



## Leicestershire Police

### Domestic Abuse Policy and Procedure

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**This document has been reviewed against APP.**

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Mainly moved to APP

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Some local information is still required

**This document has been produced in conjunction with the Leicestershire Police Legislative Compliance Pack**

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Sept 2022	Minor	Addition of DART responsibilities and changes to DAIU remit	DCI 4577 Batchelor

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## Domestic Abuse Policy

### Statement

The purpose of this document is to outline the way in which domestic abuse investigations are conducted within Leicester, Leicestershire and Rutland. The Procedure following this Policy provides the detailed processes underpinning such investigations ensuring that they conform to nationally approved standards.

The intention of the Policy and Procedure will be to maintain high standards of investigation, enhance the reputation of Leicestershire Police and deliver a **professional, effective, and efficient** service that:

- **protects the community from harm**
- **promotes and increases community confidence in the criminal justice system and the police service**
- **brings offenders to justice appropriately**

Leicestershire Police officers and staff will respond to investigating Domestic Abuse by following the national guidance contained within Authorised Professional Practice (APP):

[APP – Investigating Domestic Abuse](#)

### Aims

- To improve the outcomes for victims of domestic abuse
- To Improve the standard of investigation and prosecution of domestic abuse offences
- To take effective action against offenders so that they can be held accountable through the criminal justice system
- To increase confidence in the criminal justice system and encourage more victims to report domestic abuse to the police
- To increase the proportion of cases which result in charge, court case and conviction
- To adopt a proactive multi-agency approach in the provision of services to victims.

The legal obligations that are the foundation of these priorities include a duty under the Human Right Act 1998, which incorporates the European Convention on Human Rights 1950 (ECHR) to protect individuals, without discrimination, from inhuman and degrading treatment.

Both the Convention and other legislation, such as Equalities Legislation, place a clear responsibility on public authorities to fulfil these obligations without discrimination on any grounds. All victims of domestic abuse offences should receive the appropriate quality of service according to their individual needs. All

allegations should be properly investigated and offenders held accountable through the criminal justice system, without discrimination.

Chief Officers should establish and implement policies that ensure the police response to domestic abuse offences fully support and achieve these priorities. Police staff should maintain and enhance public confidence by delivering these priorities to a high professional standard.

To provide improved victim care throughout the investigation process and to fulfil the above priorities and obligations, partnership working with criminal justice agencies and other statutory and voluntary sector services is essential.

The Procedure provides officers and staff within Leicestershire Police with clear information about the investigation processes for domestic abuse offences.

### **Scope**

This policy and associated procedure focus on the domestic abuse offences as documented. The definition of which can be found on page...

### **Legal Basis**

This policy and supporting procedure take account of requirements under ECHR 1951, The Human Rights Act 1998, Equality and Diversity legislation, The Health and Safety Act 1974 and Data Protection Act 1998.

### **Monitoring**

This policy and associated procedure will be monitored through the Force Compliance Unit and will be reviewed on an annual basis.

## Domestic Abuse Procedure

### 1. Introduction

Leicestershire Police responds to incidents of domestic abuse in line with [Authorised Professional Practice on Domestic Abuse](#), which was released in September 2015.

This document is intended to provide additional information about local priorities, processes and working practices which are not contained in the national guidance.

The **priority** of Leicestershire Police in responding to domestic abuse is to prevent or minimise the risk of harm or further harm to **both the adults and children involved**. We will do this by:

- Taking positive action at all reported incidents of domestic abuse;
- Adopting a proactive multi-agency approach in preventing and reducing domestic abuse and repeat victimisation, thereby safeguarding the adults and children involved;
- Effectively investigating all reports of domestic abuse;
- Facilitating effective action against offenders so that they can be held accountable through the criminal justice system.

### 2. Definition of Domestic Abuse

Leicestershire Police has adopted the Government definition of Domestic abuse, as revised in March 2013:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person <sup>subordinate</sup> and / or dependent by isolating them from sources of support, <sup>exploiting</sup> their resources and capacities for personal gain, depriving them of <sup>the</sup> means needed for independence, resistance and escape and regulating <sup>their</sup> everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. \*

\*This definition includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Detailed guidance relating specifically to FGM is set out in authorised professional practise (APP) on FGM. Further information regarding coercive and controlling behaviour is set out in the APP on Domestic Abuse.

Both the victim and perpetrator have to be at least 16 years old for domestic abuse to be flagged as such under the definition. If the victim is under 16, the matter is treated as child abuse or vulnerability. In all cases, whether child abuse, domestic abuse or both, police officer should be victim focussed, identify the best outcome and apply safeguarding principles.

The definition of domestic abuse includes a wide range of relationships within the family context. Collectively, these relationships can be categorised as either intimate or non-intimate (familial) relationships.

Intimate relationships can be between heterosexual and same-sex partners, as well as those involving a transgender partner or partners. Former partners are also included in the definition.

With regards to non-intimate or familial abuse, the term family member includes:

- Mother
- Father
- Daughter
- Son
- Brother
- Sister
- Grandparents
- In-laws
- Step family

Officers and staff are required to interpret this definition. Family members do not necessarily have to be related by blood. Officers and staff should consider the way they live as a family unit. It would not, for example, make sense to exclude common law in-laws and relations if this resulted in less protection being afforded to victims of domestic abuse simply because they were unmarried. Likewise, although foster parents are not explicitly referenced in the definition, similar dynamics and considerations apply, particularly in long-term foster placements, and victims should be offered the same protection as any other domestic abuse victim.

Examples of domestic abuse in non-intimate relationships include:

- abuse between siblings aged over 16
- young people over 16 who abuse their parents
- children and people over 16 who abuse elderly parents or grandparents

Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step family.

## 2.1 The Domestic Abuse Bill 2021 Statutory Definition of Domestic Abuse

The Domestic Abuse Bill 2021 created a statutory definition of domestic abuse, which is based on the existing cross-government definition. The statutory definition is in two parts, firstly dealing with the relationship between the abuser and the abused, secondly what constitutes abusive behaviour.

Behaviour of a person towards another person is domestic abuse if both parties are aged 16 or over and are personally connected to each other the behaviour is abuse.

Behaviour is abusive if it consists of any of the following-

- a) physical or sexual abuse
- b) violent or threatening behaviour
- c) controlling or coercive behaviour
- d) economic abuse
- e) psychological, emotional or other abuse

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

Economic abuse means any behaviour that has a substantial adverse effect on the victim's ability to-

- a) acquire, use or maintain money other property, or
- b) obtain goods or services

The perpetrator's behaviour may be behaviour towards the victim despite the fact that it consists of conduct directed at another person (for example the victim's child).

Personally connected means-

- a) they are, or have been, married to each other
- b) they are, or have been, civil partners of each other
- c) they have agreed to marry one another (whether or not the agreement has been terminated).
- d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated)
- e) they are, or have been, in an intimate personal relationship with each other
- f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child
- g) they are relatives.



A person has a parental relationship in relation to a child if –

- a) the person is a parent of the child or
- b) the person has parental responsibility for the child

Child means a person under the age of 18 years old.

The guidance also states that children should be recognised as victims of domestic abuse. This applies where a child sees or hears, or experiences the effect of the abuse and they are related to either the perpetrator or victim. Related means a parent of the child, or having parental responsibility for the child.

### 3. Repeat Victimisation

A common feature in most domestic abuse cases is repeat victimisation.

Leicestershire Police and its partners have adopted the following definition of **repeat victimisation**:

*More than one domestic incident or crime reported to the police in a period of twelve months.*

Officers should be aware that one of the main aims of the positive action policy in all cases of domestic abuse is to reduce repeat/further victimisation.

For standard and medium risk cases the Adult Safeguarding Hub (ASH) will review the DASH and liaise with Victim First to make appropriate referrals to partner agencies. Referrals in standard and medium risk cases will be on the basis of consent from the victim, and will primarily involve referrals to GPs and Freeva. However, where a significant safeguarding risk exists consent can be over ruled where appropriate. If the victim meets the definition of an Adult At Risk, then normal referral processes will be completed.

All risk levels involving children will be referred to the CRT (Child Referral Team) for onward dissemination to Children's Services and Op Encompass.

A commissioned service known as Project 360 will make contact in all cases where there have been 3 or more domestic incidents in 365 days. Their role is to facilitate engagement with either the police or safeguarding support services (Freeva). They may also receive direct tasking from the DAIU supervisors for support and intervention in other cases where engagement has been difficult. Project 360 is based within the DAIU at Keyham Lane Police Station. Where an IDVA is already engaged with the victim or the case is high risk, primacy sits with the IDVA.

If identified as high risk by the officer completing the DASH risk assessment, the DAIU will take responsibility for the ongoing management of the victim and the case.

#### **4. DASH Risk Assessment**

A DASH risk assessment **MUST** be completed fully with the victim(s) at the time of attending a domestic incident or crime.

Where the incident is classified as a non-crime domestic incident, officers should use their professional judgement to identify the victim and the perpetrator and record appropriately within the Niche record. The DASH should be completed with the victim.

If in the circumstances it is not clear who the victim and perpetrator are, both parties should then be recorded as victims, and a DASH risk assessment must be completed with both parties. Officers should be mindful not to make assumptions based on gender, but should also consider that perpetrators may seek to manipulate professionals to present themselves as the victim.

Where a victim is ultimately reluctant to engage despite efforts, a DASH risk assessment should still be completed with information known and recorded that this is how the DASH was completed.

The correct assessment of risk using DASH is a pivotal factor in investigating domestic abuse – if the risk is incorrectly identified at this early stage, then the police response may not be appropriate which could lead to harm to the victim or, in the worst-case scenario, a domestic homicide.

The risk assessment will be based on the answers given to the questions PLUS the officer's professional judgement based on all the available history, the incident and what the victim is or is not telling the officer. The last box on the assessment record should be used to record this information.

Risks may change at any time, so it is vital that DASH is revisited and the risk reassessed whenever new information comes to light.

DASH guidance is available on the Force Intranet [Here](#)

#### **5. Multi Agency Risk Assessment Conferences (MARAC)**

The MARAC is a multi-agency approach to managing the highest risk domestic abuse cases. The highest risk cases are identified through the completion of the DASH risk assessment tool, professionals' judgement, or escalation in line with the SafeLives repeat criteria identified by both Police and partner agencies.

The Leicester, Leicestershire & Rutland MARAC identifies cases over the past 24hrs (Monday to Friday) and 48hrs (weekends) with a view to initial information sharing in a Daily MARAC, with a review of the actions set one week later.

The daily MARAC will hear up to 8 cases per day, where more than 8 cases have been identified those cases posing the most risk will be heard, with the remaining cases being rolled to the next day. Cases with visible High Risk, 14 Yes's or more, or those raised to High Risk on professional judgement will take priority. Standard or Medium Risk repeat cases identified in line with SafeLives repeat criteria will be those cases rolled to the following MARAC. The rolling over of cases will be at the discretion of the MARAC chair based on the professional judgement of the risk

posed. To assist the Chair in making this decision they will refer to the 'Severity of Abuse Grid'.

The priority of the daily MARAC is to ensure early safeguarding and engagement with the victims and their families.

MARAC cases identified at the daily discussion, as having more complex needs will be referred to the Complex Needs MARACs held on the last Thursday of each month.

MARAC partners along with other relevant partners involved with the family will be invited to the meetings which are allocated 30-minute time frames to discuss the cases in greater depth, ensuring that the safeguarding and engagement are in place but looking further into the cases from a problem-solving approach. Front line practitioners who hold the most up to date and relevant information may be invited to these meetings.

Multi-Agency risk management plans are produced and shared with all the MARAC partners, the RMPs are then uploaded onto Niche attached to the person reports and embedded within the Modus Paloma Systems site.

MARAC actions are the responsibility of the identified agency and outstanding actions are flagged to the responsible agency by the Co-Ordinator for completion or update explaining why it is outstanding.

The current threshold for referring a case to the MARAC is as follows:

- Visible High Risk on DASH (14 Yes's or more).
- Professional Judgement or agency worker perception.
- Repeat MARAC case within 12-month period or fitting the repeat criteria set out by Safelives.

## **5.1 Definition of a "repeat" at MARAC**

SafeLives defines a 'repeat' as ANY instance of abuse between the same victim and perpetrator(s) within 12 months of the last referral to MARAC.

The individual act of abuse does not need to be 'criminal', violent or threatening but should be viewed within the context of a pattern of coercive and controlling behaviour. Some events that might be considered a 'repeat' incident may include, but are not limited to:

- Unwanted direct or indirect contact from the perpetrator and/or their friends or family
- A breach of police or court bail conditions
- A breach of any civil court order between the victim and perpetrator
- Any dispute between the victim and perpetrator(s) including over child contact, property, divorce/ separation proceedings etc.

