



## Child & Family Court Project

IDAS is the leading specialist domestic abuse charity in Yorkshire.

IDAS also offer advice and support to people who have been affected by sexual violence and abuse.

**RCJ Advice** is a unique national Citizens Advice Service that deliver free legal advice to people with a court case in the civil and family courts in England and Wales

**FLAWS** (Finding Legal Options for Women Survivors) in partnership with Rights of Women, offering specific help for women experiencing domestic abuse as well as front line professional who assist them.

**CourtNav** is an online tool designed to help survivors complete an application for a non-molestation and/or occupation orders to get legal protection in England or Wales.

**SupportNav** is a free and confidential online support service for anyone who has experienced domestic abuse. SupportNav provides advice and information on any matters related to domestic abuse





## Non-Molestation Order (Non-Mol or NMO)

- Civil order
- Family Court
- A civil court order protecting a person by prohibiting another person from coming near them or contacting them.
- Can last between 6-12 months.
- Breach is a criminal offence
- Over 30,000 orders made in UK courts

# A broken system

*“Humiliating, expensive, soul-destroying process”*

*“I am so discouraged by the whole affair I wouldn’t engage with police in future if given a choice”*

*“It was a waste of time and paper. It doesn’t mean anything and it didn’t protect me or my children”*

*“It still allowed contact under the guise of arranging contact with children”*

*“I felt pressurised into accepting the lesser cross undertaking, the implications of this were not explained fully to me and I didn’t understand that it would mean I had less protection from ongoing issues and episodes of abuse...At the time I was traumatised, I don’t think I was advised well or had the understanding to make that decision. I lived to regret removing the NMO and replacing it with an undertaking. It didn’t work and the abuse continued throughout our separation and beyond”*

*“The initial non molestation order was so vague it was easy for him to get around”*

*“The police made me read the terms to them every time, like I’m ‘proving’ I actually have a none mol. Pathetic”*

## Protective injunctions: Non-molestation orders

- Limited access to legal aid
- Complexity of application process
- Return hearings
- Cross undertakings
- Service of orders – responsibility on the applicant to serve with statement of service
- Police recording and management of orders
- Lack of police understanding of orders
- Cross Border Force Enforcement
- Victims must carry a copy of the order and statement of service

# CourtNav

The aims of CourtNav:

- Help survivors to apply for protective Non-molestation and Occupation Orders in a quick and understandable way
- Link survivors with domestic abuse accredited legal aid firms
- Save valuable time for both the survivor and the legal aid practitioner
- Ensure survivors who cannot obtain legal still receive legal advice and support
- Ensure survivors have accurate merits for an application and signpost to relevant support
- Assist front line professionals to support their services users.



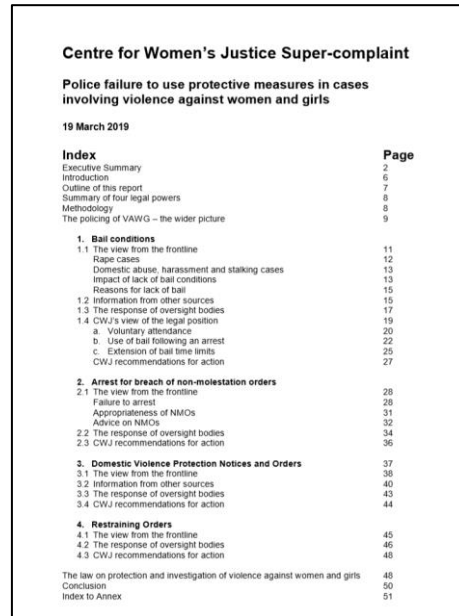
# North Yorkshire Non-Molestation Order Operational Pilot 'Project Shield'



# Reports highlighting the similar concerns



Domestic Abuse and The Family Courts



Super-complaint



Joining the Dots





# IDAS Family Court Report 2019 Recommendations

- A national system for recording and flagging protective orders to improve safeguarding of victims and survivors and enable Police officers to more effectively respond to breaches.
- Locally, North Yorkshire Police should work with partners to develop a pilot programme to record orders on the Police National Database. The aim is to improve the intelligence on offenders, improve enforcement and rates of prosecution from breaches of non-molestation orders.
- Improved business processes for service of orders.



