

The Domestic Abuse Act 2021 legal definition of domestic abuse is:

The behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if:

- A and B are each aged 16 or over and are personally connected to each other, and
- The behaviour is abusive.

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

- Physical or sexual abuse.
- Violent or threatening behaviour
- Controlling or coercive behaviour.
- Economic abuse – (also see section 4 below).
- Psychological, emotional, or other abuse.

***And it does not matter whether the behaviour consists of a single incident or a course of conduct.***

“Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to

- Acquire, use, or maintain money or other property, or
- Obtain goods or services.
- For the purposes of this Part A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

Two people are personally connected to each other if any of the following applies:

- they are, or have been, married to each other;
- they are, or have been, civil partners of each other;
- they have agreed to marry one another (whether or not the agreement has been terminated);
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- they are, or have been, in an intimate personal relationship with each other;
- they each have, or there has been a time when they each have had, a parental relationship in relation to the same child; or
- they are relatives

***Part 3 of the Act recognises children as victims if they see, hear, or experience the effects of, the abuse, and is related to A or B.***

## Identifying and assessing Domestic Abuse

Domestic Abuse (DA) can present itself in a number of ways including some victims being unaware that they are victims of DA. Professionals need to consider the risks to the victim and child/ren and, when safe to do so, include the abusive partner in the assessment and planning, not leaving the responsibility for protection solely in the hands of the victim.

Examples of these behaviours are:

- **Psychological / emotional abuse:** intimidation and threats (e.g. about children or family pets), social isolation, verbal abuse, humiliation, constant criticism, enforced trivial routines, marked over intrusiveness.
- **Physical violence:** strangulation, slapping, pushing, kicking, stabbing, damage to property or items of sentimental value, attempted murder or murder;
- **Physical restriction of freedom:** controlling who the victim or child/ren see or where they go, what they wear or do, stalking, imprisonment, forced marriage;
- **Sexual violence:** any non-consensual sexual activity, including rape, sexual assault, coercive sexual activity, refusing safer sex, rough sex and non-consensual or harmful non-fatal strangulation. Includes threats to disclose private sexual photos and films with intent to cause distress and inflicting serious harm on someone for sexual gratification.
- **Financial abuse:** stealing, depriving or taking control of money, running up debts, withholding benefits books or bank cards.
- **Controlling or coercive:** 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. Examples of this can be found in [paragraph 50](#) of the domestic abuse statutory guidance.
- **Harassment or stalking:** following, contacting or monitoring the victim
- **Economic abuse:** controlling finances, refusing to contribute or deliberately incurring unnecessary costs for the victim
- **Abuse relating to faith:** manipulation through influence of religion including a requirement of obedience owing to religion or faith
- **Honour based abuse:** including forced marriage and female genital mutilation.

Other factors to consider include but not exhaustive are:

- Separation can increase risk
- The feelings of the victim
- The relationship dynamics including a clear individual displaying unhealthy behaviours to it being unclear who the victim or perpetrator is
- There is abuse in the childhood history
- A high level of generalised aggression
- Substance misuse
- Mental health concerns

## Why is it important?

Keeping children safe: DA can seriously harm children, either directly through them witnessing or getting caught up in the abuse or when their parents struggle to prioritise their children's needs. This may not always be due to neglectful parenting and sometimes professionals see victims' behaviour as increasing risk to their children when in fact this is to manage or reduce the risk.

Children can find it hard to talk to their parents about what has happened. They may start acting out the abusive, threatening or controlling behaviour they have witnessed. Children's Services will become involved when there is an identified risk of significant harm. Some of the families are already known to social care or a referral was made by the police following an incident of domestic abuse in Portsmouth, where a pregnant woman or children were present.

Working with children and families who need our help: As with all abuse, you need to be careful when sharing information that you do not increase the risk to the victim and should do this carefully in consultation with your supervisor. Professionals need to feel confident when talking to both parents

regarding the abuse, you can find out more information on the [what to do](#) domestic abuse section on the PSCP website. You need to be careful not to breach confidentiality between the parents and gain their consent for you to talk to other professionals involved with their family, unless you are undertaking a Section 47 Investigation.

Within the assessment, you will need to identify the parental behaviours that raised concern of DA, an understanding behind these behaviours, any work already undertaken and any progress made by the family. When talking to children alone you will need to gain consent from their parent unless you are undertaking a Section 47 investigation.

Remember to make it fun and use visuals as children are ready to be entertained and are more likely to take your message to heart if they are enjoying themselves in the process. Also, 'keep your eyes and ears open for what's going on' and put yourself in their shoes, it will support your assessment and planning to assess the risk to the children and how to support them through this difficult time. The Let's Talk toolkit can assist with this.



LetsTalk toolkit.pdf

A common theme from serious case reviews, has been the tendency for agencies to overlook the role of fathers, male partners and other men living within the families. Practitioners should involve fathers and other male figures in the family in assessing risk and in gathering all the information needed to make an assessment. It is important to seek this child's view on both parents also. The following may help with younger children:



My Dad.pdf



My Mum.pdf

### What to do if you are concerned

In an emergency the police should be called on 999.

Support for the victim is dependent on the level of risk. The [Safe Lives DASH risk assessment](#) should be used to consider this risk with high risk victims being referred to the MARAC and all victims assessed as high and medium risk to Stop Domestic Abuse and standard risk victims to Victim Care service. There are also groups for victims and their children.

For those who acknowledge they use unhealthy or abusive behaviour and want to change within their relationship, support is available from Up2U delivered by Stop Domestic Abuse.

Further information on support options and the referral process can be found on the [PSCP](#) and [STOP domestic abuse](#) websites

Please also see the [DA referral pathway](#) for more information.