



# **Learnings from the London Domestic Violence Protection Order Caseworker Project**

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[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

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# Contents

Introduction .....	4
The research.....	9
Summary of findings.....	10
The Use of DVPOs and effectiveness of the process.....	12
DVPOs are viewed as an important tool .....	12
Failure to use DVPN and DVPOs as an early and preventative intervention.....	13
Barriers to issuing DVPNs and DVPOs .....	15
Collaborative approach.....	29
The role of support services in utilising period of respite.....	32
Support needs and services .....	41
Learnings for Domestic Abuse Protection Orders .....	47
Conclusion and recommendations.....	50
References .....	54

# Introduction

## Victim Support

Victim Support (VS) is the leading independent charity in England and Wales for people who have been affected by crime and traumatic incidents. We run a variety of Domestic Abuse (DA) services across England and Wales providing support to standard, medium and high-risk victims and survivors. We achieved SafeLives' Leading Lights accreditation for several services which is the mark of quality.

We have over 130 Independent Domestic Violence Advisors (IDVAs) who are trained to the SafeLives standard. To give DA victims and survivors an opportunity to access our services Victims Support's IDVAs are based and work in a wide range of locations providing vital support, training and guidance to other professionals in the health service, police, children's services and substance misuse services. This approach enhances a coordinated community response to DA. In addition, we have a number of trained multi-crime caseworkers who support standard, and in some areas medium, risk victims and survivors of DA.

VS strongly believes in the importance of listening to victims and survivors of crime and we constantly trying to learn and improve our services based on research and knowledge gathered from practitioners as well as services users. This report is part of our commitment to continuous improvement.

## VS DVPO caseworker project

In April 2018 VS started to trial a Domestic Violence Protection Order (DVPO) caseworker project funded by the Mayor's Office for Police and Crime (MOPAC), utilising caseworkers to work intensively with standard and medium-risk victims of domestic abuse during the 28 days of a DVPO.

The aim of the project was to:

- Enhance police awareness of the specialist intensive support that is offered to the victims by VS DVPO Caseworkers
- Understand the use of DVPOs and effectiveness of process to identify where improvements are needed
- Increase the range of cases in which a DVPO can be used with positive outcomes
- Provide effective support to victims during the 28 day period to explore their options and utilise the period of respite.

During the DVPO trial VS had four DVPO caseworkers based at four different police stations, one in North, East, South and West London. The sites were chosen by the Metropolitan Police's domestic abuse lead, Detective Inspector Lee Barnard. The Basic Command Units (BCU) initially involved in the trial were:

- North: Barnet, Brent and Harrow
- East: Tower Hamlets and Hackney
- South: Greenwich, Bexley and Lewisham
- West: Westminster, Hammersmith and Fulham, and Kensington and Chelsea.

At the end of the second quarter of the project, the scope was expanded to cover all 12 of London's BCUs.

The DVPO caseworkers visited each BCU to explain the VS service including the intensive support offered to victims, how they can support the police in their use of Domestic Violence Protection Notices (DVPN) and DVPOs and how to refer victims and survivors into the VS service.

The DVPO caseworkers engaged and provided support to victims and survivors of DA during and often beyond the DVPO period. They also supported police officers by providing advice regarding the DVPN/DVPOs process as well as helping to monitor compliance with DVPOs and in reporting breaches.

All of the DVPO caseworkers were specially and trained, and were additionally provided with IDVA training by Victim Support during the course of the year-long pilot.

## About DVPNs and DVPOs

DVPOs and DVPNs are protection measures for DA victims and survivors that were introduced by the Crime and Security Act 2010. Following a 12 month pilot in three areas in 2012/13, they were introduced across all police forces in England and Wales from 8 March 2014.

DVPNs are emergency non-molestation and eviction notices which can be issued by the police to a perpetrator following a domestic abuse incident. It is effective immediately from the time of issue.

Within 48 hours of the DVPN being served on the perpetrator, a magistrates' court must hear a police application for a DVPO. DVPOs are civil orders that allow the police and magistrates' courts to put immediate short-term protective measures in place for victims without the need to charge the perpetrator. Protective measures include preventing a perpetrator from contacting a victim and from going or returning to the victim's home, for up to 28 days.

## Purpose

DVPOs provide protection for DA victims and survivors by putting measures in place to free them from the perpetrator in the immediate aftermath of a domestic abuse incident. It also allows them space to seek any support and advice that they need and to consider how they want to proceed.

The Home Office states that a DVPO "fills a gap in providing protection to victims... where there is insufficient evidence to charge a perpetrator".<sup>1</sup> Liz Kelly, Professor of Sexualised Violence at London Metropolitan University said that DVPOs "allow the police to immediately remove the perpetrator. It creates space where women are able to do something to help themselves and act for themselves."<sup>2</sup>

## The DVPN and DVPO process

Following their response to a domestic abuse incident if the police have reasonable grounds to believe that the victim remains at risk, they can issue a DVPN.

The issuing of a DVPN requires police authorisation of Superintendent rank (a strategic and senior managerial police role) or above. If a DVPN is to be issued, the attending officer's priority should be gathering evidence of the domestic abuse incident and making contact with their Superintendent, or other officer that can authorise its issue, at the earliest opportunity. A DASH (Domestic Abuse, Stalking and Honour based violence) risk assessment should form part of the information provided to the authorising officer.

An authorising officer can issue a DVPN without the consent of the victim or survivor. The victim may be subject to coercive and controlling behaviour and pressure from the perpetrator not to support protective measures, or the police may simply deem it necessary to take steps to protect their safety.

Legislation dictates that a DVPN may be issued "if the authorising officer has reasonable grounds for believing that a) [the perpetrator] has been violent towards, or has threatened violence towards, an associated person, and b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by [the perpetrator]".<sup>3</sup> Consideration must be given to the risk that the victim faces, what the DVPN hopes to achieve and why this cannot be obtained by other means, such as bail conditions.

A number of prohibitive conditions are available for DVPNs. DVPNs *must* contain a provision to prevent the perpetrator from molesting the victim, which could include using or threatening violence or intimidating and/or harassing the victim. DVPNs also have the following options:

- Prohibiting the perpetrator from evicting the victim from the home
- Prohibiting the perpetrator from entering the victim's home
- Requiring the perpetrator to leave the victim's home
- Prohibiting the perpetrator from coming within a certain distance of the victim's home.

The police can apply for any or all of these conditions, though they must be able to justify each one as being proportionate and necessary.

Once authorised, the police must serve the DVPN on the perpetrator and the victim should be informed of the Notice's prohibitions and what action the victim can take if they are breached. The perpetrator will be allowed one visit to the home to take essential items needed for daily living, accompanied by a police officer(s).

The perpetrator can be arrested if a police officer has reasonable grounds to believe that they are in breach of a DVPN, although breach of a DVPN is not in itself a criminal offence. The court will take a breach into consideration when hearing an application for a DVPO.

Within 48 hours of a DVPN being issued an application must be heard in the magistrate's courts for a DVPO, not including Sundays and bank holidays. An application will be made either by a police constable or a solicitor, barrister or legal advisor acting on the police's behalf. Where possible, Specialist Domestic Violence Courts (SDVCs) should be used for the application.

Victims or survivors may attend the hearing, although they are not compelled to do so, and they may be asked to submit oral or written evidence.

The court may grant a DVPO if they are satisfied on the balance of probabilities that the perpetrator has been violent, or threatened violence, towards the victim and that the granting of a DVPO is necessary to protect the victim from violence or threatened violence. Note that the threshold of *balance of probabilities* is lower than the threshold of *beyond reasonable doubt* which is used in criminal cases. Like DVPNs, DVPOs can be issued without the consent of the victim.

The prohibitions available for DVPOs are the same as those available for DVPNs (see above). If successful, the DVPO will be in force for a time limited period; a minimum of 14 days and a maximum of 28 days. Both the perpetrator and the victim should be informed of what prohibitions are within the DVPO, what they mean, what the consequences of breaches are and, for the victim, what action can be taken if it is breached.

The police are able to arrest the perpetrator if there is reason to believe that they are in breach of a DVPO. A breach is not a criminal offence but is a civil breach of a court order, which carries a penalty of £50 up to a maximum of £5,000 for every day that the person is in default of the order, or two months' imprisonment.

If the magistrate's court decides not to grant a DVPO then the DVPN ceases to apply.

## **DVPO statistics**

In 2017/18, 4,219 DVPNs and 4,878 DVPOs were granted in England and Wales.<sup>4</sup> SafeLives Insights data found that out of 2,246 cases involving a report to the police, a DVPN was issued in only 99 (4 per cent) of cases. Seventy-two (3 per cent of all cases) resulted in a DVPO being applied for and granted. In seven cases (<1 per cent), a DVPO was applied for but not granted. In the vast majority of cases in which a report to the police was made (2,012 cases; 89 per cent) a DVPO was not applied for.<sup>5</sup>

Data obtained by Victim Support through Freedom of Information requests in 2017 found that almost a quarter of DVPOs issued were recorded as having been breached. Additionally, 91% of VS domestic abuse caseworkers said that they have worked on cases where a DVPO has been breached.<sup>6</sup>

## Proposed Domestic Abuse Protection Orders (DAPOs)

In January 2019, the government published its draft Domestic Abuse Bill, containing proposals to replace DVPNs and DVPOs with a new Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO).

The proposed DAPN and DAPOs are stronger and more accessible than DVPNs and DVPOs in a number of ways. Firstly, victims and relevant third parties will be able to apply for them, not just the police. Who relevant third parties are as yet to be determined. The police will continue to be able to apply for a DAPO at a magistrates' court, while any other eligible applicant will be able to apply to the family court. DAPOs will also be able to be applied for by a party in any ongoing family or criminal proceedings.

Secondly, DAPOs will be able to impose positive requirements on perpetrators, not just prohibitive ones. Positive requirements could include participation in an intervention or parenting programme, or drug and alcohol treatment.

Thirdly, perpetrators subject to a DAPO will have to notify the police of their details and breaches will be a criminal offence, subject to a maximum penalty of five years imprisonment, an unlimited fine, or both.

Finally, the proposed legislation allows for electronic monitoring to be used as part of a DAPO to ensure that perpetrators are complying with their conditions. Electronic monitoring could include location or alcohol monitoring.

When the legislation has passed the new orders will be piloted in a number of police force areas and will be accompanied by new statutory guidance and practitioner toolkits.



# The research

## The aim

The purpose of this research is to:

1. Increase understanding of the use of DVPOs and the effectiveness of the DVPO process to identify where improvements are needed.
2. Share insight developed through the delivery of the project into engagement with the support services and victims' support needs during the duration of a DVPO.
3. Make recommendations on ways to improve the DVPO process and how support services can help utilise the respite period DVPOs, and future DAPOs, can provide.

## Methodology

To meet the aims of the research and to gain an in-depth and detailed knowledge a qualitative research method was used. The qualitative data collection took place in March 2019. It comprised of 10 in-depth semi-structured interviews: three with Victim Support DVPO caseworkers, six with Metropolitan Police officers<sup>i</sup> and one interview with a domestic abuse victim-survivor. Police officers ranged in ranks and included: front line police officers, Superintendents, and court coordinators.

All participants were London based.

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<sup>i</sup> To protect police officer's identity through this report 'police officer' term is used without distinguishing between different ranks.

# Summary of findings

To gain insight from the project participants in this research were asked a set of questions on the practicability of DVPNs and DVPOs, ways to improve the process, and solutions for better engagement with victims and survivors.

DVPNs and DVPOs were seen as an effective tool. However, six themes arose from the interviews with practitioners as areas requiring improvement in the process and effectiveness of this intervention. These were:

- A failure to use DVPNs and DVPOs as an early and preventative intervention
- A lack of understanding of the DVPN and DVPO process within the police and magistrates' courts
- The time consuming and labour-intensive nature of the process
- Concerns about the cost of DVPOs and whether they represent value for money
- Prevalence and lack of reporting of breaches
- The need for a collaborative approach.

A number of benefits of the project were identified which victim services providing support during the DVPN and DVPO process should aim to replicate. This includes co-location and close relationships with the police, having specialist knowledge of DVPNs and DVPOs and allocating resources to raise awareness of support provided to victims during period amongst the police.

The project also provided insight into three obstacles to effective engagement with these victims:

- Late, incomplete and high-risk referrals from the police
- The ineffectiveness or inappropriateness of DVPO conditions
- The method and timing of contact to offer and provide support.

This research also looked at victims and survivors needs, and services provided to address those needs as best as possible during DVPO period. Participants reported that service providers need to:

- Be able to have successful contact with the victim immediately
- Explain what service the provides
- Address often complex needs
- Offer a range of in-house services such as counselling, peer support groups and legal advisors
- Provide services to both the victim or survivor and the perpetrator.

