UK Government

Memorandum to the Home Affairs Committee and the Domestic Abuse Act 2021 Committee

Post-legislative scrutiny of the Domestic Abuse Act 2021

April 2026

CP 1575

Government of the United Kingdom
Home Office

Memorandum to the Home Affairs Committee and the Domestic Abuse Act 2021 Committee

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Presented to Parliament
by the Secretary of State for the Home Department
by Command of His Majesty

April 2026

CP 1575

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Introduction

This memorandum provides an assessment of the Domestic Abuse Act 2021 (the "Act") since it received Royal Assent on 29 April 2021, including its implementation and impact. It has been prepared by the Home Office for submission to the Home Affairs Committee and the Domestic Abuse Act 2021 Committee. It is published in accordance with the guidance document available on GOV.UK.[1]

In the development of the assessment under this memorandum, the Government reviewed the feedback and evidence which has been gathered during the implementation of each section. The Government also invited a range of stakeholders to submit written reflections on the implementation of the Act to inform the development of this memorandum. This engagement included, but was not limited to, the Domestic Abuse Commissioner for England and Wales; the Welsh National Adviser on Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV); the domestic abuse sector; devolved administrations; policing partners; the Crown Prosecution Service; and His Majesty's Court and Tribunal Service. Devolved nations and statutory partners were also provided a further opportunity to review the assessment in full. Throughout the assessment, the views which were shared directly to the Government have been reflected. Where research, public data, or evaluations are included, they are referenced appropriately.

The Act forms part of a wider Government framework to address domestic abuse. Since the Act received Royal Assent, the government has set out a series of further commitments through the *Tackling Violence Against Women and Girls Strategy (2021*); the *Tackling Domestic Abuse Action Plan (2022);* and in December 2025, through the publication of *Freedom from Violence and Abuse: a cross-government strategy to build a safer society for women and girls* (referred to as the "VAWG Strategy"). The most recent strategy reflects a whole-of-government ambition to halving Violence Against Women and Girls, including domestic abuse, within a decade. This ambition is supported by a comprehensive action plan delivering 259 commitments.

[1] https://www.gov.uk/government/publications/post-legislative-scrutiny-the-governments-approach

Objectives of the Domestic Abuse Act 2021

The Act was enacted in response to the persistent prevalence of domestic abuse in England and Wales. The Act intended to provide a clearer and more robust framework by increasing awareness and understanding of domestic abuse and its impact on victims, strengthening the effectiveness of the justice system in protecting victims of domestic abuse, holding perpetrators to account, and enhancing the provision of support for both adult and child victims of domestic abuse. This memorandum considers the extent to which the Act has met these objectives in practice since its commencement.

The Act established a statutory definition of domestic abuse, recognising a broad range of abusive behaviours, and explicitly acknowledge children as victims in their own right. It created the independent office of the Domestic Abuse Commissioner to promote awareness of domestic abuse, hold statutory bodies and government to account, share best practice, and monitor the provision of support offered to victims. The Act also introduced new civil protection measures to enable earlier and more flexible intervention; placed statutory duties on tier one local authorities to provide safe accommodation-based support for victims and their children; and strengthened protections for victims within the criminal, family and justice systems. It expanded and reinforced criminal offences relating to domestic abuse and introduced a range of supplementary provisions aimed at improving victim safety, offender management, and systemic coherence.

Territorial extent

The Act extends primarily to England and Wales and complements the existing framework in Wales, under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. However, some provisions extend to, and apply in, other parts of the United Kingdom. The territorial extent and application of the Act which vary are:

- Sections 57 to 61 (local authority support), section 78 (homelessness: victims of domestic abuse), section 79 (secure tenancies granted to victims of domestic abuse) and section 83 (contact centres) extend to England and Wales and apply to England only.
- The provisions in Part 2 of Schedule 2 extend and apply to Scotland only, while those in section 73 and Part 3 of Schedule 3 extend and apply to Northern Ireland only.
- Sections 81 and 82 (data processing for immigration purposes) extend and apply to England and Wales, Scotland and Northern Ireland.

A summary table setting out the territorial extent and application of the Act's provisions is provided in Annex A.

The Welsh Communities and Social Justice Directorate noted the range of provisions of the Domestic Abuse Act 2021 which extends to Wales and has provided commentary on specific sections under the respective assessments. While the Domestic Abuse Act 2021 forms an important part of the legislative framework in Wales, its operation must be understood within the context of devolved responsibilities and the existing statutory framework under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. In practice, delivery in Wales is shaped by Welsh Government strategy, commissioning models and public sector duties, which differ from England.

The Department for Justice in the Northern Ireland and the Scottish Government Justice Directorate note that the provisions of the Domestic Abuse Act 2021 which extend to Scotland and Northern Ireland are largely procedural in nature.[2] They relate primarily to extra-territorial jurisdiction and the cross-jurisdictional recognition and enforcement of breaches of Domestic Abuse Protection Orders (DAPOs). These provisions do not establish a substantive domestic abuse framework for Northern Ireland nor Scotland. Instead, they support coherence across jurisdictions, particularly where cases involve a cross-border element. Northern Ireland's own legislative approach is set out in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 and Scotland's own legislative approach is set out in the Domestic Abuse (Scotland) Act 2018.

The Welsh Communities and Social Justice Directorate, the Scottish Government Justice Directorate and the Department for Justice in the Northern Ireland noted that significant engagement was undertaken during the

[2] For Northern Ireland, Part 3 of Schedule 3 respectively, and sections 39, 73, 74, 81–82 and 85–91. For Scotland, Part 2 of Schedule 3 respectively, and sections 39, 74, 81–82 and 85–91.

development of the Act with officials and with the Northern Ireland Assembly, Welsh Parliament, and Scottish Parliament.

There is ongoing engagement between the UK Government and devolved governments, alongside operational partners, to learn from each other and to ensure that offences, penalties, protections orders and other related provisions are operating across our regions in parallel and consistently.

Commencement

The Act received Royal Assent on 29 April 2021. In accordance with section 90 of the Act, its provisions were brought into force in stages through a series of commencement regulations, reflecting the operational and administrative preparation required for implementation across multiple sectors.

The following provisions came into force on the day of which the Domestic Abuse Act received Royal Assent 29 April 2021:

- Section 71 – Consent to serious harm for sexual gratification not a defence.
- Section 75 – Strategy for prosecution and management of offenders.
- Section 83 – Report on the use of contact centres in England.
- Section 85- 86 – Powers to make consequential or transitional.
- Sections 87-91 – Final provisions.

Provisions commenced on 29 June 2021:

- Section 69 - Threats to disclose private sexual photographs and films with intent to cause distress.
- Section 72 – Offences against the person committed outside the UK: England and Wales.

Provisions commenced on 5 July 2021

- Section 76 - Polygraph conditions for offenders released on licence.
- Section 78 – Homelessness: victims of domestic abuse.

Provisions commenced on 29 July 2021

- Section 74 Subsection (1) and (2) – Amendments relating to offences committed outside the UK, England/Wales and Scotland.

Provisions commenced on 1 October 2021:

- Sections 1 and 2 – Statutory definition of domestic abuse.
- Sections 57-61 – Statutory duty on tier one local authorities in England to provide support to victims of domestic abuse and their children in safe accommodation.
- Section 63 – Special measures in the family court.
- Section 80 – Prohibition on charging the provision of medical evidence of domestic abuse.

Provisions commenced on 1 November 2021:

- Sections 4-21 – The establishment of the Domestic Abuse Commissioner.
- Section 79 – Grant of secure tenancies in cases of domestic abuse.
- Section 84 – Power of Secretary of State to issue guidance about domestic abuse.

Provision commenced on 29 December 2021:

- Section 81 – Review of processing of victims' personal data for immigration purposes.

Provision commenced on 31 January 2022

- Section 3 - Children as victims of domestic abuse.

Provisions commenced during Spring and Summer 2022:

- Section 73 – Offences against the person committed out the UK: Northern Ireland (21 February 2022).
- Section 74 - Subsection (3) – Amendments relating to offences committed outside the UK, Northern Ireland (21 February 2022).
- Section 62 – Special measures in criminal proceedings for offences involving domestic abuse (Partially commenced on 19 May 2022).
- Section 67 – Use of orders made under section 91(14) of the Children Act 1989 (19 May 2022).
- Section 70 – New criminal offence of strangulation or suffocation (7 June 2022).
- Section 64 – Special measures in the civil proceedings: victims of domestic abuse (14 June 2022).
- Section 65 and 66 – Prohibiting perpetrators of domestic abuse from cross-examining their victims in person and vice versa in family and civil proceedings in specified circumstances in England and Wales (21 July 2022).

Provisions commenced on 5 April 2023:

- Section 77 – Guidance about the disclosure of information by police forces (The Domestic Violence Disclosure Scheme (DVDS)).
- Section 68 - Controlling or coercive behaviour in an intimate or family relationship.
- Section 82 – Code of practice on data sharing on victims of domestic abuse for immigration purposes.

Provision commenced on 7 November 2025:

- Section 49A, inserted by the Victims and Prisoners Act 2024 – Arrangements to notify schools if a child is a suspected victim of domestic abuse.

Provisions not yet fully commenced:

- Section 22-56 – Domestic Abuse Protection Notices. These provisions have been commenced on a pilot basis on 27 November 2024, with pilots extended into 2026. Full national commencement has not yet occurred.
- Section 49B, inserted by the Victims and Prisoners Act 2024 – Power to extend section 49A to childcare providers is not in force.

PART 1: Definition of domestic abuse (Sections 1-3)

Part 1 of the Act is made up of three sections, which collectively provide an explicit framework to recognise and address domestic abuse. These sections also ensure a clear understanding of who is a victim, or perpetrator, of domestic abuse.

Part 1 will be assessed in two components:

- Sections 1 and 2 - which defines domestic abuse and personally connected.
- Section 3 - which defines children as victims of domestic abuse in their own right.

Section 1-2 – Definitions of 'domestic abuse' and 'personally connected'

Introduction

The purpose and intent of sections 1 and 2 is to clarify the conditions under which such behaviour is "domestic abuse". These sections aim to provide a clear and comprehensive definition of domestic abuse, to ensure that all forms of abuse are recognised and addressed within the legal framework.

Section 1 of the Domestic Abuse Act 2021 introduces a statutory definition of "domestic abuse" for the purpose of the Act. Subsection (2)(a) provides that both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must both be aged 16 or over and must be personally connected (as defined in section 2).

It also defines what constitutes abusive behaviour. Subsections (2)(b) and (3) set out the types of behaviours that would constitute domestic abuse, if the criteria in subsection (2)(a) are met. The five behaviours consist of: physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse and psychological, emotional or other abuse. Section 1(4) defines, for the first time in a domestic abuse context, economic abuse as any behaviour which has a substantial adverse effect on a victim's ability to acquire, use or maintain money or other property, or to obtain goods or services.

Section 2 defines the term "personally connected" for the purposes of the relationship criteria in section 1(2)(a). Section 2(1) sets out the different types of relationship which would qualify the abuser and the abused as being "personally connected" if any of the following applies:

(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 (as a parent, or parental responsibility, for the child);
(g) they are relatives.

Section 2(3) defines a "relative" by reference to the definition under section 63(1) of the Family Law Act 1996, namely: (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person's spouse, former spouse, civil partner or former civil partner, or; (b) the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood or by marriage or civil partnership) of that person or of that person's spouse, former spouse, civil partner or former civil partner; and includes, in relation to a person who is cohabiting or has cohabited with another person, any person who would fall within paragraph (a) or (b) if the parties were married to each other or were civil partners of each other.

Implementation

Sections 1 and 2 of the Act came into force on 5 July 2021 only for the purposes of:

- Sections 75 (strategy for prosecution and management of offenders), 76 (polygraph conditions for offenders released on licence) and 83 (report on the use of contact centres in England) of the Act.
- Sections 177 (whether it is reasonable to continue to occupy accommodation), 179 (duty of local housing authority in England to provide advisory services), 189 (priority need for accommodation), and 198 (referral of case to another local housing authority) of the Housing Act 1996(1) and article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002(2).

So far as not already in force, sections 1 and 2 came into force on 1 October 2021.

Assessment

Sections 1 and 2 are, in the view of the UK Government, the Welsh Government, the Crown Prosecution Service (CPS), the Domestic Abuse Commissioner, and the policing partners, effective in achieving the intention of the legislation.

Sections 1 and 2 introduced a cross-government statutory definition of "domestic abuse" and being "personally connected". This has created a clear framework and understanding of what constitutes domestic abuse for the criminal and civil justice system, as well as agencies that operate within and outside of it. These sections are important as they underpin the wider Act and ensure that victims of domestic abuse are both recognised and protected. Section 1 also specifically acknowledges that children aged 16 and 17 can be recognised as victims and perpetrators of domestic abuse. As a result, 16 and 17-year-olds now have improved access to support services and are better

considered within the criminal justice system, with strengthened trauma-informed practice and improved overall understanding of domestic abuse cases across policing, prosecution, the courts and support services.

The CPS has reflected that the definition operates as intended in most cases. However, in some cases, such as those where honour-based abuse is present where harmful behaviour may involve extended family or community networks, abuse is not fully captured by relationships prescribed under the Act. But, aside from the offence of controlling or coercive behaviour, the law in England and Wales does not create offences that are unique to domestic abuse. This means that domestic abuse can be prosecuted through a wide range of offences based on the behaviour involved, which do not require prosecutors to set out any personal connection. Therefore, this is not limiting prosecutions. The Welsh VAWDASV National Adviser supports the CPS's reflections and raised that a lack of understanding and clarity on wider family perpetration also means that a significant number of offences against older people are not identified, detected nor is justice delivered.

Policing partners have reflected that the statutory definition of domestic abuse is deliberately broad, encompassing a wide range of relationships and harms beyond physical violence - emotional, psychological, economic, and controlling or coercive behaviour. However, applying this definition to contemporary relationship dynamics presents challenges. Situations may involve limited or no sexual intimacy, online-only interactions, or relationships formed via dating platforms, all of which can be difficult to categorise consistently. Research by London Metropolitan University as part of Project Bright Light, indicates that current Domestic Abuse infrastructure (including Multi-agency Risk Assessment Conferences and Independent Domestic Violence Advocates) is primarily focused on (ex)-intimate partner abuse. Whereas family-based abuse often requires different responses, with many victims preferring not to engage with the criminal justice system.[3] Although, these findings should be interpreted cautiously, given that Avon & Somerset Police, the force area delivering Project Bright Light, does not use Domestic Abuse Risk Assessment (the main risk assessment tool utilised by first response police officers), and they do not have dedicated domestic abuse teams.

Section 1 and 2 are well received by the domestic abuse sector, who have noted an increased recognition of domestic abuse. However, they raised that there are ongoing individual and institutional gaps in the understanding of domestic abuse, particularly for some victim cohorts, such a LGBT+ victims, older victims, and Black and other minoritised ethnic groups. We seek to address these gaps through an update of the Domestic Abuse Statutory

[3] Project Bright Light involved a rapid research collaboration between Avon and Somerset Police in England and a cross-institutional team of academics, many of whom pioneered the landmark Operation Soteria approach to rape and serious sexual offences. The project undertook a thematic root-and-branch review of the police response to domestic abuse within one force.
https://repository.londonmet.ac.uk/10583/1/FINAL%20BL%20Policy%20Briefing%20National.pdf
https://orca.cardiff.ac.uk/id/eprint/182350/1/Project%20Bright%20Light%20Findings%20Report_FORMATTED_FINAL.pdf

Guidance, which we aim to publish in 2026. Alongside the ongoing implementation of the VAWG Strategy, which commits to a range of actions to improve the understanding of domestic abuse across statutory bodies. Most notably through its commitment to deliver a cultural change through the Government's new National Centre for VAWG and Public Protection (NCVPP).

Section 1(4) introduces the term "economic abuse". This has been critical in ensuring that victims who are experiencing economic abuse are given greater protection. This includes benefiting from the protection of a Domestic Abuse Protection Order (DAPO) for example, as well as an increased recognition of economic abuse in statutory bodies through the Domestic Abuse Statutory Guidance. Furthermore, since 2022 the Home Office have provided £767,000 funding to Surviving Economic Abuse to strengthen financial systems' response to economic abuse. The financial services sector has also strengthened its response to economic abuse. In 2025, UK Finance published the refreshed Financial Abuse Code, which reflects greater recognition of economic abuse in the finance industry. However, we understand that there is still a need for statutory bodies to better understand economic abuse, including through victim risk and needs assessments. Moving forward, the recently published VAWG Strategy committed to further measures to tackle economic abuse. These commitments include, but are not limited to, removing the Direct Pay service type to prevent the Child Maintenance Service from being used as a tool of abuse; piloting an Economic Abuse Evidence Form from 2025, to help victims and survivors with government debt to disclose their circumstances; and ensuring coerced debt is accurately reflected and addressed on victims' and survivors' credit files, in line with commitments in the Financial Inclusion Strategy.

Section 3 – Children as victims

Introduction

The intention of section 3 is to ensure children are recognised as victims of domestic abuse in their own right and receive an appropriate response by statutory services. Section 3 of the Domestic Abuse Act 2021 introduced a legal recognition of children (under the age of 18) who see, hear, or experience the effects of domestic abuse as victims in their own right where either the victim, or the perpetrator, is related to, or has parental responsibility for, the child. "Parental responsibility" has the same meaning as section 3 of the Children Act 1989 and "relative" has the meaning given by section 63(1) of the Family Law Act 1996.

As a matter of law, the section only treats children as victims of domestic abuse for the purposes of the free-standing provisions in the Act. The section does not apply in relation to amendments made by the Act to other enactments, or to references elsewhere in legislation to victims of domestic abuse. Any abuse of under 16s, as per the current statutory definition of domestic abuse, is considered child abuse as a matter of law.

Implementation

On 1 October 2021, section 3 (children as victims of domestic abuse) came into force for the purposes of section 63 (special measures in family proceedings: victims of domestic abuse) and Part 4 (local authority support). The assessment of implementation of section 3 is covered in the respective sections.

On 1 November 2021, section 3 came into force for the purposes of section 79 (grant of secure tenancies in cases of domestic abuse). The assessment of implementation of section 3 is covered in the assessment of section 79.

So far as not already in force, section 3 fully came into force on 31 January 2022.

Section 3 also supports section 49A (arrangements to notify schools etc), which came into force on 7 November 2025.

Assessment

Section 3 is, in the view of the UK Government, Welsh Government, Crown Prosecution Service (CPS), the Domestic Abuse Commissioner (DAC), and policing partners, a significant step in recognising children's experiences and to centre their voices. Section 3 has led to improved practices to support children and enhanced the overall understanding of domestic abuse cases by statutory bodies. However, in line with consistent feedback from the DAC, the Children's Commissioner for England, statutory agencies, and frontline professionals across the third sector, section 3 is often inconsistently understood or applied and has not realised the full ambition intended.

The implementation of children as victims in their own right is well assessed under the January 2026 *multi-agency response to children who are victims of domestic abuse* report by Ofsted, the Care Quality Commission, HM Inspectorate of Constabulary and Fire & Rescue Services and HM Inspectorate of Probation.[4] Based on the joint inspection of six local areas, the report found that there is increased focus on how police, probation, health, education and children's social care respond when children are victims of domestic abuse. Despite the changes in legislation through the Act, local strategic leaders do not fully recognise the needs of children who are victims.

In Wales, responsibility to safeguard children is provided by the Social Services and Well-Being Act (Wales) 2014 and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. However, section 3 still applies to Wales and the Welsh VAWDASV National Adviser has raised that in Wales, the impact of section 3 mirrors that in England and the response to children as victims is not yet reliable and consistent.

[4] https://www.gov.uk/government/publications/the-multi-agency-response-to-children-who-are-victims-of-domestic-abuse/the-multi-agency-response-to-children-who-are-victims-of-domestic-abuse

The DAC also reflected that the headline metric in the VAWG Strategy, used to measure the success of the commitment to halving VAWG, does not capture the experiences of children under 16. However, this is due to a lack of robust data on the volume of children who are affected by domestic abuse. This inhibits our ability to reliably measure any change in volume over the time period of the VAWG Strategy.

The DAC has also noted that separate guidance on how section 3 should apply in practice has not been issued. Furthermore, assessments do not always appropriately recognise children. For example, the domestic abuse sector has raised that assessment factors used by social workers to record the risk of domestic abuse are not consistently being used to record children as victims in their own right. However, the Domestic Abuse Statutory Guidance, issued under section 84 of the Act, does include a section on the recognition of children as victims in their own right. This guidance will be updated in 2026 and will include a strengthened section on the needs and considerations for children. Furthermore, the updated Working Together to Safeguard Children Statutory Guidance published on 18 March 2026 refers throughout to children being victims in their own right.[5] Alongside this, the Department for Education (DfE) is currently reviewing these assessment factors used by social workers to improve how they can identify children affected by domestic abuse.

