

# Section 2 Domestic and Sexual Abuse Definitions, the National and Sheffield Position

## The Definition of Domestic Abuse

The **Government** definition of Domestic Abuse was updated three years ago (March 2013) and has been in effect since. The definition was not a legislative change but the aim was to provide a clear definition to what constitutes domestic violence and abuse. The definition of domestic abuse is:-

*'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality'.*

*This can encompass but is not limited to the following types of abuse:*

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*

*Family members are defined as: mother, father, son, daughter, sister and grandparents whether directly related, in-laws or step-family.*

*Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.*

*Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.\*\**

*\*This definition which is not a legal definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group'.*

## The Definition of Sexual Abuse

**The Sexual Offences Act 2003**<sup>12</sup> provides the definition of sexual abuse. The Act covers sexual offences, rape (including those aged 13 and under), assault by penetration and sexual offences. The act outlines sexual offences to those who are particularly vulnerable, including children, familial child sex offences, consent, abuse of positions of trust, individuals with a mental disorder, indecent photography, prostitution, trafficking and sexual grooming.

## The impact/cost of domestic abuse on society

Measuring domestic abuse in terms of cost may appear to be overlooking the personal and emotional wellbeing of victims. However as Walby states herself *'While domestic violence is terrible enough in its own right to justify policy interventions, the scale of the costs aids the prioritisation of relevant policies'*<sup>3</sup>.

Walby's 2009 updated report estimated that **the cost of domestic violence on society was around**

<sup>1</sup> [http://www.cps.gov.uk/news/fact\\_sheets/sexual\\_offences/](http://www.cps.gov.uk/news/fact_sheets/sexual_offences/)

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2003/42/contents>

<sup>3</sup> The Cost of domestic violence: update 2009, Sylvia Walby (2009)  
[http://www.lancaster.ac.uk/fass/doc\\_library/sociology/Cost\\_of\\_domestic\\_violence\\_update.doc](http://www.lancaster.ac.uk/fass/doc_library/sociology/Cost_of_domestic_violence_update.doc)



**£15.8 billion per annum.** This is the total of three costs; services, economic output and human and emotional costs.

**Services costs** (victims and perpetrators and their use of the criminal justice system, healthcare system, social services, housing and refuges, civil and legal services). Walby estimates these costs amount to over £3.85 billion pounds per annum (or 25% of the total cost).

**Loss of economic output** (from victims taking time off from work, not maximising employment potential or not being in the job market at all) and amounts to £1.92 billion pounds (or 12% of the total cost).

The third and most subjective is for **human and emotional costs** (Walby acknowledges the subjectivity but states that their *'inclusion is based on the notion that people would pay something in order not to suffer the human and emotional costs of being injured'<sup>4</sup>*) but are included by Walby because these are often *'the basis for policy decisions'*. The costs amount to over £9.9 billion pounds (or 63%) of the total. Human and emotional costs are also included because despite this research being published over seven years ago the same costs are cited in the new Government strategy published in 2016, and the total cost cited includes the human and emotional costs.

The total cost is likely to be conservative as it does not include the long term costs on children living in a DA situation nor all forms of sexual assault.

## **The Government's *Ending Violence Against Women and Girls – Strategy 2016-2020*.**

The new National *'Ending Violence against Women and Girls - Strategy 2016 to 2020'<sup>5</sup>* was published on Tuesday 8th March 2016. The strategy highlights two overarching areas of change it wants to achieve by 2020. These are to **reduce domestic abuse prevalence** and to **increase reporting**.

### **Objective one – experience reducing domestic abuse prevalence**

A reduction in DA prevalence will be achieved by key actions on increasing early intervention, an increase and focus in education, a culture change towards DA, an increase in support opportunities and interventions for victims and effective perpetrator programmes.

### **Objective two – experience an increase in reporting**

An increase reporting will mean increases in reporting of DA incidents to the police, and an effective police response to incidents, an increase in prosecutions and an increase in convictions alongside an effective use of management and legal processes (e.g. sanctions for breaches) to reduce the likelihood of re-offending.

The strategy acknowledges the achievements from the previous 2010-15 strategy and states the new strategy is a refresh of the previous one. Achievements acknowledged from the old strategy include – a strengthened legislative framework (Clare's Law/DADs, domestic abuse definition includes coercion, protection orders for domestic abuse, sexual abuse and FGM), an increase to the number of DA crimes reported and recorded and a reduced prevalence of domestic in the Crime Survey of England and Wales.

