# 

# Domestic Abuse

## 1. Definition

The Domestic Abuse Act 2021 creates, for the first time, a cross-government statutory definition of domestic abuse, to ensure that is it properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes.

The statutory definition is clear that domestic abuse may be a single incident or a course of conduct which can encompass a wide range of abusive behaviours, including a) physical or sexual abuse; b) violent or threatening behaviour; c) controlling or coercive behaviour; d) economic abuse; and e) psychological, emotional, or other abuse.

The perpetrator of the abuse and the victim of the abuse have to be aged 16 or over and be ‘personally connected’ as intimate partners, ex-partners, family members or individuals who share parental responsibility for a child. There is no requirement for the victim and perpetrator to live in the same household. The definition ensures that different types of relationships are captured, including ex-partners and family members.

The full definition can be found within the [Statutory Guidance for Delivery of Support to Victim of Domestic Abuse in Domestic Abuse Safe Accommodation Services](https://www.gov.uk/government/publications/domestic-abuse-support-within-safe-accommodation/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services) under Part A: Key definitions, Section A1: Domestic Abuse. The statutory Guidance also contains descriptions and examples of a range of abusive behaviours to help with identifying domestic abuse, including physical abuse, violent or threatening behaviour, sexual abuse, controlling or coercive behaviour, harassment or stalking, economic abuse, verbal abuse, technology-facilitated abuse, abuse relating to faith, and so-called ‘honour’-based abuse.

Under section 3 of the Domestic Abuse Act 2021, children are recognised as victims of domestic abuse in their own right, if they see, hear, or experience the effects of the abuse, and are related to either the victim or the perpetrator of the abuse or either the victim or perpetrator of the abuse has parental responsibility for that child. Abuse directed towards a child is defined as child abuse.

Where there is domestic abuse, the wellbeing of the children in the household must be promoted and all assessments must consider the need to safeguard the children, including unborn children.

The statutory guidance, ‘[Working Together to Safeguard Children’](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2) sets out expectations for inter-agency working to safeguard and promote the welfare of children.

It describes how all children can experience and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members, including where those being abusive do not live with the child. Experiencing domestic abuse can have a significant impact on children.

It also explains that young people can also experience domestic abuse within their own intimate relationships. This form of child-on-child abuse is sometimes referred to as teenage relationship abuse. Depending on the age of the young people, this may not be recognised in law under the statutory definition of domestic abuse (if one or both parties are under 16). However, as with any child under 18, where there are concerns about safety or welfare, child safeguarding procedures should be followed and both young victims and young perpetrators should be offered support.

Domestic abuse in teenage relationships is just as severe and has the potential to be as life-threatening as abuse in adult relationships. Victims under 16 should be treated as victims of child abuse and age-appropriate consequences should be considered for perpetrators under 16. Abuse involving perpetrators and victims aged between 16 and 18 could be both child and domestic abuse.

The Domestic Abuse Act 2021 uses the term ‘victim’ but not everyone who has experienced, or is experiencing, domestic abuse chooses to describe themselves as a ‘victim’ and they may prefer another term, for example, ‘survivor’.

The offence of controlling or coercive behaviour in intimate or familial relationships was amended by the Domestic Abuse Act 2021 to include the definition of personally connected.

Controlling or coercive behaviour does not relate to a single incident, it is a purposeful pattern of behaviour which takes place over time in order for one individual to exert power, control or coercion over another. The perpetrator must have known that their behaviour would have a serious effect on the victim, or the behaviour must have been such that they ought to have known it would have that effect

See Section 5. Controlling and Coercive Behaviour. Effect.

See [Section 70 of the Domestic Abuse Act 2021](https://www.legislation.gov.uk/ukpga/2021/17/section/70) amends [Part 5 of the Serious Crime Act 2015](https://www.legislation.gov.uk/ukpga/2015/9/part/5/crossheading/strangulation-or-suffocation) to create an offence of non-fatal strangulation. Non-fatal strangulation can be used as a form of assault in domestic abuse and a history of strangulation can significantly increase the risk of an eventual fatality.

