



**domestic
abuse
commissioner**

Government consultation on the Statutory Guidance on the Serious Violence Duty: Written submission from the Domestic Abuse Commissioner for England and Wales

Role of the Domestic Abuse Commissioner

The Domestic Abuse Act establishes in law the Office of the Domestic Abuse Commissioner, with the purpose of providing public leadership on domestic abuse issues and to play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales. The role of the Commissioner is to encourage good practice in preventing domestic abuse; identifying adult and child victims and survivors, as well as perpetrators of domestic abuse; and improving the protection and provision of support to people affected by domestic abuse from agencies and government.

As the Domestic Abuse Commissioner for England and Wales, I welcome the opportunity to feedback on the draft Statutory Guidance on the Serious Violence Duty and would be pleased to discuss the contents of this response further, if requested to do so.

Consultation Questions

Q1. Does the draft statutory guidance improve your understanding of the legislation relating to the Serious Violence Duty?

Yes

Q2. Are there any specific aspects of the Serious Violence Duty that remain unclear (or are missing) after reading the draft Statutory Guidance? If yes, can you provide details?

Yes.

Expectation to include Domestic Abuse and Sexual Violence

The new Serious Violence Prevention 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 gang violence we know that there are no significant regional variations per head in rates of domestic abuse and other forms of VAWG. It cannot therefore be left

to individual forces to opt out of including domestic abuse without serious accountability.

The prevalence of domestic abuse is consistent across England and Wales and it is one of the most prominent types of violence, with 2.2 million people experiencing domestic abuse every year. One third of all violence recorded by the police is domestic abuse-related,¹ and it is the most common type of violence experienced on a repeated basis.² Almost half of all female homicides (and 8% of male homicides) are domestic homicides.³

The inclusion of domestic abuse within the definition of serious violence for the purposes of the Duty encourages agencies to work together to implement strategies for the prevention of harm and develop strategic responses to these crimes across England and Wales. However, given that domestic abuse flagged cases make up such a significant proportion of offences against the person and homicides, surely any force that doesn't consider it within their implementation of the new duty will be failing to meet their responsibility to protect the public. By setting an expectation on duty holders to include domestic abuse and sexual violence in their definition of serious violence, we seize a vital opportunity to tackle the drivers of gendered violence and also enable an effective and complete response to public space serious violence which takes into account a large portion of the early intervention and preventative need.

Additionally, if the inclusion of domestic abuse and sexual violence is left as discretionary then it risks inconsistency across the regions and creates difficulties in monitoring and evaluating successes.

We know there is a relationship between children who are at high risk of, or already perpetrating, public space serious violence and previous/current experience of domestic abuse. Violence Reduction Units (VRUs) have provided a range of data which supports this, including one area finding a relationship whereby around a third of serious violence incidents are domestic abuse related and another area identifying 42% of children involved in public space serious violence experienced domestic abuse in the home (19% more than once). Another area informed the Commissioner that after trawling through Multi-Agency Public Protection Arrangements (MAPPA) cases over a year and a half, they found 45% had a serious presence of domestic abuse. Another VRU raised the risk around maternity, particularly under 25-year-old parents who are in a volatile relationship with little to no community support and the presence of weapons. VRUs also shared emerging patterns and narratives of young boys and girls joining gangs to feel protected from domestic abuse in the home, or to 'feel strong'. This is supported by the NSPCC who recognise domestic abuse as a risk factor for gang membership. I would direct the Home Office towards Dr Jade Levell's recently published book which provides important insights into how boys in this context navigate their journey

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 Victimisation.

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

- 57% of women in prison and under community supervision report being victims of domestic abuse. The true figure is likely higher, as many women fear disclosing abuse.
- 64% of women screened reported a history indicative of brain injury and for most this was caused by domestic violence.
- 53% of women in prison report having experienced emotional, physical, or sexual abuse as a child compared to 22% of men.¹⁰

If coherent strategies on public space serious violence are to work, then more support is needed within the criminal justice system for women who offend and to recognise the circumstances that led to their offending.

Furthermore, from my engagement with Violence Reduction Units, it has become clear that there is often an absence of a whole system co-ordination body on domestic abuse. There are strategic boards and operational groups and meetings which take place at various Tier 1, Tier 2 and PCC levels but there is no comparable body to that of a Violence Reduction Unit (nor expected structures to discharge the duty) to check that the system is working properly. Therefore the system is often weighted towards the high-end response but not early preventative work on domestic abuse, which as discussed is critical in working upstream to reduce and prevent public space serious violence.

