention and Brief Advice (IBA) to all accessing services and to perpetrators. This is echoed by the recommendation from Standing Together Against Domestic Violence, in response to analysis of findings from Domestic Homicide Reviews, that "in accordance with RCGP, IRIS, CAADA (Safe Lives) and NICE guidance, GPs should ask about abuse where a patient has presented with...alcohol or drug dependence..." (Sharp-Jeffs, N. and Kelly, L. 2016. Domestic Homicide Review (DHR) Case Analysis. http://www.standingtogether.org.uk/sites/default/files/docs/STADV_DHR_Report_Final.pdf. p. 9).

ALTERNATIVE WAYS TO REPORT DOMESTIC ABUSE

Estimates based on those interviewed in the Crime Survey for England and Wales showed that around four in five victims (79%) of partner abuse did not report it to the police. [1]

Victims are far more likely to confide in their family and friends. Survivors told Women's Aid that opportunities to help them were missing in their local communities. To address this issue, and to take advantage of pre-existing community relationships, Women's Aid have created the 'Ask Me' scheme.

Case study: Ask Me

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

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

The role of an ask me Ambassador is to:

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

The scheme is currently being run as a pilot in three areas in England and Wales. [2]

We know there are other key groups of individuals (not employed by statutory agencies) who could potentially play a key role in tackling domestic abuse. As highlighted by learning from domestic homicide reviews, one such group is employers. [3]

Any employer with a substantial headcount is likely to have some employees affected by domestic abuse, either as victims or perpetrators. The Employers' Initiative on Domestic Abuse is a group of over 200 companies and public sector organisations who have come together to take action to help staff affected by domestic abuse.[4]

These employers recognise that domestic abuse reduces work performance, increases absenteeism and ultimately may result in staff leaving. The network comes together to exchange information about best practice and to encourage, promote and develop action to help staff who are enduring domestic abuse or who are perpetrators.

Public Health England (PHE), in partnership with Business in the Community, is developing a toolkit which will provide clear and comprehensive advice on steps that employers can take.

The toolkit will be informed by an evidence review conducted by PHE and the recent report commissioned by the Vodafone Foundation.[5] Above all, it will feature the voices and testimony of those people directly affected and case studies of employers who have gone beyond compliance in tackling the issue and supporting their employees.

The government has also funded the Domestic Abuse Housing Alliance (DAHA) to develop a set of standards for how housing providers should respond to domestic abuse in England and Wales.

Housing officers are likely to come into contact with domestic abuse victims on a daily basis and they are ideally placed to identify those carrying out domestic abuse and also those at risk, such as children. Recognising that abuse is taking place is only part of their role, and providing an effective and supportive response is even more important.

Tasks like carrying out a thorough risk assessment, developing an action plan and making suitable referrals are all activities that housing officers with the appropriate training are well placed to do. The set of standards [6] enable housing providers to examine service delivery and practice, identifying gaps and areas for improvement.

The government recognises there is a need to provide a directory of information for the public outlining clearly what domestic abuse is, what to do if they are a victim or concerned about someone who is a victim, what to do if they are a perpetrator or think someone they know is perpetrating domestic abuse and where to go to get help.

We are committed to updating GOV.UK to ensure it has easily accessible, clear and up to date information on domestic abuse.

9. 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?

This question is not relevant to our organisation's remit.

IMPROVING SUPPORT SERVICES FOR ALL VICTIMS OF DOMESTIC ABUSE AND THEIR CHILDREN

The government is clear that having the right tools, resources, services and powers to protect and support victims of domestic abuse will make individuals and families safe, sooner.

We recognise that there are different types of support that may be needed at different times and we are working on ways to improve these – including through the services provided to families by children’s social care.

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

Refuges and safe accommodation

We know how important it is that victims of domestic abuse have a range of options for safe accommodation, so that they can move to safety and rebuild their lives. Safe accommodation can be provided in a refuge, as well as through sanctuary schemes [1] and dispersed housing [2], both with floating support. [3]

Dispersed housing and sanctuary schemes can help those victims who prefer to remain in or near their homes with the right support services. Local authorities are responsible for commissioning refuges and other safe accommodation in their areas, recognising the diverse needs of victims and their children.

Local authorities are also subject to the duty to provide accommodation for victims of domestic abuse facing homelessness.

The government believes that local authorities, working in partnership with agencies such as the police and health bodies and specialist domestic abuse service providers, are best placed to assess and meet the need for safe accommodation for victims from both within and outside their local area.

The government’s Priorities for Domestic Abuse Services, published in November 2016, are clear that local authorities should make provision for victims of domestic abuse from outside their local area, in recognition that many victims need to move to another area to stay safe.

Local authorities are also expected to collaborate with each other to allow victims easy movement from one area to another while ensuring their safety.

Since 2014 we have provided £33.5 million in direct grant funding to local areas for refuges, other specialist accommodation-based services and local service reform.

Service reform could include better service commissioning, improving victims’ pathways to accessing support by tailoring provision to their needs, partnership working both within and across local authority boundaries, and the strengthening governance arrangements.

The Ministry of Housing, Communities and Local Government (MHCLG) is funding 80 projects around the country, covering 258 local authorities, which will provide support to over 19,000 victims.

The projects are providing safe accommodation in refuges, dispersed housing and through sanctuary schemes, as well as other support services for victims of domestic abuse and their children.

For example, a project led by Newcastle City Council has partnered with a wide range of agencies including neighbouring councils, specialist domestic abuse services, health partnerships and housing providers.

Together they are looking to improve and strengthen the availability of and access to refuges alongside other specialist accommodation, including self-contained flats.

This is matched with improved support visits and dedicated care for victims with complex needs, such as problematic drug use. By working across councils and the relevant agencies the project aims to identify victims’ needs at a much earlier stage.

‘The Hampshire Making Safe Scheme’ is led by Hart District Council and covers 11 local authorities in Hampshire. It aims to fund three approaches to supporting victims of domestic abuse.

The first is safe houses across the area as an alternative to refuge accommodation. The second is the provision of enhanced security measures and support within client's own homes to enable them to remain safe and avoid the need for refuge accommodation.

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

The Suffolk Satellite Accommodation and Support Concept is a partnership between Suffolk County Council, Ipswich Borough Council and seven district councils, with support from the Suffolk Police and Crime Commissioner, Phoebe, Anglia Care Trust and local refuges.

This project aims to provide more accommodation for victims of domestic abuse who do not meet the criteria to be supported in refuge accommodation. Extra housing will be sourced through the local authority, registered social landlords and the private rented sector.

Working closely with existing refuges, the aim is to create a flexible alternative that also offers specialist support to victims with complex needs.

Review of funding for domestic abuse services, including refuges

In our Violence Against Women and Girls Strategy, we were clear we wanted to work with local commissioners to deliver a secure future for refuge. While bed-spaces have increased since 2010.

The government is committed to reviewing funding for domestic abuse services, including refuge, particularly the critical care and support costs. To inform our review, we have commissioned an independent, external audit of domestic abuse services.

This will give us a complete picture of provision for all victims across England, enabling us to assess what impact services are having and identify any gaps in provision. The audit will report in spring 2018, and the review will be completed by summer 2018.

We are committed to working closely with the sector and local authorities on the audit and overall review, drawing on their expertise and knowledge, to ensure we have a robust evidence base on which to take future decisions about the funding of these vital services.

Our review will complement wider work on the funding of short-term supported housing, which includes refuge. We have recently held a consultation on the design of a new housing costs model to fund emergency and short-term supported housing in England. Read the Policy Statement and Consultation.

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

Access to social housing for victims of domestic abuse

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

In November 2017, MHCLG launched a consultation on proposals for new statutory guidance for local authorities, designed to help victims of domestic abuse who are currently living in a refuge or other form of safe temporary accommodation to move on into social housing.

The new guidance would build on existing statutory social housing allocations guidance to improve access to social housing for victims of domestic abuse by:

- making it clear that local authorities are expected to disapply any residency tests for those victims who have fled to another district
- setting out how local authorities can give appropriate priority to this group

We are also proposing that the guidance should advise local authorities on how they can use their existing powers to support tenants who are victims of domestic abuse to remain safely in their homes if they choose to do so, for example, by evicting the perpetrator and granting a sole tenancy to the victim.

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

On 19 December 2017, MHCLG introduced the Secure Tenancies (Victims of Domestic Abuse) Bill. The bill will require local authorities in England, when re-housing an existing lifetime tenant who needs to move or has recently moved from their social home to escape domestic abuse, to grant such tenant a lifetime tenancy in their new home.

The measures in this bill will provide the security these victims need to leave an abusive situation. The bill applies to lifetime tenants of local authorities and Private Registered Providers of social housing (housing associations).

The Secure Tenancies (Victims of Domestic Abuse) Bill delivers on a commitment made during passage of the Housing and Planning Act 2016 ('the 2016 Act'). The 2016 Act reforms local authority secure tenancies so that, when in force, most tenants will be granted a fixed term tenancy, rather than a lifetime tenancy as now.

At Lords Report stage of the 2016 Act the government gave a commitment to ensure that local authorities would grant victims of domestic abuse, who had a lifetime tenancy, a further such tenancy if it was unsafe for them to remain in their current home.

Independent Domestic Violence Advisors

Independent domestic violence advisors (IDVAs) address the safety of victims and survivors at high risk of harm from intimate partners, ex-partners or family members to secure their safety and the safety of their children. IDVAs act as a victim's primary point of contact and normally work with them from the point of crisis.

IDVAs assess the level of risk posed by the perpetrator and to discuss the range of suitable options. This includes developing and implementing safety plans, discussing possible injunctions and sanctions available through the courts, housing options and support services.

Data from SafeLives shows that there are a total of 815 full time equivalent IDVAs working across England and Wales. Evidence shows that following support and interventions from an IDVA service, victims experience significant reductions in abuse and positive changes in safety and quality of life:

- 84% of victims reported feeling safer
- 82% felt that their quality of life had improved
- 57% of victims reported cessation of abuse at point of case closure[4]

Protecting children

The government are also clear that the safety of children is paramount in instances of domestic abuse. The statutory responsibility for safeguarding and promoting the welfare of children falls to local authority children's social care, where domestic abuse remains the most prevalent factor identified by social workers when assessing children's needs.[5]

The best children's social care services deliver excellent help and support to children and families. Yet whilst there is much impressive social work in the system and progress has been made in laying the foundations for systemic improvement, there remains inconsistency in the services that children receive – and there is further to go, if all children are to receive the right help, at the right time.

Through wide-ranging children's social care reforms, the government is driving improvements across the system, from the targeted recruitment and retention of high-calibre social workers into children's social care, to encouraging innovation and developing new approaches to the prevention, detection and response to domestic abuse.

Through the Children and Social Work Act 2017, we are introducing new multi-agency safeguarding arrangements and Local Safeguarding Children Boards will be superseded by new local safeguarding arrangements, led by three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups).

By requiring local areas to work together to develop stronger, bespoke working arrangements between the three key agencies and other relevant agencies, we expect to see an improvement in the quality of inter-agency work to safeguard children.

The new legislation will provide additional powers to secure effective participation from key agencies and agree plans to strengthen information sharing.