See section 6. Non fatal strangulation

Other forms of abuse may be present for example:

**Abuse by family members** which can involve abuse by any relative or multiple relatives. Abuse within a family set-up can encompass a number of different behaviours, including but not limited to violence, coercive or controlling behaviours, and economic abuse. Abuse by family members also encompasses forced marriage, so called ‘honour’-based abuse and female genital mutilation.

**Child-to-Parent Abuse** which can include physical violence from a child towards a parent or other family members such as siblings and a number of different types of abusive behaviours, including damage to property, emotional abuse, and economic/financial abuse. Violence and abuse can occur together or separately. Abusive behaviours can encompass, but are not limited to, humiliating language and threats, belittling, damage to property and stealing and heightened sexualised behaviours.

**Technological abuse using technology** and social media as a means of controlling or coercing victims. This happens frequently both during and after relationships with abusers and is particularly common amongst younger people.

**Spiritual abuse** using religion and faith systems to control and subjugate a victim often characterised by a systemic pattern of coercive or controlling behaviour within a religious context. A form of spiritual abuse may include the withholding of a religious divorce, as a threat to control and intimidate victims.

## 2. Risks

When working with victims of domestic abuse, it is important to be aware that anyone can be affected and there are no “typical” victims. Whilst men and women can be affected by domestic abuse, females are disproportionately the victims. Care should be taken to avoid stereotypical assumptions regarding domestic abuse. Irrespective of gender, domestic abuse occurs amongst people of all ethnicities, sexualities, ages, disabilities, religion or beliefs, consideration should also be given to immigration status and/or socio–economic backgrounds. Domestic abuse can occur between family members, including extended family members, as well as between intimate partners or ex-partners.

Exposure to domestic abuse can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

Domestic abuse may have a long term psychological and emotional impact in a number of ways:

* Children may be greatly distressed by witnessing (seeing or hearing) the physical and emotional suffering of a parent, or witnessing the outcome of any assault;
* Children may be pressurised into concealing assaults, and experience the fear and anxiety of living in an environment where abuse occurs;
* The domestic abuse may impact negatively on an adult victim's parenting capacity;
* Children may be drawn into the violence and themselves become victims of physical abuse.

For children living in situations of domestic abuse, the effects may result in them feeling anxious or depressed; having low self-esteem and difficulties with forming healthy relationships; being hypervigilant in reading body language or changes in mood and atmosphere; having difficulty sleeping or nightmares; they may experience fear, guilt, shame, and anger (at both the abuser for the abuse and at the other parent for being unable to protect them).

There may be physical symptoms such as stomach aches or bed wetting; delayed development or deterioration in speech, language, and communication; Some children are the direct victims of other types of abuse or injured while trying to intervene on behalf of their parent or sibling.

They may show inconsistent regulation of emotions, including becoming distressed, upset, or angry; become aggressive or internalising their distress and becoming withdrawn; or manage their space within the home so they are not visible. There may be a reduction in school attainment, truancy, a risk of exclusion from school or it may be an increased application to activities outside the home, including academia or sports, as a distraction.

Some children may begin using alcohol or drugs or may be self-harming or at risk of taking their own life. They can also be vulnerable to being exploited.

Practitioners should reflect on and be aware of the varying impacts of domestic abuse on children of different ages, including long-term impacts, and the need for ongoing support.

Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life. Abusive behaviours within relationships between young people can include similar incidents or patterns of behaviours as adult relationships and be just as severe. It has the same potential to be as life-threatening as abuse in adult relationships.

During pregnancy, domestic abuse can pose a threat to an unborn child as assaults on pregnant women often involve punches or kicks directed at the abdomen, risking injury to both the mother and the foetus. Domestic abuse often begins or escalates during pregnancy, and it is associated with increased rates of miscarriage, premature birth, foetal injury, and foetal death. The mother may be prevented from seeking or receiving antenatal care or post-natal care. In addition, if the mother is being abused this can affect her attachment to her child, more so if the pregnancy is a result of rape by her partner.

Young people themselves can be subjected to domestic abuse perpetrated in order to force them into marriage or to punish them for 'bringing dishonour on the family'. This abuse may be carried out by several members of a family and wider family increasing the young person's sense of isolation and powerlessness. See also: So-Called 'Honour' Based Abuse Procedure.