In April 2025, the DAC published the *Victims in their own right?* report, which examined the response to babies, children and young people's experiences of domestic abuse.[6] The report highlighted several inconsistencies, little investment to support children affected by domestic abuse, and a lack of specialist service provision. It made 66 recommendations across prevention, early intervention and support to drive improvement and the practical implementation of section 3. The Government's response set out flagship reforms which will seek to address the concerns raised by the DAC.[7] This includes:

a. reforming Family Help and child protection and scaling best practice through the £2.4bn Family First Partnership programme with a focus on early intervention to address family needs and risks, including a response to domestic abuse
b. updating the Relationship, Sex and Health Education (RSHE) curriculum to equip children and young people with the knowledge and skills they need to build positive relationships and to recognise abusive behaviour
c. strengthening the skills and capabilities of child and family social workers to identify and address domestic abuse, including coercive and controlling behaviour, through a new funded Social Work Induction programme, and

[5] https://www.gov.uk/government/publications/working-together-to-safeguard-children--2
[6] https://www.gov.uk/government/publications/babies-children-and-young-peoples-experiences-of-domestic-abuse/victims-in-their-own-right-babies-children-and-young-peoples-experiences-of-domestic-abuse-accessible
[7] https://www.gov.uk/government/publications/government-response-to-the-report-victims-in-their-own-right

d. implementing a new duty for information sharing that provides a clear legal basis to share information for the purposes of safeguarding and promotion of welfare, including in responding to domestic abuse.

The CPS has raised that the extended two-year charging time limit for common assault only applies when the statutory definition of domestic abuse (Part 1 of the Act) applies, which requires both parties to be aged 16 and over. Cases involving younger victims revert to the standard six-month limit; this means the same behaviour may not be charged purely because of the victim's age. Those under 16 cannot rely on section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour) because this offence is expressly limited by statute to cases where the victim is aged 16 or over. This means that offences may not truly reflect the totality of the abuse a teenage victim has experienced. The CPS 'flags' a domestic abuse marker on individual cases on the CPS Case Management System for all domestic abuse behaviour, irrespective of the age of the victim or suspect. Alongside this, the Welsh VAWDASV National Adviser noted the need for data on pre-16 behaviours, to be able to understand and prevent the abuse which 16-18 years have endured. The Home Office is currently conducting a scoping review into the age limit in the statutory definition of domestic abuse to improve the response to children's experiences of domestic abuse, including teenage relationship abuse. This will conclude in 2026.

PART 2 – The Domestic Abuse Commissioner (Sections 4-21)

Part 2 of the Act comprises of 18 sections in total, and those provisions collectively establish the role, office, and powers of the Domestic Abuse Commissioner.

Part 2 will be assessed in two components:

- Sections 4-6; 11-14; 19; and 21 - which relate to the role and governance of the Commissioner.
- Sections 7-10; 15-18; and 20 - which relate to the Commissioner's powers and functions.

Sections 4-6; 11-14; 19; and 21 – Establishing the Role of the Domestic Abuse Commissioner and its Corporate Governance.

Introduction

The intention of sections 4-6 and 11-14 is to (i) establish the office and the role of the *Domestic Abuse Commissioner (DAC) for England and Wales* as an independent office holder whose core purpose is to improve the response to domestic abuse across England & Wales.[8] The role is designed to provide leadership, scrutiny, and a strong voice for victims and survivors of domestic abuse; (ii) to ensure the DAC can carry out its functions independently with appropriate resource and governance; and (iii) ensure the DAC operates within a clear framework of accountability and transparency, through statutory framework document, strategic plans and annual reports laid before Parliament, with expectations applicable to public bodies.

Section 4 provides for the establishment of the DAC, as an independent statutory office holder appointed by the Secretary of State. That core provision is supported by a set of linked governance and operational arrangements:

- Section 5 makes provisions for the funding of the DAC and its office, including the payment of remuneration and allowances, ensuring that the office is resourced to carry out its statutory functions.
- Section 6 provides for the staffing of the DAC's office. It specifies that staff are to be civil servants seconded to the office of the DAC (whether existing civil servants or civil servants specifically recruited for the purpose). Staff working for the DAC are employed by the Home Office in accordance with Civil Service terms, conditions, and recruitment practices. However, individual appointments are subject to approval by the DAC, reflecting the intended operational independence of the role.
- Section 11 supplements sections 4-6 by requiring the establishment of a statutory framework document, governing the relationship between the DAC and the Secretary of State. The framework document sets out the arrangements for governance, funding and staffing of the DAC's office and matters relating to the exercise of the functions of the DAC,

[8] It is important to note a difference in the delivery regarding devolved functions in Wales. As specified in section 7(3), the DAC does not exercise its functions in relation to a devolved Welsh authority, or devolved matters.

thereby providing a structured mechanism through which independence is balanced with accountability.

Section 12 requires the DAC to establish an Advisory Board, which will provide the DAC with advice on the exercise of its functions.

Section 13 requires the DAC to prepare a strategic plan to provide Parliament, ministers, and the public with information about its priorities, future work programme, and issues which it intends to report on. This plan must be not less than one year and not more than three years.

Section 14 requires the DAC to produce an annual report on the exercise of the DAC's functions during the year as soon as possible after the end of the financial year and submit this to the Secretary of State.

Section 19 restricts the exercise of the DAC's functions in relation to individual cases, providing that the DAC may not intervene or exercise any function in an individual case. However, subsection (2) makes it clear that this restriction does not prevent the DAC from considering individual cases and drawing conclusions from them, for the purpose of identifying or understanding general issues at a national level, provided the DAC does not intervene in those cases.

Section 21 makes three consequential amendments to other enactments in connection with the establishment of the role of the DAC. These include provision that the DAC may not be a Member of Parliament, and amendments to bring the Commissioner within the scope of the Freedom of Information Act 2000. Subsection (3) also amends the scrutiny functions of Welsh Parliament/Senedd Cymru enabling scrutiny of the DAC's work insofar as it relates to Wales, including where the DAC is consulting or co-operating with devolved Welsh public authorities, voluntary organisations and other persons in Wales, or disclosing information to a devolved Welsh authority.

Implementation

Section 4-6; 11-14; 19; and 21 came into force on 1 November 2021.

The first Domestic Abuse Commissioner (Dame Nicole Jacobs) was appointed as designate in September 2019 and assumed her statutory powers on 1 November 2021. On 18 July 2022, it was announced that Dame Nicole Jacobs had been reappointed for a second term, running until September 2025. On 5 December 2025, it was announced that Dame Nicole Jacobs has been re-appointed for a third term, running until September 2028.

As required by section 11, the Framework document governing the relationship between the Home Office and the DAC was published on 1 November 2021 and subsequently updated 10 January 2022.

As required by section 12, the DAC established and convened the first Advisory Board on 23 February 2023 and has continued to convene the Board since its establishment.

As required by section 13, on 28 March 2023, the DAC published a strategic plan for September 2022 to September 2025. The DAC is currently developing a refreshed strategic plan for the next three-year period.

As required by section 14, the DAC published her first annual report in July 2023, covering the period of 1 April 2022 – 31 March 2023. The DAC is expected to shortly publish annual reports covering the periods of 1 April 2023 – 31 March 2024 and 1 April 2024 – 31 March 2025 and is due to publish the annual report for 1 April 2025 – 31 March 2026 in July 2026.

Assessment

Sections 4-6 and sections 11-14 are in the view of the UK Government, Welsh Government, and the Domestic Abuse Commissioner (DAC) operating broadly as intended and the role of the DAC has been established. It is the collective view that the role of the DAC has operated as an effective independent statutory office holder with a system-level role in promoting awareness of domestic abuse, encouraging good practice, and improving the prevention of domestic abuse and the protection and support of victims and survivors of domestic abuse as required under section 4.

As reflected in the assessment of sections 7-10 and 15-21 below, the DAC has engaged across national and local government, with officials, ministers, public bodies and the voluntary sector. Through this engagement, the DAC has provided expert insights and evidence, and has positively influenced policy development, operational practice, and system-wide understanding across statutory and non-statutory bodies alike. By improving the understanding of domestic abuse and quality of practice across the system, the DAC has made a fundamental difference for victims and survivors of domestic abuse.

The statutory framework document established under section 11 supports the governance, accountability, independence, and resourcing of the DAC. Both the Home Office and the Commissioner have due regard to it in practice. For the initial development of the Framework, and for the development of the updated version published January 2022, the DAC and the Welsh Government were engaged as required by section 11 subsections (6) and (7). The Welsh Government is supportive of the Framework. They will both be consulted again in advance of the third update in 2026. Current and former ministers responsible for Safeguarding and VAWG have all regularly met with the DAC. The Home Office has exercised its sponsorship role in line with the Framework document and ensured the Commissioner is carrying out its functions effectively. However, it has been identified that aspects of the current Framework have included expectations of the DAC that go beyond the functions set out in the Act. These concerns have been recognised by both

parties and are intended to be addressed through the third update of the Framework document in accordance with subsection (5).

The Framework document also reinforces the requirements of sections 5 and 6 by setting out processes relating to governance, funding, and staffing. Under section 5, the Framework sets out the process which takes place with the DAC before the setting of budget allocations, such as engaging the DAC in the overall Spending Review bid for its budget. Funding allocations are decided by the Secretary of State, who considers the resource necessary to enable the DAC to exercise her statutory functions, deliver against her Strategic Plan, including provision for remuneration. Following allocation, day-to-day management of the budget is exercised by the Commissioner and her office, subject to spending controls and conditions set by the Home Office. The DAC has reported that it requires greater engagement in the processes which sets budget and staffing resources and that its operational independence has been infringed upon by financial and recruitment approval processes within the Home Office. Although these processes provide assurance of public spend, the DAC wishes for such thresholds to be adjusted in recognition of its independence. These concerns are being addressed as part of the upcoming update to the Framework.

Under section 6, the Home Office has provided the DAC with appropriate accommodation, equipment, and other facilities. Regarding staffing, the DAC approves all appointments to the office, and the DAC's office manage the processes regarding the role specifications, review of applications and interview panels. This is done in line with the Civil Service Recruitment Principles. The staff of the office are under the day-to-day direction and control of the DAC. However, it is recognised that wider Home Office recruitment controls have, at times, constrained the timeliness of staffing decisions. This issue is intended to be addressed through the next update of the Framework.

Combined, sections 5, 6, and 11 have ensured the DAC's political and strategic independence has been enshrined. The DAC has been able to raise concerns, and critique government policy publicly and privately without fear of repercussions and has been resourced to perform her role independently and credibly.

The Advisory Board to the DAC, under section 12, is operational and meets the statutory requirements as to its size and composition. It is comprised of ten members, within the statutory limit of no less than six but no more than ten members. There are representatives for the interests of the specific cohorts specified under subsection (4). The Board operates as intended by providing expert advice to the DAC and reviews and contributes to the DAC's strategic plans, although there has not always been consistent attendance from social care representatives. The DAC has also noted that due to the prescriptive list of membership laid out in the legislation, combined with the restriction to no more than ten persons, the DAC is inhibited from inviting representation from a wider range of persons who would also be appropriate to attend to support

the DAC's strategic objectives. The DAC mitigates this by consulting and meeting with a wide range of stakeholders outside of the Advisory Board.

As required under section 13, the DAC published its first Strategic Plan in March 2023, which covered 2023-2025. It set the DAC's future work programmes, including the issues it intended to report on, such as the Family Court and children affected by domestic abuse. As required under subsection (6), the DAC carried out the appropriate consultation process with the Home Secretary and the Advisory Board and has planned to do so again for the next iteration of the Strategic Plan. The Plan was laid in Parliament as required under subsection (7). Subsection (4) requires the Commissioner to prepare and publish a new Strategic Plan before the end of the period covered by the current strategic plan. The previous Plan ended in September 2025, and the DAC is working to publish their next Strategic Plan by summer 2026. This delay is in part due the *Freedom from violence and abuse: a cross-government strategy* being published in December 2025, which the DAC wishes to reflect in its next Strategic Plan, in order to speak to the activity of the Government over the next three years.

Under section 14, the DAC published its first annual report within the expected timeframe, covering the period 1 April 2022 to 31 March 2023. However, subsequent annual reports have not been published within the anticipated timetable, although publication is expected shortly. The DAC is expected to publish its fourth annual report within the timeline expected by the legislation. The forthcoming update to the Framework document is intended to strengthen assurance around reporting timelines of publication for future annual reports.

The DAC has complied with section 19 (Restriction on engaging in individual cases) by not exercising functions in relation to individual cases. The DAC has appropriately signposted victims who contact the office for casework support to appropriate services. Where safeguarding concerns arise, the DAC may also make referrals, in line with her information-sharing powers under section 18. Consistent with section 19(2) the DAC draws from individual cases to develop advice and recommendations as part of its strategic oversight and to hold public bodies to account. Furthermore, in line with expectations set in the Framework the DAC has also established a Victims and Survivors Group to engage with victims and survivors. In March 2024, the DAC launched the VOICES Platform, a virtual engagement platform for victims and survivors of domestic abuse to stay connected to relevant policy, research, and practice developments. It aims to give victims and survivors opportunities to share their experience to influence government and statutory bodies. The VOICES Platform has provided various opportunities to input into policy, including a survivor summit in 2025.

The DAC operates in accordance with section 21, including the statutory disqualification from membership of the House of Commons; coverage by the Freedom of Information Act 2000; and engagement with Welsh Government and partners where the DAC's work relates to Welsh interests. No concerns have been identified in relation to the operation of these provisions.

Sections 7-10; 15-18; and 20 – Functions and Powers of the Commissioner

Introduction

The intentions for sections 7-10; 15-18; and 20 are to define the DAC's statutory functions, powers, and remit in providing independent oversight and promoting awareness and understanding of domestic abuse. These sections also establish the statutory responsibilities on public authorities to engage with the DAC. Taken together, these sections are intended to ensure the DAC can operate independently and effectively, and that her findings, conclusions and recommendations are subject to meaningful consideration by government and other public authorities.

Section 7 sets out the general functions of the DAC. These functions are to encourage good practice in relation to the prevention of domestic abuse; the prevention, detection, investigation and prosecution of domestic abuse-related offences; the identification of perpetrators, victims and children affected by domestic abuse; and the provision of protection and support for victims. Subsection (2) provides a non-exhaustive list of activities that the Commissioner may undertake to fulfil their general functions, including monitoring, assessing and publishing report on the performance of public authorities. Subsection (3) limits the territorial application of certain aspects of the DAC's functions and powers to England only, while recognising the devolved context in Wales and the existence of Welsh Ministers and Welsh public authorities exercising functions in this policy area.

Section 8 confers on the DAC the power to prepare reports on any matter relating to domestic abuse and to submit those reports to the Secretary of State. The DAC is required to publish such reports and to arrange for them to be laid before Parliament. Section 20 places a duty on the DAC to prepare and publish a report on the need for, and provision of, certain domestic abuse services in England. The report was required to be published within 12 months of section 20 coming into force, subject to a one-off extension of up to 6 months by the Secretary of State. Section 16 requires a public authority listed in section 15 and a Minister in charge of a ministerial government department to respond to any recommendations directed to that authority, when those recommendations are made in a report published by the Commissioner under section 8. The named public authorities' response to any recommendations must be published within 56 calendar days of the date of publication of the Commissioner's report.

Powers to require co-operation, receive and share information, and provide advice:

- Section 9 enables the Secretary of State to request advice or assistance from the DAC in relation to domestic abuse matters.
- Section 10 confers incidental powers on the DAC to do anything that the DAC considers necessary or expedient for the purpose of carrying

out its functions as set out in sections 7 to 9, with the express exception of borrowing money.
- Section 15 enables the DAC to request a specified public authority to co-operate with the DAC in any way that the DAC deems necessary for the purposes of its functions.
- Sections 17 amends section 9 of the Domestic Violence, Crime and Victims Act 2004 Act to require that all completed Domestic Homicide Review Reports are sent to the DAC.
- Section 18 enables the DAC to disclose information to another person or organisation where the information was received by the DAC in connection with its functions, and if such disclosure would support the discharge by the DAC of any of its functions.

Implementation

Sections 7-10; 15-18; and 20 came into force on the 1 November 2021.

Under Section 8, the DAC laid its first report in Parliament in November 2022. This report was also the discharging the duty under section 20 (Duty to report on domestic abuse service in England) and was published within the 12 - month period following commencement of the section, as required by section 20(3).

Under Section 15, the DAC first exercised the power to request a specific public authority to co-operate in April 2022. The power has since been used on four occasions. The DAC has also been able to obtain information relevant to the discharge of her functions, without having to invoke its formal powers.

Under Section 17, the DAC first received the conclusions of a Domestic Homicide Review in September 2021. Since then, it has received over 400 Domestic Homicide Reviews.

Assessment

Sections 7-10; 15-17; and 21 are in the view of the UK Government, Welsh Government, and the Domestic Abuse Commissioner (DAC) operating broadly as intended. The DAC has exercised its powers in line with its general functions, and public authorities have complied with requests from the DAC, as set out in the legislation.

The DAC has delivered the general functions under section 7 through a variety of means, including, but not limited to:
- Hosting a national conference in 2023 to share best practice with national, devolved, and local government, the specialist domestic abuse sector, and operational partners.
- Establishing a ‘Practice and Partnerships’ Team within the DAC’s office, who engage with local partnerships and services to identify and encourage best practice in the commissioning, collaboration and delivery of support.

- Publication of reports and research (including reports which have not been published under Section 8 or Section 20 powers).
- Regular engagement with national and local media and parliamentarians, to raise awareness of domestic abuse and the ways system can do better to identify and support both victims and perpetrators of domestic abuse.
- Co-operation and proactive development of relationships with national and local public bodies, to influence policy and operations.
- Convening engagement with voluntary organisations, public bodies, and others to share information and inform the DAC's work.
- Co-operating with bodies outside the United Kingdom, to inform practice and policy development. Including engagement with the Spanish government on its work to support migrant victims of domestic abuse and coordinating a visit from official and specialist services from the U.S.A to discuss best practice in helpline operations.

Specifically, under section 8, the DAC has laid seven reports before Parliament. These reports have been aligned to the DAC's strategic priorities and have been effective at raising important considerations to government, wider public bodies, Parliament, and the wider public. Neither the Government nor the DAC have identified concerns regarding the operation of the processes for omitting sensitive information under subsection (4), or the laying of reports before Parliament, which has worked appropriately. Linked to section 8, under section 20 the DAC published its report on the mapping of domestic abuse services in England in November 2022. The DAC also included services in Wales in its report, in line with its ability to do so under section 7(4). All reports published under section 8 and section 20 achieve the intentions of the DAC's functions as laid out section 7. The reports are well regarded by a range stakeholders and include clear methodologies which underpin the evidence and findings from the reports. They have been effective products in supporting and influencing policy and operations across government and public bodies.

In accordance with section 16, the government and relevant public bodies have responded to the DAC recommendations in reports published under sections 8 and 20. The statutory requirement in section16(6) to publish the response within 56 days of the DAC report being laid before Parliament has usually not been met, although these changes have usually been agreed with the DAC. When this deadline has been missed, this has primarily been due to the government requiring additional time to consider its position when responding to recommendations, or because parliamentary recess has created challenges for meeting the deadline. There is also a difference in the format of the government's response for each report, which the domestic abuse sector has reported to lead to confusion in some responses – particularly the government has not been explicit on if it has accepted, or rejected, the DACs recommendations.

The DAC has provided advice and assistance under section 9 of the Act to the Home Office, in its delivery of the Domestic Homicide Oversight Mechanism pilot and to the Ministry of Justice in the ongoing delivery of the Family Court

Oversight Mechanism. The DAC has received appropriate compensation for this work, in line with the DAC's ability to charge for such advice and assistance under section 9(3) and has continued to publish its work on these areas in line with section 9(4).

Section 10 enables the DAC to do anything which the DAC considers will facilitate, or is incidental or conducive to, the carrying out of its functions. The Government does not have concern for the Commissioner's work which falls under section 10. This activity demonstrates section 10 operates as intended to enable to DAC to deliver work which is not explicit within the Act. The DAC has not borrowed money, which would be prohibited under section 10(2), to deliver its activity.

The power under section 15 has primarily been used to seek information from local victim service commissioners, such as local authorities and Police and Crime Commissioners. Most notably to inform the DAC's 2022 mapping of specialist domestic abuse provision, as well as further work to identify support specific to child victims of domestic abuse. The DAC has not noted any issues of compliance with requests made using this power. Furthermore, the list of public authorities who must comply with section 15 has been amended, in line with the expectations set out in subsections 4, 5, and 6. This has expanded the scope to include the Independent Office for Police Conduct and amended the Act to reflect the change of Clinical Commissioning Groups to Integrated Care Boards.

