



Police and Crime Plan Priority: Hidden Crimes

Title: Domestic Abuse Perpetrators

Presented by: ACC Meir

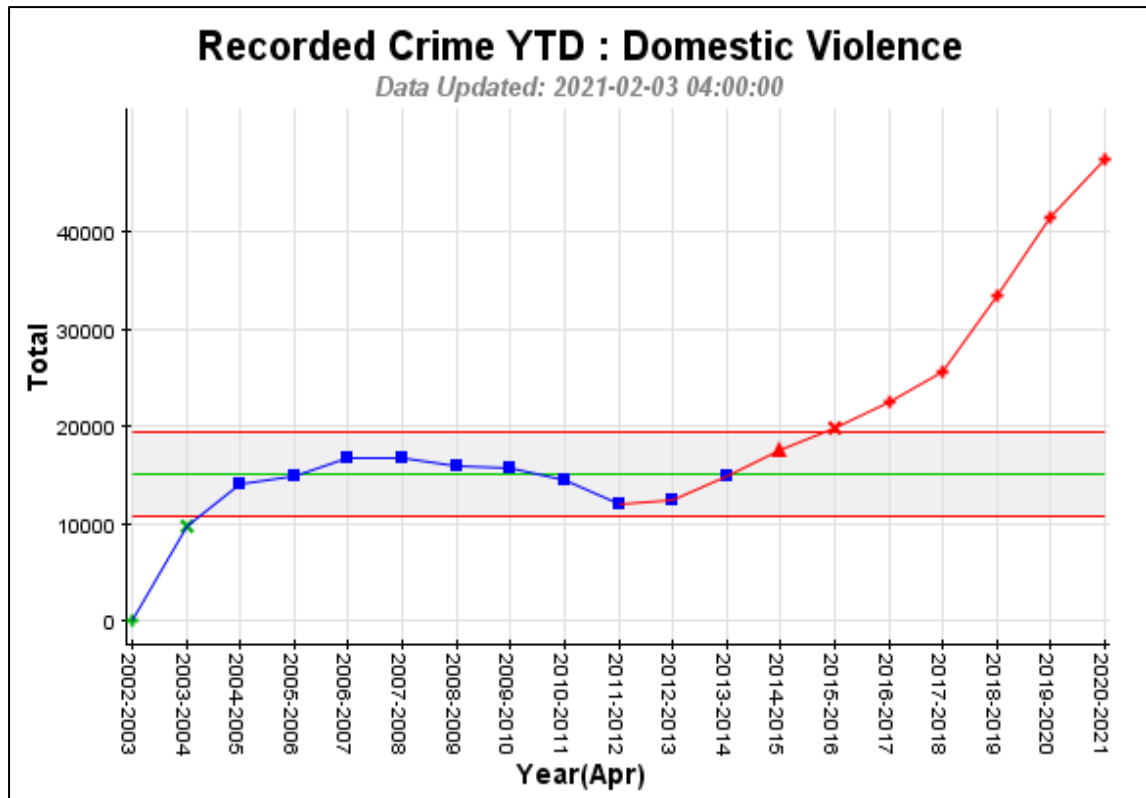
Purpose of paper

1. The purpose of this report is to provide the Strategic Police and Crime Board an update on the Force's approach to managing Domestic Abuse perpetrators.
2. The PCC was successful in securing additional funding from the Home Office to make enhancements to both the Drive and regional Domestic Violence Perpetrator Programme. This paper will outline what those enhancements are and will explore how WMP will utilise these new offers.
3. Particular consideration is given to the statutory requirement as laid out in the Domestic Abuse Bill.

Background

4. West Midlands Police (WMP) has seen a continued rise in domestic abuse (DA) reporting which is both sustained and also significantly higher than our most similar forces¹. Whilst other forces are seeing a rise in domestic abuse reporting, it is not on the same scale as WMP. As it stands, with the current rises, 2020/21 will be the highest recorded year for domestic abuse crimes in WMP history.

