



Home Office

# **Domestic Abuse Protection Notices and Domestic Abuse Protection Orders**

Draft statutory guidance for the police

January 2021

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# 1. Status and purpose of this guidance

## Publication of draft statutory guidance dated January 2021

1. This draft guidance was first published for consultation in September 2020. We were grateful to the Victims' Commissioner, Domestic Abuse Commissioner, Police and specialist organisations for their comprehensive comments.
2. This further version of the draft statutory guidance (January 2021) has been published in order to enable public and parliamentary consultation of its contents during the passage of the Domestic Abuse Bill through Parliament, and ahead of pilot development.
3. Final decisions about the scope and nature of the pilot are under review, as such, the draft guidance will be subject to change in line with any decisions made. We are also considering guidance for multi-agency partners and victims, including additional guidance about the implications of orders for housing of the victim and perpetrator and the way in which information sharing will operate. We will engage further on the development of the pilot and guidance in due course.

### 1.1 Background

1. The Domestic Abuse Act 2021 ("the 2021 Act") received Royal Assent on XXXX. Part 3 of the 2021 Act provides for new civil Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs).
2. The Government's aim in developing DAPNs and DAPOs is to bring together the strongest elements of the existing protective order regime into a single comprehensive, flexible order to afford longer-term protection for victims of domestic abuse and their children. These orders will be used to protect victims from all forms of domestic abuse, including non-physical abuse, economic abuse, psychological and emotional abuse and controlling or coercive behaviour.
3. DAPNs and DAPOs will therefore replace the Domestic Violence Protection Notice and Domestic Violence Protection Order (DVPNs and DVPOs) and are intended to be used instead of non-molestation orders, occupation orders and restraining orders in all cases of domestic abuse where a protective order is being considered.

## 1.2 Pilot

1. We will be piloting the DAPN and DAPO in a number of areas in England and Wales.<sup>1</sup> The pilot will test the operation of the new statutory regime and ensure that the DAPN and DAPO are successful in achieving our policy aims of simplifying the complex landscape of protective orders for both victims and practitioners; providing better protection for victims and their children; and reducing repeat and serial offending by perpetrators.
2. The pilot will also be used to review the equality impact of the DAPN and DAPO and to ensure that the model provides effective protection to all victims and adequate safeguards to all alleged perpetrators irrespective of their protected characteristics.
3. The pilot will also be used to test the effectiveness of this guidance and to gather feedback from users on how it could be improved.
4. This guidance will be updated to reflect the findings of the pilot ahead of the DAPN and DAPO roll out across England and Wales.

## 1.3 Statutory duty

1. This guidance is issued under section 48 of the 2021 Act. The police are under a statutory duty to have regard to this guidance when exercising their functions in relation to DAPNs and DAPOs. This guidance applies to police forces in England and Wales, as well as the British Transport Police and the Ministry of Defence Police.
2. The information in this guidance may also be relevant to assist the work of other criminal justice agencies and statutory bodies, as well as non-governmental and voluntary organisations.

## 1.4 Aims and purpose

1. This guidance aims to provide the police with information about the effective use of DAPNs and DAPOs, including when the police should consider giving a DAPN, how to apply for a standalone DAPO and key information about how to work with other agencies and organisations where a DAPO is in place.

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<sup>1</sup> Timelines and locations for the DAPN/O pilots have yet to be determined. We will consult with criminal justice partners and specialist domestic abuse organisations in due course to gather their input on the design and delivery of the pilots.

2. The draft statutory guidance framework accompanying the 2021 Act includes a list of other sources of information and guidance on domestic abuse, which may also assist professionals in their work in relation to DAPNs and DAPOs:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/896640/Draft\\_statutory\\_guidance\\_July\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896640/Draft_statutory_guidance_July_2020.pdf)<sup>2</sup>
3. The draft statutory guidance framework accompanying the 2021 Act also includes information on the impact of domestic abuse in relation to protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation). When using the DAPN/O, police are expected to be aware of how broader equality issues may impact the experience of victims and perpetrators of domestic abuse.

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<sup>2</sup> The domestic abuse statutory guidance framework was published in draft form in July 2020 during passage through parliament of the Domestic Abuse Bill.

## 2. Domestic Abuse Protection Notices (DAPNs)

### 2.1 When to consider a DAPN

1. A DAPN is a notice given by the police under section 20 of the 2021 Act prohibiting a perpetrator from being abusive towards a person aged 16 or over to whom they are personally connected.
2. **A DAPN is intended to provide immediate protection from all forms of domestic abuse, not just from physical violence or the threat of physical violence.** This may include sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, and psychological or emotional abuse. These behaviours are listed in section 1 of the 2021 Act. It does not matter if the behaviour took place in England and Wales or elsewhere.
3. A DAPN may be given by police in forces in England and Wales, the British Transport Police or the Ministry of Defence Police.

#### 4. Summary of the statutory criteria for giving a DAPN:

There are reasonable grounds for believing that: <ul style="list-style-type: none"> <li>• the perpetrator has been abusive,</li> <li>• to a person aged 16 or over,</li> <li>• to whom they are personally connected;</li> </ul>	✓
There are reasonable grounds for believing that: <ul style="list-style-type: none"> <li>• a DAPN is necessary to protect the person from domestic abuse, or the risk of domestic abuse;</li> </ul>	✓
The perpetrator is aged 18 or over.	✓

5. A DAPN can only be given where the person to be protected and the perpetrator are “personally connected”. The meaning of this term is set out in section 2 of the 2021 Act, however it generally refers to two people who are, or who have been, in an intimate relationship (e.g. partner, spouse, civil partner, or ex-); who have, or have had, parental responsibility for the same child; or who are relatives (e.g. parents, children, siblings, in-laws). This can encompass carers who are personally connected e.g. family carers. Consideration should also be given to whether abuse is being perpetrated by more than one individual, for example family members of the abuser. There is no requirement in the 2021 Act for the person to be protected and the perpetrator to be cohabiting in order to be personally connected.

6. A DAPN prohibits the perpetrator from being abusive towards the person to be protected. A DAPN can also be used to impose certain specific prohibitions and requirements on a perpetrator, which are set out exhaustively in section 21 of the 2021 Act.

These prohibitions and requirements may include:

- That the perpetrator may not contact the person to be protected;
- That the perpetrator may not come within a specified distance of the premises in which the person to be protected is living;

Where the person to be protected and the perpetrator live in the same premises, the prohibitions and requirements may also include:

- That the perpetrator is prohibited from evicting or excluding the person to be protected from those premises;
- That the perpetrator is prohibited from entering those premises;
- That the perpetrator is required to leave those premises.

7. Section 20 of the 2021 Act provides that a prohibition imposed by a DAPN has effect in all parts of the United Kingdom.

8. **A DAPN should never be given as an alternative to charging where the threshold for charging has been met – although a DAPN could be used in conjunction with a decision to charge. In these circumstances, full consideration should be given to protecting the needs of the victim and whether these can be fully addressed through the use of bail conditions.** Consideration must always be given to the identification and investigation of substantive criminal offences.

9. **Example scenarios:**

The police could consider giving a DAPN when:

- *The police attend a call out and assess that a person has been abused and is either at immediate risk of harm, or there is intelligence or evidence that the perpetrator is intending to further abuse the person.*
- *The police could also make such an assessment when they are charging the perpetrator with an offence, given that police intervention can trigger further abuse and/or cause the abuse to escalate.*

**British Transport Police:**



- A DAPN could be considered when police attend a call for service on the railway infrastructure and identify abusive behaviour and both parties are personally connected. It is most likely that a DAPN would be considered and issued in custody following arrest for an offence.
- British Transport Police (BTP) cover a range of premises including hotels and night clubs and therefore domestic abuse could be identified in a range of scenarios that are similar to those encountered by Home Office forces.
- Rail staff and those who work in tenanted premises on railway infrastructure may also disclose domestic abuse by partners, in some cases this may manifest itself whilst on BTP jurisdiction. In such cases a DAPN could be considered following arrest.
- **Ministry of Defence Police:**
- MOD Police attend a call out that a person has been abused within service families accommodation and is either at immediate risk of harm, or there is intelligence or evidence that the perpetrator is intending to further abuse the person.
- The MOD police could also make such an assessment when they are charging the perpetrator with an offence and consider a DAPN as part of the strategy to manage the offender in conjunction with other service protocols or agencies.

## 2.2 Authorisation of a DAPN

1. A DAPN can only be given by a “senior police officer”, which is defined at section 20(8) of the 2021 Act as being a member of a police force who is a constable of **at least the rank of inspector**.
2. To authorise the giving of a DAPN, the senior police officer must be satisfied that there are reasonable grounds for believing that the statutory criteria for giving a DAPN have been met – see section 2.1.4 of this guidance above for a summary of these criteria.
3. Section 22(1) of the 2021 Act provides that, before giving the DAPN, the senior police officer must take into account:
  - The welfare of any person under the age of 18 whose interests are considered relevant – this person does not have to be personally connected to the perpetrator;
  - The opinion of the person to be protected;
  - Any representations from the perpetrator about the DAPN being given;
  - Where the DAPN contains prohibitions relating to the premises in which the person to be protected lives, the opinion of any other person living in the

premises who is personally connected to the person to be protected or to the perpetrator (if the perpetrator also lives in the premises).