Recommendations

- 1) My priority recommendation to the Home Office is to change the guidance to set an expectation on duty holders to include domestic abuse in their definition of serious violence.** Although the legislation lays out an optional inclusion of domestic abuse, due to the concerns I lay out below, the Home Office should set an expectation for Duty Holders to include domestic abuse by default as it is defined in the PCSC Act.
- 2) I would, for the reasons laid out above, request to amend paragraph 28, which states that local areas “can include in their strategy actions focused on other related types of serious violence [...] including domestic abuse”. To “local areas should include domestic abuse in their strategy actions”.**
- 3) If they choose not to, duty holders should provide a clear, accountable case to the Home Office and the public on why domestic abuse has not been included in their definition, and therefore their Strategic Needs Assessment and activity. This case should be published annually alongside their Strategic Needs Assessment.**
- 4) Domestic abuse systems must be joined into any structures which discharge the serious violence duty, whether domestic abuse is included in the serious violence definition or not. This expectation**

¹⁰ [Women and criminal justice - Advance Charity](#)

must be set out clearly in the guidance. It is critical to prevent duplicative commissioning and to ensure clear referral pathways and identification of involvement of wider serious violence crime types.

Victims Bill

It would be helpful to alert statutory duty holders to the upcoming Victims Bill which will place new burdens on Police and Crime Commissioners, Health, and Local Authorities in order to support victims and survivors of domestic abuse, sexual violence, and serious violence through a new Duty to Collaborate. It will be important for duty holders to be aware of this as they design the structures from which they discharge their duty.

Recommendations

- 5) The guidance should hold a place to be updated once/if the Duty to Collaborate in the Victims Bill receives royal assent.**

Q3. We are keen to include updated case studies to support the statutory guidance and to support continuous learning on serious violence. If you are able to provide a case study, please provide brief details below, including your contact details.

We have engaged closely with a range of Violence Reduction Units, whose good practice we reference throughout this report, such as Nottingham, Thames Valley, Northumbria, South Wales, West Yorkshire, Lancashire, West Midlands, Kent, and Manchester. I would strongly recommend including their excellent work to address and prevent domestic abuse and therefore addressing root causes of serious violence.

I would also like to note the success of Criminal Justice System diversionary programmes such as Advance ([Criminal justice services - Advance Charity](#)), and the positive collaboration between schools and police forces in Operation Encompass. It would be fantastic to see some of this work recognised in the statutory guidance to support the understanding of the role of domestic abuse in the wider serious violence initiatives.

Q4. To what extent do you agree or disagree with the following suggestions for support for local areas on the Duty?

I strongly agree with all of the proposed support suggestions for local areas to prepare for the duty and recommend some additional methods of supporting local areas.

Recommendations

- 6) I would strongly recommend that there is substantial domestic abuse content – covering support and provision - through all the proposed options, including seminars, peer support and national facilitators.**

This could include sessions from Violence Reduction Units on their role in wider domestic abuse structures; training from the domestic abuse sector; and academic sessions from leading researchers on the relationship between domestic abuse and public space serious violence, like that of Dr Jade Levell mentioned in Question 2.

- 7) **I would also suggest learning from the delivery of Part 4 of the Domestic Abuse Act 2021 and providing an early pot of funding to support local areas to prepare for their delivery of the duty.** The Department for Levelling Up, Housing, and Communities provided a substantial pot of £6 million to Part 4 Duty Holders in order to support them to prepare relevant structures and resource before the duty came into effect. I know this was greatly received by local authorities and played an important role in ensuring that the relevant structures which were set up were suitable to deliver the duty effectively. It also supported the development of strategic needs assessments in each local authority area. This was a short-term pot of money, which became replaced by the funding for the duty. I heavily suggest that a similar approach is taken to support Duty Holders of the Serious Violence Duty.

Q5. To what extent do you agree or disagree with the following suggestions for areas of support for local areas on the Duty?

Data and information sharing

I am generally supportive of provisions in relation to data and information sharing and the clear listing of legislative compliance required. This is particularly helpful for Level 1 and Level 2 data. I do however hold some concerns about individual information sharing, and would welcome in-depth discussion with my office (and the specialist domestic abuse sector) to ensure that information sharing is safe and the impact is monitored extremely closely.

