



**domestic
abuse
commissioner**

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Role of the Domestic Abuse Commissioner

As the Domestic Abuse Commissioner for England and Wales, it is my role to provide 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 my office 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 part of this, I welcome the opportunity to feedback on the Government consultation on Firearms Licencing and would be pleased to discuss the contents of this response further, if requested to do so.

It is important to consider the presence of and relatable connection to domestic abuse in the tragic cases which have led to consideration of these changes and the many Domestic Homicide Reviews which have made similar recommendations. In considering public safety, those experiencing domestic abuse must also be at the forefront of any considerations for suitability to grant a licence. The voice of survivors, those with lived experience and the family members of those who have lost their lives in circumstances involving firearms, is integral to understand the needs of and risked posed to family members living with abuse when considering firearms licencing.

I recognise that firearms licencing is a long-established process with a significant number of applications and renewals where there may be no cause for concern or risk to public safety. However, we know that an estimated 2.4 million adults aged 16 and over experienced domestic abuse in the year ending March 2022. This equates to a prevalence rate of approximately 5% of adults. It is likely that in many households where firearms licence are issued domestic abuse is a factor and we know that there is a heightened risk of significant harm or homicide post separation

particularly during the first 12 months.¹ Domestic Abuse often goes unreported to police and this can escalate over time and can occur as part of an emotional journey rather than an explosion of spontaneous and immediately provoked violence as Monckton Smith, J., Szymanska, K., and Haile, S. point out in their exploration of the relationship between stalking and homicide.² Of 108 DHRs which were assessed through the Home Office Quality Assurance Panel in 2020-2021, 5% involved the use of a firearm.³ It is notable that this is within a context where all police recorded incidents involving firearms are increasing.⁴

It is imperative that firearms policy is robust and considers all risk to potential victims of abuse, recognising indicators of imminent and escalating risk but also understanding the importance of professional curiosity in assessing households where risk indicators are not likely to be disclosed or known to police.

As firearms are likely to be stored, albeit with requirements to do so securely, within the home environment, guidance and legislation must fully recognise the specific needs related to domestic abuse and the likely risk associated with this in any firearms licencing.

Power of Entry (seizure of firearms)

In granting a specific power of entry (without a warrant issued by a magistrate or sheriff) to be able to seize shotguns, firearms and ammunition where there is a risk to public safety or the peace and the certificate holder does not cooperate with the police and agree to voluntary surrender, there should be consideration given to the potential impact and unintended consequences of this approach in cases where domestic abuse is a factor including safeguarding of children and vulnerable adults through an intersectional lens.

I accept that there are circumstances where it may be necessary to seize firearms in this way. However, it is imperative that the potential impact on victims / individuals who may be present during such operations is explored, considered, and built into any assessment and decision making. Risk to the victim(s) must be considered and appropriate safeguards and relevant preventative action must be planned which may include (but is not limited to) and the notification of Multi Agency Risk Assessment Conferences (MARAC) where individuals are at risk of domestic abuse.

¹ We know that an estimated 2.4 million adults aged 16 and over experienced domestic abuse in the year ending March 2022. This equates to a prevalence rate of approximately 5.0% of adults [Domestic abuse in England and Wales overview - Office for National Statistics \(ons.gov.uk\)](#)

² Monckton-Smith, Jane, Szymanska, Karolina and Haile, Sue (2017) *Exploring the Relationship between Stalking and Homicide*. Project Report. University of Gloucestershire in association with Suzy Lamplugh Trust, Cheltenham. [NSAW Report 04.17.qxp_NSAW Report 04.17 \(glos.ac.uk\)](#)

³ [Annex A DHRs Review Report 2020-2021.pdf \(publishing.service.gov.uk\)](#)

⁴ [Crime in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

Mandatory Prohibitions

Mandatory prohibitions should be based on a combination of factors, including the nature of the offence and the length of sentence. A broader view of risk and suitability should be taken based not only on the offence and sentence but also on the context of this in relation to risk to public safety and nature of offending.