The new strategy explains collaboration and good support services are required for the new strategy to be successful the 'only way we can achieve real, sustainable progress is if national and local government, local partners and agencies, and every community work together to prevent women and

<sup>4</sup> Sylvia Walby The Cost of Domestic Violence: Up-date 2009, Executive Summary, page 4, <http://www.lancs.ac.uk/fass/sociology/profiles/34/>

<sup>5</sup> [https://www.gov.uk/government/.../VAWG\\_Strategy\\_2016-2020.pdf](https://www.gov.uk/government/.../VAWG_Strategy_2016-2020.pdf)



*girls from becoming victims in the first place and make sure those who have experienced abuse receive the support they need to recover' (page 8).*

The strategy states that its overarching principle is PREVENTION, 'which should (also) be at the heart of all local VAWG Strategies' (page 16). A number of other principles in the strategy include changing attitudes, reducing prevalence, increasing the use of prevention measures and reducing reoffending. All have a part to play (health, police, employers, family and friends) and all need to recognise their part in earlier identification, with earlier effective interventions before the situation becomes critical and that all victims (including those who are hard to reach, or vulnerable) get the support they need from services commissioned using best practice principles.

The key phrases/ themes from the report are partnership and multi-agency working, robust commissioning of local services with high accountability, FGM identification and service provision (health), increased use of the Troubled Families practice with specific actions expected on the domestic abuse, refuge provision available to all, service transformation, a whole family approach to support (safeguarding, MASH, MARAC, perpetrator support), education and using prevention measures.

The new strategy also outlines that central funding will be provided but that local services will see demand rise as the strategy is embedded: *'over the next four years we will continue to fund a bedrock of critical services for VAWG but as we move forward to 2020 we recognise that embedding VAWG as everyone's business, improving agencies response in identifying abuse at an earlier stage will place greater demand on local services' (Page 11).*

The strategy has a total of 95 actions (10 are international) in the following themes – Preventing Violence (27 Actions), Preventing Online Abuse and Exploitation (5 Actions), Provision of Services (29 Actions), Partnership Working (14 Actions), Pursuing Perpetrators (20 actions). The actions specifically for commissioning are mainly found in Provision of Service and Partnership Working sections.

Commissioning - There are indications throughout the report that commissioning best practice is *'overseen by strong local leadership, with a single person clearly accountable for provision, and is underpinned by pooled budgets so that funding can follow women's needs rather than being artificially constrained by service boundaries' (page 11).* Local accountability is promoted and commissioning is based on an assessment of need, which includes a focus on BME women and complex needs and best practice of what works and is innovative to meet new of complex challenges.

Commissioning Actions include:-

- Action 39 The publication of a 'National Statement of Expectations' (NSE) providing a framework for commissioning VAWG services in local areas including key elements of effective commissioning practice.
- Action 43 A best practice resource and guidance for commissioners to develop an effective approach to VAWG service provision.
- Action 37 A Transformation Fund to support innovation in local practice and improved local approaches to multi-agency working.
- Action 52&53 A new funding programme to develop and promote new forms of services for victims with the most vulnerable and complex needs and social investment initiatives to increase the diversity of provision.
- Action 40 Support wider service transformation by disseminating examples of good practice such as pooled budgets and developing a need based approach.
- Action 47 Workshops with CCGs to raise awareness to their vital part in local commissioning of services to tackle VAWG including mental health services (specifically sexual abuse and rape victims).
- Action 65 Updated Domestic Homicide Review guidance.

- Action 22 Routine enquiries, by health and other partners, regarding abuse in childhood and adulthood in MH services, SARC's, substance misuse services to improve early intervention and support, and data for commissioners.
- Action 41 Identify ways to incentivise local government and commissioners to support innovation (e.g. payment by results and social impact bonds).
- Action 42 Develop service standards that identify what success looks like for VAWG services and consider how service providers should be held to account.
- Action 48 Promote best practice and standards in the local commissioning approach by agreeing principles for perpetrator programmes and interventions. (Action 16 is to provide better supporting evidence regarding perpetrator programmes).
- Action 50 Reissue an updated version of the ready reckoner.
- Action 62 Establish a VAWG peer support network to work with local areas to streamline multi-agency structures, reduce bureaucracy and encourage collaborative local commitment to tackling all safeguarding issues.
- Action 63 Further inspections to consider how individual services contribute to keeping victims safe, the quality of the local partnership and the ways in which joint working is scrutinised.

