



## Guidance for providers during COVID-19

The Government's stay at home advice in response to the COVID-19 Pandemic can create new challenges for people experiencing domestic abuse. Victim/survivors may be at home with their perpetrator and unable to escape from the abuse. Self-isolating while living with an abuser may also increase the risk of harm. Reports of domestic abuse as much as tripled in China during periods of isolation.

It is anticipated that reports to police will increase. Referrals to Crown Prosecution Service (CPS) will increase and prosecutions will increase. Police, CPS and HM Courts & Tribunals Service (HMCTS) have all adapted their working arrangements to respond to Government guidance but the need to provide a robust and safe response to victims of Domestic Abuse remains as crucial as ever.

Standing Together has decades of experience coordinating Specialist Domestic Abuse Courts (SDACs). We have produced this guidance to assist professionals working within the Criminal Justice System (CJS) and the vital specialist services supporting victim/survivors through the CJS process.

This guidance contains the following sections:

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3. Best practice in criminal justice responses to domestic abuse:	<ul style="list-style-type: none"><li>● Risk &amp; Adult Family Violence (AFV)</li><li>● Using referral pathways</li><li>● Witness Intimidation from prison</li><li>● Taking telephone statements</li><li>● After the COVID-19 Crisis</li></ul>
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## 1. How are CJS agencies working amidst the COVID-19 crisis?



### Police:

- Interim [protocol](#) developed with CPS which categorises how types of cases will be prioritised
- Cases categorised as immediate (remand in custody) – police seeking to charge and remand someone in custody to the next available court date
- High priority (serious cases requiring bail conditions) – police seeking to charge as a priority but not as immediate in custody. In such cases charged individuals will be bailed to court in 28-56 days depending on the anticipated plea.
- Other types of cases – Released Under Investigation or arrest not required in light of COVID-19 crisis. If charged such cases will Postally Requisitioned with the court date in 84 days
- Applications for Domestic Violence Protection Orders (DVPOs) remain an important method of protecting victims of DA and will be processed as normal



### CPS:

- Interim [protocol](#) developed with Police which categorises how types of cases will be prioritised
- In Magistrates Court Prosecutors will be dealing with overnight custody cases, cases where defendants are in custody or where custody time limit needs to be extended, breaches of court bail, interim hearing in custody and bail applications
- Witnesses (in London) are being de-warned<sup>1</sup> for trials listed up until the end of April 2020 and the position will be reviewed at the end of the month

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<sup>1</sup> 1 advised that they are not required to attend court



### HMCS:

- The court services are consolidating the work of the courts into fewer buildings.
- Magistrates Courts are dealing with priority cases only:
  - Overnight custody cases from police stations (including arrest warrants and breach of bail cases)
  - Productions from prisons
  - Applications to extend custody time limits
  - Urgent applications for Domestic Violence Protection Orders
  - Some hearings may be conducted via videolink (i.e. defendant from prison)
- In Crown Courts, no jury trials will commence, and other hearings will commence remotely or in court if it is considered safe to do so



HM Prison &  
Probation Service

### HM Prison & Probation:

- Interviews for pre-sentence reports are being conducted by telephone where appropriate. Otherwise interviews will take place face-to-face when appropriate.
- There are staff at court to conduct interviews in urgent (priority) cases and assist the court with enquiries.
- Some Probation offices are closing. Supervision of offenders assessed as low risk will be conducted by telephone. Other offenders will continue to be supervised face-to-face.
- Delivery of group interventions such as the Building Better Relationships programme have been suspended and contact with attendees will be maintained by phone.
- Prison visits have been cancelled; however some prisoners are provided with secure handsets to maintain contact with (pre-authorised) family members



Witness Service

### Citizens Advice Witness Service:

- Citizens Advice Bureau (CAB) Witness Service are offering some services over the phone, for example pre-trial orientation and support in trials. Referrals can still be made to Witness Service using their online referral form
- In London support before trial is provided by the London Victim & Witness Service delivered by Victim Support. Please visit their website for information regarding how the service has been affected by COVID-19.
- Witness Care Units are operating as normal by keeping in regular contact with victims and witnesses. Part of their remit is to keep victims informed of outcomes of hearings, for example bail applications

## 2. Availability of specialist domestic abuse support

Many specialist domestic abuse services are continuing to deliver services during the lockdown; some with adapted measures to continue offering face-to-face support and others offering online and telephone support only. This will vary from service to service.