## 3. Indicators

Professionals should be alert to the signs that a child or adult may be experiencing domestic abuse, or that a partner may be perpetrating domestic abuse. Professionals should always consider during an assessment the need to offer children and adults the opportunity of being seen alone and ask whether they are experiencing, or have previously experienced, domestic abuse.

Professionals who are in contact with adults who are threatening or abusive to them need to be alert to the potential that these individuals may be abusive in their personal relationships and assess whether domestic abuse is occurring within the family.

There are a number of factors which may indicate the potential risk of harm to victims and children when domestic abuse is present in a family, these factors may include:

* Escalation in frequency and severity of violence and abuse;
* Previous incidents of physical violence including injuries to the victim;
* Verbal abuse and threats to harm, including threats to self-harm;
* Destruction of property;
* Previous incidents reported to Police or requests for Police intervention;
* Perpetrator has a history of domestic abuse with previous partners and may also have a previous history of offending including breach of civil or criminal court order or bail conditions by the suspect;
* Controlling, jealous, obsessive behaviours by the perpetrator especially stalking;
* Having (particularly pre-school) children, especially if from a previous relationship;
* Mental health issues for the victim or perpetrator especially where the perpetrator has threatened suicide;
* Victim and/or child verbalising their fear of the perpetrator;
* The victim is pregnant or has recently given birth or has a long-term illness, a disability, or a mental health problem;
* The perpetrator has access to or has used or threatened to use weapons or there have been incidents of non-fatal strangulation;
* Children present as withdrawn within the household;
* Where illicit drug use, mental ill-health, and problematic alcohol use are present they will increase the risk;
* Current or imminent separation from the suspect and child disputes especially over contact or finances;
* Insecure immigration status and no recourse to public funds are significant barriers to safety for adult and child victims of domestic abuse.

Protective factors in some of these circumstances may be limited and the children may have suffered, or be likely to suffer, Significant Harm. Professionals should make a record of their assessment and the information that underpins it, inform their line manager, and refer to Children’s Social Care.

Statistically the period following separation is the most dangerous time for serious injury and death. Professionals in contact with children and their families in these cases would also need to consider:

* The previous level of physical danger to the adult victim and in particular the presence of the child during violent episodes;
* The previous pattern of power, control, and intimidation in addition to the physical violence;
* Any threats to hurt or kill family members or abduct the children;
* Any reported stalking or obsession about the separated partner or the family;
* Any issues relating to contact - is it a desire to promote the child's best interest or as a means of continuing intimidation, harassment, or violence to the other parent; what are the children's views about contact?
* The attitude of the parent to their past violence and capacity to appreciate its effect, and whether they are motivated and have the capacity to change;
* Be alert to cultural issues when dealing with ethnic minority victims and that, in leaving a partner, they may be ostracised by family, friends and the wider community increasing the risks to their safety.

In situations when the adult victim has left the perpetrator taking the children, professionals need to be alert to the on-going potential for risk. The dynamics of domestic abuse are based on the perpetrator maintaining power and control over their partner. Challenges to that power and control, for example, by separation may increase the likelihood of escalating abuse.

Professionals may want to analyse the perpetrators behaviour using frameworks such as Dr Jane Monckton-Smiths [Homicide Timeline 8 Stage Model](https://youtu.be/lPF_p3ZwLh8). It is important to see abusive behaviour as a potentially escalating pattern of abuse and not as isolated incidents.

## 4. Protection and Action to be Taken

When responding to incidents of domestic violence, the practitioner should always find out if there are any children in the household or any children who would normally live in the household (even if they are not present). The Police or other agencies should ensure the children are seen and their safety established whenever they attend a domestic abuse incident.

Where possible and safe to do so children should be spoken to directly. The younger the children in the family, or the presence of special needs, the higher the risk to their safety. The practitioner should consult with their manager/designated safeguarding lead within their agency to decide if a referral to Early Help or Children's Social Care is required.

Where there are concerns for the welfare of a child a referral should be made to Children's Social Care in accordance with the [Report a concern about a child process](https://www.nelincs.gov.uk/health-wellbeing-and-social-care/childrens-social-care/report-a-concern-about-a-child/).

