



Ministry  
of Defence

**JSP 913**  
**Whole Force Policy on**  
**Domestic Abuse**

**Part 1: Directive**

# Foreword

Domestic abuse is a complex and harmful crime that erodes safety, induces anxiety and creates fear. It impacts Defence people and in doing so undermines our broader Defence capability including operational effectiveness. Domestic abuse is incompatible with our values and standards and constitutes criminal offences. It therefore stands that it will not be tolerated and we will continue to confront it on numerous levels as detailed in our wider strategy. Furthermore, we will continue to promote a culture where domestic abuse has no place and where those impacted know they will be effectively supported.

JSP 913 provides direction and guidance regarding the recognition of, and responses to, domestic abuse across Defence. Our approach focuses on support to victims/survivors, holding perpetrators to account and ensuring our support systems are effective and joined up. This policy is underpinned by legislation and wider government policy and will serve to strengthen our response to domestic abuse by ensuring all those working in Defence know how to escalate concerns and gain support. Tackling domestic abuse is in everyone's interest and should therefore be everyone's business in Defence.

**Lieutenant General James Swift**  
**Chief of Defence People**  
**Functional Owner for People**

# Preface

## How to use this JSP

1. JSP 913 is intended as whole force direction and guidance on domestic abuse. It is designed to be used by all those within Defence who may or should be involved in responding to domestic abuse and for use as a reference for all MOD Service or civilian personnel (including entitled family members) regarding the expectations and procedures of the organisation. This JSP will be reviewed annually or in response to changes directed by central government policy. This JSP has undergone an Equality Analysis Impact Assessment, Childs Rights Impact Assessment and Family Test.
2. The JSP is structured in two parts:
  - a. **Part 1 - Directive**, which provides the direction that must be followed in accordance with statute or policy mandated by Defence or on Defence by central government.
  - b. **Part 2 - Guidance**, which provides the guidance and best practice that will assist the user to comply with the direction detailed in Part 1.

## Coherence with other Policy and Guidance

3. Where this document contains references to policies, publications and other JSPs which are published by other Functions, the relevant authorities have been consulted.

Related Policies, Strategies and Guidance	Title
MOD Domestic Abuse Strategy	No Defence for Abuse Domestic Abuse Strategy 2018-2023
Human Resources guidance	Civilian HR Domestic Abuse Guidance for Employees and Managers
Sexual Harassment Booklet	Sexual Harassment Booklet: What you Need to Know
Misconduct and Discipline Policy	Meeting civilian standards of behaviour and addressing any shortcomings
BHDV Policy	Civilian Formal Bullying ,Harassment, Discrimination and Victimisation (BHDV) Complaints Policy & Procedures
JSP 441	Records and Information Handling
JSP 464	Tri- Service Accommodation Regulations
JSP 760	Tri-Service Regulations for Leave and Other Types of Absence
JSP 763	Behaviours and Informal Complaints Resolution
JSP 830	Manual of Service Law (MSL)
JSP 833	Minor Administrative Action
JSP 834	Safeguarding
JSP 839	Code of Practice on Services to be provided by the Armed Forces to Victims of Crime
JSP 893	Procedure for personnel and posts which require a disclosure check

2014DIN01-209 (as part of JSP 839)	Guidance to Commanding Officers and victims when dealing with allegations of serious criminal offences including sexual offences.
2022DIN01-035	Zero Tolerance to Sexual Offences and Sexual Relationships Between Instructors and Trainees

## Further Advice and Feedback – Contacts

4. The owner of this JSP is the Hd Armed Forces Families & Safeguarding (AFFS). For further information on any aspect of this guide, or to ask questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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## Record of Amendments

Version	Updates	Date
3.0	Complete review	01/09/2022

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# 1 Introduction and Key Definitions

## Aim

1. This policy provides direction and guidance on the identification of and response to incidents of domestic abuse within Defence (both in the UK and overseas). It is intended to serve as the basis for orders, instructions, procedures, and training on domestic abuse issues.

## Principles

2. The contents of this JSP are underpinned by a set of principles drawn from legislation and wider government policy. These are as follows:

- a. Domestic abuse is everyone's business requiring a whole system response from Defence to tackle it, and where possible, prevent it from happening in the first place.
- b. Domestic abuse ruins lives and can result in loss of life. It is therefore essential that support and care to victims/survivors is a priority for those in Defence tasked with this important responsibility.
- c. Defence does not condone or tolerate domestic abuse in any form and will take necessary action against perpetrators to prevent further harm through relevant justice systems and/or behaviour change programmes where appropriate.
- d. The Defence role in combatting domestic abuse consists of a robust response (consistent and persistent), informed staff, and an open and understanding culture, where support is offered and support-seeking is encouraged.
- e. No person should be afraid to report instances that are perpetrated against or by Defence personnel, regardless of seniority or position.
- f. Every person should feel empowered to report concerns to line managers or, in cases where there may appear to be imminent danger or criminal activity, to the police.

## Scope

3. This policy applies to all Defence personnel and their entitled family members in the UK and Overseas for whom Defence has assumed responsibility. Defence personnel includes all employed staff, regular, reserve, and civilian, secondees into and out of the organisation, volunteers, students, trainees, contractors and locally employed civilians<sup>1</sup>.

4. This document cannot be totally comprehensive and, if there is any doubt, advice should always be sought from the MOD policy lead, single Service specialist welfare agencies, and/or the MOD approved social work provider/relevant UK local authority, or departmental legal advisers.

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<sup>1</sup> In the Overseas area this includes dependant employees.