We have also funded a pilot of SafeLives' 'One Front Door' model in seven areas across the UK. This moves away from an approach in which all family members are considered separately to a whole family one, identifying risks to all members of the family and working with them to develop a safeguarding response. Find out more.

The Home Office have also launched the 'Trusted Relationships Fund' which is allocating £13m over four years [6] to local initiatives that improve support for young people aged 10-17 at risk of exploitation and abuse, including peer and relationship abuse.

Local authorities can apply for funding to run projects with the focus of facilitating trusted relationships between vulnerable young people and the adults there to support them, with the aim of building up protective factors including a positive support network, personal resilience and self esteem [7].

Local needs

We have always been clear that local communities are best placed to assess and meet local needs. That is why considerable national funding has been directed towards local commissioning.

This allows local leaders who have a clear understanding of their local area's needs and existing service provision, to focus funding where it will have the most impact.

For example, the Ministry of Justice (MoJ) allocated around £96 million in 2016/17 and again in 2017/18 to fund crucial support services for victims of crime, about £68million of which went to Police and Crime Commissioners (PCCs).

PCCs reported spending about £11.6 million of the MoJ grant on providing services to victims of domestic abuse in 2016/17. PCCs also reported spending £9.2 million from funding sources outside the MoJ grant, bringing the total PCC spend on domestic abuse to approximately £20.8 million.

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

Case studies: Multi-agency projects funded by the Government

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

The government has provided £600,000 for the ASSIST Project being led by Birmingham Cross-City Clinical Commissioning Group, working in partnership with the local authority and specialist providers.

This project will offer specialist, trauma-informed support for highly vulnerable women who have the most complex needs, including focused work with women who are at risk of having their children removed.

London Borough of Southwark

This project creates a new model for domestic abuse survivors at high risk, often with complex needs, who have children on child protection plans and/or who have been re-referred to MARAC, and who for a variety of reasons don't engage with existing support services.

The project provides bespoke dedicated support which places emphasis on researching, planning and resourcing tailored engagement approaches.

The proposal also introduces therapeutic support for children to ensure the effects of witnessing abuse are addressed and its longlasting effects minimised.

South Wales

South Wales PCC received the largest single award (£1.4 million) from the VAWG Service Transformation Fund. The project will pilot the 'Change that Lasts' model, in partnership with Welsh Women's Aid.

They are working with local authorities, health boards and specialist third sector organisations to develop a joint regional strategy to tackle VAWG.

They will roll out the 'Ask Me' scheme, training 30 people as Community Ambassadors who will improve understanding of domestic abuse in their communities, including through establishing hair salons, shops and sports clubs as 'safe spaces' where women can report domestic abuse without going to a police station.

They will also maximise support service responses through introducing a trusted professional model and develop, deliver and evaluate new programmes of interventions to work with perpetrators of abuse to change their behaviour, including through a whole family approach.

Central government

Central government has an important role to play in providing direction and support to local areas to improve the response to victims. We have published a new National Statement of Expectations (NSE) on VAWG. [8]

This sets out what local areas need to put in place to ensure their response to Violence Against Women and Girls (VAWG) is effective.

Ministry of Housing, Communities and Local Government (MHCLG) have issued quality standards on accommodation-based services as well as priorities for domestic abuse services for local authorities.

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

The government announced an additional £20 million for domestic abuse services in the Spring Budget 2017 to support its work to transform the response to domestic abuse in England and Wales.[9]

We are allocating some of this money to support children who have witnessed domestic abuse and female offenders, and to help identify best practice in responding to domestic abuse in healthcare settings.

We are keen to ensure that this consultation informs the allocation of the remainder of this funding, and helps overcome other barriers that victims face in seeking appropriate support.

We want the funding to be used in a way that supports local ownership and prioritises the areas where national funding can have the most impact in supporting victims.

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

Advocacy for victims to enable them to stay safely in their own home (Independent Domestic Violence Advisors or their equivalent)

Therapeutic services to help victims of domestic recover from their experience

Accommodation services

Helpline services for those affected by domestic abuse to call for advice and support

Interventions embedded in health

Perpetrator programmes which aim to change offenders' behaviour and stop reoffending

Rolling out of new multi-agency approaches

Don't know/no answer

Other - please explain

If you selected other please add your response here

As will be expanded upon in our response to question 12, women affected by domestic abuse who also experience problematic alcohol use can face particular problems accessing essential services such as refuges. Funding to support these women in accessing appropriate support to address their needs should be made a priority.

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

Guidance

Incentives through funding

Sharing effective practice

Training

None of the above

Don't know/no answer

Other - please specify

If you selected other please add your response here

In response to research which found women affected by domestic abuse who also have problematic alcohol use can face particular problems accessing essential services such as refuges in London, AVA and Solace Women's Aid suggest that training and funding changes might improve this picture. Funding is needed to improve the suitability of current refuge spaces to support women with substance misuse issues, as well as for specialist workers and more refuge spaces designed for these service users. They suggest training for all refuge staff and managers who support and assess service users with substance misuse problems is also necessary. They also call for the development of service level agreements between refuges and alcohol treatment services to support effective multi-agency working. Further, they note that options for 'move-on' accommodation for single women ought to be explored, and that domestic violence refuge service specifications must cover the needs of those with substance misuse problems.

Further service level recommendations are also made including that service providers develop policy on working with those with alcohol misuse issues, contract monitoring that includes metrics on service users with alcohol use needs, and that they take a case by case approach in assessing risks associated with problematic substance use (Against Violence and Abuse (January 2014), 'Case by Case: Refuge provision in London for survivors of domestic violence who use alcohol and other drugs or have mental health problems').

SUPPORTING VICTIMS WITH SPECIFIC NEEDS

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

Maria, a disabled woman, is denied access by her partner to the specialist nurse for her condition; the partner refuses to have handrails installed in their home. She stops Maria from using a walking stick, and Maria tries to walk without it, mocks her walking and tells her to stand up straight knowing she will fall and hurt herself. [1]

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

through the Tampon Tax we are funding 'Shaping Our Lives' which will ensure that the needs of disabled women experiencing or at risk of violence or abuse are met through current service provision.

also through the Tampon Tax we are funding the organisation 'Jackson's Lane' in Haringey, London to engage older people in community-based activities to increase their understanding of wellbeing, harassment and domestic abuse and provide the support services needed to tackle these issues

we provide funding for a men's advice line and LGBT helpline to provide direct support to victims of domestic abuse through MHCLG's £20 million specialist accommodation-based support fund we are funding Manchester City Council to provide independent living accommodation for 10 to 15 LGBT survivors of domestic abuse - this also includes caseworker support and intensive outreach support for a further 20 people as well as work to raise awareness of services among the wider LGBT community

Other factors such as socio-economic status or area deprivation may also impact upon how victims seek help - those with fewer resources may be less able to leave perpetrators or seek help.

We are also aware that for some communities, there may be additional barriers such as lack of trust in statutory agencies (such as the police, social services, or housing authorities), or a fear of rejection from their community if help is sought. Insecure immigration status may also impact on a victim's decision to seek help.

We also know that domestic abuse is not limited to abuse between partners. It can be adult child on older parent abuse, adolescent on grandparent abuse or abuse between teenagers (16+) in an intimate relationship.

It can be carried out by those who look after vulnerable (for example older or disabled) people. It can also be carried out within informal caring relationships due to the pressures of these circumstances. This can impact upon how a victim seeks support and how this is received.

Case study: Victim's experience

A defendant and victim were involved in an arranged marriage and since arrival in England in 2012 the victim was kept in servitude. The defendant took wedding jewellery from his wife as a way of exploiting and controlling her.

The victim became financially dependent on her husband and was responsible for doing all the chores that he demanded. She was not allowed out unaccompanied and when she was alone at home she was called every ten minutes to make sure the phone was not engaged.

He was sentenced to two years' imprisonment for holding his wife in servitude and for assault occasioning actual bodily harm, breaking her nose. A restraining order was also imposed. It is believed to be the first conviction of this kind in England and Wales.

Finally, we recognise that many victims of domestic abuse have multiple complex needs and may struggle to access services to support them.

While it should not be assumed that the presence of vulnerable factors means that victims will automatically have complex needs, their recognition is important as it can highlight when a different approach is required.

We have had extensive discussions with local authorities and domestic abuse partners to understand the scale of the problem and identify best practice. Local authority-led projects in England focusing on providing support to victims with complex needs have been funded from MHCLG's £20 million specialist accommodation-based support fund.

We have joined-up across government to deliver a co-ordinated approach to improving the service and support we offer victims of domestic abuse with complex needs, and will continue to work closely with local authorities and domestic abuse partners as this work develops further.

12. What more can the Government do to better support victims who face multiple barriers to accessing support? We echo the sentiments of many colleagues in the domestic violence sector that there is a need for the Bill and the non-legislative package that comes with this to recognise the scope of complex needs victims of domestic violence might face (Ascent & AVA. 2018. Good Practice Briefing: Transforming the response to Domestic Abuse. [https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=\[UNIQID\]](https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=[UNIQID]))). One such intersecting need that is particularly relevant to our work is substance use issues. There are many reasons why victims of domestic abuse may drink. Amongst those caught up in long term domestic abuse there is evidence that they may use alcohol to cope with the effects of domestic abuse. Indeed, one study found that women who suffered domestic abuse from their partners were twice as likely to drink after the abuse as their violent partner (Galvani, S. (June 2010), 'Grasping the Nettle: alcohol and domestic violence', University of Bedfordshire & Alcohol Concern, p. 2).

In some cases, women affected by domestic abuse who also have alcohol misuse problems can face particular barriers accessing essential services such as refuges. Research into refuges in London by AVA and Solace Women's Aid suggests that the situation has improved to some extent in the last 10 years, but that there are still many problems. Almost all London boroughs require the refuges they fund to support women with alcohol, drug or mental health problems in some way within their service specifications. However, this was sometimes only a generic 'expectation' that all survivors would be supported, and 61% of boroughs only 'sometimes accept' women who use alcohol or drugs. It was found that two boroughs actively exclude women with alcohol, drug and/or mental health problems from refuges. The fact that only around half of local authorities could provide information on the number of women accessing refuges with identified alcohol problems suggests that the strong link between victim alcohol use and domestic abuse is yet to be understood and acted upon properly.

As discussed in response to question 11, AVA and Solace Women's Aid suggest that training and funding changes might improve this picture, as well as a series of service level recommendations. (Against Violence and Abuse (January 2014), 'Case by Case: Refuge provision in London for survivors of domestic violence who use alcohol and other drugs or have mental health problems').

SUPPORTING FEMALE OFFENDERS

We know that female offenders often have complex issues including a background of abuse. We recognise the major part that domestic abuse can play in female offending with over 60% of female offenders indicating they have experienced domestic abuse.[1]

Female offenders

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

“I had been smoking heroin before I met him. He injected me for the first time as he said he wanted me to be safe. From then I’d just be out of it – he’d go out and steal and then come back and inject me and I’d just be lying there.

I was only 18 myself and was with him for seven or eight years. I was completely reliant on him, completely emotionally dependent. He wanted me to watch over and sell the stolen goods. It was the only way to get the money for the heroin. I ended up going to prison for him for theft.” [2]

The Ministry of Justice is investing £1million seed funding in six local areas to develop a ‘Whole System Approach’ to female offenders.

