



Home Office

Domestic Violence Protection Orders (DVPO)

**One year on – Home Office assessment of
national roll-out**

Policy Background

1. Domestic Violence Protection Orders (DVPOs) and Domestic Violence Protection Notices (DVPNs) were rolled out across all 43 police forces in England Wales from 8 March 2014. DVPOs are a new civil order power that fills a “gap” in providing protection to victims by enabling the police and magistrates courts to put in place protective measures in the immediate aftermath of a domestic violence incident where there is insufficient evidence to charge a perpetrator and provide protection to a victim via bail conditions.
2. A DVPN is an emergency non-molestation and eviction notice which can be issued by the police, when attending to a domestic abuse incident, to a perpetrator. Because the DVPN is a police-issued notice, it is effective from the time of issue, thereby giving the victim the immediate support they require in such a situation. Within 48 hours of the DVPN being served on the perpetrator, an application for a DVPO may then be made by the police to the magistrates’ court. A DVPO can prevent the perpetrator from returning to a residence and from having contact with the victim for up to 28 days. This allows the victim a degree of breathing space to consider their options with the help of a support agency. Both the DVPN and DVPO contain a condition prohibiting the perpetrator from molesting the victim.
3. The introduction of DVPOs followed a review in 2009 led by Chief Constable Brian Moore (the then National Policing Lead for Violence and Public Protection) on serial perpetrators of domestic violence. The Domestic Violence Protection Notice (DVPN) and Domestic Violence Protection Order (DVPO) were introduced by sections 24-33 of the Crime and Security Act 2010. The relevant sections were commenced from 30 June 2011 for one year in three pilot areas – West Mercia Police, Wiltshire Police and Greater Manchester Police (GMP).
4. The pilot ended on 29 June 2012. It found DVPOs reduced re-victimisation compared to cases where arrest was followed by no further action – on average, one fewer additional incident of reported domestic violence per victim over an average follow-up period of just over a year. The reduction in re-victimisation was greater when DVPOs were used in cases where there had been three or more previous police attendances. The pilot also found that front-line practitioners and victims viewed DVPOs positively. An independent evaluation of the pilot can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf

How DVPOs work

5. DVPOs are based on a two-step process:
 - a. *First step* - on being called to an incident of domestic violence, if the police have reasonable grounds to believe the victim remains at risk of domestic violence, they can choose to issue an emergency non-molestation and eviction notice – the Domestic Violence Protection Notice (DVPN). A DVPN can be issued without the consent of the victim. Because the DVPN is a police-issued notice, it is effective from the time of issue, thereby giving the victim the immediate support they require in such a situation. The issuing of a DVPN requires police authorisation at superintendent rank or above.
 - b. *Second step* - within 48 hours of the DVPN being served on the perpetrator, an application to a magistrates’ court for a Domestic Violence Protection Order must then be made by the police and heard by the court. Sundays and public holidays are

excluded from this 48 hour time limit. The DVPN continues in effect until the court has reached a decision. If the court rules that the victim requires continued protection, they may issue a DVPO which can last for a minimum of 14 days to a maximum of 28 days. Breach of a DVPO would be dealt with under the provisions of the Magistrates' Courts Act 1980, which applies to breach of any order of the court. The perpetrator could be committed to prison for up to two months or fined up to £5,000. Breach of a DVPO is a civil Contempt of Court, treated as a breach of a Civil Order under Section 63 of the Magistrates' Courts Act. Section 57 (a) of the Act allows for the transfer of civil proceedings.

Aims and approach

6. This report sets out the findings from an assessment of the operation of DVPOs since national roll-out commenced in March 2014. It draws on information collected by the police and supplied to the Home Office, plus workshops with a small number of practitioners who have delivered the scheme.
7. The report looks at how the measure is working in practice with a view to identifying any further lessons learnt to inform the development of the policy. The assessment is not designed to consider any impact DVPOs may have had on domestic violence and abuse victims or estimate the "value for money".

