

Centre for Women’s Justice Super Complaint: A duty to protect: Police use of protective measures in cases involving violence against women and girls

National Police Chiefs’ Council (NPCC) response to recommendations

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1. PURPOSE AND INTRODUCTION

- 1.1. This paper provides a response by the National Police Chiefs’ Council (NPCC), on behalf of policing, to the HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), College of Policing and Independent Office for Police Conduct (IOPC) super-complaint report, ***A duty to protect: Police use of protective measures in cases involving violence against women and girls*** published on 24 August 2021.
- 1.2. What follows is an overview summary of the responses received from forces in England and Wales and the relevant national policing leads (for Bail Management, Domestic Abuse and Violence against Women and Girls) to each of the relevant recommendations from the report.
- 1.3. The NPCC welcomes the opportunity to provide the formal response on behalf of policing to addressing these recommendations.

2. BACKGROUND

- 2.1. HMICFRS, the College of Policing and IOPC collaborated on the investigation of a super-complaint made on 19 March 2019 under s.29A of the Police Reform Act 2002 by the Centre for Women’s Justice about the police’s alleged failure to use protective measures to safeguard women and girls. Such protective measures include pre-charge bail, Non-Molestation Orders (NMOs), Domestic Violence Protection Notices and Orders (DVPN/Os) and restraining orders.
- 2.2. The subsequent report made a total of 15 recommendations, of which 10 directly required a response from Chief Constables and NPCC. This document specifically covers the following recommendations:

Strategy, Planning and Performance, NPCC Strategic Hub

Recommendation 1: Chief Constables, in conjunction with the NPCC lead for bail, should implement processes for managing Released under Investigation (RUI) in line with the letter from the NPCC Lead for Bail Management Portfolio dated 29 January 2019. This is to ensure, as far as is possible, that investigations are conducted efficiently and effectively, thereby supporting both victims of crime and unconvicted suspects.

Recommendation 2: Chief Constables should ensure data is gathered on the use of voluntary attendance to enable the identification of patterns of its use, particularly in relation to the types of cases, so that voluntary attendance is only used in those cases where it would be an appropriate case management tactic.

Recommendation 3: Chief Constables should introduce processes to ensure that in all pre-charge bail cases where bail lapses, the investigator in charge of the case carries out an assessment of the need for pre-charge bail to continue. In those cases where the suspect has not been charged, the decision to extend or terminate should be recorded with a rationale.

Recommendation 7: Chief Constables should review and if necessary refresh their policy on how the force processes notifications on NMOs, so officers can easily identify if a NMO exists.

Recommendation 10: The NPCC lead for domestic abuse should consider Home Office data on number of reported breaches of NMOs, and provide a report to HMICFRS within six months on national actions and guidance required as a result.

Recommendation 11: Chief Constables should, until Domestic Abuse Protection Orders (DAPOs) replace DVPNs and DVPOs in their force: a. review, and if necessary refresh their policy on DVPNs and DVPOs, and in line with the overarching recommendation: ensure that there is clear governance and communication to prioritise the effective use of DVPNs and DVPOs, when these are the most appropriate tools to use; monitor their use to ensure they are being used effectively; and b. ensure experience and lessons learned on using DVPN/DVPOs informs the use of DAPOs

Recommendation 12: The NPCC should formulate a robust process, working with the CPS, to clearly define roles to ensure restraining orders are applied for in all suitable cases and that the victim's consent is obtained.

Recommendation 13: Chief Constables should assure themselves that: a. Their officers are fully supported in carrying out their duties to protect all vulnerable domestic abuse victims by: ensuring their officers understand the suite of protective measures available (including new measures such as DAPOs); ensuring officers are aware of referral pathways to third-party support organisations which are available to protect domestic abuse victims; and ensuring their officers have guidance and support on how to choose the most appropriate response for the situation; and g. Governance is in place to monitor the use of all protection orders and to evaluate their effectiveness, including by seeking the views of victims.

Recommendation 14: Chief Constables should consider what legal support they need to use protective measures (if they don't already have this) and secure this support. The NPCC should consider whether regional or national legal (or other) expertise could be made available, so forces can easily access specialist support and can maximise efficiency and consistency.

Recommendation 15: Monitoring of recommendations: a. Home Office and Ministry of Justice each to provide a report to Her Majesty's Chief Inspector of Constabulary on progress in implementing HMICFRS's recommendations within six months of the date of publication of this

report. b. NPCC to collate Chief Constables' progress in reviewing and, where applicable, implementing their recommendations within six months of the date of publication of this report.