¹ Forces that have a similar demographic and population to that of West Midlands Police. Includes Greater Manchester Police, Merseyside Police, Metropolitan Police and South Yorkshire Police.



Reporting Year	Increase in DA compared to previous year
2015/2016	+12%
2016/2017	+14%
2017/2018	+14%
2018/2019	+31%
2019/2020	+24%
YTD (as of 27/1/2021)	+41%

5. Each Local Authority within the WMP policing area has seen a rise in domestic abuse, albeit the COVID-19 restrictions have meant that there have been reduction in wards with entertainment districts, travel hubs or night time economies where we would see reports of domestic abuse from those who transiently visit these areas. Rises have been noticeable within the heavily populated urbanised wards within each geography.
6. Conversely, calls for service into WMP from victims of domestic abuse have remained stable, however crimes recorded per call have risen from an average of 0.8 crimes per call to 1.1 crimes per call. This demonstrates accurate crime recording and is a positive reinforcement in the trust of victims of domestic abuse.
7. The increases in domestic abuse across the West Midlands in comparison to other force areas is continuing to receive national attention from the National Police Chiefs Council (NPCC), Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) and College of Policing.

8. The West Midlands Violence Reduction Unit (VRU) are in the process of conducting a mapping exercise across all Local Authority areas in order to understand the current commissioned provisions for both victims and perpetrators of domestic abuse. The survey is due to conclude on 12th February 2021 with the objective to greater understand what services are available across the region and identify any gaps in provision.
9. The Public Protection Unit has been afforded an increase in resources through the national police officer uplift programme which will see an additional 40 Police Constables and seven Police Sergeants coming into domestic abuse investigation. In addition, 11 Police Constables and 13 Police Staff Investigating Officers will be recruited to the Pupil Development Unit where Student Officers work alongside Specialist Domestic Abuse Investigators learning investigative skills, prisoner handling and case file preparation.
10. In April 2021, Adult Abuse Investigation Teams will also see 42 Police Staff Investigating Officers who are currently working on temporary contracts, becoming permanent members of the PPU. The uplift in Sergeants is scheduled for May 2021 followed by the Police Officer uplift in July/August 2021.

Office of the Police and Crime Commissioner update

Paragraphs 11-26

11. The West Midlands Police and Crime Commissioner is committed to working towards finding the most effective and impactful way to reduce - and eventually eradicate - domestic abuse (DA) and the harm it causes to victims and their families. A crucial element of this is addressing the behaviour of those perpetrating this abuse.

Home Office Domestic Abuse Perpetrator Programme Fund

12. The West Midlands Police and Commissioner has commissioned the Regional Domestic Violence Perpetrator Programme since 2017 and the DRIVE project since 2018. Both of these programmes, delivered by Richmond Fellowship MyTime and the West Midlands DA Consortium, had been extended until March 2021 at a slightly reduced capacity.
13. In September 2020, the Home Office launched funding for domestic abuse perpetrator programmes. This was split into two separate funds; one fund specifically for the implementation or expansion of Drive and the other fund for other perpetrator programmes to be rolled out, expanded or address known issues relating to DA such as substance misuse.
14. A bid into each funding pot for the Home Office DA Perpetrator Fund was submitted on the 29th of September. The West Midlands OPCC have been successful in the funding bid and have been awarded £441,048 to commission an enhanced delivery of DRIVE and the MyTime regional Domestic Violence Perpetrator Programme until October 2021.
15. Through the DRIVE fund we have been able to secure three specialist posts; substance misuse, mental health and Black, Asian and minority ethnic specialist case managers.

These case managers will take on cases where the needs of individuals fit with the specialism.