Risk assessment should be carried out using a locally or agency approved Domestic Abuse Tool like the [DASH Tool (Domestic Abuse, Stalking, Harassment and Honour Based Violence Assessment).](https://safelives.org.uk/resources-library/dash-risk-checklist/) Professionals using this, or other risk assessment tools, should be alert to the risk to children as well as to adults. It is essential to identify changes, such as escalation in severity and/or frequency of abuse. They should not just focus on the levels of violence but on the full range of behaviours that can be abusive,

Professionals practicing in North East Lincolnshire who receive a disclosure of domestic abuse from an adult or child will need to complete the [NEL DASH Risk Indicator Check List](https://www.safernel.co.uk/wp-content/uploads/2023/10/NEL-DASH-Risk-Indicator-Checklist-.docx) to determining the level of domestic abuse. Training on how to complete the DASH Risk Assessment is available locally and further guidance is available from [Safeguarding Children Partnership (SCP) Training and Education Programme](https://www.nelincs.gov.uk/scp/scp-training-education/).

Babies under 12 months old are particularly vulnerable to violence. Professionals who become aware of an incident of domestic abuse in a family with a child under 12 months old (even if the child was not present) or in families where a woman is pregnant, should always complete a risk assessment to determine what action is required including consideration of whether a referral to Children's Social Care should take place.

In all cases where a referral is made for a [Multi-Agency Risk Assessment Conference (MARAC)](https://safelives.org.uk/resources-for-professionals/marac-resources/) to plan intervention in relation to a high-risk domestic abuse situation, if there are children in the family, a referral must be made to Children's Social Care. Even though a case has been referred to MARAC a separate multi agency response will be required to safeguard the children.

Information on the MARAC process in North East Lincolnshire, including the relevant referral form, can be found on the [SaferNEL website](https://safernel.co.uk/abuse-neglect/marac/).

Considerations in assessments where domestic abuse may be present include:

* Checking whether domestic abuse has occurred whenever child abuse is suspected and considering the impact of this at all stages of assessment, enquiries and intervention. This should include checks with the Police unit responsible for vulnerable people and any domestic abuse screening process;
* Ask direct questions about Domestic Abuse including indicators of coercive control;
* Identify who is responsible for domestic abuse, ex-partner/partner/family member;
* Sometimes with domestic abuse there are counter allegations, where both parties allege that the other is abusive and it is important that agencies identify the primary victim and aggressor (see [SafeLives Guidance on Responding to Counter Allegations](https://safelives.org.uk/resources-library/responding-to-counter-allegations-guidance-a-review-of-practice/));
* Practitioners should recognise the difference between domestic abuse and parental conflict recognising that an absence of or low levels of violence does not mean that domestic abuse is not taking place;
* Providing victims with full information about support services available (including for children), their legal rights, and about the extent and limits of statutory duties and powers;
* Helping victims and children to get protection from domestic abuse, by providing ongoing relevant practical and other assistance and staying in regular contact with them;
* Supporting non-abusing parents in making safe choices for themselves and their children;
* Being aware that there may be continued or increased risk of domestic abuse towards the abused parent and/or child after separation especially in connection with post-separation child contact arrangements;
* Working separately with each parent while maintaining the focus on the welfare of the child;
* Considering how to enable the victim to be heard in a way that minimises the influence of the perpetrator, so that you can gain an understanding of what life is like for them and their children;
* Working with parents to help them understand the impact of the domestic abuse on their children;
* Holding perpetrators to account for their abusive behaviour meaning that the responsibility to end the abuse does not sit with the victim. Practitioners should take into account their own safety, the safety of any children, the safety of the victim. Find out what services may be available locally to work with perpetrators or ring the [Respect Phoneline](https://respectphoneline.org.uk/frontline-workers/) (Freephone 0808 8024040) for advice.

See the [Domestic Abuse: Statutory Guidance, Perpetrators in Recognising Domestic Abuse.](https://www.gov.uk/government/publications/domestic-abuse-act-2021/domestic-abuse-statutory-guidance-accessible-version#chapter-3--recognising-domestic-abuse)

[Operation Encompass](https://www.operationencompass.org/) is a police and education early information safeguarding partnership enabling schools to offer immediate support to children experiencing domestic abuse. Operation Encompass ensures that there is a simple telephone call or notification to a school’s trained Designated Safeguarding Lead /Officer (known as key Adult) prior to the start of the next school day after an incident where police have attended domestic abuse and there were children related to either of the adult parties involved. Following such an incident taking place, children will often arrive at school distressed and unprepared. Operation Encompass aims to ensure that appropriate school staff are made aware at the earliest possible stage in order to provide relevant and tailored support to children and young people in a way that means that they feel safe.

