



Flook House, Belvedere Road, Taunton, TA1 1BT  
[admin@mankind.org.uk](mailto:admin@mankind.org.uk) : [www.mankind.org.uk](http://www.mankind.org.uk) 01823 334244  
Registered Charity No. 1089547 – Company Registration No. 3869893  
Honorary Patrons – Lord Cotter, Ian McNicholl, John Penrose MP, Paul Chivers, Sara Westle and Erin Pizzey

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## **Executive Summary: Home Office/Ministry of Justice Domestic Abuse Consultation Response (ANON-1WEK-1X2W-A)**

### **(A) About the ManKind Initiative**

The ManKind Initiative is national charity (based in Taunton) and established by both men and women over 17 years ago becoming the first British charity to support male victims of domestic abuse. Since 2001, we have been at the forefront of providing services, support and campaigning for male victims ensuring that they (and their children) receive the support and recognition they need.

We are gender inclusive in our approach so whilst we are a service provider for men, we want all female victims (and their children) to escape too so do not want services or funding switched from male to female victims.

**We provide a range of services directly to men** including an anonymous national helpline that any man anywhere can call us (01823 334244) and a drop in service from our Taunton base. On average, we receive 1,800 calls per year. We also receive calls from people on behalf of a male.

**We help other organisations to support to men** by offering a seven point CPD accredited [one day training course](#), a [national conference](#) every November, a national directory of services for male victims (called the '[Oak Book](#)'), information on safe house/refuge provision and deliver [presentations](#) at conferences/meetings around the UK.

**We also give male victims a public voice by campaigning for them**, taking part in policy consultations, and sitting on statutory/sector led committees and bodies. This includes our award winning [#violenceisviolence campaign video](#) and regularly featuring in the media

### **(B) Key Points**

We wholeheartedly support the Government's intention of taking a more proactive and focussed stance on domestic abuse. Our response to the consultation is to be taken in this good spirit – where comments are made these are based on enhancing the measures in the Government's proposals – they are not aimed at undermining the Government's intentions.

- 1) We support the proposed gender-neutral statutory definition of domestic abuse
- 2) We support the proposed inclusion of Economic Abuse in the new legal definition of domestic abuse

- 3) We believe Parental Alienation Syndrome must also be included in the new legal definition of domestic abuse
- 4) We believe that Section 76 of the Serious Crime Act 2015 on coercive and controlling behaviour must be amended to take into account partners and ex-partners who are not or are no longer living together. This will also bring the legislation into line with the proposed new legal definition of domestic abuse.
- 5) We believe that the Statutory Guidance for professionals with safeguarding responsibilities must be fully gender-inclusive and all training must also be gender-inclusive. This includes clear direction that their relevant responsibilities under the Human Rights Act 1998, Housing Act 1996, Equalities Act 2010 and Care Act 2014 also include male and LGBT+ victims.
- 6) We believe that if the Government is to continue, as indicated, with its Ending Violence Against Women and Girls Strategy and policy framework, for inclusion reasons the time is now right to create a parallel Ending Intimate Violence Against Men and Boys Strategy covering the same types of crimes.
- 7) We fully support the position of a Domestic Abuse commissioner but the person appointed must be someone who has an inclusive, multi-dimensional and equality based view of domestic abuse (men and women can be perpetrators and victims – including those in same-sex relationships).
- 8) All statutory service provision must be gender-inclusive ensuring male and LGBT+ victims are not excluded from the national or local commissioning. The latter must come via a clear direction from Government and to ensure compliance with the Human Rights Act 1998, Housing Act 1996, Equalities Act 2010 and Care Act 2014.
- 9) There needs to be a funded national network of refuges and safe houses for male victims.
- 10) There needs to be national, regional and local awareness campaigns about male victims of domestic abuse to ensure more come forward and to improve societal recognition.
- 11) The forthcoming guidance on Relationships and Sex Education in secondary schools must be inclusive ensuring equal recognition and focus is given to male and LGBT+ victims as heterosexual female victims.
- 12) The Government has a responsibility to change the national narrative, culture and conversation on domestic abuse so it more inclusive to encompass male and LGBT+ victims.
- 13) We continue to have serious concerns about the skills and legal training of a number of magistrates especially their ability to ensure any existing or future Domestic Abuse Protection Orders pass the relevant evidential threshold – even more so in the family courts.

- 14) All guidance and communications on the Domestic Violence Disclosure Scheme (“Clare’s Law”) need to be explicitly clear that it is available for both women and men to use.
- 15) Within the police there still remains a culture and view with far too many individual police officers that domestic abuse is a “heterosexual women’s issue” and not a “person’ issue”. There is not so much a “postcode lottery”, it is more of an “individual officer lottery”. The College of Policing’s domestic abuse training should be open to more scrutiny to ensure it is fully inclusive.
- 16) Any new measures, training and guidance in the family courts must apply to male victims of domestic abuse in the same circumstances as female victims, and, that this should be presented as such. This includes the equal application of evidential tests.
- 17) Any new measures in the family courts including must ensure there is an “Equality of Arms” between parties and must delineate between those actually convicted and those accused when domestic abuse arises as an issue.
- 18) There is a requirement for investment to rehabilitate female perpetrators of domestic abuse.
- 19) All Domestic Homicide Reviews must be published by the Home Office in one central repository and there must be a statutory responsibility for local authorities to actually inform professionals with safeguarding responsibilities and agencies in their area and region that they have actually published and finalised a DHR.
- 20) Within the statutory sector, we believe health professionals, social services officers and housing officers are the weakest link in the chain for recognising and supporting male victims of domestic abuse. The police response also needs to improve but that is more amongst a large number of individual police officers rather than being such a structural issue as it is within those three other areas.

31 May 2018

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<b>(1) Do you agree with the proposed approach to the statutory definition?</b>
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***Answer: Neither Agree or Disagree***

Free Text

There are three particular areas that we want to raise:

- Where we agree
- Where we agree in principle but disagree on the detail and application of the statutory definition/guidance
- Where we would like the definition to be broadened.

