



Home Office

Domestic Abuse Protection Notices and Domestic Abuse Protection Orders

Draft statutory guidance for the police

February 2024

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1 Status and purpose of this guidance

1.1 Publication of statutory guidance

- 1.1.1 A draft statutory guidance was first published for consultation in September 2020, during the passage of the Domestic Abuse Act 2021 through Parliament, and ahead of the Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) pilot development.
- 1.1.2 This updated version of the statutory guidance (2024) reflects the policy developments since the Bill received Royal Assent, and extensive engagement with operational partners and stakeholders across the domestic abuse and violence and against women and girls sector. We thank the Domestic Abuse Commissioner, National Police Chiefs' Council, the police, HM Courts and Tribunals Service, the Crown Prosecution Service, HM Prison and Probation Service, and specialist organisations across the sector for their engagement and comprehensive input.
- 1.1.3 This statutory guidance focuses on the processes for police-led applications for a DAPN and DAPO, and therefore does not cover all application routes, such as victim and third party led applications. Separate, non-statutory guidance will be provided for other application routes.
- 1.1.4 Please note that all legislation which is linked and referenced throughout this guidance is to the [Domestic Abuse Act 2021](#), unless specified otherwise.
- 1.1.5 This statutory guidance is being issued for the purpose of piloting the DAPN and DAPO. The relevant provisions detailed in [Part 3 of the Domestic Abuse Act 2021](#) will be commenced (specifically sections 22 to 56) on the pilot's start date. The power to provide for a pilot is found in [Section 90\(7-9\)](#) of the Domestic Abuse Act which provides that:
- a) Regulations under this section may make different provision for different purposes or in relation to different areas ([Section 90\(7\)](#)).
 - b) Regulations bringing any provision of [Part 3](#) or [Section 76](#) into force only for a specified purpose or a specified area may provide for that provision or section to be in force only for a "specified period" ([Section 90\(8\)\(a\)](#)) and make transitional or saving provision in relation to that section ceasing to be in force at the end of the specified period ([Section 90\(8\)\(b\)](#)).

1.2 Statutory duty

- 1.2.1 This guidance is issued under [Section 50 of the Domestic Abuse Act 2021](#). The police are under a statutory duty to have regard to this guidance when exercising their

functions in relation to DAPNs and DAPOs. This guidance applies to piloting police forces in England and Wales and the British Transport Police (BTP). Upon expected national roll-out, this guidance will also apply to the Ministry of Defence Police (MDP) as per [Part 3 of the Domestic Abuse Act 2021](#) which provides that the Chief Constable of the Ministry of Defence Police (MDP) is authorised to apply for a DAPN and DAPO.

- 1.2.2 The information in this guidance may be relevant to assist the work of other criminal justice agencies and statutory bodies, as well as non-governmental and voluntary organisations which may be associated with the victim or others affected by domestic abuse.

1.3 Aims and purpose of the statutory guidance

- 1.3.1 This guidance aims to provide piloting police forces with information about the effective use of DAPNs and DAPOs, including when the police should consider giving a DAPN, how to apply for a standalone DAPO and information about how to work with other agencies and organisations in applying for a DAPO and when a DAPO is in place.
- 1.3.2 This guidance aims to provide non-piloting forces with information about the use of DAPNs and DAPOs, including the effective handling of breaches of a notice or order and information about how to work with other agencies and organisations where a DAPN or DAPO is in place.
- 1.3.3 [The Domestic Abuse Statutory Guidance framework](#) accompanying the Domestic Abuse Act 2021 provides guidance and support to frontline professionals and other organisations to convey standards and promote best practice, which may assist professionals in their work in relation to DAPNs and DAPOs. It also includes information on the impact of domestic abuse in relation to protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender reassignment, sex, and sexual orientation). Further information on the different experiences, needs and related considerations, including situational characteristics, can be found in Chapter 5 of the Domestic Abuse Act 2021 Statutory Guidance.

- 1.3.4 In exercising their functions in relation to a DAPN and DAPO, the chief officer of police, chief constable of the British Transport Police (BTP) and chief constable of Ministry of Defence Police (MDP) (the latter upon expected national roll-out only and not for the pilot) are required, in accordance with section 149 of the Equality Act 2010, to have due regard to the need to eliminate discrimination, harassment and victimisation and advance equality of opportunity regardless of protected characteristics¹. Please note, the Public Sector Equality Duty (PSED) applies to any police officer exercising functions as part of the DAPN or DAPO process.
- 1.3.5 Chief officers of police and the chief constable of the British Transport Police (BTP) and chief constable of Ministry of Defence Police (MDP) are also required by Section 6 of the Human Rights Act 1998 to comply with the convention rights set out in Schedule 1 to that Act. Where appropriate, police can signpost the victim to any of the organisations listed in Annex F. Police should also consider engaging with the organisations listed in Annex F as part of the application process, if they deem this appropriate.
- 1.3.6 To mitigate any direct or indirect discrimination for individuals with disabilities in terms of this written statutory guidance and any associated discrimination of a DAPN or DAPO, this guidance document will be accessible through a variety of formats, including HTML format (without tables, boxes and graphics), large-font easy-read and in British Sign Language (BSL).

1.4 Background on the Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO)

- 1.4.1 The [Domestic Abuse Act 2021](#) (“the Domestic Abuse Act 2021”) received Royal Assent on 29th April 2021. [Part 3 of the Domestic Abuse Act 2021](#) provides for new civil DAPNs and DAPOs.
- 1.4.2 The government’s aim in creating DAPNs and DAPOs is to bring together the strongest elements of the existing protective order regime into a single comprehensive, flexible order to afford longer-term protection for the victim from domestic abuse.
- 1.4.3 The intention is that upon national rollout DAPNs and DAPOs will replace the existing Domestic Violence Protection Notice (DVPN) and Order (DVPO). However, Domestic Violence Protection Notices (DVPNs) and Orders (DVPOs) will remain available for the duration of the DAPN and DAPO pilot and only repealed upon national roll-out of the DAPN and DAPO. All other protective orders, including Non-Molestation Orders, Occupation Orders and Restraining Orders, will remain available and there is no intention to repeal them at any point.

¹ [Section 4 of the 2010 Equality Act](#) lists protected characteristics as – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

1.4.4 The objectives of the DAPN and DAPO are:

- a) To protect victims from domestic abuse and reduce re-victimisation and re-offending by providing a wider, more flexible range of prohibitions and conditions against the perpetrator.
- b) To simplify the existing landscape of domestic abuse related protective notices and orders for victims and operational partners.
- c) To ensure victims of domestic abuse feel confident and safe in making an application for a DAPO, and having confidence in the protective measures a DAPO can offer.

1.4.5 The DAPN can be used to provide immediate protection in the aftermath of an incident. A non-exhaustive list of examples of when a police force may consider a DAPN can be found at section 3.2.6 of this guidance document.

1.4.6 The DAPO can be used to provide longer-term protection. The length of the order and requirements placed on the perpetrator can be tailored to meet the needs of the victim and address the perpetrator's abusive behaviour.

1.4.7 DAPOs differ from existing protective orders in the following ways:

- a) **Broader scope:** the DAPO provides protection from all forms of domestic abuse as defined in [Section 1 of the Domestic Abuse Act 2021](#). This goes beyond physical violence or the threat of physical violence and may include sexual abuse in a domestic setting, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, and psychological or emotional abuse. It does not matter if the behaviour took place in England and Wales or elsewhere.
- b) **Duration:** no minimum or maximum duration, allowing protection to be tailored to individual cases.
- c) **Breach of a DAPO is a criminal offence:** a failure to comply with any DAPO requirements, is a criminal offence, carrying a maximum penalty of up to five years' imprisonment, a fine, or both.
- d) **Available in all court jurisdictions:** police can make an application for a DAPO to a magistrates' court. Victims and third parties (e.g., a local authority or domestic abuse service) can apply to the family court. In existing proceedings involving the victim and the perpetrator, the victim may apply to the family or county court. The criminal court, family court and county court may also make a DAPO of their own motion during ongoing proceedings.

- e) **Positive requirements and prohibitions:** the DAPO may include prohibitions such as exclusion zones, prohibiting the perpetrator from entering certain areas. The DAPO can also impose positive requirements requiring a perpetrator to take an action, such as mandatory attendance on a programme (e.g., perpetrator behaviour change programme).
- f) **Electronic monitoring:** can be imposed to support the monitoring of an individual's compliance with other requirements of the order (e.g., to monitor that a perpetrator complies with an exclusion zone around the victim's house).
- g) **Mandatory notification requirements:** a DAPO imposes mandatory notification requirements so the perpetrator must notify police of their name (including any aliases) and home address within 3 days of the order being made and of any changes thereafter.
- h) **Authorisation:** A senior police officer (i.e. inspector or above) can issue a DAPN and authorise a DAPO application ([Section 22 of the Domestic Abuse Act 2021](#)) and ([Section 28 \(4\) of the Domestic Abuse Act 2021](#)).

1.5 The Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) pilot

- 1.5.1 The DAPN and DAPO will be piloted and evaluated for an expected two years in selected police forces and courts in England and Wales.
- 1.5.2 The Domestic Abuse Act 2021 provides powers for British Transport Police (BTP) to apply to the magistrate's court for a protective order for the first time ([Section 28\(4\)\(b\)\(iii\)](#)). British Transport Police (BTP) primarily cover the rail network throughout England, Wales and Scotland, including railway tracks, stations, and other land in relation to a railway for any purpose connected to a railway ([Section 31, Railways and Transport Safety Act, 2003](#)). This is inclusive of networks such as the London underground and London docklands.
- 1.5.3 The DAPN and DAPO pilot will be evaluated by an external evaluation partner throughout the duration of the pilot, who will conduct a process and impact evaluation of the DAPN and DAPO. The evaluation will test the processes and operational procedures of the new notice and order and assess whether these new powers meet the objectives for the DAPN and DAPO listed in section 1.4.4 of this guidance document.
- 1.5.4 The process evaluation will focus on whether the DAPN and DAPO are being implemented as intended, whether the design appears to be working in practice, and what is working well and why. The impact evaluation will aim to understand whether the model provides increased protection for victim/s compared to existing measures.

1.5.5 This guidance will be reviewed following the findings and learnings from the pilot and updated as needed ahead of the expected national roll-out of the DAPN and DAPO across England and Wales.

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2 Multi-agency information sharing and safety planning

2.1 **The effective use of DAPNs and DAPOs demands proactive multi-agency working at all stages.** The police are expected to keep partner agencies involved in, and informed of any updates to, active DAPO cases and to work closely with established multi-agency forums where appropriate – for example through a Multi-Agency Risk Assessment Conference (MARAC), Multi-Agency Tasking and Coordination (MATAC) or Multi-Agency Public Protection Arrangements (MAPPA).

2.2 As soon as is practicable, the police are expected to:

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

2.3 The stages requiring police action in relation to multi-agency information sharing and safety planning are:

- a) When a DAPN is given;
- b) When a DAPN is breached;
- c) When a DAPO is made, or is not made, on an application by the police (either following a DAPN being given or as a standalone application);

- d) When a DAPO is made on an application by the victim or by a third party;
- e) When a DAPO is varied or discharged, or is not varied or discharged, on an application by the police;
- f) When a DAPO is breached;
- g) When an appeal is lodged against any decision of the court relating to a DAPO is determined;
- h) In advance of the expiry date of a DAPO.

2.4 Safety plans may need to be amended to ensure that the victim remains protected in the event that the court does not make the DAPO or the variation, or if the requirements imposed by the court are different to the ones sought by the police in their application.²

2.5 When engaging with the victim, the police should, as necessary:

- a) Explain the prohibitions and/or requirements imposed by the DAPN or DAPO to the victim and ensure the victim has a copy of the order. The police may wish to work through a support service to share this information if they consider it appropriate;
- b) Inform the victim about what action they should take in the event that any of the prohibitions or requirements are breached;
- c) Provide the victim with information about the DAPN and DAPO. *[Dedicated information for victims on the DAPN and DAPO is in development and will be available at the point of publication following consideration by operational partners and domestic abuse sector organisations].*
- d) Provide the victim with information about local specialist domestic abuse support services such as an Independent Domestic Violence Advocate (IDVA) or other community-based services;
- e) In the event of a breach, consider that the victim may not be aware of the full extent of the breach or the behaviour which constituted it and being informed of a breach could lead to retraumatisation. Therefore, any notification to the victim that breach has occurred must be handled sensitively, with support of an

² If the police disagree with the court's decision not to make a DAPO or regarding the requirements imposed by the DAPO, they may appeal against it. Further detail on the circumstances in which the police may make an appeal in relation to a DAPO is set out at section 11 ("Appeals").

Independent Domestic Violence Advocate (IDVA) or other services where necessary.

Support for victims

- Support from an Independent Domestic Violence Advocate (IDVA) or other specialist support can improve outcomes around safety, recovery, and engagement with the criminal justice process.
- It is therefore important that victims are provided with information about local specialist support services, such as an Independent Domestic Violence Advocate (IDVA). Police should also consider making the referral to relevant support services on behalf of a victim. A list of specialist organisations can be found in Annex F.
- Independent Domestic Violence Advocates (IDVAs) work primarily with people at high risk of domestic abuse, in some areas only those referred to a Multi-Agency Risk Assessment Conference (MARAC). They are often the main point of contact for the victim and work to assess level of risk, discuss options and develop safety plans alongside the police.
- Independent Domestic Violence Advocates (IDVAs) or other local domestic abuse support services can also help direct the victim to support on issues including housing, mental health or counselling needs. The victim may have particular health needs that require specialist diagnosis and support such as a traumatic brain injury, and other forms of acquired brain injury, including concussion. Specialist domestic abuse support services can help refer the victim to relevant services as required.

This list is not exhaustive.

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

3 Domestic Abuse Protection Notices (DAPNs)

3.1 What is a Domestic Abuse Protection Notice (DAPN)

3.1.1 A DAPN is a police-issued notice intended to provide immediate protection following a domestic abuse incident. It can provide protection from all forms of domestic abuse as defined in [Section 1 of the Domestic Abuse Act 2021](#). A DAPN must be authorised by a “senior police officer” who is a constable of **at least the rank of inspector**. A DAPO must be heard within 48 hours of the giving of the DAPN (disregarding Sundays and any Bank Holidays), but the DAPN continues in effect until that application has been determined or withdrawn.