Data Ethics

My concerns relate to the risks of data handled poorly, particularly in relation to Level 3 data. Although the legislative requirements are key, it is important to highlight good and bad practice in the guidance to ensure duty holders do not mishandle data. For example, the Metropolitan Police's handling of data in implementing the gang matrix was found to be in serious breach of data laws in 2018 by the Information Commissioner's Office (ICO).¹¹ Despite the wide range of legislative safeguards which existed to protect individuals' privacy, the Met and relevant bodies had failed to comply with the legislation and breached a range of data protection principles under the Data Protection Act 1998. The report further raised serious concerns in relation to the Equality Act 2010, with the report highlighting that no equality impact assessment had been conducted. Such breaches and poor practice cannot happen again. Doing so would undermine the value of the duty and further erode the confidence in our criminal justice system, as well as

¹¹ [ico-enforcement-notice.pdf \(met.police.uk\)](#)

having the potential to further marginalise individuals who may be rightly wary of statutory agencies and risk exacerbating the concerns of over policing black and minoritized communities. Despite the clear legislative requirements, as the duty is implemented practice may deviate from the legislative compliance.

Recommendations

- 8) **The ICO report into the Gang Matrix should be referenced in the report as poor practice to avoid in order to ensure duty holders understand the expectations on them in reference to data handling.**
- 9) **Although areas should be provided flexibility to decide how they will design their data structures, I would strongly suggest that the guidance encourages the consideration of the Thames Valley Violence Reduction Unit's Data Ethics Committee.**¹² The committee provides an *independent expert advisory* function, able to consider proposed new uses of data and the way it is analysed and shared, to *inform* decisions or action. This can help ensure legislative compliance, ethical delivery, and quality assurance of data at the local level.
- 10) **There should be national monitoring of who and what data is being shared as part of ongoing independent evaluations to check and safeguard personal data and prevent any risk of over policing communities.**

Firewall

I am concerned by evidence which suggests that where a victim or survivor of domestic abuse with insecure immigration status reports abuse to a statutory agency, their information can be passed to immigration enforcement. This practice undermines trust in the police and public services, deters victims with an insecure immigration status from coming forward for support, and allows abuse to continue and perpetrators to go unpunished. In December 2020, an investigation by Her Majesty's Inspectorate of Constabulary & Fire and Rescue Services (HMICFRS), found that victims with insecure or uncertain immigration status are fearful that if they report crimes to the police, their information will be shared with the Home Office.¹³ This is reflected in evidence that more than half of police forces are sharing victims' details with the Home Office.¹⁴ My Office's report, *Safety Before Status*, found that perpetrators of domestic abuse are using victims and survivors' insecure immigration status as a tool of coercive control, defined in the report as immigration abuse.¹⁵ According to Imkaan, 92% of migrant women have reported threats of deportation

¹² [Data Ethics Committee - Thames Valley Violence Reduction Unit \(tvvru.co.uk\)](https://www.tvvru.co.uk)

¹³ HMICFRS (2020), *Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status*. Available here: <https://www.justiceinspectors.gov.uk/hmicfrs/publications/liberty-and-southall-black-sisters-super-complaint-on-policing-and-immigration-status>

¹⁴ <https://www.bbc.co.uk/news/uk-44074572>

¹⁵ The Domestic Abuse Commissioner (2021), *Safety Before Status* Available here:

<https://domesticabusecommissioner.uk/wpcontent/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>

from the perpetrator.¹⁶ Evidence from the Latin American Women’s Rights Service found that more than half of migrant women feared that they would not be believed by the police because of their immigration status and that the police or the Home Office would support the perpetrator over them.¹⁷

Following their investigation, HMICFRS recommended that the Home Office should undertake a review, the effect of which “should be to establish safe reporting mechanisms for all migrant victims and witnesses”.¹⁸ The HMICFRS stated that the Home Office should consider the proposal of a Firewall as part of this review. Throughout 2021, the Home Office undertook a series of workshops with specialist domestic abuse services, services working to support victims and survivors of modern slavery, policing representatives and the Domestic Abuse and Independent Anti-Slavery Commissioners. Based on the evidence supplied in these workshops, and the findings of the HMICFRS report, I concluded that the only data-sharing arrangement that would address the fear among victims and survivors of domestic abuse of coming forward to the police was a Firewall which prevented the sharing of victims and survivors’ data with immigration enforcement. With a Firewall in place, I anticipate that more victims and survivors of domestic abuse would come forward to report domestic abuse, enabling perpetrators to be brought to justice.