**(A) Agree:**

**(i) Gender-neutral statutory definition of domestic abuse**

We wholeheartedly agree with the aim of ensuring the definition continues to be “not be limited to women and girls and recognise abuse that happens in all relationships.” This must underpin the Government, statutory sector and societal approach to domestic abuse.

This ‘gender-neutral’ definition will ensure that the legislation, its application and guidance remains in line with the “British Constitution” and the democratic/legal framework of this country. This will ensure the individual and individual need/risk as being the primary factor in domestic abuse and support for domestic abuse victims. As set out in the consultation, it will ensure that all victims are supported and recognised.

To include in any definition anything other than a gender-neutral definition would lead to a breach of the Equalities Act 2010, Human Rights Act 1998 and also leave the statutory sector open to breaches in the Care Act 2014 and Housing Act 1996 in how they apply any non-gender neutral definition.

**(ii) Economic Abuse**

We agree with the expansion of the definition to include economic abuse in the legislation. Economic abuse is part of the ‘dangerous cocktail’ of domestic abuse crimes that affect victims and is one that has fallen in-between different parts of legislation so it is welcome that it is included and has not been overlooked

It is important to ensure that all statutory guidance and communications including any guidance notes to the Bill are gender inclusive as economic abuse affects male victims as well as female victims. One in seven men (and one in five women) have experienced financial abuse from a partner or ex-partner (Co-op/Refuge Money Matters report published in 2015) – forming 40% of all victims. Failure to take an

inclusive approach will mean that economic abuse will wrongly be seen as a crime only affecting heterosexual women – not women and men.

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## **(B) Agree in principle but disagree with the approach and definition**

### **(i) Statutory Guidance must be inclusive**

We agree with the Statutory Guidance in principle.

However, we have grave concerns that the eventual guidance will not be inclusive thereby ensuring equal recognition and support for domestic abuse victims (especially male and LGBT+ victims), based on individual need and risk. This can be seen by some (not all – we very much welcome the recognition of men in key narrative areas) of the narrative and policy framework in the consultation.

This narrative can be seen by the term used in the explanation of the guidance where the phrase “the gendered nature of domestic abuse.” At a national policy level, this is broadly used to define and portray domestic abuse as a crime against (heterosexual) women – and not a crime against the individual (which would of course be in line with the statutory definition).

In many quarters, albeit reducing in numbers of professional adherents but not reducing in policy influence, domestic abuse is often placed in an ideological framework (“the patriarchy”). This framework acts against modern professional practice (individual need and risk), the proposed (and welcome) gender-neutral domestic abuse definition and also creates a hierarchy of victims based on their protected characteristics not need/risk. This is not an inclusive approach to the crime. This approach leads to differences in statutory responses to victims, funding/services and societal recognition. In effect, it frames domestic abuse as a “heterosexual women’s issue” not a “person issue” or a “crime against a victim”.

An example can be seen in the consultation of this non-inclusive framing. For example, page 9 states:

*“This is especially true when looking at the most serious crimes as can be seen by the profile of victims being discussed at a Multi-Agency Risk Assessment Conference (MARAC) – which only deals with the most severe cases of domestic abuse. According to SafeLives’ estimates, in 2016/17, 95% of cases were for female victims.”*

This statement is trying to frame the fact that of all high-risk victims, only 5% are male – hence the priority should be female victims. However, the use of the Marac data as a proxy for the number of high risk victims is statistically erroneous and gives an inaccurate picture of domestic abuse. If this figure is used in any statutory guidance without clear caveats and explanations, it will continue to misrepresent domestic abuse.

The reason using the Marac data (we wholeheartedly support Safelives and the Marac system) in this way to frame the number of high risk victims is wrong is because it is being used as a proxy for the percentage number of actual number of high risk victims by gender when what the SafeLives data actually shows is the percentage number of victims who are being assessed as high risk and heard at Marac.

This is wholly different and does take into account under-reporting, under-recording, non-recording and men minimising the harm they are suffering (a typical male trait). This can be seen by the fact that:

- c33% of victims being male in the main ONS Intimate Violence data set (largely anonymous survey)
- c24% of victims going to the police being male (FOIs to 43 police forces every year)
- Only c5% of victims assessed as high risk being male and only 5% of victims who use IDVA services are male.

It does not stand to reason (or there is no explanation) for this large reduction from 33% to 5%. We have experience of men who are assessed as being at high risk but whose case is still not heard at MARAC at the discretion of the chair. We have recommended to the Home Office and Office for National Statistics that they should research this issue and recommended a team of academic experts.

Our view of working in the field of domestic abuse for nearly 20 years is that domestic abuse must not be defined and is not a gendered crime and therefore must not be defined as “gendered by nature”. It is a crime against an individual (‘gender neutral’) and any gender can be a victim/perpetrator – we support gendered inclusive and gender-friendly approaches to the provision of support based on differences in gender.

The fear is that if the guidance has an emphasis on a “gendered nature of domestic abuse” – it will ultimately fail to support male and LGBT+ victims. It continues to minimise their voice in the domestic abuse narrative/conversation, minimises service provision and ultimately increase their risk and vulnerability (and their children).

If the guidance wishes to pull out specific areas that affect women more than men and vice versa (similar to the CPS statement on male victims), we would support such an inclusive approach. Our fear is that male and LGBT+ victims will be an ‘add-on’ and not be featured throughout with the same level of recognition and focus as heterosexual female victims. This would mean the guidance was not inclusive and leave professionals open to breaches in the Human Rights Act, Equality Act and Care Act.

## **(ii) Violence Against Women and Girls Framework**

We agree with the principle of the Ending Violence Against Women and Girls Strategy and Framework. But not when it also encompasses male victims of VAWG crimes – including domestic abuse, sexual abuse/violence, stalking, forced marriage and honour-based crime. It is an illogical policy contortion to define and classify male victims of these crimes as victims of VAWG crimes.

