

# Feedback form for consultation Authorised Professional Practice (APP) – Domestic Abuse (10 December – 18 February 2015)

Please complete electronically using MS Word and return by **18 February 2015**

**Notes on Use:** Add any comment or suggested change in the appropriate box – note the box will increase in size to hold several lines of text if necessary. Please note this is a draft document and during electronic transmission, formatting anomalies may occur. This will be addressed prior to final publication. In view of this, comment or suggested change should be restricted to areas that will have policy, procedural or other specific content impact.

Whilst reviewing this draft practitioners should consider:

- Is the length and content appropriate?
- Is it easy to understand?
- Is there any information missing or should anything be removed?
- Is there any unnecessary repetition?

We are particularly interested in responses to the specific questions in red at the start of this template.

The template is intended to help you to structure your comments. You may provide as much, or as little, feedback as you wish. There is no requirement to complete every section. Please provide your answer in the comment box under the relevant section/sub-section.

When finished please, email completed document to: [Domestic Abuse Feedback](#)

If you have any questions regarding the completion of this form, please e-mail [APP.contact@college.pnn.police.uk](mailto:APP.contact@college.pnn.police.uk)

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Position Held:	Public Affairs Manager
Organisation:	Welsh Women's Aid
Completion date:	18 February 2015

## Consultation questions

### 1. Is the explanation of coercive control sufficient to help officers to understand it and identify when it is happening? Yes/No. If not, can you tell us why?

Welsh Women's Aid recognises that the APP was drafted before the UK Government announcement on criminalising coercive control was made but we believe that the wording around coercive control should be updated to reflect this development. If there is to be a separate APP on coercive control when the offence has come into force this should also be highlighted here.

We believe that the APP should say more about coercive control as a pattern; and refer to examples. The APP states that 'many individual acts of this type will not constitute an offence.' This could be misleading as examples of behaviours are the constituent parts of coercive control, which will be an offence. Officers need to be alert to the different forms of behavior and also how they may add up to coercive control. The APP should also expect officers to actively investigate if other behaviours are present (as one form of abuse is often accompanied by another).

Examples should be expanded to include:

- Restricting access to communications (eg talking their phone, preventing computer access etc);
- Restricting someone's movements eg locking them in a room/house;
- Dictating what the victim can wear or how they do their hair;
- Dictating the victim's routine or schedule;
- Prevent the victim from going to work or monitoring the victim at work (eg by regular phone calls, texts, asking colleagues about the victim);
- Verbal abuse and belittling;
- Threats of violence – either to the victim or their children.

At the end of the sentence 'When attending an incident, officers should not make assumptions about the alleged offender or victim based on the above factors' add – "but should consider the common profile of victims; see box below regarding gender".

We believe that the subtitle ***Why do victims continue abusive relationships?*** needs to be amended with less focus on the victims action as it places the onus on the victim to leave a relationship rather than a perpetrator to not be abusive. This should be amended to ***Why does the perpetrator keep abusing?*** The question "Why doesn't she just leave?" is one of the most common questions asked about domestic violence and it is vital that police officers understand that their focus should be on the victims' safety and not their actions.

There are many reasons why the relationship continues – including:

- She may still care for her partner and hope that they will change (many women don't necessarily want to leave the relationship, they just want the violence to stop);

- She may feel ashamed about what has happened or believe that it is her fault;
- She may be scared of the future (where she will go, what she will do for money, whether she will have to hide forever and what will happen to the children);
- She may worry about money, and supporting herself and her children;
- She may feel too exhausted or unsure to make any decisions;
- She may be isolated from family or friends or be prevented from leaving the home or reaching out for help;
- She may not know where to go;
- She may have low self-esteem as a result of the abuse;
- She may believe that it is better to stay for the sake of the children (eg wanting a father for her children and/or wishing to prevent the stigma associated with being a single parent).

We suggest the following amended wording of the subtitle and first sentence of that section.

***Why do victims sometimes find it difficult/ hard/ impossible to leave an abusive relationship?***

*For some victims it can be extremely difficult to leave an abusive relationship. This can be difficult for people external to the relationship to understand.*

We would also suggest that the following text is deleted from the section and replaced with information above about why victims may not leave an abusive relationship: *“There are advantages and disadvantages to both continuing and ending a relationship. Many of the benefits of ending the relationship are achieved in the medium to long term. The disadvantages, however, are immediate. If there are children in the relationship, the decision becomes even more challenging.”*

**2. Are the definitions proposed by the Serial and Repeat Offenders Working Group appropriate and workable? No. If not, can you tell us why?**

Any incident or behaviour should count as being part of coercive control, and any ‘repeat’ should be of the coercive control not an incident. It’s extremely unhelpful here to make continual references to ‘incident’.

