Policy name: Domestic Abuse Policy Framework

Re-Issue Date: 2 April 2020  Implementation Date: 2 March 2020

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: None

Introduces amendments to the following documents: n/a

Action required by:

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Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

Context: Anyone can be a victim of domestic abuse regardless of sex or gender identity, cultural heritage or ethnicity, sexual orientation, religion or belief, or disability. There are different kinds of abuse that can happen in different contexts. The most prevalent type of domestic abuse occurs in relationships, but the definition of domestic abuse also covers abuse between family members, such as adolescent or adult child to parent violence and abuse and abuse between siblings.

People with disabilities are more vulnerable to domestic abuse for longer periods of time, and experience more severe and frequent abuse than non-disabled people.

Perpetrators are not all the same and the factors that lead them to using violence and aggression in their intimate relationships can be as individual as the people themselves. There is an increasing understanding that domestic abuse is a child safeguarding issue, and the damaging effects that either witnessing or experiencing it can have on children are well documented.

Her Majesty’s Prison and Probation Service is committed to reducing domestic abuse-related reoffending and the risk of serious harm associated with it.

The government’s Ending Violence Against Women and Girls (VAWG) Strategy 2016-2020 sets out its ambition for national and local government, local partners and agencies work together to prevent further victims and to support those who have experienced abuse. The government is committed to preventing all forms of gender-based violence and addressing it wherever and however it occurs. These crimes disproportionately affect women and girls, however the government recognises in the Position statement on male victims of crimes considered in the VAWG strategy that a significant number of men and boys also experience domestic abuse. These crimes can have a lasting impact on all victims and survivors.
The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 specifically addresses violence against women. Its key purpose is to improve the public-sector response in relation to the prevention of acts of gender-based violence, domestic abuse, and sexual violence, the protection of victims, and support of those affected.

The Act places a duty upon the local authority and the Local Health Board to prepare a strategy for the local authority's area. The Government has introduced a Domestic Abuse Bill to Parliament, representing the commitment to transform the response to this crime. The Bill includes a comprehensive package of measures to tackle domestic abuse, better protect and support victims of abuse and their children and bring perpetrators to justice.

**Associated documents:**

*Risk of Serious Harm Guidance 2020*
HMPPS Interventions Referral and Suitability Guide (May 2019)
NOMS Domestic Abuse Guidance (August 2016)
Women’s Policy Framework
PSI 18/2016 - Public Protection Manual
PSI 04/2016 - The Interception of Communications in Prisons and Security Measures
PI 04/2016 - Determining Pre-Sentence Reports - Sentencing within the new framework
PI 19/2015 - Health and safety arrangements for the risk management of home / community visits
PI 09/2015 - Licence Conditions and Temporary Travel Abroad
PI 48/2014 - Victim Contact Scheme Guidance Manual
AI 14/2014, PI 13/2014, PSI 19/2014 - Sentence Planning
Manage the Custodial Sentence Policy Framework
PI 05/2014, PSI 14 2014 - Case Allocation
PI 57/2014, PSI 41/2014 - Process for Community Rehabilitation Companies to refer cases in custody or the community to National Probation Service for Risk Review, including escalation
Home Detention Curfew (HDC) Policy Framework
Release on Temporary Licence (ROTL) Policy Framework
CRI 019 - Registrations

**How this Policy Framework will be audited or monitored:**

Audit/monitoring: Public Prisons - Prison Group Directors will monitor their prisons’ compliance with the Framework’s requirements.

Privately Managed Prisons - monitoring of compliance will be through the standard contract management processes.

Providers of Probation Services - compliance is monitored by Divisional Directors of Probation (DDPs) in their region and by senior contract managers.

Quality assurance is provided by the HMPPS Operational & System Assurance Group.

**Resource impact:** Proper management of perpetrators of domestic abuse will be achieved through supervision, accredited programmes, and appropriate referral into multi-agency processes and arrangements. This will ensure they have access to measures designed to support their rehabilitation and prioritises the safeguarding of adults and children who may be at risk as a result of domestic abuse.

There are no new requirements in this framework. Case management expectations and risk assessments are in line with existing Probation and Prison Service Instructions. The range of interventions, as well as the suitability and eligibility criteria for Accredited Programmes (including
intimate partner violence (IPV)), remain the same. National Probation Service (NPS) Court staff using the Effective Proposal Framework (EPF), are expected to propose an Accredited Programme (e.g.) Building Better Relationships (BBR) in all cases where perpetrators meet the relevant criteria. There is thus no additional impact as a result of this framework and enough resources are available for the provision of accredited IPV offending behaviour programmes. In relation to case management, staff are already expected to consider home visits in cases of domestic abuse and/or safeguarding; Probation providers have guidance for undertaking Home Visits and staff should undertake these in line with their organisation’s current guidance.

No additional resources are required to implement this framework for people in prison. Sharing information in relation to risk is already an expected element of all staff’s practice and responsibilities for Prison Offender Managers (POMs) are in line with Offender Management in Custody (OMiC) expectations. No additional training for prison or seconded probation staff is necessary to implement the requirements in the framework. Prisoners will access accredited programmes whilst in custody in accordance with the current arrangements and there are no changes to the existing public protection measures used by POMs to assess, monitor and manage the risks posed by prisoners. Rather this framework pulls together expectations in to one place.

Contact: ppps@justice.gov.uk

Deputy/Group Director sign-off: Gordon Davison

Approved by OPS for publication: Sonia Crozier, Michelle Jarman-Howe, Joint Chairs, Operational Policy Sub-board, 28 February 2020
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1. **Purpose**

1.1. This policy framework (PF) sets out the arrangements for working with people whose convictions or behaviours include domestic abuse. It also recognises there are individuals in our care and supervision who have been victims of domestic abuse. Her Majesty’s Prison and Probation Service (HMPPS) has a key role to play in tackling domestic abuse by bringing together prisons, probation providers and partners as part of its wider role of protecting the public and reducing re-offending.

1.2. The purpose of this policy framework is to set out HMPPS’ commitment to reducing domestic abuse-related re-offending and the risk of serious harm associated with it, to provide interventions to support rehabilitation and ensure staff at all levels understand what is expected of them, and to ensure that action is taken to safeguard adults and children at risk.

1.3. In order to support the ambitions of the cross government Ending Violence Against Women and Girls (VAWG) strategy, this PF has been developed to address the work in prisons and in the community. The term Responsible Officer (RO) is used to refer to staff allocated a named individual to be managed on a community sentence. For those in custody who will be managed through OMIC distinction is made between OMIC roles (Prison Offender Manager - POM / Community Offender Manager - COM) to align with their agreed roles and responsibilities. In this document the term Governor also applies to Directors of Contracted Prisons.

2. **Definition of domestic abuse**

2.1. Domestic abuse is defined across government as any incident of controlling, coercive, or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of their gender or sexuality. This definition will remain in use until April 2021 when it should be widened and become a statutory definition.

2.2. Domestic abuse covers, but is not limited to:

- psychological;
- physical;
- sexual;
- financial; and,
- emotional forms of abuse.

2.3. Controlling behaviour can involve 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.

2.4. 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 a person.

2.5. The definition is inclusive of intimate partner violence and wider familial abuse. The majority (approximately 80%) of the people in our care have committed IPV and as such, this framework mainly focuses on IPV, however all individuals committing domestic abuse
3. **Evidence**

3.1. There is a multitude of statistics about the prevalence of domestic abuse. While they differ in their focus and emphasis, they almost invariably support the view that domestic abuse is widespread. In March 2019, the Office for National Statistics (ONS)\(^1\) reported that, according to the Crime Survey for England and Wales year ending March 2019, an estimated 5.7% of adults (2.4 million) experienced domestic abuse in the last year. (This includes partner / ex-partner (non-sexual), family abuse (non-sexual), and sexual assault or stalking carried out by a current or former partner or other family member).