A number of limitations have also been identified through delivering the DVPO Caseworker Project which need to be addressed in order for victim services to be able to best utilise the opportunity provided by DVPNs and DVPOs. These are:

- Referrals arriving late, in some cases after the DVPO has expired, or incomplete. This reduces the already short period of time available when the prohibitions are in place to work intensely with the victim
- A high number of DA cases involving a DVPO are high risk due to police not using them as an early intervention, therefore caseworkers working with these victims need to be able and be trained to provide support to victims at all risk levels
- Some victims do not support the DVPO and if breached will not report this to the police, which means that the perpetrator remains in contact with the victim and therefore has no space or respite. In these instances, the victim is highly unlikely to accept the support available
- Difficulties in engaging victims, linked to not consenting to the DVPN or DVPO, mean that more than three call attempts are required.

This research also highlighted the importance of victim support services being independent from the police. Both DVPO caseworkers and police officers stated that in order for victims and survivors to engage better with support services they should be independent from the criminal justice system.

In the following sections the results and recommendations for improvements are presented; firstly, regarding the DVPN and DVPO process and secondly specifically regarding the support provided to victims and survivors by victim services during the period of DVPNs and DVPOs.

The research also draws on key learnings from the DVPO Caseworker Project to make recommendations to Government to ensure that their proposed DVPNs and DVPOs effectively address the issues identified with the current process, DVPN and DVPO prohibitions and their application.

# The use of DVPOs and effectiveness of the process

## DVPOs are viewed as an important tool

Even though participants raised a number of difficulties and problems with the DVPO process, most of them stated clearly that DVPOs are a useful tool to safeguard victims and survivors. It gives victims time to explore their options and access the support service which they otherwise would not be able to do so.

*“I know some people aren’t strong enough to do that and that’s why we have the DVPOs, because we’re supposed to be there to help the victims that can’t help themselves.”*

Police officer

*“I feel that it’s a good space for clients to be away from the perpetrator, and just to have some breathing space, you know? Just to think and work out what they want. I think it’s a very good time slot for them to be able to live without the perpetrator, see how they’re doing, see how they’re feeling, identify how nice it may possibly feel being away from such a toxic relationship or an unhealthy relationship. I think when Domestic Violence Protection Orders have worked and have been put in place; I think they’ve worked really well.”* DVPO caseworker

Participants also reported that some victims who did not initially support a DVPO application eventually could see the benefits of it.

*“You know, with the feedback quite often we get, “I didn’t want this, but actually now it’s really made a difference.”* Police officer

*“The majority of cases are not overly supported straightaway, but we tend to find that towards the end of the 28 days, if there’s been sufficient support for the victim and engagement, the victim has a realisation that they can survive and it’s not actually too bad. It’s far better than the situation they’re currently in and they go, ‘Yes, this is a very good thing’.”* Police officer

Indeed, a survivor who took part in this study reported that they found DVPO to be beneficial. She reported that they needed a break from living with her husband and the time apart made her realise that she can manage day to day life without him.

*“For me, personally, what was done suited me perfectly. Me and my husband [perpetrator] needed time apart. I found it a positive experience. It was something that I needed, and the police and yourselves [VS] were all there to help, which was absolutely great, with phone calls to make sure I was fine. I found the whole experience positive. Actually, knowing I could organise my own life, it gave me a sense of I can manage. I don’t need him. I don’t need him. That two weeks made me realise I didn’t need him. It has been a valuable experience for me, and for my husband.”* DA survivor

Perhaps surprisingly, the police also told us that some perpetrators eventually also see the benefits of a DVPO.

## Failure to use DVPN and DVPOs as an early and preventative intervention

Due to the lower evidence threshold, DVPOs can be used as an effective early intervention to prevent the abuse escalating and the situation becoming high-risk for the victim. Previous research has found that DVPOs are generally seen positively by victims and survivors, with many feeling safer following the granting of a protection order.<sup>7</sup> As the DVPO project works with standard and medium risk victims when the perpetrator is subject to prohibitions of DVPNs and DVPOs, it presents a vital opportunity to provide intensive support when the victim has space and time away from the perpetrator to consider their options.

This is reflected in our research, which found that for some removing a perpetrator from the property was the only option to protect themselves and prevent the violence from escalating any further. A survivor told us that removal helped her to realise that she could cope without perpetrator and live independently.

*“Once it became physical, the only way I could think at the time of resolving or stopping what was occurring, to stop it escalating any further, was to actually have him removed from the home.”* DA survivor

*“I felt really good about myself and very confident about myself just knowing that he wasn’t allowed back. I had that 14 days to get my head straight.”* DA survivor

VS DVPO caseworkers also reported that if properly applied, the protection notices and orders can be positive for victims and survivors.

The importance of using DVPOs as an early intervention was highlighted by the tragic case of a participant who was a survivor of DA who felt that had the order been issued earlier, her husband may have been prevented from physically assaulting her. She told us that she had contacted the police a couple of times early in her relationship, but her partner had not been issued with a DVPN or DVPO. She felt that *“what I basically needed [the order], I didn’t get it at that time.”* She said *“if it had happened earlier in our relationship, I actually don’t believe we’d have got to this point [physical violence].”*

VS DVPO caseworkers were also strongly supportive of protection orders and notices being used as an early intervention. In part, it was felt that a DVPO used early has a greater impact on the perpetrator than one that is used in cases with a history of DA, as perpetrators in high-risk cases are often not deterred by the order.

*“The DVPO should be there as an intervention, early intervention not a late intervention. I mean, yes, it may work for late intervention, but the abuse has got so bad to the point that sometimes the high-risk victims – the perpetrators don’t respect it [DVPO].”*  
DVPO caseworker

Indeed, DVPO caseworkers felt that issuing a DVPO early will prevent risk escalation and provide the victim with an opportunity to reflect and decide on their next steps.

*“I think that DVPOs need to be issued when the risk is still low because that gives the victim opportunity to have breathing space to really decide and think about what they*

want and what they can do to move forward. And also, it's like a warning for the perpetrator at an early stage, so if you continue to behave in this manner and so forth, this is what's going to happen... those standard risk cases can escalate very quickly. But I feel that it would reduce the chances of so many high-risk cases if there's an [early] intervention." DVPO caseworker

*"If you look at homicide case reviews, a lot of them take place in medium risk cases. I think 28 days in a medium risk case can prevent somebody from pursuing the relationship further to escalate to high risk."* DVPO caseworker

Those officers who did use it as a preventative measure for first time offences found that the notice and order is beneficial as an early intervention by forcing the perpetrator to confront their abusive behaviour.

*"Very often they're for first time offences, which people think are quite shocking, but, actually, it makes people sit up and think at the beginning, rather than falling into a cycle... "Oh my God, actually, yes, how am I behaving? Why am I behaving like this?" It's a shock tactic a lot of the time as well, which is really useful. It's good."*  
Police officer

However, many police officers who took part in this project reported that they are reluctant to issue a DVPN in standard and medium cases. They told us that they would wait for the abuse to become physical in nature before considering a DVPN and DVPO.

*"They're not giving it to low- and medium-risk cases. They're giving them to chronic, high-risk cases."* Police officer

Another police officer told us that it is only used as a last resort – *"where the police are just out of options"* – and as a result they are used rarely. This was supported by DVPO caseworkers who reported that many of their referrals are high-risk cases. One caseworker suggested that many police officers are under the misapprehension that DVPOs are only available in high-risk cases.

However, DVPNs and DVPOs can be issued to cases that have been assessed at any risk level and when there is a threat of violence; in fact, a Home Office evaluation of the DVPO pilots in three police force areas (Greater Manchester, West Mercia and Wiltshire) found that only one in five DVPOs issued were for high-risk cases. The majority of cases (56%) were graded as medium risk and just under a quarter (23%) were assessed as standard risk.<sup>8</sup>

Our research also found that the use of DVPNs and DVPOs is inconsistent across the Metropolitan Police units. Only one unit we spoke to told us that they use it as a preventative measure where there is no history of DA and before the abuse escalates.

It was highlighted in our research that the police are often reluctant to issue a DVPN in non-high-risk cases, or for first time offences, because they believe that a DVPO would have little chance of being granted by the magistrates' court in these cases. We found that the courts are significantly less likely to grant DVPOs when there is no physical violence involved and/or no previous history of abuse.

*“If we’ve only got the one allegation from the victim, or from a third party, and we don’t, for instance, have as much history of it happening before, then the magistrate might think ‘Why would I order these two people to stay away from each other when we are not sure, or not even believing that something is going to happen?’.”* Police officer

However, not granting a DVPO at the soonest opportunity can lead to a rapid escalation in risk and serious consequences for the victim. One police officer told us of a case where following the first report of domestic abuse the perpetrator was arrested and a DVPO was applied for but not granted by the magistrates’ court. The court turned down the application for the protection order because the relationship did not have a history of DA known to the police and because the victim did not support the DVPO. Following the refusal of a protection order, the perpetrator returned to the address and a second incident occurred that involved physical violence.

While its importance as an early intervention is clear, our research did identify that it can be difficult for DVPNs and DVPOs to be used as a preventative measure in cases where the victim allows the perpetrator back home and where breaches are not checked.

*“I’ve known a case where we’ve got another order for another 28 days, but the victim is allowing the perpetrator back into the home address. Sometimes it’s very difficult in some cases for it to be a preventative measure, although we do it and put it in place.”* Police officer

#### **Recommendations:**

- DVPNs and DVPOs, and the forthcoming DAPNs and DAPOs, should be used by police, and supported by magistrates’ courts, as an early intervention and to prevent escalation in risk. The police should be issuing notices and applying for orders for low- and medium-risk cases, as well as high-risk cases.
- The implementation of the new DAPN and DAPOs presents an opportunity to challenge a culture of only issuing DVPN or DVPOs as a very last resort, through enhanced training of police and magistrates’ clerks that highlights that these tools can be used in a range of DA cases, including where there is no known history of abuse.

## **Barriers to issuing DVPNs and DVPOs**

Despite finding that DVPNs and DVPOs are valued and effective tools to tackle domestic abuse, our research identified a large number of barriers to obtaining them. These issues cut across the entire DVPO process, from the police through to the courts, and present challenges with the current protection notice and order legislation which need to be addressed in the Government’s DAPO proposals.

DVPN and DVPOs not being utilised as much as they could be, was a strong theme emerging from the research, having been highlighted by police officers, caseworkers and a victim. Many police officers reported that they haven’t used and issued as many DVPNs

and applied for many DVPOs as they should. DVPO caseworkers also found it very challenging to encourage police officers to issue DVPNs and DVPOs, especially when senior officers were not supportive.

*“It was a tool that we had available to us, but we weren’t using it as much as we should have been.”* Police officer

*“We don’t use them to anywhere near the level we should because we’ve never professionalised it.”* Police officer

*“That was a constant battle with officers, just trying to encourage them to use it... It doesn’t help when you’ve got a senior that’s not supportive of it.”* DVPO caseworker

Some officers reported that their area only started *“pushing for”* DVPNs as recently as October 2018, four and a half years after the national roll out of DVPNs and DVPOs in March 2014.<sup>9</sup>

As can be seen from Table 1, London applies for a relatively low number of DVPNs and DVPOs and success rates in the city are poor. Figures from 2017/18 show that across England and Wales a DVPN is applied for in 0.74% of reports of domestic abuse on average, whereas in London the figure is 0.48%; this shows that a DVPN is applied for in 52% fewer domestic abuse cases in London than the national average.<sup>ii</sup> Fewer applications are made in London than in the North West, Yorkshire and the Humber, West Midlands and East of England, despite these areas having lower levels of recorded domestic abuse.

London also has the lowest success rates in the country for both DVPN and DVPOs being granted. Across England and Wales, 96% of DVPNs applied for are granted, in London only 88% are granted. For DVPOs, nationally 86% of those applied for are granted, however the figure in London is substantially lower at just 52%. This suggests issues with the process at both police and court level.

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<sup>ii</sup> Figures are comparing HMICFS DVPN data with ONS police recorded domestic abuse data for 2017/18.



**Table 1: Number of domestic violence protection notices, domestic violence protection orders applied for and granted by police force area, year ending March 2018<sup>iii</sup>**

Police force area	DVPNs applied	DVPNs granted	DVPOs applied	DVPOs granted
England and Wales	4,408	4,219	5,674	4,878
North East	406	385	474	432
North West	1,469	1,409	1,374	1,315
Yorkshire and the Humber	581	564	622	576
East Midlands	154	154	330	290
West Midlands	484	470	362	193
East of England	383	358	415	381
London	318	281	544	282
South East	67	67	717	648
South West	124	112	439	380
Wales	422	419	397	381

Participants taking part in this research reported many reasons why the numbers of DVPNs and DVPOs are relatively low in London. This research identified five main barriers in issuing, authorising and applying for DVPNs and DVPOs.

