

Domestic violence



Policy Briefing 27

October 2014

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This briefing, the twenty-seventh in our Policy Briefing series, look at national and local policy around domestic violence. It covers national work – in particular, the Home Office Violence Against Women and Girls Strategy – as well as local work, which focuses on activity happening on a multi-agency basis, particularly where services will, from October 2014, be commissioned by the Police and Crime Commissioner.

The briefing will explore the ways in which scrutiny can contribute to enhancing the quality of local plans, and how it can raise the profile of domestic violence as an issue for a broad range of policymakers.

This briefing should be read alongside “10 questions to ask if you’re scrutinising outcomes on domestic violence” (CfPS, 2014). Both have been produced with the financial support of the Local Government Association. It sets out the policy context in England only.

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1. **The legal framework, responsibilities of national and local bodies**

How is domestic violence defined?

- 1.1 The current definition used across Government 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. The violence can encompass but is not limited to:

- Psychological;
- Physical;
- Sexual;
- Financial;
- Emotional.”

- 1.2 The Government has developed a definition for both “controlling” and “coercive” behaviour, which emphasises that very often such violence is not overtly physical in nature¹.
- 1.3 Within this broad definition, there are more specific descriptions which explain the fundamental characteristics of different kinds of domestic violence. Different typologies have been developed – such as “intimate terrorism”, “mutual violent control” and “situational couple abuse” - to account for the fact that different forms of domestic violence have different causes, different consequences and, as a result, require different kinds of intervention².
- 1.4 While the definition includes relationships between adults over 16 years of age, it is recognised that particular issues exist around violence where the perpetrator, the victim or both parties are teenage³.
- 1.5 It is important to recognise that:
 - Domestic violence should be seen in the context of wider issues around violence against women and girls, which incorporates prostitution and “modern slavery” (which includes human trafficking);
 - Notwithstanding the above, domestic violence is not solely a set of circumstances involving men as perpetrators and women as victims. Violence perpetrated by women against men, and

¹ Controlling behaviour is “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 is “an act of a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim”.

² A range of literature exists on the subject, but a short introduction is provided by Gilchrist et al, “Domestic violence offenders: characteristics and offending related needs” (Home Office Findings series 217, 2003)
<http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs2/r217.pdf>

³ “Information for local areas on the change to the definition of domestic violence and abuse” (Home Office, 2013), section 2
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/142701/guide-on-definition-of-dv.pdf

abuse perpetrated in same-sex relationships, also occurs, but not on the scale of violence involving men as perpetrators and women as victims. This policy briefing focuses on violence perpetrated against women and girls.

- 1.6 None of these descriptions are legal definitions. There is no “crime” of domestic violence or domestic abuse, although the Labour Party have recently suggested that, if elected, they will seek to introduce such an offence⁴. The Home Office launched a consultation in August 2014 to seek views on whether such an offence could be created⁵. In the literature, the terms “domestic violence” and “domestic abuse” are used; this briefing will use the term “domestic violence” in preference.

Links with other forms of abuse and vulnerability

- 1.7 Those who are victims of domestic violence may also be victims of other forms of abuse, or be closely linked to them⁶. Those involved in prostitution are considered to be particularly likely to be victims; victims of domestic violence are often in the same household as victims of child abuse (for example, a father perpetrating abuse to a mother and a child). Substance misuse is also a factor, as are mental health issues.
- 1.8 The concurrence of domestic violence, substance misuse and mental health problems has been called “the toxic trio” in some literature⁷. The concurrence of such a range of complex needs is one of the reasons why developing strategies to tackle domestic violence early is difficult. Inevitably, work to tackle domestic violence will closely relate to wider strategies to manage the lives of trouble families, and other early interventions put in place by councils and their partners to manage those with chaotic lives. However, this should not be interpreted as saying that only those who are victims of other forms of abuse, or have other vulnerabilities, can be victims of domestic violence.