# August 2021

## HMICFRS: Duty to Protect report on CWJ Super-complaint

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‘Another example which supports the case for better co-ordination is highlighted by our findings in respect of NMOs. The interface between the civil courts and the police needs to work more efficiently, so that police officers can easily and quickly access the information they need. Priority must be given to the creation of a system whereby police know that an order is in place, and that all orders are worded in an unambiguous way, so officers can be clear whether or not there has been a breach and they can make an arrest’.



## Non-Molestation Orders: Concerns 1/2

Often survivors obtain non-molestation orders at the point of highest risk of domestic homicide, when they are leaving the relationship.

- Lack of data to understand effectiveness of non-molestation orders
- Patchy business processes for service of non-molestation orders
- Gaps in Safeguarding
- Lack of accountability for ensuring effective service
- Impact of delays

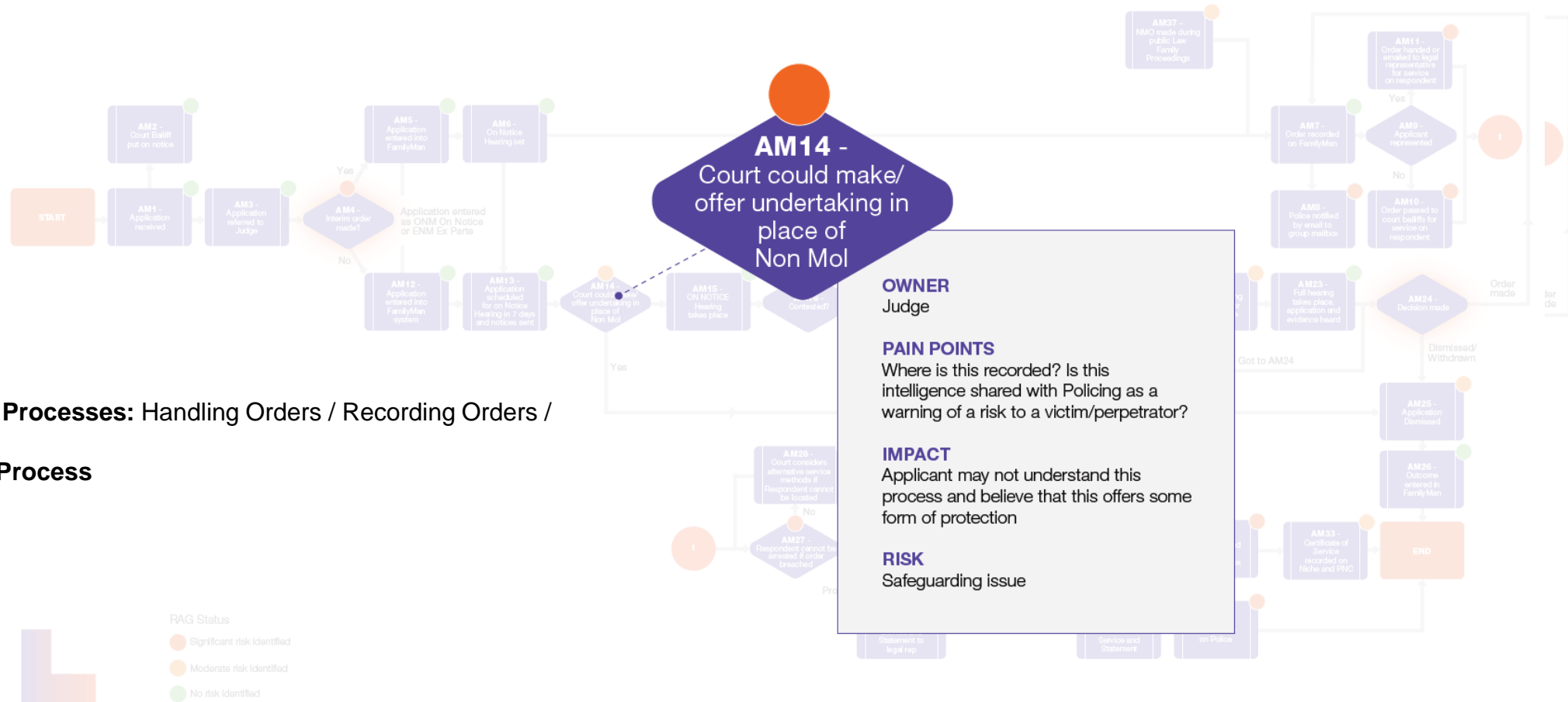
## Non-Molestation Orders: Concerns 2/2

Often survivors obtain non-molestation orders at the point of highest risk of domestic homicide, when they are leaving the relationship.

