

Title: Domestic Violence Protection Orders IA No: Lead department or agency: Home Office Other departments or agencies:	Impact Assessment (IA)		
	Date: 31/10/2013		
	Stage: Final		
	Source of intervention: Domestic		
	Type of measure: Other		
	Contact for enquiries: Chris Ashley 020 7035 3908		
Summary: Intervention and Options		RPC Opinion: Not Applicable	

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as
-£32.5m	£0m	£0m	No	NA

What is the problem under consideration? Why is government intervention necessary?

Domestic violence is a widespread problem. It has the highest rate of repeat victimisation of any crime with around two-thirds (63%) of all incidents of domestic violence experienced by repeat victims. Whilst victims can use civil measures to protect themselves from perpetrators, additional bespoke interventions to prevent domestic violence are necessary. A gap has been identified in protecting victims in the immediate aftermath of a domestic violence incident. Closing this gap will bring significant benefits in terms of public protection and reducing health and criminal justice costs. In the immediate aftermath of incident there are victims who require time and support, away from the perpetrator, to consider their long term options.

What are the policy objectives and the intended effects?

Public safety will always be a top priority for the Government. Where we can take further action to protect the public we will. The three main objectives of the policy are:

1. Reduce incidents of domestic violence;
2. Reduce the health and criminal justice costs related to domestic violence; and
3. Strengthen the ability of the police and other multi-agency partnerships to provide appropriate protection and support earlier to victims at risk of domestic violence.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 - Do nothing, maintain the status quo

Option 2 - Provide the police with an immediate power (Domestic Violence Protection Notice - DVPN) to require the suspected perpetrator to not contact the victim and exclude them from the victim's home for 48 hours, followed by a court hearing for a Domestic Violence Protection Order with the same requirements for 14-28 days.

The Government successfully piloted option 2 in three police force areas between 2011-12 and, following an impact assessment, proposes to roll option 2 out across England and Wales.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 11/2015

Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro No	< 20 No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A		Non-traded: N/A

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister:

Date: _____

Summary: Analysis & Evidence

Policy Option 2

Description: Introduce Domestic Violence Protection Orders

FULL ECONOMIC ASSESSMENT

Price Base Year 2012	PV Base Year 2014	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate: -32.5

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low			
High			
Best Estimate	3.1	6.0	55.1

Description and scale of key monetised costs by 'main affected groups'

Initial set-up costs to police forces of £3.1m.
Annual costs to the police (£5.0m) and to the criminal justice system (£1.0m).

Other key non-monetised costs by 'main affected groups'

The level of support is expected to fall over time if the level of domestic violence is reduced.
Were the DVPO to be used as a type of evidence to access legal aid in private family cases, in cases where the applicant had no other form of evidence there may be additional costs to the legal aid fund.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate	0	2.6	22.6

Description and scale of key monetised benefits by 'main affected groups'

Benefits from reduced domestic violence victimisation.

Other key non-monetised benefits by 'main affected groups'

Reduction in long-term repeat victimisation and reduction in incidents of increasing severity.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5

Transitional costs likely to be an overestimate.
No additional costs to support services and social services.
Benefits are calculated using assumptions based on the pilot and it is assumed that the impacts noted during the evaluation can be extrapolated to other areas of England and Wales.
Benefits likely to be an underestimate as unable to model repeat victimisation nor increasing severity.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: 0	Benefits: 0	Net: 0	No	NA

Evidence Base (for summary sheets)

A. Strategic Overview

A.1 Background

Tackling domestic violence and abuse is one of the Government's key priorities, and the Government's approach is set out in its Violence Against Women and Girls Action Plan. This final impact assessment updates the Consultation Impact Assessment published in October 2011 which set out options for introducing Domestic Violence Protection Orders.

Domestic violence is a widespread problem. It is rarely a one-off incident, and should instead be seen as a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim. Domestic violence costs both the private and public sectors a significant amount of money. In her paper *The Cost of Domestic Violence: Update 2009*, Sylvia Walby estimated that domestic violence costs £15.7 billion in 2008 in public services, loss to the economy and victims. According to the Crime Survey for England and Wales, in 2011/12, more than one in four women will suffer domestic abuse in their lifetime in England and Wales. In 2011/12 in England and Wales, 17 men and 88 women were killed by a partner, ex-partner or lover.