4. The senior police officer will also want to consider other relevant information and evidence, such as any incident reports from previous call outs, including those against other victims; any intelligence from other agencies or organisations; and whether giving the DAPN would make the perpetrator homeless or vulnerable.
5. Section 22(4) of the 2021 Act provides that it is not necessary for the person to be protected to consent to the DAPN being given<sup>3</sup>. See Annex B.

## 2.3 Service of a DAPN and Notice of Hearing

1. Section 23 of the 2021 Act provides that a DAPN must be made in writing and served upon the perpetrator personally by a constable.
2. Section 23 of the 2021 Act also provides that a DAPN must include the following information:
  - the grounds on which the DAPN has been given;
  - that a constable may arrest the perpetrator without warrant if the constable has reasonable grounds for believing that the perpetrator is in breach of the DAPN;
  - that an application for a Domestic Abuse Protection Order (DAPO) under section 26 of the 2021 Act will be heard within 48 hours of the giving of the DAPN (not counting Sundays, Christmas Day, Good Friday or any Bank Holidays) and that a notice of the hearing will be given to the perpetrator;
  - that the DAPN continues in effect until that application has been determined or withdrawn; and,
  - the provision that a magistrates' court may include in a DAPO.
3. Police should use the template form XXXX when giving a DAPN – this form is available at: XXXX<sup>4</sup>
4. The officer serving the DAPN will be expected to explain the requirements of the DAPN to the perpetrator and that they can be arrested for breaching them. The

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<sup>3</sup> Further information about consent of the person to be protected is provided at Annex B (“Consent of the person to be protected”).

<sup>4</sup> We will produce the necessary template court forms ready for the pilot phase of the new orders.

perpetrator should also be provided with a copy of the DAPN/DAPO perpetrator information leaflet, which is available at: XXXX<sup>5</sup>

5. If the requirements of the DAPN result in the perpetrator being made homeless, the police are expected to provide the perpetrator with information and contact details in order to make a homelessness application to the Local Authority.
6. On serving the DAPN, the constable must ask the perpetrator for an address at which they may be given notice of the hearing for the application for the DAPO (see section 23(4)). A template Notice of Hearing is available at: XXXX<sup>6</sup>
7. Section 27(5) provides that the Notice of Hearing (which must be given to the perpetrator under section 27(4)) will be treated as having been given if it has been left at the address provided by the perpetrator to the constable under section 23(4), (Section 27(6) provides that if the Notice of Hearing is not given because the perpetrator has not provided an address, the court can still hear the application for the DAPO in the perpetrator's absence if it is satisfied that the Chief Officer of police has made reasonable efforts to give the Notice of Hearing to the perpetrator.)
8. Section 23(5) to (7) of the 2021 Act provides that where the person subject to the DAPN is a member of the armed forces and the DAPN includes prohibitions or requirements related to premises which are relevant service accommodation, as defined at section 23(7), the police must make reasonable efforts to inform the perpetrator's commanding officer of the giving of the DAPN.

## 2.4 Breach of a DAPN

1. Section 24(1) provides that if a constable has reasonable grounds for believing that a person subject to a DAPN is in breach of the DAPN, the constable may arrest the perpetrator without warrant.
2. Section 24(9) of the 2021 Act, amends section 17(1) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc) (i.e. PACE), to provide the police with a **power of entry** for the purpose of arrest for breach of a DAPN.
3. Section 24(2) provides that after arrest for suspected breach, the perpetrator must be held in custody before being brought before the magistrates' court, either within 24 hours of the arrest (not counting Sundays, Christmas Day, Good Friday or any Bank Holidays) or at the hearing of the application for the DAPO, whichever is sooner. If the perpetrator is brought before the court within the period of 24 hours since the arrest, the court may remand the perpetrator.

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<sup>5</sup> We will produce a DAPN/DAPO perpetrator information leaflet ready for the pilot phase of the new orders.

<sup>6</sup> We will produce the necessary template court forms ready for the pilot phase of the new orders.

4. Police will want to be aware of any requirements put in place by the court when remanding a perpetrator on bail following a breach of notice. Section 24(7) of the 2021 Act provides that the court may require the person to comply, before release on bail or later, with any requirements that appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.
5. Section 24(8) of the 2021 Act enables use of a live video link direction under section 57C of the Crime and Disorder Act 1998 to bring the perpetrator before the court for the hearing of the application for the DAPO. This provision can only be used in circumstances where a person who has been arrested for breach of a DAPN is to be brought before a magistrates' court (under subsection (2)(a)) while they are being held in custody.
6. If the perpetrator has been brought before the court following breach of a DAPN and the court adjourns the hearing of the application for the DAPO, the court may remand the perpetrator. The specific remand provisions in these circumstances are set out at sections 27(8) and 28 of the 2021 Act.
7. **It is vital for maintaining the confidence of the person to be protected and the efficacy of the protective order regime that all reported breaches of a DAPN are thoroughly investigated and that appropriate action is taken in a timely manner. An arrest should be made at the first opportunity, as any delay may increase the risk to the person to be protected and therefore undermine the purpose of the DAPN.**
8. Consideration must always be given to the identification and investigation of substantive criminal offences arising from the breach if, on breaching the DAPN, the perpetrator has engaged in criminal behaviour.

## 2.5 Application for a Domestic Abuse Protection Order (DAPO) following the issue of a DAPN

1. Where a DAPN has been given, an application for a DAPO must be made by complaint to a magistrates' court by the chief officer of the force which gave the DAPN (see section 26(3)).
2. While the DAPN can be used to provide immediate protection in the aftermath of an incident, the DAPO can be used to provide longer-term protection and the length of the order and requirements placed on the perpetrator can be tailored to meet the needs of the person to be protected and address the perpetrator's abusive behaviour.
3. A template application for a DAPO is available at: XXXX<sup>7</sup>

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<sup>7</sup> We will produce the necessary template court forms ready for the pilot phase of the new orders.

4. **Like a DAPN, a DAPO is intended to provide protection from all forms of domestic abuse, not just from physical violence or the threat of physical violence.** Like the DAPN, this may include, sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, and psychological or emotional abuse. These behaviours are listed in section 1 of the 2021 Act.
5. In completing the application for a DAPO, the police should carefully evaluate the different types of requirements that would be most effective in safeguarding the person to be protected and addressing the abusive behaviour of the perpetrator and tailor their application accordingly. Further information on the requirements which can be imposed by a DAPO is provided at section 5 of this guidance (“Requirements for inclusion in a DAPO”). If further time is needed to consider which positive requirements are most appropriate, police may wish to seek an adjournment of the hearing for this purpose.
6. **If the person to be protected and the perpetrator live in different police force areas, it may be the case that the DAPN is issued by the force in which the perpetrator lives or to which it is anticipated they may be coming.** In these circumstances, the force applying for the DAPO is expected to liaise with the home force of the person to be protected to inform them of the forthcoming application and to confirm that the requirements to be sought through the application are suitable, based on the home force’s knowledge (if any) of the history of the abuse.
7. For the duration of the pilot phase, the police will not be required to pay an application fee to the court to apply for a DAPO.
8. If the court adjourns the hearing of the application for the DAPO, the DAPN continues in effect until the application has been determined or withdrawn (section 27(7)).

# 3. Conditions for making a Domestic Abuse Protection Order (DAPO)

## 3.1 Conditions for making a DAPO

1. Section 30 of the 2021 Act provides that a court may make a DAPO if:
  - it is satisfied **on the balance of probabilities** (the civil standard of proof) that the perpetrator has been abusive towards a person aged 16 or over to whom they are personally connected; **and**
  - it considers that the DAPO is **necessary and proportionate** to protect that person from domestic abuse, or the risk of domestic abuse, carried out by the perpetrator; **and**
  - the perpetrator is aged 18 or over.
2. It does not matter whether the abusive behaviour mentioned above took place in England and Wales or elsewhere.
3. The behaviour can also have taken place before or after the commencement of section 30 of the 2021 Act. Domestic abuse can consist of a single incident or a pattern of behaviour over time. The police and the courts may therefore need to take into consideration an act or acts carried out prior to the commencement of this section of the 2021 Act, where doing so would establish relevant conduct to support the assessment of necessity and of the risk posed to the person to be protected.
4. A DAPO is a civil order and therefore no prior conviction is required in order for the court to make a DAPO.
5. Section 31 of the 2021 Act sets out matters which, among other things, the court must consider before making a DAPO:
  - The welfare of any person under the age of 18 whose interests the court considers relevant (whether or not that person and the perpetrator are personally connected);
  - The views of the person being protected by the DAPO. Where this is not already made clear, the police should ensure the court is aware of any support or opposition (as the case may be) by the person to be protected to an order being made; and

- Where the DAPO includes requirements relating to the premises in which the person to be protected lives, any opinion of any other person living in the premises who is personally connected to the person to be protected or to the perpetrator (if the perpetrator also lives in the premises).
6. **Section 31(3) of the 2021 Act provides that it is not necessary for the person being protected to consent to a DAPO being made<sup>8</sup>. See Annex C.**

## 3.2 Making a DAPO without notice

1. Section 32 of the 2021 Act provides that the court may make a DAPO against the perpetrator even though the perpetrator has not been given notice of the proceedings if they consider it just and convenient for the protection of the person to be protected. To note, section 32 does not apply to DAPO applications made by the police following a DAPN where the police do not have an address for service. In such cases section 27(4) to (6) applies (see paragraph 2.3.7).
2. In deciding whether to make a DAPO without notice, the court must have regard to all the circumstances, including:
  - any risk that the perpetrator will cause significant harm to the person to be protected if the DAPO is not made immediately;
  - whether it is likely that the person who made the application for the DAPO will be deterred or prevented from pursuing the application if the DAPO is not made immediately;
  - whether there is reason to believe that the perpetrator is aware of the proceedings but is deliberately evading service of notice of the hearing and the delay involved in effecting substituted service of proceedings will cause serious prejudice to the person for whose protection the order would be made.
3. If a court makes a DAPO against the perpetrator without notice, the court must give the perpetrator the opportunity to make representations about the DAPO as soon as is “just and convenient”, at a hearing of which all parties have been given notice in accordance with the rules of court.

