

## Information Sheet: Domestic Abuse Act 2021

This information sheet outlines the key elements of the new Domestic Abuse Act that are most relevant for practitioners providing support to Lambeth residents. Web links are included for more information on each subject and updates will be provided as further details about the Act and guidance become available.

### Context

The Domestic Abuse Bill became the Domestic Abuse Act 2021 after receiving Royal Assent on the 29<sup>th</sup> April 2021, enshrining its provisions within UK law. The Act aims to raise awareness about domestic abuse, improve the effectiveness of the criminal justice system and strengthen support available for victims and survivors.

### Key points

#### Definition & Governance

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- Creates a [statutory definition of domestic abuse](#), emphasising that it's not just physical violence and can include [emotional](#) and [economic abuse](#) and [coercive control](#).
  - Creates the post of [Domestic Abuse Commissioner](#) and defines their role. There are new legal duties placed on public sector bodies to cooperate with the Commissioner and to respond to any recommendations made by their office<sup>1</sup>.

#### Children

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- Asserts that children are always victims of domestic abuse where the [child sees, hears or experiences the effects of the abuse](#) or is related to the victim or perpetrator. This helps professionals understand the risk to children and helps local authorities ensure there are specific support services for children and young people.

#### Housing

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- Provides that all [eligible homeless victims of domestic abuse](#) are automatically considered to be in [priority need](#) of accommodation.
  - Ensures that social tenants with [secure](#) lifetime or [assured](#) tenancies (other than an [assured shorthold tenancy](#)) are able to retain lifetime security when granted a new tenancy by a local authority for reasons connected with [domestic abuse](#).<sup>2</sup>
  - Ensures local authorities [provide support](#) to victims of domestic abuse and their children in refuges and other safe accommodation.

#### Criminal Offences

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- Creates a new [Domestic Abuse Protection Notice and Domestic Abuse Protection Notice and Order](#) (DAPN/O). These are Orders applied for by the criminal, family and civil courts to protect victims by preventing perpetrators from contacting them and

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<sup>1</sup> This office has been created and is currently held by [Nicole Jacobs](#).

<sup>2</sup> Lambeth Council only grants secure tenancies but this may be of benefit to Lambeth residents who flee to another local authority area.

requiring perpetrators to engage in behaviour change work or face criminal sanctions. These will cover cases of abuse with and without physical violence.

- Creates a [new offence of non-fatal strangulation or suffocation](#) with a maximum penalty of 5 years imprisonment.
- Extends '[Revenge Porn](#)' offence to cover threats to share private intimate images with intent to cause distress.
- Extends the offence of [Coercive Control](#) to include abuse where perpetrators and victims no longer live together.

### Criminal Justice Support for Victims



- Prohibits perpetrators of abuse from [cross-examining](#) the person they have victimised in court<sup>3</sup>.
- Ensures victims and those at risk of domestic abuse are eligible for special measures in the [criminal](#), [civil](#) and [family](#) courts to protect them. This could enable them, for example, to give their evidence from behind a screen or via a video link.
- Ensures a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death. Removes the defence of "[consent for sexual gratification](#)".
- Enables domestic abuse and sexual violence offenders to be subject to [polygraph testing](#) for specific 'high risk domestic abuse' crimes as a condition of their licence following their release from custody.
- Places the guidance supporting the [Domestic Violence Disclosure Scheme \("Clare's law"\)](#) on a statutory footing. This allows an individual or relevant third party (for example, a family member) to request information from police about their current or ex intimate partner's domestic abuse offending history. If records show that an individual may be at risk of domestic abuse from a partner or ex-partner, the police will consider disclosing the information. It also places a duty on police to inform any new partners of prolific domestic abuse perpetrators of their offending history.

### Other



- Prevents NHS providers, including GPs, from charging fees to provide evidence for victims of domestic abuse. E.g., GP supporting letter.

### Support



- Lambeth residents experiencing domestic abuse or any form of gender-based violence can get free, non-judgmental practical and emotional support from the [Gaia Centre](#): 020 7733 8724 / [lambethvawg@refuge.org.uk](mailto:lambethvawg@refuge.org.uk)
- Nationally, advice is available 24 hours a day, 7 days a week through the freephone [National Domestic Abuse Helpline](#): 0808 2000 247.
- The [National Lesbian, Gay, Bisexual and Trans+ Domestic Abuse Helpline](#) provides specialist LGBT+ support: 0800 999 5428.
- Specialist support for male victims and survivors is available through the [Men's Advice Line](#): 0808 8010327
- For more information about gender-based violence support see the [Lambeth Violence Against Women and Girls webpage](#).
- To receive regular updates on gender-based violence support in Lambeth contact [epollock2@lambeth.gov.uk](mailto:epollock2@lambeth.gov.uk)

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<sup>3</sup> This applies to both Civil and Criminal Courts