Domestic violence and domestic homicide affects all communities and it cuts across age, race, sexuality and social status. The dynamics of such abuse mean that it is often frequently repeated and the violence can escalate over time. According to the Crime Survey for England and Wales, in 2011/12, around two thirds (63%) of all incidents of domestic violence were experienced by repeat victims. Of the victims interviewed, a third (32%) were victimised more than once and 20% were victimised three or more times. A domestic violence incident which results in the death of the victim is often not a first attack, and serious injury and homicide may be prevented with early intervention such as Domestic Violence Protections Orders.

Part IV of the Family Law Act 1996 provides single and unified domestic violence remedies, or protective orders, in the county courts and Family Proceedings Courts at the magistrates' courts. Two types of order can be granted:

- non-molestation orders, which can either prohibit particular behaviour or general molestation; and,
- occupation orders, which can define or regulate rights of occupation of the home.

However, there are particular challenges in providing protection available to victims through the criminal route. The police are able to attach bail conditions if a perpetrator is charged with an offence. However there is a high attrition rate in domestic violence cases where reported incidents of domestic violence do not progress to charge due to the victim's preparedness to give a statement, often due to coercion and fear of retribution, or retracting their statement for similar reasons.

The Government seeks to strengthen the immediate protection available to victims by enabling the police to immediately issue a Domestic Violence Protection Notice (DVPN) to a perpetrator of domestic violence requiring the suspected perpetrator not to contact the victim and, in cases where the perpetrator and the victim co-habit, excluding the perpetrator from the premises for 48 hours.

Within the 48 hour period, the police apply for a Domestic Violence Protection Order (DVPO) from the Magistrates. If granted, a DVPO can require the perpetrator to not

contact the victim or return to the victim's address for a minimum period of 14 days up to a maximum of 28 days. DVPN, and DVPOs can be issued with or without the victim's consent.

This provision was piloted in three police force areas (Greater Manchester, West Mercia and Wiltshire) for 15 months from June 2011 to September 2012, with the pilot subject to a full impact evaluation. Non-statutory guidance that accompanied the pilot can be found here: <https://www.gov.uk/government/publications/domestic-violence-protection-orders>

A.2 Groups Affected

The findings as set out in this Impact Assessment have effect in England and Wales only.

The main groups affected by these proposals are:

- Police Forces;
- Magistrates Courts;
- Independent Domestic Violence Advisers (IDVAs);
- Specialist Domestic Violence organisations;
- National Assembly for Wales;
- Victims of domestic violence; and
- Members of the public.

A.3 Consultation

The concept of Domestic Violence Protection Orders was developed in 2009 and followed a report by Chief Constable Brian Moore on behalf of the Association of Chief Police Officers (ACPO) - *Tackling Perpetrators of Violence against Women and Girls* and published in 2009 which identified a gap in the protection given to victims of domestic violence. Existing powers did not offer victims immediate protection in the aftermath of a domestic violence incident. As part of the previous Government's consultation on its Violence against Women and Girls Plan in 2009, the concept of DVPOs was developed and received widespread support from 300 victims who took part in 24 focus groups. Legislation to underpin the provision was introduced in the Crime and Security Act 2010, but not commenced prior to the General Election of May 2010.

On being elected following the General Election in 2010, the Coalition Government agreed to test Domestic Violence Protection Orders via a pilot. The pilot concluded in June 2012 and was subject to a full evaluation. Overall, the findings from the evaluation concluded that DVPOs fill a gap in protecting victims of domestic violence and are associated with reductions in re-victimisation.

The report on the evaluation of the DVPO Pilot will be found on the Home Office website. An overview of the key findings is listed in Annex 1.

B. Rationale

Current gap:

Government intervention is needed because there is a current gap in the protection offered to victims of domestic abuse in the immediate aftermath of an incident of domestic violence. If a victim of domestic violence calls out the police, the following means of protection are available:

1. Arrest the perpetrator, who is charged, or bailed pending a charging decision from the Crown Prosecution Service
2. The charged perpetrator can either be *remanded* in custody (though this occurs rarely), or *bailed* with sufficient conditions to protect the victim.

This is a time during which the victim would reasonably be able to take out a longer-term civil injunction. For domestic violence victims, separation is a dangerous time and being pursued after separation can be particularly dangerous. In the immediate aftermath of reporting to the police, a victim may be considering leaving the relationship and will need both protection and time to consider their options for the future.