16. Within the enhancements, the DVPP will remain regional, accepting referrals region wide and delivering groups in Birmingham, Sandwell, Dudley and Wolverhampton, with perpetrators from across the localities being able to attend these groups. As part of the enhancement, the referral pathway will be opening to include Social Care, West Midlands Police and NPS.
17. Richmond Fellowship are also setting up an online portal for referrals which will streamline the process for professionals and improve information received.
18. There have been alterations made to the model to reflect the findings and suggestions from Cordis Bright's evaluation of the DVPP. One of these changes is the addition of a 6 week motivation intervention upon the recognition of the need for early intervention work for those not quite ready or suitable for the behaviour change programme. The behaviour change intervention will now be reduced to an 18 week DVPP intervention. There will also be two training posts, joint between Richmond Fellowship and the DA Consortium for the regional DVPP.
19. For both Drive and the regional DVPP, there will be a new family support offer from the victim support services for these programmes in cases where this is appropriate based on risk, need, capacity and ability to safely get to children.
20. Another element of the successful bid is a pilot of a new intervention tackling child to parent abuse in Dudley, Sandwell and Walsall. This intervention, 'YUVA', will be delivered by the Richmond Fellowship with the referral pathway opening in early 2021. YUVA stands for young people using violence and abuse. This is an intervention for 11-18 year olds perpetrating against parents/carers and referrals will come directly from children's social care.
21. There are two parallel interventions; a one-to-one programme with the child and a programme with parent(s) on a one-to-one basis but with the availability of group work based on need. One or both parents/carers are able to access this intervention.
22. The Richmond Fellowship will also be conducting briefings and training to relevant professionals in conjunction with this intervention.

Home Office Domestic Abuse Perpetrators Research Fund

23. Since being successful for the Home Office Drive and Perpetrator Programme Funds, we have been working with partners to progress the commencement of delivery of the enhanced models of both our Drive programme in Birmingham and Sandwell and the regional DVPP.
24. On 13th November the Home Office announced a new fund – 'The Domestic Abuse Perpetrator Research Fund'. The Home Office is seeking to award up to a total of £500,000

nationally to support short term research projects into domestic abuse perpetrators, in order to inform future policy making.

25. The primary aim of this fund is to develop our understanding of the perpetrators of domestic abuse, and to strengthen the evidence base for 'what works' in addressing their behaviour and reducing (re)offending. Alongside the West Midlands Violence Reduction Unit's domestic abuse systems mapping exercise, this funding would allow us to commission research adding to the evidence base for the most effective way(s) to address perpetrator behaviour and keep victims safe in the West Midlands, understand the most effective commissioning of DA perpetrator interventions once the delivery of current services concludes in 2021, and act as a blueprint for a West Midlands perpetrator strategy.
26. At present, we are observing a standstill period to confirm the successful outcome from the Home Office for our bid.

Domestic Abuse Perpetrator Programmes

27. The Domestic Abuse Bill 2020 makes specific reference to perpetrators programmes in order to prevent offender's abusive behaviour and protect victims. As detailed above, the West Midlands PCC has been successful in securing Home Office funding to enhance the current offer of perpetrator programmes for which referrals are due to be expanded into West Midlands Police and the National Probation Service, as well as Children's Services.
28. Offender Management is corporately owned within WMP by the Criminal Justice Department and locally delivered through NPU Local Offender Management Units (LOMUs). WMP is working with key partners to deliver the Ministry of Justice Integrated Offender Management (IOM) Strategy, published in November 2020. This strategy gives forces the ability to manage offenders more effectively and to reduce their risk of re-offending. WMP have made a commitment to focus on Domestic Abuse offenders as part of those cohorts. In addition, WMP will continue to manage the DA offenders that pose the most risk as part of the current model of offender management, which will run alongside the new strategy.
29. The new model will give an effective system to ensure the right offenders are managed and overseen across the partner agency meetings to discuss offenders (Domestic Abuse One Day One Conversation (ODOC) for high risk offenders and Operation Unite for those presenting less risk.) WMP will require the service provider to work closely with local teams managing offenders who are selected. These include the high risk offenders, many of whom will be on statutory supervision and managed by LOMUs, as well as those of lower risk, and not subject to any statutory supervision, and who are managed by Local Neighbourhood Policing Teams.
30. The ODOC process has recently been fully reviewed via a Task & Finish Group represented by key stakeholders and resulting in renewed ODOC guidance in line with national practice.

