

Written evidence submitted by Refuge, to the Criminal Justice Public Bill Committee

About Refuge

1. Refuge is the largest specialist provider of gender-based violence services in the country, supporting thousands of women and children on any given day. We provide a national network of 46 refuges, community outreach programmes, child support services and independent advocacy services for those experiencing domestic, sexual, and gender-based violence. We also run a specialist service for survivors of economic and technology-facilitated abuse. Refuge runs the 24-hour National Domestic Abuse Helpline. Every two minutes someone looks to Refuge for help.
2. Refuge welcomes the opportunity to provide written evidence to the Committee, and we would welcome any opportunity to provide oral evidence. This written evidence submission covers aspects of the Criminal Justice Bill based on Refuge's expertise and experience as the UK's largest provider of gender-based violence services and the country's only specialist technology-facilitated domestic abuse team.

Summary

3. The Criminal Justice Bill presents a vital opportunity to improve the criminal justice response to domestic abuse and other forms of Violence Against Women and Girls (VAWG). We broadly welcome many of the measures in the Bill to improve the response to VAWG – most notably the sections of the Bill which tackle the “taking or recording” of intimate images and installing equipment to enable a person to commit a “taking or recording” offence, making homicide which takes place at the end of a relationship a statutory aggravating factor and increased management of offenders under MAPPA arrangements. However, we are seriously disappointed with the measures on police perpetrators, which as it stands, will do very little to rid forces of abusers. This section of the Bill requires considerable additions to protect women and girls from police perpetrators of VAWG.
4. Refuge is calling for the following to be added to the Bill in order for it to have an impact on police-perpetrated abuse:

5. **Create a presumption in favour of suspending police officers and staff accused of VAWG pending the outcome of an investigation in England and Wales.**
6. **Reduce the time between the initial vetting and re-vetting period for police officers, from 10 years to 5 years or less in England and Wales.**
7. **Introduce mandatory, trauma-informed, culturally competent training on VAWG for all police officers and staff in England and Wales.**

Offences relating to intimate photographs or films and voyeurism – Clause 13 / Schedule 2

8. Technology-facilitated domestic abuse – or tech abuse – is an increasingly prevalent form of domestic abuse and has a devastating impact on a survivor's mental health and physical safety. Women are 27 times more likely than men to be harassed online¹, and Refuge's research has shown that almost 1 in 5 survivors of tech-facilitated domestic abuse on social media felt afraid of being attacked or subject to physical violence². In response to this growing threat, Refuge pioneered the country's only specialist technology-facilitated domestic abuse team.
9. Clause 13, Schedule 2 of the Criminal Justice Bill amends the Sexual Offences Act 2003 to introduce new complementary offences to those already introduced in the Online Safety Act 2023. These offences tackle the "taking or recording" of such images and installing equipment to enable a person to commit a "taking or recording" offence.

"Taking or recording intimate photograph or film"

10. Refuge welcomes the addition of the taking or recording offences. We have long had concerns about gaps in the criminal law governing intimate image abuse, which leaves survivors of this devastating form of abuse with limited recourse to justice, and Refuge successfully campaigned for the criminalisation of threats to share intimate images/films via the Domestic Abuse Act 2021. However, we would like to highlight the need to include screenshots of Snapchats and other screenshots of disappearing

¹ European Women's Lobby (2017) Her Net Her Rights – Mapping the state of online violence against women and girls in Europe

https://www.womenlobby.org/IMG/pdf/hernetherrights_resource_pack_2017_web_version.pdf

² Refuge (2021), [Unsocial Spaces](#).

messages/images across social media and internet platforms in the definition of a 'taking' offence in the Bill.

11. The social media platform Snapchat is marketed as a private image sharing platform that can be viewed for a specified time before it becomes inaccessible. The Snapchat app does not prevent screenshots from being taken but can notify the sender if it detects that it has been screenshotted. Disappearing messages and images are now available on a wide range of messaging apps and platforms. Refuge's technology-facilitated abuse team have found that perpetrators frequently use screenshots to permanently capture and retain an intimate image of the survivor that she did not consent to become a permanent image and have used the disclosure of these images, or threat of disclosure, to abuse her. This may be through screenshooting a live recording of a survivor in an intimate video call, or through screenshooting an image that she sent to the perpetrator via Snapchat or a similar platform. As currently drafted the new offence does not capture this kind of intimate image abuse.

12. Clause 13, Schedule 2 is based on a recommending from the Law Commission, which recommends that the definition of "taking" an image should only include such behaviour where, but for the acts or omissions of the defendant, the image would not otherwise exist³. The Commission argued that including copying or reproduction of an existing image within the definition of "taking" stretches the meaning of the term and that if an intimate image has been copied, such as by screenshooting a time-limited image, and then the copy shared without consent, that such behaviour would be covered by the sharing offence⁴. While we understand this reasoning, we are concerned that the offence as currently drafted does not reflect the reality of survivor's experiences and how easily an image sent for one person to view once is being turned into a permanent image that can be shared with others. Relying on the threatening to share and sharing of intimate image offences alone does not, in our view, suffice as even without the explicit threat to share an intimate image, survivors will live in fear that a screenshot of an image could be shared, and we have supported survivors whose perpetrators have screenshotted Snapchats and other disappearing images and made no immediate threats to share - meaning the perpetrator cannot be pursued under the sharing / threat to share offence

³ Law Commission, 2022, Intimate Image Abuse: Final Report, [Intimate-image-abuse-final-report.pdf \(cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com\)](https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/intimate-image-abuse-final-report.pdf)

⁴ Law Commission, 2022, Intimate Image Abuse: Final Report, [Intimate-image-abuse-final-report.pdf \(cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com\)](https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/intimate-image-abuse-final-report.pdf)

13. We therefore recommend that Clause 13, Schedule 2 be extended to include screenshots that turn disappearing images into permanent images.