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<sup>8</sup> Further information about consent of the person to be protected is provided at Annex B (“Consent of the person to be protected”).

# 4. Police standalone application for a DAPO

## 4.1 When to apply for a standalone DAPO

1. There are two routes for the police to make an application for a DAPO:
  - following a DAPN being given (see section 2.5 above); or
  - as a standalone application, without a DAPN having been given first.
2. **Applying for a standalone DAPO vs. giving a DAPN and subsequently applying for a DAPO:**

**A DAPN is intended to provide immediate protection.** If the police have concerns about the immediate risk of harm posed by the perpetrator, it may be more suitable to give a DAPN to provide the person to be protected and any children with immediate protection whilst the application for the DAPO is being prepared and then determined by the court.
10. Consideration must always be given to the identification and investigation of substantive criminal offences. **A DAPN should never be given as an alternative to charging where the threshold for charging has been met – although a DAPO could be used in conjunction with a decision to charge. In these circumstances, full consideration should be given to protecting the needs of the person being protected and whether these can be fully addressed through the use of bail conditions.**
11. Before making a DAPO, investigators should consider the views of the person whose protection is being sought (alongside the other considerations set out in section 31 and as detailed in paragraph 3.1.5 above).
3. The person to be protected should always be proactively offered support and introduced to specialist services who can provide them with tailored help in parallel. The appropriate referral to safeguarding services should also be made where children and vulnerable adults are involved.

### 4. Example scenarios:

The police might want to consider an application for a standalone DAPO in this non-exhaustive list of example scenarios:

- *where a person has reported domestic abuse to the police;*



- *where domestic abuse has come to the attention of the police during a separate investigation or by other means, such as via a third party referral through MARAC (multi-agency risk assessment conference) or MAPPA (multi-agency public protection arrangements) processes; via a third party referral from a statutory body or from a non-governmental organisation; or via a report from a member of the public;*
- *before an investigation, or at any point during the course of the investigation;*
- *before a prosecution is brought for an offence, or at any point during the course of criminal proceedings, on conviction, after conviction, pending appeal against conviction or on acquittal\*.*
- *where a prosecution is not being pursued, but the police have reasonable grounds to believe that a DAPO is necessary and proportionate to protect the person from domestic abuse, or the risk of domestic abuse.*

*\*Sections 29(3) and (5) of the 2021 Act provide that, where a person has been convicted or acquitted of an offence, the court dealing with the person for that offence may make a DAPO against that person. For this reason, at the point of conviction or acquittal it is expected that, where the statutory tests for making a DAPO are met, it would be for the court to make a DAPO of its own initiative rather than for the police to make an application.*

#### **British Transport Police:**

- BTP cover a range of premises including hotels and night clubs and therefore domestic abuse could be identified in a range of scenarios that are similar to those encountered by Home Office forces. Domestic abuse is particularly prevalent during the night time economy period and to a lesser extent during child custody handovers at railway stations.
- Rail staff and those who work in tenanted premises on railway infrastructure may also disclose domestic abuse by partners, in some cases this may manifest itself whilst on BTP jurisdiction in such cases a DAPO could be considered. In all scenarios it is likely that BTP will work cooperatively with Home Office domestic abuse investigation teams/local MARAC.

#### **Ministry of Defence Police:**

Ministry of Defence (MOD) Police might want to consider an application for a standalone DAPO:

where a person has reported domestic abuse to the MOD Police;

- where domestic abuse has come to the attention of the MOD Police during a separate investigation or by other means, such as via a third party referral through Service families or welfare agencies; via a third party referral from a statutory body or from a non-governmental organisation e.g. SSAFA (the Armed Forces charity); or via a report from a member of the public or services;
- before an investigation, or at any point during the course of the investigation; before a member of the armed services returns from an operational posting away from the domestic home;
- before a prosecution is brought for an offence, or at any point during the course of criminal proceedings, on victim, after conviction, pending appeal against conviction or on acquittal;
- where a prosecution is not being pursued, but the police have reasonable grounds to believe that a DAPO is necessary and proportionate to protect the person from domestic abuse, or the risk of domestic abuse.
- In all scenarios it is likely that MOD Police will work cooperatively with Home Office domestic abuse investigation teams/local MARACs.

5. **As with the giving of a DAPN, an application for a DAPO should never be made as an alternative to charging where the threshold for charging has been met** – however, a DAPO could be applied for in conjunction with a decision to charge if the person to be protected requires protection for the duration of criminal proceedings. Consideration must always be given to the identification and investigation of substantive criminal offences.

## 4.2 How to apply for a standalone DAPO

1. Section 26 of the 2021 Act provides that the following chief officers of police may apply for a standalone DAPO:
  - the chief officer of police for the police force area where the perpetrator resides;
  - the chief officer of police for the police force area where they believe the perpetrator is or is intending to come to;
  - the Chief Constable of the British Transport Police;
  - the Chief Constable of the Ministry of Defence Police.
2. Section 26(8)(a) of the 2021 Act provides that a magistrates' court may adjourn the hearing of the application for the DAPO.

3. Section 26(8)(b) of the 2021 Act provides that the court cannot compel the person to be protected to attend unless the person to be protected has given oral or written evidence at the hearing. This does not preclude the complainant from attending the hearing if they wish to.
4. Otherwise, the arrangements for a police application for a standalone DAPO are the same as for a police application for a DAPO following a DAPN being given, as set out at section 2.5 above – see sections 2.5.1 to 2.5.5.

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# 5. Requirements for inclusion in a DAPO

## 5.1 Key provisions

1. In response to their application for a DAPO (either following a DAPN being given or as a standalone application), a court may impose any requirements that the court considers necessary to protect the person for whose protection the order is made and, in this context, such requirements include **prohibitions or restrictions**. Requirements can be tailored to protect the person to be protected and address the perpetrator's abusive behaviour based on the specific facts of each individual case.
2. The police can also seek for the DAPO to impose an **electronic monitoring** or "tagging" requirement on the perpetrator. Further information on electronic monitoring is provided at section 6 ("Electronic monitoring or "tagging" requirements").
3. Section 39 of the 2021 Act provides that every person subject to a DAPO is automatically subject to certain **notification requirements**, requiring them to notify the police of certain information and when any of this information changes. **Because these requirements will apply automatically, police do not need to seek notification requirements in their application for a DAPO.** Further information on notification requirements is provided at section 7 ("Notification requirements").
4. The final decision as to which requirements to include in the DAPO and their duration will be made by the court, according to what it considers **necessary** to protect the person from domestic abuse or the risk of domestic abuse. The application must therefore effectively demonstrate the necessity of requirements sought to protect the person from domestic abuse or the risk of domestic abuse.
5. Section 33(2) of the 2021 Act requires the court to consider what requirements (if any) may be necessary to protect the person from different kinds of abusive behaviour. The perpetrator's abusive behaviour may take any of the forms set out in the definition of domestic abuse in section 1 of the 2021 Act, or any combination of them. For example, physical abuse, sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, or psychological or emotional abuse. The requirements sought by the police in their DAPO applications are expected to reflect this.
6. The police are expected to engage with the person to be protected to obtain their views on the most appropriate requirements to seek in the application for the DAPO.

7. The police are also expected to consider that the person to be protected may not be aware of all of the abusive behaviours being exhibited by the perpetrator, particularly behaviours which are carried out online or are otherwise “digitally enabled” (for example, if the perpetrator is monitoring the person to be protected by installing a programme or application on personal devices belonging to the person to be protected), or the person to be protected may not believe that the behaviour amounts to domestic abuse. The police will be expected to discuss this with the person to be protected and should be satisfied that the person to be protected understands why certain behaviours are unacceptable.
8. If the person to be protected and the perpetrator live in different police force areas, the force making the application is expected to liaise with the home force of the person to be protected to ensure that the requirements sought are suitable, based on the home force’s knowledge (if any) of the perpetrator’s abusive behaviour and history.
9. Section 34(1) of the 2021 Act provides that the requirements of a DAPO must, **so far as practicable**, avoid conflict with the perpetrator’s religious beliefs, the perpetrator’s work or education, or the requirements of any other court order which the perpetrator is subject to. The police are expected to interrogate, so far as is possible, relevant police records in order to establish whether the perpetrator is already subject to another court order or injunction. As mentioned above, the final decision as to which requirements to include in the DAPO will be made by the court, however the police are advised to take section 34(1) into account when making their application, whilst also prioritising the safety of the person to be protected and their children.
10. Section 36 of the 2021 Act provides that a DAPO has effect for a fixed period specified in the order, until the occurrence of a specified event, or until a further order is made. **Different durations may be specified in relation to different requirements of a DAPO.** It is the court who have final say over the period for which an order and its individual requirements apply, however, for each requirement sought in their application, the police are expected to consider over what time period they want it to have effect.
11. If the perpetrator is already subject to another DAPO, section 36(2) of the 2021 Act provides that the court may specify that the new DAPO will take effect on the previous DAPO ceasing to have effect.
12. Section 36 of the 2021 Act provides that a requirement imposed by a DAPO has effect in all parts of the United Kingdom unless expressly limited to a particular locality.