This model brings together local agencies (criminal justice, statutory and voluntary) to provide joined-up, targeted holistic support to address the often complex needs of female offenders, including domestic abuse. Women’s centres are at the heart of many of these models.

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

Criminal justice agencies to adopt appropriate enquiries into history of abuse at each stage of the criminal justice process

Dedicated support and/or IDVAs in women's services

Encourage the use of schemes which divert vulnerable women out of the criminal justice system (where appropriate) and into services

Improve availability of support for domestic abuse victims in prisons

Support signposting into appropriate services for women who come into contact with the police

Don't know/no answer

Other - please explain

If you selected other please add your response here:

This question is not relevant to our organisation’s remit.

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

Availability of a GP at women-only services

Availability of a nurse at women-only services

Child contact sessions so that women who are not living with their children can have supervised access to their child

Delivery of health interventions such as mental health and substance misuse treatment at women-only services

IDVAs located or linked to women-only services

Improving access to benefits, finance and accommodation advisors at women-only services

Provision of employer interventions at women-only services to help individuals become work ready, including offering work experience and/or mentoring

Don't know/no answer

Other - please explain

If you selected other please add your response here:

As discussed in question 12, there is a need for refuge provision for those requiring support for substance misuse issues alongside domestic abuse. Further to this, in a report covering the findings of a seminar series on issues relating to women and alcohol, Scottish Health Action on Alcohol Problems (SHAAP) and the Institute of Alcohol Studies (IAS) recommended that all alcohol-related services should aim to provide increased availability of and improved access to women only spaces – including increased availability of residential treatment and recovery support for women and children, as well as increased availability of services, including online, where women can access support, while remaining anonymous. (SHAAP and IAS. 2018. Women and Alcohol: Key Issues).

SUPPORTING THOSE WITH DIFFICULTIES GETTING FINANCIAL SUPPORT

We recognise that people living in the UK on spousal visas are not entitled to receive financial support from the state in the form of most benefits, tax credits or housing assistance. This is referred to as the 'no recourse to public funds condition'.

However, these people do have the right to work. Nonetheless, we also recognise that some of these people may encounter issues in accessing financial support if their relationship breaks down as a result of domestic abuse.

The Destitute Domestic Violence Concession [1] is available to provide eligible individuals with a period of three months' leave outside the immigration rules with access to public funds in order to support them to amongst other things make an application for indefinite leave to remain.

We are currently working to create an evidence base in order to review and improve how the immigration system caters to individuals who have been victims of domestic abuse.

This includes the provision of £250,000 funding through the Tampon Tax to Southall Black Sisters to pilot support for women and their children affected by violence and abuse on non-spousal visas with no recourse to public funds.

15. 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?

This question is not relevant to our organisation's remit.

KEEPING VICTIMS SAFE – CREATING A NEW DOMESTIC ABUSE PROTECTION ORDER

Protective orders taken out against perpetrators are an important tool for keeping victims safe and preventing the continuation or escalation of abuse.

They can also provide victims with the breathing space they need while they consider the options open to them, and give the police additional time and evidence to build the case for prosecution.

Current protection orders:

There are a range of orders that can currently be used to protect victims of domestic abuse. Domestic Violence Protection Orders [1] (DVPO) are specific to cases of domestic violence - but other orders, including restraining orders, non-molestation orders, and occupation orders, can be made in varying circumstances.

These orders vary in terms of who can apply for them, the conditions attached and the consequences of breach. Different parties, including victims, agencies and the police, can apply for different orders and there is no single order that is applicable across the criminal, family and civil court jurisdictions.

This can lead to confusion for victims and practitioners in domestic abuse cases and problems with enforcement. Some police practitioners and organisations representing victims have also cited the absence of the potential for criminal sanction following breach as limiting the effectiveness of the existing domestic violence protection order.

Proposed new protection notice and order

We propose to create a new Domestic Abuse Protection Notice (DAPN), which could be made by the police, and a Domestic Abuse Protection Order (DAPO), which could be made by the courts in a wide range of circumstances.

These measures would bring together the strongest elements from existing protective orders used in domestic abuse cases, creating a single, flexible pathway for victims, police and other practitioners.

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

Specific proposals for Domestic Abuse Protection Notice:

We propose that the new notice would be modelled closely on the existing notice. This is because we consider it an effective way of providing immediate breathing space to victims.

The main substantive change would be that the circumstances in which it could be made would be linked to the new statutory definition of domestic abuse, thereby extending its application to cases involving abuse other than violence or the threat of violence (unlike the current notice which is limited to cases involving violence or threats of violence).

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

Yes

No

Don't know/no answer

Please explain your answer.

This question is not relevant to our organisation's remit.

Specific proposals for the Domestic Abuse Protection Order:

For the domestic abuse protection order we propose the following key elements to provide better protection to victims:

Like the proposed notice, the circumstances in which the new order could be made would be linked to the new statutory definition of domestic abuse, extending its application to cases involving abuse other than violence or the threat of violence.

The new order could be made by a court following a freestanding application, including by the victim and certain parties on the victim's behalf (for example a family member or support service), and could also be made by a court during any ongoing proceedings, including on conviction or acquittal in any criminal proceedings. The police would also have the power to apply for the new order, including after they had made a Domestic Abuse Protection Notice. In practice, this would mean that Domestic Abuse Protection Orders could be made in family, civil and criminal courts. By enabling these orders to be made across all jurisdictions we intend to provide flexibility and improve how the different jurisdictions can respond to domestic abuse.

The new order would also be more flexible in terms of the conditions that could be attached to it, which could include both prohibitions (for example requirements not to contact the victim, including online, not to come within a certain distance of the victim, and not to drink alcohol or take drugs) and positive requirements. These positive requirements could include attendance at perpetrator programmes, alcohol and drug treatment programmes and parenting programmes. Electronic monitoring (for example location or alcohol monitoring) and notification requirements (for example the requirement for certain perpetrators to provide the police with personal information such as their address and details of relationship and family circumstances) could also be used as conditions attached to the new order.

There would be flexibility as to the length of time that the new order could be in place: it could be for a period to be specified by the court or until the court made further order, in contrast to the current maximum duration for the existing domestic violence protection order of 28 days.

It would be a criminal offence to breach a Domestic Abuse Protection Order.

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

Please select all that apply.

The victim

Certain persons associated with the victim (for example certain family members) on behalf of the victim

The police (following the issue of a Domestic Abuse Protection Notice or at any other time)

Relevant third parties, who would be specified by regulations, on behalf of victims (see Question 18 for further details)

With permission of the court, any other person or organisation

Don't know/no answer

Other - please explain

If you selected other please add your response here:

This question is not relevant to our organisation's remit.

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

Local authority safeguarding or social care professionals

Providers of probation services

Specialist domestic abuse advisers/ Independent Domestic Violence Advisers (IDVAs)

Specialist non-statutory support services (for example refuge support staff)

None of the above

Don't know/no answer

Other - please explain

If you selected other please add your response here:

This question is not relevant to our organisation's remit.

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

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

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

Do you agree?

Yes

No

Don't know/no answer

If you chose Yes or No, please explain your answer:
 This question is not relevant to our organisation's remit.

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

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

Yes

No

Don't know/no answer

If you selected Yes or No, please explain your answer
 This question is not relevant to our organisation's remit.

Conditions of the order

The existing domestic violence protection order can only impose certain prohibitive conditions, for example preventing the abuser from molesting the victim or entering premises shared with the victim. For the new order, we propose that courts should be able to impose positive requirements, as well as prohibitions, that they consider necessary to reduce the risk of further domestic abuse.

Positive requirements could include attendance at perpetrator programmes, parenting programmes or drug and alcohol treatment. These aim to reduce the risk the perpetrator poses and to encourage behaviour and attitudinal change.

As we propose that the new order should be available to be made in family, civil and criminal courts, these positive or prohibitive requirements could be made in circumstances where there has been no criminal charge, on acquittal, or on conviction if the court is of the view that they are necessary to prevent further abuse. We propose that it would be a criminal offence to breach any conditions attached to the new order.

21. 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?

Yes

No

Don't know/no answer

If you selected Yes or No, please explain your answer

We understand from colleagues in the domestic violence sector that the proposed positive requirements of the DAPO are welcomed (Women's Aid. 2018. Briefing on the Domestic Abuse Bill. <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/Womens-Aid-Briefing-on-the-Domestic-Abuse-Bill-April-2018.pdf>).

However, while we welcome the provision of alcohol treatment to those offenders who might benefit from this, it is unclear whether making such treatment a condition of an order, the breach of which leads to criminal proceedings, is helpful. Much scepticism exists about whether a person who feels compelled to seek treatment because of the threat of sanctions is likely to be sufficiently engaged and motivated as to be successful in overcoming their dependency. A review of the evidence on the use of legal coercion in the treatment of substance misusers concluded that "three decades of research into the effectiveness of compulsory treatment have yielded a mixed, inconsistent, and inconclusive pattern of results, calling into question the evidence-based claims made by numerous researchers that compulsory treatment is effective in the rehabilitation of substance users" (Klag, S., O'Callaghan, F. and Creed, P., 2005. The use of legal coercion in the treatment of substance abusers: An overview and critical analysis of thirty years of research. Substance use & misuse, 40(12), p.1777).

Notification requirements

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

This would mean the individual could in some circumstances be obliged to provide certain personal information, for example details of where and with whom they live and of their intimate relationships and any associated children to the police.

This would assist officers in accurately assessing the risk that an individual could pose to any potential victims and in taking appropriate action to protect them. For example, in some cases, this action could include the disclosure of information about previous offending to a new partner, or police working with children’s services to ensure the needs of children joining a household affected by domestic abuse are identified.

A similar, more extensive system of notification requirements is already available to the police to help them manage qualifying sex offenders (this system is commonly referred to as the Sex Offenders’ Register).

22. Do you agree that courts should be able to require individuals subject to a domestic abuse protection order to notify personal details to the police?

Yes

No

Don’t know/no answer

If you selected Yes or No, please explain your answer:

This question is not relevant to our organisation’s remit.

23. If you selected 'Yes' to question 22 what personal details should the courts be able to require individuals to provide to the police? Select all that apply.

Name/change of name

Home address/change of home address

Formation of new relationship with an intimate partner

Change of circumstances relating to household - including where a new child is born or otherwise joins the household

Details of child arrangements orders for where and with whom a child is to live and with whom a child is to spend time or otherwise have contact.

None of the above

Don't know/no answer

Other - please explain

Domestic Abuse Protection Order – breach

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

However, we know that domestic abuse is complex and that some victims could have concerns reporting the breach of an order if it could lead to the abuser being prosecuted. There is therefore a risk that criminalising breach could deter people from applying for the proposed order, or where an order has been made, reporting a breach.

One possible way to respond to these concerns would be to provide that breach of a Domestic Abuse Protection Order could also be punished as a contempt of court and that, where breach was punished as a contempt of court, the perpetrator could not also be convicted of a criminal offence. This is the model used for the non-molestation order.

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

Yes

No

Don’t know/no answer

If you selected Yes or No, please explain your answer

As discussed in question 21, in the case of a positive condition of alcohol treatment on an order, breach of this condition being a criminal offence would not necessarily be helpful in achieving treatment goals.

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?