## 5. Controlling and Coercive Behaviour

Section 76 of the Serious Crime Act 2015 has been amended by the Domestic Abuse Act 2021. From the 5 April 2023 behaviour which amounts to Controlling or Coercive Behaviour now applies to partners, ex-partners, and family members, whether or not the victim and suspect are living together.

See [Controlling or Coercive Behaviour in an Intimate or Family Relationship (CPS)](https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship).

Victims of controlling or coercive behaviour may not be aware of, be ready to acknowledge, or be able to communicate that the abuse they are currently experiencing or have previously experienced, is part of a pattern of controlling or coercive behaviour. Furthermore, victims of controlling or coercive behaviour may not be aware that such behaviour amounts to a criminal offence. It can have a significant impact on a victim’s emotional, psychological, and mental wellbeing. Their day-to-day life can be affected by trying to manage the abuse, leading to increased anxiety and a focus on adapting their behaviour to appease the perpetrator, resulting in the victim questioning or doubting their own experiences and developing low self-esteem and feelings of worthlessness.

Controlling or coercive behaviours might include:

* Isolating a person from their friends, family, and professionals;
* Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep;
* Financial abuse including control of finances, such as only allowing a person a punitive allowance or sabotaging a victim’s financial position;
* Depriving them of their basic needs;
* Controlling or monitoring the victim’s daily activities and behaviour;
* Technology-facilitated abuse;
* Monitoring a person via online communication tools or using spyware;
* Depriving them of access to support services who are seeking to help them, such as specialist support or medical services;
* Preventing the victim from taking medication, or accessing medical equipment and support, or over-medicating them;
* Reproductive coercion, including restricting a victim’s access to birth control;
* Refusing to interpret or hindering access to communication aids including the ability to learn a language;
* Repeatedly putting them down such as telling them they are worthless;
* Enforcing rules and activity which humiliate, degrade, or dehumanise the victim;
* Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities;
* Using substances such as alcohol or drugs to control a victim through dependency, or controlling their access to substances;
* Threats to hurt or kill;
* Using children to control or coerce the victim;
* Threats to animals to control or coerce a victim;
* Making threats of suicide as a method of controlling the victim;
* Threats to reveal or publish private information (e.g. sexual activity or orientation, gender identity or health status to family, friends, work colleagues and the wider community);
* Assault;
* Criminal damage (such as destruction of household goods);
* Rape;
* Preventing a person from having access to transport or from working;
* Threatening precarious immigration status against the victim.

See [Controlling or Coercive Behaviour - Statutory Guidance Framework](https://www.gov.uk/government/publications/controlling-or-coercive-behaviour-statutory-guidance-framework) for information on controlling or coercive behaviour, to assist in identifying, evidencing, charging, prosecuting, and convicting the offence.

## 6. Non-fatal Strangulation

Non-fatal strangulation can be used as a form of assault in domestic abuse and a history of strangulation can significantly increase the risk of an eventual fatality. Non-fatal strangulation is often used to instil fear and exert power and control. Victims who experience non-fatal strangulation may believe at the time that they will die as a result. Loss of consciousness, even temporarily, can cause brain damage, this includes long-term neurological damage such as memory loss and facial droop. In addition, loss of consciousness can create an increased risk of miscarriage and stroke. Despite the strong link between non-fatal strangulation and domestic homicide, it can be difficult to identify due to a lack of visible injury. Visible marks are not always present, but the absence of marks should not undermine an account of non-fatal strangulation.

Also see: [Institute for Addressing Strangulation (IFAS)](https://ifas.org.uk/resources/).

