

Implementing Domestic Abuse Protection Notices and Orders

Summary

Overview

The Government are introducing new Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs). These are intended to provide a simpler, more comprehensive and more flexible protection order regime for victim-survivors of domestic abuse. They will replace the current Domestic Violence Protection Notice and Domestic Violence Protection Order (DVPNs and DVPOs) regime and are intended to be used for all domestic abuse cases, replacing the use of non-molestation orders, occupation orders and restraining orders (though these will remain available to the courts). DAPNs/DAPOs provide for a wider range of restrictions and requirements that can be imposed on perpetrators, and harsher sanctions if they breach them (up to five years' imprisonment on conviction for an indictable offence). DAPNs/DAPOs are due to be piloted for a two-year period in Gwent, Greater Manchester, and three London boroughs (Croydon, Bromley and Sutton), starting in 2024. The pilots will test whether these new orders are successful in meeting their intended aims.

Findings and recommendations

In advance of these pilots, we have conducted a rapid evidence review on the existing protection order regime's efficacy in responding to domestic abuse and held qualitative discussions with eight non-statutory and statutory practitioners currently working within domestic abuse practice.

We found that there is practitioner support for the use of protection orders in domestic abuse to ensure victim-survivors are protected without having to endure the harms associated with the criminal justice process. More specifically, we found enthusiasm for the potential of DAPNs/DAPOs, in both simplifying existing arrangements and the wider range of requirements they provide to hold perpetrators to account and engage them in behaviour change.

However, we also found significant concern that the implementation framework in which current protection orders sit, and which the DAPN/DAPO will sit in the future, is fractured, under-resourced, insufficiently specialised and inconsistent. The literature, and our interviews, strongly suggests that the use of the current range of protection orders for domestic abuse is largely determined by local resources, local agency prioritisation and local practice, which leads to significant variation across the country (although the lack of national data on protection orders more generally means there is no national picture of this variation). Their enforcement is inconsistent and, at times, absent. Most worryingly, we heard little to suggest that these systemic issues are going to be addressed in the future. Practitioners had little specific detail on how the DAPN/DAPO pilots will operate and how they will address these issues, suggesting that the fractured, inconsistent and under-resourced implementation landscape is set to continue.

If the DAPO/DAPN is going to provide better protection for victims and their children and reducing repeat and serial offending by perpetrators, as the Government wants, we recommend the following:

- There needs to be a clear framework for the operation of the DAPN/DAPO;
- Once the framework is clear, practitioners need to be resourced and supported to implement best practice;
- Government needs to establish a monitoring and evaluation framework and data collection mechanisms in order to determine whether DAPNs/DAPOs are achieving their aims.

Implementing Domestic Abuse Protection Notices and Orders

Current landscape

In England and Wales, domestic abuse can be addressed through formal criminal proceedings. However, there is significant evidence that victim-survivors find the criminal justice process traumatising, stigmatising and often does not provide solutions they want. Civil protection ordersⁱ for domestic abuse can be applied for independently by victim-survivors and othersⁱⁱ via the civil and family courts (Restraining Orders (RO) and Non-Molestation Orders (NMO) are the most commonly used). The past twenty years has seen the introduction of a range of hybrid ‘civil-criminal’ protection orders applied for in the civil courts but in which breach becomes a matter for the criminal court, with Domestic Violence Protection Notice and Domestic Violence Protection Order (DVPNs/DVPOs) being explicitly focused on domestic abuse.

The introduction of DAPNs/DAPOs

The Government are introducing new Domestic Abuse Protection Notices and Domestic Abuse Protection Orders (DAPNs/DAPOs). These orders are intended to provide “a single, comprehensive, flexible order to afford longer-term protection” for victim-survivors of “all forms of domestic abuse, including non-physical abuse, economic abuse, psychological and emotional abuse and controlling or coercive behaviour.”¹ DAPNs/DAPOs are intended to provide a single, standard set of disposals, available across the criminal, civil and family court systems in all cases of domestic abuse and harmful practices. DAPNs/DAPOs will replace the current DVPNs/DVPOs. While DAPNs/DAPOs are intended to be used instead of non-molestation orders, occupation orders and restraining orders, these orders will remain available.