It is likely that victim/survivors of domestic abuse may assume that these services have closed, so it is crucial that Criminal Justice professionals:

- a) Are familiar with the national domestic abuse services available;
- b) Check what specialist services are being delivered in local areas;
- c) Let victim/survivors know, in a safe way, what specialist DA support is available

For queries and support related to court proceedings, victims/witnesses should contact their local Witness Care Unit. You can also contact the national [Citizen's Advice Witness Service](#) (03444 111 444) or the [London Victim and Witness Service](#) (0808 1689 111).

### National Domestic Abuse Services

The [National Domestic Abuse Helpline](#) offers a free 24-hour helpline – **0808 2000 247** – that can provide victim/survivors with emotional support and advice on their options. It is also the gateway to the national network of refuges available in England and can signpost you to your local domestic abuse services. They can also offer advice to professionals who are supporting victim/survivors.

The helpline is likely to be busier than usual as some areas in England have already seen an increase in domestic abuse cases. If someone is struggling to get through or just wants an alternative to calling, they can visit the National Domestic Abuse Helpline website and fill in an online form which will give them the option of requesting a safe time to be called back. This online method of accessing support is especially important now when telephoning for help may be more difficult.

Victim/Survivors can also receive automated guidance via the Refuge instant messaging service on how to secure their devices.

Victim/Survivors may experience additional barriers to seeking help as a result of their identity and protected characteristics. There are national services that respond directly to these issues. There is a list of other national specialist domestic abuse services at the bottom of this document.

These services may offer:

- Leaflets available in other languages;
- Information about additional barriers particular in relation to specific protected characteristics, such as abuse toward the elderly where the perpetrator is also their carer, and abuse directed towards someone because of their sexual identity; Decisions should however be made based on the risks posed by the offender, and risk to the victim/public, not just the offence itself
- Details about any local specialist service provision available where one-to-one and/or phone support can be provided.

Where telephone support is not safe, Women's Aid have online services to support victim/survivors. These include:

- [Instant messaging service](#) (Mon–Fri, 10am–12pm);
- [Email support](#) (response within 5 days);
- [Survivor's handbook](#) (to get help on housing, safety planning, dealing with police and more)
- [Online survivor's forum](#);
- [Access to local services](#).

We also recommend that staff who are likely to come into contact with victim/survivors download [Hestia's Bright Sky App](#), which is free to download on mobile phones. It offers a UK-wide directory of specialist domestic abuse support services with contact details and links to further resources and information on topics on domestic abuse. The Hestia Bright Sky App is available in 4 languages: English, Urdu, Punjabi and Polish.

For services supporting **male victims** of Domestic Abuse, the [Men's Advice Line](#) is a confidential helpline for male victims of domestic abuse and those supporting them. It can be contacted on 0808 801 0327. There is also a Webchat available Wednesdays, Thursdays and Fridays between 10-11am and 3-4pm.

For members of the **LGBT+ community**, [Galop](#) runs a specialist helpline on 0800 999 5428 or email [help@galop.org.uk](mailto:help@galop.org.uk).

During this time, the police response may be limited, however 999 emergency calls will still be prioritised. In 2019 the Independent Office for Police Conduct launched [Silent Solution](#) in order for individuals who need urgent police help through 999 but cannot speak.

Services available to perpetrators of domestic abuse is provided by [Respect](#) who have also published [practice guidelines](#) for the COVID-19 context.