- Lack of clear guidance on service of orders on Police Forces
- Manual processes (emails) for sharing information about non-molestation orders puts victims and survivors at risk
- Police forces all using different systems for recording orders
- Police may not be able to find adequate information about service to act on breaches
- Police do not take orders as seriously as they could

# Mapping business processes:

## Court Process



### Police NMO Processes: Handling Orders / Recording Orders / Investigative Court NMO Process

olve?

domestic Abuse survivors and  
 police with regards to the issue and  
 details of NMO circumstances  
 measures that can be deployed to  
 production of the new Domestic  
 orders (DAPN/O's) in 2021;  
 tion, investigation and



safe lives, free from abuse and violence



# What are the problems that we are trying to solve?

- Improve the effectiveness of NMO's to provide a better service to Domestic Abuse survivors and reduce the number of repeat Domestic Abuse incidents;
- Improve communications and process between the courts and the police with regards to the issue and distribution of NMO's;
- Ensure that operational staff are aware of the existence and full details of NMO circumstances nationally, locally and understand local policy on the preventative measures that can be deployed to safeguard the public by all partner agencies;
- Identify best practice in this business area, in preparation for the introduction of the new Domestic Abuse Act and the introduction of new Domestic Abuse Protection Orders (DAPN/O's) in 2021;
- North Yorkshire Police and partner agencies to support crime prevention, investigation and safeguarding in the North Yorkshire area.

# Is PND a solution to some of these concerns?

**PND Strategic Aims**

- 1 Protect Children & Vulnerable Adults
- 2 Prevent Terrorism
- 3 Prevent & Detect Crime; particularly serious and organised crime

OFFICIAL

Daily Automatic Data Updates



- 55 Agencies
- 250 source systems

- 4.75 Billion Searchable Records
- 92 Million Person Records
- 66 Million People Records MG's
- 2.5 Million Organisation Records
- 166 Million Object Records
- 180 Million Location Records
- 91 Million Intelligence Records
- 116 Million Crime Reports
- 128 Million Custody Records
- 7 Million Child Abuse Records
- 20 Million Domestic Abuse Records
- 1.5 Billion Association Records (Links)
- 18.1 Million Searchable Images
- 31.5 Million Telephone Numbers
- 14 Thousand Organised Crime Groups
- 9 Thousand County Lines
- 10 Thousand MSHT Investigations