Statistics

- 1.9 There is very limited information on the prevalence of domestic violence in the UK. There are a number of reasons for this:
- Domestic violence is significantly under-reported;
 - Where it is reported and action taken, knowing when an offence which is legally an assault should be considered as being an instance of domestic violence is difficult;

⁴ <http://www.bbc.co.uk/news/uk-28511862>

⁵ <https://www.gov.uk/government/consultations/strengthening-the-law-on-domestic-abuse>

⁶ “IDVA Information Briefing: Prostitution and domestic violence” (AVA, 2010), pp2, 5, 6
<http://www.avaproject.org.uk/media/62312/idva%20policy%20briefing%20december.pdf>

⁷ “Health visiting and school nursing programmes: supporting implementation of the new service model – No. 5: Domestic violence and abuse – professional guidance” (Department of Health, 2013)

- Abuse is often a pattern of behaviour, which the criminal justice system finds difficult to account for, and which makes counting individual offences particularly complex;

1.10 The statistics that do exist suggest that:

- 1.2 million women experienced domestic violence in 2011/12;
- In 2012/13, 88,110 domestic violence cases were referred to the Crown Prosecution Service (CPS)⁸;
- 82,517 women used outreach services provided by 185 organisations (with an affiliation to the charity Women's Aid, in a survey they carried out)⁹;
- On average, across the last several years 2 women a week have been killed by a male partner or former partner, around one-third of all female homicide victims;
- From the age of 16, almost 30% of women will / will have experienced some form of domestic violence;
- Overwhelmingly, women are more likely to have suffered from multiple incidents of domestic violence;
- In 65-77% of households where women are subjected to physical abuse, children are also maltreated;
- Of 2,653 CAADA service users in 2011/12, 35% had current child protection measures in place for their families;
- Where one or both married parents have drug or alcohol problems, it is three times more likely that there will be domestic violence within that family.

(Unless noted otherwise, statistics are from Co-ordinated Action Against Domestic Violence)

1.11 The economic costs to society are as significant as the personal costs in health, safety and happiness to individuals. CAADA estimates that domestic violence costs the taxpayer £3.9 billion per year; estimates on the impact of abuse on the wider economy place the figure at above £15 billion¹⁰. CAADA also estimates that if the IDVA/MARAC model for tackling domestic violence (see below) were adopted throughout the UK, for every £1 spent on that model £6 would be saved.

Responsibilities of national and local bodies

1.12 There are a number of organisations involved in the planning, development and delivery of policy around domestic violence at national and local level. The next two sections of this briefing will describe in more detail their priorities and responsibilities. In brief, however, they are:

⁸ "Violence against women crime report" (CPS, 2013)

⁹ "Women's Aid Annual Survey" (Women's Aid, 2013)

¹⁰ Walby, "The Cost of Domestic Abuse" (ONS, 2004)

1.13 *National level*

- Home Office
- Her Majesty's Inspectorate of Constabularies;
- Ministry of Justice
- National Probation Service (which has taken on the responsibilities of former Probation Trusts);
- Department for Communities and Local Government
- Department of Health
- Department for Education

1.14 *Local level*

- Local authorities (in their community safety role, but also in the need to provide refuge and support services to vulnerable women and their families, housing services, broader social care and children's services, education and public health – amongst other duties);
- Local providers (for example, those providing victim support services, refuge accommodation and so on, which are often jointly commissioned). Sometimes these services will be provided through commissioning and sometimes through alternative funding arrangements such as grants;
- Police;
- Local NHS bodies;
- Community rehabilitation companies (which are private bodies, which have taken on some of the responsibilities of former Probation Trusts, and who will have a role to play in relation to perpetrators);
- All of the above working together as part of Community Safety Partnerships;
- Police and Crime Commissioners;
- Local partnership-based domestic violence support services and groups (incorporating IDVAs and MARAC, under the oversight of the Home Office);

The focus on women

1.15 The focus, in policy and practice, on domestic violence perpetrated against women has been the subject of some controversy. It remains the case that while men are victims in around 40% of cases¹¹ (based on the number of incidents) of domestic violence overall, in more serious and sustained cases, women are victims 90% of the time¹².

¹¹ "25 key facts" (ManKind Initiative, 2014),

[http://www.mankind.org.uk/pdfs/25%20Key%20Facts_Aug%202014%20\(final\).pdf](http://www.mankind.org.uk/pdfs/25%20Key%20Facts_Aug%202014%20(final).pdf)

¹² "Domestic assault, sexual violence and stalking – Home Office Research Study 276", (Home Office, 2004), linked at <http://www.avaproject.org.uk/media/28384/hors276.pdf>

Domestic violence is a gendered crime, which is often intrinsically connected to the physical, cultural and social power imbalance between men and women. It needs to be seen in the context of a criminal justice, and social, system which until comparatively recently excluded and minimised the particular social, cultural and political disadvantages experienced. As such a gender-neutral response to domestic violence is often likely to be inappropriate – for example, gender-neutral refuge accommodation can be seen as excluding vulnerable women who may, in the aftermath of violence, be rightly unwilling to share personal space with men¹³.

