

The Domestic Abuse Act 2021- three years on

Stacey Musimbe-Rix



Introduction

- National Domestic Abuse Reference Group
- Frontline domestic abuse experience
- Domestic abuse researcher

Publications

Office for National Statistics (2023) **Women who have survived domestic abuse and their experiences of temporary safe accommodation in England: January to June 2023.**

Musimbe-Rix. (2020) **“Domestic abuse during Coronavirus Fact file “** [https://www.ksscrc.co.uk/wp-content/uploads/2020/05/KSSCRC_DomesticAbuseDuringCoronavirus-Fact File 1-03052020- v3.pdf](https://www.ksscrc.co.uk/wp-content/uploads/2020/05/KSSCRC_DomesticAbuseDuringCoronavirus-Fact%20File%201-03052020-v3.pdf).

Musimbe- Rix, S. (2020) **“The COVID-19 epidemic and its implications for domestic abuse victims: a global and national crisis in the UK”.** [https://www.cep-probation.org/domestic abuse-victims-and-covid-19-epidemic-a-national-crisis/](https://www.cep-probation.org/domestic-abuse-victims-and-covid-19-epidemic-a-national-crisis/).

Musimbe- Rix, S. (2020) **“Double Jeopardy”- Domestic abuse in ethnic minority communities and implications for probation.** [practice.https://static1.squarespace.com/static/5ec3ce97a1716758c54691b7/t/60ab4e2e521b425e82224f82/1621839432839/PQ20.pdf](https://static1.squarespace.com/static/5ec3ce97a1716758c54691b7/t/60ab4e2e521b425e82224f82/1621839432839/PQ20.pdf)

Aims

1

Domestic Abuse UK
context and
Domestic Abuse Act
2021 background

2

Examine purpose
progress, and
shortcomings of
Domestic Abuse Act

3

The road ahead



Background

1976 - Domestic Violence and Matrimonial Proceedings Act

1996 - Family Law Act

Spring 2018 - the Government conducted a public consultation

January 2019 - Draft Domestic Abuse Bill in response

April 2021 - Royal Assent

March 2022 - Tackling Domestic Abuse Plan published by government



The Act Objectives

Promoting	awareness
Protecting and supporting	victims
Holding	perpetrators to account
Transforming	the justice response and improving performance

Implementation

Processes for victims and perpetrators

- Enable domestic abuse offenders to be subject to polygraph testing
- Provide that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance
- Place a duty on local authorities in England to provide accommodation-based support to victims of domestic abuse
- Prohibit perpetrators of abuse from cross-examining their victims in person
- Create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts

Legal changes around definition of domestic abuse

- Create a statutory definition of domestic abuse
- Extend the offence of disclosing private sexual photographs and films
- Create a new offence of non-fatal strangulation or suffocation of another person.

Changes to the legal system/processes

- Clarify the circumstances in which a court may make a barring order
- Establish in law the office of Domestic Abuse Commissioner
- Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order

Impact on housing



Impact on housing

‘Safety means that I, my child, in a house where we live, if I close the door, the door is locked in such a way that I don't have the fear that the door will be kicked in or broken by something ... [and] I become insecure ... [when] the door would not close. We have been sitting in the house with the door open for hours, and for someone who is afraid, threatened to death, what security was this? This cannot be called security.’ (Survivor, ONS, 2023).

Impact on housing

The Act placed a duty on local authorities to provide accommodation based support to victims of domestic abuse

April 2022 - March 2023- local authorities supported 50,670 individuals in safe accommodation
(DLUHC, 2024)

Ministerial-led steering group

Women's Aid estimated that 62% of referrals to refuges were declined in 2021-22
(Inside Housing, 2024)

24,580 instances where household referred to safe accommodation, but service did not support
(DLUHC, 2024).

Full report of Department of Levelling Up Housing & Communities undertaking of DA duties to be published.
(March 2025)

Impact on housing

- Experiences of 40 women going through temporary safe accommodation
- Hotel, hostel or other provision recognised by the sector and the [Domestic Abuse Act 2021](#) as a less suitable type of TSA.
- Intersectionality
- One size fits all vs multiple complex needs
- Re-traumatisation by professionals

Women who have survived domestic abuse and their experiences of temporary safe accommodation in England: January to June 2023



Domestic abuse services



Domestic abuse services

We need tailored, 'by and for' support for women with particular needs (Black, Asian and Minority Ethnic women, disabled women, women with multiple layers of need, LGBT victims). (Survivor, ONS, 2023).