## 5.2 Prohibitions

1. Sections 33(4) to (6) of the 2021 Act provide examples of the type of requirements which a DAPO may impose, such as:

- prohibiting the perpetrator from contacting the person to be protected (this requirement captures contact by any means, including via telephone, post, email, SMS text message or social media);
- prohibiting the perpetrator from coming within a specified distance around the premises in which the person to be protected is living;
- where the person to be protected and the perpetrator live in the same premises, prohibiting the perpetrator from evicting or excluding the person to be protected from those premises, prohibiting the perpetrator from entering those premises, or requiring the perpetrator to leave those premises.

2. **The examples given in the 2021 Act are not exhaustive** – the police may seek, and the court may subsequently impose, any requirements which are considered necessary to protect the person from domestic abuse, or the risk of domestic abuse.

3. For example, the police could also seek requirements to address abusive behaviour such as:

- Contacting or interacting with the person to be protected via third parties. For example the children, partner, other family members, friends or co-workers of the person to be protected;
- Hacking, monitoring or controlling the social media accounts, email, phone, computer, or other personal devices of the person to be protected;
- Engaging in any form of surveillance of the person to be protected by any means;
- Interfering with or restricting the person to be protected's access to goods, services or property;
- Damaging or threatening to damage property belonging to the person to be protected;
- Cancelling or procuring goods or services to the person to be protected, or intentionally running up bills or debts in the name of the person to be protected (with or without the knowledge of the person to be protected);
- Interfering with, restricting the person to be protected's access to, or deliberately frustrating the disposal of joint assets;
- Making or threatening to make vexatious applications to the civil or family court with reference to the person to be protected;

- Sharing or publishing, or threatening to share or publish, personal information or images relating to the person to be protected;
- Making reference to the person to be protected on social media either directly or indirectly.

*This list is not exhaustive.*

### 5.3 Positive requirements

1. A DAPO can also be used to directly address and challenge the root causes of the perpetrator's abusive behaviour to help prevent repeat and serial offending. Alongside seeking prohibitions in relation to certain kinds of abusive behaviour in their application for a DAPO, the police may also wish to consider whether any positive requirements may be necessary to reduce the risk posed to the person to be protected and their children.
2. When considering which positive requirements may be necessary, the police are expected to consider other factors which may need to be addressed in order to stabilise the perpetrator and help break the cycle of abuse. This could include, but is not limited to, drug or alcohol dependency, mental health difficulties, precarious housing or unemployment.
3. Information on the local availability of interventions which the police could seek as positive requirements of the DAPO can be obtained through engagement with:
  - Local authorities in England and Wales
  - Police and Crime Commissioners (PCCs)
  - Clinical Commissioning Groups (CCGs)
  - Multi Agency Risk Assessment Conferences (MARACs)
  - Multi-Agency Public Protection Arrangements (MAPPA)
  - Domestic Abuse Perpetrator Panels
  - Specialist domestic abuse services

*This list is not exhaustive.*

4. It is recommended that the police pro-actively inform themselves about range of the different interventions available in their local area.

5. For example, the police could seek positive requirements requiring the perpetrator to:

- Attend an assessment for a perpetrator intervention programme;
- Attend a mental health assessment;
- Attend an assessment for a drugs or alcohol programme;

*This list is not exhaustive.*

## 5.4 The responsible person

1. Section 34(2) of the 2021 Act provides that, for each positive requirement imposed by the DAPO, the DAPO must specify the person who is to be responsible for supervising compliance with that requirement – for the purposes of this guidance, they are referred to as “the responsible person”.
2. For each positive requirement which the police are seeking in their application, the court must receive evidence from the responsible person on the **suitability and enforceability** of that requirement.
3. The responsible person also has a duty to make any necessary arrangements in connection with the positive requirement which they are responsible for; to promote the perpetrator’s compliance with that requirement; and to inform the police regarding the perpetrator’s compliance or non-compliance with the requirement. Further information on monitoring compliance with a DAPO is provided at section 9 (“Monitoring compliance with a DAPO”).
4. The responsible person can be an individual or an organisation. Who the responsible person is will vary depending on the nature of the positive requirement being sought. This should never be the same person as the person to be protected.

For example, they may be:

- a provider of a perpetrator intervention programme, such as a specialist domestic abuse organisation commissioned by a local authority, PCC, Cafcass (Children and Family Court Advisory and Support Service) or the police as part of an Integrated Offender Management (IOM) approach;
- a provider of a mental health treatment programme;
- a provider of a drug or alcohol treatment programme or a specialist organisation commissioned by a local authority.

*This list is not exhaustive.*



5. If the police wish to seek a particular positive requirement in their application, it is recommended that they approach the individual or organisation who would be responsible for delivering the intervention as early as possible during the application process in order to identify the responsible person.
6. The police should include details of the agreed upon responsible person in their application and, where possible, ask the responsible person to provide evidence on suitability and enforceability of the requirement as part of the application. Alternatively, the magistrates' court can use the details of the responsible person to invite them to give evidence on the suitability and enforceability of the requirement at the hearing.

## 5.5 Quality standards for perpetrator intervention programmes

1. Perpetrator intervention programmes aim to reduce repeat and serial offending and the risk posed to victims and their children by helping perpetrators of domestic abuse to change their behaviour.
2. The evidence base to support the use of these interventions is still developing. However, it is recognised that perpetrator programmes which are not quality assured, are not tailored to the needs of individual perpetrators and/or are not delivered by appropriately trained professionals can potentially be very harmful. It is therefore critical that any perpetrator programme imposed as part of a DAPO provides a high quality, safe intervention.
3. If the police wish to apply for a perpetrator intervention programme to be imposed as a positive requirement of a DAPO, it is recommended that they specify in their application only those programmes which are accredited or are working towards relevant accreditation.
4. Perpetrator intervention programmes may be accredited by one of the following organisations:
  - The specialist domestic abuse organisation Respect has developed the *Respect Standard* which can be applied to any service which delivers interventions for domestic abuse perpetrators: [https://hubble-live-assets.s3.amazonaws.com/respect/redactor2\\_assets/files/105/Respect\\_Standard\\_FINAL.pdf](https://hubble-live-assets.s3.amazonaws.com/respect/redactor2_assets/files/105/Respect_Standard_FINAL.pdf)
  - The specialist domestic abuse organisation DAHA (Domestic Abuse Housing Alliance) has developed accreditation standards for how housing providers should manage domestic abuse perpetrators: <https://www.dahalliance.org.uk/what-we-do/accreditation-for-housing-providers/what-is-accreditation/>

- The Ministry of Justice Correctional Services Accreditation and Advice Panel (CSAAP) accredit perpetrator intervention programmes for use in the community and in custody: <https://www.gov.uk/guidance/offending-behaviour-programmes-and-interventions>

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## 6. Electronic monitoring or “tagging” requirements

1. The 2021 Act expressly provides that a DAPO may impose an electronic monitoring or “tagging” requirement on the perpetrator.
2. The intended purpose of any electronic monitoring requirement is to monitor the perpetrator’s compliance with the other requirements imposed by the DAPO. For example, if the DAPO prohibits the perpetrator from coming within a specified distance of the person to be protected’s home, then electronic monitoring could be imposed to monitor whether the perpetrator is complying with this requirement by remaining outside of the exclusion zone.
3. Section 35 of the 2021 Act provides that an electronic monitoring requirement cannot be imposed:
  - in the perpetrator’s absence;
  - without the consent of any person (other than the perpetrator) without whose co-operation it would not be practicable to deliver the electronic monitoring requirement – this person could be, for example, the owner of the premises where the perpetrator lives if a home beacon needs to be installed there.
4. Section 35(6) of the 2021 Act provides that, where a DAPO imposes an electronic monitoring requirement, the DAPO must specify the person who is to be responsible for the electronic monitoring.<sup>9</sup>
5. Section 36 (5) of the 2021 Act provides that an electronic monitoring requirement may not be imposed for longer than 12 months at a time. If the police consider that it is necessary for an electronic monitoring requirement to be extended for a further period up to a maximum of 12 months in order to protect the person from domestic abuse or the risk of domestic abuse, then they can apply to the court for the DAPO to be varied accordingly.<sup>10</sup>
6. As with any other requirement sought in an application for a DAPO, the court must be satisfied that electronic monitoring is necessary to protect the complainant from domestic abuse, or the risk of domestic abuse. Police are therefore expected to demonstrate in their application why an electronic monitoring requirement is

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<sup>9</sup> The individual or organisation responsible for the electronic monitoring must meet a description which will be set out in regulations. We will lay these regulations ready for the pilot phase of the new orders.

<sup>10</sup> Further information on variation and discharge of a DAPO is provided at section 8 (“Variation or discharge of a DAPO”).

necessary to support the monitoring of the perpetrator's compliance with the other requirements imposed by the DAPO.

7. Where a DAPO imposes an electronic monitoring requirement on the perpetrator, the perpetrator is subject to certain obligations which have effect like any other requirement imposed by the DAPO. These obligations are set out at section 35(8), and require the perpetrator:
- To submit to being fitted with the electronic monitoring apparatus (such as an ankle tag) or to this apparatus being installed (such as a home beacon);
  - To submit to the electronic monitoring apparatus being inspected or repaired;
  - Not to interfere with, or with the working of, the electronic monitoring apparatus;
  - To take any steps required by the person responsible for the electronic monitoring to keep the apparatus in working order.