31. In regards to the selection of DA perpetrators for management, the DA serial perpetrator algorithm provides details of the most high risk offenders suitable for offender management with the recommendation that the top 5% of offenders are considered for management in LOMUs. These present the highest risk offenders, many of whom may also be referred in through MARAC or ODOC.
32. Within the new IOM Strategy, the referral pathway into Domestic Abuse Perpetrator Programmes will remain the same in relation to offenders who sit at the top of the offending risk scale. The current selection tools through Domestic Abuse Serial Perpetrators and the Recency/Frequency/Gravity algorithm (RFG) is not being expanded, however the offer of support through the new Operation Unite will see selection of DA offenders who sit outside of the top 5% for offender management.
33. Operation Unite refers lower risk offenders for management by Local Neighbourhood Teams, in collaboration with the PPU and overseen by NPU Local Tasking & Delivery Boards. This process has started in Birmingham and will be rolled out across the force as part of the IOM Strategy as effective practice to manage lower risk offenders. Op. Unite will select offenders who did not reach the selection criteria for LOMU Teams and instead, will be passed to Local Neighbourhood Teams for management. These offenders would not usually be afforded offender management and therefore is an extra level of scrutiny and management within the DA offending cohorts.
34. The IOM Strategy will give a renewed focus on offender management across WMP, and recommends offenders be divided into three distinct cohorts:
 - 1) Fixed Cohort – for offenders under statutory supervision
 - 2) Flexible Cohort – for offenders that do not fall under statutory supervision however require intervention
 - 3) Free Cohort – for offenders that do not fit a specific category.
35. WMP will dedicate the Free Cohort to domestic abuse perpetrators and will consist of consistent model of delivery which includes selection, accountability and performance management.
36. With the Free Cohort dedicated solely to Domestic Abuse Offenders, this will improve both processes and working arrangements between Local Neighbourhood Teams and LOMU's and ensure that it is not just the highest risk that meet the mark for offender management that receive attention.
37. The National Probation Service (NPS) are also reviewing their Domestic Abuse Offenders and how they can better align NPS offender management models to West Midlands Police.
38. . Domestic Abuse offender pathways can determined in three broad categories:

Domestic Abuse Risk Spectrum	Pathway Example
Lower end of the Risk Spectrum Community Resolution Conditional Caution	No formal Offender Management Domestic Abuse CARA*

	New Chance (both DA victim and offender) Various Alcohol Pathways
Middle of the Risk Spectrum Operation Unite	Offender Management via Neighbour Police Teams CARA, New Chance etc. available where antecedence allows
Top end of the Risk Spectrum Referrals via ODOC, MARAC and RFG	Offender Management via Local Offender Management Units Drive Programme in Birmingham & Sandwell

39. The Domestic Abuse CARA course² and DA Alcohol referral pathways are regularly used, with New Chance³ now accepting referrals of victim's via MARAC. These are just two perpetrator schemes funded by the OPCC.
40. The Drive Programme is also a service commissioned by the OPCC which works with high harm, high risk and serial perpetrators. Drive challenges and supports perpetrators to change and works with partner agencies like police and social services to disrupt abuse. The Drive programme operates in the Birmingham and Sandwell area and currently sits within the respective LOMUs which is the correct place for this to sit. There are regular operational meetings between Drive and WMP to work through any operational issues.
41. WMP IOM have recently engaged in a full pathways review. The working group, chaired by NPS, has identified gaps in provision for Domestic Abuse Offenders who are being released from prison. WMP IOM is working with the OPCC and Regional IOM Group to fill gaps across commissioned services, not only for domestic abuse however all crime types.
42. The rise in domestic abuse reporting will in turn see a rise in the amount of offenders who require management due to better recognition of patterns of abuse or control which elevates the risk assessment. Resourcing of such remains challenging, especially in Birmingham where offending cohorts are higher due to population size and concentrated areas of urbanisation. The Criminal Justice Department track