3.1.2 A DAPN has effect in all parts of the United Kingdom ([Section 22\(7\) of the Domestic Abuse Act 2021](#)).

3.2 When to consider a Domestic Abuse Protection Notice (DAPN)

3.2.1 A DAPN can be considered when:

A senior police officer has reasonable grounds for believing that the perpetrator has been abusive towards a person aged 16 or over to whom they are personally connected.	✓
The senior officer has reasonable grounds for believing that a DAPN is necessary to protect the person from domestic abuse, or the risk of domestic abuse carried out by the perpetrator;	✓
The perpetrator is aged 18 or over	✓
The victim and the perpetrator are “personally connected” ³	✓
For the pilot, the perpetrator must reside in the piloting police force area for a DAPN to be issued. The victim can reside anywhere, including outside of the pilot area	✓

3.2.2 Consideration should be given to whether abuse is being perpetrated by more than one individual, for example, family members of the abuser. There is no requirement in the Domestic Abuse Act 2021 for the victim and the perpetrator to be cohabiting in order to be personally connected.

3.2.3 A DAPN can be used to impose prohibitions on a perpetrator ([Section 23 of the Domestic Abuse Act 2021](#)) such as:

- a) That the perpetrator may not contact the victim;
- b) That the perpetrator may not come within a specified distance of the premises in which the victim is living;

Where the victim and the perpetrator live in the same premises, the DAPN may also include:

- a) That the perpetrator is prohibited from evicting or excluding the victim from those premises;
- b) That the perpetrator is prohibited from entering those premises;
- c) That the perpetrator is required to leave those premises.

3.2.4 The police are expected to include their recommendations for provisions of the notice in their application for a DAPN. For more information on prohibitions, please see section 6.2 of this guidance document.

3.2.5 It is expected that police will consider all protective measures, selecting the most appropriate with due regard to any protected characteristics of the victim. The police should also give consideration towards any protected characteristics of the perpetrator throughout any proceedings, interventions or requirements associated with a DAPN or DAPO.

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

Situations when police forces could consider issuing a DAPN:

- The police attend a call out and assess that a person has been abused and is either at immediate risk of harm, or there is intelligence or evidence that the perpetrator is intending to abuse the person.
- The police could also make such an assessment when they are charging the perpetrator with an offence, given that police intervention might trigger further abuse or create the risk of abuse taking place.
- British Transport Police (BTP) attend a call for service on the railway and identify abusive behaviour where both parties are personally connected. It is most likely that a DAPN would be considered and issued in custody following arrest for an offence.
- Rail staff and those working in tenanted premises on railway infrastructure disclose domestic abuse. In some cases, this may occur whilst on British Transport Police (BTP) jurisdiction. In such cases a DAPN could be considered following arrest.

This list is not exhaustive.

3.3 Authorisation of a Domestic Abuse Protection Notice (DAPN)

3.3.1 A DAPN can only be authorised by a “senior police officer”, who is a constable of **at least the rank of inspector** ([Section 22\(8\) of the Domestic Abuse Act 2021](#)).

3.3.2 To authorise a DAPN, the senior police officer must be satisfied that there are reasonable grounds for believing that the statutory criteria for issuing a DAPN have been met – see section 3.2.1 of this guidance above for a summary of these criteria.

3.3.3 Before giving the DAPN, the senior police officer must take into account ([Section 24\(1\) of the Domestic Abuse Act 2021](#)):

- a) The welfare of any person under the age of 18 whose interests the officer considers relevant – this person does not have to be personally connected to the perpetrator;
- b) The opinion of the victim;
- c) Any representations from the perpetrator about the DAPN being given;
- d) Where the DAPN contains conditions relating to the occupation of the premises in which the victim lives, the opinion of any other person living in the premises

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

- 3.3.4 The senior police officer will need to consider other relevant information and evidence, such as any incident reports from previous call outs, including those against other individuals to be protected; any intelligence from other agencies or organisations; and whether giving the DAPN would make the perpetrator homeless or vulnerable.
- 3.3.5 It is not necessary for the victim to consent to the DAPN being given⁴. However, the views of the victim should be considered and recorded to accurately reflect the circumstances in which the DAPN was given ([Section 24\(4\) of the Domestic Abuse Act 2021](#)).

3.4 Service of a Domestic Abuse Protection Notice (DAPN) and Notice of Hearing

- 3.4.1 A DAPN must be made in writing and served upon the perpetrator personally by a constable ([Section 25 \(3\) of the Domestic Abuse Act 2021](#)).
- 3.4.2 A DAPN must include the following information ([Section 25 \(2\) of the Domestic Abuse Act 2021](#)):
- a) the grounds on which the DAPN has been given;
 - b) that a constable may arrest the perpetrator without warrant if the constable has reasonable grounds for believing that the perpetrator is in breach of the DAPN;
 - c) that an application for a DAPO under [Section 25\(2\) of the Domestic Abuse Act 2021](#) will be heard within 48 hours of the giving of the DAPN disregarding bank holidays;
 - d) that the DAPN continues in effect until that application has been determined or withdrawn; and
 - e) the provision that a magistrates' court may include in a DAPO.
- 3.4.3 Police should use the template form at Annex F when giving a DAPN.
- 3.4.4 The constable serving the DAPN is expected to explain the requirements of the DAPN in full to the perpetrator at the point the DAPN is issued. The constable should ensure the perpetrator understands the DAPN requirements and that they can be arrested for breaching such requirements and must account for any protected characteristics of the

⁴ Further information about consent of the person to be protected is provided at Annex B (“Consent of the person to be protected”).

perpetrator. The perpetrator should be provided with information about the DAPN and DAPO⁵.

- 3.4.5 If the provisions of the DAPN result in the perpetrator being made homeless, the police are expected to provide the perpetrator with information and contact details to make a homelessness application to the Local Authority.
- 3.4.6 On serving the DAPN, the constable must ask the perpetrator for an address at which they may be given notice of the hearing for the application for the DAPO (see [Section 25\(4\)](#)). A template Notice of Hearing is available at Annex G.
- 3.4.7 The Notice of Hearing of the application for a DAPO ([Section 29\(5\)](#)) (which must be given to the perpetrator under [Section 29\(4\)](#)) will be treated as having been given if it has been left at the address provided by the perpetrator to the constable under [Section 25\(4\)](#).
- 3.4.8 If the Notice of Hearing is not given because the perpetrator has not provided an address, the court can still hear the application for the DAPO in the perpetrator's absence if it is satisfied that the Chief Officer of police has made reasonable efforts to give the Notice of Hearing to the perpetrator) ([Section 29\(6\)](#)).
- 3.4.9 Where the officer believes that the perpetrator is a member of the armed forces subject to service law (i.e., a member of regular forces or reserved forces) and the DAPN includes prohibitions or requirements related to the occupation of premises which are relevant service accommodation, ([Section 25\(7\)](#)), the police must make reasonable efforts to inform the perpetrator's commanding officer of the giving of the DAPN ([Section 25\(5\) to \(7\) of the Domestic Abuse Act 2021](#)).

3.5 Breach of a Domestic Abuse Protection Notice (DAPN)

- 3.5.1 If a constable has reasonable grounds for believing that the perpetrator is in breach of the DAPN, the constable may arrest the perpetrator without warrant ([Section 26\(1\)](#)).
- 3.5.2 [Section 26\(9\) of the Domestic Abuse Act 2021](#), amends section 17(1) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc) (i.e., PACE), to provide the police with a **power of entry** for the purpose of arrest for breach of a DAPN.
- 3.5.3 If a perpetrator is arrested for a suspected breach of a DAPN, the perpetrator must be held in custody before being brought before the magistrates' court ([Section 26\(2\)](#)), either within 24 hours of the arrest (not counting bank holidays) or if the DAPO hearing has already been arranged to take place within that 24-hour period, at the hearing of the application for the DAPO, whichever is sooner. If the perpetrator is brought before the

⁵ Dedicated information for perpetrators on the DAPN and DAPO is in development and will be available at the point of publication following consideration by operational partners and domestic abuse sector organisations.

court within the 24-hour period since the arrest, the court may remand the perpetrator either in custody or on bail ([Section 26\(5\)](#)).

- 3.5.4 Police will be aware of the requirements put in place by the court when remanding a perpetrator on bail following a breach of notice, as they will be present at the hearing. In instances where the police are not in attendance, any requirements imposed by the court will be uploaded onto the PNC (Police National Computer). When remanding the perpetrator on bail, the court may impose requirements, before release or later, that appear to the court to be necessary to ensure that the perpetrator does not interfere with witnesses or otherwise obstruct the course of justice ([Section 26\(7\)](#)).
- 3.5.5 A person who has been arrested for breach of a DAPN must be held in custody and brought before a magistrates' court within 24 hours of arrest, or at the time fixed for the hearing of the application for the DAPO if that is earlier ([Section 26](#)). The appearance may be by live link ([Section 26\(8\)](#)).
- 3.5.6 If the perpetrator has been brought before the court following breach of a DAPN and the court adjourns the hearing of the application for the DAPO, the court may remand the perpetrator ([Section 29\(8\)](#) and [Section 30](#)).
- 3.5.7 Police should inform partner agencies, such as probation, social care etc., of any alleged breach and associated details which could inform any risk management plans the partner agencies are undertaking in respect of the perpetrator. Where a non-piloting force receives information of an alleged breach, they should share this information with the relevant piloting force. It is the responsibility of the piloting force to inform the relevant partner agencies.
- 3.5.8 It is vital for maintaining the confidence of the victim and the efficacy of the protective order regime that all reported breaches of a DAPN are thoroughly investigated and that appropriate action is taken in a timely manner. An arrest should be made at the first opportunity, as any delay may increase the risk to the victim and therefore undermine the purpose of the DAPN.**
- 3.5.9 Consideration must always be given to the identification and investigation of substantive criminal offences arising from the breach if, on breaching the DAPN, the perpetrator has engaged in criminal behaviour. Non-piloting forces are required to inform piloting forces of breach of a DAPN or DAPO to ensure records are kept accurate for monitoring and pilot evaluation. A breach form for non-piloting forces for this can be found at Annex J.

3.6 Application for a Domestic Abuse Protection Order (DAPO) following a DAPN

- 3.6.1 A DAPO is an order made for the purpose of preventing the perpetrator from being abusive towards a person aged 16 or over, to whom they are personally connected ([Section 27](#)). A DAPO:

- a) Prohibits the perpetrator from carrying out actions specified in the order;
- b) Requires the perpetrator to comply with actions specified in the order.

- 3.6.2 Where a DAPN has been given, an application for a DAPO must be made by complaint to a magistrate's court by the chief officer of the force which gave the DAPN ([Section 28\(3\)](#)).
- 3.6.3 An application for a DAPO following a DAPN must be heard by the magistrate's court not later than 48 hours after the notice was given to the perpetrator ([Section 29 \(2\)](#)). When calculating the 48 hours, the following days are to be disregarded ([Section 29 \(3\)](#)) when referring to Sundays and bank holidays.
- 3.6.4 A template application for a DAPO is available at Annex I, and further details on the DAPO are included in the next section, including on police officers tailoring the application to the different types of requirements that would be most effective in safeguarding the victim and addressing the abusive behaviour of the perpetrator. Further information on the requirements which can be imposed by a DAPO is provided at section 6 of this guidance ("DAPO Prohibitions and Positive Requirements") and section 7 ("Electronic Monitoring").
- 3.6.5 If further time is needed to consider which requirements are most appropriate, police may wish to seek an adjournment of the hearing for this purpose. It should be noted that applications for adjournments should only be made if strictly required and should always be case specific, for example, the police have received additional information which they need to investigate further which may influence their DAPO application.
- 3.6.6 If the court adjourns the hearing of the application for the DAPO, the DAPN continues in effect until the application has been determined or withdrawn ([Section 29\(7\)](#)). There is no provision in the Domestic Abuse Act 2021 for the magistrates' court to make an interim DAPO.

4 Police standalone application for a DAPO

4.1 Conditions for making a Domestic Abuse Protection Order (DAPO)

4.1.1 A DAPO is an order made for the purpose of protecting a victim against domestic abuse or the risk of domestic abuse as defined in [Section 1 of the Domestic Abuse Act 2021](#) and:

- a) Prohibits the perpetrator from carrying out actions specified in the order;
- b) Requires the perpetrator to comply with actions specified in the order.

4.1.2 The criteria for making a DAPN and DAPO are the same. A court may make a DAPO if [\(Section 32\)](#):

- a) The perpetrator is aged 18 or over and has been abusive towards a person aged 16 or over to whom they are personally connected⁶;
- b) The court considers the DAPO to be **necessary and proportionate** to protect the person from domestic abuse, or the risk of domestic abuse, carried out by the perpetrator.

4.1.3 A DAPO is a civil order and therefore **no prior conviction is required** for the court to make a DAPO or for police to make an application.

4.1.4 **For the pilot, the perpetrator must reside in the piloting police force area for a DAPO to be brought.** The victim can reside anywhere, including outside of the pilot area.

4.1.5 It does not matter whether the abusive behaviour took place in England, Wales or elsewhere.

⁶ [Section 2 of the Domestic Abuse Act 2021](#) defines the term 'personally connected' as two people who; (1) are, or have been, married to each other, (2) are, or have been, civil partners of each other, (3) have agreed to marry one another (regardless of whether the agreement has since been terminated), (4) are, or have been, in an intimate personal relationship with each other, (5) have, or there has been a time when they each have had, a parental relationship in relation to the same child, (6) are relatives.