## **Lack of understanding of DVPN and DVPO process within the police and magistrates' courts**

The first and perhaps biggest barrier that we identified was a lack of understanding of the process. Even though the DVPNs and DVPOs were rolled out in England and Wales over five years ago this research found significant gaps in knowledge of how and when to issue, authorise and grant them. This was a matter not only within the police forces but also at magistrates' courts, with many magistrates and court clerks having poor understanding of the process.

### ***Police force***

#### **Front line police officers**

Many police officers reported that they are still struggling to understand the DVPN and DVPO process. The police officers interviewed were unaware of existing guidance – both the Home Office and the College of Policing have produced documents – instead, in order to help them to correctly use this safeguarding tool some officers have written their own, informal guide on what, how and when to use it. However, even though it's a detailed document many police officers feel that this guide can be more informative. Officers reported that the DVPN and DVPO process is so different to other police work that a detailed understanding is needed.

<sup>iii</sup> Data from HMICFRS

*“We’ve got a sort of cheat sheet of what to do, when to do it and how to do it, which is really detailed and quite good... But there are some issues with it, because it’s [DVPN/Os] so different to anything we ever do, especially listing it in a court, paying for court and with a breach, getting the Met lawyers involved. It’s also new, so it might not be... I mean, the document is very detailed, but it’s still missing stuff just because it’s all so different from anything we ever do.”* Police officer

Some police officers told us that they struggled to understand not only when to implement DVPNs and DVPOs but also who is responsible for doing it.

*“I think it’s a good thing overall. It’s very draconian. It costs a lot of time. But that’s a police thing, where I think maybe it’s not really managed that well sometimes, just in terms of who has to do aspects of it, and at what time.”* Police officer

The lack of knowledge within the police forces was also reported by DVPO caseworkers. One shockingly reported that during a talk about DVPOs at a police station, officers were unaware that the protection orders even existed.

However, we were told that once the training was delivered and the DVPO caseworker was in place to provide support and advice to police officers, the number of DVPNs and DVPOs began to rise. Crucially, our caseworkers also noticed an increase in the referrals for support from the police. This demonstrates how important it is to have a caseworker role not just to provide support to victims and survivors, but also to educate police officers of the importance of using the orders. The importance of training was highlighted by the police officers interviewed, with many reporting a need for more training on how to apply for DVPN/Os.

*“There needs to be an input for police officers about how to apply for them because it’s a civil order not criminal.”* Police officer

Police officers also told us that they find presenting DVPO cases in court challenging. This is perhaps unsurprising, as DVPOs are a unique police tool and presenting the case in court comes with high pressure, as it will influence the outcome for the victim and the perpetrator. In addition, the lack of knowledge on what paperwork to prepare and how to prepare for the DVPO hearing can result in magistrates rejecting and not granting a DVPO.

*“I think, because DVPOs are not, well, they’re presented by the police officer, usually, as opposed to the BPS prosecutor, I think, again, that’s often where things fall down because, you know, a police officer isn’t trained to present in a way that a prosecutor would be. When you have a police officer who attends, who is not very concise, is not very clear, is not very direct, is not soft spoken, just isn’t coming across very well, then that frustrates the judge or the magistrate, which then affects how they handle the case.”* Police officer

*“It didn’t get granted. I didn’t have the paperwork that I was supposed to have. I didn’t know what paperwork I was supposed to have. Basically, the case wasn’t prepared. I had to ask the magistrate to adjourn it to make sure that the DVPN was still in place while we had time to prepare more of the paperwork needed.”* Police officer

The stakes can be high in these cases; a failure to obtain a much-needed protection order could result in the victim being at increased risk of harm, and it denies them the valuable window of time when the perpetrator can be removed from the home. However, police officers reported that the VS DVPO caseworkers were useful to turn to for advice and help. In particular, both police officers and VS caseworkers highlighted that it was useful to have the caseworkers co-located at the police stations and that it was valuable to have DVPO caseworkers who are also IDVA trained.

*“We can go to them as well for advice. In terms of services, or the IDVA here at the police station actually helped me a lot with the DVPN application, the DVPO application to court. She knew quite a lot about it. They sit in the risk management unit, and we can just walk over and have a chat whenever we’ve got something where we need some advice, so yes, it does help a lot.”* Police officer

*“An officer would call me up to ask, “What can I do with this case?” You know, “What do you think about this? Is there anything in the legislation I could potentially use?”*  
DVPO caseworker

*“I’ll get a call or an e-mail just for some advice around the DVPO. And even for just normal cases, cases that are not DVPO-related, just normal domestic violence cases, they kind of just, well, yes, you can come to me.”* DVPO caseworker

### **Superintendents**

Only police officers ranked Superintendent or above can issue DVPNs. All police officers who took part in this research reported that whether the Superintendent will authorise a DVPN depends on their own, personal judgment. For example, some will issue them only when there is a known history of DA, while others are willing to grant them for first offences where the perpetrator is not known to the police.

The legislation does not dictate that to issue a perpetrator with a DVPN there needs to be a history of previous abuse. The law clearly states that a DVPN can be issued if there are grounds to believe that the perpetrator has been violent, or threatened violence, and that a DVPN is necessary to protect the victim. Just because a victim or a perpetrator has not come to the attention of the police before does not mean that violence did not take place and that the victim is not at risk. The fact that Superintendents are unlikely to issue protection notices in cases where there is no known history of DA may be a missed opportunity for tackling DA before it escalates.

*“They’ll [Superintendent] have to look at the research and the history with those cases. They would look at whether there was history of DV, the seriousness of the offences, the lack of engagement from the victims, risk management.”* Police officer

However, despite this the research showed that Superintendents would consider risk management and that the main reason for not granting a DVPN would be that the offence was not serious enough.

## Courts

Due to the lack of SDVCs, the majority of applications for DVPO cases are heard in non-DA specialist magistrates' courts either by magistrates or a district judge. For the DVPOs to be used to their full advantage as a safeguarding tool that protects victims the best it can it is essential for the magistrates' courts to understand and know DVPO legislation and the process. This will be important for DAPOs to be effective.

### Magistrates Benches

It is crucial for the court clerks in both courts to have an understanding on the DVPO and new DAPO process and how to handle breaches, as usually magistrates are lay people with no legal qualifications. The court clerks are there to provide advice on the law relating to the cases, in this instance DVPO cases. A lack of knowledge about DVPO process by the court clerks may result in the incorrect advice given to the magistrates, which may lead to rejecting the DVPO application and issues in dealing with DVPO breaches. This is of a great concern as it may have fatal consequences not only on the victims but also for their children.<sup>10,11</sup>

All practitioners who took part in his research reported a concerning lack of knowledge within magistrates' courts and of clerks concerning both the granting of DVPOs and in handling breaches. In particular, police officers were concerned that the magistrates' courts did not understand that different evidence thresholds apply for the granting of DVPOs; that they are not criminal orders needing to be proved beyond reasonable doubt.

*"I don't think the courts actually understand the whole reasoning for it and why it's been applied for. The court, I think, needs to be educated... It's not a trial, we're not going for a trial."* Police officer

*"I think the court lacks an understanding of what a DVPN and what a DVPO are, and I think they lack an understanding of breaches of DVPOs and whether or not those are criminal offences."* Police officer

Both caseworkers and police officers felt that magistrates need more training and that better guidance needs to be in place concerning DVPOs. One DVPO caseworker said that they had to produce a guide sheet for magistrates explaining the order, another police officer from a different area told us a similar story.

*"As a result of that lack of understanding [by Magistrate Courts], one of the things we did was we created a prompt sheet that gives a brief explanation and summary of what a DVPN is, what a DVPO is, and what a breach of one is. Police officers can bring it with them to court on the day [of DVPO hearing], and hand it out to the bench or the judge and say, 'I'm here to present about a DVPO and here is an explanation, a quick summary, of it'."* Police officer

Breaches of DVPOs emerged as a strong theme in the research and all practitioners who took part reported that magistrates' courts do not have a thorough understanding of how to deal with and sentence DVPO breaches.

*“They [Magistrates] don’t like them [DVPN/Os], because they see them purely as civil orders. And, when the breaches come in, they just don’t value them. They should be looking at breaches as they’ve breached a court’s order, so they should be valuing them as serious, but they don’t really. I’ve had comments [from Magistrate Courts] like, ‘Oh well, he was only issued with it 24 hours ago, give him a second chance’. I’ve had, ‘Oh, it’s just a civil order’.”* Police officer

Breach of a DVPO is not currently a criminal offence, but it is a civil contempt of court under section 63 of the Magistrates’ Courts Act 1980 subject to a fine or up to two months’ imprisonment. However, there are no sentencing guidelines for the courts on how to deal with the DVPO breaches, which police officers highlighted leads to variation in how breaches are dealt with. The DAPO presents an opportunity to address this issue as breaches will become a criminal offence.

There is also a lack of understanding within the court system that consent or support of a DVPO from a victim is not needed.

*“When you’re at court, sometimes the [magistrates], you get to hear them say, ‘Well, if the victim doesn’t want it, why are we approving this?’”* DVPO caseworker

The legislation is clear; consent is not needed from the victim in order to impose a DVPO. In fact, many of the practitioners and the victim who took part in this research told us that it was a positive that the order can be implemented even when the victim objects to them. Additionally, we found that if the consent was given from the victim to remove the perpetrator then police officers felt that other orders, such as for example non-molestation orders, should be put in place to protect them instead.

*“We are helping those victims that can’t help themselves. If you’re controlled physically and mentally some people aren’t strong enough to do that and that’s why we have the DVPOs. I think a lot of them really want it, they just can’t say they want it, sometimes, they’re too scared to say anything in front of them [the perpetrator]. Not that they have to, at that stage they don’t, but they won’t give evidence in front of them, because they’re so scared. A lot of the times, once it’s [DVPN/Os] happened, they’re quite happy about it. They always say they realise they can survive without the perpetrator. After 28 days, they think, ‘Ah, this is brilliant’.”* Police officer

*“It removes that responsibility from the victim, because not many victims realise at the time that this person is harmful for them. That being in this relationship is toxic, and that it is necessary for their own protection for them to be apart from them, just temporarily, for now, until you are able to access the support... That’s why they need this [DVPN/Os]. They need that time apart to see what it’s like to live without this person.”* DVPO caseworker

The survivor who took part in this research was pleased with the application of a DVPO and the fact that the decision was taken out of her hands. She told us that it prevented the perpetrator from blaming her for what happened, echoing what the majority of practitioners stated.

*“The fact that it was an enforced separation for me again worked perfectly because I can be a bit soft, if you like. The fact that it was enforced for me, it sort of took the decision out of my hands, so, instead of him being able to say, or come to the door and say, ‘You did this, and you did that’ and another row escalating, I found it extremely helpful.”*

DA survivor

### **Judges and Clerks**

In addition to problems with magistrates’ understanding of the DVPOs, practitioners also reported a lack of knowledge about the process from the judges and clerks. In magistrates’ courts DVPOs can be heard by a district judge. Interviewees highlighted that judges and clerks have to deal with such a broad and varied caseload, and that those who had seen no or few cases of DVPO applications often did not understand the process. Similarly, to magistrates and clerks, concerns were raised that some judges and legal advisors did not have a full understanding that a victim’s consent is not needed to obtain a DVPO or how to deal with breaches. We were told that this shallow understanding can make the process very challenging for the victim, the police and caseworkers.

*“I know that [client] did express that there had been issues at court where she’s struggling for the legal advisor to even understand what DVPOs are. So, the legal advisors don’t even know. You’d expect the legal advisor to know about the law and the legislation.”* DVPO caseworker

*“We can put as much as we want in front of the court, but if the court doesn’t understand what to do and then messes it all up, then that feels really frustrating and fruitless.”* Police officer

Many practitioners specifically told us that better training in the courts is needed. Some suggested that the best way for judges, clerks and magistrates to develop an in-depth understanding of DVPOs is by learning from victims about the effectiveness of them. Once they are provided with positive feedback and see potential benefits of the order they may feel encouraged to grant more DVPOs.