Since the commencement of section 17, the DAC has reported that it has received over 400 Domestic Homicide Reviews. The DAC has not identified any issues of compliance and where reviews have been requested, they have always been received. The DAC notes, however, that there is no current system available to check that every review undertaken has been sent to its office. Further, the oversight mechanism has been deployed only as a pilot, in which participating local areas are engaged voluntarily. There has therefore not yet been a need to directly employ powers under section 17, which may be necessary in a national rollout. The Home Office announced on 12 March 2026 that the Government will commit to funding an oversight mechanism for recommendations made as part of Domestic Homicide Reviews. Further detail on how the mechanism will operate will be announced in due course.

The powers and functions of the DAC are underpinned by section 18, which enables the DAC to have information disclosed to them, or to disclose information to another person or organisation. This section has enabled victims, survivors, and organisations to share information with the DAC to inform its strategic oversight and in turn to support the DAC to disclose information to relevant bodies to inform policy and operational activity. This has been enacted within the restrictions of subsections 3 and 4, alongside the restrictions set out in section 19 regarding involvement in individual cases. Section 18 also enables the DAC to make safeguarding referrals when it receives a disclosure from a victim or survivor, when the information disclosed reaches a safeguarding threshold.

The DAC has engaged regularly with Welsh Government and Welsh Ministers to ensure its work reflects the context in Wales, including as a member of its Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) National Partnership Board. It continues to work with the *Violence Against Women Domestic Abuse and Sexual Violence Advisor for Wales* and engaged with Welsh representatives to ensure its work aligns appropriately with public bodies in Wales in line with section 7 (3) and (6). The Welsh VAWDASV National Adviser noted that the DAC has made a significant impact and brought survivor experience into the centre of policy and reform.

Taken together these provisions have enabled the DAC to secure engagement from government and public bodies. These sections have ensured meaningful consideration of the evidence and recommendations provided by the DAC. This has shaped public policy, operations, and the strategic direction of the VAWG Strategy. Overall, this has led to a higher quality response to domestic abuse.

PART 3 – Powers for dealing with domestic abuse (Sections 22-56)

Part 3 of the Act comprises 37 sections, including sections 49A and 49B inserted by subsequent legislation (the Victims and Prisoners Act 2024), which collectively introduced a stronger protection for victims through Domestic Abuse Protection Notices (DAPN); Domestic Abuse Protection Orders (DAPO); and a new duty on police to notify a child's educational establishment where they have attended a domestic abuse incident.

Part 3 will be assessed in two components:

- Sections 22-49 and 50-56 - which introduce DAPNs and DAPOs.
- Sections 49A and 49B - which introduce the new duty on police to notify educational establishments.

Sections 22-49 and 50-56 - Domestic Abuse Protection Notices (DAPNs), Domestic Abuse Protection Orders (DAPOs), and Supporting powers

Introduction

The intention of sections 22-49 and 50-56 is to strengthen the response from the police and family, civil and criminal courts and enhance the protection for victims of domestic abuse.

Section 22-26 of the Act legislated for the introduction of the new Domestic Abuse Protection Notices (DAPN). A DAPN is a civil notice issued by the police to provide immediate, short-term protection to victims following a domestic abuse incident. A police officer may issue a DAPN where they have reasonable grounds to believe that a person aged 18 or over ("the perpetrator") has been abusive towards another person who is aged 16 or over ("the victim") and that the parties are personally connected within the meaning of the Act. The purpose of a DAPN is to provide immediate protection to the victim from all forms of domestic abuse. Where a DAPN has been issued, the police must also make an application for a Domestic Abuse Protection Order (DAPO). A DAPO application will then be listed for a hearing in the magistrates' court as soon as practicable and within 48 hours of the DAPN being served. A DAPN is legally binding from the point of service, and a breach of its conditions may result in the perpetrator being arrested and brought before a magistrates' court.

Section 27-49 in the Domestic Abuse Act 2021 make provision for the new DAPO. The policy intent of this new civil order is to bring together the strongest elements of the existing protective order regime into a single comprehensive, flexible civil order. DAPOs are the first cross-jurisdictional order capable of being made in the family, civil and criminal courts, either on application or within existing proceedings. A DAPO can also be made at the conclusion of criminal proceedings either on conviction (in addition to sentence or other disposal) or on acquittal. This represents a significant development in the protective order landscape, enabling a more consistent approach to victim protection across jurisdictions. Unlike the pre-existing

Domestic Violence Protection Order, the DAPO is not subject to a minimum or maximum duration. Instead, the court may specify the duration it considers appropriate in the circumstances, allowing victims to obtain the protection they require for as long as needed. A DAPO may impose both prohibitions and positive requirements on the person subject to the order. Prohibitions may include restrictions on contact, exclusion from specified premises or areas, and where necessary and proportionate, electronic monitoring. Positive requirements may include attendance at a behavioural change programme, substance misuse or mental health intervention, or other requirement aimed at addressing the perpetrator's behaviour. Breach of a DAPO, without a reasonable excuse, is a criminal offence punishable on conviction by up to 5 years' imprisonment, a fine, or both. This represents a strengthening of enforcement compared with previous civil protective orders. Furthermore, the DAPO carries mandatory notification requirements, requiring the person subject to the order to notify the police of specified personal details, including their name and address and of any subsequent changes. A failure to comply with these notification requirements, without a reasonable excuse, constitutes a criminal offence.

Section 50 of the Act provides a power for the Secretary of State to issue statutory guidance relating to the exercise of the functions under Part 3 of the Act by police. The police are under a statutory duty to have regard to this guidance when exercising their functions in relation to the DAPNs and DAPOs.

Section 51 of the Act enables the Secretary of State to issue a code of practice governing the processing of personal data obtained in connection with the electronic monitoring of individuals subject to electronic monitoring requirements imposed by a DAPO. The provision is intended to ensure that the use of electronic monitoring within the DAPO framework is accompanied by appropriate safeguards for the processing of data.

Section 52 confers a power on the Family Court to make a DAPO or vary an existing DAPO, within the context of specified family proceedings. This provision enables protective measures to be integrated within ongoing family court cases, without the need for separate application.

Section 53 adds DAPOs heard in the Family Court to the list of proceedings that cannot be subject to the conditional fee agreements.

Section 54 made minor consequential amendments to the Sentencing Code.

Section 55 of the Act provides for the repeal of domestic violence protection notices and orders regime, reflecting Parliament's intention that DAPNs and DAPOs should replace the previous protective order framework.

Implementation

Sections 22-49 and 50-54 and 56 have been commenced on a pilot basis on 27 November 2024, with the pilot continuing until at least November 2026. In delivery of the pilot:

- Under sections 22-49, DAPNs and DAPOs are currently piloted in select areas, including Greater Manchester, three London boroughs (Croydon, Bromley and Sutton), Cleveland, North Wales, and with the British Transport Police. The Government has committed to rollout DAPNs and DAPOs across England and Wales as a part of the VAWG Strategy.
- The guidance under section 50 was published in November 2024.[9]
- The Code of Practice issued under section 51 was published in October 2020 and then updated in March 2024, ahead of the commencement of the DAPO pilot. This was to reflect minor changes to the processing of electronic monitoring data and to anticipate its use as part of some civil orders, including as part of a DAPO.[10]
- Sections 52-54 and section 56 are supplementary only. As with the remainder of Part 3 provisions, they have been commenced on a pilot basis.
- The CPS has updated its guidance to support the delivery of the pilot.

Full national commencement of DAPOs has not yet taken place. As a result, section 55 has not been implemented as the Domestic Violence Protection Notices and Orders regime has not yet been repealed. Repeal is linked to the wider rollout of DAPOs across England and Wales to ensure continuity of protection and avoid gaps in safeguarding during the implementation of the new regime.

Assessment

Sections 22-49 and 50-56 are, in the view of the UK Government, Welsh Government, Crown Prosecution Service (CPS), the Domestic Abuse Commissioner (DAC), HM Courts & Tribunals Service, and the policing partners, not currently meeting the full intention of the legislation. However, full rollout of DAPNs and DAPOs across England and Wales will commence all sections of Part 3.

Under the pilot commencement of sections 22-49 and 50-54 and 56 in November 2024, there has been an ongoing evaluation of the DAPN/DAPO pilot. This is being carried out by the independent research agency Ecorys UK, and academics from the University of Lancashire, University of Leeds, and University of Hull. Ecorys UK and partners aim to conduct a process, impact, and Value for Money evaluation of the DAPN/ DAPO. The impact evaluation aims to assess the effectiveness of DAPN / DAPOs at reducing reoffending and re-victimisation. Stakeholders contributing to the evaluation of

[9] https://assets.publishing.service.gov.uk/media/67f39e856852ad6032f5bf91/FINAL+Domestic+Abuse+Protection+Notices+and+Orders+Police+Statutory+Guidance+march+25__1_.pdf
[10] https://assets.publishing.service.gov.uk/media/663116e1d0030b10e56a509a/Code_of_Practice.pdf

DAPOs include those from policing, HM Courts & Tribunals Service, members of the judiciary, national leads on electronic monitoring, and staff from the Drive Partnership, positive requirement providers, and third-party organisations. The evaluation period runs until November 2026, after which a final report will be submitted to the Home Office. Operational feedback has informed the implementation of DAPOs. For instance, the Government tabled amendments at the Lords Report Stage of the Crime and Policing Bill to resolve legislative issues with the positive requirements process as a direct response to feedback from operational partners.

In the interim, police reports have highlighted more than 1,000 DAPOs have been issued across participating police forces and courts since the launch of the DAPN/DAPO pilot in November 2024. This initial uptake reflects that DAPOs are being used in pilot areas. However, operational feedback received by the Home Office and the Ministry of Justice from policing, courts and sector partners and the DAC indicates that legislative barriers are limiting the use of positive requirements within DAPOs. In particular, where a DAPN is issued, the court is required to determine a DAPO application within 48 hours. While appropriate for ensuring swift protection, this timeframe creates practical barriers to identifying suitable programme providers, completing assessments, and presenting supporting evidence to the court. As a result, hearings are routinely adjourned, leaving victims protected only by a DAPN, a notice that cannot be enforced as a criminal offence if breached.

To address these issues, the Government tabled amendments at the Lords Report Stage of the Crime and Policing Bill, which:

- Enable criminal courts to make a full DAPO at the first hearing, incorporating a requirement to undertake a suitability assessment with programme participation only required if the perpetrator is assessed as suitable. This will ensure timely protection without delay.
- Remove the requirement to name a responsible person in the DAPO across all court jurisdictions. Reflecting operational realities, especially in police-led applications, where identifying a provider within 48 hours is difficult. Their role would still be retained and instead be set out in statutory guidance.
- Close a current gap in the court's existing powers by enabling criminal courts to vary a DAPO of their own motion.

The Domestic Abuse Commissioner and the Welsh VAWDASV National Adviser are also concerned that access to behaviour change interventions across all levels of risk remains inconsistent across England and Wales. This limits the utility of DAPOs as a tool of prevention as intended by the legislation. In the VAWG Strategy, the Government committed to establish a consistent and comprehensive offering in every local area, improving access to tailored interventions for domestic abuse and stalking perpetrators at all risk levels. This work, alongside the commitments on encouraging a coordinated community response to VAWG, complements and supports the wider plans for national rollout of DAPOs.

Stakeholder feedback has also highlighted a slower up-take of DAPOs in the Family Court compared to police led applications. Anecdotal evidence suggests that this may partly be due to the absence of direct child-specific protective provisions within the DAPO framework when compared with Non-Molestation Orders. The DAC highlighted that the legislation as drafted fails to explicitly protect child victims, as it specifies that the orders can only be made to prevent a person from being abusive towards another person aged 16 or over. The Government is exploring legislative options to address this issue.

Furthermore, although the domestic abuse sector has been predominantly positive on the introduction of DAPNs and DAPOs, the sector has also raised concerns regarding the need for effective risk assessments to underpin the use of DAPOs. This year (2026) the Government will be publishing guidance on the multi-agency's response to domestic abuse risk to support the effective identification and assessment of risk. Whilst the DAPO can protect from all forms of DA online and offline, the domestic abuse sector has raised the need for further clarity on the use of DAPOs to respond to online and tech-facilitated abuse, when the perpetrator is not in close geographic proximity, and evidence to understand if DAPOs are effective at addressing this risk.

In implementing section 50, the previous Government undertook a public consultation on draft statutory guidance relating to police use of DAPNs and DAPOs. Responses were received from several stakeholders including policing, the Domestic Abuse Commissioner and the domestic abuse sector. The consultation informed the development of the final guidance.[11] This Government has committed to updating the guidance when DAPOs have been rolled out across all police forces and courts in England and Wales. Further stakeholder engagement will take place as part of this process.

The Code of Practice issued under section 51 sets out, at a high level, the broad responsibilities and expectations relating to the processing of personal data gathered in the course of electronic monitoring. The Code applies to the collection, retention, processing and sharing of electronic monitoring data.

As full national commencement has not yet taken place, Domestic Violence Protection Notices and Orders remain in place across most of England and Wales. An assessment of repeal under section 55 will be undertaken once national rollout of DAPOs has been completed, to ensure continuity of protection.

[11] https://assets.publishing.service.gov.uk/media/67f39e856852ad6032f5bf91/FINAL+Domestic+Abuse+Protection+Notices+and+Orders+Police+Statutory+Guidance+march+25__1_.pdf

Sections 49A and 49B - Duty on policing to notify a child's educational establishment where they have attended a domestic abuse incident

Introduction

Section 49A (arrangements to notify schools etc) of the Act introduces the statutory duty on policing to notify a child's educational establishment where they have attended a domestic abuse incident in a child's home. This is sometimes referred to as "Operation Encompass". Section 49B (power to extend section 49A to childcare providers) introduces the power to extend section 49A to childcare providers.

Sections 49A and 49B support section 3 of the Domestic Abuse Act 2021 in recognising children as victims of domestic abuse in their own right. Through notification of a child's educational establishment or childcare setting, the child can receive the appropriate support and safeguarding in line with the existing statutory duties of these settings.

Implementation

Under section 20 (child victims of domestic abuse) of the Victims and Prisoners Act 2024, the Domestic Abuse Act 2021 was amended to insert sections 49A and 49B. Section 49A (arrangements to notify schools etc) came into force on 7 November 2025.

Section 49B has not been commenced.

Assessment

Sections 49A is, in the view of the UK Government, Welsh Government, the Domestic Abuse Commissioner (DAC), the Welsh VAWDASV National Adviser, and policing partners, meeting the intention of the legislation. However, more time is required to obtain further data on the consistency and quality of implementation. Implementation of section 49B (power to extend section 49A to childcare providers) is being considered by the Government, however, careful deliberation is required on the safety of sharing information, variety of frameworks across childcare providers, and potentially limited ability for follow up action, before any decision to implement section 49B is made.

Under section 49A, police forces now have the statutory duty to notify a child's educational establishment when they have attended a domestic abuse incident in a child's home. This notification must be made whether the child is or is not physically present. Where the child is home schooled or missing from education, the notification should be made to the relevant local authority. Alongside commencement of the duty, the Home Office published statutory guidance to support policing in implementation. This included wider context on children as victims of domestic abuse in their own right, alongside guidance on the process of making the notification and what information the notification should include, including capturing the voice of the child. The Home Office continues to work with partners to support and monitor implementation.

The National Operation Encompass Policing Lead's view is that since becoming statutory, delivery has been successful, with all 43 police forces across England and Wales fully engaged. The national rollout is now embedded as standard practice across policing and education and supports the intended aim to establish a consistent, national safeguarding approach whereby educational establishments are notified before the next school day that a child has been exposed to domestic abuse. This is strengthening multi-agency safeguarding and ensures that every child affected, or at risk of being affected, by domestic abuse receives appropriate care, understanding and support.

The Home Office commissioned a process evaluation of the Operation Encompass scheme.[12] The evaluation took place between 2022 to 2023, ahead of the scheme becoming a statutory requirement. It used interviews, administrative data, and pilot studies to explore how the scheme is implemented across police forces and local authorities. Findings showed that Operation Encompass is widely valued for improving timely support and safeguarding for children affected by domestic abuse. However, there is variation in how the scheme is delivered and in the detail of notifications provided.

The multi-agency response to children who are victims of domestic abuse report by Ofsted, the Care Quality Commission, HM Inspectorate of Constabulary and Fire & Rescue Services and HM Inspectorate of Probation, highlighted how the duty strengthens schools' capacity to support and safeguard children and is widely recognised as a valuable safeguarding initiative.[13] This publication and stakeholders have highlighted that the duty can be less effective where there are delays in police notifications or a lack of detail shared within the notification.

[12] https://www.gov.uk/government/publications/process-evaluation-of-operation-encompass

[13] https://www.gov.uk/government/publications/the-multi-agency-response-to-children-who-are-victims-of-domestic-abuse/the-multi-agency-response-to-children-who-are-victims-of-domestic-abuse

PART 4 – Local authority support (Sections 57-61)

Part 4 of the Act comprises 5 sections, which collectively introduced a new duty on Tier 1 local authorities (Unitary and Metropolitan Authorities, County Councils, the Greater London Authority and the Council of the Isles of Scilly) in England to deliver support for victims of domestic abuse and their children in safe accommodation ("Duty to Provide Safe Accommodation").

Part 4 will be assessed in one component (sections 57-61) due to the overlapping nature of the provisions.

The duty under Part 4 does not apply to Wales. The UK Government can legislate in regard to housing in Wales, but to do so it requires a Legislative Consent Motion from the Welsh Parliament. In practice Wales already has its own established statutory framework for housing and homelessness prevention set out in the Housing (Wales) Act 2014 and wider Welsh Government policy.

Sections 57-61 statutory duties on Tier 1 local authorities in England to deliver support for victims of domestic abuse and their children in safe accommodation

Introduction

Collectively, the provisions under Part 4 were introduced in response to longstanding variation and gaps in the commissioning of accommodation-based domestic abuse support. By introducing the Duty to Provide Safe Accommodation, Part 4 aims to bring greater consistency to local planning and delivery across England and improve the support which victims of domestic abuse receive.

Section 57 establishes a statutory duty on each relevant local authority in England to assess, or make arrangements for the assessment of, the need for accommodation-based support for victims of domestic abuse (including children) in its area who are living in "relevant accommodation". It also requires the relevant local authorities to prepare and publish a strategy for that support and monitor and evaluate the effectiveness of the strategy. Local authorities must give effect to their strategy in carrying out their functions and consult their domestic abuse local partnership board (established under section 58) and other stakeholders before publication; they must also keep the strategy under review and may alter or replace it.

Section 57(2) defines "accommodation-based support" and provides that "relevant accommodation" is specified in regulations made by the Secretary of State. Sections 57(7) and (8) places cooperation duties on Tier 2 authorities, requiring them to work with Tier 1 authorities in carrying out their functions. Section 57(9) gives the Secretary of State a power to make regulations about the preparation and publication of strategies.

Section 58 requires each relevant local authority to appoint a Domestic Abuse Local Partnership Board to advise on the exercise of the functions under section 57, and the provision of other local authority support related to domestic abuse in the authority's area. The section specifies minimum board membership, including representatives of the Tier 1 and 2 (district councils where applicable) authorities, adult and child victims/survivors, domestic abuse charities and voluntary organisations, healthcare services, and policing/criminal justice bodies. Local Partnership Boards formalise multi-agency input (including from the specialist sector and victim/survivor voices) into needs assessment, strategy and oversight, addressing inconsistent partnership engagement seen before the duty was introduced.

Section 59 requires each relevant local authority to submit an annual report to the Secretary of State as soon as reasonably practicable after each financial year, setting out how it has exercised its functions under Part 4. Regulations made under section 59(2) prescribe the form and content of these reports. The annual reporting requirement is the core instrument that enables central oversight of local implementation, enabling the monitoring of trends, capacity, and access across England.

Section 60 requires the Secretary of State to issue statutory guidance about the exercise of local authority functions under Part 4. The Secretary of State must consult the Domestic Abuse Commissioner, local authorities, and others such persons as considered appropriate. Local authorities must have regard to this guidance when exercising a function to which it relates. This provides a mechanism to set national expectations and standards for delivery through statutory guidance.

Section 61 defines terms used in Part 4, including "local authority" and "relevant local authority", listing relevant bodies under each. These definitions determine who holds the primary duties under sections 57 and 58. This ensures consistent statutory definitions for who is in scope as a relevant local authority under Part 4.

Implementation

The duties set out under Part 4 came into effect on 1 October 2021.

