

## Domestic Abuse Learning Briefing

The [Adult C Safeguarding Adults Review](#) (SAR) contains important learning about how agencies should engage in a collaborative response to domestic abuse. This briefing draws upon the learning from the Adult C SAR and provides practical guidance to support SAB partner agencies when working with people who are experiencing domestic abuse. It also provides an overview of the Domestic Abuse Act which came into effect in April 2021.

### Key points for practice

When working with people who may be experiencing domestic abuse:

- **Be alert** to the signs of domestic abuse and take appropriate and timely action to respond. Discuss any concerns with your line manager or safeguarding lead and take prompt action to ensure the person's and others immediate safety, including reporting to the police in an emergency.
- Ensure the principles of a **safe enquiry** and try to see the person alone and in a private space. If this is not possible work in partnership with other agencies to share the management of risk and use creative ways to be able to meet with the person, for example at a GP surgery.
- Ensure accurate and timely **assessment of risk** - wherever possible complete the [DASH RIC – Domestic Abuse Stalking and Harassment Risk Identification Checklist](#). If you are asked to attend a **Multi-Agency Risk Assessment Conference (MARAC)** meeting this should be prioritised.
- Use **professional curiosity** and a **trauma-informed approach** to understand what has happened and the context in which the person is experiencing domestic abuse. Don't make assumptions and ask questions that provide an opportunity for people to disclose abuse.
- Ensure a **Making Safeguarding Personal** approach, by listening to the person's views and what they want to happen, provide information about options and empower them to make decisions.
- **Share information**, with informed **consent** from the adult, where appropriate and where possible, but remember there is also a lawful basis to share information without consent, if there is good reason to do so, such as where safety may be at risk. Also consider the person's **mental capacity** and the impact of **coercion and control** upon issues of consent and informed decision making.
- Consider any **advocacy** needs, not just in relation to mental capacity, but also in relation to specialist domestic abuse services and referring to **Independent Domestic Abuse Advocates** (IDVAs).
- When recording **third party information** about concerns or disclosures of domestic abuse, good practice is to capture not just what the person says, but also to describe the person's appearance and presentation, including emotional, psychological and physical signs of injury or distress. This information could then be used to support the police with **evidence led prosecutions**, particularly in situations where the victim is unable to give evidence themselves.

# Domestic Abuse Act 2021

## Definition of domestic abuse

Domestic abuse is legally defined for the first time in the new Act. The language in the Act has changed from domestic violence to domestic abuse. This is in line with the new government definition and encourages people to consider that domestic abuse can present in so many ways and is not just classified as physical violence.

This [definition of domestic abuse](#) is set out in section 1 of the Domestic Abuse Act.

'Abusive behaviour' is defined in the Act as any of the following:

- Physical or sexual abuse,
- Violent or threatening behaviour,
- Controlling or coercive behaviour,
- Economic abuse,
- Psychological, emotional or other abuse.

For the definition to apply, both parties must be aged 16 or over and be 'personally connected'.

'Personally connected' is defined in the Act as parties who:

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

The Act also brings the relationship between a disabled person and their carer within the definition of 'personally connected'. Read the [Government statutory definition of domestic abuse](#) factsheet for more information.

## Coercive and controlling behaviour

There is no longer a requirement for abusers and victims to still be in a relationship or to still live together – the offence of coercive control now applies to former partners and family members who do not live together. This is in recognition that those who leave abusive partners can often be subjected to sustained or increased controlling or coercive behaviour post-separation. As a consequence of this, victims can be at a heightened risk of homicide during the period immediately following separation.

The extension of the offence of coercive and controlling behaviour to include former partners and family members not living together will have particular significance in the context of economic abuse. This type of abuse does not require physical proximity and commonly continues, escalates and, in some cases, may begin after separation. This can present major challenges for victims seeking to rebuild their lives.

Economic abuse is defined by the Act as 'any behaviour that has a substantial adverse effect on a victim's ability to acquire, use or maintain money or other property, or obtain goods or services'.

## **Children as victims of domestic abuse**

Under the Act, domestic abuse occurs where the victim and perpetrator are aged over 16. Abusive behaviour directed at a person under 16 is child abuse rather than domestic abuse.