*“I even phoned up a number of victims about two months after when I first joined and got such positive feedback I fed it back to the legal adviser at the court and they loved it, because it just showed them the effectiveness of these orders when they work.”*

Police officer

*“I personally think they should hear and come across case reviews where it has been successful for them to understand how this order can benefit a client, and how removing the perpetrator for 28 days can make a difference.”* DVPO caseworker

All participants taking part in this research also reported a need for the DVPO cases to be presented and dealt with in a Specialist Domestic Violence Court. They argued that as DA specialists, SDVCs have better knowledge and are better equipped to deal with DVPOs. However only a minority of cases are heard in one and there is currently a serious lack of capacity. Many practitioners called for more SDVCs to be established in London.

*There's only one specialist DA court and a number of the DVPOs going through that are very few. SDVC does have better criminal justice outcomes for domestic abuse when you look at the criminal side of things. It's to do with training of magistrates and court clerks and having a coordinator.” Police officer*

#### **Recommendations:**

- Regular and tailored training and advice should be provided to police officers, magistrates, district judges and general legal advisers to improve and reduce gaps in their knowledge on DVPN/Os. This training should be taking place in the immediate term as well as a key, effectively resourced, part of the implementation of the new DAPOs. Training will also be needed in family and criminal courts which are due to consider DAPOs under the Government’s proposals.
- Clear, concise and single guidance should be provided and distributed to all Met police officers and Superintendents on when to apply and authorise DVPNs, including a single-page ‘prompt sheet’.
- Thorough and clear guidance should be produced for all magistrates’ courts in London on the DVPO process, including on sentencing DVPO breaches. This guidance should be targeted at magistrates, judges, legal advisors and clerks and updated and issued to family courts also once the Government’s new proposals are ready for implementation. It should also include a single-page ‘prompt sheet’.
- The new statutory guidance and practitioner toolkits to be provided as part of piloting DAPOs should include a clear guide for all courts.
- An independent DVPO caseworker should be placed in a police station in each BCU area to raise awareness of DVPOs among police officers and to assist with their applications.
- DVPO hearings should take place in Specialist Domestic Violence Courts where possible.
- When the new DAPNs and DAPOs are legislated for and piloted, the Sentencing Council should produce guidelines for all courts on how to handle breaches of the protection notices and orders.

## **The DVPN and DVPO process is time consuming and labour-intensive**

In 2017/18, net expenditure on police services in England and Wales was around £11.8 billion. This is a fall of 18 per cent from levels of spending in 2009/10.<sup>12</sup> As a result number of police officers and staff has also fallen. Across the country police numbers have declined by almost 40,000 since 2010; this includes a reduction of almost 20,000 police officers, 15,000 police staff and over 6,000 PCSOs.<sup>13</sup> Meanwhile, the nature of demand on the police is not only changing but also increasing.

In London in 2010 the Metropolitan Police had 4.1 officers per 1,000 Londoners but the ratio has now dropped to 3.3 officers per 1,000 – the lowest in twenty years.<sup>14</sup>

As the DVPO process is time consuming, labour intensive and costly, it can be viewed by police officers as another strain on the police and on police resources. While DVPOs are viewed positively by police officers, all practitioners who took part in this research did report that it took long time to prepare all DVPN and DVPO related documents.

*“It is a lot of paperwork involved, and very limited resources and limited time, so there have been occasions where that has been tricky, and then maybe people have gone to court with not sufficient amounts of paperwork.”* Police officer

Police officers told us that when the preparations are finalised and the case goes to court, it can often take a day for the case to be heard.

*“There is an officer presenting the case and giving the case to court, but they come in at 9:30am for the hearing. The courts haven’t listed it yet, so the officer ends up waiting all day, waiting around for the hearing, and that’s another officer just not able to do anything else at that point.”* Police officer

In order to be able to better manage their time and prepare all the necessary paperwork, the police officers expressed a need for extending the DVPN length for longer than 48 hours. As the DVPN and DVPO applications are time sensitive, in order to meet the deadlines and secure a successful DVPO officers often cannot focus on other day to day tasks. One police officer told us that having even just one extra day would be beneficial and allow the police to prepare the paperwork and manage existing workload, as spending significant time at court for the DVPO means that they have to put off any current work.

*“I think another day would be good to give that extra support [to prepare all necessary paperwork], especially, I mean, I think if we apply for it on a Friday, it’s better, because usually we’ve got until Monday to actually do it. We’ve got the full weekend to prepare for it [DVPN/Os]. That seems to work, just because you’ve got that extra day to get everything ready for it. Also, to get your staff in order for that one day you are going to spend at court and not be able to be in the office and do any work, so 72 hours, I would say, might be good.”* Police officer

To further reduce strain on police officers many practitioners who took part in this research also spoke of the need for a dedicated DVPO police officer. The DVPO dedicated police officer would deal with all the paperwork needed to apply for DVPNs and DVPOs and present the cases and breaches in the court.

*“In some areas, they have one officer who goes to court and presents all the cases, so, at least there’s only one officer being lost. I know in some areas they don’t do that at the moment, so, it’s losing staff members and there’s lots of work to do.”* Police officer

*“I would say if the police had a DVPO police officer who specifically dealt with DVPOs or potential DVPOs. So that this officer is then solely focused on the DVPO rather than having to do another investigation and then be in court for long.”* DVPO caseworker



One particular area of London does have a specific DVPO police officer which received strong positive feedback from the police that we interviewed. It was felt that having a dedicated officer for dealing with DVPOs could also lead to better outcomes. One officer said it was positive to have one point of contact to build and maintain relationships with the courts, while another said that it made sense to have one police officer with an in-depth knowledge of DVPOs rather than to try to teach the process to every officer.

*“I know [London East Area BCU] are doing exceptionally well because they have somebody [DVPO dedicated police officer]. The allocated DVPO worker does all the paperwork for the police officers, has built a rapport with the court, presents the case. The courts know her now, so it’s great. I think it’s very thorough in [Place] compared to the other boroughs.”* DVPO caseworker

### **Good practice: DVPO dedicated police officer**

In the London East Area BCU (Redbridge, Havering, Barking & Dagenham) the Detective Chief Inspector has appointed a DVPO dedicated police officer.

The DVPO police officer deals with all the matters that are related to DVPO cases. They are responsible for proof reading DVPN and DVPO application forms and making sure that all the paperwork is in order to first present the case to the Superintendent. Once the DVPN is issued they apply for DVPO hearings and present the DVPO case in court. They also liaise with the courts, victim and perpetrator through the DVPO period when and if needed to provide support.

The dedicated DVPO police officer also works closely with the magistrates’ courts to raise awareness of the importance of DVPOs and presents feedback to the magistrates about their effectiveness and the positive impact it has on the victims.

They are also responsible for monitoring DVPO compliance and presenting breaches in court.

The caseworker described their role as: *“the submission to the administration centre for payment, it’s getting their receipt back, it’s then sending everything to the relevant courts, so that they’ve got it on their system ready for the hearing, it’s putting together court bundles in order to go to court, it’s liaising with the victim, with the perpetrator, liaising with social services. There’s a lot to it and, so, a dedicated role has made a huge difference.”*

It is not just the preparation and presentation that is time consuming, but also monitoring and responding to breaches. We were told of one case which involved the successful granting of a DVPO followed by an immediate breach. This particular case required one police officer to work full time for three days to address the whole process, including the breach. Many police officers reported that dealing with breaches was a difficult process.

*“The breaches are quite tricky, because we get 24 hours to get the person before court. Often breaches actually happen in the evening or at night, so that would require us to get everything ready for the breach hearing for either the 9:00am or the 1:00pm or 2:00pm court, so that gives us likely about 12 to 14 hours, if not less, to get everything ready. Which is not a lot of time, frankly. That is tricky.”* Police officer

#### **Recommendations:**

- Each BCU should appoint a DVPO dedicated police officer, backed up by an independent DVPO caseworker, who can assist and provide advice on all aspects of the DVPO process.
- The Government should consider extending the notice timeframe for the new DAPNs to 72 hours rather than 48 hours.

## **Concerns about the cost of DVPOs and whether they represent value for money**

Data from City Hall shows that police spending per person in London has fallen faster in the Met than in any other police force. London has seen a rapid population growth in recent years, and with savings of £720 million delivered by the Metropolitan Police since 2010, net revenue expenditure per person of population reduced from £423 in 2012/13 to £337 in 2016/17. It is the largest reduction nationally at 20%, compared to 6% across the country.<sup>15</sup>

The police must pay for DVPO applications, which we were told cost around £500 for an uncontested hearing and around £700 for a contested hearing. This does not include the cost of police officers time, which can be several days long.

We found that despite the considerable social benefit that can arise from the issue of a DVPO, the costs do present something of an obstacle in applying for one.

*“The reasons why police aren’t applying for DVPOs is lack of money, because they are so much money, and lack of time because it takes a lot of time to apply for DVPO and it takes a lot of time to then police the DVPO when it’s in place, because the victim is probably not going to report the breach because they didn’t want the order in the first place.”* Police officer

In addition to the financial cost of applying for a DVPO, the perceived lack of success in their granting also presents a barrier to applying for one. Indeed, as discussed above only half of DVPOs applied for in London are actually granted. Officers told us that failure to grant an order makes them despondent as it is viewed as a loss of money and time, as well as a missed opportunity to provide protection for the victim.

*“I think where the police bear the cost of that is a huge flaw and I think there are many reasons why police can be reluctant to get a DVPN and then a DVPO. I think the cost of it, and how they will perceive the court will react, to how they perceive the court will respond, definitely influences it because you’re a police officer and you’ve got a lot on,*

*and you think, 'Well, this is a lot of money and it's not going to go anywhere at court', is it really that unjustified for them to think, 'Well, why would I do that, then?' Like, there are better things to do with this time and this money."* Police officer

Another aspect of the value for money concerns raised by the police is the length of the order, which was viewed by many as insufficient. Officers told us that a longer period of time for the order would be better, perhaps up to three months, as often they have to reapply for the order again after the 28 days expired.

In fact, due to above-mentioned obstacles many police officers prefer to issue other orders such as a non-molestation order. Those orders last for longer, are less time consuming and have no financial implications for the police. This explains why the police are more inclined to pursue DVPOs only when they don't have the consent or co-operation of the victim.

*"A non-molestation order can be granted for a set period of time, like one year, or it can be granted until forever, until further order, and a breach of that is a criminal offence and that order can last a lot longer than 28 days, which is what a DVPO will be granted for. And to get a non-mol [non-molestation order] costs the police nothing, right? Because it's the victim who goes and applies for it."* Police officer

Nevertheless, if used consistently and in accordance with the legislation DVPOs can be an effective tool in preventing repeat victimisation. It should be acknowledged that in the long term their use will reduce police resources, with previous research finding that DVPOs and DVPOs can be successful in reducing repeat victimisation when used appropriately.<sup>16</sup> This long term viewed was also mentioned by a police officer.

*"If we had a consistent approach and we could see in two years' that actually, by paying this initial £700, we've saved thousands with repeat victims, because that's the aim. That's the aim, to stop people becoming repeat victims, so taking up repeated police time in investigations, repeated court times, CPS times in investigations for repeat DV parties. That's the whole point."* Police officer

#### **Recommendations:**

- MOPAC may wish to consider assisting with the court fees for applying for DVPOs, in order to remove this barrier for their applications.
- The new DAPOs should not require the police, the victim or relevant third parties to pay for court costs.
- Training for senior police officers should make clear the long-term financial and social benefit of DVPOs, in terms of securing the victim's safety and preventing re-victimisation.

## Prevalence and lack of reporting of breaches

### *Monitoring breaches*

Our research found that due to the lack of resources the police are often unable to monitor compliance with DVPOs. Instead, they are heavily reliant on the victims or DVPO caseworkers reporting a breach.

*“Policing it is an issue, because, if they breach it, it’s up to the victim to actually phone us and say, ‘He’s here. He’s here and he’s breaching it’. We need to be told that.”* Police officer

*“Sometimes Victim Support phones the victim and he’s there and then they [VS] have to report the breach. They know that the victim can’t speak, because the perpetrator’s there. That’s the only way.”* Police officer

*“The ones I identified, I think they were handled very well, because on all the occasions, the perpetrator was either interviewed or arrested and taken to court. I thought the officers dealt very well with the breaches. That’s purely because of my existence at the CSU. That I could be like, Okay, a breach is identified. Let me turn around and share it and get the officer to visibly see my concern.”* DVPO caseworker

Some of the participants suggested that the police could employ different techniques to monitor breaches, such as using GPS trackers on perpetrators or sending officers to the victim’s address during the 28 day period in order to check on the welfare of the victim. This supports the Government’s proposed legislation which would allow for electronic monitoring to be used as part of a DAPO.

As DVPO breaches are difficult to monitor, the reported numbers vary and are likely to be underestimated.<sup>17,18</sup> Previous research conducted by Victim Support in 2017 found that a reported breach occurred in a quarter of DVPOs, while 91% of VS DA caseworkers reported to have worked on cases where a protection order was breached.