“Installing etc. equipment to enable taking or recording of intimate photograph or film.”

14. Refuge is extremely concerned at the increase in smart home devices that allow perpetrators to non-consensually record women in the privacy of their own homes. As these devices become more widely available, the prevalence of intimate image abuse in which images are taken of women undressing, showering, or partially clothed, is bound to increase. Research by Refuge and Avast has revealed some of the most common home connected devices used by perpetrators of domestic abuse, including smart TVs and CCTV cameras.⁵

15. For survivor Jasminder, after escaping her relationship her husband’s behaviour remained controlling, but it was only around 6 months after when she escaped the relationship that she recognised that she endured an abusive relationship. One day he stayed for twenty minutes filming the house and garden when the children would not go and visit him. He then put a camera on the front porch of his parents’ home to film Jasminder and the children at drop-off times to use as ‘evidence’.

*Survivor’s name has been changed for anonymity

16. Refuge therefore welcomes the criminalisation of installing equipment to enable the taking or recording of intimate photographs or films with offence in Section 66AC (1) based on a lack of consent. However, we would like to raise the issue of reliance on a perpetrator’s motivation to prosecute offences with higher sentences. Amending the Sexual Offences Act 2003 to include Section 66AA (2) and (3), and 66AC (2) and (3) creates a hierarchy of offences based on perpetrator motivation vs the offence in (1) based on victim lack of consent. The ability to prove whether a perpetrator had the motivation to either cause alarm, distress or humiliation or did so for sexual gratification is, in reality, often hard to evidence. Additionally, we argue that regardless of the perpetrator’s motivation to commit the offence, the toll of this abuse has a severe effect on survivors’ mental well-being and has an impact on women’s physical safety.

Domestic homicide sentencing – Clause 24

17. Clause 24 of the Bill amends Schedule 21 of the Sentencing Act 2020, making homicide which takes place at the end of a relationship a statutory aggravating factor.

⁵ Refuge and Avast (2021), <https://refuge.org.uk/news/refuge-and-avast-hidden-home-dangers/>

The Clare Wade KC Review found that indications of feelings of jealousy or resentment at the end of the relationship were apparent, and they could be the catalyst for a killing in 38% of domestic homicide cases⁶. Additionally, the Femicide Census found that of the 888 women who were killed over the 10 years covered by the census, 43% were known to have separated or to have taken steps to separate from the perpetrator⁷. **Refuge supports the recommendation made by Clare Wade KC and the inclusion of the measure in Clause 24 to make homicide that takes place at the end of a relationship a statutory aggravating factor.**

18. The Criminal Justice Bill and Sentencing Bill provide the opportunity for the Government to implement wider recommendations published in the Clare Wade KC review. Whilst implementing Clause 24 is a step in the right direction, the Government must implement the full package of recommendations in the Clare Wade KC Review. Clare Wade KC's 17 recommendations are designed as a package intended to work in conjunction with each other, the implementation of recommendations in isolation will fail to ensure perpetrators are held to account and support bereaved families. The Bill should consider the review's recommendations to give domestic murder specialist consideration within the present sentencing framework under Schedule 21, make murders by strangulation and murders by overkill a statutory aggravating factor and place the removal of sexual infidelity as a partial defence to murder on statutory footing⁸.

Management of offenders – Clause 30

19. Clause 30 of the Bill requires convicted perpetrators of Controlling or Coercive Behaviour to be managed under Multi-Agency Public Protection Arrangements (MAPPA) on their release from prison. Although we support the provision to ensure perpetrators are properly managed in the community, we would like to highlight that the Clause would only provide automatic MAPPA management of offenders convicted of controlling or coercive behaviour in an intimate or family relationship who are sentenced to 12 months or more. According to Ministry of Justice data, in 2022, 50/564 perpetrators of controlling or coercive behaviour were sentenced to custodial sentences of 12 months or less, meaning approximately 10 per cent of perpetrators sent to prison would not be subject to enhanced monitoring arrangements⁹. This measure should also be considered in conjunction with

⁶ Clare Wade KC, 2023, Domestic Homicide Sentencing Review, Independent Review, Clare Wade KC, [Domestic Homicide Sentencing Review \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁷ 4 Femicide Census: "If I am not in Friday, I might have been dead" by Long (Julia), Wertans (Emily), Harper (Keshia), Brennan (Dierdre), Harvey (Heather), Allen (Rosie) and Katie Elliott (Katie) with Ingala Smith (Karen) and O' Callaghan (Clarissa). 2009-2018 Page 30.