Existing gaps in protection available to victims in the immediate aftermath of reporting a domestic violence incident:

- **Suspected perpetrator is released pending charge:** If a case is pending a charging decision, the Police can and do impose bail conditions before charge. If the bail conditions are then breached then there is no sanction that can be applied, however the police have a power of arrest for breach of bail.
- **Suspected perpetrator is released with a caution or No Further Action:** A suspected perpetrator of domestic violence is arrested but not charged with an offence, leaving the victim vulnerable whilst they make the decision and arrangements to take out a civil injunction.
- **Suspected perpetrator is charged:** If there is a decision to charge for a domestic violence related offence, the suspected perpetrator has a right to bail which can only be withheld if there are substantial reasons to believe that a number of exceptions apply. Where there has not been much history within the criminal court, the application of bail conditions are harder to justify given that to order bail conditions there must be a substantial likelihood that the suspected perpetrator will carry out one of the exceptions.

Given the high attrition rate from arresting for a domestic violence incident to charging for a domestic violence related offence, it is proposed that the key policy gap in protection is when a suspect is released with a caution or No Further Action and where a suspected perpetrator is charged early in their offending cycle which may not prompt a decision to apply bail conditions.

Impact on the criminal justice system:

The Select Committee on Home Affairs has reported that domestic violence costs the criminal justice system £1.1 billion. Domestic violence places a significant burden on police time through reduced repeat victimisation, and wider costs to the criminal justice system of domestic violence. Every homicide costs the CJS approximately £180k and bears an overall cost to public services of approximately £1.8m (Home Office costs of crime estimates, based on HOOR 30/05) in 2012 prices.

International comparators:

Orders like these already successfully operate in a number of Western European countries such as Austria and Germany. The key message from other jurisdictions is that removing the perpetrator from the home on a temporary basis whilst providing early support for victims is a very effective method for protecting victims whilst they consider longer term injunctions or other support, managing perpetrators, preventing the situation from escalating or repeating, and reducing the level of repeat victimisation.

C. Objectives

The three main objectives of the policy are:

1. Reduce incidents of domestic violence;
2. Reduce the health and criminal justice costs related to domestic violence; and
3. Strengthen the ability of the police and other multi-agency partnerships to provide appropriate protection and support earlier to victims at risk of domestic violence.

Our targets are to:

- Reduce repeat incidents of domestic violence
- Reduce the number of victims and their families having to leave the home due to domestic violence

D. Options

Option 1 - Do nothing

At the moment there is a clear gap in the immediate protection available to victims of domestic violence when the police have evidence that the perpetrator has behaved in a violent manner towards the victim and that there is a risk of future violent behaviour. Doing nothing does not provide victims with additional protection and support and does nothing to reduce domestic violence.

Option 2 - Legislate to create a Domestic Violence Protection Notice and a Domestic Violence Protection Order

This option would provide the police with an immediate power (Domestic Violence Protection Notice - DVPN) to require the suspected perpetrator to not contact the victim and exclude them from the victim's home for 48 hours, followed by a court hearing for a DVPO with the same requirements for 14-28 days.

This option involves costs in terms of:

- Police proceedings involved in serving the DVPN;
- Police, court and Legal Aid costs in the court hearing for a DVPO;
- Police, court, Legal Aid and sentencing costs in the court hearing for breach of a DVPO (breach of a DVPO would be treated as a contempt of court);
- Legal aid and court costs associated with applying for longer-term civil injunctions;
- Legal aid and court costs associated with subsequent breaches of those longer-term civil injunction applied for as a result of a DVPO intervention; and
- Caseworker support provided to the victim during the period of the DVPN/DVPO

The Government opted to pilot Option 2 and in 2011/12, a 15-month pilot took place in three police force areas (Greater Manchester, West Mercia and Wiltshire) to test out the option.

E. Appraisal (Costs and Benefits)

GENERAL ASSUMPTIONS & DATA

- This appraisal is based on the 15 month evaluation of the DVPO pilot exercise carried out in Greater Manchester, West Mercia and Wiltshire. The evaluation measured the costs associated with running a DVPO scheme and the impact of DVPOs on re-victimisation in comparison to a matched control group.
- Baseline victim costs were estimated by matching the incidents for which the DVPO was issued to Home Office unit costs of crime, in 2012 prices.

- A scaling factor was applied to the evaluation figures in order to produce the national (England and Wales) estimates for this appraisal. This was based on population data from the 2011 Census. We assume that the pilot results are representative of a nationally implemented programme¹, with the exception of social services and support services, as explained below.
- Costs and benefits were scaled down from the 15 month period covered in the pilot, to a 12 month period consistent with standard IA practice.