While some victims may report DVPO breaches to the police, others are reluctant. Moreover, since some of the victims did not support the imposition of a DVPO in the first place, they are likely to report the breach to the police and may in fact allow the perpetrator to enter the property. A lack of compliance with DVPOs undermines the use of this intervention.

### *Inadequate punishment for DVPO breach*

All practitioners who took part in this research reported that the punishment for a DVPO breach is not strong enough. This again may be the reason why many police officers are reluctant to issue and authorise a DVPN and apply for a DVPO.

*“When there is a breach, so when they breach the order and we put them back before the courts, invariably, they’re getting a slap on the wrist and go home, which doesn’t send the right message. It’s also quite disheartening for the police, because we’ve put in a lot of hours to get these and a lot of effort. Invariably, they’ll get a £50 fine being served, because they’ve been in custody overnight.”* Police officer

While the courts do have the power to impose up to two month's custodial sentence for a breach, all of the practitioners reported that this is not a common outcome and that breaches are usually punished by a fine. This, in the practitioners' opinion, may have negative impact on the victim and their children, particularly as in some cases it may be the victim who ends up paying the fine for the perpetrator. Practitioners also reported that there is little clarity on how the amount of the fine is reached, with a £50 fine being served in most cases.

*"From a magistrate's point of view, he [perpetrator] either gets a fine, which is really, really offensive, so £50. Bear in mind it costs us a couple of thousand pounds worth of resource funds put into this. Who's going to pay the fine? Is it her [victim] or is it him [perpetrator]?"* Police officer

Under the Government's new proposals, the fine for breaches of DAPOs will be unlimited. This has the potential to significantly increase fine as a sanction and deterrent, but it is vital that consideration is given to ensure that the victim will not be the person who has to cover the costs in practice.

### **Breaches not being a criminal offence**

Our research found strong support for making a breach a criminal offence, as is proposed by the Government for the new DAPOs, alongside an increase in the upper limit of the fine. The lack of enforceability of DVPOs have a number of negative consequences; it makes the police reluctant to apply for them, it provides a lack of incentive for the perpetrator to comply with the order, it results in inadequate punishment and in some cases, may actually result in the victim being punished for the breach if they have to pay the fine themselves. This strongly makes the case for making breaches a criminal offence and strengthening the sentences available. In fact, all participants who took part in this research stated that a breach of DVPO should be a criminal offence, and like breaches of non-molestation orders the breach should be recorded as a conviction.

*"If they breach, then it should be a custodial sentence, because they can't be trusted. They've been told not to and they've breached, it, so they technically should go into custody. That's what I think, but that doesn't always happen. I would hope for the rest of the remaining time of that DVPO, it should be spent in custody, because that way we can be sure that he is not going to breach it [again]."* Police officer

*"If they breach a non-molestation order, they get a conviction. If they breach a DVPO, they don't get a conviction. So, where is there a record that they're breaching it? There isn't. It's not a recordable offence... That's a big thing for police."* Police officer

### **Collaborative approach**

No one service can meet all the needs of some victims.<sup>19</sup> Having a joint working relationship between statutory, voluntary and community services plays a key role in supporting victims effectively.<sup>20</sup> Benefits of multi-agency working in supporting victims of crime are broad and include information and intelligence sharing, which in turn leads to better and more accurate risk and needs assessments, a reduction in repeat referrals and duplication of tasks, greater efficiencies in processes and resources, and a better understanding between professions.<sup>21</sup>

All participants who took part in the DVPO caseworker project reported a need for partnership working. They felt that on some occasions there was a lack of collaborative work which, in their opinion, had an influence on success or lack of success for the DVPO project.

*“I think the project would have benefitted from a much more coordinated partnership approach. So, I think, again, this first should have started with conversations with partners. So, the courts, the police, the domestic abuse local services, there should have been conversations with all the partners before starting this project, and I think that should happen way in the beginning.”* Police officer

It was also felt that a 12 months trial for the DVPO caseworker project was not long enough as it takes time to learn and identify arising issues and incorporate needed changes.

Police officers also reported that the DVPO caseworkers were highly valued. They not only provided advice to the police, support to the victims but also helped to monitor DVPO compliance and report breaches.

*“She was just brilliant, and in fact, she caught a couple of breaches. So, we’ve lost that, and we can’t do it all. We need that support. I think that’s the weakness around them [DVPOs]. It needs a multi-agency support network around it.”* Police officer

*“I used her [DVPO caseworker] almost daily and she caught a couple of breaches for us and that’s what we need. We need someone on a permanent basis just doing that role. She was good. They [DVPOs] work, but we need the support of the courts and the IDVAs around us to help. We need the help to wrap around these victims and provide them with the support they need whilst these orders are in place, otherwise we’re spending a lot of money on slapping orders on people and then that 28 days has gone. I mean, police just do not have the resources to work with the victims’ day in, day out.”* Police officer

Strong and productive relationships are required not only with victims and survivors but also with other agencies and providers of services in order to provide an effective support and service. The joint, partnership working ensures the best support outcomes for the victims. This includes other services such as housing and mental health services. Caseworkers also highlighted that they could turn to other colleagues, in particular IDVAs, to help support their work.

*“I think with Victim Support, we are quite fortunate, because we have good relationships with housing. We have got good relationships with mental health. We have got good relationships with MARAC. We have got very good relationships. I think we are very equipped in ensuring that we could have the best outcome for the clients. We work very much together. For example, as a DVPO caseworker, if I wasn’t able to provide all the information around civil injunctions, I knew I could approach an IDVA from Victim Support, saying, ‘I don’t really know how to explain this. Could you tell me?’ We work very much together.”* DVPO caseworker

However, sometimes if there are other agencies involved it may lead to duplication of work. Additionally, previous research has found that victims and survivors reported being overwhelmed by telephone calls they received by different agencies in the initial period

after victimisation. If they want to engage with other agencies they also have to repeat what they went through many times. This often is distressing and may have unwanted effect on their wellbeing but also may lead to rejecting an offer of short and long-term support and disengagement with the support services.<sup>22</sup>

*“When there are loads of agencies involved, there could be a bit of duplication with work. That could be quite annoying for the client... Like, you [victim-survivor] build rapport with one person. You [victim-survivor] have told them everything. You have done the risk assessment. Now you have got somebody new. It’s that whole process again.”*  
DVPO caseworker

**Recommendations:**

- Joined-up partnership working should be encouraged.
- Ensure and safeguard sharing information to prevent duplications in work.
- Ensure that there is a funding for an independent DVPO caseworker to be based at a police station in each BCU.

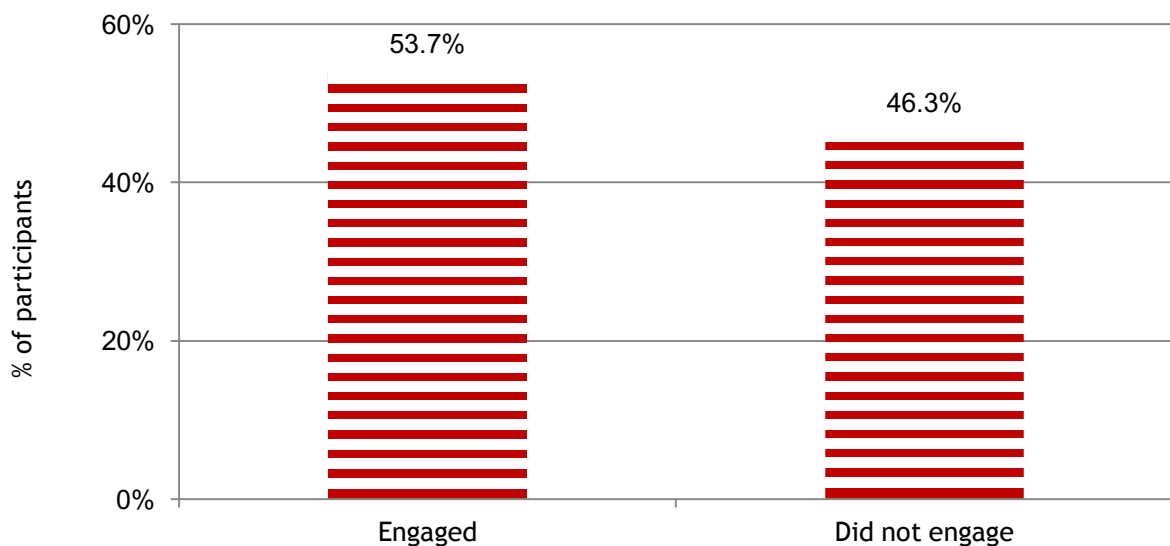
# The role of support services in utilising the period of respite

## Barriers in caseworkers contacting, engaging and providing support

In order for support services to contribute to the utilisation of the prohibitions issued by DVPNs and DVPOs they first need to be able to engage with victims. This research explored the barriers faced by DVPO caseworkers within the project in contacting, engaging and providing support to victims and survivors during DVPO.

Overall during the 12 month DVPO trial period VS DVPO caseworkers received 54 referrals from across London. As can be seen from 1, just over half (53.7%) of victims engaged with the DVPO caseworkers and took up VS services.

Figure1: Proportion of participants who engaged with VS during the DVPO duration



The DVPO caseworkers reported that their place of work had an influence on the number of referrals received and that being based at the police station resulted in an increase. Having a relationship with police officers and meeting them in person made the police much more likely to refer cases on to the caseworkers.

*“When I started to sit in as well at the police station, so when they became more familiar with my face, they [police officers] sent me the current DVPOs and then they sent me the old ones as well. Now that I sit at [the police station] on a Thursday I always get referrals. Always, always, like I get referrals almost every week now which is a big change from how I started.” DVPO caseworker*



For referrals that were received, this research found three main challenges faced by victim services in contacting and engaging with these victims and survivors to offer and provide effective support during the DVPO period:

- Receiving late, incomplete and high-risk referrals, reducing the already short period of time available when the prohibitions are in place to work intensely with the victim and meaning cases were out of the scope of the project
- The ineffectiveness or inappropriateness of DVPO conditions, meaning that the perpetrator remained in contact with the victim or at the victim's home
- Making successful contact to offer and provide support, linked to not consenting to DVPN or DVPO.

These need to be addressed by support services purposed with providing support to victims with this intervention in place.

## **Late, incomplete and high-risk referrals**

The project was reliant on referrals being received on cases where a DVPN then a DVPO has been issued. However there have been some issues with the referrals DVPO caseworkers have received.

### **Late referrals**

DVPO caseworkers reported that they failed to receive a referral following the issue of a DVPN. Additionally, all caseworkers who took part in this study reported that some of the referrals they received came after the DVPO expiry date. Referrals for DVPOs granted for only 14 days were delayed as well, despite the need for greater urgency in securing engagement.

*"I have recently had some DVPOs that referrals come in after the DVPO had expired and then you do have the few that do come in maybe a day or two after it was issued, so it does vary... There's a couple, not a lot, that have come through like a month or two months after the DVPO was expired."* DVPO caseworker

*"I think it depends on the officer really. Like the 14-day one, I think I got three days in. It wasn't immediately, but it wasn't that late either."* DVPO caseworker

As DVPNs and DVPOs are time sensitive an early referral is crucial; it can have an influence on making successful contact with victims and offering often vital support to help them utilise the short period of respite provided by intervention.

The fact that some referrals were not made until after the end of the protection order is particularly concerning, as it represents a missed opportunity. Under the Code of Practice for Victims of Crime (the Victims' Code) domestic abuse victims must be referred to support services within two working days, subject to their consent. The fact that this is not happening in some cases is a clear breach of the Victims' Code.

The time of referrals varied across boroughs with some referring victims after the DVPN was issued. Moreover, some police officers stated that they would refer victims-survivors even when DVPO is not granted by the courts.

*“I’d refer a victim once an order [DVPN] had been issued and then she would speak to the victim. We could refer them to the support worker when the notice was issued [DVPN], even if the order [DVPO] was declined.”* Police officer

However, the majority of police officers reported that they referred victims only after the DVPO was granted by the courts.

*“It should be immediately after getting a DVPO that they should be referring them for support. We tend to wait for the DVPO to be issued, because we need to make sure we’ve got a DVPO, because we’ve got 28 days then and the worker can get straight to work.”* Police officer

Some participants did, nonetheless, recognise that it would be perhaps better to refer victims and survivors to support services once a DVPN has been issued. The perpetrator is kept in the custody during the duration of DVPN. This gives a caseworker time to make an initial contact with the victim when the perpetrator is not present and gives an opportunity to start building a relationship and to talk about available support in a safe environment.