- 4.1.6 A standalone DAPO can be issued by police with or without notice to the perpetrator.** For more information on making a DAPO without notice, please see section 4.4 of this guidance document.
- 4.1.7 An application for a DAPO should never be made as an alternative to charging where the threshold for charging has been met.** However, a DAPO can be applied for in conjunction with a decision to charge if the victim requires protection from the perpetrator throughout the duration of criminal proceedings. Consideration must always be given to the identification and investigation of substantive criminal offences. It is important to note that bail with conditions and a DAPO can be used simultaneously to build up greater protection for the victim.
- 4.1.8 The police are expected to include their recommendations for prohibitions or requirements in their application for a DAPO.** For information on the prohibitions and requirements that can be included as part of the DAPO, including perpetrator programme referrals and electronic monitoring tags, as well as considerations for what must be avoided, please see sections 6 and 7 of this guidance document.
- 4.1.9** Domestic abuse can consist of a single incident or a pattern of behaviour over time. Police and the courts may therefore need to take into consideration an act or acts carried out prior to the commencement of the Domestic Abuse Act 2021 and the DAPN/DAPO pilot. Where doing so, the police should establish relevant conduct to support the assessment of necessity and of the risk posed to the victim.

4.1.10 Examples where piloting forces may consider an application for a standalone DAPO:

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

This list is not exhaustive.

4.2 Considerations regarding the perpetrator when making a Domestic Abuse Protection Order (DAPO) application

- 4.2.1 The police are expected to interrogate, so far as is possible, relevant police records to establish whether the perpetrator is already subject to another court order or injunction. The police are also expected to review details of any further information, such as any previous offence details held on the perpetrator. The final decision as to which requirements to include in the DAPO will be made by the court.
- 4.2.2 An application for a DAPO following a DAPN, or an application for a standalone DAPO can be made in instances where the perpetrator is subject to bail conditions. The police are expected to review the details of any bail conditions, ensuring there is no conflict with the conditions sought as part of a DAPO application.
- 4.2.3 Police must also give due regard to protected and situational characteristics of the perpetrator.

4.3 Making a Domestic Abuse Protection Order (DAPO) without notice

- 4.3.1 The arrangements for a police application for a standalone DAPO are the same as for a police application for a DAPO following a DAPN being given. The exception to this is where police make a DAPO without notice as covered in this section of the guidance document.
- 4.3.2 The court may make a DAPO against the perpetrator without the perpetrator being given notice of the proceedings if the court consider it is just and convenient for the protection of the victim ([Section 34](#)). To note, [Section 34](#) does not apply to DAPO applications made by the police following a DAPN where the police do not have an address for service. In such cases [Section 29\(4\) to \(6\)](#) applies (see Section 2.3.7 of this guidance document).
- 4.3.3 Applications without notice would in practice, only be made in exceptional or urgent circumstances, when applying for the order, the police would need to produce evidence to the court as to why an application for a DAPO without notice was necessary.
- 4.3.4 In deciding whether to make a DAPO without notice, the court must have regard to all the circumstances, including:
 - a) any risk that the perpetrator will cause significant harm to the victim if the DAPO is not made immediately;

- b) whether it is likely that the person who applied for the DAPO will be deterred or prevented from pursuing the application if the DAPO is not made immediately;
- c) whether there is reason to believe that the perpetrator is aware of the proceedings but is deliberately evading service of notice of the hearing and the delay involved in effecting substituted service of proceedings will cause serious prejudice to the person for whose protection the order would be made.

4.3.5 If a court makes a DAPO without notice against the perpetrator, the court must give the perpetrator the opportunity to make representations about the DAPO as soon as is “just and convenient”, at a hearing of which all parties have been given notice in accordance with the rules of court.

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5 Domestic Abuse Protection Orders (DAPOs) made during ongoing criminal court proceedings

- 5.1 Where the perpetrator has been convicted of an offence, the court dealing with the perpetrator for that offence may (as well as sentencing the perpetrator or dealing with the perpetrator in any other way) issue a DAPO against the perpetrator ([Section 31 \(3\)](#)). This does not apply in instances where the Court of Appeal is dealing with the perpetrator for an offence ([Section 31 \(4\)](#)).
- 5.2 A court by or before which a person is acquitted of an offence, may make a DAPO against the person ([Section 31 \(5\)](#)).
- 5.3 Where the Crown Court allows a person's appeal against a conviction for an offence, the Crown Court may make a DAPO against the person ([Section 31 \(6\)](#)).
- 5.4 If the police or prosecutors wish the court to make a DAPO, they must serve notice on the defendant and the court in advance with a draft order. In such cases, the police must work closely with the Crown Prosecution Service (CPS) on the development of the form and providing any recommendations. If the court wishes of its own motion to make a DAPO, it should give notice to the defendant and may seek the assistance of the Crown Prosecution Service (CPS), and through them, the police, as to the terms.
- 5.5 At the point of sentencing or acquittal, where the statutory conditions for making a DAPO appear to be met, there is no need for the police to make a separate application; the application will be made in the criminal proceedings by the court, with input from the Crown Prosecution Service (CPS), based on information provided by the police. Whilst the police are not required to make a separate application for a DAPO, they are required to assist in providing evidence to support the application being submitted by the court.

6 Prohibitions and Positive Requirements

6.1 Key provisions

- 6.1.1 The court must consider what requirements (if any) are **necessary and proportionate** to protect the person from the abusive behaviour ([Section 35\(2\)](#)). The provisions sought by the police in their DAPO applications are expected to reflect this. The perpetrator’s abusive behaviour may take any of the forms set out in the definition of domestic abuse in [Section 1 of the Domestic Abuse Act 2021](#), or any combination of them.
- 6.1.2 A court may impose provisions in the DAPO which it deems necessary and proportionate to protect the person for whom the protection order is made. These provisions include **prohibitions, restrictions, or positive requirements**.
- 6.1.3 The conditions of prohibitions/restrictions or positive requirements can be tailored to protect the victim and address the perpetrator’s abusive behaviour based on each case. The application for a DAPO must effectively set out the conditions the police deem necessary to protect the person from domestic abuse, or the risk of domestic abuse, by the perpetrator.
- 6.1.4 **Positive requirements require the perpetrator to take actions that must be monitored by a responsible person.** This principally relates to referrals for mandatory attendance onto a programme e.g., behaviour change programme, drug or alcohol misuse programme, please see section 6.3 of this guidance document for more information. **Prohibitions refer to the requirements that can be put in place** for a DAPO, please see section 6.2 of this guidance document for more information.
- 6.1.5 Further details on the key features within scope for a DAPO are detailed throughout this guidance document. Please see below:

Prohibitions: any deemed necessary to protect the victim from domestic abuse or the risk of domestic abuse	Section 6.2
Positive requirements, primarily involving attendance onto a perpetrator behaviour change, substance misuse or mental health support programme	Section 6.3

Electronic monitoring or “tagging” requirements	Section 7
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- 6.1.6 The police are expected to engage with the victim to obtain their views on the most appropriate requirements to seek in the application for the DAPO.
- 6.1.7 The police are also expected to consider that the victim may not be aware of all of the abusive behaviours being exhibited by the perpetrator, particularly behaviours which are carried out online or are otherwise “digitally enabled” (for example, if the perpetrator is monitoring the victim by installing a programme or application on personal devices belonging to the victim), or the victim may not believe that the behaviour amounts to domestic abuse. The police will be expected to discuss this with the victim and should be satisfied that the victim understands why certain behaviours are unacceptable.
- 6.1.8 The requirements of a DAPO must, **so far as practicable**, avoid conflict with the perpetrator’s religious beliefs, the perpetrator’s work or education, or the requirements of any other court order which the perpetrator is subject to. However, if it is not practicable to avoid the conflict, then the court may still impose the requirement ([Section 36\(1\)](#)).
- 6.1.9 A DAPO has effect for a fixed period specified in the order, until the occurrence of a specified event, or until a further order is made ([Section 38](#)). **Different durations may be specified in relation to different requirements of a DAPO.** Whilst it is the court who have final say over the period for which an order and its individual requirements apply, the police are expected to make their recommendations in respect of the duration of any DAPO requirements.
- 6.1.10 If the perpetrator is already subject to another DAPO, the court may specify that the new DAPO will take effect on the previous DAPO ceasing to have effect ([Section 38\(2\)](#)). However, where the perpetrator is subject to another protective order, such as a Non-Molestation Order, a DAPO can still be made providing the conditions of each order do not conflict.
- 6.1.11 A requirement imposed by a DAPO during the pilot has effect in all parts of the United Kingdom unless expressly limited to a particular locality ([Section 38\(7\)](#)).

6.2 Prohibitions

- 6.2.1 DAPO may impose a range of requirements ([Sections 35\(4\) to \(6\)](#)), such as:
- a) prohibiting the perpetrator from contacting the victim (this requirement captures contact by any means, including via telephone, post, email, SMS text message or social media);

- b) prohibiting the perpetrator from coming within a specified distance of any premises in England and Wales which the victim is living. A DAPO may also prohibit the perpetrator from coming within specified distance of any premises specified by the court, or any other premises of a specified description. This will include, for example, any place where the victim may commonly be found, such as the victim's place of work, place of worship, or their children's school.
- c) where the victim and the perpetrator live in the same premises, prohibiting the perpetrator from evicting or excluding the victim from those premises, prohibiting the perpetrator from entering those premises, or requiring the perpetrator to leave those premises ([section 35\(5\)](#)). This provision may be made irrespective of who owns or rents the premises.

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

For example, the police could also seek provisions to address abusive behaviour such as:

- a) Contacting or interacting with the victim via third parties. For example, the children, partner, other family members, friends or co-workers of the victim;
- b) Hacking, monitoring or controlling the social media accounts, email, phone, computer, or other personal devices of the victim;
- c) Engaging in any form of surveillance of the victim by any means;
- d) Interfering with or restricting the victim's access to goods, services or property;
- e) Damaging or threatening to damage property belonging to the victim;
- f) Cancelling or procuring goods or services in the name or account of the victim, or intentionally running up bills or debts in the name of the victim (with or without the knowledge of the victim);
- g) Interfering with, restricting the victim's access to, or deliberately frustrating the disposal of joint assets;
- h) Sharing or publishing, or threatening to share or publish, personal information or images relating to the victim;
- i) Creating manipulated or synthetic material online relating to the victim;
- j) Making reference to the victim on social media either directly or indirectly.

This list is not exhaustive.

6.3 Positive requirements and the responsible person

- 6.3.1 A DAPO can impose positive requirements, mandating a perpetrator to take an action. Alongside seeking prohibitions in relation to certain kinds of abusive behaviour in their application for a DAPO, the police may also wish to consider whether any positive requirements may be necessary to reduce the risk posed to the victim.
- 6.3.2 When considering which positive requirements may be necessary, the police are expected to consider other factors which may need to be addressed to stabilise the perpetrator. This could include, but is not limited to, behaviour change or drug or alcohol dependency. **Please note, where the need for the perpetrator to attend a drug or alcohol programme is identified, the perpetrator cannot be mandated to attend without informed consent.**
- 6.3.3 For any positive requirement imposed under the DAPO, a “responsible person” (an individual or organisation) must be specified to assess suitability of a perpetrator to undertake the requirement, make the necessary arrangements, report compliance to the police for the duration of the requirement, and ensure coordination with other agencies delivering such requirements ([Section 36\(2\)](#)).
- 6.3.4 **The responsible person for the DAPO pilot will be the provider of the programme delivering the positive requirement** (for example, the behaviour change programme provider). The responsible person has a duty to make a suitability assessment of whether the perpetrator is suitable for the requirement; make any necessary arrangements in connection with the positive requirement which they are responsible for; to promote the perpetrator’s compliance with that requirement; and to inform the police regarding the perpetrator’s compliance or non-compliance with the requirement. Further information on monitoring compliance with a DAPO is provided at section 10 (“Monitoring compliance with a DAPO”).
- 6.3.5 For any positive requirement imposed under the DAPO, the police should ensure they avoid referring the perpetrator to the same service provider as the victim, if the victim is also attending a programme and where this is known. Where this is unavoidable, police should implement appropriate safeguarding measures.

6.4 Applying for a positive requirement

- 6.4.1 When seeking to include a positive requirement in a DAPO application, police will need to include the assessment of suitability from a programme provider and name the chosen provider as the responsible person. This information is required on application to allow the court to decide at a single DAPO hearing on whether to impose this requirement.

- 6.4.2 The court must receive evidence on the suitability and enforceability of the requirement. The magistrates' court may seek additional information around the suitability and enforceability from the responsible person ([Section 36 \(3\)](#)). In these circumstances, the police will need to arrange for the responsible person to attend court to provide such information.
- 6.4.3 Where the suitability assessment cannot be completed in time for the positive requirement to be imposed, the chief officer of police may wish to seek an adjournment of the hearing for this purpose. If a DAPN has been issued prior to the DAPO, the DAPN will remain in effect.
- 6.4.4 In deciding which programme to refer the perpetrator to, police officers should first seek to engage with the 'triage' organisation that will be in place for such referrals for the DAPO pilot.
- 6.4.5 The triage function will provide expert advice on which kind of programme / initiative would be most suitable in each case, helping to minimise the risk of placing a perpetrator on an unsuitable programme. The triage function will liaise with the provider regarding the provider's assessment of suitability.⁷
- 6.4.6 Where a DAPO follows a DAPN and must be heard within 48 hours of the DAPN being issued, officers should make every effort to liaise with the triage function, however, officers can reach out directly for an assessment from a programme provider that is participating in the pilot. In those instances, forces should include the triage function in correspondence for oversight.⁸
- 6.4.7 In selecting programme providers for participation in the pilot, consideration is being given to the following at minimum: the provision of programmes within the piloting areas, the requirements of the responsible person as set out in the Domestic Abuse Act ([Section 36\(2\)](#)), the Home Office standards for domestic abuse perpetrator interventions ([Standards for domestic abuse perpetrator interventions \(accessible\) – GOV.UK \(www.gov.uk\)](#)), and the *Respect Standard* ([Respect Standard 4th edition 2022.pdf \(hubble-live-assets.s3.amazonaws.com\)](#)).
- 6.4.8 It may be appropriate for the perpetrator to attend more than one programme under their positive requirement condition, for example an alcohol programme followed by a behaviour change programme. Police forces should engage the triage organisation and relevant programme providers to ensure suitability assessments and the responsible person for each programme provider is specified in their DAPO application.

⁷ Please note, the final version of this statutory guidance will include details of the body that will perform the triage function.

⁸ Please note that the programmes participating in the DAPN and DAPO pilot are still being finalised, but a list of programmes will be provided in the final version of this statutory guidance.