1.16 Support services for men will be necessary. The fact that they are overwhelmingly not the victims of serious and sustained domestic violence does not make their needs as a group any less significant. However, the prevailing nature of the problem affecting women justifies the focus of local activity on them and their needs.

1.17 We highlight this issue in the section below on local commissioning.

2. National activity and funding

2.1 The Home Office “Violence Against Women and Girls” strategy is the key document which sets the priorities for those tackling this issue at national and local level. Its 2014/15 action plan focuses on:

- Early intervention. This is about stopping abuse from happening in the first place. It is based on the recognition that gender inequality underpins violence against women and girls, and work has centred on providing support in schools and in the workplace to enhance women’s aspirations;
- Supporting effective local approaches. This is about supporting the transition to more localised commissioning;
- Driving a culture change. This is about promoting a set of “leadership behaviours” in public services, tackling attitudes which make violence and abuse more likely, or which lead to it being minimised. This is about recognising the roles of both professionals and the public in challenging these attitudes;
- Join up with other Government programmes. This is about linking in with wider policy objectives around modern slavery, gang culture, child sexual exploitation, and international development policy;

¹³ It has been argued that this approach simplifies the policy response towards domestic violence, focusing it on the idea that all abuse stems from male power and patriarchy, to the exclusion of more complex ideas around causation. Supporters of the current, prevailing approach would claim that it engages with the various, complex causes of domestic violence by seeking to intervene early; they might however also say that the broad social and economic causes of domestic abuse are fundamentally underpinned by gender power imbalances. A different view was suggested by research carried out by the Centre for Social Justice (“Beyond abuse”, (Centre for Social Justice, 2012)), <http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/DA%20Full%20report.pdf>

- Better data and outcomes. This is about building a comprehensive evidence base to inform future approaches, including ONS data and victims' individual experiences.
- 2.2 This all sits within the overall aim of preventing abuse.
- 2.3 The action plan identifies a number of partners for the Government in delivering this work:
- The Child Exploitation and Online Protection Centre (CEOP), which has produced a range of materials for local and national use to promote awareness of the issue;
 - Schools, in relation to personal, social, health and economic education (PSHE) and sex and relationship education (SRE);
 - Academics, in developing an evidence base for further action;
 - The media, and media regulators, in relation to the depiction of domestic violence;
 - Social workers, locally and with the Troubled Families Programme;
 - Local commissioners, inasmuch as they are provided evidence on local referral pilots for perpetrators.
- 2.4 The outcomes of the action plan – particularly its aim to develop a broad evidence base for future interventions – will be useful for local commissioners, and for local councillors who scrutinise them. A lot of the activity being planned and delivered nationally relates to “primary prevention” – universal education and behaviour change in the general population – rather than more direct interventions, which tend to be for local commissioners to support and resource. We set out more information on primary, secondary and tertiary prevention in the sections below.

3. Local activity and funding: multi-agency working to date

Relevant partners and strategies

- 3.1 Domestic violence will frequently be highlighted in an area's Joint Strategic Needs Assessment, Health and Wellbeing Strategy and/or Community Safety Strategy. It is a feature in the Police and Crime Plans of a number of Police and Crime Commissioners (see below).
- 3.2 Domestic violence demands a multi-agency response, which is why it is particularly important that success requires that it be a prominent feature of these cross-partnership strategic documents. Some areas supplement this with a separate multi-agency domestic violence strategy, which underpins a joint commissioning approach for support services.
- 3.3 Since 2008, the landscape for domestic violence support and commissioning has changed significantly. The IDVA/MARAC model is now widespread and is used by most councils as they commission

services; the recent publication of the Code of Practice for Victims of Crime¹⁴ also influences the direction that decision-makers and commissioners take, nationally and locally. The position will change further in October 2014, when commissioning responsibility for victims' services will pass from the Ministry of Justice to Police and Crime Commissioners. This will be discussed in the next section.

Individual / Independent Domestic Violence Advisors / Advocates (IDVAs)

- 3.4 IDVAs are trained advisors who can provide practical advice and support to victims. They work across agencies to ensure that co-ordinated action is taken to tackle abuse¹⁵. The Government part-funds 144 IDVAs; nationally there are about 500, which is believed to be lower than the optimum number¹⁶.
- 3.5 Services provided by IDVAs are generally commissioned by the local authority, although many are commissioned jointly by the council and other agencies (particularly the local NHS, but often the local probation Community Rehabilitation Company (CRC) as well). The independence of the IDVA means that they are empowered to act as advocates for victims of domestic violence, and to work to bring partners together to deal with individual victims and their families.
- 3.6 Co-ordinated Action Against Domestic Abuse (CAADA) have launched a framework called Insights¹⁷ to assist areas in monitoring the outcomes of the interventions they make through their domestic violence policies, and specifically through the activities of IDVAs. Insights sees practitioners filling in three paper forms for each client which record outcomes; these are subject to validation by CAADA and can be used to monitor individual areas, and to provide benchmarking services.