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# 7. Notification requirements

## 7.1 Notification requirements

1. Section 39 of the 2021 Act provides that a person subject to a DAPO must notify the police of their name(s) and their home address within a period of three days beginning with the day on which the DAPO is made.
2. “Home address” is defined at section 54 of the 2021 Act as:
  - a) the address of the person’s sole or main residence in the United Kingdom, or
  - b) if the person has no such residence –
    - i) the address or location of a place in the United Kingdom where the person can regularly be found;
    - ii) if there is more than one such place, the address or location of whichever one of those places the person selects.

This definition is intended to capture a range of circumstances in relation to the perpetrator, such as if they regularly move between multiple addresses or if they are homeless.

3. If the perpetrator starts using a new name whilst the DAPO is in effect the perpetrator must notify the police within a period of three days beginning with the day on which they first used the name.
4. If the perpetrator’s home address changes, or they cease to have a home address whilst the DAPO is in effect (which would include, for example, them moving outside of the United Kingdom and no longer having their sole or main residence there), the perpetrator must notify the police within a period of three days beginning with the day on which the change happened.
5. Section 40 of the 2021 Act provides that if the perpetrator has a home address in England and Wales, they must give notification by:
  - attending at a police station in the police area where the home address is situated, and
  - giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.
6. If the perpetrator does not have a home address in England and Wales, or ceases to have one, they must give notification by:

- attending at a police station in the local police area in which the court which last made a DAPO in respect of the perpetrator is situated, and
  - giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.
7. When the perpetrator gives notification, they must, if requested to do so by the officer receiving the notification, allow the officer to verify their identity by taking their fingerprints and/or their photograph.
  8. Once the perpetrator has given notification, this must be acknowledged in writing.<sup>11</sup>
  9. The notification requirements at section 39 of the 2021 Act do not apply where the perpetrator is already subject to notification requirements
    - imposed by another DAPO; or
    - under Part 2 of the Sexual Offences Act 2003; or
    - under section 9 of the Stalking Protection Act 2019.

If the perpetrator ceases to be subject to any of those notification requirements before the expiry of a DAPO, section 39 would then apply – the deadline for notification would be three days beginning with the day on which the perpetrator ceases to be subject to the other notification requirements (i.e. beginning with the day on which the other order or orders expire).

10. In addition to the notification requirements in relation to the perpetrator's name(s) and home address, section 39 includes a power for the Home Secretary to specify by regulations further notification requirements which a court may impose on the perpetrator. We will use the DAPO pilot to assess whether the notification requirements included in the 2021 Act are sufficient in order for the police to effectively monitor the perpetrator, or whether it is necessary for the police to be notified of additional information by the perpetrator in order to keep the person to be protected safe. Any additional notification requirements will be set out in regulations at a later stage.
11. Where a DAPO imposes a positive requirement on the perpetrator, section 34(7) of the 2021 Act provides that the perpetrator is subject to obligations to notify the person responsible for supervising compliance with that requirement of any changes to their home address, or if they cease to have a home address. These obligations have effect like any other requirement imposed by the DAPO. Further information on these obligations is provided at section 9 ("Monitoring compliance with a DAPO").

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<sup>11</sup> The form which this written acknowledgement of notification will take will be determined ready for the pilot phase of the new orders.

## 7.2 Offences relating to notification

1. Section 41 of the 2021 Act provides that it is an offence if the perpetrator fails, without reasonable excuse, to comply with the notification requirements under section 39 of the 2021 Act or if they provide information which they know to be false in purported compliance with those requirements.
2. Section 41 of the 2021 Act also provides that it is an offence if the perpetrator fails, without reasonable excuse, to allow the officer receiving their notification to verify their identity by taking their fingerprints and/or their photograph.
3. It is a matter for the court to decide what constitutes a “reasonable excuse”. However, it is expected that such excuses might include, for example, the perpetrator being unable to notify because they were in hospital.
4. The maximum penalty for breach of the notification requirements is 12 months’ imprisonment, or a fine, or both, on summary conviction; or five years’ imprisonment, or a fine, or both, on conviction on indictment.
5. Section 41 provides that the perpetrator commits an offence on the day on which they first fail, without reasonable excuse, to comply with the notification requirements under section 39 of the 2021 Act. Whilst the perpetrator continues to commit the offence during any period of non-compliance, they can only be prosecuted once for the same failure to notify.

# 8. Variation or discharge of a DAPO

## 8.1 Variation or discharge of a DAPO

1. Section 42 of the 2021 Act provides that the following people can apply for a DAPO to be varied or discharged:

- the person to be protected;
- the person who applied for the DAPO;
- the perpetrator;
- the chief officer of police for the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to.

The chief officers of the British Transport Police or the Ministry of Defence police may only apply to vary or discharge a DAPO which they originally applied for.

2. The application to vary or discharge the DAPO must be made to the appropriate court, which varies depending on the circumstances in which the DAPO was originally made.

Section 43 of the 2021 Act provides that the application to vary or discharge the DAPO must be made to the court which made the DAPO, **subject to the following exceptions:**

<i>Where the DAPO was made:</i>	<i>Where to apply to vary or discharge the DAPO:</i>
A magistrates' court	<u>Any</u> magistrates' court in the local justice area of the magistrates' court which made the DAPO
Of the court's own initiative (without an application) on an appeal in relation to a conviction or sentence for an offence committed by the perpetrator	The court which convicted the perpetrator
Of the court's own initiative (without an application) by the court to which the	The court which convicted the perpetrator <sup>12</sup>

<sup>12</sup> If the perpetrator was convicted by a youth court, the application to vary or discharge the DAPO can be made to any magistrates' court in the local justice area of the youth court which convicted the perpetrator.



perpetrator has been committed or remitted for sentencing for an offence	
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3. Section 42(2)(b) of the 2021 Act provides that the court can also vary or discharge the DAPO of its own initiative in any case in which it could make a DAPO of its own initiative under section 29.<sup>13</sup>
4. When deciding whether to vary or discharge a DAPO, the court must hear from:
  - the person to be protected, if the person to be protected is seeking to discharge the DAPO, remove any requirements imposed, or make any of the requirements less onerous on the perpetrator– this guards against circumstances in which the person to be protect is coerced by the perpetrator to vary or discharge the DAPO;
  - if they wish to be heard, the chief officer of police who applied for the DAPO;
  - if they wish to be heard, the chief officer of police for the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to, **even if they did not originally apply for the DAPO.**
5. These provisions mean that, where they wish to do so, the police are still able to put forward relevant evidence or intelligence which they may have regarding the level of risk posed to the person to be protected by the perpetrator or the nature of their abusive behaviour, even where the police have not previously been involved in the case (for example, if they were not the party who applied for the DAPO). Further information on the other routes to obtaining a DAPO is provided at Annex A (“Other routes to obtaining a DAPO”).
6. The police are expected to engage with the person to be protected when making an application for the DAPO to be varied or discharged, or when they wish to be heard by the court in relation to an application made by another person.
7. If the court is satisfied that varying the DAPO is necessary to protect the person from domestic abuse or the risk of domestic abuse, the DAPO may be varied to:
  - Impose additional requirements on the perpetrator; or
  - Extend the duration of the DAPO, or the duration of particular requirements.

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<sup>13</sup> Section 29 of the 2021 Act provides that the court may make a DAPO of its own initiative during other family, criminal or civil proceedings. Further information on the other routes to obtaining a DAPO is provided at Annex A (“Other routes to obtaining a DAPO”).

8. However, the court may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time.
9. The court may only remove a particular requirement, or make that requirement less onerous on the perpetrator, if it is satisfied that the requirement is no longer necessary to protect the person from domestic abuse or the risk of domestic abuse.
10. If it appears to the court that any conditions necessary for a requirement to be imposed are no longer met, the court may not extend that requirement and must remove that requirement.
11. The court may only discharge the DAPO if it is satisfied that the DAPO is no longer necessary to protect the person from domestic abuse or the risk of domestic abuse.
12. The circumstances in which a DAPO can be varied without notice are set out at section 32 of the 2021 Act, as glossed by section 42(7). Further information on making a DAPO without notice is provided at section 3.2 (“Making a DAPO without notice”).
13. Where a DAPO has been varied without notice under section 42 of the 2021 Act, it must be served on the perpetrator before it can be enforced. As set out at section 43(9) of the 2021 Act, this means that a perpetrator who breaches a varied DAPO will not have committed an offence unless and until they are aware of the making of the variation, if, in the absence of the variation, their behaviour would not have constituted an offence. Further information on breach of a DAPO is provided at section 10 (“Breach of a DAPO”).