Data could be collected on repeat patterns of coercive controlling violence as well as repeat victims. It is also importance to emphasise that all data collected should be disaggregated by gender, age, and relationship between victim and perpetrator at a minimum. Data should also be disaggregated by sexuality, disability and all other protected characteristics. There should also be reference to women involved in CJS identified by police as ‘offenders’ who are also victims of domestic violence, also identifying who primary perpetrator is? This will support greater understanding of coercive control and domestic violence and abuse across specific groups.

- Repeat victim

A one-year period is very short – any identification of repeat has to be in the context of coercive control, not incidents.

- Repeat perpetrators

Some repeat offenders may come to the attention of the police through MARAC process. However, MAPPA relies on previous convictions and MARAC on identification of high risk victim and a focus on the perpetrator. Several questions arise:

1. What difference will identification of repeat perpetrator make?
2. What support/ process for referral to support will be put in place for women when serial perpetrator has been identified?
3. Are there links being made to Clare's Law and DV Disclosure Scheme?
4. What support will there be for women who are informed about a serial perpetrator but choose to remain in relationship with him?
5. MAPPA has processes for cross border risk management. What about serial perpetrators who do not meet MAPPA or MARAC thresholds?
6. Can Police National Database be utilised to assist the work in this area?
7. Can perpetrator programmes assessed as effective become more widely available?.

- Serial perpetrators

Overall, guidance on best practice methods for identifying and monitoring repeat/serial perpetrators and victims should be given.

### **3. Do we adequately capture the reasons why domestic abuse victims might not engage with the police? Yes/No. If not, can you tell us why?**

This is a good summary of the range of reasons why a victim might not engage with the police or might remain/return to an abusive relationship. The emphasis given at the end of this section to the perpetrator being responsible for stopping the violence, not the victim, is very welcome.

We believe that more emphasis could be given in this summary to the impact of coercive controlling behavior and other forms of psychological abuse. This includes the intense fear a victim could be feeling of the possible consequences of engaging with the police in terms of violent backlash/escalating violence from the perpetrator. The police should be encouraged to (in a safe way) link victims to specialist domestic violence services as a means of supporting and empowering victims in order to able to engage with the police, should they wish to.

The summary talks of financial dependency on an abuser, this should perhaps be rewritten to include reference to financial abuse as we know that many perpetrators use finances as a method of controlling victims and ensuring their dependence on them.

We believe the summary should give more emphasis to the mistrust victims may feel towards the police – they may not believe that the police will take them seriously or that they have the resources to help them in the context of a persistent violent perpetrator (this may be based on previous experiences with the police). The summary should also make clearer the additional barriers some victims may face in

engaging with the police or in being taken seriously, including if a victim is from a minority ethnic group, if English is not her first language, if her immigration status is uncertain, if she is disabled, if she has mental health problems, has alcohol or drug misuse problems or is an ex-offender. If a woman is in a high status, highly paid job, or is highly educated, she may not be taken seriously or may fear that she won't be taken seriously because she does not fit the stereotypical 'profile' of who experiences domestic violence. Victims may also be afraid that their children will be taken away from them and that they will be wrongly blamed for 'not protecting them' from the abuse perpetrated by their partner/ex-partner – this is not make clear in the summary.

**4. Is the APP clear about the issues that first responders should address? Yes/No. If not, can you tell us why?**

Yes, this section is clear and detailed. We welcome the emphasis on victim safety and establishing rapport with the victim. In the part about photographing injuries, it should be made clearer that some injuries (for example bruises) may not show up until much later and additional photographs should be taken at this point. It would be helpful to put more emphasis on listening and taking the victim seriously as a clear starting point for all responses to domestic violence.

The checklist for actions on arrival at the scene could prioritise separating the parties as soon as they arrive on the scene to ensure safety of the victim. The checklist could also include following up with any children that the couple may be responsible for but are not present at the time.

We also believe that the subtitle ***When a victim is not supportive*** does not convey the trauma and fear that a victim may be feeling when the police first arrive. Therefore we would suggest that this subtitle, and the relevant wording in the section, is amended to say ***When a victim may appear not to be supportive***. The wording in the subsequent section could be changed to talk about when a victim is reluctant to engage and discuss the reasons why this may be.

It would be advisable to point out that officers must inform victims about support services in a safe way, checking with the victim what she is comfortable with. For example, a woman may be reluctant to take lots of leaflets that could then be discovered by a perpetrator and may prefer something more discrete such as a number on a lipstick or a small card, or may want a police officer to make a call to the service with her; anything sent out in the post after first response could be opened by a perpetrator and provoke a violent backlash. The victim may not feel ready to access support services at that time nor in the near future, but she should know that they are there for her when or if she wants to access them.