3.2. A higher percentage of adults experienced abuse carried out by a partner (4.2%) than by a family member (2.0%). The police recorded 746,219 domestic abuse-related crimes in the year ending March 2019. This was an increase of 24% from the previous year.

3.3. Just over one-third (35%) of the 1,671,039 violence against the person offences recorded by the police in the year ending March 2019 were domestic abuse-related.

3.4. The Home Office Quality Assurance Panel considered 34 Domestic Homicide Reviews (DHRs) from 1st January 2016 to 31st July 2017 where a provider of probation services had supervised the perpetrator during the period under review. Of the 34 cases, 26 (76%) were intimate partner homicides. The remaining 8 cases (24%) were familial homicides.

3.5. There is a substantial amount of research describing the impact of domestic abuse. Different sources have a different emphasis, but what is beyond dispute is that domestic abuse has a significant and overwhelmingly negative effect on those who experience it.

3.6. Given the prevalence of domestic abuse, HMPPS recognises that we will work with victims as well as perpetrators and that some members of staff are experiencing or have experienced domestic abuse previously. The well-being of staff is of utmost priority and we operate an Employee Assistance Programme (EAP), which is a free and confidential service available to all HMPPS staff who need advice and support. The EAP is available 24 hours and throughout the year and the number to call is 0800 019 8988. Further information on supporting staff can also be found in the NOMS Domestic Abuse Guidance 2016.

3.7. There are national and local organisations that can offer confidential help and support to all victims of domestic abuse and to perpetrators who are concerned about their behaviour and the impact on their partners and children. It is important to note that services, including their contact details, are subject to change from time to time. It is therefore recommended that individuals requiring help and support use the following Freephone helplines who will be able to assist with identifying services/organisations that are specific to the needs of the individual. There is also information available at:

https://www.gov.uk/guidance/domestic-abuse-how-to-get-help

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\(^1\) Source ONS 2019, available at https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2019
Anyone undertaking internet searches should consider whether the evidence of such a search history may put them at further risk.

- National Domestic Abuse Helpline: 0808 200 0247
- Live Fear Free Helpline (Wales): 0808 80 10 800

3.8. Internationally, evidence for the effectiveness of Intimate Partner Violence (IPV) programmes is mixed. This conclusion is predominantly based on studies conducted in the United States, where programmes are designed and delivered in a very different way to within England and Wales, often without adherence to the general principles for effective rehabilitation. While methodologically rigorous studies from England and Wales are scarce, one of the largest such studies, conducted by Bloomfield and Dixon (2015), offered promising results. This study evaluated the effectiveness of two historical HMPPS community programmes, the Integrated Domestic Abuse Programme (IDAP) and Community Domestic Violence Programme (CDVP). These preceded and formed the basis of the current suite of IPV programmes (Kaizen and Building Better Relationships). The study found that both programmes demonstrated small but significant effects in reducing both IPV and general reoffending in the 2 year follow up period. CDVP also demonstrated a significant effect in reducing non-IPV violent offending. There remains a need to continue to develop the evidence base for IPV interventions in order to determine what works best for whom and under what conditions. This need is supported by both the UK Government (VAWG strategy 2016-2020) and by various stakeholders represented through the ‘Transforming the Response to Domestic Abuse’ consultation 2018-2019.

4. Outcomes

4.1. This PF highlights expectations for working with domestic abuse perpetrators and sets out access to interventions and referral routes including those aimed at protecting victims and children. Governors, Local Delivery Unit (LDU) Heads and CRC Chief Executives are expected to ensure that the mandatory actions are followed so that:

- all staff, in line with their roles and responsibilities, are pro-active in looking for indicators of domestic abuse, i.e exercising professional curiosity, so that it is identified at the earliest possible opportunity in every case;
- staff maintain an investigative approach to their work with domestic abuse perpetrators and share information to manage risks identified, in order that;
- potential victims, including family members and children, are protected and supported sufficiently;
- a comprehensive risk assessment (using the Offender Assessment System (OASys) or other approved authority tool and a Spousal Assault Risk Assessment (SARA) is completed in every case where IPV domestic abuse is present, so that acute risk factors are assessed and where required, a plan is in place to manage the risk;
- all eligible and suitable domestic abuse perpetrators are referred to an appropriate accredited programme, so that their criminogenic needs are addressed;
- domestic abuse perpetrators who are not eligible for accredited programmes have a sentence plan with an alternative intervention or rehabilitation activity requirement (RAR) suitable for their criminogenic needs; and
• activities to reduce domestic abuse-related reoffending and risk of serious harm are prioritised in every case of IPV and familial domestic abuse.

5. Requirements

5.1. **HMPPS commitment to domestic abuse** - senior managers in NPS, CRCs and HMPS must ensure that tackling domestic abuse is prioritised by their organisation. This will include:

• ensuring the PF is promoted and adhered to at an operational level;

• nominating a competent manager from within their Division, CRC or establishment, to ensure that requirements of this PF and issues relating to domestic abuse more generally are integrated and embedded into all aspects of practice. For establishments this will typically be the Head of Offender Management Delivery (SPO);

• prioritising staff access to available training, appropriate to their role, to increase their knowledge and skills in relation to the issues surrounding domestic abuse and create an environment in which domestic abuse is tackled;

• ensuring prison and probation staff are professionally supported appropriate to their role;

• provide guidance to ensure the expectations for the **management oversight** of domestic abuse and safeguarding cases are clear to staff; and,

• provide guidance to ensure the expectations for **home visits** for domestic abuse and safeguarding cases are clear to staff.

6. Identification & sentencing

6.1. **General** - the identification of domestic abuse is not a one-off activity that occurs at the start of the sentence. Throughout sentence all staff need to use an investigative approach, being vigilant and inquisitive in seeking out information from a wide range of sources to inform an ongoing assessment of whether domestic abuse features in current or previous relationships, and approaching the issue with **professional curiosity**.

6.2. Key workers, staff providing interventions such as accredited programmes, psychology, education, employment, healthcare, unpaid work and Approved Premises will all have regular contact with individuals as well as those in offender management roles will be well placed to identify behaviours that may indicate domestic abuse. Examples may include:

• behaviour witnessed during sessions, visits or phone calls, e.g jealousy, aggression, threats, degrading comments;

• attempts to breach restrictive measures designed to protect partners and/or children;

• individuals suggesting beliefs and attitudes that are supportive of abuse;
• behaviours indicating stalking e.g. consistent calling, sending letters; or,
• identification of new relationships especially where commenced whilst in custody.

6.3. A key finding in many Serious Further Offence reviews (SFOs) and DHRs is that a more investigative approach should have been taken. Staff may have contact with partners and family members in a range of situations and should be alert to indications of domestic abuse on home visits, social visits in custody, and any other situation where they have family contact.

6.4. Given the prevalence of domestic abuse and the likelihood that some staff may have personal experience of it, staff and managers should take time to reflect on personal experiences and the potential for bias. This can help to reduce the chances of those experiences impacting on the likelihood of accurate identification and assessment.