# 9. Monitoring compliance with a DAPO

## 9.1 The responsible person

1. As set out at section 5.4 of this guidance, Section 34(2) of the 2021 Act provides that, for each positive requirement imposed by the DAPO, the DAPO must specify the person who is to be responsible for supervising compliance with that requirement. For the purposes of this guidance, they are referred to as “the responsible person”.
2. Section 34(5) of the 2021 Act sets out the duties of the responsible person, which are to.
  - to make any necessary arrangements in connection with the positive requirement(s) which they are responsible for;
  - to promote the perpetrator’s compliance with the positive requirement(s);
  - to inform the appropriate chief officer of police if they consider that the perpetrator has complied with the positive requirement(s) or has failed to comply with the positive requirement(s).
3. Section 34(6) sets out that the chief officer of police to whom the responsible person should report regarding the perpetrator’s compliance or non-compliance is the chief officer of the police force area in which the perpetrator resides.
4. If it appears to the responsible person that the perpetrator resides in more than one police force area, then the responsible person may choose to inform whichever of the chief officers of those police force areas they think most appropriate. If it appears to the responsible person that the perpetrator does not reside in any police area (for example, if the perpetrator appears to be homeless), then they must inform the chief officer of the police force area in which the court that made the DAPO is situated.
5. In practice, it is likely that the responsible person will inform a designated single point of contact (SPOC) or officer in charge (OIC) authorised by the chief officer of police to receive this information regarding the perpetrator’s compliance or non-compliance with positive requirements.
6. Where a DAPO imposes positive requirements on the perpetrator, the police will receive information from the responsible person regarding the perpetrator’s compliance or non-compliance with positive requirements **regardless of whether or not the police applied for that DAPO**. The efficiency of this process will rely on

effective multi-agency information sharing between the courts and the police at all stages of the DAPO process, particularly at the point when a DAPO is made or varied.

## 9.2 Ongoing management of a DAPO

1. Effective maintenance of the Police National Computer (PNC) records in relation to DAPOs will enable all users of PNC to access information in respect of a DAPO, which will assist in monitoring compliance with and taking appropriate and timely action in response to any breaches.
2. **The police have responsibility for enforcing – and responding to reported breach of – any DAPO, regardless of whether or not the police applied for that DAPO.** It is recommended best practice for pilot areas to establish dedicated DAPO teams to manage the orders, including maintaining police database records, monitoring compliance, updating risk assessments and reviewing safety planning for the person to be protected as appropriate. For further information in relation to the expectations on police in enforcing DAPOs they did not apply for, please see Annex A (“Other routes to obtaining a DAPO”).
3. **The ongoing management of a DAPO and the risk posed to the person to be protected and their children requires a proactive multi-agency approach at all stages.**

In all cases, the police should consider:

- referring the person to be protected to MARAC;
  - referring the perpetrator to a local multi-agency domestic abuse perpetrator management forum, such as a domestic abuse perpetrator panel (DAPP), a Multi-Agency Tasking and Co-ordination meeting (MATAC), or MAPPA (for example, under Category 3 or as a Potentially Dangerous Person (PDP)).
4. If the person to be protected and the perpetrator live in different police force areas, the two force areas will need to liaise closely throughout the duration of the DAPO to share relevant intelligence and identify any emerging risks, as well as ensuring that there is no duplication of activity to manage the perpetrator. This is to ensure that the person to be protected remains protected wherever they are, and that the police in both force areas are aware of the DAPO and ready to address any breaches which may occur. There may be a significant geographical spread between the two force areas, for example where the person to be protected has relocated to go into refuge.
  5. There are additional risk factors which should be taken into consideration when managing the subject of a DAPO, including but not limited to the perpetrator’s access to legal firearms, their competency with firearms or other weapons, mental health difficulties, or drug or alcohol dependency. The police should conduct such

enquiries as are necessary to identify any additional risk factors and should include these in their risk management plans.

6. For further guidance, the police should refer to the principles published by the College of Policing on the identification, assessment and management of serial or potentially dangerous domestic abuse and stalking perpetrators, which are available at: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/>.

### 1.3 Planning for the expiry of a DAPO

1. The police should consider well in advance of the expiry date of a DAPO whether they need to make an application to vary the DAPO to extend its duration – for example, if the DAPO is due to expire but the police consider that the perpetrator still poses a risk to the person to be protected. Further information on variation of a DAPO is provided at section 8 (“Variation or discharge of a DAPO”).
2. The expiry of a DAPO may be an unsettling time for the victim, as they may be concerned that they will no longer be safe from the perpetrator. In addition to reviewing existing safety planning with the person to be protected at this stage, the police should provide the person to be protected with information about local specialist domestic abuse support such as an IDVA (Independent Domestic Violence Advocate) or other community-based services if this relationship has not already been established.

# 10. Breach of a DAPO

## 10.1 Breach of a DAPO

1. It is an offence for a perpetrator to breach a DAPO – that is, to do anything which is prohibited by the DAPO, or fail to do anything which is required by the DAPO – without reasonable excuse.

Offences relating to a DAPO include:

- offence of breach of a DAPO under section 37;
- offence of failure to comply with notification requirements under section 41;
- failure to comply with obligations in relation to contact with and notification of the responsible person under section 34(7);
- failure to comply with obligations in relation to electronic monitoring requirements under section 35(8).

2. **It is vital for maintaining the confidence of the person to be protected and the efficacy of the protective order regime that all reported breaches are thoroughly investigated and that appropriate action is taken in a timely manner.** An arrest should be made at the first opportunity, as any delay may increase the risk to the person to be protected and therefore undermine the purpose of the DAPO.
3. Section 37(2) of the 2021 Act provides that, where the DAPO was made against the perpetrator without notice, the perpetrator only commits an offence in respect of behaviour that occurred at a time when the perpetrator was aware of the existence of the DAPO. Sections 43(8) and (9) of the 2021 Act make similar provision in respect of variation – that the perpetrator does not commit an offence unless and until they are aware of the making of the variation, if in the absence of the variation their behaviour would not have constituted an offence.
4. Section 41 of the 2021 Act provides that the perpetrator commits an offence on the day on which they first fail, without reasonable excuse, to comply with the notification requirements under section 39 of the 2021 Act. Whilst the perpetrator continues to commit the offence during any period of non-compliance, they can only be prosecuted once for the same failure to notify.

5. By virtue of section 24 of PACE, a police officer may make an arrest without warrant if they have reasonable grounds for believing that the perpetrator is about to breach the DAPO or is in the act of breaching the DAPO.
6. Section 37(5) of the 2021 Act provides that the maximum penalty for breach of a DAPO is 12 months' imprisonment, or a fine, or both, on summary conviction; or five years' imprisonment, or a fine, or both, on conviction on indictment.
7. If a person is convicted of breach of a DAPO, sections 37(6) and (7) of the 2021 Act provide that it is not open to the court, or to the service court respectively, to make an order for a conditional discharge.
8. It should of course be noted that the person being protected cannot be seen to have breached the order, even if, for example, they take action to contact the perpetrator (for example about the care of children) .

## 10.2 Breach of non-police led DAPO

1. **The police have responsibility for responding to reported breach of – any DAPO, regardless of whether or not the police applied for that DAPO.** Breach of a DAPO is a criminal offence, regardless of the court it was made in or who submitted the original application. The police are expected to treat a reported breach of a non-police led DAPO and a reported breach of a police-led DAPO with equal seriousness.
2. On becoming aware of a breach or potential breach of an order, the police should immediately seek to obtain a copy of the order. The efficiency of this process will rely on effective multi-agency information sharing between the courts and the police at all stages of the DAPO process, particularly at the point when a DAPO is made or varied.
3. The process at 10.1 and 10.3 should be followed as relevant.
4. For further information in relation to the expectations on police in enforcing DAPOs they did not apply for, please see Annex A (“Other routes to obtaining a DAPO”).

## 10.3 Dealing with breach as a civil contempt of court

1. Breach of a DAPO can instead be dealt with as a civil contempt of court. Where the order was made by a magistrates' court, a breach dealt with as a contempt of court may be punished by a fine (maximum £50 per day or a sum not exceeding £5,000) or committal to custody for a period of up to 2 months in accordance with section 63(3) of the Magistrates' Courts Act 1980.

2. Where the DAPO was made by a court other than a magistrates' court, the maximum penalty for civil contempt of court is generally up to two years' imprisonment, or a fine, or both – the available penalty will vary depending on the seniority of the judge who made the DAPO.
3. Section 38 of the 2021 Act provides that the person to be protected, the person who applied for the standalone DAPO, or anyone else with the leave of the court may apply to the court which made the DAPO for an arrest warrant if they consider that the perpetrator has breached the DAPO or is otherwise in contempt of court in relation to the DAPO. This may be necessary in order to secure the attendance of the perpetrator at the hearing of the committal proceedings.
4. Alternatively, by virtue of section 24 of PACE, a police officer may make an arrest without warrant and bring the perpetrator before the relevant court if they have reasonable grounds for believing that the perpetrator is about to breach the DAPO or is in the act of breaching the DAPO.
5. Dealing with a breach of a DAPO as a civil matter may be appropriate in cases where the person to be protected does not want the perpetrator to be criminalised, for example if they wish to continue their relationship with the perpetrator.
6. Sections 37(3) and (4) of the 2021 Act provide that where the perpetrator is convicted of breach of a DAPO in respect of any behaviour, that same behaviour is not punishable as a contempt of court. Equally, where the perpetrator has been found in contempt of court in relation to the DAPO respect of any behaviour, they may not be convicted of breach of a DAPO in respect of that same behaviour.

## 10.4 Breach occurring outside of England and Wales

1. Part 3 of the 2021 Act extends to England and Wales only. This means that it does not form part of the law of Scotland, Northern Ireland or any other country and is not capable of producing any legal effect outside England and Wales.
2. Section 36 of the 2021 Act provides that a requirement imposed by a DAPO has effect in all parts of the United Kingdom unless expressly limited to a particular locality. This means that an act or conduct in breach of a DAPO, even if carried out in Scotland or Northern Ireland, will constitute as an offence in England and Wales.
3. In the event of a breach occurring outside of England and Wales, the police are expected to decide on a case by case basis the appropriate strategy to locate and deal with the perpetrator in accordance with Section 137 of the Criminal Justice and Public Order Act 1994.