- 6.4.9 Where it has not been possible to identify a suitable programme for the perpetrator to attend, the police should not include this recommendation in their application.
- 6.4.10 Where a DAPO is sought at the conclusion of criminal proceedings, and a positive requirement is considered, police, when providing information to support an application, should liaise with the triage function who will recommend a programme provider.
- 6.4.11 Where a DAPO is sought on sentencing, and a positive requirement is considered, the police are expected to engage with HM Prison and Probation Service (HMPPS) to consider if an application for a positive requirement should be completed by the police force or HM Prison and Probation Service (HMPPS).
- 6.4.12 Where a DAPO is sought on conviction, the police are expected to liaise with HM Prison and Probation Service (HMPPS) to understand whether the proposed requirement would be better delivered as part of a community order or a suspended sentence.

6.5 Ongoing monitoring by the responsible person for positive requirements

- 6.5.1 The responsible person has a duty to inform the police of the perpetrator's compliance or non-compliance with the requirement. **This is regardless of whether or not the police applied for the DAPO.** The responsible person must report the perpetrator's compliance or non-compliance to the chief officer of the area in which the perpetrator resides ([Section 36\(6\)](#)). If it appears to the responsible person that the perpetrator does not reside in any police force area (for example, if the perpetrator appears to be homeless), then they must inform the chief officer of the police force area in which the court that made the DAPO is situated.
- 6.5.2 In practice, it is likely that the responsible person will inform a designated single point of contact (SPOC) or officer in charge (OIC) authorised by the chief officer of police to receive this information regarding the perpetrator's compliance or non-compliance with positive requirements. The efficiency of this process will rely on effective multi-agency information sharing between the courts and the police at all stages of the DAPO process, particularly at the point when a DAPO is made or varied.
- 6.5.3 **For the purposes of the pilot, if the perpetrator has moved address into a non-piloting police force area but continues to be on a positive requirement, the responsible person must send a compliance report to both the original, piloting police force and the new police force in the area in which the perpetrator now resides.**

7 Electronic monitoring requirements

- 7.1** A DAPO may impose an electronic monitoring or “tagging” requirement on the perpetrator. During the DAPO pilot, the following capabilities are available through electronic monitoring:
- a) Exclusion zones – Prohibiting the perpetrator from entering a specified location or address.
 - b) Curfew – Mandating the perpetrator to be at a specified location at specified times.
- 7.2** The intended purpose of any electronic monitoring requirement is to monitor the perpetrator’s compliance with the other requirements imposed by the DAPO. For example, if the DAPO prohibits the perpetrator from coming within a specified distance of the victim’s home, then electronic monitoring could be imposed to monitor whether the perpetrator is complying with this requirement by remaining outside of the exclusion zone.
- 7.3** An electronic monitoring requirement cannot be imposed in the following circumstances ([Section 37](#)):
- a) in the perpetrator’s absence;
 - b) without the consent of any person (other than the perpetrator) whose co-operation is required to deliver the electronic monitoring requirement – this person could be, for example, the owner of the premises where the perpetrator lives if a home monitoring unit needs to be installed there.
- 7.4** Electronic monitoring cannot be imposed where the perpetrator is of no fixed abode.
- 7.5** For the pilot, the Bail Information Service (BIS) will conduct domestic abuse and child safeguarding enquiries (where an electronic monitoring curfew is being imposed) alongside the consent enquiry for permission for the electronic monitoring equipment to be installed at the address.
- 7.6** Where a DAPO imposes an electronic monitoring requirement, the DAPO must specify the person who is to be responsible for monitoring the requirement ([Section 37\(6\)](#)). The “responsible person” for electronic monitoring is the technology provider of the monitoring equipment.
- 7.7** The “responsible person” is responsible for monitoring, validating and reporting breaches via alerts to police. Upon confirmation of a breach, the responsible person will

share breach details with the relevant piloting police force's control room in a standardised format via email.

- 7.8** Police forces will need to review and assess every known reported breach alert for the DAPO, determine enforcement action and following their investigation inform the electronic monitoring technology provider of the outcome status.
- 7.9** Police should inform the victim of action to be taken following breach of a DAPO, and provide updates, in advance of any prosecution. If a decision is taken for no further action, the victim should be informed of this along with an explanation of the decision. For more information on engaging with the victim following a breach, the College of Policing have developed further guidance which can be found here: [Victim safety and support | College of Policing](#). Consideration should always be given to the safety of the victim and any elevated risk as result of a breach of a DAPO.
- 7.10** An electronic monitoring requirement may not be imposed for longer than 12 months at a time ([Section 38 \(5\)](#)). If it is considered necessary for an electronic monitoring requirement to be extended, an application can be made to the court for the DAPO to be varied accordingly⁹. The application to extend the electronic monitoring requirement can only be for a further period up to a maximum of 12 months in order to protect the person from domestic abuse or the risk of domestic abuse by the perpetrator.
- 7.11** An electronic monitoring requirement may not be imposed under a DAPO in the perpetrator's absence ([Section 37 \(2\)](#)). Courts will not be able to impose an electronic monitoring without the perpetrator attending an in-person hearing. This provides the opportunity for the perpetrator to confirm their home address directly to the court.
- 7.12** As with any other requirement sought in an application for a DAPO, the court must be satisfied that electronic monitoring is necessary and proportionate to protect the complainant from domestic abuse, or the risk of domestic abuse by the perpetrator.
- 7.13** Where a DAPO imposes an electronic monitoring requirement on the perpetrator, the perpetrator is subject to certain obligations which have effect like any other requirement imposed by the DAPO. These obligations are set out at [Section 37\(8\)](#), and require the perpetrator:
- a) To submit to being fitted with the electronic monitoring apparatus (such as an ankle tag) or to this apparatus being installed (such as a home monitoring unit) by the electronic monitoring provider;

⁹ Further information on variation and discharge of a DAPO is provided at section 8 ("Variation or discharge of a DAPO").

- b) To submit to the electronic monitoring apparatus being inspected or repaired by the electronic monitoring provider;
- c) Not to interfere with, or with the working of, the electronic monitoring apparatus;
- d) To take any steps to keep the apparatus in working order, including keeping the equipment charged as directed.

7.14 Failure to adhere to these requirements would constitute a breach of the DAPO ([Section 39](#)).

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8 Notification requirements

8.1 Notification requirements

8.1.1 A perpetrator subject to a DAPO is automatically subject to **notification requirements of name and address** ([Section 41](#)). This requires them to notify the police of their name(s) (including any aliases) and their home address within three days beginning with the day on which the DAPO is made. Any changes to name or address must also be notified to the police within three days of the event, this includes notifying police of any other names they use. Such information will assist the police in monitoring compliance with the DAPO and in managing the risks posed by the perpetrator.

8.1.2 **Police forces do not need to seek notification requirements in their application.**

8.1.3 The perpetrator can notify by attending a police station in their local area and giving a verbal notification to a police officer or any person authorised for the purpose by the officer in charge of the station.

8.1.4 Where police have received a notification from a perpetrator, they must acknowledge this in writing. It is at the discretion of the police as to whether it is appropriate at the time of notification to take fingerprints or photograph the perpetrator, or both. **This is exercisable for the purpose of verifying the identity of the person.**

8.1.5 “Home address” is defined as (Section 56):

- a) the address of the person’s sole or main residence in the United Kingdom, or
- b) if the person has no such residence –
 - i. the address or location of a place in the United Kingdom where the person can regularly be found;
 - ii. if there is more than one such place, the address or location of whichever one of those places the person selects.

8.1.6 This definition is intended to capture a range of circumstances in relation to the perpetrator, such as if they regularly move between multiple addresses or if they are homeless. If the perpetrator has a home address in England and Wales, they must give notification by ([Section 42](#)):

- a) attending at a police station in the police area where the home address is situated, and

- b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

8.1.7 If the perpetrator ceases to have a home address in England and Wales, they must give notification by:

- a) attending at a police station in the local police area in which the court which made the DAPO in respect of the perpetrator is situated, and

- b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

8.1.8 When the perpetrator gives notification, they must, if requested to do so by the officer receiving the notification, allow the officer to verify their identity by taking their fingerprints and/or their photograph ([section 42\(5\)](#)).

8.1.9 For the DAPN and DAPO pilot, if a perpetrator moves outside of a piloting force area the perpetrator must notify the police force they are coming into of this change of home address. The new police force should then notify the original, piloting police force area that a perpetrator with a DAPO has moved into the area, using the template at Annex H.

8.1.10 The new force should continue to notify the original, piloting police force area of any future changes in name or address using this template. This is important should there ever be a need for a variation of the order, which can only be made in piloting courts, and for consistency in evaluation of the DAPO.

8.1.11 Once the perpetrator has given notification, this must be acknowledged in writing. [*The notification form is in development and will be available at the point of publication following consideration by operational partners*].

8.1.12 The notification requirements do not apply where the perpetrator is already subject to notification requirements ([Section 41](#)):

- a) imposed by another DAPO; or
- b) under [Part 2 of the Sexual Offences Act 2003](#); or
- c) under [Section 9 of the Stalking Protection Act 2019](#).

8.1.13 If the perpetrator ceases to be subject to any of those notification requirements before the expiry of a DAPO, the deadline for notification would be three days beginning with the day on which the perpetrator ceases to be subject to the other notification requirements (i.e. beginning with the day on which the other order or orders expire) ([Section 41](#)).

- 8.1.14 Where a DAPO imposes a positive requirement on the perpetrator, in addition to the above notification requirements, the perpetrator is subject to obligations to notify the person responsible for supervising compliance with that requirement of any changes to their home address, if they cease to have a home address, and/or any effect this could have on attending the programme ([Section 36\(7\)](#)). The responsible person must file their compliance and non-compliance report with the police ([Section 36\(5\)](#)).
- 8.1.15 Based on the assessment and reporting framework, the responsible persons are guided to indicate in their report to police whether attendance on the programme would be reasonable from the perpetrator's new address. The responsible person will follow a specified criteria to determine the instances in which it will be necessary for them to contact the police. These obligations have effect like any other requirement imposed by the DAPO. Further information on these obligations is provided at section 9 ("Monitoring compliance with a DAPO").

8.2 Offences relating to notification

- 8.2.1 It is an offence if the perpetrator fails, without reasonable excuse, to comply with the notification requirements or if they provide information which they know to be false in purported compliance with those requirements.
- 8.2.2 It is an offence if the perpetrator fails, without reasonable excuse, to allow the officer receiving their notification to verify their identity by taking their fingerprints and/or their photograph ([Section 43](#)).
- 8.2.3 The maximum penalty for breach of the notification can, on summary conviction, carry a fine, or the maximum imprisonment available in the magistrates' court, or both, or five years' imprisonment, or a fine, or both, on conviction on indictment.
- 8.2.4 Where the perpetrator fails to comply with the notification requirements, without reasonable excuse, they can only be prosecuted once for the same period of non-compliance ([Section 43](#)).

9 Variation or discharge of a Domestic Abuse Protection Order (DAPO)

- 9.1 An application to vary a DAPO, including a request to extend an electronic monitoring requirement can be submitted by [\(Section 44 \(1-3\)\)](#):
- a) The person for whose protection the order was made;
 - b) The person against whom the order was made, the perpetrator;
 - c) Where the order was made [\(Section 28\)](#), the person who applied for the order;
 - d) The chief officer of police of the force maintained for any police area in which the perpetrator resides;
 - e) The chief officer of police of any other force maintained for a police area who believes that the perpetrator is in that police area or intending to come to it. **For the pilot this will only be applicable where the perpetrator resides in a piloting force as only the chief officer for a piloting police force area can apply to vary or discharge the DAPO.**
- 9.2 For the pilot, only the chief officer of police for the piloting forces can apply to vary the order, even if the perpetrator resides in another force area. If, in these instances, the force where the perpetrator resides wishes to vary the order, they must get in touch with the piloting police force who originally applied for the DAPO.
- 9.3 The application to vary or discharge the DAPO must be made to the appropriate court, which varies depending on the circumstances in which the DAPO was originally made.
- 9.4 Any application to vary or discharge a DAPO must be made to the court that made the order, subject to some exceptions [\(Section 35 \(1-3\)\)](#).
- 9.5 The court can also vary or discharge the DAPO of its own volition [\(Section 44\(2\)\(b\)\)](#) in any case in which it could make a DAPO of its own initiative¹⁰ [\(Section 31\)](#).
- 9.6 Court rules set out who should serve the order. The Rules are different depending on whether the original order was made in criminal or civil proceedings. In civil proceedings

¹⁰ [Section 29 of the Domestic Abuse Act 2021](#) provides that the court may make a DAPO of its own initiative during other family, criminal or civil proceedings. Further information on the other routes to obtaining a DAPO is provided at Annex A (“Other routes to obtaining a DAPO”).

taking place in the magistrates' court, the police are responsible for serving the perpetrator the order.

9.7 Where a DAPO has been varied without notice, it must be served on the perpetrator before it can be enforced.

9.8 A perpetrator who breaches a varied DAPO will not have committed an offence unless and until they are aware of the making of the variation, and, if, in the absence of the variation, their behaviour would not have constituted an offence ([Section 45\(9\)](#)). Further information on breach of a DAPO is provided at section 11 ("Breach of a DAPO").

9.9 Order in Criminal Proceedings (Crown or magistrates' court) (Criminal Procedure Rule 31.5)

Applicant	Person responsible for serving on:		
	Perpetrator	Police	Victim
Police	Police	-	Police
Perpetrator	-	Perpetrator	Court
Victim	Court	Perpetrator	-

Order on application (Magistrates' Courts Rule 21)

Applicant		Person responsible for serving on:		
		Perpetrator	Police	Victim
Police	Police	-	Police	Police
Perpetrator	-	Perpetrator	Police	Police
Victim	Police	Victim	--	

9.10 When deciding whether to vary or discharge a DAPO, the court must hear from the chief officer of police, if they wish to be heard:

- a) who applied for the DAPO;
- b) for the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to, **even if they did not originally apply for the DAPO.**

9.11 The court must hear from the victim, in cases where the victim is seeking to discharge the DAPO, remove any requirements, or make any of the requirements less onerous on

the perpetrator ([Section 44 \(4\)\(b\)](#)). This guards against circumstances in which the victim is coerced by the perpetrator to vary or discharge the DAPO.

