

Domestic Abuse Commissioner for England and Wales
Briefing: Policing, Crime, Sentencing and Courts Bill
House of Lords– Second Reading, 14 September 2021



Background

- Over the last couple of years there has been a significant decline in the number of offences prosecuted by the CPS related to domestic abuse, despite there being an increase in police recorded offences, and no reduction in prevalence. The drop in charge, prosecutions and convictions for rape have fallen even more dramatically in recent years.
- To achieve the wholesale reform needed to bring perpetrators to justice, protect victims and survivors, and build confidence in the process, it is imperative that issues of domestic abuse and sexual violence are central considerations of the PCSC Bill.
- The Domestic Abuse Act (2021) made significant changes to the protections provided to victims of domestic abuse and legislates for a number of new criminal offences. If we are to meet the ambition of this legislation, the recently published Violence Against Women and Girls Strategy and the Government's End to End Rape Review, the Government must commit to a more holistic approach to preventing, and ultimately ending, domestic abuse and sexual violence through the proposed Serious Violence Prevention Duty contained within the PCSC Bill

Key recommendation

- ***The Domestic Abuse Commissioner strongly recommends that the definition of serious violence, for the purpose of the proposed Serious Violence Prevention Duty, should be amended on the face of the legislation to explicitly include domestic homicide, domestic abuse and sexual violence.***
- Currently the Serious Violence Strategy does not recognise domestic abuse and sexual violence as forms of serious violence, and all too often these crime types are side lined in serious violence strategies.
- In light of the high and consistent rates of domestic abuse and sexual violence across the country, amending the definition of serious violence in this legislation to explicitly include domestic abuse, domestic homicides and sexual violence is not only important in giving proper recognition to the severity of these crime types, but is also essential in ensuring that local agencies work cooperatively to prevent them from occurring in the first place.

Key stats

- Domestic abuse affected 2.3 million adults in the last year and represents one-third of violent crime recorded by the police.
- Domestic abuse is prevalent across every part of England and Wales, and while the police response varies by region, prevalence does not.
- Approximately one-fifth of all adult homicides (and half of adult homicides where the victim is female), are domestic homicides.
- Between April 2014 and March 2020, the annual number of domestic abuse flagged cases referred to the CPS by police fell by 37%, with similar declines in prosecutions (34%) and convictions (31%).
- In the year ending March 2020, only 9% of domestic abuse related crimes recorded by the police led to a charge or summons. The CPS convicted 47,534 domestic abuse cases, compared to 758,491 domestic abuse related police recorded offences.
- Between April 2014 and March 2020, the annual number of prosecutions in rape flagged cases fell by 55% and the annual number of convictions fell by 44%.
- In the year ending March 2020, only 1.4% of rape flagged cases recorded by the police led to a charge or summons. The CPS convicted just 1,439 cases involving rape compared to 55,257 police recorded rape offences.

Amending the definition of serious violence to explicitly include domestic abuse, domestic homicide and sexual violence

The proposed Serious Violence Prevention Duty and current definition of serious violence

The PCSC Bill's proposed Serious Violence Prevention Duty places a requirement on public authorities to collaborate and plan to prevent and reduce serious violence. Specified authorities include: local government; probation and youth offending services; clinical commissioning groups and local health boards; police and fire and rescue authorities. The proposed duty will require this range of public bodies to work together to prevent and tackle serious violence, with the aim of reducing the numbers of victims and perpetrators of crime. This represents a critical opportunity to implement an early intervention, public health focused approach to tackling serious violent crime, rather than relying solely on traditional criminal justice levers, which only come into play in the aftermath of an offence.

As the Bill currently stands however, it will be up to local areas whether they include domestic abuse and sexual violence in their local strategies.

Clause 12 of the Bill sets out how "serious violence" should be interpreted for the purpose of the new duty. The Commissioner understands that the new duty is designed to be flexible enough to allow individual forces to focus specifically on the crime types that most affect their local area. However, compared to other crime types such as gun crime we know that there are no significant regional variations per head in rates of domestic abuse and sexual violence. It cannot therefore be left to individual forces to opt out of including it. The Bill itself does go as far as explicitly including some named forms of violence: violence against property and threats of violence to ensure that all areas are clear that this is a form of serious violent crime.

Home Office draft guidance says that local areas *could* consider Violence Against Women and Girls as part of the new duty if they choose to – the implication being that this is not expected.

