Birmingham Law Society

Consultation response: transforming the response to domestic abuse

(submit by 31.5.18)

1A – introducing a new statutory definition of domestic abuse

We appreciate that the Government in consultation seeks to direct its evidence gathering in order to form cogent conclusions. However, we find the questions posed in the consultation to be too prescriptive in many instances and have consequently set out our response in detail, where appropriate building on the suggested answers.

The reference to "victims" of domestic abuse presupposes guilt on the part of the abuser. The terminology needs to be reworded, for example as applicant/complainant for the alleged victim and respondent/defendant for the alleged abuser in line with the current terminology for example in the FPR 2010 (as amended).

1, Question: Do you agree with the proposed approach to the statutory definition?

The definition is in line with the definition of PD12J of the FPR 2010 (as amended) and is welcome to cover a wider definition, between those age 16 and above in familial relationships.

2. Question: Will the new definition change what your organisation does?

Birmingham Law Society is a membership organisation promoting and representing the interests of its members. The new definition will not change the work of the organisation.

3. Question: How can we ensure that the definition is embedded in frontline practice?

It is crucial that the Home Office work with the MOJ to align criminal and family law to provide clarity on:

- What the remit of family/criminal law will be. For example, how far the definition of persons in a relationship will broaden the definition of family in the Family Law Act 1996

- How the different evidential standards of proof will be considered. For example, in terms of reference to an order obtained in the family court enforced in the criminal court. With reference to the case of Iqbal –v- Iqbal (2017).

- The restrictions of access to the court by the public, in relation to family courts, compared to the open court policy of the criminal courts..

- To have regard to the European Convention 1950 - the rights of the alleged perpetrator when a case involves or has involved family proceedings.

- It is necessary to ensure that financial assistance for legal advice is available for the alleged victims and alleged abusers.

- To ensure there is clarity and facilitation on an urgent basis to access legal aid, for alleged victims/complainants and the respondent/alleged perpetrator.

We do not advocate the creation of new offences and have concerns with regard to the proposals for introduction of Domestic Abuse Protection Orders which we set out below. The criminal courts already identify and make provision for specialist domestic violence courts, with Judges trained in relation to the pertinent issues specific to this area. The recent guidance of the Sentencing Guidelines Council has codified much of the existing guidelines provisions which will focus the minds of Magistrates and Judges when sentencing and provides guidance to practitioners.

4. Question: What impact do you think the changes to the age limit in the 2012 domestic abuse definition have had? Please select one.

It is not possible for us to respond other than anecdotally. The numbers of youth cases have diminished significant over the last decade. Those which target domestic abuse are limited. Where the charges reflect a background of domestic violence between family members or in relationships those circumstances are already recognised by in the Criminal Justice System.

5. Question: We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach? Please select one.

Agree.

1B – making domestic abuse everybody's business

6. Question: In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?

We are not in a position to respond to this question.

7. Question: Which statutory agencies or groups do you think the UK Government should focus its efforts on in order to improve the identification of domestic abuse? Please tick the top 3 from the list.

Children's services

Health professionals

Police

8. Question: In addition to improving training programmes and introducing guidance, what more can the Government do to improve statutory agencies' understanding of domestic abuse?

Working with alleged perpetrators and alleged victims of abuse.

9. Question: What further support can we provide to the public (employers, friends, family, community figures) so they can identify abuse and refer victims to help effectively?

Provide more support and guidance for victimless prosecution. Where the public intervene and stop abuse the Crown Prosecution Service and police are able to proceed notwithstanding the reticence of the complainant.

2A Improving support services for all victims of domestic abuse and their children.

It is not uncommon that young people who are witnesses to violence in the home are themselves in due course investigated on suspicion of offending in a variety of ways. It is important to ensure that when investigated youths are arrested only when that is necessary in view of the particular impact upon them of being detained. This is not just an issue of their loss of liberty in that time but the extent to which the custody suite of a police station is a particularly intimidating environment. Moreover, when youths are detained they are almost always detained in police cells overnight notwithstanding the strictures of the Police and Criminal Evidence Act 1984 as they relate to youths detained in custody and the obligations of local authorities to house them.

Whilst we were encouraged that West Midlands Police joined many other forces in signing up to the Home Office Concordat on Children in Custody (Preventing the detention of children in police stations following charge) in October 2017 we are disappointed to find that there appears to have been no significant reduction in the detention of youths overnight in police stations. We are aware that this is a national problem. The difficulty appears to arise in the main from a lack of funding for local authorities to house children charged and detained by the police. We are aware through our discussions with West Midlands Police and the local authority that there have also been issues in communication between those bodies, with the police forming the impression that there was no worth in seeking referral to the local authority for accommodation as it would not be provided. There is evidence to suggest that better communication and targeted funding will assist to resolve this impasse. We note that funding has been found for the "Trusted Relationship Fund" and therefore suggest that this issue is brought within the remit of that funding stream.

10. Question: We are in the process of identifying priority areas for central Government funding on domestic abuse. Which of the following areas do you think the UK Government should prioritise? Please select up to 3.

Advocacy for victims to enable them to stay safely in their own homes (IDVAs).

Accommodation Services

Perpetrator programmes which aim to change offenders' behaviour and stop reoffending.

11. Question: What more can the Government do to encourage and support effective multi-agency working, in order to provide victims with full support and protection? Please select up to 3.

Sharing effective practice.

Training.

Other: better communication of projects both for victims and perpetrators of domestic abuse.

2B Supporting victims with specific needs

12. Question: What more can the Government do to better support victims who face multiple barriers to accessing support.

We anticipate that those facing multiple barriers to reporting instances of domestic violence and seeking support may be dissuaded by perceptions of the criminal justice system. A great deal of work has been undertaken to put in place measures which support those making complaint of violence. Litigants in person are not permitted to cross examine complainants and the courts are able to instruct advocates to do so. There are appropriate special measures provided to witnesses to screen them from the accused or provide the means to give evidence by video link. Additional proposals are in the course of being implemented with regard to prior vide recorded cross examination of child and vulnerable witnesses. Nonetheless there remain perceptions that complainants will not be supported by the police, Crown Prosecution Service or protected from the accused. It is apparent that more work could be done at the earliest stage by Police Officers tasked with taking the first complaint and in providing swift response to complaints of domestic abuse. Police forces indicate a significant reduction in funding, which has, in the example of the West Midlands police, led to the lowest numbers of police officers since 1974.