- 9.12** Where an application to vary a DAPO is approved in a family court, police will receive a notification to a designated inbox detailing the DAPO conditions following the variation. Police are expected to then update the PNC (Police National Computer) accordingly to reflect the new DAPO conditions.
- 9.13** These provisions mean that, where they wish to do so, the police are still able to put forward relevant evidence or intelligence which they may have regarding the level of risk posed to the victim by the perpetrator or the nature of their abusive behaviour, even where the police have not previously been involved in the case (for example, if they were not the party who applied for the DAPO). Further information on the other routes to obtaining a DAPO is provided at Annex A (“Other routes to obtaining a DAPO”).
- 9.14** The police are expected to engage with the victim when making an application for the DAPO to be varied or discharged, or when they wish to be heard by the court in relation to an application made by another person.
- 9.15** Where the perpetrator is subject to bail conditions, in any instance where there is a variation or discharge of a DAPO, the police are expected to engage with HM Prison and Probation Service (HMPPS) to ensure any changes to the DAPO are factored into their risk management planning for the perpetrator.
- 9.16** If the court is satisfied that varying the DAPO is necessary to protect the person from domestic abuse or the risk of domestic abuse, the DAPO may be varied to:
- a) Impose additional requirements on the perpetrator; or
 - b) Extend the duration of the DAPO, or the duration of particular requirements.
- 9.17** However, the court may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time.
- 9.18** The court may only remove a particular requirement, or make that requirement less onerous on the perpetrator, if it is satisfied that the requirement is no longer necessary to protect the person from domestic abuse or the risk of domestic abuse or compromise their safety.
- 9.19** If it appears to the court that any conditions necessary for a requirement to be imposed are no longer met, the court may not extend that requirement and must remove that requirement.

- 9.20 The court may only discharge the DAPO if it is satisfied that the DAPO is no longer necessary to protect the person from domestic abuse or the risk of domestic abuse or compromise their safety.
- 9.21 A DAPO may be varied without notice in exceptional or urgent circumstances ([Section 34\(3\)](#)). The perpetrator must be given an opportunity as soon as is just and convenient to make representations about the variation at a return hearing on notice ([Section 44\(7\)](#)). Further information on making a DAPO without notice is provided at section 4.4 (“Making a DAPO without notice”).

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10 Monitoring compliance with a Domestic Abuse Protection Order (DAPO)

10.1 The responsible person

- 10.1.1 Where a DAPO imposes a requirement on the perpetrator, the DAPO must specify the person who is to be responsible for supervising compliance with that requirement. Please see [Section 36\(2\) of the Domestic Abuse Act 2021](#) and sections 6 and 7 of this guidance document.
- 10.1.2 For electronic monitoring, the responsible person is the technology provider. Please see Section 7.6 for further details on the responsible person for electronic monitoring.
- 10.1.3 For positive requirements, the responsible person is the programme provider. Please see Section 6.3.4 for further details on the responsible person for positive requirements.

10.2 Victim or third-party led Domestic Abuse Protection Order (DAPO) applications

- 10.2.1 Police will be responsible for responding to breach of any orders that were made in the family or civil courts. There are a number of reasons why a victim may choose to make their own application for a DAPO rather than approaching the police or another person or organisation. For example, they may not wish to involve the police in their case, or they may want to be in control of obtaining their own protection.

10.3 Notifications from the family and civil court

- 10.3.1 For DAPOs made in the family and civil courts, the police may not be involved in the court proceedings. To ensure the police are aware of DAPOs made in the family and civil courts, an early notification will be sent directly from the piloting family and civil court to the piloting force to inform them that a DAPO has been made. This notification will be made before the order has been served.
- 10.3.2 Upon receipt of the early notification, police are expected to process details of the DAPO, ensuring the details of the DAPO are uploaded to the PNC (Police National Computer).
- 10.3.3 A second notification will then be sent via the same process to notify the piloting force that the order has been served. Police forces should then update the PNC (Police National Computer) with the information of service. For the DAPO pilot, the process will

involve an email sent from the courts to a pre-agreed email address at each piloting police force.

10.4 Ongoing management of a Domestic Abuse Protection Order (DAPO)

- 10.4.1 PNC (Police National Computer) records must remain up to date in relation to DAPOs to enable all users of the PNC (Police National Computer) to access the most up to date information about a perpetrator with a DAPO. This will assist in monitoring compliance with the order and taking appropriate and timely action in response to any breaches.
- 10.4.2 **The police have responsibility for enforcing – and responding to a reported breach of – all DAPOs, regardless of whether the police applied for that DAPO.** It is recommended best practice for pilot areas to establish dedicated DAPO teams to manage the orders, including receiving and processing any notifications relating to the DAPO, maintaining police database records, monitoring compliance, updating risk assessments, and reviewing safety planning for the victim as appropriate. For further information in relation to the expectations on police in enforcing DAPOs they did not apply for, please see Annex A (“Other routes to obtaining a DAPO”).
- 10.4.3 The ongoing management of a DAPO and the risk posed to the victim and their children requires a proactive multi-agency approach at all stages. In all cases, the police should consider referrals onto multi-agency forums such as referring the victim to a Multi-Agency Risk Assessment Committee (MARAC).
- 10.4.4 For the pilot, for a DAPO application to be made, the perpetrator must reside in the pilot area, but the victim is not required to reside within a piloting force area. If, during the duration of the DAPO, the perpetrator moves outside of the piloting force area, the two force areas will need to liaise closely throughout the duration of the DAPO to share relevant intelligence and identify any emerging risks, as well as ensuring that there is no duplication of activity to manage the perpetrator. This is to ensure that the victim remains protected wherever they are, and that the police in both force areas are aware of the DAPO and ready to address any breaches which may occur. This is regardless of the geographical spread between the two force areas.
- 10.4.5 There are additional risk factors which should be taken into consideration when managing the subject of a DAPO, including but not limited to the perpetrator’s access to legal firearms, their competency with firearms or other weapons, mental health difficulties, or drug or alcohol dependency. The police should conduct such enquiries as necessary to identify any additional risk factors and should include these in their risk management plans.
- 10.4.6 For further guidance, the police should refer to the principles published by the College of Policing on the identification, assessment and management of serial or potentially dangerous domestic abuse and stalking perpetrators, which are available at:

10.5 Planning for the expiry of a Domestic Abuse Protection Order (DAPO)

- 10.5.1 The police should consider well in advance of the expiry date of a DAPO whether they need to make an application to vary the DAPO to extend its duration – for example, if the DAPO is due to expire but the police consider that the perpetrator still poses a risk to the victim. Further information on variation of a DAPO is provided at section 8 (“Variation or discharge of a DAPO”).
- 10.5.2 The expiry of a DAPO may be an unsettling time for the victim. In addition to reviewing existing safety planning with the victim at this stage, the police should provide the victim with information about local specialist domestic abuse support such as an Independent Domestic Violence Advisor (IDVA) or other community-based services if this relationship has not already been established. More information on supporting the victim can be found in Annex D of this guidance document.

11 Breach of a Domestic Abuse Protection Order (DAPO)

11.1 Breach of a Domestic Abuse Protection Order (DAPO)

11.1.1 It is an offence for a perpetrator to breach a DAPO. Breach could involve doing anything prohibited by the DAPO or failing, without reasonable excuse, to do something which is required by the DAPO.

11.1.2 Offences relating to a DAPO include:

- a) breach any requirement of a DAPO without reasonable excuse ([Section 39 \(1\)](#));
- b) failure to comply with notification requirements without reasonable excuse or knowingly provide the police with false information ([Section 43 \(1-2\)](#));
- c) failure to keep in touch with the responsible person for supervising compliance with the requirement and/or notifying them of a change of home address or lack thereof ([Section 36\(7\)](#));
- d) failure to comply with obligations in relation to electronic monitoring requirements ([Section 37\(8\)](#)).

11.1.3 In instances where the perpetrator is subject to probation management in relation to another offence, and a DAPO breach occurs, the police are responsible for informing the probation service.

11.1.4 **It is vital for maintaining the confidence of the victim and the efficacy of the protective order regime that all reported breaches are thoroughly investigated, and that appropriate action is taken in a timely manner.** An arrest should be made at the first opportunity, as any delay may increase the risk to the victim and therefore undermine the purpose of the DAPO.

11.1.5 Where the DAPO was made against the perpetrator without notice, the perpetrator only commits an offence in respect of behaviour that occurred at a time when the perpetrator was aware of the existence of the DAPO ([Section 39\(2\)](#)). The perpetrator does not commit an offence unless and until they are aware of the making of the variation, and if in the absence of the variation their behaviour would not have constituted an offence ([Sections 45\(8-9\)](#)).

11.1.6 If the perpetrator fails to comply with the notification requirements ([Section 41](#)), without a reasonable excuse, it is an offence. If the perpetrator continues to fail to comply over a period of time, the perpetrator can only be prosecuted once for the same failure to notify ([Section 43 \(4-6\)](#)).

- 11.1.7 By virtue of [Section 24 of the Police and Criminal Evidence Act](#), a police officer may make an arrest without warrant if the perpetrator is about to breach the DAPO or is in the act of breaching the DAPO ([Section 40\(9\) of the Domestic Abuse Act](#)) and the police officer has reasonable grounds for believing that the arrest is necessary for the reasons set out in [section 24\(5\) the Police and Criminal Evidence Act](#), for example to prevent the perpetrator from causing some injury to themselves or others or to protect a child or another vulnerable person from the perpetrator.
- 11.1.8 The maximum penalty for breach of a DAPO is the maximum imprisonment available in the magistrates' court, a fine, or both, on summary conviction; or five years' imprisonment, a fine, or both, on conviction on indictment ([Section 39 \(5\)](#)).
- 11.1.9 If a person is convicted of breach of a DAPO ([Sections 39 \(6-7\)](#)), provide that it is not open to the court, or to the service court respectively, to make an order for a conditional discharge.
- 11.1.10 Where non-piloting forces become aware of a breach of a DAPO within their force area, they must proceed to complete the form at Annex J to ensure the piloting force are in receipt of the relevant details to assist the piloting force in their decision on how to respond.

11.2 Breach of victim or third-party led Domestic Abuse Protection Order (DAPO)

- 11.2.1 **The police have responsibility for responding to reported breach of any DAPO, regardless of whether the police applied for that DAPO.** Breach of a DAPO is a criminal offence, regardless of the court it was made in or who submitted the original application. The police are expected to treat all reported breaches of a DAPO with equal seriousness, whether it is a police-led or non-police led DAPO. All police forces and courts in the United Kingdom, regardless of whether they are in the pilot or not, must respond to a reported breach.
- 11.2.2 If piloting forces have not received an early notification (see section 10.3.1) to inform them of a non-police led DAPO being made and/or served, on becoming aware of a breach or potential breach of a DAPO, piloting forces should immediately seek to obtain a copy of the order. The efficiency of this process will rely on effective multi-agency information sharing between the courts and the police at all stages of the DAPO process, particularly at the point when a DAPO is made or varied.
- 11.2.3 For further information in relation to the expectations on police in enforcing DAPOs they did not apply for, please see Annex A ("Other routes to obtaining a DAPO").

11.3 Dealing with breach as a civil contempt of court

- 11.3.1 Breach of a DAPO can be dealt with as a civil contempt of court. Where the order was made by a magistrates' court, a breach dealt with as a contempt of court may be punished by a fine (maximum £50 per day or a sum not exceeding £5,000) or committal to custody for a period of up to 2 months in accordance with [Section 63\(3\) of the Magistrates' Courts Act 1980](#). This procedure is not recommended due to the limited sentencing powers and the inability of the court to remand on conditional bail.
- 11.3.2 Where the DAPO was made by a court other than a magistrates' court, the maximum penalty for civil contempt of court is generally up to two years' imprisonment, or a fine, or both – the available penalty will vary depending on the seniority of the judge who made the DAPO.
- 11.3.3 Where the police and the Crown Prosecution Service (CPS) do not pursue criminal charges following breach of a DAPO, the victim and other parties to the proceedings (e.g., social services) may be able to bring proceedings against the perpetrator as contempt of court in civil proceedings.
- 11.3.4 The victim, the person who applied for the standalone DAPO, or anyone else with the leave of the court may apply to the court which made the DAPO for an arrest warrant if they consider that the perpetrator has breached the DAPO or is otherwise in contempt of court in relation to the DAPO ([Section 40 \(3\)](#)). Once the perpetrator has been arrested and brought before the court, the court may either deal with the contempt of court there and then or remand the perpetrator, whether in custody or on bail, for the case to be dealt with at a later date. This may be necessary to secure the perpetrator's attendance at the hearing of the committal proceedings.
- 11.3.5 Dealing with a breach of a DAPO as a civil matter may be appropriate in cases where the victim does not want the perpetrator to be criminalised, for example if they wish to continue their relationship with the perpetrator.
- 11.3.6 Where the perpetrator is convicted of breach of a DAPO in respect of any behaviour, that same behaviour is not punishable as a contempt of court ([Sections 39 \(3\)](#)).
- 11.3.7 Where the perpetrator has been found in contempt of court in relation to the DAPO in respect of any behaviour, they may not be convicted of breach of a DAPO in respect of that same behaviour ([Section 39 \(4\)](#)).

11.4 Breach occurring outside of England and Wales

- 11.4.1 [Part 3 of the Domestic Abuse Act 2021](#) extends to England and Wales only. This means that it does not form part of the law of Scotland, Northern Ireland or any other country and is not capable of producing any legal effect outside England and Wales.

11.4.2 However, [Section 38](#) provides that a requirement imposed by a DAPO has effect in all parts of the United Kingdom unless expressly limited to a particular locality. This means that an act or conduct in breach of a DAPO, even if carried out in Scotland or Northern Ireland, will constitute as an offence in England and Wales.

11.4.3 In the event of a breach occurring outside of England and Wales, the police are expected to decide on a case by case basis the appropriate strategy to locate and deal with the perpetrator in accordance with [Section 137 of the Criminal Justice and Public Order Act 1994](#).

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12 Appeals

12.1 Further information on the other routes to obtaining a DAPO is provided at Annex A (“Other routes to obtaining a DAPO”) – this is intended to assist the police in understanding their rights of appeal in relation to DAPOs made on an application by another party or by the court as part of other proceedings.