6.5. **Advising the Court** – NPS report writers must:

• search for any available indicators of domestic abuse in all cases (not just those where the index offence is obviously one of domestic abuse). This includes checking detail from any relevant previous convictions, victim statements, witness statements, previous OASys or other assessments, reports, records and interviews;

• where domestic abuse is evidently a feature, seek information from key agencies such as the police, Children’s Services, and any other partnership agencies in contact with and relevant to the individual and victim, where the information is not already known. Where it is considered the information will significantly affect the sentence, but is not available in time, court staff are able to request an adjournment;

• record details of the information requested from other agencies, as well as the outcome, clearly on nDelius, marking contacts as sensitive where necessary;

• select the appropriate pre-sentence report as set out in PI 04/2016;

• complete a SARA where domestic abuse is evidently a feature, to ensure critical risk factors are assessed. SARA can be used to assess both men and women involved in heterosexual, same-sex and transgender relationships;

• verify, as far as is possible, the information given, and not rely solely or predominantly on self-reporting;

• ensure the Effective Proposal Framework (EPF) informs recommendations for sentence and propose an accredited programme (e.g. BBR) for all individuals assessed as eligible and suitable. Report writers must consider sentence length in making such proposals to ensure there is sufficient time to complete proposed interventions. (The eligibility and suitability criteria for accredited programmes, together with other information about programmes are available in HMPPS Interventions Referral and Suitability Guide (May 2019);

• where an individual is not suitable or eligible for an accredited programme, recommend a Rehabilitation Activity Requirement (RAR) in order that rehabilitative interventions for domestic abuse can be undertaken;
• consider restrictive requirements to support effective risk management, for example prohibitive activity, exclusion requirements, and/or location monitoring in all cases including those of familial abuse;

• assess use of restrictive requirements against potential risk of harm concerns, for example inclusion of a curfew requirement where the offender is resident at the same address as their partner/children; and,

• consider the need to take immediate action to protect victims and children, for example when protective bail conditions have been lifted after sentencing, establishing immediately where the individual is living, and act to safeguard victims and children.

6.6. **Following sentencing** - NPS court staff must:

• set the relevant risk registers to flag domestic abuse on nDelius (see CRI 019); and,

• pass on to the allocated probation provider or prison all the applicable paperwork including the SARA, police call out information and safeguarding checks (where received) in line with PI 05/2014.

6.7. **In prison** – On reception to custody, allocation must be taken in line with OMiC POM Allocation Guidance (September 2019). On allocation of a new case:

POMs must:

• search for any available indicators of domestic abuse in all cases (not just those where the index offence is obviously one of domestic abuse). This includes checking detail from any available documents i.e. relevant previous convictions, victim statements, witness statements, previous OASys or other assessments, reports, records and interviews with the individual;

• check for any court or police-imposed restrictive measures, such as a restraining order or domestic violence protection order;

• record any identified concerns about domestic abuse within the OMiC DPS Case note on P-NOMIS; and,

• apply the domestic abuse risk alert to the record where necessary.

Keyworkers should:

• read available records thoroughly

• discuss any concerns they have about domestic abuse with the allocated POM (these could be from contact with an individual or from information within records)

6.8. **In the community** – Middle managers must ensure that cases are allocated to ROs / COMs with the appropriate level of skills and knowledge to effectively manage domestic abuse perpetrators. Allocation must align with agencies’ tiering frameworks and guidance.

On allocation of a new case, or following release on licence, ROs / COMs must check the relevant case management and risk assessment systems to establish whether:
• domestic abuse has been identified either at court or in custody and activate relevant risk registrations on nDelius or other case management system if this has not already been done (see CRI 019);
• check for any court or police-imposed restrictive measures, such as a restraining order or domestic violence protection order;
• there is clear information about the children the person has contact with, and if not, follow up identifying those children and where necessary exchanging information with Children’s Services; and,
• there is clear information about the person’s residence and who they live with.

7. Assessment and monitoring

7.1. General - like identification, assessment is not a one-off activity and in domestic abuse cases, risk can escalate very rapidly, so ongoing professional curiosity is essential to inform assessments and re-assessments. In particular, staff must reassess a case when it is allocated to them and not rely on previous assessments, especially when they have been completed with access to limited information - for instance at court. SFO review and DHRs have identified the importance of:

• investigating all available sources of information on people convicted or accused of domestic abuse before interviewing them;
• adopting a professionally curious approach when interviewing;
• taking into account prior known incidents of domestic abuse (e.g. police call-out information) in assessments;
• identifying changes to dynamic risk factors, updating assessments; and,
• acting upon changes to risk.

7.2. In the community - in every case where domestic abuse has been identified as a relevant factor, the RO/COM must:

• consider the need to take immediate action to protect victims and children (possibly ahead of formal completion of an OASys and RMP), particularly immediately after an individual is released from custody, or when protective bail conditions have been lifted after sentencing. Establish immediately where the individual is living and act where required, to safeguard victims and children;
• assess the risk factors related to serious harm and of the likelihood of domestic abuse-related re-offending using OASys or other HMPPS approved risk assessment system, and SARA for IPV;
• be clear about who is at risk, including identified adults and children, and articulate any safeguarding concerns;
• adopt and maintain an investigative approach to ensure that information about the individual’s circumstances and risk is up-to-date;
• liaise with people and organisations with an interest in the individual and/or the victim and any children, to gather and share information to aid our risk assessment;
• request information about police call-outs, periodically throughout sentence and record the fact that it has been requested in the relevant case management system;
• follow up if requested information is not forthcoming;
• monitor the individual’s relationships and any changes in behaviour or changes in circumstances that might indicate either an increase or a reduction in risk; and,
• act on new information, review and update OASys, RMP and SARA where any significant change occurs that may impact on risk of serious harm.
7.3. **Approved Premises (APs)** - AP staff also have an important role to play in the assessment and monitoring of high-risk domestic abuse perpetrators on licence. AP staff will often be in a position to identify changes in risk, given their increased contact with the people in their premises. AP staff must be vigilant and inquisitive in seeking out information about resident’s whereabouts from a range of sources to inform an ongoing assessment of whether the individual has entered into a relationship or is having contact with any children under 18 years.

7.4. **In custody** - risk does not necessarily decrease when an individual is in custody. Harassment and control may increase, presenting emotional and psychological risks, which can be greater when the abuser and victim are separated. POMs must assess, as soon as possible (after arrival at the establishment) whether a prisoner presents a continuing risk to the victim and any children while in custody.

7.5. In line with PSI 18/2016, POMs must be aware of, assess and undertake relevant actions on all prisoners convicted or remanded for domestic abuse offences, using the following public protection processes:

- prisoners who have been convicted or remanded in custody for harassment offences or who are the subject of court orders for harassment should be managed in custody under Harassment Public Protection Measures (HPPM) (Chapter 6); and,

- **Assessment of risk to children** - prisoners identified as posing a risk to children (whether potential or continuing), should be managed under PPRC (Chapters 5b and 5c). They must have all social numbers checked before being added to their PIN phone account. They must have full restrictions placed on social visits (including prison family days), phone calls and correspondence, with all children until a risk assessment has taken place to determine what, if any, contact the prisoner is allowed.

7.6. **Offender Management in Custody (OMiC)** - Under OMiC not all prisoners will be eligible for a layer 3 OASys assessment – this will be reserved for the following:

- NPS cases with over 10 months to serve;
- CRC cases with over 10 months to serve and medium risk;
- CRC cases with over 48 months left to serve regardless of risk level; and,
- CRC over 10 months who are under 25 and care leavers.

7.7. When undertaking an OASys assessment in custody, where domestic abuse has been identified, POMs must:

- assess the risk factors related to serious harm and of the likelihood of domestic abuse-related re-offending and SARA for intimate partner abuse;
- be clear about who is at risk, including identified adults and children, and articulate any safeguarding concerns; and,
- draw on information from court documentation and previous risk assessments, to inform their assessment, including victim statements, police call out information, safeguarding checks; previous OASys where these are available and keyworker entries.
8. Risk Management

8.1. General – Risk management is taking action to address the risk presented by a person, reducing the likelihood of serious harm occurring and reducing the potential impact of any such harm. When preparing a Risk Management Plan (RMP) ROs/COMs/POMs must:

- address all the identified risk factors;
- safeguard identified individuals assessed to be at risk of serious harm;
- use a combination of internal and external controls;
- build protective factors; and,
- involve all connected agencies.