In the paragraphs on **Referrals to voluntary sector support agencies**, it should be made clearer that there are specialist domestic violence outreach, community based services (non-refuge) available for victims as well as refuge services and that victims should be made aware of these. Also, victims should be made aware of the National Domestic Violence Helpline (run in partnership by Refuge and Women's Aid) and the All Wales Domestic Abuse and Sexual Violence Helpline in Wales (run by Welsh Women's Aid) and the phone numbers reproduced in this document. Police officers can also phone the Helplines to find out information about safety planning for victims, including

finding suitable refuge places and outreach services. These paragraphs should talk about identifying the victim's needs as an important part of effective safety planning and effective police response; for example, does she need a safe place to stay in another area of the country (to be undiscovered by the perpetrator), does she need a specialist BME domestic violence service, does she need referral to a service that can provide legal or financial advice, does she need a service that can offer support in her first language?

Furthermore, when looking at dealing with the primary perpetrator and counter allegations – any evidence of coercive control should also be taken into account. The section correctly identifies that a perpetrator may be manipulating the police into colluding with their controlling behaviour and it is so vital for the safety of the victim that they police are aware of this and able to deal effectively with it.

This section also discusses risk assessment of victims, which we believe is also being reviewed. We believe that it is vital to assess the needs of victims as their risks will also be assessed through this process. It is vital that officers understand that when they carry out any assessment of risk of needs of victims that this may be the only assessment that has been made so far.

Use of the term 'domestic' here instead of 'domestic abuse/violence' is problematic. Dependent on the context, but should be wary of minimizing/using a term which has been applied negatively or derogatively in the past.

**5. Is the APP clear about the responsibilities of senior managers to support first responders to tackle domestic abuse? Yes/No. If not, can you tell us why?**

Yes this section is very clear and Welsh Women's Aid welcomes the clear identification of the responsibilities of senior managers. It is vital that any leadership and cultural change implemented by senior managers in the police is devolved down to all professionals in the police force. This can be done by effective performance management, as identified in the APP.

We also welcome the section on dealing with police officers as perpetrators of domestic abuse and strongly emphasise the need for protection of the victim rather than the perpetrator in these cases.

In the domestic abuse media strategies section we would also advise consideration of the use of social media in any strategy.

We welcome the guidance for senior managers and PCCs to actively challenge negative police culture and attitudes towards domestic abuse and its victims, the use of positive action, and to make domestic abuse a priority area. Of particular interest in this section is the reference to the force's obligations under the Human Rights Act, particularly Article 2: right to life. Welsh Women's Aid provided a written intervention to the Supreme Court in the case of Michael v South Wales Police and Gwent Police recently, in support of the deceased. The court has now ruled that a prosecution can proceed against the police forces under Article 2 of the Human Rights Act, for their failure to protect Joanna Michael's right to life – highlighting the need to explore Police responsibility in this area.

We also welcome the connections made to the Police's other obligations under the Human Rights Act, though Article 3 – right not to be subjected to torture or to inhuman or degrading treatment or punishment, which includes ill-treatment; and Article 8 – right to respect for private and family life, which includes physical integrity. As women suffer disproportionately from domestic abuse, shown by the most recent Crown Prosecutions Service Violence Against Women Crime Report 2013-14 at 84% of victims, we would recommend acknowledgement of this particular pattern in the APP.

We also welcomes the guidance around support for Police Officers who may have suffered domestic abuse, and procedures for perpetrators of domestic abuse who are Police Officers. This is an area of particular importance. A recommendation referring perpetrators to Respect accredited perpetrator programs, an approach recently reaffirmed by the findings of the Mirabel project research, would be of benefit.

There should be a specific requirement for the force to have a domestic abuse workplace policy to sit with Human Resources and to be circulated to any new personnel.

**6. This APP includes quick reference guides for call handlers and first responders and an outline example of the same information constructed around an NDM tool for first responders, which could be further developed.**

**• Are these quick reference guides useful for practitioners? Yes/No. If not, can you tell us why?**

These guides, along with the supporting information, do appear to be useful tools for call handlers and first responders.

**• Do these quick reference guides contain sufficient information as standalone guides? Yes/No. If not, can you tell us why?**

As stand alone guides with no other supporting information they probably wouldn't provide enough detail or information on the nature and impact of domestic violence and the nuances of cases they may attend.

**• Would you like to see more for other roles? Yes/No. If yes, can you tell us which roles?**

These quick reference guides would be a useful format for any police officer role – particularly one that may get a case handed over to them from the first responder.