However, a child will be regarded as a victim of domestic abuse in their own right if they:

- see or hear, or experience the effects of, domestic abuse, and
- are related to the person being abused or the perpetrator.

This will help to ensure that services and practitioners consider and address the needs of children affected by domestic abuse. This strengthens the provisions in the Adoption and Children Act 2002.

## **Migrant victims of domestic abuse**

The Act gives migrant victims of domestic abuse temporary leave to remain and access to public funds, for a period of no less than six months. This is so they can access support services while they flee abuse and apply to resolve their immigration status.

In addition, the Act provides protection for women with insecure immigration status, in that the victim's details are not to be shared with immigration control. This will remove one of the many barriers migrant women face on disclosing abuse and seeking support.

## **Housing / accommodation-based support**

The Act places a new duty on local authorities to provide support to those fleeing domestic abuse and their children in refuges and other safe accommodation. Local authorities must assess the need for domestic abuse support for victims in such accommodation and ensure adequate support and provision. This new duty has been accompanied by funding to help meet the duty so there will be increased accommodation-based support and provision for victims and their children.

Victims made homeless as a result of abuse will automatically qualify for 'priority need' housing.

Victims with lifetime or assured tenancies will not lose them if they need to move as a result of abuse.

## **Protection in court and holding perpetrators to account**

Victims of domestic abuse are now eligible for special measures in the criminal, civil and family courts ie. screens in court or providing evidence via a video link. Perpetrators will not be able to cross-examine victims in family and civil courts. GPs and other health professionals will be prohibited from charging a victim for a letter to support a legal aid application.

In terms of the management of perpetrators and holding perpetrators to account, the Act requires the government to introduce a national perpetrator strategy. This will include a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order to help prevent reoffending and provide immediate protection for victims.

- Domestic Abuse Protection Notice (DAPN) – for immediate protection following an incident.
- Domestic Abuse Protection Order (DAPO) – flexible, longer-term protection for victims.

These new injunctions are based on the existing domestic violence protection notice (DVPN) and domestic violence protection order (DVPO). Read the [Government Domestic Abuse Protection Notices / Orders factsheet](#) for more information.

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

The Domestic Violence Disclosure Scheme (DVDS) is now on a statutory footing. Read the [Government Domestic Violence Disclosure Scheme factsheet](#) for more information.

## Specialist Services

- [Change, Grow, Live \(CGL\)](#) deliver the specialist domestic abuse service in East Sussex.
- [Survivors Network](#) – Specialist Rape and Sexual Violence and Abuse Service for Sussex.
- [Veritas](#) – Specialist Stalking Advocacy Service for Sussex.

## Further reading and resources

- [Sussex Safeguarding Adults Policy and Procedures](#)
- [Information Sharing Guide and Protocol](#)
- [East Sussex Mental Capacity Act Policy and Procedures](#)
- [Guidance on Raising Concerns about Abuse and Neglect](#)
- [Safer in East Sussex web page on domestic abuse](#)
- [Safe Lives website](#)
- A video by the National Probation Service called '[The Shadows Behind Me](#)' illustrates the importance of trauma-informed practice.

## Training opportunities

The East Sussex Adult Social Care Training Team in partnership with the SAB provides a range of e-learning and virtual training courses, which are open to staff across SAB partner agencies.

Relevant courses include:

- Adopting a whole family approach to domestic abuse
- Coercion and control: a multi-agency workshop for staff working with domestic abuse
- Mental Capacity Act 2005: A multi-agency approach to complex cases

Please note some of the courses listed above have a mandatory requirement to complete the following e-learning modules before attending training courses:

- Domestic Abuse - Foundation Module 1: What is domestic abuse?
- Domestic Abuse - Foundation Module 2: Impact and building resilience, and barriers to seeking support
- Domestic Abuse - Foundation Module 3: Risk identification, assessment and management

Further details of courses and information on how to apply is available on the [East Sussex Learning Portal](#).

**For more information on this briefing, contact the East Sussex Safeguarding Adults Board at [ESSAB.contact@eastsussex.gov.uk](mailto:ESSAB.contact@eastsussex.gov.uk)**

*The East Sussex SAB would like to thank colleagues in the Safe in East Sussex Team for the content on the Domestic Abuse Act.*