

Domestic Abuse (POLICY ONLY)

OFFICIAL

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Policy

National Context

[Authorised Professional Practice](#) (APP) is produced by the College of Policing as the official source of professional practice on policing. All officers and staff are expected to have regard to APP in discharging their responsibilities. Essentially, our “policy” is to comply with APP as it develops to cover all areas of policing.

Where content exists within APP, we should not be reproducing it locally but instead signposting the on-line version. Similarly, we should not retain or develop any local policy documents if the subject matter is covered by APP. We may have some relatively low volume procedural documents but only if they are deemed necessary to supplement the content of APP.

Statement

Leadership & Me framework and the Just Principles

As an organisation, through our policies and Leadership & Me framework, we will ensure we create a consistently great place to work were, as Healthy People:

- You take responsibility for how you behave.
- You are inclusive and any exclusion is addressed.
- You have a safe space to speak, and things are talked out.
- You can focus on doing your own job well.
- You are trusted and empowered to make decisions and do the right thing.
- We are all One Team - inquisitive and open to new ways of doing things better together.

The Leadership & Me framework means we have a consistent approach to our behaviours across the organisation, and therefore consistent approach through our policies, which is necessary to deliver against our One Team ethos. The Leadership & Me framework is underpinned by our Just Principles:

JUST LISTEN	ACTIVE LISTENING CARE & RESPECT EMOTIONAL INTELLIGENCE
JUST LEAD	PRIDE & DIRECTION RESPONSIBILITY TRUST – HONESTY & HUMILITY DELIVERY
JUST THINK	MAKING DECISIONS CONTINUOUS IMPROVEMENT ADAPTING PLANS CHANGE
JUST TALK	TEAMWORK COURAGE-SPEAKING UP PERFORMANCE FEEDBACK RELATIONSHIPS

Merseyside Police views domestic abuse as unacceptable in all forms.

Domestic Abuse (Domestic Abuse Act 2021) refers to incidents (or patterns of incidents) of abusive behaviour between individuals aged over 16, who are “personally connected” (refer to [Appendix 1](#)). The behaviour is abusive if it consists of any of the following:

- a) physical or sexual abuse;
- b) violent or threatening behaviour;
- c) controlling or coercive behaviour;
- d) economic abuse (meaning any behaviour with a substantial adverse effect on a person’s ability to acquire, use or maintain money or other property, or obtain goods or services);
- e) psychological,
- f) emotional
- g) or other abuse;

It does not matter whether the behaviour consists of a single incident or a course of conduct. The behaviour may also be “towards” an individual, even though the actual conduct is directed at another person (for example, someone’s child).

It now has a statutory definition as created under Sections 1 to 3 of the Domestic Abuse Act 2021. This definition is set out in [Appendix 1](#).

Domestic Abuse includes so-called 'honour' based abuse (HBA), female genital mutilation (FGM) and forced marriage (FM), and is clear that victims are not confined to one gender or ethnic group.

Controlling or coercive behaviour – Serious Crime Act 2015 (SCA) Section 76:

Officers must be able to recognise controlling or coercive behaviour as it can be a warning sign of a risk of future violence towards the victim and although conduct may appear low-level, any behaviour or pattern suggestive of controlling or coercive behaviour must be treated seriously and investigated to determine if an offence has been committed (under the [Serious Crime Act 2015 \(SCA\) section 76](#)). Controlling or coercive behaviour towards another can also include or be committed in conjunction with a range of other offences.

The Home Office describes **controlling behaviour** 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.

The Home Office definition of **coercive behaviour** is: 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.

Controlling and coercive behaviour is a criminal offence, it can also be a warning sign of risk of future violence towards the victim. It can take a range of forms, often involving micro-management of the victim's daily life, or setting rules for the victim which, when broken, lead to consequences for the victim.

A further explanation of controlling or coercive behaviour, examples of such behaviour and details of the relevant offences, are available in [Authorised Professional Practice \(APP\) for Domestic Abuse](#).

The statutory definition of domestic abuse, contained within the Domestic Abuse Act, explicitly recognises controlling or coercive behaviour as a form of domestic abuse. [Section 68 of the 2021 Act](#) amended the definition of 'personally connected' (in Section 76 of the Serious Crime Act 2015) which removed the 'living together' requirement for the controlling or coercive behaviour offence contained in the 2015 Act. From 5th April 2023, the controlling or coercive behaviour offence applies to intimate partners, ex-partners or family members, regardless of whether the victim and perpetrator live together.

To support implementation of the new offence, updated statutory guidance on controlling or coercive behaviour has now been published and can be accessed via the following link - [Controlling or coercive behaviour: statutory guidance framework - GOV.UK \(www.gov.uk\)](#).

The [Crown Prosecution Service \(CPS\) Domestic Abuse Guidelines for Prosecutors](#) provide guidance in such situations and advice regarding application of the domestic abuse policy, which should be applied irrespective of the age of the offender or complainant. For offenders under 18, [CPS legal guidance on Youth Offenders](#) also applies.