I understand that in some cases, police may wish to ascertain a victim’s status to reassure them of their rights and entitlements, particularly where a perpetrator has misinformed the victim about their status. Contacting Immigration Enforcement to find out about a victim’s status is unlikely to have the desired effect of safeguarding and reassuring the victim and may in fact lead to them disengaging with the police and other public services and even returning to the perpetrator due to a fear that they will face enforcement action. Following the review, the Home Office published their findings and conclusions in December 2021, deciding against the establishment of a Firewall and proposing instead that a protocol would exist between the police and immigration enforcement whereby no immigration enforcement action will be taken against the victim while investigation and prosecution proceedings are ongoing, and the victim is receiving support and advice to make an application to regularise their stay.¹⁹

I was extremely disappointed by the decision not to introduce a Firewall and am very concerned that the measures put forward by the Home Office will be inadequate when it comes to addressing the fear victims and survivors face from reporting to the police and other public services. The decision to establish

¹⁶ Imkaan, Vital Statistics 2: Key findings report on Black, Minority Ethnic and Refugee Women's and Children's experiences of gender-based violence, 2012. Available here:

https://drive.google.com/file/d/0B_MKSoEcCvQwWHA0eG81cFZxc0U/view?resourcekey=0-NkgniadVZWmk9LWd4Ja-2g

¹⁷ LAWRS, ‘The right to be believed’ – Report launch. Date accessed: 21/07/2022. Available here:

<https://lawrs.org.uk/event/the-right-to-be-believed-report-launch/>

¹⁸ HMICFRS (2020), Safe to share? Report on Liberty and Southall Black Sisters’ super-complaint on policing and immigration status. Available here: <https://www.justiceinspectors.gov.uk/hmicfrs/publications/liberty-and-southall-black-sisters-super-complaint-on-policing-and-immigration-status/>

¹⁹ Home Office and Police data sharing arrangements on migrant victims and witnesses of crime with insecure immigration status (publishing.service.gov.uk)

a no enforcement protocol that is tied to the progress of criminal proceedings or access to support is likely to have limited impact for victims and survivors of domestic abuse, with evidence from the HMICFRS suggesting that a large proportion of VAWG offences are closed by the police as requiring no further action, with either outcome 15 (evidential difficulties) or outcome 16 (victim does not support further action).²⁰ In the year ending March 2020, 53% of domestic abuse crimes nationally were closed with an outcome 16 code. Evidence suggests that criminal proceedings are even less likely to succeed for migrant victims of domestic abuse. Of victims and survivors of gender-based violence who made a report to the police, just over half (56%) of UK and EU nationals had an arrest made in the case; compared with just under half (45%) of the migrant women. The police were found to be much less likely to conduct a criminal investigation in the cases involving migrant women (32% compared with 66% for UK/EU nationals) and similarly less likely to bring a criminal charge in these cases involving migrant women (19% compared with 39%).²¹

I am also concerned that the protocol suggests that dedicated officers within immigration enforcement would “keep contact with the individual on the progress of support and advice being received.” The knowledge that their information can be passed onto immigration enforcement, and that immigration enforcement may be in contact with victims and survivors of domestic abuse – regardless of whether enforcement action takes place – is harmful and can reinforce the impact of immigration abuse. Even a letter from Home Office is enough to seemingly confirm what perpetrators tell their victims: that if they report abuse, they will be reported to immigration enforcement.

Recommendations

- 11) I strongly suggest that the guidance steers duty holders to entrench a firewall between immigration enforcement as part of their practice or Memorandum of Understanding.** This would support victims and survivors to come forwards and encourage the Voluntary or Community Sector to share data with them.
- 12) I recommend that the guidance explicitly recognises the risks and impacts to victims and survivors of domestic abuse in relation to sharing Level 3 data, particularly immigration status or data which may indicate their status.**
- 13) At the national level, a Firewall should be established between immigration enforcement and the police as well as other public services to enable victims and survivors to safely come forward to report domestic abuse and access support.**

²⁰ Inspection into how effectively the police engage with women and girls: Final report (justiceinspectorates.gov.uk)

²¹ Bates, L., Gangoli, G., Hester, M. and Justice Project Team (2018), Policy Evidence Summary 1: Migrant Women. Available here: https://research-information.bris.ac.uk/ws/portalfiles/portal/188884552/Policy_evidence_summary_1_Migrant_women.pdf

