

REPORT TO: Safer Halton Policy and Performance Board
DATE: 16 September 2014
REPORTING OFFICER: Michael Andrews
SUBJECT: Domestic Abuse Consultation Document
WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 To update the Policy and Performance Board on the proposal to strengthen the law on domestic abuse to offer better protection to victims.

2.0 RECOMMENDATION: That

- (1) The report be received and noted; and**
- (2) The Policy and Performance Board raises any issues to be included in the response to the consultation.**

3.0 SUPPORTING INFORMATION

3.1 A new Home Office consultation published on the 20th August 2014 seeks views on whether the current law on domestic abuse needs to be strengthened to offer better protection to victims. It is specifically focused on whether a specific offence that captures patterns of coercive and controlling behavior in intimate relationships should be created.

3.2 Should the current law be strengthened?

There are arguments for and against making a specific domestic abuse offence.

At present, there is no specific offence of domestic abuse outlining that coercive and controlling behaviour in intimate relationships is criminal. These behaviours are captured in stalking and harassment legislation, but this does not explicitly apply to intimate relationships.

Some experts have argued that this means the law is ambiguous and perpetrators of domestic abuse are committing criminal acts but not being brought to justice.

3.3 Coercive and controlling behaviour have been brought within the non-statutory Government definition of domestic abuse:

“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.”

Controlling behaviour has been defined by government as ‘a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.’

Coercive behaviour has been defined as ‘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.’

- 3.4 The question the consultation asks is whether the law needs to be strengthened by creating a specific offence making it clear that coercive and controlling behaviours perpetrated in an intimate relationship to control someone or cause them fear are criminal?

There is said to be no need for greater clarity around violent behaviours, which are effectively criminalised through existing offences. However non-violent behaviours are criminalised through legislation that is not explicitly applicable to intimate relationships.

Victims of domestic abuse often fear the consequences of reporting their abuse for their families and even their perpetrators. Accessing the criminal justice system can be intimidating, particularly where a victim is likely to remain emotionally involved with their perpetrator.

- 3.5 Creating a new offence may also be seen as duplicating existing legislation relating to stalking and harassment, and distracting frontline agencies from the fundamental operational changes that are urgently needed to use the existing framework effectively.

Conversely, the HMIC report on domestic abuse makes it clear that the police fail to see domestic abuse, particularly in its non-violent form, as a serious crime. Acts that are clearly criminal are not referred for prosecution and arrest rate varies widely. Creating a specific offence of domestic abuse may send a clear, consistent message to frontline agencies that non-violent control in an intimate relationship is criminal. Explicitly capturing this in legislation may also help victims identify the behaviour they are suffering as wrong and encourage them to report it, and cause perpetrators to rethink their controlling behaviour.

The closing date for responses is 15 October 2014.

4.0 POLICY IMPLICATIONS

4.1 Any changes to the current legislation following the consultation period will need to be incorporated into our current policy and practices.

5.0 RISK ANALYSIS

5.1 None associated with this report .

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

At this stage there are no current implications

6.2 **Employment, Learning and Skills in Halton**

None

6.3 **A Healthy Halton**

At this stage there are no current implications

6.4 **A Safer Halton**

This consultation may lead to new criminal offences being created which will help to improve the way local partners deal with Domestic Abuse in Halton

6.5 **Urban Renewal**

None

7.0 EQUALITY AND DIVERSITY

None

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1 Everyone's Business: Improving the Police Response to Domestic Abuse.

<http://www.hmic.gov.uk/publication/improving-the-police-response-to-domestic-abuse/>

8.2 Strengthening the Law on Domestic Abuse: A consultation

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344674/Strengthening_the_law_on_Domestic_Abuse_-_A_Consultation_WEB.PDF