⁸ Clare Wade KC, 2023, Domestic Homicide Sentencing Review Independent Review Clare Wade KC, [Domestic Homicide Sentencing Review \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁹ Ministry of Justice, 2022, Outcomes by offence 2022

proposals in the Sentencing Bill to suspend custodial sentences of less than 12 months. As it is currently drafted, the Sentencing Bill is not strong enough to ensure that all perpetrators of domestic abuse will be exempt from the proposed changes to suspend sentences of 12 months or less. Coercive control is central to almost all cases of domestic abuse. At the centre of all these abusive behaviours is the perpetrator's desire to frighten, intimidate and exercise power and control over a survivor. By only extending MAPPA management to perpetrators of controlling or coercive behaviour sentenced to 12 months or more, alongside proposals within the Sentencing Bill that as its currently drafted could mean perpetrators of coercive or controlling behaviours could avoid custodial sentences, placing survivors at risk.

- 20. Refuge urges the Committee to amend the Bill so that all convicted perpetrators of coercive or controlling behaviour regardless of length of custodial sentence, are managed under MAPPA.**

The Police and VAWG – Clauses 73-74

21. Police-perpetrated Violence Against Women and Girls (VAWG) is being increasingly uncovered in England and Wales after a series of high-profile police violence, abuse and misconduct cases. In response to the murder of Sarah Everard by serving Metropolitan Police Service Officer, Wayne Couzens, the Baroness Casey Review was commissioned to investigate the standards of behaviour and internal culture of the Metropolitan Police Service. The review found that predatory and unacceptable behaviour has 'been allowed to flourish' within the Metropolitan Police Service and that the force is institutionally racist, misogynistic and homophobic¹⁰. It is important to recognise that institutional misogyny is not exclusive to the Metropolitan Police Service but extends across policing in England and Wales. In 2022, His Majesty's Inspectorate of Constabulary, Fire and Rescue Service (HMICFRS) commissioned an inspection of vetting, misconduct, and misogyny in the police service, and found that it is too easy for the wrong people to both join and stay in the police and that the police service has had ample warning that behaviours, cultures and processes need to change¹¹.

¹⁰ Baroness Casey Review, 2023, Baroness Casey Review - Final Report, An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service, [BARONESS CASEY REVIEW Final Report \(met.police.uk\)](#)

¹¹ His Majesty's Inspectorate of Constabulary, Fire and Rescue, 2022, An inspection of vetting, misconduct, and misogyny in the police service, [An inspection of vetting, misconduct, and misogyny in the police service - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectors.gov.uk\)](#)

22. Improving the response to police-perpetrated VAWG should be a priority to rebuild women and girls' trust and confidence in the police. Earlier in the year, over 25,000 people signed Refuge's Open Letter to the Home Secretary calling for the immediate suspension of all police officers and staff accused of VAWG and a 'root and branch' reform of policing. The former Home Secretary stated in a debate on Police Conduct and David Carrick that the government would not shy away from challenging police to meet the expected standards¹². The government must now honour this statement by including in the Criminal Justice Bill a full package of reforms needed to make policing safe for women and girls. Robust changes to police policies, regulations and procedures must be made to ensure that those joining and choosing a career as police officers understand the values and public expectations of holding such a position, and those joining the police to abuse power are stopped at the earliest opportunity. A change in vetting and misconduct policies would mean officers and police forces can be held accountable for the perpetration of VAWG.
23. Although we welcome the inclusion of some measures to address the issue of police perpetrated VAWG included in clauses 73-74, they do not go anywhere near far enough to introduce the changes needed to protect women and girls from police perpetrators and drive cultural change within forces. Refuge therefore urges Committee members to introduce measures needed to protect women and girls, including:
- 1. A presumption in favour of suspending police officers and staff accused of VAWG pending the outcome of an investigation in England and Wales.** Even after they are accused of VAWG, many police officers and staff have access to a role, equipment and systems that can be used to threaten, coerce and control women and girls. Suspending police officers accused of VAWG ensures they cannot access tools of power and control while undergoing an investigation against them, limiting their ability to influence investigations, coerce survivors and abuse women and girls.
 - 2. Reducing the time between the initial police vetting and re-vetting period, from 10 years to 5 years or less in England and Wales.** Current vetting and re-vetting processes allow dangerous and violent perpetrators to join and remain in the police force and commit crimes against women. In Refuge's view 10 years between initial vetting and re-vetting for police officers and staff is far too long and a much shorter

¹² UK Parliament, January 2023, Police Conduct and David Carrick, Police Conduct and David Carrick - Hansard - UK Parliament

period of 5 years or less is needed to create stronger safeguards against police-perpetrated domestic abuse.

- 3. Mandatory, trauma-informed, culturally competent training on VAWG for all police officers and staff in England and Wales.** To address issues with culture and standards within policing and to improve the overall response to domestic abuse, culturally competent and trauma-informed domestic abuse training should be mandatory for all police officers and staff across England and Wales.