## Legislative framework

5. Provisions in the Domestic Abuse Act 2021<sup>2</sup> apply to England and in the majority of cases to Wales. Although there may be variations in local resources and responses to domestic abuse in devolved administrations their laws and policy reflect practice principles referred to in this document.

6. Relevant legislation and key policy documents include:

a. **The Domestic Abuse Act 2021**<sup>3</sup> introduced landmark legislation creating the first Statutory definition of domestic abuse which includes not only physical violence but that of emotional, coercive and controlling behaviour, and economic abuse. The Act introduces new specific criminal offences including: the threat to publish intimate images; non-fatal strangulation; and extends the offence of coercive and controlling behaviour to apply post-separation. Under the Act children receive statutory recognition as ‘victims’ rather than ‘witnesses’ if they see, hear or experience abuse and Statutory duties are placed on Local Authorities to provide accommodation support for victims/survivors and their children.

b. To support the implementation of the 2021 Domestic Abuse Act, the Home Office published the **Tackling Domestic Abuse Plan**<sup>4</sup> in March 2022. There are four key pillars to this plan: prioritising prevention, supporting victims, pursuing perpetrators, and developing a stronger system. These four pillars are reflected in the Defence principles referred to above.

c. The Tackling Abuse Plan builds on the wider government strategy to tackle violence against women and girls (VAWG)<sup>5</sup> published in July 2021 and details how women are more likely to be domestic abuse victims and how domestic abuse is the most prevalent form of violence against women and girls. Defence recognises the gendered nature of domestic abuse, and that domestic abuse can impact all gender identities including men. As such, Defence is clear that this policy will be applied fairly to all victims and survivors of domestic abuse.

d. In addition to specific domestic abuse legislation, Defence has a general obligation under health and safety employment law to ensure the health, safety, and wellbeing of employees (including service personnel)<sup>6</sup>. Defence also has both legal and wider Duties of Care towards employees and is committed to protecting employees from wrongful acts by co-workers<sup>7</sup>. Defence further acknowledges its wider commitments to applicable<sup>8</sup> families of employees and service personnel.

e. The following Acts of Parliament provide the broad legislative framework for many of the elements that constitute abusive behaviour:

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<sup>2</sup> Domestic Abuse Act 2021 (<https://www.legislation.gov.uk/ukpga/2021/17/part/1/enacted>).

<sup>3</sup> <https://www.gov.uk/government/news/new-laws-to-protect-victims-added-to-domestic-abuse-bill>.

<sup>4</sup> [Tackling Domestic Abuse Plan – CP 639 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952445/workplace-support-for-victims-of-domestic-abuse-report.pdf).

<sup>5</sup> [Tackling violence against women and girls \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952445/workplace-support-for-victims-of-domestic-abuse-report.pdf).

<sup>6</sup> <https://www.legislation.gov.uk/ukpga/1974/37/section/2>.

<sup>7</sup> BEIS, Workplace support for victims/survivors of domestic abuse, Employer’s duty of care ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/952445/workplace-support-for-victims-of-domestic-abuse-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952445/workplace-support-for-victims-of-domestic-abuse-report.pdf)).

<sup>8</sup> The Armed Forces Covenant articulates the inclusion of Service families.

<b>Related legislation</b>	<b>Relevant info</b>
<a href="#">Offences against the Person Act 1861</a>	Including: assault, murder, attempted murder and physical violence.
<a href="#">Health and Safety at Work etc. Act 1974</a>	(s2) (Duty of employer for welfare of all employees)
<a href="#">Family Law Act 1996; Part IV</a>	(s62) (s42) (The definition of cohabitants and associated persons that separates domestic abuse from other crimes) (Non-molestation orders)
<a href="#">Criminal Justice Act 1988</a>	(s39) Prosecution of common assault and battery
<a href="#">Protection from Harassment Act 1997</a>	Stalking, fear of violence
<a href="#">Crime and Disorder Act 1998</a>	(s32) (Harassment or stalking that is racially or religiously aggravated)
<a href="#">Adoption and Children Act 2002</a>	(s120) (clarifying the definition of 'harm' to include seeing or hearing the ill-treatment of another)
<a href="#">Sexual Offences Act 2003</a>	Sexual offences
<a href="#">Crime and Victims Act 2004</a>	(s12-13) (Providing restraining orders including after acquittal where it is apparent that a person needs protection from harassment)
<a href="#">Domestic Violence, Crime and Victims Act 2004 (amended 2012)</a>	Domestic Violence Crime and Victims Amendment 2012
<a href="#">Armed Forces Act 2006</a>	Guidance on regulations regarding Service Personnel
<a href="#">Protection of Freedoms Act 2012</a>	(s111) (Use of the internet, email, or electronic communication for monitoring - cyberstalking)
<a href="#">Anti-Social Behaviour, Crime and Policing Act 2014</a>	Forced marriage
<a href="#">Care Act 2014</a>	(s42-47) (Safeguarding adults at risk of abuse or neglect)
<a href="#">Criminal Justice and Courts Act 2015</a>	(s33) (Disclosing private sexual photographs and films with intent to cause distress)
<a href="#">Serious Crime Act 2015</a>	Controlling or coercive behaviour in an intimate or family relationship (s76)
<a href="#">Stalking Protection Act 2019</a>	(s1) (Stalking Protection Orders - SPOs)
<a href="#">Domestic Abuse Act 2021</a>	Statutory definition of domestic abuse and related guidance
<a href="#">MOJ domestic violence and child abuse offences</a>	Ministry of Justice consolidated list of domestic violence offences including devolved legislation.