Non-fatal strangulation is a criminal offence. [Section 70 of the Domestic Abuse Act 2021](https://www.legislation.gov.uk/ukpga/2021/17/section/70) amends [Part 5 of the Serious Crime Act 2015](https://www.legislation.gov.uk/ukpga/2015/9/part/5/crossheading/strangulation-or-suffocation) to provide that a person commits the offence of strangulation or suffocation if they intentionally strangle another person or do any other act that affects another person’s ability to breathe.  Non-consensual or harmful non-fatal strangulation can also arise in a sexual context and is also an offence under the Act.

## 7. Issues

There are many risk assessment models and 'tools' available. Practitioners need to be confident that the use of a particular tool has been adopted and supported by the agencies in their area and have had training on recognising domestic abuse in its many forms including controlling or coercive behaviour. Any risk assessment tool being used should be both culturally sensitive and explicitly consider the risks to the children. It should not be exclusively adult focused. The use of any risk assessment tool should be underpinned by a thorough analysis of the information otherwise available such as past history of offending and consider additional indicators relevant to minority groups. The risks should be interpreted to also determine the potential dangerousness of the alleged perpetrator.

The issue of domestic abuse should only ever be raised with a child or non-abusing parent when they are safely on their own and in a private place; and separation does not ensure safety, it often at least temporarily increases the risk to the child or non-abusing parent.

Other agencies are often involved with the family for example the Police, Health (including GPs and Mental Health Services) Social Care, Housing, Education, Substance Misuse, Specialist Domestic Abuse Agencies, Criminal Justice, and other Support Agencies. Working together to build a full picture of the victims, including children, and perpetrators and sharing information is essential to a safeguarding response and not just for high-risk cases but also for intervening early to reduce the risk of escalation. All frontline agencies should consider domestic abuse and ensure staff are trained to understand both the complex dynamics and the signs of domestic abuse and recognise when a referral may be required to Children’s Social Care.

[The Domestic Abuse Statutory Guidance](https://www.gov.uk/government/publications/domestic-abuse-act-2021/domestic-abuse-statutory-guidance-accessible-version#chapter-6--agency-response-to-domestic-abuse) sets out the role of individual agencies in identifying and responding to domestic abuse, including assessing risk.

Information from the public, family or community members must be taken sufficiently seriously by professionals in statutory and voluntary agencies. Recent research evidence indicates that failure to do so has been a contributory factor in a significant number of cases where a child has been seriously harmed or died.

The [Child Safeguarding Practice Review Panel: Multi-agency Safeguarding and Domestic Abuse, Panel Briefing 2](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1107448/14.149_DFE_Child_safeguarding_Domestic_PB2_v4a.pdf) identified Four Core Practice Principles that should underpin practice approaches in relation to Domestic Abuse. They aim to provide a common approach and should not be seen as separate but are interlinked:

**Domestic Abuse-Informed**

A domestic abuse-informed response names the source of the harm and describes the behaviours of the abuser and the impact on adults and children, seeing both as direct victims who are entitled to support.

Interventions are focused on holding abusers accountable and offering them support to change. This response is about focusing on the continuous patterns of behaviour by the person causing harm and not focussing on the incident.

**Trauma Informed**

Being trauma-informed means responding to individuals and families in a non-judgemental, non-blaming and strengths-based way that prioritises building trusting relationships and avoids re-traumatisation. Recognising that people who come to the attention of services have histories, experiences and contexts that are relevant to and impact on their current circumstances.

In relation to those who harm, a trauma-informed approach ensures that the whole person is responded to, but without collusion around their abusive behaviours.

**Intersectional**

An intersectional approach to domestic abuse means services must seek to understand the unique experiences of each family, including their histories, characteristics, and current context, and to see these in the context of unequal societal structures including racism, sexism, and poverty. It requires practitioners to be aware of their own values, biases, and judgements, have safe spaces to reflect, and receive support to separate these from work with families.

**Whole Family**

A whole-family approach does not separate the abusive behaviours of the parent from the impact on children. It considers the parenting of the abuser, as well as the impact of their abuse on the non-abusing parent and their care for the children. It is important to remember children do not come to services alone: they are part of families. They have relationships with their parents, grandparents, and wider networks, as well as with siblings and stepsiblings who they might not live with. Practitioners must gain an understanding of what family means to the children. The full extent of the impact on children of exposure to domestic abuse is often not fully understood until a child feels safe; they will need several opportunities over a period of time to talk about their experiences.