8.2. Plans must:

- include clear specific actions in regard to ongoing liaison and information sharing with colleagues, both in custody and community including Partner Link Workers (PLWs), treatment manager and other programme staff, Victim Liaison Officers (VLOs) and AP staff;
- include clear specific actions in regard to ongoing liaison with other agencies including the police and children’s services where relevant;
- reflect actions for which HMPPS staff are responsible in a child protection (CP) or child in need (CIN) plan;
- outline clearly how, by whom and how often risk management measures will be monitored;
- set out the circumstances where risk is likely to escalate; and,
- what the indicators of risk escalation might be and include contingency plans to support a swift and effective response.

8.3. Good risk management plans are based on sound, evidence based risk assessment, and take into account the need to balance support and restriction. The plan must be lawful, proportionate and necessary, but most importantly the plan must be implemented.

8.4. Risk management is an active process. Measures must be actively monitored throughout the sentence and RMPs reviewed where necessary, to ensure they remain up to date and appropriate to manage the risk posed.

8.5. Further detailed information on how to construct RMPs can be found in HMPPS Risk of Serious Harm Guidance 2020.

9. Release Planning

9.1. General – Individuals released from custody into the community for a period of time to be spent on licence as part of their sentence will be bound by a number of licence conditions. As well as the set standard conditions, additional conditions can be utilised and tailored to manage the risk of serious harm and reoffending posed. These are outlined in Annex A of PI 9/2015 / PSI 12 / 2015 ‘Licence Conditions. Licence conditions and should also be used to reinforce other victim protection measures such as a restraining order, non-molestation order or domestic violence protection order.

9.2. In every case where domestic abuse has been identified as a relevant factor, ROs/COMs must:
• request the additional licence condition related to disclosure of information – (sec 6b ‘notify your supervising officer of any developing intimate relationships’). ROs / COMs must explain what is meant by intimate relationships in the context of each individual, for example whether or not it is intended only for ongoing relationships, one-night stands and whether it includes the whole spectrum of intimacy. This will be based on the risk factors identified within the risk assessment;

• liaise with the Victim Liaison Officer (VLO) to consider the need for further additional licence conditions to protect victims such as exclusion zones, restriction of residency, location monitoring or residence at a specified place;

• consider the imposition of licence condition to undertake an accredited programme where eligible and suitable or a non-accredited intervention if this has not been undertaken in custody; and,

• consider disclosure in all cases where a person convicted of domestic abuse begins a new relationship while in custody (see section 18 below for further information).

9.3. **ROs/ duty COMs undertaking ROTL & HDC** address suitability checks should refer to the relevant policy and guidance. Particular care needs to be taken in relation to the release on HDC / ROTL of an individual with a history of familial or IPV, to the home of a previous or potential victim. They must consider each situation on a case by case basis, ensuring all necessary information has been obtained to inform and assess the suitability of the address. In particular:

• whether there may be issues of coercive control, or vulnerability; are there any signs that the main occupier or others at the address may be fearful to decline the request for the individual to reside there;

• are there adults at risk or children under the age of 18 residing or visiting the proposed address? Would contact with these persons be a concern or a protective factor?; and,

• is there a concern that where restrictions such as a curfew requirement, or licence condition to reside could inhibit self-protection for victims and perpetrators?

10. **Planning and implementing the sentence**

10.1. **General** - the primary focus of sentence planning in this context must be to reduce the risk of serious harm (RoSH) posed by perpetrators of domestic abuse in order to safeguard victims. A sentence plan must cover the whole of the sentence.

10.2. **ROs/ POMs / COMs preparing sentence plans** must ensure that plans:

• set out how the sentence will be delivered;

• contain objectives to protect victims and safeguard any children and young people who are at risk from domestic abuse;

• include appropriately sequenced, individualised objectives, targeting the areas of need identified as risk factors in the risk assessment, by building pro-social alternatives;
include interventions such as accredited programmes or evidence based, non-accredited interventions designed to reduce risk factors linked to violence and develop pro-social relationship skills, to reduce the risk of further domestic abuse-related offending;

- set out the outcomes to be achieved through the plan; and,
- ensure objectives identified in the plan are actively tracked and record clearly the rationale where these have not been delivered within the timescales set.

10.3. **Home visits** – Research shows us that individuals feel a benefit when supervision is interactive and engaging, and this includes having home visits (Shapland et al 2012). Home visits should be more than just verification of where someone lives. By seeing individuals in their own environment and with their family members, staff can analyse information gathered from agencies or supervision sessions.

10.4. Home visits enable us to explore who individuals are living with, understand their unique challenges, and build rapport. This can aid a comprehensive assessment of safeguarding concerns in relation to children, vulnerable adults, and partners in cases of domestic abuse. They are also an important means of responding to their accessibility.

10.5. Evidence from the What Works literature indicates that the higher the individual’s likelihood of re-offending, the higher the intensity of contact is required, especially where there is evidence they may be likely to commit harmful offences. In those circumstances periodic home visits can provide important information about whether re-offending risks are under control or are escalating, particularly where there are safeguarding concerns (child and/or adult). To be most effective they should be undertaken by the RO/COM who has knowledge of the individual and their assessed risk factors.

10.6. Managers should assure themselves that staff undertaking home visits as lone workers are competent to do so. If there is any doubt, e.g. in instances where staff are inexperienced, alternative arrangements must be considered.

10.7. Provider organisations will have guidance on expectations for home visits. ROs should follow their agency’s guidance in relation to criteria, timescales and safe practice.

10.8. Where domestic abuse has been identified as a relevant factor, effective practice will be supported by completing home visits at the following points of the sentence:

- In the initial stages to inform / confirm information for assessment and sentence planning;
- whenever there is a significant change of circumstances including (but not limited to) a new relationship, a partner is newly pregnant, a report of police attendance or a change of address and the RMP is reviewed; and
- at the point the sentence is terminated.

10.9. Professional judgement around levels of contact and home visits should be recorded in the RMP. ROs/COMs should also liaise with other agencies who may also be undertaking home visits, such as the police, Children’s Services, and health, and consider doing joint visits or requesting feedback from the visit if that is not possible.
10.10. When undertaking a Home Visit ROs/COMs must:

- ensure a suitable and sufficient pre-visit risk assessment is undertaken (see PI 19/2015 - Health And Safety Arrangement For The Risk Management Of Home/Community Visits);
- record clearly the details of who attended the visit, who was present at the address and other key relevant information linked to identified risk factors for example use of alcohol, and analysis of the information gained from the visit on their case management system.

11. Reviewing the risk

11.1. General – Risk is not static and all staff must feed into the process of risk assessment and management. Staff working in Interventions, Psychology, Education, Employment and Healthcare, Unpaid Work and Approved Premises should also adopt a professionally curious approach. They should be alert to changing situations and behaviours which may indicate a change of risk, such as changes in relationship status. All staff have a responsibility to identify, report and record any such information that indicates a risk. For instance, staff working on the wing / visitor centre in prison or reception colleagues in probation offices may observe behaviour which warrants further investigation and should share this with those managing the individuals, and/or security colleagues so that any necessary action can be taken to protect victims.

11.2. ROs/COMS/POMs must seek out information from a wide range of sources to inform their ongoing assessment of risk, re-evaluating assessments with professional curiosity. This will include colleagues or agencies identified within the RMP for delivering activities or interventions, key workers, security staff, wing officers who may all have information regarding the individual’s behaviour during the review period that would provide a more informed assessment of the current risk.

11.3. Significant changes - whenever there is a significant change that influences the risk of re-offending and/or serious harm that the individual poses, the risk assessment and the RMP must be reviewed and updated where necessary. In domestic abuse cases, this may include but is not limited to the following circumstances:

- a further incident of domestic abuse (e.g. a police call-out; behaviour during a prison visit);
- victim or partner ending the relationship or seeking to do so;
- stalking the victim or partner;
- victim or partner becoming pregnant;
- entering into a new relationship;
- having contact with children;
- breaching a restraining order;
• substance misuse (alcohol is aggravating feature for violence)
• threatening or attempting suicide;
• violating the terms of the order and/or licence; and,
• key transition points - i.e being released from prison on licence, or being moved on from Approved Premises.