## Definitions

7. Domestic abuse has been given a statutory definition by the Domestic Abuse Act 2021. The offences that constitute domestic abuse also have comprehensive legal definitions and these will remain the definitions against which any criminal judgment will be made. It should be noted that there is no specific offence of 'domestic abuse'. Some of the definitions in this JSP have been paraphrased or condensed for ease of reading; for the purposes of this JSP, the following definitions apply:



- a. **Domestic abuse.** Domestic abuse means any single incident, or course of conduct of abusive behaviour between individuals aged 16 or over who are 'personally connected' to each other (as a result of being, or having been, intimate partners, family members, betrothed, married/civil partners, or sharing parental responsibility for a child) regardless of gender or sexuality. Children who see, hear, or experience the effects of the abuse and are related to either of the parties are also considered victims of domestic abuse.
- b. **Abuse.** Behaviour is 'abusive' if it consists of any of the following: physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; or psychological, emotional or other abuse. This includes incidents where the abusive party directs their behaviour at another person (e.g. a child of the other person).
- c. **Stalking.** Stalking means a pattern of fixated and obsessive behaviour that is repeated, persistent, intrusive and causes fear of violence or engenders alarm and distress in the victim/survivor. It can consist of any type of behaviour such as regularly sending flowers or gifts, making unwanted or malicious communication, damaging property and physical or sexual assault. If the behaviour is persistent and clearly unwanted, causing fear, distress, or anxiety then it is stalking<sup>9</sup>.
- d. **Victim/survivor.** Not everyone who has experienced, or is experiencing, domestic abuse chooses to describe themselves as a 'victim' or sees themselves as a 'survivor'. As such, the term 'victim/survivor' is used throughout this JSP.
- e. **Perpetrator.** Perpetrator means the person carrying out or who has carried out the abuse.
- f. **Safeguarding.** Safeguarding refers to elements of protection from and prevention of harm. Adult and child safeguarding responsibilities, including referral pathways, are covered in full detail within Safeguarding JSP 834.
- g. **Specialist Welfare Provider.** Specialist Welfare Provider refers to the Army Welfare Service (AWS), Royal Navy Family & People Support (RN FPS) and MOD contracted services including the RAF Personal Support & Social Work Service (PS&SWS), and the British Forces Social Work Service (BFSWS).

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<sup>9</sup> For further information on stalking, consider visiting the Suzy Lamplugh Trust website: <https://www.suzylamplugh.org/what-is-stalking#:~:text=Suzy%20Lamplugh%20Trust%20defines%20stalking,and%20distress%20in%20the%20victim.>

## 2 Roles and Responsibilities

1. **Everyone.** All people working in Defence should understand that domestic abuse is incompatible with the values and standards within the Armed Forces and the Civil Service.
2. It is the responsibility of Service chains of command (CofC) and civilian line management (LM) to ensure all personnel:
  - a. actively engage with any training provided and to take it upon themselves to learn what behaviours constitute domestic abuse.
  - b. actively encourage people to engage with support services, both internally and externally, without pressuring anyone to do so.
  - c. report concerns regarding their colleagues to the relevant person in their CofC/LM chain (in the same way as any conscientious colleague may express concern), and to ensure that they are aware of the duties to report under certain circumstances, as set out in this JSP.
  - d. report directly to the local police authority if they are witness to any events that may constitute a criminal offence or cause them to be concerned about the immediate safety of a victim/survivor.
3. **CofC/LM.** In fulfilling their responsibilities to their staff, CofC and LMs need to understand domestic abuse and the possible signs, be able to support their personnel if they have disclosed or have been accused of domestic abuse, and should:
  - a. put in place measures to raise awareness and inform Service personnel, persons subject to Service Law, Defence employees and civilians subject to Service Discipline about this policy.
  - b. ensure compliance with any directed training and seek guidance from respective specialist welfare when in doubt.
  - c. facilitate awareness to highlight what abusive behaviour is, the rights of the victim/survivor, the attitude of Defence, the routes for support, potential barriers to disclosure and any other relevant themes.
  - d. **listen, believe, and refer** when disclosures are made, to maintain confidentiality in line with the victim/survivors wishes unless mandated<sup>10</sup> otherwise, to remain approachable for any team member who wishes to discuss an issue, to cooperate with any investigations, to maintain good records especially if allegations relate to Defence personnel.
  - e. other than in extreme cases where there is an overriding operational imperative the CofC should support and prioritise the attendance of behaviour change programmes for perpetrators of domestic abuse.

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<sup>10</sup> Further information on requirements to pass information is contained in the 'Information Sharing and Recording' part of this JSP.

f. understand the limitations of their role, which are that only actions relating to administrative measures, workplace adjustments, or signposting to further support are in scope; staff at any level in the CofC/LM are not expected to be experts in the handling of domestic abuse and should **not** attempt to take on additional burdens – this should be provided by more specialist services.

**4. Specialist Welfare Personnel (including MOD contracted social work provider).**

The Defence response in the military environment is largely grounded in effective support from Welfare professionals, contracted social work/community support services and personnel staff. Relevant professionals should:

- a. advise CofC, or civilian LM where applicable, on the safe management of the situation, including responsibilities to link with external processes like Multi-Agency Risk Assessment Conferences (MARAC) or statutory Children’s Services.
- b. provide or facilitate the accessing of support for the victim/survivor (and perpetrators where appropriate); this should include supporting safety planning so that the unique ‘Defence’ context is understood.
- c. ensure that confidentiality is assured at all times, unless mandated otherwise.
- d. lead on the coordination of support, where appropriate consent is given or there is a mandate, with statutory bodies, support organisations and expert bodies.
- e. apply best practice principles to facilitate the most effective response.
- f. ensure that (with due regard to the information sharing sections of this JSP) appropriate information is shared between individual welfare agencies and CofCs/LMs to allow the effective monitoring of behaviour patterns when an individual transfers to a new operational theatre or command.