OPTION 2 – General use of DVPOs

COSTS

- Initial set-up and transition costs of £3.1m to police forces and other affected agencies. This is based on the pilot results which included £250,000 of funding from the Home Office to set up the pilot. This is likely to be an overestimate because not all of the pilot funding was spent on set-up costs (but we could not isolate the fraction that was) and set-up costs are likely to vary from area to area.
- Additional police costs from dealing with DVPO incidents, estimated at £5.0m per year. These are based on information supplied by the police involved in the pilot exercises on the costs involved with the DVPO scheme.
- Criminal Justice System costs of £1.0m per year. (These will include court costs such as solicitor profit costs, court time, counsel costs, DV proceedings, subsequent joined proceedings such as contact, residence and/or finance).
- Were the DVPO to be used as a type of evidence to access legal aid in private family cases, in cases where the applicant had no other form of evidence there may be additional costs to the legal aid fund.

Therefore average annual costs are **£6.0m** plus one-off transitional costs of £3.1m. The total present value of costs over a ten year period is **£55.1m**.

The pilot also recorded costs to social services and support services, however was not able to determine what the costs would be in the counterfactual (in the absence of DVPOs).

We have assumed that there are no additional costs to these services in this assessment as:

- Support service organisations were not given any Home Office funding during the pilot and by the end of the pilot they did not report any major capacity issues.
- It is possible that victims may have been just as likely to access support and social services in the absence of the scheme. Practitioners involved in the evaluation suggested that victims were coming to their attention earlier than they would have done if the intervention hadn't been in place.
- Rolling out DVPOs would enable areas to use them if they so wish but no statutory obligation will be placed on areas to do so.
- Any additional costs which did occur as a result of using DVPOs would be 'opportunity' in nature, as demand for social and support service agencies is believed to outweigh supply currently.

¹ Note that pilot results do not necessarily translate proportionately to nationally implemented programmes. However there is no evidence to suggest that a straightforward scaling approach is unsuitable in this case.

It should be noted that the evaluation does not quantify any potential longer term reductions in required support that may result from decreases in re-victimisation. The expected reductions in required support would reduce costs in the longer term.

BENEFITS

The evaluation found an 11% reduction in victimisation (defined as police attendance for domestic violence) in the pilot areas. We assume this translates as an 11% reduction in the baseline costs suffered as a result of the domestic violence incidents from which DVPO cases arose. The average baseline cost of victimisation was £5,898.

This cost was calculated using the offences that the perpetrators in DVPO cases were arrested for, using the cost of crime framework. This approach was used because the profile of cases where DVPOs would be used is likely to be different from overall domestic violence in an area. It should be noted that none of the DVPO cases were actually proven offences. This figure differs from the average cost per victim used in the Domestic Violence Disclosure Scheme (DVDS) impact assessment, as unlike for DVDS, the pilot was able to collect data about the offences the perpetrators were arrested for.

When scaled up to the national level, the benefits of DVPOs are estimated to be **£2.6m** per year or **£22.6m** in present values over a ten year period. The evaluation suggests that greater benefits may be achieved if DVPOs are targeted at the more chronic domestic violence cases, with victimisation reducing by 13% rather than 11%.

This estimate is likely to be conservative as it does not take account of the potential for severity of harm to increase in violent relationships over time, nor repeated victimisation occurring over several years. The benefits that come from victims having additional time to consider their options, for example reduced stress are not quantified as no data was collected on this during the pilot. This means the benefits could be further underestimated.

To try to address this repeat victimisation, an indicative scenario was modelled based on a five and a half year duration of domestic violence victimisation (this is based on the average duration of abusive relationship reported at intake into the Independent Domestic Violence Advocates scheme (Howarth et al., 2009)) and an assumption that the 11% reduction in incidence could be applied to the full duration of domestic violence incidence. The benefits under this scenario are around £15m per year in the steady state or £92.9m in present values over a ten year period. These figures are less robust and so are not presented in the summary sheets of this impact assessment; however they illustrate that the unquantified benefits of this policy option are potentially very large due to the nature of domestic violence victimisation.

NET IMPACT

The net present value is **-£32.5m** (i.e. a net cost). This is equivalent to an average net impact of **-£3.7m** per year.

Long term benefits from reduced victimisation or increasing severity of offending have been considered but not quantified. Inclusion of these benefits could convert the net present value from negative to positive.

Quantified costs and benefits produce a negative net present value, but many of the benefits cannot be quantified and the Government believe that these benefits could outweigh the costs.

ONE-IN-TWO-OUT (OITO)

Option 2 does not impact directly on businesses so there are no OITO implications. We assume that the option would not impose any additional costs on 3rd sector support services or social services. If any additional costs did accrue, they would be 'opportunity' in

nature because services are constrained to existing budgets and resources. And those opportunity costs would be limited by the fact that demand for these services already outstrips supply. Rolling out DVPOS would enable areas to use them if they so wish but no obligation will be placed on areas to do so.