- 2.3. The NPCC Strategic Hub engaged with the national leads for Domestic Abuse, Assistant Commissioner Louisa Rolfe and Bail Management, ACC John Roy, to provide submissions relating to their portfolios; and circulated a letter via NPCC Chiefs Net to request details from Chief Constables on what action their respective police forces had taken to address those recommendations made to them. A response was also received from the national lead for VAWG, DCC Maggie Blyth. These responses are reflected and summarised in the following sections.
- 2.4. In addition to the above engagement, the national lead for Violence against Women and Girls (VAWG), DCC Maggie Blyth was requested to review and comment on this response to the CWJ's Super Complaint. DCC Blyth highlighted that from a national perspective, policing is committed to improving the pursuit of perpetrators, as articulated in the joint College of Policing and NPCC ***Policing violence against women and girls - National framework for delivery*** published in December 2021. An associated outcomes and performance framework has been released and data collection is ongoing to support this; and every force has a VAWG focused plan that outlines their commitment to pursuing perpetrators. These force level plans are currently under review by the VAWG lead.
- 2.5. A significant majority of forces responded directly to the NPCC Strategic Hub (31 out of 43), with two further submissions received from the NPCC leads referred to above in respect of those recommendations which related to their portfolios. Those that did so are listed in the Appendix below. Information provided in this report will not, however, be attributed to individual forces. Further, the response received from the national lead for Bail Management was based on a separate engagement exercise that elicited feedback from 41 out of 43 forces covering just the recommendations relevant to that portfolio.

3. RESPONSES SUMMARISED BY RECOMMENDATION

- 3.1. The following is a summary of comments received in response to the individual questions within the consultation:
- 3.2. **Recommendation 1: Chief Constables, in conjunction with the NPCC lead for bail, should implement processes for managing Released under Investigation (RUI) in line with the letter from the NPCC Lead for Bail Management Portfolio dated 29 January 2019. This is to ensure, as far as is possible, that investigations are conducted efficiently and effectively, thereby supporting both victims of crime and unconvicted suspects**

3.2.1. All but one of the forces (*which did not provide information on this recommendation*) reported action was taken to introduce processes including improved bail management by supervisors and/or dedicated bail management teams, positive action to drive use of pre-charge bail (PCB) rather than RUI which enables conditions to be placed on suspects; and provision of governance and scrutiny at strategic (force) level, some including Chief Officer involvement. In addition to taking action in line with the NPCC letter from 2019, some forces noted they had also reviewed and updated their policies and processes for PCB and RUI in light of publication of the CWJ super complaint report last year.

3.2.2. The National Lead for Bail Management is satisfied forces have processes and governance structures in place that adhere to, and in some cases surpass current guidance

provided by NPCC on PCB. A series of good practice examples were also noted by ACC Roy, including (*not an exhaustive list*):

- Force policy covering the effective management of RUI cases and training to operational staff in the effective use of RUI;
- Provision of clear guidance in relation to offence types that should always be considered for PCB as initial custody disposal; and
- Daily management oversight of RUI cases and force level suspect management meetings to provide strategic level scrutiny.

3.2.3. The role of supervisors at Sergeant and Inspector ranks predominantly relates to monitoring the efficiency and effectiveness of investigations with a view to avoiding PCB periods expiring and suspects having to revert to being placed under RUI. Where this point is reached, most forces require approval initially from a supervisor to move a suspect from bail to RUI including a rationale for doing so provided by the Officer in Charge of the Investigation (OIC). Some forces referred to subsequent reviews and extensions of cases involving bail being assessed by Superintendents at the three month stage before reaching the six months point at which further extensions require a Magistrates' Court hearing.

3.2.3. Several forces specifically referred to either processes being in place for continually reviewing the risk to victims (and suspects) as part of their PCB process and/or following a policy of positive arrest and use of bail in domestic abuse (DA) and rape and serious sexual offences (RASSO) cases. For example, one area has introduced a standardised approach in DA cases converted from PCB to RUI involving scrutiny by a Detective Inspector from its Safeguarding team of all such conversions who also dip samples investigations and provides feedback to OICs and their supervisors. In all DA cases considered high risk, the DI conducts a review all these prior to disposal.

3.2.3. The use of IT systems was variable across forces, with some areas introducing monitoring and compliance measures within their systems and a few implementing bail apps for use by officers on their mobile devices. Potential good practice around use of Power BI to analyse aggregated RUI data presented on its Custody Sharepoint site for all officers to access was noted in two forces. This enables scrutiny by a range of criteria including individual officer, those officers the highest number of RUI cases and whether a case is DA related or otherwise. Many other forces now have the capacity and capability to use their IT systems to track and monitor PCB and RUI data. However, some forces continue to experience challenges with, and constraints on the availability of such performance data; and ACC Roy acknowledged better data is necessary to inform RUI case progression and offence types subject to it. That said, at least one force has been able to implement changes to its IT (Niche) to provide an ability for departments to monitor RUI numbers, receive related tasks direct from the OEL record and audit requests for review. It has also embedded RUI templates into Niche for use by Sergeants, Inspectors and Superintendents conducting reviews.

3.2.4. The NPCC lead for Bail Management also identified further opportunities for improvement around RUI relating to:

- Staff capacity to ensure tight scrutiny of cases; and
- The need for clear guidance for supervisors to ensure management and supervision to facilitate effective case progression.