Multi-Agency Risk Assessment Conferences (MARACs)

- 3.6 MARACs are meetings where the highest-risk domestic violence cases are discussed by a multi-agency team. The victim does not attend the meeting, but their interests are represented by the IDVA. MARACs have one-off discussions about individual cases – they do not manage a caseload and responsibility for delivery remains with the individual agencies which come together for the MARAC.

¹⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf

¹⁵ A full definition of the IDVA role can be found at <http://www.caada.org.uk/dvservices/resources-for-domestic-abuse-practitioners.html>

¹⁶ "A place of greater safety" (CAADA, 2012),

http://www.caada.org.uk/policy/A_Place_of_greater_safety.pdf

¹⁷ <http://www.caada.org.uk/dvservices/insights-for-domestic-abuse-services.html>

- 3.7 There are around 250 MARACs in operation across England and Wales – membership varies but will usually include the local IDVA service, police, probation, children’s services, housing and NHS bodies¹⁸.
- 3.8 An evaluation of the effectiveness of MARACs was carried out by the Home Office in 2011. The evaluation highlighted CAADA’s ten principles for an effective MARAC – although it did highlight challenges in achieving success against these principles. CAADA is currently undertaking work to consider whether more partners should be involved in MARACs as a matter of course¹⁹.
- 3.9 A number of issues were identified by the Home Office in 2011 as being critical to the ongoing success of MARACs²⁰. These are:
- Enhanced information sharing;
 - Appropriate agency representation;
 - A clear role for the IDVA;
 - Strong partnership links;
 - Strong leadership;
 - Strong co-ordination;
 - Availability of training.
- 3.10 CAADA amended the ten principles in late 2011²¹. CAADA now offers a supported self-assessment service for MARACs, alongside a wider programme of support via the MARAC Development Programme, which is funded by the Home Office until 2015. This involves each MARAC being supported by a MARAC Development Officer, part of whose role is to write self-assessment reports for the MARAC and CAADA to use to plan and deliver improvements.
- 3.11 The MARAC process – at a MARAC, a case is discussed in a focused way, with key information being shared by partners present. A multi-agency action plan is formulated and actions apportioned to individual partners, to be followed up in due course.
- 3.12 In order to decide what is, and is not, referred to a MARAC, a risk assessment of cases needs to be carried out. There are national templates for these assessments²².

¹⁸ “Supporting high risk victims of domestic violence – a review of MARACs” (Home Office, 2010), <https://www.gov.uk/government/publications/supporting-high-risk-victims-of-domestic-violence>

¹⁹ http://www.caada.org.uk/marac/Information_about_MARACs.html

²⁰ “Research into MARACs” (Cordis Bright for the Home Office, 2011), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/116538/horr55-technical-annex.pdf

²¹ http://www.caada.org.uk/marac/The%2010%20principles_Oct%202011%20v2_with%20sub%20principles.pdf

²² http://www.caada.org.uk/marac/Resources_for_people_involved_in_MARACs.html

The existing role of Police and Crime Commissioners

- 3.13 Since 2012, elected Police and Crime Commissioners have been playing an increasingly important role in the allocation of community safety funding in general, and in setting priorities for other partners in relation to crime and community safety issues. Formerly, funding was provided by the Home Office, and other national agencies, much of which was previously ring-fenced and provided directly to Community Safety Partnerships, and members of those partnerships. In the future, this funding will be provided from the MoJ to Police and Crime Commissioners. The PCC will take the decision on the areas to which funding will be prioritised, and who will provide those funded services.
- 3.14 Some PCCs have identified domestic violence as a priority for their tenure and it is featured prominently in their Police and Crime Plans. However, no national research has been carried out to establish whether this work has had a significant impact. It is expected that there will be more of a focus on the PCC role once commissioning and funding responsibilities for victims' services (which will include domestic violence) pass to PCCs in October 2014 – this is explained in more detail below.