These events could be disclosed to any service or agency including, but not exclusive to, health care practitioners (including mental health), domestic abuse specialists, police substance misuse services, housing providers etc.

## 6. Investigating Domestic Abuse

The first priority of an officer should be to protect all people present from injury or further harm. This includes the victim, children, witnesses, police officers and the suspect.

Police officers have a duty to take **positive action** when dealing with domestic abuse incidents. Often this means making an arrest, provided the grounds exist and it is a necessary and proportionate response. Officers must be able to justify the decision not to arrest in those circumstances. The decision whether or not to arrest a suspect rests with the police officer, and officers should not ask victims whether they require an arrest to be made.

Domestic abuse can occur where the conduct does not amount to a criminal offence and a criminal justice outcome is not possible, so in some situations other **positive** approaches may have to be used or are more appropriate.

### 6.1 Guiding principles

- Domestic Abuse is a strategic priority supported at all levels of the organisation. It requires a force response and is everyone's responsibility to ensure that victims receive a timely and professional response.
- The Initial THRIVE assessment will take account of the inherent risk and vulnerability associated with domestic abuse, recognising that seemingly minor or low-level events may in fact amount to a pattern of behaviour that is coercive and controlling and has potentially serious consequences.
- The force supports a principle of attendance based on a THRIVE assessment at domestic abuse incidents and positive action, which in most cases requires arrest at the earliest opportunity.
- CMD staff, initial investigating officers, and OICs will recognise the priority attached to this type of crime. They will actively seek to become involved in the force's response and to personally contribute to the important activity described in this service specification at the earliest opportunity.
- Initial investigating officers will adopt an investigative mindset and gather the available evidence, at the time, in support of safeguarding the victim.
- Where suspects are outstanding, proactive and urgent steps should be taken to locate and arrest the suspect.
- All staff will ensure that a thorough investigation is undertaken, that consideration is always given to pursuing an evidence-led prosecution reflecting the priority attached to this crime type.
- Everyone is responsible for safeguarding victims of domestic abuse and should be considered at all points through the process.

## 6.2 Department roles in detail

### 6.2.1 CMD

- CMD will ensure the correct application of THRIVE at the point of first contact to determine whether immediate attendance is required as a grade 1 or 2, recognising the inherent risk associated with domestic abuse.  
Virtual attendance will be considered during the first contact with a caller where the initial safeguarding needs of the victim and evidential needs of an investigation can be met without the requirement of physical attendance. In these circumstances, CMD will highlight the incident to the Domestic Abuse Resolution Team (DART) either by warm transfer with the caller still on the line or an email to the DART Incident Review inbox. The incident will be managed and resourced within CMD until such a time that DART confirm an appointment has been arranged.
- The Triage Sergeant will review outstanding domestic abuse incidents to ensure priority attendance where risk is evident, where crime is clear and evidential opportunities exist.
- CMD will ensure deployment to outstanding grade 2s utilising wider force resources at times of peak demand on the basis of nearest and best resource.
- CMD will ensure that incidents with a DART High Threat History marker will be prioritised for physical attendance and that officers attending the incident will be made aware of the High Threat relationship.

### 6.2.2 Neighbourhood Police Office (NPO) Initial Response

- NPOs will attend grade 1 and grade 2 incidents and conduct the investigation into the incident.
- Where a high-risk incident or crime is identified, the attending officer will consult their supervisor and the PRI will be contacted to ratify the high-risk status and overview of immediate safeguarding response.
- Where an incident has been identified as High Threat by the DART through either a Storm History marker or a Niche Flag on either party, the officers will ensure positive action is taken and that the incident is discussed with both their supervisor and the Domestic Abuse Investigation Unit (DAIU).
- Where medium or standard risk is identified, the attending officer will consult their supervisor only to ratify the risk level and overview of safeguarding response.
- Investigation, dependent on the circumstances, could include:
  - Mandatory use of BWV unless a recorded justifiable reason as to why not used.
  - BWV to capture injuries and scene, and early comments/account from the victim.  
If the victim is indicating they do not support a prosecution, capture the reason as this will assist with building an evidence-based prosecution.
- Arrest the suspect, if the suspect is not present conduct reasonable attempts to arrest – this means attending the location where the suspect is most likely to be.
- If High Risk manage as a hot handover
- Obtain victim statement and complete DASH, obtaining consent for information to be shared with other support agencies and obtaining safe contact details.
- Explore the history and look for patterns of abusive behaviour, coercive and controlling behaviour and stalking – these are factors which indicate a higher level of risk.
- Provide the victim with the DA support services leaflet and record this on Niche.
- Obtain witness statements from those present
- Speak to neighbours and other witnesses to ascertain the circumstances
- Consider CCTV

- Record the appropriate crime ensuring compliance with NCRS and record the initial investigative actions taken on a thorough OEL
- Complete relevant PPNs for children or adults at risk
- Commence VCOP
- NPO supervisors will be intrusive regarding actions taken at DA incidents, promoting arrest, initial investigation, safeguarding and appropriate risk assessment.
- NPO supervisors will ensure reasonable arrest attempts made for outstanding suspects.
- NPO supervisors or the local CID DS will determine the most appropriate resource to allocate Grade 3s requiring attendance and completion of DASH. This could include Safeguarding PCSOs, NPA PCSOs, NPOs or CID dependent on the assessment of risk and level of investigation required.

### 6.2.3 Crime Bureau

- The volume of domestic incidents transferred to the Crime Bureau is expected to be greatly reduced through the work of the DART, however if the Crime Bureau receive Grade 3 incidents either transferred or as a warm handover from CMD they will, on review or at the point of contact with the victim, assess whether attendance is required as a grade 1 or 2 and if so, this will be returned to CMD for attendance and initial investigation.
- Online reports will be assessed in the same manner.
- Crime Bureau will flag any domestic incidents on their queue for the attention of DART, this will be by email or phone call. DART will attempt to arrange an appointment as a response to the incident. The incident will remain managed by Crime Bureau until the DART have contacted the caller and arranged an appointment. Once an appointment has been arranged, DART will manage the crime recording of the incident.
- All domestic abuse incidents that are not dealt with by DART will be recorded by the Crime Bureau allocated to the NPO/CID/DAIU for investigation, completion of DASH and review of safeguarding.
- The occurrence will be allocated to the NPA Triage Unit. The NPO supervisor will determine the most appropriate local resource to attend to complete the DASH. This could include Safeguarding PCSOs, NPOs or CID dependent on the circumstances.

### 6.2.4 Domestic Abuse Resolution Team (DART)

- The Domestic Abuse Resolution Team are based at Keyham Lane Police Station carrying out video or face to face appointments (at the Police Station) with members of the public to investigate Domestic Abuse where physical attendance is not required.
- Following an initial risk assessment by CMD and agreement from the victim, an appointment service is offered as an additional attendance option thereby enabling an enhanced and more timely service offer to victims.
- The appointment, if deemed suitable by the DART is then arranged within the team utilising GoodSAM.
- Where an incident has been deemed suitable for the DART, contact attempts to arrange an appointment will begin within 12 hours of the DART being made aware and the appointment will be completed within 48 hours of initial DART contact wherever possible.

- Before the appointment, an anonymised, simple link is sent to the victim, inviting them to join a Police Officer for a video call, this is completed via GoodSAM. No pre-registration or downloads are required and following the completion of the call, the message can be deleted. This is to ensure that safety of the victim is not compromised by the process.
- During the call the Officer will complete the initial investigation and DASH with the victim, ensuring a safe means of contact with the victim is established and that appropriate safeguarding advice is given.
- There is an expectation that the Officer will complete the investigation as far as reasonably possible during the appointment, thereby enabling DART to resolve the incident at first point of contact. Where further investigation is required, the occurrence will be allocated to the most appropriate team for progression. It is expected that these occasions will be where physical attendance is required.
- DART Supervisors will ratify DASH assessments for all occurrences created in the team.
- If at any point after the appointment has been arranged within DART or during the call, the THRIVE/A assessment changes requiring physical attendance, contact will be made with CMD to facilitate this.
- The DART will provide advice where appropriate to officers responding to and investigating domestic abuse incidents.

### **6.2.5 Domestic Abuse Threat Assessment Unit (DART)**

- The DART Threat Assessment Unit review reports of Domestic Abuse in order to identify the cases involving escalation of frequency and/or seriousness. This will be enabled through the use of Power Bi or direct referrals.
- They prioritise cases not subject to interventions by other specialist teams where they can add value to the Police response. They will record their assessment, actions and decisions for all cases considered.
- They will enable a more informed initial assessment of a domestic abuse incident upon initial contact, attendance and investigation through relevant markers and history.
- Where appropriate Problem Management Plans are used to consider how to reduce the longer-term threat and repeat demand on Police resources. This includes highlighting current investigation opportunities, referrals to partners and other NPA intervention.
- Engage in partnership and multi-agency forums and meetings as appropriate.

## 6.2.6 Investigation

- The primary aim in all cases is to achieve a positive outcome and to safeguard the victim and any children for the long term.
- A thorough investigation should be undertaken ensuring that a holistic view is taken and particular care taken to identify patterns of abuse, and the elements of power and control associated with coercive and controlling behaviour and stalking.
- Where a charge or conditional bail cannot be achieved, a DVPN should be considered in all cases of domestic abuse and a rationale recorded if one is not applied for.
- Claire's Law applications should be considered where appropriate and rationale recorded on the NICHE.
- NPO and CID supervisors will review and prioritise domestic abuse crimes on a daily basis for investigation by appropriate resources. Specific priority should be given to repeat medium risk cases where escalating risk is evident, or where increased risk factors are present such as stalking, and/or coercive and controlling behaviour.
- NPO and CID will place particular focus on repeat medium risk cases for arrest and seek to obtain a positive outcome through an evidence led prosecution.
- Investigators will build the case around the victim and develop understanding of evidence led prosecutions.
- Investigators will utilise Project 360 to support 3+ repeat victims.
- Investigators should review safeguarding, ensure completion of DASH in person with victim, and take positive action against outstanding suspects. In the vast majority of cases positive action means arrest.
- Decision making is to be based on risk and compliance with positive action policy, not solely based on the level of engagement from the victim.
- Where victims are not engaging, there is a limit to what investigators can reasonably be expected to pursue.
- In standard risk cases the OIC will attempt to communicate with the victim in person away from the perpetrator. Where this is refused the OIC will complete a DASH using professional judgement and will provide contact details of support agencies to the victim to their safe contact details.
- In medium risk or escalating risk cases it is expected that OICs will utilise a range of options in order to seek engagement from victims. The victim should be seen away from the perpetrator and a range of options should be considered in order to seek engagement. This should be assessed on a case by case basis and could include but not confined to: -
  - Existing support workers from Freeva
  - Project 360
  - Social workers
  - Contact at safe contact address
  - Attendance at the address
  - Use of family and friends (where appropriate and safe to do so).
- Positive action must still be considered against the suspect and pursuing an evidence-based prosecution where there is history of DA and safeguarding risk.
- Investigators must ensure that victims are provided with the details of DA support services and this is recorded on NICHE, the OIC must consider the need for any further referrals to DA services.



### 6.2.7 Domestic Abuse Investigation Unit (DAIU)

- The DAIU are responsible for reviewing and investigating all high-risk domestic incidents and crimes.
- The DAIU are responsible for reviewing and investigating all reports and concerns regarding Honour Based Abuse and Forced Marriage where the victim is over 16. Victims under 16 will be investigated by the Child Abuse Investigation Unit.
- The DAIU are responsible for investigating all cases of Police Perpetrated Domestic Abuse, and cases that involve police officers and staff as victims.
- The DAIU will investigate cases of escalating risk as identified through the DART processes regardless of the risk level.
- The DAIU will liaise with partner agencies to safeguard and support victims.
- All high risk and escalating cases will be referred to the Daily MARAC.
- Daily prioritisation of high-risk outstanding suspects through the DMM process will be undertaken by the DAIU DS.
- A positive criminal justice outcome will be sought in all cases, and a mandatory consideration for DVPN where this cannot be achieved and conditional bail is not appropriate.
- Claire’s Law applications will be considered in all cases.
- The DAIU will consider the need for Stalking Protection Order’s in cases of high risk domestic related Stalking.
- The DAIU will undertake the same listed actions as per NPO/CID investigating officers.

