

The WSCP Briefing

Domestic Abuse Act (2021)

1. Introduction

The Domestic Abuse Act (2021) will:

- **Raise awareness** and understanding about the devastating impact of domestic abuse on **victims, children, and families**
- **Further improve** the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice
- **Strengthen** the support for victims of abuse given by statutory agencies
- The Act was signed into law on the 29th April 2021

2. Key Features of the Act

- The Act creates a **statutory definition** of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse
- As part of the statutory definition, **children will be explicitly recognised as victims** if they see, hear or otherwise experience the effects of abuse
- The Act will **extend the controlling or coercive behaviour offence** to cover post-separation abuse, and the **'revenge porn' offence** to cover the threat to disclose intimate images with the intention to cause distress

3. Key Features of the Act

- The Act establishes in law the office of **Domestic Abuse Commissioner** to stand up for victims and survivors, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse
- The Act will create a statutory presumption that victims of domestic abuse are **eligible for special measures** in the criminal, civil and family courts (for example, to enable them to give evidence via a video link)
- Violent and sexual offence committed abroad by UK citizens will be able to **be tried in UK courts**

4. Key Features of the Act

- The Act places the guidance supporting the **Domestic Violence Disclosure Scheme ("Clare's law")** on a statutory footing
- The Act **prohibits perpetrators of abuse from cross-examining their victims** in person in family and civil courts, and **invalidates any courtroom defence of consent** where a victim suffers serious harm or is killed
- The Act provides for a new **Domestic Abuse Protection Notice and Domestic Abuse Protection Order**, which will prevent perpetrators from contacting their victims

5. Key Features of the Act

- Domestic abuse offenders can be subject to **polygraph testing** as a condition of their licence following their release from custody
- The Act places a **duty on local authorities in England to provide support to victims of domestic abuse and their children** in refuges and other safe accommodation, and provides that all eligible **homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance**
- When local authorities rehouse victims of domestic abuse, they will **not lose a secure lifetime or assured tenancy**

6. What happens next?

- The government will also publish a **domestic abuse perpetrator strategy** as part of a holistic domestic abuse strategy)
- The multi-agency Wirral **Domestic Abuse Alliance** will ensure the provisions of the Act are shared with all partners, and oversee changes to policies, procedures and guidance
- The WSCP will test compliance and impact of the safeguarding provisions through its **audit framework**
- Multi-agency **Domestic Abuse training** will include reference to the key features of the Act

7. For further information:

[WSCP Domestic Abuse webpage for professionals](#)

[Wirral's Domestic Abuse: No Excuse Strategy](#)

[Domestic Abuse Act \(2021\) Factsheet](#)

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