In practice: the usual approach taken to tackling domestic violence at local level

- 3.15 Proactive measures: risk-based approach and prevention - The approach taken by many areas in tackling domestic violence focuses on primary, secondary and tertiary prevention. This allows resources to be directed at those areas with most needs, and means that IDVAs will know how to assign and manage cases. This typology can often be found in commissioning documents. It can be characterised as follows²³:
- Primary prevention through universal services. This is about tackling domestic violence before it occurs. It is often focused on school-based activities, such as through PSHE education. Studies into the effectiveness of such measures has been inconclusive – few studies have carried out proper follow-up on their impact, although there have been some individual examples of positive outcomes. It has been suggested that far more detailed and rigorous analysis of the impact of primary prevention through education needs to be carried out before its use can be scaled up in UK schools²⁴;
 - Secondary prevention (sometimes termed early intervention). This includes identifying those who are at particular risk of domestic

²³ From “Domestic violence and abuse review” (Early Intervention Foundation, 2014)

²⁴ Ibid, 58

violence, with a specific focus on populations within which there are high risks (we highlighted these groups in section 1, above);

- Tertiary prevention (sometimes termed late intervention). This involves intervening once domestic violence has been identified, where it is already causing harm.

- 3.16 For individuals at risk of domestic violence, the police use a system called ACPO DASH (Domestic Abuse, Stalking, Honour based violence). ACPO DASH is the risk assessment system developed for the police by the Association of Chief Police Officers. This has been in place nationwide since 2009. A specialised Victim DASH, for examining risk factors in relation to victims specifically, has also been developed²⁵. A separate but similar DASH has also been produced for MARACs by CAADA²⁶. DASH risk assessment is designed for use by all professionals involved in combating domestic violence. We discuss its use and implementation in the section below.
- 3.17 Reactive measures: criminal response – the initial police response to domestic violence has been strongly criticised by the HMIC in a recent thematic report. HMIC found that police forces around the country lacked the systems, and individual officers lacked the skills, to properly address and investigate instances of domestic violence.
- 3.18 The initial police response is bound up by the use, or misuse, of DASH (see above). HMIC found that DASH was widely misunderstood and misused by officers, based on a tick-box mentality which focused on compliance (ie, filling in the form being the end in itself) rather than outcome. Although the HMIC report does not go into the knock-on impacts of this approach, they can be imagined – a lack of data and intelligence on which operational policing is based, leading to unintelligent and ad hoc follow up by other agencies – particularly local government. For example, the high level of cautioning used by police in some areas (highlighted by HMIC) is likely to place more victims in the tertiary prevention category which will require sustained intervention through a MARAC; it risks prolonging the presence of highly vulnerable victims in the “tertiary” category, with all the associated risks this entails.
- 3.19 In relation to the criminal justice system and the courts, the position is no less problematic.
- 3.20 Historically, a very small proportion of domestic violence cases make their way to court. Specialised Domestic Violence Courts (SDVCs) were introduced nationwide from 1999 to try to tackle this problem. A Home Office-funded evaluation took place in 2004, which was followed by detailed national guidance on their operation in 2006. A further

²⁵ <http://www.dashriskchecklist.co.uk/>

²⁶ http://www.caada.org.uk/marac/RIC_for_MARAC.html

evaluation was carried out in 2008. This highlighted some significant successes in bringing perpetrators to justice, but also concerns relating to support for victims (highly relevant for local authorities), support for children affected (again, relevant for LAs) and support for those involved from BME backgrounds. In particular, evaluations have highlighted the success of SDVCs when they operate in the same place as a strong MARAC, and a strong IDVA system.

- 3.21 Reactive measures: civil orders – under the Crime and Security Act 2010 a new scheme was established permitting the making of civil orders to tackle domestic violence. Called Domestic Violence Protection Notices (issued directly by the police) and Domestic Violence Protection Orders (issued by the courts), these were piloted in three areas in 2011/12. These have been implemented in other European and Commonwealth jurisdictions and called removal or “go” orders – essentially they require a perpetrator to leave a household for a set period of time.
- 3.22 DVPOs are applied for by the police and granted by the courts.
- 3.23 The use of DVPOs was evaluated by the Home Office in 2013. The evaluation highlights that their use represents a significant change in emphasis from the IDVA/MARAC processes set out above. Those processes focus on proactive prevention and risk-based case management, while the DVPO model is designed to be reactive where a problem has already occurred.
- 3.24 The Home Office evaluation concluded that there was a positive impact, particularly on repeat incidents, of DVPOs. DVPOs, in the pilot study, were associated with the additional reduction of “one incident of domestic violence per victim-survivor compared to arrest followed by NFA [no further action]”²⁷. The evaluation notes that DVPOs appear to be more effective in “chronic” cases. A value for money analysis showed a net negative social and economic impact of DVPOs, although this was explained by the deliberately conservative methodology being used. The evaluation was couched in cautious terms, with the authors taking care to highlight the methodological limitations of the analysis they had carried out.
- 3.25 There are three other main civil orders which can be applied for directly by victims. Other orders do exist (for example, general civil orders to prevent the commission of a tort, such as trespass).
- 3.26 *Occupation orders* were designed explicitly as a domestic violence remedy – removing a perpetrator from the family home for a limited period of time (up to 12 months) their use has expanded. They can

