



domestic  
abuse  
commissioner

## **Crime and Policing Bill: Commons Second Reading** *Briefing from the Domestic Abuse Commissioner*

### **About the Domestic Abuse Commissioner**

The Domestic Abuse Act 2021 established the Office of the Domestic Abuse Commissioner (DAC), to provide public leadership on domestic abuse issues, play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales and promote best practice, including in multi-agency working.

The role of the Commissioner is to encourage good practice in: preventing domestic abuse; identifying victims and survivors, and perpetrators of domestic abuse, as well as children affected by domestic abuse; and improving the protection and provision of support to people affected by domestic abuse from agencies and government.

### **Domestic abuse and the Crime and Policing Bill**

As identified in the Commissioner's recent report on the criminal justice response to domestic abuse, [Shifting the scales](#), victims and survivors of domestic abuse are being failed by the criminal justice system at every stage – from police to probation. Although the police receive a domestic abuse-related call every 30 seconds, only 5% of all police-recorded offenses reach a conviction – and the vast majority of victims don't feel confident to report to police in the first place.

**The Crime and Policing Bill will have its Second Reading in the House of Commons on 10 March 2025.** The Bill has an opportunity to significantly improve the criminal justice response to domestic abuse, including within policing's own ranks. The Commissioner welcomes the Bill's provisions to improve the criminal justice response to stalking and to strengthen the IOPC's role in the police misconduct process.



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However, as it is currently drafted, the Bill falls short of making the change the Commissioner believes is needed. This not only risks missing a key legislative opportunity in the Government's ambition to halve VAWG in a decade, but also risks letting down the millions of victims of domestic abuse who deserve a robust criminal justice response, no matter who they are or where they live.

In particular, the Commissioner maintains concerns regarding the drafting of key provisions such as the duty to report child sexual abuse, as well as significant gaps regarding police vetting and misconduct, honour-based abuse, and migrant victims of domestic abuse.

## Recommendations

The Commissioner therefore recommends that:

*In relation to the duty to report child sexual abuse –*

- **Exemptions are strengthened, to ensure that confidential services can remain confidential, and to build victim and survivor confidence in reporting.** In order to safeguard victims and maximise disclosures, the confidentiality of specialist support services must be protected as far as possible.
- **The 7-day period for reasonably delaying a report is extended,** in order to ensure time is allowed to ensure the child's safety and coordinate a multi-agency safeguarding plan before a report is made.
- **Historic cases are exempt from the Duty, unless it is the wish of the survivor that it is reported or there is a safeguarding need to refer to an authority.**

*In relation to police-perpetrated domestic abuse –*

- **Vetting is placed on a statutory footing, following a comprehensive review of the vetting process and requirements to ensure it is fit-for-purpose.** Provisions to this end must include vetting upon force transfer as a statutory requirement, and increase the regularity at which officers must be re-vetted.
- **Publication of national guidance on the rights of victims and survivors of police-perpetrated domestic abuse is required,** with a particular focus on ensuring that police victims and survivors rights are aligned to those of the

general public in terms of rights to updates on progress and outcome as well as rights to appeal.

- **All forces are required to provide dedicated, independent specialist domestic abuse support for their staff who are victims and survivors.**

*In relation to so-called 'honour'-based abuse –*

- **The inclusion on the face of the Bill of a statutory definition of so-called 'honour'-based abuse.**

*In relation to migrant survivors of domestic abuse –*

- **The introduction of a complete data-sharing firewall between statutory services and Immigration Enforcement,** to ensure victims and survivors feel safe to report and to hold perpetrators to account.

These issues are explored in further detail below.

## **Duty to report child sexual abuse (Mandatory Reporting)**

The Commissioner supports Mandatory Reporting, recognising the value of the work of the Independent Inquiry into Child Sexual Abuse (IICSA) and the input of the survivors who gave their testimonies as part of the Inquiry. The Commissioner is pleased to see that in this draft of the proposed Duty, Government has listened to and alleviated many of the previous concerns of survivors and organisations providing support. However, the Commissioner still has some concerns with the current drafting of the Duty in the Bill and is clear that changes must be made to ensure Mandatory Reporting does not have serious unintended consequences for victims and survivors of sexual abuse.