Yes

No

Don’t know/no answer

If you selected Yes or No, please explain your answer

As discussed in question 21, in the case of a positive condition of alcohol treatment on an order, breach of this condition being punishable as contempt of court would not necessarily be helpful in achieving treatment goals.

Domestic Abuse Protection Order - electronic monitoring

We believe there is scope for electronic monitoring to be used as part of the proposed order to help prevent further abuse. With new electronic monitoring technologies becoming available, it could be used as part of a Domestic Abuse Protection Order to monitor the perpetrator's compliance with one of the other conditions imposed, such as compliance with an exclusion zone, or a prohibition to drink alcohol.

It could also enable the monitoring of a perpetrator's location to establish behaviour patterns or provide evidence of someone's movements, which in turn could help prevent stalking or intimidation. We would want the provision to be flexible to enable the courts to target and prevent specific behaviours or risks, rather than focus on a specific technology.

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

We also propose to include a statutory set of safeguards to ensure electronic monitoring is only used where necessary to prevent further abuse and where it is proportionate to do so. This would include requiring a threshold to be met before the court can impose an electronic monitoring condition in a Domestic Abuse Protection Order.

A requirement to pilot the use of electronic monitoring could also help assess whether it is an effective preventative measure in a domestic abuse context before commencing the provision nationally.

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

Yes

No

Don't know/no answer

If you selected Yes or No, please explain your answer

There are three reasons we have responded 'No' to this item. Firstly, there are many cases in which sobriety tagging might be an unsuitable action to take. Secondly, even in cases where this might be to viable and the perpetrator is compliant with the tagging programme, this does not necessarily mean a long-lasting behaviour change has taken place. Finally, schemes of this nature will only ever be capable of addressing problematic alcohol use of those known to police and courts. As such, it is vital that population level action on harmful alcohol use is taken under the scope of this Bill and non-legislative package.

There are many cases where electronic monitoring of alcohol use may be unsuitable as a condition of a Domestic Abuse Protection Order. For example, such a scheme may be unethical to apply to those suffering from alcohol dependency. Indeed, the Mayor's Office for Policing And Crime (MOPAC) 2014 sobriety tagging pilot scheme in South London, which aimed to reduce alcohol-related crime by fitting binge drinkers who commit a defined set of alcohol-related crimes with monitors that assess their sobriety, excluded alcohol dependent offenders who were instead diverted into treatment (London.gov.uk (February 2016), "Sobriety tags' rolled out across London" <https://www.london.gov.uk/press-releases/mayoral/crackdown-against-alcohol-related-crime>). Those with offences of domestic violence were also excluded due in part to concerns of potential unintended consequences from the scheme "such as the abstinence of alcohol creating additional risks for the victim and diverting attention away from specific interventions that are designed to tackle offending behaviour". While they state this "position is only applicable for the period of the pilot" (Pepper, M. & Dawson, P. 2016. Alcohol Abstinence Monitoring Requirement: A process review of the proof of concept pilot. https://www.london.gov.uk/sites/default/files/aamr_final.pdf. p. 8), similar concerns would be highly relevant for any future programme.

Further to this, in the cases where sobriety tagging has been deployed to address domestic violence, there are questions as to whether this is sufficient to create long-lasting behaviour change. While there is evidence of reductions in domestic violence arrests in response to tagging schemes (Kilmer, B. and Humphreys, K., 2013. Losing your license to drink: the radical South Dakota approach to heavy drinkers who threaten public safety. Brown J. World Aff., 20, p.267, as cited in Pepper, M. & Dawson, P. 2016. Alcohol Abstinence Monitoring Requirement: A process review of the proof of concept pilot. https://www.london.gov.uk/sites/default/files/aamr_final.pdf) it would be hasty to equate falls in arrests or a high compliance rate in such a scheme with long-lasting behaviour change. While an

offender's alcohol use might exacerbate violence – and is important to address – enforced sobriety through tagging, in isolation from any other kind of intervention, is unlikely to address underlying causes of violence or abuse.

Finally, it is important to consider that, even at its most successful, such a tagging scheme will only ever be able to impact upon the lives of those whose experiences are known to the police and courts. As the underreporting of this type of crime is discussed within this very consultation, it is vital that action is taken that will have wider impact. While alcohol cannot be considered a cause of abuse – and is never an excuse – it can be a compounding factor, and as such, population level action on the affordability, accessibility, and promotion of alcohol has been demonstrated to reduce reported incidents of this.

Research in the USA has found that an increase in the price of alcohol reduced the probability of severe violence against wives (Markowitz. S. (October 2000), 'The Price of Alcohol, Wife Abuse, and Husband Abuse', Southern Economic Journal, Volume 67, Issue 2, accessed from the National Bureau of Economic Research), with one study finding a 1% increase in alcohol price to be associated with a 5% reduced risk of being a victim of domestic violence as a wife (Patra, Jayadeep., Giesbrecht, Norman., Rehm, Jurgen., Bekmuradov, Dennis., (March 2012) 'Are Alcohol Prices and Taxes an Evidence-Based Approach to Reducing Alcohol-Related Harm and Promoting Public Health and Safety - A Literature Review', Contemporary Drug Problems, Volume 39: Issue 1, pp. 7–49). Other research looking at evidence from across 16 countries found a link between alcohol price and a range of violent crimes, with a 1% increase in the tax on alcohol resulting in a 0.19% decrease in the probability of robbery, a 0.25% decrease in the probability of assault, and a 0.16% decrease in the probability of sexual assault (Markowitz. S. (January 2000), 'Criminal Violence and Alcohol Beverage Control: Evidence from an International Study'. Working paper No. 7481, published in 'The Economic Analysis of Substance Use and Abuse: The Experience of Developed Countries and Lessons for Developing Countries,' edited by Michael Grossman and Chee-Ruey Hsieh, Edward Elgar Limited, United Kingdom, 2001'. Accessed from the National Bureau of Economic Research). A review of the evidence for alcohol minimum unit pricing (MUP), commissioned by the Home Office and carried out by Sheffield University, found that increases in alcohol price were associated with reductions in overall crime, violent crime, sexual assault and criminal damage offences. Evidence for the effect on murder rates and domestic violence was inconclusive, and in need of further study (Booth. A., Meier. P., Shapland. J., Wong. R., Paisley. S. (January 2011), 'Alcohol pricing and criminal harm, a rapid evidence assessment of the published research literature', Sheffield University, School of Health and Related Research, pp. 4–5). Minimum unit pricing sets a floor price below which a unit of alcohol cannot be sold. By setting a floor price, MUP would selectively raise the price of the cheapest alcohol products which are most responsible for harm, while leaving the price of most drinks, including those served in bars and restaurants, unchanged. Given the positive impact of MUP on sexual assault and violent crime, and the fact that MUP would have a greater effect on off-licence drinking than on-licence drinking, it seems likely that it would have a beneficial effect on domestic violence as well.

Action on price is highly necessary at present. Alcohol is 60% more affordable than it was in 1980 (NHS Digital. 2017. Statistics on Alcohol. <http://www.content.digital.nhs.uk/catalogue/PUB23940/alc-eng-2017-rep.pdf>). Strong alcohol products are being sold for pocket money prices up and down the UK. This is most pronounced in the off-trade – off-trade beer is 188% more affordable than it was in 1987, while off-trade wine and spirits are 131% more affordable (Institute of Alcohol Studies. 2018. The rising affordability of alcohol. <http://www.ias.org.uk/uploads/pdf/IAS%20reports/sb20022018.pdf>). Scotland, Wales and Northern Ireland all have implemented or have announced intentions to implement minimum unit pricing, leaving England as an outlier (Scottish Government. 2017. Minimum Unit Pricing. <http://www.gov.scot/Topics/Health/Services/Alcohol/minimum-pricing>; Welsh Government. 2017. New law to introduce minimum price for alcohol in Wales. <http://gov.wales/newsroom/health-and-social-services/2017/minimum-price/?lang=en>; Institute of Alcohol Studies. 2015. Northern Ireland to proceed with Alcohol Minimum Unit Pricing. <http://www.ias.org.uk/What-we-do/Alcohol-Alert/January-2015/Northern-Ireland-to-proceed-with-Alcohol-Minimum-Unit-Pricing.aspx>). Action is urgently required.

Further to this, action on the availability of alcohol is also necessary. Crime, including violence and sexual offences, have been demonstrated to be associated with alcohol outlet density. Work from Alcohol Focus Scotland and Centre for Research on Environment, Society and Health (CRESH) at the Universities of Edinburgh found crime rates in Scotland "were consistently and significantly higher in areas with more alcohol outlets. This relationship was found for total outlets, on-sales outlets and off-sales outlets." These crime rates included crimes of violence and sexual offences (Alcohol Focus Scotland and CRESH. 2018. Alcohol Outlet Availability and Harm in Scotland. <http://www.alcohol-focus-scotland.org.uk/media/310762/alcohol-outlet-availability-and-harm-in-scotland.pdf>. p. 8). US based research supports these findings. In a study of Camden, New Jersey, neighbourhoods with higher alcohol outlet density had more violent crime (including homicide, rape, assault, and robbery), and this association was strong even when other neighbourhood characteristics such as poverty and age of residents were taken into account. In a study of 74 cities in Los Angeles County, California, a higher density of alcohol outlets was associated with more violence, even when levels of unemployment, age, and other community characteristics were taken into account. Further, in a 6-year study of changes in numbers of alcohol outlets in 551 urban and rural zip code areas in California, an increase in the

number of bars and off-premise places was related to an increase in the rate of violence (Stewart, K. (2005). How Alcohol Outlets Affect Neighborhood Violence. Prevention Research Center, Pacific Institute for Research Evaluation, pp. 2–3, <http://www.pire.org/>). Alcohol's temporal availability has also dramatically increased in recent decades. Indeed, in their evidence-based report into alcohol policy in the UK, the University of Stirling, Alcohol Health Alliance, and British Liver Trust note that "Alcoholic drinks are no longer bought in specific places and at specific times for specific drinking routines. They can be bought anywhere, at any time, as part of the routine of daily life. This has eroded the public perception that these are distinctive, and above all harmful, products." (University of Stirling, Alcohol Health Alliance, and British Liver Trust. 2013. Health First: An evidence-based alcohol strategy for the UK. <https://www.stir.ac.uk/media/schools/management/documents/Alcoholstrategy-updated.pdf>. p. 30).

With the recent government announcement of a forthcoming updated alcohol strategy, we would welcome to the inclusion of measures tackling alcohol's affordability and availability (both temporal and physical). Action on the physical and temporal availability of alcohol, such as a comprehensive review of current licensing legislation, could improve levels of incidents of domestic violence, as well as the commonplace alcohol-related sexual harassment and assault, including of frontline emergency service personnel, encountered in the night-time economy (IAS. 2015. Alcohol's Impact on Emergency Services), as discussed in question 1. Action on price, such as minimum unit pricing, would also tackle the extreme affordability of alcohol that has emerged in recent decades and bring reductions in violent crime (Booth. A., Meier. P., Shapland. J., Wong. R., Paisley. S. (January 2011), 'Alcohol pricing and criminal harm, a rapid evidence assessment of the published research literature', Sheffield University, School of Health and Related Research, pp. 4–5).