²⁷ “Evaluation of the pilot of Domestic Violence Protection Orders: Research Paper 79” (Home Office, 2013)

now be used to remove a partner from a house when credible alternative accommodation exists for one of them, rather than where there is a prevailing issue of abusive conduct²⁸. A power of arrest can be attached to an occupation order. Often, the use of an occupation order will occur alongside “target hardening” – the replacement of locks, installation of window locks and alarms and so on – aimed at reducing the risks associated with a perpetrator’s return.

- 3.26 *Non-molestation orders* are also available. These forbid an abuser from using threats or violence, from intimidation and harassment, and from communication with the victim. A breach is a criminal as well as a civil offence.
- 3.27 *Prohibited steps orders* prevent someone from taking away a victim’s children, which is particularly relevant where a person threatening the removal of a child usually has the (joint) care and control of them. It does not prohibit a person from seeing a child, and should be seen in the context of s1 of the Children Act 1989, which states that the best interests of a child will be paramount.
- 3.28 There has been a trend for civil orders (particularly occupation orders) to be used by local partners as a substitute for the placement of victims in refuges. There is little direct evidence on the prevalence of this issue although it has been highlighted by advocacy groups. We highlight the concern in the section below on common issues relating to commissioning.

4. The commissioning landscape

Introduction to commissioning and domestic violence

- 4.1 We have already produced a guide to commissioning and procurement (Policy Briefing 10, July 2012)²⁹. Commissioning is not the same as traditional outsourcing and “contracting-out”. It is a process which sees the commissioner working with service users, and service providers, to establish and assess need, to set priorities, to work with providers to deliver against those priorities, and to monitor outcomes – with the need to improve being explicitly built in to all of the above.
- 4.2 Commissioning arrangements are usually long-term in nature, and involve significant flexibility, as commissioners, providers and users are expected to work together to enhance and improve the service itself.
- 4.3 Central to effective commissioning is the ability to understand the local market for a service, and how this is influenced by regional and national circumstances. Historically, for domestic violence services this

²⁸ Grubb v Grubb [2009] EWCA Civ 976

²⁹ <http://www.cfps.org.uk/policy-skills-briefings>

market has been typified by the presence of small-scale, locally-led organisations providing a range of services (including advocacy) for victims. This is now changing in some areas, and other organisations such as housing associations are increasingly becoming involved.

- 4.4 We have already noted that many services for victims of domestic violence are locally commissioned. These include:
- Refuges for victims of domestic violence;
 - Domestic violence outreach services such as counselling or floating support;
 - Specialist domestic violence services, including specialist refuges;
 - Other facilities such as Sexual Assault Referral Centres, Rape Crisis Centres and so on;
 - IDVA services;
 - Support and advocacy services for victims;
 - Mental health services for victims, particularly for those suffering from depression;
 - Other specialist services – for example, those relating to children.
- 4.5 Many of these services are commissioned jointly by councils and others working together. Some are commissioned directly by the council. They should rest on a local violence against women and girls (VAWG) or domestic violence strategy, which will mean that the services will be provided in an evidence-based way. They will also need to recognise the needs of victims – some of whom will have complex support needs which go beyond the traditional boundaries of a domestic violence service, which may reflect the fact that they are part of the BME community, that they may be refugees (or people whose immigration status is subject to ongoing investigation), or that they may choose not to pursue a solution to their situation through the criminal justice system.
- 4.6 Some national guidance exists on the commissioning of these kinds of services³⁰. As with many other local services however, local commissioners have significant freedom to determine need and deliver services themselves, with little being defined nationally.