11.4. **Managing risk escalation** – In all cases, where there are indications that RoSH has increased ROs/POMs/COMs must:

- put measures in place to manage and reduce the identified risks;
- consider referral or re-referral to MARAC or MAPPA;
- notify partner agencies or other colleagues involved in the RMP, i.e. VLO, PLW, IDVA;
- activate contingency plans and record actions taken; and
- ultimately, if it is considered that even with additional measures the individual’s risk can no longer be managed in the community then you must recall the individual to custody.

11.5. The risk escalation process should be applied at any point in the sentence where there are indications that RoSH has increased to high (PI 57/2014 – Risk Escalation). Further guidance on reviewing risk of harm is available in the HMPPS Risk of Serious Harm Guidance (due to be published in April 2020).

12. **Accredited Interventions**

12.1. **Programmes** - HMPPS provide a range of programmes available in custody and the community suitable for individuals who have committed domestic abuse. These programmes are accredited by the Correctional Services Accreditation and Advice Panel (CSAAP), an independent advisory body of academics and expert practitioners who offer evidence-based advice on the development and implementation of effective criminal and social justice services and programmes.

12.2. Research suggests that the early involvement of offenders in interventions results in increased programming dosage, which, in turn, results in better recidivism outcomes. Evidence also shows that in order for programmes to be successful they need to appropriately targeted and actually completed.

12.3. **Referral routes** - Referral – POMs/COMs/ROs in the community must refer all those with domestic abuse related convictions who meet the eligibility and suitability criteria to an accredited programme, and where there is sufficient time left on the sentence to complete the programme. Comprehensive information about eligibility, suitability, and the process for referring individuals to programmes can be found in EQuiP for NPS and public-sector prisons, and also in the HMPPS Interventions Referral and Suitability Guide April 2019, which is available from Interventions_businessenquiries@justice.gov.uk.
12.4. **In the community** – ROs/ COMs must:

- refer all individuals with an accredited programme requirement (e.g. BBR) on their community sentence or a licence condition to address their offending behaviour within one week of the commencement of the order or licence (if a programme has not been completed in custody);

- where a RO/COM considers there is additional work to be undertaken prior to an individual attending a programme, they should still make the referral and discuss with interventions staff their concerns and/or any responsively requirements for the individual

- all BBR-referred individuals, must also be referred to PLWs within one week of the commencement of the order or licence, to ensure that victim safety is maintained; and,

- begin the one-to-one pre-programme BBR sessions within six weeks of the commencement of the order or licence, unless there is a reason for not doing this, and record the reason for the delay.

12.5. **Perpetrators with learning difficulties and learning challenges** - Approximately 30% of the population have LDCs. In response, HMPPS have developed a suite of specially designed programmes to respond to the needs of this group. New Me Strengths (NMS) is suitable for adult men who are medium or higher risk of reoffending and Becoming New Me + (BNM+) is aimed at adult men who are at high or very high risk of reoffending.

12.6. **Female domestic abuse perpetrators** - Research suggests that gender informed interventions are more likely to lead to reductions in recidivism for female domestic abuse perpetrators. Female offenders must be assessed for suitability for an accredited offending behaviour programme. For further advice, see the Women’s Policy Framework and the NOMS Domestic Abuse Guidance 2016.

12.7. **LGBT perpetrators** - individuals should be assessed for suitability for an accredited offending behaviour programme and referral/selection decisions should aim to account for any relevant responsively needs. Information about working with LGBT perpetrators can be found in the NOMS Domestic Abuse Guidance 2016.

12.8. **Personality disordered (PD) offenders** - male PD offenders who have been convicted of an offence involving domestic abuse might be suitable for an accredited programme such as BBR or Kaizen. POMs/ROs must:

- discuss referrals for all PD offenders with the relevant treatment manager to ensure that the programme adequately meets the offender’s needs; and,

- refer eligible PD offenders to BBR in the community or Kaizen in custody, where available.

Detailed information about the treatment pathway for PD offenders is available in EQuiP.
12.9. **Familial domestic abuse perpetrators** – (i.e. abuse where the victim is a family member, not a partner) often have complex and multiple criminogenic needs. Although these individuals are not eligible for an accredited IPV programme such as BBR or Kaizen, depending on their criminogenic needs, they might be suitable for another accredited general offending behaviour programme. POMs / ROs must:

- complete an assessment of familial offenders’ and identify the risk factors linked with serious harm and the likelihood of domestic abuse reoffending;
- consider eligibility and suitability for a relevant accredited offending behaviour programme;
- refer eligible familial offenders to the relevant offending behaviour programme within one week of the commencement of the order or licence; and,
- consider risk management strategies required to protect victims of familial offending.

13. **Non-accredited interventions**

13.1. **Individuals who are not eligible for an accredited programme** - Not all individuals who have committed domestic abuse will be suitable or eligible for an accredited programme. HMPPS Interventions Services are piloting a non-accredited toolkit called Spectrum aimed at lower risk men with IPV convictions with community sentences who are not suitable for the IPV accredited offers. Spectrum can be delivered on either a group or individual basis to men regardless of whether they have committed IPV against a female or male victim.

13.2. **Rehabilitative interventions** - many probation providers also include in their rate cards non-accredited rehabilitative interventions for domestic abuse perpetrators who are not eligible or suitable for HMPPS accredited programmes. ROs/ COMs must have a good knowledge and understanding of the rehabilitative interventions offered by their local providers of probation services, including one-to-one rehabilitative interventions for domestic abuse, so that they can use them as part of sentence plans for individuals they manage.

13.3. **Complex needs** - complex and multiple criminogenic needs such as mental ill health and substance misuse problems should not necessarily preclude individuals from the relevant accredited programme, unless there is evidence that the programme would not be of benefit, or would be harmful to them. POMs/COMs/ROs must:

- discuss individuals with complex needs with the relevant treatment manager to ensure that the programme meets their needs; and,
- consider sequencing of interventions to ensure their complex needs are fully addressed.

13.4. Where an individual is ineligible or assessed as unsuitable for an accredited programme, the RO/COM must consider a non-accredited rehabilitative intervention for domestic abuse perpetrators which could be delivered on an individual basis.

Further information on working with offenders with complex needs is available in the NOMS Domestic Abuse Guidance 2016.
14. **Information sharing and storing**

14.1. Since 25th May 2018 all agencies must be able to demonstrate that they are compliant with the General Data Protection Regulations (GDPR) and accompanying Data Protection Act (DPA) 2018. This places duties on organisations and individuals to process personal information fairly and lawfully. However, it does not prevent you sharing information.

14.2. Relevant personal information can be shared lawfully to keep an individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being. There is also the ability to share for the purposes of prevention and detection of crime under part 3 of the DPA 2018. Staff should refer to their agencies policy and guidance on information sharing and be aware of the principles for sharing personal information under the GDPR & DPA 2018.

14.3. Requests for information relating to individuals and that provided about them from third parties should be recorded against their case record. Where information is deemed sensitive and disclosure to the individual would increase risk, it should not be recorded in the main body, but should be recorded using the sensitive contact in NDelius or the ‘Information Not to Be Disclosed to The Offender’ (INBDTTO) section of OASys. This will ensure sensitive information is more easily identified.

14.4. Multi-Agency Public Protection Arrangements (MAPPA) minutes / Multi-Agency Risk Assessment Conference (MARAC) minutes and Victim Contact Scheme (VCS) Information must not be stored / recorded within the main Case management systems. Storage and recording regarding these referral routes are addressed in the relevant sections below.