Police perpetrated domestic abuse

- 24.** Perpetrators of domestic abuse and other forms of VAWG, who are also police officers, have an additional level of power and access to specialist equipment and tools they can use to threaten survivors, perpetrate abuse and influence the investigations and outcomes of misconduct investigations. The Baroness Casey Review found cases in the Metropolitan Police Service where friends and superiors had closed ranks around police suspects to protect them¹³. Survivors of police-perpetrated abuse supported by Refuge have reported similar experiences after reporting their abuse to the police. These survivors face many barriers, given their abuser is part of the system which is meant to protect them. The Baroness Casey Review also found that domestic abuse-related misconduct cases are around half as likely to receive a case-to-answer decision, when compared to all case types, 14% in comparison to 33%¹⁴ and t.
- 25. Kyra's* Story:** Kyra, a survivor supported by Refuge, is a survivor of police-perpetrated domestic abuse. Kyra was married to her perpetrator for 23 years who was a member of the police force. For 20 years of the relationship, she was subject to sexual abuse, coercive control and physical abuse. Kyra told Refuge that the more her perpetrator moved up the ranks within the police, the worse the abuse became. After she left her perpetrator, Kyra reported him to the police and the police protected him after he told his senior officer that she was going to report him. During the initial misconduct investigation, Kyra's perpetrator was allowed to continue working as a serving police officer even though she was told that he would be suspended pending the outcome of the investigation. He continued to work up until

¹³ Baroness Casey Review, 2023, Baroness Casey Review - Final Report, An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service, [BARONESS CASEY REVIEW Final Report \(met.police.uk\)](#)

¹⁴ Baroness Casey Review, 2023, Baroness Casey Review - Final Report, An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service, [BARONESS CASEY REVIEW Final Report \(met.police.uk\)](#)

he was charged with criminal offences. Each time the case came to trial, it collapsed, this happened three times. Kyra feels that her perpetrator used his position in the police to influence this. Kyra has moved 6 times to feel safe and has a lifetime restraining order against her perpetrator. Her children have five-year harassment orders.

*Survivor's name has been changed for anonymity

26. **Charlotte's* Story:** Charlotte, a survivor of police-perpetrated domestic abuse, was with her abuser for 10 years and they have three children together. Both she and her perpetrator were serving police officers working within the same police force. During their relationship, her perpetrator subjected her to physical and sexual abuse and coercive control, the abuse escalated when she left him. Her perpetrator was investigated by his force for physically assaulting their son, he was not suspended during this investigation. As part of the investigation, a detective was sent out with a social worker who talked to her son. Due to concerns that the detective worked with the perpetrator, a sergeant who also worked with her perpetrator, took over the investigation and 'said he would be impartial.' However, no further action was taken after the perpetrator made up a story to cover up the abuse. Charlotte was never approached to follow up on this story and was told by the police that her perpetrator was exercising 'reasonable chastisement.' During the investigation, her perpetrator was promoted.

*Survivor's name has been changed for anonymity

Suspensions

27. There is no overall statutory suspension policy for police forces across England and Wales where officers or staff are accused of misconduct. Suspension of an officer from police duties is authorised by Regulation 11 Police (Conduct) Regulations 2020¹⁵. The general principle observed is that officers will not be suspended unless suspension from duty is essential in the interests of effective investigation or the public interest and temporary redeployment to alternative duties has been considered. Refuge argues that VAWG, in all cases, is detrimental to the public interest, therefore all officers accused of VAWG should not be considered for

¹⁵ The Police (Conduct) Regulations 2020,
<https://www.legislation.gov.uk/uksi/2020/4/regulation/11/data.pdf>

alternative duty but should be automatically suspended.^{16 17} This would reflect the Government's recognition of Violence Against Women and Girls as a Strategic Policing Requirement¹⁸. As it stands, it is up to the individual force's discretion to develop and deliver a suspension policy. A lack of consistent suspension policy has resulted in a patchwork of requirements for suspended police officers/staff and varying levels of restrictions across the country. For example, in some forces, police officers are required to surrender warrant cards, in other police forces they are not, or policies do not contain any information on the restrictions to be imposed as part of a suspension¹⁹²⁰.

28. Officers accused of VAWG are routinely moved to different roles or redeployed to different police forces, instead of being suspended²¹. Police perpetrators of domestic abuse have the power and influence to threaten, coerce and control women and girls using their position, the system and specialist equipment and resources. Survivors working within the police force also face victimisation, bullying and isolation in the workplace when reporting their perpetrator. As it stands, not suspending alleged perpetrators of VAWG misconduct and gross misconduct indicates to police perpetrators that they will face no consequences for their abuse. Suspending police officers accused of VAWG ensures they cannot access tools of power and control while undergoing an investigation against them, limiting their ability to influence investigations and coerce survivors. It will also contribute to rebuilding the confidence of women and girls in the police, which has declined as a result of cases of police perpetrated abuse. Women and girls need to have their safety guaranteed by knowing that if they contact the police, the officer responding has not been accused of VAWG.

29. **Holly's* Story:** Holly, a survivor of police perpetrated abuse and a police officer was in a relationship with her perpetrator, who was also a police officer for two years.

¹⁶ The Police (Conduct) Regulations 2020,

<https://www.legislation.gov.uk/ukxi/2020/4/regulation/11/data.pdf>

¹⁷ Home Office 2020, Home Office Guidance - Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing

[Home Office Statutory Guidance 0502.pdf \(publishing.service.gov.uk\)](#)

¹⁸ Home Office, 2023, Strategic Policing Requirement 2023, [Strategic Policing Requirement 2023 - GOV.UK \(www.gov.uk\)](#)

¹⁹ North Yorkshire Police, Fire and Crime Commissioner, Suspension of Police Officers from Duty Procedure, [Procedure Template 2020 \(northyorkshire.police.uk\)](#)

²⁰ Kent Police, Human Resources - Discipline: police staff protocol, [Human Resources - Discipline: police staff protocol L1200 | Kent Police](#)

²¹ The Independent, 2023, Three quarters of police officers and staff accused of violence against women not suspended from duties, [Three quarters of police officers and staff accused of violence against women not suspended from duties | The Independent](#)

During that time, he physically, mentally, financially and sexually abused her. Holly broke up with him, but three years later she found that her ex-partner had moved on to another victim, prompting her to report him to the police as she feared for his new partner's safety. The investigation into her perpetrator went on for five and a half years, and he remained a serving officer during that time. Her perpetrator resigned and a misconduct hearing found him guilty of gross misconduct after his resignation. Holly said that, in some ways, her treatment by those who were investigating her allegations was more difficult to deal with than the abusive relationship. Holly said that "he was told so much information he shouldn't have been [told], and it meant he could influence the investigation and destroy evidence, like discarding old phones."