### 6.2.8 Adult Safeguarding Hub (ASH)

- The ASH will review DASH PPN’s according to the following table:

DASH Tiers	Tier 1		Tier 2			Tier 3		
Niche type and history quantity	Standard Non Crime <i>No History or 1 previous case</i>	Standard Crime <i>No History</i>	Medium Non Crime <i>No History</i>	Standard Non Crime <i>2+ History</i>	Medium Crime <i>No History or 1 previous</i>	Standard Crime <i>2+ History</i>	Medium Non Crime <i>2+History</i>	Medium Crime <i>2 + History</i>
Review Level	DASH NOT CHECKED		BASIC REVIEW			FULL REVIEW		
Actions required in Review	Tier 1 template		Tier 2 template			Tier 3 template		

- The primary aim is to ensure that opportunities to make referrals for both adults at risk and domestic abuse are maximised.

- The ASH will refer all high-risk cases to the MARAC, conducting relevant research and presenting the police referral at the daily meeting. The ASH will also conduct daily checks to identify repeat MARAC cases and complete the referral to MARAC.

### 6.2.9 DNOs

- DNOs will support the initial investigation of domestic abuse when requested by CMD at times of peak demand and where requested to resolve occurrences as requested on allocation.
- DNOs will undertake tasking from the MARAC to support problem solving activity.
- DNOs will undertake problem solving activity in line with the identification of repeat victim, location and offender assessment.
- DNOs will own and manage the problem-solving plans created within the Domestic Abuse Threat Assessment Unit. Once the response section of a problem management plan has been completed, DNOs will ensure that the plan is sent back the Threat Assessment Unit for the assessment section of the SARA model to be complete prior to closure.

### 6.2.10 IOM

- IOM manage a cohort of the highest risk serial domestic abuse perpetrators identified through analysis of recency, frequency, harm and volume.
- IOM will work with partner agencies to provide intervention to both statutory and non-statutory perpetrators.

### 6.2.11 EMCJS

- Custody Sergeants will support the investigation into domestic abuse by understanding the requirements of building an evidence-based prosecution, which may include keeping suspects in custody when there is no complaint from a victim.
- Custody Sergeants will assist in raising the profile of DVPN's and CARA as potential outcomes in cases of domestic abuse.
- Custody Sergeants will ensure that bail conditions are applied appropriately in domestic abuse cases.
- Custody Sergeants will ensure that when a suspect is charged they are bailed to the Specialist Domestic Violence Court.

## 6.3 Children

Children can be seriously affected by witnessing domestic abuse. It is vital that officers undertake the necessary actions to check and safeguard any children involved in the family or relationship, consider the nature of the incident the child(ren) may have experienced or witnessed and ensure full details are recorded on the Child at Risk PPN and refer to the CRT.

In serious cases, they should consider powers to take a child into emergency care under [Section 46](#) Children Act 1989.

## 6.4 The use of Body worn Video

It is the policy of Leicestershire Police that officers attending domestic incidents will always activate their Body Worn Video equipment. Body-worn video (BWV) recordings can provide excellent evidence, particularly in criminal proceedings, as they:

- have significant dramatic impact
- record the scene exactly
- record the demeanour of the parties
- accurately record significant comments at the scene

Generally, the DASH questionnaire should not be recorded, the answers may contain information that perpetrators could use against victims. However, officers should not compromise their own safety and can continue to record if necessary. Officers should ensure they capture the concerns of the victim which may be creating a barrier to prosecution.

## 6.5 Police Bail and Court Orders

Where a victim is reporting the following:

- Breach of police bail
- Breach of court bail
- Breach of DVPN or DVPO
- Breach of restraining order
- Breach of non-molestation order
- Any other breach of court order with a power of arrest attached

A new occurrence should be recorded and the incident should be understood and assessed in the context of the abuse being suffered by the victim. Positive action should always be taken and DASH completed.

If a substantive offence has been committed, this should be recorded in addition to the breach and fully investigated.

## 6.6 Incidents involving access to firearms

Police officers who attend a domestic abuse related report where it involves a firearm or shotgun certificate holder MUST consider the seizure of guns, ammunition (excluding shotgun cartridges) and certificates. If a certificate is not seized at the time, the holder is able to make another purchase immediately which will render any seizure of guns worthless.

The incident MUST be reported to the Firearms Licensing Department at the earliest opportunity in order that consideration may be given to revocation of the certificate.

Powers to seize guns are limited but the following should be considered:

- As evidence under Police and Criminal Evidence Act 1984
- To prevent a breach of the peace under Common Law
- A voluntary surrender pending a decision by the Firearms Licensing Manager

- A Magistrates Court warrant under S43 Firearms (Amendment) Act 1007
- All certificates are issued by the Chief Officer of Police and remain the property of the Chief Constable.

Once seized, any weapons and ammunition recovered must be made safe. This must be completed by an Authorised Firearms Officer through the Force Control Room.

Seized weapons and ammunition must be booked into the NICHE property system. A **Firearms Non-Crime** occurrence must be created on NICHE by selecting occurrence type 'firearms'. In NICL qualifier section of Finalisation tab, tick Firearms. AFO's making safe will complete template OEL.

## 6.7 Ongoing ownership of investigation

Depending on the result of the DASH risk assessment, ownership of the case is as follows:

All high-risk crimes and incidents, forced marriage, honour based abuse concerns, police perpetrated domestic abuse, incidents involving police staff or officers as victims, will be investigated by the DAIU. The DAIU will also investigate escalating risk cases as identified through the DART flags on Niche.

Medium risk domestic related stalking will be investigated by local CID.

Offences of coercive and controlling behaviour will be investigated by local CID.

All other medium and standard risk cases will be investigated by NPO's.

Please remember: the OIC retains the responsibility for victim safety management and safety planning throughout the investigation at all risk levels.

## 6.8 Role of the Domestic Abuse Investigation Unit

Occurrences that are allocated to the DAIU will be reviewed by DAIU supervision, using their knowledge and expertise they will ratify the DASH risk assessment. The ASH will review and ratify medium risk assessments.

Following this assessment, the crime will be allocated for safeguarding and investigation by DAIU officers.

If the DAIU supervisors identify that high risk has been identified erroneously, either by miscount of positive answers or misjudged rationale they will refer to a Detective Inspector to make an assessment and authorise reassessment of grading if appropriate. High risk incidents can only be reassessed with the authority of a Detective Inspector and this should be the DAIU Inspector when available.

If the risk is reassessed or is outside the DAIU remit, then the report will be referred to CID or NPO's for ongoing investigation and management.

### Note:

- Where a report of domestic rape is made, the DAIU will work alongside Signal to determine appropriate ownership and progression.
- Where a forced marriage or HBA concern exists in relation to a child, the DAIU will work alongside the CAIU to determine the appropriate ownership and progression.

The DAIU will also:

- Advise police supervisors with the assessment of the investigative response to domestic abuse incidents and related child protection issues as identified and directed by the DAIU DS;
- Provide advice where appropriate to officers responding to and investigating domestic abuse incidents;
- Engage in the Integrated Offender Management (IOM) tasking and coordinating processes for perpetrators considered to be high risk, escalating risk or serial perpetrators;
- The DAIU will also retain investigative ownership of police perpetrated domestic abuse cases and those relating to police officers and staff as victims and will work alongside PSD.  
Provide advice and support to commanders and hostage negotiators managing domestic sieges and hostage taking incidents;
- Assist with risk assessment & planning in respect of high-risk domestic abuse related prison releases;
- Engage in partnership and multi-agency forums and meetings as appropriate.

### **6.9 Role of the Adult Safeguarding Hub (ASH)**

The primary role of the ASH is to review cases with a view to identifying underlying or core factors and taking actions to address them. This could mean making referrals to partner agencies and/or engaging with NPAs for community-based actions.

The ASH will also refer high risk cases and conduct police research for the MARAC process.

The ASH will ratify DASHs for standard and medium risk cases ensuring that the initial risk assessment was correct. The DART PSs will ratify DASHs for the occurrences processed by the DART.

The ASH administrates and keep records relating to the DVPN/DVPO and SPO process. They do NOT apply for them on behalf of officers; that is the role of the investigating officer.

Finally, the ASH research and prepare applications to the Domestic Violence Disclosure Scheme (DVDS), also known as Claire's Law. The decision on whether to disclose or not rests with the DAIU DI or above, although in cases of emergency where immediate disclosure is necessary to prevent imminent harm, this may be done by any officer. Rationale must be recorded and a retrospective application made to the ASH detailing what has been disclosed. NOTE – ONLY THE MINIMUM AMOUNT OF DISCLOSURE SHOULD BE GIVEN.

### **6.10 Domestic Violence Protection Notices/Orders (DVPN/O)**

The DVPN is an important tool to consider where it is believed violence has been used or threatened and it is necessary to protect the person from further violence or threat of violence. A DVPN can only be applied to a suspect over the age of 18.

They provide those suffering domestic abuse with a respite period of up to 28 days in which they can engage with support agencies and make informed decisions about their future. A DVPN should be considered in any domestic abuse investigation as soon as it becomes clear that it will not be possible to provide such respite by the usual means available (charge with bail conditions, conditional caution etc).

Full guidance on DVPNs can be found on [APP](#).

Local Procedures for application are found on the Intranet Document Library under [Forms](#).

### **6.11 Joint CPS and NPCC Evidence Checklist**

The Checklist at [Appendix D](#) was launched in 2013 as the national preferred practice for the investigation of domestic abuse cases. It has been refreshed and re-launched in December 2015. It is designed to identify, collate and check the evidence for domestic abuse cases and will be used jointly by both the CPS and police. The Checklist must be completed and attached to the file sent through to the CPS at the time of a charging decision. It does not replace the MG3, but should complement it

## **Appendix A – Police Perpetrated Domestic Abuse (PPDA) and reports involving police officers or police staff**

### **1. Introduction**

Leicestershire Police acknowledges the significant effect domestic abuse can have, not just on the immediate victim, the perpetrator and their families but also in the workplace.

The force is committed to creating a safe and caring workplace environment in which individuals feel comfortable discussing concerns around domestic abuse and seeking the appropriate support and assistance.

The core aims of supporting individuals in the event of a report of domestic abuse are:

- To protect adult and child victims, potential future victims, members of the public, staff, agencies / organisations and police employees from further abuse, serious injury and homicide.
- To provide support without prejudice for all individuals involved, be they the victim or the alleged perpetrator.
- To ensure that any reports of domestic abuse allegations are treated with appropriate sensitivity and confidentiality.
- To advise those that have an allegation of a domestic abuse-related criminal offence against them of the investigation process in relation to both the Criminal Justice System and internal misconduct procedures if applicable.
- To ensure the maintenance of public confidence and the confidence of victims in the policing of domestic abuse and the integrity of the Force.

Note that police volunteers will be treated as if they are police staff members where appropriate for the purposes of this procedure.

### **2. Recognising the impact of PPDA**

Leicestershire Police recognises that there are particular barriers facing victims of PPDA. The force also acknowledges the findings and recommendations from the Joint Investigation by Her Majesty's Inspectorate and Fire & Rescue Services, the College of Policing and the Independent Office for Police Conduct; Police Perpetrated Domestic Abuse: Report on the Centre for Women's Justice super-complaint.

Police officers who commit domestic abuse-related offences should not be treated differently to any other suspect. They should be investigated and held accountable through the Criminal Justice System in the same way as any other person. There are, however some issues which are specific to police suspects and their victims and need to be given particular consideration.

Staff and officers, both victims and perpetrators, may:

- Feel uncomfortable about seeking help and advice from their colleagues
- Be concerned about the implications of people being aware of their personal issues (particularly around seeking early help if they are a perpetrator).
- Feel that as they are police they should know what to do.
- Not recognise the behaviour as abusive or controlling.

Victims who are themselves employed in an emergency or public service may find it equally difficult to report domestic abuse. They may have a sense that their role, training and increased awareness of domestic abuse means that it should not happen to them. They may be worried about their partner being able to access personal information if they are both in the police service.

### **3. Confidentiality**

Police victims of PPDA, when they work in the same force as their perpetrator, are in a uniquely difficult position.

Concerns around privacy and the risk of repercussions at work are a strong deterrent to reporting domestic abuse for police victims, especially when the suspect works in the same force. Victims concerns about gossiping and lack of confidentiality can be a barrier to reporting for police victims.

There is a risk that police domestic abuse victims who work in the same force as their abuser may experience ostracising, bullying by colleagues, and feeling that their career prospects have been harmed.