MHCLG laid regulations under sections 57(9) and 59(2) of the Domestic Abuse Act 2021 (The Domestic Abuse Support (Local Authority Strategies and Annual Reports) Regulations 2021) on the 9 September 2021, which commenced on 1 October 2021.[14] These regulations set (i) deadlines for first strategies (5 January 2022), (ii) established a three-year review cycle, (iii) prescribed the matters to which local authorities must have regard to when preparing strategies, and (iv) the form/content of section 59 annual reports. This was supported by the statutory guidance, which was published Under section 60, the statutory guidance ("Delivery of support to victims of domestic

[14] https://www.legislation.gov.uk/uksi/2021/990/contents/made

abuse in domestic abuse safe accommodation services") on 1 October 2021.[15]

Local authorities' first annual reports were submitted for the 2021–22 period, with the first national publication drawing on these data released in April 2023. Subsequent national management information publications followed for 2022–23 (December 2023), 2023–24 (October 2024) and 2024–25 (October 2025).[16]

MHCLG also laid legislation which defines the types of relevant safe accommodation under Section 57(2) (The Domestic Abuse Support (Relevant Accommodation and Housing Benefit and Universal Credit Sanctuary Schemes) (Amendment) Regulations 2021) on the 9 September 2021, which commenced on 1 October 2021.[17] These regulations were developed with the Domestic Abuse Commissioner, relevant local authorities, and such other persons as the Secretary of State considers appropriate, in line with Section 57(11).

Assessment

Part 4 is, in the view of the UK Government, the Local Government Association, and the Domestic Abuse Commissioner (DAC), operating broadly as intended and has driven significant progress in the local delivery of support. All Tier 1 local authorities have put in place the statutory components required by the duty, i.e. they have produced needs assessments, completed and published their strategies, and have a Local Partnership Board in place. Local authorities have also updated their needs assessments and strategies in line with the statutory requirement for these to be reviewed every three years. There have been improvements in the provision of safe accommodation for victims of domestic abuse, however, the assessment below demonstrates that need is still unmet and some victim cohorts are not able to access appropriate services.

Collective Assessment:
Since the duty was introduced, MHCLG has committed £667 million to support delivery of the duty. This includes £160 million in 2025-26, a £30 million uplift from the previous year. To strengthen delivery, MHCLG has committed a further £499 million from 2026-27 for the next three years. This funding reflects the estimated cost of providing unmet need for support in safe

[15] https://www.gov.uk/government/publications/domestic-abuse-support-within-safe-accommodation/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services
[16] https://www.gov.uk/government/publications/support-in-domestic-abuse-safe-accommodation-financial-year-2022-to-2023
https://www.gov.uk/government/publications/support-in-domestic-abuse-safe-accommodation-2023-to-2024
https://www.gov.uk/government/publications/support-in-domestic-abuse-safe-accommodation-2024-to-2025
https://www.gov.uk/government/publications/support-in-domestic-abuse-safe-accommodation-2024-to-2025
[17] https://www.legislation.gov.uk/uksi/2021/991/made

accommodation to victims and their children, noting that demand continues to exceed available provision. The main funding element is allocated to Tier 1 local authorities as they are responsible for commissioning services. This funding is allocated using a Relative Needs Formula that takes account of population, deprivation and variation in labour costs (Area Cost Adjustment). Funding is also allocated to Tier 2 authorities to cover the administrative costs of supporting the relevant Tier 1 authority through, for example, provision of data and information. This funding is allocated by applying an equal split, with an adjustment to reflect geographical differences in wage costs (Area Cost Adjustments).

At the time the duty was introduced, a minister-led National Expert Steering Group was established in 2022 to oversee delivery of the duty across England. Co-chaired by the Domestic Abuse Commissioner, this Group reviewed the annual data, reviewed emerging outcomes and provided expert advice to ministers to ensure local authorities received the right guidance and support. The Group met three times a year and published two annual progress reports covering the 2021-22 and 2022-23 periods.[18] These highlighted achievements and challenges, best-practice case studies and areas of future focus. The group was valued by the domestic abuse sector as a way to bring any concerns to the attention of ministers. Under the current Government, this oversight function has transitioned to a new minister-led Domestic Abuse Housing Group, also co-chaired by the Domestic Abuse Commissioner. Membership includes representatives from the domestic abuse sector, local government and housing. This group will continue to monitor local authorities' delivery of the Part 4 duty, as well as to consider broader issues impacting victims' journeys through safe accommodation.

In addition to this oversight, MHCLG commissioned a £1.8 million three-year independent evaluation, published on 21 July 2025.[19] The evaluation was a comprehensive, robust exploration of how local authorities are implementing the duty. The evaluation was multi-method and synthesised primary and secondary evidence. It involved extensive qualitative data in a representative cross-section of 19 case study areas, with fieldwork, including interviews with victim survivors and their children (314 survivors of which 269 adults and 45 young people and children), service providers and local authorities (485 professionals). The evaluation found that the Duty has made a meaningful difference, helping survivors feel safer, rebuild their lives, improving support for children and multi-agency working. It also found that the duty has improved local planning and enabled local authorities to sustain and expand services, with better value for money where survivor voices shape planning. Children's needs are now better identified and provided for.

[18] https://www.gov.uk/government/publications/delivery-of-support-in-domestic-abuse-safe-accommodation-annual-progress-report-2021-22/annual-progress-report-from-the-domestic-abuse-safe-accommodation-national-expert-steering-group-2021-22
https://www.gov.uk/government/publications/delivery-of-support-in-domestic-abuse-safe-accommodation-annual-progress-report-2022-23/annual-progress-report-from-the-domestic-abuse-safe-accommodation-national-expert-steering-group-2022-to-2023
[19] https://www.gov.uk/government/publications/domestic-abuse-duty-for-support-in-safe-accommodation-evaluation

Annual monitoring data submitted by local authorities to MHCLG shows a year-on-year increase in the number of individuals supported in safe accommodation 36,454 in 2021–22, up to 50,670 in 2022–23, up again to 63,950 in 2023–24. In 2024-25 it is now over double 2021-22 levels with 76,850 individuals supported in safe accommodation, with children consistently making up around one-third of all individuals supported. The range of commissioned support services has broadened, with most victims supported in refuge and sanctuary schemes, and continued growth of dispersed accommodation.

However, the independent evaluation and ongoing monitoring data also shows that challenges remain. Despite increased provision, many households remain unable to access support up from 20,616 in 2021-22 to 28,190 in 2024–25. Capacity constraints are the most frequently cited reason for households not being supported, accounting for around 30% of unmet need in 2024-25. The evaluation also found that implementation quality varied across areas, influenced by differences in commissioning, availability of specialist provision, and the effectiveness of Local Partnership Boards in informing needs assessments and strategy updates. Access and outcomes remained unequal, with survivors who had additional needs, complex family circumstances or belonged to underrepresented groups continuing to face significant barriers, despite the duty driving gradual improvements in provision, scale and diversity of support. While some survivors, especially those with lower needs, experienced better access and mental health outcomes, benefits were less consistent for those with substantial mental health needs, highlighting persistent inequities.

Overall, these trends indicate that while the duty has expanded the scale of provision, it has not yet reduced the overall level of unmet need since its introduction, with capacity constraints remaining the primary barrier to access. The independent evaluation highlighted that further progress is needed, including embedding survivor voices, strengthening inclusive commissioning to enable small specialist by and for services for minoritised groups to compete for contracts, improving outcomes measurement, and cross-boundary collaboration.

Furthermore, the domestic abuse sector and the Domestic Abuse Commissioner has raised concerns about the balance between accommodation-based services and the commissioning of community-based services. However, the independent evaluation identified that the focus on accommodation-based services reflects the specific statutory duty and funding provided to local authorities under Part 4, rather than a shift away from community-based services, which sit outside the duty. The domestic abuse sector has also raised concerns that inconsistent understanding of technology-related harms can affect victims who are accessing safe accommodation, who may continue to experience technology-facilitated abuse. The Home Office will consider the best approach to address these concerns through our ongoing work to improve the Domestic Abuse Statutory Guidance and improvements to the multi-agency approach to risk.

Section 3 of the Domestic Abuse Act 2021 recognises children as victims of domestic abuse in their own right, adding emphasis to the duty's requirements for Tier 1 authorities to consider the needs of all victims including children, when delivering their functions. The evaluation found that the duty has led to improved support for children and young people in safe accommodation, particularly where dedicated children's workers were in place, making sure children's needs were recognised alongside those of adult survivors. However, provision remained uneven, with demand for children support outstripping supply, and gaps persisting, particularly for families with two or more children, with older sons (13+), or those with child(ren) with additional or complex needs. The evaluation noted that were not always systematically monitored, and local authorities identified a need for greater consistency, clearer expectations, and more dedicated resources to ensure children's support keeps pace with demand. MHCLG has commissioned further research to address some of the gaps identified by the evaluation, including research to understand how support is provided alongside security in sanctuary schemes (which enable victims to remain in their home safely); and research focusing on measuring the impact of support.

Specific assessments of individual sections are laid out below:

Since the Duty under section 57 was introduced in 2021, all Tier 1 local authorities have put in place the statutory components required by the duty, i.e. they have produced needs assessments, completed and published their strategies. Local authorities have also updated their needs assessments and strategies in line with the statutory requirement for these to be reviewed every three years. The independent evaluation reported that both local authorities and specialist domestic abuse organisations viewed the section 57 framework positively, noting that the statutory requirements for needs assessments, strategies and monitoring had strengthened local planning and improved transparency in commissioning. Local authorities highlighted that the duty brought more consistent processes but also pointed to capacity pressures and variation in the quality of needs assessments across areas. The Local Government Association (LGA) similarly has reported that, while Part 4 has strengthened the structure and visibility of accommodation-based support, councils continue to face significant commissioning pressures, including rising demand, constrained safe accommodation capacity, and wider funding pressures.

Accommodation-based domestic abuse support in England is funded through a combination of local authority core budgets and the ring-fenced Part 4 grant. While this grant has strengthened consistency and protected essential provision, it does not typically meet full demand, and councils often supplement it from general funds or housing-related budgets. Housing costs within refuges continue to be met largely through Housing Benefit or the housing element of Universal Credit. The Local Government Association has indicated that improving the coherence of funding streams for domestic abuse support services across government and addressing pressures in local housing markets will be important to support local authorities to meet their duties effectively.

The domestic abuse sector valued the increased visibility of need, particularly for children and minoritised survivors, and stronger engagement in some areas. But they emphasised inconsistent involvement in strategy development, limited capacity (especially for smaller or by-and-for providers) and uneven monitoring and outcomes-measurement practices. The Local Government Association also highlighted that specialist 'by and for' organisation face particular barriers within current commissioning frameworks, including difficulties competing with larger providers, which can hinder the diversity of provision particularly for minoritised groups.

Furthermore, the Domestic Abuse Commissioner has raised that although Tier 1 local authorities must assess local need for domestic abuse safe accommodation, there is no current requirement for these assessments to be submitted back to central government. This omission, in the Commissioner's view, limits MHCLG's ability to understand how well local authorities are delivering the statutory duty. In particular, it inhibits the understanding of the amount of funding which is allocated directly to specialist domestic abuse services. This misses the opportunity to assess how Part 4 is supporting the sustainability of specialist services and create a systematic evidence source for monitoring, evaluating, and improving the national implementation of the safe accommodation duty.

As required under section 58, Local Partnership Boards are now embedded across England, with arrangements documented in Tier 1 strategies. The independent evaluation found that where Local Partnership Boards were widely established and central to the effective implementation of the Duty. This helps provide structured governance, multi-agency oversight, and a mechanism to ensure needs assessments, strategies and commissioning were informed by a broad evidence base. Evaluation findings also show that value for money and improved outcomes were more likely where survivor voices shaped planning, and Local Partnership Boards enabled engagement of victims/survivors.

Where Boards were well established, i.e. with regular attendance and meaningful involvement of specialist providers, survivors (including children) representatives, the evaluation found better-targeted commissioning, stronger multi-agency collaboration, and planning more responsive to victims/survivors' needs. This aligns with reporting for local authorities, who have reflected that Local Partnership Boards strengthened multi-agency collaboration and the governance structure for meeting the Part 4 duty. Many local authorities found that the Boards improved communication with providers, supported more transparent commissioning decisions, and helped align needs assessments, strategies and delivery.

Domestic abuse sector organisations, including specialist and by-and-for services, valued the Local Partnership Boards for increasing access to local decision-makers and offering greater transparency in commissioning and strategic planning. Specialist services reported stronger relationships with

local authorities where Boards were inclusive and well-run, and some felt better able to influence needs assessments and service design.

However, the evaluation also found the quality and effectiveness of their Local Partnership Boards varied. Where Boards had inconsistent attendance, lacked specialist or children's representation, or were less embedded in local decision-making, delivery was weaker. This aligns with the reflections from local authorities, who have identified challenges, such as capacity pressures and variable understanding of statutory responsibilities among Board members, resulted in uneven effectiveness across areas. The domestic abuse sector has also shared concerns regarding limited capacity to engage, especially for smaller organisations which serve under supported communities. The sector has also noted unequal influence where Boards were perceived as local authority dominated and a tendency in some areas for Local Partnership Boards to focus narrowly on safe accommodation rather than the wider support pathways survivors may need.

As required under section 59, local authorities have complied with the annual reporting requirement, providing a consistent national dataset that captures number of victims supported, characteristics of survivors, unmet demand and reasons for non-support. This dataset sits alongside section 57 strategy requirements and forms major evidence base for national monitoring. Local authorities must, and do, complete and submit their annual data to MHCLG within 3 months following the end of the financial year.
Annual data returns from Tier 1 local authorities have enabled publication of national data series that provide year-on-year data on:

- the number of individuals supported;
- the characteristics of supported survivors (including children);
- types of accommodation and support delivered;
- levels of unmet demand; and
- reasons why households could not be supported.

The independent evaluation highlighted that the data has enabled a clear national picture of capacity pressures, variation across areas, national patterns and unequal access for some survivor groups. The data has also highlighted year-on-year increases in the number of individuals supported in safe accommodation; and persistent high levels of unmet demand, particularly due to capacity constraints, which remains the leading reason for households not being supported.

However, the data alone cannot capture quality or outcomes, and both the evaluation and operational partners noted the need for improved completeness, consistency and granularity—particularly for specialist and minoritised groups. The Domestic Abuse Commissioner and the domestic abuse sector have also emphasised the value of the annual data to monitor local delivery. However, they have consistently called for:

- Greater data completeness and consistency across local authorities.
- More granular reporting on specialist and "by and for" provision, and
- Improved reporting on survivor groups whose needs are not well captured in the annual data returns.

- Increased consideration of the burden on local services supporting the development of the report.

Statutory guidance issued under section 60 set expectations for how boards should operate, including their role in shaping needs assessments, informing strategies, given effect to the strategies and ensuring survivor voice is embedded in planning and commissioning decisions. Local authorities are encouraged to work closely with specialist service providers and draw on a wide range of evidence when assessing need. This guidance has been central in standardising expectations, supporting consistent local processes, clarifying the interaction of Part 4 with other statutory duties, and embedding a shared understanding of what “accommodation-based support” entails. The evaluation considered how far local delivery aligned with guidance. It found that adherence, particularly needs-led commissioning, inclusion of by-and-for providers, and children’s support, was associated with stronger access and outcomes in many case study areas (while still noting variation). However, local variation and capacity pressures mean effectiveness is uneven and it is not always clear how commissioning decisions in some local authorities reflect the statutory guidance. Furthermore, the Domestic Abuse Commissioner has raised that it would be beneficial to update the statutory guidance to strengthen expectations on local authorities to meet the specific needs of child victims and also to ensure all partnership boards dedicate a defined section of its agenda to reviewing data, demand, and identified need.

Section 61 is a short definition provision, but its impact on implementation is significant as these definitions clarifies who holds the primary duties under sections 57 and 58. By defining “relevant local authority,” section 61 identifies which authorities are responsible for the core statutory functions (needs assessment, strategy and Local Partnership Boards).

PART 5 – Protection for victims, witnesses, etc in legal proceedings (Sections 62-67)

Part 5 of the Act comprises 6 sections, which collectively strengthen protection for victims and witnesses in legal proceedings.

Part 5 will be assessed in 3 components:

- Sections 62-64 - which relate to new statutory “special measures” across criminal, civil and family proceedings.
- Sections 65-66 - which relate to prohibit cross-examination in person in specific circumstances in the civil and family courts.
- Section 67 - which relates to the use of barring orders under section 91(14) of the Children Act 1989.

To note, the implementation of these sections has been delivered in the context of ongoing backlogs and wider reforms in the courts. This wider context has not been included in the assessment, as these considerations go beyond the scope and intention of the Act.

Section 62-64 – Special measures in criminal, family, and civil proceedings for offences involving domestic abuse

Introduction

Special measures are a range of provisions designed to help vulnerable and intimidated victims and witnesses give their best evidence in criminal proceedings. These can include, for example, giving evidence from behind a screen so the witness cannot see the defendant, or giving evidence via live video link from a separate room. A combination of special measures can also be requested.

Two categories of witnesses are eligible for special measures in criminal proceedings under the Youth Justice and Criminal Evidence Act (YJCEA) 1999: (i) vulnerable witnesses (those who are under 18 or who have a physical or mental disability or disorder), and (ii) intimidated witnesses, who are likely to experience fear or distress in connection with giving evidence. When an application is made for special measures on the grounds of intimidation, it must demonstrate to the court that the witness is likely to experience fear or distress in connection with giving evidence to be considered eligible for special measures. Prior to section 62, automatic eligibility on the grounds of fear or distress in the criminal court only applied to complainants in sexual offences and modern slavery offences, as well as to witnesses in cases involving guns or knives, unless they chose to opt out.

Section 62 of the Domestic Abuse Act 2021 amended section 17 of the YJCEA 1999 so that all complainants in offences involving alleged domestic abuse are now automatically considered intimidated, and therefore eligible for special measures in criminal proceedings. Automatic eligibility does not mean that special measures will be granted in every case. A judge must decide whether a particular measure would improve the quality of the witness’s

evidence, taking into account the witness's preferences and the need for all parties to be able to test the evidence effectively. Complainants who are eligible may also choose not to use special measures at all.

Section 62 also amended section 25(4)(a) of the YJCEA 1999 to give criminal courts the power to direct that evidence in domestic abuse-related cases be heard in private. Previously, such directions were available only in cases involving sexual offences, modern slavery, or where the court had reasonable grounds to believe that a witness had been, or was likely to be, intimidated by someone other than the accused.

Section 63 requires that rules of Family Court must provide that *the court should assume that the quality of a victim of domestic abuse's evidence, and their participation as a party in proceedings, are likely to be diminished by reason of vulnerability.*

Section 64 provided that vulnerable parties, including victims of domestic abuse, in civil proceedings are given assistance to participate in court proceedings. This follows the Civil Justice Council report, in February 2020, on Vulnerable Witnesses and Parties.[20] Which recommended that the Civil Procedure Rule Committee should consider amending the current procedure rules (and any relevant accompanying practice directions) to focus the attention of all civil Judges, parties and advocates upon the issue of vulnerability.

Implementation

Section 62 of the Domestic Abuse Act 2021 was partially implemented on 19 May 2022. From that date, complainants in domestic abuse cases became automatically eligible for most special measures available under the YJCEA 1999. As set out in regulation 2(2) of SI 2022/533, automatic eligibility does not currently extend to video-recorded evidence-in-chief under section 27 of the YJCEA 1999, or pre-recorded cross-examination and re-examination under section 28:

- While domestic abuse complainants are not automatically eligible for section 27 of the YJCEA, police can still use this provision where they consider it appropriate and where it would support the complainant in giving their best evidence.
- Section 28 of the YJCEA has only been commenced for vulnerable witnesses and complainants of a sexual or modern slavery offence. It is thus only available to complainants of domestic abuse offences who are separately eligible for one of these reasons. At present, the Government has no plans to extend the availability of section 28 of the YJCEA to further cohorts. The current priority remains embedding section 28 for the cohorts for whom it has been commenced. The Government would need to be confident that issues around quality and reliability have been fully addressed, and to have seen a reduction in

[20] https://www.judiciary.uk/wp-content/uploads/2020/08/Vulnerable-witnesses-and-parties-consultation-September-2019.pdf

the outstanding caseload at the Crown Court, before considering extending section 28 to complainants in domestic abuse cases.

Section 63 came into force 1 October 2021. As required by section 63(2), changes were made to the Family Procedure Rules 2010 ("FPR"), specifically in FPR Part 3A and Practice Direction 3AA, to ensure that the assumption outlined in section 63 applies to victims of domestic abuse when the Family Court is considering whether to make participation directions (which in the FPR includes directions about special measures). These amendments also introduced an exception to that assumption, if the victim does not wish for the assumption to apply, as is required by section 63(4).