3.2.5. Forthcoming legislative change through the recently passed **Police, Crime, Sentencing and Courts (PCSC) Act 2022** will lead to significant change by effectively removing RUI and reverting to a general presumption of use of PCB – this will encourage

greater use of the latter where necessary and proportionate. According to the national lead for Bail Management, the Act is also expected to:

- Provide better protection for victims through a new duty to seek their views on proposed PCB conditions;
- Empower the College of Policing to issue statutory guidance to help achieve better levels of consistency in use of PCB and RUI across all forces; and
- Introduce new, more balanced and appropriate PCB time limits.

Some forces also acknowledged and anticipated the above legislation, with one stating that, in light of these changes, that it would review its monitoring processes for individual bail conditions in cases involving violence against women and girls (VAWG) to ensure consistency of approach to make appropriate use of such conditions.

3.3. Recommendation 2: Chief Constables should ensure data is gathered on the use of voluntary attendance to enable the identification of patterns of its use, particularly in relation to the types of cases, so that voluntary attendance is only used in those cases where it would be an appropriate case management tactic.

3.3.1. As per the situation with regards to PCB and RUI, many forces have, developed and implemented processes to ensure the appropriate use of voluntary attendance (VA) with regards to the needs of victims, witnesses and also suspects. Some forces specifically mandate, or are in the process of moving to, recording its use on their crime management systems (e.g. *Athena, Oracle BI, Niche and Pronto*), which provide datasets to enable compliance monitoring where it is possible to do so, including by force level governance boards. Most forces do have access to such data with some further ahead than others in implementing improvements to their systems, but a few are not yet able to produce such data. In several forces where this is the case, engagement and development is ongoing with their system providers to provide solutions.

3.3.2. Potential good or innovative practice was noted in one force that implemented a new web-based platform directly linked to its IT systems which for the first time means all VA applications follow a systematic process for recording and capturing mandatory data requirements. This allows extraction of data by offence classifications (e.g. by VAWG related offence types), identification of patterns/trends and helps to highlight and share any best practice. Another force uses Power BI (a facility within the Microsoft Office 365 suite) to provide live data updates on arrests versus use of VA. In addition, and a further force's *Athena* system requires officers to use suspect management features which allocates priorities mirroring high/medium/low risk assessments taking account of factors including vulnerabilities, physical risk, escalation patterns etc. In the same force, supervisors are required to authorise that VA is appropriate in the circumstances.

3.3.3. Many forces have implemented robust supervisory regimes, new or revised policies and other guidance for use by frontline officers on VA. Even where data cannot currently be reliably gathered or is not published internally, efforts are made to ensure appropriate use of this option. For example, one force's VA policy cited in the responses received requires the OIC to consider factors including the victim's situation/circumstances, nature of the offence, suspect's circumstances and needs of the investigation prior to making their decision on whether to arrest or use VA; and to record this on the *Niche* occurrence. The aim of this is to assist officers and their supervisors to determine if VA is appropriate. Another force's daily management meetings ensure early arrest opportunities are considered in all VAWG related offences. In other areas, actions have included:

- Inspection of VA usage in cases involving female victims of sexual offences, DA and stalking to check against force policy that no stalking or RASSO cases should involve VA, apart from in exceptional circumstances;
- Bi-monthly oversight of VA system data at a force's Vulnerability Board for DA, rape and stalking offences;
- Use of a Scrutiny Panel including use of VA data by the Operational/tactical Chief Inspector, with strategic level governance provided by the Force Strategic Criminal Justice Board chaired by an ACC; and
- Provision of training to increase awareness of VAWG and the need to effectively support and safeguard victims.

3.3.4. The national lead for Bail Management has identified opportunities for further improvement in relation to: Performance data regarding offence types linked to VA-based investigations; and clear operational and strategic governance of such investigations.

3.4. Recommendation 3: Chief Constables should introduce processes to ensure that in all pre-charge bail cases where bail lapses, the investigator in charge of the case carries out an assessment of the need for pre-charge bail to continue. In those cases where the suspect has not been charged, the decision to extend or terminate should be recorded with a rationale.

3.4.1. All forces (41) who responded direct to the national lead for Bail Management stated proactive management level scrutiny arrangements were in place to ensure any risk to victims is considered when PCB lapses and reverts to RUI. ACC Roy also noted the removal of PCB is recognised by all forces as a significant change which must be closely managed in order to ensure continued safeguarding of victims.

3.4.2. Examples from force responses to the NPCC included one area where the decision to cancel PCB and move to RUI must be authorised by an Inspector or above (e.g. Supt level), with the associated crime record being updated with a full rationale and review of risk. Another force uses a similar approach specifically for RASSO cases, including ensuring appropriate decision making and suitability of a future risk management plan. In some areas, Custody Sergeants and/or dedicated bail and suspect managers or teams are involved in this process, with the capacity in a few force systems for reminders to be sent to OICs when PCB cases are about to lapse. Some forces use a risk assessment process based on THRIVE/THRIVE+ principles. One force found that since it introduced their process, there was a significant reduction in PCB lapsing into RUI between April 2019 and March 2022.