Anyone who discloses experiencing or perpetrating domestic abuse should be assured that the information they have provided will be dealt with as sensitively as possible and, wherever possible, will be kept confidential. However, there are circumstances in which confidentiality cannot be assured. Where a criminal offence has been disclosed there is a duty to report it as a crime to be investigated. Similarly, if there are safeguarding / vulnerability issues, child protection issues or the safety of the employee is at risk, the Force has a duty to act accordingly and that may involve sharing information with colleagues within the Force and/or with partner agencies.

Managers are encouraged to dispel any rumours or conjecture they are made aware of from their team or colleagues regarding the individual or the case.

#### **3.1 Access to records**

Appropriate safeguards about access to records are necessary to ensure the integrity and effectiveness of the investigation.

Any reports relating to police victims and perpetrators should be cloaked but this should not jeopardise the protection of the victim, children or any other person. Consideration should always be given to ensuring the privacy of victims, but this must be proportionate to the duty to protect them from further harm.

### **4. Support by Line Managers**

Managers are expected to provide support for any individual involved in a situation of domestic abuse, be they victim or suspected perpetrator, as this is likely to be a very difficult time.



Consideration should be given to offering the services of the employee assistance provider, Health Assured, to **all parties** involved in a domestic incident. However, on no account should attempts be made at mediation.

Further guidance for managers specifically on employee welfare and workplace management issues can be found in [Employee Welfare Procedure for Leicestershire Police employees involved in Domestic Abuse](#).

## **5. Investigation of domestic abuse incidents and crimes**

The Force has a duty to ensure all reports of domestic abuse are recorded.

Reports may come to the attention of the organisation through a call to the Contact Management Department as an incident, or it may be disclosed to supervisors or managers through interactions with their officers or staff (e.g., Return to Work Interviews, PDR discussions, general welfare discussions, etc).

All reported matters involving a staff member as a victim or perpetrator will be reviewed by the DAIU and investigated accordingly.

The DAIU are a centralised team who provide specialist investigation of domestic abuse. They have enhanced knowledge and understanding of domestic abuse and are best placed to effectively investigate PPDA, safeguard victims and bring perpetrators to justice. In order to ensure independency and transparency, investigators and supervisors involved in the investigation will sign a Conflict of Interest Declaration found at Appendix A1, which will be recorded on the Niche record.

Where there is an unavoidable conflict of interest or where the role or position of those involved would create a conflict, consideration will be given to the report being investigated by an external force. An assessment will be made by the DCC with consideration to request an out of force investigation.

Where a report is made against the Deputy Chief Constable, the Chief Constable will be notified.

Where a report is made against the Chief Officer, the Police and Crime Commissioner will be notified.

### **5.1 Calls to the Contact Management Department**

A call to the CMD will be risk assessed and allocated a response grading, as per standard operating procedures. If the victim or perpetrator is identified as a Leicestershire police officer or member of police staff, then the Operational Command Inspector (OCI), or another supervisor in their absence, must be informed so that they can consider the need to attend the incident to offer appropriate support and direction to colleagues.

A police officer may have access to weapons, vehicles or information which would not be available to the general public and this should be considered as part of any risk assessment.

Investigation of domestic abuse incidents and offences involving Leicestershire Police officers or staff members will be conducted thoroughly and fairly, in line with standard investigating procedures.

This includes the application of Positive Action. Should an arrest be made, then consideration must be given to the most appropriate location out of the force area of any such detention.

The DAIU DI or if out of hours, the Duty DI, must also be made aware of any report involving police officers or staff, and consideration will be given on a case by case basis as to the appropriate resource for both investigation as well as safety management for the victim, appropriate referrals and ongoing support for all parties involved (including partners and children). The on-call PSD officer must also be notified. They will in turn notify the Chief Officer lead.

Any occurrence recorded should be appropriately cloaked on NICHE to ensure confidentiality – advice on how to record and store material should be obtained from the Crime Registrar.

Any concerns for the safety and welfare of children as a result of domestic incidents involving police officers or police staff of Leicestershire Police should be dealt with in accordance with established Child at Risk referral procedures, through the CAIU.

## **5.2 Disclosure through interaction with officers or staff members**

The vast majority of PPDA cases are disclosed to colleagues or line managers.

Police victims tend to disclose to police colleagues. Such disclosures carry more risk of not being recorded and responded to appropriately as allegations of crime. Disclosing to a trusted colleague or supervisor or directly to a Professional Standards Department (PSD) can be a way to try to maintain confidentiality and influence the response that follows.

When a supervisor or manager is made aware of a report of domestic abuse, contact should be made with the DAIU DI or DS, who will consider the action to be taken. This consideration will include the appropriate resources for recording the report, investigation and victim safety management. The report should also be notified to PSD.

## **5.3 Investigation of Domestic Abuse with a staff member involved as victim or perpetrator**

Investigators of PPDA must be cognisant of the following factors: -

- Victims of PPDA have specific concerns and anxieties regarding the police and the response they are likely to receive from them. Investigators must recognise these concerns from the very beginning of investigations. It is imperative that officers work hard to gain the trust and confidence of victims to make successful prosecutions viable.
- Police suspects may use their police knowledge, status and power to intimidate victims and deter them from making a report to the police.

- There can be a belief among those working in policing that colleagues are trustworthy and unlikely to abuse or lie.
- The risk of corruption and collusion are real concerns for victims of PPDA.
- Victims of PPDA can have extra and profound concerns around not being believed and receiving an impartial, supportive police response, and this can be a significant factor for victims not reporting PPDA.
- The impact of a report of PPDA and successful prosecution can have on the perpetrators career and finances can also have a strong influence on victim willingness to engage with the police.
- This means there are extra potential reasons why a victim may not support a criminal investigation, but conversely there are extra public interest reasons why one should be pursued.
- Investigators of PPDA must always seek to progress the investigation with or without the support of the victim.
- Investigators must consider circumstances as a whole, considering a range of extra potential offences during the course of the investigation. This is particularly true of coercive and controlling behaviour.

Investigators should ensure that victims of police perpetrators who are also police officers or staff, are given the same level of service as other victims of domestic abuse. They should be offered confidential support from both internal and external sources. For Leicestershire Police, specialist support is available through Project 360 and Freeva. These options should be discussed with the victim and proactive referrals made.

Investigators forces should ensure that such victims are given a full explanation of the force's domestic abuse workplace policy and kept fully informed about the progress of internal investigations and misconduct processes. This should include reassurance around Declarations of Conflict Interest.

Police officers may also be victims of non-police perpetrators of domestic abuse. Police forces have the same obligations as any other employer to support their employee and safeguard them and their colleagues.

While it is imperative that investigations into cases involving members of staff proceed in line with normal policies and procedures, investigating officers must consider the officers right to privacy, however this should not affect either the investigation and/or the safeguarding of any individual including involved children.

Any member of staff involved in the processes following a report **MUST** ensure the details of the victim, perpetrator and the circumstances of the incident are only disseminated to those people that are essential to the investigation, safeguarding, prosecuting and policing any sanctions.

## 6. Role of PSD

PSD must be notified as soon as possible of any report of criminality where the suspected perpetrator is a Police Officer, Police Staff member or Police Volunteer from this or any other force. Outside of normal office hours the PSD On-Call representative should be informed of the incident.

PSD will complete an initial conduct severity assessment at the point of the report coming to notice and will consider the need for a mandatory IOPC referral. This could result in a conduct notice being served on the officer or staff member concerned and as part of this wider assessment PSD will determine whether the officer or staff member should be restricted from public facing duties or suspended whilst the allegations are investigated. For all ongoing domestic abuse investigations, an investigator from PSD will always be allocated who will act as the liaison between PSD and the DAIU which will ensure that both the conduct and criminal matters are in sync and ensure the impartial, joined-up criminal and conduct investigations conducted by people with the right knowledge and skills.

PSD will also ensure that consideration is given to treating PPDA allegations as a 'Police complaint'.

PSD will ensure the Chief Officer lead will be notified and briefed on the investigation and provided with ongoing monthly updates for all PPDA investigations.

## **7. Responsibilities of Police Officers**

Officers are required to notify the Professional Standards Department of any domestic-related civil court orders relating to them.

They are also required to notify the Professional Standards Department of any Order made under the Children Act 1989 that denies contact or only permits contact under supervision or a "Prohibited Steps" Order. Any such restrictions as a result of violence might be considered as evidence.

## **8. Domestic Abuse Related Criminal Convictions**

Following a full criminal investigation, and where appropriate a criminal prosecution, regardless of the outcome, an assessment will be completed by PSD to determine if separate formal misconduct proceedings should take place. The matter will then be dealt with through the appropriate procedures and guidance.

## **9. Third Party Disclosures**

Where someone other than the victim, with or without their knowledge or approval, makes a disclosure of domestic abuse perpetrated by a police officer or staff member, this will be regarded as a third-party disclosure.

Where a third-party disclosure is made the DAIU DI must be informed so that consideration can be given as to what action is appropriate depending on the circumstances.

## **10. Incidents outside Leicestershire or involving employees of other Forces**

Where police officers or police staff members of Leicestershire Police are arrested and charged as a result of an incident of domestic abuse outside Leicestershire or Rutland, it is assumed this Force will be informed in accordance with the Consolidated Circular on Crime & Kindred Matters 1986.

Similarly, Leicestershire Police will inform other Forces if any of their police officers or police staff members are arrested and charged as a result of an incident of domestic abuse which occurred within Leicestershire or Rutland.

Where the above notification has not already taken place and the police officer or police staff member is convicted of an offence as a result of an incident of domestic abuse, the employing Force will be notified of conviction by PNC.

## Appendix A1 – Conflict of Interest Declaration



Leicestershire  
**Police**

Protecting our communities

### Formal declaration for conflict of interest

Policing must be consistently alive to a concern among victims of Police Perpetrated Domestic Abuse that forces will 'look after their own' in these cases and, worse still, cause trouble for those who raise allegations. This concern will be stopping some victims from reporting and supporting investigations and every effort made to protect victims from repercussions when allegations are reported to the police.

### What is a conflict of interest

When competing interests impair our ability to make objective, unbiased decisions we have conflict of interest. You may face a conflict of interest when your professional duties as an officer or member of police staff of Leicestershire Police and your personal interests or relationships overlap. Public confidence can also be affected by perceived conflicts of interest. We need to be transparent in recognising these potential conflicts and where appropriate steps taken to actively manage these. It is essential, the public has confidence in the integrity and impartiality of the police service.

**NICHE Reference:**

**Suspect:**

**Complainant:**

**Please outline if you know the suspect, complainant or witnesses in this case:**

I hereby confirm that I do not have a personal relationship with the suspect, complainant or witnesses in this investigation and there is no conflict of interest.

If your circumstances change and you identify a potential conflict of interest within the investigation, you are duty bound to take positive action and report this immediately to your line manager.

Signed:

Date:

## Appendix B – Legislation

### 1. Criminal Law

#### Children Act 1989

Section 46 - power to remove children to suitable accommodation or prevent removal from hospital or other place of safety.

Section 48 - a warrant may be obtained to search for children who may need emergency protection

#### Criminal Justice & Police Act 2001

Section 39(1) - intimidation of witness in civil proceedings

Section 42A - harassment of a person in their home (can be committed without the need for police to have given prior directions)

Section 48(1) - harming or threatening to harm a witness to civil proceedings

#### Criminal Justice & Public Order Act 1994

Section 51 – intimidating a witness in criminal proceedings or harming/threatening to harm a witness.

#### Criminal Law Act 1977

Section 6(1) - violence to secure entry into premises.

#### Domestic Violence, Crime and Victims Act 2004

Section 1- see 3. below.

Sections 2, 3 and 4 – extends provision to cover same sex couples and those who have had an intimate personal relationship with each other which is, or was of significant duration

Section 12 – allows criminal courts to impose Restraining Orders after a conviction when sentencing for any offence or on acquittal, for the purpose of protecting the person named in the Order. It also gives any person mentioned in a Restraining Order the right to make representations in court if an application is made to vary or terminate the Order.

#### Female Genital Mutilation Act 2003

It is an offence to perform FGM in the UK or for UK nationals to carry out procedure on UK national abroad, even if the practice itself is legal in that country.

#### Serious Crime Act 2015

This Act implemented some changes to the FGM Act around the offence of assisting others to commit mutilation, anonymity for victims, the offence of failing to protect a girl from the risk of FGM, FGM Protection Orders and the duty to notify police.

Section 76 - As of 29 December 2015, it is a criminal offence for a person to repeatedly or continuously engage in behaviour towards another person that is controlling or coercive.

**Malicious Communications Act 1988**

Section 1(1) – covers the sending of letters, articles or electronic messages (i.e. telephone, text & email) which convey threats designed to distress or cause anxiety.