14) For the wider Home Office and government, I reiterate my recommendations (38-41) in my consultation response to the Victims Bill.²²

Data Collection in Domestic Abuse Incidents

Many survivors who have written to me have expressed that when they reported domestic abuse incidents to the police, their allegations were not taken seriously, with police officers either minimising the victims' experience or trivialising the incident where no physical violence had taken place. Several studies have suggested police reluctance to arrest offenders in domestic disputes, with research showing that unless serious injury had been inflicted against a victim, the police were unlikely to arrest and charge.²³ The difference in the criming rate between incidents involving physical violence and those which were verbal in nature are stark, with 86% of incidents involving physical violence being crimed, compared with 5% of non-physical incidents and 69% of physical incidents ending in an arrest, compared to 6% of non-physical incidents.²⁴ Whilst the introduction of the offence of coercive and controlling behaviour and the subsequent roll out of *Domestic Abuse Matters* training is helping to drive improvements in this area, many victims continue to feel that their experiences are not being heard by criminal justice agencies.

Recommendations

15) I recommend, that the guidance acknowledges this issue and advises:

- A) The police should record the rationale behind decisions to no-crime or No Further Action (NFA) domestic abuse incidents;**
- B) Police officers attending domestic abuse incidents should record reasons why an incident is not being "crimed". This should be aggregated by protected characteristics of victims and/or offenders;**
- C) Data should be collected and recorded on reasons given by victims on decisions to withdraw, which should be aggregated by protected characteristics;**
- D) Data should be collected and recorded on factors driving decisions to NFA an incident.**

This is in order to improve the quality of the data in the strategic needs assessment and support the duty holder to create a more robust response. Where B occurs, the officer should explain clearly to victims and survivors why this has been done.

²² [2201-DAC-final-response-Victims-Bill-consultation.pdf \(domesticabusecommissioner.uk\)](#)

²³ Taylor, H. (2013) Evaluating Criminal Justice Interventions in the Field of Domestic Violence – A realist approach

²⁴ McPhee, D., Hester, M., Bates, L., et al (2021) Criminal justice responses to domestic violence and abuse in England: an analysis of case attrition and inequalities using police data, Policing and Society

Strategic Needs Assessments (SNA)

The guidance on the conduction of the SNA is welcomed and helpful. As stressed previously in recommendation 1 and 2, domestic abuse should be expected to be included in local areas definitions of serious violence and their SNAs.

Recommendations

- 16) I suggest that paragraph 122, ***data to be included***, also specifies **housing, hospital domestic abuse data and also suicides**. This will enable duty holders to gain a fuller picture of serious violence (including domestic abuse) in their area.

- 17) Reflecting on the data provided in Question 2, it would be helpful to illustrate the different lenses that local areas may look at, or include, in relation to domestic abuse in the guidance. Such as:
 - a. **All domestic abuse levels;**
 - b. **Domestic abuse perpetrators and the overlap with public space serious violence perpetrators and prevention programmes;**
 - c. **Children and Young People who are victims of domestic abuse**
 - i. **Those of whom are high risk/related to public space serious violence and relationships to early intervention programmes.**
 - d. **Female offenders who have experienced domestic abuse and connections to public space violence, probation and prisons, and preventative intentions/support.**

Multi agency working

Domestic Abuse Structures

We must ensure that there is a more consistent framework implemented across police forces and the wider criminal justice system concerning perpetrator management. There is currently a postcode lottery with regards to the provision of domestic abuse perpetrator programmes, with it being left to local authorities or police forces to decide whether they should commission specialist services or create internal mechanisms for managing perpetrators outside of the criminal justice system, based on local priorities. Outside of MAPPA, there is no statutorily mandated framework for multi-agency working to manage perpetrators of domestic abuse.

Consequently, many local areas do not have formal structures for data and intelligence sharing, flagging individuals of concern or referral pathways. This can cause individuals exhibiting problematic behaviours to fall through the cracks and move between victims without repercussion. I consider the best approach to perpetrator management to be one that focuses on coordinated multi-agency responses with proven effectiveness, such as MATAC and DRIVE. Statutory agencies should be empowered to work together and use these structures to share intelligence, information and data with ease to ensure that perpetrators who come

into contact with one of the agencies are referred for intervention. This can help identify perpetrators from an early stage and encourage interventions to prevent escalation of harm and risk. There is currently no programme of work in the College of Policing, National Police Chief's Council or the Home Office to promote the most effective ways to manage high harm perpetrators. The recent report from the HMICFRS on policing and VAWG found that "robust evaluation studies are needed on the different elements of the programmes to see what is most effective and how they should be implemented.