DAPNs/DAPOs have been designed intended to provide a better regime of disposals for domestic abuse by (i) encompassing a broader definition of what constitutes domestic abuse;² (ii) providing a wider range of restrictions and requirements that can be imposed on the perpetrator;³ (iii) and providing harsher sanctions if perpetrators breach.ⁱⁱⁱ

DAPNs/DAPOs are due to be piloted for a two-year period in Gwent, Greater Manchester, and three London boroughs (Croydon, Bromley and Sutton)⁴, starting in 2024.⁵ The pilot seeks to test whether these new orders are successful in meeting the intended aims, review how the new orders impact individuals from different demographic groups, and assess the effectiveness of government guidance.⁶ Ahead of the pilots, this paper aims to give an overview of the current landscape of protective orders and learnings that should be considered for the implementation of the new DAPNs/DAPOs.

Findings

The effectiveness of protection orders for domestic abuse

An international systematic review found that, across 25 studies, protection orders reduced the quantitative occurrence of domestic abuse.⁷ Findings suggest that issuing protection orders may be effective at reducing the likelihood of post-separation abuse occurring or that having an order in place may change the type of abuse victim-survivors face. The review found that protection orders are

ⁱ Currently, there are six main protection orders for domestic abuse and harmful practices currently in use in England and Wales: Restraining Orders (RO), Non-molestation Orders (NMO), Occupation Orders (OO), Domestic Violence Protection Notices (DVPN), Domestic Violence Protection Orders (DVPO), Forced Marriage Protection Orders (FMPO) and Female Genital Mutilation Protection Orders (FGMPO) (see Annex A for more detail)

ⁱⁱ In the specific cases of Non-Molestation Orders (NMO) and Occupation Orders (OO) applications are usually made independently by citizens, usually from the victim-survivor, with the support of a solicitor.

ⁱⁱⁱ Breaching a DAPO will constitute a criminal offence and can result in 12 months’ imprisonment, or a fine, or both, on conviction for a summary offence, increasing to five years’ imprisonment, or a fine, or both, for conviction for an indictable offence.

most effective if used in conjunction with simultaneous arrests, finding that issuing protection orders with a simultaneous arrest for the underlying offence produces a significantly lower recidivism rate compared to issuing protection orders without an arrest at the time of the incident. This suggests that combining different law enforcement strategies may be most effective at reducing reoffending.⁸

Turning to evidence specific to England and Wales, due to a lack of central reporting mechanisms, there is limited evidence on the impact of most protection orders. The evaluation of the pilots of DVPNs and DVPOs in 2013 found that issuing them following an arrest was effective in reducing domestic abuse and re-victimisation as measured by reduced police 'call outs', compared to a sample of cases that had no further action or intervention taken after arrest.⁹ Most victim-survivors interviewed as part of the 2013 DVPN and DVPO pilots in England and Wales reported feeling safer as a result of DVPNs and DVPOs being put in place, although a minority reported feeling that the length of the order was inappropriate (either too short or too long) for their particular case.¹⁰ However, the 2013 evaluation DVPNs and DVPOs reported that, although the orders reduced reoffending against the victim-survivor protected by the order, being subjected to an order had no impact on the perpetrator's likelihood of offending against another person.¹¹ This suggests that the orders do not promote long term behaviour change in perpetrators.

The principle of protection orders

Practitioners we spoke to saw protection orders as an important option available for victim-survivors¹² of domestic abuse. They reported that protection orders can serve as an 'alternative' for victim-survivors who would prefer not to go through the criminal justice process. Independent Domestic Abuse Advocates (IDVAs) in particular told us that because victim-survivors of domestic abuse often have emotional ties to the perpetrator and/or do not want to incarcerate their child's parent or other family members, many elect not to support criminal proceedings.¹³ Instead, it was felt that victim-survivors prefer to opt for protection orders as they are likely to be imposed quicker than securing a criminal conviction and can avoid prolonged involvement with the perpetrator throughout the court process.