The instruction of an advocate to cross examine on behalf of the complainant is no replacement for full representation of the accused in criminal proceedings. Successive governments have cut the provision of public funding for those appearing before the criminal courts with a resultant increase in the numbers of litigants in person. The rule of law, respect for the criminal justice system and rights of all parties in criminal proceedings are ill served when litigants in person appear before the courts. The difficulties in the proper administration of justice are exacerbated in the most emotive proceedings, including allegations of violence and sexual abuse. We encourage the Government to give very careful thought to the impact of ongoing austerity measures which negatively impact on the administration of justice. This society and the profession as a whole warned the Government of the potential impact of continued cuts. There is limited evidence that those voices were heard.

13. Question: How can we work better with female offenders and vulnerable women at risk of offending to identify their domestic abuse earlier? Please select top 3.

Criminal justice agencies to adopt appropriate enquiries into history of abuse at each stage of the criminal justice process

Encourage the use of schemes which divert vulnerable women out of the criminal justice system (where appropriate) and into services

Improve availability of support for domestic abuse victims in prisons

14. Question: How can we make greater use of women-specific services to deliver interventions in safe, women-only environments? Please select top 3.

Child contact sessions so that women who are not living with their children can have supervised access to their child

Delivery of health interventions/advice such as mental health and substance misuse treatment at women-only services – providing screenings, workshops and advice and guidance sessions at ante-natal screenings and maternity units.

Other: identifying those defendants within the criminal justice system whose offending is linked to alcohol/substance dependency or who have been the victims of domestic abuse and providing structured interventions to better improve their independence.

15. Question: In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the Government make in respect of protecting domestic abuse victims with no recourse to public funds?

One of the difficulties that presents in this area is the increasing propensity for complaints of domestic abuse to precede applications for leave to remain in the UK or to skirt the loss of a sponsor. There is evidence of fabricated or at best unsubstantiated claims of domestic abuse arising from relationship breakdown where there has been no history of violence. There has been an increase in the number of cases in which defendants have been arrested but released without further action taken by the police, who have conceded that ulterior agendas may have prompted the complaint. Notwithstanding the laudable intention of providing financial independence to those genuinely in need of protection from violence, we highlight the risk that such arrangements may be exploited by some in affected communities. Where such individuals have need to establish a history of violence such proposals risk providing a perverse incentive to fabricate complaints. We urge that the impact of arrest, detention and consequent loss of liberty on those falsely accused is not underestimated.

2C Proposals to keep victims safe

Domestic abuse protection notice

16. Question: Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?

No. We do not agree that it is necessary to introduce the Domestic Abuse Protection Notice as proposed. Nor do we accept that protective orders ought to be used as a means to provide police additional time to build a case for prosecution. The Government consulted and then brought in restrictions on the time frames available to the police to bail suspects to return pending investigation. As a consequence there are now tighter time frames in place and clearer oversight before a person's liberty is limited by the strictures of police bail. The unfortunate consequence is that many suspects now find themselves in the limbo of ongoing investigations, with the appearance of few safeguards as to the time frame before the police make decisions as to disposal. The proposal to empower the police to impose Domestic Abuse Protection Orders on suspects pending investigation is consequently a matter of grave concern.

The language of the consultation document betrays the assumption that such orders are required to place control on "*perpetrators*" in order to safeguard "*victims*". That assumption is inappropriate before conviction where the police are tasked with investigating a "complaint" made by a "complainant" about a person suspected to have committed an offence. Many investigations do not result in proceedings. It must not be assumed that a complaint automatically indicates there to be a victim. Not every complainant is truthful and there must be recognition that when suspects are falsely accused they are victimised by restrictions on their liberty and the substantial stigma associated with being the subject of police investigation.

The increasing emphasis of pressure upon the investigating and prosecuting authorities, at a time of reduced funding has led to growing concern that the Criminal Justice System is failing some complainants and suspects in achieving the overriding objective of acquitting the innocent and convicting the guilty. The media has been full of recent examples of cases which have not proceeded due to failures in disclosure. Those failures arise in part due to a culture where complainants are assumed to be "victims". Investigators whilst duty bound to comply with their obligations under the Criminal Procedure and Investigations Act 1996 are prone to failure to investigate the defence and take account of significant weaknesses in the credibility of the complaint.

"Victims" including the victims of false accusations of offending, are not assisted, nor is the wider quality of justice in the UK assisted, by introducing steps which undermine the rule of law and presumption of innocence. When a suspect's liberty is curtailed in a very practical sense they have been presumed guilty before being proven guilty.

The language of the consultation, by referring to victims and perpetrators, risks creating the impression that Government views any case heard by the courts which does not result in a conviction as having failed. Justice is done when courts properly acquit those who they can't be satisfied should be convicted. Government must take care not to give the impression that to be accused is to be guilty and to be acquitted is in some sense the result of failures in the prosecution or investigation process. We do not accept that imposing interlocutory restrictions on suspects, defendants or increasing punishments for those convicted are answers to the increase in complaints of domestic violence, or the means to reduce its incidence.

The proposal to introduce a Domestic Abuse Protection Order has much in common with existing Anti Social Behaviour Injunctions and Gang Injunctions. We have grave concerns about the use of those existing orders and the limitations of funding to enable respondents to contest the proceedings. County Courts report increasing numbers of litigants in person. These are often drawn from the most vulnerable sections of our society and poorly equipped to defend themselves. There is grave risk that such orders will be improperly conceded though lack of advice and that their terms will not be drafted appropriately. As it is proposed breach will be met with criminal sanctions there is risk of miscarriages of justice. We submit that it is not appropriate for a Domestic Abuse Protection Order to be imposed on the balance of probabilities in circumstances where there is a concurrent investigation, where criminal proceedings may not follow, nor may a conviction if the respondent is tried. We anticipate a situation arising in which respondents to such orders are subsequently prosecuted and imprisoned for breach without having been tried on the originating complaint. Arguably more invidious is the situation in which a suspect having been acquitted may still fall foul of such an order with criminal sanctions applying.

In summary we object to the proposed system which will penalise and restrict the liberty of individuals accused but not convicted of domestic abuse offences. Doing so will not improve the quality of justice but risks undermining the rule of law and creating a situation in which individuals lose faith in the administration of justice by the civil and criminal courts and lose confidence in the impartiality of the police.