*“I think DVPN, 100% [is when referral should be made]. From my perspective, if I can build rapport and make contact with the client immediately, because for example if it is granted, fantastic, start the process straightaway. Let’s start from day one, for example. Whereas if it’s not granted and it’s declined, and the perpetrator is informed of this, things can escalate further. Then at least I can get in there straightaway, safety plan, signpost, you know, I can make that initial contact straightaway.”* DVPO caseworker

Once the referral was made DVPO caseworkers were prompt in making initial contact with victims and survivors.

Our research found that late referrals not only put a strain on the DVPO caseworkers but more importantly have a negative impact on what can be achieved and provided in such a limited time. Caseworkers told us that delays can increase the risk for the victim and can result in problems with practical assistance such as applications for legal aid, housing advice or help with benefits.

*“I think the delay [in referrals] is the increase in the risk. The fact that the victim is not being safeguarded. So, if we’re not getting a referral on time we would not be able to know what’s happening. It’s just things like that, like that immediate – you know, even if it’s things like refuge or housing, things that immediately need to be put in place could maybe get delayed by one or two important days.”* DVPO caseworker

### ***Incomplete referral forms***

An additional challenge for contacting the victims and survivors identified during this project was receiving incomplete and insufficient information on the referral forms from the police. When a referral made by the police to support services it should include a safe number to use for contacting the victim, however in some cases no phone number is provided, the number provided is incorrect or the indication that the phone number provided is safe to use for contacting the victim is not always accurate. This means that in these cases the DVPO caseworkers cannot contact victims.

*“Not having appropriate contact is a barrier... I had a case where the victim and the perpetrator shared a phone, so it was like really difficult. We never actually got to speak because of that.” DVPO caseworker*

Sometimes even the DVPO expiry date is not put on the referral from either the police or other organisations involved. This is a challenge not only because the caseworker does not know how long the order is in place for, but also because it makes safety planning for the victim difficult.

To overcome this obstacle and to gain as much information as possible about victims and survivors’ circumstances some DVPO caseworkers ask police officers to share what they have already done for the case. We believe that this approach is good practice and reduces the burden of paperwork on police officers.

*“Not all the time will officers be willing to fill in the sections of my form, because it’s another form for them. So, I said, ‘Okay, let me at least get the client’s details on my form, and you can send me the work that you’ve done with the DVPNs and the DVPO along with the referral form, and send it to me’. That has worked really well. I prefer that system.” DVPO caseworker*

### **High-risk referrals**

As highlighted previously in this report many DVPNs and DVPOs are issued and granted to the victims who are classified as being at high risk. As the scope of the DVPO Caseworker Project limited cases to only being standard and medium risk, high risk cases were referred onwards by the DVPO caseworkers to MARAC and supported by IDVAs. This meant that a large proportion of victims who could be helped by DVPO caseworkers were not able to benefit from this specialised service.

*“Obviously I did have some challenge with some clients initially engaging with the service. It was very tricky in the beginning because normally clients wanted the support. The officers would tend to refer me cases that were high risk, rather than medium, because for DVPOs we could only take medium or standard risk cases, and not high risk. High risk would go to an IDVA.” DVPO caseworker*

Even when the relationship has been built with victims once the risk escalates the DVPO caseworkers were required to refer the case to IDVAs. However, previous research has found that victims and survivors of crime expressed a need for a strong, trusting relationship with a caseworker and to be supported by one caseworker through their CJS.<sup>23</sup>

*“If the client came to me as medium, and then escalated to high, I would then create a MARAC referral, because I’d built the rapport with the client, I would be the best voice for the client at MARAC, so I’d then go present the case at MARAC, and then from there an IDVA would pick it up.” DVPO caseworker*

One of the key lessons from this project has been that services providing bespoke support to victims who have a DVPN and DVPO in place need to be IDVAs, and therefore able to handle cases at all risk levels. Some police officers expressed support for DVPO caseworkers being able to support all DVPO cases regardless of risk level.

### Recommendations:

- Once a DVPN is issued a referral must be made to specialist support services within two working days, as outlined in the Victims' Code.
- Victims and survivors must be referred to support services even if a DVPN or DVPO is not granted.
- The benefits of early referrals should be explained to the police officers.
- The independent DVPO caseworkers should be upgraded to IDVAs and able to support all risk levels, including high-risk, during DVPO period in collaboration with the local IDVA service.

## Ineffectiveness or inappropriateness of DVPO conditions

Up to five different prohibitions are possible within a DVPO, including requiring the perpetrator to leave the victim's place of residence. However, our research found that on a number of occasions, the courts allow a perpetrator to stay in the property. This is a significant obstacle to engaging with victims and providing much needed support as it makes contacting them much more difficult and reduces the chances that they are able to speak freely with caseworkers.

*"The magistrates put a condition in for the perpetrator to remain in the house. The whole point of a DVPO is for the perpetrator to be removed for 14 to 28 days. With this case, they issued a DVPO... but he was there the whole time. She didn't want to engage, because he was always there."* DVPO caseworker

DVPO caseworkers also felt that DVPO period should be longer than 28 days, as many police officers also suggested. Many victims have complex needs and DVPO caseworkers reported a need to for longer period of time for contacting and providing support to victims and survivors. Building a rapport with clients can take time, and with such a narrow window it is challenging to contact a victim, build a relationship with them and provide them with the support that they need. This is particularly true for complex cases, such as those with immigration issues, where caseworkers felt that they did not have enough time to provide a full range of support.

In contrast, a challenge for victims highlighted by this research is that on occasion the court including no contact as one of the DVPO conditions can create difficulties for the victim. Preventing any contact may not always be beneficial for the involved parties as on some occasion certain communications, such as conversations about childcare, is needed.

*"Our judge has added things like not to contact directly or indirectly, so, I guess mimicked a bit from non-molestation orders. Although that's not in legislation, that's what my local District Judge wanted, so, not to contact directly or indirectly, not to harass, not to intimidate. Sometimes, we will not add [in DVPO application] the prohibition to not contact, because if they are happy to communicate with childcare,*

*it's always around children, generally. We'll try and put into place that a third party will facilitate."* Police officer

The survivor who took part in this research reported that at the end of DVPO period she was in contact with the perpetrator. She felt that it was good to talk before the end of the DVPO and discuss the next steps of their relationship.

*"But later on – towards [the end of DVPO] in the second week, I think it was – I did speak to him occasionally, because it gives you a sort of platform for when the order finishes. Just brief calls, but it allowed us to get some idea of, when it ended, where it would go, because again I didn't want it to suddenly end and then have him on my doorstep and us both starting where we'd left off. So, it allowed us, as I say, to sort a few issues out so that, when the order actually ended, we had both moved on from when it had started. It's good to have a few issues out the way, which we did... It was just as a bit of a platform to start again or to discuss what was going to happen when we could actually see each other. You need to be eased back into something gently, I suppose."*  
DA survivor

#### **Recommendations:**

- Magistrates' courts should be making the removal of the perpetrator from the property a condition of a DVPO in all cases.
- The Government's proposed DAPOs should ensure that removal of the perpetrator from the property is a mandatory condition of the order.

## **The method and timing of contact to offer and provide support**

The DVPO caseworkers noted that their case volume was lower than that for IDVAs, and therefore in comparison they had more time to contact and offer support to victims and survivors.

*"As a DVPO caseworker, I had a lot more time, because the volume was less. As a DVPO caseworker, my time was theirs [victims-survivors]."* DVPO caseworker

### **Number of attempts to contact victim and survivor**

The DVPO caseworkers reported that they were advised to make three attempts to contact victims and introduce VS services. The number of initial call attempts vary between caseworkers. Some of them will make three/four calls, others five and others kept trying to make a contact through the duration of DVPO.

However, some DVPO caseworkers thought that making three or four phone calls is not sufficient. In fact, when they have increased number of calls and tried to call at different times, they were successful in making an initial contact.

*"We used to be told three or four times and then close the case. But it's difficult because sometimes you don't know why they're not answering. One time I made sure that I called*

*them more than three or four times and I managed to find out that the client works the same hours as me so we never got time to have a conversation. Sometimes it clashes with their day.” DVPO caseworker*

*“I think that we should try a bit more than three times. We could try them at different times in a day and see if that makes a difference.” DVPO Caseworker*

Similarly, many police officers support caseworkers being persistent and trying to make contact throughout the duration of the DVPO in order to break the cycle and engage with unwilling victims. This was seen as particularly valuable as a large proportion of DVPOs are granted in cases where there is an unwilling victim who will be hard to reach.

### ***Method and timing of contact***

It is vital when contacting the victims not to put their safety in jeopardy. The immediate days following police involvement and the imposition of a DVPO can be a time of risk for the victim, and this can be compounded if the perpetrator believes that the victim is engaging with support services. In order not to put victims at risk, no trace of contact attempts should be left by support services, meaning that no voice message, letter or text messages should be used (unless explicitly agreed by the victim or survivor). This policy also means that a call is made from a withheld number.

While all these steps are clearly necessary to ensure the safety of the victim, it also means that it can be challenging for caseworkers to make initial contact. Caseworkers are also prevented from making home visits to the victim on the grounds of safeguarding.

When VS cannot make contact with victims and survivors of DA during the DVPO period the referral is sent back to the police who are alerted to the issues with making contact so that other measures may be taken.

However, if victim doesn't pick up a phone this is a missed opportunity to reach them and provide them with support that can help them during the short window of the protection order.

Even when a successful contact has been made it is not always possible to continue engaging with the victims-survivors due to their day-to-day commitments.

*“They just don't have the time, because I had one client who was just constantly working and trying to figure out a time to speak to her about things. The only time I could speak to her was after 5:00 or maybe after 4:00. If it's after hours, I think, that's an issue [for making a successful contact].” DVPO caseworker*

Another challenge is that often the victim has little time alone to work with caseworkers, and who are therefore unable to establish any sort of relationship with them and provide support.

*“I've had some clients that they were constantly around people. She wasn't initially supportive of it, but after a few days she was kind of listening to what I was saying, but she was always around people. So, I feel like she was being exploited in some sense, because she was so vulnerable.” DVPO caseworker*

Previous research has found that the timing of contact with support services influences a victim's decision to engage with services, with effective points identified as directly after the incident as well as before and during court procedures.<sup>24</sup> Moreover, research shows that even though victims did not engage with victim support services after an initial phone call they were more receptive to being offered services after the initial post-victimisation period has passed.<sup>25</sup> It is suggested that after the acute stress phase of victimisation has subsided victims are more able to accurately evaluate their needs and accept offered services.<sup>26</sup> Indeed, it has been found that trauma symptoms experienced as a result of victimisation<sup>27,28</sup> is a barrier in engagement with victim support services.<sup>29,30</sup> The researchers conclude that not only initial contact offering assistance and help to the victims is important, but follow up contact with all victims, including the ones who declined help originally, is also crucial to ensure victims' recovery process.<sup>31</sup>

When a victim or survivor is not contacted a precious opportunity to offer support and break a cycle of abuse has been missed. As the DVPO can last a maximum of 28 days it is important that the opportunity to contact and provide support is seized. Hence it is extremely important to make sure a contact can be established and maintained after the victim answers their phone.

*"If they have answered the phone and they don't wish to engage, then what has worked is, 'Okay. That's not a problem. Can I give you a call nearer to the expiry date, just to see if anything has changed, or you would like any support?' Sometimes they are like, 'Actually, yes. If you could give me a call near the expiry date that will be great'. When I call them near the expiry date there have been some cases where it's like, 'No, everything's fine. I'm okay'. Or there are some cases where they are like, 'Actually, I want this, this and this'. I think because it's given them a bit of an opportunity to actually think about what they want, and what they want to do going forward [they want to engage]."* DVPO caseworker

#### **Recommendations:**

- Caseworkers should persist in making initial call attempts with victims and survivors for the duration of the DVPO period.
- Caseworkers should contact victims and survivors on a regular basis during DVPO period, subject to their consent.
- Where initial contact was successful but support is declined caseworkers should secure consent from the victim to make contact at the end of the DVPO period to offer support again.
- Support services should explore new ways to contact victims and survivors with DVPO in place who are hard to reach and reluctant to engage, such as a home visit when it is known that the perpetrator is in custody during DVPN period.

## Independence from the police

Our research also found that having a support service that is independent of the police helped victim and survivors to engage. This view was shared by both police officers and caseworkers, who said that having a service that is independent of the criminal justice process encourages victims who might otherwise not engage.