Similarly, action on alcohol marketing, as discussed in question 6, may serve to counter the objectification of women and normalisation of violence against women and sexual assault that alcohol marketing today may generate. Current regulatory approaches to alcohol marketing in the UK fail to address this; instead, legislation comparable to France's 'Loi Évin' model should be implemented. This law includes a clear definition of alcoholic drinks – all drinks over 1.2% alcohol by volume – and restrictions on the placement and content of advertising messages. Messages can only relate to the attributes of the product, meaning lifestyle messages such as those featured in UK advertising that serve to objectify women are not permitted. (Institute of Alcohol Studies. 2017. Policies to regulate alcohol marketing. <http://www.ias.org.uk/Alcohol-knowledge-centre/Marketing/Factsheets/Policies-to-regulate-alcohol-marketing.aspx>).

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

Please give your answer below

As mentioned in question 26, there will be many instances in which involvement in a sobriety tagging scheme will not be suitable – such as any individual identified as having an alcohol use disorder – and this is one of the reasons why we have chosen not to support this measure.

ANONYMOUS REGISTRATION

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

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

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

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

In September 2017, the Government announced a package of legislative changes to make registering to vote anonymously easier.^[1] The changes are expected to come into effect ahead of the 2018 May local elections in England.

The changes help survivors of domestic abuse to prove their safety is at risk by:

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

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

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

Much easier

Easier

Somewhat easier

Slightly easier

Not easier

Don't know/no answer

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

This question is not relevant to our organisation's remit.

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

This question is not relevant to our organisation's remit.

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

This question is not relevant to our organisation's remit.

THE DOMESTIC VIOLENCE DISCLOSURE SCHEME

The Government piloted and then rolled out nationally the Domestic Violence Disclosure Scheme (DVDS), also known as Clare's Law.[1] The scheme is based on the police's common law powers and is underpinned by detailed guidance.

The DVDS did not introduce any new legislation. The scheme is based on the police's common law power to disclose information where necessary to prevent crime.

The scheme provides structure and processes for the exercise of the powers. It does not provide the power to disclose or to prevent disclosures being made in situations which fall outside this scheme.

Any disclosure under the scheme must be within the existing legal framework and, in particular, have due regard to established case law, the Human Rights Act 1998 and the Data Protection Act.

The scheme provides a set of recognised procedures for sharing information with a victim or potential victim, regarding their partner's previous violent offences and spent convictions.

The purpose of the scheme is to increase public safety and afford victims of domestic abuse better protection by helping them make a more informed decision on whether to continue a relationship. We want to ensure that the DVDS is used consistently by police forces, especially the way in which disclosures are managed.

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) domestic abuse thematic report in 2017 reported that police forces need to raise awareness of the DVDS amongst victims and ensure victims are linked into specialist domestic abuse organisations who can provide additional support and advice.[2]

It identified inconsistencies surrounding the use of the scheme by police forces, noting the low volume of disclosures and the discrepancy between the use of 'right to know' and 'right to ask' disclosures.

To drive greater use and consistent application of the DVDS we propose to put the guidance underpinning the scheme into law, which would place a duty on the police to have regard to the guidance.

We believe that this would strengthen the visibility, and therefore use, of the scheme, resulting in more victims and prospective victims being warned of the dangers posed by a partner and thereby preventing further instances of abuse.

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

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

Yes

No

No response

33. Do you agree the guidance underpinning the Domestic Violence Disclosure Scheme should be put in to law?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know/no answer

Please explain your answer

This question is not relevant to our organisation's remit.

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

Marketing materials (for example posters, leaflets)

TV & radio

Media (for example newspapers, magazines)

Social media (for example Facebook, YouTube, WhatsApp, Twitter, Instagram)

Online through search engine

Don't know/no answer

Other - please explain

Use this box to explain your answer or if you selected 'other'
This question is not relevant to our organisation's remit.

ECONOMIC ABUSE

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

“She had control of my wages and gave me £20 per week from them”[1]

Economic abuse goes beyond purely financial abuse and can involve behaviours that control a person's ability to acquire, use and maintain economic resources, threatening their economic security and potential for self-sufficiency.

Coerced debt can leave victims with debts they cannot pay or with a poor credit rating. Alternatively, if an abusive partner manages the household finances, the victim can be left with a thin credit file when they leave a relationship. These issues can be significant barriers to victims escaping domestic abuse, making it harder for them to rebuild their lives.[2]

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

In the end his behaviour resulted in me losing my job and career as a teacher. Eventually he was arrested and sent to prison. Despite being free of the abuse, I am still paying the price for being in the relationship. Because I was constantly monitored I was unable to respond to calls and letters from the bank. A default notice was served and the balance on my credit card recorded as unsettled. I have appealed to the Financial Ombudsman to remove this since it means I am unable to move on with my life.” [3]

In 2013, the government established a conduct-focused financial services regulator, the Financial Conduct Authority (FCA), to ensure the interests of consumers and participants in our financial markets are placed at the heart of the regulatory system and given the priority they deserve.

One of the FCA's three operational objectives is to secure appropriate protection for consumers and the FCA's rules require financial institutions to treat customers fairly.[4]

We are interested in identifying practical issues that make it harder for a victim to escape or recover from financial abuse. The finance and banking trade body, UK Finance, is examining recent research and working alongside key stakeholders such as Citizens Advice and Refuge to establish the role that the financial services industry can play in combating financial abuse and assisting victims.

It aims to develop a voluntary industry code of practice to help guide the response of financial institutions when dealing with victims. It will also establish the role the financial services industry can play in helping to raise awareness about financial abuse, and empower victims to regain control of their finances by making informed decisions based on their personal circumstances.

In addition, breathing space - a period of respite from fees, charges and enforcement action for severely over-indebted consumers - may be of practical benefit to victims of financial abuse. The government has recently published a call for evidence for breathing space, which would be followed, where appropriate, by a statutory debt repayment plan.[5]

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

This question is not relevant to our organisation's remit.

ONLINE THREATS AND THE ROLE OF TECHNOLOGY IN DOMESTIC ABUSE

Technological advances have radically improved the lives of many. However, there is also a darker side where the increasing importance and range of technology in our everyday life creates new opportunities for domestic abuse.

This can include perpetrating abuse online via social media, controlling victims' access to their mobile phones, or installing tracking devices so victims' movements can be followed at all times. Victims can feel like there is no escape, physically and virtually, and that technology is being used to isolate, punish and humiliate them.

We have seen this rise in technology-related abuse reflected in prosecutions. Since its introduction, many of the prosecutions of coercive or controlling behaviour have related to control of victims through the internet, tracking software and social media platforms.

There has also been an increase in the proportion of domestic-abuse related offences of indecent or grossly offensive communications.[1]

“After a few months of being together we ended up with each other’s Facebook passwords but at that time I thought this was a normal thing to do. Not long after, he began to go on my Facebook quite often until it turned into him being on it every day.”[2]

We know we must do more to tackle technology-related domestic abuse and to empower both potential victims and survivors to feel safer online. On 11 October 2017, the government published the Internet Safety Strategy Green Paper.[3]

It aims to make Britain the safest place in the world for online users by developing safer online communities and empowering people to take steps to improve their online safety.

The strategy considers the responsibilities of companies to their users, the use of technical solutions to prevent online harms and the government’s role in supporting the public online.

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

- Establishing a social media code of practice to address conduct that is bullying or insulting to users, or other behaviour that is likely to intimidate or humiliate. The code will provide guidance for social media providers on the arrangements for individuals to notify platforms of such conduct and the processes for dealing with these notifications.

- The introduction of an annual internet safety transparency report to provide UK-level data on what offensive online content is being reported, how social media companies are responding to complaints, and what material is removed. Annual reporting will help to set baselines against which to benchmark companies' progress, and encourage the sharing of best practice between companies.

- Working with startups and established technology companies to build safety features and settings into products and platforms from the start so that all users have access to technical tools which can help keep them safe online.

- Department for Digital, Culture, Media and Sport and Department for Education are generating the 'online safety' aspects of new compulsory subjects: 'Relationship Education' and 'Relationship Sex Education'. We recognise this is the first generation of children who are learning about relationships and sex in an online world therefore it is important that children build their digital literacy skills so they have the right tools to make smart choices online.

- Looking at how all online users, including victims of domestic abuse and other vulnerable adults, can be better supported to manage online risks through guidance and technological tools.

- A Law Commission review of current legislation relating to offensive online communications to ensure that laws are up to date with technology.

Case study: tackling technological abuse

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

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

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

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

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

Case study: Technology for good

TecSOS (Technical S.O.S.) is a not-for-profit initiative that seeks to support high risk victims of domestic abuse through the provision of a specially adapted mobile phone that enables enhanced access to the police in an emergency.

The handsets link directly to the 999 service where the calls are immediately recognisable and announced to the police call taker as a TecSOS call. TecSOS also provides a global location and tracking capability which is delivered directly to police control rooms.

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

36. What more can we do to tackle domestic abuse which is perpetrated online, or through control of technology? Appropriate reporting categories on social media platforms and signposting victims to off-platform support, such as helplines

Clear guidance from social media companies on privacy settings for users at risk or victims of domestic abuse on online domestic abuse

Effective use and handling of evidence from social media within the investigation and prosecution processes

Government / charities and others promoting awareness of online and technology risks in relation to domestic abuse, such as through advertising

Government raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators

Retailers, applications and the wider technology industry raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators

Don't know/no answer

Other - please explain

Use this box to explain your answer or if you selected 'other'

This question is not relevant to our organisation's remit.

IMPROVING THE POLICE RESPONSE

Preventing domestic abuse in the first instance is the most effective way to end domestic abuse. This needs to be the priority of the government, civil society and the wider public.

However, when prevention fails we must ensure our justice system is able to effectively prosecute perpetrators, while protecting victims [1] from further distress.

The data we have on domestic abuse is fragmented, with different measures being collected by different organisations, on different timescales and using different collection methods.

However, data shows that in the year ending March 2015, four in five domestic abuse victims did not report their abuse to the police.[2] For the year ending March 2016, of the domestic abuse related incidents and crimes reported to the police, 41% were recorded as crimes.[3]

While over the last 10 years there has been a 61% rise in the volume of convictions to 70,853 [4], we know there is more we must do to ensure that perpetrators do not go unchallenged.

In September 2013, Her Majesty's Inspectorate of Constabulary (HMIC) was commissioned by the then Home Secretary to review the response to domestic abuse victims in all 43 police forces in England and Wales.[5]

The report highlighted failings in culture, attitude and core skills. In response the Home Secretary established a national oversight group to ensure action against the recommendations and drive new and innovative approaches in the way that the police respond to domestic abuse.

The group has overseen a domestic abuse improvement plan [6] being published by every police force, new guidance published by the College of Policing, new training piloted, and police collecting data against a national standard on all domestic abuse recorded crimes.

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

The College of Policing is in the process of defining how it will implement a 'Licence to Practise' system.[7] This will be a major step in raising standards for specialist investigators.

It aims to ensure staff and officers engaged in high harm areas, such as domestic abuse, always have access to the right development, skills and knowledge required to undertake their roles.

In parallel, the government has implemented, and is trialling a number of different measures to improve the police response to domestic abuse.

The Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) model [8] is used by the majority of police forces in England and Wales to assess risk in domestic abuse and stalking cases.