Specific actions on Funding (Actions 33-37) will be as follows:-

- Action 34 £40 million to support DA services including refuges and accommodation based services
- Action 33 ISVAs, IDVAs and MARAC funding (confirmed to 2017)
- Action 35 Rape support centres (funded at current levels and to ensure the funding remains until the end of the spending review (March 2020)
- Action 35 National helplines (until March 2020)
- The strategy also refers to £80 million for VAWG services (page 31) during the strategy period and that there is a Department for Communities and Local government (DCLG) fund to support the provision of accommodation services (including provision for BME communities and removing barriers to cross-border referrals).

Other actions include:-

- Police (Actions 13-15, 85-89)- the main actions included are the actions from the HMRI report, and others include an increased use of sanctions by police on perpetrators of crime to reduce repeat offences, evaluation of the DVDS / Clare's Law scheme, better data recording (Dataset) of DV, improved police response to DSA, include DA in the national improvement survey, training, use of technology for evidence collection
- Legislation (Action 17) - considers criminalisation of the DVPO, Action 83 - the existing legislation framework for all forms of HBV and consider if a new framework is required.
- Crown Prosecution Service (Actions 90-95) - include increased VAWG awareness training, transparency of prosecutions, continued focus on FGM, HBV and forced marriage, increased performance management and more victim support opportunities.
- Awareness raising
  - Education – (Actions 1, 2, 3, 4, 5, 8) - raise awareness with children, students and isolated communities of 'healthy relationships' and how to respond to unhealthy relationships.
  - Campaigns –(Actions 6 & 7) - reporting child abuse, healthy relationships
- FGM (Actions 11, 12, 25, 51, 55, 84, 93) Continued identification and reporting, with interventions available for FGM victims and effective enforcement and prosecution.
- No specific action but several references in the strategy to the Troubled Families initiative nationally which will be funded until 2020. One of the six core areas is domestic abuse and the government are reviewing local initiatives and will be providing a report with recommendations on how to work with troubled families in the future.
- Housing Action 69 - Training housing staff from a range of LAs to identify and act on a disclosure of DA.



The national strategy will be overseen by the Inter-Ministerial Group chaired by the Home Secretary.

**Action - DACT to keep informed of the outcome of the VAWG strategy actions by using the published quarterly briefings and the [www.gov.uk](http://www.gov.uk) website and share with all the DA SA governance boards accordingly.**

## The Care Act (2014)

A further national development since the last needs assessment is the implementation of the Care Act 2014.

The essence of the Care Act is **wellbeing** for all individuals. The Care Act specifies that freedom from abuse is a key aspect of a person's wellbeing. Specific forms of abuse mentioned in the Care Act 2014 include domestic violence and sexual abuse. The national Adult Safeguarding and Domestic Abuse guidance outlines that abuse takes many forms and local authorities should not be constrained in their view of what constitutes abuse or neglect<sup>6</sup>. There is an intrinsic connection between safeguarding and domestic and sexual abuse support services<sup>7</sup>.

## The Sheffield Response

### Sheffield Domestic and Sexual Violence and Abuse Strategy 2014-2017

The three year Sheffield Domestic and Sexual Violence and Abuse Strategy 2014-2017 is in the second half of its time period. The vision for Sheffield is as follows:-

*'In Sheffield we will work together to: **provide** effective services to those in need, **protect** the most vulnerable and those at highest risk and **prevent** domestic and sexual abuse by sending out clear messages that abuse is to acceptable in our city<sup>8</sup>.*

The strategy has five priority areas:-

1. Good quality services,
2. Accessible services,
3. Reducing risk,
4. Prevention
5. Good governance.

The aims include having clear pathways into services, to have effective publicity, to continue to increase the number of people into support services, to have an effective MARAC and common use of the DASH assessment tool, to have effective governance and commissioning based on need.

Some of the notable achievements to date include active governance, including a Joint Commissioning Group, a Strategic Board, a Provider Consultation Group and Civil And Criminal Justice Group. Plus 2015 saw the publication of a new sexual abuse pathway, a new young people and domestic abuse pathway and an FGM pathway. There is ongoing promotion of domestic abuse support services and the pathways, there are active commissioning links between DACT and the Housing Independence Service, the MARAC review actions from 2014 have been completed and actions from Domestic Homicide Reviews are being completed to protect the most vulnerable. There is citywide Domestic and Sexual Abuse training commissioned which includes DASH training (the citywide adopted assessment tool). Work is still ongoing to improve the response citywide to perpetrators and to improve the response of employers in the city.