² The CARA (Cautions and Relationship Abuse) programme aims to raise awareness of domestic abuse, reduce reoffending and ensure victim safety. The scheme is offered to domestic abuse offenders as an opportunity, not a punishment, to reflect on their choices and find a positive way forward. Part of a conditional caution issued by the police, offender's complete 2 CARA workshops, which use educational and therapeutic techniques to motivate behaviour change.

³ New Chance is a specialist project for women over 18 who have been arrested and who have identified by the police as someone who would benefit from extra support to support them away from further offending. The New Chance project diverts female offenders away from the Criminal Justice System at an early stage and recognises the variety of vulnerabilities these women may be facing. Women should be referred to New Chance as part of a conditional caution or community resolution and can also be voluntarily referred if they are charged or the case is NFA'd.

caseloads within NPU LOMUs with Operation Unite seeing management of lower risk offenders sitting with Local Neighbourhood Teams.

43. It is the role of Senior Leadership Teams within West Midlands Police to manage resource and risk. This is no different for offender management whereby NPU Senior Leaders will monitor and manage LOMU caseloads. WMP have to prioritise where our Offender Management resources are deployed, hence we top slice the top 5% of perpetrators through ODOC and RFG. All NPUs will be receiving an uplift in officers through the national increase and who will be focused on offender management activities.
44. WMP have and are adapting our offender management approach to include a larger number of domestic abuse perpetrators, with greater coverage through Operation Unite. We require commitments from intervention providers to take on additional work, plus support at a strategic level to ensure greater collaboration between WMP and other key stakeholders.

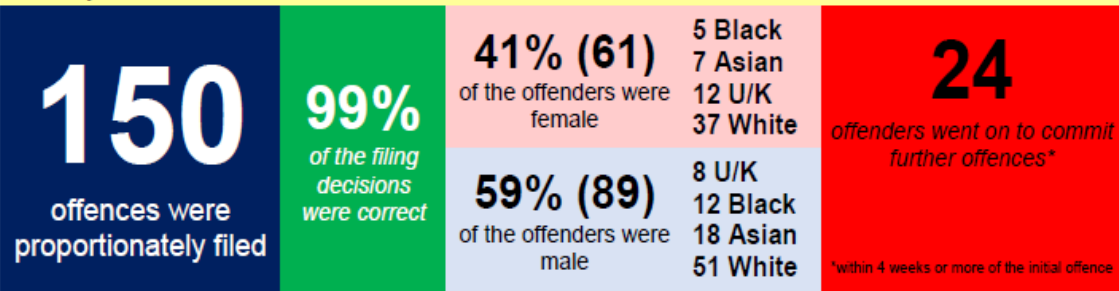
Domestic Abuse Secondary Investigation Pilot

45. West Midlands Police recognises the impact this crime has on the lives of victims, children and our communities and that the suffering is often hidden from view and as such, it is imperative that we focus our resources into the areas where risk is prevalent, protecting the lives of those at risk and preventing harm.
46. On 31st July 2020, West Midlands Police Force Executive Team agreed to a six month pilot whereby specialist Domestic Abuse Investigators will divert their efforts from voluntary interviews with DA offenders and instead concentrate their investigative efforts into the cases where risk is elevated. The pilot commenced on Monday 14th September 2020 in a view to run this change in the operating model for six months, with the option to review at any point. An independent evaluation of the pilot has been commissioned through Birmingham City University.
47. Each incident dealt with by way of this pilot has been recorded and, following a period of at least four weeks⁴, intelligence checks conducted on both the victim and the offender to understand if there has been any victimisation or repeat perpetration. The checks are made with sufficient time between the original offence and the check taking place to provide sufficient time to understand potential rates of recidivism.
48. On 25th January 2021, the interim results of the pilot were presented to the Force Executive Team in regards to conducting a mature assessment on the findings to date and to discuss a range of options for the pilot going forward. The following headlines results informed the discussion:

Investigating Domestic Abuse Managing Risk with Efficiency: Rolling Evaluation

⁴Intelligence checks have been conducted over a 6 – 8 week period to incorporate the Christmas period where seasonality increases in domestic abuse incidents are experienced.