Common issues relating to commissioning

³⁰ Ministry of Justice guidance at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/203979/victims-services-commissioning-framework.pdf (for victims)

- 4.7 Some have expressed concerns about the ability of local authorities and their partners to commission these services effectively³¹. Below we set out some of the most common criticisms. Some of these criticisms relate to the broader funding challenges which affect councils' ability to plan and deliver services across a broad spectrum of policy areas, not just domestic violence. We should stress that these criticisms do not reflect universal poor practice, or systemic problems across the sector, and may exist to varying degrees, separately or jointly, in some places and not others.
- 4.8 Commissioning is not sufficiently joined up – particularly where a local area lacks an integrated Violence Against Women and Girls (VAWG), or domestic violence and abuse, strategy. Individual services, such as refuges, may be commissioned without reference to the broader health, educational and housing needs of victims of domestic violence. Or strategies may, for example, focus on the criminal justice response and community safety responses to domestic violence (ie, tertiary prevention, as discussed above) rather than earlier interventions. This may focus resource on solutions which are high cost, but which offer low impact, because they are enacted only once abuse has happened.
- 4.9 Commissioning does not take into account the cross-border nature of domestic violence services – women tend to access services such as refuges which are not in their local area, for reasons of safety. In this context councils will find themselves providing services to significant numbers of non-residents, while their own residents access services in neighbouring areas. It can be difficult for commissioning arrangements to take account of this, especially where such arrangements are limited to an individual council area and an individual CCG. For example, increasingly, local authorities are placing caps on the numbers of “out-of-area” women accessing refuge provision. Although the reforms to housing benefit will still see refuge accommodation being exempted³², this may still have a negative impact.
- 4.10 There is a lack of understanding within local authorities of the practical challenges that victims face and the range of services that they require – in the first section of this briefing we highlighted the difference between gender-neutral solutions and those which see gender as an intrinsic element of domestic violence. A number of local authorities have adopted gender-neutral approaches, which have been identified as compounding local difficulties, particularly in relation to refuge

³¹ Some of these criticisms were outlined by the Equality and Human Rights Commission's study of women-only domestic violence services (Research Report 86, 2012),

http://www.equalityhumanrights.com/sites/default/files/documents/research/rr86_final.pdf

³² Women's Aid: <http://www.womensaid.org.uk/domestic-abuse-articles.asp?section=00010001002200210002&itemid=2864>

provision (see below). In general, there is seen to be a lack of skill and capability amongst local government commissioners^{33 34}.

The developing role of Police and Crime Commissioners

- 4.11 From October 2014, the commissioning landscape will change further. Police and Crime Commissioners (PCCs) will have a key role in designing and delivering programmes to tackle domestic violence, under powers granted by Government under section 56 of the Domestic Violence, Crime and Victims Act 2004. This is as part of the transfer of responsibilities for the commissioning of services for victims from the Ministry of Justice to Police and Crime Commissioners.
- 4.12 It should be stressed that this change will make no difference to the local commissioning of services such as IDVAs, refuges and other forms of support.
- 4.13 Commissioning is being carried out in line with the Victims' Services Commissioning Framework, published by the Ministry of Justice³⁵. The framework sets out eight areas that should be seen as the priority for support services:
- mental and physical health;
 - shelter and accommodation;
 - family friends and children;
 - education, skills and employment;
 - drugs and alcohol;
 - finance and benefits;
 - outlook and attitudes;
 - social interactions.
- 4.14 There are three groups in particular to whom services should be targeted. These are victims of serious crime, those being persistently targeted, and the most vulnerable and intimidated. Victims of domestic violence can certainly be seen as fitting within at least one of these categories and in many instances, all three.
- 4.15 Funding is being devolved to PCCs to allow them to commission this work. Devolved funding may not be used to commission services for people who are victims of anti-social behaviour (although PCCs are free to commission those services using their own funds).

³³ In a survey of 300 council managers carried out by The Guardian in 2013, 77% of respondents felt that they needed more training to carry out their commissioning role properly, with 14% advising that they were already being asked to carry out roles for which they did not have the skills.

³⁴ "Choice and competition in public services" (Institute for Government, 2012),

<http://www.instituteforgovernment.org.uk/publications/choice-and-competition-public-services>

³⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/203979/victims-services-commissioning-framework.pdf

- 4.16 Apart from this restriction PCCs will be free to commission whatever services they consider appropriate, within the context of the commissioning framework – in partnership with others should they risk. It should be pointed out that some services of relevance to the victims of domestic violence will continue to be commissioned nationally (rape crisis centres, for example).

5. Implications for scrutiny

- 5.1 Scrutiny has a critical role to play on domestic violence. In the separate publication, “10 questions to ask if you are scrutinising domestic violence”, we set out some of the practical issues and how they can be addressed. Below, we set out some key factors which present opportunities and challenges for scrutiny in this area.