The charity has set out its position, alongside a number of other charities (in the sexual violence/abuse field) directly with officials and ministers that it is time now for the government to take an inclusive, equality and needs-based approach which means creating a parallel “Ending Intimate Violence Against Men and Boys Strategy”. The reason is

- It is factually incorrect to class men and boys who are victims of these crimes as victims of crimes against women and girls;
- The approach minimises and disrespects the lived experience of men and boys who suffer these crimes, contributing to their vulnerability;
- Reporting rates for male victims of these crimes continues to be far too low, which then has an impact on service provision and funding. It is our judgment that current policies act as a disincentive and barrier to reporting;
- Male victims of these crimes continue to be more invisible than they should be to society at large and current government policies contributing to this;
- The approach hampers the creation of nuanced and gender responsive statutory services and understanding at a national, regional and local level, and,
- There continues to be chronic under provision of resources and funding at through national, regional and local bodies.

The introduction of a parallel strategy and separate classification/categorisation would provide a pathway towards resolving many of these issues which have such a negative impact on the wellbeing of vulnerable men and boys in our society. This includes a lack of service provision, societal recognition and an improved response from statutory authorities. It would also ensure that as a country we continue down the path of being fully inclusive, in keeping with the Prime Minister’s vision of a society that works for everyone.

Lastly, an example of how this policy contortion works in practice is the fact that those men who came forward in 2016 and 2017 to say they were victims of sexual assault as young footballers are classified and codified by the Government as victims of VAWG crimes. Whenever, this is stated in public including through training professionals in the statutory sector (police, local authority and health) – it is met with incredulity.

### **(iii) Statutory Guidance - Service Provision and Training**

A key concern is that new guidance and laws without ensuring there is sufficient inclusion of the need to support and recognise male victims throughout the statutory guidance will continue to fail male victims (and their children). This will ultimately mean the intention of Government policy of ensuring all victims are able to escape from domestic abuse will fail.

It is vital therefore that the guidance is inclusive and states explicitly the need for professionals who have safeguarding obligations

- to fully recognise male and LGBT+ victims (and their children)
- are properly trained to support and recognise male and LGBT+ victims

- ensure they are aware that all legislation and guidance applies to male victims as it does female victims
- assess (including applying the DASH Risk Assessment) and support male victims in exactly the same way as female victims rightly are
- ensure services are provided to male victims – including to male victims with the same level of need and risk as a female victim.
- If they are a commissioner – they need to make sure there is funded provision for male victims at a proportionate level to female victims.

A good example of where the need for guidance to be inclusive is the failure by the Chartered Institute of Housing who in May 2018, issued a “Make a Stand” pledge to the housing sector, however, the campaign was broadly framed at just female victims (statistics, press release and imagery).

**(iv) Service Provision - ensuring male and LGBT+ victims are not excluded.**

It is expected that many submissions will set out that the guidance and new laws are all positive but without adequate application nor funding for service provision then ultimately the Government will fail. We obviously support the Government’s intentions but are concerned about the issue of funding.

In terms of funding, we think it is vital to codify and place a legal obligation on statutory commissioners of domestic abuse services that proportionate funding and service provision must be available for male and LGBT+ victims in their communities. This could be from the same funding stream or service, or, a parallel funding stream or service. Proportionate funding should not be based on the flawed proxy of using the Marac data – local police or ONS estimates are a better starting point.

No longer can it be acceptable for domestic abuse services to be commissioned without ensuring they are inclusive - we can no longer have communities where only heterosexual female victims of domestic abuse are supported – we need to support all victims. We need a service to support male victims in every town and city - whether part of an overall service or a parallel service. The key is not who provides it but that there is an appropriate service.

To be clear, there is not enough funding for heterosexual female victims and we do not want any funding taken away from female victims and made available to others. We need more funding for everyone.

**(v) National network of refuges**

At the present time, there are only there are 27 organisations offering refuge or safe house provision for male victims in the UK - a total of 105 spaces, of which 31 are dedicated to male victims only (the rest being for victims of either gender).

These places are nearly always full - on Monday 21 May 2018 they were all full for men fleeing with children. In addition, research conducted by the ManKind Initiative in January 2018 with four refuges found that men were having to travel on average 160 miles to obtain a place (one man had to travel from the Midlands to Scotland



with his children). One refuge turned away 20 men over a three month period because they were full. In some parts of the country (including London), there are no places for men at all.

The problem has been a myth that continues to be propagated that men do not want or need refuge/safe houses – when this is not the case, as some men do need them (including those with children) so there cannot be a presumption.

It is vital therefore the Government funds a network of refuges/safe houses for men, or purposely sets aside/ring-fenced funding for this in an overall funding package. The recent £20 million fund from the Ministry of Housing, Communities and Local Government to local authorities for refuges and accommodation-based services was welcome – but the guidance was explicitly clear that the priority was aimed only at female victims. It was therefore non-inclusive and it was not surprising that few applications for support included provision for male victims.

This is why if similar funds are made available, money has to be ring-fenced for male victim places or that it is set out the funding it is available for female and male victims – and not made out that this is explicitly for female victims. It was a clear case of a non-inclusive approach to domestic abuse.

To be clear, there is not enough funding for refuge/safe houses for heterosexual female victims and we do not want any funding taken away from female victims and made available to others. We need more funding for everyone.

#### **(vi) Awareness Campaigns**

The last point is the law and guidance will not be a success for all victims if more is not done by the Government and statutory agencies to ensure domestic abuse is viewed as a crime with both female and male victims and male and female perpetrators.

One of the reason so many men stay in abusive relationships, that many fail (statutory agencies, friends, family, work colleagues) to support them and that service provision is poor. This is because domestic abuse is still seen as a “heterosexual women’s problem”- when it rightly is “everyone’s problem”. The level of under-reporting by men is three times that of women (and far too many women do not report) because male victims do not recognise what they are going through as domestic abuse so they do not report it. The latter also explains why so few men access IDVA services or are assessed as being high-risk –they are not accessing services because they do not think domestic abuse services are aimed at them. They are also not being signposted to them.

This overarching narrative and conversation needs to change if other reforms are to be a success. Some Police and Crime Commissioners, local council and charities do run proactive male awareness campaigns but it is not enough nor consistent across the UK.