*“To be honest, Victim Support is much better involved with the communication with the victim, because a lot of victims don’t particularly like speaking to police. And, to have another agency who are not police officers, it’s much better and their rapport with the victims, they have much more time to keep a rapport with the victims, because obviously the police have got a lot of different things to deal with. They do tell Victim Support a lot of things that they’ve not told police. Some things they won’t tell police and I think that Victim Support are perfect to keep that rapport. The victims need to know that it’s separate [VS independent from the police], because then they’re more open to speak to them.”* Police officer

### Recommendations:

- Ensure support services continue to be independent from the police and that victims and survivors are made aware of this during initial contact from support services.



# Support needs and services

Due to the short time period created by the issuing of the DVPN and DVPO it is vital that victim services are able to provide intensive support that enables victims to utilise the space provided by the prohibitions on the perpetrator to reflect on their relationship and wellbeing. To help inform services working with these victims our research explored victims and survivors' needs, and the service delivered by the project, during the DVPO period.

The survivor who took part in this study told us that she found the support offered from VS and the police very helpful.

*"They [VS] offered what they can, which I found very helpful. Honestly, I don't believe you [VS] could have done any more for me. I really don't. For me it was very positive, very helpful. It was positive, and it is positive, and you are making a difference. Victim Support, and everybody else [police] helped me. I've stood my ground. They've helped me stand my ground."* DA survivor

The research also identified additional aspects of the DVPO Caseworker Project that would be beneficial for support services working with victims with a DVPN and DVPO in place to adopt. We found that caseworkers providing support to victims and survivors where there is a DVPN and DVPO in place should have expertise in the process so they are able to increase understanding within the police. As mentioned earlier in the report, having a support worker focusing on DVPO cases who is co-located with the police also facilitates the ability of the service to increase the effectiveness of DVPNs and DVPOs as an intervention.

## Needs of victims

### *Explain VS services*

Both DVPO caseworkers and police officers stressed the importance of explaining to victims and survivors what services VS can offer. We found that once victims know of the varied support that is available for free they are more likely to engage. Caseworkers said that victims are often surprised by the level of service on offer, particularly when they find out that they do not have to pay. Some victims are under the impression that they have to pay for a solicitor to get an order and were previously unaware that they could get the service at no cost.

*"If they [victims-survivors] at first don't consent [to be referred to VS], you kind of bring it in a way to try and get them to consent, so you just say, 'Speak to them. They will be able to offer support. Obviously, you have got these 28 days. They can help you with a load of different issues. They can help with signposting to counselling, or something like that. Just talk to them. You don't have to engage afterwards if you really don't want to but have a chat with them'. Then usually they are okay for that referral to be filled out and made."* Police officer

Apart from being very prompt in making an initial contact after receiving referral what, in DVPO caseworkers' opinion, helped and encouraged victims and survivors to engage with VS were the services we were able to offer.

*"I think it's also the fact that we are very equipped, like providing them knowledge about other agencies, and advocacy, and yes, I think that's really good."* DVPO caseworker

### **Complex needs**

The DVPO caseworkers reported that most of the victims and survivors have very complex needs which can take a long time to address. Victims may need to be re-housed in temporary accommodation or in a refuge, or they may want legal advice on issues such as divorce proceedings or child contact arrangements. Victims with insecure immigration status can have particularly complex needs, particularly if their immigration status is reliant on the partner. Caseworkers also say that many victims need mental health services, or services to help them with alcohol and/or drug addiction.

*"In the 28 days they [victims-survivors] want to start the process of immigration, securing their status, or they want just out. They want support around legal advice for divorce, or they want support in being re-housed in temporary accommodation, or refuge. But the ones that are compliant and want something to happen usually engage, and they know what they want. They know that they want out during this order."* DVPO caseworker

Often victims and survivors need encouragement and emotional support and to know that ongoing support is available when they need it.

*"I'd asked for your [VS] help, and you were there. I wanted to hear words of encouragement or words of support. I appreciated it. The support was very helpful, and it was really good to actually know that, if I got in trouble, they were there for me."* DA survivor

### **Intensity of support**

Our caseworkers reported that the main difference between support services offered to DA victims and survivors with and without a DVPO is the need to work intensively due to time limitations. The short 14 or 28 day window means that support needs to be put in place quickly, and longer term solutions need to be more urgently found. One caseworker estimated that with DVPO victims they work *"twice as intense"*, as support with services such as housing needs to be done very quickly. We also found that caseworkers in some cases worked quickly to obtain a civil injunction, so that further protections were in place once the 14 or 28 days had elapsed.

*"I intensively support the client for 28 days. That's usually the duration of the order. I support the client during that period of time, and I can support them with mental health, substance misuse, emotional support, advocacy, civil injunctions. I can either signpost them onto the other agencies, or I can help them with civil injunctions. It's basically just understanding what the client wants in those 28 days. I also go through healthy and unhealthy relationships. I discuss the power and control wheel. I make them understand about the patterns of change and the stages of changes."* DVPO caseworker

In order to make a positive impact on victims' and survivors' lives and prevent them from being re-victimised DVPO caseworkers told us that they work with victim-survivors on a variety of different areas, including matters covering their personal, professional, financial and family life.

*"We try to cover everything. We try to cover every area that would cause a positive impact on their life. We deal with the most dangerous at first, which is getting out, getting out of the area, getting out of the house, the children. Writing maybe support letters for their workplace or for whatever because sometimes I personally advise my clients to see if they can get time off work, and that allows me to be able to deal with them better."* DVPO caseworker

The DVPO caseworkers were available to the victims and survivors during DVPO period all the time. They always made sure that victims-survivors have VS phone numbers so they can phone them any time they wish.

## **Range of services and flexibility**

Once the successful contact is made and victims and survivors engage with VS, it is often flexibility and a wide range of services that keeps them engaged. Flexibility in the locations where the caseworker and victim can meet is important; victims can meet at the police station or at court, or the meeting can take place away from any criminal justice agency, such as at one of VS's offices.

*"If a client was not comfortable coming to the police station, they could come to [X place], or they could come to [Y place], or they could go to [Z place], or we can meet them at court, so we can meet them somewhere if they wish to meet. I think we [VS] are very lucky and fortunate to have different locations where clients could come."* DVPO caseworker

Different support was offered and provided by DVPO caseworkers, depending on the victims and survivors needs, during the DVPO duration. Those included: emotional support, practical support and onwards referrals when needed.

## **Emotional support**

DVPO caseworkers provide emotional support. Part of this is helping victims to build a resilient support network that will last into the future. Previous research has found that individuals who have a strong social support network are more resilient to the impact of crime than people without a support network.<sup>32</sup>

The DA survivor who took part in this research was positive about the emotional support that she received. She said that words of encouragement and safeguarding advice helped her.

*"It was just nice knowing that someone was out there on my side. I appreciated the time that they took to actually phone me and offer me encouragement and good ideas with regard to my safety if I felt threatened. At no point did I ever think, 'Go away', because this is people doing a very worthwhile job. They [VS] made me realise that I could survive on my own, that I didn't need [perpetrator's name], that his behaviour was unacceptable. I just liked the fact that they were there."* DA survivor

## **Practical assistance and safety**

The type of practical support offered by DVPO caseworkers was vast and varied, depending on the victim's needs. Practical support can include help with obtaining a non-molestation order, with obtaining benefits or accessing financial assistance such as food vouchers. Sometimes even though victims and survivors can make an application for benefits or a non-molestation order themselves they would like a DVPO caseworker to be present while they are making an application, in order to provide help and reassurance.

Often victims and survivors need help with improving security around the house and caseworkers can arrange for alarms to be fitted and locks to be changed.

DVPO caseworkers can be the victim's voice. They can help with advocacy to other agencies, in particular regarding housing matters, and also for example to their employers and their children's school.

*"We've had situations where the DVPO hasn't listed for the perpetrator not to attend the child's school or something like that. Then we would look at ways of getting in contact with the school and ensuring that the mother or the father contacts the school to say to them, 'Look, there's a DVPO been issued can you make sure that so-and-so is not allowed to come to the school?' And also, we can provide support letters as well, so if there's any issues we can provide support letters." DVPO caseworker*

## **Onward referrals**

If a specialist service not provided by VS, such as counselling or drug and alcohol help, was needed DVPO caseworkers signpost or refer victims and survivors onwards. Access to legal services to help with issues as non-molestation orders or occupation also featured prominently in what caseworkers provided.

Due to the scope of the DVPO Caseworker Project in some instances caseworkers also facilitated referrals to IDVA services.

## **Length of provision**

VS offers support for as long as the service user needs it, including after the DVPO has expired. Indeed, some of the caseworkers reported providing support for longer than three months after DVPO has finished. As victims and survivors built strong, trusting relationship with DVPO caseworker during DVPO period they are often reluctant to use other services.

To ensure victims-survivors are well and safe after DVPO has finished, caseworkers always follow up with a phone call.

*"They did ring me after it [DVPO] ended, which was fine. I gave them updates. Because it's not just about the situation; it's also about how you're feeling about yourself, whether you're becoming weak again, or whether you're feeling pressured again, or whether you're beginning to become nervous or frightened again." DA survivor*

Again, the support available after a DVPO has expired is diverse and always depends on the victim's needs. Caseworkers also highlight that at the end of the DVPO the victim may be more open to receiving support.

*“If they want refuge we can look into refuge. If they want help liaising with housing, we contact the housing officer. If they want to report it to the police during that time, like further incidents, or to take it further, then we can help them do that. If they say, ‘You know what? My mental health is making me quite vulnerable and low in mood and lonely, hence why I keep going back. I think counselling might help’. We will get you in touch with counselling services. If it’s a financial dependency on the perpetrator, it’s like, ‘Okay, how can we help you access benefits maybe, or apply, or see what your options are?’ It’s all about the fact that they are opening up, and we have to embrace that.”*

DVPO caseworker

The DA survivor who participated in this project reported that both police and VS were understanding and helpful and that she would access the support available again in the future if needed.

*“But if I needed your [VS] help again, oh, my God, of course [I will access again]. It’s always the first step that makes you, you know: ‘Oh, my God, I’ve not done this before. Do I need it? Should I bother them?’ but, now I know what is on offer, should I ever need it, which I don’t for one minute believe I will, I would have no hesitation [to contact VS].”* DA survivor

## **Support for both victim and perpetrator**

All participants who took part in this study reported a need for support not only for the victims and survivors but also for the perpetrator, and some of them thought that support for the perpetrator during DVPO period should be compulsory. This is a logical position; the onus should not be on the victim to end the relationship, but on the perpetrator to stop the abuse, and services may help them to do that. For example, the perpetrator may need help to secure alternative accommodation if they lived with the victim prior to the DVPO. Without a secure place to stay the perpetrator may be more likely to breach the order and return to the victims’ home. Caseworkers also mentioned the need for perpetrators to access perpetrator programmes, mental health services and alcohol and/or drug rehabilitation programmes.

It is clear that the 14 or 28 day window provided by a DVPO gives the victim a vital opportunity to access support and assess their options. The same is true for the perpetrator; this short period of time should give them an opportunity to address their abusive behaviour and access support that they may need. The DVPO should not just be an opportunity for punishment, but also for rehabilitation.

In fact, upon being issued with a DVPN and DVPO many perpetrators realised that they needed help and they themselves accessed needed support services.

*“We had perpetrators self-referring themselves to abuser helplines, recognising that they have a problem. Very often it’s alcohol induced, so many of them will go and say, ‘Okay, I need to get help. I recognise my behaviour’s getting out of order’.”* Police officer

We also found that supporting the perpetrator and helping them to address their needs is important to the victim as well, particularly if they have a vulnerability.

*“She [DVPO caseworker] actually did offer to get in touch with the council with regard to housing, because he [perpetrator] is also registered disabled, so they did actually take his needs, almost, into consideration because sorting out him would have been helping me, so that was good. That was appreciated.” DA survivor*

**Recommendations:**

- Ongoing support should be available to victims if needed after DVPO has finished.
- Both the victim and perpetrator should be supported during DVPO period. Regarding support for the perpetrator, a key aspect of this should be ensuring that they have secure alternative accommodation to stay at during the DVPO period.

# Learnings for Domestic Abuse Protection Orders

This research has been timely, as it has been conducted at a time when the Government is planning to change the protection order process through its Draft Domestic Abuse Bill, which at the time of writing is currently being scrutinised by a joint committee of Lords and MPs.<sup>33</sup> As set out in the introduction, the Draft DA Bill introduces Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs) to replace DVPNs and DVPOs.

It is encouraging that these new protection notices and orders are stronger than DVPN/Os and will begin to address some of the problems identified in this research. Firstly, it is clear that at present breaches are not adequately sanctioned and that breach not being a criminal offence is failing victims and allowing perpetrators to act with little fear of ever facing the consequences. Our research found that there is a lack of clarity concerning how to punish breaches, and that the punishments that are issued are weak and are failing to deter perpetrators.