As I have raised in Question 2 from my engagement with Violence Reduction Units, it has become clear that there often is an absence of a structure that promotes and embeds a coordinated community response. It is important that any structures designed for the duty, lead on, or fit into, wider domestic abuse systems, such as the domestic abuse, sexual violence, and VAWG strategic and operational groups that have developed alongside, and sometimes as part of, safeguarding boards. The multi-agency structure should also engage and develop relationships with the domestic abuse and sexual violence sector. This is in order to ensure collaboration and prevent duplication which could occur with the new duty. This is also whilst driving forward a co-ordinated approach and ensuring that there is an effective, co-ordinated, and co-beneficial response to public space serious violence and domestic abuse, of which we know there is much overlap. This must be reflected in the expectations of the governance.

There is promising practice already underway in Violence Reduction Units which should be referenced in the Guidance. For example, I have previously met with the team working in Nottingham's Violence Reduction Unit. 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. Northumbria have also talked me through how domestic abuse links into a range of the VRU's workstreams, including how education and their work with perpetrators, as well as their work on domestic homicide reviews (DHR) to explore DHR recommendations to understand what learning can be undertaken to improve domestic abuse response and also be drawn into wider systems. South Wales Violence Prevention Unit have done a great deal of research on domestic abuse and wider serious violence, particularly examining the preventative overlap, they have also commissioned an intervention on child to parent abuse and violence. Manchester VRU holds a domestic abuse dashboard which is a key component of the bigger picture. Multiple VRUs have told me about the systems leadership role they have taken for domestic abuse to ensure that all systems are working in collaboration and towards the same overall objectives. This is exactly the type of work we need to see scaled up and embedded in police and wider public agency work throughout the country to eliminate domestic abuse and VAWG.

There is also a key opportunity for the co-ordination of domestic abuse training and the strengthening of front-line professionals' ability to identify,

signpost, and link into wider systems/provision in relation to domestic abuse.

As raised in my Question 2 response, individuals who are likely to be, or have been experiencing, or perpetrating, domestic abuse will be highly present in the cohorts which the duty holder and multi-agency partners will wish to engage with in order to reduce public space violence. Front line service professionals and delivery partners undertaking activity commissioned will therefore need to be able to identify, signpost to services for, or respond to, domestic abuse, and also share information in relation to this to help build a clear picture of needs and therefore support for the victims/survivor. This can only work if the structures to discharge the duty are joined to the wider domestic abuse systems and partnerships already operating at a local level.

Recommendations

- 18)The guidance must be clear on expectations for the duty holder to ensure the new structures are embedded into domestic abuse systems, whether domestic abuse is included in their definition of serious violence or not.**
- 19)The Guidance should reflect some of the positive activity being led by VRUs in order to demonstrate good practice on local systems leadership to duty holders.**
- 20)Local domestic abuse commissioners should be specifically referenced next to domestic abuse partnership boards to ensure that they are identified and engaged with by duty holders.**
- 21)The guidance should lay out an expectation for duty holders and the multi-agency body to ensure that all front line staff and services are trained to identify domestic abuse, are joined into wider systems and services to ensure an appropriate referral. The range of these wider systems and partnerships at the local level should be referenced in the guidance to ensure clarity as to what effective join up looks like.**
- 22)It is positive to see trauma taken particularly seriously in the context of Wales, however, I would suggest that trauma informed training/practice is also stressed beyond this section for all duty holders.**

Safeguarding and Police/Agency Perpetrators

I have concerns that the guidance does not demonstrate clear safeguarding, in frontline practice, data handling, or strategic/tactical decision making. The recently published joint College of Policing, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) and Independent Office for Police Conduct (IOPC) report on police perpetrated domestic abuse (PPDA) found there are 'systemic deficiencies' in the way some police forces in England and Wales deal with allegations of domestic abuse against their own officers and staff.