Domestic Abuse Protection Order

We do not agree with the proposal to broaden the categories of applicant for such an order. Whilst it is laudable to ensure that complainants can seek such orders we query the practicality of applications made by family members as opposed to by professional bodies (such as the Police, Crown Prosecution Service or capable professional support services).

We are concerned that in building in flexibility by enabling applicants to apply to the civil and criminal courts for DAP orders respondents will be prejudiced if they are not able to obtain representation. We note that there is no mention in the consultation of the proposed funding provisions for those responding to applications.

We highlight some of the difficulties arising from Anti Social Behaviour Injunctions and Gang Injunctions. Where the predecessor Anti Social Behaviour Orders were dealt with by the Magistrates' Court and firms specialising in criminal matters were funded the same has not followed with their replacements heard on application to the County Court. One difficult arising is that there is no provision for the attendance of a duty solicitor at the County Court. Respondents to applications frequently attend or are produced from custody unrepresented with no recourse to legal advice.

The provision of public funding are complicated and consequently exclude firms from acting. Originating applications and breaches are funded by different streams, some civil and some criminal legal aid. Firms without civil contracts experience difficulty when submitting applications for cases listed before the civil courts. It is commonplace that respondents find that firms specialising in work before the civil courts see such applications as quasi-criminal proceedings and do not offer representation. Similarly firms specialising in the criminal courts lack experience of representing in proceedings before the civil courts. The respondent falls between such firms and will find only a small number of firms who are able or willing to assist. Only firms with Housing Law contracts are able to provide publicly funded representation for ASBI applications linked to possession proceedings. Where there are non-possession related originating applications the application for civil funding is complex and not processed by the Legal Aid Agency in a time frame to make it practicable for firms to offer representation. Those attempting to do so commonly find the case concluded before they have confirmation of funding. Firms cannot be expected to undertake such work at risk of doing so pro bono.

We note that even in those instances of alleged breaches of ASBI and GANGBI orders where the defendant is held overnight (funding is not means tested), there is a paucity of firms able to provide emergency representation.

Unless the above issues are taken on board and appropriate non-means tested public funding is provided for respondents to Domestic Abuse Protection Orders and to enable challenge to Domestic Abuse Protection Notices, there will be an increase in the numbers of litigants in person and miscarriages of justice. It is unacceptable that the complexity of funding and listing of such applications results in two tiers of defendant, separated according to those who can afford and those who cannot afford to obtain legal advice. We reiterate that representation is essential to enable a fair trial, to ensure restrictions are imposed only when necessary and to prevent unrepresented defendants falling foul of criminal sanctions for breach of civil orders.

We raise our concern regarding the inconsistency of the powers of the judiciary dealing with breaches of protective orders. Judges in the County Courts are limited to fines, committal into custody or suspended committal. Judges in the criminal courts have a far broader range of sentencing options which are more appropriate to the social ills which commonly give rise to anti-social behaviour and by extension domestic abuse. This unintended consequence of the change of jurisdiction from the criminal to civil courts for ASBI and GANGBI applications has resulted in tying the hands of the judiciary. Judges in the County Court dealing with breaches are unable to impose a structured community punishment which will address the root cause of the behaviour and better protect the complainant.

The proposed system risks that unscrupulous applicants will list applications before the civil courts in full knowledge that the respondent is unlikely to be represented. We regret that experience indicates Police forces are likely to employ unfair tactical advantage.

On its face providing the court with flexibility to impose a range of restrictions, prohibitions and positive requirements is attractive. Our concern is to ensure there is appropriate

scrutiny of the terms of Domestic Abuse Protection Orders. That can only be achieved by an appropriately trained judiciary and in an adversarial court environment when the respondent is represented by a solicitor/barrister. We submit that it is essential there is parity of arms in any instances where a court order may interfere with the liberty of the individual. The orders envisage a system far in excess of the prevailing terms applicable to police bail, at the very time when the powers of the police have been curtailed due to public concerns at the abuse of police bail.

17. Question: Which of the following individuals/organisations should be able to apply for a Domestic Abuse Protection Order? Please select all that apply:

The victim (we prefer use of the term "complainant")

The Police

Specified third parties

We refer to the concerns we have raised above as to the breadth of category of applicant envisaged by the consultation and the practicalities of ensuring that appropriate disclosure is provided to respondents to enable them to properly defend the application.

18. Question: Which persons or bodies should be specified by regulations as 'relevant third parties' who can apply for a Domestic Abuse Protection Order on a victim's behalf? Please select all that apply:

Local Authority safeguarding or social care professionals

National Probation Service

We do not advocate that applications be made by IDVAs as we anticipate very limited scope given their interaction with the Police, who we anticipate will be authorised to make applications informed by evidence gathered by IDVAs.

19. Question: We propose that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made, including:

• at a magistrates' court by the police following the issue of a Domestic Abuse Protection Notice or at any other time

• as a standalone application by, for example, the victim or a person or organisation on the victim's behalf to a family court

• by a party during the course of any family, civil or criminal proceedings
Do you agree. Please select one

No. We accept that enabling the civil and criminal courts to deal with applications for orders will provide applicants with flexibility. We do not agree that it will eradicate the present confusion as to the process of application and indeed stands to unnecessarily complicate matters. We are concerned to ensure that public funding is available to respondents

irrespective of the court to which the application is made. Where applications can be made to the civil, criminal and family courts it is imperative that perverse incentives are not built in which would prejudice the respondent, whether in terms of funding or the availability of representation. We refer to the examples of difficulties with existing orders outlined above.

20. Question: Do you agree that family, civil, and criminal courts should be able to make a Domestic Abuse Protection Order of their own volition during the course of any proceedings?

Yes we accept that the court should have the flexibility to make such orders of its own volition. We envisage such orders to be rare where the parties are represented. We are content for that power to be available subject to our concern that there are measures and guidance to ensure that orders are only made when necessary, with terms that are appropriate and proportionate.

Again the language of the consultation document causes us concern. The proposals include the ability for criminal courts to make Domestic Abuse Protection Orders where a defendant has been acquitted. In our submission there would be very rare circumstances in which such an order would be appropriate following the acquittal of a defendant and in which a court could not consequently be satisfied to the relevant standard of proof that it had before it a "perpetrator" or "victim" of domestic abuse. The consultation does not appear to address the need for orders to protect the innocent victims of fabricated allegations, who are rarely prosecuted notwithstanding existing provisions.