**Offences Against the Person Act 1861**

Section 21 - attempt to choke, suffocate or strangle a person with the intent to commit an indictable offence.

**Protection from Harassment Act 1997 (updated by the Protection of Freedoms Act 2012)**

Sections 2 and 2A – harassment and stalking (without violence)

Section 4 and 4A - putting a person in fear of violence and stalking involving a fear of violence. All require a course of conduct to be proved.

**Anti-Social Behaviour, Crime and Policing Act 2014**

Section 120 – creates an offence of breach of a Forced Marriage Protection Order

Section 121 – creates an offence of Forced Marriage in England and Wales.

**2. Civil Law****Anti-Social Behaviour Orders (Crime & Disorder Act 1998)**

In the context of domestic abuse an ASBO may be useful where:

- the victim & perpetrator are not in the same household;
- the victim does not have & is not seeking to obtain a Non-molestation or Restraining Order;
- where a public nuisance is being caused (i.e. an adverse impact on neighbours) & there is specific harassment of the victim who is reluctant to complain.

**Forced Marriage (Civil protection) Act 2007**

Allows civil courts to make Forced Marriage Protection Orders to protect or pre-empt forced marriages from occurring.

**Housing Act 1996**

Local Authorities & Housing Associations have powers to repossess properties in cases of nuisance or annoyance – this includes domestic abuse. Local Authorities can apply for injunctions protecting a tenant from similar conduct.

**3. Breach of civil Non-Molestation Orders**

Section 1 of the Domestic Violence, Crime and Victims Act 2004 amended section 42A of the Family Law Act 1996 creating a criminal offence of breach of a civil Non-molestation Order (NMO) obtained under Section 42(2) or Section 45(1) (ex parte applications).

**This applies only to Orders issued after 1<sup>st</sup> July 2007**



Previously if a person breached their NMO they could only be arrested for a civil contempt of court if a power of arrest was attached to the Order. The maximum sentence for contempt of court is 2 years.

Section 1 gives complainants a choice on the mechanism by which a breach of NMO can be dealt with. They can either call the police to deal with the breach in the criminal justice system or they can make an application to have the person committed to custody for contempt in the civil court system.

It is possible that if there is a serious breach of an NMO, other criminal offences will have been committed by the person. If the behaviour has already been dealt with by the civil courts as contempt, then no criminal offence is committed. Officers should check whether the case has been dealt with by the civil system and should inform the CPS accordingly.

Protection from ‘double jeopardy’ only applies on conviction, therefore if an individual has been acquitted, the complainant may still seek a committal into custody via proceedings in the family courts.

If the CPS decides that the code tests are not met and a prosecution will not occur then the complainant can seek redress in the civil courts. In these circumstances officers should contact the victim informing them that there will not be a prosecution and providing details of the suspect’s release from custody. This enables the victim to consider approaching the Family Courts to seek a civil remedy at the earliest opportunity.

Discontinuing a prosecution does not automatically lead to proceedings being started in the Family Court. The victim has to apply in order to initiate proceedings.

These provisions do not apply to Occupation Orders. The courts have retained the ability to attach a power of arrest to an Occupation Order under section 47 of the Family Law Act 1996.

## Appendix C – Joint CPS and NPCC Evidence Checklist

### OFFICIAL SENSITIVE – WHEN COMPLETE

#### Joint NPCC and CPS Evidence Gathering Checklist – For Use by Police Forces and CPS in Cases of Domestic Abuse (DA)

**Officer in case:**

**Staff number:**

**Case reference:**

The Police to provide completed check list to CPS in every case where charging advice or a charging decision is sought. The form is an important part of the evidential file - it should be fully and accurately completed.

Ensure that: timely decisions are made; a charging checklist is completed for each complainant where more than one is involved; the overall allegation is considered through the assessment of all available evidence including the role and behaviour of the suspect.

The checklist **does not** replace the MG3 - but should complement it. The CPS should comprehensively endorse the MG3 including addressing any evidential weaknesses.

The safety of the complainant and any children or other dependants should be the primary consideration. If IDVA or equivalent specialist service support is available make a referral at the earliest possible opportunity.

The Police must refer to the College of Policing Authorised Professional Practice ([link](#)).

Further information about charging domestic abuse cases is available here ([link](#)).

Have you collected <b>all available evidence</b> , including material other than the complainant's statement and considered the <b>wider pattern of behaviour and its cumulative impact</b> ?	YES	NO	COMMENT*
999 Call, Body Worn Video with current DASH.	<input type="radio"/>	<input checked="" type="radio"/>	
Victim statement - refer to previous DA if relevant.	<input type="radio"/>	<input checked="" type="radio"/>	
Photographs; of <b>scene</b> (broken door locks, evidence of tidying up) <b>and any injuries</b> (taken over time as injuries develop). Recover any possible <b>weapons</b> (sticks, footwear if victim has been stamped on). Consider <b>CSI advice</b> .	<input type="radio"/>	<input checked="" type="radio"/>	
Admissions.	<input type="radio"/>	<input checked="" type="radio"/>	
Medical evidence/DNA (if available at the time); signed consent form; medical exhibits i.e. hair.	<input type="radio"/>	<input checked="" type="radio"/>	

Other statements – children, attending Officer (to include nature and seriousness of visible injuries, signs of struggle, attempts of choking/drowning, or isolation, disposition of victim/offender, IDs of other persons present), neighbours following house to house enquiries, support services. Consider threats made to other witnesses.	<input type="radio"/>	<input checked="" type="radio"/>	
Passive data / Comms data / Financial data, e.g., data mining foot prints, social media/other electronic evidence, messages, diaries, spyware technology, apps, bank-records CCTV. Check all devices for incoming and outgoing data, WIFI and cell site data, (NB: communications data can be collected retrospectively from the service provide).	<input type="radio"/>	<input checked="" type="radio"/>	
Is there any evidence of coercive and controlling behaviour? See College of Policing Authorised Professional Practice for further information ( <a href="#">link</a> ).	<input type="radio"/>	<input checked="" type="radio"/>	
Relevant information to include from.			
<b>Police Records</b>	YES	NO	COMMENT*
Risk of reoffending. Any previous DASH or equivalent risk identification checklist with outcome (i.e., MARAC case, high risk, standard risk).	<input type="radio"/>	<input checked="" type="radio"/>	
Any civil orders/proceedings and whether there have been previous breaches (DVPOs / DVPNs).	<input type="radio"/>	<input checked="" type="radio"/>	
Any previous allegations (with URNs and including other victims) and how these allegations were concluded (if case did not proceed why not?) DVDs.	<input type="radio"/>	<input checked="" type="radio"/>	
Police to inform CPS of any breach or further offences, submit files to CPS and supply interview record in a timely way.	<input type="radio"/>	<input checked="" type="radio"/>	
Were any firearms used? Does the suspect have any firearms licences or are there any intelligence reports linking suspect and household members to weapons?	<input type="radio"/>	<input checked="" type="radio"/>	
Whether the Bail Amendment Act should be invoked in a custody case.	<input type="radio"/>	<input checked="" type="radio"/>	
Information regarding the <b>victim and/or incident</b> .			
	YES	NO	COMMENT*
Victim Personal Statement; can be updated throughout case proceedings.	<input type="radio"/>	<input checked="" type="radio"/>	
Safety of victim (victim’s views and IDVA / specialist support service views).	<input type="radio"/>	<input checked="" type="radio"/>	

Whether victim has been contacted by suspect / friends / family whether supportive or intimidating contact – detail within comments section.	<input type="radio"/>	<input checked="" type="radio"/>	
Counter allegations / defence.	<input type="radio"/>	<input checked="" type="radio"/>	
Restraining Order – does the victim want one and if so with what terms?	<input type="radio"/>	<input checked="" type="radio"/>	
Bail conditions that do not restrict the victim and any children. Include locations to avoid.	<input type="radio"/>	<input checked="" type="radio"/>	
Withdrawing support/retraction. There may be a number of reasons why the police might be asked not to proceed further including fear of further harm or repercussions. See CPS Legal Guidance for further information and steps to follow including	<input type="radio"/>	<input checked="" type="radio"/>	
the need for an officer’s statement on the appropriateness of a summons.			
Ability / willingness of victim to attend court, give evidence and any special considerations.	<input type="radio"/>	<input checked="" type="radio"/>	
Special measures needed? And type (views of victim and IDVA / specialist support service) need to complete an MG2.	<input type="radio"/>	<input checked="" type="radio"/>	
<b>Information regarding any children and/or dependants</b>			
(When a child is interviewed it should be done in safety and privacy and in no circumstances should a child be used as a translator for their parent).	YES	NO	COMMENT*
Safety of children (Police and Victim’s views).	<input type="radio"/>	<input checked="" type="radio"/>	
Whereabouts of children during incident (include relation to victim / suspect and age).	<input type="radio"/>	<input checked="" type="radio"/>	
Child Protection Proceedings; include whether referral made to Children’s Services.	<input type="radio"/>	<input checked="" type="radio"/>	

\* The comment box must be completed if no evidence available

**CPS Prompts for Prosecutors**

Prosecutors must refer to the CPS Legal Guidance on Domestic Abuse ([link](#)); however, the table below provides some helpful prompts for prosecutors to consider.

Provision and <b>gathering of wider information</b> in addition to this evidence gathering checklist.
If further evidence is required from the police ensure this is articulated in a clear and concise action plan and discussed with the Officer as appropriate.
Find out whether there are any concurrent or imminent public law or private law family proceedings or civil proceedings and remedies involving the complainant or suspect.
<b>Assessing the suspect / defendant.</b>
Ensure timely applications for; hearsay evidence and/or bad character.

Has the credibility of the defendant been fully considered? E.g., Are there any previous instances of misconduct/convictions?
Are there any aggravating features?
What are the possible defences?
Consider the acceptability of pleas.
<b>Victim and witness support</b> following a decision to charge.
Victim Personal Statement obtained and updated throughout the case progression.
Timely consideration of; special measures, Pre-Trial Witness Interviews, expert evidence and other support measures.
Identification and consideration of vulnerabilities (BME, physical or mental impairment, LGBT, age).
Ongoing communication through IDVA/Witness Care Units/other specialist services on case progression and any other useful information.
Where there is a withdrawal or retraction; see CPS Legal Guidance for further information on the possible reasons including fear or coercion, which should be fully explored with victim / WCU / IDVA / Specialist support.

**Early and meaningful case building between Police and CPS in cases of Domestic abuse is crucial to ensure effective prosecutions.**

The information listed must be made available to CPS before charge decision in every case of domestic abuse. Prosecutors must consider information before making appropriate charging decisions.

CPS Legal Guidance on prosecuting domestic abuse is available here [http://www.cps.gov.uk/legal/d\\_to\\_g/domestic\\_violence\\_aide-memoire/](http://www.cps.gov.uk/legal/d_to_g/domestic_violence_aide-memoire/)

**Police inform CPS of any breach, further offences, submit files to CPS and supply interview record in a timely way.**

**CPS guidance on charging in DV cases:**

Prepare your case on the assumption that the **victim may in the end not support the prosecution**. Consider all information provided by the police (see above).

Ensure you liaise with **IDVAs, Witness Care Units and specialist support organisations**, to ensure that the victim's needs particularly relating to safety are addressed throughout the life of a case.

Comprehensively endorse **MG3** including addressing any evidential strengths and weaknesses

Ensure you have information in relation to **aggravating features and defence**

Ensure the Police follow Local Service Level Agreements by **providing all relevant material** to the Duty Prosecutor.

Ensure any action plan you provide the police is **detailed and prioritised**

Consider **victim's evidence**

- On withdrawal/retraction review see LG [http://www.cps.gov.uk/legal/d\\_to\\_g/domestic\\_violence\\_aide-memoire/#a24](http://www.cps.gov.uk/legal/d_to_g/domestic_violence_aide-memoire/#a24)
- Ensure specialist support is offered through an IDVA if available. And the case is progressed through SDVC.
- Has a Victim Personal Statement been taken and refreshed? - Have you considered a PTWI?

Apply for suitable **bail conditions** to prevent further offences or intimidation but that do not restrict the victim and children.

Ensure **special measures** are considered and any application is made in a timely way and results communicated to the victim.

Consider **hearsay / bad character**

Prevent unnecessary delay by taking **timely** decisions.