We therefore call upon the government to take a leadership role in this area by funding awareness campaigns aimed at male victims (they can be of course alongside parallel female awareness campaigns), to ensure that any overarching

domestic abuse campaigns include messaging, video and imagery aimed at male victims as well as female victims.

The Government has a responsibility to change the view of society and the statutory sector about domestic abuse – and this includes ensuring male victims are fully recognised and recognised as equals to female victims and as having equal rights to services to female victims.

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## **(C) Where we would like the definition to be broadened**

### **(i) Parental Alienation Syndrome inclusion**

We strongly believe that Parental Alienation Syndrome (PAS) should also be included in the statutory definition. This is not covered by the legislation on Controlling and Coercive Behaviour (Section 76 of the Serious Crime Act 2015) as this is based on intimate partners who live together (which is in itself non-aligned with the Government’s domestic abuse definition which covers current and ex-partners).

PAS is growing substantially in recognition throughout the justice and legal sector with Children and Family Court Advisory and Support Service (Cafcass) reporting that it is a feature of approximately 11%-15% of divorces involving children. In addition, Cafcass reports that parental alienation plays a part in approximately 80% of the most difficult divorce cases seen by the court. To recognise this, Cafcass are developing a high conflict and alienation pathway.

Broadly PAS refers to a situation in which a resident parent (usually but not exclusively) turns their child against the non-resident parent, intentionally or unintentionally, resulting in the child’s supposed desire to reject all contact with that parent. More succinctly, Cafcass Chief Executive Anthony Douglas, stated that it was the “practice of ‘brainwashing’ children against a former parent”.

The focus from a Cafcass perspective is on the impact on the child, however, PAS has an impact on the alienated parent (ex-partner) that is clearly aimed at causing psychological, emotional and financial abuse against them. It is also clearly controlling and coercive behaviour and would fit under the government definition of domestic abuse setting aside the ‘living together’ clause in Section 76 of the Serious Crime Act 2015. This section is not aligned with the legal definition.

The psychological, emotional and financial abuse involves:

- The deliberate nature and behaviour of manipulating a child against an ex-partner causing psychological and emotional harm
- The deliberate nature and behaviour of manipulating a child against an ex-partner is coercive and controlling behaviour

- The psychological and emotional harm against an ex-partner by the wilful, deliberate and continual breach of Child Arrangement Orders
- The financial abuse by the wilful and continual breach of Child Arrangement Orders means the non-resident partner having to constantly seek further legal redress ultimately with financial burden of doing so.

In conclusion, Parental Alienation Syndrome would fit squarely with the government's proposed statutory definition of domestic abuse and should be included as such.

## **(ii) Controlling and Coercive Behaviour – change to Serious Crime Act 2015**

There is clear non-alignment between the statutory law on coercive and controlling behaviour (Section 76 of the Serious Crime Act) and the definition of domestic abuse which the government is aiming to turn into a statutory definition.

Section 76 is clear that 'coercive and controlling behaviours' is between a 'personally connected' perpetrator and victim if :

- they are in an intimate personal relationship; or
- they live together **and** are either members of the same family; or
- they live together **and** have previously been in an intimate personal relationship with each other.

However, the proposed statutory definition of domestic abuse does not have a 'live together' test so therefore to ensure alignment, we would propose that Section 76 of the Serious Crime Act is amended to remove the wording "they live together" from the last (third) bullet.

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**(2) Will the new definition change what your organisation does?**

***Answer: Yes in a positive way***

The new guidance and statutory definition (if an inclusive approach is taken) will enable us to give further support to male victims and also to give further and deeper support to professionals with safeguarding responsibilities.

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**(3) How can we ensure that the definition is embedded in frontline practice?**

The key is to ensure that all training for professionals with safeguarding responsibilities embeds domestic abuse as a key part of their responsibilities – including the new definition. The key as set out throughout our response is that this has to be inclusive so fully recognises and supports male and LGBT+ victims (and their children) alongside female victims. Failure to do so will continue to leave those victims at risk.

Another area is to ensure that commissioned services are inclusive and that there is service provision for male and LGBT+ victims in every town and city. There is no point providing training, especially at a local or regional level, if there is not funding for services to support these groups of victims.

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**(4) What impact do you think the changes to the age limit in the 2012 definition have had?**

***Answer: Very positive***

We agree with the extension of the age limit when it took place to ensure young adults were included. This has also greatly helped with the education in schools/colleges around domestic abuse, healthy relationships and consent.

We agree with the current definition and support the Government on not making a change to the current age limit .

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**(5) We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach?**

***Answer: We agree***

We agree with the extension of the age limit when it took place to ensure young adults were included. This has also greatly helped with the education in schools/colleges around domestic abuse, healthy relationships and consent.

We agree with the current definition and support the Government on not making a change to the current age limit .

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**(6) 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?**

The main issue is to ensure that the relationship education is fully inclusive.

This means ensuring that teenage boys and girls understand what are unhealthy and healthy relationships and that both women/girls and men/boys can be both perpetrators and victims. Our fear is that the education around this, and other crimes, is only aimed at heterosexual male perpetrators and heterosexual female victims, therefore not taking into account male and LGBT+ victims.

The forthcoming guidance on Relationships and Sex Education in secondary schools must ensure it is inclusive – failure to do so will lead to heterosexual teenage boys and those who are LGBT+ being in a vulnerable situation. They will not recognise themselves as being potential victims of domestic abuse. In addition, schools/colleges will not be responsive to them alongside the support they rightly will give female heterosexual victims.

It also means all communication campaigns have to give this inclusive message and that there must be parallel statistics and examples.