Numbers of DVPNs authorised, DVPOs granted and DVPOs breached

8. All 43 police forces provided data on the number of DVPNs authorised by a rank of Superintendent or above, the number of DVPOs granted by a court and the number breached. The data spanned the period from the date in 2014 each force implemented the scheme to 31 December 2014. It should be noted that this was a voluntary return from forces and is indicative data only. The date of implementation of the scheme was staggered across force areas, meaning that the data is not comparable between forces. Data from an extended time period (1 January 2015 to 31 July 2015) was requested from forces that could easily extract it. 17 forces returned data.
9. The data supplied by 43 police forces shows that from implementation up to 31 December 2014, a total of 3,337 DVPNs had been authorised by a superintendent or higher, with 3,072 DVPOs granted by magistrates. 565 (18%) of DVPOs had been breached (see table at Annex A). The number of DVPNs issued varies between forces with some making significantly higher use of the provision than others. The staged rollout (see para 8) may or may not have had a bearing on this. GMP has the highest numbers of utilisation under the scheme. It was a pilot force and the data provided includes that period.
10. Data from the 17¹ police forces that submitted returns from 1 January 2015 to 31 July 2015 shows that a further 1,384 DVPOs were granted during this period. This could indicate that use of DVPOs continues to be mainstreamed into the police response to domestic violence and abuse.

¹ Forces that returned data: South Yorkshire, Nottinghamshire, Kent, Leicestershire, Essex, Wiltshire, North Wales, North Yorkshire, Avon and Somerset, Cheshire, Norfolk, Derbyshire, Northumbria, Staffordshire, Lancashire, Thames Valley, Greater Manchester Police.

Stakeholder workshops

11. In addition, four stakeholder workshops were conducted with 34 practitioners (21 police representatives, nine magistrates and four from support services) spread geographically across England and Wales.
12. Specifically, the workshops explored: the nature of DVPO cases including characteristics of notices and applications; perceptions of police officers, magistrates and support services staff involved in implementing DVPOs to capture lessons learnt; and insights into the effectiveness of DVPOs at protecting victims.
13. It is important to note that the small sample size means that the findings should not be taken as representative of all practitioners working in these sectors, nor of all areas. The findings should be used as indications of the views and experiences of some practitioners in some locations across England and Wales. A summary of the high level themes arising from the stakeholder discussions is below:

Perceptions of the DVPO scheme

- The DVPO was viewed as positive as it provides victims with the immediate protection from a violent and / or abusive situation.
- A high level of awareness of DVPOs was reported by the practitioners taking part in the workshops who viewed them as a useful tool in helping to tackle domestic abuse.
- Magistrates suggested that understanding of DVPOs in their sector could be further improved through clearer guidance around the court process and, in particular, sentencing guidelines for breaches.
- Police participants reported a reasonably high level of awareness of DVPOs amongst frontline officers. There was lower levels of awareness amongst officers who were not regularly using them. Police participants suggested refresher training to those officers who had had limited contact with the scheme.

The DVPO process

- Police should consider the risks of coercive control in domestic violence cases to ensure DVPOs are not just targeted at cases with obvious signs of physical abuse.
- Those taking part in workshops highlighted the importance of proper risk assessment. This was thought to be particularly relevant in incidents where the issuing of a DVPO impacts on a perpetrator's contact with children in the household.
- Practitioners agreed DVPO conditions need to be proportionate, clear, necessary and enforceable.
- Criminalisation of breaches of a DVPO would bring advantages but also limitations.
- Practitioners agreed that establishing and maintaining good inter-agency communication and referral processes were key to the effectiveness of DVPOs.

Support service provision

- Findings showed a need to ensure victims are routinely made aware of local support services as well as wider national services.

Examples of good practice

14. Good practice is emerging in some forces which have appointed specific legal teams to assist in the processing of DVPO applications, and have arranged for all applications to be heard at the same magistrates' courts locally.
15. Authorisation has proved an issue where cases are challenging. An example of best practice in dealing with this was the introduction of a triage system to screen cases before the authorisation of the superintendent is sought. The use of trained junior officers in the capacity meant that cases were better positioned at the point that senior authority was applied for.

Policy considerations

16. Based on the findings of this assessment and a wider internal review of the scheme, the following considerations are aimed to further improve the DVPO scheme and help it become embedded as part of routine practice.