Find out details of the **defendant's previous misconduct**, if any, at the earliest opportunity so you can assess whether this evidence could be used as part of your case (*If the suspect has committed or is suspected of having committed acts of abuse against different victims (a 'serial' perpetrator), as well as considering whether this information can be adduced as bad character evidence you should also consider if these offences have sufficient nexus to be joined in the same indictment (or can be heard as part of the same trial process in the magistrates' court). Consider time limit on summary only offences, and whether there is sufficient nexus.*)

Explore **credibility of defendant's account**

Consider **expert evidence**

Find out whether there are any **concurrent or imminent public law or private law family proceedings or civil proceedings and remedies** involving the complainant and/or accused. Also, find out whether Social Services has been alerted to abuse within the family.

## Appendix D – Recording Domestic Abuse

Incidents of domestic abuse may include crime and non-crime incidents of any kind. A NICHE occurrence and DASH MUST be completed as fully as possible in EVERY case where an incident is identified as a domestic incident.

Where the incident is classified as a non-crime domestic incident, officers should use their professional judgement to identify the victim and the perpetrator and record appropriately within the Niche record. The DASH should be completed with the victim.

If in the circumstances it is not clear who the victim and perpetrator are, both parties should then be recorded as victims, and a DASH risk assessment must be completed with both parties. Officers should be mindful not to make assumptions based on gender, but should also consider that perpetrators may seek to manipulate professionals to present themselves as the victim.

- Records of non-crime incidents of domestic abuse assist in the ongoing assessment of risk and enable work with other agencies to protect the victim and any children from further more 'serious' incidents.
- All and any records of incidents of domestic abuse can be used as evidence to support a pattern of behaviour that could be crucial to any subsequent prosecution.
- Three or more incidents recorded in a twelve-month period can be sufficient to trigger the threshold for referral of the case to the MARAC for this area. The MARAC is effective in keeping the very highest risk victims and their children free from harm.

The following scenarios constitute some of the types of incident that fall within Leicestershire Police's definition of domestic abuse and will be properly recorded in line with NCRS and Crime Recording Standards. These examples are **not** exhaustive:

- Complainant reports being physically assaulted by partner. Attending officers see evidence of injury consistent with allegation (*Record as Assault ABH*)
- Complainant reports verbal argument with partner. Upon police attendance complainant maintains a verbal argument has occurred. (*Record as a domestic incident*)
- Complainant contacts the police and states following an argument their partner / family member (that falls within definition of domestic abuse) has left the address with the intention of committing suicide. (*Record as a domestic incident, but deal as MFH and consider vulnerability referrals*)
- Complainant reports witness intimidation (*Record as offence*).
- Complainant reports breach of Non-Molestation Order (*Record as offence*)

## **Appendix E – Information Sharing**

**In July 2018, the Government published ‘Advice for practitioners providing safeguarding services to children, young people, parents and carers’. This document contains Seven Golden Rules for sharing information:**

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or if your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

### **The General Data Protection Regulation (GDPR) and Data Protection Act 2018**

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduce new elements to the data protection regime, superseding the Data Protection Act 1998. Practitioners must have due regard to the relevant data protection principles which allow them to share personal information,

The GDPR and Data Protection Act 2018 place greater significance on organisations being transparent and accountable in relation to their use of data. All organisations handling personal data need to have comprehensive and proportionate arrangements for collecting, storing, and sharing information.



*The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.*

To effectively share information:

- all practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered ‘special category personal data’ meaning it is sensitive and personal
- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes ‘safeguarding of children and individuals at risk’ as a condition that allows practitioners to share information **without consent**
- information **can be shared legally without consent**, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

## Sharing Information

Sharing information is an intrinsic part of any frontline practitioners’ job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on individuals’ lives. Information sharing helps to ensure that an individual receives the right services at the right time and prevents a need from becoming more acute and difficult to meet.

Poor or non-existent information sharing is a factor repeatedly identified as an issue in Serious Case Reviews (SCRs) carried out following the death of or serious injury to, a child. In some situations, sharing information can be the difference between life and death.

Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect. Every practitioner must take responsibility for sharing the information they hold, and cannot assume that someone else will pass on information, which may be critical to keeping a child safe.

Professor Munro’s review of child protection concluded the need to move towards a child protection system with less central prescription and interference, where we place greater trust in, and responsibility on, skilled practitioners at the frontline.<sup>1</sup>

Those skilled practitioners are in the best position to use their professional judgement about when to share information with colleagues working within the same organisation, as well as with those working within other organisations, in order to provide effective early help, to promote their welfare, and to keep children safe from harm.

Lord Laming emphasised that the safety and welfare of children is of paramount importance and highlighted the importance of practitioners feeling confident about when and how information can be legally shared.<sup>2</sup> He recommended that all staff in every service, from frontline practitioners to managers in statutory services and the voluntary sector should understand the circumstances in which they may lawfully share information, and that it is in the public interest to prioritise the safety and welfare of children.

### **Being alert to signs of abuse and neglect and taking action**

All practitioners should be alert to the signs and triggers of child abuse and neglect.<sup>3</sup> Abuse (emotional, physical and sexual) and neglect can present in many different forms. Indicators of abuse and neglect may be difficult to spot. Children may disclose abuse, in which case the decision to share information is clear, as actions must be taken to respond to the disclosure. In other cases, for example, neglect, the indicators may be subtler and appear over time. In these cases, decisions about what information to share, and when, will be more difficult to judge. Everyone should be aware of the potential for children to be sexually exploited for money, power, or status, and individuals should adopt an open and inquiring mind to what could be underlying reasons for behaviour changes in children of all ages.

If a practitioner has concerns about a child's safety or welfare, they should share the information with the local authority children's social care, NSPCC and/or the police, in line with local procedures. Security of information sharing must always be considered and should be proportionate to the sensitivity of the information and the circumstances. If it is thought that a crime has been committed and/or a child is at immediate risk, the police should be notified immediately.

<sup>1</sup> [The Munro review of child protection: final report – a child centred system](#)

<sup>2</sup> [The Protection of Children in England: a progress plan](#)

<sup>3</sup> [What to do if you're worried a child is being abused](#)

### **Legislative framework**

Key organisations who have a duty under section 11 of the Children Act 2004 to have arrangements in place to safeguard and promote the welfare of children are:

- the local authority;
- NHS England;
- clinical commissioning groups;
- NHS Trusts, NHS Foundation Trusts;
- the local policing body;
- British Transport Police Authority;

- prisons;
- National Probation Service and Community Rehabilitation Companies;<sup>4</sup>
- youth offending teams; and
  - bodies within the education and /or voluntary sectors, and any individual to the extent that they are providing services in pursuance of section 74 of the Education and Skills Act 2008.

<sup>4</sup> The duty under section 11 of the Children Act 2004 will apply to Community Rehabilitation Companies via contractual arrangements entered into by these bodies with the Secretary of State under Section 3 of the Offender Management Act 2007.

There are also a number of other similar duties, which apply to other organisations. For example, section 175 of the Education Act 2002 which applies to local authority education functions and to governing bodies of maintained schools and further education institutions, and section 55 of the Borders, Citizenship and Immigration Act 2009 which applies to the immigration, asylum, nationality and customs functions of the Secretary of State (in practice discharged by UK Visas and Immigration, Immigration Enforcement and the Border Force, which are part of the Home Office).

Where there are concerns about the safety of a child, the sharing of information in a timely and effective manner between organisations can improve decision-making so that actions taken are in the best interests of the child. The GDPR and Data Protection Act 2018 place duties on organisations and individuals to process personal information fairly and lawfully; they are not a barrier to sharing information, where the failure to do so would cause the safety or well-being of a child to be compromised. Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.

All organisations should have arrangements in place, which set out clearly the processes and the principles for sharing information internally. In addition, these arrangements should cover sharing information with other organisations and practitioners, including third party providers to which local authorities have chosen to delegate children's social care functions, and any Local Safeguarding Children Board (LSCB) still operating within the local authority area as well as safeguarding partners (please see below).

One approach to aid effective information sharing is the use of Multi-Agency Safeguarding Hubs, where teams may be co-located physically or locally. In these settings, it is important that accountability is defined to ensure that teams know who is responsible for making decisions and that actions taken are in the best interest of the child.

Safeguarding partners (as defined in Section 16E of the Children Act 2004) and LSCBs (where still in operation) should play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing. This should include ensuring that a culture of appropriate information sharing is developed and supported as necessary by multi-agency training.

Safeguarding partners and LSCBs (where still in operation) can require a person or body to comply with a request for information, as outlined in sections 16H and 14B of the Children Act 2004, respectively. This can only take place when the information requested is for the purpose of enabling or assisting the safeguarding partners or LSCB to perform their

functions. Any request for information to a person or body, should be necessary and proportionate to the reason for the request. Safeguarding partners and LSCBs should be mindful of the burden of requests and should explain why the information is needed

## **The principles**

The principles set out below are intended to help practitioners working with children, young people, parents and carers share information between organisations. Practitioners should use their judgement when making decisions about what information to share, and should follow organisation procedures or consult with their manager if in doubt.

*The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child.*

### **Necessary and proportionate**

When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of the GDPR and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject and any third parties. Information must be proportionate to the need and level of risk.

### **Relevant**

Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make informed decisions.

### **Adequate**

Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

### **Accurate**

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

### **Timely**

Information should be shared in a timely fashion to reduce the risk of missed opportunities to offer support and protection to a child. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore place a child or young person at increased risk of harm. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

### **Secure**

Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisation's policy on security for handling personal information.

## Record

Information sharing decisions should be recorded, whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some rare circumstances, this may be indefinitely, but if this is the case, there should be a review process scheduled at regular intervals to ensure data is not retained where it is unnecessary to do so.

## When and how to share information

When asked to share information, you should consider the following questions to help you decide if, and when, to share. If the decision is taken to share, you should consider how best to effectively share the information. A flowchart follows the text.

### When

Is there a clear and legitimate purpose for sharing information?

- Yes – see next question
- No – do not share

Do you have consent to share?

- Yes – you can share but should consider how
- No – see next question

Does the information enable an individual to be identified?

- Yes – see next question
- No – you can share but should consider how

Have you identified a lawful reason to share information without consent?

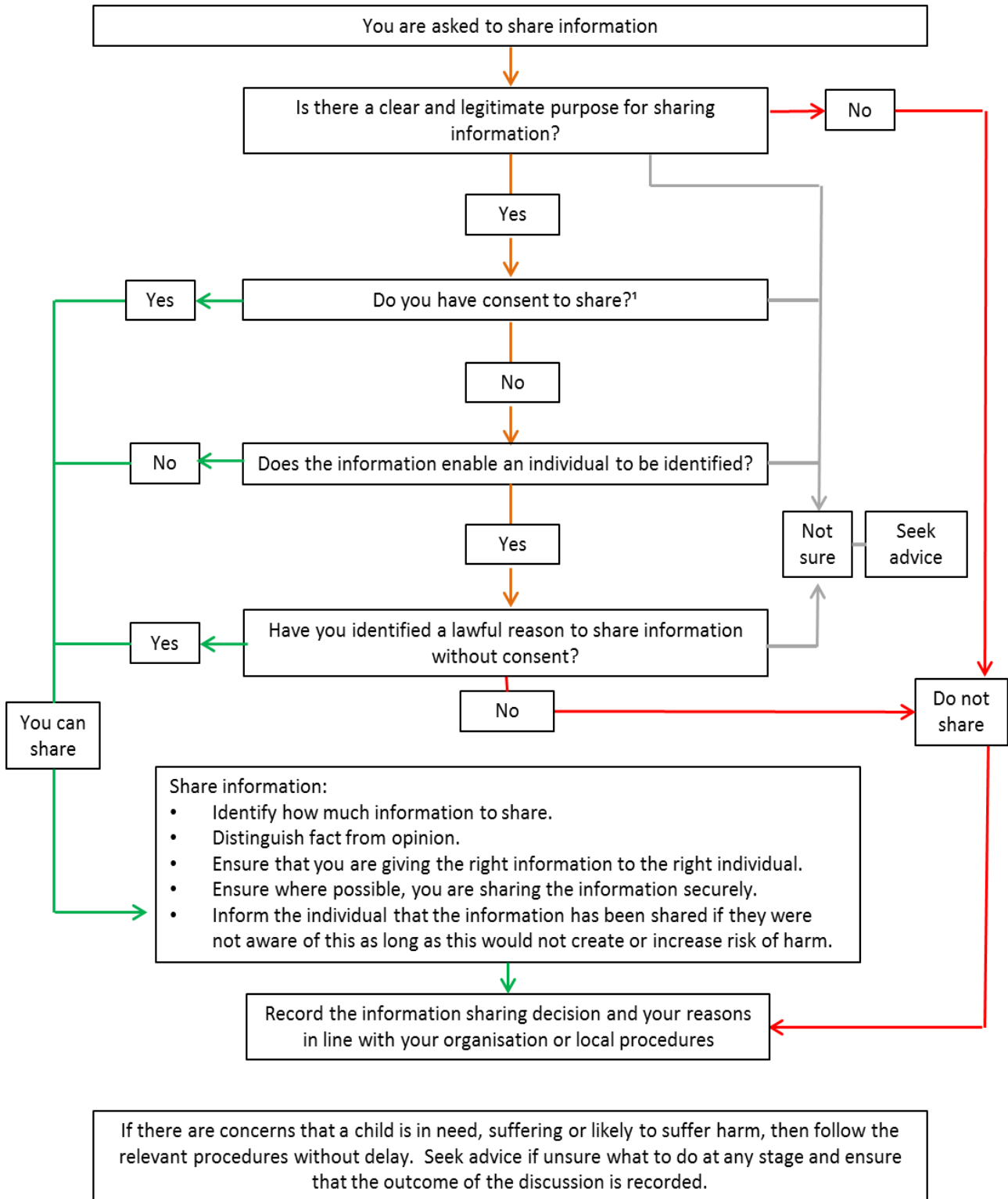
- Yes – you can share but should consider how
- No – do not share

## How

- Identify how much information to share
- Distinguish fact from opinion
- Ensure that you are giving the right information to the right individual
- Ensure where possible that you are sharing the information securely
- Where possible, be transparent with the individual, informing them that the information has been shared, as long as doing so does not create or increase the risk of harm to the individual.