The case for including domestic abuse, domestic homicide and sexual violence explicitly on the face of the legislation

Domestic abuse and sexual violence make up a high proportion of violent crime

- Given that domestic abuse flagged cases make up such a significant proportion of offences against the person and homicides, surely any force that does not consider it within the new duty will be failing to meet their responsibility to protect the public.
- One third of all violence recorded by the police is domestic abuse-related,¹ and the most common type of violence to be experienced on a repeated basis is domestic violence.² 48% of all female homicides (and 8% of male homicides) are domestic homicides.³ Despite this, charging, prosecutions and convictions have fallen significantly in recent years for both rape and domestic abuse.⁴
- This is extremely concerning and it is therefore crucial that domestic abuse, domestic homicides and sexual violence are explicitly included in the Serious Violence Reduction Duty, to ensure a gender-informed approach to tackling serious violent

¹ Office for National Statistics (ONS), [The nature of violent crime in England and Wales: Year ending March 2020](#), Section 7, Groups of people most likely to be victims of violent crime.

² Ibid, Section 6, Levels of Repeat Victimization.

³ ONS, [Homicide in England and Wales: year ending 2019](#).

⁴ CPS, [Data summary Quarter 1 2020-2021](#).

crime. We support the multi-agency approach set out in this duty, but without the inclusion of domestic abuse and sexual violence, we are concerned that this duty will fail in its core aim of preventing and reducing serious violence.

Rates are consistent across the country

- By comparison to other crime types such as gun crime there are no significant regional variations per head in rates of domestic abuse and sexual violence. It cannot therefore be left to individual forces to opt out of including it.
- Evidence supplied by Refuge shows that for calls and live chat conversations where the region has been recorded in the National Domestic Abuse Helpline database, the location of the chatters/callers is roughly equal between all 9 regions in England, when compared with regional populations. Most regions are within 0.01 percentage points of each other when comparing the regional population to the recorded location of live chatters and callers proportionally. The exception is London and the North East, which proportionally have the highest and lowest number of callers and chatters supported on the Helpline respectively, but still fall within 0.05 percentage points of each other.⁵

Domestic abuse and sexual violence is often not prioritised

- Much of the proposed draft guidance around this new duty that is intended to help guide local areas to define serious violence refers back to the Government's [Serious Violence Strategy](#) which itself does not define domestic abuse and sexual violence as serious violence, which is extremely concerning.
- Furthermore, there are already a number of Violence Reduction Units, which are considered the forerunner for the new duty, which do not consider domestic abuse and sexual violence within their prevention strategies.
- There are serious concerns about culture and attitudes throughout the criminal justice system, including within police forces, regarding the distinction between violence that takes place in the home or at the hands of an intimate partner as less serious than violence perpetrated in the public sphere by a stranger. To give an example, only around half of forces have opted to take up DA matters specialist training on domestic abuse, and only 8 of the 18 Violence Reduction Units name domestic abuse in their strategy.⁶ By including domestic abuse, domestic homicide and sexual violence on the face of the Bill the government will send a robust message to the public and police forces across the country about the need to prioritise preventing and tackling domestic abuse as a form of serious violence.
- Standing Together's recent "In Search of Excellence Report" found that at a local level whilst 74% of areas had a dedicated domestic abuse coordinator of some kind working in their area, most commonly employed by the Local Authority, strategic partnerships only exist and are regularly reviewed in 50% of areas, despite being important in fostering a strong multi-agency culture.⁷ The report also found that early intervention has been deprioritised, despite being highly strategic in supporting survivors in the most effective way.

Examples of best practice

⁵ The above data is for phone calls / live chats where region has been recorded on the NDAH database. It does not refer to overall demand data as we do not record or have access to the location data for all incoming calls/contact attempts. This has not been broken down to a more granular level as the locations on the NDAH database differ from those for which the ONS has population estimates. The population information is taken from here: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/localauthoritiesinenglandtable2>

⁶ [Serious violence starts at home - Domestic Abuse Commissioner](#)

⁷ Standing Together (2020), [In+Search+of+Excellence+2020.pdf \(squarespace.com\)](#)

- In summer 2019, the Home Office announced that 18 police force areas would receive funding to establish Violence Reduction Units (VRUs). The VRUs' core aim was to provide leadership and the strategic coordination of all relevant agencies, to support a 'public health' approach to tackle serious violence and its root causes. VRUs are considered the forerunners to the new Serious Violence Prevention Duty, and whilst not all include domestic abuse and sexual violence in their strategies, there are a number that do. Their work demonstrates the value of this approach, if it were to be scaled up nationally via the Serious Violence Prevention Duty.

