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Practice Guidance

Domestic abuse: when and how to involve the police

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Learning points

- How to decide when to involve the police in a domestic abuse incident.
- Tips on building evidence, particularly in the 'golden hour' (the time immediately after a crime has been committed) and how to ensure it will withstand scrutiny.

- The difference between positive action and positive arrest and the benefits of both in certain situations.

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Introduction

Working effectively with the police is a significant aspect of social workers' role in relation to domestic abuse cases. Most forms of domestic abuse now constitute a criminal offence while the police also record and take action in relation to 'non-crime' domestic incidents, for example, where there has been a one-off incident and the behaviour doesn't reach the threshold to be a criminal offence and will not unless it continues.

While the local authority has a lead co-ordinating role in adult safeguarding, police have responsibility for any criminal investigations, which will often take priority over other parallel procedures, as set out (in relation to England) in the Care Act 2014 statutory guidance (paragraph 14.91).

Incidents may also come to light when social workers and other professionals are dealing with matters that originally seemed totally unrelated to domestic abuse. Police can play a key role in assisting social workers with preventive and protective measures to tackle domestic abuse even where no criminal offence is apparent.

This guide gives an insight into how police deal with domestic abuse cases and explores the challenges social workers face to enhance risk management and evidence-gathering opportunities, and to improve victim care and signpost effectively.


Safeguarding and domestic abuse

Most domestic abuse situations that come to the attention of social workers will do so as part of their core safeguarding functions, generally either through child protection or working with an adult with care and support needs.

With the latter, social workers will need to determine whether the situation triggers the local authority's duty to make or commission safeguarding enquiries, under [section 42 of the Care Act](#) or [section 126 of the Social Services and Well-being \(Wales\) Act 2014](#) ("the Well-being Act"). In both England and Wales, the duty is triggered when an adult:

- has needs for care and support;
- is experiencing, or at risk of, abuse or neglect;
- as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

In a number of domestic abuse cases referred to social services, the duty will not be triggered, either because the victim does not have care and support needs; or while they are at risk of, or experiencing, domestic abuse and not able to protect themselves from violence, it will be because of other reasons than their care and support needs. This presents a challenge to social workers, who will want to effectively signpost victims to services and achieve a meaningful intervention.



Doing nothing in these circumstances is not an option. The very minimum to consider is signposting them to other services or support pathways.

Other options include referring to a solicitor for legal advice and considering civil remedies, information on refuge or referral to assist with housing options. Those at a high risk of violence should be referred into a multi-agency risk assessment conference (MARAC). For more information see Inform Adults' [quick guide to MARACs and MAPPAs](#).

In each case, good practice suggests that a social worker should conduct comprehensive information gathering, talk to the adult involved, carry out a needs assessment (if the adult has an appearance of need for care and support) and then effectively triage while managing their expectations. Social workers should consider whether the individuals involved in the situation fit the domestic abuse definition. The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, 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 includes family members: mothers, fathers, sons, daughters, brothers, sisters, grandparents, and sometimes less obviously, in-laws or stepfamily.

By considering the definition from the outset, cases that include non-physical assault, sexual offences, male victims, older people, mental ill health or disability are less likely to have misdirected interventions and therefore vital opportunities for intervention missed.

When should social workers involve the police?

In every case where domestic abuse features, it is paramount that consideration is given about whether to involve the police at an early stage. This can have many benefits both to the individual and to the professional dealing with the case.

Seemingly low-level or minor incidents may also be criminal offences in that they amount to a pattern of behaviour or a course of conduct indicative of stalking or harassment that can still have potentially serious consequences.

Think about any immediate steps that need to be taken to prevent harm. Domestic abuse situations are potentially high risk for everyone involved. The point of separation from an abusive intimate relationship is often when the victim is most at risk. The police can contribute to decisions to help social workers manage risk. For example, police information on those involved in a domestic abuse situation can help inform safeguarding enquiries under section 42 of the Care Act (or section 126 of the Well-being Act) and assist social workers to decide the appropriateness of other options for interventions such as mediation or family group conferences (for more information see [Inform Adults' guide to family group conferences](#)).

There are many factors that may contribute to domestic abuse, such as substance misuse, or events that may trigger abusive behaviour, for example:

- The suspect being charged or released from custody or prison by the police or the court.
- The imposition or expiry of a court order.
- Family proceedings, especially concerning child contact.
- The start of a new relationship by the victim.

While these are factors that can increase risk, they don't in themselves mean that social workers should automatically refer to the police. Risk assessment is a dynamic process and police and partners should regularly monitor ongoing risk. Social workers should involve the police where there is ongoing risk of harm because sharing intelligence will give a clearer picture of what's happening and so social workers can make better informed decisions.