14 September – 15 November 2020



49. In regards to the pilot to date, there are a range of observations which prove both beneficial and prohibitive which have been summarised for consideration:

BENEFITS

The pilot has enabled a proportionate approach to the management of crimes where police intervention was not required due to the level of criminality being reported. Examples of this would include adult brother and sister fighting over a t-shirt, unwanted contact on social media and arguments within family units, all of which there are no aggravating factors.

The redistribution of Specialist DA Investigators into in-custody demand and case file preparation for CPS charge advice for offenders that need to be progressed through the criminal justice system.

Greater consistency in regards to cases submitted to CPS for charge decision:

- Aug 2020 – 183 submissions for charge decision (7.2% of 2557 DA TRC)
- Sep 2020 – 331 submissions for charge decision (15.0% of 2212 DA TRC)
- Oct 2020 – 265 submissions for charge decision (12.1% of 2189 DA TRC)
- Nov 2020 – 276 submissions for charge decision (11% of 2053 DA TRC)

41 Specialist DA Investigators focused on DA crimes which carry the most risk and working with victim's who have been subjected to the most serious harm or injury.

Female offenders are not being pursued in relation to crimes that have been committed through momentary loss of control, through emotive subjects such as ability to parent or in response to being a victim of domestic abuse in the past. Examples of this would include minor criminal damage to ex-partner's property.

Black offenders dealt with proportionality are showing signs of increasing. WMP know that more Black DA offenders are charged with offences compared to White or Asian offenders demonstrating disproportionality.

DISBENEFITS

There are occasions where an incident has been dealt with proportionately where it has felt that taking a normal formal stance and inviting the offender in for voluntary interview would have been the preferred option.

Rates of recidivism are higher than anticipated, currently standing at 1 in 6.

Victim dissatisfaction when their incident has been dealt with proportionately and they wanted the offender more formally dealt with. <i>This needs to be balanced against victim satisfaction where DA investigators have been redeployed, data of which is not readily available.</i>
Use of O OCD and DA Offender Pathways have reduced during the pilot period resulting in a reduction in overall positive outcomes for DA crimes.

50. Options regarding the continuation of the pilot and the terms of reference were discussed at Force Executive Team level. This has resulted in the decision to continue the pilot for the remainder of the six month period however alter the terms of reference in order to enable the ability to deal with offenders where voluntary interview is the preferred option whilst continuing to deal with offences proportionately where no voluntary interview is required. (Adopted from Monday 25th January 2021). The pilot will continue to be reviewed and should any further alterations be required, these will be escalated for consideration to the Force Executive Team.
51. Birmingham City University will fully evaluate the pilot against a comprehensive terms of reference. This evaluation will include speaking victims whose crimes have been dealt with proportionately, as well of those victim's where additional Specialist Domestic Abuse Investigators have been redeployed (in-custody cases). The evaluation does not include perpetrator feedback as it is victim focused however will include victim feedback on their thoughts and opinions on what messaging the pilot gives to perpetrators, across the whole risk spectrum and not just the lower end of offending.
52. Recidivism, perpetrator accountability and victim confidence forms part of the independent evaluation through Birmingham City University.

Child to Parent Perpetration

53. Force CID deal with children who commit a violent offence against a parent or carer. These types of crimes do not carry a Domestic Abuse marker as they do not fit the definition of domestic abuse (see **Annex A**). Currently, WMP does not have a marker within the CRIMES system that identifies child to parent offending however there are plans to introduce this marker on implementation of the CONNECT IT system (April 2020).
54. When a child is violent to their parents or carer, it is clear that this child is in crisis and in need of intervention. Force CID, when investigating these crimes will ensure that the appropriate contact is made with the relevant Multi-Agency Safeguarding Hub (MASH), in order to understand whether the family are open to Social Services intervention and to ensure the appropriate referrals are in place.