21. Question: Do you agree that courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order? Please select one.

Once again the language employed in the consultation document is troubling. It is envisaged that the court will have power to restrict the liberty of a person acquitted in order to prevent "further abuse" not having established to the appropriate standard that there had been abuse in the first instance. In imposing a criminal sanction the consultation proposes a situation in which a person acquitted of offending could nonetheless find themselves imprisoned for failing to undertake a positive requirement of the order, notwithstanding no evidence of offending or further offending against a complainant. It is submitted that the approach is neither reasonable nor proportionate, nor will the resulting increase in the prosecution of breach proceedings reduce the incidence of domestic abuse. It will serve to increase the already disproportionately high prison population in the UK, as compared with other European nations.

We stress the need for courts to be given appropriate guidance to assess necessity, proportionality and query the source of evidence it is proposed will be used to determine these issues. We note the consultation does not contain an indication of how courts will come to the conclusion that orders are required. The consultation does not address whether the National Probation Service or other agencies will be resourced to provide independent

assessment of risk or the needs of a respondent. Specialist liaison and diversion services will also require resource to assist the courts with assessment of the mental health needs of complainants and respondents. If the proposal is to be enacted we submit that the Government must address the need to properly fund and resource agencies working within the Criminal Justice System. Many agencies are presently woefully under supported.

The proposals to extend the types of requirements of an order and to punish breach with conviction gives rise to the risk that respondents will be inappropriately criminalised for behaviour which would not currently result in prosecution, either falling short of offending as currently defined or where it would not be considered in the public interest to prosecute. Complainants, those involved in investigation of and prosecution of offences are prone to actioning even de minimus breaches which may result in a disproportionate response to the behaviour in question. Again we see no evidence that prosecution for breach of orders will impact positively on the incidence of domestic abuse.

22. Question: Do you agree that courts should be able to require individuals subject to a Domestic Abuse Protection Order to notify personal details to the police?

No. We oppose the proposal to have a system of notification to run alongside the imposition of a Domestic Abuse Protection Order. The proposal is to be distinguished from the notification requirements of s.80 Sexual Offences Act 2003, which only arise on conviction. The consultation the notification requirement would be imposed on a person who may not yet have been charged, tried or who may have been acquitted. It therefore envisages the Police holding a register of persons no more than "accused" which could give rise to significant prejudice to the subject of the order. This is not a reasonable or proportionate interference with a person's liberty. Significant stigma attaches to the sexual offence notification requirement and will similarly arise from notification attendant to a Domestic Abuse Protection Order.

23. Question: If so, what personal details should the courts be able to require individuals to provide to the police? Select all that apply.

We do not agree with the notification proposal. The court will already hold the personal details of any person on whom an order is imposed. If the envisaged penal sanctions are brought into force that information will be readily available to the police and of course apparent to complainants in the context of seeking the order.

24. Question: Do you agree that breach of the proposed order should be a criminal offence?

We reiterate our concerns regarding the impact of breach of an order becoming a separate criminal offence. We are not convinced that the existence of a penalty for breach will

motivate all subjects to comply. As the orders are not solely to be imposed upon conviction to reduce the risk of further offending penal sanctions attached to breach may be applied to individuals who have been acquitted of, or who may later be acquitted of the alleged domestic abuse. We envisage a situation in which unscrupulous complainants may very readily obtain the protection of such orders with the deliberate aim of restricting the respondent's liberty and placing them at risk of punishment, including imprisonment for breach. It is all too common for complainants to retract their account to the police after a suspect/defendant has been removed from the marital home and when the enormity of the impact on the defendant becomes apparent. Whilst it is commonly assumed such retractions arise due to pressure from the defendant it is clear that not every complaint is based in fact.

25. Question: If you do agree that breach of the proposed order should be a criminal offence, should it be possible for breach to alternatively be punished as a contempt of court?

No. We refer to our answers above and repeat that the distinction between the powers available to Judges sitting in the County and Crown Courts respectively gives rise to inequality and disproportionate sentencing of breaches of Anti Social Behaviour Injunctions. Breaches of Domestic Abuse Protection Orders should not be conflated with domestic abuse.

26. Question: Do you agree that courts should be given an express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order?

No. We reiterate our concern at the extent of the proposed restrictions of liberty of subjects of orders who will in many cases not have been tried or had the opportunity to challenge the accusations they face. Electronic monitoring, curfews, restrictions of movement are comparable to periods of imprisonment. They are recognised in the criminal justice system as comprising such a significant restriction on liberty that they are taken into account when establishing time to be credited to the custodial sentence of a convicted individual. Such restrictions are not to be lightly applied to those pending trial, where the courts already have suitable measures to restrict liberty though bail conditions where the relevant exceptions to unconditional bail are established. Such a measure is consequently a wholly unnecessary addition to existing provision. Our concern is that it will be employed inappropriately as a punishment for individuals who have in fact been acquitted, will inappropriately restrict the liberty of those pending trial and be used by the police to circumvent restrictions on the application of bail to those pending investigation.

27. Question: Which particular statutory safeguards relating to the use of electronic monitoring with Domestic Abuse Protection Orders should be put in place?

None. We reiterate our answer above. Post-conviction the criminal courts already have suitable powers to restrict liberty and impose community based penalties which address the

issues giving rise to offending. We have seen no evidence that replicating those powers in the form of a DAP order will reduce the incidence of domestic abuse. For the reasons already set out we oppose their introduction where defendants are acquitted or are pending trial (where the order unnecessarily replicates available bail conditions).

At its logical extent a person of good character may be subjected to restrictions on liberty similar to or more severe than the punishment imposed for many simple criminal offences, based on an unproven accusation.

28. Question: How much easier do you think it will be for domestic abuse victims to register to vote anonymously, once the changes summarised above happen?

It is not possible to know without receiving evidence of the drivers which currently prevent voter registration. If voter anonymity has been established as such a driver the legislative changes may assist.

29. Question: What further support could survivors receive to prove their safety would be at risk if their name and address appeared on the electoral register? Please put forward one suggestion

Where an allegation of domestic abuse has been proven the court creates a certificate of conviction. The court could readily provide a certificate to indicate that a complainant had been found to have been the victim of domestic abuse in such cases.

30. Question: Do you have any further comments or suggestions on how to make it easier for domestic abuse survivors to anonymously register to vote?