For domestic abuse related offences, it can often appear to be a “low level” offence such as criminal damage, but this often overlooks the history of coercive control and/or other offences that have not been reported. For around two in five (39.3%) of domestic abuse-related incidents reported to the police in England and Wales during the year ending March 2022, after initial investigation, the police have concluded that no notifiable crime was committed.⁵ This does not mean that a crime was not committed, rather the evidence thresholds for prosecution were not met. It also does not mean that other domestic abuse offences have not taken place as they may not have been reported. We know that for various reasons domestic abuse goes often unreported to the police. Victims may not realise that the behaviour is a crime, they may want to avoid humiliation or fear further abuse (Walby and Allen 2004) ⁶. We also know that a substantial proportion of domestic abuse cases that are reported and charged do not result in a conviction.⁷ Therefore, we cannot rely on offence or sentencing alone to determine an individual’s risk to public safety.

Research shows that greater restriction in licencing processes reduces familial homicide.⁸

The privilege of holding a firearms licence and owning such weapons should not be presumed to be granted on the basis that someone has committed only a certain type of offence. Domestic abuse is not an isolated offence, can often appear as property damage, malicious communications, or other offences, can involve one or more victims and as in the case of coercive and controlling behaviour be repeated and continuous. Individuals with a history of physical or non-physical offences against the person should be prevented from being granted a licence. For those who commit other offences and are repeatedly found to do so strong consideration should be given to prohibit granting a licence.

Length of certificate before renewal required

The renewal period for firearms licences should be shorter than the current five-year period to ensure there is increased opportunity to identify and respond to concerns and changes in circumstances particularly with regards to understanding domestic abuse and changes to mental health and wellbeing.

⁵ [Domestic abuse in England and Wales overview - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/people-in-the-uk/domestic-abuse-in-england-and-wales-overview)

⁶ Walby, S. & Allen, J. (2004). Domestic violence, sexual assault and stalking: findings from the British Crime Survey. London: Home Office

⁷ [CPS data summary Quarter 4 2022-2023 | The Crown Prosecution Service](https://www.cps.gov.uk/cps-data-summary-quarter-4-2022-2023)

⁸ [boyd-et-al-2022-familicide-in-canada-2010-to-2019.pdf](https://www.criminology.com/boyd-et-al-2022-familicide-in-canada-2010-to-2019.pdf)

SafeLives data shows that on average it takes three years for those experiencing domestic abuse in England and Wales to access support from a service.⁹ This can be longer for older victims and those experiencing so called honour-based abuse.

Recent mapping work undertaken by my office found that victims and survivors were most likely to tell a healthcare professional about their abuse before other professionals, followed by the police.¹⁰ More frequent checks with GPs every two to three years would provide greater assurance that there are opportunities to identify a change in circumstances, pick up on early disclosure of domestic abuse and exercise professional curiosity, with appropriate training. However, I am concerned that without a “think family/household” approach to input from primary care there will be missed opportunities to identify concerns and I would support any additions to DA flagging in primary care systems for domestic abuse in GP records for all those living in the same household to ensure greater opportunity for early intervention.

I believe that 2 years would be an appropriate timescale in which to review on this basis that this has previously been accepted in licencing processes and would not create too great a burden on capacity of those expected to engage in the process. However, I would recommend that any change in circumstances or to the licence itself should trigger a full review and any evidence of dishonesty in the application process be a bar to continuing with the application and grounds for revocation.

Recommendations relating to referees

I support the proposals for recommendations relating to referees however I am concerned about the weighting of, or reliance on, the responses of referees in any assessment and the information provided.

References alone are insufficient to determine suitability and information should be sought from wider statutory agencies. Information from statutory agencies may then establish grounds to seek information more widely in the interests of public safety.

In the context of domestic abuse there are existing processes which work within a Coordinated Community Response model (CCRM) which should be utilised to provide opportunity for risk information to be shared, this includes MAPPA, MARAC, MATAC (or equivalent Police led/involved multiagency arrangements focused on domestic abuse perpetrators) and Safeguarding Hubs. Linking information from across health and social care is vital to ensure that an assessment is thorough and robust.