### 3. Best Practice in Criminal Justice response to Domestic Abuse

The CJS agencies have developed local and national procedures in response to the COVID-19 Crisis. These are generic procedures and not specific to dealing with cases of domestic abuse. Reports of domestic abuse are rising and it is now more important than ever that victim/survivors who are going through the CJS are provided with adequate support and protection. The following points of best practice provide relevant agencies with guidance on measures they should take.

#### Remanding in custody and bail

DA cases will almost always fall within the categories Immediate Priority or High Priority. Domestic Abuse carries a higher likelihood of risk of further offending, interference with witnesses and vulnerable intimidated victims.

Decisions should however be made based on the risks posed by the offender, and risk to the victim/public, not just the offence itself

Other categories of cases (e.g suitable for Postal Requisition) **should not** be considered in DA cases. For example a low-level Criminal Damage might fall into this category, however the violent nature of criminal damage in a domestic context indicates that the risk is higher. Common Assault in a domestic context should not be considered in this category.

The DA exception to the right to bail is: 'commit an offence while on bail by engaging in conduct that would, or would be likely to, cause - a) physical or mental injury to an associated person; or b) an associated person to fear physical or mental injury'. Other considerations include:

- **History of callouts to police:** indicates repeat victimisation
- **Previous DVPN/DVPOs imposed:** Remember that these will not be on a PNC so it is important that police officers research and highlight such orders
- **Risk is heightened when someone is charged / being held to account:** Bail conditions are important protection
- **If convicted and adjourned for reports:** The Court are asking for an assessment of risk management, meaning there is risk which is not being managed during the adjournment and bail conditions should therefore be in place for protection
- If a case is deemed (by any agency) to be **high risk** – at risk of serious harm or death – there can be no circumstances where bail conditions (at least!) are not appropriate.
- There will be **exceptionally few DA cases in which unconditional bail is appropriate**

## Bail conditions

Safety of victims and their children should remain a primary concern when considering suitable bail conditions. Bail conditions should be clear and enforceable. Officers, prosecutors and judiciary should consider:

- **Non-contact** conditions in all DA cases, except in exceptional circumstances.
- Where there are **children**, standard caveats to non-contact should be applied – not to contact [named victim] directly or indirectly save through solicitors, social services or the family court for the purpose of arranging child contact.
- **Avoid the use of 3rd parties** to facilitate child contact, unless the third party is agreed by the victim. This person should be named in the bail condition.
- **Conflict over child contact** is a specific risk factor in domestic abuse, so protective measures are important to reduce this risk.
- When imposing condition of exclusion, **avoid the use of yards/metres. Exclude from whole streets or postcodes.** Areas such as these are safer than using exact addresses, as defendants could loiter nearby.
- **Impose appropriate bail conditions irrespective of whether there is a restraining order or non-molestation order in place.** Breaches of bail are dealt with more expeditiously than breaches of orders. It is also not always known whether there is an application to discharge a restraining or non-molestation order in the pipeline so these should not be relied upon to provide the protection in place of bail.
- Be mindful as to **whether the defendant is aware of the victim's address.** If officers are not sure, clearly mark this on MG7. If Prosecutors are not sure, make enquiries with OIC.
- **Ensure that bail addresses are adequately checked.** This should include intelligence checks by police (preferably DA Safeguarding Unit) to confirm no safeguarding concerns or other indicators of criminality at the address which may make it unsuitable. **A Google search and/or electoral roll check**

## Breach of bail conditions

- Should be **enforced** at all times.
- Breach of bail is considered a **risk factor** in DA cases (#23 on the DASH Risk Indicator Checklist) and must be taken seriously.
- Remember to ensure that **evidence** (e.g. statements / Body Worn Video, etc.) of the breach is available to the court and not just a description of the breach.
- Police and Prosecutors should proactively think of **additional bail conditions** which might be required if a breach is reported.
- Ensure that the **outcome of a breach of bail is communicated to the victim as quickly as possible.**



## Accuracy and communication of results

The [Victim's Code](#) is clear on duties of CJS agencies to result DA cases expeditiously. Safety plans and protective measures are based on information shared. It is vital that results of hearings are recorded accurately and transmitted in a timely manner so that the victim can be made aware and the various agencies supporting the victim can adequately safeguard.