3.4.3. However, it was noted the Athena custody and crime system is currently unable to recognise dates relating to RUI, for which a fix is being sought through the consortium responsible for this system. This was a further example of ongoing IT limitations which are currently affecting some forces' ability to fully address several of the recommendations made in the super complaint report. However, this issue is not universal and at least one area is able to effectively utilise their systems to monitor bail through a portal on Oracle BI, including where it is due to lapse and act on this data – the same force has recorded a very large reduction in lapsed bail since January 2021.

3.4.4. With regard to this recommendation, the following were identified by the national lead for Bail Management as areas where there are further opportunities for improvement: Better scrutiny processes to manage cases reverting to RUI and associated risk assessments; and use of scrutiny structures to ensure examination of such cases in a way that ensures the safeguarding of victims/witnesses.

3.5. Recommendation 7: Chief Constables should review and if necessary, refresh their policy on how the force processes notifications on NMOs, so officers can easily identify if a NMO exists

3.5.1. Whilst all 31 forces that provided information direct to the NPCC Strategic Hub have made some or significant progress in achieving this recommendation, there is variation which appears to be primarily due to the strength of their relationship and engagement with civil courts in their area. In areas where this contact is stronger, notifications of NMOs are more established and structured, with all orders being provided to the force. There was one example where a force has introduced a joint protocol with the family courts to share all NMOs via a single route for recording on its record management system and PNC. It was argued by one respondent that in order to properly address this issue, a whole systems approach would be necessary including action by prosecutors/CPS and HM Courts and Tribunals Service (HMCTS).

3.5.2. Most forces receive notification, usually into their Police National Computer (PNC) Team or others, e.g. the Public Protection Unit, from civil courts when a NMO is granted. Some do so promptly and have a process for ensuring these are quickly added to PNC and therefore officers are made aware of the orders (one force stated it completes this process within 24 hours of being notified by the court resulting team). A few forces go further and ensure relevant teams such as Safeguarding are also notified; and another referred to each NMO receiving a THRIVE risk assessment. However, a small number of forces' processes are still in the process of being reviewed and are consequently behind others with more established arrangements already in place.

3.5.3. Other examples of notable practice included:

- One force's legal team and the family courts recently discussed the interpretation of terms of NMOs and the same force is reviewing NMO breach cases to determine if the terms were correctly interpreted. Alongside this, District Judges in the area are reviewing NMO wording.
- A force's Public Protection Unit worked with the local Criminal Records Unit and family court on civil orders and has a well-established process to deal with NMOs.
- A force has worked with a DA charity, the courts, an academic institution and the company responsible for the Police National Database (PND) to develop **Operation SHIELD** which aims to protect DA victims through better management of NMOs, innovative use of police technology and effective partnership working. This includes a new 'Continual Safeguarding Management' concept involving an automated weekly search on PND run on each NMO and can lead to additional proactive opportunities such as considering use of the Domestic Violence Disclosure Scheme ('Clare's Law'), Domestic Violence Protection Orders (DVPOs) and identification of ongoing risks. This is believed by the force involved to be potentially suitable for national adoption.
- One area stated it is considering proactively publishing NMOs forcewide issued against nominals related to an operation, under which the cohort are proactively monitored and pursued by a DA Problem Solving Team overseen by a newly appointed Detective Superintendent.

However, another respondent indicated it can take up to six months for a NMO to appear on PNC after being issued.

3.5.4. Almost all forces that responded have either reviewed, introduced or updated their policies and procedures regarding NMOs, e.g. to include opportunities around and

enforcement of civil orders and processes for dealing with breaches. In these cases, new guidance and communications were often provided to officers and staff to raise awareness of these changes. For example, a large metropolitan force's DA policy states officers should check all parties to a DA incident on PNC to identify if any civil orders including NMOs are in place and whether any may have been breached to ensure appropriate action can be taken. Some other forces noted their policies require copies of the NMO/other civil order to be uploaded to the crime systems so that officers investigating any alleged breaches can easily establish if the alleged conduct is prohibited by the order. In a few cases, reviews of policies and approaches to capturing NMOs and other civil orders are ongoing to enable officers to take appropriate action.

3.5.5. One force referred to its adoption of the Centre for Women's Justice (CWJ) suggestion that forces equip officers with information pathways for referral to third party support services as opposed to providing specialist knowledge on applications for civil orders. By doing so, this is understood to lead to better outcomes for victims by enabling them to access specialist support which could include assistance in making applications for NMOs. Since introducing this approach in September 2020, the force has made 2343 referrals to the Domestic Abuse Alliance and 125 NMOs were obtained. In contrast, some other forces continue to seek to secure NMOs on behalf of victims in addition to recording and monitoring those obtained by third parties. Given there is currently a comprehensive picture across the whole country, forces have been advised by NPCC to ensure they are aware of local services and ensure they can (and do) meet standards acceptable to the force and its safeguarding partners. Also, all forces should ensure officers are aware of the referral pathways available to DA victims, whether these lead to a large (national), or smaller provider offering a local 'by and for' services.