Applying for orders

Practitioners supported the right of the victim-survivors to apply for certain civil orders of protection themselves as it gives them choice around how and when they access protection, and this should be the case for DAPNs/DAPOs. However, practitioners explained that, despite reforms seeking to make legal aid more accessible to victim-survivors of domestic abuse, it is still difficult to secure and many victim-survivors do not meet the financial eligibility threshold. Practitioners also pointed out that some victim-survivors reside in 'legal aid deserts' where there is a shortage of legal firms offering legal aid representation.¹⁴

In addition to challenges with accessing legal aid, currently it can be difficult for victim-survivors of course of conduct abuse^{iv} to apply for protection orders, such as NMOs. The granting of a NMO is dependent on supplying substantial evidence of domestic abuse and research suggests they are more likely to be granted if incidents of physical abuse can be evidenced, suggesting victim-survivors of course of conduct offences may have more difficulty meeting the evidential threshold to secure an order.¹⁵ The inclusion of course of conduct in the definition of abusive behaviour in the proposed DAPN/DAPO guidance¹⁶ suggests this concern might be addressed.

Practitioners were mixed on their views as to whether the police should be able to apply for DAPNs/DAPOs¹⁷ without victim-survivor consent. Some felt this disempowers victim-survivors, as well as criminalising their partners if and when police enforce a breach, even if this is not what the victim wants.¹⁸ Moreover, a lack of victim-survivor support was felt to undermine the effectiveness and enforceability of an order, given that enforcement is usually reliant on the victim-survivor reporting the breach.¹⁹ Other practitioners suggested that as victim-survivors may be experiencing coercive control or psychological abuse, which therefore may impact their ability to make autonomous decisions, the police should be able to apply for orders on their behalf.

^{iv} Course of conduct abuse can refer to 'less acute' and more 'subtle' manifestations of domestic abuse and harmful practices, such as coercive control, harassment and stalking.

Other literature reports that DVPNs and DVPOs are largely granted in relation to low and medium risk cases where there is insufficient evidence for further proceedings.²⁰ Some police forces have internal targets around issuing DVPNs and evidence suggests that meeting those targets may drive applications in some instances.²¹ Evidence demonstrates that police-led DVPO applications are often unsuccessful,²² varying in consistency and accuracy, suggesting that police may lack knowledge of and experience in how to make and present an application to the courts. Research found that orders are mainly refused due to police errors in missing information and applications being made out of time.²³ Whether victim-survivor or police led, the proposed statutory guidance and programme of training and toolkits will need to include a focus on consistent approaches and best practice for protection order applications.

Information sharing about protection orders

Practitioners explained how information sharing in the current protection order system was inconsistent, sometimes resulting in perpetrators or police not receiving copies of protection orders. This can cause issues around compliance and enforcement, particularly if a breach occurs. Practitioners recounted instances where perpetrators were not served orders that had been granted by the courts, undermining the whole purpose of the order.

DAPNs/DAPOs will cut across criminal, family and civil justice systems and draft guidance suggests that implementation will, crucially, rest on “effective multi-agency information sharing between the courts and the police at all stages of the DAPO process”.²⁴ Practitioners expressed scepticism around how achievable this is, particularly as the court may be in a different regional area than the police force. The guidance encourages police to follow the College of Policing Authorised Professional Practice (APP) guidance on domestic abuse,²⁵ but the ongoing problems already experienced suggest this is not followed currently.

Supervising and enforcing protection orders

Practitioners highlighted a range of issues with the supervision and enforcement of current protection orders. These included: (i) enforcement being low priority for police in relation to their other duties;²⁶ (ii) lack of clarity about who oversees the orders; (iii) breaches not being reported in time to be addressed at court; (iv) delays meaning that orders expire before the perpetrator is arrested by the police and brought to court; (v) information about suspected breaches being heavily reliant on victim-survivors; (vi) the requirements imposed on perpetrators are too often unrealistic and unenforceable; (vii) and variation between courts in the writing of orders.

Practitioners expressed concerns around a lack of resource to supervise and enforce DAPOs, which draft guidance suggests will lie with the police within the pilots.²⁷ While there is enthusiasm among some practitioners we spoke with for the DAPOs’ new powers to impose restrictions such as electronic monitoring, we found they were unclear who would identify what restrictions an individual might need, how that would be assessed, and scepticism about who would supervise perpetrators’ compliance with them.