Considerations	Detail
1	Provide clearer guidance to magistrates on the DVPO process and sentencing guidelines for breaches.
2	Home Office to consider an annual collection of data from all police forces on the number of DVPOs authorised, DVPOs granted and breached via the Annual Data Return (ADR) to monitor national implementation.
3	Home Office, Ministry of Justice and the College of Policing to work together to ensure training programmes for the police and courts are coordinated and encompass best practice and lessons learnt with regard to DVPOs.
4	The police to be trained to identify coercive control in domestic violence cases to ensure DVPOs are not limited to cases where there is only obvious physical violence.
5	Home Office to work with Police and Crime Commissioners and the National Policing Lead to ensure police forces maintain good communication and cooperation with service providers and are routinely signposting victims to local support services.
6	Consider how to implement effective interventions on perpetrators as part of the DVPO process.
7	Consider holding a public consultation on criminalising the breach of a DVPO.
8	Police forces should work to ensure all officers are aware of DVPOs through face-to-face briefings, in order to allow for better promotion and an increased use.

Next Steps

Guidance review

17. The Home Office will work with the Ministry of Justice to ensure clearer guidance is provided to magistrates on the DVPO process and for breaches and ensure that training programmes for courts encompass best practice and lessons learnt in relation to DVPOs.
18. The College of Policing has launched a training package on coercive control for police officers and this will be underpinned by revised guidance on DVPOs to be issued by the Home Office in 2016.

Data collection

19. The Home Office is currently considering what data they will collect from the police in 2016/17 as part of the Annual Data Requirement and this may extend to DVPOs. If the proposal is approved, the data collection could include the number of DVPNs authorised by a superintendent, the number of DVPOs granted by courts and the number of breaches. This would allow for a national assessment of how the scheme is being utilised by police forces. To ensure transparency, the intention would be for this data to be published annually on Gov.Uk

Consultation

20. The Home Office will consider holding a public consultation on criminalising the breach of a DVPO.

DVPO data 8 March 2014 - 31 December 2014 by Police Force Area

	No. of DVPNs authorised by Supt.	No. of DVPOs granted by court	No. of DVPOs breached	DVPO start date ¹
Avon & Somerset	88	67	11	01/06/ 2014
Bedfordshire	19	18	0	12/06/2014
Cambridgeshire	3	3	1	01/07/2014
Cheshire	55	52	11	02/06/2014
Cleveland	43	38	7	30/06/2015
Cumbria	23	18	5	30/06/2014
Derbyshire	77	70	15	23/06/2014
Devon & Cornwall	53	51	7	02/06/2014
Dorset	41	29	0	02/06/2014
Durham	26	24	5	14/07/2014
Dyfed-Powys	9	8	1	19/05/2014
Essex	229	199	45	01/06/2014
Gloucestershire	7	4	1	02/06/2014
GMP ²	1339	1283	197	01/08/2011
Gwent	23	14	3	15/09/2014
Hampshire	47	33	9	19/05/2014
Hertfordshire	45	42	12	30/06/2014
Humberside	13	13	5	18/08/2014
Kent	54	51	12	01/09/2014
Lancashire	34	31	1	28/07/2014
Leicestershire	54	52	8	09/06/2014
Lincolnshire	23	19	6	23/06/2014
Metropolitan	37	34	7	03/11/2014
City of London	0	0	0	01/11/2014
Merseyside	181	154	29	27/05/2014
Norfolk	34	26	7	16/06/2014
North Wales ³	31	26	10	30/06/2014
North Yorkshire	7	7	1	30/06/2014
Northamptonshire	10	9	3	23/06/2014
Northumbria	147	115	18	30/06/2014
Nottinghamshire	66	60	10	23/06/2014
South Wales	28	24	4	30/06/2014
South Yorkshire	51	41	16	02/06/2014
Staffordshire	46	44	12	30/06/2014
Suffolk	23	14	2	04/08/2014
Surrey	71	59	11	18/06/2014
Sussex	31	30	7	12/06/2014
Thames Valley	11	11	3	30/06/2014
Warwickshire ⁵	30	-	-	01/06/2014
West Mercia ^{2&5}	112	-	-	01/04/2013
West Midlands	52	52	6	30/06/2014
West Yorkshire	53	49	32	02/06/2014
Wiltshire ^{2&4}	11	198	25	01/06/2011
TOTAL	3,337	3,072	565	

Note 1: DVPO data supplied is from the date the force started (specified in "DVPO start date" column) to 31 December 2014.

Note 2: GMP, West Mercia and Wiltshire are the 3 original pilot areas. Data shows number of DVPNs, DVPOs and Breaches since these forces started operating DVPOs.

Note 3: Indicative management data provided by North Wales Police

Note 4: Wiltshire figures are for the period June 2011 to August 2013

Note 5: Some forces were not able to return the full set of data requested.