There have been major changes in policy and legislation covering domestic violence over the last 30 years, and the following are currently relevant.

[Working Together 2015](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf)

[Call to end violence against Women and Girls 2010](https://www.gov.uk/government/publications/call-to-end-violence-against-women-and-girls)

[Wolverhampton’s Violence against Women and Girls Multi-Agency Strategy 2016-19](https://www.wolverhamptonsafeguarding.org.uk/images/adults-and-children-shared-docs/Wolverhampton_VAWG_Strategy_2016-2019.pdf)

The Care Act 2014 <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

**Criminal Offences**

There is no criminal offence of ‘domestic violence’ but a variety of existing offences apply to domestic violence and abuse, including but not limited to the following:

Offence Act

Murder Common Law

Manslaughter Common Law

Kidnap & false imprisonment Common Law

Common Assault Criminal Justice Act, 1988

Threats to Kill Offences Against the Person Act, 1861

Grievous Bodily Harm with Intent Offences Against the Person Act, 1861

Grievous Bodily Harm wounding Offences Against the Person Act, 1861

Aggravated Bodily Harm Offences Against the Person Act, 1861

Harassment Protection from Harassment Act, 1997

Affray Public Order Act, 1986

Threatening Behaviour Public Order Act, 1986

Threatening Behaviour with Intent Public Order Act, 1986

Rape Sexual Offences Act, 1956

Assault by Penetration Sexual Offences Act, 1956

Sexual Assault Sexual Offences Act, 1956

Breach of Bail Bail Act, 1976

Criminal Damage Criminal Damage Act, 1971

Theft Theft Act, 1968

Blackmail Theft Act, 1968

Witness Intimidation Criminal Justice & Public Order Act, 1994

Criminal Trespass Criminal Law Act, 1971

Child Cruelty Children & Young Persons Act, 1933

Child abduction Child Abduction Act, 1984

Female genital mutilation Female Genital Mutilation Act, 2003; Serious Crime Act, 2015

Trafficking for Sexual Exploitation Sexual Offences Act, 2003; Serious Organised Crime & Police Act, 2005

Trafficking for Exploitation Asylum & Immigration Act, 2004; Serious Organised Crime & Police Act, 2005

**‘Recent’ updated legislation**

The **DV, Crime & Victim Act, 2004** represents the biggest legislative response to DV in 30 years, criminalising breaches of non-molestation civil orders, extending the definition to include same sex couples, allowing restraining orders to be made on acquittal or conviction, and a statutory requirement to conduct domestic homicide reviews when there is a domestic violence related death.

**Controlling or Coercive Behaviour** became a new offence in ongoing relationships between intimate partners or family members under The Serious Crime Act 2015. The offence carries a maximum sentence of 5 years’ imprisonment, a fine, or both. The victim and alleged perpetrator must be “personally connected” at the time of the behaviour, the perpetrator’s actions have to be “repeated” or “continuous” and have a “serious effect” on the victim, meaning that it has caused the victim to fear violence will be used against them on “at least two occasions”, or it has had a “substantial adverse effect on the victims’ day to day activities”. The alleged perpetrator must have known that their behaviour would have a serious effect on the victim, or the behaviour must have been such that he or she “ought to have known” it would have that effect. The legislation is clear that controlling or coercive behaviour should be dealt with as part of adult and/or child safeguarding and public protection procedures.

**The Serious Crime Act, 2015** includes various updates including re-stating children as victims of sexual violence not consenting participants, extending FGM legislation to habitual UK residents, new offence of failing to protect a girl from FGM, providing lifelong anonymity for victims of FGM, introducing FGM Protection Orders, and the mandatory duty for regulated professionals to report FGM on children, as well as the introduction of a new offence of controlling behaviour and coercive control.

**Civil Law remedies**

There are a number of relevant civil law remedies that support the protection of victims of domestic violence and their children, including:

Family Law Act, 1996 – covering occupation orders, and non-molestation orders to prevent violent, pestering, threatening behaviour, and harassment.

Civil Partnership Act, 2004 – applies the above remedies to civil partners.

The Protection from Harassment Act, 1997 – extends civil law remedies available under the Family Law Act to cover post-separation pestering and harassment.

The Homelessness Act, 2002 - covers all type of violence.

The Housing Act 1996 – defines homelessness and those eligible for accommodation, and specifically focuses on DV victims and their housing assistance needs.

The Children Act, 1989 – covers public and private law particularly in relation to Child in Need (S17) and Child Protection (S47) intervention requirements.

The Adoption and Children Act, 2002 – extends the legal definition of ‘significant harm' to include harm to children caused by witnessing/overhearing abuse of another, especially DV.

The Children Act, 2004 – promotes closer cooperation between agencies.

The Forced Marriage (Civil Protection) Act, 2007 – powers to prevent a forced marriage.

**Specific civil tools for professionals to deploy to prevent VAWG victimisation**

**Domestic Violence Protection Orders** (DVPO) were introduced in 2014 and permit the Police to make an application to the Magistrates Court for a domestic violence perpetrator to be excluded from the victim’s home for between 14 and 28 days. The Order can be made on a contested or emergency *ex parte* basis, and does not require the support of the victim. It is designed to give victims some time to evaluate their situations, and obtain information and advice about their options from specialist organisations.

The **Domestic Violence Disclosure Scheme**, also known as Clare’s Law went live on 8 March 2014. In certain circumstances, the scheme allows Police to disclose information about a partner’s previous abusive and violent history under the ‘Right to Know’ clause, and to disclose information where members of the public raise concerns about their partner or the partner of a family member or friend, under the ‘Right to Ask’ clause. Applications are made in person at a Police Station.

**Forced Marriage Protection Orders** (FMPO) were introduced under The Forced Marriage (Civil Protection) Act 2007. Individuals themselves (adult or child), family relatives, friends, or relevant parties such as Police or Local Authority can apply for a FMPO if they or someone else is threatened with or already in a forced marriage. For Wolverhampton FMPOs, applications are made to Birmingham Civil & Family Justice Centre on a contested or emergency *ex parte* basis. FMPOs can relate to conduct within and outside England and Wales, and can include prohibitions and restrictions, eg to prevent the individual from being taken out of the UK, and/or or include requirements, eg to protect someone against an action. Orders can last for a specified period of time or can be for an indefinite period.

**Female Genital Mutilation Protection Orders** (FGMPO) were introduced under the Serious Crime Act 2015 although FGM has been a criminal offence in the UK since 1985. Individuals themselves (adult or child), family relatives, friends, or relevant parties such as Police or Local Authority can apply for a FMPO if they or someone else is being threatened with FGM. For Wolverhampton FGMPOs, applications are made to Birmingham Civil & Family Justice Centre, and can be made on a contested or emergency *ex parte* basis. FGMPOs can relate to conduct within and outside England and Wales, and can include prohibitions, restrictions, and requirements, eg to surrender a passport, and not to enter into any arrangements to conduct FGM. Orders can last for a specified period of time or can be for an indefinite period.