12.2 **Summary of the circumstances in which a DAPO may be appealed:**

Person who may appeal	DAPO under Section 28 of the Domestic Abuse Act 2021 – including following a DAPN being given	DAPO made of the court’s own initiative under Section 31 of the Domestic Abuse Act 2021 as part of other proceedings	DAPO under Section 44 of the Domestic Abuse Act 2021
The victim	✓	See footnote ¹¹	✓
The person who made the application (if different)	✓	N/A	✓
The defendant/perpetrator	✓ (if the DAPO <u>is</u> made)	✓	✓

¹¹ [The Domestic Abuse Act 2021](#) does not explicitly set out that the victim may appeal a decision of the court relating to a DAPO made of the court’s own initiative under [Section 31](#) because this is a general right of appeal which is already available to the victim by virtue of other legislation, such as that listed at [Section 46\(9\)](#).

<p>The chief officer of police for the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to.</p> <p>Please note that for the pilot this will only be applicable where the perpetrator resides in a piloting force.</p>	X	X	✓
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12.3 The chief officers of the British Transport Police may only apply to appeal a decision of the court in relation to a DAPO which they originally applied for.

12.4 The appeal must be made to the appropriate court, which varies depending on the circumstances in which the DAPO or the relevant decision in relation to the DAPO was made:

- a) Where the DAPO, or the decision in relation to the DAPO, was made by a magistrates' court, the appeal must be made to the Crown Court (section 46(7)(a));
- b) Where the DAPO, or the decision in relation to the DAPO, was made by a Crown Court, the appeal must be made to the Court of Appeal (section 46(7)(b));
- c) Appeals against decisions made by other courts (the family court, county court, or High Court) will be heard in accordance with existing legislation, which is set out at [Section 46\(9\)](#).

12.5 Before determining an appeal in relation to a DAPO, the court must hear from the chief officer of police, if they wish to be heard:

- a) the person who applied for the DAPO;
- b) from the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to, **even if they did not originally apply for the DAPO.**

12.6 For the pilot, where a higher court must hear the appeal and one is not available in the piloting area, the relevant court in a non-piloting area can hear the appeal.

12.7 These provisions – specifically [Sections 46\(5\)](#) and [47\(1\)](#) – mean that, where they wish to do so, the police are still able to appeal a decision to vary or discharge a DAPO, or to be heard in respect of an appeal relating to a DAPO, even where they did not originally

apply for that DAPO. This allows the police to put forward relevant evidence or intelligence which they may have regarding the level of risk posed to the victim by the perpetrator or the nature of their abusive behaviour, even where the original DAPO was obtained via a different route or the police have not previously been involved in the case.

12.8 These provisions do not preclude the court from hearing from other parties who wish to be heard in relation to the appeal, such as the person being protected.

12.9 [Section 47\(4\)](#) sets out what may happen as the result of a successful appeal. This includes the court confirming, varying or revoking any part of the decision which was appealed against, or referring the matter back to the lower court and directing it to reconsider its decision.

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Annex A: Other routes to obtaining a Domestic Abuse Protection Order (DAPO)

A1 Domestic Abuse Protection Orders (DAPOs) made on application

1. The following people may apply for a DAPO ([Section 28](#)):
 - a) the victim (who must be aged 16 or over);
 - b) the chief officer of police for the force which gave a DAPN, or if no DAPN has been given any of the following:
 - c) the chief officer of the British Transport Police;
 - d) the chief officer of the Ministry of Defence Police (MDP); Please note Ministry of Defence Police (MDP) will not be involved in the pilot.
 - e) the chief officer of police for the police force area where the perpetrator resides, or where they believe the perpetrator is or is intending to come to; Please note only police forces participating in the pilot can apply and **for the pilot, a DAPO can only be made if the perpetrator resides in the pilot area.**
 - f) a person specified in regulations¹²;
 - g) any other person with the leave of the court.
2. The conditions for making a DAPO and the requirements which can be imposed by it are the same regardless of who makes the application for the DAPO or which court makes it.
3. An application for a DAPO can be made in the following ways:

<i>Who can apply:</i>	<i>Where to apply for the DAPO:</i>
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¹² The third parties to be specified in regulations (who will be able to make an application for a DAPO without first having to seek leave of the court to do so) have yet to be determined. Whilst these regulations won't be laid during the pilot, we will work with relevant partners in due course to lay these regulations ready for the delivery phase of the orders.

The police	A magistrates' court
The victim	The family court and county court (the latter during relevant proceedings only) ¹³
Third party with the permission of the court	The family court

4. The court can also make a DAPO of its own volition during family or certain civil proceedings to which the victim and the perpetrator are both parties as detailed in A2 below.
5. There are a number of reasons why a victim may choose to make their own application for a DAPO rather than approaching the police or another person or organisation. For example, they may not wish to involve the police in their case, or they may want to be in control of obtaining their own protection.
6. Other people who may wish to seek the leave of the court to apply for a DAPO could include a representative from the local authority where the victim lives, or a specialist domestic abuse organisation working with the victim. During the pilot, only those given leave of the court to apply will be able to make an application. We will monitor which parties bring an application to court and this will inform who is specified in legislation for national roll-out.
7. Section 10 of this guidance details how police should monitor compliance with a DAPO. Section 10 applies regardless of the application route to obtain the DAPO, meaning police must respond to breach of all DAPOs, regardless of whether they applied or not.

A2 DAPOs made of the court's own volition

1. Section 29 of the Domestic Abuse Act 2021 provides that the following courts may make a DAPO of their own volition during other proceedings. This includes:
 - a) The family court, during family proceedings to which the victim and the perpetrator are both parties;

¹³ The county court proceedings within which a court may make a DAPO of its own initiative must meet a description which will be set out in regulations before pilot commencement.

- b) The Crown Court, where it has allowed the perpetrator's appeal against a conviction for an offence;
 - c) The county court, during relevant proceedings¹⁴ to which the victim and the perpetrator are both parties.
 - d) In cases where the perpetrator has been convicted or acquitted of an offence, the court dealing with the perpetrator for that offence (excluding the Court of Appeal);
2. As with DAPOs made on application, the conditions for making a DAPO and the requirements which can be imposed by it are the same regardless of which court makes the DAPO of its own volition.
 3. It is expected that the courts may use the power to make a DAPO of their own volition where, during the course of other proceedings, the court becomes aware of the need to protect a person from domestic abuse – for example, where domestic abuse is alleged or is revealed in evidence. These proceedings do not have to be related to the domestic abuse.

¹⁴ The county court proceedings within which a court may make a DAPO of its own initiative must meet a description which will be set out in regulations before pilot commencement.

Annex B: Domestic Abuse Protection Notice/Domestic Abuse Protection Order Process Map

DOMESTIC ABUSE PROTECTION NOTICE AND ORDER (DAPN/DAPO) – PROCESS MAP
 Please note this process map is intended to be a high-level overview of the DAPN/DAPO process. This should be considered and reviewed in conjunction with the full statutory guidance.

Domestic abuse identified by police:
 Perpetrator (P) 18 years or over
 Victim (V) 16 years or over
 (P) abusive towards or threatening abuse towards someone who is "personally connected"

Police involvement:
 Police attend and arrest P. Risk assessment completed with V. Early consideration of suitability for a DAPN. Gather evidence.
ALWAYS consider identification of and prosecution for substantive criminal offences.
 Consultation and authority for a DAPN sought from a constable at least the rank of inspector at early stage.
 Must justify that a DAPN is proportionate and necessary to protect the person from abuse or threat of abuse from P, considering the Human Rights of both V and P and V's views.
 P cannot be held in custody for purpose of serving a DAPN.

• Case has been NFA.
 • P is cautioned.
 • P is bailed with conditions that do not provide adequate protection of V.

Yes

Is a DAPN required?

No

• Ongoing prosecution for substantive criminal offence(s).
 • Bail conditions which protect V.
 • Consider standalone DAPO to protect V long term.

DAPN issued:
 Authorised by a senior police officer (at least the rank of Inspector) and given to P in writing by a constable personally.
Considerations – welfare of anyone U18, opinions of all involved, representations from P, consent of V NOT required.
Conditions – non-molestation. **Particular acts** of molestation may include coming near or entering the V's premises, even in cases where P and V are not co-habiting.
Notifications – in writing and served personally, grounds on which issued, P's responsibility for complying with conditions, power of arrest for a breach, application for DAPO will be heard within 48 hours.
Notice of Hearing – On service of DAPN PC must ask for an address for (P) to serve Notice of the Hearing of an application for DAPO. This Notice of Hearing under Section 27 (5) will be treated as a summons. This must be given to P in all cases and is separate to the DAPN. **Officer notifies relevant Departments and Agencies that a DAPN has been issued.**

Breach of DAPN:
URGENT action required- always consider identification and prosecution for substantive criminal offences.
 • Notify V of breach
 • Notify relevant agencies of breach
 • Officer may arrest
 • Remanded in custody
 • Court 24hrs or if earlier hearing of the application
 • Collation of evidence/ preparation of court papers

Timescale – maximum 48 hours
 An application for a DAPO will be heard within 48 hours of the time of service of the DAPN.

Application for DAPO following a DAPN:
 Application must be made by complaint. The DAPN serves as the complaint. It must be delivered to the magistrate's court and not later than 48 hours after the DAPN was served (excluding Sundays and Public Bank Holidays)
 Notice of the hearing of the application must be given to P and is deemed given if left at the address provided by P. If P gave no address, then court must be satisfied that reasonable efforts have been made to serve the notice.

Application for a standalone DAPO:
 Can be applied for in conjunction with a decision to charge if V requires protection from P during criminal proceedings or outcome of criminal proceedings will not give sufficient protection.
 Application made by police with or without notice to P, by laying a complaint in the magistrates' court and applying for a summons. If made without notice, evidence must be provided to the court as to why an application has been made for a without notice DAPO.

Application for a DAPO in ongoing criminal court proceedings:
 P has been convicted of an offence.
 Notice on the defendant and the court in advance with a draft order.
 Police must work closely with the CPS on the application and recommendations.

DAPO application:

Conditions- P has been abusive towards or there is threat of abuse towards V and that a DAPO is necessary and proportionate to protect V.

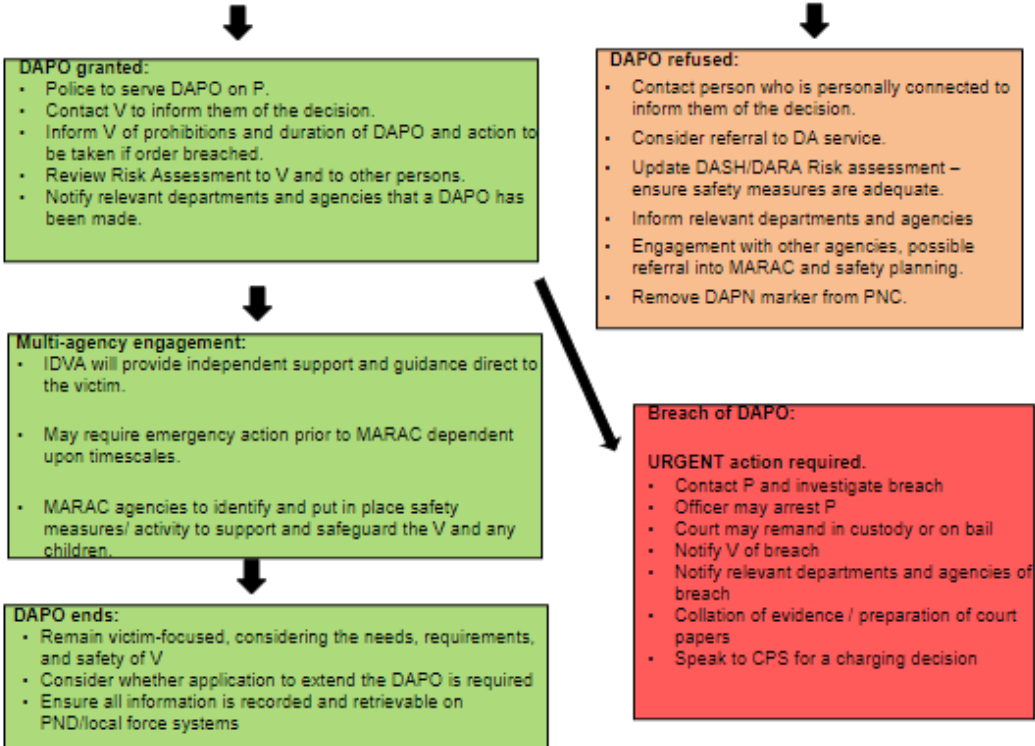
Consider- The welfare of anyone U18, opinions of all involved (consent of V not required), representations from P, relevant police records to establish whether P is already subject to another court order or injunction. Engagement with other agencies regarding conditions, including DA services. Consideration of protected characteristics.

Application- Consider what requirements would be the most effective in safeguarding the person to be protected and addressing the abusive behaviour of the P and tailor their application accordingly.