No.

31. Aside from anonymous registration, how else can we keep victims' addresses safe?

The application of the General Data Protection Regulations from late May 2018 will provide appropriate protective measures. Those regulations provide ample safeguards and significant penalties on breach to motivate compliance from data controllers and processors who hold details of the location of individuals.

32. Question: Before reading this consultation, were you aware of the Domestic Violence Disclosure Scheme (Clare's Law)?

Yes.

33. Question: Do you agree the guidance underpinning the DVDS should be put into law?[72] Please select one.

Disagree. We do not agree that the proposal to make the guidance a duty on the part of the police will increase the appropriate use of disclosure. We note the extent to which the statutory provisions of the Criminal Procedure and Investigations Act 1996 have impacted on the duty of disclosure, as expanded on by the conclusions of the recent HMPSI report.

34. Question: How do you think we can best promote awareness of the Domestic Violence Disclosure Scheme amongst the public?

Marketing materials and use of social media. If implemented there will clearly be a need for targeted training for those tasked with investigating allegations of domestic abuse to ensure awareness of the scheme is raised with complainants.

2D Forms of domestic abuse

35. Question: What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?

Barriers to the current provision of legal aid in terms of litigation funding.

36. Question: What more can we do to tackle domestic abuse which is perpetrated online, or through control of technology?

All of the suggestions appear appropriate.

Chapter 3 pursue and deter perpetrators

"We want to manage perpetrators from initial agency response through to conviction and rehabilitation using effective interventions aimed at preventing abuse and increasing victim safety"

We repeat our concern at the reference to "perpetrators" in the context of unproven allegations. The language of the consultation gives rise to an impression that the Government conflates complainants with victims. The approach is potentially harmful and will inform attitudes of the police, courts and other agencies which may give rise to prejudice and further stigmatisation of individuals accused of domestic abuse. We recognise but are

disappointed that it is relegated to a footnote (item 81) that the use of the term “victim” is intended to include “alleged victim” in this chapter.

Preventing abuse, rehabilitating offenders and increasing public safety are laudable aims which we entirely support. We do not support measures which undermine the rule of law, interfere with the administration of justice or remove the safeguards of proper examination of allegations before imposing punishment.

3A Improving the police response

37. Question: How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?

Through improved funding of the police force and comprehensive training for front line officers. We note that West Midlands Police has experienced cuts to funding having the impact of reducing officer numbers to levels last seen in the mid-1970s. In our liaison with West Midlands Police from the Chief Constable to front line officers the impact of funding cuts to their service in addition to the wider Criminal Justice System is apparent and in need of redress.

3B Improving victims’ experience of the criminal justice system

The context in which statistics are presented for cases which do not proceed because they are not supported by the complainant gives the impression that these are deemed to be failed prosecutions where a conviction should have resulted. The statistics do not indicate the number of retractions made by complainants who concede that their original account was fabricated or who are deemed unreliable by the prosecution. Nor does the consultation cite the number of prosecutions for acts tending and intended to pervert the course of justice arising from malicious complaints.

The process has been in place for many years to compel complainants to give evidence in proceedings of this nature and to proceed with a prosecution without calling the complainant, where there is independent evidence to support the prosecution. Changes in legislation have enabled a variety of special measures to be granted to complainants to enhance the quality of their evidence, such that their use is now common place in criminal proceedings. It ought not to be assumed that in every instance of a complainant unwilling to prosecute their complaint arises from the behaviour of the defendant or those associated with them. The consultation paper summarises many initiatives implemented in recent years which provide significant safeguards to complainants. There has been a sea change in approach to the questioning of vulnerable witnesses, particularly children, with measures pending to pre-record cross examination in advance of the trial.

It in the interests of all parties and in pursuance of the overriding objectives of the Criminal Justice System that cases are brought to trial and verdicts reached according to all available evidence. In order to be reflective of the individuality of each case and the overriding

objective a bundle of cases will always reflect a mixture of convictions and acquittals. It is concerning to read that the consultation paper refers to “high performing court areas” as being those which report a high conviction rate in domestic abuse cases, as opposed to a high effective trial rate.

38. Question: Do you think creating a legislative assumption that all domestic abuse victims are to be treated as eligible for assistance on the grounds of fear and distress (if the victim wants such assistance), will support more victims to give evidence? Please select one.

Creating the presumption that special measures will be granted to complainants in domestic abuse cases will no doubt enable police officers, IDVAs and prosecutors to reassure witnesses as to the process of giving evidence. However the consultation document does not provide evidence to support the need for a positive presumption in favour of granting special measures. Our experience is that special measures applications are made in appropriate cases and more often than not they are granted. We do not perceive there to be a lack of certainty or appropriate practice in cases deserving of such measures. The police are tasked with raising the availability of measures with complainants who are in turn referred to an IDVA and supported by the Witness Service. Courts invariably waive the notice provisions of the Criminal Procedure Rules such that applications are made at the first hearing in the summary court. There is consequently a short period of time in which the complainant awaits the decision of the court which is no doubt swiftly communicated by the various bodies supporting the complainant. We do not concede that special measures are appropriate in every case involving an allegation of domestic abuse. A presumption in favour of granting screens will reduce judicial scrutiny of applications. There is a lack of parity of arms for the defendant in terms of being screened from the complainant and/or their family/associates, whose presence during the trial process both in and outside the court room can have a powerful impact on the anxiety of the defendant.

39. Question: Is there more this government could do to explain the range and remit of existing measures for victims to help support them in the criminal justice process? Please select one.

No, complainants are extremely well supported in the Criminal Justice System.

Although the Witness Service was created to safeguard the interests of witnesses there is again a lack of parity in the treatment of prosecution and defence witnesses. In the West Midlands area work has been undertaken with the Witness Service to raise awareness of the availability of the service to defence as well as prosecution witnesses. It is conceded that ongoing work is required with the defence community to raise awareness. Ongoing training is required with Witness Service staff and volunteers to ensure that the Service is not perceived as a support unit for prosecution witnesses alone.