**5. Service Police.** Service police play a significant role in supporting victims/survivors of domestic abuse and in holding perpetrators to account and should:

- a. place the safety of the victim/survivor, including that of any child victims, at the centre of all enquiries and investigations.
- b. engage with wider support agencies such as Independent Domestic Abuse Advisors (IDVAs), specialist welfare, and contribute to MARACs or equivalent for the purposes of victim support, risk management and safeguarding.
- c. make a safeguarding referral to the respective local authority children’s services or the MOD contracted social work provider (if overseas) for any child who is a victim/survivor and for adults who meet the definition for an adult at risk<sup>11</sup>.
- d. share information in line with established protocols and relevant initiatives such as Operation Encompass (a scheme where Police agree to inform school safeguarding leads if they have attended a domestic abuse incident relating to a pupil).

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<sup>11</sup> As defined by the Care Act 2014.

e. when requested, provide advice on, and signposting to, the Domestic Violence Disclosure Scheme (DVDS – also known as Clare’s Law).

f. ensure that victims/survivors of domestic abuse are aware of their options for investigation where concurrent jurisdiction is active<sup>12</sup>.

6. Specific operating details for Service/Ministry of Defence Police (MDP) are held in the relevant policy documents<sup>13</sup> with specific information on jurisdiction referred to in JSP 830, Manual of Service Law, Volume 1, Chapter 3.

7. **MDP** have powers in line with civilian police<sup>14</sup> and can investigate offences committed by civilians within Defence within the UK. MDP could be first responders to domestic abuse incidents and should follow the relevant direction and guidance contained in this JSP.

8. **Other professionals.** There are a range of professionals working in Defence such as healthcare, educators, military chaplains & padres, mental health professionals and similar who may receive disclosures relating to domestic abuse. Those professionals will have specific policies<sup>15</sup> within their field such as [‘keeping children safe in education’](#) or [‘protecting children and young people: the responsibilities of all doctors’](#), and other similar documents, which they should continue to apply. Relevant professionals should:

a. encourage engagement with the Specialist Welfare providers or specialist external support agencies for general support, with the CofC/LM for workplace support, and with the police where there is any risk of immediate danger.

b. enact local safeguarding procedures relating to children and adults and use referral pathways to respective local authorities or MOD contracted social work provider if overseas.

9. **Civilian HR.** Defence recognises the significant detrimental impact that domestic abuse has upon employee wellbeing and productivity and in response has developed guidance on how to support victims/survivors in the workplace. Relevant HR professionals should:

a. advise line managers, where possible, on Departmental support that can be offered to victims/survivors (including but not limited to special paid leave, salary advances, and signposting to the Employee Assistance Programme or any other function that may be of use).

b. advise line managers on appropriate record keeping policy and assist in the recording of disciplinary information about employees on the HR system of the Department.

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<sup>12</sup> Concurrent jurisdiction refers to locations where military police share jurisdiction with other police forces and as a result victims can have options about which force they wish to investigate their complaint.

<sup>13</sup> See JSP 830 (Manual of Service Law), Air Publication 1722 (RAF), PMN TI 24 & PMN TI 39 (RN), MPID, Chapter 19 (Army) (non-exhaustively).

<sup>14</sup> As enacted by the Defence Police Act 1987 and The Anti-Terrorism, Crime and Security Act 2001.

<sup>15</sup> Statutory obligations will compel such professionals to take action for cases involving safeguarding concerns.

# 3 Procedures

## Disclosures of domestic abuse

1. The absolute and overriding priority on suspicion or disclosure of abuse is to safeguard the victim/survivor and any children or adults with safeguarding needs. Those making disclosures should not be pressured into decisions and should be viewed as the experts in their own circumstances with their wishes only being contravened where safeguarding reasons take precedence (see information sharing section below).
2. **Colleagues/bystanders** who receive a disclosure of domestic abuse should direct the victim/survivor to that person's CofC/LM or the Police as colleagues/bystanders are not empowered to take any official action on behalf of Defence. They should signpost individuals to internal/external support if known and should also contact the Police directly if they are concerned about the immediate safety of the victim/survivor.
3. **Professionals** (health visitors, doctors, mental health practitioners, teachers etc.) may receive such information by virtue of their role and should respond in line with relevant professional guidance and safeguarding procedures including this JSP. Those trained in undertaking risk assessments should do so, the outcomes of which should inform decision making and referral to other support agencies as necessary.

## Actions for the CofC/LM upon receiving a disclosure

4. **The First Responsibility.** The first responsibility is to listen and to remain sensitive to the difficulties of the situation. If the CofC/LM feels that the victim/survivor, or another family member, is in immediate danger then the relevant Police force should be contacted, even if the victim's/survivor's consent is not given. Where there is no information to suggest immediate danger consent should be sought to engage the relevant specialist welfare provider (Military) who will advise on whether further coordination with other statutory agencies is required and of other support options. LMs (Civilian) should signpost the victim/survivor to support services provided by the respective local authority.
5. The CofC/LM should make any necessary workplace adjustments to ensure that the workplace is safe for the victim/survivor (further details on both these actions are contained in Part 2 of this JSP).
6. **Disclosures of domestic abuse from victims/survivors outside of Defence.** Where the CofC receives domestic abuse concerns/disclosures regarding a civilian who has been or is in a relationship with an alleged perpetrator who is serving, they should seek guidance from specialist welfare on the options for further support to that individual (such as signposting to support within the local authority or the police) and consider any actions regarding the alleged perpetrator in order to safeguard the victim/survivor or others.
7. A careful balance must be struck regarding information sharing<sup>16</sup>. Further references to confidentiality within this JSP should be read with due regard to the similarly entitled section within JSP 770 and with consideration to the specific section below on information recording and sharing.

