

**TRANSFORMING THE RESPONSE TO DOMESTIC ABUSE: CONSULTATION  
RESPONSE AND DRAFT BILL (JANUARY 2019)**

**SUMMARY**

1.1 The Government released the 'Transforming the Response to Domestic Abuse' consultation in March 2018. The draft partnership response from Stockton- on –Tees was circulated to the Domestic Abuse Steering Group, Stockton Safer Partnership and Health and Wellbeing board for comment prior to submission on the 31<sup>st</sup> May 2018.

1.2 The response to the consultation identified nine measures that require primary legislation to implement:

- Provide for statutory definition of domestic abuse
- Establish the office of Domestic Abuse Commissioner
- Provide for a new Domestic Abuse Protection Notice and DAPO
- Prohibit perpetrators of domestic and other forms of abuse from cross- examining their victims in person in the family courts
- Create a statutory presumption that means complainants of domestic abuse are eligible for special measures in the criminal courts
- Enable domestic abuse offenders to be subject to polygraph testing as a condition o their licence
- Place the guidance supporting the Domestic Violence Disclosure Scheme on a statutory footing
- Ensure that, for reasons of domestic abuse, grants a new secure tenancy to a social tenant who had/has a secure lifetime or assured tenancy
- Extend the extra-territorial jurisdiction of the criminal courts in England and Wales to further violent and sexual offences

1.3 The draft bill will now be subject to pre-legislative scrutiny by a joint committee of both Houses of Parliament. As well as this, a proposed package of measures to sit alongside legalisation is included within the draft domestic abuse bill.

1.4 A summary of the key points from the draft bill is included in Appendix 1.

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*Reference:*

1. <https://www.gov.uk/government/publications/domestic-abuse-consultation-response-and-draft-bill>

## Domestic Abuse Bill- summary

### Promoting Awareness of Domestic Abuse (DA)

1. A new statutory definition

- *Specify economic abuse as a distinct type of abuse*
- *Ensure different types of relationships are covered*
- *Include 16 and 17 year olds in the statutory definition as this has been recognised as a positive impact*
- *Recognising gendered nature, coercive controlling behaviour and including all forms of VAWG including forced marriage, honour based abuse and female genital mutilation.*

2. Raise awareness of DA

- *Including healthy relationships/ consent and VAWG lessons*
- *Whole school approach to tackling sexism*
- *Ensuring partnerships with local specialists*

3. Making DA everyone's business

- *Enabling survivor's to report abuse through commitment to believing and responding to them effectively, ensuring protection is priority action and ensuring consistency in asking about DA*
- *A duty to provide training on DA and Controlling Coercive Behaviour (CCB) to frontline professionals and training to be delivered by specialists and supported through CCB*
- *A duty on police to report incident of DA, where there are school aged children in household by implementing Operation Encompass*
- *A statutory right for employees to vary working arrangements to help them deal with domestic abuse*

## **Protect and Support Survivors**

4. Protecting women and children survivors of DA
  - *Develop a new victims services delivery model to increase the availability of services through more joined up and sustainable funding*
  - *Extra funding more safe accommodation- based services*
  - *Ensuring DAPOs results in criminal sanction and is supported by training and guidance for a range of professionals*
  - *Making Clare's Law available for all (including a duty to signpost all individuals making an application to a specialist support organisation)*
  - *Ratifying Istanbul Convention*
  
5. Deliver support for all survivors, including children and those with complex needs
  - *Deliver improved access to support for children survivors of DA (giving special waiting list status including for CAMHS)*
  - *Establish a long term sustainable model of funding for specialist DA services for all women and children, include BAME and women with complex needs*
  - *Improve access to accommodation based services and emergency housing for survivors (removal of local connection rules and giving homeless priority need status to survivors)*
  - *Guarantee support for women who have no recourse to public funds due to their immigration status (all migrant women to be able to access destitute DA concession and stopping public services from sharing survivors details with immigration control)*
  - *A duty to assess all welfare reforms for their impact on survivors ability to escape abuse*

## **Pursue and Deter Perpetrators to Protect Survivors**

6. Safe and Effective perpetrator management

- *Clarify police's duty to use their powers to safeguard survivors consistently (bail conditions, improving quality of evidence gathering in coercive controlling behaviour cases)*
- *Deliver a high quality probation service for supervising perpetrators centred on survivors safety*
- *Ensuring all statutory, public funded perpetrator programmes and other responses are RESPECT accredited, have integrated victim safety workers and are delivered by trained staff who receive CPD*

#### 7. Just and fair sentencing of cases of DA

- *A duty of Ministry of Justice and Sentencing council to review new sentencing guidelines on DA*

#### 8. Measures to make family courts safe for survivors

- *Power for family courts to prohibit perpetrator cross examination*
- *Duty on family courts to ensure special measures are available within proceedings*
- *Power for family court to prohibit unsupervised contact where a charging decision is awaited or criminal proceedings are on going*
- *End the legal assumption of contact where children are at risk of harm from a perpetrator of DA*

### **Improve performance for Survivors**

#### 9. Survivors voices and views

- *A duty to engage meaningfully with survivors. The VAWG commissioner will establish a Victims and Survivors Advisory group which will provide them with expertise through their own experience*
- *A specific focus on needs of victims and survivors from minority or marginalised groups*

## 10. VAWG Commissioner

- *An independent commissioner who has remit over all forms of VAWG and certain duties (including accountability for resourcing provision of services)*
- *Links with survivors and other commissioners*
- *Has oversight of DHR quality assurance process and other serious case reviews*

## 11. Learning from DHRs

- *Ensuring reduction of homicides is factored into government work on VAWG*
- *Supporting femicide census*
- *Including DHR learning in training for all public services*
- *Making anonymous versions of DHRs available online to public through central repository*

## 12. Inspections and monitoring

- *Duty to include DA in outcomes framework of CQCs, Ofsted, HMICFRS and HMIP*
- *Creation of two oversight groups: National Oversight Group on DA and Inter-Ministerial group on VAWG*

## 13. Data collection

- *Duty for public services to collect data for DA focussing on gendered nature, relationship between perpetrator and survivor and different social groups including those suffering inequality*
- *Pilot bringing together local data to assist commissioning*