Section 64 came into force 14 June 2022. At government's request, the Civil Procedure Rules Committee amended Practice Direction 1A on 31 May 2022 to explicitly reference vulnerability and the appropriate provisions of Special Measures in the civil courts.[21] HM Courts & Tribunal Service (HMCTS) issued staff guidance in July 2022 and updated said guidance in November 2025. Judicial awareness and training were also undertaken in preparation for implementation.

Assessment

Sections 62-64 are in the view of the UK Government, HM Courts & Tribunals Service (HMCTS), policing partners, the Domestic Abuse Commissioner (DAC), and the Welsh VAWDASV National Adviser to be implemented, with the exception of section 62, which is partially implemented. But there is a lack of data to support the assessment and anecdotal evidence, from the courts and the domestic abuse sector, indicates that there is an effort to implement the provisions, but this effort is limited due to wider constraints.

Collective Assessment:

Current data on take-up and use are limited, making it challenging to draw firm conclusions about overall impact of section 62, 63, and 64 on the use of special measures for complainants of domestic abuse at this stage.
This means there is no comparative data relating to the use of special measures before and after the implementation of sections 62, 63, and 64.

For example, HMCTS does not collate data regarding the provision of special measures in the civil court process for paper claims. However, the civil digital platforms Online Civil Money Claims and the Damages Claims Portal have in-built functionality that allows HMCTS to manually record a special measure that is requested on a case which allows local courts to provide the measure/s to assist parties to participate in hearings. But this information/data is not available centrally currently.

[21] https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part01/practice-direction-1a-participation-of-vulnerable-parties-or-witnesses

Progress is underway to build further data on the implementation of sections 62, 63, and 64 and strengthen the evidence base. This includes:

- HMCTS's work to deliver a cross-jurisdictional special measures workstream that aims to develop best practice approaches for managing requests for special measures and improve user experience for those who request them. This includes a pilot in three court areas (due to conclude in April 2026) with the aim of establishing consistent and effective best practice around special measures across HMCTS regardless of jurisdiction or court building.
- The new digital service 'Manage Cases' for Civil, Family and Tribunal courts has been rolled out across courts. However, there will be an incremental rollout of additional capability which will provide the functionality for HMCTS to collate data regarding the use of special measures in the court process and will allow officials to develop a stronger evidence base around the use of special measures in the future.
- Further work is being undertaken to improve the data and understanding of section 62. The Victims and Prisoners Act 2024 created a framework to monitor criminal justice agencies' compliance with the Victims' Code, including legislative duties for agencies to collect and share information on Code compliance. Once the relevant provisions are brought into force, criminal justice bodies will be required to collect information prescribed in secondary legislation on whether and how services are delivered in compliance with the Code.
- The Criminal Justice System Data Improvement Programme intends to support improvements to the quality of victims' data held across justice system platforms. Although this activity is at an early stage, it may enable us to gather further data on the use of special measures and help build a clearer picture of what is working well and where further improvements may be needed.

<u>Specific assessments of individual sections are laid out below:</u>

Feedback from police forces indicates mixed experiences with the introduction of automatic eligibility for special measures under section 62. One force has reported that being able to confirm to victims at the outset that they are automatically eligible for special measures has made discussions easier, helped build victim confidence, and supported engagement - particularly when exploring live-link options. Automatic eligibility also provides flexibility to adjust the measures to suit victim needs. However, another force has reported that while automatic eligibility has helped with consistency in being able to offer victims special measures, it has also not on its own had a significant impact on improving victim engagement or support for prosecution. They reported automatic eligibility demonstrates that domestic abuse is being taken seriously, but it is not a 'selling point' for encouraging engagement. Officers tended to use simple language rather than referring explicitly to automatic eligibility.

Police forces have also reported that automatic eligibility has not removed the requirement for clear, well-reasoned requests tailored to each victim's circumstances, which can create operational issues and burdens on forces, leading to delays. Furthermore, the CPS has raised that whilst victims now have automatic eligibility to apply for certain special measures, this still requires the court to decide whether and which measures are granted.

Most domestic abuse cases are handled in the magistrates' courts. The HMCTS Regional Domestic Abuse Leads Working Group support regions to deliver a fair, accessible and inclusive service to domestic abuse victims in magistrates' courts in England and Wales. It does this by pooling expertise and experience and provides guidance, material, and information to HMCTS staff and the judiciary to improve the handling of cases and experience of domestic abuse victims engaged with our courts. Feedback from Domestic Abuse Leads indicates that there is a misunderstanding among practitioners about the effect of section 62. While section 62 makes a witness in a domestic abuse case eligible for special measures, unless they state that they do not wish to use them, this is often misinterpreted as automatic entitlement. Operational teams are working with Domestic Abuse Leads to understand this concern in more detail. Additionally, MoJ will examine this issue further with HMCTS and determine where further guidance or training might be needed to help practitioners develop a clearer and more consistent understanding of this provision.

The Ministry of Justice has also undertaken work to enhance the data which would support future assessments of section 63. To improve the understanding of experiences in the Family Court, including the use of special measures, the Ministry of Justice funded the Office of the DAC to deliver a mechanism to monitor and report on domestic abuse in private and children proceedings. The Commissioner's Office reviewed 298 case files relating to child arrangement cases in three family courts that were closed between 1 January and 31 December 2023. Although the sample size used for this review was limited, it does provide some information around the use of special measures in the Family Court – which demonstrates a mixed picture on implementation. The DAC published her report "Everyday business: addressing domestic abuse and continuing harm through a family court review and reporting mechanism" in October 2025.[22] It included a review of 100 files in child arrangement cases, observations of hearings in a sample of live cases during March to June 2024, focus groups with domestic abuse survivors, and interviews with Judges, magistrates and Cafcass/Cafcass Cymru officers in each court. The report found:

- All courts observed had screens available and had the ability to provide separate waiting areas in some form. But no courts had dedicated separate entrances for vulnerable parties.
- Evidence of special measures requests existed in only 20–21% of files despite higher observed usage. Observation showed implementation in 43% of all observed hearings. In cases identified as involving domestic

[22] https://www.domesticabusecommissioner.uk/wp-content/uploads/2025/10/Everyday-Business-full-report-web.pdf

abuse, special measures were used in 53% of hearings. This indicates a recording gap.
- Use of special measures varied between courts from 27% to 53%.

Overall, reflections from the Domestic Abuse Commissioner and the domestic abuse sector reflect that generally court staff and judiciary did their best to make special measures work as effectively as they could within the limitations of the court building and available equipment.

Regarding section 64, it is noted that special measures are more commonly used in criminal and family courts, rather than civil courts. The Civil Procedure Rules detail the practice and procedure which must be followed in the civil courts in England and Wales. These rules are supported by Practice Directions which sit under the rules and provide more detail on procedures or processes. The overriding aim of the Civil Procedure Rules is to enable the courts to deal with cases justly. It is expected that the cross-cutting work to improve special measures will assist in the understanding of the quality of implementation of section 64.

Sections 65 and 66 – Prohibition of Cross-Examination in Person in family and civil proceedings

Introduction

The intention of sections 65 and 66 is to protect victims and other vulnerable witnesses from re-traumatisation during court proceedings.

Sections 65 introduced a statutory prohibition on cross-examination in person between victims and alleged perpetrators of domestic abuse in family proceedings.

Section 66 of the Domestic Abuse Act 2021 inserted a new Part 7A (comprising sections 85E to 85N) into the Courts Act 2003 to make provision about the cross-examination of vulnerable witnesses in civil proceedings in England and Wales.

Section 65 and 66 included provisions to automatically prohibit perpetrators or alleged perpetrators of abuse from cross-examining their victims in person in the civil or family courts, and vice versa, where it would affect the quality of the witness's evidence or cause significant distress. No party who has been convicted, cautioned for, or charged with a specified offence, or who has an injunction in force against them, may cross examine in person a witness who is the victim or alleged victim, of that offence or the person who is protected by the injunction and vice versa. In addition, where specified evidence is adduced that a witness has been the victim of domestic abuse carried out by a party to the proceedings, that party may not cross-examine the witness in person and vice versa. The family or civil court may also give a direction prohibiting a party from cross-examining a witness if it would cause significant distress or would result in poor quality evidence and would not be contrary to the interests of justice. When the prohibition applies, the court must first

consider whether there is a “satisfactory alternative” way for the witness to be cross-examined or for the relevant evidence to be obtained.

For both section 65 and 66, if the court decides that no satisfactory alternative is available, it will require the prohibited party to arrange, within a specified timeframe, for a Qualified Legal Representative (QLR) to carry out the cross examination on their behalf and to inform the court of these arrangements.[23] If, after the deadline, the party confirms that they have been unable to secure a QLR, or the court has not received any notification and concludes that none will be appointed, the court must decide whether it is necessary in the interests of justice to appoint a court appointed QLR to undertake the cross-examination. Where this threshold is met, the court must appoint a QLR. A court appointed QLR is not responsible to the party in the usual way.

The legislation also provides that the Lord Chancellor can make provision for the payment of the fees or costs of QLRs out of central funds and can issue guidance in connection with the role of QLRs.

Implementation

Sections 65 and 66 came into force on 21 July 2022, alongside the QLR scheme coming into effect. Engagement events were held with the legal profession in the lead up to implementation. Staff guidance was issued by HM Courts & Tribunal Service (HMCTS) in July 2022 and updated in November 2025. Judicial awareness and training were also undertaken in preparation for implementation.

Section 65 was supported by the introduction of Practice Direction 3AB of the Family Procedure Rules in July 2022.[24] Section 66 was supported by the introduction of Practice Direction 1A of the Civil Procedure Rules in May 2022.[25]

Assessment

Sections 65 and 66 are in the view of the UK Government, HM Courts & Tribunals Service (HMCTS), and the Domestic Abuse Commissioner (DAC) implemented, but there have ongoing operational challenges which have limited the intended impact primarily for section 65 (Family Court).

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[23] QLRs are qualified solicitors, barristers or chartered legal executive (CILEX) practitioners who choose to register for the scheme. To be a QLR, lawyers must register with HMCTS. They can choose to accept or decline cases once on the register - they are not obliged to accept QLR work. The party or witness is not responsible for paying for the QLR; the cost is met by the scheme. A QLR’s role in the proceedings is limited only to preparing for, and conducting, cross-examination of a witness. The QLR scheme is intended to ensure that all parties (and witnesses), including those prohibited from cross-examining someone else, can have a fair trial, consistent with their rights as set out in Articles 6 and 8 of the ECHR.

[24] https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-3ab-prohibition-of-cross-examination-in-person-in-family-proceedings-under-part-4b-of-the-matrimonial-and-family-proceedings-act-1984

[25] https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part01/practice-direction-1a-participation-of-vulnerable-parties-or-witnessespractice direction 1a – participation of vulnerable parties or witnesses – justice uk

Internally, HMCTS provided court staff who would be arranging the provision for Qualified Legal Representatives (QLR) in civil and family cases with guidance to assist with the process. This guidance contains escalation routes for queries and is regularly reviewed and refreshed.

For section 66, internal manual data from HMCTS suggests this provision is sparsely used in civil proceedings; likely reflecting the relatively small number of cases which meet the criteria specified in the DA Act as well as small proportion of cases in the jurisdiction that proceed to trial. Manually collected data suggests there have been 27 instances of the appointment of a QLR over the last two years for civil courts. This is heavily caveated, however, due to the nature of manually collected data and is likely to be an under-representation. It does, however, indicate that the provisions are in use across the jurisdiction.

Section 65 is believed to be used more, and family courts have reported issues appointing QLRs. Low QLR availability has resulted in case adjournments, delays, and some judges reverting to the pre-DA Act practice of questioning vulnerable witnesses themselves. This is confusing for witnesses and undermines the scheme's intent, as well as blurring the boundary between adjudication and advocacy. Low numbers of QLRs have led to criticism by the Domestic Abuse Commissioner, senior judiciary, QLRs, and legal professional bodies.

HMCTS' view is that the cross-examination prohibition came into force before a sufficient number of QLRs had registered to undertake the work. The expectation was that HMCTS staff would be able to go to the register and quickly appoint QLRs on a rota basis. In practice, HMCTS reported that staff were required to contact every QLR who had registered and were still unable to find anyone to take the case. A task expected to take 10 minutes was sometimes taking several hours or even days and this was all unfunded additional work. Initially, court staff were asked to telephone QLRs or email individuals, but the guidance was updated so that they could blind copy all QLRs who had registered, with the intention to increase the likelihood of a QLR taking case. HMCTS now also ask QLRs if they were willing to be contacted by courts other than their preferred sites.

Alongside this, the Government also increased QLR fixed fees by 10% (exclusive of VAT) and introduced a new fee for 'terminated appointments' on 31 May 2024. The new fee allows QLRs to be compensated when they are appointed and have undertaken at least 30 minutes of preparation but are subsequently not needed. For example, in the case of the prohibited party obtaining their own lawyer. These fee changes were on top of the expenses policy introduced on 2 January 2024, that allows QLRs to claim back expenses when they have travelled for work in a court not local to them.

These measures have been positively received and QLR numbers have increased. As of March 2026, HMCTS's internal data shows that there are 769 registered QLRs, with 540 operating in the family courts and 229 Civil QLR's

in the civil courts. The percentage increase in registered QLRs from October 2024 (428 QLRs) to March 2026 (769 QLRs) is 80%.

HMCTS' report that although the number of QLRs has increased, many QLRs have registered for multiple courts and regions in the expectation that they will be able to attend hearings remotely. The policy position on this is that QLRs should attend hearings in person and not remotely. Courts report that they struggle to get QLRs to attend in person hearings, and that whilst it is now easier to appoint a QLR, there are problems with them cancelling without giving adequate reasons, which places additional pressure on already stretched court teams.

Feedback from stakeholders also continue to indicate that fees are a significant factor influencing QLR uptake. Policy officials are considering potential options for amending the fees to incentivise QLRs to take on the work. Another factor relating to fees is that the fees regulations require QLRs to submit their claims for payment to the Legal Aid Agency (LAA) within three months of the completed or cancelled hearing or termination of appointment. In practice, QLRs often receive the necessary documentation late from the courts/judiciary, leading to a high volume of late payment claims to the LAA. Between January and March 2025, there were 220 late claims for payment from QLRs, and the majority of these were submitted 3-6 months after the hearing. This has been a longstanding issue since the scheme took effect. At present this is not an issue as the LAA are paying out of time claims. However, policy officials are looking to address this issue by increasing the time within which claims should be submitted and confirming the consequences of not submitting claims within the requisite time. This would require making a Statutory Instrument and revisions to the statutory guidance.

The QLR scheme is supported by statutory guidance, which sets out the purpose and scope of the role. The guidance outlines how the role will operate in practice. It also sets out principles and limitations which are distinctive to the statutory role, and which must be reflected in the QLR's actions and decisions. In addition, the guidance helps to provide clarity about the QLR's role for the benefit of the court, the parties and their representatives in cases where such a QLR may be or has been appointed by the court. Under statutory guidance, QLRs are required to complete family focused vulnerable witness and advocacy training, or demonstrate intent to do this, within six months of registering for the scheme. This training is considered essential for practitioners working with vulnerable witnesses and victims of domestic abuse. However, QLRs have struggled to undertake required training as a result of the low provision of suitable training. The Law Society continue to develop their training for solicitor QLRs, however delivery of this has been delayed. Policy officials are engaging with the Law Society to monitor progress.

Policy officials are also considering whether aspects of the statutory guidance should be revised, including proposals to introduce grounds for removal from the QLR Register. Both the LAA and HMCTS have raised concerns with specific individuals that potentially warrant their removal from the register.

Issues under consideration include whether terms for removal should include that a QLR may be removed from the register for repeated non-attendance or late attendance, or where justice sector bodies or regulators raise evidenced concerns or issue sanctions restricting them from undertaking legally aided work. The revised statutory guidance will also consider providing clearer direction on when courts should consider conflicts of interest, for example where a QLR also acts as the party's criminal representative.

Section 67 - Orders under section 91(14) of the Children Act 1989

Introduction

Section 67 was intended to address five core aims (below) by amending the Children Act 1989 to clarify when the court may make an order under section 91(14) of the Children Act 1989. Section 91(14) of the Children Act 1989 gives courts power, in specified circumstances, to order that no application for an order under that Act may be made by any person named in the order without the permission of the court. In doing so, it seeks to:

1. Stop abusive ex-partners from repeatedly taking victims back to court. This misuse of court processes was identified as a particular harm in the 2020 Harm Panel Report.
2. Protect victims and children from further harm caused by repeated or harmful applications. The measure helps to close gaps revealed by research, such as the Harm Panel Report published in June 2020, which showed that that section 91(14) orders were underused, leaving victims exposed to repeated applications by perpetrators.
3. Clarify that courts can impose these orders *on their own initiative.* This removes the burden from victims, who previously considered that they had to request such orders themselves, often in fear of repercussions.
4. Ensure courts consider whether there has been a change of circumstances before permitting further applications. The amended framework requires courts to consider whether a material change of circumstances has occurred before granting the barred person permission to make another application. In doing so this requirement strengthens the filter and ensures only legitimate future applications proceed.
5. Improve child safeguarding and reducing emotional harm.

Implementation

Section 67 came into force on 19 May 2022. It includes provision stating that the circumstances in which the court may make a section 91(14) order include where the court is satisfied that making an application for an order under the Children Act 1989 would put the child concerned, or another individual at risk of harm.

The implementation of section 67 was supported by the introduction of Practice Direction 12Q, supplementing the Family Procedure Rules 2010, which provided the judiciary with a clear procedural framework for considering

exercising its discretion to make an order under section 91(14) of the Children Act 1989, including applying the "risk of harm" provision in section 91A.

Other existing Practice Directions were updated alongside the introduction of section 91A. The amendments emphasise that section 91(14) orders function as child protection tools, preventing psychological and emotional harm. This aligns with the Domestic Abuse Act's broader purpose of prioritising child safety in domestic abuse contexts.

Assessment

Sections 67 is, in the view of the UK Government, Welsh Government, the Domestic Abuse Commissioner (DAC), and HM Courts & Tribunals Service, meeting the intention of the legislation. However, further data is required to provide assurance of effective implementation.

Feedback from the domestic abuse sector has highlighted that there has been a positive shift in the courts' engagement with section 91(14) orders where they were sought by victims and survivors of domestic abuse. The sector also reflected a sense that there is less stigma attached to requesting such orders.

However, HMCTS does not collate data on the use of section 91(14) orders. As such there is no comparative data available on the use of these orders before and after the implementation of section 67. However, the new family court digital service (Manage Cases) will allow courts to record when a section 91(14) order is made. The system is in use for private law in only four Designated Family Court areas at present. The Ministry of Justice will continue to monitor the use of orders under section 91 and engage with the domestic abuse sector and judiciary to identify opportunities to improve the understanding and implementation of section 67.

PART 6 - Offences involving abusive or violent behaviour (Sections 68-74)

Part 6 of the Act comprises 7 sections, which collectively introduce or amend offences involving abusive or violent behaviour.

Part 6 will be assessed in seven components:

- Section 68 - which relates to amending the controlling or coercive behaviour offence.
- Section 69 - which relates to threats to disclose private sexual photographs and films with intent to cause distress.
- Section 70 - which relates to non-fatal strangulation or suffocation.
- Section 71 - which relates to consent to serious harm for sexual gratification not being a defence.
- Sections 72-74 - which will be assessed together as they form a set of provisions concerning offences committed outside the UK.

Sections 68 - Controlling or coercive behaviour in an intimate or family relationship

Introduction

Section 68 intends to support more victims of domestic abuse by extending the protection of criminal law, under the controlling or coercive behaviour (CCB) offence, to victims experiencing post-separation abuse by a former partner. This is important as evidence shows that abuse by a former intimate partner can continue, and in some cases, escalate following separation, a period during which victims of domestic abuse are often particularly vulnerable.[26] This extension addresses this risk.

Section 68 amends section 76 of the Serious Crime Act 2015, which creates the offence of CCB in an intimate or family relationship. Prior to amendment, this offence applied only where the parties were personally connected, defined as relationship between intimate partners; former partners who continued to live together; or family members who lived together. It aligns section 76 of the Serious Crime Act 2015 to the definition of 'personally connected' in section 2 of the Domestic Abuse Act 2021. In doing so, it removes the requirement that the victim and perpetrator be living together, extending the offence of controlling or coercive behaviour to former - intimate partners or family members regardless of whether they share a household.

Section 77 of the Serious Crime Act 2015 enables the Secretary of State to issue Statutory Guidance, which any persons or agency investigating offences in relation to controlling or coercive behaviour under section 76 of the Serious Crime Act 2015 must have regard to.