- Recording, sharing and communication to victims should always include:
  - Whether the defendant is **remanded in custody**;
  - If on bail, the **exact wording of the bail conditions**;
  - The **date of the next hearing**;
  - The **reason for the next hearing** (i.e. bail application, sentencing, etc.)
- Many cases already in the system will be administratively adjourned by the court if they do not meet the criteria of priority case. It is important that those **supporting victim/witnesses** (police, Witness Care Units, IDVAs, etc.) **monitor any adjournments** and **update victims/witnesses** as quickly as possible.

## Risk and Adult Family Violence

The risk to family members of domestic abuse is often underestimated<sup>2</sup>. This will be relevant in reports to police involving adult family members, but also when considering suitable bail addresses for suspects of domestic abuse against an intimate or former intimate partner. Professionals should consult [Standing Together's Briefing Sheet](#) to increase their understanding of the dynamics and risk factors associated with Adult Family Violence.

## Using referral pathways

Victims and witnesses who are already receiving support from their local services providers should contact their support service in the first instance. Professionals should familiarise themselves with local referral pathways for support as well as details of other sources of support for victim/survivors.

See section above on availability of specialist domestic abuse support or visit the Local Authority website there the victim/survivor resides.

## Witness Intimidation from prison

If a DA defendant is remanded in custody, it is still possible that the victim/witness will be intimidated, threatened or coerced into withdrawing support for the prosecution.

Professionals should familiarise themselves with the procedures and [Protocol for Tackling Witness Intimidation from Prisons](#) to reduce the risk of witness intimidation and seek to implement in all cases of domestic abuse going through the court.

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<sup>2</sup> For more information, please see [Standing Together's analysis of Domestic Homicide Reviews](#), particularly page 11.



## Taking telephone statements – key considerations

In protecting public safety and adhering to restrictions of movement, it may not be appropriate to take face-to-face statement from victims and witnesses. Many areas may allow telephone statements to be taken. In addition to following the best practice guidance, in cases of DA there will be specific considerations required to safeguard people giving statements. These include:

- Are they in a **safe space** to provide a statement? Are they alone and comfortable to safely provide a full and accurate account?
- Can the **true identity** of the person providing the statement be **verified**?
- Police must also consider whether there is a **risk of harm to the witness** if the statement was to be intercepted when sent by e-mail or post.

## After the COVID-19 Crisis

Many criminal cases will have been delayed as a result of the measures in place to tackle COVID-19. It is vital that agencies ensure that key information is obtained and shared quickly and accurately when the time comes for cases to progress. In particular:

- If the case is going to trial, have **special measures** been granted? If not, ensure that the application is made with clear information about the type of measures sought;
- Victims should be offered the opportunity to make a full **Victim Personal Statement**;
- Up to date and accurate information should be obtained and shared regarding whether a **restraining order** should be applied for. Ensure that the wording of conditions are clear and enforceable (see guidance above regarding bail conditions) and consider areas of exclusion which will be relevant to the victim's day to day movements (eg. schools, family members visited frequently, workplaces, etc.)

Areas with Specialist DA Courts will rely on listing frameworks (for example clustering<sup>3</sup>) to operate.

It is of vital importance that listing frameworks, such as clustering, in place to deal with domestic abuse cases prior to the COVID-19 Crisis are implemented as soon as possible. All partnerships should ensure that the COVID-19 Crisis does not jeopardise the existence of Specialist DA Courts.

<sup>3</sup> A 'Cluster Court' model involves cases involving domestic abuse being listed in a dedicated court session. Any Specialist Domestic Abuse Court (SDAC) should operate as Cluster Court.

## 4. Partnership working and the Coordinated Community Response (CCR)

Local partnerships should continue to adopt a multi-agency approach to domestic abuse despite the changes in procedure during the COVID-19 Crisis. This is a key component in the DA Best Practice Framework (DABPF) and continues to be vital in ensuring cases of domestic abuse are dealt with effectively.