30. During Oral Evidence on the 12th December 2023, College of Policing CEO Andy Marsh stated that "where there are allegations of violence against women and girls, I see a very low threshold for suspension." However, police force suspension data shows that this is not the case and police officers accused of VAWG are not consistently being suspended while under investigation, in some forces a small minority are suspended.

Refuge investigation into suspension rates for VAWG misconduct allegations

31. An analysis of a Freedom of Information (FOI) request submitted by Refuge found that between May 2022 and May 2023, there were 1,124 cases of VAWG-related misconduct or gross misconduct across the 26 police forces that returned data in England and Wales²². Across the 26 police forces, only 24% of police officers and staff accused of VAWG were suspended from duty²³. Suspension rates ranged from 100% of accused cases suspended to only 10% of cases suspended. The second lowest suspension rate was for the Metropolitan Police Service with only 12% of accused cases suspended²⁴.
32. However, we know that there are pockets of good practice within policing in enforcing the suspension of police officers and staff accused of VAWG. Four forces suspended over 75% of accused police staff, namely Dyfed-Powys, Wiltshire, North Wales and West Mercia police forces. Data from these police forces indicate that it is

²² Refuge, 2023, Remove the Rot: Refuge investigation uncovers magnitude of police force's failure to tackle violent misogyny by police officers and staff, [Remove the Rot: Refuge investigation uncovers magnitude of police force's failure to tackle violent misogyny by police officers and staff](#)

²³ Refuge, 2023, Remove the Rot: Refuge investigation uncovers magnitude of police force's failure to tackle violent misogyny by police officers and staff, [Remove the Rot: Refuge investigation uncovers magnitude of police force's failure to tackle violent misogyny by police officers and staff](#)

²⁴ Refuge, 2023, Remove the Rot: Refuge investigation uncovers magnitude of police force's failure to tackle violent misogyny by police officers and staff, [Remove the Rot: Refuge investigation uncovers magnitude of police force's failure to tackle violent misogyny by police officers and staff](#)

possible for police forces to suspend police officers and staff accused of VAWG, yet many others are choosing not to do so, which puts survivors at risk as well as undermines public confidence.

Presumption of suspension of all police officers and staff accused of VAWG

33. Suspension is commonly imposed when an employee in an occupation is accused of serious misconduct, particularly in professions where an employee is working with vulnerable people. For example, in the teaching profession, if the allegation is of serious misconduct, the Teaching Regulation Agency will make an interim prohibition order before the investigation is completed²⁵. An interim prohibition order prevents a person from being employed or engaged in teaching workⁱⁱ until a misconduct case against the person has concluded²⁶. Additionally, in the social work profession an interim order can be issued to prevent a social worker from practising until an investigation has concluded, examples where an interim order would apply include allegations of sexual misconduct, serious conduct or competence concerns and serious criminal convictions²⁷. Like other professions, such as teaching and social work, policing is a profession that will attract people seeking to abuse the power and influence that they hold through their profession. The Baroness Casey Review found that policing needed to accept that the job of policing would attract 'predators and bullies' and 'those who want power over their fellow citizens, and to use those powers to cause harm and discriminate'²⁸. Therefore, it is vital that processes, standards and protections are implemented to ensure potential police perpetrators, when identified, cannot use their power to further abuse women and girls and influence the delivery and outcome of investigations. **Refuge therefore argues that police officers and staff should also be suspended for allegations of VAWG misconduct, in line with the standards across other professions.**

34. Refuge recommends that to ensure police officers and staff accused of VAWG cannot use their position within the police to potentially continue to perpetrate violence and abuse, at the very least, suspended officers across England and Wales should be consistently required to:

²⁵ Teaching Regulation Agency, 2020, Teacher misconduct: Disciplinary procedures for the teaching profession, [CAR_LIB1\15610583\1 \(publishing.service.gov.uk\)](#)

²⁶ The Teacher's Disciplinary (England) Regulations 2012, [The Teachers' Disciplinary \(England\) Regulations 2012 \(legislation.gov.uk\)](#)

Teaching Regulation Agency, 2020, Teacher misconduct: Disciplinary procedures for the teaching profession, [CAR_LIB1\15610583\1 \(publishing.service.gov.uk\)](#)

²⁷ Social Work England, 2022, Guidance for employers: Fitness to practise guidance for employers, [Guidance for employers - Social Work England](#)

²⁸ Baroness Casey Review, 2023, [BARONESS CASEY REVIEW Final Report \(met.police.uk\)](#)

- Surrender warrant cards and pocket notebooks
- Surrender 'use of force' equipment
- Surrender other police-issued equipment, including mobile phones and laptops
- Surrender uniform
- Have no access to police computer systems
- Have no access to operational policing premises, including the surrender of access cards/keys.
- This should be paired with a mandatory risk assessment with a specialist VAWG support service, with the option of involving the survivor. Any risk assessment could lead to the imposition of more or fewer restrictions on an officer/staff member if needed.

