

<b>Title:</b> Domestic Violence Definition  <b>IA No:</b> HO  <b>Lead department or agency:</b> Home Office  <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 24/10/2011		
	<b>Stage:</b> Consultation		
	<b>Source of intervention:</b> Domestic		
	<b>Type of measure:</b> Primary legislation		
	<b>Contact for enquiries:</b>		

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> RPC Opinion Status
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Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£65m	NA	NA	NO
			NA

**What is the problem under consideration? Why is government intervention necessary?**  
 Following a recommendation from the Home Affairs Committee report in 2008, a commitment was made in the Violence Against Women and Girls Action Plan (March 2010) to consult on a revised definition of domestic violence to include victims below 18 years of age. Based on recent feedback from stakeholders and other government departments, it is apparent that there are further areas of increasing importance that could be examined through this consultation.

**What are the policy objectives and the intended effects?**  
 To ensure that younger domestic violence victims are recognised as experiencing inter-personal violence instead of child abuse and those who are affected by domestic violence are eligible for appropriate services and support.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

1. The government's definition of domestic violence remains the same.
2. The government's definition of domestic violence is amended to include 'coercive control'.
- 3a. The government's definition of domestic violence is extended to include all those aged 16-17.
- 3b. The government's definition of domestic violence is extended to include all those aged 16-17 and coercive control
- 4a. The government's definition of domestic violence is extended to include of all those aged under 18.
- 4b. The government's definition of domestic violence is extended to include of all those aged under 18.and coercive control

Option 3a is the preferred option. Evidence shows high levels of abuse in teenage abuse, the 2009/10 British Crime Survey highlights that the risk of intimate violence was higher for younger age groups, with 12.7% of women aged between 16 -19 having been a victim of domestic abuse in the last year (Smith et al., 2011). Additionally younger men were more likely to have experienced domestic abuse than older men (Smith et al., 2011).  
 The inclusion of those aged 16-17 will also account for the fact that people can marry aged 16 in England and Wales.

<b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date:</b> Month/Year					
Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> No	<b>&lt; 20</b> No	<b>Small</b> No	<b>Medium</b> No	<b>Large</b> No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b> NA		<b>Non-traded:</b> NA

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister: \_\_\_\_\_ Date: \_\_\_\_\_

# Summary: Analysis & Evidence

# Policy Option 2

1. Description: The government's definition of domestic violence is amended to include 'coercive control'.

## FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 0
<b>COSTS (£m)</b>		<b>Total Transition (Constant Price)</b>	<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Cost (Present Value discounted at an annual rate of 3.5% and modelled over 10 years)</b>
Low					
High					
<b>Best Estimate</b>		0	0		<b>0</b>
<b>Description and scale of key monetised costs by 'main affected groups'</b> Unable to estimate					
<b>Other key non-monetised costs by 'main affected groups'</b> There will be unquantified costs associated with extending the definition to include coercive control. However, there is no evidence on which to base costs at this consultation stage. It is unknown whether the inclusion of coercive control will lead to more women identifying themselves as victims of domestic violence.					
<b>BENEFITS (£m)</b>		<b>Total Transition (Constant Price)</b>	<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Benefit (Present Value discounted at annual rate of 3.5% and modelled over 10 years)</b>
Low					
High					
<b>Best Estimate</b>		0	0		<b>0</b>
<b>Description and scale of key monetised benefits by 'main affected groups'</b> Unable to estimate					
<b>Other key non-monetised benefits by 'main affected groups'</b> There will be unquantified benefits associated with extending the definition to include coercive control. However there is no evidence on which to base benefits as at this consultation stage. It is not known whether this inclusion will lead to more women identifying themselves as victims of domestic violence.					
<b>Key assumptions/sensitivities/risks</b>					<b>Discount rate (%)</b> 3.5%

## BUSINESS ASSESSMENT (Option 2)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
Costs: 0	Benefits: 0	Net: 0	No	NA

# Summary: Analysis & Evidence

# Policy Option 3a

**Description:** The government's definition of domestic violence is extended to include all those aged 16-17.

## FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 65

COSTS (£m)	Total Transition (Constant Price) Year	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value discounted at an annual rate of 3.5% and modelled over 10 years)
Low			
High	0		
<b>Best Estimate</b>	0	6	<b>52</b>

### Description and scale of key monetised costs by 'main affected groups'

Total cost of an additional 306 MARACs meetings to support high risk female domestic abuse victims in the 16 and 17 age bracket at £20,300 per MARAC meeting per year (includes costs of IDVA provision and costs to police, CJS and other partners).

### Other key non-monetised costs by 'main affected groups'

None

BENEFITS (£m)	Total Transition (Constant Price) Year	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value discounted at annual rate of 3.5% and modelled over 10 years)
Low			
High	0		
<b>Best Estimate</b>	0	14	<b>116</b>

### Description and scale of key monetised benefits by 'main affected groups'

Cost savings to public services (health, CJS, housing and childcare) based on an estimated 28% MARAC success rate.

### Other key non-monetised benefits by 'main affected groups'

None

### Key assumptions/sensitivities/risks

No evidence for likely crime reduction impact so size of benefits may vary. The number of additional MARAC meetings is based on an assumption of approximately 3,520 high risk female victims aged 16-17 years old being referred to a MARAC meeting. Assumes MARAC success rate will be the same for younger victims as adults. Cost savings to public services assumes that younger domestic violence victims will have the same service usage as adults.

### Discount rate

3.5%

## BUSINESS ASSESSMENT (Option 3a)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	Benefits: 0	Net: 0	No	NA

# Summary: Analysis & Evidence

# Policy Option 3b

**Description:** The government's definition of domestic violence is extended to include all those aged 16-17 and coercive control

## FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 65

COSTS (£m)	Total Transition (Constant Price) Year	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value discounted at an annual rate of 3.5% and modelled over 10 years)
Low	0		
High			
Best Estimate		0	6

### Description and scale of key monetised costs by 'main affected groups'

Total cost of an additional 306 MARAC meetings to support high risk female domestic abuse victims in the 16 and 17 age bracket at £20,300 per MARAC meeting per year (includes costs of IDVA provision and costs to police, CJS and other partners).

### Other key non-monetised costs by 'main affected groups'

There will be unquantified costs associated with extending the definition to include coercive control. However, there is no evidence on which to base costs at this consultation stage. It is unknown whether the inclusion of coercive control will lead to more women identifying themselves as victims of domestic violence.

BENEFITS (£m)	Total Transition (Constant Price) Year	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value discounted at annual rate of 3.5% and modelled over 10 years)
Low	0		
High			
Best Estimate		0	14

### Description and scale of key monetised benefits by 'main affected groups'

Cost savings to public services (health, CJS, housing and childcare) based on an estimated 28% MARAC success rate.

### Other key non-monetised benefits by 'main affected groups'

There will be unquantified benefits associated with extending the definition to include coercive control. However there is no evidence on which to base benefits as at this stage it is not known whether this inclusion will lead to more women identifying themselves as victims of domestic violence.

### Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

No evidence for likely crime reduction impact so size of benefits may vary. The number of additional MARAC meetings is based on an assumption of approximately 3,520 high risk female victims aged 16-17 years old being referred to a MARAC meeting. Assumes MARAC success rate will be the same for younger victims as adults. Cost savings to public services assumes that younger domestic violence victims will have the same service usage as adults.

## BUSINESS ASSESSMENT (Option 3b)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	Benefits: 0	Net: 0	No	NA

# Summary: Analysis & Evidence

# Policy Option 4a

**Description:** The government's definition of domestic violence is extended to include all those aged under 18.

## FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 97

COSTS (£m)	Total Transition (Constant Price)		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value discounted at an annual rate of 3.5% and modelled over 10 years)
Low	Optional	0	Optional	Optional
High	Optional		Optional	Optional
Best Estimate	0		9	77

### Description and scale of key monetised costs by 'main affected groups'

Total cost of an additional 459 MARAC meetings to support high risk female domestic abuse victims aged under 18 at £20,300 per MARAC meeting per year (includes costs of IDVA provision and costs to police, CJS and other partners).

### Other key non-monetised costs by 'main affected groups'

None

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value discounted at annual rate of 3.5% and modelled over 10 years)
Low	Optional	0	Optional	Optional
High	Optional		Optional	Optional
Best Estimate	0		21	175

### Description and scale of key monetised benefits by 'main affected groups'

Cost savings to public services (health, CJS, housing and childcare) based on an estimated 28% MARAC success rate.

### Other key non-monetised benefits by 'main affected groups'

None

### Key assumptions/sensitivities/risks

No evidence for likely crime reduction impact so size of benefits may vary. The number of additional MARAC meetings is based on an assumption of approximately 5,280 high risk female victims aged 16-17 years old being referred to a MARAC meeting. Assumes MARAC success rate will be the same for younger victims as adults. Cost savings to public services assumes that younger domestic violence victims will have the same service usage as adults.

### Discount rate (%)

3.5%

## BUSINESS ASSESSMENT (Option 4a)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	Benefits: 0	Net: 0	No	NA

# Summary: Analysis & Evidence

# Policy Option 4b

**Description:** The government's definition of domestic violence is extended to include of all those aged under 18 and coercive control.

## FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 97

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value discounted at an annual rate of 3.5% and modelled over 10 years)
Low		0		
High				
Best Estimate	0		9	77

### Description and scale of key monetised costs by 'main affected groups'

Total cost of an additional 459 MARAC meetings to support high risk female domestic abuse victims aged under 18 at £20,300 per MARAC meeting per year (includes costs of IDVA provision and costs to police, CJS and other partners).

### Other key non-monetised costs by 'main affected groups'

There will be unquantified costs associated with extending the definition to include coercive control. However, there is no evidence on which to base costs at this consultation stage. It is unknown whether the inclusion of coercive control will lead to more women identifying themselves as victims of domestic violence.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value discounted at annual rate of 3.5% and modelled over 10 years)
Low		0		
High				
Best Estimate	0		21	175

### Description and scale of key monetised benefits by 'main affected groups'

Cost savings to public services (health, CJS, housing and childcare) based on an estimated 28% MARAC success rate.

### Other key non-monetised benefits by 'main affected groups'

There will be unquantified benefits associated with extending the definition to include coercive control. However there is no evidence on which to base benefits as at this consultation stage. It is not known whether this inclusion will lead to more women identifying themselves as victims of domestic violence.

### Key assumptions/sensitivities/risks

No evidence for likely crime reduction impact so size of benefits may vary. The number of additional MARAC meetings is based on an assumption of approximately 5,280 high risk female victims aged 16-17 years old being referred to a MARAC meeting. Assumes MARAC success rate will be the same for younger victims as adults. Cost savings to public services assumes that younger domestic violence victims will have the same service usage as adults

Discount rate (%)

3.5%

## BUSINESS ASSESSMENT (Option 4b)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	Benefits: 0	Net: 0	No	NA

## **A.1 Background**

In 2004, the government introduced a single definition of domestic violence, replacing the previous various different definitions in use across government and the public sector. The current definition defines domestic violence as:

***“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”.***

This definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group. An adult is defined as any person aged 18 years or over.

The definition is not a statutory definition. It is used by government departments to inform policy development and, for example, by police, the Crown Prosecution Service and the UK Border Agency, to inform the identification of domestic violence cases.

Following a recommendation from the Home Affairs Committee report in 2008, a commitment was made in the Violence Against Women and Girls Action Plan to consult on a revised definition of domestic violence to include victims below 18 years of age.

The following four options have been identified for the purpose of this consultation:

- 1) The government’s definition of domestic violence remains the same.**
- 2) The government’s definition of domestic violence is amended to include ‘coercive control’.**
- 3) a) The government’s definition of domestic violence is extended to include all those aged 16-17.  
b) The government’s definition of domestic violence is extended to include all those aged 16-17 and coercive control**
- 4) a) The government’s definition of domestic violence is extended to include all those aged under 18  
b) The government’s definition of domestic violence is extended to include all those aged under 18 and coercive control**

In addition, we also want to hear views from consultees as to whether they feel the definition of domestic violence is understood by victims, perpetrators and frontline practitioners and if it is being applied consistently across government.

The Welsh Government have their own definition, published in their 2005 strategy ‘Tackling Domestic Abuse: The All Wales National Strategy’.

### **The Welsh Government Definition:**

*Domestic Abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship.*

*Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse’s or partner’s property, their isolation from friends, family or other potential sources of support, threats to others including children, control over access to money, personal items, food, transportation and the telephone, and stalking.*

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\*Recognises FGM, forced marriage & so-called ‘honour-crimes’. Adult is any person aged 18 and over family members are: mother, father, son, daughter, brother, sister & grandparents; directly-related, in-laws or step-family.

*It can also include violence perpetrated by a son, daughter or any other person who has a close or blood relationship with the victim/survivor. It can also include violence inflicted on, or witnessed by, children. The wide adverse effects of living with domestic abuse for children must be recognised as a child protection issue. The effects can be linked to poor educational achievement, social exclusion and to juvenile crime, substance abuse, mental health problems and homelessness from running away.*

*Domestic abuse is not a “one-off” occurrence; it is frequent and persistent.*

## **A.2 Groups Affected**

The proposals as set out in this Impact Assessment will have effect in England and Wales only.

### **Option 2 may impact on:**

- Police
- CPS
- MOJ
- HM Courts and Tribunals Service

### **Options 3a and 4a may impact on:**

- Local authorities
- IDVAS
- MARACs
- Schools
- Children’s Services
- Refuge providers
- Police
- MOJ
- HM Courts and Tribunals Service

### **Options 3b and 4b may impact on:**

- Local authorities
- IDVAS
- MARACs
- Schools
- Children’s Services
- Refuge providers.
- Police
- CPS
- MOJ
- HM Courts and Tribunals Service

## **A.3 Consultation**

### **Within Government**

In developing these options we have sought views from: CPS, MOJ, UKBA, DfE, FCO, DH, ACPO, DCLG and DWP.

This consultation seeks further views across government.

### **Public Consultation**

In developing these options we have sought initial views from the women's sector and the children's sector.

This impact assessment accompanies the consultation on the definition of domestic violence. The consultation exercise explores the options to widen the definition of domestic violence and also seeks views on whether the current definition is being applied consistently.

The consultation exercise seeks views from those directly affected including frontline practitioners, other government departments, organisations with a direct interest in services for domestic violence or young people. The consultation is on the Home Office website and we would also welcome views from the public.

Consultees are invited to offer views and comments on the policy options outlined, supporting evidence and associated costs and benefits, whether quantitative or qualitative. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final Impact Assessment.

## **B. Rationale**

The Home Office works closely with other Government Departments and partners in the voluntary and community sector. The government has been clear that they regard violence against women and girls as a priority.

The 2009/10 British Crime Survey highlights that the risk of intimate violence was higher for younger age groups, with 12.7% of women aged between 16 -19 having been a victim of domestic violence in the last year (Smith et al., 2011). Additionally younger men were more likely to have experienced domestic violence than older men (Smith et al., 2011).

Following a recommendation from the Home Affairs Committee report in 2008, a commitment was made in the Violence against Women and Girls Action Plan to consult on a revised definition of domestic violence to include victims below 18 years of age.

In 2008, the Home Affairs Committee report on domestic violence, Forced Marriage and Honour Based Violence (HBV) contained information from ACPO stating that the exclusion of 16-18 year olds in the definition of domestic violence was problematic:

The Association of Chief Police Officers stated:

*"There is increasing comment directed to us from practitioners and professionals that by excluding persons under 18, vulnerable young people in abusive relationships are being deprived of the expertise and resources available to adults in similar circumstances"*

ACPO recommended an extension of the Government's definition to include "persons over the age of 16 who are or have been intimate partners and adults (i.e. over 18 years) in other familial relationships.

The report also contained the following evidence:

*"At least 750,000 children a year witness domestic violence (Department of Health 2002), and in London 30 per cent of domestic violence murders are witnessed by children (MET Police 2003). Children who live with domestic violence are at increased risk of behavioural problems, emotional trauma, and mental health difficulties in adult life (Kolbo et al 1996). Nearly three quarters of children deemed to be 'at risk' live in households where domestic violence occurs"*

*and 52% of child protection cases involve domestic violence (Department of Health 2002). 30% of the Forced Marriage Unit's cases involve minors (under 18)".*

Stakeholders have commented that the current definition could be extended to encapsulate young people who are suffering domestic violence and unable to access appropriate support due to their age.

Psychological control is a unique factor that sets domestic violence apart from other types of crime. Such control could also include a person being forced to change their behaviour as a result of fear. The inclusion of coercive control would prevent domestic violence from being regarded as an isolated incident; it may also be beneficial in clarifying for victims, perpetrators and services that domestic violence does not include physical abuse only and further in providing an understanding of coercive control which may be beneficial to service providers in understanding the complexities of domestic violence which may enhance service response and action.

In 2008 it was estimated that the cost of domestic violence, derived from the Sylvia Walby paper *The Cost of Domestic Violence: Up-date 2009*, was £15.7 billion. This is comprised of cost to public services, loss to the economy and the human and emotional cost to victims. This figure uses the amount of domestic violence identified by adults aged 16 -59 through the British Crime Survey to estimate the overall cost.

## C. Objectives

The objective of the consultation is to seek views on widening the definition of domestic violence and to also look at whether the cross-government definition of domestic violence is understood by victims and perpetrators and applied consistently by professional services and across government.

The consultation will begin the discussions around those aged under 18, who are experiencing inter-personal violence or those affected by domestic violence to seek views on the current range of support and consider if the definition should be widened to include them.

The scope of this consultation is based on recent feedback from stakeholders and other government departments, it is apparent that there are further areas of increasing importance that could be examined through consultation.

## D. Options

### 1) The government's definition of domestic violence remains the same.

The current cross-government definition of domestic violence was agreed in 2004, this option would see the definition remain the same.

### Option 2) The government's definition of domestic violence is amended to include 'coercive control'.

The government definition identifies domestic violence as 'incidents' of violence.

Psychological control is a unique factor that sets domestic violence apart from other types of crime. Such control could also include a person being forced to change their behaviour as a result of fear. The inclusion of coercive control could prevent domestic violence from being regarded as an isolated incident; it may also be beneficial in clarifying for victims, perpetrators and services that domestic violence does not include physical abuse only and further in providing an understanding of coercive control which may be beneficial to service providers in understanding the complexities of domestic violence which may enhance service response and action.

We know that the first reported incident of abuse is rarely the first incident to occur; often people have been subject to abuse on multiple occasions before they seek help. Figures from the 2010/11 British Crime Survey show that almost three quarters (73%) of all domestic violence incidents were experienced by repeat victims (Chaplin et al., 2011).

**Option 3a) The government's definition of domestic violence is extended to include all those aged 16-17.**

The 2009/10 British Crime Survey found that young people were more likely to suffer partner abuse in the last year than any other age range<sup>1</sup>. The 2009/10 BCS found 12.7% of women and 6.2% of men aged 16-19 had experienced some form of domestic abuse in the last year<sup>2</sup> (Smith et al, 2011<sup>3</sup>)

It is also important to consider that people can be married aged 16 in England and Wales, provided they have consent from their parents or guardians, and many teenagers under the age of 18 are also parents.

There are concerning attitudes amongst young people in intimate relationships and evidence to suggest worrying levels of acceptance of abuse. However, at the current time those under 18 years of age are excluded from the domestic violence definition.

Currently, domestic violence committed against a person aged under 18 would be considered child abuse by most services. Whilst this may be appropriate for children experiencing parental or family based violence, there is the suggestion that the nature of teenage relationships is often more similar to relationships between adults and as such could be considered as an extension of adult domestic violence.

Including all those aged 16-17 in the definition may help to reduce the stigma surrounding the issue and address what is generally perceived to be a lack of understanding of what domestic violence entails. As such the abuse may be recognised by those suffering it much sooner. It may also highlight to local agencies the importance of tackling teenage relationship abuse including the perceptions of what may or may not be classed as abuse and tolerance of domestic violence more widely.

By bringing the issue of teenage relationship abuse to the fore front and raising awareness of the issue we may see an increase in the availability of adequate services for it. This may also assist in the prevention and changing the attitude of perpetrators before they reach adulthood. Overall this would assist in the development of an integral approach to prevention.

**Option 3b) The government's definition of domestic violence is extended to include all those aged 16-17 and coercive control**

This option would see the inclusion of those aged 16-17 and the additional inclusion of coercive control. See Option 4 for more details

**Option 4a) The government's definition of domestic violence is extended to include of all those aged under 18.**

Survey research into partner abuse in teenage relationships, conducted by the NSPCC (Barter et al., 2009) in a sample of eight schools across England, Wales and Scotland, found that age was significantly associated with partner violence for teenage males but not teenage females. Thus boys' experiences of physical partner violence generally increased as age increased, peaking at the 16 years and over age group, with 28 per cent of this group reporting physical victimisation. In contrast, incidence rates for physical violence girls were more evenly spread across the age range, from 21 per cent for 13-year-olds to 26 per cent of girls aged 16 and

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<sup>1</sup> The 2009/10 British Crime Survey asked 22,000 people in England and Wales aged 16 to 59 questions on intimate violence via a self-completion module. Estimates from this survey showed that women between the ages of 16 and 24 were more likely to have been the victim of domestic abuse in the last year compared with other age groups. The survey also showed that men between the ages of 16 and 34 were more likely to be a victim of domestic abuse than older men.

<sup>2</sup> When narrowing to partner abuse this rate is lower overall, but the 16-19 age range remains the most at risk group for women, 7.3% compared to 4.6%.

<sup>3</sup> Smith, K. (ed), Coleman, K, Eder, S and Hall, P (2011). Homicides, firearm offences and intimate violence 2009/10 (Supplementary volume 2 to Crime in England and Wales 2009/10 2nd Edition). Home Office Statistical Bulletin 01/11.

over. Consequently girls as young as 13 were as likely as those aged 16 to have experienced physical violence from their partners.

Statistics from the Forced Marriage Unit (FMU) from January to December 2010 show that 35% of the assistance cases involved minors (those under 18) and of that number almost 14% involved minors who were aged 16 and under. Previous cases of forced marriage have involved children as young as 11 years old.

The age at which girls undergo FGM varies enormously according to the community. The procedure may be carried out when the girl is newborn, during childhood or adolescence, just before marriage or during the first pregnancy. However, the majority of cases of FGM are thought to take place between the ages of 5 and 8 and therefore girls within that age bracket are at a higher risk.

Including all those under 18 in the definition may help to reduce the stigma surrounding the issue and address what is generally perceived to be a lack of understanding of what domestic violence entails. As such the abuse may be recognised by those suffering it much sooner. It may also highlight to local agencies the importance of tackling teenage relationship abuse including the perceptions of what may or may not be classed as abuse and tolerance of domestic violence more widely.

This may also assist in the prevention and changing the attitude of perpetrators before they reach adulthood. By bringing the issue of teenage relationship abuse to the fore front and raising awareness of the issue we may see an increase in the availability of adequate services for it. Overall this would assist in the development of an integral approach to prevention, through multi-agency joint working by child welfare, education local authorities and domestic violence services. This would address the piecemeal approach that exists currently and assist in the prevention of domestic violence nationally.

**Option 4b) The government's definition of domestic violence is extended to include of all those aged under 18 and coercive control.**

This option would see the inclusion of those aged under 18 and the additional inclusion of coercive control. See option 4 for details

**The preferred option is: option 3a**

This option would include those aged 16-17 which formed part of the ACPO recommendation in the Home Affairs Committee report on domestic violence, Forced Marriage and Honour Based Violence (HBV). We also know many areas are already providing services to this age range and that high risk cases of domestic violence in this age range are being referred to MARAC and IDVA support. The British crime survey statistics shows the prevalence of domestic violence within the 16-19 year old age range is 12%.

## **E. Appraisal (Costs and Benefits)**

### **GENERAL ASSUMPTIONS & DATA**

There are a number of unknowns in relation to extending the domestic violence definition. There is very little existing evidence on the extent to which domestic violence may be reduced following any widening of the definition. There may be a risk that due to under reporting of such domestic violence incidents the number of victims identified and offered access to services may be low following any change in definition. However, given that the evidence shows that many domestic violence victims suffer from repeat victimisation, a small increase in identified victims and successful intervention through mechanisms such as MARACs could result in many saved resources in public services. The potential benefits may therefore be large.

For the purposes of this consultation stage IA, cost estimates are based on cost benefit analysis previously undertaken by CAADA for the Saving Lives Saving Money model<sup>4</sup>. This cost benefit

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<sup>4</sup> "Saving lives, saving money: MARACs and high risk domestic abuse" (CAADA, 2010)

analysis estimates the cost per MARAC meeting and includes cost of IDVA provision, cost to the police, the Criminal Justice System and other partners. It identifies benefits in terms of cost savings for public services.

It should also be considered that there may be an increase in cases that flow through the criminal justice system if the definition were to be widened; however, it cannot be quantified at this stage and equally earlier recognition and intervention by services may over time reduce the number of cases in the criminal justice system.

An extension of the definition to include this age group may see more victims identified and as such an increase in requests for legal aid assistance for injunctions may occur, again this cannot be quantified and, equally, early identification of domestic violence may lead to decrease in such requests.

The cost and benefit estimates are based on illustrative assumptions of the proportion of additional high risk *female* domestic violence victims within each age brackets that would be eligible to be referred to a MARAC meeting should the definition be widened. This actual number is unknown. Additionally, as there is no existing evidence on the likely number of high risk male domestic violence victims within the 16 – 17 age bracket or those aged under 18 years old on which to base assumptions, male victims have not been included in this analysis. It is assumed, based on the current definition, that only high risk domestic violence victims aged over 18 are currently referred to MARACs, although this may vary locally. This cost benefit analysis model is based on the assumption of MARACs having a similar success rate with younger high risk female victims and that younger female domestic violence victims would have similar service usage to that of adults.

Sensitivity analysis of the key assumptions is explained at the end of this section.

### **OPTION 1 – The government’s definition of domestic violence remains the same.**

Evidence from the 2010/11 British Crime Survey shows that proportion of people who were victims of domestic violence have decreased compared with 2004/05 for both male and female victims. However recent years have shown no statistically significant changes in the prevalence of domestic violence. Based on the 2010/11 British Crime Survey self completion module it is reported that seven per cent of women aged 16 – 59 and five per cent of men aged 16 – 59 were victims of domestic violence in the past year (Chaplin et al., 2011).

Although there are no additional costs or benefits to option 1 “do nothing”, if selected there is a risk that many young victims of domestic violence will continue to be unable to access appropriate services and support.

### **OPTION 2 – The government’s definition of domestic violence is amended to include ‘coercive control’.**

#### **COSTS**

There is no evidence on which to base costs associated with extending the definition to include coercive control at this stage. The inclusion of coercive control may lead to more women identifying themselves as victims of domestic violence therefore producing a demand for increased services, but we would not be able to scope the costs associated with this at the consultation stage.

#### **BENEFITS**

There is no evidence on which to base benefits associated with extending the definition to include coercive control at this stage as it is not known whether this inclusion will lead to more women identifying themselves as victims of domestic violence.

### **OPTION 3a – The government’s definition of domestic violence is extended to include all those aged 16-17.**

#### **COSTS**

### **Referral to MARAC for 16-17 year olds**

It is assumed in the CAADA cost benefit analysis that there would be approximately 3,520 high risk female cases in the 16 -17 age bracket. This estimate is based on the age profile of abuse victims from the CAADA Safety in Numbers research, which found that eight per cent of domestic violence victims were aged under 20. The CAADA assumption is that there are approximately 110,000 high risk victims, therefore there would be approximately 8,800 domestic violence victims aged under 20. The figure 3,520 is based on an assumption that approximately two fifths of this 8,800 fall within the 16 – 17 age bracket.

CAADA have estimated that the costs per MARAC meeting would be £20,300. This is based upon estimates of cost to the police, the Criminal Justice System, other partners and IDVA provision. The additional number of MARAC meetings required to support these victims is 306 (this is calculated by dividing the number of estimated high risk female cases by the estimated MARAC meeting average of 11.5 cases). Consequently the total cost of these additional MARAC meetings per year would be around £6.2 million.

As MARACs are essentially meetings of agency representatives and are flexible in nature, it is not envisaged that an expansion of services will result in any transitional costs such as training or equipment purchasing.

### **BENEFITS**

#### **Savings for public services following MARAC intervention for 16 -17 year olds**

CAADA estimate a cost saving per year per 'saved' complex victim of £14,200. This is based on a weighted average of victim costs in healthcare, CHS, housing and childcare. They estimate that the number of saved victims per MARAC meeting is 3.2. Consequently it is estimated that 28% of victims are saved per MARAC (based on the number of saved victims per MARAC meeting divided by the average number of cases per MARAC meeting multiplied by 100), which would be a total of 986 of the estimated 3,520 high risk female victims aged 16 and 17 years old. Assuming that this age group have the same service usage as adults CAADA estimate cost savings per year would total around £14 million (based on 987 saved victims at a cost of £14,200 per victim).

In one year it is therefore estimated that there could be a net saving of around £7.8 million.

#### **ONE-IN-ONE-OUT (OIOO)**

N/A

#### **OPTION 3b – The government's definition of domestic violence is extended to include all those aged 16-17 and coercive control.**

The costs and benefits for the inclusion of those aged 16 – 17 years would be the same as option 2a. There is no evidence on which to base associated costs and benefits of including coercive control within an extended definition.

#### **OPTION 4a – The government's definition of domestic violence is extended to include of all those aged under 18.**

### **COSTS**

#### **Referral to MARAC for all those aged under 18**

It is assumed that there would be approximately 5,280 high risk female cases in the aged under 18 bracket. This estimate is again based on the age profile of abuse victims from the CAADA Safety in Numbers research, which found that eight per cent of domestic violence victims were aged under 20. The CAADA assumption is that there are approximately 110,000 high risk victims, therefore there would be approximately 8,800 domestic violence victims aged under 20. The figure 5,280 is based on an assumption that approximately three fifths of this 8,800 would fall within the under 18 age bracket.

CAADA have estimated that the costs per MARAC meeting would be £20,300. This is based upon estimates of cost to the police, the Criminal Justice System, other partners and IDVA provision. The additional number of MARAC meetings required to support these victims is 459 (this is

calculated by dividing the number of estimated high risk female cases by the estimated MARAC meeting average of 11.5 cases). Consequently the total cost of these additional MARAC meetings per year would be around £9.3 million.

## **BENEFITS**

### **Savings for public services following MARAC intervention for under 18 year olds**

The CAADA estimate of cost saving per year per 'saved' complex victim is £14,200 and the number of saved victims per MARAC is 3.2. Consequently it is estimated that 28% of victims are saved per MARAC (based on the number of saved victims per MARAC meeting divided by the average number of cases per MARAC meeting multiplied by 100), which would be a total of 1,478 of the estimated 5,280 high risk female victims aged under 18. Assuming that this age group have the same service usage as adults, using the CAADA cost benefit analysis model, it is estimated that cost savings per year would total around £21 million (based on 1,478 saved victims at a cost of £14,200 per victim).

In one year it is therefore estimated that there could be a net saving of around £11.7 million.

### **OPTION 4b – The government's definition of domestic violence is extended to include all those aged under 18 and coercive control.**

The costs and benefits for the inclusion of those aged under 18 years old would be the same as option 3a. There is currently no evidence on which to base associated costs and benefits of including coercive control within an extended definition at this consultation stage.

## **SENSITIVITY ANALYSIS**

*Assumption: Two fifths of the 8,800 domestic violence victims under the age of 20 will be 16 or 17 and three fifths will be under 18.*

If less victims fall within the proposed age ranges then the NPVs will be lower. For example, if only one fifth of 8,800 victims are aged 16 or 17 then the NPV for Option 2 (a and b) would be £32m rather than £65m. It should be noted, however, that the NPV can *never* be negative as long as at least one victim of domestic violence falls within the proposed definitions. This is because, for every individual affected, the average benefits outweigh the average costs.

*Assumption: The success rate of MARACs is 3.2 saved victims out of 11.5 cases, or 28%.*

If the true success rate of MARACs is lower than assumed, then the NPVs will be lower. For example, if the success rate were 20% rather than 28%, then the NPVs would fall from £65m to £31m and from £97m to £47m for Options 2 (a and b) and 3 (a and b) respectively. For all options, the critical success rate at which the NPV changes from positive to negative is 12.5%.

However, the success rate, or the benefits resulting from successes, could also be higher than assumed. Unpublished Home Office analysis predicted considerably higher value for money from MARACs due to inclusion of intangible benefits such as the physical and emotional harms suffered by victims. If this approach was considered more robust, then a lower success rate than that assumed could still result in good value for money and a high net present value.

## **F. Risks**

### **GENERAL**

- MARAC success rate is lower for the additional younger individuals covered.
- Additional MARAC services are required to deal with younger individuals, e.g. extra training, inclusion of youth workers in MARAC meetings.
- Changing the definition does not result in more young people identifying themselves and so benefits of reduced domestic violence are not realised.

### **OPTION 1- The government's definition of domestic violence remains the same.**

This option carries the risk of caveats being created to the definition meaning that there is not one standard definition. Some areas are already providing services for those aged under 18, this creates a disparity between the services available in local areas.

**OPTION 2 – The government’s definition of domestic violence is amended to include ‘coercive control’.**

The potential risk with this option is that a pattern of behaviour would need to be identified rather than the current position which is an incident.

**OPTION 3a – The government’s definition of domestic violence is extended to include all those aged 16-17.**

There is a risk that additional pressures may be put on local resources including MARAC, IDVA and refuge resources.

Additionally, as the analysis of potential costs and benefits does not include male victims there is a risk that the true costs and benefits may be higher than those identified.

**OPTION 3b – The government’s definition of domestic violence is extended to include all those aged 16-17 and coercive control.**

There is a risk that additional pressures may be put on local resources including MARAC and IDVA resources.

The potential risk with this option is that a pattern of behaviour would need to be identified rather than the current position which is an incident.

**OPTION 4a – The government’s definition of domestic violence is extended to include of all those aged under 18.**

There is a risk that additional pressures may be put on local resources including MARAC and IDVA resources.

This option poses the risk in terms of the identification of the type of abuse, the question is whether domestic violence should be viewed as a child welfare issue or as an extension of domestic violence. It may be the case that the type of abuse is disputed between services.

Additionally, as the analysis of potential costs and benefits does not include male victims there is a risk that the true costs and benefits may be higher than those identified”.

**OPTION 4b – The government’s definition of domestic violence is extended to include of all those aged under 18 and coercive control.**

There is a risk that additional pressures may be put on local resources including MARAC and IDVA resources.

The potential risk with this option is that a pattern of behaviour would need to be identified rather than the current position which is an incident.

## **G. Enforcement**

Enforcement of this policy will be by government departments and agencies adhering to the cross-government definition with oversight from the Home Office.

## **H. Summary and Recommendations**

The table below outlines the costs and benefits of the proposed changes.

<b>Table H.1 Costs and Benefits</b>		
<b>Option</b>	<b>Costs (present value discounted at an annual rate of 3.5% and modelled over 10 years)</b>	<b>Benefits (present value discounted at annual rate of 3.5% and modelled over 10 years)</b>
<b>2</b>	£0	£0
	Unquantified costs associated with including coercive control	Unquantified benefits associated with including coercive control
<b>3a</b>	£52m (Additional 306 MARAC meetings (includes cost of IDVA provision, cost to police, CJS and other partners))	£116m (Cost savings to public services based on a 28% MARAC success rate)
	No unquantified	No unquantified
<b>3b</b>	£52m (Additional 306 MARAC meetings (includes cost of IDVA provision, cost to police, CJS and other partners))	£116m (Cost savings to public services based on a 28% MARAC success rate)
	Unquantified costs associated with including coercive control	Unquantified benefits associated with including coercive control
<b>4a</b>	£77m (Additional 459 MARAC meetings (includes cost of IDVA provision, cost to police, CJS and other partners))	£175m (Cost savings to public services based on a 28% MARAC success rate)
	No unquantified	No unquantified
<b>4b</b>	£77m (Additional 459 MARAC meetings (includes cost of IDVA provision, cost to police, CJS and other partners))	£175m (Cost savings to public services based on a 28% MARAC success rate)
	Unquantified costs associated with including coercive control	Unquantified benefits associated with including coercive control

Source: CAADA cost benefit analysis from their Saving Lives Saving Money model

Option 3a is the preferred option. Evidence shows high levels of abuse in teenage abuse, the 2009/10 British Crime Survey highlights that the risk of intimate violence was higher for younger age groups, with 12.7% of women aged between 16 -19 having been a victim of domestic abuse in the last year (Smith et al., 2011). The inclusion of those aged 16-17 will also account for the fact that people can marry aged 16 in England and Wales.

## **I. Implementation**

Further discussion will need to take place following this consultation before any implementation can take place.

## **J. Monitoring and Evaluation**

The scale of any evaluation will be determined following the consultation process and the identification of a preferred option.

## **K. Feedback**

Feedback will be sought from the voluntary and community sector and other government departments.

## **L. Specific Impact Tests**

See Annex 1

# Annex 1. Specific Impact Tests

## Statutory Equality Duties

### Equality Impact Assessment

The cross government definition of domestic violence applies equally to both men and women. During the initial development of this consultation, the Home Office has given due consideration to the equality duty. We will take account of the evidence gathered through this consultation in developing final policy proposals.

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour or nationality
- Religion or belief – this includes lack of belief
- Sex
- Sexual orientation

We have identified that impacts may occur in relation to age and gender if the options to reduce the age of the current definition of domestic violence are taken forward as those under the age of 18 would be included in the definition. The definition of domestic violence is gender neutral but statistically women are more often victims than men and this has been identified as a possible impact on gender.

The 2010/11 British Crime Survey showed that seven per cent of women and five per cent of men reported having experienced any domestic violence in 2010/11.

The 2009/10 British Crime Survey found that young people were more likely to suffer partner abuse in the last year than any other age range<sup>1</sup>. The 2009/10 BCS found 12.7% of women and 6.2% of men aged 16-19 had experienced some form of domestic abuse in the last year<sup>2</sup> (Smith et al, 2011<sup>3</sup>).

We will take account of the evidence gathered through the consultation to give due consideration to the impact it will have on different groups and the potential impact, both positive and negative of the policy, on the protected characteristics. Evidence gathered throughout the consultation will inform final policy proposals, and the final stage Impact Assessment will reference the evidence gathered against the protected characteristics.

## Social Impacts

### Health and Well-being

Widening the definition could impact on the health and well being of younger domestic violence victims as it will ensure they are eligible for appropriate services and support.

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<sup>1</sup> The 2009/10 British Crime Survey asked 22,000 people in England and Wales aged 16-59 questions on intimate violence on a self completion module. Within this survey the women who were between the ages of 16 – 24 were at the highest risk of experiencing domestic abuse in the last year than any other age group. While men between the ages of 16 and 34 were more likely to be a victim of domestic abuse than older men.

<sup>2</sup> When narrowing to partner abuse this rate is lower overall, but the 16-19 age range remains the most at risk group for women, 7.3% compared to 4.6%.

<sup>3</sup> Smith, K. (ed), Coleman, K, Eder, S and Hall, P (2011). Homicides, firearm offences and intimate violence 2009/10 (Supplementary volume 2 to Crime in England and Wales 2009/10 2<sup>nd</sup> Edition). Home Office Statistical Bulletin 01/11.