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<sup>16</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721581/information\\_sharing\\_advice\\_practitioners\\_safeguarding\\_services.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/information_sharing_advice_practitioners_safeguarding_services.pdf).

8. **Where the alleged perpetrator is a Defence employee.** Where the alleged perpetrator is a Defence employee, all information should be recorded and investigated. If the behaviour took place on the Defence Estate it should be investigated in conjunction with either:

- a. military protocol under JSP 830, Manual of Service Law, and JSP 839, Code of Practice on Services to be provided by the Armed Forces to the Victims of Crime (containing 2014DIN01-209 which gives specific guidance for dealing with certain crimes), which applies regardless of whether the victim/survivor is a Defence employee; or
- b. [Civilian Formal BHDV Complaints Policy](#) (where a formal complaint is being made), or the [Civilian Departmental procedures for misconduct and discipline](#) (where a formal complaint may not have been made but the manager's initial assessment indicates that there could be a case to answer); this applies where both the perpetrator and victim/survivor are employees; and
- c. the relevant police authority if there is a suspicion that a crime has been committed.

9. The CofC/LM is **not** to deal with criminal or disciplinary matters of domestic abuse internally.

10. Schedule 2 offences<sup>17</sup> are already referred automatically to the Service Police. Whilst the AFA provides that a Commanding Officer (CO) may be allowed to investigate a potential Schedule 1<sup>18</sup> offence, **where there is a domestic abuse context, it should always be referred to the relevant policing authority so that they can consider investigating.**

11. **Responsibility for administrative or disciplinary actions.** Defence has responsibility for administrative or disciplinary actions where the alleged perpetrator is a Defence employee (mil) or where the alleged perpetrator and victim/survivor are Defence employees (civ) and where the abusive behaviour occurred in the workplace is retained by Defence. Where the incident is deemed non-criminal but not in-keeping with Defence standards or values (including the Civil Service Code and Service-specific behavioural codes as relevant), disciplinary action or administrative action should be considered (subject to CO/LM discretion with due regard to [JSP 833](#) and the MOD [Misconduct and Discipline Procedures](#)).

12. **Records.** Records must be handled in line with Departmental Records Management Policy<sup>19</sup>. At all stages, documentation should be managed in compliance with the requirements of the current data protection legislation.

13. Any information disclosed in conversations either with the victim/survivor or perpetrator should be treated in confidence wherever possible<sup>20</sup>. A confidential record of any formal discussion, any subsequent action, or any decisions that are taken should be kept. This

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<sup>17</sup> A category of serious offence listed under the Armed Forces Act 2006.

<sup>18</sup> Less serious offence listed under the Armed Forces Act 2006.

<sup>19</sup> JSP 441 refers ([http://jspwiki.mcp.r.mil.uk/jsp441/index.php/JSP\\_441](http://jspwiki.mcp.r.mil.uk/jsp441/index.php/JSP_441)).

<sup>20</sup> It may be necessary to disclose information to comply with lawful obligations and in these circumstances, advice should be sought from MOD legal advisors. Further direction is contained in the 'information sharing' part of this JSP.

should include a decision not to take any action. Good records may subsequently help in any legal proceedings or disciplinary hearing involving them.

14. If a team member discloses that they have been arrested for or convicted of domestic abuse, the CofC/LM should be informed (if not already) and they should contact Defence Business Services (DBS)/the relevant J1 and refer to [The Handling Arrests, Charges, Police Cautions and Criminal Convictions](#) policy for further guidance. Single Service reporting requirements will apply for Service personnel and the Unit HR / Service Discipline staff will advise on further administrative actions.

15. **Where an alleged perpetrator is released under investigation.** Where an alleged perpetrator is released under investigation, if the CofC/LM for that member of staff is made aware they should consult with DBS/the relevant J1 and refer to relevant discipline policy.

16. **Formal actions regarding perpetrators.** A conviction of a crime that constitutes domestic abuse may result in Defence terminating that individuals employment/engagement. Formal actions against perpetrators (where Defence has authority to do so) should be taken in accordance with Departmental misconduct and disciplinary procedures, including – where appropriate – JSP 830 (Service Law), JSP 763 (Bullying and Harassment), JSP 834 (Safeguarding), or Service specific policy. DBS and the CO with support from the relevant J1 must be involved in all formal action brought by Defence<sup>21</sup>.

17. **Allegations of a safeguarding nature.** Where the alleged perpetrator is in a role working with children then the allegations managements process set out in JSP 834 should be followed. This process comes into effect when it is alleged that a person who works with children has:

- a. behaved in a way that has harmed a child or may have harmed a child.
- b. possibly committed a criminal offence against or related to a child.
- c. behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
- d. behaved or may have behaved in a way that indicates they may not be suitable to work with children.

## Information sharing and information recording

18. Defence operates in a variety of different nations and employs/engages both civilian and military personnel. The complexities of Defence's operations could be potential opportunities for those who wish to evade a spotlight on their abusive behaviours. Defence must work with relevant agencies and must ensure that information is passed to and from all relevant individuals and bodies where it is legal and proper to do so in order to maximise the support to the survivor, to support behaviour change of a perpetrator, and to act as an effective deterrent to those wishing to conceal their history or patterns of abusive behaviour. The direction below applies to Defence people operating in the UK. If you are operating

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<sup>21</sup> Criminal action will be led by the relevant police agency; consultation should occur with the Service Prosecution Authority for criminal matters regarding Persons Subject Service Law (PSSL) or Civilians Subject to Service Discipline.

outside of the UK, you should seek advice on any local legal requirements or limitations on information sharing.