Provision of positive requirements

There was support for the DAPNs/DAPOs’ focus on positive requirements to address perpetrator behaviour change, but practitioners expressed uncertainty around who would provide those positive requirements. The draft guidance for police in relation to DAPNs/DAPOs suggests that police will be able to refer perpetrators to domestic abuse perpetrator programmes (DAPPs) accredited by Respect.²⁸ However, the availability of perpetrator interventions varies considerably depending on geographical area and the efficacy of DAPOs may be constrained by what local provision is available to those issuing orders. We note that, under the Tackling Domestic Abuse Plan, the Home Office announced a review into DAPPs that will inform the basis of a new commissioning specification for perpetrator programmes linked to family court proceedings.²⁹ We also note that, in a review of the Anti-Social Behaviour Injunctions, the Civil Justice Council concluded that deficiencies in implementation were due to limited resources available and a lack of additional assistance from courts to apply for positive requirements intended to address underlying behaviour.³⁰

Moreover, the success of DAPOs may be dependent on the quality of perpetrator interventions that are attached to the orders as positive requirements and the current evidence for the effectiveness of domestic abuse perpetrator programmes (DAPPs) is mixed,³¹ with many across England and Wales employing group-based interventions to address domestic abuse.³² This approach conflicts with emerging evidence that one-to-one individualised provision may be more effective in motivating behaviour change in perpetrators.³³ Evidence suggests that providers should devise holistic and individualised formulations to respond to domestic abuse and related issues and seek to understand and address underlying factors that may be maintaining the perpetrator's behaviour - such as unresolved experiences of complex trauma and substance misuse.³⁴

Civil liberties concerns

Some research literature and some practitioners expressed reservations about the ethics of current protection orders. Some literature points to police forces using protection orders as an alternative to making an arrest, even if the case has been assessed to be very high risk with enough evidence for formal criminal justice proceedings. Within the new DAPN/DAPO framework, the penalty for breaching or non-compliance with an order can range from a fine to up to five years imprisonment, and police have the power under DAPNs/DAPOs to "make an arrest without warrant if they have reasonable grounds for believing that the perpetrator is about to breach the DAPO or is in the act of breaching the DAPO".³⁵ This may be open to interpretation as to what constitutes a perpetrator being "about to breach" and concerns were raised around the impact, and potential infringement, on perpetrators' civil liberties. The placing of numerous requirements on perpetrators through orders could be seen as amounting to a conviction and prison sentence without them being proven guilty (or the opportunity to defend themselves). Some felt this seemed fundamentally unfair and a denial of rights, as well as likely leading to net-widening through non-compliance with a DAPO carrying criminal justice sanctions that may bring people into contact with the criminal justice system. Statutory guidance therefore needs to clearly set out what the thresholds are for different penalties, such as imprisonment, to ensure it is being applied consistently, as well as safeguarding against abuse of enforcement powers.

Absent data collection

Protection orders sit within a 'liminal place,' between civil and criminal justice and so data recording, reporting and transparency about their operation is often poor. Evidence suggests that there is no regularly collected public data on the use and operation of these orders and their impact on outcomes, and no research on victim-survivors' experiences and perceptions of safety during the use of these protection orders since 2013. It is therefore difficult to understand the extent of variation in their use and their effectiveness.³⁶

Developing a framework for the operation of DAPNs/DAPOs

Given the complex barriers victim-survivors already face in reporting domestic abuse and harmful practices, and the higher evidential threshold required in criminal law, the DAPN/DAPO regime has the potential to bolster our efforts to safeguard victim-survivors.

However, we found that, outside of the statute book, the realities of the implementation of protection orders is currently fractured and inconsistent, and the protection of victim-survivors is largely determined by local resources, local agency prioritisation and local practice. Some practitioners perceived the use and efficacy of orders is often down to chance - whether applications were made at all, which court made them, whether they were shared with relevant agencies and served on the perpetrators themselves, whether they were enforced and whether they included measures to reduce the reoccurrence of domestic abuse. Moreover, at a national level, the lack of data on their use and their effectiveness leaves policymakers and the community of practitioners seeking to implement them blind as to their utility.