Nottinghamshire VRU

Nottinghamshire VRU focuses specifically on domestic abuse. Central to their prevention-based strategy is behaviour change work for perpetrators, work on the relationship between domestic abuse and adverse childhood experiences and targeted interventions to tackle harmful behaviours developed by young boys and support for young girls affected by sexual exploitation. The VRU in Nottinghamshire are committed to breaking the cycle of violence by co-commissioning, with local authorities, targeted interventions to support children and young people at risk. The VRU is also embedded in multi-agency structures, enabling collaborative decision making which is informed by qualitative research with survivors to understand what works to tackle domestic abuse in the context of Nottingham and Nottinghamshire. The Trauma Informed Prevention programme provides trauma informed support for 5 year olds and upwards growing up in a home impacted by domestic abuse.

In 2020, the VRU commissioned the Choices project to work with young men who were predominantly 'excluded' from mainstream school, were abusing alcohol and substances, had family members known to be involved or associated with gangs and had been known to carry a weapon. There was one common factor - nearly all the young men had experienced or been exposed to domestic abuse in their childhoods. Over 10 weeks they were given a safe space to explore issues which affect them including knife carrying, criminal exploitation, sexual exploitation and healthy relationships, which are imperative to violence prevention. The intervention has shown promising results.

London VRU

London's VRU has a firm focus on partnering with a number of agencies to address violence against women and girls. To give one example, recognising that contact with GPs and other health workers can be an important, safe moment for victims to disclose abuse, through the Mayor's Violence Reduction Unit, it has invested a total of £2.84m since 2019 in the funding of the IRIS programme. IRIS supports front line healthcare professionals such as GPs with training and resources to respond effectively to disclosures of domestic abuse by patients and to make appropriate referrals to other services. IRIS also provides emotional support to patients who have disclosed abuse, together with practical help including financial and housing advice and support in reporting to the police. Service user feedback has been positive, and the funding has increased IRIS's delivery across London by 70%, enabling the service to reach an additional 7 boroughs by the end of 2021.

The trauma of witnessing parental abuse and extra-familial abuse plays a key role in the behaviour of young people, and the VRU is also working with partners to address this. This includes a new service currently in development for children and young people impacted by domestic abuse, to deliver therapeutic play and counselling services for 11-15 and 16-24 year-olds.

Further considerations regarding the Serious Violence Prevention Duty

- The Commissioner shares concerns raised by some third sector partners about policing measures disproportionately falling on communities who are already minoritized and marginalised. Therefore, we would want to see the impact of the new Serious Violence Prevention Duty clearly monitored, with disaggregated data

provided on the impact of the duty by protected characteristics. This information should be published on a regular basis to ensure steps are taken swiftly to address any disproportionality. In addition, we would expect Boards established locally to invite challenge from third sector partners, particularly those who represent minoritized and marginalised communities.

- Furthermore the Commissioner would welcome greater clarification from the Home Office with regards to data-sharing within local multi-agency forums and boards for the purpose of the new duty to ensure the data of individuals is only shared on an anonymous basis to strategically inform prevention strategies. We would also welcome greater distinction in protocols between the data of victims and perpetrators. It is essential that data is only shared with the consent of individuals and that they have a right to access or challenge the content or retention of data and that the data gathering and intelligence must not compromise safeguarding and confidentiality protocols unlawfully for professionals such as health professionals.
- We note the provisions in section 9 to allow information-sharing in the context of this duty. The Commissioner considers that, with respect to migrant survivors of domestic abuse, this should be subject to recommendations that prohibits data-sharing with immigration enforcement where migrant survivors have disclosed personal data in the context of seeking help for domestic abuse.

Digital data extraction power clauses

- In recent years, the issue of digital disclosure, particularly in rape cases, has received a great deal of attention and scrutiny. It has become practically routine for rape complainants to be asked to hand over digital devices and for most, or all, of the material held therein to be trawled. The Domestic Abuse Commissioner supports recommendations to changes to the clauses in the PSCS Bill made by the Victim's Commissioner in order to strengthen protections for victims. You can read more about these [here](#).