The impact of funding cuts

- 5.2 Research carried out in 2012 found that, between 2010/11 and 2011/12, there was a 31% funding cut to the domestic violence sector in England (a reduction from £7.8 million to £5.4 million)³⁶. The challenge that this has placed on local authorities and their partners sits alongside the issues raised earlier around the effectiveness of commissioning exercises. It should be taken into account that this cut reflects the broader funding cuts that local authorities have had to absorb, with the central Government Revenue Support Grant (RSG) for councils having been cut by a similar level in many areas.
- 5.3 Funding issues emphasise the importance of being able to accurately assess need as part of a commissioning exercise. It also means that scrutiny will have to think more creatively than just suggesting that budgets be increased. The challenge of maintaining IDVA (see above) services in this environment is becoming particularly acute, and it is no coincidence that recent scrutiny reviews have highlighted this issue (see **Rotherham**³⁷).

Breadth of agenda and silo working

- 5.4 A number of authorities carrying out scrutiny reviews on domestic violence were challenged by the breadth of the subject matter. Recognising this breadth will be important in the planning stages of reviews – practitioners should recognise the opportunities arising from this as well as the risks.
- 5.5 Approach 1: For example, there could be opportunities to incorporate an awareness of domestic violence into reviews on other subjects – for

³⁶ “Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls” (Northern Rock/Trust for London, 2012),

<http://www.trustforlondon.org.uk/wp-content/uploads/2013/09/VAWG-Cuts-Full-Report.pdf>

³⁷ <https://moderngov.rotherham.gov.uk/mgAi.aspx?ID=64919>

example, a review of social housing could look at housing for vulnerable groups, including victims of domestic violence. A review of mental health services could look in particular at the availability of specialist services for victims.

- 5.5 Approach 2: Alternatively, scrutiny work could look at domestic violence across the piece, hoping to identify the various different council and partner responsibilities and ensuring that any obvious gaps are identified. Most scrutiny reviews on this subject do involve members taking evidence from a wide range of witnesses. This is clearly necessary but does have resource implications in terms of preparation, which would need to be factored in to any plan.
- 5.6 Approach 3: Another alternative would be to look at a particular aspect of multi-agency working. Given the centrality of risk, and effective risk assessment, to successfully tackling domestic violence, a review which highlights this area, in the context of a meaningful needs assessment, might be particularly productive.
- 5.7 Approach 4: An approach which focuses on one element of prevention, rather than primary, secondary and tertiary together, might be a good use of resources. A review which looks at primary preventative measures may well need to involve very different people, from different organisations, to a review which focuses on secondary and tertiary prevention (like **Redbridge's**³⁸ work).
- 5.8 Approach 5: Some reviews, such as **Birmingham's**, have focused primarily on the role of the council and, by extension, the local Community Safety Partnership. This is an equally valid approach, particularly where commissioning operates in such a way as to make this kind of review viable. However, particular care is needed to make sure that key issues are not unintentionally excluded as a result.

Engaging with victims directly

- 5.9 It may be difficult for scrutiny to attempt to engage with victims directly. For most scrutiny work, we would recommend such direct engagement as it presents a key mechanism to give local people a voice. For domestic violence in particular, it might be seen as empowering to give victims the opportunity to speak out about their experiences. However, many such victims remain at risk of physical abuse or are unwilling to talk about their own personal experiences. Reliving those experiences in public (or even in a private review group meeting with a large number of people present) could be traumatic. As such, engaging through advocacy groups (such as local Women's Aid groups) – in a way which is sensitive to the needs of victims – is likely to be the most effective option.

³⁸ <http://cfps.org.uk/library?item=9735&offset=3375>

- 5.10 When handled sensitively, hearing the testimony of victims can be particularly powerful. **Bexley**³⁹ spoke to both victims and perpetrators as part of their work, which gave members an insight into the issue which would have been very difficult to come by on the basis of second-hand information.
- 5.11 Thinking about victims' needs will – whatever the broader subject matter – need to be central. This may involve focusing a review on the cultural, and age, specific needs of victims (as happened in **Hackney**⁴⁰), or looking specifically at the challenges associated with early detection and disclosure of abuse (as happened in **Leeds**⁴¹). To be able to do this, practitioners will need to have a clear idea (as work is being scoped) about the cultural and age profile of victims in the area who are being provided with services. This needs to bear in mind that significant numbers of local victims will be having services provided out-of-area.

³⁹ <http://www.bexley.gov.uk/CHttpHandler.ashx?id=10495&p=0>

⁴⁰ <http://www.hackney.gov.uk/Domestic-Violence-Scutiny-Review.htm#.VD-7I2ddVCg>

⁴¹ <http://www.leeds.gov.uk/docs/Scrutiny%20Inquiry%20into%20tackling%20domestic%20violence%20and%20abuse%20-%20final%20report.pdf>