

The Domestic Abuse Act 2021

The [Domestic Abuse Act](#) provides further protections to the millions of people who experience domestic abuse, as well as strengthening measures to tackle abusers.

The Act became law in April 2021 and the Government released their [draft statutory guidance](#) in July 2021.

You can view the schedule of when the protections and measures covered by the Act come into force.



Schedule



Supporting victims

Statutory Definition

- This is the first ever definition of domestic abuse in UK law and includes emotional abuse, financial and economic abuse, coercive and controlling behaviour and post-separation abuse.
- To be covered by the definition, victim and abuser must be 'personally connected'. This means that they are, have been, or have agreed to be married or in a civil partnership, whether or not this agreement has ended. This also means they each have, or there has been a time when they each have had, a parental relationship in relation to the same child, or they are in an intimate relationship or that they are related.
- Both the abuser and the victim must be over 16.
- The definition is gender neutral, to make sure that all victims and all types of domestic abuse are covered and no victim is excluded from protection or access to services.
- It can be a single incident or course of conduct.



Domestic Abuse and Young People

Young people under the age of 16 are not covered by the statutory definition, but, we know that young people experience domestic abuse in their own relationships and this needs to be taken seriously. Young People are more likely than adult victims to still be in their abusive relationship at the point they access support.

[Harbour](#) are an independent registered charity and Durham County Council's commissioned specialist domestic abuse service. Their children and young people's team can work with young people who are experiencing and using abuse and/or violence in their relationships. To find out more and how to refer click on the link.

The draft statutory guidance gives further suggestions and sets out expectations of those working with young people who are experiencing domestic abuse in their own relationships. It highlights that education is key to addressing this issue and learning about [healthy relationships](#) and is now a statutory requirement in schools. If you are interested in finding out more please click the link.

Children and Young People's services are seeing an increase in Child and Adolescent to Parent Violence and Abuse (CAPVA), where a young person engages in abusive behaviour towards a parent or adult carer which is harmful and repeated. There is no statutory definition of CAPVA, and it is not considered domestic abuse unless the person using violence and abuse is over the age of 16. It is however, discussed within the draft statutory guidance that supports the Domestic Abuse Act. For more information and support around CAPVA please click on the links:

[Holes in the Wall](#)
[PEGS](#)

[CAPVA-Rapid-Literature-Review-Full-November-2021-Baker-and-Bonnick.pdf](#)
([domesticabusecommissioner.uk](#))

Domestic Abuse Commissioner

The appointment of a UK domestic abuse commissioner is a key measure of the Act. The commissioner will stand up for victims, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse. The commissioner will encourage good practice in the identification of children affected by domestic abuse and the provision of protection and support for these children.



Extension of Coercive Control Offence

Coercive Control was made an offence in 2015 and can carry a sentence of up to 5 years. The Act has extended this offence which means that it is no longer a requirement for abusers and victims to live together for behaviour to be viewed as coercive control. Those who leave abusive ex-partners can often be subjected to ongoing or increased controlling or coercive behaviour after separation. We know that victims are at heightened risk of being killed during the period immediately following separation. To find out more please click on the link [Practitioner guide to Coercive Control](#)

This change is significant for those victims of economic abuse, which doesn't require physical closeness but commonly continues, escalates and, in some cases, may begin after separation. This can be a real challenge for victims seeking to rebuild their lives. Figures show that 1 in 4 women report economic abuse after separating and that this can continue for many years after the relationship has ended. For further information and support around economic abuse please click on the links below:

[Financial and economic abuse - Womens Aid](#)

[I need help - Surviving Economic Abuse](#) a UK charity dedicated to raising awareness of economic abuse and transforming responses to it.

[Domestic abuse and support from DWP](#)



Hopefully this extension will contribute to further changes to the family court system, through a greater understanding of what continuing abuse after separation can look like and in particular the use of the family court system by abusers. To find out more about this please click the link:

[Emma Katz: Post Separation Fathering, Stalking and Domestic Abuse](#)



Supporting victims

Children as victims

The Act recognises that a child who sees, hears or experiences the effects of, domestic abuse and is related to the person being abused or the abuser, is a victim of domestic abuse in their own right. Previously phrases such as 'child exposed or witness to domestic abuse' made it difficult to see the different ways abusers harmed children and hid the choices the abuser was making as a parent, keeping them invisible. Along with other measures in the Act, this will hopefully lead to better support options for children and an earlier response in reducing further trauma.

For further information about the impact of domestic abuse on children and how they can be supported please click on the links below:

[Practitioner Toolkit](#) - resources and support links for professionals working with children, young people and families affected by Domestic Abuse.