15. **Information exchange**

15.1. **General** - domestic abuse is a complex issue and it is unlikely that any one organisation will possess the information, expertise or resources to address it on their own. Agencies working together in a co-ordinated way are best placed to support the successful management of the risks posed by domestic abuse perpetrators.

15.2. **Local arrangements for information sharing** - it is important to ensure that agreements for sharing information about the risks posed by those we manage are working effectively at a local level.

15.3. NPS or CRC Heads of Service are responsible for information sharing processes locally and they must:

- liaise annually with the local police lead for community safety;
- ensure local arrangements are in place for the timely sharing of information in cases where there is a known risk of domestic abuse; and
- together with prison governors, ensure arrangements are in place for timely information sharing between POMs/ COMs/ ROs in domestic abuse cases.
16. **Multi-agency working and referral routes**

16.1. **General** - there are a range of arrangements under which multi-agency working is governed and individual cases discussed. Staff will need to be familiar with local arrangements for Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Risk Assessment Conference (MARAC), child safeguarding case conferences, and Integrated Offender Management (IOM).

16.2. In prisons, Inter Departmental Risk Management meetings (IRMM) and Multi Agency Lifer Risk Assessment Panels (MALRAP) can provide an opportunity for staff from different areas of the business to work together and share information to inform risk management activities and interventions in custody and in preparation for release.

16.3. ROs/ POMs/COMs and their managers should expect to work with a variety of other agencies, to manage the risks perpetrators pose and to ensure the safety and wellbeing of victims and children. The involvement of other agencies and the need to share information should form part of the RMP, and staff will need to consider which multi-agency arrangements are likely to be the most effective mechanism for delivering an RMP. The guidance below sets out some of the differences between MAPPA and MARAC, which along with local information on referral criteria, may help staff to identify the most appropriate approach to coordinating multi-agency working.

16.4. **Multi-Agency Public Protection Arrangements (MAPPA)** - MAPPA was introduced by the Criminal Justice Act (CJA) 2003 with the express aim of protecting the public from serious harm by individuals with sexual and violent convictions. The arrangements provide a mechanism by which organisations working with these individuals can work together in partnership to better achieve that aim.

16.5. Eligibility for MAPPA is determined by caution or conviction and sentence and fall into three categories:

- **Category 1** – registered sex offenders
- **Category 2** – violent and other sexual offenders
- **Category 3** – other dangerous offenders

16.6. MAPPA nominals are managed at one of three levels according to the level of risk, the complexity of the management required, and the level of resource required. The majority are managed at Level 1, which always involves active information sharing and may include inter-agency working (e.g. through MARAC or professionals’ meetings) but does not require formal MAPPA meetings. They are managed at Level 2 if multi-agency meetings are required to devise a formal MAPPA risk management plan, and at Level 3 if senior representatives of the relevant agencies with authority to commit additional resources are also needed. A level 2 or 3 MAPPA meeting will share information, identify risk and set out an RMP and actions for agencies. It will agree a date on which they will meet again to review progress.

16.7. In all MAPPA cases ROs/COMs are expected to:
screen all Category 1 and 2 nominals (at least six months prior to release for chose in custody);

- refer all nominals to MAPPA level 2 or 3 where they meet the relevant eligibility criteria;

- assess whether those who do not meet the criteria for either Category 1 or Category 2, should be referred for level 2 or 3 MAPPA management as a Category 3 case; and,

- consider all serial domestic abuse perpetrators for MAPPA level 2 or 3 management, using Category 3 management where necessary.

16.8. **In custody** – POMs must consider whether the individual meets the criteria for ‘early allocation’ to the community to allow additional time required for the COM/ RO to carry out various risk management tasks with other agencies, to ensure robust risk management plans are in place.

16.9. **Storing/recording of MAPPA information** - As per the MAPPA guidance MAPPA minutes should be stored on VISOR and should not be stored on the shared drive. MAPPA is not an official body in itself but is a set of arrangements that exist to assess and manage the risks posed by offenders. As a result, MAPPA cannot own the data contained in the MAPPA meeting minutes. Instead, all agencies that retain copies of the MAPPA meeting minutes act as joint data controllers under the Data Protection Act 2018 (DPA). Summaries of relevant discussions at MAPPA meetings and actions that arise from MAPPA meetings should be recorded on the case management system in line with the considerations listed above.

16.10. Detailed and updated information about eligibility and the process for referring offenders to MAPPA and exit from MAPPA can be found in the statutory guidance on the MAPPA website at: [http://www.mappa.justice.gov.uk](http://www.mappa.justice.gov.uk). Detailed information on the ‘Early Allocation Process’ is available on EQUIP.

16.11. **Multi-Agency Risk Assessment Conference (MARAC)** - A MARAC is a meeting to discuss how to help and protect domestic abuse victims at high risk of murder or serious harm. Information is shared on the highest-risk domestic abuse cases and agency representatives discuss options for increasing the victim’s safety and turn them into a co-ordinated action plan. Each agency is responsible for carrying out the actions identified for it on the plan, as the MARAC does not perform a monitoring or ongoing management function. MARAC is focussed on individual victims so where there is risk to multiple victims or partners a level 2 MAPPA meeting may be the most appropriate forum for drawing up an effective multi agency risk management plan.

16.12. Unlike MAPPA, MARACs have no statutory basis and practices and procedures relating to referrals, resourcing and attendance vary from area to area. EQuiP provides guidance for NPS/ HMPS staff on the referral criteria but it is for MARACs locally to set the referral threshold and HMPPS staff working with victims and perpetrators of domestic abuse must familiarise themselves with their local MARAC practices and procedures, in order that they can contribute in a useful and effective way.

16.13. ROs/ COMs must:

- ascertain whether a case has already been discussed at a MARAC;
• discuss with their line manager the referral to MARAC of all individuals assessed as posing a high risk of harm to an identifiable domestic abuse victim;
• if agreed by their line manager, refer the victim to the MARAC co-ordinator;
• ensure that they attend or feed in to MARAC meetings in line with local arrangements;
• complete actions arising from MARAC meetings; and,
• inform the MARAC co-ordinator when actions have been completed.

16.14. **Storing/Recording of MARAC information** - Providers of probation services must also ensure that information that is shared at a MARAC, and the minutes, are stored confidentially. Reference can (and should) be made to MARAC in Case management systems where relevant, however contacts which reference MARAC, should be marked as sensitive. MARAC should not be referred to in the main body of an OASys assessment but can be recorded in the Information Not to Be Disclosed section (INTBDTTO). Detailed information about MARAC, including the name and contact details of your local co-ordinator, can be found at: [http://www.safelives.org.uk/about-us/what-we-do](http://www.safelives.org.uk/about-us/what-we-do).

16.15. **Persons released on life licence** - DHRs, SFO reviews and inquests have identified a number of cases of individuals who have been released on a life licence for killing a partner going on to kill another, in circumstances where better multi-agency working might have made a difference to the outcome. Therefore, in every case where a lifer who has previously killed a partner enters a new relationship or is released from prison having established a new relationship, the COM/RO must:

• liaise with partner agencies to gather information and gain a multi-agency perspective;
• consider whether level 2 or 3 management under MAPPA is required or whether the risks would be better managed through referral to MARAC and discuss with their manager; and,
• record their decision making.

17. **Victim safety**

17.1. **General** - Protecting the public and preventing further harm to current and future victims is the primary purpose of case management. Victim safety in the context of domestic abuse covers both past victims and identified adults at risk of becoming victims in the future. Working together with local agencies, domestic abuse services and specialist services is the most effective way of achieving the safety of partners, ex-partners and children affected by domestic abuse.

17.2. **Disclosure of a new relationship** - All staff have a role in managing the risk to victims and there will be many instances where both prison and probation staff may have information about apparent new relationships. For example, key workers, wing staff, those delivering activities and interventions, visits staff must all be professionally curious and monitor
information relating to a perpetrator’s domestic circumstances and share any relevant information with POMs and/or COMs.