35. Therefore, Refuge strongly urges the Committee to introduce a presumption in favour of suspending police officers and staff accused of VAWG pending the outcome of an investigation in England and Wales.

Vetting

36. Standards of police vetting are a matter of public confidence and are essential to ensure trust and confidence in policing are maintained and rebuilt. Changes must be made to existing vetting and re-vetting practices to acknowledge the fact that people seeking to abuse women and girls are likely to be attracted to policing, as it has access to power and equipment that can be used to perpetrate this abuse. In November 2022, HMICFRS found that it was “too easy for the wrong people to join and stay in the police” as “vetting standards are not high enough²⁹.”

37. Although we welcome updates to the College of Policing’s Vetting Code of Practice, including a rebuttable presumption that a person “will not be suitable to hold vetting clearance if they have a conviction or caution for a criminal offence,”³⁰ this should be a bare minimum. Further changes are necessary to ensure women and girls are protected from perpetrators joining and remain in policing. Domestic abuse is an under-reported, under-charged and under-convicted crime. In the year ending March 2023, an estimated 1.4 million people experienced domestic abuse, yet the police

²⁹ His Majesty’s Inspectorate of Constabulary, Fire and Rescue, 2022, An inspection of vetting, misconduct, and misogyny in the police service, [An inspection of vetting, misconduct, and misogyny in the police service - His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectors.gov.uk\)](https://www.justiceinspectors.gov.uk/publications/2022/12/22-an-inspection-of-vetting-misconduct-and-misogyny-in-the-police-service)

³⁰ College of Policing, 2023, Vetting Code of Practice, [Vetting Code of Practice updated | College of Policing](https://www.collegeofpolicing.org.uk/vetting-code-of-practice)

recorded 889,918 domestic abuse-related crimes and there were just 51,288 domestic abuse-related prosecutions in the same year³¹ⁱⁱⁱ. As VAWG is underreported and prosecutions for domestic abuse are low and falling, police forces need to ensure that re-vetting is not just triggered when an applicant or serving police officer receives a caution or conviction.

38. The Met's Review of live sexual misconduct and domestic abuse cases amongst police staff, Operation Rainier, found that 9% of individuals included in the investigation were linked at some point to allegations of sexual misconduct and domestic abuse at the point of initial vetting. In 80% of cases of individuals with allegations of sexual misconduct and domestic abuse at the point of initial vetting, the vetting team in the Met had not shared this information so it was not on the misconduct intelligence system³². The 2022 HMICFRS inspection of vetting, misconduct, and misogyny in the police service found applicants had received vetting clearance after committing domestic abuse-related assaults, sexual touching, serious violence, and rape. There was no evidence to suggest that decision-makers in these cases had considered relevant factors, such as offences that were domestic abuse-related³³.
39. Current procedures mean police officers and staff are vetted upon entry and depending on the role, clearance should last between three and ten years, at which point an individual should be re-vetted. For officers holding Recruitment Vetting (RV) clearances, the minimum level of vetting for all police personnel, the renewal period is 10 years. For officers holding Management Vetting (MV) who are police personnel with long-term, frequent and uncontrolled access to secret assets and occasional access to top secret assets, the renewal period is 5 years³⁴.

³¹ Office for National Statistics, 2023, [Domestic abuse in England and Wales overview - Office for National Statistics \(ons.gov.uk\)](#).

³² Baroness Casey Review, 2023, Baroness Casey Review - Final Report, An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service, [BARONESS CASEY REVIEW Final Report \(met.police.uk\)](#)

³³ His Majesties Inspectorate of Constabulary, Fire and Rescue, 2022, An inspection of vetting, misconduct, and misogyny in the police service, [An inspection of vetting, misconduct, and misogyny in the police service - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectors.gov.uk\)](#)

³⁴ College of Policing, 2021, Authorised Professional Practice on Vetting, [APP on Vetting \(college.police.uk\)](#)

40. HMICFRS found that vetting renewal periods were too long³⁵. During Oral Evidence to the Public Bill Committee, College of Policing CEO Andy Marsh stated, “I am unlikely to put a new time limit on the period of vetting... our vetting systems should be good enough to pick them up in real-time³⁶.” Although we agree that vetting should be conducted on an ongoing basis if ‘adverse information’^{iv} about a police officer or staff member arises, Refuge argues that current policing systems cannot adequately identify potential police perpetrators of VAWG. **Therefore, Refuge recommends the time between the initial police vetting and re-vetting period is reduced from 10 years to 5 years or less in England and Wales.** Although we think that 3 years is the ideal time between initial and re-vetting, we understand that police forces are far from achieving this. Therefore, we argue that vetting should first be reduced to 5 years and the further reduced to 3 years.
41. Shorter periods between initial vetting and re-vetting already exist within some police forces in England and Wales. Derbyshire Police force has a policy of reviewing RV clearances every 3 years, MV clearances every 2 years or if the officer is subject to a misconduct investigation where a post-misconduct vetting review will be undertaken³⁷. Additionally, Lord Harris’ Independent Review of London’s Preparedness to Respond to a Major Terrorist Incident recommended that police resources should allow for full renewal vetting checks of existing officers, which should be done routinely at least every three years³⁸.
42. The implementation of shorter interval periods between initial and re-vetting needs to be matched with accountability mechanisms. Common standards for vetting should be enforced nationally, with sanctions upon non-compliant forces. Currently, renewals of vetting clearances are not being completed on time,³⁹ potentially placing the public at unnecessary risk. Refuge has recently submitted a Freedom of Information request to all police forces across England and Wales to understand the