More could be achieved by providing additional resources to enable courts to facilitate greater care for witnesses for either party. One difficulty faced by the Witness Service in most courts is the lack of separate rooms to separately house witnesses for the prosecution and defence. The Witness Service is not resourced to police disputes between sometimes hostile factions. The upshot is that where difficulty arises priority is given to supporting prosecution witnesses. The remit of the Witness Service also falls short of support for the defendant, even when that individual is a youth, has mental health issues or other vulnerabilities. It is common place for defendants in one instance to be complainants or prosecution witnesses in other proceedings. The disparity in treatment they receive is stark. As a consequence defendants are at risk of being less prepared for the process of giving evidence, not having had acclimatisation visits or the other measures of care provided by the Witness Service to prosecution witnesses.

Similarly the provision of intermediaries to assist defendants is less organised and subject to different funding considerations than those applicable to prosecution witnesses. In a recent presentation to the Criminal Law Committee of Birmingham Law Society a registered intermediary raised the plight of defendants and the apparent reticence of Judges to accept that defendants should be assisted by intermediaries, notwithstanding independent advice of the need.

Sadly this again reflects the relative perception of the defendant and complainant's status in proceedings pre-trial.

40. Question: Do you know of instances in criminal proceedings when an application to prevent cross-examination of a victim by an unrepresented defendant has been denied in a domestic abuse case? Please select one.
Where possible, please provide evidence or details of the experience to support your answer.

No.

The instruction of an advocate to cross examine on behalf of a defendant in appropriate cases is welcomed. However, it is not a substitute for proper representation, nor does it resolve other pressing issues for litigants in person. Due to changes in financial eligibility an increasing number of defendants are neither eligible for public funding nor able to afford to instruct a solicitor to represent them. We remain concerned that the court is poorly equipped to protect the rights of litigants in person. It is in this area that the language employed by Government, HMCTS and CPS alike is crucial to the defendant receiving a fair trial. Where the perception is that the defendant is the "perpetrator" and the complainant is the "victim" and where they are referred to before the court in such terms, there is great risk of miscarriage of justice. There can be no parity of arms with the prosecution for a litigant in person. The worrying trend of Justices' Clerks behaving as a second prosecutor unless challenged by the defence representative causes us to doubt the objectivity of the clerk to the court to assist the defendant in presenting her/his case.

The litigant in person generally has no experience of criminal proceedings nor an understanding of the process, let alone the protections embedded in the Criminal Procedure Rules. All too often disclosure is served late or on the day of trial. It is common place for the

prosecution to serve a solicitor nominated with evidence rather than serving the litigant in person. Failures to liaise with the defendant to resolve witness requirements, ensure appropriate editing of agreed evidence to remove prejudicial material and to produce a meaningfully accurate transcript of the defendant's account in interview under caution are examples of the barriers to effective justice. Litigants in person are not equipped to negotiate the maze of criminal proceedings. Those protections are essential in cases involving allegations of domestic abuse given the impact of conviction on the accused, in terms of punishment, ancillary orders, costs and reputation (particularly for those of good character).

The laudable desire to strengthen protection for complainants should not be achieved at the expense of protection for the rights of and fairness of proceedings to defendants. An objective onlooker reviewing the legislation of the last decade might well conclude that the trend has been an increasing tilting of the scale in favour of the prosecution. To be effective justice must not only be done but seen to be done.

41. Question: Do you think extending the prohibition on cross-examination in criminal proceedings would support more domestic abuse victims to give evidence? Please select one.

We refer you to our response to question 40 above.

42. Question: Do you have suggestions for how we can better support prosecutions through to conclusion, including providing better support for witnesses who currently disengage from the process. Please select one.
Where possible, please provide evidence or details of the experience to support your answer.

We refer to our earlier answers above. The present provision of protection for prosecution witness is comprehensive. It is difficult to imagine fair measures which could be taken that would support the complainant without affecting parity of arms and prejudicing the defendant.

43. Question: What more can police, witness care units and the Crown Prosecution Service do to support victims through the justice process from the point of report onwards?
Where possible, please provide evidence or details of the experience to support your answer.

Please refer to the responses provided above.

44. Question: Are there other aspects of the criminal court treatment of vulnerable people which the family court could learn from? Please select one.

Provision for vulnerable witnesses and the access to financial support. We have the provisions of PD 3AA of the FPR in place, but the provision of legal aid and financial support is required.

3C Prosecuting domestic abuse

45. Question: Do you think there is further action the government could take to strengthen the effectiveness of the controlling or coercive behaviour offence? Please select one.

The consultation paper preceding this question concedes that only a short period of time has passed since the introduction to the penal code of the offence of controlling and coercive behaviour. A small number (approximately 300) cases have been brought in that time frame many of which have yet to conclude. The consultation paper does not evidence a need to "strengthen the effectiveness" of the recently created offence.

In the context of the consultation paper effectiveness is understood to equate to successful convictions. Given that every prosecution is an individual matter, which whilst it may have common features, turns on the evidence presented to the court and credibility of the prosecution case, it is not appropriate to measure effectiveness by the incidence of conviction. To do so is again to conflate complainants with victims. The presumption of innocence is the cornerstone of the Criminal Justice System. If measures to strengthen the effectiveness of an available offence are intended to signify measures to increase the conviction rate, irrespective of the evidence, they will damage the rule of law and credibility of the Criminal Justice System.

The Government is reminded that the measures taken to date which have caused such damage threaten the productivity of the UK, where legal services are the largest exported professional service. The decision of international business to adjudicate its disputes in England and Wales rests in part on the reputation and public perception of the Criminal Justice System. With the impending changes brought about by the proposed exit from the European Union UK legal services are under attack from global competition. It may prove disastrous for the Government to make further legislative changes which not only threaten the rule of law but also the international perception of the UK justice system.

46. Question: Do you think the current approach of using sentencing guidelines, as per guidelines issued in February 2018 is effective in ensuring sentences imposed reflect the seriousness of domestic abuse when it involves children? Please select one.

Yes. It is noted that the sentencing guidelines as they relate to domestic abuse in the main reiterate sentencing principles which were long established and contained as aggravating and mitigating features in existing offence guidelines. There was little within the guideline that will be seen as novel by Magistrates'/Judges. We welcome the consolidation of that guideline and appreciate the desire to raise its profile.

We have seen no evidence to suggest that the previous sentencing guidelines were ineffective. The revised guidelines for domestic abuse will be applicable from 24 May 2018. The Government is encouraged to allow their implementation, to consult with HMCTS, CPS and the defence community as well as relevant support groups before legislating further. Until the impact of those guidelines has been assessed by research with a suitable period of reflection it would be premature to implement further guidelines.