3.5.6. NMOs are also referenced in the national VAWG Outcomes and Performance Framework and it is anticipated they will be referenced in force level VAWG plans, which as noted in parag.2.4 above, are currently under review by the national lead.

3.6. Recommendation 10: The NPCC lead for domestic abuse should consider Home Office data on number of reported breaches of NMOs, and provide a report to HMICFRS within six months on national actions and guidance required as a result.

3.6.1. It is noted that the Ministry of Justice (MoJ) collects data on NMO breaches; the Office for National Statistics (ONS) routinely publishes some limited information within its [Domestic Abuse and criminal justice system dataset](#) e.g. Table 17 in the November 2021 edition of the statistics. The national lead for DA noted the current number of recorded breaches in this data dealt with by the police is relatively small, but this is potentially due to under-reporting and issues with data collection.

3.6.2. In conjunction with the College of Policing, best practice relating to police engagement with and action taken on NMOs was collated and included in guidance shared with police forces. The national lead for DA also supports Operation SHIELD (see *parag. 4.5.2. above*) and is awaiting the results of an evaluation of the feasibility for national rollout.

3.6.3. Following improvements by HMCTS to enable more consistent, improved police responses to breaches of NMOs, further action being taken includes:

- Accurate and comprehensive completion of all NMO reports and prompt reporting to police through agreed notification arrangements;
- Clear descriptions of offending behaviour and grounds for its imposition included within NMOs; and
- Clear descriptions of what would constitute breaches.

3.7. Recommendation 11: Chief Constables should, until Domestic Abuse Protection Orders (DAPOs) replace DVPNs and DVPOs in their force: a. review, and if necessary refresh their policy on DVPNs and DVPOs, and in line with the overarching recommendation: ensure that there is clear governance and communication to prioritise the effective use of DVPNs and DVPOs, when these are the most appropriate tools to use; monitor their use to ensure they are being used effectively; and b. ensure experience and lessons learned on using DVPN/DVPOs informs the use of DAPOs.

3.7.1. Overall, a significant amount of detailed information was provided in the forces' submissions to address this recommendation which reflects a large amount of action being taken nationally to improve policing's response to DA and VAWG more generally. Several forces referred to their expressions of interest and willingness to participate in the piloting of Domestic Abuse Protection Orders (DAPOs) due to commence in 2023, for which a decision by the Home Office on which areas would be accepted is awaited.

3.7.2. In light of this recommendation, most respondents confirmed that their force has reviewed, introduced and communicated to officers and staff their policies on Domestic Violence Protection Notices and Orders (DVPN/Os), including providing dedicated pages containing relevant information and guidance on internal intranet sites. For example, one force noted it commissioned a new policy via its DA Delivery Group. In many cases, this was, and continues to be, supported by training activity delivered by specialist teams/departments, also covering other types of civil orders and how to apply for them. Such training was delivered to various audiences including frontline officers, student officers, control room staff and senior leaders. Another area uses a DA victim's lived experience case study of a DVPO in its training material.

3.7.3. Several referred to their forces having well established and embedded processes for DVPN/Os which are regularly reviewed, e.g. use of these interventions with victims unwilling to support prosecutions, or when insufficient evidence is available to allow consideration of other options. Some forces expressed a commitment to ensuring learning from their introduction of new and revised policies and processes on DVPN/Os would inform future implementation and use of DAPOs.

3.7.4. In some forces, dedicated staff, teams and/or single points of contact (SPOCs) with relevant expertise and knowledge have been introduced to work on DVPNs/Os, often within forces' existing safeguarding/DA structures and sometimes in conjunction with, and supported by, force legal services (*see also response to recommendation 14 below*). Examples of particular note submitted by respondents included:

- One force in the North of England has established a dedicated DVPO Team comprising six permanent police staff, trained by one of their solicitors. It's policy states these orders should be considered the reviewing supervisor in every eligible DA investigation, along with recording a rationale to support their decision. The team, which is believed to be one of the most successful in terms of DVPO applications per 1,000 population attracted praise in a recent HMIC Police Efficiency, Effectiveness and Legitimacy (PEEL) inspection and as such was highlighted nationally by the Inspectorate. It also has access to a virtual courtroom which helps ensure hearings are conducted efficiently.
- A Domestic Abuse Solutions Team in one respondent force monitors and reviews on a daily basis arrest rates including use of DVPOs and where necessary providing advice to officers via the investigation log. This team also provide a quality assurance (QA) function for DVPO applications prior to court submission and record reasons for any rejections in

order to enable lessons to be learnt; and task the OIC to revisit the victim unannounced during the period in which the DVPO is in force to offer reassurance and protection.