For example, the last two Home Office campaigns were non-inclusive:

- The Disrespect Nobody campaign only featured female victimhood in its communications (<https://youtu.be/V9GjphelMro>)
- Teen Dating Violence: only featured female victimhood in its communications (<https://www.youtube.com/watch?v=bmM-n4GhVaE>)

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**(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.**

- Health professionals
- Police
- Housing Staff

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**(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?**

The Government has to change the narrative, culture and conversation on domestic abuse – to make clear that it is a crime that happens to everyone - including men and LGBT+ victims and that statutory agencies have the same statutory responsibilities and obligations to those victims as they do for heterosexual female victims. This includes ensuring the overall levels of response and support are based on individual need and risk and this is more important than any protected characteristic (albeit should be taken into account when providing an inclusive support programme). This will ensure all staff understand the need to support and recognise male and LGBT+ victims and that services are commissioned/funded to support them.

As set out in the response to section 1 – ensuring there is a parallel “VAWG” strategy aimed at men and boys will make a huge difference in ensuring there is an inclusive approach to domestic abuse. Without which, there will never be equality for all victims and all victims will never be recognised as the same.

In addition, again as set out in section 1 ensuring awareness campaigns and service provision are gender inclusive will also make a difference.

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**(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?**

The Government must change the narrative, culture and conversation on domestic abuse – to make clear that it is a crime that happens to everyone - including men and LGBT+.

Society remains resistant to the existence of male victims (see ‘violenceisviolence video <https://www.youtube.com/watch?v=u3PgH86OyEM>) which leads to the fact that male victims are three times less likely to come forward, therefore they are not accessing services nor being signposted. Many men who have suffered have said that they did not know or realise they were victims of domestic abuse: <https://metro.co.uk/2016/12/20/woman-spared-jail-for-domestic-abuse-that-left-boyfriend-in-fear-6334565/>

One of the reason so many men stay in abusive relationships, that many fail (statutory agencies, friends, family, work colleagues) to support them and that service provision is poor is because domestic abuse is still seen as a “heterosexual women’s problem”- when it rightly is “everyone’s problem”. The level of under-reporting by men is three times that of women (and far too many women do not report) because male victims do not recognise what they are going through as domestic abuse so they do not report it. The latter also explains why so few men access IDVA services or are assessed as being high-risk – they are not accessing services because they do not think domestic abuse services are aimed at them.

The Government has a responsibility to change society’s mind about domestic abuse so it moves from an old-fashioned, exclusive view that domestic abuse is a “heterosexual women’s problem” and that “only women are victims” to one where

domestic abuse is recognised as “everyone’s problem” and that “anyone can be a victim”. This new, modern and inclusive approach will save more lives.

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**(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.**

- Accommodation services
  - Helpline services for those affected by domestic abuse to call for advice and support
  - Rolling out of new multi-agency approaches
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**(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.**

- Guidance
  - Sharing effective practice
  - Training
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**(12) Question: What more can the Government do to better support victims who face multiple barriers to accessing support.**

Ensuring frontline professionals perceive and understand the extra barriers some people face requires well designed training and a holistic inclusive view of domestic abuse. The expertise in the sector should be sought for the development of this training, as this sector has long factored in and developed specialisms in many of these areas, including the needs of BME, LGBT+ and disabled victims. This also includes victims of forced marriage, honour-based crimes and those without “right to remain” immigration status. This includes male victims of these crimes as well as rightly female victims.

When public sector commissioners are determining the funds that will ultimately be available to support some of these most vulnerable people, it would help if these commissioners were instructed to carry out thorough needs assessments as a condition of receiving their devolved funding. Police and Crime Commissioners and local councils, when receiving victims monies from the Home Office, Ministry of Housing Communities and Local Government, and, the Ministry of Justice, should be required to assess the needs of survivors of domestic abuse in their area on the basis of gender, age, social background and other protected characteristics. These needs assessments should be required to be made central to tendering processes such that “innovative” bids are not able to score more highly than that which is not necessarily new but is shown to soundly meet local need.

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**(13) Question: How can we work better with female offenders**

***Answer: Other – free text***

We obviously support better services for female offenders of domestic abuse who are usually provided with “anger management counselling” despite better models being available. However there will also be a number of men who are victims of domestic abuse especially through adult family violence. It would be helpful to also include (as a parallel piece of work) what support these male victims need, to understand their numbers and help them ensure they can escape it when they leave prison and do not go back to adult family violence situations.

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

***No answer***

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**(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?**

The Government should begin by recognising that abusive partners can use someone’s insecure immigration status as a means to coerce and control them.

The DDVC currently permits eligible individuals three months’ leave outside the rules during which they can access public funds to apply for further leave to remain in the UK. It applies currently to those women and men who are trapped in an abusive relationship when by virtue of a spousal visa they cannot access public funds. The concession allows them to convert their visa to a temporary one giving them three months to flee and find safe accommodation and ultimately to apply for indefinite leave to remain where the relationship has broken down due to the abuse.

Both the DDVC and indefinite leave to remain as the victim of domestic violence are only available to those who have a visa as the partner of a British or settled person.

We would urge a review of eligibility of both the DDVC and of those who are eligible to regularise their status long term as a victim of domestic abuse.

In addition, we would suggest that the current system which restricts access to public funds has an extremely detrimental impact on those women and men who are too often forced to remain in abusive situations.



The Government should consider how women and men with insecure immigration status currently face a “justice gap” –

- they are already less likely to access civil protection orders when they and their children may benefit from them;
- they may have a well-founded fear of being penalised and even deported if they do report and seek sanction of a dangerous partner.

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**(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)?**

**Answer: Yes**

The proposed Domestic Abuse Protection Notice should operate in line with the new statutory definition – however, it is vital that there is clear evidence before such a Notice is granted. This is important to ensure that the protection notices are not issued without passing an evidence test else there is a risk that a small minority of people may use them to make, or threaten to make, a false accusation of domestic abuse – an issue that features in a minority of calls to the charity’s helpline.

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

**Answer: Tick all**

It is vital that more statutory agencies take a proactive approach. Far too many hide behind the fact that the victim (male and female) will not go to the police or fully disclose as an excuse to do nothing even though the professionals in the statutory agency have clear evidence that there is domestic abuse.

One particular high profile case recently saw a multiple failures by the health service to take proactive action that nearly led to the death of a victim because they chose not to contact the police, even though they knew the victim was at significant risk.