I also wish to impress upon the Home Office the need to exercise caution with any reference whether that be from a professional or member of the public with knowledge of the applicant with regards to family life. In the case of Claire and Charlotte Hart who were unlawfully killed, the DHR noted that the public perception and neighbour’s views of Lance Hart were that he gave the impression as being a

⁹ [SafeLives Insights National Briefing Paper Abuse Length.pdf](#)

¹⁰ https://domesticabusecommissioner.uk/wp-content/uploads/2023/02/DAC_Mapping-Abuse-Survivors_Summary-Report_Feb-2023_Digital.pdf

family man who “lived for all his family”.¹¹ The DHR and accounts from family demonstrates that this was a ‘complete misinterpretation of him and his behaviour’ when in fact his single purpose was to isolate and control the family. This is not uncommon in domestic abuse cases, and it is essential that granting of licences considers greater evidence than public perception alone.

I feel strongly that where there is a reliance on referees, there should be clear direction within the statutory guidance for those referees on what might constitute a concern, risk to public safety or require further exploration. This would enable referees to fully consider the endorsements they are making for individuals in their professional capacity. This should include an understanding of domestic abuse beyond physical violence and convictions. Guidance for officers reviewing references should make this clear. We know that abuse is often hidden, goes unreported and perpetrators of abuse are often considered upstanding members of their community, it would therefore be remiss to accept the assumptions of referees based on their interactions with an individual in a community based or professional capacity.

I agree that it is not appropriate to consider references from family members and feel that the definition of family be extended to include cousins for the purposes of references. However, in the context of domestic abuse, we know that family and friends can hold vital information about domestic abuse and often do not have the appropriate avenues in which to disclose their concerns. The introduction of a dedicated phonenumber may enable safe disclosure or reporting of concerns. I acknowledge the revisions to the current statutory guidance dated Feb 2023 with regards to interviews with family members where there is information indicating the presence of domestic abuse. However, I feel it should be mandatory to involve members of the applicant’s family /household in the licensing process regardless of existing domestic abuse concerns or flags, not only so that they can inform assessment but also so that they are aware that an application for a licence has been made and may be granted. It is important for family members to know that a firearm licence has been or will be granted, as many will be managing the risk posed to them on a daily basis.

In seeking the full context of a person’s suitability, I reiterate the importance of considering the information held by relevant statutory agencies and other domestic abuse interventions which may hold vital information such as Multi Agency Risk Assessment Conferences and the existence of civil protective orders as referenced in the current guidance and requests for Clare’s Law disclosures in background checks.

I support the inclusion of a checklist for referees, as well as more guidance for police on the information they should be looking to elicit from referees, this should include training which addresses the risks posed as a result of domestic abuse and changes to mental health and wellbeing, including consideration of additional stressors which can be impacted by characteristics such as age, gender, ethnicity and other protected characteristics/intersectional needs.

¹¹ The DHR in this case is publicly accessible [Search DHRs: Search the Domestic Homicide Review Library – GOV.UK \(homicide-review.homeoffice.gov.uk\)](https://www.gov.uk/search-domestic-homicide-review)

I also support the sharing of unique application reference numbers with referees on that basis that this would increase opportunities for concerns to be shared safely and in a timely manner.

Other recommendations

The Statutory Guidance should be as robust as possible to ensure that suitability checks are consistent and vigorous including being prescriptive in relation to suitability checks. Reliance on a lower threshold of probability in decision making is not sufficient. To ensure public safety, any assessment process can only be effective where there is a thorough and robust assessment process which considers a range of information within a Coordinated Community Response Model.

I feel strongly that a decision should not be made about suitability for a firearms licence without sufficient input from a GP.

Without these checks there is an increased and significant risk that those who do not come to the attention of police, function well in society but who struggle with their mental health, perpetrate abuse, or experience a significant event in their lives which impacts on their suitability to hold a licence will be granted or continue to hold a licence.