In 2014 a College of Policing review found the risk tool was not being applied consistently by front-line police officers and did not effectively promote recognition of non-violent abuse such as coercive control.

As a result, three forces took part in a College of Policing pilot which aims to assist frontline officers to identify patterns of abusive behaviour and, in particular, improve officers' understanding of the risks around coercive control.

The College of Policing expects to publish the results of this pilot early in 2018. In the meantime HMICFRS and the National Police Chiefs Council have been clear that forces should continue to improve their use of the current tool, DASH.

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

Video cameras worn by police, known as body-worn video, can strengthen a prosecution case when used to capture images following reports of domestic abuse.

The recording can provide an immediate and exact record of the disturbance at the scene and the emotional effect on the victim and their family or other immediate witnesses.

A 2014 investigation by the College Policing into the impact of body-worn video on the criminal justice outcomes of domestic abuse incidents found that issuing officers with body-worn video could be effective in increasing the number of charges made, thereby reducing attrition of domestic abuse cases through the criminal justice system.[9]

We have already provided £1.4 million through the Police Innovation Fund for body-worn video cameras to help officers gather evidence at the scene.

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

Case study: Police Transformation Fund (PTF)

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

There are three central strands to the project which focus on:

- close partnership working with the criminal justice system
- civil and family courts
- multi-agency victim support and offender management

It is planned that West Yorkshire, North Yorkshire, Humberside, Cleveland, and Durham forces, with Northumbria will together develop a six-force domestic abuse strategy, enabling strong mutual learning and close collaboration both in policing and across partner agencies.

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

Improved training for law enforcement agencies – including the Police and Crown Prosecution Service – on the impact of alcohol and the capacity to consent may help to improve rates of conviction for sexual violence. Such training could create an environment where the testimony of victims of sexual assault and rape is given greater weight, leading to more convictions.

The charity Against Violence and Abuse have suggested that the Crown Prosecution Service Guideline on Prosecuting Child Sexual Abuse Cases (2013) should be extended to adults. This recognises that 'if the victim has been, or is, abusing drink or drugs' or their account was 'inconsistent', this should be understood as a possible indicator that abuse has taken place. This would put a duty of care on (usually) men to ensure that they engage in consensual sexual relations and help to stop those assaulted after voluntarily consuming alcohol being regarded as unreliable witnesses. In addition, they recommend that judicial directives given to juries on rape and sexual assault cases should include information on rape myths related to substance use (Against Violence and Abuse (2014), 'Not worth reporting: women's experiences of alcohol, drugs and sexual violence'). This might also be of benefit to other law enforcement agencies.

IMPROVING VICTIMS EXPERIENCES OF THE JUSTICE SYSTEM

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

We recognise that the justice system can be daunting and that victims of domestic abuse may disengage from the process or may not want to be involved at all for a number of reasons. For example, due to the level of fear and control exerted by the perpetrator or concern that they will not be believed.

Crown Prosecution Service data on cases flagged as domestic abuse shows that over half of prosecutions (54%) which do not secure a conviction are due to victims retracting their statements, not attending court to give evidence, or otherwise not supporting the case.[1]

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

Case study: speeding up court proceedings

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

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

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

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

A range of mechanisms are designed to help support victims to give their best evidence. This includes:

- special measures for vulnerable and intimidated witnesses
- prohibiting unrepresented defendants from cross-examining victims
- support from the witness care unit (who are the single point of contact for victims and witnesses for information regarding the progress of their cases)
- the court-based witness service (who can provide emotional support and practical advice and information to witnesses in criminal proceedings)
- criminal justice professionals specially trained in domestic abuse

Independent Domestic Violence Advisors (IDVAs) are available in many areas to support victims through the justice system.

Case study: Co-location of police and IDVAs

In Durham the IDVAs are co-located with the police. They act as the single point of contact with the victim and liaise closely with Witness Care Unit and the prosecution on the victim's behalf. They inform the victim of case progression as well as providing them with emotional and practical support. The IDVAs accompany victims on pre-trial familiarisation visits.

They ensure that a copy of the Victim Personal Statement is taken to court so the prosecutors have this on the day of the trial. They speak regularly with the prosecution to ensure all available information and evidence for the trial is available.

The IDVAs have access to the exhibit court systems which enables them to review the daily court listings and status of the cases. They also offer practical advice to the courts such as help drafting restraining orders.

One example of our efforts to continually improve our response is the work by the National Criminal Justice Board, chaired by the Justice Secretary.

This has overseen a cross-criminal justice system exercise on domestic abuse – called the domestic abuse ‘deep-dive’ project - which developed and tested a best practice framework for use across all Magistrates’ Courts.

It is a multiagency project which followed high performing court areas (in terms of high conviction rates for domestic abuse related offences) to identify the key reasons behind their performance and how these practices might be extended to other courts.

Special measures in criminal proceedings

Victims of domestic abuse may already have access to special measures if the court is satisfied that the quality of evidence given by the victim is likely to be diminished by reason of fear or distress in connection with giving evidence.

There are a range of special measures available but the most commonly used is a screen – allowing the witness to give evidence in the court room without being seen by the defendant and the public gallery.

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

We could create a legislative assumption that all victims of domestic abuse are to be treated as being eligible for assistance on the grounds of fear and distress, if the victim wants such assistance.

If the victim is deemed to be eligible for assistance the court will then determine whether any available special measures would be likely to improve the quality of the evidence given by the witness and whether the measure might inhibit a party effectively testing that evidence.

This is similar to the assumption for victims of other specific offences such as sexual offences and modern slavery offences.

As a result, the prosecution would not have to establish eligibility for special measures on the grounds of “fear or distress”, simply that the special measure (such as a screen or evidence via video-link) is likely to improve the quality of the evidence and would not inhibit any party effectively testing that evidence.

This would mean the victim would have greater certainty from the outset that they would not have to face the accused in court.

38. 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?

Yes

No

Don't know /no answer

If you selected Yes or No, please explain your answer
This question is not relevant to our organisation's remit.

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?

Yes

No

Don't know /no answer

If you selected Yes, please explain your answer
This question is not relevant to our organisation's remit.

Cross examination in criminal proceedings

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

40. 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?

Yes

No

Don't know /no answer

If you selected Yes, where possible, please provide evidence or details of the experience to support your answer.

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

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

Yes

No

Don't know /no answer

If you selected 'Yes' or 'No' please explain your answer

This question is not relevant to our organisation's remit.

While family courts have a range of powers to make sure difficult courtroom situations are handled sensitively for vulnerable witnesses, they do not, unlike the criminal courts, have a specific power to prevent perpetrators of abuse (alleged or otherwise) from cross-examining their victims in person.

The government is committed to addressing this issue and will legislate to give family courts the power to stop this practice as soon as legislative time allows.

PROSECUTION WITHOUT VICTIM'S EVIDENCE

Where (through fear or for some other reason) a victim does not attend court to give evidence, it does not necessarily mean that the case cannot be prosecuted - there may be other relevant evidence of the offence.

For example, recorded evidence such as a 999 tape, or video footage captured by police using a body worn camera, allows courts to hear and see the nature of the event (including the victim's account) and the immediate behaviour of the suspect and victim. If the defence object to this evidence, it is then for the prosecution to argue that it is admissible.

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

Yes

Don't know /no answer

If you selected 'Yes' please explain why and, where possible, providing evidence or details of the experience to support your answer.

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

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

This question is not relevant to our organisation's remit.

Protections in the family court

We also want to make sure that individuals in the family justice system receive the support and protections they require. We have worked closely with senior family judges and the Family Procedure Rule Committee to introduce new rules of court and a new practice direction relating to vulnerable parties and witnesses involved in family proceedings.

The new rules require the court to consider whether a party's participation in the court proceedings is likely to be diminished by reason of vulnerability, or if the quality of the evidence of a party or witness is likely to be diminished by reason of vulnerability.

If so, the court must consider whether the person needs the assistance of a particular measure, such as a protective screen or a video-link. We have developed fresh training for family court staff to help them identify and support vulnerable court users. This will contribute to a more positive court experience beyond the courtroom for vulnerable people.

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

Yes

No

Don't know /no answer

If you selected Yes, please explain why

COERCIVE OR CONTROLLING BEHAVIOUR OFFENCE

“As our relationship developed he became more and more controlling and paranoid. I wasn't allowed to visit my family or friends and I wasn't allowed to work. I only had £70 a week to live off and this had to pay for everything: food, electricity, bills and clothes for the baby. I had to wear my long hair short, I wasn't allowed to use makeup and I had to have baggy, loose fitting clothes. I wasn't even allowed to answer the door” [1]

Incidents of domestic abuse can be prosecuted under a wide range of criminal offences, including assault or other relevant offences against the person, sexual offences, criminal damage, public order offences and murder.

In December 2015 an additional offence specific to domestic abuse was introduced of Controlling or Coercive Behaviour in an Intimate or Family Relationship (section 76 of the Serious Crime Act 2015).

The offence allows perpetrators whose behaviour amounts to psychological and emotional abuse, but stops short of inflicting physical harm or violence, to be prosecuted.

This offence now exists alongside other relevant criminal offences which are often used to prosecute domestic abuse. This offence closed the gap in the law around patterns of controlling or coercive behaviour during a relationship between intimate partners, former partners who still live together, or family members, with other relevant offences still available to prosecutors.

Since the introduction of the offence, more than 300 cases have been charged and reached a first hearing.[2] Although it is still early days we are keen to identify areas that may strengthen the offence.

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

Yes

No

Don't know /no answer

Please give further detail.

As discussed in response to question 1, the definition of controlling behaviour could benefit from reference to the role alcohol might play in this.

AGGRAVATING FACTORS IN SENTENCING

Having the right legal framework to allow the courts to deal effectively with perpetrators of abuse is fundamental. Sentencing should recognise the devastating impact of domestic abuse on victims.

These include children who are either witnesses or are used as emotional collateral to torment the victim. For example, in cases where a child is repeatedly stopped from comforting or communicating with the abused parent in an attempt to further isolate them.

Recent analysis of the Crime Survey for England and Wales, year ending March 2016, showed that those who had witnessed domestic violence or abuse as a child (before the age of 16) were more likely to experience domestic abuse by a partner as an adult (34% compared with 11% who did not witness domestic abuse).[1]

A revised set of guidelines for sentencing in domestic abuse cases were published by the independent Sentencing Council on 22 February 2018.[2]

While there is no specific offence of domestic abuse, the guideline identifies principles relevant to the sentencing of cases involving domestic abuse.

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

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

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

The guidelines list specific aggravating and mitigating factors which may have particular relevance to offences committed in a domestic abuse context.

As part of a list of suggested aggravating factors the guideline refers to factors such as abuse of trust or where the perpetrator takes steps to prevent the victim reporting an incident or obtaining assistance.

The guidelines also highlight the need to consider the impact of the offence on children (by direct or indirect exposure to domestic abuse) or where contact arrangements with children as used to instigate an offence.

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

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

An example of potential changes would be to supplement guidelines by creating a statutory aggravating factor that would apply to all offences in sentencing, similar to those already in law for hate crimes (where consideration is given to the offender's hostility towards the victim based on a particular protected characteristic).

With a statutory aggravating factor, the court could be required to consider that factor, and to state in open court that they had done so. The aggravating factor could be drafted to apply to circumstances of domestic abuse, including behaviour involving, or with particular impact on, a child.