- State the duration of the order (no minimum or maximum)
- State the duration of the conditions

Examples of conditions could include, but are not limited to:

- Prohibition of contact with V
- Prohibited from coming within a certain distance of a premises (e.g. V's home, place of work, child's school etc)
- Exclusion from the premises
- Positive requirements (perpetrator programme, substance misuse programme, mental health programme). If PRs considered, engage with 'triage' organisation for assessment to form part of the application
- Electronic monitoring (curfew or exclusion zone)



Annex C: Bail conditions

1. It is important to note that bail conditions and protective measures, such as the DAPN and DAPO, can be used simultaneously to build up greater protection for the victim, providing the conditions of the DAPN/DAPO and the bail conditions do not conflict. This precedent also applies in instances where the perpetrator is subject to another protective order, a DAPN/DAPO can still be made providing the conditions do not conflict. **Issuing a DAPN, applying for a DAPO, and imposing bail with conditions are different interventions, with different criteria, different timescales and different sanctions for breach.** The police are expected to consider these different interventions, based on the specific facts of each individual case, to ensure that the victim is appropriately protected.
2. For further guidance on the use of pre-charge bail and release under investigation (RUI) in cases of domestic abuse the police should refer to the relevant guidance published by the College of Policing, which is available at: [Pre-charge bail statutory guidance \(accessible\) - GOV.UK \(www.gov.uk\)](#)

Annex D: Support available for victims

1. **Freephone 24-hour National Domestic Abuse helpline, run by Refuge** – 0808 2000 247
2. **Age UK** – an organisation that supports older people and victims of elder abuse. They can be contacted on 0800 678 1602. They are open from 8am to 7pm, 365 days a year.
3. **Broken Rites** – a group offering mutual support and information to separated and divorced spouses and partners of clergy, ministers, and Church Army Officers. Please e-mail enquiries@brokenrites.org.
4. **Clinks** – an organisation that supports the voluntary sector working with people in the criminal justice system and their families. Clinks have a directory of services, although it is not exhaustive, and are experienced in supporting women who have suffered domestic abuse. Their telephone number is 020 7383 0966.
5. **Dogs Trust Freedom Project** – a specialist dog fostering service for victims fleeing domestic abuse. Their contact number is 020 7837 0006 (Mon-Fri 9am-5pm).
6. **FLAWS - Finding Legal Options for Women Survivors** – a service delivered by RJC Advice who provide free and confidential legal advice for women survivors on seeking a protective order from the courts. They can be contacted on 0203 745 7707, by email at flows@rjadvice.org.uk or via their website at <https://www.flows.org.uk/>
7. **Hestia Respond to Abuse Advice Line** – a specialist advice line supporting employers to help staff experiencing domestic abuse on 0203 879 3695 or via email advice.line.EB@hestia.org 9am-5pm Monday to Friday.
8. **Hourglass** – a specialist organisation aiming to end the harm, abuse, and exploitation of older people in the UK. Their helpline can be accessed by phone on 0808 808 8141, by text on 07860 052906, or by emailing helpline@wearehourglass.org.
9. **Galop** – a specialist organisation and LGBT anti-violence charity offering support to LGBT victims. Their domestic abuse Helpline is 0800 999 5428. Their email address is: help@galop.org.uk.
10. **Jewish Women's Aid** – a specialist organisation supporting Jewish women and children affected by domestic abuse. Their helpline is 0808 801 0500 and is open Mondays-Thursdays from 9.30am to 9.30pm (excluding Jewish holidays and bank holidays).

11. **Karma Nirvana HBA helpline** – a specialist organisation supporting victims of ‘honour’-based abuse and forced marriage. Their helpline is 0800 599 9247 and is open 9am – 5pm, Monday to Friday.
12. **ManKind Initiative** – a specialist organisation supporting male victims of domestic abuse and their children. Please call 01823 334244 to speak to them confidentially, open Monday to Friday from 10am to 4pm.
13. **Men’s Advice Line** – 0808 801 0327 open Monday to Friday 10am-5pm or email info@mensadvice.org.uk
14. **Muslim Women’s Network** – a specialist organisation supporting Muslim women and girls. Their helpline is 0800 999 5786 or email: info@mwnhelpline.co.uk
15. **National Domestic Abuse Helpline website** – Live chat is available Monday – Friday 3pm – 10pm at www.nationaldahelpline.org.uk.
16. **National Stalking helpline** – 0808 802 0300 9.30am to 8pm on a Monday and Wednesday, and 9:30am to 4pm on a Tuesday, Thursday and Friday.
17. **NSPCC** – The UK’s leading children’s charity working to prevent abuse, rebuild children’s lives and support families. Their contact number is 0808 800 5000, 10am to 8pm Monday to Friday, or email help@nspcc.org.uk.
18. **NSPCC FGM helpline** – 0800 028 3550 8am to 8pm Monday to Friday, and 9am to 6pm on Saturday and Sunday, or email fgm.help@nspcc.org.uk.
19. **Paladin** – an organisation that provides support for victims of stalking. Please contact us on 020 3866 4107.
20. **Refuge** – an organisation that provides support for all victims of domestic abuse and violence against women and girls. Their National Domestic Abuse Helpline is 0808 2000 247, available 24 hours a day, 7 days a week.
21. **Respect** – an organisation that works with male victims of domestic abuse and domestic abuse perpetrators on 0808 801 0327 or visit mensadvice.org.uk.
22. **Revenge Porn helpline** – open between 10am and 4pm, Monday to Friday. 0345 600 0459 or help@revengepornhelpline.org.uk.
23. **Sign Health Domestic Abuse Service** – a specialist domestic abuse service to support the health and wellbeing of Deaf people. Please text 07800 003 421, or email da@signhealth.org.uk.
24. **Solace Women’s Aid** – an organisation supporting all victims of violence against women and girls. Please call on 0808 802 5565.

25. **Southall Black Sisters** – an organisation providing support for ethnic minority victims and migrant women. Their Helpline is 020 8571 9595, open between 9:00am and 5:00pm Monday to Friday, or email info@southallblacksisters.co.uk.
26. **Stay Safe East** – a specialist organisation providing support for disabled and Deaf victims of domestic abuse. Telephone or SMS/Text: 07865 340 122, or email enquiries@staysafe-east.org.uk.
27. **Surviving Economic Abuse** – a specialist organisation dedicated to supporting victims of economic abuse. Please email info@survivingeconomicabuse.org.
28. **UK Forced Marriage Unit** – 020 7008 0151, or email fmufco.gov.uk.
29. **Victim Support** – a specialist service helping anyone affected by any types of crime, not only those who experience it directly, but also their friends, family and any other people involved. 0808 168 9111, 24 hours a day, 7 days a week. Live Chat is available on their website, www.victimsupport.org.uk.
30. **Women's Aid** – an organisation supporting women affected by domestic abuse. Live Chat is available on their website, www.womensaid.org.uk or email helpline@womensaid.org.uk

Wales-specific organisations

31. **Live Fear Free helpline** – 0808 801 0800 open 24 hours a day, 7 days a week. You can also text on 07860 077 333.
32. **Dyn Wales helpline** – an organisation supporting male victims of domestic abuse. 0808 801 0321 or email support@dynwales.org (support for male victims).
33. **Welsh Women's Aid** – an organisation supporting Welsh women affected by domestic abuse. Information and support is available on their website: www.welshwomensaid.org.uk
34. **BAWSO** – a specialist organisation dedicated to supporting ethnic minority communities. Their Wales-wide helpline can be contacted on 0800 731 8147 open 24 hours a day, 7 days a week.

Annex E: Glossary of key terms

APP	Authorised Professional Practice guidance published by the College of Policing
CPS	Crown Prosecution Service
DAPN	Domestic Abuse Protection Notice
DAPO	Domestic Abuse Protection Order
Domestic Abuse	<p>Section 1 of the Domestic Abuse Act 2021 provides the following definition of domestic abuse:</p> <p>(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—</p> <ul style="list-style-type: none"> (a) A and B are each aged 16 or over and are personally connected to each other, and (b) the behaviour is abusive. <p>(3) Behaviour is “abusive” if it consists of any of the following—</p> <ul style="list-style-type: none"> (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse (see subsection (4)); (e) psychological, emotional or other abuse; <p>and it does not matter whether the behaviour consists of a single incident or a course of conduct.</p> <p>(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—</p> <ul style="list-style-type: none"> (a) acquire, use or maintain money or other property, or (b) obtain goods or services. <p>(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).</p>

	<p>(6) References in this Act to being abusive towards another person are to be read in accordance with this section.</p> <p>Detailed examples of different types of domestic abuse are provided in the draft domestic abuse statutory guidance framework.¹⁵</p>
Home address	<p>Section 54 of the Domestic Abuse Act 2021 provides the following definition of “home address”:</p> <p>a) the address of the person’s sole or main residence in the United Kingdom, or</p> <p>b) if the person has no such residence –</p> <ul style="list-style-type: none"> i) the address or location of a place in the United Kingdom where the person can regularly be found; ii) if there is more than one such place, the address or location of whichever one of those places the person selects.
IDVA	Independent Domestic Violence Advocate
MAPPA	Multi-Agency Public Protection Arrangements
MARAC	Multi-Agency Risk Assessment Conference
MATAC	Multi-Agency Tasking And Co-ordination meeting
PACE	Police And Criminal Evidence Act 1984
Perpetrator	<p>The person who is subject to a DAPN or a DAPO, referred to in Part 3 of the Domestic Abuse Act 2021 as “P”.</p> <p>The person who has been or is alleged to have been abusive towards a person aged 16 or over to whom they are personally connected.</p> <p>To note, the term ‘perpetrator’ is used in lieu of ‘defendant’ throughout this guidance to reflect the term ‘P’ used in the Domestic Abuse Act 2021.</p>
Personally connected	Section 2 of the Domestic Abuse Act 2021 provides the following definition of “personally connected”:

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

	<p>experience domestic abuse. It should be noted that not everyone who has experienced or is experiencing domestic abuse chooses to describe themselves as a “victim” and may prefer another term, such as “survivor”.</p>
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Annex F: Domestic Abuse Protection Notice template

Force Code:
Case Reference No:
Custody Reference No:

DOMESTIC ABUSE PROTECTION NOTICE¹⁶

TO BE SERVED ON SUBJECT PERSONALLY

NOTICE (insert name, date of birth and address of the individual on whom this notice is served)

To:	Name:
	Date Of Birth:
	Address:

WARNING

You must obey this notice. You should read the notice carefully. You should seek advice from a legal advisor.

The application for a Domestic Abuse Protection Order will be heard at the Magistrates' Court – see separate notice for date and time. The court may consider making any or all the prohibitions as set out below.

Where there are reasonable grounds for believing that you are, or are about to be, in breach of any part of this notice, a constable may arrest you without warrant and you will be held in custody and brought before the Magistrates' Court within 24 hours to hear the application for the Domestic Abuse Protection Order.

If you breach a Domestic Abuse Protection Order, you are committing a criminal offence, punishable by a maximum penalty of 5 years' imprisonment, a fine, or both.

GROUND ON WHICH THE NOTICE IS ISSUED

It is appropriate to issue this notice because the authorising officer has reasonable grounds for believing that you are over 18; and

- have been abusive towards a person aged 16 or over to whom you are personally connected, namely [insert victim name] and
- that the issuing of the Domestic Abuse Protection Notice is necessary to protect the person to be protected, namely [insert name] from domestic abuse, or the risk of domestic abuse

¹⁶ For legislation please see Part 3 of the Domestic Abuse Act 2021.

<https://www.legislation.gov.uk/ukpga/2021/17/part/3/enacted>

carried out by you.

Detail grounds for decision:

PROHIBITIONS

This notice prohibits you from the following [indicate as appropriate]:

- | | |
|----|--|
| 1. | You may not contact the person for whose protection the notice is given. |
| 2. | You may not come within a [specify distance] distance of [insert address of protected person]. |

If you also live in the same premises as the person to be protected:

- | | |
|----|---|
| 3. | You may not evict or exclude that person from the premises. |
| 4. | You may not enter [insert address]. |
| 5. | You may be required to leave [insert address]. |

NOTICE OF HEARING

You will receive a separate notice entitled Notice of Hearing (Section 29(4), Domestic Abuse Act 2021). This notice will act as a summons to Magistrates Court for an application for a Domestic Abuse Protection Order to be heard.

The application for a Domestic Abuse Protection Order will be heard within 48 hours of the time of service of the Domestic Abuse Protection Notice, (disregarding Sundays, Christmas Day, Good Friday or any Bank Holidays).

The order may be heard in your absence if the court is satisfied that the police have made reasonable efforts to serve the notice upon you and you fail to attend.

If a Domestic Abuse Protection Order is made in your absence, the prohibitions will still apply and a breach of any or all of these may result in you being arrested.

Address for serving the Notice of Hearing:

Response to Request:

Domestic Abuse Protection Order Provisions

The Magistrates may include the following provisions when making a Domestic Abuse Protection Order:

- Prohibit you from contacting the person for whose protection it is made;
- Prohibit you from coming within a specified distance of any premises in England or Wales in which that person lives;
- Prohibit you from coming within a specified distance of any other specified premises, or any other premises of a specified description, in England or Wales.
- If you live in premises which are also lived in by a person for whose protection the Domestic Abuse Protection Order is made, the Domestic Abuse Protection Order may also contain provisions:
 - (a) to prohibit you from evicting or excluding from the premises the person for whose protection the Domestic Abuse Protection Order is made;
 - (b) to prohibit you from entering the premises; or
 - (c) to require you to leave the premises;
- Impose a curfew or exclusion zone on you which is electronically monitored
- Mandate you to attend a programme (e.g. specialist domestic abuse programme or substance misuse)

DURATION OF NOTICE

This notice continues in effect until the application for a Domestic Abuse Protection Order has been determined by the Magistrates' Court.

POWER OF ARREST FOR BREACHING THE NOTICE

If you are arrested for a breach of this notice, by virtue of section 26(2)(a) Domestic Abuse Act 2021 you will be kept in custody and brought before the Magistrates Court who will hear the application for a Domestic Abuse Protection Order within 24 hours beginning with the time of arrest.

The 24 hours shall not include Christmas Day, Good Friday or any Sunday and any day that is a bank holiday in England and Wales.

If the matter is not disposed of forthwith, the court may place you in custody until your trial date.

TERMS OF THE NOTICE

Date of service of the notice:

Time of service of the notice:

Name of person to be protected:

DEFENDANT'S SIGNATURE OF RECEIPT OF NOTICE

Name:

Date:

Time:

Annex G: Notice of Hearing template

Force Code:
Case Reference No:
Custody Reference No:

NOTICE OF HEARING¹⁷ DOMESTIC ABUSE PROTECTION ORDER

NOTICE OF HEARING	
Following the issue of a Domestic Abuse Protection Notice an application will be made to the magistrate's court who will consider whether to make a Domestic Abuse Protection Order. If the magistrate's court decide to make a Domestic Abuse Protection Order, they may impose prohibitions in accordance with Section 28 Domestic Abuse Act 2021.	
Place:	[insert name of court]
Date:	[insert date]
Time:	[insert time]
If you do not attend at the time and date shown the court may make an order in your absence.	

The application for a Domestic Abuse Protection Order may be heard in your absence if the court is satisfied that the police have made reasonable efforts to serve the notice upon you and you fail to attend.

If a Domestic Abuse Protection Order is made in your absence, the prohibitions will still apply and a breach of any or all of these may result in you being arrested.