Domestic abuse perpetrated by police officers is particularly disturbing and many victims told the Centre for Women’s Justice that they felt severely let down by the police service after they reported domestic abuse and sexual offences committed by police officers. The failures of forces to appropriately respond to these cases further shatters the trust that survivors have in the police and increases the trauma felt by victims. It also heavily undermines the work which forces undertake to tackle domestic abuse. It found that there were failings to refer cases to the Independent Office for Police Conduct (IOPC) in line with the mandatory referral criteria as set out in legislation; failings which undermine misconduct investigations and failings considering the unique risks of PPDA in terms of victims’ care. Another finding was centred around case confidentiality where the victim and the perpetrator work in the same force and further concerns of gossiping and bullying. There are further failings in PPDA allegations being taken seriously, resulting in few disciplinary proceedings or sanctions.

I am concerned, that without robust safeguarding in place, a police officer, or an official from an agency who is a part of the multi-agency partnership, who has perpetrated domestic abuse, sexual violence, or is involved in public space serious violence, could:

- A) Access Level 3 data, or case files, to use against the victim or survivor;
- B) Influence strategic or tactical decisions;
- C) Have access to vulnerable cohorts (including, victims, survivors, children and young people across all serious violence crime types).

Although there are a range of safeguarding processes and arrangements in place, such as the Swansea model referenced, regional safeguarding boards and multi-agency safeguarding arrangements, many of these are primarily towards safeguarding the child/person in the context of risk. There must be clear expectations and accountability on areas to internally manage safeguarding to the highest standard.

Recommendations

- 23) There must be a requirement in the guidance for clear reporting/whistleblowing, internally for staff and also for service users.**
- 24) There must be clear expectations in the guidance on the process and response expected if any staff member, or associate, of the structures created to discharge the duty is identified, or accused of, being a perpetrator of domestic violence, sexual violence, or involved in public space serious violence.**
- 25) In such cases, they should play no role in strategic or tactical decisions; have access to Level 3 data removed; and not have access to any vulnerable cohorts.**

26) There should be immediate provision of domestic abuse support services and guidance which can meet the specific needs of victim(s).

Defining Serious Violence

As raised in Question 2 and throughout my responses in Question 5, although it is legislatively optional to include domestic abuse in a local area's definition of serious violence, I would strongly recommend that the guidance sets an expectation for Domestic Abuse to be included in the Statutory Duty Holders definition of serious violence for the reasons previously laid out.

There is also a lack of consistency in the guidance in relation to domestic abuse which needs to be rectified to prevent confusion.

Recommendations

27) In addition to Recommendations 1, 2 and 3, I ask that the guidance is explicit in the inclusion of domestic abuse and sexual violence within the definition of serious violence and the scope of the Duty. The draft guidance appears contradictory, as paragraph 29 states "PCSC Act makes clear that domestic abuse and sexual violence are included in the definition of violence for the purpose of the Duty". This contradicts paragraph 26 which states "specified authorities should encompass serious violence as defined for the purpose of the Serious Violence Strategy" which is clear that it does not address sexual violence and VAWG. Paragraph 26 should remove reference to the serious violence strategy and align to the PCSC Act.

28) I am concerned to see that the glossary definition of serious violence (Page 96) does not reflect the legislation and fails to include domestic abuse and sexual offences. I request that this is changed in order to reduce confusion and remain aligned with the wider guidance.

29) I would recommend the changing of paragraph 25 on page 12 from 'for the purpose of the duty violence includes domestic abuse' to 'serious violence includes domestic abuse [...].

Other (please state)

Community Engagement

I am pleased to see the value of community engagement stressed in the guidance.

I will advise that this guidance should also steer duty holders to engage with victims and survivors, and their families, of domestic abuse, sexual violence, and public space serious violence. It is critical that the community engagement

does not become a generic collective where the voice of those most affected becomes lost or are absent. There is great insight which victims and survivors can bring to the table and their added value will be critical for duty holders to design and deliver a successful response to serious violence.

It is vital that those from the community, not just victims and survivors, are appropriately remunerated for their time and labour. It is particularly important that they are given the right, specific, and tailored support to suit their needs and enable them to fully participate and contribute into the duty holders' work. Duty holders should also ensure that their engagement does not retraumatise victims, survivors, their families, or communities, ensuring appropriate training for staff and support for participants will help prevent this. The guidance should reflect these expectations.

Recommendations

- 30) Explicitly include victims and survivors, and their families, of domestic abuse, sexual violence, and public space serious violence as key participants in community engagement.**
- 31) All participants in community engagement should be remunerated for their time and supported appropriately to prevent traumatisation and ensure that they have a positive experience. This must be stressed in the guidance.**