The definition of domestic abuse includes a wide range of relationships within the family context. Key 'types' of abuse, expressed as different relationship contexts, include: intimate partner abuse, abuse within teenage relationships, abuse by family members and child-to-parent abuse.

Intimate relationships can take many different forms and can include same sex relationships, partners do not need to be married or in a civil partnership and abuse can occur between non-cohabiting intimate partners.

Teenage relationship abuse is not a term that is defined by the 2021 Act, or elsewhere in law. However, if the victim and perpetrator are at least 16 years old, abuse in their relationship can fall under the statutory definition of domestic abuse. Whilst young people under the age of 16 can experience abuse in a relationship, it would be considered child abuse as a matter of law. Abusive behaviours by one young person toward another, where each are aged between 16 and 18 could be both child abuse and domestic abuse as a matter of law. Ultimately, in responding

to cases of abuse involving those under 18, child safeguarding procedures should be followed (see [Chapter 4.5](#)).

Abuse by family members involve domestic abuse perpetrated by a family member which can include by children, grandchildren, parents, those with “parental responsibility”, siblings, or extended families including in-laws. The definition of “personally connected” at [Section 2 of the 2021 Act](#) (see [Appendix 1](#)) makes reference to relatives and relative has the meaning given by section 63 of the Family Law Act 1996. Abuse may be perpetrated towards a victim by more than one relative.

Child-to-parent abuse refers to abuse within the family, also commonly referred to as Adolescent to Parent Violence/Abuse (APV/A) and Child and Adolescent to Parental Violence and Abuse (CAPVA). Child-to-parent abuse can involve children of all ages, including adult children, abuse towards siblings, grandparents, aunts, uncles as well as other family members such as those acting as kinship carers. If the child is 16 years of age or over, the abuse falls under the statutory definition of domestic abuse in the 2021 Act.

This policy and underpinning procedures will be adhered to in all incidents that fall into the above definition. However, where the victim is under the age of 18 and is subject to abuse by a partner, former partner or family member (as above) who is over 18 years of age, the [Child Abuse Policy](#) also will apply, and safeguarding procedures initiated, taking into account any principles of this policy which may be appropriate.

Where a child under 16 years of age is abusing a parent, grandparent or other family member over 18 years of age, safeguarding principles should be applied in relation to the child: the matter should be referred to Children’s Services and investigated as appropriate, according to the [Child Abuse Policy](#).

Aims

The main aim of the policy is to protect the lives of adults and children by reducing the risk of domestic abuse. When domestic abuse has occurred, our aim is to facilitate effective action against offenders so that they can be held accountable through the criminal justice system.

Objectives

Main objectives are to:

- a) Vigorously investigate all reports of domestic abuse.
- b) Work proactively with voluntary and statutory partner agencies to prevent and reduce domestic abuse.
- c) Deal effectively with cases of domestic abuse involving police officers/staff who are involved as both victims and perpetrators.

- d) Treat all victims courteously and according to need, keeping them supported and fully informed from initial contact and throughout the investigation.
- e) Ensure guidance provided is adopted as a minimum standard for reporting, investigation and preparation of court files.
- f) Deal with all reports of domestic abuse in a prompt and timely manner.
- g) Ensure all incidents of domestic abuse are brought to the attention of the Area Investigations PVP (Protecting Vulnerable Persons).
- h) Ensure all incidents are recorded as reported and in accordance with National Crime Recording Standards and National Standards for Incident Recording.
- i) Improve accuracy of statistical data.

Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

This policy document sets out principles to help guide decision making and is in some parts quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk-based decisions centred on the needs of the victim and the merits of each case. Non-statutory policies, including College of Policing APP and the Domestic Abuse 2021 Statutory Guidance, provide guidance only. They are 'living documents' and it is recognised that there may be a better way of doing this. Accordingly, if staff depart from a policy but are able to give a good rationale for their actions, and have acted with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported.¹

All officers will be held accountable for the adoption of this policy. Chief Officers and managers will show strong leadership in addressing relevant issues.

The Chief Officer lead for this policy is Assistant Chief Constable with responsibility for Investigation and Intelligence.

Outcome Evaluation

Outcomes should reflect specific objectives and be measured against those objectives on a routine basis.

In general terms, adherence to this policy should:

- a) Improve the quality of service to victims of Domestic Abuse
- b) Improve the quality and timeliness of prosecution files
- c) Increase the number of offenders brought to justice

¹ This paragraph inserted 21/06/2016 to emphasise appropriate use of discretion. Version number remains unchanged.

- d) Ensure reporting and recording of Domestic Abuse incidents is compliant with national guidance
- e) Increase active involvement with partner agencies

Data Protection Act (2018)

This policy and procedure has been assessed for compliance with the General Data Protection Regulations and Data Protection Act 2018 by the Data Protection, Corporate Support and Development Unit. Any victim data obtained and/or shared will be subject to General Data Protection Regulations and Data Protection Act 2018.

Freedom of Information Act (2000)

The Freedom of Information Act 2000 grants a general right of access to all types of recorded information held by public authorities. Any requests made for this policy should be forwarded to freedom.of.information@merseyside.police.uk