[26] Rezey ML (2020). Separated women's risk for intimate partner violence: A multiyear analysis using the national crime victimization survey. Journal of Interpersonal Violence, 35(5–6), 1055–1080. 10.1177/0886260517692334

Implementation

Section 68 came into force on 5 April 2023. This was accompanied by the publication of the Controlling or Coercive Behaviour Statutory Guidance, which was published on the same day.[27]

Assessment

Sections 68 is in the view of the UK Government, Welsh Government, the Domestic Abuse Commissioner (DAC), the Welsh VAWDASV National Adviser, policing partners, the Crown Prosecution Service (CPS), and HM Courts & Tribunals Service, meeting the intention of the legislation. Policing partners noted the benefit of the offence in respond to perceived new types of offending, which can be included in scope of CCB. However, there remain challenges to the data collected of the offence and operational issues which inhibit the effective delivery of the offence.

Reflections from across stakeholder are that section 68 is critical in offering protection to victims experiencing CCB from a family member with whom they do not live with. This includes, for example, victims of so-called 'honour'-based abuse, where perpetrators may not share a household with the victim but nevertheless exercised sustained control or coercion. The removal of the cohabitation requirement has widened the scope of the offence. Internal CPS data show that the number of offences reaching a first hearing increased from 3,999 in 2023-24 to 5,374 in 2024-25, with 3,293 offences already reaching a first hearing in the first half of 2025-26. However, data on cohabitation is not recorded for CCB prosecutions, and it is therefore not possible to determine whether this increase is attributable to the change in scope introduced by section 68.

However, although cases have increased, CCB legislation remains underused in comparison to legislation regarding physical abuse. Evidence from policing partners, inspection bodies, academic research and practitioner commentary suggests that CCB is under recorded and under identified. Research indicates that some investigations adopt an incident-based approach, which can fail to capture the cumulative pattern of abuse required to evidence CCB.[28] CCB may also be subsumed within other offences, such as assault, or recorded as a series of isolated incidents rather than as a course of conduct offence. Charging decisions may be influenced by prosecutorial practice, including the prioritisation of offences carrying higher maximum sentences, with CCB not always charged as the lead offence. The CPS has updated its guidance to

[27] https://www.gov.uk/government/publications/controlling-or-coercive-behaviour-statutory-guidance-framework#full-publication-update-history

[28] Myhill A, Johnson K, McNeill A, Critchfield E and Westmarland N (2023) "A genuine one usually sticks out a mile": Policing coercive control in England and Wales. *Policing and Society* 33(4): 398-413.
Robinson, Amanda; Hohl, Katrin; Westmarland, Nicole; Johnson, Kelly; Williams, Emma; Lovett, Jo; Kelly, Liz; Vera-Gray, Fiona; and May, Tiggey (2025). Project Bright Light transforming the police response to domestic abuse: Findings report. Project report. Available at: https://orca.cardiff.ac.uk/id/eprint/182350

assist prosecutors in selecting the most appropriate charge where overlapping offences may apply, including harassment, stalking or CCB.

However, the CPS has noted, that as more offending takes place online, prosecutors face challenges in evidencing coercive control patterns, particularly where the abuse takes place over multiple platforms, involves anonymous accounts, or disappearing messages. The domestic abuse sector has also raised concerns that economic abuse is not always properly understood or investigated. It is critical for the response to CCB to address these concerns, or risk undermining the ability to establish a pattern of behaviour.

To address these issues, the Government is updating the statutory guidance on CCB by the end of 2026. This update will strengthen the understanding of the multitude of ways CCB can manifest and support frontline professionals to identify, investigate and prosecute CCB.

Section 69: Threats to disclose private sexual photographs and films with intent to cause distress

Introduction

The intention of section 69 was to strengthen protections for victims who are threatened with the disclosure of private sexual photographs and films and improve the response to abusive and controlling behaviour.

Section 69 amended section 33 of the Criminal Justice and Courts Act 2015, which creates the offence of disclosing a private sexual photograph or film with intent to cause distress to an individual who appears in the photograph or film. The amendment extended the offence to include threats to disclose such material, in recognition that the making of a threat can itself causes significant harm, including fear, coercion and distress, even where no disclosure ultimately takes place. The section also specifies that, in cases involving threats, it was not necessary for the prosecution to prove the private sexual photograph or film referred to in the threat exists, nor that if it does exist, that it is in fact a private sexual photograph or film, provided that the threat relates to material said to depict a relevant individual.

However, the final recommendations of Law Commission's Review of the criminal law on intimate images, was published in July 2022, following the passage of the Act.[29] The Government accepted all 54 recommendations to reform the law in respect of intimate image offences. As part of the implementation of these recommendations, section 33 of the Criminal Justice and Courts Act 2015 was repealed for England and Wales by the Online Safety Act 2023. This repeal includes the offence of threatening to disclose private sexual photographs or films, which had been inserted to section 33 by section 69 of the Domestic Abuse Act 2021.

[29] https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/54/2025/12/Intimate-image-abuse-final-report.pdf

The Online Safety Act 2023 introduced new offences of sharing or threatening to share intimate images, inserted into the Sexual Offences Act 2003 (section 66B). These new offences are designed with a tiered offence structure: a base offence of intentionally sharing or threatening to share an image without consent (no need to prove intent to harm) and aggravated offences where sharing is done either with intent to cause alarm, distress or humiliation, or for sexual gratification. This expressly removes intent to cause distress as an element of the basic offence while retaining it as an aggravating factor. This was a deliberate shift of focus from the perpetrator's motive to the victim's lack of consent, following evidence and recommendations from the Law Commission that the 'intent to cause distress' test in the Criminal Justice and Courts Act 2015 was a major barrier to effective prosecutions and did not reflect the real harms of intimate image abuse.

As a result, the offence under section 33 no longer applies to conduct occurring after the commencement of the relevant provisions of the Online Safety Act 2023. However, the section 33 offence will continue to apply in relation to conduct that occurred before commencement of the new offences introduced by the Online Safety Act 2023 by virtue of section 16 of the Interpretation Act 1978.

Implementation

Section 69 came into force on 29 June 2021. However, section 69 was omitted with effect from 31 January 2024 by virtue of section 240(1) the Online Safety Act 2023 (c. 50) read with paragraph 23(2) of Schedule 14. The omission as brought into force by regulation 2 of the Online Safety Act 2023 (Commencement No.3) Regulations 2024 (S.I. 2024/31).

Assessment

Due to repeal of section 33 of the Criminal Justice and Courts Act 2015, which includes section 69 of the Domestic Abuse Act 2021, we have not conducted an assessment. The period of section 69 coming into force, before being replaced by the Online Safety Act was two years and seven months, which provides a limited time period to meaningfully assess the mobilisation and use of the offence. The assessment of the new intimate image offences under the Online Safety Act 2023, will be included under the post-legislative scrutiny of that act.

Sections 70 – Strangulation or suffocation

Introduction

The intention of section 70 is to address non-fatal strangulation or suffocation and ensure victims receive protection from criminal law.

Section 70 introduces the new offence of the non-fatal strangulation or suffocation of another person. This section inserts new sections 75A and 75B

to the Serious Crime Act 2015. Prior to June 2022, non-fatal strangulation and suffocation were not recognised as standalone criminal offences and were commonly prosecuted under general assault offences. However, survivors of strangulation are at higher risk for future violence and research by the Institute for Addressing Strangulation (IFAS) has shown that experiencing non-fatal strangulation is a key risk factor for domestic homicide.[30]

Section 75A defines the elements of the offence of strangulation or suffocation. These provisions set out:

- Consent to the strangulation or other relevant act may be relied upon as a defence only if specific conditions are met.
- Consent will not be a defence where the person subjected to the act suffers serious harm and the defendant either intended to cause serious harm or was reckless as to whether serious harm would be caused.
- The evidential requirements for establishing that consent was present.
- The meaning of "serious harm" for the purposes of this offence.
- The applicable penalties and the offence are triable either way. On summary conviction, the maximum penalty is 12 months' imprisonment, a fine, or both. On conviction on indictment, the maximum penalty is five years' imprisonment, a fine, or both.
- Extraterritorial jurisdiction, setting out the circumstances in which conduct amounting to an offence under section 75A may be prosecuted where it is committed outside the United Kingdom.

Implementation

Section 70 came into force on 7 June 2022.

Assessment

Section 70 is in the view of the UK Government, Welsh Government, the Domestic Abuse Commissioner (DAC), the Welsh VAWDASV National Adviser, policing partners, and the HM Courts & Tribunals Service, meeting the intention of the legislation and work is ongoing to improve the practice for identifying and charging under the offence.

Stakeholders have anecdotally reflected that the creation of the offence has strengthened the legal recognition and accountability for this behaviour and therefore helped to protect victims and hold perpetrators to account. The domestic abuse sector shared reflections that the introduction of this standalone offence has helped shift understanding of strangulation from being treated as a form of common assault to being recognised a high-risk indicator of escalating abuse and violence.

[30] https://ifas.org.uk/wp-content/uploads/2024/04/DHR-Analysis-Non-Fatal-Strangulation-Report-February-2024.pdf

To support the implementation of non-fatal strangulation and suffocation as a standalone offence, the Home Office provided funding to set up the Institute for Addressing Strangulation (IFAS) to raise awareness and strengthen understanding of strangulation across the UK. Since, 2022, the Home Office have funded IFAS more than £1.7 million, underpinning the intention of the legislation. The most recent data published by IFAS shows that there were 44,426 offences of strangulation and suffocation recorded by police in England and Wales in the year ending June 2025. This has increased from 23,817 in the year ending June 2023, the first year of strangulation and suffocation becoming a standalone offence.[31]

Data from the CPS shows that in the three years since the offence was introduced, in line with the increase in recorded offences, charges rose from 1,483 in 2022–23 to 8,545 in 2024–25 – nearly a sixfold increase. In the first quarter of 2025–26 alone, 2,656 charges were recorded.[32] However, there are limitations arising from the grouping of strangulation and suffocation into one offence, including the inability to disaggregate police or court data relating specifically to strangulation as distinct to suffocation.

Strong pre-implementation training meant prosecutors were able to charge cases within 24 hours of the offence coming into force, supporting early and effective use of the legislation. Ongoing challenges remain around public and jury understanding, particularly the fact that strangulation does not require a minimum level of pressure or force, nor any visible injury. Updated CPS guidance, informed by recent case law, now clarifies these issues and supports prosecutors in explaining the nature of the offence and applying it consistently in practice. However, the nature of strangulation and suffocation means that “serious harm” is not always apparent on visual inspection. The domestic abuse sector has commented that given the well-established medical evidence that even brief pressure to the neck can cause internal injury without external marks, the threshold for “serious harm” may not adequately reflect fully the clinical risk inherent to such conduct; and that “serious harm” only encompasses physical, and not psychological harm. They have also highlighted that the absence of a statutory definition of strangulation may contribute to inconsistent charging decisions and evidential thresholds of practice.

It is important that victims can access a medical examination for health considerations and evidential collection, including at A&E, and that NHS routine care and forensic care have appropriate pathways. The Home Office understands that this is not always the case in practice, which can limit the effectiveness of the legislation. The domestic abuse sector has also highlighted that some victims present no visible injuries, and first responders may often lack specialist training to identify subtle, but clinically significant indicators. Such indicators include voice changes, petechiae, or neurological symptoms. In the absence of routine access to appropriate medical

[31] https://ifas.org.uk/wp-content/uploads/2026/02/Strangulation-and-Suffocation-Offences-June-2024-June-2025-Report-1-2.pdf

[32] https://www.cps.gov.uk/cps/news/rise-strangulation-charges-highlights-cps-commitment-tackling-domestic-abuse

examination, cases risk being undercharged or discontinued, limiting the practical impact of the offence. The Government will continue to explore pathways to improve the access to appropriate medical examination and a multi-agency response.

The legislation was intended to set a maximum sentence of five years' imprisonment for the offence of non-fatal strangulation and suffocation, and this issue was the subject to significant debate during the passage of the Act. Some organisations have expressed the view that the current statutory maximum sentence of 5 years does not adequately reflect the severity of the harm and risk associated with non-fatal strangulation and suffocation.

However, the Government considers that the statutory maximum has provided courts with the appropriate sentencing powers and that the legislation has achieved its purpose on sentencing. The average custodial sentence for a conviction for strangulation and suffocation in the year ending September 2025 was 21.2 months.[33] Furthermore, on 1 January 2025, following the Court of Appeal judgment in the case of *R v Cook* [2023] EWC Crim 452, the Sentencing Council of England and Wales published new guidelines for judges and magistrates on sentencing in cases of non-fatal strangulation and suffocation. The Sentencing Council recognised that the offence, and its racially or religiously aggravated version, were serious offences that were highly dangerous to victims, with even a brief period of strangulation potentially risking serious injury or death. The purpose of the guidelines, which was subject to public consultation, is to ensure that those who seek to harm others in this way receive sentences that reflect the seriousness of these offences.

In June 2025, following a recommendation from the Independent Pornography Review, the Government announced that pornography depicting any acts of strangulation would be criminalised through provisions in the Crime and Policing Bill, to protect women from violence and to strengthen the criminal justice system for victims. The Government has stated that this reform is part of a wider approach to tackling violence against women and girls. While not dependent on the Act, the existence of a specific criminal offence of non-fatal strangulation has provided an important legal context for this policy development.

Section 71 – Consent to serious harm for sexual gratification not a defence

Introduction

Section 71 of the Domestic Abuse Act clarifies the law by restating in statute, the broad legal principle established in the case of *R v Brown* [1993] UKHL 19, that a person cannot consent to actual bodily harm or to other more serious injury or, by extension, to their own death. This means that a defendant is unable to rely on a victim's consent to the infliction of such harm

[33] https://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-september-2025

as part of any so called “rough sex gone wrong defence”. Given the current law applies to all situations and is not limited to those which amount to domestic abuse, the clarification given in section 71 also applies more widely.

Implementation

Section 71 came into force on 29 April 2021.

Assessment

No assessment is required as section 71 merely restates, in statute, the current law.

Sections 72-74 – Offences committed outside of the UK

Introduction

The Istanbul Convention is a Council of Europe Convention on preventing and combating violence against women and domestic violence. The UK signed the Convention on 8 June 2012 but prior to the Domestic Abuse Act 2021, had yet to ratify it. In most respects, the measures already in place in the UK complied with or went further than the Convention required. A key element of the Convention was to make sure that ratifying states could use their national law to prosecute offences required by the Convention when committed by their nationals or residents overseas. The legal term for powers to allow prosecution in the UK for offences committed by UK nationals or residents overseas is "extraterritorial jurisdiction". Taking such powers required primary legislation.

The courts in England and Wales, Scotland and Northern Ireland already had extraterritorial jurisdiction for some of the offences required by the Convention but did not have extraterritorial jurisdiction for other offences required under Articles 33 to 39 of the Convention. Accordingly:

- Section 72 extends the circumstances in which certain sexual and violent offences committed abroad may be prosecuted in England and Wales, where the offence is committed by a UK national or a person habitually resident in England and Wales;
- Section 73 makes provision for Northern Ireland analogous to that in section 72 in respect of England and Wales; and
- Section 74 further extends the circumstances in which certain sexual and violent offences committed abroad may be prosecuted in England and Wales (Part 1 of Schedule 3 of the 2021 Act), Scotland (Part 2 of Schedule 3 of the 2021 Act) and Northern Ireland (Part 3 of Schedule 3 of the 2021 Act) where the offence is committed by a UK national or a person habitually resident in the relevant part of the UK.

Implementation

Sections 72 came into force 29 June 2021. Section 73 came into force 21 February 2022 and Section 74 Subsection (1) and (2) came into force 29 June 2021, Section 74 Subsection (3): 21 February 2022.

The UK ratified the Istanbul Convention in July 2022.

Assessment
Although there is no data available to enable any analysis on the number of extraterritorial cases prosecuted in the UK, the UK Government and all devolved nations recognise the scale of violence against women and girls VAWG and support the use of sections 72-74.

The UK Government responded to Group of Experts on Action against Violence against Women and Domestic Violence final report on the implementation of the Council of Europe's Convention on preventing and combating VAWG and domestic violence (Baseline report), which was published on 18 June 2025.[34] The UK Government's response outlines the range of measures being progressed by the UK on VAWG.

[34] https://rm.coe.int/comments-submitted-by-the-united-kingdom-on-grevio-s-final-report-on-t/1680b6610b#:~:text=In%20February%202025%2C%20the%20.

PART 7 – miscellaneous and general (Sections 75-91)

Part 7 of the Act comprises 17 sections, which collectively cover miscellaneous and general provisions. This includes polygraph testing, homelessness protections, secure tenancies, medical evidence requirements, data processing rules, contact centre reviews, and the Act's final regulatory and commencement provisions.

Part 7 will be assessed in eleven components:

- Section 75 – which relates to a strategy for prosecution and management of offenders.
- Section 76 – which relates to polygraph conditions for offenders released on licence.
- Section 77 - which relates to guidance of information by police forces, known as the Domestic Violence Disclosure Scheme.
- Section 78 - which relates to support for victims at risk, or experiencing, homelessness.
- Section 79 – which relates to secure tenancies for victims of domestic abuse.
- Section 80 – which relates to the prohibition on charging for medical evidence of domestic abuse for legal aid.
- Sections 81-82 – are assessed together as they both relate to the processing of victims' personal data for immigration purposes.
- Section 83 – which relates to a report on contact centres in England.
- Section 84 – which relates to statutory guidance about domestic abuse.
- Sections 85-86 – are assessed together as they relate to powers for consequential amendments and transitional and saving provisions).
- Sections 87-91 - are assessed together as they related to final provisions.

Sections 75 – Strategy for prosecution and management of offenders

Introduction

The intention of section 75 was to strengthen the response to perpetrators of domestic abuse by introducing a statutory duty on the Secretary of State to publish a national perpetrator strategy (the "perpetrator strategy") within 12 months of the Act receiving Royal Assent. The strategy was required to set out the Government's approach to bringing perpetrators of domestic abuse to justice and to the assessment and management of the risks posed by individuals who commit offences involving domestic abuse-related offences, including stalking.

Section 75 further required the strategy to include a commitment to reduce both reoffending, and the likelihood that perpetrators will commit further domestic abuse offences. In developing the strategy, the Act also imposed a duty on the Secretary of State to engage with the Domestic Abuse Commissioner and any other persons considered appropriate. The Act

provides that the Secretary of State must keep the strategy under review and may revise it.

Implementation

Section 75 came into force 29 April 2021 when the Domestic Abuse Act received Royal Assent. In response to the statutory duty, the Government published "Tackling Domestic Abuse Plan" on 30 March 2022.

Subsequent strategic developments have continued to reflect the objectives set out in Section 75, such as the "Freedom from violence and abuse: a cross – government strategy to build a safer society for women and girls", published on 18 December 2025.

Assessment

Section 75 is in the view of the UK Government, Welsh Government, Crown Prosecution Service (CPS), the Domestic Abuse Commissioner, and policing partners to be effective at achieving the intention of the legislation.

The Government's *Tackling Domestic Abuse Plan*[35] ("The Plan"), published in March 2022, was structured around four pillars: prioritising prevention, supporting victims, pursuing perpetrators, and building a stronger system. Section 75 is delivered through the Plan's 'Pursuing Perpetrators' pillar.

More recently, the *Freedom from violence and abuse: a cross-government strategy to build a safer society for women and girls*[36] ("VAWG Strategy"), published on 18 December 2025, sets out this Government's strategic direction. The VAWG Strategy was structured around the three pillars: prevention and early intervention, relentless pursuits of perpetrators, support for victims and survivors. The prevention and early intervention and Relentless pursuit of perpetrators pillars continue the intention of section 75. The concrete actions note the Government will continue to detect, investigate, prosecute and manage domestic abuse and stalking perpetrators, whilst reducing the risk that these individuals commit any further domestic abuse and stalking offences.

During the development and implementation of both strategies, the government worked and consulted closely with the Domestic Abuse Commissioner, alongside engagement with internal and external stakeholders.

Taken together, the *Tackling Domestic Abuse Plan* and the subsequent *VAWG Strategy* incorporate measures relating to the prosecution, risk management and management of domestic abuse and stalking perpetrators. Operational partners and the domestic abuse sector have reflected positively that both

[35] https://www.gov.uk/government/publications/tackling-domestic-abuse-plan/tackling-domestic-abuse-plan-command-paper-639-accessible-version
[36] https://www.gov.uk/government/publications/freedom-from-violence-and-abuse-a-cross-government-strategy/freedom-from-violence-and-abuse-a-cross-government-strategy-to-build-a-safer-society-for-women-and-girls-accessible

The Plan and the VAWG Strategy has matured the response to perpetrators of domestic abuse.

