

Domestic Abuse Bill 2020: Overarching

What are we going to do?

Raise awareness and understanding about the devastating impact of domestic abuse on victims and their families.

Further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice.

Strengthen the support for victims of abuse by statutory agencies.

Key Quote

“Domestic abuse is an abhorrent crime perpetrated on victims and their families by those who should love and care for them. This landmark Bill will help transform the response to domestic abuse, helping to prevent offending, protect victims and ensure they have the support they need.”

Victoria Atkins MP, Minister for Safeguarding

How are we going to do it?

The Bill will:

Creating a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse.

Establish in law the office of Domestic Abuse Commissioner and set out the Commissioner’s functions and powers.

Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order.

Placing a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation.

Prohibit perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales.

Create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts.

Clarify by restating in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death.

Extend the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences.

Enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody.

Place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.

Provide that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance.

Ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy.

Background

There are some 2.4 million victims of domestic abuse a year aged 16 to 74 (two-thirds of whom are women) and more than one in ten of all offences recorded by the police are domestic abuse related.

In December 2019 the Government was elected with a manifesto commitment to “support all victims of domestic abuse and pass the Domestic Abuse Bill” originally introduced in the last Parliament. The Bill aims to ensure that victims have the confidence to come forward and report their experiences, safe in the knowledge that the state will do everything it can, both to support them and their children and pursue the abuser.

In spring 2018, the Government conducted a public consultation on Transforming the Response to Domestic Abuse which attracted over 3,200 responses.

The Government response to the consultation and a draft Domestic Abuse Bill were published in January 2019. The Government response set out 123 commitments, both legislative and non-legislative, designed to promote awareness of domestic abuse; protect and support victims and their families; transform the justice process to prioritise victim safety and provide an effective response to perpetrators; and to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors.

The draft Bill underwent pre-legislative scrutiny by a Joint Committee of both Houses of Parliament, chaired by the Rt. Hon. Maria Miller MP. The Joint Committee published its report on the draft Bill on 14 June 2019. The Domestic Abuse Bill was

then introduced in July 2019, was given a Second Reading in October but then fell with the dissolution of Parliament. On 3 March 2020 the Domestic Abuse Bill was reintroduced and completed its Commons stages on 6 July.

What other actions are the Government taking in addition to the measures in the Bill?

The Government's response to the domestic abuse consultation set out 123 commitments to help tackle domestic abuse. The majority of these commitments do not require legislation.

The non-statutory commitments include:

Introduce regulations and statutory guidance on Relationship Education, Relationship and Sex Education, and Health Education.

Invest in domestic abuse training for responding agencies and professionals.

Develop national guidance for police on serial and repeat perpetrators.

Improve awareness and understanding of coercive control offence and review effectiveness of offence.

Continue to develop means to collect, report and track domestic abuse data.

How much will these measures cost?

The Impact Assessment published alongside the Bill indicates that the current estimated cost of the measures in the Bill applying to England and Wales (or England only) is between £137 to £155 million per year once fully implemented.

The impact assessment shows that only a small reduction (0.2%) in the prevalence of domestic abuse as a result of the measures in the Bill would be required for the benefits of the Bill to outweigh the costs.

Will these measures apply across the United Kingdom?

The majority of the provisions in the Bill apply to England and Wales, or England, only.

The provisions in the Bill relate to devolved matters in Scotland and Northern Ireland.

At the request of the Scottish Government and the Department of Justice in Northern Ireland, the Bill includes analogous provisions for Scotland and Northern Ireland extending the extraterritorial jurisdiction of the criminal courts.

Key facts

In the year ending March 2019, an estimated 2.4 million adults aged 16 to 74 years experienced domestic abuse in the last year (1.6 million women and 786,000 men).

The prevalence of domestic abuse has reduced from 8.9% in the year ending March 2005 to 6.3% in the year ending March 2019; this indicates a gradual, longer term downward trend.

The cost of domestic abuse is estimated to be approximately £66bn for victims of domestic abuse in England and Wales for the year ending March 2017.