The rhetoric of the consultation suggests that increasing the severity of sentencing is desirable, though does not indicate why or how that conclusion has been reached. We are not satisfied that evidence has been established to indicate that increasing sentences following conviction for domestic abuse offences will reduce the incidence of domestic abuse. Recidivism rates amongst imprisoned defendants remain unacceptably high and indicate a lack of recognition that whilst imprisonment may provide short term protection it rarely challenges the underlying causes of violent behaviour. Rather than striving for ever increasing sentences, codifying statutory aggravating features, increasing sentence starting points and ranges, research would be better directed to establishing whether rehabilitation proves more effective than punishment alone. A large proportion of domestic abuse cases are resolved in the summary jurisdiction with short sentences and periods of post licence supervision. If defendants are to be imprisoned resource needs to be provided to ensure that custodial time is directed at life beyond prison walls, towards education, rehabilitation and challenging offending behaviour. Custodial time is squandered under current provisions where overcrowded prisons detain individuals in squalid conditions and provide limited intervention. Short term sentences comprise an expensive waste of the time of all concerned and do not provide value for money for taxpayers.

47. Question: Is a statutory aggravating factor needed in order for the court to reflect the seriousness of offences involving domestic abuse and children in sentencing? Please select one.

No. It is our view that there is no established need for a statutory aggravating factor. Courts already consider the impact of offending on all parties and with the provision of Victim Personal Statements, victims have been given a greater voice in the sentencing process. It is now common place for the parents of children impacted by crime, whether as witnesses or victims, to express the impact on the child. The courts take account of that material in judging the harm caused and culpability of the defendant. Whilst we acknowledge the aim to achieve greater consistency in sentencing by courts across England and Wales Magistrates and Judges are not assisted in imposing just sentences when their discretion is diluted.

48. Question: Please share any other views on how to ensure domestic abuse and its impact on children are taken into account in sentencing?

Domestic abuse and its impact on children are already taken into account in sentencing. We have received no evidence to support a contention to the contrary.

49. Question: Do you agree that taking extraterritorial jurisdiction over these offences is sufficient to satisfy the requirements of the Convention?

The proposal to apply extraterritorial jurisdiction to the offences suggested may well satisfy the Istanbul Convention requirements. The consultation infers it would be rare to bring prosecutions and rightly identifies the reasons:

"Generally, government policy on extraterritorial jurisdiction is that criminal offending is best dealt with by the criminal justice system of the state where the offence occurred. This is because it is the law of that state which has been violated and that is where the community that has been wronged is located, where the victim will often reside and where the necessary evidence will normally be found. This is in keeping with the general international legal framework."

Prosecution of offences in open court in the jurisdiction where they are alleged to have been committed involving trial by one's peers provides important safeguards to avoid miscarriages of justice. If extension of extraterritorial jurisdiction is to be implemented it must be accompanied by guidance to ensure that such cases remain the exception to the established general rule.

50. Question: If not, what additional offences do you think we should take extraterritorial jurisdiction over and why?

We do not propose the inclusion of other offences in the list supplied.

51. Question: Do you agree that relying on the civil law remedy in the Protection from Harassment Act 1997 is sufficient to satisfy the sexual harassment requirements of the Convention?

Yes. The codification of sexual offences comprised in the Sexual Offences Act 2003, offences provided by the Protection from Harassment Act 1997 as extended are perfectly sufficient to capture allegations of harassment which contain a sexual element.

52. Question: If not, what do you think is necessary to satisfy those requirements?

Not applicable.

3D Preventing offending

53. Question: Do you agree we should explore (with the Crown Prosecution Service) further controlled and monitored use of conditional cautions with rehabilitation programmes than is currently permitted for lower-level, normally first time domestic abuse incidents? Please select one.

Yes. It is essential however that conditional cautions are imposed where there is a genuine acceptance of offending. We are concerned to ensure that the offer of a conditional caution does not become an incentive offered by the police to secure equivocal admissions. Our experience of interviews conducted under caution causes us to express our concern at the frequent misunderstanding of the law and available defences evidenced by the investigator. Our observations are supported by the Crown Prosecution Service on review of evidence post charge where it is common place in investigations of offences against the person for officers to have interpreter an admission of physical contact as assault, notwithstanding that the defendant has raised private defence. The Police and Criminal Evidence Act 1984 and attendant Codes of Practice make clear that officers must not offer a suspect an incentive to produce a confession. The offer of conditional caution must be handled sensitively and with recognition of the risk of eliciting false confessions from vulnerable detainees. There remains much work to be done to ensure that detained suspects access their right to legal advice and are not dissuaded from its exercise.

If yes, please explain your answer, suggesting what procedures should be in place to ensure a conditional caution would only be given in appropriate cases with appropriate conditions attached.

Suspects should be encouraged to seek legal advice before accepting a conditional caution. It is imperative that the suspect understands that acceptance of a caution involves acceptance of the commission of an offence and in the view of the police, the account of the complainant. It is suggested that before a conditional caution is imposed the evidence is reviewed by an independent officer of rank Inspector or above. Representations from the instructed lawyer should be canvassed to ensure that cautions are not administered in inappropriate cases. The views of the complainant, investigating officer and defence representative should be considered in setting the terms of a conditional caution. Regard should be given to the practicality, necessity and proportionality of the conditions as well as to the ability of the defendant to comply with the terms. A period of reflection giving time for written submissions to be directed to a nominated Inspector tasked with review or the case would be welcome and achievable either during the process of bail to return to the police station or where the suspect has been released under investigation.

54. Question: Do you have any additional evidence on current conditional caution practice which we should consider in relation to this issue? Please select one.

No. We regret that conditional cautions are so rarely imposed by West Midlands Police that we do not have a body of evidence from which to draw in response.

55. Question: What changes to current policies or procedures would help police and other agencies to better manage serial and repeat abusers, in particular those who are not subject to a sentence of the court. This can include how best to:

- **risk assess an abuser and plan for risk reduction**
- **engage an abuser in order to encourage compliance with control measures**

At the point that it was proposed to create a two tiered structure to manage offenders in the community with the creation of the National Probation Service and Community Rehabilitation Companies (CRSs) we responded to the consultation to indicate the concerns we have as to the barriers there may be to the effectiveness of CRCs. Some of our concerns have been borne out over time, particularly the apparent financial disincentive for those companies to bring breach proceedings. We raise our concern that the management of offenders in the community who are not responding, in particular to Rehabilitation Activity Requirements and supervisor work, does not appear to be robust. Our experience is of defendants reaching the courts many months after breach proceedings could have been initiated and in instances where there have been many unacceptable absences from attendance. The changes to the Probation Service implemented in recent years do not seem to have improved the resolution of failing community penalties.