**7. Is the information in the arrest section adequate to help officers consider their options for positive action when responding to domestic abuse incidents? Yes/No. If not, can you tell us why?**

This section is clear on the options for officers. We welcome the statement that officers will have to make a case for why they haven't arrested an alleged perpetrator and that the final decision rests with them – not the victim. The victim will often be extremely traumatised when an officer first responds so placing such a decision on them is not appropriate or equitable. We also welcome the focus on victimless

prosecutions and the need for the investigation to be carried out as thoroughly as possible so any prosecution can go forward without relying on the testimony of the victim.

When alternatives to arrest are considered we believe that there should be more of a focus in the APP on the safety of the victim. Therefore looking at safety planning, signposting her to specialist support services and prioritising her and her children's safety.

We welcome the fact that the APP states that Fixed Penalty Notices are not appropriate in domestic violence cases. However, the APP does not apply the same certainty when it discusses restorative justice and cautions in this section. Cautions and restorative justice are not appropriate in cases of domestic violence and we believe that the APP should be very clear in this. When there is a lack of clarity (e.g. by stating that they are 'rarely appropriate') they can get used inappropriately. We believe that these forms of alternatives to prosecution minimise the offence of the perpetrator and do not ensure safety for the woman and their children.

We would like to see the APP amended to state that Cautions, Restorative Justice and Fixed Penalty Notices are not appropriate in intimate partner violence cases.

**8. Is the information in the investigative development section adequate to support officers in constructing an evidence-led case? Yes/No. If not, can you tell us why?**

This section is very clear and covers how an evidence-based case can be constructed. When thinking about coercive control and asking the victim about their experience of control it may be best not to do it within the construct of 'rules' as they may not have any explicit rules that the perpetrator enforces and therefore the officer may think that they are not experiencing coercive control.

We welcome the focus on investigating technology and social media as abuse online and use of spyware and GPS trackers by perpetrators is increasing. However, victims of all ages experience abuse online and through technology and therefore although a focus on young people is welcome we would want to see this focus across the ages. We also know that many victims experience financial abuse and would recommend the investigation of bank statements and other financial evidence if possible. Looking for where benefits and salaries are paid and who has access to the money.

**9. Is the information on domestic violence protection notices and orders clear and appropriate? Yes/No. If not, can you tell us why?**

YES – in general the guidance is clear and appropriate.

Welsh Women's Aid is concerned that the guidance states '*The DVPN/DVPO process can be pursued without the victim's active support, or even against their wishes*'. Whilst we are aware that DVPOs/DVPNs can be used in this way a more nuanced way of outlining the types of cases where this might be appropriate is needed.



This section of the APP must include clear instructions to signpost the victim to specialist domestic violence organisations and the 24 Hour National Domestic Violence Helpline (run in partnership between Women's Aid and Refuge). This is particularly important in the 'keeping the victim' informed section where the victim should be reminded at every occasion that there are specialist organisations who can offer them further help.

The focus in this section on 'managing risk' does not take into account the importance of managing the victim's needs over and above an analysis of the risk they face at that specific moment in time. Their risk will constantly fluctuate and a more overarching assessment of their needs and how the police can help meet them, as part of a multi-agency approach, is needed.

The Home Office guidance on domestic violence protection notices and orders states (in sub section 5.1.4) *'In all domestic abuse cases officers/staff should consider the incident as a whole including previous calls to the address, the presence and welfare of children, other witness accounts and any other available intelligence held by other agencies.* This needs to be more clearly reflected in the APP.

**10. Are there specific action that are not covered in the APP that the police should be doing to keep victims and children safe?  
Yes/No. If yes, please give details.**

**11. Is the information on the domestic violence disclosure scheme clear and appropriate? Yes/No. If not, can you tell us why?**

YES – in general the guidance is clear and appropriate. However, we have some specific concerns:

The guidance must reflect the need to refer any individual making an application to a specialist domestic violence organisation and the 24 Hour National Domestic Violence Helpline (run in partnership between Women's Aid and Refuge) and the All Wales Domestic Abuse and Sexual Violence Helpline (run by Welsh Women's Aid).

The APP also states that *'the police must consider if representations should be sought from the subject'*. Whilst Welsh Women's Aid recognises that in very particular circumstances this might be appropriate there needs to be more clarity around the kinds of cases where this might be appropriate. The APP needs to highlight the danger that this action could put the victim in more explicitly.

**12. Is there any additional information you feel is missing that could improve the police response to domestic abuse?**

We believe that the APP is generally very well written and covers the vital points the police officers need to consider when dealing with domestic violence incidents and victims. There are a few areas highlighted above where we believe that the language used to describe victims or their actions should be amended to be less victim blaming and we have suggested amendments for these areas.