³⁵ His Majesties Inspectorate of Constabulary, Fire and Rescue, 2022, An inspection of vetting, misconduct, and misogyny in the police service, [An inspection of vetting, misconduct, and misogyny in the police service - His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectors.gov.uk\)](#)

³⁶ UK Parliament, 2023, Criminal Justice Bill (Second sitting), [Criminal Justice Bill \(Second sitting\) - Hansard - UK Parliament](#)

³⁷ Information provided by Derbyshire Police as part of a Freedom of Information request

³⁸ Lord Toby Harris, 2022, London Prepared: A city-wide endeavour: An Independent Review of London’s Preparedness to Respond to a Major Terrorist Incident [harris_review - march 2022 web.pdf \(london.gov.uk\)](#)

³⁹ His Majesties Inspectorate of Constabulary, Fire and Rescue, 2022, An inspection of vetting, misconduct, and misogyny in the police service, [An inspection of vetting, misconduct, and misogyny in the police service - His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectors.gov.uk\)](#)

extent to which police officers and staff are working on expired vetting clearance. If of interest to the Committee, we can share these findings when we have received responses from police forces.

43. Therefore, we urge the Committee to amend the Bill to reduce the time between the initial police vetting and re-vetting period, from 10 years to 5 years or less in England and Wales.

44. Additionally, **we urge members to consider a statutory requirement to vet all police officers and staff upon transfer.** The College of Policing’s Authorised Professional Practice (APP) on vetting states that for transferees “in cases, where vetting clearance was completed more than 12 months ago and/or to a level lower than that required for the post they will be undertaking, a full re-vet will be required”.⁴⁰ Additionally, where an officer is subject to a complaint or conduct investigation that has not yet been finalised, they should not be allowed to transfer forces⁴¹. Although police forces should have regard to the Vetting APP, it is not a statutory requirement and the HMICFRS inspection into vetting, misconduct, and misogyny found that not all police forces were re-vetting transferees⁴². Additionally, the inspectorate found cases of transferee staff being granted vetting clearance when there were unresolved complaints or misconduct matters against them⁴³. Refuge recommends that a statutory requirement to re-vet all transferees will allow police forces to identify transferees with adverse information or who are subject to misconduct or complaints.

45. Refuge supports amendment NC8⁴⁴, tabled by Harriet Harman MP on the “Automatic dismissal of officers who fail vetting.” Although the Vetting Code of Practice was updated to include that if a person cannot pass vetting checks or

⁴⁰ College of Policing, 2021, Authorised Professional Practice on Vetting, [APP on Vetting \(college.police.uk\)](https://college.police.uk)

⁴¹ College of Policing, 2021, Authorised Professional Practice on Vetting, [APP on Vetting \(college.police.uk\)](https://college.police.uk)

⁴² His Majesties Inspectorate of Constabulary, Fire and Rescue, 2022, An inspection of vetting, misconduct, and misogyny in the police service, [An inspection of vetting, misconduct, and misogyny in the police service - His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectorates.gov.uk\)](https://justiceinspectorates.gov.uk)

⁴³ His Majesties Inspectorate of Constabulary, Fire and Rescue, 2022, An inspection of vetting, misconduct, and misogyny in the police service, [An inspection of vetting, misconduct, and misogyny in the police service - His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectorates.gov.uk\)](https://justiceinspectorates.gov.uk)

⁴⁴ House of Commons, 2023, Criminal Justice Bill (Amendment Paper), [criminal rm pbc 1220 \(parliament.uk\)](https://parliament.uk)

maintain clearance, they should be dismissed from policing⁴⁵, Refuge supports the inclusion of this amendment in primary legislation.

Police training on VAWG

46. **Refuge urges the Committee to introduce an amendment to mandate trauma-informed, culturally competent training on VAWG to all police officers and staff across England and Wales.** To address issues with culture and standards within policing and to improve the overall response to domestic abuse, adequate police training on domestic abuse and other forms of VAWG is necessary. Refuge routinely hears from survivors of victim-blaming by police officers and of a lack of understanding of the risks, nature and dynamics of domestic abuse which hampers the response to domestic abuse cases. However, implementation of police training across England and Wales is patchy. At the end of 2021, out of 38 forces that provided data, only 23 had adopted the Domestic Abuse Matters training and of those forces, 70% had trained less than half their officers⁴⁶. 9 forces had not given any officers specialist domestic abuse training. As a result of a patchy rollout just over 10 million people were living in areas where no officers had received the Domestic Abuse Matters training or an alternative⁴⁷. To tackle the culture of misogyny within policing, any training must be designed to identify problematic and concerning behaviours in officers undertaking the training and should be trauma-informed and culturally competent.