55. In relation to adult children and parents, which is a crime type dealt with Adult Investigation within the PPU, again there is no specific marker within WMP CRIMES system so no data set is available.

Domestic Abuse Bill

56. The Domestic Abuse Bill 2020 is designed to raise awareness and understanding about the devastating impact of domestic abuse on victims and their families, plus further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bring perpetrators to justice. In addition, the Bill is designed to strengthen support for victims of abuse by statutory agencies.

57. The Home Office has published a letter from Baroness Williams, Minister of State for Countering Extremism, to Peers following the second reading of the Domestic Abuse Bill to address outstanding issues that were not covered during the debate on 5 January 2021 due to time limitations. The five main themes emerging from the debate were:

- Support for migrant women
- Statutory duties on Local Authorities to provide community based support
- Bespoke offence of non-fatal strangulation
- Extending the 'revenge porn' offence to include the disclosure of intimate images or the threats to disclose such images
- The need to extend the offence of controlling or coercive behaviour to cover post-separation abuse.

58. Part 1 of the Domestic Abuse Bill provides a statutory definition of Domestic Abuse which is based on the current definition used by police and partners, however includes victims who are 'personally connected' to their perpetrator. In addition, Part 1 of the Bill will recognise children who see, hear or experience domestic abuse as victims in their own right (see **Annex B** for the full definition).

59. The expansion of the DA definition to include 'personally connected' will result in additional crimes classified as domestic abuse, which previously would have been investigated by Force CID. A decision on whether these offences will be work flowed through to PPU Adult Investigation Teams needs to be made. This would be additional work for the PPI on top of an already significant and sustained rise in domestic abuse crimes.

60. With children being afforded their own victim status when they see, hear or experience domestic abuse, this again will see an increase in crime recording. The offender for such crimes will be dealt with in totality by the Public Protection Unit Adult Abuse Investigation Teams opposed to splitting the crimes between Adult and Child Investigators. However, there will be a requirement for Child Investigators to

gather evidence from children in order for the Crown Prosecution Service to consider charge. This will be additional workload for the local Child Investigation Teams.

61. Part 3 of the Bill deals with powers for dealing with domestic abuse and introduces the new Domestic Abuse Protection Notice (DAPN) and the Domestic Abuse Protection Order (DAPO). These orders are based on the current Domestic Violence Protection Notice/Order (DVPN/O), however are more agile in application and also carry a more serious punishment if breached. An overview of DAPN's and DAPO's can be found in **Annex C**.
62. Whilst the new DAPN's and DAPO's provide greater protection for victim's and breaches of orders can see up to five years imprisonment and the offender remanded in custody, the move from the civil to criminal arena means an increase in the burden of proof (from a balance of probabilities to beyond all reasonable doubt), plus will require criminal case preparation standards which has resource implications for both the police and the Crown Prosecution Service.
63. An application made by a party other than the police may still result in the police being asked to provide information to support the application which will require additional resources to conduct this work. There will also be a requirement to gate keep such orders, the servicing of the DAPO, ongoing safeguarding of the victim and monitoring of the orders upon them being granted.
64. The Home Office have conducted consultation in regards to the implementation of DAPN/DAPO's of which WMP have provided feedback. The new legislation currently sits with the House of Lords which Royal Assent scheduled for March 2021. The Home Office have canvassed for pilot forces of which WMP have volunteered, however it is unknown whether we have been selected or who the pilot forces are. It is anticipated the pilot will run for two to three years.
65. In the interim, the Public Protection Unit is recruiting into two Police Staff vacancies within the Civil Interventions Team, taking the establishment to one Manager and four Police Staff Investigating Officers. Additional training and awareness sessions are taking place across both the PPU and NPU's in order to increase the number of DVPN and DVPO's across domestic abuse investigation.