Use multi-agency safeguarding hubs (MASHs) where they exist as a means to gather information, and inform your decision making and information sharing. Effective information gathering may alter your decision on whether you need to refer to police.

Be aware of the potential that some enquiries may heighten the risk to those who are subject to domestic abuse.

Reporting incidents to the police is often an area that causes some dilemma for social workers who are aiming to balance the trust of the individual and concerns about breaching confidentiality, with trying to achieve a positive outcome and reduce risk of harm.

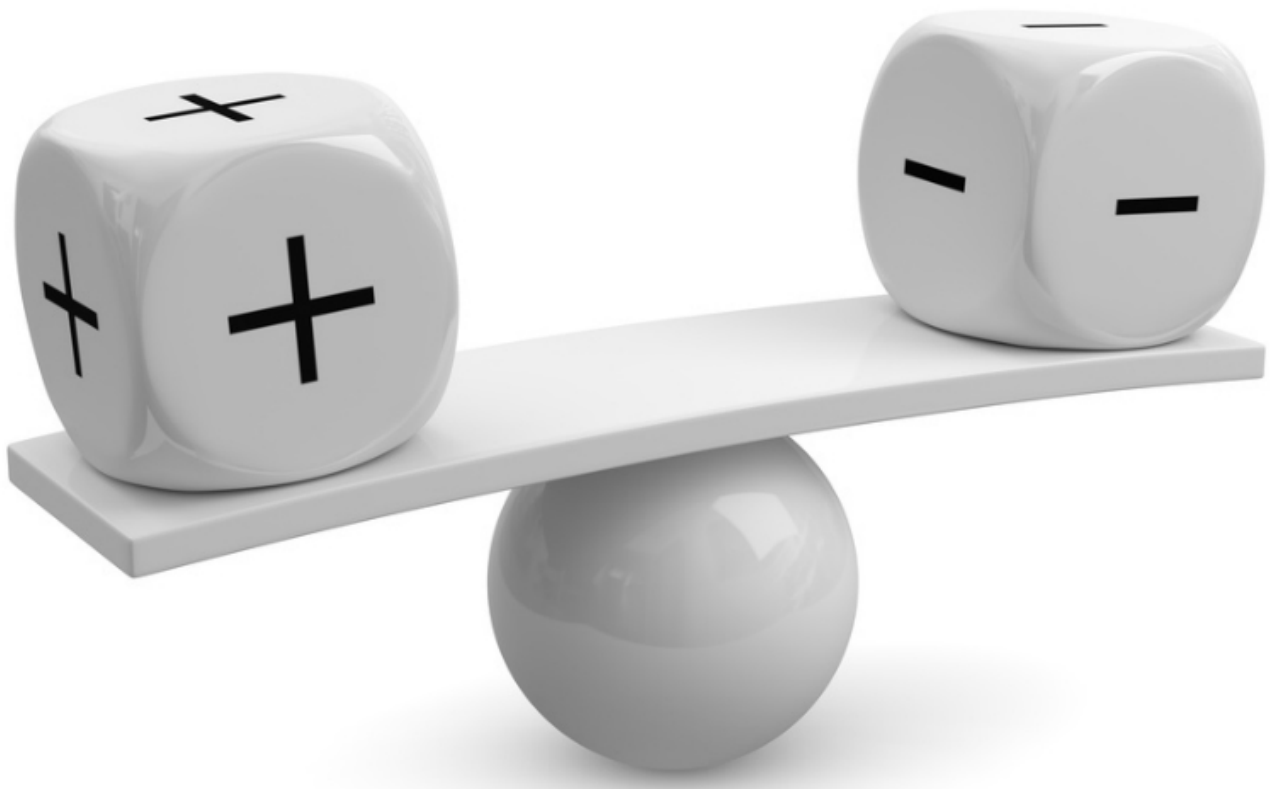


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Each case needs to be judged on its own merits and if there is any doubt about what action to take when dealing with a domestic abuse situation then the matter should be escalated to your manager. There are, however, some basic principles to consider when you have a matter that may constitute a criminal offence.

The first challenge is deciding whether or not a crime has been committed. In the same way that many police colleagues will not have detailed knowledge of health and social care legislation and procedures, not all social care professionals are likely to know complex criminal legislation in detail.

As a general rule, if it is an incident that someone witnessed in the street or happened in your household that would prompt you to phone 999, or someone has been abused or

neglected, then it is highly likely that a crime has been committed or, at the very least, it is a matter that requires further investigation.