Domestic abuse services

2019-Domestic Abuse
Commissioner

Women's aid estimated that it
would cost £427 million a year
for properly funded specialist
services.

2023-2025 Councils allocated
257 million for domestic abuse
support for 70000 victims.

'Fewer than 50% of victims
and survivors were able to
access the community-based
support that they wanted, and
only 29% received support for
children'.(Women's Aid 2024)

Since 2020-£79m invested in
perpetrator programmes

Family court and the criminal justice system

Positives

The pathfinder/integrated domestic abuse court (IDAC) pilots were launched

Children are victims on their own

Practice direction 27c makes provision for IDVA and ISVAs to attend.

Prohibition of cross-examination by perpetrator

Possible improvements

Lack of holistic support

Presumption of contact

Qualified legal representatives scheme limited success

Re-defining domestic abuse

Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following;

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour,
- (c) controlling or coercive behaviour,
- (d) economic abuse,
- (e) psychological, emotional or other abuse.

It does not matter whether the behaviour consists of a single incident or a course of conduct.

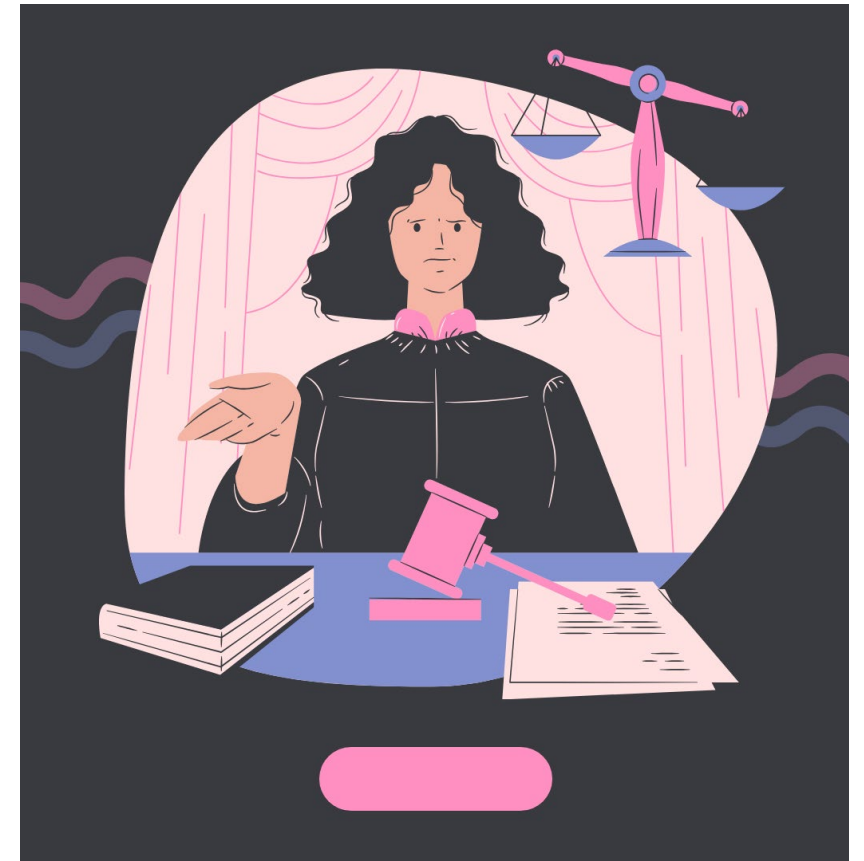
Coercive control

Domestic Abuse Act
2021 removed the need
to be in ongoing
relationship

HMPPS have Equip
guidance on coercive and
controlling behaviour to
support probation
officers writing reports

Domestic abuse polygraph pilot

- Domestic Abuse (DA) perpetrators are in a trial of a mandatory polygraph licence
- Across 4 probation regions over the next 3 years as part of a Randomised Control Trial (RCT)
- Current impact evaluation
- Brought in as part of the Domestic Abuse Act 2021