It is important to recognise that children can also experience domestic abuse within their own intimate relationships. Girls are more likely than boys to experience domestic abuse in their intimate relationships, and younger adolescent are just as likely as older adolescent to experience it. Children are unlikely to tell an adult about this abuse.

Risk of violence towards professionals should be considered by all agencies who work in the area of domestic violence and abuse and assessments of risk should be undertaken when necessary. It is acknowledged that intimidatory or threatening behaviour towards professionals may inhibit the professional's ability to work effectively. Effective Supervision and management is important and agencies should take account of the impact or potential impact on professionals in planning their involvement in situations of domestic abuse and make sure they are properly supported.

## 8. Domestic Violence Protection Orders and the Domestic Violence Disclosure Scheme ('Clare's Law')

### 8.1 Domestic Violence Protection Orders

Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) (see [Guidance](https://www.gov.uk/government/publications/domestic-violence-protection-orders/domestic-violence-protection-notices-dvpns-and-domestic-violence-protection-orders-dvpos-guidance-sections-24-33-crime-and-security-act-2010#the-dvpn--dvpo-process)) provide protection to victims by enabling the police and magistrates to put in place protection in the immediate aftermath of a domestic violence incident.

A DVPN is an emergency non-molestation and eviction notice which can be issued to a perpetrator by Police attending a domestic abuse incident. An application for a DVPO is made to the Magistrates’ Court and can prevent the perpetrator with immediate effect from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need.

NOTE: DVPNs and DVPOs were replaced by Domestic Abuse Protection Orders (DAPOs) and Domestic Abuse Protection Notices (DAPNs) in 2024 under [Domestic Abuse Act 2021,](https://www.legislation.gov.uk/ukpga/2021/17/part/3) to provide flexible, longer-term protection for victims of domestic abuse.

### 8.2 Domestic Violence Disclosure Scheme ('Clare's Law')

The [Domestic Violence Disclosure Scheme (DVDS) Guidance](https://www.gov.uk/government/publications/domestic-violence-disclosure-scheme-pilot-guidance)) (also known as 'Clare's Law') gives members of the public a formal mechanism to make enquires about an individual who they are in a relationship with, or who is in a relationship with someone they know, where there is a concern that the individual may be violent towards their partner. This scheme adds a further dimension to the information sharing about children where there are concerns that domestic abuse is impacting on the care and welfare of the children in the family.

Members of the public can make an application for a disclosure, known as the 'right to ask'. Anybody can make an enquiry, but information will only be given to someone at risk or a person in a position to safeguard the victim. The scheme is for anyone in an intimate relationship regardless of gender.

Partner agencies can also request disclosure is made of an offender's past history where it is believed someone is at risk of harm. This is known as 'right to know'.

If a potentially violent individual is identified as having convictions for violent offences, or information is held about their behaviour which reasonably leads the police and other agencies to believe they pose a risk of harm to their partner, the police will consider disclosing the information. A disclosure can be made if it is legal, proportionate, and necessary to do so.

## 9. Stalking Protection Orders

Stalking can constitute a criminal offence (see [Stalking Protection Orders: Statutory Guidance for the Police](https://www.gov.uk/government/publications/stalking-protection-act-statutory-guidance-for-the-police/stalking-protection-orders-statutory-guidance-for-the-police-accessible-version#annex-c--stalking-offences)).

In addition, the [Stalking Protection Act 2019](https://www.gov.uk/government/publications/stalking-protection-act-statutory-guidance-for-the-police/stalking-protection-orders-statutory-guidance-for-the-police-accessible-version#section-1--status-and-purpose-of-this-document) introduced a civil Stalking Protection Order. The threshold to begin criminal proceedings for the offence does not need to be met for an order to be made - this allows for early police intervention where there are concerns about stalking taking place. The use of Stalking Protection Orders should be considered as part of child safeguarding and public protection procedures. Under the orders, perpetrators can face restrictions such as having to notify the police of their whereabouts or travel. If breached, they could face prison time of up to 5 years.

## 10. Further Information

[SaferNEL Website – Domestic Abuse](https://www.safernel.co.uk/abuse-neglect/domestic-abuse) - Information on the local approach to tackling domestic abuse, including details of local domestic abuse services, local Strategies and links to local information on the Multi-Agency Risk Assessment Conference (MARAC).