### *Confidentiality of specialist services*

The introduction of Mandatory Reporting must maximise disclosures, rather than inhibiting them. Whilst the Bill includes an exemption to the Duty 'for persons providing specified services' where it is 'in the interests of children for the service to be provided on a confidential basis,' this is only by regulations made by the Secretary of State – so could be subject to change.

### *Time period in which the Duty does not apply*

The Bill makes clear that the Duty 'does not apply to a person in the initial 7-day period if (and for so long as) they reasonably believe that making such a notification would give rise to a risk to the life or safety of a relevant child.' Whilst this is encouraging, the Commissioner believes that this 7-day period is too short.

It is well established across support services like Rape Crisis or domestic abuse frontline services that reporting immediately is often, and in most cases, the most protective action for the victim. Effective and timely reporting is a key part of a well-functioning child protection system.

However, in some cases, reporting can be actively harmful for a victim, triggering significant safeguarding risks. For example, reporting immediately may be actively harmful if a child is also being criminally exploited by a gang, or there is a risk of so-called 'honour'-based abuse. Instead, it may be safer to address the immediate safety of the victim, and proactively (but carefully) orchestrate a multi-agency meeting which enables planned coordination and action.

When making a decision about a child's safety, professional discretion and time to coordinate multi-agency action are vital to ensure that the most protective steps are taken, in the best interests of the child. This discretion can include making an informed decision, using professional judgment, as to when it is safe to report, whilst working to put in place other safeguarding measures specific to the case. It is also important to ensure the professional has had time to understand the child, including the wider context of issues in their life, and to build trust with them.

### *Historic child sexual abuse*

It is unclear from the proposals as to whether historic reports of child sexual abuse, made by adult survivors, will be subject to the Duty. The Commissioner is clear that such reporting decisions should be subject to professional discretion. If domestic abuse services are subject to the Duty, and historic reports are included, this creates a difficult situation whereby a victim of domestic abuse in adulthood may disclose experiencing child sexual abuse, as a way of giving context to their experience, but is then forced into a criminal investigation about their previous traumatic experiences as a result of mandatory reporting.

### *Role of specialist support*

If Mandatory Reporting is brought in alongside the current landscape of support that is in place for child victims of abuse, this will be extremely detrimental to the wellbeing and safeguarding of these children. For Mandatory Reporting to work, it must be supported by a strong multi-agency response whereby victims receive appropriate support, action is taken and perpetrators are held to account and brought to justice.

It is therefore absolutely vital that there is appropriate support for victims at every step of the journey post disclosure and report. The current landscape of support for sexual abuse services does not reflect the capacity that will be required post implementation of the Duty. In order for professionals to feel confident in the Duty and that making a report is in the best interests of the victim, there must be an increase in capacity of services to support victims for as long as they need it, in a way which best suits their needs.

The Commissioner's [mapping of support services](#) revealed that for victims and survivors of domestic abuse, just 29% of those who wanted it were able to access support for their child. Through the introduction of Mandatory Reporting, there will be a significant increase in referrals to both specialist services and statutory services, which, in the context of already over-stretched services, will only increase existing high caseloads and risk of staff burnout. All of this combined will mean that - with no additional resource - contact attempts and disclosures made directly from victims may be missed.

## **Police-perpetrated domestic abuse**

For the criminal justice system to function effectively and engender trust in the communities it serves, it is imperative that the individuals employed to maintain law and order, protect the public and prevent crime are held to the highest standards of integrity.

Police-perpetrated domestic abuse is particularly concerning when considering that, unlike civilians, individuals working within policing will have access to specialist knowledge and training which can assist them in perpetrating abuse and harm. They can also utilise their institutional power and knowledge to weaponize the criminal justice system, which severely limits a survivor's options for safety and access to justice.