- Person, Criminal Entities & Organisations
- Objects
- Locations
- Events

safe lives, free from abuse and violence

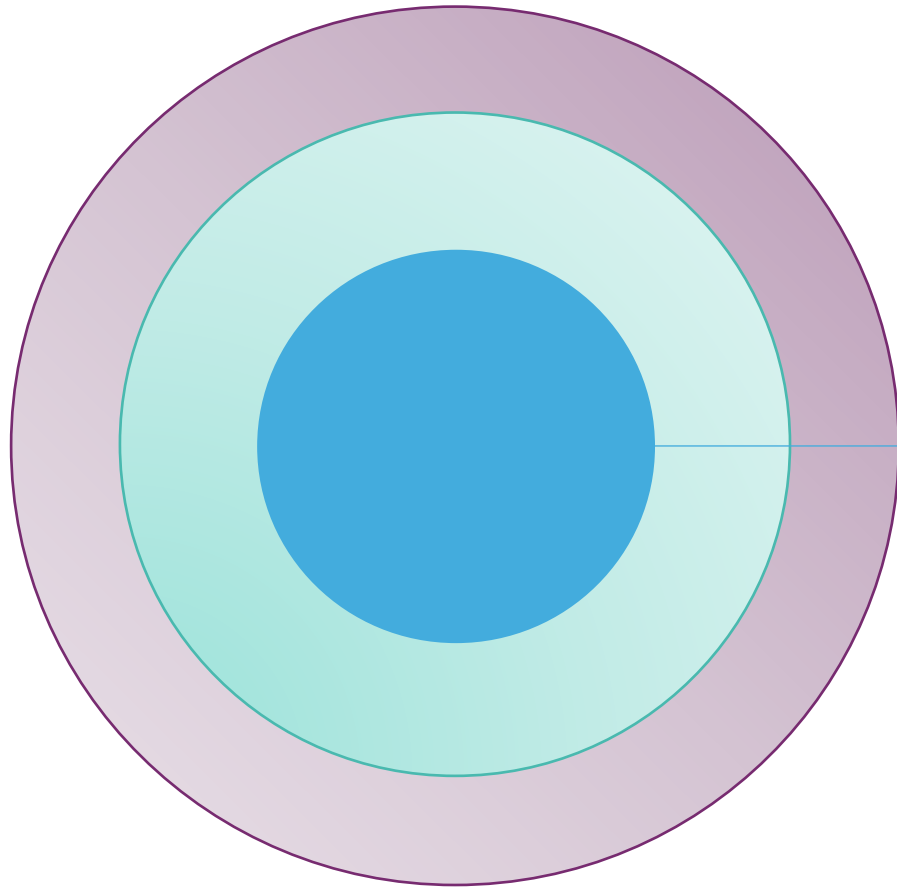


# Early notification of non-mols to the Police

- Safeguarding black holes
- Current practice direction limits management of orders
- North Yorkshire early notification pilot
- API link between family court systems and police systems would reduce risk of delay
- Oversight of the process of serving orders is required.

