



Document number	19/03
Date:	24 January 2019
Position Statement	Transforming the response to domestic abuse: consultation response and draft bill
Links	https://www.gov.uk/government/publications/domestic-abuse-consultation-response-and-draft-bill

The MA welcomes the government's recent [response](#) to its consultation on domestic abuse, which alongside a range of non-legislative measures sets out details on the forthcoming Draft Domestic Abuse Bill.

The MA's response to key measures are as follows:

Domestic abuse and the Family Courts

Crucially, the Draft Bill includes proposals to prohibit the cross-examination of alleged domestic abuse victims by their alleged abusers in the family courts¹, a measure that has long been called for by the MA. It is also positive that government's response pays particular attention to the difficulties that family court proceedings can present for domestic abuse victims, and we welcome the announcement of new funding to provide specially trained staff who will offer support before, during and after hearings. We are also pleased to see that improving information sharing between jurisdictions has been identified as a key concern, which the MA stressed in its own response to the consultation. The MA looks forward to seeing more detail on how government plans to take these proposals forward.

Domestic abuse and the Criminal Courts

In a positive step, the government plans to provide automatic eligibility for special measures to support more victims to give evidence in the criminal courts. The MA agrees that more should be done to support victims to give their best evidence, and we feel that automatic eligibility will provide assurances around the resources available to them from the outset of the process. We also welcome initiatives included in the response to improve the court environment for victims more generally (including a new court design guide focusing on accessibility for the most vulnerable, and a focus on providing privacy screens) although we would add that these initiatives should be replicated in the family jurisdiction as well, where court facilities and the availability of special measures are varied and often lacking.

The new statutory definition for domestic abuse

The MA welcomes government's decision to introduce the first ever statutory definition of domestic abuse, which we feel will help ensure that all agencies and bodies are able to operate under a commonly understood framework. While we had some concerns around the use of 'economic abuse'

¹ From here onwards we refer only to "victims" or "perpetrators" of domestic abuse for readability. In practice however, this definitive labelling is only appropriate if there has been a criminal case establishing guilt, or in family proceedings if there has been an admission or finding of fact that the allegations took place.

in the definition instead of 'financial abuse' (particularly in terms of overlap and confusion between the two) we welcome the assurances that the government has made around this, with proposals for statutory guidance to expand further on the different types of abuse included and the forms that they can take.

The new Domestic Abuse Protection Order (DAPO)

While acknowledging that more can be done to protect victims of domestic abuse, the MA has previously set out a range of concerns around the proposal to create a new cross-jurisdictional Domestic Abuse Protection Order (DAPO) – which can place positive requirements on a perpetrator without a timeframe, resulting in criminal sanctions upon breach. With the DAPO now set to be taken forward as initially proposed, we would reiterate the need for training and guidance on the orders to ensure that they are used proportionately. We do however welcome the decision to pilot the DAPO (alongside the new Domestic Abuse Protection Notice Order) in a small number of police force areas before wider roll-out is considered, alongside the proposal to develop a programme of specific training and practical toolkits for professionals.

Perpetrator programmes

Following on from concerns that the MA has previously raised with regard to the availability and quality of domestic abuse perpetrator programmes, it is positive to see that the government has included a raft of proposals that seek to improve confidence in their use. Inevitably the devil will be in the detail with regard to how these proposals are taken forward, but we in principle welcome many of the initiatives set out in relation to perpetrator programmes, notably the promotion of recognised standards; evaluation of existing projects such as Building Better Relationships; the development of tools to be used in court to guide practitioners on suitability; ensuring tailored and trauma informed provision; and specifying the use of rehabilitation activity requirements for those not suitable or able to participate in programmes. However, we would also add that the need for greater multi-agency planning around the provision of programmes between different jurisdictions is likely to be crucial, to ensure that court orders are not obstructed or delayed.

Conditional cautions

The response notes that the Director of Public Prosecutions has agreed for some police forces to pilot conditional cautions for lower risk first reports of domestic abuse, building on the success of Project CARA (Cautioning and Relationship Abuse). While acknowledging the positive results of Project CARA, the MA would reiterate that any positive innovations in out-of-court responses should not undermine the seriousness of domestic abuse offences, which require robust interventions to what are often very complex situations. It is therefore essential that the pilot adheres to what the document refers to as a 'robust minimum standards framework', which is being developed between the Crown Prosecution Service and National Police Chiefs' Council, to ensure that interventions are consistent and high-quality.