Breaches of the new DAPN/Os will be made a criminal offence, subject to a maximum of five years in prison, an unlimited fine, or both. Additionally, perpetrators can be subject to electronic tagging in order to better monitor breaches. This is a positive step forward and one which will no doubt be welcomed by many of those who took part in this research.

In addition, many participants in this project spoke of the need for protection orders to contain positive as well as negative requirements. The current DVPN/O regime only allows for prohibitive requirements to be imposed on perpetrators, such as preventing them from harassing the victim or entering their home. However, the proposed DAPNs and DAPOs will allow for the courts to impose positive requirements on perpetrators, such as their participation in an intervention or parenting programme, or drug and alcohol treatment. Again, this is a welcome change and one which fills a gap identified in our research.

Lastly, the Government has said that it will introduce statutory guidance, practical toolkits for professionals and a programme of training to accompany the new DAPNs and DAPOs. Perhaps the most shocking finding from our research was how little awareness of DVPNs and DVPOs existed among criminal justice professionals, particularly in the magistrates' courts. Some magistrates and clerks seemed unaware of the different evidence thresholds that apply in DVPO cases, whether the victim's consent is needed and how to tackle breaches. Police officers told us that they had to write their own guidance, and some had to pass on this guidance to clerks and judges in courts in order to inform them of the DVPO process. The case for new guidance and training for criminal justice agencies is overwhelming and we are pleased that this will be delivered.

However, it is vital to get this new training and guidance right. Given that the use of DAPOs is being rolled out to crown and family courts, as well as magistrates' courts, it

is vital that judges and clerks have a full understanding of the process, in particular the evidence thresholds that apply.

Another significant change is that DAPOs will be able to be applied for not just by the police, but by the victim, parties in ongoing family or criminal proceedings and relevant third parties (these third parties have yet to be named). While this is welcome as it broadens the possibility of applying for a protection order, it does present a challenge that must be addressed in the guidance and training. One theme emerging from the research is how criminal justice agencies handle protection orders depending on whether or not the victim consents. We found that the police often only apply for protection orders without the consent of the victim, however there is a chance that this may change under the new DAPO process. As victims can apply for DAPOs themselves, there is a possibility that the police will not apply for them as they may feel that the onus is on the victim, who can apply for it themselves. This should be addressed in the forthcoming guidance and training.

We also found confusion in the magistrates' courts about whether the victim's consent is required for a DVPO to be granted, with applications being denied in some cases because the court does not want to award them without the victim's support. As victims will be able to apply for the new DAPOs themselves this may further entrench the view among some in the court that their consent is needed. Again, this needs to be challenged and addressed in the new guidance and training.

The guidance must also stress that even though breaches of DAPOs will be a criminal offence, they should not be used as an alternative to prosecution. Our research found that police officers often give DVPNs and DVPOs as a last resort in high risk cases; however, the guidance and training must make clear that where the evidence threshold has been met then a charge should be made.

While these changes are welcome, our findings suggest that there are areas where the new legislation and the government can and should go further. Despite the effectiveness of DVPNs and DVPOs they are only used in a small number of cases; in 2017/18 a DVPN was applied for in 0.74% of recorded DA cases. However, the Government's new proposals can change this by addressing some of the barriers that we have identified for the notice and order applications.

As highlighted above, our research found that the police can be reluctant to apply for a DVPN or DVPO because they view it to be time consuming and expensive. To address the former point, we recommend that the time that the police have to make an application for a DAPO following the issue of a DAPN should be extended by a day, from 48 to 72 hours. This extra day will help to remove some of the time burden on the police for preparing and presenting a protection order application and may encourage the police to make more applications.

In order to address the cost effectiveness barrier, we recommend that the Government scraps the fees that the police have to pay to apply for a protection order. Our research found that the fees are a clear barrier to applying for a DVPO and that the police raise concerns about the cost effectiveness of DVPOs. Scrapping the fees would incentivise the police to make more applications for protection orders.



Additionally, the fact that victims will be able to apply for DAPOs is another reason for removing the fees to be paid in order to obtain them. Victims should not have to pay for their own protection orders, and the fact that victims can apply for them may encourage police officers to place the onus on the victim to make an application in order to cut costs.

We were surprised to discover in our research that magistrates' courts are frequently granting DVPOs without the condition that the perpetrator be removed from the victim's home. DVPOs are effective because they provide a short, vital breathing space for victim away from the perpetrator where they can assess their options and consider their next steps. This obviously cannot happen if the perpetrator is still allowed to live with the victim. As such, we recommend that exclusion from the victim's home be a compulsory condition of a DAPN and DVPO and not one that is optional and left to the discretion of the courts.

Finally, given the problems and lack of understanding of DVPOs that we have identified in the magistrates' courts, we strongly recommend that the government look at expanding the number of SDVCs. SDVCs have specialist knowledge of the DVPO process and can improve outcomes, and therefore we encourage their use, where possible, in obtaining protection orders.

#### **Recommendations:**

- The guidance and training that will accompany the new DAPN and DVPOs must stress that the consent of the victim is not needed, that the notices and orders do not replace criminal prosecutions and that the onus is not on the victim to apply for a DAPO themselves.
- The time that the police have to make an application for a DAPO following the issue of a DAPN should be extended by one working day, from 48 to 72 hours.
- The Government should remove the fees that have to be paid in order to apply for a protection order.
- Excluding the perpetrator from the victim's home should be a compulsory, not optional, condition of a DAPO.
- The Government should explore expanding the number of SDVCs.

# Conclusion and recommendations

The DVPO Caseworker Project has provided a valuable opportunity to gain insight into how DVPNs and DVPOs can be utilised by the criminal justice system and victim services to ensure that victims are able to best utilise the short 28 day period. In order to ensure that lessons are learned from the DVPO Caseworker Project on utilising the potential of this intervention this research has explored the strengths of the existing project and where improvements are needed to the DVPO process in London and with engagement with victims. It also provides clear recommendations to Government to address in their proposals for new DAPNs and DAPOs.

We found that while DVPNs and DVPOs were valued by participants, their use is low, they are often used as a measure of last resort rather than of early intervention, and there are a number of barriers that prevent their application and successful granting. These include:

- A failure to use DVPNs and DVPOs as an early and preventative intervention
- A lack of understanding of the DVPN and DVPO process within the police and magistrates' courts
- The time consuming and labour-intensive nature of the process
- Concerns about the cost of DVPOs and whether they represent value for money
- Prevalence and lack of reporting of breaches of DVPOs
- The need for a collaborative approach.

The research also explores the benefits and challenges of the DVPO Caseworker Project and found that having trained staff with expertise on DVPOs was valued by police officers, particularly when they are co-located in a police station, as they can provide advice and support both to police officers and to victims and survivors. The research also highlights the importance of caseworkers providing intensive support to victims when a DVPN and DVPO has been issued, to utilise the prohibitions placed on the perpetrator, and to have a victim service which is independent from the criminal justice system. Caseworkers working with victims during this intervention need to be equipped to support often complex needs and offer a range of services at this crucial time. In order for victim services to provide effective services the following challenges need to be addressed:

- Referrals from the police arriving late or incomplete. This reduces the already short period of time available when the prohibitions are in place to work intensely with the victim
- A high number of DA cases involving a DVPO are high risk due to police not using them as an early intervention, therefore it is recommended that the DVPO caseworkers are upgraded to IDVAs
- Some victims do not support the DVPO and if breached will not report this to the police, which means that the perpetrator remains in contact with the victim who therefore has no space or respite. In these instances, the victim is highly likely not to accept the support available
- Difficulties in engaging victims, linked to not consenting to the DVPN or DVPO mean that more than three call attempts are required.

Taking the lessons from the project, we have made a number of recommendations improve the DVPN and DVPO process and the support provided. These are aimed at criminal justice agencies, MOPAC, victim services such as Victim Support and the Government.

### ***For the police:***

- DVPNs and DVPOs, and the forthcoming DAPNs and DAPOs, should be used by police as an early intervention to help protect DA victims and their children, and to prevent escalation in risk. The police should be issuing notices and applying for orders for low and medium risk cases, as well as high risk cases.
- The implementation of the new DAPN and DAPOs presents an opportunity to challenge a culture of only issuing DVPN or DVPOs as a very last resort, through enhanced training of police and magistrates' clerks that highlights that these tools can be used in a range of DA cases, including where there is no known history of abuse.
- Regular and tailored training and advice should be provided to police officers, magistrates, district judges and general legal advisers to improve and reduce gaps in their knowledge on DVPN/Os. This training should be taking place in the immediate term as well as a key, effectively resourced, part of the implementation of the new DAPOs.
- Once a DVPN is issued a referral must be made to a specialist support services caseworker within two working days, as outlined in the Victims' Code.
- Victims and survivors must be referred to support services even if a DVPN or DVPO is not granted.
- The benefits of early referrals should be explained to the police officers.
- Clear, concise and single guidance should be provided and distributed to all Met police officers and Superintendents on when to apply and authorise DVPNs, including a single-page 'prompt sheet'.
- Training for senior police officers should make clear the long-term financial and social benefit of DVPOs, in terms of securing the victim's safety and preventing re-victimisation.
- Each Metropolitan Police BCU should appoint a DVPO dedicated police officer, backed up by an independent DVPO caseworker, who can assist and provide advice on all aspects of the DVPO process.

### ***For the magistrates' courts:***

- Regular and tailored training and advice should be provided to magistrates, district judges and general legal advisers to improve and reduce gaps in their knowledge on DVPN/Os. This training should be taking place in the immediate term as well as a key, effectively resourced, part of the implementation of the new DAPOs. Training will also be needed in family and criminal courts, which are due to consider DAPOs under the Government's proposals.
- Magistrates' courts should be making the removal of the perpetrator from the property a condition of a DVPO in all cases.

- Thorough and clear guidance should be produced for all magistrates' courts in London on the DVPO process, including on sentencing DVPO breaches. This guidance should be targeted at magistrates, judges, legal advisors and clerks and updated and issued to family courts also once the Government's new proposals are ready for implementation. It should also include a single-page 'prompt sheet'.
- The new statutory guidance and practitioner toolkits to be provided as part of piloting DAPOs should include a clear guide for all courts.
- DVPO hearings should take place in Specialist Domestic Violence Courts where possible.

### ***For MOPAC:***

- Ensure support services continue to be independent from the police and that victims and survivors are made aware of this during initial contact from support services.
- An independent DVPO support worker should be placed in a police station in each BCU to raise awareness of DVPOs among police officers and to assist with their applications. This support worker should be an IDVA and their remit should include supporting high-risk cases.
- MOPAC may wish to consider assisting with the court fees for applying for DVPOs, in order to remove this barrier for their applications.
- Both the victim and perpetrator should be supported during DVPO period. Regarding support for the perpetrator, a key aspect of this should be ensuring that they have secure alternative accommodation to stay at during the DVPO period.

### ***For victim services providing support to victims and survivors with DVPNs and DVPOs in place:***

- Support workers should persist in making initial call attempts with victims and survivors for the duration of the DVPO period.
- Support workers should contact victims and survivors on a regular basis during the DVPO period, subject to the consent of the client.
- Where initial contact was successful but support is declined, support workers should secure consent from the victim to make contact at the end of the DVPO period to offer support again.
- Support services should explore new ways to contact victims and survivors with a DVPO in place who are hard to reach and reluctant to engage, such as a home visit when it is known that the perpetrator is in custody during DVPN period.
- The independent DVPO caseworkers should be upgraded to IDVAs and their remit should include to support all risk levels, including high-risk, during DVPO period in collaboration with the local IDVA service.
- Joined-up partnership working should be encouraged.
- Ongoing support should be available to victims if needed after DVPO has finished.

### ***For the Government for their proposed Domestic Abuse Protection Orders:***

- The guidance and training that will accompany the new DAPN and DVPOs must stress that the consent of the victim is not needed, that the notices and orders do not replace criminal prosecutions and that the onus is not on the victim to apply for a DAPO themselves.
- The time that the police have to make an application for a DAPO following the issue of a DAPN should be extended by one working day, from 48 to 72 hours.
- The Government should remove the fees that have to be paid in order to apply for a protection order. The new DAPOs should not require the police, the victim or relevant third parties to pay for court costs.
- Excluding the perpetrator from the victim's home should be a compulsory, not optional, condition of a DAPO.
- The Government should explore expanding the number of SDVCs.
- When the new DAPNs and DAPOs are legislated for and piloted, the Sentencing Council should produce guidelines for all courts on how to handle breaches of the protection notices and orders.

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