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**(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:**

**Answer: Tick all**

It is vital that more statutory agencies take a proactive approach. Far too many hide behind the fact that the victim (male and female) will not go to the police or fully

disclose as an excuse to do nothing even though the professionals in the statutory agency have clear evidence that there is domestic abuse.

One particular high profile case recently saw a multiple failures by the health service to take proactive action that nearly led to the death of a victim because they chose not to contact the police, even though they knew the victim was at significant risk.

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**(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 proceeding**

***Answer: Tick all***

In theory, it is vital that there as many routes as possible, however, the applications must pass a stringent and consistent evidential test and there must be strong and clear guidance to the judges and magistrates.

However, in practice we have serious concerns about the skills and legal training of a number of magistrates especially their ability to ensure any Orders pass the relevant evidential threshold. Too many are unable to leave their personal bias behind. Currently we see too many non-molestation orders given on the word, without supporting evidence, of the accusers. This is leading to an increase in false allegations of domestic abuse including those made in order to alienate a father from their children .

At the present time, we are also not convinced magistrates at the family courts should be able to issue these Orders for the same reason as above alongside the inability of equal access and affordability of legal support by both parties in serious parental conflict cases. We are also certainly not convinced that Cafcass and social services staff have the experience, expertise and resources to be involved.

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**(2) 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?**

**This would include where no application has been made by the victim or relevant third parties. In a criminal court this could include following a conviction or an acquittal. This should improve how different jurisdictions can respond to domestic abuse by giving all courts a clear pathway for protecting individuals who are identified as being at risk.**

***Answer: No***

In theory, it is vital that there as many routes as possible, however, the applications must pass a stringent and consistent evidential test and there must be strong and clear guidance to the judges and magistrates.

However, in practice we have serious concerns about the skills and legal training of a number of magistrates especially their ability to ensure any Orders pass the relevant evidential threshold. Too many are unable to leave their personal bias behind. Currently we see too many non-molestation orders given on the word, without supporting evidence, of the accusers. This is leading to an increase in false allegations of domestic abuse including those made in order to alienate a father from their children .

We do not have faith in the family courts yet not to issue Domestic Abuse Protection Orders without sufficient evidence and the passing of an evidential test and 'fact finding' under section 12J . This is even more so when the accused is unable to afford sufficient legal representation for custody battles over the residency of children.

Since the reduction in legal aid for child residency disputes in the family courts except where there is a claim of domestic abuse, the law of unintended consequences has seen the number of accusations of domestic abuse in these cases rise exponentially. There is no evidence of an increase in the actual amount of domestic abuse in these types of relationships.

Courts already have the provision for conviction or on release from prison to issue a restraining order which can have far stricter conditions. Currently Domestic Violence Protection Orders are currently only good for a maximum of 28 days during which time the victim must apply to the court for a non-molestation order

We are also certainly not convinced that Cafcass and social services staff have the experience, expertise and resources to be involved.

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**(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**

Only if there are resources available to fund the positive requirements.

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**(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?**

**Answer: Yes**

It should be notifiable even more so if they move 'out of area'

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

***Answer: All***

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

***Answer: Yes***

Without a breach being a criminal offence, the orders have no teeth.

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**(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?**

***Answer: Yes***

Contempt of court is a much stronger penalty and is recognised as far more serious, it will lead to proper enforcement and will set a clear expectation of the penalty to be assigned when breaching the order.

Where there is the continual, deliberate and wilful breach of child arrangement orders these should be treated in the same way in the family courts rather than be ignored when they are clearly contempt of court. The failure by the family courts to treat these breaches as contempt exacerbates parental alienation syndrome and also the psychological, emotional and financial abuse on the parent who is being alienated or is the victim.

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

***Answer: Yes***

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

***No answer***

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**(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?**

Much easier but will rely on councils to have the procedures in place to keep the data anonymised.

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**(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.**

Councils have to have externally certified procedures in place to ensure the data anonymised

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**Q30-31**

***No answer***

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

***Answer: Yes***

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**(33) Question: Do you agree the guidance underpinning the DVDS should be put into law? Please select one.**

***Answer: Yes***

The problem with the DVDS and the colloquial description of it as "Clare's Law" by many agencies (though we understand why it is called that) – is that it is not clear that it is available for men as well as women. This is why only 7% of people in 2016 who used the DVDS were men. At one of the consultation events for this Bill (Newcastle), many professionals in the room did not know it was even available for men to use as well!

It therefore needs to be made explicitly clear in any guidance that it is available for both women and men to use and this must also be included in the communications campaign. It is advisable not to refer to it as Clare's law as by naming a scheme under a name that refers to only one gender is, as you would expect, mean that the other gender and professionals does not think that it applies to them.

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

**Answer: All**

The problem with the DVDS and the colloquial description of it as “Clare’s Law” by many agencies (though we understand why it is called that) – is that it is not clear that it is available for men as well as women. This is why only 7% of people in 2016 who used the DVDS were men. At one of the consultation events for this Bill (Newcastle), many professionals in the room did not know it was even available for men to use as well!

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

Male victims will largely suffer the same problems as female victims as they will be denied the economic means of escaping.

This is why the inclusion of economic abuse is so vital because it will then provide a more rounded view of domestic abuse. One in seven men (and one in five women) have experienced financial abuse from a partner or ex-partner (Co-op/Refuge Money Matters report published in 2015) – forming 40% of all victims.

They may be in work, but if they have no access to money they will still not be able to leave and find somewhere else to live – made worse if they have children.

They may be in work, but if they have no access to money they will still be denied housing benefit to access what few refuge/safe houses there are.

They may be in work, but if they have no access to money they will still not have the means to pay for legal support for non-molestation or occupation orders or divorce.

Victims of economic abuse should be eligible for legal aid even if they nominally have money – but in reality they have no access to it or that huge debts have been run up in their name – a particular form of economic domestic abuse affecting men.

In the past victims could access legal aid even when they owned a property. When the house was sold, the legal aid board would have their funding repaid first from the proceeds of the sale.