- Another force has, since 2020, employed two dedicated police staff to provide a dedicated centralised function, ensuring consistency in terms of applications to court, data collection, QA, feedback and training.
- Proactive DA teams in another force area considers opportunities during the 28-day period of a DVPO that gives the victim time to re-evaluate their situation and receive further support. The same force collaborates with another in their region to share practice, learn and improve around DVPN/O use and is considering adopting the latter's partnership approach of conducting joint police/Independent Domestic Violence Advocate (IDVA) visits to victims generally within 48 hours of an DVPN being issued.
- A dedicated Civil Order Officer aims to achieve greater use of various types of order including DVPOs, Sexual Harm Prevention Orders (SHPOs), Sexual Risk Orders (SROs) etc. with the aim of safeguarding victims. The officer also delivers relevant training and advice to officers and staff.
- Potential innovative practice through use of voluntary DA Perpetrator Programmes funded by the Home Office in one force. This involves all DA arrestees that result in No Further Action (NFA) at custody being offered a DVPN and an opportunity to refer themselves to a behavioural change programme.

3.7.5. Many respondents confirmed their force has robust governance arrangements in place around DVPN/Os and associated activity including training provision and other communications, briefing and guidance to frontline officers and staff. Governance and accountability is typically included within that for wider safeguarding, VAWG and/or specific DA structures e.g. Gold delivery groups and involves senior leaders such as Chief Officers, supported in most cases by performance and other data including benchmarking against peer forces. In some cases, lessons learnt from DVPN/O cases are discussed through these structures. One force referred to ongoing and regular engagement with local judges through which legal support staff continue development in line with best practice.

3.7.6. At frontline supervisory level accountability and oversight includes provision of quality checks, authorisation processes, DVPO management plans and support to officers – for example active monitoring and checks of DVPOs to provide victim reassurance and identify any further offences and/or breaches. One force stated DVPO compliance is reviewed through its District Integrated Offender Management (IOM) teams.

3.8. Recommendation 12: The NPCC should formulate a robust process, working with the CPS, to clearly define roles to ensure restraining orders are applied for in all suitable cases and that the victim's consent is obtained.

3.8.1. Work is ongoing between the NPCC and CPS, including through the national lead for DA and other relevant portfolio leads in order to achieve this recommendation. This includes efforts to improve justice outcomes, initially through the Domestic Abuse Best Practice Framework and more recently involving the wider NPCC VAWG portfolio. Also, learning from the Rape Action Plan and Operation SOTERIA are being incorporated into this work. Delivery of restraining orders (R.Os) is understood to best delivered as part of the criminal justice response to DA; and several workstreams are being delivered which are expected to lead to both improved file submissions to CPS and better outcomes for victims. This includes consideration around content of a revised DA checklist as part of a submitted file, subject to ongoing dialogue in order to improve file standards.

3.8.2. R.Os and whether the police are considering an application is captured within the DGa process jointly agreed by CPS and NPCC. Compliance with this process provides a force-by-force breakdown of the appropriate application of these orders. The overall data will form part of the new Criminal Justice Scorecard which will be published monthly as part of the Case Progression Dashboard. Reasons for non-compliance will be made available to CPS and police leaders; and suitable governance and oversight is in place to identify both areas performing well and those where improvements are required.

3.9. Recommendation 13: Chief Constables should assure themselves that: a. Their officers are fully supported in carrying out their duties to protect all vulnerable domestic abuse victims by: ensuring their officers understand the suite of protective measures available (including new measures such as DAPOs); ensuring officers are aware of referral pathways to third-party support organisations which are available to protect domestic abuse victims; ensuring their officers have guidance and support on how to choose the most appropriate response for the situation; and governance is in place to monitor the use of all protection orders and to evaluate their effectiveness, including by seeking the views of victims.

3.9.1. Similarly to recommendation 11 above, forces who responded to our request for information to inform NPCC's submission provided a large amount of detail and evidence to demonstrate significant progress in achieving this recommendation.

3.9.2. All respondents referred to training activity and the provision of guidance, toolkits and other information within their forces to ensure their officers and staff understand protective measures available to support DA victims. This was both in terms of specific inputs and ongoing activity as part of courses for new entrants such as student officers and CPD for existing officers and staff. Of particular note included the following (*not an exhaustive list*):

- Benchmarking existing knowledge of DVPN/Os through focus group sessions in order to be able to determine whether new policies and guidance 'land' and lead to better levels of knowledge, repeating this process as necessary.
- Use in at least 28 forces of the **Domestic Abuse Matters training programme** which is run by licensed experts from Safe Lives and Women's Aid, including development modules for force DA Champions, networks of which a number of forces have invested in.
- The **Making a Difference Toolkit** – a digital app provided through officers' mobile devices including content specific to their local area, such as safeguarding arrangements, information to enable signposting and referral of DA and other vulnerable victims to appropriate support organisations either whilst at the scene with victims/witnesses or during the processing of paperwork. The force concerned highlighted this has been recognised as excellent practice by HMICFRS and is being considered for introduction in other areas.
- Rollout of a College of Policing approved course, **Think Victim 2 Vulnerability and Risk**, which aims to improve officers' ability to recognise and respond to vulnerability factors.
- A planned new training package devised by CPS Eastern Region for delivery across various teams and roles in the police during the current financial year 2022/23.
- Delivery of comprehensive training on DVPN/Os across the force delivered by specialists from its DA Safeguarding Team and refresher sessions provided by the legal department. The same team offers ongoing support and guidance on these orders as well as Stalking Protection Orders (SPOs), R.Os and NMOs and are also experienced in use of Criminal Behaviour Orders (CBOs).