It is my view that this should be an enhanced service from a GP who has an interest in firearms licencing and mental capacity to ensure that there is full consideration of risks to public safety. It is vital that there is wider consultation with the health sector to understand the possibilities and opportunities to facilitate this and the resource implications this may have on the cost of licensing.

I support interim medical checks which would ensure that any changes or new concerns are flagged and considered in a timely way. This should not negate the responsibility and appropriate flagging for GPs to raise any concerns as they arise.

I fully support the visibility of digital markers on medical records to other health professionals. This would enable a Coordinated Community Response and recognises the value of sharing information which would enable practitioners across the health sector to raise concerns, fully risk assess and remain professionally curious in their interactions with individuals in the home. Better information sharing is a recurring theme across Domestic Homicide Reviews¹² and the visibility of digital markers would support better risk management where concerns are flagged and multi-agency risk assessments are undertaken¹³.

I am in favour of enhancing the information available to individuals with regards to mental health and appropriate intervention in the interests of preventing future harm and I see the benefits of a dedicated phonenumber to report concerns about licensed firearms holders provided this could improve the response and trigger relevant

¹² [Key findings from analysis of domestic homicide reviews: October 2019 to September 2020 \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/464242/key_findings_from_analysis_of_domestic_homicide_reviews_-_october_2019_to_september_2020_accessible.pdf)

reviews of licencing on a timely way. With regards to funding this and the wider considerations of funding for licencing, although full cost recovery would be appropriate as these new requirements are critical and must be funded, I would have some reservations unless the Government identifies another source of funding for them. The Government may want to consider the introduction of a fine for any minor breaches which would promote accountability of individuals and contribute to funding.

I would also encourage the Government to monitor the impacts of any changes against firearm related crime rates, the rising or lowering of firearms related homicides or increases or decreases in illegal arms.

I therefore make the following recommendations.

Recommendation 1: Any changes or amendments to firearms licencing should be cognisant of domestic abuse and include further consultation with the Domestic Abuse Sector, survivors of domestic abuse, bereaved families and domestic abuse leads within statutory organisations.

Recommendation 2: Power of entry to retrieve a firearm should be properly coordinated to ensure there is no further risk to victims of abuse. This may include multi-agency planning and problem solving with consideration of how to communicate with household members as well as partners or ex-partners.

Recommendation 3: A review of firearms licences should take place every 2 years with any change in circumstances or request to change the nature of the licence triggering a full review.

Recommendation 4: Guidance includes a direction to referees to avoid making assumptions about an individual's family life within the home based on their knowledge of them in the community.

Recommendations 5: Statutory guidance state that police must involve family members and those living in the same household as the applicant in the licencing process.

Recommendation 6: The Home Office consult with the Royal College of GPs and the National Network of Named GPs to ensure any provision for GP assessment are robust and effective.

Recommendation 7: Home Office consider recommendations from and characteristics of Domestic Homicide Reviews where a firearms licence was granted or featured in the review and consider any recommendations within those alongside the recommendations being considered in this consultation.¹⁴

¹⁴ For example: HDHR02 Herefordshire Community Safety Partnership, this was a DHR into the death of a woman in her 70s who was died by shooting at the hands of her husband who then took his own life. Both parties

I am pleased to see that the Home Office are consulting on these important changes and recommendations. The recent amendments to the statutory guidance have reassured me that domestic abuse is included in considerations from a multi-agency perspective, and consideration of domestic abuse must be a priority in future changes or amendments to guidance and legislation and their practical implementation.

I want to impress upon the Home Office the need to ensure that any process for assessing, reviewing, issuing and revoking licences remains cognisant that holding a licence for a firearm is a privilege and not a right.

Yours sincerely,

Nicole Jacobs

A handwritten signature in black ink that reads "Nicole Jacobs". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Domestic Abuse Commissioner for England and Wales

were ageing, and the victim had been diagnosed with Alzheimer's and other health conditions, the perpetrator was a registered shotgun licence holder and had been for many years.