The current inconsistent and uncoordinated use of protection orders suggests that the piloting of DAPNs/DAPOs will not only be a complex task, but also the last chance for the Government to remedy issues ahead of a national roll out. For these orders to achieve significantly different impacts than the ones they are replacing, lessons from previous use and practitioner insights should be considered. Consideration is also required to see how the pilots will intersect with broader key issues in current domestic abuse policy, notably the importance of training for statutory professionals in domestic abuse, providing effective victim-survivor advocacy, and the lack of effective perpetrator intervention programmes.

We believe now is the time to start developing a new framework for the effective use of these protection orders, based on clear roles and responsibilities; supporting practitioners to implement best practice; and national monitoring and evaluation.

Clear roles and responsibilities

Recommendation 1: The Government needs to set clear parameters around the police's operational role in the DAPN/DAPO process

The use and enforcement of protection orders appears to be dependent on local police interest, resources, priority and capability. Practitioners we spoke with felt that the role of overseeing and enforcing protection orders should not sit with the police. We therefore suggest that the police's role in the pilots is restricted to working with victims-survivors' and victims' groups to make applications for these orders and, in conjunction with other agencies charged with their supervision, to play a role in pro-active information sharing (see recommendation 3) and, where necessary, enforcement when a perpetrator has not complied. Roles and responsibilities should be clearly stated in the national framework.

Recommendation 2: The Government needs to ensure that there is a skilled and resourced agency (or set of agencies) to advise on and supervise compliance with protection orders

It's understood that the Government will trial which agency or partnership of agencies should manage the monitoring and reviewing requirement of DAPNs/DAPOs, evaluating the different approaches employed across the pilot sites to identify the most effective model. The appropriate agency/agencies will need the capacity and capability to do the following:

- Advise the various courts about the appropriate requirements that should be used with protection orders;
- Establish and maintain strong links with the police, probation, children's services, Cafcass/ Cafcass Cymru and the civil, family and criminal courts, as well as providers responsible for overseeing perpetrator restrictions, providers of positive requirements, and victim-survivor advocacy and casework providers;

- Safely and swiftly coordinate information sharing, especially between the police and courts;
- Supervise the delivery of the requirements and effectively manage ongoing risk;
- Work in partnership with the police around enforcement following non-compliance;
- Collect central data pertaining to the use of DAPNs/DAPOs (see recommendations 7 and 9).

The importance of ensuring that resources provided for the implementation of DAPNs/DAPO matches the intended aims cannot be understated. In an area that has seen substantial focus on legislation without the same attention for considering the practicalities, we believe the successful implementation hinges on making a clear decision about which agency or agencies are responsible for this supervision, and that this should be incorporated into the national framework. Without this, we remain sceptical that the introduction of these new orders will make any significant impact on behaviour change of perpetrators, or for those intended to be protected by the orders.

Recommendation 3: The Government needs to set out clear minimum standards for effective multi-agency coordination and information sharing

Practitioners we spoke to highlighted that one of the key issues in the current landscape is a lack of information sharing and coordination of information-sharing processes, which can have considerable effects on the efficacy of an order. As with current protection orders, once a DAPO is in place, the successful review of the order and management of ongoing risk will be dependent on the coordination and data sharing of various agencies and multi-agency boards who practice across different regional areas (for example, if a victim-survivor chose to relocate to a new area following leaving an abusive relationship, information on risk may need to be shared between agencies in different areas of the country). The successful implementation of DAPOs rests on strong, robust protocol being in place to help facilitate multi-agency information sharing on risk and engagement. We therefore recommend that the Government include in the national framework coherent standards around information sharing and examples to highlight how this should operate. This should be taken into account as part of any evaluations or inspections judging performance.