19. **Information Recording.** Starting a record of information should begin when disclosures/concerns/allegations are made.

20. Information relating to a victim/survivor may be gathered as part of the safeguarding process. However, this information should **not** be kept on Departmental records. Where information needs to be kept, the details that could potentially identify a survivor should be anonymised.

21. **Information sharing.** The following direction on information sharing applies to all instances where disclosures or information pertaining to domestic abuse are shared or recorded in accordance with this JSP. For Defence personnel operating overseas, specific advice should be sort on what modifications to this direction are needed to comply with local law.

a. Consent from the victim/survivor and, where appropriate, the person making a disclosure, provides a basis for sharing both personal and confidential information. Wherever possible, a contemporaneous note should be kept to record that consent has been sought and obtained, and precisely what information a person has agreed can be shared, and with whom it can be shared.

b. There may be circumstances in which information needs to be shared where consent has not been given, or even where it has been withheld<sup>22</sup>. These are set out below. Wherever possible the victim/survivor, and the person who has shared the information should be informed that the information is being shared, and how it is being shared. If information is to be shared without consent, any discussion with the victim/survivor, or the person who has shared the information should not give the impression that withholding consent, or their preferences as to sharing, will limit or prevent any sharing that is necessary.

c. Information regarding perpetrators (including potential perpetrators) should be shared with equal regard to confidentiality and sensitivity.

d. Sensitive and confidential information can be shared without consent in exceptional circumstances, where there is a need to do so for a legitimate aim. This can include where the sharing of the information is necessary to safeguard a person or individual, to safeguard the wider community, to prevent a crime, or to allow for the investigation of a crime. A failure to share relevant information with appropriate agencies may have serious consequences for current survivors or future victims. Recording of allegations and disclosure to future LMs (serving and civilian) in order to prevent abuse or monitor potential patterns of behaviour can be such a legitimate aim, as long as the detail of the information shared is kept to the level necessary for that prevention/monitoring. Professionals, such as doctors and police officers, who have received disclosures of domestic abuse as part of their role should additionally consider their own professional rules and codes of conduct in relation to sharing any confidential information.

e. Whether the information is shared with consent or on another basis, care must be taken in how it is shared. Information must only be shared to the extent that it is

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<sup>22</sup> Also to be read with due regard to JSP 770 (Part 1, Confidentiality, refers).



necessary and proportionate to achieve the legitimate aim of sharing it (e.g., to achieve the safeguarding aims, or to allow proper investigation of allegations by a relevant body). This includes limiting the amount of information within a disclosure that is shared, and in particular the name of the victim/survivor should only be shared if that is necessary to the legitimate aim of sharing<sup>23</sup>. When any information is shared, the sensitive and confidential nature of the information should be made clear to the recipient, as well as the need to protect the information appropriately and limit further sharing. Wherever possible, efforts should be made to ensure that the person receiving the information has no personal connection with those involved in the disclosure.

f. Information gathering relating to an alleged perpetrator where there is a formal disclosure or allegation should primarily be undertaken by the relevant police authority. Where the information comes from a concern or where a victim/survivor does not wish to make a formal disclosure, the information relating to particulars should be noted and passed to the relevant discipline team or specialist welfare provider. The information should **not** be used to inform decisions regarding promotion, dismissal, work recognition, deployment, or any other consideration of the alleged perpetrator – but may be used to establish if any ‘patterns’ of behaviour emerge over time. (See below for further guidance on behaviour monitoring).

g. Information recorded pertaining to allegations that have been fully **disproven** should be deleted from the disciplinary records of the alleged perpetrator. A verdict of ‘not guilty’, or even a determination on the balance of probabilities that something did not happen does not necessarily mean that it has been disproven; it must be unequivocally clear that the alleged behaviour did not happen. Any information related to formal charges or convictions should also be recorded. If uncertainty remains about whether any alleged behaviour took place, but it would breach Defence standards if it did, then information should still be recorded, with appropriate explanation of the details.

h. Information regarding previous cautions, convictions, or disciplinary action may reasonably affect work-related decisions. Line managers should refer to Accompanying Civilian Guidance for JSP 893 and Handling Arrests, Convictions and Cautions policy, which both detail how these could affect a flagged<sup>24</sup> post – either one a staff-member is already doing or has applied for.

i. The outcomes of investigations should be shared in confidence with the relevant CO who should ensure the information is also captured by the specialist welfare provider. Similarly, a civilian LM should be informed in confidence of investigation outcomes.

## 22. **Records for behaviour monitoring** regarding concerns/allegations of abusive behaviour perpetrated by employees that did not result in a police investigation, but that **was**

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<sup>23</sup> The Sexual Offences (Amendment) Act 1992 provides for anonymity for those who are victims of rape (and other offences under the Sexual Offences Act 2003). This provision protects victims from being identified by members of the public and any Defence records that detail identifiable information regarding a relevant victim must explore options for anonymity for that victim. Those who keep enduring records should consult the Legal Advisors within the Organisation if further advice is required (<https://www.cps.gov.uk/legal-guidance/witness-protection-and-anonymity>).

<sup>24</sup> A post that requires a disclosure check.

found to be contrary to Defence standards<sup>25</sup> should be recorded on the disciplinary/administrative system used by the relevant business area<sup>26</sup>.