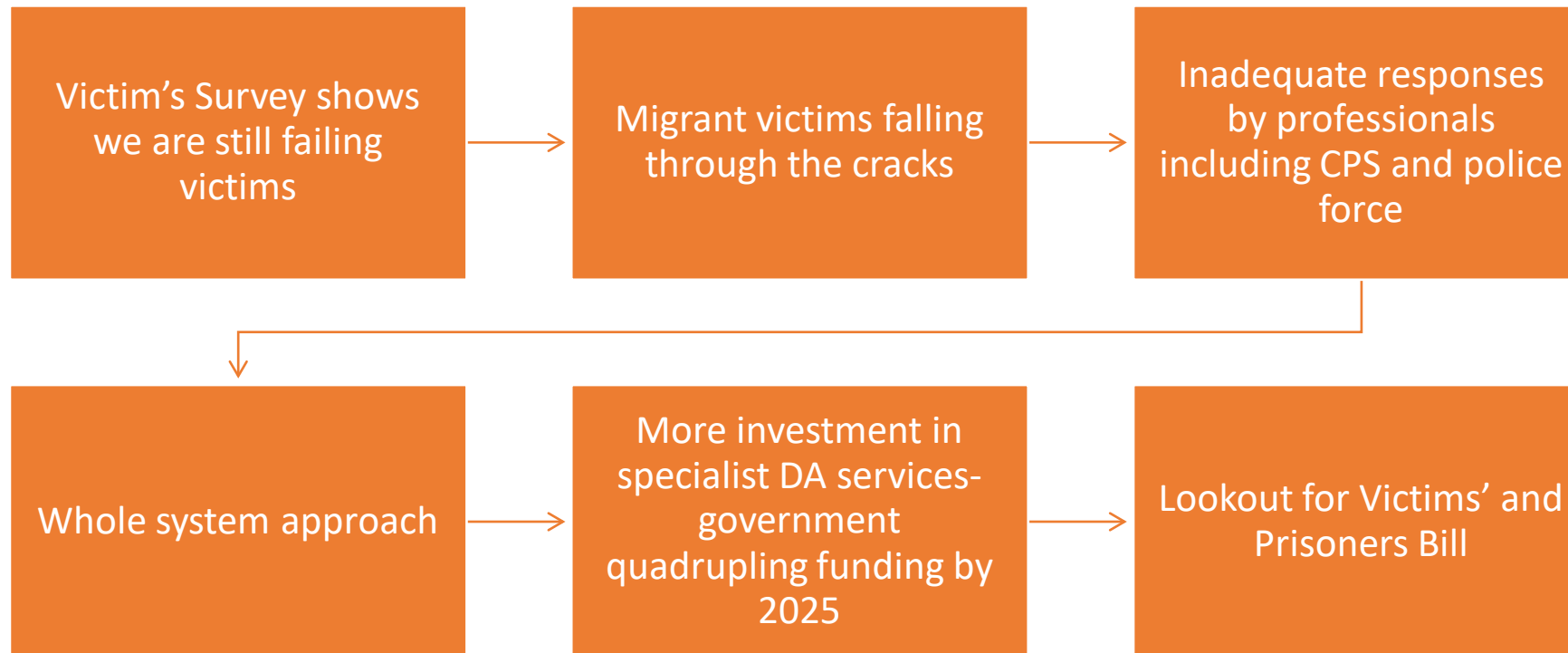
The road
ahead



The road ahead

“The police need to invest in transforming their culture and understanding of domestic abuse, so that officers always respond robustly to perpetrators, and believe and protect survivors.” (Survivor, Domestic Abuse Action Plan 2022).

The road ahead



Recap

Background of the domestic abuse Act

Key objectives-promoting awareness, protecting victims, holding perpetrators to account, transforming CJS

Improvements in CJS through family court, IDAC, polygraph pilot, perpetrator programmes definition, children.

The road ahead- more investment in services, coordinated approach, Victim and Prisoners' Bill.

References and further reading

- [Community Care \(2024\) 'State of crisis' for domestic abuse services because of cuts, warns commissioner - Community Care](#)
- [Debate: Why have Black and Ethnic minority domestic violence victims been failed by authorities? – Channel 4 News](#)
- [Domestic Homicide Project - VKPP Work](#)
- [FINAL-DOC Firewall-Report 2023 V2.pdf \(domesticabusecommissioner.uk\)](#)
- NCDV(2024)Domestic Abuse Statistics UK Domestic Abuse Statistics UK
- National Police Council(2024) [Scale of homicide and suicides by domestic abuse victims revealed \(npcc.police.uk\)](#)
- ONS(2024) [Women who have survived domestic abuse and their experiences of temporary safe accommodation in England - Office for National Statistics \(ons.gov.uk\)](#)
- [Tackling Domestic Abuse Plan - Command paper 639 \(accessible\) - GOV.UK \(www.gov.uk\)](#)
- 24/02/28/state-of-crisis-for-domestic-abuse-services-because-of-cuts-warns-commissioner/
- Vulnerability Knowledge and Practice Programme(2024) [Vulnerability Knowledge and Practice Programme \(VKPP\)](#)

Questions

Menti code **2534 6473**