If a social worker is made aware that a crime has occurred, they should support the adult to report it to the police.

If the adult does not want to refer the incident to the police, and it is not in question that they have the capacity to make this decision or are assessed as having capacity to do so, then there may be circumstances where it is necessary to override their wishes.

The law does not prevent the sharing of sensitive, personal information between organisations where the public interest outweighs the private interest served by protecting confidentiality – for example, where a serious crime may be prevented or there is a risk of harm to children or others.

If the adult does not wish to report the incident to the police but they have been subject to coercion, control or intimidation then consideration must be given to whether this impacts on whether they are able to give their informed consent and affects their ability to recognise the risks that they or their children may be exposed to. In these cases, it may be necessary to override their wishes and make a report to police in the public interest.

The Data Protection Act 1998 also allows for the sharing of information to protect the 'vital interests' of the person, which refers to life-threatening situations.

For legal guidance on information sharing in adult safeguarding situations in England, see Inform Adults' [guide to safeguarding under the Care Act 2014](#), and for more information on data protection law see Inform Adults' [guide to understanding the Data Protection Act and how to use it](#).

Consideration must also be given to whether, if the adult does wish to report the incident to the police, they are able to execute the decision. Therefore, if the adult is unable to report to police in these circumstances the social worker should do so on their behalf.

If an adult has been assessed as lacking capacity to make the decision to report to the police then the social worker must apply the principles of the Mental Capacity Act 2005 (MCA), and make a best interests decision using the statutory checklist. This should be fully documented.

[Section 5 of the MCA](#) offers protection from liability for a professional who has a reasonable belief that the person lacks capacity to make the decision and reasonable grounds for believing they have acted in the person's best interests. This means that even if a full mental capacity assessment or best interests decision hasn't been completed, a belief that is based on good reasons (not just an assumption) offers the professional that protection.

Barriers to reporting to police

It is worth bearing in mind the potential barriers for why someone may be reluctant to involve the police. It is vital to try and establish those reasons and, where possible, mitigate those concerns. These are some examples:

- A previous negative experience with the police either in this country or from a place of origin.
- The abuser may have threatened or blackmailed them, or pressured them into criminality and will use that as a threat.
- They are a carer or been abused by their carer. The threat of loss of a carer or home, or of financial hardship is often used as leverage by the abuser.
- Fear of losing their children into care when social services become involved.
- They love the perpetrator and don't want to 'get them into trouble'.

The perpetrator will be aware of the impact of such threats or the worry that they cause and may use this to avoid police or other professionals becoming involved. It can be a frightening experience for the victim to be threatened with harm if they involve the police. It is also a frightening prospect for the victim to involve police in their own situation. It is important to reassure them that they will be listened to and taken seriously. The main aim of the police is to keep the victim and their children safe. Advise them on other help and advocacy that is available to support them to deal with any other concerns that might influence their decision making.

Building evidence

The domestic abuse, stalking and honour-based violence model (Dash) is a risk identification, assessment and management model which includes a checklist for all professionals working with domestic abuse victims. The Dash model can and should be used by social workers who are trained in using it in domestic abuse cases. It can give an indication of the level of risk that the person subject to domestic abuse may be at and is particularly relevant in cases involving intimate partner violence. If someone is identified as 'high' risk, that is, a score of 14 or more, then it may be necessary to notify the police immediately (with or without the adult's consent). Professional judgment should also contribute to the decision-making process to refer the matter to the police if a social worker fears that the adult is likely to be subject to immediate or serious violence. For more information see Inform Adult's [quick guide to using the Dash risk checklist](#).



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Multi-agency risk assessment conferences (MARACs) can also be used to build evidence. You should maximise opportunities to liaise with police and other partners in a MARAC, a monthly risk management meeting where professionals share information on high risk cases of domestic violence and abuse and put in place a risk management plan. Always remember that if you have an urgent case you can contact the police to request an urgent professionals' meeting to manage any immediate risk.