17.3. For keyworkers, POMs COMs and ROs, this will sometimes require asking intrusive questions about relationships in order to monitor an individual’s relationship status. When a new relationship is disclosed, keyworkers must:

- record any information from their session in the case notes; and
- share the information with the POM in order for them to gather further information.

POMs/ COMs & ROs must:

- gather information related to the new partner including name, address and any children, and record the information on the relevant case management system;
- identify the measures required to reduce the risk of harm to the new partner;
- review the RMP to ensure it remains current and relevant and update as required;
- record decisions made and action taken; this is particularly important where there is a history of serious harm to a previous partner; and,
- notify police and other agencies working with the individual.

17.4. **Making disclosures** - disclosure of previous abusive behaviour must be considered when an individual with a history of domestic abuse enters a new relationship; or where a risk of domestic abuse to a current or ex-partner is identified.

17.5. POMs/COMs ROs must make the decision whether disclosure is needed on a case by case basis. Disclosure will be required when the need to protect potential victim(s) outweighs the perpetrator’s right to privacy. When making this decision, they must:

- consider and decide whether a disclosure of the previous abusive behaviour should take place;
- take into account the risk to the partner from not disclosing as well as the likelihood and degree of harm that might arise from the disclosure, including the potential effect on the perpetrator; and,
- record the decision and its rationale on the case management system.

17.6. If they decide that a disclosure should take place, or they are unsure whether to make a disclosure, they must:

- discuss with their line manager; and,
- determine the best method for the disclosure, specifically whether:
- to have an initial informal conversation with the victim (see 17.7 below);
• to refer the case to the Domestic Violence Disclosure Scheme (see section 17.9 below); or
• an emergency disclosure is warranted (see 17.12 below).

17.7. **Informal conversation** - There may be occasions where an individual states they have already disclosed previous abusive behaviour to a current or a new partner, or consented to the RO/COM/POM doing so. Partners may attend an appointment or contact the RO/COM to talk about the individual.

17.8. ROs/COMs should talk to the partner to determine their knowledge of the offending or other abusive behaviour and ask other pertinent questions about residence and children. This may lead to the partner disclosing their awareness and enable the RO/COM to discuss what measures they need to take to keep themselves safe. Alternatively, it may expose that they have limited knowledge and further disclosure may be needed via the Domestic Violence Disclosure Scheme (DVDS), or through MAPPA panels for cases managed at Level 2 or 3.

17.9. **Domestic Violence Disclosure Scheme (DVDS)** – ROs/POMs/COMs must be aware of the DVDS, often referred to as “Clare’s Law and refer when disclosure is required. The purpose of the scheme is twofold:

• to facilitate disclosure in order to protect a potential victim from harm; and,
• to provide consistency in the way disclosures are managed.

All staff must ensure that they are familiar with the process for making a disclosure through the scheme. Detailed information and guidance on the scheme can be found at: https://www.gov.uk/government/publications/domestic-violence-disclosure-scheme-pilot-guidance

17.10. Following the outcome of the referral to the (DVDS) panel, the ROs must record:

• the decision made whether to disclose or not; and,
• the rationale for that decision.

17.11. If the DVDS panel decides to disclose, the RO/COM/POM must:

• record what information was disclosed;
• record who the disclosure was made to;
• record how the disclosure was undertaken;
• record any actions taken to safeguard the new partner; and
• review the risk assessment and RMP to ensure any contingency plans are activated and
• whether any additional measures are required to safeguard the new partner.
17.12. **Emergency disclosures** - there may be exceptional occasions when the risk to the victim or partner is so imminent and full disclosure of the individual’s previous abusive behaviour is required immediately and therefore referral to DVDS may not be appropriate. If keyworkers become aware of any imminent risk they must:

- inform the POM and/or Head of Service Delivery and where relevant the duty Governor; and,
- complete a mercury intelligence report.

The POM/COM/RO must:

- inform their line manager that immediate disclosure is required;
- consider who is best placed to make the disclosure, where possible use a multi-agency approach to decision making and disclosure and use agency already in contact with the new partner;
- follow the process and guidance outlined in Annex A (Making the disclosure);
- put in place a contingency plan to support both victim and the individual in relation to any identified negative effects of disclosure; and,
- make the disclosure promptly.

17.13. **Following disclosure** - following disclosure, it is important to ensure every new partner has had access to clear specialist advice. POMs/COMs/ROs must:

- signpost partners to an Independent Domestic Violence Advisor (IDVA) or equivalent local service;
- where the individual is on BBR, refer the new partner to the PLW;
- give advice on what to do if the partner is worried about the individual’s behaviour including the RO/COM contact details and who to contact if they are not available and emphasising that in an emergency they should call 999;
- provide details of local domestic abuse services and the Freephone 24-Hour National Domestic Violence Helpline: 0808 2000 247 in England and in Wales the Live Fear Free Helpline: 0808 80 10 800;
- record details of what information was disclosed; and,
- inform the police, if not already involved in the disclosure and record what action they are taking as a result.

17.14. If the RO/COM thinks it is not necessary and proportionate for effective risk management to make a disclosure they must discuss with their line manager and if disclosure is not undertaken the reasons for not disclosing must be recorded.

17.15. **Licence conditions to disclose new relationships** - in cases where the individual has disclosed partial details but refuses to disclose the full name, address of a partner and/or details of any children in line with their licence condition, the RO/COM must:
where a licence condition is being breached, discuss enforcement action with their manager and, take action in line with recall guidance;

- liaise with colleagues and partner agencies and take all reasonable steps to identify the name and address of the partner and/or any children the offender has contact with;

- once identified, consider disclosure as above and ensure appropriate safeguarding measures are in place;

- record all actions taken on the case management system.

17.16. Community Orders - These steps (apart from recall) will also need to be taken in relation to those on community orders or post sentence supervision where the RO knows there is a partner or children who may be at risk but is unable to secure full details from the individual.

18. The Victim Contact Scheme

18.1. The Victim Contact Scheme (VCS) arises from Chapter 2 of Part 3 of the Domestic Violence, Crime and Victims Act 2004. Victims of perpetrators who have been convicted of a specified sexual or violent offence and sentenced to 12 months or more in custody have a statutory right to participate in the VCS. Where a victim is in the VCS the POM (prior to allocation) or the COM (post allocation) must:

- keep in contact with the VLO, consulting with them regularly; and,

- pass on information at key stages in the sentence as required under the Scheme and as set out in PI 48/2014 - Victim Contact Scheme Guidance Manual. If victims have opted in to the VCS and are in contact with a VLO, the VLO must:

- attend MARAC and MAPPA meetings as required;

- pass on to the POMs/COMs/ROs any information that relates to risk to the victim;

- give the victim high-level information about any potential release of the individual through the sentence; and,

- give the victim the opportunity to have input regarding licence conditions that are relevant to them, such as non-contact provisions or exclusion zones.

18.3. The VCS gives victims who have opted in the right to request licence conditions. This can be particularly important for domestic abuse victims. COMs must:

- liaise with VLOs regarding victim-focused licence conditions (e.g. no contact) as early in the release planning process as possible, to ensure that victims can input to licence conditions that affect them; and,
• put forward the conditions requested even if they consider they are not necessary or proportionate, indicating whether they support them (see PI 09/2015 – Licence Conditions And Temporary Travel Abroad).

18.4. If the victim tells the VLO that their partner or ex-partner is contacting them against their wishes, the VLO must:

• advise the victim to report the harassment to the police; and,
• tell the POM / COM.

18.5. **Recording victim information** - As per the Data Protection Act 2018 records in relation to victims must be kept separately from records that relate to offenders. Information collected from Victims under the scheme is therefore stored separately on the Victim Contact Management System (VCMS). The Victim Contact Report is part of the work undertaken by the VLO, it is a record for the VLO and the VCS member of the discussions during their initial meeting. It should therefore be stored on VCMS and must not be stored on NDelius or on shared drives.