3.9.3. In terms of awareness of the availability of referral pathways for DA victims and other efforts to improve service delivery, forces also provided in their submissions a good range of

examples demonstrating progress in most forces against this element of the recommendation, such as:

- Provision in one area's control room of a DA Coordination Team including IDVA support, with a view to ensuring the right response is provided first time to victims. Not only does this team offer advice to officers and immediate support to victims, the co-location of staff with different skills enables more timely interventions and service delivery appropriate to particular circumstances. A similar arrangement exists in another force which developed following a successful pilot during 2020 in which IDVAs worked alongside response officers to attend DA incidents.
- Recent introduction this year of a force's **Vulnerability Hub, referred to as Partnership Integrated Triage**, that assessed all crimes, intelligence, custody records and vulnerable adult/child referrals to identify safeguarding concerns against a needs threshold, so that the correct referral pathway can be selected.
- A respondent force conducts DASH risk assessments for all DA cases, which are linked to its Niche (custody and case management) system and automatically triggers a referral for additional victim support. Compliance of Niche records with completed DASH assessments is monitored and currently stands at over 90%.
- Establishment of a MoU between a force and local IDVA, Independent Sexual Violence Advisors (ISVAs) and victim care services including service level and information sharing agreements.
- Use of a Vulnerable Person Assessment (VPA) process to ensure officers capture all relevant safeguarding needs which are submitted to Integrated Front Door referral units comprising co-located police and partner staff to enable access to immediate sustained safeguarding support. In DA cases, VPA submissions are also compliance monitored.
- Introduction in one force of a DA workplace peer support network for internal victims within the organisation including those uncomfortable with reporting to the police due to their position.
- Overseeing relationships with partner organisations through a Strategic Vulnerability Board to ensure a system-wide approach to safeguarding and supporting vulnerable victims is taken across the force.
- Victim Services Coordinators holding focus groups with IDVA services and victims.
- A VOICE service funded by a force's PCC for victims and witnesses that includes support and advocacy for DA victims at all risk levels and needs.

3.9.4. The effectiveness of orders can be both case specific & affected by an individual victim's circumstances and particular needs, including access to specialist advocacy and support. Effectiveness is also dependent upon the response of the wider justice system, specifically the response of CPS to requests to charge for a breach, the sanctions for a breach issued by courts and the management of offenders in partnership with NPS. Therefore, a rigorous, independent academic evaluation of the effectiveness of orders would be preferable. Focusing only upon the police management of orders could be misleading and lead to nugatory activity if the whole system is not considered.

3.9.5. Many forces who responded stated governance arrangements are either already in place, or planned, to monitor protection orders such as DVPN/Os and evaluate their effectiveness at a local level, including seeking the views of victims. One area is in the process of establishing a new protective orders database that will ensure that officers down to local level will be able to identify what orders exist to protect local residents and enable prompt action to be taken to incidents, e.g. breaches. Another force utilised its internal audit team to assess the effectiveness of DVPN/Os and found them to be effective in the short term, with the majority not being breached.

3.9.6. Other examples provided by forces of such governance included the following:

- Operational level monitoring of protective orders through a dedicated force DA Safeguarding Team; and assessments of effectiveness is conducted by a DA Delivery Plan and Vulnerability Group.
- Timely reviews are conducted in one force by Detective Inspectors of all high and medium risk stalking offences to ensure all safeguarding opportunities are taken, including potential use of SPOs or other protective orders.
- Use of 'stalking clinics' which involve multi-disciplinary reviews of SPOs which can include mandated attendance by perpetrators on behavioural change courses.
- Overseeing relationships with partner agencies through a Strategic Vulnerability Board to ensure a system wide approach is taken to supporting vulnerable victims.
- Assessment of the effectiveness of the use of protective orders at both local and force levels, including holding senior leaders to account through a monthly Performance Management Committee chaired by the DCC.
- A quarterly DA Improvement Group that considers, discusses and takes action to address a force's approach.
- Introduction by one force of a monthly DA Scrutiny Panel which reviews 30 cases per month to highlight good practice and areas for improvement; and use of an auditing tool to identify themes for service improvement which are presented to Divisional Commanders and their Senior Leadership Teams.
- In one area, a Victim and Witness Assurance Group considers improvements to victims' experience, with voices heard at a regional joint CPS/police commissioned services meeting; and another force's Victim Services Coordinators hold focus groups with IDVA services and victims.