Under this approach, courts would consider any aggravating factors and increase sentences accordingly within the statutory maximum penalty available for the offence.

However, a statutory aggravating factor would require the domestic abuse aggravation to be established beyond reasonable doubt, which risks placing additional evidential burdens on the police and Crown Prosecution Service (where the factual circumstances are disputed) and increases the potential for more defendants to plead not guilty to the charges.

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

Yes

No

Don't know /no answer

If you selected Yes or No, please explain why.

This question is not relevant to our organisation's remit.

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

Yes

No

Don't know /no answer

If you selected Yes or No, please explain why.

This question is not relevant to our organisation's remit.

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

This question is not relevant to our organisation's remit.

THE ISTANBUL CONVENTION

Prosecuting offences committed abroad (extraterritorial jurisdiction)

The Council of Europe Istanbul Convention [1] is an international set of standards designed to address domestic violence and violence against women.

The UK has signed the Convention and the government is committed to ratifying the Convention into our national law as soon as possible.

A key element of the Convention is making sure that ratifying states can use their national law to prosecute offences required by the Convention [2] when they are committed by their nationals overseas.[3]

Generally, in the UK a crime is only prosecutable if the offending behaviour takes place in our territory. The legal term for powers to allow prosecution of offences in the UK when committed by nationals overseas is 'extraterritorial jurisdiction'.

Taking such powers requires primary legislation.[4] Generally, government policy on extraterritorial jurisdiction is that criminal offending is best dealt with by the criminal justice system of the state where the offence occurred.

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

To address certain serious forms of offending effectively it may, however, be necessary for states to assume extraterritorial jurisdiction. An international obligation to put in place extraterritorial jurisdiction reflects the consensus that there may be exceptional instances where a crime is not prosecuted in the state where it occurs but should be brought to justice elsewhere, for example serious violence against women and domestic violence.

In these instances, states should be able to use extended jurisdictional powers to step in, where appropriate, and prosecute such exceptional offences when committed in another country by one of their nationals or by a non-national ordinarily resident in their national territory.

It is not generally considered to be fair to convict a person in this country for something that is not a crime in the country where it happened.

Consequently, extraterritorial powers usually apply only when the offending behaviour is a criminal offence in the country where it happened as well as in England and Wales. This is known as dual criminality.

The courts of England and Wales already have extraterritorial jurisdiction over some of the offences required by the Convention: the common-law offence of murder; certain sexual offences where the victim of the crime is under 18; offences of forced marriage; and offences of female genital mutilation.

These laws provide partial compliance with the extraterritorial jurisdiction requirements of the Convention. New legislation would, therefore, extend extraterritorial jurisdiction in England and Wales to other offences required by the Convention that are not currently subject to such jurisdiction.

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

The government proposes to take extraterritorial jurisdiction over each of the offences listed in the table below when the offence is committed outside the UK by a UK national or a UK resident; and (except for the offences marked with a *) there is dual criminality.[5]

OFFENCE

ARTICLE(S)

Putting people in fear of violence*: section 4 of the Protection from Harassment Act 1997

Controlling or coercive behaviour in an intimate of family relationship*: section 76 of the Serious Crime Act 2015

33

Stalking involving fear of violence or serious alarm or distress*: section 4A of the Protection from Harassment Act 1997

33, 34

Actual bodily harm: section 47 of the Offences Against the Person Act 1861

33 [6], 35, 39

Grievous bodily harm: section 20 of the Offences Against the Person Act 1861

33, 35, 39

Grievous bodily harm with intent: section 18 of the Offences Against the Person Act 1861

33. 35, 39

Procuring abortion: section 58 of the Offences Against the Person Act 1861

39

Rape: section 1 of the Sexual Offences Act 2003

36

Assault by penetration: section 2 of the Sexual Offences Act 2003

36

Sexual assault: section 3 of the Sexual Offences Act 2003

36

Causing a person to engage in sexual activity without consent: section 4 of the Sexual Offences Act 2003

36

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

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

Yes

No

Don't know/no answer

50. If you answered 'No' to question 49 what additional offences do you think we should take extraterritorial jurisdiction over and why?

This question is not relevant to our organisation's remit.

Sexual harassment

The Convention also requires that sexual harassment [7] is subject to criminal or other (for example civil) legal sanctions.

The Protection from Harassment Act 1997 prohibits a person from pursuing a course of conduct which amounts to harassment, and which the person knows or ought to know amounts to harassment[8]; and it provides both criminal and civil law remedies for breach of that prohibition.[9]

The “course of conduct” requirement also accords with the intention of the Convention to cover repeated behaviour rather than single incidents of harassment.

The government believes that the definition of harassment in the Protection from Harassment Act 1997 is wide enough to satisfy the Convention.

Where a person is (in the terms of the Convention) engaging in “verbal, non-verbal or physical conduct of a sexual nature” to create an intimidating or offensive environment, the person “ought to know” (in the terms of the definition in the 1997 Act) that their behaviour amounts to harassment.

Accordingly, the government proposes to rely on the civil law remedy in the 1997 Act to satisfy the Convention obligations in this regard.

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

Yes

No

Don't know/no answer

52. If you answered 'No' to question 51, what do you think is necessary to satisfy those requirements?
This question is not relevant to our organisation's remit.

PREVENTING REOFFENDING

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

Conditional Cautions

Out of court disposals are measures which allow police to deal with low level offending in a proportionate manner without a prosecution.

One type of out of court disposal is a conditional caution which requires an adult offender to comply with conditions that are rehabilitative, reparative or punitive in nature. If the offender fails to comply, then they may face prosecution for the offence.[1]

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

Results of the Project CARA [2] trial, where permission was given for wider use of conditional cautions for lower-level, normally first-time domestic abuse incidents, suggests that an effective rehabilitation programme delivered at an early stage to low-risk offenders can reduce crime harm and the prevalence and frequency of reoffending.

The evaluation of CARA recommends that there should be more widespread testing of an effective rehabilitative approach for domestic abuse to increase the evidence base.

In addition, three police forces piloted a simplified out of court disposal framework [3] and were granted some additional freedom in use of conditional cautions, which may provide some preliminary research findings in relation to domestic abuse.

It should be noted that police are currently able to issue a simple caution (a caution which does not require the offender to comply with any conditions, essentially a formal warning) in limited domestic abuse cases without the approval of the Crown Prosecution Service.[4]

We are interested in building further evidence on the effectiveness of early rehabilitative intervention to tackle domestic abuse offenders, and rapid resolution of cases for victims.

Further controlled and monitored studies by police forces would support this. We are aware that the first time a domestic abuse incident is reported to the police is not likely to be the first actual incident, and if there are further trials, they should consider how to take account of this in determining eligibility for conditional cautions.

53. 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?

Yes

No

Don't know /no answer

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

If you answered No please explain your answer.

This question is not relevant to our organisation's remit.

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

Yes

No

Don't know /no answer

If you answered Yes, please explain your answer.

This question is not relevant to our organisation's remit.

MANAGING SERIAL AND REPEAT OFFENDERS

We want to stop repeat and serial perpetrators of domestic abuse from reoffending and ensure that victims are properly protected by the criminal justice system, including where the offending includes stalking behaviour.[1]

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

Some offenders may be managed by the police and the NPS under Multi-Agency Public Protection Arrangements (MAPPA), where the risk they pose makes this necessary.

This may include offenders who have committed violent offences such as assault or threats to kill, have received a sentence over 12 months, or are otherwise assessed to present a serious risk.

We are also proposing the introduction of new Domestic Abuse Protection Orders to provide police and courts with a new tool to place conditions on people who pose a risk of further abuse (as described in the section 'Keeping victims safe – creating a new domestic abuse protection order')

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

This can include how best to:

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

This question is not relevant to our organisation's remit.

WORKING WITH PERPETRATORS TO CHANGE THEIR BEHAVIOUR

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

Respect is a nationally recognised UK quality and safety standard which accredits organisations which offer safe and effective interventions with domestic abuse perpetrators.

An example of such a programme is the 'Drive Project' developed by SafeLives, Respect and Social Finance, and part-funded by the government.

Drive supports and challenges high-risk and serial perpetrators to change their behaviour and builds in wrap-around support for victims and children. This programme is not always dependent on a criminal justice intervention.

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

Post-conviction, there are a number of programmes for domestic abuse perpetrators to reduce their risk of reoffending. These programmes are accredited the Correctional Services Accreditation and Advice Panel (CSAAP) and are quality assured.

They use evidence of what factors help reduce reoffending, and are targeted at perpetrators in custody and the community. Two such accredited programmes are Building Better Relationships and Kaizen.

Building Better Relationships aims to reduce domestic abuse in medium to high-risk adult male offenders. Kaizen is being rolled out in custody for adult males who present a high or very high level of risk and need, and who typically have convictions for either sexual offences, violent offences, or offences in a domestic abuse context.

The following questions relate to perpetrators of domestic abuse related offences.

Case study: Building Better Relationships

Building Better Relationships (BBR) is a programme for medium to high-risk adult male perpetrators convicted of an Intimate Partner Violence related offence against a female partner.

BBR is accredited by the Correctional Services Accreditation and Advice Panel. It is delivered over 29 group and individual sessions to men serving sentences in prisons or in the community.

BBR exists as part of a multi-agency response and other agencies outside of the criminal justice system can provide important support to participants both while they are on the programme and subject to supervision and beyond.

BBR aims to reduce the risk of reoffending and promote the safety of current and future partners and children.

56. 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.
This question is not relevant to our organisation's remit.

57. What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour?

We are interested to hear of particular examples of practice which have been successful.

As discussed in response to question 26, any action with perpetrators will only ever be able to impact upon the lives of those whose experiences are known to the police and courts. While alcohol cannot be considered a cause of abuse – and is never an excuse – it can be a compounding factor, and as such, population level action on the affordability (such as minimum unit pricing), availability, and promotion of alcohol has been demonstrated to reduce reported incidents of this.

Action on affordability is highly necessary at present – alcohol is 60% more affordable than it was in 1980 (NHS Digital. 2017. Statistics on Alcohol. <http://www.content.digital.nhs.uk/catalogue/PUB23940/alc-eng-2017-rep.pdf>). This affordability jump is most pronounced in the off-trade – off-trade beer is 188% more affordable than it was in 1987, while off-trade wine and spirits are 131% more affordable (Institute of Alcohol Studies. 2018. The rising affordability of alcohol. <http://www.ias.org.uk/uploads/pdf/IAS%20reports/sb20022018.pdf>).