The Commissioner's [recent research](#) found that just 4% of alleged domestic abuse perpetrators in the police workforce are dismissed. It also found that forces had little

formal structure to manage the risk of those remaining in the force – over half of police forces had no guidance in place relating to the restriction of roles and duties that officers could perform while under investigation for domestic abuse.

### *Police misconduct and vetting*

This Bill's provisions as they are drafted fail to meaningfully tackle police-perpetrated domestic abuse and sufficiently strengthen regulations governing police misconduct and vetting. Although the Commissioner welcomes work ongoing within the Home Office to address gaps in dismissal routes, she reiterates her calls for regulation changes which would ensure the failure to hold adequate vetting constitutes grounds for dismissal, and that officers are automatically dismissed if they receive a criminal conviction for a VAWG-related offense.

There is also an opportunity in this Bill to address wider structures to ensure that perpetrators of these horrendous crimes are not allowed into the force in the first place, through a comprehensive review of vetting processes.

### *Victims and survivors employed by the police*

For victims and survivors of police-perpetrated domestic abuse who are themselves employed by the police, risks and harms are compounded by direct impacts to their careers, alongside reduced rights to complain and hold the police force accountable for any shortcomings in the investigation.

It is critical that the rights of these victims and survivors are brought to the same level as those of the general public – particularly their right to appeal decisions made about misconduct cases. They must also have the access to dedicated, independent specialist support, given the complexities and particular risks of police-perpetrated domestic abuse when the victim is also employed by the police.

### **So-called 'honour'-based abuse**

The Commissioner is dismayed by the lack of any mention in the Bill of a statutory definition of so called 'honour'-based abuse. While the Commissioner recognises that due consideration of the complexities of this issue is necessary, this Bill could serve as a prime opportunity to include a long-awaited and much-needed definition. This opportunity must not be missed.

The Commissioner is incredibly grateful to specialist sector stakeholders for their work to define, expose and tackle this form of abuse over more than three decades. She is pleased that there is now a consensus on the need for a definition which centres survivor voices.

A statutory definition would contribute towards the following objectives in addressing so-called 'honour'-based abuse:

- Improving understanding of so-called 'honour'-based abuse across all public services, including within the criminal justice system.
- Improving accountability by closing of gaps in data on so-called 'honour'-based abuse.
- Ensuring cross-government approach to tackling so-called 'honour'-based abuse.
- Recognising the necessity of resourcing and provision of specialist services, particularly 'by and for' services, which show improved outcomes for survivors.

## **Migrant survivors of domestic abuse**

The Commissioner has been clear through her series of [Safety Before Status](#) Reports that perpetrators utilise victims and survivors' immigration status to retain control and inflict further abuse – known as immigration abuse. This includes threats of deportation and separation from their children if they report abuse. This is corroborated by [data from Imkaan](#) which shows that more than 90% of abused women with insecure immigration status had their abusers use the threat of their removal from the UK to dissuade them from reporting their abuse.

Despite these significant risks, public services, from police to social services, can share information about a victim with insecure immigration status with the Home Office, which may result in immigration enforcement action. [Data shared with the Commissioner](#) in 2023 revealed that every police force across England and Wales referred victims of domestic abuse to Immigration Enforcement in the three-year period from April 2020 to March 2023. As such, survivors with insecure immigration status are not only fearful of reporting to police and other statutory services due to fears of deportation, but this fear is used as a tool by perpetrators to continue offending, with them often destroying documentation or purposely working to cause a survivor's status to become insecure.

The Commissioner welcomed the cross-party support shown for the introduction of a firewall between immigration enforcement and statutory services in the Lords during debate on the Criminal Justice Bill last year, and would strongly welcome the resumption of support for this critical issue.

### **Further information**

The Office of the Domestic Abuse Commissioner would be pleased to discuss these recommendations in further detail. If you are interested in doing so, please contact the Commissioner's policy team on [commissioner@domesticabusecommissioner.independent.gov.uk](mailto:commissioner@domesticabusecommissioner.independent.gov.uk).