Section 76 – Polygraph conditions for offenders released on licence

Introduction

Section 76 intended to improve the understanding of the effectiveness of polygraph conditions for domestic abuse offenders. It amended section 28 of the Offender Management Act (OMA) 2007 to permit polygraph testing with people released from prison on licence who had been convicted of certain offences involving domestic abuse and had been given a custodial sentence of not less than twelve months.

The OMA 2007 had permitted polygraph testing with certain people convicted of sexual offences since 2014. The Counter Terrorism and Sentencing Act 2021 amended the OMA 2007 to permit polygraph testing with terrorist and terrorist-connected offenders, and it had proven to be a useful risk management measure. Providing probation practitioners with risk-related information that they otherwise would not have known. This enabled practitioners to take action to strengthen risk management plans; change the focus of supervision; or take enforcement action, including recalling offenders to prison. It was for these reasons that there was strong operational interest in extending polygraph testing to high-risk domestic abuse perpetrators.

The Act determined a ‘relevant offence involving domestic abuse’ to be one of the following offences that amounted to domestic abuse within the meaning of the Act (section 1):

- Murder;
- An offence under Section 5 of the Protection from Harassment Act 1997 (breach of a restraining order);
- An offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences);
- An offence under Section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).
- It also permitted polygraph testing with people convicted under section 39 of the Domestic Abuse Act (breach of a domestic abuse protection order).

Implementation

Section 76 came into force for the purposes of the pilot from 5 July 2021 to 4 July 2024.

Assessment

Section 76 is in the view of the UK Government, Welsh Government, Crown Prosecution Service (CPS), the Domestic Abuse Commissioner, and policing partners to be effective at achieving the intention of the legislation.

A pilot of polygraph testing for high-risk domestic abuse perpetrators commenced on 5 July 2021, with new participants being added into the pilot until 4 July 2024. Participants were polygraph tested until 4 July 2025. The pilot is being independently evaluated as a Randomised Control Trial by Cambridge Centre of Evidence Based Policing. The Ministry of Justice is also undertaking an internal process evaluation. Findings from the evaluation are planned to be published in 2027 and will be used to inform decisions about future use of polygraph testing with domestic abuse perpetrators.

Section 77 - Guidance about the disclosure of information by police forces

Introduction

The intention of section 77 is to improve the consistency of information through a structured process for police forces to consider whether information about an individual's previous abusive or violent behaviour should be disclosed either to a potential victim or to a person best placed to protect them. While balancing that disclosures should be made within a clear legal framework, ensuring that decisions are lawful, necessary and proportionate, and that appropriate weight is given to data protection requirements and the right to respect for private and family life.

To deliver this intention, section 77 of the Domestic Abuse Act 2021 places a statutory duty on the Secretary of State to issue guidance to chief officers of police about the disclosure of information for the purposes of protecting individuals from domestic abuse. The provision does not create new disclosure powers, but is intended to support the consistent, lawful and proportionate use of existing police powers to disclose information where necessary to prevent crime and safeguard victims. The scheme is referred to as the Domestic Violence Disclosure Scheme (DVDS), or 'Clare's Law'.

Guidance issued under section 77 is statutory. Police forces are required to have regard to it when exercising their functions in relation to domestic abuse related disclosures. The guidance is intended to promote a consistent national approach to disclosures, while preserving the need for professional judgement and case-by-case decision-making.

Implementation

Section 77 came into force on 5 April 2023, when the statutory guidance under section 77 was issued. The guidance builds on the existing DVDS framework and placed clearer expectations on police forces in relation to decision making, safeguarding and delivery of disclosures, replacing the previous non-statutory arrangements.

Assessment

Section 77 is in the view of the UK Government, Welsh Government, the Domestic Abuse Commissioner (DAC), and policing partners, meeting the intention of the legislation. However, there remains operational challenges for consistent delivery of section 77 across all force areas in England and Wales.

Section 77 has strengthened the statutory framework underpinning the DVDS by reinforcing expectations of consistency, proportionality and victim safety. However, evidence from operational reviews, stakeholder feedback and learning recommendations has highlighted ongoing challenges in the implementation of the DVDS, including variability in practice across police forces, delays in processing applications, and inconsistencies in the application of statutory guidance. In some areas, victim support services report that they are having to strongly advocate to police forces to make a disclosure. These issues have the potential to undermine the preventative intent of the DVDS and, in some cases, impact victim confidence and safety.

Policing partners have highlighted sustained operational pressures arising from a combination of increased public awareness of the DVDS, resulting in higher volumes of applications, and challenges associated with meeting statutory expectations around the timeliness of disclosures. While the focus of the legislation and guidance is on the prompt disclosure of relevant police held information, partners have stressed that effective safeguarding before, during and after disclosure is equally critical.

Effective safeguarding relies on close partnership working with statutory and non-statutory agencies, including local authorities and specialist domestic abuse services. Operational feedback indicates that current statutory guidance does not always clearly set out the roles and responsibilities of key partners within the DVDS process, which can create variability in post-disclosure support and follow-up arrangements. Partners have further noted that meeting current and future demand for the DVDS in a sustainable way presents practical challenges, including the need to search information held across multiple police systems. Innovation and technological solutions to support more efficient and consistent information-sharing are therefore being scoped as part of wider work to strengthen the DVDS framework.

Operational partners have also emphasised the importance of ensuring that the operation of the DVDS continues to be informed by emerging evidence and research. Ongoing academic work, including research on information sharing and domestic abuse and work focused on producing more impactful, victim-centred DVDS disclosure scripts, is contributing to a deeper understanding of how disclosures are experienced by victims and how they can best support safety and informed decision-making.

In response to these challenges, the Government committed in the Violence Against Women and Girls (VAWG) Strategy to develop a clearer and more consistent framework to improve the operation of the DVDS and to explore the potential to expand disclosure arrangements to other forms of VAWG. Work is

ongoing, in collaboration with the National Centre for Violence Against Women and Girls and Public Protection (NCVPP), to address these issues and to ensure that the DVDS operates as effectively and safely as possible.

Section 78 – Homelessness: victims of domestic abuse

Introduction

The intention of section 78 is to reduce the risk of a victim of domestic abuse becoming homeless.

Section 78 of the Domestic Abuse Act amended Part 7 of the Housing Act 1996, and article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2002/2051). Section 78(1)-(4), and (6)-(9) ensured both Acts and the Order used the same, updated definition of domestic abuse as section 1 of the Domestic Abuse Act 2021. Section 78(5) also amended section 189 of the Housing Act 1996 to give 'priority need' to persons who are homeless as a result of being victims of domestic abuse. Being in 'priority need' gives victims of domestic abuse, and anyone who normally resides with them as a member of their family, a right to housing, including emergency housing, where needed. As housing authorities are required to secure accommodation for applicants under section 188(1) of the Housing Act 1996 if they believe that an applicant may be homeless, eligible for assistance and have priority need.

Section 78(8) amended the Order to remove the existing category of priority need as a person 'who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out', and replaced it with a category of a person having priority need where they vulnerable as a result of violence that is not domestic abuse as defined by the Domestic Abuse Act 2021 (i.e. gang violence).

The combination of subsections (5) and (8) meant that persons without dependent children, who are homeless as a result of domestic abuse, no longer need to prove to the local housing authority that they were also vulnerable, as a result of that abuse or otherwise, in order to be found to be in priority need of accommodation.

The measures under section 78 do not apply to Wales. The UK Government can legislate in regard to housing in Wales, but to do so it requires a Legislative Consent Motion from the Welsh Parliament. In practice Wales already has its own established statutory framework for housing and homelessness prevention set out in the Housing (Wales) Act 2014 and wider Welsh Government policy.

Implementation

Section 78 came into force 5 July 2021.

Assessment

Section 78 is in the view of the UK Government, Local Government Association, and the Domestic Abuse Commissioner to be effective at achieving the intention of the legislation. We have assessed that victims of domestic abuse are accessing their rights, as defined under section 78. However, there are challenges at the local level regarding the consistency of how the duty is discharged.

Based on the most recent annual data from 2024/2025 from the homelessness cases level information collection (H-CLIC), we have identified 5,740 (8%) out of 72,260 homeless households who were owed the main duty were homeless due to domestic abuse.[37] This is an increase from the previous year, and a significant increase on the number of cases recorded prior to the introduction of the Domestic Abuse Act 2021, where 1,590 cases were reported in 2020/2021. However, these statistics capture the primary reason why households may have priority need, which may include domestic abuse. It should be noted that although households may have priority need for several reasons, only the main category is recorded. Nevertheless, this demonstrates that victims of domestic abuse who are, or are facing, homelessness are receiving support in line with the intention of section 78.

Alongside the main duty, we have also monitored the relief duty, which is a duty on the local authority under Part 7 of the Housing Act 1996 to take reasonable steps to help the applicant secure accommodation for at least 6 months; and the prevention duty, which is another duty on the local housing authority under Part 7 of the Housing Act 1996 to take reasonable steps to prevent homelessness. 10,610 (7%) households were threatened with homelessness due to domestic abuse and recorded as being owed a prevention duty in 2024/2025 and 28,800 (16%) households were homeless and therefore owed a relief duty in 2024/2025 – making domestic abuse the second most common reason for households being owed a relief duty.[38] Since prevention and relief duties are not dependent on priority need, these duties were not measurably changed by the introduction of the Domestic Abuse Act 2021, and from these measures we have identified that both are a rise on the number of cases reported prior to the introduction of the Act. However, whether this increase is due to better reporting, greater prevalence, or a better awareness and understanding of domestic abuse following changes made through the Act is unclear.

We have not conducted a formal assessment of the impacts of the section 78 on homelessness services. However, MHCLG have commissioned research

[37] Under Part 7 of the Housing Act 1996, if an applicant's homelessness is not successfully prevented or relieved, a housing authority will owe an applicant the main housing duty (i.e. the main duty) in circumstances where the applicant has priority need for housing and is not homeless intentionally. https://www.gov.uk/government/statistics/statutory-homelessness-in-england-financial-year-2024-25/statutory-homelessness-in-england-financial-year-2024-25#accompanying-tables https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness

[38] https://www.gov.uk/government/statistics/statutory-homelessness-in-england-financial-year-2024-25/statutory-homelessness-in-england-financial-year-2024-25#accompanying-tables https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness

by IFF Research and the Centre for Homelessness Impact. This research is looking at how temporary accommodation is used by victims and survivors of domestic abuse in England.

The Minister of State for Local Government and Homelessness also asked the Local Government Association to look at the challenges for local authorities when commissioning domestic abuse related services. Their considerations highlighted that resourcing is a constraint in many areas, which can impact the commissioning of housing advice and other homelessness services to help survivors of domestic abuse (e.g. sanctuary schemes). Funds in England, such as the Homelessness Prevention Grant have helped address some of these resource constraints, though councils have told the LGA that they would welcome a long-term grant and increased funding.

Feedback from wider stakeholders, including the domestic abuse sector, has raised that there is not consistent practice in how the duty is discharged and there is a need from improved inclusive practice to meet the needs of the diverse range of victims, particularly older, disabled, and LGBT+ victims. Issues reported include delays to accessing accommodation; being offered unsuitable or unsafe accommodation; wrongful advice given to victims that they should meet the local connection test, must have proof of physical abuse, or are required to report to the police; and challenges due to the wider demand on housing stock.

As we have announced in our National Plan to End Homelessness (December 2025), we are already taking action to address these issues.[39] To help survivors move on into settled accommodation when they are ready, we have made it easier for victim-survivors of domestic abuse to access social housing by exempting them from local connection and residency tests. We have also improved funding streams through the creation of the new Homelessness, Rough Sleeping and Domestic Abuse Grant from 2026/27 onwards, helping to simplify funding and enabling councils to adopt new approaches to prevent homelessness due to domestic abuse. Alongside this, we are also developing a toolkit on homelessness prevention and support for survivors of domestic abuse.

Section 79 – Grant of secure tenancies in cases of domestic abuse

Introduction

The intention of section 79 is to ensure that concerns about losing the security of a lifetime tenancy did not act as a disincentive to prevent those experiencing domestic abuse from leaving a perpetrator or seeking to have them removed from the home. It aims to provide victims with stability and security by ensuring they are granted a further lifetime tenancy in these circumstances.

[39] https://www.gov.uk/government/publications/a-national-plan-to-end-homelessness

Section 79 of the Domestic Abuse Act 2021 contains measures which provide that when local authorities grant a new secure tenancy to a former lifetime tenant who is, or was, a victim of domestic abuse, the tenant must be given a further lifetime tenancy. This also applies where the local authority is granting such persons a new sole tenancy in their existing home after the perpetrator has left/been removed. For the purposes of this section, references to a victim of domestic abuse include cases where the abuse is directed at another person within the victim's household (for example, a child).

These measures apply to tenants who previously held either a secure tenancy or a full assured (non-shorthold) tenancy granted by a local authority or a Private Registered Provider (PRP) of social housing (housing association), housing trust, or the Regulator of Social Housing in England. The policy impacts people who were or are victims of domestic abuse who previously held a lifetime tenancy and are seeking a new local authority tenancy. Section 79 applies only where the new tenancy is granted in connection with that domestic abuse. Section 79 also applies where a victim remains in their home and is granted a new sole tenancy after the perpetrator has left or been removed.

The measures under section 79 do not apply to Wales. The UK Government can legislate in regard to housing in Wales, but to do so it requires a Legislative Consent Motion from the Welsh Parliament. In practice Wales already has its own established statutory framework for housing and homelessness prevention set out in the Housing (Wales) Act 2014 and wider Welsh Government policy.

Implementation

Section 79 came into force on 1 November 2021. From this date, local authorities in England were required to ensure that where a person is, or has been a victim of domestic abuse, and a new secure tenancy is being granted for reasons connected with that abuse, the tenancy is granted on a lifetime basis. The measure applies when a local authority is granting a new tenancy, including a new sole tenancy when a victim remains in their home. Local authorities were expected to update their allocations policies and internal processes so that eligible households would be identified and granted a new lifetime secure tenancy.

In January 2022, MHCLG (then known as DLUHC) updated its *Improving access to social housing for victims of domestic abuse* statutory guidance to reflect the changes introduced by section 79, including the expectation that existing lifetime tenants fleeing domestic abuse should be granted a new lifetime tenancy.[40] At the same time, the statutory allocations guidance was updated to strengthen advice on information-sharing where there are safeguarding concerns, including domestic abuse.[41]

[40] https://www.gov.uk/government/publications/improving-access-to-social-housing-for-victims-of-domestic-abuse/improving-access-to-social-housing-for-victims-of-domestic-abuse
[41] https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities

Assessment

Section 79 is in the view of the UK Government, Local Government Association, and the Domestic Abuse Commissioner to be effective at achieving the intention of the legislation. However, there are mixed levels of awareness and understanding of section 79 across local authorities, which is inhibiting the full realisation of the section.

The main expected impact of this policy is increased housing stability for victims of domestic abuse, by ensuring former lifetime tenants retain lifetime security when granted a new tenancy connected with domestic abuse. We therefore expect, over time, a greater proportion of eligible victims to receive lifetime secure tenancies when local authorities grant new tenancies to former lifetime tenants for reasons connected with domestic abuse they have experienced. Overall, the assessment of the Government, local authorities and other stakeholders such as the domestic abuse sector is that section 79 has been implemented and is helpful for people fleeing domestic abuse, but that it is not always used in a consistent way. Awareness of the duty varies between areas, and some local authorities find it hard to identify when it should apply or to record cases properly.

The department does not collect any data on the use of section 79. However, in 2018/19, over 5,000 (1.9%) of all new social housing lettings were to existing social tenants who gave 'domestic abuse' as the main reason they left their previous social home. According to accredited official statistics in *Social housing lettings in England, tenants: April 2024 to March 2025*, approximately 8% of households left their last settled home due to domestic abuse — around 15,000 households.[42] This is an increase from 7% in the previous year. Of these households, 14,000 were led by women, and 8,000 included dependent children. In 2024/25 there were 670 new social lettings made by LAs to households who had left their last settled home due to domestic abuse and who were previously in social housing in a lifetime tenancy (by either local authority or PRP). Of these, 657 were given a secure lifetime tenancy (98%). However, a time series for these breakdowns is only available back to 2020/21.

There was a small increase and subsequent fall in new social lettings made by LAs to households who had left their last settled home due to domestic abuse and who were previously in social housing in a lifetime tenancy (by either local authority or PRP). There were 702 of these households in 2020/21, increasing to 858 in 2022/23 and falling to 670 in 2024/25. The proportion given secure lifetime tenancies fell from 97% in 2020/21 to 80% in 22/23 and then rose to 98% in 2024/25. We do not hold any data prior to 2020/21, therefore it is not possible to make a direct comparison between the position before and after section 79 was commenced.

[42] https://www.gov.uk/government/statistics/social-housing-lettings-in-england-april-2024-to-march-2025/social-housing-lettings-in-england-tenants-april-2024-to-march-2025

Following a call for views from local authorities and through sector representative bodies, we received a range of feedback on how section 79 is being implemented in practice. Overall, partners indicated that section 79 is being used, but the number of cases anecdotally reported from a small sample size appears relatively low and varies between areas. Some authorities reported a small number of cases in the last year in which households moving due to domestic abuse were granted secure tenancies under section 79. Some noted that households offered accommodation under relief or final homelessness duties were able to retain a social tenancy, but again the overall volume of identified cases was small.

Authorities also reported mixed levels of awareness and understanding of section 79. Several stated that the provision is already embedded within their allocations policies and helps victims move more quickly into stable, long-term accommodation without extended periods in a refuge or unsuitable temporary housing. However, others described uncertainty about how often section 79 applies in practice and highlighted challenges in identifying eligible cases consistently across different parts of the service. Some authorities were unclear as to whether the provision requires local authorities to grant all victims of domestic abuse who previously held a secure tenancy a new secure tenancy. This is not the case, the legislation provides that only where a local authority does grant a secure tenancy, that tenancy must be a lifetime secure tenancy.

Respondents also described variation in operational practice. One Arms-Length Management Organisation reported conducting routine checks during lettings to determine whether applicants fall within the scope of the Act and ensure that secure tenancies are granted where required. Other authorities noted that they are in the process of updating training and internal guidance to improve staff understanding of section 79, and some are reviewing the capability of their systems to better record and report section 79 outcomes. Several authorities acknowledged difficulties in monitoring and data collection, with one establishing a dedicated Safe Accommodation Task and Finish Group to improve oversight and data quality relating to the application of section 79. Authorities also noted that, in practice, Registered Social Landlords often continue to support domestic abuse victims through management transfers, rather than relying on section 79 mechanisms.

As the Renters' Rights Act 2025 is introduced and tenancy types become simpler under the assured tenancy framework, it should become easier for local authorities to recognise which previous tenancies qualify for section 79. Along with better systems and clearer guidance, this may help ensure the duty is applied more consistently and that victims receive the secure tenancy they are entitled to. The Government has committed to working with partners to update statutory guidance on social housing allocations so that it better reflects local need and supports vulnerable households, including those fleeing domestic abuse.[43] This provides an opportunity to consider how

[43] https://www.gov.uk/government/publications/delivering-a-decade-of-renewal-for-social-and-affordable-housing/january-2026-progress-update-delivering-a-decade-of-renewal-for-social-and-affordable-housing

updated allocations guidance could support improved awareness and more consistent use of section 79.

Section 80 - Prohibition on charging for the provision of medical evidence of domestic abuse

Introduction

The intention of Section 80 was to introduce a statutory prohibition on charging for the preparation and provision of medical evidence of domestic abuse where that evidence is required to support an application for civil legal aid. The change now prohibits relevant health professionals working in general practice, who provide services under an NHS GP contract, levying charges for providing this service. Which, in turn, removes financial barriers to legal aid for victims and survivors of domestic abuse and ensures more consistent access to justice at a point of vulnerability. However, private GPs can still charge, although the BMA guides against charging for all GPs.
Prior to implementation, such letters were generally treated as private GP services and could be charged for at the discretion of practices. Although professional guidance from the BMA (British Medical Association) advised against charging, this was nonbinding and did not ensure consistent practice. There were some reported instances of individuals being charged up to £150 for such letters.

These letters are one of the permissible forms of evidence that may be presented to determine a person's eligibility for legal aid. Individuals can ask for evidence from a range of individuals organisations, but not limited to, the courts, the police, social services, domestic service support services and more.

Implementation

Section 80 came into force 1 October 2021.

Assessment

Section 80 is, in the view of the UK Government and the Domestic Abuse Commissioner, effective at achieving the intention of the legislation.

This change has formalised previous professional guidance which stated no charges should be made for evidence. We are not aware of any notable pushback from the profession since it was implemented, nor issues of charges taking place which would violate Section 80.