F. Risks

DVPOs are a new intervention and, whilst the evaluation of the pilot has demonstrated clear support amongst victims and front-line practitioners for their introduction and that DVPOs lead to a reduction in re-victimisation, national roll-out assumes that the costs of implementation can be found within existing budgets by reallocating resources. A key risk therefore is that the police and front-line agencies are unable to implement DVPOs within established budgets.

G. Enforcement

Enforcement of this policy will be by the police and courts, with oversight from the Home Office.

H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

Table H.1 Costs and Benefits (Present values over 10 year period)		
Option	Costs	Benefits
2	£55.1m	£22.6m
	Costs to police and the CJS from DVPO scheme.	Benefits from 11% reduction in victimisation
Source: HO Modelling		

Quantified costs and benefits produce a negative net present value, but many of the benefits cannot be quantified and the Government believe that these benefits could outweigh the costs.

If the length of an abusive relationship is taken into account the potential benefits under could be up to around £15m per year in the steady state or £92.9m in present values over a ten year period. These figures are less robust and so are not presented in the summary sheets of this impact assessment; however, they illustrate that the unquantified benefits of this policy option are potentially very large due to the nature of domestic violence victimisation.

The Government's preferred option is to roll-out Domestic Violence Protection Orders as piloted under Option 2 of this impact assessment across England and Wales from March 2014.

I. Implementation

Following the pilot, the Government plans to roll out the domestic violence disclosure scheme across England and Wales from March 2014. It will work with the College of Policing and National Policing Lead for Domestic Abuse to support a managed roll-out.

J. Monitoring and Evaluation

The Home Office has regular contact with the police and the specialist women's sector. The Home Secretary chairs the *Violence against Women and Girls Inter Ministerial Group* which meets on average every 3 months and consists of representatives from all government departments – other stakeholders (such as the specialist women's sector) attend every other meeting.

K. Feedback

Any lessons learnt and feedback obtained from stakeholders will inform future policy consideration on the continuation or development of these schemes.

Annex 1. Summary of key findings from the pilot

An evaluation of the pilot of Domestic Violence Protection Orders (DVPOs) was undertaken to assess the effectiveness of this new provision by exploring how DVPOs were implemented, what practitioners involved in delivery thought about DVPOs and to assess the value for money of the pilot and its impact on re-victimisation.

- A total of 509 DVPOs were initially pursued by police officers, 487 DVPOs were authorised, and 414 full DVPOs actually issued by courts during the 15 month pilot period across the three police forces. The majority of victim-survivors were female, and the majority of perpetrators were male. Over three-quarters of DVPOs were put in place for the full period of 28 days.
- Data from support services indicate that 252 DVPO cases were referred to them over the 15 month pilot period (slightly less than two-thirds of the victim-survivors).
- Generally, DVPOs were viewed in a positive light by practitioners involved in the pilot (including, police, court and support service representatives). DVPOs were also generally seen positively by the victim-survivors who took part in the evaluation.
- Overall, DVPOs were associated with reductions of re-victimisation (measured by police call-outs), compared to similar cases dealt with by arrest followed by 'no further action' (NFA): on average, 2.6 fewer repeat incidents of domestic violence per victim-survivor compared to around 1.6 fewer incidents, respectively. This suggests that, DVPOs were associated with an additional reduction of one incident of domestic violence per victim-survivor, compared to arrest followed by NFA.
- DVPOs appeared to be most effective in reducing re-victimisation when used on more 'chronic' cases (3 or more previous police attendances for domestic violence). The effect associated with DVPOs rose to an additional reduction of 2.2 repeat incidents of domestic violence per victim-survivor (compared to arrest followed by NFA).
- Although we cannot conclusively attribute these effects to the use of DVPOs, the experiences of those involved in the pilot increase our confidence in the positive impact of DVPOs.
- The economic analysis of the pilot suggests that DVPOs showed a net cost within the pilot period. Overall, considering both costs and benefits associated with DVPOs, the analysis indicates that the net economic and social impact of DVPOs was -£896,518 across the three police forces. This is equivalent to a return of 23 pence for every pound spent on DVPOs – i.e. a negative return on investment.
- If DVPOs had only been used in cases where they appeared to be most effective in terms of reducing re-victimisation (i.e. the more 'chronic' cases), the return on investment would have slightly increased but would have remained a negative return.
- However, the approach was purposefully conservative – for example, it did not include potentially increasing severity of harm in violent relationships. Therefore, it is very likely that the analysis under-estimated the benefits of DVPOs.