Supporting practitioners to implement best practice

Recommendation 4: Statutory professionals need to be supported with adequate training and clear standards

Providing enhanced protection for victim-survivors will only be possible if the introduction of these new orders is accompanied by training for all professionals involved to better understand, identify, and assess the risk of domestic abuse and harmful practices. This is particularly vital for police when deciding whether to apply for a DAPN/DAPO without the victim-survivor's consent, to enable police to more accurately determine if a lack of consent may be the result of coercive control.

Moreover, a national framework needs to include standards relating to what requirements can be reasonably included in a DAPO, such as what constitutes appropriate grounds to impose an electronic monitoring requirement on a perpetrator. It should also thoroughly set out the thresholds for different penalties in the event of a breach or non-compliance to mitigate the potential for infringing civil liberties. While deterrents for breaching orders are an important aspect in providing safety for the victim-survivors, imprisonment and fines need to be administered in a consistent manner across England and Wales.

Recommendation 5: Ensure that IDVA support is provided to victim-survivors throughout the duration of their DAPN/DAPO

Being able to include the victim-survivor's perspective on emerging risk will be dependent on their ongoing involvement with agencies in their area, such as the local multi-agency risk assessment conference (MARAC). As the victim-survivor's perspective is usually presented by an Independent Domestic Violence Advocate (IDVA) or caseworker on their behalf, it is imperative that this IDVA

support continues throughout the duration of a DAPO being in place. Currently across much of England and Wales, IDVAs are only funded to provide a short-term intervention to victim-survivors in crisis for a period of up to three months. Consequently, it is likely that many victim-survivors will not be in contact with an IDVA throughout the duration of their DAPO, which may pose a challenge to accurately monitoring ongoing risk and supporting the victim-survivor. We therefore recommend that the national framework should mandate the ongoing support for victim-survivors who are protected by a DAPO from an IDVA for the duration of the order.

Recommendation 6: Assist the courts to develop greater awareness of the dynamics of domestic abuse and, where possible, use existing specialist courts to hear applications

The successful implementation of the new orders rests on civil, family, and criminal court judges and magistrates developing specialisms in, and awareness of, the complex dynamics and impacts of domestic abuse and trauma on victim-survivors. Training on these matters should extend to court professionals and the judiciary to help them develop awareness of dynamics like course of conduct abuse and of how factors such as having a disability and having a particular cultural background can impact experiences of domestic abuse and harmful practices. We endorse a recommendation put forward in the 2013 DVPN and DVPO pilot evaluation where it was suggested that, where possible, applications for orders in criminal court should be heard in Specialist Domestic Abuse Courts (SDACs). In these courts, professionals have specialist training in domestic abuse and trauma that they apply to sentencing decisions and writing orders; professionals further develop their expertise through working on a high volume of cases where domestic abuse is a factor in a clustered court setting.³⁷

Recommendation 7: DAPNs/DAPOs need to be supported by effective and evidence-based positive requirements

The evidence base suggests that positive requirements in the form of perpetrator interventions need to apply a trauma-informed approach to working with perpetrators and be tailored to the individual situation. It is important that the pilot areas can broker access to other interventions addressing associated needs a perpetrator may have, as well as provide interventions suitable for addressing the range and complexity of perpetrator behaviour. Providers delivering the interventions attached to DAPOs should seek to work collaboratively and share information to ensure they are addressing and responding to the perpetrator's needs holistically as well as protecting the victim-survivor. The national framework should include best practice examples of Respect accredited perpetrator interventions, as well as a mapping of service provision across England and Wales.

Recommendation 8: Go beyond attendance when reviewing compliance

Previous engagement with court-mandated perpetrator interventions has been measured on attendance as opposed to assessing how well a perpetrator has engaged with the content of the intervention. As a result, engagement can often currently be wrongly equated with attendance. Information provided to statutory agencies relating to engagement in perpetrator interventions should contain a qualitative assessment to ensure agencies can build a nuanced picture of engagement and risk. Such information could feed into the review and reformulation of the order requirement where necessary.