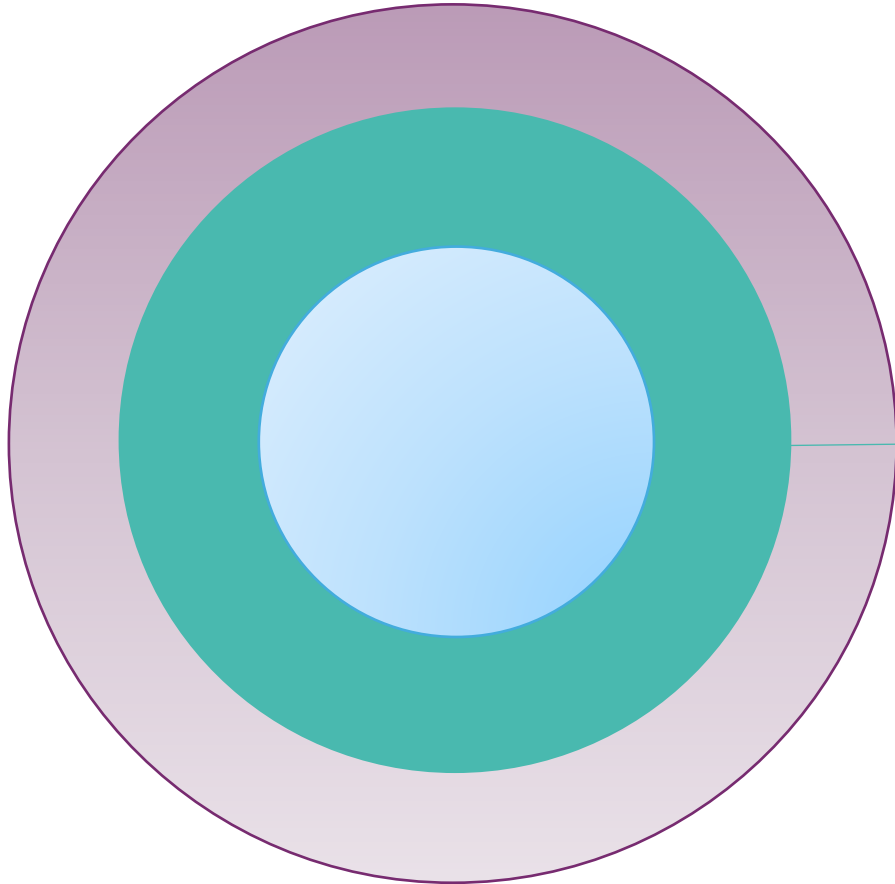


# Spheres of influence: within the control of Project Shield



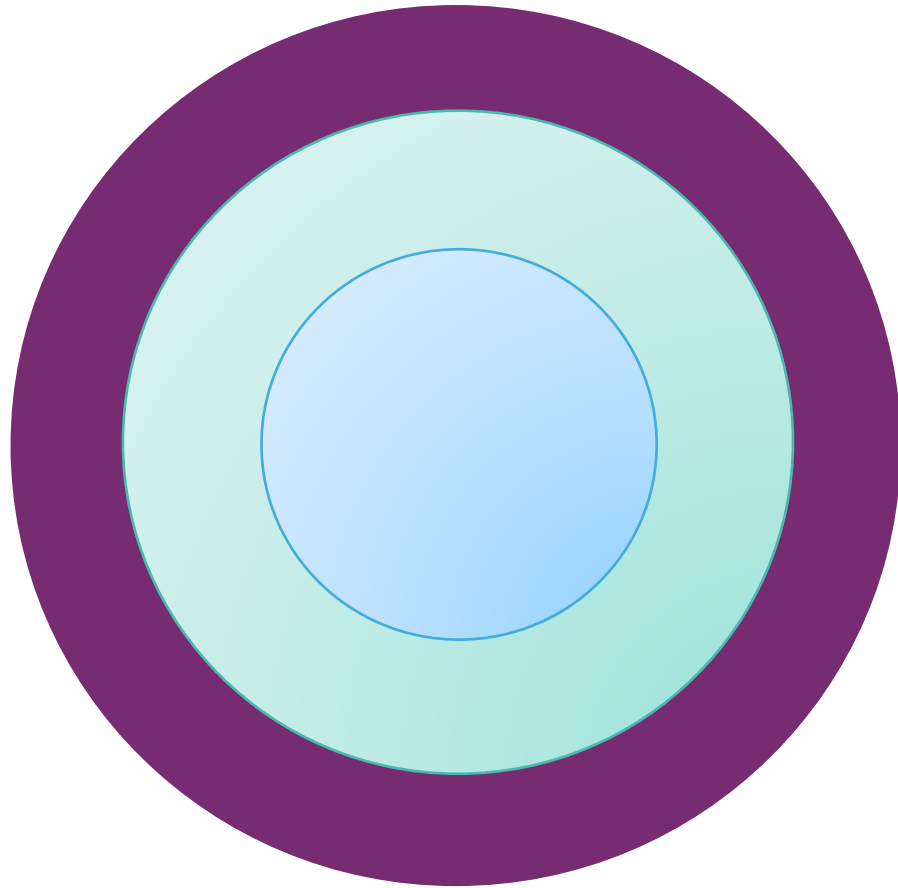
- Police engagement with victim-survivors
- Police support for victim-survivor inc. safety planning
- Police recording of non-molestation orders, creating an accessible register
- Proactive policing of non-molestation orders
- Engagement with respondents
- Police intelligence on respondents to inform safeguarding
- Police response to breaches
- Investigating breaches
- Data collection and analysis
- Performance monitoring
- Training of Police officers and staff
- Partnership working

# Spheres of influence: influenced by Project shield but outside of the pilot's control



- Improved methods of service of orders and statements of service on the Police.
- Early notification of orders agreed in North Yorkshire.
- Feedback to HMCS about volumes of orders on Police Systems
- Feedback to judiciary on wording of conditions of orders
- Cross-border policing of non-molestation orders
- Feedback to solicitors about service of orders on Police and statements of service.
- New Family Court systems informed by process mapping

## Spheres of influence: Outside of the pilot's control



- Applicants being advised to accept lesser cross- undertakings
- Service on the Respondent to the non-molestation order
- Whether or not orders are served on the Police (nationally)
- Which Police force the non-molestation order is served on
- When orders are served on the Police
- The wording of the conditions of the order

# Discussion topics and questions



## How to contact us

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**Forum:** [www.flowsforum.org/forum](http://www.flowsforum.org/forum)

### CourtNav:

**Website:** [www.courtnav.org.uk](http://www.courtnav.org.uk)

### SupportNav:

**Website:** [www.supportnav.org.uk](http://www.supportnav.org.uk)

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