

REPORT TO: Cheshire:
Local Safeguarding Children Boards (LSCB)
Local Safeguarding Adults Boards (LSAB)
Domestic Abuse Strategic Partnerships
Community Safety Partnerships (CSP)
Health and Wellbeing Boards

DATE: 22nd April 2014

REPORTING OFFICER: Detective Chief Inspector Nigel Wenham
Strategic Public Protection Unit

SUBJECT: Implementation of:

Domestic Violence Prevention Notices (DVPN)
Domestic Violence Prevention Orders (DVPO)

1.0 Purpose of Report

- 1.1 The purpose of this report is to provide members of the respective Strategic Boards across Cheshire an overview of the implementation of Domestic Violence Prevention Notices (DVPN) and Domestic Violence Prevention Orders (DVPO)
- 1.2 The report has been forwarded to be presented at the following Strategic Boards:
- Local Safeguarding Children Boards (LSCB)
Local Safeguarding Adults Boards (LSAB)
Domestic Abuse Strategic Partnerships
Community Safety Partnerships (CSP)
Health and Wellbeing Boards

2.0 Action Required

- 2.1 The paper is circulated to all members of the respective boards and the contents acknowledged.
- 2.1 Members of the respective boards ensure that this briefing is further communicated and disseminated across strategic and senior leaders within each of their own agencies.
- 2.2 Any questions raised are sent to DCI Nigel Wenham who will respond appropriately.

3.0 Background

- 3.1 The implementation of DVPN's and DVPO's are legislated through the provisions of Sections 24-33 Crime and Security Act 2010.
- 3.2 2011/12, a 15 month pilot took place in three police force areas (Greater Manchester, West Mercia and Wiltshire) to test a new civil provision, Domestic Violence Protection Orders (DVPOs). DVPOs were designed to provide immediate protection for victim-survivors following a domestic violence incident in circumstances where, in the view of the police,

there are no other enforceable restrictions that can be placed upon the perpetrator

3.3 DVPOs aim to give victim-survivors time, space and support to consider their options by placing conditions on perpetrators, including restricting / removing perpetrators from households, and preventing contact with, or molestation of, victim-survivors. The Home Office published an Evaluation of the pilot and sanctioned (1) the national roll out of the DVPO's, with a target date of June 2014.

3.4 There are a number of key stages to issuing of DVPN's and DVPO's;

- Following arrest of a subject and a decision made to take No Further Action (NFA) in custody, an application is made to a Superintendent for a DVPN to be issued. If granted this will contain a range of prohibitions and result in multi-agency referral and support
- Within 48 hours of issuing a DVPN, an oral application must be made to Magistrates Court for a DVPO
- The legislation allows for the application to be made by police officers, police staff and lawyers
- Following the granting of a DVPO a range of activity will be progressed including, multi-agency referral and liaison, risk assessment and intelligence/data systems management
- DVPO can last between 14 and 28 days
- Strategies must be in place to 'Police' the DVPO's and enforce breaches
- A breach of DVPO will result in arrest and appearance at Magistrates Court for a civil offence (within 24 hours)
- In line with the application for the order, the breach can be presented to the court by the same categories of people

3.5 There is provision to issue a DNPV any time, outside of the custody process. It is likely that our procedure will allow for this under limited conditions

3.6 Prohibitions – The DVPN/O must contain a non-molestation prohibition and can include additional prohibitions that include exclusion from their home address (hence the media referring to these as 'Go Orders')

3.7 The non-molestation may be explicit in referring to particular acts of molestation, to molestation in general, or to both.

The terms 'molestation' and 'particular acts of molestation' are not defined in the CSA 2010. The dictionary definition of molestation is 'the act of disturbing, annoying or tormenting someone with persistent behavior and to pester in a hostile way'. Therefore it could also include using or threatening violence, intimidating and harassing.

3.8 If 'P' lives in the same premises as the person for whose protection the DVPN/O is issued, the DVPN/O may also: (P refers to Perpetrator and V refers to Victim)

3.9 prohibit 'P' from evicting or excluding from the premises the person for whose protection the DVPN is issued;

- prohibit 'P' from entering the premises; An exception should be considered that, on one occasion, P will need to enter the property, in the presence of officers, to collect necessary possessions, (see 5.3.13);
- require 'P' to leave the premises; or
- prohibit 'P' from coming within such distance of the premises as may be specified in the DVPN.

4.0 Cheshire Implementation

- 4.1 The implementation is being led by DCI Nigel Wenham and managed in accordance with the current guidance (2) issued by the Home Office. Revised guidance may be published in the near future; this could impact on the implementation strategy.
- 4.2 A strategic multi agency implementation group has been established that includes strategic leads and relevant representation from Her Majesty Court Service (HMCTS), Police Operational Staff, Public Protection Unit, Domestic Abuse Coordinators, Cheshire Police Legal Services, Custody, Criminal Justice, Strategic Public Protection Unit and Training.
- 4.3 A number of task and finish groups have been established to lead on various strands of the implementation, including, court processes, IT issues, training, multi-agency safeguarding, referral, procedures and communication.
- 4.4 Cheshire Police have committed to appoint dedicated resources to support this work. A newly developed Police Staff role, DVPO Coordinator/Court Presentation Officer has been established. The recruitment process will commence at the end of April.
- 4.5 The application for a DVPO is a civil order; each application incurs court cost of £200 and £500 for a contested case and a breach.
- 4.6 Based on the pilot and force data it is estimated between 180 – 220 new applications per year and 15 – 20 breaches per year. However the actual number may vary considerably.
- 4.7 Cheshire Police are allocating approximately 80k to fund the implementation for the first year.
- 4.8 The force will go live with the orders on Monday 2nd June 2014.
- 4.9 A communication strategy is being developed, that will include communication with partners and the public.

5.0 Conclusion

- 5.1 The implementation of the DVPN's and DVPO's provide an opportunity to build on established multi-agency working and strategies to intervene in domestic abuse by providing additional measures to safeguard victims and their children.
- 5.2 Effective multi-agency working is critical to ensuring the success of these orders.
- 5.3 An evaluation will be carried out and reported to the four Domestic Abuse Strategic Groups. Performance data will also be reported to these groups.

Nigel Wenham (Detective Chief Inspector)
Strategic Public Protection Unit (SPPU)
Constabulary HQ
Clemonds Hey, Oakmere Road,
Winsford, CW7 2UA

Twitter: @DCI_SPPUCheshPol
Email: nigel.wenham@cheshire.pnn.police.uk

- (1) <https://www.gov.uk/domestic-violence-and-abuse>
- (2) <https://www.gov.uk/domestic-violence-and-abuse>