[Partnered with a Survivor podcast, hosted by David Mandell – episode 2 focuses on the impact of post separation abuse on children](#)

[Undiscussable podcast series hosted by Charlie Webster who as a child was a victim of domestic abuse, focusses on childhood experiences and also the issue of gender within DA.](#)

[The Trap – podcast series hosted by Jess Hill looks at love, abuse and power](#) Episode 1 hears Liam and his sister Lily talk about their experience of being victims of DA and their different responses to it

[BBC documentary Home Truths with Ian Wright](#)

[Women's Aid Information: Impact on Children](#)

[Emma Katz: How Children living with Domestic Violence are Harmed by and resist regimes Coercive Control](#)

A resource for parents [safe lives parent pack](#)

Children and Young People's support [the hideout](#)

[The Ally Guide](#) a document produced by the Safe and Together Institute for family and friends of those experiencing Domestic Abuse and how they can support, ideal for Family Networks.

[If you are concerned about a child](#)

<https://www.basw.co.uk/resources/basw-england-domestic-abuse-guidance-social-workers-april-2021> recent guidance for Social Work practitioners supporting children, young people and families affected by Domestic Abuse.



Local Authority Accommodation Duty

This measure places a duty on relevant local authorities in England, including all those with social services responsibilities, to provide support to victims of domestic abuse and their children within refuges and other forms of safe accommodation. This doesn't have to be a refuge, it could be in dispersed properties with support from community based services. It requires each of these Local Authorities to undertake a safer accommodation needs assessment and from this produce a local strategy. They must also have domestic abuse local partnership board in place. In Durham this is the Domestic Abuse and Sexual Violence Executive Group (DASVEG) and it will be their responsibility to monitor and evaluate the effectiveness of the strategy. Local authorities will be required to report back to national government on the progress of this work. There will be a national oversight board chaired by a government minister, which the domestic abuse commissioner will sit on.

[Safe accommodation - our strategy - Durham County Council](#)

Statutory Duty for Housing Homelessness Eligibility


The Domestic Abuse Act amends homelessness legislation to give victims of domestic abuse automatic priority need status for settled housing and ensures that when local authorities rehouse victims of domestic abuse, they do not lose a secure lifetime or assured tenancy. The Act emphasises the importance of domestic abuse victims being supported to remain in their own home (if safe) and removing the abuser, schemes like Remain Safe can be used alongside other legal measures such as Domestic Abuse Protection Orders.

For further information about the Remain Safe scheme or to request a referral form email hsstrategicsupport@durham.gov.uk

To find out more about emergency accommodation and support services click on the link: [Local Refuges](#)

Criminal Justice System

The Act brings in a number of measures to improve and strengthen the criminal justice system in relation to domestic abuse, these include:

- Improving access to special measures for survivors, particularly in family court settings, such as giving evidence by video link along and a ban on direct cross-examination.
- Extending the controlling or coercive behaviour offence to cover continuing abuse after separation. To learn more about Coercive Control listen to Partnering with a Survivor podcast. 
- Creating a new offence of non-fatal strangulation, which is punishable of up to 5 years in prison.
- Extending the so called 'revenge porn' offence to cover the threat to disclose intimate images with the intention to cause distress, which can come with a sentence of up to 2 years
- Putting an end to the "rough sex defence" in court.
- Calling for the clarification of the use of barring orders (section 91(14) of the Children Act 1989) in family court to prevent abusive ex-partners from repeatedly taking victims back to court, which can be used as a continuation of abuse. This issue is explored in the Channel 4 Dispatches programme: [Torn Apart: Family Courts Uncovered](#)
- Stopping GP's and other health professionals from charging a victim of Domestic Abuse for a letter to support an application for legal aid.



Managing abusers

The Act brings in Domestic Abuse Protection Notice (DAPN) which are an emergency non-molestation and eviction notice which can be issued by the police, to an abuser, when attending to a domestic abuse incident.

The Act also brings in Domestic Abuse Protection Order **DAPO** which is the bringing together of existing protection orders in relation to domestic abuse which will allow courts to put in place prohibitions and positive requirements on abusers, as well as a monitoring requirement to ensure that abusers are complying with the terms of their order. Breaching a DAPO is a criminal offence and carries a maximum penalty of five years' imprisonment. Third parties will be able to apply for a DAPO directly to the Family Court, for example a social worker may be able to apply on behalf of individuals who they are working with and are experiencing domestic abuse.

For further information on DAPO'S click on the link above or the link below.