Partnerships should feedback local contingency plans to the Criminal Justice Board responsible for overseeing delivery of the DABPF.

CJS agencies cannot respond to domestic abuse effectively on their own. To effectively respond to domestic abuse, organisations must coordinate their activities. A functioning Coordinated Community Response requires professionals to be aware of what other agencies can do to protect victims of domestic abuse and their children and to hold perpetrators of domestic abuse to account.

There are a number of areas which will increase the capacity of the CJS to respond effectively to domestic abuse whilst not being directly part of it. For example:

### **MARACs:**

Multi-Agency Risk Assessment Conferences (MARACs) are victim-focused information sharing and risk management meetings attended by key agencies to safety plan for people experiencing domestic abuse who are at high risk of harm. During lockdown your local MARAC may move from face-to-face meetings to alternative arrangements to ensure safety is maintained and risk is managed. To find out more contact your local MARAC Coordinator; if this isn't known, you should be able to find out who this is by contacting a VAWG Lead in your local authority.

Standing Together have produced a [MARAC plan](#) in response to COVID--19 which outlines the measures that can be taken in order to continue holding MARACs during this period.

### **Housing & Homelessness:**

The housing sector has a critical role to play in keeping victims and their children safe. The Domestic Abuse Housing Alliance (DAHA) have produced [guidance for housing providers](#) on how they can offer safe responses to your tenants/service users where it's known they are living with domestic abuse or where new concerns arise.

## 5. Other national specialist services

Other national specialist services you may want to let victim/survivors know about are:

<p><u>Stalking Helpline</u> Provides guidance and information to anybody who is currently or has previously been affected by harassment or stalking. 0808 802 0300</p>	<p><u>Paladin</u> National Stalking Advocacy Service. Trauma-informed service established to assist high risk victims of stalking in England and Wales. 020 3866 4107 info@paladinservice.co.uk</p>
<p><u>GALOP</u> National LGBT+ domestic abuse helpline offering emotional and practical support for LGBT+ people experiencing domestic abuse. 0800 999 5428 (National) 020 7704 2040 (London)</p>	<p><u>Karma Nirvana</u> Advice and support for victims of honour-based abuse and forced marriage. 0800 5999 247 13</p>
<p><u>Southall Black Sisters</u> Advice and support for black &amp; minority ethnic women experiencing all forms of gender related violence. 0208 571 0800 (Helpline) 0208 571 9595 (Enquiries)</p>	<p><u>Forced Marriage Unit</u> Government office providing information and advice for British nationals forced into marriage. 020 7008 0151 020 7008 1500 (out of hours number)</p>
<p><u>Respond</u> Support for people with learning disabilities who have experienced trauma and/or abuse 0808 808 0700</p>	<p><u>Deafhope</u> Domestic and sexual abuse support for the deaf community. 020 3947 2600 (Phone) 079 7035 0366 (Text)</p>
<p><u>Men's Advice Line</u> Support for male victim/survivors. 0808 801 0327</p>	<p><u>Respect Phonenumber</u> Support for male and female perpetrators to stop using abusive/violent behaviour, and advice for staff working with perpetrators. 0808 802 4040</p>
<p><u>Rights of Women</u> A range of advice lines available for law advice including domestic abuse, child contact, sexual violence and the criminal justice process and immigration and asylum advice lines  Follow these links for more information on the support that Rights of Women can offer: <a href="#">Family law</a>; <a href="#">Criminal law</a>; <a href="#">Immigration law</a>; <a href="#">Sexual harassment at work</a></p>	<p><u>Childline</u> Free 24-hour helpline for children in distress or danger. 0800 1111</p>



For more information about Standing Together and our work in the Criminal Justice System, please email [criminal.justice@standingtogether.org.uk](mailto:criminal.justice@standingtogether.org.uk) or visit our [website](#).