All information sharing decisions and reasons must be recorded in line with your organisation or local procedures. If at any stage you are unsure about how or when to share information, you should seek advice on this. You should also ensure that the outcome of the discussion is recorded.

## Flowchart of when and how to share information



1. Consent must be unambiguous, freely given and may be withdrawn at any time

## **Myth-busting guide**

Sharing of information between practitioners and organisations is essential for effective identification, assessment, risk management and service provision. Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children and young people at risk of abuse or neglect. Below are common myths that can act as a barrier to sharing information effectively:

### **The GDPR and Data Protection Act 2018 are barriers to sharing information**

No – the GDPR and Data Protection Act 2018 do not prohibit the collection and sharing of personal information. They provide a framework to ensure that personal information is shared appropriately. In particular, the Data Protection Act 2018 balances the rights of the information subject (the individual whom the information is about) and the possible need to share information about them. Never assume sharing is prohibited – it is essential to consider this balance in every case. You should always keep a record of what you have shared.

### **Consent is always needed to share personal information**

No – you do not necessarily need the consent of the information subject to share their personal information.

Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share information, it must be explicit, and freely given.

There may be some circumstances where it is not appropriate to seek consent, either because the individual cannot give consent, it is not reasonable to obtain consent, or because to gain consent would put a child or young person's safety or well-being at risk.

Where a decision to share information without consent is made, a record of what has been shared should be kept.

### **Personal information collected by one organisation cannot be disclosed to another organisation**

No - this is not the case, unless the information is to be used for a purpose incompatible with the purpose it was originally collected for. In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners.

Practitioners looking to share information should consider which processing condition in the Data Protection Act 2018 is most appropriate for use in the particular circumstances of the case. This may be the safeguarding processing condition or another relevant provision.



## **The common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information**

No - this is not the case. In addition to the GDPR and Data Protection Act 2018, practitioners need to balance the common law duty of confidence, and the rights within the Human Rights Act 1998, against the effect on children or individuals at risk, if they do not share the information.

If information collection and sharing is to take place with the consent of the individuals involved, providing they are clearly informed about the purpose of the sharing, there should be no breach of confidentiality or breach of the Human Rights Act 1998. If the information is confidential, and the consent of the information subject is not gained, then practitioners need to decide whether there are grounds to share the information without consent. This can be because it is overwhelmingly in the information subjects interests for this information to be disclosed. It is also possible that a public interest would justify disclosure of the information (or that sharing is required by a court order, other legal obligation or statutory exemption).

In the context of safeguarding a child or young person, where the child's welfare is paramount, it is possible that the common law duty of confidence can be overcome. Practitioners must consider this on a case-by-case basis. As is the case for all information processing, initial thought needs to be given as to whether the objective can be achieved by limiting the amount of information shared – does all of the personal information need to be shared to achieve the objective?

## **IT Systems are often a barrier to effective information sharing**

No – IT systems, such as the Child Protection Information Sharing project (CP-IS), can be useful in supporting information sharing. IT systems are most valuable when practitioners use the data that has been shared to make more informed decisions about how to support and safeguard a child. Evidence from the Munro Review is clear that IT systems will not be fully effective unless individuals from organisations co-operate around meeting the needs of the individual child. Professional judgment is the most essential aspect of multi-agency work, which could be put at risk if organisations rely too heavily on IT systems.

## **Useful resources and external organisations**

- [The Information Commissioner's Office \(ICO\) website](#)
- [Practice guidance on sharing adult safeguarding information](#)

## **Other relevant departmental advice and statutory guidance**

- [Working Together to Safeguard Children \(2018\)](#)
- [Keeping Children Safe in Education \(2016\)](#)
- [What to do if you're worried a child is being abused \(2015\)](#)

## **Referral Process**

The decision to notify Social Care is made on a case-by-case basis, and this is done via the relevant Referral Desk using the Child At Risk Working Sheet/Adult At Risk Adult working sheet. The only exception to this is during out of hours contact with EDT. Where there are immediate child protection concerns however, police officers should consider using their powers under Section 46 of Children Act 1989.

It is not appropriate to produce a definitive list of referral criteria, all or several of which would need to be met to trigger any notification to Social Care. It can be argued that any exposure to domestic abuse can have a detrimental effect on a child, which would require that Social Care be notified of every domestic incident where children were present or otherwise.

## **Disclosure of Information in Civil or Criminal Court Proceedings**

Separate inter agency protocols govern the sharing of information in these cases.

For more advice and guidance regarding information sharing, contact [information.sharing@leicestershire.pnn.police.uk](mailto:information.sharing@leicestershire.pnn.police.uk)

## Appendix F – Investigating Honour Based Abuse and Forced Marriage

### 1. Introduction

APP for investigating Honour Based Abuse (HBA) or Forced Marriage (FM) has not yet been released, so this section explains how Leicestershire Police will respond to incidents (crime and non-crime) where HBA or FM may be a consideration. It will enable an enhanced victim focussed response reflecting national guidance and best practice.

### 2. Honour Based Abuse

#### 2.1 Definition of HBA

The internationally recognised term to describe offences, including assault and homicide, committed by family members which the perpetrators claim is an attempt to 'restore honour' to a family or community is Honour Based Abuse or Honour Killings.

The National Police Chiefs' Council (NPCC) defines HBA as:

**'A crime or incident which has, or may have been, committed to protect or defend the honour of the family and/or community'.**

Officers and staff should note that concepts of honour and other cultural issues are not a defence to homicide, assault or abuse.

HBA is normally associated with cultures and communities from Asia, the Middle East and Africa as well as Gypsies and Travellers. In reality, HBA cuts across all cultures, nationalities, faith groups and communities and transcends national and international boundaries.

All staff must be aware that actions considered as usual operational practice on their part may actually increase the perceived damage to a potential victim's 'Issat' or 'honour' by the community thus leading to an increased risk of harm. This is particularly important where the family of the victim do not know that a report to the police has been made, and then discover that 'family business' has been discussed with 'outsiders'. Examples include:

- Visiting the victim's family home when the family are unaware a report has been made;
- A male officer or male staff member taking a female victim on their own into a separate room within the family home;
- Returning a missing person home without exploring the reason for going missing;
- Updating the family of a missing person of that individual's whereabouts or circumstances.

**In terms of a Domestic Abuse risk assessment, HBA is a significant risk factor for victims and must be regarded as a significant predictor of the likelihood of future harm or homicide.**

The DAIU will utilise the Karma Nirvana risk assessment document.

## 2.2 Honour

The term ‘honour’ has widely varying interpretations. For the purposes of this guidance however, honour relates to the concept that the reputation and social standing of an individual, a family or community is based on the behaviour and morality of its members, particularly females, including both women and girls.

## 2.3 Perceptions of Honour

It is useful to try and comprehend the part that honour can play in an individual’s life because this can better help understand a perpetrator’s mind-set, what might prompt someone to feel ‘shamed’ or ‘dishonoured’ and hence the lengths they might go to in consequence of being shamed or dishonoured. The following are suggested as ways in which a person may perceive the importance of honour:

### 2.3.1 Self-awareness / Pride

In societies which are ordered around ideas of honour, upholding perceived standards of behaviour can become the basis of a person’s identity and positive self-image. It is against this background that the idea of an honour ‘code’ stems from.

### 2.3.2 Increased Security and Prospects for Offspring

Families which conform to accepted standards of honour and moral behaviour are more likely to receive benefits in terms of a better future, especially for their sons, who enjoy increased marriage and career prospects within their community.

### 2.3.3 Improved Contacts and Business Opportunities

Families which publicly uphold their honour usually gain increased social status. This can result in better contacts within the community which can lead to material benefits such as increased income for the self-employed and greater trade for owners of shops and businesses.

### 2.3.4 Sense of Superiority

For those with low career prospects, investing in ideas of honour can provide a way to feel superior towards strangers, by measuring themselves against a different value scale based on ‘proper’ moral behaviour. In other words, such people can find a degree of comfort in identifying with a belief that they understand and can relate to.

## 2.4 Common Ways In Which Honour Can Be Damaged

Among Middle Eastern and South Asian people in the UK, there are many ways in which a person, both male and female, can bring shame and dishonour on themselves, their family and their community. For example:

### 2.4.1 Defying Parental Authority

In many cultures, elder members of the family are expected to control their children. Parents who publicly fail to do so may lose status in the community as a result. There is evidence that some families would rather tell the community that the defiant family member has moved away to work, or even died rather than lose face.

#### 2.4.2 Becoming ‘Westernised’ (Clothes, Behaviour, Attitude)

People from honour-based cultures often transform ideas of honour into pride in their origins and/or religion once they settle in ‘the west’. Families who allow their children to assimilate into wider society can be seen as betraying their origins, their community and their ancestors.

#### 2.4.3 Sexual Relationships / Behaviour before Marriage

Many honour-based cultures put a high premium on a girl’s virginity and sexual fidelity. Families whose women are believed to have extra-marital relationships (even of a non-sexual kind) can suffer a decline in honour and social standing.

Victims from the Lesbian, Gay, Bisexual and Transgender (LGBT) community are particularly vulnerable and may not be ‘out’ to their families due to the ‘honour’ repercussions. The confidential nature of such a disclosure to Police must be recognised and maintained. Issues of honour are therefore not just confined to women.

#### 2.4.4 Use of Drugs or Alcohol

Drinking alcohol and using drugs not endorsed by religion, culture or tradition can bring shame on families because their children are seen as abandoning or rejecting the values of their parents, their family and their community.

#### 2.4.5 Gossip

In many cases honour is damaged less by a person’s action than by knowledge of that action becoming public knowledge. Rumours and gossip – even if untrue – can damage the status of a family or an individual.

Often, families are less concerned with the immoral acts themselves than they are with them becoming known about in the community at large. As honour is an intangible asset dependent on a community’s perceptions, an ‘immoral’ act doesn’t become ‘shameful’ or ‘dishonourable’ until it becomes public knowledge.

#### 2.4.6 Specific behaviours, attitudes and actions that may constitute ‘dishonour’:

- Reporting Domestic Abuse
- Smoking cigarettes or drinking alcohol
- Inappropriate make-up or dress
- Running away from home
- ‘Allowing’ rape or sexual assault
- The existence of a boyfriend
- Pregnancy outside of marriage
- Interfaith relationships or friends
- Rejecting a forced or arranged marriage
- Leaving a spouse or seeking divorce
- Kissing, holding hands or other intimacy in a public place
- Gay men or women who are lesbians declaring their sexuality

## 2.5 The consequences of ‘dishonour’

The consequences for a person who damages their honour or that of their family or community can be extreme – sometimes lethal, and include the following:

### 2.5.1 Honour Killings

Honour killings are the ultimate sanction against (mostly) women who are perceived to have brought that shame or dishonour. There have been a number of high-profile cases in the United Kingdom where women have lost their lives in a brutal and ‘symbolic’ manner in recent years.

### 2.5.2 Dowry Abuse

Dowry or ‘Dahej’ is the payment in cash or/and kind by a bride’s family to the bridegroom’s family, along with the giving away of the bride. The custom originates from the Indian subcontinent and is called ‘Kanyadaan’. The practice was actually prohibited in India by law in 1961, but the extraction of dowry from the bride’s family prior to marriage still occurs. If the dowry amount is not considered sufficient or is not forthcoming, the bride is often harassed, abused and made miserable. This abuse can escalate to the point where the husband or his family kill the bride, often perpetrated to look like suicide or an accident (e.g., hanging or burning).