[Domestic Abuse: Statutory Guidance](https://www.gov.uk/government/publications/domestic-abuse-act-2021)

[Statutory Guidance Framework: Controlling or Coercive Behaviour in an Intimate or Family Relationship](https://www.gov.uk/government/publications/controlling-or-coercive-behaviour-statutory-guidance-framework)

[Domestic Abuse: Specialist Sources of Support (GOV.UK)](https://www.gov.uk/government/publications/domestic-abuse-get-help-for-specific-needs-or-situations/domestic-abuse-specialist-sources-of-support) - Nationalist Specialist Support Services contact details.

[Domestic Abuse help for children and young people](https://www.gov.uk/government/publications/domestic-abuse-get-help-for-specific-needs-or-situations/domestic-abuse-specialist-sources-of-support#get-help-for-children-and-young-people)

[Domestic abuse: how to get help](https://www.gov.uk/guidance/domestic-abuse-how-to-get-help)) - range of resources including, specialist services, guidance on Domestic Violence Disclosure Scheme and court orders, translated guidance and how to summon help and find a safe space.

[Support available for victims](https://www.gov.uk/government/publications/domestic-abuse-act-2021/domestic-abuse-statutory-guidance-accessible-version#annex-a--support-available-for-victims) - national organisations who provide support for victims.

[Safe Lives](https://safelives.org.uk/resources-for-professionals/resources-library/)) - resources library for professionals working with victims of domestic abuse and their families including MARAC.

[Operation Encompass Resources](https://www.operationencompass.org/) - police and education partnership enabling schools to offer immediate support to children experiencing domestic abuse.

[The Respect Phoneline](https://respectphoneline.org.uk/) (Tel: 0808 802 4040) is an anonymous and confidential helpline for men and women who are abusing their partners and families. It is open Monday to Friday 9am to 8pm. The helpline also takes calls from partners or ex-partners, friends and relatives who are concerned about perpetrators.

[Standards for domestic abuse perpetrator interventions (Home Office)](https://www.gov.uk/government/publications/standards-for-domestic-abuse-perpetrator-interventions/standards-for-domestic-abuse-perpetrator-interventions-accessible) - Overarching principles and practice guidelines for commissioning and delivering interventions for perpetrators of domestic abuse.

[Monckton-Smiths Domestic Homicide Timeline Model](https://www.glos.ac.uk/content/the-homicide-timeline/) - Dr Jane Monckton-Smith, Senior Lecturer in Criminology at the University of Gloucestershire) 8 Stage Model for examining risk of  domestic homicide, coercive control and stalking and the risks.

[Supporting women and babies after domestic abuse (Women's Aid)](https://www.womensaid.org.uk/information-support/downloads-and-resources/children-young-people/) - toolkit for early years equips domestic abuse specialists with appropriate knowledge and skills to support pregnant women and women with babies and toddlers.

[Analysis of domestic homicide reviews (GOV.UK)](https://www.gov.uk/government/publications/key-findings-from-analysis-of-domestic-homicide-reviews) - summarise information and recommendations from domestic homicide reviews.

[Multi-agency safeguarding and domestic abuse paper](https://www.gov.uk/government/publications/multi-agency-safeguarding-and-domestic-abuse-paper) - Child Safeguarding Practice Review Panel paper setting out key findings from reviews where domestic abuse featured.

[Domestic Abuse Act 2021](https://www.legislation.gov.uk/ukpga/2021/17/contents)

[Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services](https://www.gov.uk/government/publications/domestic-abuse-support-within-safe-accommodation/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services) - statutory guidance including Terms of Reference for Local Domestic Abuse Partnership Boards.

[Homelessness code of guidance for local authorities](https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-21-domestic-abuse) - guidance on providing homelessness services to people who have experienced or are at risk of domestic violence or abuse.

[Domestic Abuse Commissioner Website](https://domesticabusecommissioner.uk/)

[Domestic Abuse Legal Guidance (CPS)](https://www.cps.gov.uk/legal-guidance/domestic-abuse)

[Controlling or Coercive Behaviour in an Intimate or Family Relationship Legal Guidance (CPS)](https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship)