



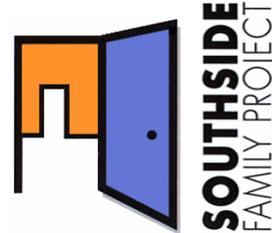
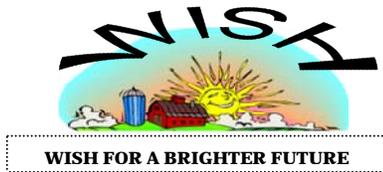
AVON & SOMERSET



HER MAJESTY'S
COURTS SERVICE
hmcs



SURVIVE



AVON AND SOMERSET DOMESTIC INCIDENTS PROTOCOL 2008

Combining Avon and Somerset "What You Can Expect From Us" SLA and North Avon, Somerset East and Somerset West SDVC protocols.

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1. FOREWORD

- 1.1 This agreement has been formed to ensure that victims and witnesses of domestic abuse are fully supported within the Civil and Criminal Justice systems in Avon and Somerset and receive fair and equitable treatment from a standardised system in the area. This document replaces the document “What you can expect from us” and the local protocols in place where Specialist Domestic Violence Courts (SDVC) exist.
- 1.2 The services provided by all the partners to this agreement shall be provided to all victims of domestic abuse regardless of diversity e.g. gender (unless where some exclusions apply within the voluntary sector), sexual orientation, ethnicity or disability.
- 1.3 This protocol has been prepared to ensure that there is a clear understanding of the roles and responsibilities of the agencies involved in the investigation, prosecution and support of cases of domestic abuse, whether an SDVC exists or not.
- 1.4 It sets out the responsibilities of the agencies involved to ensure that victims are dealt with in an appropriate manner. It aims to ensure that the safety of the victim is paramount in the procedures from the reporting of the offence through the Criminal Justice System and beyond.
- 1.5 The protocol has been prepared setting out the involvement of each agency, rather than trying to identify the roles of the agencies at any given stage during the course of the investigation and beyond.
- 1.6 Where possible, it is intended that all cases of domestic abuse, as defined in Section 3, shall be heard by the appropriate SDVC (where this facility exists) at all stages except on occasions when it is considered more appropriate to use the video link to prison for remand hearings. Such hearings may take place at a court with the appropriate facilities.
- 1.7 All the agencies that have contributed to this protocol are committed to the support of victims of domestic abuse and a thorough investigation of this type of offence.
- 1.8 If anyone experiences practice which falls short of these commitments we invite them to write to the Avon and Somerset Criminal Justice Board via:
A&S Criminal Justice Board Coordinator’s Office
6 Floor, Froomsgate House
Rupert Street
Bristol BS1 2QJ
Fax: 01179529630
Email: ascjboffice@avonandsomerset.police.uk

2. AIMS AND OBJECTIVES

2.1 The specific aims and objectives of this document are:

- To improve the safety of victims and increase confidence in both reporting domestic incidents and the Civil and Criminal Justice Systems as a whole.
- To minimise the incidence of offenders re-offending following a domestic abuse incident.
- To ensure that all services are performed effectively and in accordance with the Human Rights Act 1998.
- To provide a high quality level of service to victims of domestic abuse throughout the Civil and Criminal Justice process, regardless of whether an SDVC exists.
- To increase the number of successful prosecutions for domestic abuse related incidents across Avon and Somerset.
- In dealing with cases of domestic abuse and particularly in relation to victim and witness care, all agencies who are signatory to this Service Level Agreement are also bound by their responsibilities under the Victims' Code of Practice and the Avon & Somerset Criminal Justice Board's Service Level Agreement for Victims and Witnesses (April 2006)

3. DEFINITION

3.1 In this protocol the terms domestic abuse and domestic violence are used interchangeably. We adopt the common Government definition of domestic violence agreed in 2004:

"Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality"

- An adult is defined as any person aged 18 years and over.
- Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

Where capacity allows, cases involving victims of DV who are under the age of 18 will be included in the SDVC, if appropriate.

4. AVON AND SOMERSET CONSTABULARY:

4.1 Identification of Domestic Abuse Cases

- Ensure that all cases of domestic abuse are clearly identified and highlighted by marking the front of the MG1 with the words 'Domestic Violence' and ticking the Domestic Violence box on the single file jacket. A red tag will be attached to all DV cases.
- Stamp or mark the charge sheet, with the letters "DA" on all copies.
- On being notified by the CPS that a case falls within the Domestic Violence definition, mark their papers accordingly.
- Refer all cases to Victim Support, in line with the Victims Code of Practice (2006) and ensure that all cases referred to Victim Support are highlighted as 'Domestic Abuse' so as to enhance safety and awareness.
- If the police fail to identify a DV case appropriately, other agencies should inform the appropriate Domestic Abuse Investigation Team and the Criminal Justice Department (if the case has been charged).

4.2 Investigation of Domestic Violence

- Ensure officers reporting or attending a domestic abuse incident gather and preserve the widest range of evidence and not to rely upon the willingness of the victim to give evidence.
- Include in their Pocket Note Book and Incident Report details of:
 - Any visible injuries to any party or the lack of visible injury to any party;
 - The physical conditions at the scene
 - The disposition of the victim and the alleged offender;
 - The identity (and date of birth in order to specify whether child or adult) of any other person present at the scene or in the vicinity, including neighbours and children, who may have seen or heard anything of evidential value to the investigation;
 - The existence of 999 tapes of emergency calls.
- Gather the following evidence:
 - 999 tape if applicable.
 - CCTV footage.
 - Speak to neighbours and obtain statements as necessary.
 - Speak with any other potential witnesses and obtain statements as necessary.
 - Consider interviewing children in the household who may have witnessed the incident. The Guidance for Vulnerable or Intimidated Witnesses will be complied with at all times. With regards to children, guidance and procedure is taken from the Achieving Best Evidence Document.

- Where a decision is made not to interview a child present at the scene, this reason will be recorded in the officer's notebook.
- Consider whether any children will be treated as victims in their own right, rather than simply as witnesses. In some cases children are clearly assaulted during an incident, either directly or as a consequence of other action, e.g. the offender throwing things around the room or hitting their parent/carer. Where a child has been assaulted, early contact must be made with the Child Abuse Investigation Team.
- Make full notes as to the emotional/physical conditions of the parties involved and the conditions at the scene. Notes will be made regarding the emotional and mental state of the victim and alleged offender including any comments made by either party. Any evidence of emotional, physical injury or damage could be significant in a subsequent court appearance. Officers will be aware that what they see and hear at the scene of a domestic incident is crucial evidence, and must be recorded;
 - o Record any defensive injuries and either party's claim of self-defence. Where it is alleged injuries are self-inflicted ascertain if there is a history of this;
 - o Note whether either party is intoxicated or under the influence of drugs and where possible identify the substance used. Officers are aware of effects that might give similar symptoms such as learning and or speech difficulties.
 - o Consideration will be given to the deployment of Crime Scene Investigators to gather forensic evidence/exhibits where appropriate.
 - o Record any damage at the scene i.e. broken furniture, windows, whether the telephone was ripped out etc.
 - o Liaise personally with the District Domestic Abuse Investigation Team or duty CID when appropriate to ensure all available background information is considered and forms part of the investigation as appropriate
 - o Consider arranging for the attendance of a Forensic Medical Examiner to attend the scene to examine the victim, particularly where they might be reluctant to support a prosecution, but have injuries which add weight to the case.
 - o Conduct a formal risk assessment that includes PNC, ASSIST and Guardian checks. A domestic violence risk assessment form must be completed (SPECSSS+, see appendix).
- The Reporting Officer will make a note in their Pocket Note Book of anything said by the victim and the alleged offender, in the presence of each other. The alleged offender will be asked to sign the Pocket Note

Book if any comments have been made in their presence.

- Where possible, appropriate photographs of injuries or disruption to the scene will be taken or arranged to be taken, for corroboration and continuity of evidence purposes. Photographs will also be taken of exhibits that cannot be seized physically e.g. text messages on mobile telephones. Consent will be obtained.. Such action by the officer in first attendance will be used to complement and not necessarily substitute the response of a Crime Scene Examiner to the scene.
- The officer will seek consent from the victim to refer to other support agencies.
- The officer will endeavour to obtain a signed medical consent form or separate statement from the victim, or make arrangements to obtain such form/statement at the earliest opportunity.
- The Investigating Officer (this may not be the DAIT Officer due to capacity) will take a full statement from the victim which will include details of:
 - The family composition
 - The history of the relationship and any other previous incidents (including those unreported), and including dates where possible.
 - The actual incident
 - The victim's injuries (physical and emotional) and their extent
 - Whether a weapon was used, the type of weapon and where it came from
 - Whether any threats have been made since the attack
 - Whether any children were present and if so the effect on them
 - The victim's view of the future of the relationship
 - Whether there is any damage at the location i.e. broken furniture, windows, whether the telephone was ripped out etc
 - Whether there is a history of drug/alcohol abuse within the relationship
- Where the victim's first language is not English ensure a registered interpreter, (preferably an interpreter who has received domestic violence awareness training and where appropriate a female interpreter in the case of female victims) is used for the purpose of taking a statement. Referral to the appropriate Racial Equality Council (where this service exists) will also take place unless the victim declines this.
- The police will never conduct an interview with the victim through members of the victim's family, especially children of the family
- The police will conduct a formal interview with a suspect in all cases, where an arrest has been made, whether or not the victim has made a statement of complaint. Where a victim has made a statement the interviewing officer will endeavour to put all the facts alleged in the statement to the suspect. Reference will also be made to any

photographs of injuries sustained by the victim. Wherever possible the interviewing officer will introduce into the interview any 999 tapes to which the suspect will be asked to respond

- The police will invite the victim to make a Victim Personal Statement, (in accordance with the National guidelines) even if it appears the victim is/may be reluctant to support a prosecution. If a VPS is not taken the MG6 form will be used to record the reason why not. The Victim Personal Statement will be included with the case papers. A further Victim Personal Statement will be obtained by the officer in the case prior to any final hearing.
- The police will consider any witness needs or vulnerability for the purpose of an application for special measures under the Youth Justice and Criminal Evidence Act 1999, and provide an MG2 for the charging prosecutor.

4.3 Domestic Violence Prosecutions

- All cases of domestic violence which pass the Threshold Test for charging should be discussed with a CPS charging lawyer or CPS Direct prior to a charging decision. This should include the full history of the case and any risk assessment (such as the SPECCSSS+) whenever possible.
- Apply the joint Police/CPS Charging Standards for assaults and public order offences.
- Ensure in all cases that the prosecution report contains an MG6DV and a copy of the SPECCSSS+ domestic violence risk assessment with as much information as possible to enhance the prosecution of the case and the decisions made about it. The following information will be included:
 - Any details pertaining to the vulnerability of the victim/ witnesses involved, with particular emphasis on the need to protect. Any recommendations for bail conditions where applicable will be included.
 - Victims' views on their own and their children's personal safety if a prosecution does/ does not follow
 - If the offender used a weapon
 - If the offender has made any threats since the attack
 - If the offender planned the attack
 - The chances of the offender offending again
 - The officer's impression of the ability and willingness of the victim to give evidence
 - The history of the relationship and any details of previous incidents
 - Details of any civil proceedings and orders made whether current, pending or previous and in particular any breaches of the following: Non-molestation orders, Occupation orders, Interim Care orders, Undertakings,

- Emergency Protection orders, Contact orders, Exclusion orders, Anti-Social Behaviour Orders (ASBO's), Injunctions, Child Protection register entries.
- The composition of the family and the likely effect of the prosecution on the children. The whereabouts of the children at the time of the offence and at the present time.
 - The status of the victim's current relationship with the offender
 - The effect on that relationship of continuing with the prosecution against the victim's wishes
 - Information from, or any views expressed by Children or Adults Social Care.
 - Information concerning the involvement of any other agency
 - Previous incidents including withdrawals, involving the offender in relation to this victim or any other person
 - Whether any special measures would be appropriate in the case and the victim and witnesses' views if known. (Full details to be placed on Form MG2).
 - Copy of SPECCSSS+ Risk Assessment Form, however officers will be mindful that some information contained within may not be appropriate for release to the defence.
- The police will provide the CPS with details of witness availability to enable a trial date to be fixed at the first hearing.

4.4 Bail/Custody

- The police will provide the CPS with all available information regarding the current case and any relevant historic circumstances, if the defendant is brought before the court with an application to remand in custody.
- The Investigating Officer will consult with the victim on appropriate bail conditions and explain what rights and obligations arise out of bail conditions.
- The Investigating Officer will include in the initial remand file their own view on the victim and child's safety and the victim's own view on their own and the child's safety.
- The Investigating Officer will ensure that all information available relating to potential or actual intimidation of a witness is relayed directly to the CPS.
- Police Officers will ensure appropriate bail conditions are given after charge, in every case. Police officers will carry out bail checks where appropriate and act promptly on any reports concerning breach of bail. Police Officers will take all breaches of bail seriously including those involving the co-operation or the acquiescence of the victim. Police officers

will exercise the power to arrest wherever appropriate.

- In overnight remand cases, where bail information schemes apply, police officers will ensure that the Probation Service has the necessary information prior to Court the following day, to enable them to interview the offender in advance of the court hearing/appearance. Where necessary, access will be afforded to police cells for this purpose.

4.5 Victim Care and Information Procedure

- The Police will secure the protection of the victim and any children from further abuse from the perpetrator. This will be achieved in consultation with the Domestic Abuse Investigation Officer and Partner Agencies.
- The Police will monitor repeat incidents of abuse.
- As soon as it is known a case is going to trial, the Investigating Officer (which may be the Domestic Abuse Investigation Officer, but not necessarily) will notify the CPS and the Witness Care Unit of:
 - Any Domestic circumstances which may affect the witnesses' ability to attend Court at short notice.
 - The need for an interpreter or any other assistance to give evidence.
- The officer in the case will explain the role of Victim Support and will offer to refer the victim to Victim Support. If the victim agrees, Victim Support will receive these details by Automatic Data Transfer within the agreed timescales.
- The Domestic Abuse Investigation Team will refer (with the victims consent) the details of all incidents where an offender has been arrested to the appropriate Independent Domestic Violence Advocate (IDVA) as soon as practicably possible, where this service exists. All cases assessed as high risk or very high risk on SPECCSS+ will be referred regardless of victim's views, in order to comply with information sharing requirements of MARACs.
- Where domestic abuse services exist, on referral the DAIT will notify them if the victim has already been referred to Victim Support.

4.6 Charge to Trial Procedure (where an SDVC exists)

- The custody officer will ensure that all defendants charged with domestic abuse offences and released on bail from the police station are bailed to the appropriate Magistrates' Court on the next DV Court sitting. Any prisoner kept in custody will appear before the next available court, not necessarily the domestic violence court (see point 2, under 'Charge to Trial Procedure' in HMCS Section of this document).

- The police will provide a Liaison Officer from the Domestic Abuse Investigation Unit for each SDVC hearing. This officer will:
 - Have familiarised themselves with all the cases in the SDVC in advance, and be prepared to update the prosecution with any developments before the court begins.
 - Contact the victim from the court, for outstanding information required to expediate the criminal justice process e.g. requests for special measures.
 - Assist with information for bail decisions.
 - Contact the victim or lay advocate by telephone immediately after each hearing to update them. The police officer will liaise closely with the IDVA and other agencies to avoid duplication of this task. The police officer will also update the WCU with the red tag result.
 - Liaise with the victim where victim is in attendance at the court
 - Assist with information in respect of victim retraction
 - In cases that involve breaches of bail or remand and the hearing is to take place in a court other than SDVC, the District Domestic Abuse Investigation Team will where possible liaise prior to the hearing with the Prosecutor. This may not always be in person but such contact will serve to provide the full picture surrounding the case prior to the hearing Whilst it is acknowledged that such instances may well be few in number, staff will be aware that these cases are likely to be some of the most acute in terms of repeat offending and trauma to the victim. Such contact is therefore essential.

4.7 Victims Who Retract Complaints

- When a victim wishes to withdraw the complaint post charge, the Domestic Abuse Investigation Officer will obtain a full statement (pre-charge, this will be done by the OIC) including the following:
 - Details of the alleged crime
 - The reason for wishing to withdraw the complaint
 - Whether the victim is saying the offence did or did not occur
 - Whether any pressure, directly or otherwise, has been placed on the victim
 - Who they have discussed the case with
 - Whether any civil proceedings have been instigated
 - The impact on the victim's life and that on any children
- When submitting the retraction statement the police Officer will also submit a report to CPS on form MG6DVR containing the officer's view of the following:
 - The veracity of the reasons given
 - How the case should be dealt with
 - How the victim might react if compelled to attend
 - How the decision would be likely to be impact on the safety of the victim or the safety of the children of the family

- The Officer taking the withdrawal statement will provide their own statement about surrounding circumstances covering the issues of duress, state of fear of victim and other surrounding circumstances. The officer will be prepared to attend Court to give such evidence orally, in the case of an application being made under Section 116 of the Criminal Justice Act 2003.
- The officer will explain to the victim that making a withdrawal statement does not necessarily mean they will not have to attend Court and give evidence if necessary. In such cases the victim may be invited to make a Victim Personal Statement or add to a previous statement, to express their views as to why they do not support a prosecution and their views on the incident/relationship/defendant.
- The officer will explain to the Victim their choices, including a discussion with a Victim's Advocate (where such facilities exist).
- The officer will encourage the victim to call the police again should they need to.

4.8 Civil Action

- In civil actions, where an arrest is made by police during out of court hours, the police will inform the County Court between 8.30am and 9am the following morning. The court opens at 8.30 am.

4.9 Monitoring and Information Sharing

- Where an SDVC exists, the police will monitor and provide the data required by the Home Office (or locally agreed data if different) to the appropriate person on a monthly basis

5. THE CROWN PROSECUTION SERVICE UNDERTAKES TO:

5.1 Identification

- Ensure that all domestic violence prosecutions are identified and that files are marked accordingly whenever the case falls within the definition of domestic violence.
- Complete the Domestic Violence Field on the Case Management System.
- If the CPS fails to identify a case appropriately using the domestic violence definition, other agencies should inform the CPS DV Coordinator.

5.2 Domestic Violence Prosecutions

- Make Charging decisions and prosecute cases of domestic abuse in accordance with the CPS Domestic Violence Policy and Code for Crown Prosecutors ensuring all information necessary for review has been submitted by the police.
- Apply the joint CPS/police charging standards for cases involving violence and public order offences when reaching a decision to charge and selecting the appropriate charges. The level and number of charges will reflect the seriousness of the case.
- Not make assumptions that calling the victim is the only way to prove a case. The CPS will consider what other evidence may be available either to support the victim's evidence or as an alternative to the victim's evidence. Where appropriate advise the police to investigate other sources of evidence.
- Prosecute all cases where there is sufficient evidence and no public interest factors precluding prosecution.
- Prioritise requests for written, oral or telephone advice in domestic violence cases.
- When appropriate make an application to the court for the case to be given a priority listing and ensure that cases involving domestic violence are not delayed without very good reason.
- Make the safety of the victim, children, any other person involved or future victims a prime consideration when deciding whether or not to prosecute.
- Consider the use of special measures and make all appropriate applications to assist victims and witnesses considering the following

options:

- Hold an early special measures meeting with the police and/or the victim
- Screens
- Live TV link
- Video evidence
- Clearing the public gallery
- Communication aids
- Applications to restrict reporting

5.3 Bail/Custody Issues

- Take into account any concerns expressed by the victim or other witnesses about the defendant being granted conditional/ unconditional bail. Consider all information which indicates the defendant has a history of intimidating or otherwise interfering with witnesses. Consider and take into account the risk assessment conducted by the police.
- In cases heard at an SDVC, the prosecutor will be assisted by the presence of a Police Domestic Abuse Investigation Officer. In cases that involve breaches of bail and the hearing is to take place in a court other than the SDVC, or remand hearings on the video link at another court, the Police Domestic Abuse Investigation Team must liaise prior to the hearing with the prosecutor by attendance at court or otherwise. The Prosecutor will seek to ensure that all necessary information has thereby been received prior to the hearing of the case.
- After each court hearing (unless a Domestic Violence Officer is present at court) the prosecutor will immediately notify the WCU of the outcome of the case and any change to the defendant's bail or custody status particularly in cases where concern was registered as to potential impact on witnesses if the defendant is released from custody.
- Regard all breaches of bail as serious including those which have involved the co-operation or the acquiescence of the victim. Make an application for remand in custody whenever appropriate
- Oppose any application to consider variation of bail until written notice has been received and sufficient time allowed for consultation with the police and the victim.

5.4 Victim Care and Information

- Ensure that wherever appropriate, the prosecution file includes a Victim Personal Statement and that its contents are put before the court.
- Notify victims in writing of all decisions not to prosecute following upon consideration of a full evidential report or to withdraw the case or

substantially alter charges and specify the reasons for the decision. All letters will be worded sensitively and appropriately so as not to discourage any further reporting of domestic violence and being mindful that the defendant may read the letter as well as the victim.

5.5 Charge to Trial Procedure

- Notify Police and appropriate Magistrates' Court of any DV case not bailed by the police to the SDVC (where this facility exists) so that the defendant can be re-bailed to the correct court.
- Wherever possible assign prosecutors to the SDVC (where this facility exists) who are trained and experienced in domestic violence cases.
- Review all cases prior to the first court hearing
- Give consideration to the best way for the witness to give evidence including the use of interpreters, an application for screens and by video link, if necessary and available.

5.6 Victims who Withdraw Complaints

- Ensure that all retraction cases are supervised by a prosecutor experienced in domestic violence cases
- Whenever a victim seeks to retract, require the police to obtain a further statement from the victim and a report from the Domestic Abuse Officer. The statement will contain:
 - Details of the alleged crime
 - The reason for wishing to withdraw the complaint
 - Whether the victim is saying the offence did or did not occur
 - Whether any pressure, directly or otherwise, has been placed on the victim
 - Who they have discussed the case with
 - Whether any civil proceedings have been instigated
 - The impact on the victim's life and that on any children
- The Domestic Violence Officer's report (the MG6DVR (retraction) form) will contain the Officer's view of the following:
 - The veracity of the reasons given
 - How the case will be dealt with
 - How the victim might react if compelled to attend
 - How the decision would be likely to be impact on the safety of the victim or the safety of the children of the family
- Seek an adjournment in cases where the victim appears at court wishing

to withdraw their complaint. In these circumstances it is often impossible to establish the true reasons for a withdrawal.

- If a victim confirms that the complaint was true but still wants to withdraw it, CPS will consider whether it is possible to continue with the prosecution. In so doing, they will:
 - Consider whether the case can continue without the evidence of the victim
 - Consider whether the victim should be compelled to attend Court by obtaining a witness summons or warrant
 - Consider whether an application can be made to read the evidence of the victim using the provisions of Section 116 Criminal Justice Act 2003.
- In cases where the victim wishes to withdraw their complaint and it is possible to continue with the case against their wishes, their safety and that of any children and any other potentially vulnerable person will be the prime consideration in reaching the decision.
- In all appropriate cases CPS will seek to maintain bail conditions notwithstanding a retraction while the case is ongoing.

6. JOINT POLICE AND CPS WITNESS CARE UNIT (WCU):

- 6.1 Domestic Violence cases will be identified as such using their Witness Management System.
- 6.2 Other agencies who identify a case that has not been highlighted as such should inform the Team Leader for the appropriate Court.
- 6.3 WCU will attempt to contact Domestic Violence victims within 24 hours of the unit receiving notification and contact details for the victim, in order to explain the Witness Care Officer (WCO) role and the single point of contact details.
- 6.4 Contact will be via preferred means of contact and letters will be sent only where preferred means of contact cannot be achieved. Wherever possible, initial contact with victim will be made by WCU DV lead (a mini needs assessment will be undertaken at this stage).
- 6.5 WCU will make victim aware of all services available to them in terms of support throughout the course of trial. The Witness Care Officer (WCO) will also arrange and co-ordinate referrals to Victim Support, Witness Service, and other relevant appropriate voluntary support agencies, such as those providing Independent Domestic Violence Advisor (IDVA) services.
- 6.6 In liaison with the Domestic Abuse Investigating Officer, and the IDVA, the WCO will ensure that the victim is updated, within one working day, of all court hearings and results/outcomes, including bail applications or amendments and when a warrant is executed. WCOs will be pro-active in efforts to obtain relevant information with regard to informing victims.
- 6.7 WCO will undertake a full needs assessment with victim once a defendant has entered a Not Guilty plea, identifying any obstacles to court attendance and working towards overcoming any such issues. WCO will reassure the victim that all support services will work towards providing assistance as required.
- 6.8 The WCO will provide information to the victim on how to make a claim for expenses to attend court within 7 days after the trial date is fixed.
- 6.9 WCO will offer the victim the opportunity to make a Victim Personal Statement at the time of the needs assessment or to add to it at any time following a trial or before sentencing takes place.
- 6.10 WCO will liaise with CPS to facilitate (using MG2 form provided by police) any special measures requirements for identified intimidated or vulnerable

- witness (which have been identified during the needs assessment process).
- 6.11 Where appropriate, WCO will inform the witness that special measures have been applied for, explain the practical application of such measures and keep them informed of the result of any such application without delay. WCOs will be pro-active in ascertaining the result of any special measures application.
 - 6.12 WCO to ensure that any young witness (17 years or younger) is provided with relevant witness information packs. These would normally be sent to either the parent or guardian.
 - 6.13 WCU undertakes to inform any victim of any Appeals that may be lodged in the Crown Court, explaining the process and providing as much information as possible in order to reassure the victim. If the victim is to be called to attend the Crown Court, the exact same procedure, in terms of Witness Care Unit care, applies.

7. HER MAJESTY'S COURTS SERVICE – MAGISTRATES AND COUNTY COURT:

7.1 Identification of Domestic Violence Cases

- Magistrates Court staff will mark cases with a red dot in order to make them easily identifiable. Staff will cross-check against the daily email of cases involving a Vulnerable or Intimidated Victim (VIV) from the WCU, to identify that the proceedings fall within the domestic violence definition.
- Any agency who identifies a domestic violence case which has not previously been identified as such, should inform the appropriate Admin Team Manager or Court Manager.

7.2 Listing of Domestic Violence Cases

- Aim to fix a trial date within six weeks of a not guilty plea according priority to domestic violence cases and allowing sufficient time for the case to proceed. List the trial on the day when the appropriate SDVC sits (where this facility exists), unless impracticable to do so. On a not guilty plea the witness availability will be obtained from the prosecutor and defence to allow this to happen.

7.3 Bail/Custody

- Subject to judicial discretion within the legislative framework, the court will consider that as a minimum to protect the victim's safety, it should impose a condition not to contact the victim directly or indirectly; not to go within (a reasonable distance) of the victim's home, work, or other place where the victim frequents.
- All proved breaches of bail following arrest under Section 7 Bail Act 1976 should be considered carefully, even if the co-operation or acquiescence of the victim seems to be involved
- Expect the defendant to attend all relevant hearings to maintain pre-trial judicial monitoring.
- If a bail application (or application to vary bail) is made on a day when the SDVC (where this facility exists) is not sitting, the Court will fax (or email as appropriate) a copy of new bail position to the appropriate Domestic Abuse Investigation Team/ with one day. See Appendix for details of fax numbers.
- Not entertain any application to vary bail unless written notice of the application has been served on all parties including the Court and unless the victim has had an opportunity to comment on the nature of the

application. This may require an adjournment of the case to another day in order to allow the police sufficient time to contact the victim, this will usually take a minimum of 48 hours.

- Consider information such as separation, pregnancy, sexual assault etc which may indicate likelihood of further offences/interference with victims and witnesses. The SPECCSSS+ risk may also be considered (see appendix).
- Advise Magistrates that whenever conditional bail is granted, only appropriate and enforceable conditions of bail should be imposed.

7.4 Charge to Trial Procedure

- Ensure all defendants charged with a domestic violence offence and released on bail from the Police Station are listed at the next SDVC sitting at the appropriate court (where this facility exists)
- Ensure that where the defendant appears in custody from the Police Station on any day other than the day on which the SDVC is sitting (where this facility exists), the defendant will be remanded either on bail or in custody to the next appropriate SDVC. Any adjournments of an indictable only case will be sent to the Crown Court pursuant to Section 51 Crime and Disorder Act 1998.

7.5 Trial

- Provide waiting areas for victims and witnesses separate to those for the accused on the day of the hearing. Separate entrances and exits will be provided where facilities and resources allow.

7.6 Verdict to Sentence

- Advise in accordance with the protocol agreed between court users and the probation service that pre-sentence reports should be obtained in all cases involving domestic violence. Where appropriate giving an indication to consider the perpetrators programme, unless it appears appropriate to sentence the defendant without further delay.

7.8 Hearing Results

- Court Staff will email the court results to the relevant Witness Care Unit as soon as practicable, in any case a minimum of twice a day.

7.9 Breach Proceedings:

- List breaches of community orders (and injunctions) made in respect of defined DV offences in the Specialist Court.

7.10 Training:

- Raise awareness and provide training to District Judges, Magistrates, Legal Advisers and staff on the issues of domestic abuse, particularly where an SDVC is in place and where possible, by training with other agencies and organisations.

7.10 In relation to Civil Jurisdiction:

- Deal with urgent Children Act applications both within normal working hours and outside on a 24-hour basis in accordance with the current call-out scheme.
- Deal with applications for non-molestation and occupation orders under Part IV Family Law Act 1996 speedily and effectively, both within normal working hours and outside on a 24-hour basis.
- Ensure the prompt onward referral to the appropriate police records office of all orders made involving a power of arrest.
- Deal speedily with breaches of any civil order and bail or remand according to the severity of the breach. To advise Magistrates that any sentence should aim to prevent further breaches.
- In relation to Magistrates Courts provide an out of hours court service for all family business where circumstances warrant it. The applicant will contact the Avon and Somerset Constabulary Force Control Inspector on 01275 818181 ext 6555. A central directory of all legal advisers' details is kept by the police and a request will be made to contact a legal adviser in the locality where the applicant wishes to proceed. The legal adviser will speak directly to the applicant and decide whether to grant leave for ex-parte applications/expedited service for urgent inter partes hearing. The legal adviser will give reasons for his or her decision to grant or refuse such a request. A refusal will not prevent another approach if new information is available to the applicant. If granted the legal adviser will arrange the appropriate Magistrate(s) and venue for the application and advise the applicant of the arrangements.
- In relation to County Courts, provide an out of hours court service known as the 'Urgent Court Business Scheme' whereby contact can be made by the Police or the legal profession with an experienced member of county court staff outside of office hours and at weekends or public holidays. The system operates between 4pm and 8.30am each weekday and between 4pm Friday until 8.30am Monday on each weekend. Calls from the Police

will not be made to the urgent court business officer during normal sleeping hours because telephone calls to convene a court cannot be effective until after 7.30am. The Urgent Court Business Officer for Avon and Somerset is available on 07795302944.

8. AVON AND SOMERSET PROBATION AREA:

8.1 Identification of Domestic Violence Cases

- Domestic violence cases will be flagged as such on the Probation case information system.
- If Probation receives a DV case which has not been identified as such, they will liaise with other agencies to inform them as appropriate. Depending on the circumstances of the case a return to court may be necessary.
- Other agencies who need to inform Probation of a case which has not been correctly identified as DV case should inform the Senior Probation Officer for the relevant court.

8.2 Bail/custody

- Probation will interview, where possible, all offenders charged with domestic violence offences who are held in police custody prior to their first appearance at court, having ascertained the likelihood of police/CPS opposing bail.
- Probation will keep outcome records of initial bail and remand applications in domestic violence cases that appear in court after an overnight remand in custody.
- Probation will provide information to the courts, where appropriate, to enable effective bail conditions to be set and appropriate sentences to be passed.
- The court will consider the safety of the victim as the priority in the case. The Court Probation Service Officer will carry out referrals to hostels where appropriate, if no other address to safeguard the victim can be found. They will positively consider referring any suitable cases to bail hostels, although places in hostels are prioritised to High Risk Cases.
- Social Services will be notified by the Pre Sentence Report (PSR) author if there are Child Protection issues.

8.3 Pre Sentence Reports

- Avon and Somerset Probation Area undertakes to prioritise cases of Domestic Abuse. Once there has been a finding of guilt or a guilty plea, a PSR will be prepared, once ordered by the Court. Domestic Violence cases are not suitable for Same Day of Hearing, Fast Delivery Reports or Specific Sentence Reports in any circumstances.
- Avon and Somerset Probation Area undertakes to prepare required reports as quickly as possible and in any case within 10 working days for custody cases,

and 15 working days for bail cases. This includes convictions for Assault and Criminal Damage, except where Psychologist or Psychiatric reports are ordered or awaited.

- If reports have been prepared 2 days in advance of the hearing or more, they will be sent via courier or secure email to the appropriate Magistrates Court so that they can be heard more quickly on the day of hearing.
- Where the offender fails to attend for PSR appointment, the Court will be notified
- Where the order/licence is of sufficient length (and subject to the perpetrator being assessed as suitable), Probation will provide structured and intensive supervision programmes as a condition of Probation Orders and Licences for perpetrators of domestic violence. This is to minimise the chances of re-offending, and ensures that victims are offered support whilst the programme takes place.
- In all cases of Domestic Abuse, attendance at the Integrated Domestic Abuse Programme (IDAP) will be considered as a condition allied with Probation supervision. This will be proposed in cases where the offender meets the target criteria, assessment has been carried out, and the offender is available to attend the Programme.
- The Probation Service will consider recommending a condition to 'Reside Where Directed',. If so, they will recommend that the order must specify a place of residence, if so worded it may allow the offender to reside at a place other than that specified in the Order, with the prior approval of the Responsible Officer.' (Reference the Criminal Justice Act Guide section 2.7.4.)
- Any Community Rehabilitation Order or condition for Programme Attendance and Supervision under the new Criminal Justice Act will be supervised in accordance with Probation Service National Standards.
- Any breaches of the orders (including Community Rehabilitation Orders, Community Punishment Rehabilitation Orders, and Community Punishment Orders, conditions under the new generic Community Penalty) will be identified to the court in order that it can be brought back to Court in line with Enforcement Guidelines for the Supervision of Offenders under Probation Service National Standards.
- Where the offender is categorised as a potential MAPPA (Multi-Agency Public Protection Arrangements) offender and is assessed as High Risk of Harm to a known victim, or to the public, or to future partners, and there is a need for active multi-agency involvement in order to effectively manage the offender within the community, then the case will be referred under the MAPPA procedures to a level 2 Multi Agency Protection Panel (MAPP), This will

ensure that the Risk Management plan receives multi agency approval. Where Social Services, or prisons are involved, or other relevant agencies, they will be invited to attend the conference as part of the referral process.

8.4 Breaches

- When a case is identified for Breach proceedings, a member of probation staff will contact the listing officer/department at the appropriate magistrates court, to fix the hearing on a date on which the SDVC sits.
- Paperwork will then be prepared and letters served. If the person's address is not known, a Warrant will be applied for at the first available opportunity. If the person does not attend Court on the date and time specified, a Warrant will be applied for by Avon and Somerset Probation Area.
- Breach cases from other magistrates' courts may be brought to a SDVC e.g. Taunton/Minehead and Bridgwater DA cases will be brought to Sedgemoor. As appropriate, the case files will be brought to the appropriate probation office at least 48 hours in advance of the hearing.

8.5 Risk Management

- Avon and Somerset Probation Area will undertake to liaise with all appropriate agencies, namely the Social Services Department/Children or Adults Social Care Department about Child Protection matters, the Police in relation to risk issues, and the Court in relation to swift enforcement of Orders. This is to ensure a multi disciplinary approach to Risk Management, and this should be reciprocated by other agencies to ensure protection of the Public, known victims, and potential victims.
- At Multi Agency Public Protection Panels, due consideration will be given to the level of fear being experienced by the victim, the history of the case and general knowledge of domestic violence and controlling partners in making an accurate and ongoing assessment of the risk posed by the perpetrator.
- Domestic violence cases should be referred into Multi Agency Public Protection Arrangements (MAPPA) when the offender meets the MAPPA categorisation criteria, if the risk threshold to the public, to known victims or to a child becomes high and where there is a need for active multi-agency involvement over and above the level normally expected in ordinary risk management of a high risk offender. Where appropriate, cases may be referred from MAPPA to MARAC.

8.6 Post Conviction:

- Where an offender has been convicted of a serious violent or sexual offence and received a prison sentence of 12 months or more, the Probation Victim Liaison Team will provide general information about prisons, assessment,

planning for release and supervision on licence, to the victim. They will keep the victim informed of significant developments concerning the offender, such as consideration for release on licence, and the offenders release date from prison. If the victim wishes, the Victim Liaison Team will provide the Parole Board, via the offender manager, with relevant information about the impact of the offence and suggest licence conditions for the protection of victims

9 VICTIM SUPPORT:

9.1 The role of Victim Support

- Victim Support is an independent voluntary sector national organisation that provides support to all victims of crime and witnesses appearing at criminal courts. There are two Victim Support charities in Avon and Somerset. Victim Support Avonvale (VSA) covers the north of the area (Bristol, North Avon, North Somerset and Bath and North East Somerset). Victim Support Somerset (VSS) covers the county of Somerset (Somerset East, Somerset West and Mendip).
- Victim Support accepts referrals of victims of crime from the police, other agencies and from victims themselves (self referrals) - whether they have reported the crime to police or not.
- Victim Support provides free and confidential services delivered by staff and volunteers trained to national standards. The volunteers are recruited, managed and supported by professional staff. Victims of domestic abuse are only supported by volunteers who have received additional specialist training specifically to provide this type of support.
- All services to victims and witnesses are provided within a framework of understanding diverse needs and seeking to ensure the individual needs of victims and witnesses are met regardless of background, ethnicity, race, gender, sexual orientation, age or ability. The confidentiality of service and safety of the service-user are paramount.

9.2 Support Services for Victims of Domestic Violence

- Victim Support endeavours to make contact with a victim within 2 working days of the referral being made to them; normally this will be on the day of referral.
- Victim Support offers support initially by telephone contact and assessment and then on a face-to-face basis (usually at a mutually agreed venue away from the home, or at the Victim Support offices) or over the telephone to suit the victim's preference.
- Domestic Violence cases will be recorded as such on the Victim Support database.
- High risk cases will be referred to MARAC if appropriate.

- Victim Support continues supporting a victim for as long as their circumstances require.
- When appropriate, Victim Support will, with the victim's express consent, refer them to another relevant supporting agency (such as the IDVA), or liaise with other agencies on their behalf.
- If required, Victim Support will assist the victim to make claims, for example to the Criminal Injuries Compensation Authority, or to an insurance company.
- If required, Victim Support will provide information and help with practical issues, e.g. arranging repairs following a forced entry, for locks to be changed or to improve home or personal safety.
- If the victim is to attend court as a witness, Victim Support arrange for their court-based Witness Service to provide their support (see section 12).
- Any domestic violence case that has not been identified as such, will be highlighted to a VS Manager who will ensure an appropriately trained caseworker is allocated. They will also highlight back to the referring agency, or seek consent from the victim if it was self-referred.
- Other agencies who identify that a case is DV, after the victim's details have already been passed to Victim Support should inform the appropriate Chief Executive to enable an appropriate volunteer to be assigned.
- After a court hearing, Victim Support will continue to support the victim as long as they wish, or refer on to another agency that can help with additional needs.

10. VICTIM SUPPORT'S WITNESS SERVICE: -

10.1 Introduction

- Both Victim Support charities in Avon and Somerset have a Witness Service serving all the criminal courts.
- The Witness Service provides support to all witnesses, including victims, appearing at criminal trials. This includes both defence and prosecution witnesses. Their support includes pre-trial and post-trial assistance as well as during the trial itself. Their services may also be available to professional witnesses although this is dependant on circumstances.
- The Witness Service trains their volunteers to work specifically with witnesses attending the domestic abuse court.

10.2 Pre-Trial Witness Care

- The Witness Service will endeavour to minimise the stress and trauma that can be associated with appearing at Court.
- The Witness Service takes referrals on domestic violence witnesses from the Witness Care Unit, from the police, CPS, voluntary sector agencies, the local Victim Support office or from witnesses themselves.
- A trained Witness Service volunteer will make contact with each witness to discuss individual circumstances and needs. The same volunteer, wherever possible, will provide continuity of contact and support throughout the whole court process.
- The Witness Service will routinely offer the witness, and other agency mentors, a pre-trial court familiarisation visit and personal contact in the lead up to the trial date.
- When required, and with the client's consent the Witness Service will liaise on behalf of the client with other criminal justice system agencies.
- In the case of a victim, if required and with the victim's consent, the Witness Service will refer them to Victim Support or other support agencies as appropriate.

10.3 Procedures on Date of Trial

- The needs of each individual witness will vary. The service provided will be adapted to suit personal circumstances and may include:
 - Escorting the witness from a nearby location to the precincts of the court.
 - Ensuring they have a safe entrance to the waiting room to and reduce the risk of contact with the defendant.
 - As far as court facilities allow, provide a suitable environment for witnesses to wait away from the defendant
 - Provide information on court procedures and protocol
 - Remaining with the witness until called to give evidence.
 - Assisting the CPS in enabling the witness to refresh their memory from their witness statements.
 - Unless determined otherwise by the magistrates, accompanying the witness in court or to any facility supporting special measures while they give their evidence.
 - Endeavouring to ensure witnesses do not confer until each has been “released” by the court.
 - On behalf of the witness, liaising with domestic abuse advocate, CPS, court officials and others as appropriate.
 - Supporting vulnerable and intimidated witnesses giving evidence via a video-link, or other special measures, as agreed by the Court.

10.4 Post-Trial Support

- When necessary the Witness Service can assist the witness to access the help of other agencies

10.5 Training

- Both Victim Support and the Witness Service maintain high standards of service, based on the VS National Standards and work within a framework of continuous development to ensure domestic abuse awareness and training for all staff and volunteers working with victims and witnesses of domestic abuse.

11. SURVIVE (South Glos): -

11.1 The Role of Survive

- Survive is a women's aid agency providing services for women and children suffering from domestic violence. Survive provides services for the North Avon Magistrates Court SDVC in South Glos. Survive has four core services which are supported safe housing, outreach and resettlement services (including an Independent Domestic Violence Advocacy service - IDVA), specialist children and young people's service and education and support groups. Survive is a registered charity and limited company.
- The Independent Domestic Violence Advocates (IDVAs) provide intensive, one-to-one work with survivors of domestic violence prioritising those who are at medium to high risk of harm, working alongside other Survive services and external agencies as appropriate. The IDVA works intensively with these cases for a limited time until the risk is reduced, safety needs have been met and they are supported through the criminal justice system where appropriate. The service will offer practical and emotional support including information in relevant areas from the point of referral for as long is appropriate
- The IDVAs will work within a multi-agency setting to ensure all agencies manage their responsibilities in relation to the victim and the safety of the victim is kept central to the process providing feedback and contributing to efforts to improve procedures and services.
- The IDVAs provide a lay advocates service in the SDVC. Referrals will be made by Witness Care Unit, the police, Victim Support and other agencies as appropriate with the consent of the victim/witness or within the terms of the appropriate Information Sharing Protocol.
- An IDVA will be present at each SDVC trial to provide a lay advocacy service to all victims and witnesses whether or not a referral for the victim/witness has been made to Survive prior to the day they are attending court.

11.2 From time of referral:

- Provide practical & emotional support, making victims aware of all the options and opportunities available to them, establishing trust and building confidence, enabling victims to make informed choices and improve self-esteem.
- Provide risk assessment and safety planning for the victim and their family, including child safety issues.

- Liaise with other agencies as required (including police, Witness Care Unit, witness service, housing, benefits agency, social services etc) according to the victim's needs including providing information to other relevant agencies of changes in the victim's circumstance.
- Referral to Witness Service for pre-trial visit, court familiarisation and procedures if required.
- Assist with arrangements for transport/childcare (in conjunction with the Witness Care Unit).

11.3 On the day of the trial:

- The IDVA will arrange to accompany the victim to court (from home) if required.
- The IDVA will liaise with the Witness Service Volunteer on arrival at court.
- The IDVA will co-operate fully with Witness Service volunteers to enable them to fulfil their role.
- The IDVA will provide practical and emotional support (as above).
- In conjunction with Witness Service, the IDVA will ensure safety and comfort of the victim.
- The IDVA will accompany the victim into court if required and allowed.
- The IDVA will wait until the victim has been discharged by the court and accompany them out of court and away (to home) if required.
- The IDVA will assist if necessary in arrangements to advise victim/witness of the outcome of the trial.
- Ensure safety plan in place.

11.4 Post trial:

- Ongoing practical and emotional support (as above).
- Reviewing of risk assessment and safety planning.
- Reviewing client expectations and requirements.
- Referral on to other agencies for ongoing support (e.g. Victim Support, survivor groups).

- Safe & timely withdrawal.

12. SOMERSET CHANGE (SOMERSET EAST, SOMERSET WEST AND MENDIP):

12.1 The Role of Somerset Change

- Somerset Change, in partnership with Magna West Somerset Housing Association and Mendip CAB, provides an Outreach and Advocacy Service for all victims of Domestic Abuse in Somerset regardless of gender or sexuality, welcoming both self and agency referrals.
- The Outreach & Advocacy Workers offer practical and emotional support, including information on housing, benefits, legal remedies, safety planning and signposting to other relevant agencies, from point of referral for as long as is required.
- The Independent Outreach and Advocacy Workers provide the Independent Domestic Violence Advisor service across Somerset. Referrals will be made to Somerset Change by the Witness Care Unit with the consent of the victim or within the terms of the appropriate Information Sharing Protocol.
- An Outreach and Advocacy Worker will be present at each SDVC trial to provide a lay advocacy service to all victims and witnesses whether or not a referral for the victim has been made to Somerset Change prior to the day they are attending court.
- Somerset Change provides a voluntary community programme for male perpetrators of DV who want to try to change their abusive behaviour. The partners/ex-partners of the men on the programme will be offered support by the Outreach & Advocacy Service.

12.2 From time of referral:

- The Outreach and Advocacy Workers will:
 - Provide practical & emotional support, making victims aware of all the options and opportunities available to them, establishing trust and building confidence, enabling victims to make informed choices and improve self-esteem.
 - Provide risk assessment and safety planning for the victim and their family, including child safety issues.
 - Liaise with other agencies as required (including police, witness care unit, witness service, housing, benefits agency, social services etc) according to the victim's needs.
 - Refer to the Witness Service for pre-trial visit, court familiarisation and procedures if required.

- Assist with arrangements for transport and childcare (in conjunction with the relevant WCU).

12.3 On the day of the trial:

- The Outreach and Advocacy Workers will:
 - Arrange to accompany the victim to court (from home) if required.
 - Liaise with the Witness Service Volunteer on arrival at court.
 - Co-operate fully with Witness Service Volunteers to enable them to fulfil their role.
 - Provide practical and emotional support (as above).
 - Ensure the safety and comfort of the victim, in conjunction with the Witness Service.
 - Accompany victim into court if required and allowed.
 - Wait until the victim has been discharged by the court and accompany out of court and away (to home) if required.
 - Assist if necessary in arrangements to advise the victim of the outcome of the trial.
 - Ensure an appropriate safety plan is in place.

12.4 Post trial:

- The Outreach and Advocacy Workers will
 - Provide ongoing practical and emotional support (as above).
 - Review risk assessments and safety planning.
 - Review client expectations and requirements.
 - Refer on to other agencies for ongoing support (e.g. Victim Support, survivor groups).
 - Withdraw in a safe & timely manner.

13. SOUTHSIDE FAMILY PROJECT – BATH & NORTH EAST SOMERSET

13.1 The role of Southside Family Project

- Southside Family Project (SSFP) is a voluntary sector organisation providing services for women and children suffering from Domestic Violence. SSFP will provide services for the Bath & North East Somerset Specialist Domestic Violence Court at Bath Magistrates' Court, and will sometimes support Mendip clients whose cases are listed at Yeovil Magistrates' Court.
- SSFP runs the following services: Outreach to female Domestic Violence victims across Bath & North East Somerset, Floating Support for female victims of Domestic Violence in their own homes, Counselling, Family Support, Community Parenting, and Independent Domestic Violence Advocates. SSFP is a registered charity and limited company.
- SSFP IDVA's will receive high and very high risk referrals from all agencies who are members of the Partnership Against Domestic Violence & Abuse (PADVA). All agencies will seek consent from the client to share information prior to the referral. However all agencies should follow their CP and Vulnerable Adults policies and consider if overriding consent might be necessary in very high risk cases. Wherever possible, IDVA's will receive referrals with a dated risk assessment and preferred safe contact details attached.
- The Domestic Abuse Investigation Team (DAIT) at Keynsham Public Protection Unit (PPU) will endeavour to refer all victims of domestic violence to a support service. The DAIT at Keynsham PPU will make direct referrals to SSFP IDVA's for high and very high risk cases. These cases will have had their final risk designated by the DAIT Sergeant or DAIT officers at Keynsham PPU.
- The DAIT team will also make a direct referral to the SSFP IDVA service once a charge has been brought against a perpetrator of Domestic Violence. In both cases, the DAIT team will seek consent from the victim prior to the referral whenever possible. This referral will be made at the first opportunity post-charge to ensure the victim has had contact with an IDVA by the time the WCU contacts the victim.
- In the case of a perpetrator being charged where the victim is already receiving support from an IDVA, the DAIT office will inform the IDVA of the charge.
- The IDVAs provide intensive, one-to-one work with survivors of Domestic Violence prioritising those who are at high and very high risk of harm,

working alongside other SSFP services and external agencies as appropriate.

- The IDVA works intensively with these cases for a limited time until the risk is reduced, safety needs have been met and they are supported through the criminal justice system where appropriate.
- Lower risk Domestic Violence victims can be referred to the network of support available through SSFP and other experienced support agencies, such as Victim Support. The service will offer practical and emotional support including information in relevant areas from the point of referral for as long as appropriate
- The IDVAs will work within a multi-agency setting to ensure all agencies manage their responsibilities in relation to the victim and the safety of the victim is kept central to the process providing feedback and contributing to efforts to improve procedures and services.
- The IDVA's will attend MARAC's and where appropriate, act as the single point of contact for a victim, and manage the victim's safety plan. The collective risk assessment tool for MARAC in B&NES is the CAADA risk assessment.
- An IDVA will be present at each SDVC trial to provide a lay advocacy service to all victims and witnesses whether or not a referral for the victim/witness has been made to SSFP prior to the day they are attending court.

13.2 From time of referral:

- Provide practical & emotional support, making victims aware of all the options and opportunities available to them, establishing trust and building confidence, enabling victims to make informed choices and improve self-esteem.
- Provide risk assessment and safety planning for the victim and their family, including child safety issues.
- Liase with other agencies as required (including police, Witness Care Unit, witness service, housing, benefits agency, social services etc) according to the victim's needs including providing information to other relevant agencies of changes in the victim's circumstance.
- Referral to Witness Service for pre-trial visit, court familiarisation and procedures if required.

- Assist with arrangements for transport/childcare (in conjunction with the Witness Care Unit).

13.3 On the day of the trial an IDVA will:

- Arrange to accompany the victim to court (from home) if required.
- Liaise with the Witness Service Manager on arrival at court.
- Co-operate fully with Witness Service team to enable them to fulfil their role.
- Provide practical and emotional support (as above).
- Ensure safety and comfort of the victim In conjunction with Witness Service
- Wait until the victim has been discharged by the court and accompany them out of court and away (to home) if required.
- Assist if necessary in arrangements to advise victim/witness of the outcome of the trial.
- Ensure safety plan in place.

13.4 Post trial an IDVA will provide:

- Ongoing practical and emotional support (as above).
- Reviews of risk assessment and safety planning.
- Reviews client expectations and requirements.
- Referral on to other agencies for ongoing support (eg Victim Support, survivor groups).
- Safe & timely withdrawal.

14 BRISTOL IDVA CONSORTIUM

14.1 The Role of the IDVA agencies

- Knowle West Health Association, Next Link, WISH and Victim Support Avonvale provide a number of integrated services to victims of domestic assault across the city of Bristol, regardless of gender or sexuality*, welcoming both self and agency referrals.
- The Outreach & Advocacy Workers in these agencies offer practical and emotional support, including information on housing, benefits, legal remedies, safety planning and signposting to other relevant agencies, from point of referral for as long as is required.
- The Independent Outreach and Advocacy Workers provide the Independent Domestic Violence Advisor service across Bristol. Referrals will be made to any of these agencies by any of the afore-mentioned CJS agencies with the consent of the victim or within the terms of the appropriate Information Sharing Protocol.
- An Outreach and Advocacy Worker will be present at each SDVC trial to provide a lay advocacy service to all victims and witnesses whether or not a referral for the victim has been made to any of the agencies prior to the day they are attending court.
- Next Link only provide services to women.

14.2 From time of referral:

- The Outreach and Advocacy Workers will:
 - Provide practical & emotional support, making victims aware of all the options and opportunities available to them, establishing trust and building confidence, enabling victims to make informed choices and improve self-esteem.
 - Provide risk assessment and safety planning for the victim and their family, including child safety issues.
 - Liaise with other agencies as required (including police, witness care unit, witness service, housing, benefits agency, social services etc) according to the victim's needs.
 - Refer to the Witness Service for pre-trial visit, court familiarisation and court procedures information if required.
 - Assist with arrangements for transport and childcare (in conjunction with the relevant WCU).

14.3 On the day of the trial:

- The Outreach and Advocacy Workers will:
 - Arrange to accompany the victim to court (from home) if required.
 - Liaise with the Witness Service Volunteer on arrival at court.
 - Co-operate fully with Witness Service Volunteers to enable them to fulfil their role.
 - Provide practical and emotional support (as above).
 - Ensure the safety and comfort of the victim, in conjunction with the Witness Service.
 - Accompany victim into court if required and allowed.
 - Wait until the victim has been discharged by the court and accompany out of court and away (to home) if required.
 - Assist if necessary in arrangements to advise the victim of the outcome of the trial.
 - Ensure an appropriate safety plan is in place.

14.4 Post trial:

- The Outreach and Advocacy Workers will
 - Provide ongoing practical and emotional support (as above).
 - Review risk assessments and safety planning.
 - Review client expectations and requirements.
 - Refer on to other agencies for ongoing support (e.g. Victim Support, survivor groups).
 - Withdraw in a safe & timely manner.

15 LEGAL SERVICES COMMISSION

15.1 The Legal Services Commission provide a service called CLS Direct where victims can access information and advice about debt, education, employment, housing and welfare benefits.

15.2 CLS can be accessed via www.clsdirect.org.uk or by telephoning 0845 345 4 345.

16. LINKS WITH VOLUNTARY SECTOR SUPPORT SERVICES

- 16.1 It is recognised that different support organisations exist in different parts of Avon and Somerset. The Criminal Justice Agencies undertake to maintain and develop links with the agencies and organisations which currently exist to support and promote the wellbeing of victims of domestic abuse.
- 16.2 The Avon and Somerset Criminal Justice Board undertakes to circulate this service level agreement to other voluntary sector support agencies to raise awareness and reassurance as to how local Civil and Criminal Justice agencies and organisations are likely to handle their case.
- 16.3 The Avon and Somerset Criminal Justice Board actively promotes joint training initiatives in relation to domestic abuse.

17. EVALUATION

- 17.1 Each agency will regularly monitor their individual performance against their standards set out in this Service Level Agreement.
- 17.2 The SDVCs will collect and publish information about the outcome of domestic violence cases, as required by the Home Office. In addition the LCJB Victim and Witness Group will undertake an annual snapshot review of DV cases to test compliance and address shortcomings.
- 17.3 The Avon and Somerset Criminal Justice Board Victim and Witness Group welcomes feedback from the Voluntary sector on performance against this Service Level Agreement.
- 17.4 This Service Level Agreement will be reviewed annually in July or where legislation or policy changes.

18. SIGNATURES:

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF AVON AND SOMERSET CONSTABULARY

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF CROWN PROSECUTION SERVICE

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF HER MAJESTY'S COURTS SERVICE

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF AVON AND SOMERSET PROBATION AREA

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF VICTIM SUPPORT –AVONVALE

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF VICTIM SUPPORT –SOMERSET

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF SOMERSET CHANGE

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF SURVIVE

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF SOUTHSIDE FAMILY PROJECT

SIGNED..... DATE.....
PRINT NAME.....
ON BEHALF OF BRISTOL IDVA CONSORTIUM

RESTRICTED

AVON AND SOMERSET CONSTABULARY

DOMESTIC VIOLENCE RISK ASSESSMENT

Name of Victim:	Initial DOM/1 ref:
Source:	Officer completing form:

RISK FACTOR	Y	N	EXPLANATION
S EPARATION Has there been/going to be? Any child contact issues?			
P REGNANCY or recent child birth?			
E SCALATION Is abuse worse or more frequent? Has injury been caused?			
C CULTURAL / DIVERSITY Is victim isolated by virtue of race / sexuality / location / disability?			
C ONTROLLING Perpetrator displayed such behaviour or jealousy? Is there denial / minimisation?			
S TALKING Current, previous or suspected?			
S UICIDE (Homicide) Has victim or perpetrator mentioned / threatened either?			
S EXUAL ASSAULT Any element of sexual abuse - threatened/actual?			
P REVIOUS CONVICTIONS for violence or drugs			
L ACK OF CHILD CARE Has suspect hurt or threatened to hurt one of the children?			
U SE OF WEAPON Did incident involve use of weapons?			
S UBSTANCE MISUSE Is alcohol, drug or mental health an issue?			
Victim's and Officer's perception of risk to the victim and/or children			

RISK	Supervisor	Standard	Medium	High	Very High	DV Unit	Standard	Medium	High	Very High
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signature:					Signature:				
	Date and details:					Date and details:				
Risk disclosed to victim by:						Date:				

Please consider the following:

EVERY RISK FACTOR MUST BE CONSIDERED. WHERE THE 'Y' BOX IS TICKED, AN EXPLANATION MUST BE GIVEN. THE 'PERCEPTION' BOXES ARE MANDATORY.

Separation – Details of victim's attempts to leave relationship, and perpetrators response. Is victim too scared to leave? Has the threat "If you ever leave me..." been made? Are there Child Contact issues? If already left, when and what contact since? (3 months after separation remains a dangerous time for a victim leaving a violent relationship.)

Pregnancy – At what stage is the pregnancy? Recent childbirth? Who is the GP/Midwife/Health Visitor? Did the violence start during? Previous assaults and pregnancies or miscarriages.

Escalation – Levels of assault/abuse and frequency of other instances and to whom previously reported. (Particularly consider use of weapons and strangulation/choking-style assaults.)

Cultural Issues – Location (i.e. isolated). Race/Religion (i.e. 'shame' and family support/belief). Disability (i.e. victim's illness or ability to gain help and advice outside the home or dependency upon perpetrator). Sexuality (i.e. lack of support and understanding of needs, sensitivities).

Controlling and Jealousy – Does perpetrator impose punishment or sanctions? Is victim allowed out/to talk freely to others/to work? Consider overt dominance or deliberate isolation by perpetrator.

Stalking – Details of frequency and behaviour, including multiple telephone calls/messages/texts.

Suicide – Do the Victim or Perpetrator consider this? Has either attempted this? Has the perpetrator revealed any homicidal thoughts/threats? (Remember Family 'wipe out' and consider the children appropriately.)

Sexual Assaults – Victim may be embarrassed to tell you and may never have been asked. Details of threats or behaviour. When? How long has this abuse been happening? Consider a Chaperone-trained officer.

Victims frequently perceive the risk to them to be less than it actually is. If they think the perpetrator is capable of harm and likely to use it – the risk is likely to be high.

One risk factor may be enough to determine that the victim is at a high risk of serious harm. Your opinion as to why this is the case is a valuable part of the assessment.

One of the three antecedents to child homicide is domestic violence. Please detail your observations about the children here or on the DOM/1. Consideration should also be given to their ability to act as a witness.

Remember, thorough research using PNC/Intelligence/ASSIST may give you the answers to some of the questions where the victim can't/won't help you. A history of previous violence (to family member, partner or strangers and animals) is particularly relevant.

For Supervisors:

Very High Risk *means that a victim (including children) is highly likely to suffer serious assault or death by perpetrator unless action is taken.*

High Risk *means that the victim (including children) is likely to suffer a repeat assault. The potential event could happen at any time and there is a strong possibility that the impact will be serious.*

Medium Risk *means that there are some indications of risk of harm. The offender has potential to cause harm but is unlikely to do so unless there is a change in circumstances (change of medication, drugs/alcohol misuse, anniversaries, financial pressure).*

Standard Risk *means there are no current indicators of harm. Minor crimes only. Intervention from police and other agencies likely to assist victim and perpetrator with current problems and difficulties.*

APPENDIX B: LIST OF FAX NUMBERS FOR DAIT OFFICES

- Bristol 0117 9454344
- South Glos 0117 9455989
- B&NES (Bath) 01255 842781
- East Somerset (Yeovil) 01935 402184
- West Somerset (Bridgwater) 01823 363267
- North Somerset (Weston) 01934 638186

APPENDIX C: SUMMARY OF WHO TO INFORM IF AN AGENCY HAS FAILED TO IDENTIFY A CASE

- **Police**

Other agencies should notify the relevant DAIT Office, and the Criminal Justice Department if appropriate. The URN should be included if known.

- **CPS**

The CPS DV Coordinator should be notified.

- **WCU:**

The Witness Care Unit Manager should be notified

- **HMCS:**

The appropriate Admin Team Manager or Court Manager should be informed.

- **Probation:**

The Senior Probation officer for the relevant Court should be informed.

- **Victim Support Avonvale and Victim Support Somerset:**

Notify the appropriate Chief Executive