It is currently unclear whether the process of monitoring compliance will entail the perpetrator meeting for regular supervision and/or reviews with professionals from the coordinating agency, in which their compliance with various requirements can be discussed. The Domestic Abuse Problem-Solving Court Model, which operates in parts of the United States, requires perpetrators subjected to a community order or suspended sentence to have regular judicial supervision (typically on a monthly basis), where their compliance is discussed with a dedicated judge and probation officer present. In these hearings, all requirements of the perpetrator's sentence and the victim-survivor's perspective on risk are considered and discussed and, throughout the entire review process, the same judge holds the perpetrator to account for breaches and provides motivation where progress has been made.³⁸ Evaluations of the Domestic Abuse Problem-Solving Court Model indicate that participation in the judicial review process may increase compliance with perpetrator interventions and reduce rates of reoffending. This model also enables professionals to respond to breaches quickly and impose sanctions if needed due to the regular contact and updates they receive.³⁹ We recommend that the

national framework should provide guidance around regular review processes, including a holistic and dynamic approach to assessing compliance across requirements that allows order conditions to be revised in response to emerging risk and progress.

Monitoring and evaluation

Recommendation 9: Establish a monitoring and evaluation framework and data collection mechanism

To ensure consistency in delivery and implementation of DAPNs/DAPOs, it is vital for pilot sites (and all local authorities once orders are rolled out) to apply thorough data collection approaches across a number of variables to allow for accurate monitoring and assessment. The upcoming pilots should adopt a multi-methods approach to evaluating the use and effectiveness of the new orders to enable 'soft outcomes', such as feelings of safety and fairness, to be assessed alongside 'hard outcomes' relating to reoffending and victimisation. The latter outcomes are important to capture, but to better understand facilitators and barriers to successful implementation and the mechanisms driving outcomes, the pilots should seek to evaluate qualitative evidence in addition to quantitative data collection. Practitioners and stakeholders across the civil, family and criminal systems should be engaged as a way of understanding their knowledge, use and perceptions of the new orders and the process of implementation in each area. Perspectives from victim-survivors and perpetrators impacted by the orders should also be included. Victim-survivors should be asked about how 'safe' they feel as a result of the order and how 'involved' they felt in the justice process. Perpetrators should be asked about their understanding of the orders, how procedurally fair they perceive the process to be,^v and their experiences of complying and engaging with the requirements of the orders, as well as the outcomes of this.

Quantitatively, pilots should record numbers of perpetrators receiving restrictions and positive requirements, as well as what these are and how many abide by or complete them. Given that the requirements attached to a DAPO are flexible, the prevalence of requirements attached to orders should be measured to understand which are most commonly used and requested and to identify whether they are utilised more in particular settings. Recognising the difference between pilot site areas, a process evaluation should be conducted to ensure sites are implementing DAPNs/DAPOs as intended, and to assess what penalties are being imposed in the wake of a breach. As the aim of the pilot is to "ensure that the model provides effective protection to all victims and adequate safeguards to all alleged perpetrators irrespective of their protected characteristics",⁴⁰ it is crucial for robust demographic data to be collected and monitored. This will allow the assessment into to whether any particular groups of victim-survivors experience the process more negatively than others, as well as whether certain groups of perpetrators disproportionately receive harsher restrictions or penalties than others.

To support thorough and effective monitoring, pilot sites should establish central reporting mechanisms to monitor the use and enforcement of DAPNs/DAPOs across all agencies involved, notably within the courts that grant orders and the agencies tasked with enforcing them. The Home Office should evaluate these reporting mechanisms and findings should form the basis of establishing a national reporting mechanism for DAPNs/DAPO to be included in the national framework prior to any national roll out.

^v Procedural justice research shows that when people feel fairly treated in court, they are more likely to obey its decisions, are less likely to commit crime, less likely to contest decisions, and more likely to comply with supervisory agencies, such as children's services or probation.

Endnotes

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9. Home Office (2013) Evaluation of the Pilot of Domestic Violence Protection Orders. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf
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11. Home Office (2013) Evaluation of the Pilot of Domestic Violence Protection Orders.
12. We are aware of the preference to shift terminology from using the terms victim-survivor or perpetrator when referring to people who have experienced, are experiencing, or are at risk of experiencing domestic abuse. For the purposes of this paper, we have chosen to use these terms as this is how they are reflected in government guidance relating to DAPNs/DAPOs.
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About the Centre for Justice Innovation

The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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