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

*Tick all*

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**(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?**

In just looking at male victims, whilst the police response has greatly improved over the past ten years, far too many men who present to the place are not believed or no proactive action is taken.

There still remains a culture embedded with far too many individual police officers that domestic abuse is a “heterosexual women’s issue” and not a “person’ issue”. There is not so much a “postcode lottery”, it more an “individual officer lottery” – as some officers within a police force are great whilst others are not including not applying the proper procedures and safeguarding measures.

This leads to a lack of DASH Risk assessments being made (see comments in section 1 about Marac and IDVA referral rates), lack of correctly implemented DASH assessments and also the lack of a proactive arrest policy.

This can be seen in a number of high profile cases (Mark van Dongen, Alex Skeel and David Edwards), where the police have not made arrest when there is clear evidence of a crime being committed. We question whether this was down to a lack of competence, or, a lack of competence AND because the victim was male.

We believe that within police training guidance it needs to be explicit that domestic happens to women and men (without minimising statements such as “the majority of victims are women” and that it is a ‘VAWG’ crime), training specifically about male victims of domestic abuse and an improved culture throughout. The College of Policing training in the area of domestic abuse should be widely scrutinised to ensure confidence that the training is inclusive.

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**(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.**

***Answer: Yes***

It can never be underestimated the level of fear a victims has when they are in this situation - including the fear of the repercussions for giving evidence and seeing their perpetrator's reactions. This is why this assistance is vital and will give more the confidence to give evidence

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**(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.**

***Answer: Yes***

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**(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.**

***Answer: We are not aware of any instances.***

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**(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.**

***Answer: Yes***

Any new measures would apply to male victims of domestic abuse in these circumstances, and, that this should be presented as such. While that may be self-evident in terms of the law being gender-neutral, it is important that the presentation and narrative for any new measures also recognises that they apply to male victims as well as female victims.

There is always a risk in domestic abuse matters, especially those that are emotionally charged, that they are presented in a way that suggests only women are victims of domestic abuse, including those within the family courts. It is important that the presentation of the outcome of the review includes female and male victims, and, male and female perpetrators. This will also serve as a reminder to the family courts when they apply the review's findings that men are victims too.

We also believe it is important that any new measures are clear in delineating the status of those who are allowed to cross-examine witnesses.

We certainly support those convicted of domestic abuse and sexual offences (including rape) from not being allowed to directly cross examine their victim, in the same way that is applied in a criminal court.

Some of the media reporting and Parliamentary debate however, conflated those with actual convictions (including cautions and restraining orders) with those who had been accused, but not convicted.

We ask that any measures proposed in the review are clear defining this delineation, and, that Due Process, Equality of Arms and Section 6 of the Human Rights Act is maintained.



Our concern in a family court setting, is how to ensure women and men who have been falsely accused of domestic abuse (that is, there is no conviction nor even outstanding proceedings) are not denied Due Process and Equality of Arms, which is potentially an unintended consequence of this extension. From the helpline that we run, we hear from men who have said they have been falsely accused of domestic abuse including in a family court setting and also a father's charity (Families Need Fathers) carried out research that indicated that this was an issue. We cannot prove via our anonymous helpline the veracity of all of these claims, beyond the fact that is not an unusual type of telephone call and therefore we are confident that a number will be truthful.

In fact, false allegations are themselves a form of domestic abuse as they are designed to psychologically and emotionally control an (ex) partner, and, through the family courts, have the potential to financially control an (ex) partner (especially in terms of facing the prospect of large legal fees).

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**(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.**

***Answer: Yes***

***Where possible, please provide evidence or details of the experience to support your answer.***

Witnesses tend to disengage from the process mainly due to the extended period of time it takes many courts to hear their cases and a distrust of the legal system and its perceived outcomes. Even when a victim states at the beginning that they will support the prosecution, it can take many months to come to court. By this time, the victim may have moved on or have been sufficiently intimidated so as to disengage.

- Protect the victim from the start with a sufficiently worded and enforced non-molestation order (a victim whose perpetrator used the local bus service, the bus route was changed to go down the victim's street. Instead of changing the order to say that she had to stay on the bus and was not allowed to alight at the stop on his street, magistrates removed his street from the list of exclusions)
- Provide adequate victim care services person who can explain the process including timings and manage things such as screens and private rooms on arrival so the victim will not bump into their abuser. (this is viewed as less of a priority for male victims)
- Allow all victims, not only women to have their IDVA enter the court room to support them. (A male victim we were representing was denied the presence of his IDVA as the female perpetrator "does not agree" to their presence)
- Appropriate sentences must be assigned and enforced. The sentencing guidelines are not being followed and you only need view the papers for a

daily instance where an event that would be viewed by the public as serious has resulted in yet another suspended sentence or community service.

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**(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.**

Police officer assigned to the case may be on rest days, earlies, lates, etc which can make contact very difficult for the victim. In the case where an officer goes on extended sick leave or is a 2 week vacation, it can be very distressing if the victim has no option but to wait for them to come back to discuss issues or new incidents.

Witnesses tend to disengage from the process mainly due to the extended period of time it takes many courts to hear their cases and a distrust of the legal system and it's perceived outcomes. Even when a victim states at the beginning that they will support the prosecution, it can take many months to come to court. By this time, the victim may have moved on or have been sufficiently intimidated so as to disengage.

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- Appropriate sentences must be assigned and enforced. The sentencing guidelines are not being followed and you only need view the papers for a daily instance where an event that would be viewed by the public as serious has resulted in yet another suspended sentence or community service.

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

Those victims experiencing mental health issues or who have autism or other learning difficulties can have a particularly difficult time in the stressful environment of the court system, especially when it comes to family courts and the involvement of social services / Cafcass with their children.

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**(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.**

**Answer: Yes**

The Government must make clear that it affects male victims as well as female victims and ensure that the statutory guidance for professionals with safeguarding responsibilities reflects this.

There is also clear non-alignment between the statutory law on coercive and controlling behaviour (Section 76 of the Serious Crime Act) and the definition of domestic abuse which the government is aiming to turn into a statutory definition.