Next Steps

66. The Board is asked to note this report and the current challenges facing WMP in the unprecedented rise in the amount of recorded DA crime.

Author(s):

Public Protection Unit

Criminal Justice Department

Force CID

ANNEX A

Domestic abuse is defined 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 sexuality.

The abuse can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

This definition includes so called ‘honour’ based abuse (HBA), female genital mutilation (FGM) and forced marriage (FM), and is clear that victims are not confined to one gender, ethnic or social group.

Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

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

ANNEX B

DOMESTIC ABUSE BILL

PART 1 DEFINITION OF “DOMESTIC ABUSE”

1 Definition of “domestic abuse”

(1) This section defines “domestic abuse” for the purposes of this Act.

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if— (a) A and B are each aged 16 or over and are personally connected to each other, and (b) the behaviour is abusive. (3) Behaviour is “abusive” if it consists of any of the following— (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive

behaviour; (d) economic abuse (see subsection (4)); 2 (e) psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to— (a) acquire, use or maintain money or other property, or (b) obtain goods or services.

(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

(6) References in this Act to being abusive towards another person are to be read in accordance with this section.

(7) For the meaning of “personally connected”, see section 2.

2 Definition of “personally connected”

(1) For the purposes of this Act, two people are “personally connected” to each other if any of the following applies— (a) they are, or have been, married to each other; (b) they are, or have been, civil partners of each other; (c) they have agreed to marry one another (whether or not the agreement has been terminated); (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated); (e) they are, or have been, in an intimate personal relationship with each other; (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2)); (g) they are relatives.

(2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if— (a) the person is a parent of the child, or (b) the person has parental responsibility for the child.

(3) In this section— “child” means a person under the age of 18 years; “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004; “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act); “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

3 Children as victims of domestic abuse

(1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.

(2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who— (a) sees or hears, or experiences the effects of, the abuse, and (b) is related to A or B.

(3) A child is related to a person for the purposes of subsection (2) if— (a) the person is a parent of, or has parental responsibility for, the child, or (b) the child and the person are relatives.

(4) In this section— “child” means a person under the age of 18 years; “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act); “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

ANNEX C

DOMESTIC ABUSE PROTECTION NOTICE (DAPN)

The DAPN will prohibit the accused person from:

- Contacting the person for whose protection the notice is given
- Come within a specified distance of any premises in England or Wales in which that person lives
- Evict, exclude, prohibit from entering or require leaving that person from the premises (if they live together)

The DAPN can be issued by law enforcement agencies against a party in response to a domestic abuse incident where there are reasonable grounds to believe that:
The accused person has been abusive towards a person aged 16 or over to whom they are personally connected.

It is necessary to give notice to protect that person from domestic abuse, or the risk of domestic abuse carried out by the accused party.

DOMESTIC ABUSE PROTECTION ORDER (DAPO)

Under the DA Bill, a DAPO could be used to prevent a party from being abusive to another person aged 16 or over to whom they are personally connected by:

- Prohibiting the party from doing things described in the order and/or
- Requiring the party to do things described in the order.

The conditions in a DAPO could be varied over time by the courts and would be able to cover positive and/or negative requirements. For example, a DAPO could:

- Prohibit any form of contact between the accused party and the victim
- Require the party to be assessed for suitability for a substance misuse programme.

Under the DA Bill, a DAPO could be applied for in different courts by:

- Victims
- Law Enforcement
- Other third parties specified in the legislation

The courts would also be able to make a DAPO during existing court proceedings.

A court can make a DAPO where it's satisfied that:

- On a balance of probabilities, the party has been abusive towards a person aged 16 or over to whom the party is personally connected
- The order is necessary and proportionate to protect that person from domestic abuse, or the risk domestic abuse carried out by the party.