Ethical Policing – Clause 73

47. Clause 73 would add a new section 39B to the Police Act 1996, which would require the College of Policing to issue a Code of Practice on ethical policing. The Home Affairs Committee inquiry into policing priorities agreed with Refuge that the police service would only be fit to police VAWG, if it is able to police itself effectively first⁴⁸. We welcome the ambition to introduce a Code of Practice on ethical policing but would like to highlight that it should be implemented alongside measures recommended in paragraph 25 and further explained above, to ensure that police

⁴⁵ College of Policing, 2023, Vetting Code of Practice, [Vetting Code of Practice updated | College of Policing](#)

⁴⁶ The Guardian, 2022, Millions living in areas where police not trained in handling domestic violence, [Millions living in areas where police not trained in handling domestic violence | Domestic violence | The Guardian](#)

⁴⁷ The Guardian, 2022, Millions living in areas where police not trained in handling domestic violence, [Millions living in areas where police not trained in handling domestic violence | Domestic violence | The Guardian](#)

⁴⁸ House of Commons - Home Affairs Committee, 2022, Policing Priorities, [Policing priorities \(parliament.uk\)](#)

forces adhere to the Code developed in collaboration with the specialist VAWG sector.

- 48. Refuge encourages the Committee to support Clause 73 requiring the College of Policing to issue a Code of Practice on ethical policing, however, this needs to be implemented alongside additional changes to policing outlined in paragraph 25 and in further detail above.**

Police misconduct – Clause 74

49. Clause 74 would amend Section 85 and Schedule 6 of the Police Act 1996 to give Chief Constables a statutory route to appeal to the Police Appeals Tribunal. A similar provision would be made concerning local policing bodies (Police and Crime Commissioners) to appeal where the decision is related to a Chief Officer (or former Chief Officer). Refuge welcomes the changes to allow Chief Constables to dismiss predatory police officers and staff from police forces, however, we are concerned that on its own this will not be enough to ensure police forces adequately respond to VAWG misconduct and gross misconduct. This change alone will not address concerns about cultural issues that enable institutional misogyny and police abuse in the first place, nor will it solve the barriers to reporting VAWG perpetrated by police officers or improve the quality of investigations into police-perpetrated abuse. It is disappointing to see that the only lesson from cases of police perpetrated VAWG, including the murder of Sarah Everard and the crimes committed by Carrick is that Chief Constables don't have enough power to dismiss police officers. Police forces have had more than enough time and warning to stop perpetrators at a much earlier stage, however, due to a lack of prioritisation of VAWG and an underlying culture of misogyny that is focused on "protecting their own", perpetrators of abuse within the police force have been able to flourish without consequence.

- 50. Refuge therefore encourages the Committee to support Clause 74 to give Chief Constables a statutory route to appeal to the Police Appeals Tribunal, however, this must be implemented alongside additional changes to policing outlined in paragraph 25 and in further detail above.**

Annex One:

Table One: Number of accused officers/staff and suspension rates for the police forces who returned data.

Police Force	Number of police officers and staff accused of VAWG related misconduct or gross misconduct cases (May 2022-May 2023)	Number of police officers and staff accused of VAWG related misconduct or gross misconduct cases that were suspended during investigation (May 2022-May 2023)	Percentage of police officers and staff that were suspended when accused of VAWG related misconduct or gross misconduct (May 2022-May 2023)
Bedfordshire Police	24	13	54%
Cambridgeshire Constabulary	17	0	24%
Cheshire Constabulary	1	0	0%
Derbyshire Constabulary	10	1	10%
Devon and Cornwall Constabulary	37	18	49%
Dorset Police	14	9	64%
Dyfed-Powys Police	4	4	100%
Gloucestershire Constabulary	18	12	67%
Hampshire Constabulary	4	2	50%

Hertfordshire Constabulary	21	11	52%
Lancashire Constabulary	11	3	27%
Leicestershire Constabulary	23	6	26%
Lincolnshire Police	6	3	50%
Merseyside Police	18	4	22%
Metropolitan Police Service	687	84	12%
Norfolk Constabulary	21	10	48%
North Wales Police	6	5	83%
Northamptonshire Police	4	1	25%
Staffordshire Police	12	8	67%
Suffolk Constabulary	19	8	42%
Surrey Police	20	2	10%
Thames Valley Police	61	15	25%
West Mercia Police	21	16	76%

West Midlands Police	45	16	36%
West Yorkshire Police	8	4	50%
Wiltshire Police	12	10	83%

January 2024

ⁱ See Annex One

ⁱⁱ Teaching work

3.—(1) Subject to paragraph (3), each of the following activities is teaching work for the purposes of these Regulations—

(a) planning and preparing lessons and courses for pupils⁽¹⁾;

(b) delivering lessons to pupils;

(c) assessing the development, progress and attainment of pupils; and

(d) reporting on the development, progress and attainment of pupils.

(2) In paragraph (1)(b) “delivering” includes delivering lessons through distance learning or computer aided techniques.

(3) The activities specified in paragraph (1) are not teaching work for the purposes of these Regulations if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher⁽²⁾ or other person nominated by the head teacher to provide such direction and supervision.

ⁱⁱⁱ Due to the time between survivors reporting, charges and prosecutions, Survivors who experienced domestic abuse in one year will not receive prosecutions that same year.

^{iv} adverse information is not defined in the Vetting Code of Practice, however would include information on domestic abuse or sexual violence to name some examples.