18.6. **Partner Link Worker (PLW)** – PLW’s are attached to specific victims or partners of individuals involved in BBR. PLWs work in the community with victims, current and ex-partners of men attending the programme. Their role includes victim safety planning to alleviate immediate risk. PLWs must:

• keep in regular contact with ROs/COMs and share information about changing circumstances promptly;
• contribute to risk management and victim safety planning;
• contribute to planning for any escalation in risk; and,
• ensure victims or partners are aware of local domestic abuse services and refer them for support, advice and assistance.

18.7. Where an individual is required to undertake BBR, the RO(COM) must:

• make a referral to a PLW within one week of the commencement of the order or licence;
• keep in regular contact with the PLW and share information regarding changes in the individual’s domestic circumstances and RoSH;
• feed new information from the PLW into the RMP; and,
• act on the information promptly where necessary, to reduce the risk of harm to the victim.

19. **Safeguarding**

19.1. **General** - safeguarding means protecting an individual’s right to live in safety, free from abuse and neglect. A multi-agency approach and effective information sharing are essential
to support the development and delivery of the sentence and RMPs that properly safeguard individuals at risk.

19.2. **Multi-Agency Safeguarding Hub (MASH)** - a MASH co-ordinates and co-locates services to improve information sharing and respond more effectively to safeguarding needs. Not all areas have a MASH, but where they do, ROs/COMs and POMs must be familiar with their role and purpose and how they can contribute to information sharing and the risk management of individuals they manage.


19.4. **Adults** - safeguarding encompasses work with an adult who has care and support needs to help keep them safe from significant harm. A significant proportion of people who need safeguarding support do so because they are experiencing domestic abuse. The effect of domestic abuse is often especially acute where the abusive partner is also the victim’s carer. In cases where a domestic abuse perpetrator is the carer of an adult who has care and support needs, the RO/COM must:

- make a safeguarding referral to adult social care;
- record the information received on nDelius, P-NOMIS or other case management system;
- activate appropriate flags on nDelius, P-NOMIS or other case management system; and,
- ensure that sentence plans and risk management plans both address the risk posed to the victim.

19.5. **Individuals in our care with support needs** - prison and probation staff must identify whether an individual is at risk of, or a victim of, domestic abuse. The women we work with are twice as likely to have experienced domestic abuse as the men and POMs /COMS/ ROs must ensure that assessment, induction and interventions meet the specific needs of women. POMS COMS/ ROs must also ensure that for all those who require it, sentence and risk management plans:

- include measures to protect them from further domestic abuse; and,
- address their care and support needs.

19.6. Individuals may require a safeguarding referral and one outcome of such a referral may be the formulation of a safeguarding plan. ROs/COMs must be clear about their role and any actions assigned to them within a safeguarding plan. They must also ensure any relevant actions are reflected in the individual’s risk management and sentence plan.

19.7. **Children** - safeguarding includes protecting children from maltreatment and neglect. Children who live with domestic abuse are more likely than other children to experience a wide variety of mental health, social and educational problems. The impact of domestic abuse is far-reaching - a study by SafeLives suggests that 52% of children who witness domestic abuse experienced behavioural problems and issues with social development and relationships, 39% had difficulties adjusting to school and 25% exhibited abusive behaviours when they were no longer exposed to abuse. Those who witness domestic
abuse in childhood are more likely to go on to experience abuse as an adult (34% compared to 11%).

19.8. While the local authority Children’s Services department is the lead agency for child safeguarding, safeguarding is everyone’s responsibility. Under Section 11 of the Children Act 2004, prison and probation staff must have regard for the safety and wellbeing of any child that an individual we are managing may have contact with. This means ROs/POMs/COMs must follow local safeguarding processes and procedures to ensure that vulnerable children are adequately protected.

19.9. NPS and CRC Heads of Service and prison governors must ensure that they have mechanisms in place for fulfilling their s.11 duties with regard to children of individuals who are at risk as a result of domestic abuse.


19.11. In Wales, the Social Services and Well-being (Wales) Act 2014 provides the legal framework for social services provision to protect and promote the welfare of children, and can be found at: https://www.legislation.gov.uk/anaw/2014/4/contents

19.12. **In the community** - Probation is often the only statutory agency who have contact with the men in a household. Therefore, in every case where domestic abuse is a factor the RO/COM must make an assessment as to whether there are children who are at risk of ill-treatment or the impairment of development from seeing, hearing or witnessing domestic abuse. Where they consider that there is such a risk they must:

- identify the relevant children and Children’s Services department and make a safeguarding referral setting out their concerns, explaining what they think the risk is if no action is taken;
- record the referral and the outcome on nDelius, or other case management system;
- agree escalation routes with their line manager if they are concerned that the response leaves children at risk; and,
- activate appropriate risk registers on nDelius, or other case management system.

19.13. **Safeguarding Processes** - One outcome of a safeguarding referral may be the formulation of a child protection (CP) or child in need (CIN) plan. ROs/COMs must:

- attend, or exceptionally where this is not possible, ensure a contribution is provided to Child Protection conferences;
- be clear about their role and any actions assigned to them within a CP or CIN plan; and,
- ensure any relevant actions are reflected in the individuals risk management and sentence plan.
19.14. Probation providers have guidance in place in relation to the expectations for management oversight in domestic abuse cases where safeguarding issues are identified. Staff should comply with their agency guidance.

19.15. **In custody** - where a prisoner has been identified as presenting a continuing risk of harm to children, POMs must follow the processes outlined in OMIC Child Safeguarding Guidance: available on EQuiP which includes:

- tell the relevant local authority Children’s Services of the offender’s reception, subsequent transfers and release address;
- notify the relevant probation service provider; and,
- follow PPRC processes as outlined in PSI 18-2016 to prevent or restrict the prisoner’s contact with children, and consider monitoring the prisoner’s communications (letters and phone calls) to safeguard children.

20. **Domestic Homicide Reviews (DHRs)**

20.1. A Domestic Homicide Review (DHR) is a multi-agency review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom they were related or with whom they were, or had been, in an intimate personal relationship, or a member of the same household as themselves.

20.2. **Statutory basis** - under section 9 of the Domestic Violence, Crime and Victims Act 2004, local areas are required to undertake a DHR to help all those involved in the review process to identify lessons that can be learned, with a view to preventing future homicides and violence. The statutory guidance for DHRs is available at: https://www.gov.uk/government/publications/revised-statutory-guidance-for-the-conduct-of-domestic-homicide-reviews

20.3. **HMPPS contribution** - the guidance makes clear that the DHR panel should have senior manager representation from each of the statutory agencies. The HMPPS representative at the DHR panel should be Head of Service for probation or governor level for prisons, to enable decisions to be made on behalf of the agency they represent. The NPS has committed to providing an LDU Head-level representative to all DHR panels even where they have not had direct involvement in the case. If the perpetrator has been in custody the NPS representative should advise the report author to contact the governor of the last prison that the individual was in to provide an Individual Management Review (IMR), to answer specific prison-related questions or to consider potential prison-related recommendations. The senior manager at the panel takes responsibility for:

- the agency’s contribution to full panel decisions;
- the submission of IMRs;
- their agency’s actions arising from the review and the dissemination of lessons learned; and,
• contacting Public Protection Partnerships Section to discuss any proposed national recommendations for HMPPS.


**Guidance – the NOMS Domestic Abuse Guidance 2016 is available at the following link:** https://mappa.justice.gov.uk/connect.ti/MAPPA/view?objectID=18655024
How to disclose in domestic abuse cases
7 Minute briefing
Annex B

Visual Representation of HMPPS Domestic Abuse Referral Pathway

Domestic abuse pathway_Final.pdf