Section 76 is clear that ‘coercive and controlling behaviours’ is between a ‘personally connected’ perpetrator and victim if :

- they are in an intimate personal relationship; or
- they live together and are either members of the same family; or
- they live together and have previously been in an intimate personal relationship with each other.

However, the proposed statutory definition of domestic abuse does not have a ‘live together’ test so therefore to ensure alignment, we would propose that Section 76 of the Serious Crime Act is amended to remove the wording “they live together” from the last (third) bullet.

We also have advocated for the inclusion of Parental Alienation Syndrome in the definition of domestic abuse as the deliberate nature and behaviour of manipulating a child against an ex-partner is coercive and controlling behaviour.

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**(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.**

**Answer: Yes**

The answer is yes because of the additional psychological and trauma for the children.

---

**(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.**

**Answer: Yes**

The answer is yes because of the additional psychological and trauma for the children.

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

It is important that the impact on the children is taken into consideration however that impact must be direct from the child and the person doing the interviewing must not be influenced by either parent. There was a case where the child was not allowed to speak to the Cafcass officer on her own, mother always had to be present. That child's views were never listened to as mum always spoke over them and steered what they were saying.

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

*No answer*

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

No answer

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**(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?**

No

**(52) Question: what do you think is necessary to satisfy those requirements?**

The protection from Harassment Act 1997 is not sufficient either that or it is not enacted as intended. There are so many instances that it is difficult to name them but people have been experiencing stalking and harassment for many years and the perpetrator receives no sentence that would act as a deterrent. They mostly seem to land in front of magistrates who usually issue a suspended sentence. Even if they did sentence, the maximum would be 6 months.

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**(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.**

The problem is that despite over 5,000 women being convicted of domestic abuse offences every year (primarily against male victims) there are no rehabilitation programmes aimed at women. Until that is the case, this is a theoretical question. Also the programmes for male perpetrators are always over-subscribed with long waiting lists. It is critical if this implemented that there be clear definitions of low level that are not ambiguous and that the low levels are in their own course – not mixed with medium and high risk offenders. These offenders must be carefully screened to ensure that if they are assigned to this programme they will not place the victim and their children at higher risk.

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**(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**

Concern must be given at all times to the safety of the victims and their children. Corresponding support for the victim must run concurrently if their perpetrator is attending a course or on a conditional caution. Also, police responses to reported breaches must be immediate and cannot rely on one specific officer who may be on rest days, etc.

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**(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**

Unfortunately many forces have eliminated their Domestic Abuse officers, instead opting for safeguarding officers who may have a child abuse case this morning and a domestic abuse case this afternoon. This combined with a propensity to constantly move officers around means that most residents now could not tell you who their local beat officer, sergeant or PCSO is. Serial abusers if they have had cautions or complete sentences are already known to local police. The problem is that perpetrator programs rely on the abuser wanting to change their behaviour and this is not the case with those who are serial abusers. Is there a possibility of using the DVDS to inform new partners who would appear to become victims?

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**(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**

The problem is that despite over 5,000 women being convicted of domestic abuse offences every year (primarily against male victims) there are no rehabilitation programmes aimed at women. Until that is the case, this is a theoretical question.

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**(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.**

The problem is that despite over 5,000 women being convicted of domestic abuse offences every year (primarily against male victims) there are no rehabilitation programmes aimed at women. Until that is the case, this is a theoretical question.

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

Improving collection and reporting of data relating to the gender and relationship of the perpetrator and victim

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

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

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

***Answer: Strongly Agree***

We fully support the position of a domestic abuse commissioner but the person appointed must be someone who has an inclusive, multi-dimensional and equality based views of domestic abuse (men and women can be perpetrators and victims – including those in same-sex relationships).

If the person selected has a gender exclusive and ideological view (only heterosexual women are victims and only heterosexual men are perpetrators) then all male victims, women in same-sex relationships and transgender victims will not

be equally supported. This should be in the clear in the recruitment process and job description including in the legal guidance/legislation. The interview panel should include representatives across the sector to ensure an inclusive, modern and equality-based approach is included. The ManKind Initiative would be happy to take part in the recruitment process.

Consideration could be given to having a statutory deputy commissioner who focusses on male and LGBT+ victims - however, even if that option is chosen, ensuring the person has a gender inclusive approach is vital.

---

**(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.**

- 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
- Publish findings in reports, which will be laid before Parliament
- Require local statutory agencies to cooperate and provide information

We fully support the position of a domestic abuse commissioner but the person appointed must be someone who has an inclusive, multi-dimensional and equality based views of domestic abuse (men and women can be perpetrators and victims – including those in same-sex relationships).

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Consideration could be given to having a statutory deputy commissioner who focusses on male and LGBT+ victims - however, even if that option is chosen, ensuring the person has a gender inclusive approach is vital.

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**Question 61 (does not apply)**

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**(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?**

The problem at the moment is that DHRs are not centrally published and therefore it is nigh on impossible for analysis of best practice and lessons to be learned to be spread across the whole domestic abuse profession including those in statutory agencies with broad safeguarding agencies.

There has to be one central register with all domestic abuse homicide reviews which are available for professionals to access in one place. This is clearly a system failure that must be rectified.

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

The key issue for local authorities is to actually tell professionals and agencies in their area and region that they have actually published and finalised a DHR, and, therefore circulate them. This is not happening at the moment and the Commissioner should enforce this.

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**(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?**

The role of the Domestic Abuse Commissioner alongside the National Standards of Expectations are a great leap albeit the current Standards are not framed in an inclusive manner so these need to change.

A central repository of best practice, laws and policies sitting under the Commissioner would support this so long as they were inclusive. Failure to be inclusive will mean the policy intentions will fail.

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**(65) Question: What role should local areas play in sharing good practice?**

Local areas have a huge in sharing good practice albeit there are vehicles such as domestic abuse forums in place - the issue is that not all agencies attend.

The biggest problem is each local authority area acts in a silo so does not speak to those outside their area. Somerset does not speak to Devon who not speak to Dorset who do not speak to Wiltshire etc