Initial considerations to take into account when building evidence include:

- a) Arrange immediate access to medical treatment if required. If the domestic abuse includes a sexual crime this will require expert assistance. Seek advice from the police who have specially trained officers to assist. If the victim is unwilling at this stage to report to police, you can refer them to your local rape crisis centre or sexual assault centre referral centre in order to preserve vital forensics evidence and provide victim care.
- b) Many police areas will have public protection or specialised units that deal with domestic abuse or sexual offences where you can seek advice, but if it is an urgent matter then always go via the 999 system as this will ensure that vital evidence is less likely to be lost. If present at the time of the emergency the social worker can support the victim by making the call themselves to access immediate help. But remember that domestic abuse situations are potentially dangerous to the social worker as well as the victim.
- c) Do not underestimate the benefits of sharing intelligence and managing risk – when children and young people are involved use multi-agency safeguarding hubs where they exist as a way to gather and share information. Effective information gathering may alter your decision on whether you need to refer to police. Be aware that your enquiries may

increase risk to the victim if the perpetrator becomes aware of a professional being involved. If the victim expresses concern, or you as the professional are now worried of the risk of harm to them or another and you are unable to mitigate those risks by other measures, then the police should be informed.

d) Always encourage and support the adult to report the matter to the police if a crime is suspected, but it is not an emergency situation. Police determine an emergency situation as an immediate risk to life or limb. There may be non-emergency situations that, while a crime (perhaps one of historic violence or of financial abuse), are not cases in which the perpetrator is in an immediate position to cause further harm.

e) It is vital to build evidence in all cases. Think about what other initial steps you can take to preserve physical evidence if a crime may have been committed. An example of how you can evidence build is by ensuring that bedding, or damaged or bloodstained clothing isn't thrown away. Often situations involving domestic abuse/safeguarding are reported to health and social care professionals some time before being reported to the police and it is vital that on being made aware of these that consideration is given to evidence that could be accidentally damaged or destroyed.

f) There may be many reasons why a victim doesn't wish to support action taken against the perpetrator but where it is still necessary for agencies to work together to take action to ensure the victim's and others' safety. Check to see what arrangements are in place locally between the police and other agencies to preserve and retain evidence that may be of future use.


g) Another example of how you can build evidence is by making partners aware of potential evidence recorded within case management systems that may provide vital blocks in the evidence chain. These may include disclosures to housing officers, requests for assistance made via a community alarm, or injuries noted by health professionals, such as GPs, hospital staff or community nurses.

h) Whether the domestic abuse investigation is being carried out by a single agency or is multi-agency, effective information gathering of relevant material from all agencies that may have had interactions with the victim and perpetrator are key. Information-sharing agreements should be in place.

Tips on evidence building

A criminal case requires proof beyond reasonable doubt. This high threshold therefore requires a standard of evidence that is 'uncontaminated', such that a defence barrister cannot call its validity into question. To secure a conviction in any case can be a challenge. In domestic abuse cases it can often be one person's word against another. Having additional evidence that can stand up to scrutiny will help corroborate a victim's account.

Police officers refer to the 'golden hour'. This is a term used to describe that initial time just after a crime has been committed where material that might be of assistance to an investigation is readily available. It can refer to physical evidence like CCTV, statements, hospital notes or forensics from where the incident happened (the scene), the victim, witness and suspect – who may also be a 'scene' because of injuries or other evidence on them, for example, DNA from spitting or other bodily fluids.



Social workers can have a key role in being able to raise awareness of evidential opportunities to those affected by domestic abuse or to signpost other professionals.

You should bear the following in mind:

- Ensure that you maximise opportunities for the individual to be able to speak freely if you suspect that they are being subjected to domestic abuse, make sure that you speak to them in a safe place away from the person who may be causing harm.
- Do not use children or other family members to interpret.
- Do not 'interview' them if you suspect that a criminal offence has occurred. Only establish the basic facts sufficient to inform any necessary immediate next steps.
- Note down details of the relationship and any unsolicited comments they make about any previous reported or unreported incidents of abuse, violence, threats of violence, evidence of control or coercion.
- Record any unsolicited comments about incidents of sexual abuse the victim has not previously disclosed.
- Note down any witnesses to incidents, including friends, colleagues, family and children (the impact on the latter must be considered).
- Encourage recording of injuries. Medical records may constitute valuable evidence. Some injuries may not be apparent, for example, those hidden from view under clothing or hair, or scars from previous assaults.
- For cases involving coercion and control or harassment or stalking, how has the victim been isolated? Have you seen how they interact with family, friends, neighbours or schools? If so, make a note of it.
- For cases involving financial abuse, do they have details of bank accounts or statements which might provide evidence of financial control by the perpetrator?