# 11. Appeals

1. Further information on the other routes to obtaining a DAPO is provided at Annex A (“Other routes to obtaining a DAPO”) – this is intended to assist the police in understanding their rights of appeal in relation to DAPOs made on an application by another party or of the court’s own initiative as part of other proceedings.
2. Further information on the other routes to obtaining a DAPO is provided at Annex A (“Other routes to obtaining a DAPO”) – this is intended to assist the police in understanding their rights of appeal in relation to DAPOs made on an application by another party or of the court’s own initiative as part of other proceedings.
3. **Summary of the circumstances in which a DAPO may be appealed:**

	DAPO made, or <u>not</u> made, on application under section 26 of the 2021 Act – including following a DAPN being given	DAPO made of the court’s own initiative under section 29 of the 2021 Act as part of other proceedings	DAPO varied or discharged, or <u>not</u> varied or discharged, under section 42 of the 2021 Act
The person to be protected	✓	See footnote <sup>14</sup>	✓
The person who made the application (if different)	✓	N/A	✓
The defendant/perpetrator	✓ (if the DAPO <u>is</u> made)	✓	✓
The chief officer of police for the police force area where the perpetrator resides, or where they believe	X	X	✓

<sup>14</sup> The 2021 Act does not explicitly set out that the victim may appeal a decision of the court relating to a DAPO made of the court’s own initiative under section 29 because this is a general right of appeal which is already available to the victim by virtue of other legislation, such as that listed at section 44(9) of the 2021 Act.

the perpetrator is or is intending to come to (where they did not make the original application)			
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4. The chief officers of the British Transport Police or the Ministry of Defence Police may only apply appeal a decision of the court in relation to a DAPO which they originally applied for.
5. The appeal must be made to the appropriate court, which varies depending on the circumstances in which the DAPO or the relevant decision in relation to the DAPO was made:
  - Where the DAPO, or the decision in relation to the DAPO, was made by a magistrates' court, the appeal must be made to the Crown Court;
  - Where the DAPO, or the decision in relation to the DAPO, was made by a Crown Court, the appeal must be made to the Court of Appeal;
  - Appeals against decisions made by other courts (the family court, county court, or High Court) will be heard in accordance with existing legislation, which is set out at section 44(9) of the 2021 Act.

Before determining an appeal in relation to a DAPO, the court must hear from:

- if they wish to be heard, the chief officer of police who applied for the DAPO;
  - if they wish to be heard, the chief officer of police for the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to, **even if they did not originally apply for the DAPO.**
6. These provisions – specifically sections 44(5) and 45(1) of the 2021 Act – mean that, where they wish to do so, the police are still able appeal to a decision to vary or discharge a DAPO, or to be heard in respect of an appeal relating to a DAPO, even where they did not originally apply for that DAPO. This allows the police to put forward relevant evidence or intelligence which they may have regarding the level of risk posed to the person to be protected by the perpetrator or the nature of their abusive behaviour, even where the original DAPO was obtained via a different route or the police have not previously been involved in the case.
  7. These provisions do not preclude the court from hearing from other parties who wish to be heard in relation to the appeal, such as the person being protected.

8. Section 45(4) of the 2021 Act sets out what may happen as the result of a successful appeal. This includes the court confirming, varying or revoking any part of the decision which was appealed against, or referring the matter back to the lower court and directing it to reconsider its decision.

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## 12. Multi-agency information sharing and safety planning

1. **The effective use of DAPNs and DAPOs demands proactive multi-agency working at all stages.** The police are expected to keep partner agencies involved in, and informed of any updates to, active DAPO cases and to work closely with established multi-agency forums where appropriate – for example through MARAC, DAPP, MATAC or MAPPA.
2. As appropriate and as soon as is practicable at each of the stages set out at paragraph 12.3, the police are expected to:

Enter the relevant information onto PNC;	✓
Inform the person to be protected and offer referral to specialist services;	✓
Review safety of the person to be protected and update safety planning as required;	✓
Inform relevant partner agencies through established multi-agency forums;	✓
Where a child or vulnerable adult may be affected by what has occurred at that stage, consider a referral to social care as per local safeguarding procedures;	✓
Where the person to be protected and the perpetrator live in different police force areas, inform any other relevant police force.	✓

3. The stages requiring police action in relation to multi-agency information sharing and safety planning as appropriate are:
  - When a DAPN is given;
  - When a DAPN is breached;
  - When a DAPO is made, or is not made, on an application by the police (either following a DAPN being given or as a standalone application);
  - When a DAPO is made on an application by a victim or by a third party;

- When a DAPO is varied or discharged, or is not varied or discharged, on an application by the police;
  - When a DAPO is breached;
  - When an appeal lodged by the police against any decision of the court relating to a DAPO is determined;
  - In advance of the expiry date of a DAPO.
4. For example, safety plans may need to be amended to ensure that the person to be protected remains protected in the event that the court does not make the DAPO or the variation, or if the requirements imposed by the court are different to the ones sought by the police in their application.<sup>15</sup>
5. When engaging with the person to be protected, the police should, as necessary:
- explain the prohibitions and/or requirements imposed by the DAPN or DAPO to the person to be protected and ensure the person to be protected has a copy of the order. The police may wish to work through a support service to share this information if they consider appropriate;
  - inform the person to be protected about what action they should take in the event that any of the prohibitions or requirements are breached;
  - provide the person to be protected with a copy of the DAPN/DAPO person to be protected information leaflet, which is available at: XXXX<sup>16</sup>;
  - provide the person to be protected with information about local specialist domestic abuse support services such as an IDVA or other community-based services;
  - in the event of a breach, consider that the person to be protected may not be aware of the full extent of the breach or the behaviour which constituted it.

#### **Support for the person to be protected**

- It is important that the person to be protected is provided with information about local specialist support services, such as an IDVA.

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<sup>15</sup> If the police disagree with the court's decision not to make a DAPO or regarding the requirements imposed by the DAPO, they may appeal against it. Further detail on the circumstances in which the police may make an appeal in relation to a DAPO is set out at section 11 ("Appeals").

<sup>16</sup> We will produce a DAPN/DAPO victim information leaflet ready for the pilot phase of the new orders.

- For individuals to be protected by a DAPN/O, support from an IDVA or other specialist support can improve outcomes around safety, recovery, and engagement with the criminal justice process.
- IDVAs work primarily with people at high risk of domestic abuse, in some areas only those referred to a MARAC. They are often the main point of contact for the victim and work to assess level of risk, discuss options and develop safety plans alongside the police.
- IDVAs or other local domestic abuse support services can also help direct victims to support on issues including housing, mental health or counselling needs. Victims of domestic may have particular health needs that require specialist diagnosis and support such as a traumatic brain injury, and other forms of acquired brain injury, including concussion. Specialist domestic abuse support services can help refer victims to relevant services as required.

6. For further guidance on partnership working and information sharing, the police should refer to the College of Policing Authorised Professional Practice (APP) guidance on domestic abuse, which is available at: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/partnership-working-and-multi-agency-responses/#partnership-working-and-information-sharing>
7. **The ongoing safety of the person to be protected and any children should be of paramount concern to the police.** Safe inquiry with the person to be protected and use of an appropriate specialist domestic abuse risk assessment or screening tool in consultation with partner agencies is essential to safeguarding person to be protected safety and reducing the risk of further harm by the perpetrator.

#### **Safety planning could include:**

- Improving security at the home of the person to be protected;
- Personal safety handsets or mobile phone applications such as *TecSOS*: <http://www.tecsos.co.uk/> which allow the person to be protected to connect to the police immediately in an emergency;
- Mobile phone applications such as *Hollie Guard*: <https://hollieguard.com/#home> which allow the person to be protected to send an alert to chosen contacts if they are in danger or fail to arrive at a pre-set meeting time or location, notifying the contacts of the person to be protected's live GPS location and capturing audio and video evidence;

- Mobile phone applications such as *BrightSky*: <https://www.hestia.org/brightsky> which provide information on domestic abuse and how to access specialist support locally and enable recording of evidence of abusive behaviour;
- Where the person to be protected's phone has been retained for evidence purposes, it is vital that the person to be protected is provided with a new phone, that it is explained to the person to be protected how they can use the new phone to contact the police and that the details of this phone are recorded by the police and other safeguarding agencies to ensure that any calls from the new phone are responded to appropriately;
- A "Right To Know" disclosure under the Domestic Violence Disclosure Scheme (DVDS, also known as "Clare's Law") in cases where the person to be protected may not be aware of the perpetrator's history of domestic abuse or violent offending and a disclosure would prevent further harm. Guidance on the DVDS is available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575361/DVDS\\_guidance\\_FINAL\\_v3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575361/DVDS_guidance_FINAL_v3.pdf);<sup>17</sup>
- Directing the person to be protected to specialist national domestic abuse organisations to get additional help and support. A list can be found at: <https://www.gov.uk/report-domestic-abuse>.

8. For further guidance on safety planning, the police should refer to the College of Policing APP guidance on domestic abuse, which is available at: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/victim-safety-and-support/#safety-planning>

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<sup>17</sup> Section 70 of the 2021 Act provides that the police are under a statutory duty to have regard to this guidance when exercising their functions under the DVDS.