Further to this, action on the availability of alcohol is also necessary. Crime, including violence and sexual offences, have been demonstrated to be associated with alcohol outlet density. Work from Alcohol Focus Scotland and Centre for Research on Environment, Society and Health (CRESH) at the Universities of Edinburgh found crime rates in Scotland "were consistently and significantly higher in areas with more alcohol outlets. This relationship was found for total outlets, on-sales outlets and off-sales outlets." These crime rates included crimes of violence and sexual offences (Alcohol Focus Scotland and CRESH. 2018. Alcohol Outlet Availability and Harm in Scotland. <http://www.alcohol-focus-scotland.org.uk/media/310762/alcohol-outlet-availability-and-harm-in-scotland.pdf>. p. 8). US based research supports these findings. In a study of Camden, New Jersey, neighbourhoods with higher alcohol outlet density had more violent crime (including homicide, rape, assault, and robbery), and this association was strong even when other neighbourhood characteristics such as poverty and age of residents were taken into account. In a study of 74 cities in Los Angeles County, California, a higher density of alcohol outlets was associated with more violence, even when levels of unemployment, age, and other community characteristics were taken into account. Further, in a 6-year study of changes in numbers of alcohol outlets in 551 urban and rural zip code areas in California, an increase in the number of bars and off-premise places was related to an increase in the rate of violence (Stewart, K. (2005). How Alcohol Outlets Affect Neighborhood Violence. Prevention Research Center, Pacific Institute for Research Evaluation, pp. 2–3, <http://www.pire.org/>). Alcohol's temporal availability has also dramatically increased in recent decades. Indeed, in their evidence-based report into alcohol policy in the UK, the University of Stirling, Alcohol Health Alliance, and British Liver Trust note that "Alcoholic drinks are no longer bought in specific places and at specific times for specific drinking routines. They can be bought anywhere, at any time, as part of the routine of daily life. This has eroded the public perception that these are distinctive, and above all harmful, products." (University of Stirling, Alcohol Health Alliance, and British Liver Trust. 2013. Health First: An evidence-based alcohol strategy for the UK. <https://www.stir.ac.uk/media/schools/management/documents/Alcoholstrategyupdated.pdf>. p. 30).

With the recent government announcement of a forthcoming updated alcohol strategy, we would welcome to the inclusion of measures tackling alcohol's affordability and availability (both temporal and physical). Action on the physical and temporal availability of alcohol, such as a comprehensive review of current licensing legislation, could improve levels of incidents of domestic violence, as well as the commonplace alcohol-related sexual harassment and assault, including of frontline emergency service personnel, encountered in the night-time economy (IAS. 2015. Alcohol's Impact on Emergency Services), as discussed in question 1. Action on price, such as minimum unit pricing discussed in question 26, would also tackle the extreme affordability of alcohol that has emerged in recent decades and bring reductions in violent crime (Booth. A., Meier. P., Shapland. J., Wong. R., Paisley. S. (January 2011), 'Alcohol pricing and criminal harm, a rapid evidence assessment of the published research literature', Sheffield University, School of Health and Related Research, pp. 4–5).

Similarly, action on alcohol marketing, as discussed in question 6, may serve to counter the objectification of women and normalisation of violence against women and sexual assault that alcohol marketing today may generate. Current regulatory approaches to alcohol marketing in the UK fail to address this; instead, legislation comparable to France's 'Loi Évin' model should be implemented. This law includes a clear definition of alcoholic drinks - all drinks over 1.2% alcohol by volume - and restrictions on the placement and content of advertising messages. Messages can only relate to the attributes of the product, meaning lifestyle messages such as those featured in UK advertising that serve to objectify women are not permitted. (Institute of Alcohol Studies. 2017. Policies to regulate alcohol marketing. <http://www.ias.org.uk/Alcohol-knowledge-centre/Marketing/Factsheets/Policies-to-regulate-alcohol-marketing.aspx>).

Work from King's College London examining the potential to integrate interventions for intimate partner violence into substance misuse treatment is ongoing presently and would be highly relevant to this question. The findings of this study should be sought on publication (Kings College London. 2018. Men, Substance Use and Relationships: A Bilateral Learning Alliance (England and Brazil). <https://www.kcl.ac.uk/ioppn/depts/addictions/research/drugs/bilaterallearningalliance.aspx>).

IMPROVING PERFORMANCE USING DATA

Numerous indicators from across the criminal justice system shows clear variation in performance across the country in criminal justice outcomes.

The number of domestic-abuse related incidents and crimes recorded differs between police forces. Commissioning of victim-focused support also shows regional variations.[1]

We are determined to confront this postcode lottery to ensure victims across the country get the support they need - when and where they need it.

Ensuring local practitioners have a detailed understanding of how individual police forces and the wider criminal justice system deals with domestic abuse is vital to improving performance across the country.

In December 2016 the Office for National Statistics published the first annual domestic abuse statistical bulletin [2] and data tool [3] and has recently published its second.[4]

These publications were borne out of an Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) recommendation, in 2015, from its domestic abuse re-inspection report 'Increasingly Everyone's Business'.[5]

They aim to bring together domestic abuse statistics in one place to enable a more thorough analysis of how domestic abuse is dealt with at a local level in England and Wales.

Meanwhile the Ministry of Justice continues to develop its understanding of what works and is planning to make existing sources of information, data and evidence more easily accessible in one place via GOV.UK.

The Department for Education is also looking at ways to improve the collection and usage of domestic abuse data in their child in need census for families where children receive support from social care.

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

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

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

Improving the collection and reporting of data on when domestic abuse is a feature of a case/ intervention

Improving collection and reporting of data relating to the gender and relationship of the perpetrator and victim

Improving data to enable better tracking of outcomes in domestic abuse cases/ intervention

Linking data to enable better tracking of interventions and reoffending

Linking data to enable better understanding of the interactions/relationships between domestic abuse and other types of offending

None of the above

Don't know/ No answer

Other - please explain

If you selected 'Other' please add your response here:

As discussed in question 3, understanding the extent to which alcohol is used within controlling behaviour (and its place within incidents of domestic violence more broadly) will be central to designing appropriate services and strategies to address this. Improved data collection on alcohol's role in cases of domestic violence and abuse is needed. This understanding might be enhanced through the offer of Intervention and Brief Advice (IBA) to all accessing services and to perpetrators.

ESTABLISHING A DOMESTIC ABUSE COMMISSIONER IN LAW

We propose to appoint an independent Domestic Abuse Commissioner who would provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring provision of domestic abuse services in England and Wales.

Many of those affected by domestic abuse access services and support that have been commissioned locally. Funding for these services is mainly provided through the local authority, police or health grant and Police and Crime Commissioners (PCCs) who are best placed to determine local service provision in their area.

While this provides flexibility to best meet the needs of those affected by domestic abuse, we are aware that it can mean the quality and quantity of services can vary across the country.

Domestic abuse also remains largely hidden - only an estimated one-fifth of victims of domestic abuse report it to the police [1], and compared to the previous year, fewer referrals were made to the crown prosecution service from the police in 2016-17.[2]

We know we need to do more to embed government guidance, such as the National Statement of Expectations [3], share best practice and challenge local areas where provision is insufficient.

This could be achieved by introducing a Commissioner who would stand up for victims of domestic abuse and their children, raise awareness of the issue, and monitor and oversee delivery of services including those provided to the majority who may never come into contact with the criminal justice system.

The Commissioner could work with local areas to ensure that services provided, whether working with victims, perpetrators or those at risk, are as effective, evidence-based and safe as they can be.

They would also work with Wales' National Advisor for Violence Against Women, other forms of gender-based violence, domestic abuse and sexual violence. To achieve this, the Domestic Abuse Commissioner could have the powers and resources to:

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

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

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

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know/no answer

Please explain your answer.

This question is not relevant to our organisation's remit.

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

Map and monitor provision of domestic abuse services against the National Statement of Expectations, and publish this information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected

Oversee compliance with the Specialist Domestic Abuse Courts Manual

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

Provide recommendations to both national and local Government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations

Publish findings in reports, which will be laid before Parliament

Require local statutory agencies to cooperate and provide information

None of the above

Don't know/no answer

Other

If you answered other please state other functions the commissioner should fulfil.

We agree the Domestic Abuse Commissioner ought to oversee the Domestic Homicide Review Quality Assurance process, and should ensure consistent data collection. This is because we understand from colleagues in the domestic violence sector that they support these suggestions (Women's Aid. 2018. Briefing on the Domestic Abuse Bill. <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/Womens-Aid-Briefing-on-the-Domestic-Abuse-Bill-April-2018.pdf>), and we agree, as there appears to be a great deal of valuable learning that might be drawn from these relating to how alcohol use interacts with these incidents.

The most recent published key findings from DHRs from the Home Office highlight the frequency with which alcohol use issues are present in such cases. Alcohol use issues (either alone or with other substance use issues, and for perpetrators, victims, or both) were mentioned in 16 of the 33 intimate partner homicides analysed. Further, co-morbid substance use and mental health issues were more common than either occurring in isolation, both for victims and perpetrators (Home Office. 2016. Domestic Homicide Reviews: Key findings from analysis of domestic homicide reviews.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575232/HO-Domestic-Homicide-Review-Analysis-161206.pdf).

However, we also echo the sentiments of colleagues in the domestic violence sector that the remit of the Commissioner as currently defined is somewhat narrow. As Ascent and AVA note, by “focusing specifically on DA [the Commissioner] would miss key opportunities to carry out these activities in relation to wider forms of abuse and violence, therefore overlooking the experiences of many survivors” (Ascent & AVA. 2018. Good Practice Briefing: Transforming the response to Domestic Abuse. [https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=\[UNIQID\]](https://avaproject.org.uk/wp/wp-content/uploads/2018/03/March-2018-DA-Bill-briefing.pdf?mc_cid=254746cc15&mc_eid=[UNIQID]). p. 10). As discussed in question 1, this will overlook many of the experiences of harassment and abuse women are subjected to within the night time economy, which may be exacerbated by unregulated, overtly sexualised alcohol marketing practices.

Further, we support the publication of such findings, and their presentation to Parliament, to ensure any national level policy change necessary can be enacted.

61. What would be the practical implications of complying with the proposed Domestic Abuse Commissioner's powers?

This question applies to public bodies only.

LEARNING FROM DOMESTIC HOMICIDE REVIEWS

We want to make sure that learning from Domestic Homicide Reviews (DHRs) is understood and acted on. A DHR is a multi-agency review of the circumstances in which a death has, or appears to have, resulted from violence, abuse or neglect in a domestic setting.

The purpose of a DHR is to establish what lessons can be learned in order to safeguard victims and prevent future homicides and violence.

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

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

62. 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?

As discussed in question 60, we agree the Domestic Abuse Commissioner should routinely collate, quality assure and share lessons learnt from DHRs, because we understand from colleagues in the domestic violence sector that they support this suggestion (Women's Aid. 2018. Briefing on the Domestic Abuse Bill. <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/Womens-Aid-Briefing-on-the-Domestic-Abuse-Bill-April-2018.pdf>), and there appears to be a great deal of valuable learning that might be drawn from these relating to how alcohol use interacts with these incidents.

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

This question is not relevant to our organisation's remit.

SHARING BEST PRACTICE ACROSS GOVERNMENT

We want to share effective practice widely (including with the Devolved Administrations) and so the Department for Education is establishing a What Works Centre to develop strong evidence base for effective children's social care and help ensure social workers have the right tools on the ground.[1]

The government are reforming the arrangements for reviewing serious cases involving children and setting up a Child Safeguarding Practice Review Panel to review serious cases of national importance, which will feed into the What Works Centre.

Similarly, the Department for International Development is sharing global evidence and best practice through its 'What Works to Prevent Violence Programme' in 12 countries.[2]

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

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

64. 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?
This question is not relevant to our organisation's remit.

65. What role should local areas play in sharing good practice?
This question is not relevant to our organisation's remit.