<sup>6</sup> ADDAS - Adult safeguarding and domestic abuse - A guide to support practitioners and managers, second ed. 2015

<sup>7</sup> <http://www.scie.org.uk/care-act-2014/safeguarding-adults/adult-safeguarding-practice-questions/>

<sup>8</sup> Sheffield Domestic and Sexual Violence and Abuse Strategy 2014-2017, <http://sheffielddact.org.uk/domestic-abuse/resources/local-strategies/>

**Action – A review of the Sheffield strategy is required in 2017, any actions outstanding need to be completed and the new strategy (from 2017) needs to use the framework of the national strategy recommendations of prevention, collaboration, early interventions and best practice for commissioning.**

## Local Developments to address actions from the 2015 Needs Assessment update<sup>9</sup>.

**Appendix 3** shows a list of 26 actions and their current status from the summary of the needs assessment published in 2015. The majority are completed and four are progressing. Only the perpetrator programme (action 24) remains incomplete, but this too has progressed in the last year.

### Local Strategic Links

- The Corporate Plan includes a priority on Thriving Neighbourhoods and Communities and states that: *'We want people living in Sheffield to feel safe'* which would encompass safety from domestic and sexual abuse.
- Sheffield's Joint Health and Wellbeing Strategy<sup>10</sup> (published in September 2013. A plan to ensure that services in the city meet the health and wellbeing needs of Sheffield people. Domestic and Sexual Abuse are included in one of the ten principles underpinning the strategy, 'Breaking the Cycle' as one of the factors *'which undermine the health and wellbeing of some people in Sheffield.'* One of the five key outcomes for the city is: 'Health inequalities are reducing' which recognises that victims of domestic and sexual abuse are among groups that are reported nationally to have below average health.
- Building Successful Families (BSF) – includes domestic abuse as an outcome in the second phase. Vulnerable Adults focused Troubled Families approach –the council has started considering developing new approaches to working with people with severe and multiple disadvantages (e.g. homelessness, substance misuse and / or offending behaviour e.g. perpetrating domestic abuse). Again, access to a voluntary perpetrator programme would contribute to improving outcomes for people without dependent children experiencing or perpetrating domestic abuse who are also homeless / at risk of homelessness and misusing substances.

### Sheffield's domestic and sexual abuse commissioning budget

The DACT commissioning budget for domestic abuse support services in Sheffield is a pooled budget. The budget includes funding from Sheffield City Council, the Sheffield Clinical Commissioning Group, the Office of the Police and Crime Commissioner and the Home Office. The average budget over the last five years (2013/14 to 2016/17) is £1.36 million<sup>11</sup> and the total spend in 2016/17 is around £1.43 million as per the table below.

Domestic and Sexual Abuse Budget	Commissioned	2016/17
High Risk Contract - IDVAs and training	SCC DACT	£426,885
Medium and Standard Risk Contract - Outreach, Helpline and Group work	SCC DACT	£397,856
Sexual Abuse counselling contract	SCC DACT	£56,900
TOTAL		£881,641
Womens refuge and floating support provision	SCC HIS	£500,000
Sanctuary	SCC HIS	£45,000
SCC Total		£1,426,641

<sup>9</sup> <http://sheffielddact.org.uk/domestic-abuse/wp-content/uploads/sites/3/2015/03/Sheffield-Domestic-and-Sexual-Abuse-Needs-Assessment-v1.4.pdf>

<sup>10</sup> <https://www.sheffield.gov.uk/caresupport/health/health-wellbeing-board/joint-health-and-wellbeing-strategy.html>

<sup>11</sup> Information provided by HIS and DACT 2012/13 to 2016/17 budgets



Sheffield DACT have spent nearly £900,000 commissioning community based domestic and sexual abuse services in 2016/17 and HIS funded over £545,000 specialist accommodation provision and support.

The Sheffield unit cost of support for each individual commissioned place is £160.29 (based on 5,500 places of support, excluding the refuge budget and a total budget of £881,641). When the total budget is included the spend ratio on Domestic and sexual abuse commissioning is around £4,078 for every 1,000 people aged 16 to 59 years living in Sheffield.