It is noted that the British Medical Association's position is that no medical evidence should be needed in the process to access legal aid. Instead, legal aid agencies should take the word of victims without needing to consult with a medical professional, who themselves may not be best placed to confirm whether domestic abuse has taken place. However, the Government's position remains that access to legal aid must be guarded to ensure that legal

aid is targeted at those most in need as well as ensure legitimate and justified use of funds. A range of evidence is accepted, which includes a letter or report from an appropriate health professional or alternatively another appropriate authority. To ensure we hold the correct balance in this regard, the Ministry of Justice is conducting a review of domestic abuse evidence requirements to ensure that the evidence requirements are not a barrier to access legal aid for victims of domestic abuse.

Section 81-82 – Review of processing of victims' personal data for immigration purposes and a code of practice for data sharing between police forces and Immigration Enforcement.

Introduction

The combined intention of section 81 and 82 is to improve the confidence of migrant victims of domestic abuse, who may fear that the police will share their data with Immigration Enforcement.

Section 81 of the Domestic Abuse Act 2021 ("the Act") placed a statutory duty on Secretary of State to review the processing of domestic abuse victims' personal data by specified public authorities (i.e. the police, immigration officer and other Home Office official exercising functions in relation to immigration or asylum), for immigration purposes. It also required the Secretary of State to publish the findings of the review and to lay a report before Parliament. In conducting the review, the Secretary of State was required to have regard to recommendations of the HMICFRS report.[44] The review was intended to inform Parliament's understanding of how existing information-sharing practices supported the safety of victims of domestic abuse, affected the confidence of victims in reporting abuse, and to identify whether changes to policy or practices may be needed.

Section 82 gives the Secretary of State the power to issue a Code of Practice relating to the processing of domestic abuse data for immigration purposes. The provision was intended to establish a framework for guidance on how such data should be handled, including safeguards for its use by relevant authorities. Where issued, persons to whom the Code of Practice applies, are required to have regard to it when processing domestic abuse data for immigration purpose. In preparing, revising, or replacing the Code of Practice, the Secretary of State must consult with the DAC, the Information Commissioner and any other persons considered appropriate. Section 82 also establishes parliamentary oversight, requiring the Code of Practice to the laid before Parliament and subject to a 40-day approval process. The Secretary of State is further required to keep it under review, with provision for revision or replacement as necessary.

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44 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945314/safe-to-share-liberty-southall-black-sisters-super-complaint-policing-immigration-status.pdf

Implementation

Section 81 came into force 29 April 2021. The Home Office published a formal Review of data sharing agreements between the police and Immigration Enforcement for migrant victims and witnesses of crime with insecure immigration status, published on 15 December 2021.[45]

Section 82 came into force 5 April 2023. However, a Code of Practice under section 82 has not been issued.

Assessment

Section 81 is in the view of the UK Government, Devolved Administrations, the Domestic Abuse Commissioner, and policing partners, effective at achieving the intention of the legislation. It is also the collective view that section 82 has not been implemented and therefore not achieved the intention of the legislation. Although, upcoming policy amendments will achieve the underlying intention of section 82 – to increase the confidence of migrant victims to report domestic abuse to the police.

The review, under section 81, acknowledged concerns raised by domestic abuse and modern slavery organisations that current data-sharing practices could deter victims from reporting abuse and seeking support and concluded that improvements were needed to increase victims' confidence. The findings of the Review were laid before Parliament by way of a Written Ministerial statement on the same day. The Review recommended the development of an 'Immigration Enforcement Migrant Victims Protocol', which would ensure that no immigration enforcement action is taken against victims while criminal investigations are ongoing and while victims are receiving advice on regularising their immigration status.

Immigration Enforcement (IE) led the Home Office Review which recommended a Migrant Victim Protocol and began development for a protocol. However, concerns around legal challenge and difficulty of messaging to victims, meant that the proposal was cancelled.

Although a Code of Practice under section 82 has not been issued, nor an Immigration Enforcement Migrant Victims Protocol. The Home Office has committed to introducing a requirement for police to seek a victim's agreement before sharing their personal data with Immigration Enforcement. The Home Office examined a range of options aimed at improving reporting by migrant victims of domestic abuse while retaining the integrity of the immigration system. The Home Office is considering whether a Code of Practice is necessary for the implementation of the requirement for agreement. Should a Code be considered necessary, it would be developed in accordance with the requirements set out in section 82 of the Act. Where a Code is not considered

[45] https://www.gov.uk/government/publications/review-of-data-sharing-migrant-victims-and-witnesses-of-crime/review-of-data-sharing-migrant-victims-and-witnesses-of-crime-accessible-version

necessary, then the commitment is intended to be implemented through updates to existing guidance and policy.

In the interim, Immigration Enforcement have launched an improved internal safeguarding response for all victims of DA whose information is shared by police during an immigration status enquiry. The Victim Protect and Support Service (VPASS), which launched in September 2025 and is based centrally within the Immigration Enforcement National Safeguarding hub, gives oversight and enhanced support to all those victims whose data is shared for immigration purposes.

Legal issues

Section 82 of the Domestic Abuse Act 2021 confers a discretionary power on the Secretary of State to issue a Code of Practice governing the processing of domestic abuse data for immigration purposes. While the Act sets detailed procedural and parliamentary safeguards where a Code is issued, those safeguards are not engaged unless the power is exercised. In the absence of a Code of Practice, the processing of domestic abuse data for immigration purposes is regulated instead by the general data protection framework under the UK General Data Protection Regulation and Part 2 of the Data Protection Act ("DPA") 2018, supplemented by administrative guidance. Paragraph 4 of Schedule 2 of the DPA 2018 provides an immigration control exemption, permitting restrictions on certain data-subject rights where their application would be likely to prejudice effective immigration control.

The operation of sections 81 and 82 engages human rights and public law considerations, including the protection of private and family life under Article 8 of the ECHR, and the requirement that any interferences with those rights be lawful, proportionate and foreseeable. The absence of a statutory Code means that there is no legislative framework setting out when and how victims' personal data may be shared for immigration purposes. Wider policy reviews in the context of violence against women and girls have highlighted concerns that the sharing of victims' information with Immigration may undermine safeguarding objectives and discourage reporting by migrant victims. In response, work is ongoing whether the introduction of a statutory Code of Practice or other measures, including a data-sharing firewall between the police and Immigration Enforcement for victims of domestic abuse, may be necessary to support effective implementation of the Act.

Section 83 – Report on the use of contact centres in England

Introduction

Section 83 of the Domestic Abuse Act 2021 required the government to publish a report on the extent to which individuals using child contact centres in England are protected from the risk of domestic abuse or, in the case of children, other harm.

To note, the report does not apply to Wales. In Wales, responsibility to safeguard children is provided by the Social Services and Well-Being Act (Wales) 2014 and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

Implementation

Section 83 came into force 29 April 2021. The final report, "Research into Safeguarding Processes in Child Contact Centres in England", was published in March 2023.[46]

Assessment

Sections 83 is in the view of the UK Government to be meeting the intention of the legislation.

To fulfil the requirement under section 83, the Ministry of Justice commissioned the research firm Cordis Bright to conduct a review of safeguarding practices in contact centres in England. The review conducted a survey of 190 contact services in England, a review of 111 safeguarding policies, and undertook in-depth qualitative research with 76 stakeholders, parent/carers and children. Its aims were:

- To understand safeguards and processes for managing allegations or incidents of domestic abuse and harm in contact centres.
- To assess how effectively the safeguarding processes protect adults and children, and to recommend improvements.

The review made several core findings:

- Safeguarding policies were strongest in centres run by local authorities and those accredited by the National Association of Child Contact Centres ('NACCC'). Staff and volunteers across centres demonstrated a strong commitment to safeguarding.
- Most centres reported receiving domestic abuse related referrals in the 12 months prior to the research. Risk assessments at referral were generally thorough and consistent, but the way the risk assessments were updated varied significantly across centres.
- Centres routinely implement preventative operational policies to promote physical safety, although the consistency of implementation varied.
- The review found that there was scope to improve emotional safeguarding, especially in supporting victims and children before and after contact. Only 11% of staff and volunteers reported receiving specialist domestic abuse training within the 12 months prior to the research. Staff also reported they lacked confidence in responding to disclosures or recognising coercive control.

[46] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1149869/research-into-safeguarding-processes-in-child-contact-centres-in-england.pdf

- Findings highlighted the importance of systemwide multiagency safeguarding approaches and appropriate referral pathways, including links with specialist domestic abuse services.
- There were inconsistencies in how children's voices and experiences were integrated into safeguarding and case progression.

The report offered five recommendations:

- Introducing mandatory safeguarding and domestic abuse training for all contact centre staff and volunteers.
- Strengthening risk assessment and risk management approaches, including specialist support for families.
- Ensuring children's voices are central from referral through contact planning and review.
- Improving multiagency coordination and consistency of practice.
- Reviewing funding to support accessible and sustainable contact centre provision nationwide.

As a result of the findings and recommendations from the review, National Association of Child Contact Centres (NACCC), the organisation responsible for accrediting child contact centres, updated their national standards to which all accredited contact centres work. NACCC also updated their training in relation to safeguarding, domestic abuse and the completion of risk assessments, making this mandatory for all staff working in child contact centres providing supported and supervised contact.

Section 84 - Power of Secretary of State to issue guidance about domestic abuse, etc

Introduction

The intention of section 84 is to introduce, for the first time, powers for the Secretary of State to issue guidance to improve the identification, understanding, and response to domestic abuse across organisations. Notably, subsection (4) imposes a duty on persons exercising public functions to have regard to guidance issued under section 84 when exercising those functions. This includes police forces, police and crime commissioners, the Crown Prosecution Service (CPS), local authorities, health and social care, the Children and Family Court Advisory and Support Service (Cafcass) England and Cafcass Cymru.

Implementation

Section 84 came into force November 2021. The Domestic Abuse Statutory Guidance was published on 8 July 2022.

Assessment

Section 84 is, in the view of the UK Government, Welsh Government, Crown Prosecution Service (CPS), the Domestic Abuse Commissioner, and policing partners, effective at achieving the intention of the legislation. The upcoming

update to the guidance is welcomed as an opportunity to address gaps in the guidance and further strengthen the understanding of emerging forms of domestic abuse, such as online and tech-facilitated abuse, and the ways in which domestic abuse manifests and impacts different victim cohorts, such as victims who are neuro divergent.

The Domestic Abuse Statutory Guidance has been published and reflects the diverse range of victims that are impacted by domestic abuse, as well as the multitude of forms in which domestic abuse can present itself. It has been well received by operational partners and the domestic abuse sector. It outlines, how these different forms of abuse impact victims and what both statutory and non-statutory agencies can do to improve the response to domestic abuse.

However, since the publication of the guidance, research and evidence on domestic abuse has evolved, and we are aware that the guidance needs to be strengthened to better reflect the experiences of all victim cohorts. Furthermore, we understand that there is a lack of confidence in identifying and understanding counter-allegations, particularly when used as a tactic by a perpetrator. Strengthened guidance on emerging dynamics and typologies of abuse also needs to be considered and we are about to begin the process of updating the guidance by the end of 2026 in consultation with stakeholders to better reflect these.

Furthermore, it is widely acknowledged by both statutory and non-statutory agencies that more needs to be done to improve the effectiveness of multi-agency working. This includes improvements to information sharing and risk assessment processes such as Multi-Agency Risk Assessment Conferences (MARACs). This year (2026) the Government will be publishing guidance on the multi-agency response to domestic abuse risk, alongside reviewing MARACs and exploring whether to put them on a Statutory footing. This will support the underlying intention of section 84, to improve the improve the identification, understanding, and response to domestic abuse across organisations.

Section 85-91 - Powers to make consequential amendments and Powers to make transitional or saving provision, final provisions, regulations, financial provisions, extent, commencement, and short title

Introduction

The collective intentions of sections 85-91 are to ensure an ability to make future amendments to the Act and provide clarity on the territorial extent, decision making powers, dates of commencement, and financial provisions.

Section 85 confers a power on the Secretary of State to make regulations providing for consequential amendments arising from provisions made by or under the Act. This power enables amendments, repeals, revocations or other modifications to be made to existing primary and secondary legislation where such changes are necessary to give full effect to the Act, or to ensure consistency across the existing primary and secondary legislation (subsection

(4)). Equivalent provision is made for Wales, enabling the Welsh Ministers to exercise this power in relation to matters within the devolved competence (subsection (5)). The purpose of section 85 is therefore to ensure that the Act can be integrated effectively within the wider legislative landscape, and that unintended inconsistencies or gaps can be addressed as the Act's provisions are commenced and applied in practice.

Section 86 provides a related but distinct regulation-making power, enabling the making of transitional or saving provisions in connection with the coming into force of the Act's substantive provisions (subsection (1)). This includes the ability to make adaptations (subsection (5)) where different parts of the Act commence at different times, or where earlier provisions need to operate alongside provisions not yet in force.

Section 86 also allocate responsibility for making such provisions across relevant authorities, including the Secretary of State, the Welsh Ministers and the Department of Justice in Northern Ireland, reflecting the Act's territorial extent and the division of devolved responsibilities (subsection (4)). The section is intended to support legal certainty and continuity during the Act's phased commencement and implementation.

Section 87 performs a supporting legislative function by ensuring that delegated powers under the Act can be exercised with sufficient flexibility to facilitate effective implementation and to address practical or technical matters arising from the operation of the Act over time.

Section 87 makes provisions about the making of regulations under the Act. It provides that any power of the Secretary of State to make regulations under the Act is exercisable by statutory instrument and that such regulations may make different provision for different purposes. The section specifies whether regulations are subject to the affirmative or negative resolution procedure, ensuring an appropriate level of Parliamentary oversight depending on the nature and impact of the regulations concerned. This provision supports transparency and accountability in the exercise of delegated powers under the Act and aligns with established legislative practice. The section also provides that regulations may include incidental, supplementary, consequential, transitional or saving provision where appropriate.

Section 88 of the Act sets out how the costs associated with implementing the Act are to be funded. This section authorises that any expenditure required by ministers in carrying out duties under the Act along with any additional costs created in other pieces of legislation because of the Act must be paid for using money provided by Parliament.

Section 89 sets out the territorial extent of the Act's provisions, specifying the extent of individual sections across England and Wales, Scotland and Northern Ireland. This section provides legal clarity as to the geographical reach of the Act and reflects the devolution settlement by distinguishing between reserved, devolved and mixed-competence matters.

Sections 89(6) and (7) make specific provision for the extension of section 39(7)—which provides that a Domestic Abuse Protection Order made by a service court has effect in England and Wales as if made by a civilian court—and related provisions beyond the United Kingdom. These subsections provide for section 39(7) to extend to the Isle of Man and the British Overseas Territories (except Gibraltar) and confer powers under the Armed Forces Act 2006 to modify or further extend that provision, including to the Channel Islands, with or without modifications. These provisions ensure that the service justice elements of the domestic abuse protection regime can operate effectively in overseas and service contexts where appropriate.

Clear provision on extent is necessary to support effective implementation and to ensure that public authorities and practitioners understand where statutory duties and powers apply.

Section 90 confers power on the Secretary of State to commence provisions of the Act by regulations, allowing a phased and orderly implementation. While some provisions came into force on Royal Assent, other were commenced at different times. This approach reflects the scale and complexity of the Act, which introduced a wide range of reforms across criminal, civil and family justice systems, as well as new statutory duties on public authorities.
Section 91 makes provision for the short title of the Act.

Implementation

Sections 85-91 came into force 29 April 2021.

Assessment

Sections 85-91 are, in the view of the UK Government and Welsh Government, effective at achieving the intention of the legislation.

Sections 85 and 86 play an important part in supporting the effective implementation, coherence and legal operability of the legislative scheme as a whole. The structure of the Act anticipated the need for consequential amendment and transitional provision given the breadth, phased commencement and interaction with existing legislative frameworks. Based on available public and parliamentary material, there is little evidence that section 85 and 86 have been a prominent feature of implementation, suggesting that the transition to the new statutory framework have not depended on extensive use of these mechanisms. This may indicate that the Act was largely effective in integrating with existing primary and secondary legislation as enacted, and that commencement and transitional arrangements were managed without significant legal disruption. Equally, the limited prominence of these powers underscores their role as technical safeguards rather than policy-driving provisions, supporting legal coherence rather than shaping frontline practice or outcomes for victims. Their inclusion remains significant, providing flexibility and legal certainty should adjustment be required as the Act continues to bed in.

Section 88 is functioning as intended. It provides the statutory authority for Ministers to meet any expenditure arising from the Act using money provided by Parliament. No issues have been identified with the operation of this provision, and funding has been allocated as required to support the implementation of the Act's measures.

Taken together, sections 87, 89, 90 and 91 have operated effectively and as intended, and continue to provide a coherent and effective structural underpinning of the operation of the Act. These provisions have supported implementation, upheld constitutional arrangements and have ensured proportionate parliamentary oversight through established legislative and scrutiny processes. There is currently no evidence to suggest that amendments to these sections are required as part of the post-legislative review.

Schedules

Schedule 1 – Further information about remand under section 40
Commentary on this schedule is provided in commentary on section 40 of the Domestic Abuse Act.

Schedule 2 – Strangulation or Suffocation: consequential amendments
Commentary on this schedule is provided in commentary on section 70 of the Domestic Abuse Act.

Schedule 3 – Amendments relating to offences committed outside the UK
Commentary on this schedule is provided in commentary on section 74 of the Domestic Abuse Act.

Annex A – Territorial Extent

Provision	Extends to England & Wales AND applies to England?	Extends to England & Wales AND applies to Wales?	Extends & applies to Scotland?	Extends & applies to Northern Ireland?
Sections 1 to 2	Yes	Yes	No	No
Sections 3	Yes	Yes	No	No
Sections 4 to 21	Yes	Yes	No	No
Sections 22 to 38	Yes	Yes	No	No
Section 39	Yes	Yes	In part	In part
Sections 40 to 49	Yes	Yes	No	No
Sections 49A to 49B	Yes	Yes	No	No
Sections 50 to 56	Yes	Yes	No	No
Sections 57 to 61	Yes	No	No	No
Sections 62 to 64	Yes	Yes	No	No
Sections 65 to 66	Yes	Yes	No	No
Section 67	Yes	Yes	No	No
Section 68	Yes	Yes	No	No
Section 69	Yes	Yes	No	No
Section 70	Yes	Yes	No	No
Section 71	Yes	Yes	No	No
Section 72	Yes	Yes	No	No
Section 73	No	No	No	Yes
Section 74	In part	In part	In part	In part
Section 75	Yes	Yes	No	No
Section 76	Yes	Yes	No	No
Section 77	Yes	Yes	No	No
Section 78	Yes	No	No	No
Section 79	Yes	No	No	No
Section 80	Yes	Yes	No	No
Sections 81 and 82	Yes	Yes	Yes	Yes
Section 83	Yes	No	No	No
Section 84	Yes	Yes	No	No
Sections 85 to 91	Yes	Yes	Yes	Yes
Schedule 1	Yes	Yes	No	No
Schedule 2	Yes	Yes	No	No
Schedule 3	In part	In part	In part	In part

Annex B – Glossary of terms

Acronym or Term	Meaning
The Act	Domestic Abuse Act 2021
BMA	British Medical Association
Cafcass	Children and Family Court Advisory and Support Service
CCB	Controlling Coercive Behaviour
CPS	Crown Prosecution Service
DA	Domestic Abuse
DAC	Domestic Abuse Commissioner
DAPN	Domestic Abuse Protection Notice
DAPO	Domestic Abuse Protection Order
DARA	Domestic Abuse Risk Assessment
DfE	Department for Education
DPA	Data Protection Act
DVDS	The Domestic Violence Disclosure Scheme
EM	Electronic Monitoring
FPR	Family Procedure Rules
GLA	Greater London Authority
HMCTS	HM Courts and Tribunals Service
IDVA	Independent Domestic Violence Advocate
IE	Immigration Enforcement
IFAS	Institute for Addressing Strangulation
LGBT+	Lesbian, Gay, Bisexual, and Transgender people
LGA	Local Government Association
MARACs	Multi-Agency Risk Assessment Conferences
MHCLG	Ministry of Housing, Communities and Local Government
MoJ	Ministry of Justice
NACCC	National Association of Child Contact Centres
NCVPP	National Centre for VAWG and Public Protection

Acronym or Term	Meaning
OMA	Offenders Management Act
PRP	Private Registered Provider
QLR	Qualified Legal Representative
VAWDASV	Violence against Women, Domestic Abuse and Sexual Violence
VAWG	Violence Against Women and Girls
VAWG Strategy	Freedom from Violence and Abuse: a cross-government strategy to build a safer society for women and girls
VPASS	The Victim Protect and Support Service
YJCEA	Youth Justice and Criminal Evidence Act

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