3.9.7. However, some forces continue to be limited in their ability to comprehensively monitor civil orders not issued by the police, e.g. only becoming aware of them in the event of a breach occurring - this point was raised by at least one force and the NPCC lead for DA in their responses.

3.10. **Recommendation 14: Chief Constables should consider what legal support they need to use protective measures (if they don't already have this) and secure this support. The NPCC should consider whether regional or national legal (or other) expertise could be made available, so forces can easily access specialist support and can maximise efficiency and consistency.**

3.10.1. Of those forces that provided information to respond to this recommendation, all were satisfied they had sufficient legal support in place relating to the use of protective measures. As noted in the response to recommendation 11 above, some have invested in and introduced dedicated teams/roles to work specifically on protective orders such as DVPOs and SPOs. These either work within, link into and/or have been trained by legal colleagues. For example, one force stated it frequently issues DVPNs and subsequently obtains DVPOs using specialist lawyers, with a new Vulnerability Officer solely dealing with these orders; and another cited its dedicated team were instrumental in achieving a significant improvement in the use of all types of civil orders. Another has maintained for the last seven years a consistent success rate of around 90% for converting DVPNs into DVPOs which reflects investment in its legal team and accessing dedicated specialist support.

3.10.2. It was noted more use of civil orders as part of the policing of DA, VAWG and associated safeguarding activity to offer better protection to victims increases the burden on force legal teams. In some forces, measures are in place to monitor these pressures, e.g. through a Gold Group. One legal department referred to its completion of an annual

assessment of demand, capacity and capability as part of the Force Management Statement process.

3.10.3. In some parts of England and Wales, such as the East Midlands, joint legal services teams cover several force areas to administer civil order applications.

3.10.4. Going forward, some forces referred to the need for consideration of the impact on demand relating to protective measures in forthcoming legislative changes in the Police, Crime, Sentencing and Courts Act 2022 and others yet to be commenced from the Domestic Abuse Act 2021. For example, breaches of DAPOs that will replace DVPOs and are expected to be piloted from 2023, will be a **criminal** (not civil) offence. According to one respondent, this will require consideration around whether new processes to deal with breaches should sit within their Criminal Justice or legal services departments.

3.10.5. The first part of recommendation 14 requires consideration at force level by Chief Constables and is dependent on a range of factors including existing arrangements, force size, structures and capabilities as well as maintaining local flexibility and operational decision making. NPCC recognises that there may be opportunities to deliver greater levels of expertise and achieve greater consistency across force areas, including potential for mechanisms to be developed and implemented with the assistance of the Association of Police Lawyers (APL). It may also be possible to support this work by exploring options currently provided through existing joint legal services, e.g. those in the East Midlands and by larger forces with greater capacity such as the Met Police, which the APL are in a position to facilitate.

3.11. Recommendation 15: Monitoring of recommendations: a. Home Office and Ministry of Justice each to provide a report to Her Majesty's Chief Inspector of Constabulary on progress in implementing HMICFRS's recommendations within six months of the date of publication of this report. b. NPCC to collate Chief Constables' progress in reviewing and, where applicable, implementing their recommendations within six months of the date of publication of this report.

3.11.1. In terms of part b of recommendation 15, this report fulfils the requirement to collate progress of CCs in reviewing and where applicable implementing recommendations 1, 2, 3, 7, 11.

4. CONCLUSION

4.1. This report has demonstrated that forces, supported by NPCC particularly through the National Leads for Domestic Abuse and Bail Management, have made significant progress in reviewing and addressing the recommendations made in the CWJ Super Complaint report, ***A Duty to Protect: Police use of protective measures in cases involving violence against women and girls***, published in August 2021 by the College of Policing, HMICFRS and IOPC. However, it is recognised improvements are still necessary to address factors that hamper efforts to ensure victims of VAWG including DA and RASSO offences are better protected both pre- and post-charge, particularly in some force areas where IT system challenges continue to be a persistent issue.

Martin Hewitt QPM
Chair, National Police Chiefs' Council

Appendix – Forces and NPCC leads that responded to the request by NPCC Strategic Hub to provide submissions for this report:

- Avon and Somerset
- Bedfordshire
- Cheshire
- Cleveland
- Devon and Cornwall
- Durham
- Essex
- Gloucestershire
- Greater Manchester (*from force itself and also Greater Manchester Deputy Mayor*)
- Gwent
- Hampshire
- Hertfordshire
- Humberside
- Kent
- Lancashire
- Merseyside
- Norfolk
- Northamptonshire
- Northumbria
- North Yorkshire
- Nottinghamshire
- NPCC lead for Pre-Charge Bail
- NPCC lead for Domestic Abuse
- NPCC lead for Violence against Women and Girls
- South Yorkshire
- Staffordshire
- Suffolk
- Surrey
- Sussex
- Thames Valley
- Warwickshire
- West Mercia
- West Midlands
- Wiltshire