

Governance and Accountability

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Nationally:

A Domestic Abuse Commissioner will provide public leadership, play a key role in monitoring provision of services and encourage good practice in protecting and supporting people affected by domestic abuse, particularly children. The commissioner will sit on a national oversight board to which will hold local authorities to account for their strategies and services

Locally:

A multi-agency Domestic Abuse Local Partnership Board will assess need and develop a strategy for service provision:

- advocacy and advice
- specialist support for those with complex needs or protected characteristics
- housing-related support
- support for children
- counselling and therapy

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Local authority accommodation duty

The Act places a duty on local authorities in England to [support victims and their children in safe accommodation](#). Authorities must assess accommodation needs and have a strategy to meet this need.

Victims and their children will be recognised as having automatic 'priority' need for [homelessness](#) assistance.

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Children as Victims

For the first time, a child who sees or hears, or experiences the effects of, domestic abuse and is related to the person being abused or the perpetrator, is also to be regarded as a victim of domestic abuse in their own right.

This will help to ensure that locally-commissioned services consider and address the needs of children affected by domestic abuse.

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Introduction of [Domestic Abuse Protection Notice \(DAPN\)](#) and [Domestic Abuse Protection Order \(DAPO\)](#). This is a consolidation of existing protection orders

Breach of a DAPO is a criminal offence - maximum penalty of 5 yrs in prison. They can be applied for by third parties (eg professionals)

Perpetrators prohibited from [cross-examining victims](#) in family or civil court

Provision for a pilot scheme to test use of [mandatory polygraph examination](#) of offenders released on licence and identified as being at high risk of causing serious harm

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Key Themes

The Domestic Abuse Act 2021

- establishes a legal definition of domestic abuse
- provides additional protections for those who experience domestic abuse
- strengthens measures to tackle offenders
- recognises children who witness domestic abuse as victims in their own right
- increases the responsibilities of local authorities to provide services for victims/survivors
- creates local and national governance roles

Gender Neutral Definition

Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if:

- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) the behaviour is abusive.

This includes physical, emotional, economic, sexual abuse and controlling and coercive behaviour

'Personally connected' means: intimate partners, ex-partners, family members or individuals who share parental responsibility for a child

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Additional Protection Measures

- Coercion and control and economic abuse extended to include post-separation
- Domestic abuse disclosure scheme (Clare's Law) now on statutory footing
- New offence of non-fatal strangulation and extension of 'revenge porn' offence to include **threat** to disclose intimate images
- No defence of 'rough sex gone wrong' – [no one can consent to actual bodily harm or serious injury for purpose of sexual gratification](#)
- Establishes presumption that victims are eligible for [special measures in criminal, civil and family courts](#)

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Tackling Offenders



Domestic Abuse Act 2021