23. In order to prevent abusive behaviour patterns from going unnoticed, this information should:

- a. be retained even when an individual takes a break in service/employment and should be passed on to their new area if they transfer to a different command/area of the business.
- b. be requested from the relevant welfare provider (Military) and disciplinary records holder(s) by each Commanding Officer or relevant LM receiving a transfer.
- c. be passed between welfare providers where an individual transfers between the single Services or to a Joint-Command.

## Accommodation and living arrangements

24. All reasonable efforts should be made by the CofC to ensure that the victim/survivor is allowed to remain in their current accommodation if it is deemed to be safe to do so with the expectation being that the burden of moving home should always fall upon the perpetrator<sup>27</sup>. When the victim/survivor remains in their current accommodation careful consideration should be given to safety precautions including keeping the victim/survivor free from potential harassment / unwanted contact. The current guidance in JSP 464 provides for a 93-day 'estrangement' period in which entitlement to SFA remains, after which time the Personal Status Category (PStat Cat) of the Service Person will change and entitlement may expire. For further guidance regarding the 'estrangement' of long-term partners and any possible extensions to the 93-day period refer to JSP 464 Vol 1 Part 1.

25. Where it is not possible for a victim/survivor to remain on the Defence estate (e.g., it is not deemed safe), specialist welfare providers with support from the CofC should assist in securing alternative accommodation, including through local authorities or refuges. Temporary accommodation considerations may include utilising surplus SFA, [Services Cotswold Centre](#), [SSAFA sheltered housing](#) or other contact housing<sup>28</sup>. If there are children in the home, then a referral should be made to the local authority children's services (or MOD contracted social work provider if overseas) who should undertake a risk assessment and assist with finding alternative accommodation.

## Children and young people

26. Domestic abuse can have a significant impact upon the health and development of children. The Domestic Abuse Act 2021 recognises children who see, hear, or experience the effects of domestic abuse as victims in their own right. It is therefore vital that the right course of action is taken to support and safeguard them.

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<sup>25</sup> An example of this may be an incident that did not require disciplinary action but may have resulted in some administrative action – see minor misconduct in MOD discipline guidance, or minor administrative action in JSP 833.

<sup>26</sup> Whilst there is no tri-Service or whole force solution, JPA/JANIS/MyHR or similar should be used.

<sup>27</sup> In some circumstances, where there is a challenge from parents with regards to child arrangements, statutory authorities in conjunction with the police and/or family court (or via judge advocate powers if overseas) could be utilised. Further information on emergency powers is contained within JSP 834.

<sup>28</sup> Further information can be provided by the Specialist Welfare Organisation.

27. If there is any concern that a child, young person, or pregnant woman might be experiencing domestic abuse, professional advice should be sought from local authority children's services in the UK (MOD contracted social work provider if overseas) about making a formal referral. This will enable appropriate assessments of risk and need to be undertaken. If the concern is about an immediate risk to safety the Police should be contacted.

28. Where there is a serious safeguarding incident as described in JSP 834 Part 2 the Safeguarding Policy Team (SPT) should be informed.

29. Local authority children's services within the UK (MOD contracted social work provider if overseas) should be contacted to seek guidance on support and counselling options for children or young people who may have been affected by domestic abuse.

30. **Adolescent to Parent Violence and Abuse (APVA)**. Within the statutory definition of domestic abuse, young people who are over 16<sup>29</sup> can be held responsible as perpetrators of domestic abuse and, where this is the case, professional advice should be sought from local authority children's services in the UK (MOD contracted social work provider if overseas) about making a formal referral.

## Overseas considerations

31. Where an overseas command is unable to match the resources and response capabilities of the UK, they should be aware:

a. In any situation where the Service Police have primacy it is incumbent on them to ensure that the case is appropriately reported to them to investigate.

b. In a situation where the police force of the host nation has primacy, it is incumbent on them to report to the Service Police<sup>30</sup> the particulars of the situation so that they may liaise appropriately<sup>31</sup> and record any relevant information.

c. Where there is no Service Police presence and no suitable host nation agency, the Service Police Crime Bureau should be contacted via email at [OpsDesk@rmp.mod.uk](mailto:OpsDesk@rmp.mod.uk) or by telephone on military 93835 5170/5180 or civilian 02392 28 5170/5180.

d. In some remote locations it may be difficult to secure the necessary on-going accommodation provisions to provide safe separation between victim/survivor and perpetrator. The CofC should make arrangements to ensure that there is appropriate separation in cases where there is an immediate threat of harm until such time as there is available resource to make a transfer back to the UK, either through the provision of alternate accommodation, or through the powers of detention.

e. In any situation where there is a child or children in the household contact should be made with the MOD contracted social work provider (or host nation equivalent if they have jurisdiction) for advice and possible referral.

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<sup>29</sup> Child to Parent Abuse (CPA) refers to children younger than 16. Notwithstanding the above, domestic abuse, specifically, can only be perpetrated by those who are 16 and older. Parents should note that children can be abusive, and support may be available through Children and Adolescent Mental Health Services (CAMHS).

<sup>30</sup> Special Response Team involvement will need to take place in Overseas locations.

<sup>31</sup> In line with the particulars of any Status of Forces Agreement (SOFA).