- Photographic evidence is used regularly in domestic abuse investigations and prosecutions. It is always preferable that this is arranged through the police (or a specialist centre for sexual offences). Medical advice should always be sought and can provide independent evidence of injuries. It is good practice for social workers to make a written record of any visible injuries and the demeanour of the adult. There is differing professional opinion on whether a social worker should take photographs of injuries, so be cautious if you do so, and ensure you have written consent and that photographs are only taken of injuries that are clearly visible (ie without the removal of garments and never of intimate parts of the body). Photographs can also be taken of damage caused to property with the adult's consent.
- Evidence gathered during a criminal investigation may be used in other proceedings such as child contact. Photographs of injuries or damage may be used in civil proceedings if that is an option the adult wishes to take. Social media pages and screenshots of text messages on phones may be of use to demonstrate evidence of a deliberate act that affected the adult involved (or their child) and may enable the court to issue a civil order.
- Be alert to any aggravating features. If the perpetrator has used racist, anti-religious or homophobic language, or hostility has been shown towards the victim because of a disability then make a record of what was said and bring this to the attention of police.
- Other forms of evidence may be allowed in court, for example, hearsay evidence.
- Make a written note of what you have been told, and sign and date it. Always remember that what you write in any professional records could be disclosed in court proceedings, so be factual.
- Be honest with the adult and explain that in some circumstances you may have to tell the police.
- Domestic abuse often happens many times before it is reported. The police can arrange necessary support via an interpreter (or intermediary if the person has communication issues). This may be the first time that they have had the opportunity to talk fully and freely about everything that has happened.
- Many victims are concerned about giving an account to the police because they fear giving evidence in court. Tell them about support that may be available under the [Youth Justice and Criminal Evidence Act 1999 \(CPS: Eligibility for Special Measures\)](#). It introduced a range of measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The measures are collectively known as "special measures" and can include a screen so that the defendant can't see the witness; a televised live link so that evidence can be given outside the court; and a video-recorded interview.

What happens next?

For many victims of domestic abuse, their objective is simply for it to stop, or to find a safe way to leave. The level and seriousness of the risk to the victim and others in the household

isn't always immediately apparent to those caught in the situation. So, it is vital that social workers understand the risks and are able to outline the action that police might take.

So that victims cannot be blamed and to minimise the risk they may face, police have a duty to take 'positive action' when they are dealing with domestic abuse incidents. Positive action is sometimes confused with positive arrest. Positive arrest means that police officers should make an arrest when dealing with domestic abuse incidents, provided the grounds exist and it is a necessary and proportionate response.

While it is true that officers must be able to justify not making an arrest, in some situations it may be more appropriate to consider the option of 'positive action' to deal with incidents of domestic abuse. An example of this would be where police are called to a domestic argument but no offence has occurred, or where police can work with social workers to look at alternative options to safeguard those involved.

Police could in some circumstances decide to issue a police information notice or early harassment notice if the domestic abuse involves harassment. This police action doesn't mean that a criminal offence has occurred at this stage, but seeks to prevent further incidents happening which may prevent the situation escalating. However, if the behaviour continues the police action can form part of evidence gathering to establish a pattern of ongoing behaviour. The first priority of the police is to make the victim and any children safe. This may mean arresting a person suspected of an offence, where the power to arrest exists, or taking other positive steps to ensure safety, such as organising refuge accommodation or having a panic alarm fitted.

Benefits of a 'positive arrest'

- It can reduce repeat or escalating incidents. Victim safety is a paramount concern, particularly where children are involved, and referral to independent advocates in such cases is part of police procedures.
- It challenges and holds perpetrators to account for their actions and enables risk management measures to be put in place around the victim. The time can give the victim a 'safe space' and improve the likelihood of them engaging with the police and other services.
- It challenges an established pattern of controlling or coercive behaviour.
- Bail conditions or other preventive steps can be taken.

If you have any concerns that an aspect of police positive action may increase risk to the victim or others, or have an adverse impact on the investigation, you should bring this to the attention of the police officer who dealt with the matter from the outset. Ask for your concerns to be recorded and, if necessary, convene a multi-agency professionals' meeting to discuss an agreed course of action. If you still have concerns, you should escalate them to your manager and a senior police officer. While police must consider an arrest in every case, there are occasions when there are insufficient grounds or when it would not be a necessary or proportionate response. In these circumstances the focus should be on

protecting the victim and preventing further incidents by considering other forms of positive action.

Conclusion

Understanding other professionals' roles gives an insight into their decision making and the actions they take. It also improves how agencies can work together to tackle domestic abuse. Principles of the 'golden hour' are key to all investigations where vital evidence can be gained or lost within that precious initial time period.

Many incidents of domestic abuse are initially reported to health and social care or other voluntary agencies before they are reported to the police. The aim of this guide is to reduce circumstances where valuable evidence is no longer available and the victim has no recourse to justice for the abuse they have endured. Most importantly, it is designed to help partners work more effectively together to keep victims safe from further domestic abuse.

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