[Draft statutory guidance for DAPN's and DAPO's](#)

'Claire's Law'

'**Claire's Law**' The Act makes the disclosure scheme, otherwise known as 'Claire's Law', statutory. This should ensure the scheme is applied consistently across all police forces and help increase the number of applications. The scheme allows police to disclose information about an individual/abuser with a history of abusive and/or violent behaviour which would protect a victim from potential harm through two different routes:



'Right to Ask' and 'Right to Know'

A person can apply for a disclosure under the 'right to ask' if they are concerned about whether a partner or potential partner has a history of abusive behaviour. Third parties can also seek a disclosure if they are worried that someone is at risk, the police then have to decide whether or not to disclose any history of violent or abusive behaviour on the basis of whether it could prevent further harm.

The 'right to know' allows the police to make a proactive disclosure to a potential victim on their own initiative if they believe it could protect that person. The 'right to know' could arise following information received from a criminal investigation, or through a statutory or third sector agency.

Criminal Justice System

Alongside the non-fatal strangulation offence, invalidating rough sex defence, being unable to cross examine victims and criminalising the threat of using indecent images the Act brings in measures to manage abusers through extending the jurisdiction of the UK courts so that, where appropriate, UK nationals and residents who commit certain violent and sexual offences outside the UK may be brought to trial in the UK.

The Act enables the Secretary of State for Justice to impose mandatory polygraph examinations on very-high and high risk domestic abuse perpetrators. It will require those who meet the eligibility criteria to take a polygraph test three months post release from custody and every six months thereafter, unless the test is failed. In such circumstances the offender will be required to take the test more frequently.



Responses to the Act

The overall response to the Act has been positive. Survivors, specialist services and campaigners took all of the opportunities presented to affect change and this resulted in some of the key elements of the act. There needs to be continued involvement of all of these parties to action the measures highlighted. However, it is widely acknowledged there are still some areas lacking.

There are concerns that the act does not go far enough in offering equal protection for migrant women. Small progress has been made on ensuring victims' details are not shared with immigration control and will remove one of the many barriers migrant women face on disclosing abuse and seeking support. However, MPs rejected the Lords' amendments to give migrant women who have suffered domestic abuse equal protection. Just four per cent of refuge vacancies in England in 2019-20 could accept a woman with no recourse to public funds due to her immigration status, and this means that migrant women and their children are turned away daily from the support that they need. NRPF policy means that certain types of visas prevent individuals from claiming most forms of state benefits, including housing benefit – without which it is difficult for women fleeing domestic abuse to access refuge accommodation.

MPs voted down an amendment to the domestic abuse bill which would have placed serial domestic abusers and stalkers on the existing violent and sexual offenders register. The Government felt that adding a new category to the existing Multi-Agency Public Protection Arrangements would "add complexity" to those arrangements without any gain and felt that these offenders should be managed under the existing arrangements.

Campaigners were pushing for universal credit payments to be made to individuals to avoid all money to go into one account, therefore making economic abuse more difficult for abusers, however this didn't happen.

Local and National Support Services for Victims of Domestic Abuse

<https://www.myharbour.org.uk/make-a-referral> Specialist Service in Durham, can offer support to female and male victims, children and Young People and those choosing to use violence and abuse

<https://www.womensaid.org.uk/>

Support for our BAME population

<https://www.haloproject.org.uk/>

<https://www.imkaan.org.uk/>

<https://karmanirvana.org.uk/>

Support for Older Victims

<https://www.durham.gov.uk/socialcaresdirect> Alternatively call Social Care Direct on 03000 26 79 79.

<http://www.safeguardingdurhamadults.info/>

<https://dewischoice.org.uk/>

<https://wearehourglass.org/domestic-abuse>

Support for Male Victims

Domestic Abuse Helpline for Men | Men's Advice Line UK mensadvice.org.uk

<https://www.mankind.org.uk/>

Support for LGBTQ+

<https://galop.org.uk/>

Durham Pride UK <https://www.consortium.lgbt/member-directory/durham-pride-uk/>

Support for Gypsy, Roma Traveller Community

<https://travellermovement.org.uk/domestic-abuse-and-sexual-violence/>

specialist helpline for GRT women affected by Domestic Abuse

Local and National Support for those using violence and abuse

<https://www.myharbour.org.uk/make-a-referral>

<https://respectphoneline.org.uk/>

Other useful websites/pages

<https://safelives.org.uk/>

<https://www.womensaid.org.uk/dedicated-service-for-professionals/>

<https://durham-scp.org.uk/>

<http://www.safeguardingdurhamadults.info/>

<https://www.durham.gov.uk/firstcontact>

<https://www.dogstrust.org.uk/help-advice/hope-project-freedom-project/freedom-project>

Dogs Trust Freedom Project is a free dog fostering service for people fleeing domestic abuse and going into refuge.