We have raised our concerns regarding the use of Domestic Abuse Protection Orders in our responses above. In the case of convicted offenders we have fewer reservations and agree that such orders may improve management of offenders in the community. The effectiveness of such orders will depend upon the proportionality and relevance of the conditions imposed. It is important that the creation of such orders is not greeted with the common knee jerk response where application is made by the Crown Prosecution Service in every domestic abuse case, whether appropriate or not. Our experience of that response in the context of the creation of Football Banning Orders was that the applicant lost credibility with the court by making applications in every instance of an offence related to a football match. That was in part fuelled by instructions received from the police. It became increasingly straight forward to successfully oppose their imposition as they were ill thought through and poorly drafted. The crafting of a Domestic Abuse Protection Order requires careful thought and consideration of the individual circumstances of the parties as well as the drivers to recidivism.

56. Question: What more could be done to work with perpetrators in prisons, particularly offenders who receive a sentence of less than 12 months and do not have sufficient time to complete a domestic abuse programme in custody? We are interested to hear of particular examples of practice which have been successful.

One of the key difficulties with short sentences of imprisonment is the lack of opportunities to challenge offending behaviour. Such offenders are not provided with courses whilst they are

a captive audience. A three to six month waiting list for longer term prisoners for the most common courses means that they are unviable for short term prisoners. This is an issue of funding and resource. We suggest that the Government improves resources to make available short targeted courses for short term prisoners which can be continued in the twelve month period of post sentence supervision. We appreciate the difficulty in making provision for the large number of short term prisoners passing through prisons which would make identifying start dates for courses difficult. However, it is this community who represent the largest volume of domestic abuse offending for the low level offences against the person, public order and harassment matters dealt with by the summary courts. One solution employed for prisoners who can't undertake the thinking skills course due to shortness of time/resource has been the provision of in cell workbooks to improve consequential thinking skills. We suggest that similar in cell workbooks are devised to target domestic abuse offending.

Supervision during the post sentence period does not appear to be as vigorously enforced for short term prisoners post release as for prisoners released on licence following sentences of twelve months imprisonment or more. The feedback we receive from practitioners dealing with breaches in the Magistrates' and Crown Court is that there are often delays in the inception of breach proceedings. It is common on the commission of a new offence or breach of a suspended sentence order to find, on seeking an update from the Probation Service, that there is a breach report available but that breach proceedings have not been taken. Commonly the report indicates a series of unacceptable absences, lengthy periods in which the offender has lost contact with the supervising officer and yet has not been breached. Not only does this situation set offenders up to fail in that they are likely to find suspended sentences activated but the intervening time is lost. There appears to be a failure to seize the opportunity to bring offenders back to contact by enforcement at an earlier stage. It is not possible for us to level this criticism at the National Probation Service or CRCs without their input to indicate whether this is also an issue of resource. We anticipate that the Probation Service has its own issues of resource funding similar to all other agencies in the Criminal Justice System.

Longer term prisoners, particularly those subject to the parole regime, report frustration at the lack of availability of pertinent courses. Not all prisons are able to provide the relevant programs. It is necessary for prisoners to wait for transfer to the relevant prison, for instance to undertake sex offender treatment programs. On arrival there is then a bottleneck given the high demand for such courses and consequent unacceptable waiting times. There are evident difficulties caused to sentence planning by oversubscription and shortage of resource.

If Government is committed to reducing recidivism whether in cases of domestic abuse or more broadly prisons and offender managers must be properly resourced to provide effective programs of rehabilitation.

57. Question: What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour? We are interested to hear of particular examples of practice which have been successful.

We refer to the response given to question 56 above.

Chapter 4: Improve performance

58. Question: Please select which of the following you believe should be priorities for improving data collection. Please choose up to 3.

Improving the collection and reporting of data on when domestic abuse is a feature of a case/intervention

Improving data to enable better tracking of outcomes in domestic abuse cases/ intervention

Linking data to enable better tracking of interventions and reoffending

59. Question: Do you agree with the proposed model for a Domestic Abuse Commissioner outlined above? Please select one.

Agree.

60. Question: Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner? Please choose up to 3.

Map and monitor provision of domestic abuse services against the National Statement of Expectations, and publish this information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected.

Provide recommendations to both national and local government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations.

Require local statutory agencies to cooperate and provide information.

61. Question for public bodies only: What would be the practical implications of complying with the proposed Domestic Abuse Commissioner's powers?

Not applicable.

4C Learning from domestic homicide reviews.

62. Question: One proposal is that the Domestic Abuse Commissioner could routinely collate, quality assure and share lessons learnt from DHRs. What more could be done to increase awareness of the learning from DHRs?

We propose that the findings of DHRs are more broadly published to ensure that all agencies in the Criminal Justice System have access to the findings.

63. Question: How can areas best hold their own local agencies to account in terms of monitoring delivery against DHR action plans?

The defence are not involved DHR or the action plans which result. We are consequently not in apposition to advise.

4D Sharing best practice across Government

64. Question: How can the government better share and promote effective practice on domestic abuse across all public services both in regard to commissioning and delivery of services?

Firstly, for the MOJ and the Home Office to liaise to ensure the allocation of resources to Children's Services departments. To implement and to focus resources on "the Freedom Programme" to prevent harm to alleged victims and children and to rehabilitate.

In relation to disputes between parents involved in court proceedings in the family court - to provide training and guidance to the judiciary and practitioners to focus on court directed activities in the Child Arrangements Programme for parents. Both for complainants and alleged perpetrators of violence.

65. Question: What role should local areas play in sharing good practice?

(ditto above).

How to respond:

To help us analyse the responses please submit your response using the following online form:
https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation
There is also a shorter version of the consultation available at:
https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation-short-version
This is quicker and easier to complete as it contains fewer questions and uses simpler language.
Please send your response by 31 May 2018.
If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it to:
Inter-Personal Violence Team 5th floor, Fry Building
Home Office 2 Marsham Street London SW1P 4DF
Email:
DomesticAbuseConsultation@justice.gsi.gov.uk