### 2.5.3 Abuse and violence

- Forced marriage (see Section 3 below)
- Unexplained deaths (suicide/forced suicide)
- Controlling sexual activity
- Child abuse
- Vulnerable Adult abuse
- Rape
- Kidnapping or false imprisonment
- Threats to kill
- Assault
- Harassment
- Forced abortion
- Pressure to return home
- Pressure to go abroad
- House ‘arrest’
- Excessive restrictions on home life (not allowed phone, to use internet or develop friendships outside of family circle, etc.)

This list is not exhaustive.

### 2.5.4 Ostracism by Family and Community

Families whose honour has been damaged can be ignored and ostracised by other members of the community. Their children may also be rejected at school by fellow members of their cultural, ethnic or religious group. In some cases, victims have to change their identities and leave everything behind in order to remain safe. This shows the importance of the support that partner agencies can give.

### 2.5.5 Economic Damage

Families whose honour is damaged may receive smaller dowries for their children. In extreme cases, their shops and businesses can also be boycotted or even physically attacked by community members who believe that their collective honour has also been damaged.

### 2.5.6 Political Consequences

Community leaders and politicians from honour-based communities whose honour is damaged can lose support, prestige and influence as a result.

### 2.5.7 Loss of Self Esteem

Members of families whose honour is damaged can become depressed, suicidal or abusive. Feelings of shame can hamper their interactions with other members of their community and can negatively affect their work, possibly causing further damage to their social standing as a result.

## 3. **Forced Marriage**

In some cultures, marriages are often 'arranged', where both bride and groom voluntarily and willingly marry after being introduced by their families. It is important to understand that an arranged marriage is not the same as a forced marriage.

A 'Forced Marriage' is where one or both of the partners (more often the woman, but not exclusively) is forced or coerced into marrying. The force or coercion may be by direct or indirect threats, actual physical force, financial control or by psychological intimidation.

The Forced Marriage Unit at the Foreign and Commonwealth Office can provide guidance and assistance in dealing with cases of Forced Marriage. Further details can be obtained through the DAIU or contact can be made on 0207 0080151 (9-5 Mon to Fri). If emergency assistance is needed outside these hours, the Foreign Office Response Centre can be contacted on 0207 0081500.

## 4. **Investigating Reports of HBA and FM**

### 4.1 Initial Actions

A victim of HBA or FM will have overcome immense cultural and probably personal beliefs to make contact with the police, often they inform other professionals or friends who then contact the police.

It is vital therefore that police response is measured and considered. The primary objective of police action should be to ensure the on-going safety of the victim.

While the police will always take positive action, that positive action may include **NOT** visiting victim immediately, if the visit will increase the risk of harm to them.

Cases of HBA and FM will always be investigated by the DAIU. Early investigative advice should be sought from the DAIU, where possible. Many of the actions below will be completed by the DAIU, but should act as a reminder to officers in the event of reports overnight.

The following Do's and Don'ts checklist provides examples of priorities to consider and actions to take or to avoid:

## **DO**

- Consider whether contact with the victim will increase the threat to them.
- Always see them on their own, even if they attend with others.
- Consult a supervisory officer.
- Contact the DAIU as soon as possible for early investigative advice.
- If the individual is under 18, Complete a child at risk PPN and consider child protection procedures and powers
- Remember that reporting is a brave step
- Recognise and respect the individuals wishes
- Reassure victim of confidentiality
- Create an Occurrence and ensure it is cloaked
- Conduct a risk assessment
- Consider a video interview of the victim, achieving best evidence at an early opportunity
- Obtain full details
- Establish safe contact method, using “code words” for identification (and ensure this information is not disclosed on any uncloaked report)
- Obtain a full historical background as opposed to just the one incident that brought matter to attention of police
- Obtain a full “family tree”, both immediate and extended
- Obtain victim DNA, fingerprints and photograph with consent. Further details below.
- Consider giving information about Civil Protection Orders
- Advise victim to change their mobile phone to avoid family contact or tracking using applications like Google Latitude
- Consult with the victim about informing their employer of the situation if applicable and deemed safe to do so.

## **DON'T**

- Send the individual away in the belief this is not a police matter
- Approach other family members or community leaders
- Share information outside of protocol and procedure
- Breach confidentiality
- Attempt ANY form of mediation
- Leave any report uncloaked
- Use radio channels to relay sensitive information if likely to be overheard
- Underestimate how devious the family efforts will be to locate and trace the individual.

### **4.3 Missing Persons**

Responses to missing person reports also need to be considered when the person alleged to be missing originates from families or communities where HBA is or may be a factor.

Missing people, especially young women or girls, require further consideration when assessing their motivations for ‘running off’. Documented cases have shown that girls and



young women have left a family home in order to escape both arranged and forced marriages for instance.

Officers and staff should be aware that family and community members may attempt to enlist the police in their efforts to locate someone who has 'gone missing' They may seek to embellish the report by exaggerating the subject's vulnerability, when in fact the person is actually trying to flee HBA or FM.

Similarly, family and community may allege false crimes and name the missing person as the perpetrator, again to enlist police resources into finding the subject.

Likewise, there have been cases in the UK where families and community members have attempted to thwart police investigations into missing people by withholding information or actively seeking to misdirect police enquiries.

Whatever the apparent circumstances, officers and staff must consider the potentially lethal consequences of simply returning a missing person to their family.

#### **4.4 Taking DNA, Fingerprints and Photographs**

Photograph, DNA and fingerprints should be taken, with consent, from the victim (and anyone else associated who may be at risk of HBA or FM e.g. siblings). Additional consent may be required as follows:

- For victims under 14 years old the consent of a parent or guardian is required.
- For victims between 14 and 17 the consent of the young person and the parent or guardian is required.

These considerations are not prescriptive but if they are discounted, officers should ensure that their decision-making processes are recorded for future reference. See below for more guidance on Intervention Options.

**Officers must remember that in some cases the parents, guardians or carers are the people the victim is most at risk from and therefore should not be approached to give consent.**

Where parental consent is required officers should contact Childrens Social Care in the first instance to establish if any other suitable person has Parental Responsibility.

In the event that there no way of obtaining consent that does not put the victim at risk, officers should still consider taking the DNA and fingerprints as this response is considered proportional in relation to human rights when compared with the risk to the victim of not doing so.

Leicestershire Police has a specific sampling kit to be used when responding to HBA and FM cases. These are stored in the DAIU and contain step by step instructions on completion and submission to Scientific Services department.

In the event that a victim or potential victim cannot subsequently be located or traced, these records can then be utilised to assist in any subsequent search. Such records can prove invaluable in cases where subjects have 'disappeared' or have been forcibly sent to another country in consequence of HBA issues.

DNA and fingerprint samples can be used for both comparison searches or for speculative searches as required.

Scientific Services Department will arrange secure storage of the samples.

A PNC locate/information entry will be made in relation to the sample when the risk assessment identifies a need to make response officers aware, but must not disclose the home address of the victim.

## **5. The role of the Domestic Abuse Investigation Unit**

The DAIU has the primary role in responding to and investigating HBA related occurrences.

It is vitally important that in the first instance, priority is given to planning the safety of the victim and anyone else who may be subject to harm – children, partner, siblings etc. by informing the DAIU at the earliest opportunity.

As well as the initial Do's and Don'ts, the following key considerations should be borne in mind:

- Consider use of Forced Marriage Unit flagging
- Take note of the history of arranged marriage within the family. A pattern of arranged marriage may help with the assessment of risk
- Consider refuge (even if they have no recourse to public funds they can be provided with refuge)
- Seek independent advice to obtain access to the best religious/cultural/faith support services (e.g., Step Forward / Panaghar, Carr Gomme, Karma Nirvana, IKWRO)
- Victims that return to their families should be offered escape plans and where appropriate consideration given to a Civil Protection Order.
- Consider proactive disruption in the above cases.
- Be wary of using some public services like taxis, housing, health and whether this jeopardises the victims safety (family or community members may work in these services).
- Take note of the family view of 'honour and shame', this will indicate the likelihood of abuse in the name of honour.
- Consider if any other person may be at risk (i.e., children in the family).

To better reduce force vulnerability, the DAIU must maintain involvement in HBA occurrences through all stages of reporting and investigation and must ensure that regular reviews of cases are maintained throughout. This is particularly important when officers outside the DAIU manage investigations. For example, SIO, major or serious crime teams and staff.

Where the victim moves to another Police Area, contact must be made with that area and they must be provided with a securely sent full package of information to enable them to manage the risk.

Consider an appropriate exit strategy based around the provision of support in the new police area.

## **6. The role of the Child Abuse Investigation Unit**

CAIU will investigate cases involving child victims, and will manage the information sharing between relevant safeguarding partners via existing protocols. This is likely to be by way of strategy discussion and will consider the risk to other children within the family units.

CAIU and DAIU will adopt a joint approach in relation to the safety of children involved in families at risk of HBA and FM.

## **7. Administration**

Reported incidents of Domestic Abuse should be recorded on STORM and properly identified as such. In all cases of Domestic Abuse, under which HBA or FM will usually be included, the NICHE occurrence must be marked with the appropriate flags.

If a child lives at the address of suspected HBA, FM or FGM then a CAIU referral must be completed. Any referral to either Childrens or Adult Social Care must also be cloaked on the partner agencies system.

## Appendix G – Controlling and Coercive Behaviour

The offence of controlling and coercive behaviour in an intimate or family relationship was created by section 76 of the Serious Crime Act 2015. It came into force by 29<sup>th</sup> December 2015.

An offence is committed by A if:

- A repeatedly or continuously engages in behaviour towards another person, B, that is controlling or coercive; and
- At time of the behaviour, A and B are personally connected; and
- The behaviour has a serious effect on B; and
- A knows or ought to know that the behaviour will have a serious effect on B.

A and B are 'personally connected' if:

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

There are two ways in which it can be proved that As behaviour has a 'serious effect' on B:

- If it causes B to fear, on at least two occasions, that violence will be used against them - s.76 (4)(a); or
- If it causes B serious alarm or distress which has a substantial adverse effect on their day-to-day activities - s.76 (4) (b).

Officers attending all domestic abuse incidents should consider whether the actions of the perpetrator amount to controlling and coercive behaviour and take positive action.

Further guidance can be found at the College of Policing APP.

## **Appendix H – Domestic Abuse and the PPN Supervisors Review Advice and Guidance.**

The purpose of a supervisory review is to ensure that, organisationally, we have correctly assessed the risk to those involved in the incident. The level of risk effects the level of safeguarding and multiagency intervention that is invested in trying to resolve the issue.

Therefore, it is important that we get this right, so that we protect the right people for the right reasons.

Generally, our officers are very good at assessing risk and, in the main, your review will not alter their assessment, however there are occasions when officers elevate risk unnecessarily which causes resources to be directed away from those that need it or fail to identify risks meaning that intervention is limited.

### **In your review you should: -**

Check that the officer has counted the number of yes answer correctly. Remember questions 10,11,12,28 and 29 don't count and each question counts as one regardless of the amount of positive answers within it.

Check if the officer has identified escalation in the level of or frequency of the incidents. Has initial safeguarding been considered, implemented and made the victim and/or children safe.

### **Which of the following criteria does the incident fit? -**

#### **High Risk**

There are identifiable indicators of risk of serious harm. The potential even could happen at any time and the impact would be serious. Risk of serious harm is deemed as 'a risk which is life threatening and/or traumatic, and from recovery, whether physical or psychological, can be expected to be difficult or impossible'.

#### **Medium Risk**

There are identifiable indicators of risk of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse.

#### **Standard Risk**

Current evidence does not indicate likelihood of causing serious harm.

DASH scores of 14 or over would indicate high risk, 10-13 indicates medium risk, 9 or below indicates standard risk. However professional judgement should overrule this.

A couple with no history could score very low, but the victim could be in imminent danger of serious harm, likewise a couple with long history could score highly but the risk could be low, if the victim is in a refuge for example.

Complete the four boxes

**Risk level** High / Medium / Standard as appropriate

**Repeat victim** the same person is a victim of DA in the preceding 12 months

**Serial Perpetrator** is someone who has been reported to the police as having committed or threatened domestic abuse against two or more victims. This includes current or former intimate partners and family members.

**MARAC** All high-risk cases are referred to MARAC as well as standard and medium repeats of previous MARAC cases.

The DAIU supervisors are always willing to assist and give advice if required.