If you breach a Domestic Abuse Protection Order, you are committing a criminal offence, punishable by a maximum penalty of 5 years' imprisonment, a fine, or both.

¹⁷ S29(4) of the Domestic Abuse Act 2021

DEFENDANT'S SIGNATURE OF RECEIPT OF NOTICE			
Signature:		Print name:	
Date:		Time:	
NOTICE SERVED BY			
Name:			
Rank:		Collar No:	
Date:		Time:	
AUTHORISING OFFICER			
Name:			
Rank:		Warrant No:	
Date:		Time:	

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Annex H: Non-piloting force case transfer form template

Force Code: Case Reference No: Custody Reference No:
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CASE TRANSFER FORM DOMESTIC ABUSE PROTECTION ORDER

Completion of the Domestic Abuse Protection Order transfer form will assist officers in instances where a perpetrator subject to Domestic Abuse Protection Order conditions moves outside of a piloting force area, and into a non-piloting force area. The police can refer to the Domestic Abuse Notices and Orders statutory guidance here.

Piloting Police Force name	
Non-Piloting Police Force name	

Details of the person subject to the order

Surname	
First Name(s)	
Date of Birth	
Last recorded address	
Proposed new address	
Telephone number	

Email address	
PNC (Police National Computer) ID	
VISOR (Violent and Sex Offenders Register) Reference (if relevant)	
Nominal Reference (if relevant)	
Domestic Abuse Protection Order Expiry date	
Photo attached (select as appropriate)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Brief outline of circumstances	
Name of person to be protected	
Domestic Abuse Protection Order prohibitions/requirements	
Date and details of most recent Risk Management Plan (RMP)	
Details of any flags/warning markers/recent intel	
Any other relevant information or partner agency involvement	
Requesting officer details	
Name:	Contact number:
Signed:	Email address:
Print:	Date:

Authorising officer details (Inspector and above)			
Name:		Contact number:	
Signed:		Email address:	
Print:		Date:	
Officer accepting the transfer			
Name:		Contact number:	
Signed:		Email address:	
Print:		Date:	

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Annex I: Domestic Abuse Protection Order application form template

Force Code:
 Case Reference No:
 Custody Reference No:

DOMESTIC ABUSE PROTECTION ORDER APPLICATION FORM

Name of alleged perpetrator:	
Address:	
Date of birth:	
Is the alleged perpetrator being given notice of this Domestic Abuse Protection Order being made? If NO , please detail why	
Does this DAPO application follow a Domestic Abuse Protection Notice (DAPN)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the alleged perpetrator subject to	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) any conditions under another protection order and/or	<input type="checkbox"/> Yes <input type="checkbox"/> No
(b) any bail conditions?	
If yes, details of current conditions/prohibitions	
If yes, when do these conditions end?	DD/MM/YYYY
Details of any legal representation (if known)	

Name of person to be protected:	
Address:	
Is this address provided the same address any prohibitions would relate to?	Yes No
Date of birth:	
Details of any legal representation (if known):	

CURRENT AND HISTORICAL CIRCUMSTANCES

Considerations: Nature of relationship, length of relationship, family circumstances, children, living arrangements (rent/mortgage agreements), any vulnerabilities, alternative accommodation arrangements, child contact arrangements, is an Independent Domestic Violence Advocate (IDVA) referral necessary etc.

The Authorising Officer (AO) must take reasonable steps to discover the opinions of:

1)	Welfare of any person under 18 years of age whose interests the officer considers relevant to the issuing of a Domestic Abuse Protection Order:
	If not known, what reasonable steps have been taken to discover this:

2)	Opinion of the person for whose protection the Domestic Abuse Protection Order would be issued*:
	If not known, what reasonable steps have been taken to discover this:
3)	Any representations made by the alleged perpetrator about the issuing of a Domestic Abuse Protection Order:
	If not known, what reasonable steps have been taken to discover this:

SUPPORTING DOCUMENTS & INFORMATION	Please indicate if the supporting document/information is attached to this authorisation
Investigation Record	<input type="checkbox"/>
Crime/incident reports from any previous incidents	<input type="checkbox"/>
Risk management plan	<input type="checkbox"/>
Other supporting documents (including witness statements from victim and attending police officers/third party witness)	
Document 1: _____	<input type="checkbox"/>
Document 2: _____	<input type="checkbox"/>
Document 3: _____	<input type="checkbox"/>
Other:	

OFFICER/STAFF REQUESTING INSPECTOR'S AUTHORISATION FOR A DOMESTIC ABUSE PROTECTION ORDER

I confirm that the information contained within this form is accurate to the best of my knowledge and belief.

Signature:			
Rank/Title:			
Name:			
Number:			
Date:		Time:	

Does the authorising officer have reasonable grounds for believing that:

a)The alleged perpetrator has been abusive towards the person to be protected	Yes	No
AND	<input type="checkbox"/>	<input type="checkbox"/>
b)The issue of the Domestic Abuse Protection Order is necessary to protect that person from domestic abuse or the risk of domestic abuse carried out by the alleged perpetrator	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

If 'No' record reasons and rationale:

GROUND ON WHICH THE AUTHORISATION IS GIVEN

It is appropriate to issue this notice because the authorising officer, not below the rank of Inspector, [insert police force/authorising officer's name, rank, etc], has reasonable grounds for believing that [name of alleged perpetrator]:

- is over 18; and
- has been abusive towards a person aged 16 or over, to whom they are personally connected, namely [insert name of associated person to be protected]; AND
- that the issuing of the Domestic Abuse Protection Order is necessary to protect the associated person, namely [insert name] from domestic abuse, or the risk of domestic abuse carried out by [name of alleged perpetrator].

Detail grounds for decision:

1 - Justification	
2 - Proportionality	
3 - Necessity	
4 – Human Rights	

GUIDANCE NOTES

Consideration should be given to the following:

- Article 2 ECHR (European Convention on Human Rights) – Right to life;
- Article 3 ECHR (European Convention on Human Rights) – Torture, no one shall be subjected to torture or to inhuman or degrading treatment or punishment;
- Article 8 ECHR (European Convention on Human Rights) – Right to respect for private and family life;
- Article 9 ECHR (European Convention on Human Rights) – Right to freedom of assembly and association
- Protocol 1, Article 1 – Right to peaceful enjoyment of possessions, which includes property;
- Statutory obligation to protect children (see Working Together to Safeguard Children 2010).

PROHIBITIONS (indicate as appropriate)

1. <input type="checkbox"/>	The perpetrator may not contact the person for whose protection the notice is given, both directly and indirectly (via third parties).
2. <input type="checkbox"/>	The perpetrator may not come within a [specify distance] distance of [insert address of protected person].
	If the alleged perpetrator also lives in the same premises as the person to be protected:
3. <input type="checkbox"/>	To prohibit [insert name of alleged perpetrator] from entering [insert address].
4. <input type="checkbox"/>	To prohibit [insert name of alleged perpetrator] from evicting or excluding that person from the premises.
5. <input type="checkbox"/>	To require [insert name of alleged perpetrator] to leave [insert address].
6. <input type="checkbox"/>	The perpetrator may not engage in any form of surveillance of the person to be protected

7. <input type="checkbox"/>	The perpetrator may not interfere or restrict the person to be protected's access to goods, services or property
8. <input type="checkbox"/>	The perpetrator may not damage or threaten to damage property belonging to the person to be protected
9. <input type="checkbox"/>	The perpetrator may not share or publish, or threaten to share or publish personal information or images relating to the person to be protected
10. <input type="checkbox"/>	To mandate the perpetrator to attend a perpetrator behaviour change programme
11. <input type="checkbox"/>	To require the perpetrator to subject to being electronically monitored

Give full details of any additional prohibitions not listed above:

--

If mandating the perpetrator to attend a behaviour change programme, please provide further details including the programme provider, length of programme and the individual responsible for monitoring compliance with these conditions:

--

Give full details what will be monitored via electronic monitoring (prohibition 11), providing details of relevant addresses, exclusion zones, and the individual responsible for monitoring compliance with these conditions:

--

Please indicate the proposed length of the Domestic Abuse Protection Order, detailing the rationale behind your recommendation:

--

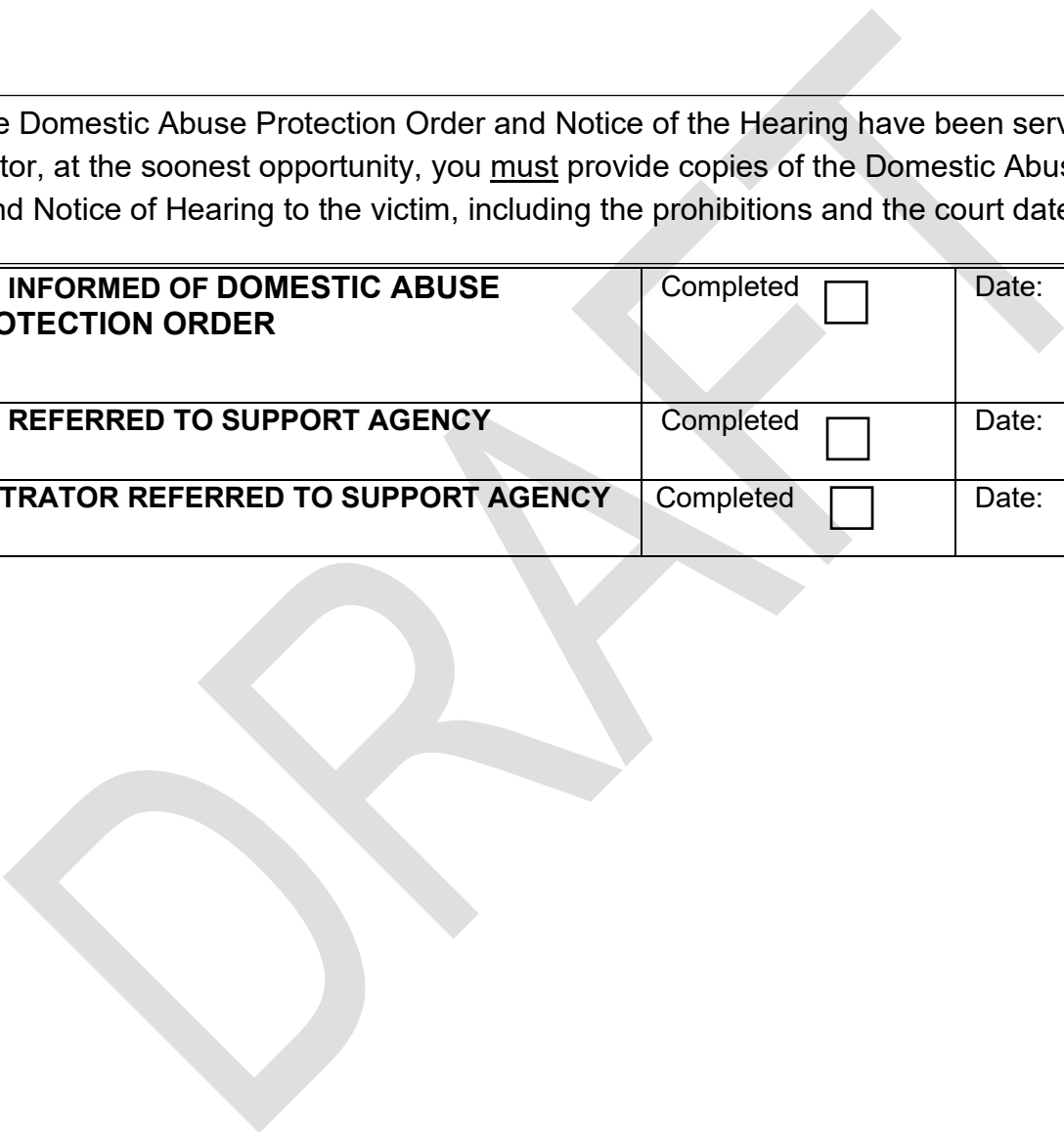
ORDER AUTHORISED BY

Name:	
Rank:	
Number	

Date:		Time:	
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Once the Domestic Abuse Protection Order and Notice of the Hearing have been served upon the perpetrator, at the soonest opportunity, you must provide copies of the Domestic Abuse Protection Order and Notice of Hearing to the victim, including the prohibitions and the court date/time.

VICTIM INFORMED OF DOMESTIC ABUSE PROTECTION ORDER	Completed <input type="checkbox"/>	Date:
VICTIM REFERRED TO SUPPORT AGENCY	Completed <input type="checkbox"/>	Date:
PERPETRATOR REFERRED TO SUPPORT AGENCY	Completed <input type="checkbox"/>	Date:



Annex J: breach form template for non-piloting forces

Force code: Case reference no: Custody Reference no (if applicable):
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Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) Notification of Breach Form for Non-Piloting Forces

Completion of the Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) Non-Piloting Force Breach form will assist piloting forces in instances where a perpetrator subject to a Domestic Abuse Protection Order (DAPO) breaches the Domestic Abuse Protection Order (DAPO) conditions.

The police can refer to the Domestic Abuse Notices and Orders statutory guidance [here](#).

Non-Piloting Police Force name	
Piloting Police Force name	

Please indicate breach type:

Breach of a Domestic Abuse Protection Notice (DAPN)	
Breach of a Domestic Abuse Protection Order (DAPO)	

Date and time of arrest for breach of Domestic Abuse Protection Notice/Domestic Abuse Protection Order: **DD/MM/YYYY 00:00**

Details of the person subject to the order

Surname	
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First Name(s)	
Date of Birth	
Address	
Telephone number	
Email address	
PNC (Police National Computer) ID	
VISOR (Violent and Sex Offenders Register) Reference (if applicable)	
Nominal Reference (if applicable)	
Photo attached (select as appropriate)	<input type="checkbox"/> Yes <input type="checkbox"/> No

Domestic Abuse Protection Notice/Domestic Abuse Protection Order conditions (in full – or where available)

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Details of the alleged breach(es) of Domestic Abuse Protection Notice/Domestic Abuse Protection Order

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Details of officer completing the form			
Name:		Contact number:	
Signed:		Email address:	
Print:		Date:	
Officer receiving the breach form			

Name:		Contact number:	
Signed:		Email address:	
Print:		Date:	

DRAFT