## Domestic Violence Disclosure Scheme (DVDS)

32. The opportunity to disclose information about an individual's history of domestic violence to a new or existing partner provides a unique opportunity to prevent harm and is covered by the DVDS. All Defence personnel, as members of the public, who are concerned that a new, former, or existing partner has an abusive past can ask the police to check under the governments Domestic Violence Disclosure Scheme (also known as 'Clare's Law'). This is their 'Right to Ask'. Partner agencies can also request disclosure is made of an offender's past history where it is believed someone is at risk of harm. If records show that they may be at risk of domestic abuse, the 'Right to Know' enables police to consider disclosing the information. A disclosure can be made if it is legal, proportionate, and necessary to do so.

33. If the concern is about a friend or family member, an application can be made for a disclosure on their behalf. Any 'Right to Ask' applications should be made to the respective home office police force in England and Wales or elsewhere, by telephone, by email, online or as part of a police investigation. Defence personnel based overseas, including entitled family members, should contact their local Service police for details.

## Domestic Homicide Reviews

34. Defence is not listed as one of the statutory bodies to whom Domestic Homicide Review (DHR)<sup>32</sup> provisions apply and who may be directed to establish, or participate in, a DHR. However, to contribute to the lessons learnt process and to ensure a consistent approach, Points of Contact (PoC) from each of the Service Police forces have been nominated to coordinate requests for Home Office Police Force (HOPF) DHR input on behalf of their Service (including civilians and dependants living/working on the base under their command). Requests for DHR input from the Armed Forces should be directed to the PoC who on receipt of a request should identify the best agency/individual to represent Defence on the DHR Panel and notify the Defence Safeguarding Policy Team at: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk). PoC details are as follows:

### **Royal Navy**

Professional Standards Department Provost Marshal (Navy) Headquarters Provost Marshal (Navy) Building 25, HMS EXCELLENT Whale Island  
Portsmouth Hampshire PO2 8ER  
Email: [NAVYPOLICE-HQPSDMAILBOX@mod.gov.uk](mailto:NAVYPOLICE-HQPSDMAILBOX@mod.gov.uk)

### **Army**

SO1 Professional Standards and Review Headquarters Provost Marshal (Army)  
Professional Standards and Review Branch Campion Lines  
High Street Bulford Wiltshire SP4 9DT  
Email: [ArmyPM-RMPEnquiriesMailbox@mod.gov.uk](mailto:ArmyPM-RMPEnquiriesMailbox@mod.gov.uk)

### **RAF**

Provost Marshal (RAF) Royal Air Force Honington Bury St Edmunds  
Suffolk IP31 1EE  
Email: [RAFP-OPMDPM@mod.gov.uk](mailto:RAFP-OPMDPM@mod.gov.uk)

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<sup>32</sup> As enacted by (s9) Domestic Violence, Crime and Victims Act 2004:

<https://www.legislation.gov.uk/ukpga/2004/28/section/9>. Further information on DHRs available from the Home Office: <https://www.gov.uk/government/collections/domestic-homicide-review>.

35. Recommendations from HOPF DHRs relating to Defence will be brought to the MOD Domestic Abuse Working Group (DAWG) to ensure oversight and learning is disseminated.

36. Where a domestic homicide has occurred overseas the relevant Police force or Command should ensure a notification is made to the Safeguarding Practice Review Group (SPRG) by completing the SPRG referral form detailed in Safeguarding JSP 834.

## Non-UK dependents

37. Domestic abuse victims/survivors (and their children) who are subject to UK immigration controls may be eligible for settlement (indefinite leave to remain (ILR)) if they have experienced domestic abuse as the partner of a British citizen, a person settled in the UK, or a member of HM Armed Forces who has served for at least four years. The Destitute Domestic Violence Concession<sup>33</sup> allows domestic abuse victims/survivors to apply for ILR access to UK state support whilst they make their application.

38. Spouses or partners of Service Personnel who are neither British citizens nor settled in the UK and who have not yet served for four years are not eligible for ILR under the domestic violence provisions. Victims/survivors would need to take Office of the Immigration Service Commissioner (OISC) accredited advice<sup>34</sup> on whether they were eligible to remain for other reasons.

39. The single Services Families Federations ([NFF/ AFF/ RAF-FF](#)) can assist with eligibility queries and further support can also be sought through Black Association of Women Step Out (BAWSO) who work with BME women without leave to remain in the UK and who are fleeing abusive partners (<https://bawso.org.uk/>).

## The complaints process

40. If a person has reported an incident of abusive behaviour to the Chain of Command (CofC) or to Welfare/HR personnel<sup>35</sup> within Defence and they feel as though their concern has not been adequately acknowledged or actioned, they may wish to escalate the matter as below:

- a. Service personnel may make a Service complaint<sup>36</sup> in accordance with JSP 831.
- b. MOD civilians may wish to access a Trade Union (TU) representative and/or raise a concern via the MOD Confidential Hotline at [Confidential-hotline@mod.gov.uk](mailto:Confidential-hotline@mod.gov.uk) where advice can be gained on the relevant pathway and policy for making a complaint.
- c. For personnel who do not wish to use the CofC or Welfare/HR, the Employee Services Team may be able to provide further support.

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<sup>33</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/679269/victims-of-domestic-violence-and-abuse-DDV-concession-v1\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679269/victims-of-domestic-violence-and-abuse-DDV-concession-v1_0.pdf).

<sup>34</sup> See <https://www.gov.uk/settle-in-the-uk> for more information and applications on settling in the UK. Up-to-date rules for ILR applications for victims/survivors of domestic abuse is available from Home Office UK Visas and Immigration (UKVI) at <https://www.gov.uk/government/publications/victims-of-domestic-violence>.

<sup>35</sup> Defence Business Services (DBS) have a [digital portal](#); however, alternative [contact methods](#) are also available.

<sup>36</sup> [The Service Complaint Process - GOV.UK \(www.gov.uk\)](#).