# Annex A: Other routes to obtaining a DAPO

## A1. DAPOs made on application

1. Section 26 of the 2021 Act provides that the following people may apply for a DAPO:
  - the person to be protected (who must be aged 16 or over);
  - the chief officer of police for the force which gave a DAPN, or if no DAPN has been given any of the following:
    - the chief officer of the British Transport Police;
    - The chief officer of the Ministry of Defence Police;
  - the chief officer of police for the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to;
  - a person specified in regulations<sup>18</sup>;
  - any other person with the leave of the court.
2. The conditions for making a DAPO and the requirements which can be imposed by it are the same regardless of who makes the application for the DAPO or which court makes it.
3. Section 26(5) of the 2021 Act provides that the application for the DAPO under that section must be made to the family court, **subject to the following exceptions:**

<i>Who is applying for the DAPO:</i>	<i>Where to apply for the DAPO:</i>
The police	A magistrates' court
The court, during certain family or civil proceedings to which the person to be	The family court or county court

<sup>18</sup> The third parties to be specified in regulations (who will be able to make an application for a DAPO without first having to seek leave of the court to do so) have yet to be determined. We will work with relevant partners in due course to lay these regulations ready for the delivery phase of the orders.



protected and the perpetrator are both parties	
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4. There are a number of reasons why a person to be protected may choose to make their own application for a DAPO rather than approaching the police or another person or organisation. For example, they may not wish to involve the police in their case, or they may want to be in control of obtaining their own protection.
5. Other people who may wish to seek the leave of the court to apply for a DAPO could include a representative from the person to be protected's local authority, or a specialist domestic abuse organisation working with the person to be protected.
6. The guidance set out at section 9 of this guidance also applies with regard to the monitoring of compliance with DAPOs which are not made by the police.

## A2. DAPOs made of the court's own volition

1. Section 29 of the 2021 Act provides that the following courts may make a DAPO of their own volition during other proceedings. This includes:
  - The family court, during family proceedings to which the person to be protected and the perpetrator are both parties;
  - The Crown Court, where it has allowed the perpetrator's appeal against a conviction for an offence;
  - The county court, during relevant proceedings<sup>19</sup> to which the person to be protected and the perpetrator are both parties.
  - In cases where the perpetrator has been convicted or acquitted of an offence, the court dealing with the perpetrator for that offence (excluding the Court of Appeal);
2. As with DAPOs made on application, the conditions for making a DAPO and the requirements which can be imposed by it are the same regardless of which court makes the DAPO of its own volition.
3. It is expected that the courts may use the power to make a DAPO of their own volition where, during the course of other proceedings, the court becomes aware of the need to protect a person from domestic abuse – for example, where domestic abuse is alleged or is revealed in evidence. These proceedings do not have to be related to the domestic abuse.

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<sup>19</sup> The county court proceedings within which a court may make a DAPO of its own initiative must meet a description which will be set out in regulations. We will lay these regulations ready for the pilot phase of the new orders.

# Annex B: Consent of the person to be protected

1. Section 22(4) of the 2021 Act provides that it is not necessary for the complainant to consent to a DAPN being given. Similarly, section 31(3) of the 2021 Act provides that it is not necessary for the person to be protected to consent to a DAPO being made.
2. These provisions guard against circumstances in which the person to be protected is being coerced by the perpetrator not to support the police giving a DAPN or the court making a DAPO.
3. Many factors can influence the decision of the person being protected not to support police or court action against the perpetrator. The lack of need for consent does not however remove the need to listen to the views of the person being protected and they should be fully engaged at all times when deciding the best course of action (see para xx above). Police should additionally note that they have specific statutory responsibilities under the Victims Code of Practice which should be followed<sup>20</sup>. Officers will want to seek to understand any opposition to an order being sought and offer a referral to a specialist service to provide tailored support, whether or not the person to be protected supports the order. For further guidance on why a person to be protected may appear unwilling to engage, or why they may continue in an abusive relationship, the police should refer to the College of Policing APP guidance on domestic abuse, which is available at:  
<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/first-response/#why-a-victim-might-appear-unwilling-to-engage>.
4. Officers should also note that although consent of the person to be protected is not needed before a DAPN or DAPO is made, their views must be considered. Section 22 (1) of the 2021 Act provides that a senior police officer must take account of the opinions of the person to be protected before the DAPN is given, and section 31 (1) (b) provides that the court must have regard to the opinion of the person being protected about the order as per section 22 (1) of the 2021 Act.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

## Annex C: Pre-charge bail

1. **Giving a DAPN, or applying for a DAPO, and imposing pre-charge bail with conditions are different interventions**, with different criteria, different timescales and different sanctions for breach. The police are expected to consider these different interventions on their own merits, based on the specific facts of each individual case, to ensure that the victim is appropriately protected.
2. For further guidance on the use of pre-charge bail and release under investigation (RUI) in cases of domestic abuse, the police should refer to the relevant operational guidance published by the National Police Chiefs' Council (NPCC), which is available at:  
<https://cdn.prgloo.com/media/832fb4a76353450ab555b7db1c93ed48.pdf>

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## Annex D: Glossary of key terms

<b>APP</b>	Authorised Professional Practice guidance published by the College of Policing
<b>CCG</b>	Clinical Commissioning Group
<b>CPS</b>	Crown Prosecution Service
<b>DAPN</b>	Domestic Abuse Protection Notice
<b>DAPO</b>	Domestic Abuse Protection Order
<b>DAPP</b>	Domestic Abuse Perpetrator Panel
<b>Domestic abuse</b>	<p>Section 1 of the Domestic Abuse Act 2021 provides the following definition of domestic abuse:</p> <p>(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—</p> <ul style="list-style-type: none"> <li>(a) A and B are each aged 16 or over and are personally connected to each other, and</li> <li>(b) the behaviour is abusive.</li> </ul> <p>(3) Behaviour is “abusive” if it consists of any of the following—</p> <ul style="list-style-type: none"> <li>(a) physical or sexual abuse;</li> <li>(b) violent or threatening behaviour;</li> <li>(c) controlling or coercive behaviour;</li> <li>(d) economic abuse (see subsection (4));</li> <li>(e) psychological, emotional or other abuse;</li> </ul> <p>and it does not matter whether the behaviour consists of a single incident or a course of conduct.</p> <p>(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—</p> <ul style="list-style-type: none"> <li>(a) acquire, use or maintain money or other property, or</li> <li>(b) obtain goods or services.</li> </ul>

	<p>(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).</p> <p>(6) References in this Act to being abusive towards another person are to be read in accordance with this section.</p> <p>Detailed examples of different types of domestic abuse are provided in the draft domestic abuse statutory guidance framework.<sup>21</sup></p>
<b>DVDS</b>	Domestic Violence Disclosure Scheme – also known as “Clare’s Law”
<b>home address</b>	<p>Section 54 of the Domestic Abuse Act 2021 provides the following definition of “home address”:</p> <p>a) the address of the person’s sole or main residence in the United Kingdom, or</p> <p>b) if the person has no such residence –</p> <ol style="list-style-type: none"> <li>i) the address or location of a place in the United Kingdom where the person can regularly be found;</li> <li>ii) if there is more than one such place, the address or location of whichever one of those places the person selects.</li> </ol>
<b>IDVA</b>	Independent Domestic Violence Advocate
<b>MAPPA</b>	Multi-Agency Public Protection Arrangements
<b>MARAC</b>	Multi-Agency Risk Assessment Conference
<b>MATAC</b>	Multi-Agency Tasking And Co-ordination meeting
<b>PACE</b>	Police And Criminal Evidence Act 1984
<b>PCC</b>	Police and Crime Commissioner
<b>Perpetrator</b>	<p>The person who is subject to a DAPN or a DAPO, referred to in Part 3 of the Domestic Abuse Act 2021 as “P”.</p> <p>The person who has been or is alleged to have been abusive towards a person aged 16 or over to whom they are personally connected.</p>

<sup>21</sup> The draft domestic abuse statutory guidance framework is available at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/896640/Draft\\_statutory\\_guidance\\_July\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896640/Draft_statutory_guidance_July_2020.pdf)

	To note, the term ‘perpetrator’ is used in lieu of ‘defendant’ throughout this guidance to reflect the term ‘P’ used in the Domestic Abuse Act 2021.
<b>Personally connected</b>	<p>Section 2 of the Domestic Abuse Act 2021 provides the following definition of “personally connected”:</p> <p>(1) For the purposes of this Act, two people are “personally connected” to each other if any of the following applies—</p> <ul style="list-style-type: none"> <li>(a) they are, or have been, married to each other;</li> <li>(b) they are, or have been, civil partners of each other;</li> <li>(c) they have agreed to marry one another (whether or not the agreement has been terminated);</li> <li>(d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);</li> <li>(e) they are, or have been, in an intimate personal relationship with each other;</li> <li>(f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));</li> <li>(g) they are relatives.</li> </ul> <p>(2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if—</p> <ul style="list-style-type: none"> <li>(a) the person is a parent of the child, or</li> <li>(b) the person has parental responsibility for the child.</li> </ul> <p>(3) In this section—</p> <p>“child” means a person under the age of 18 years;</p> <p>“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;</p> <p>“parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);</p> <p>“relative” has the meaning given by section 63(1) of the Family Law Act 1996.</p>
<b>PNC</b>	Police National Computer
<b>The 2021 Act</b>	Domestic Abuse Act 2021

<b>Victim</b>	Throughout the guidance we refer to the person to be protected by a DAPN or a DAPO, however we also use the term ‘victim’ to refer to those who are experiencing or have experience domestic abuse. It should be noted that not everyone who has experienced or is experiencing domestic abuse chooses to describe themselves as a “victim” and may prefer another term, such as “survivor”.
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