Isle of Man Government
Reiltys Ellan Vannin

Domestic Abuse Act 2020 Implementation Plan

Issued 24 March 2022

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November 2022

INTRODUCTORY STATEMENT BY THE MINISTER

Domestic abuse is an issue that cuts into the very fabric of our Island lives.

For many of us, particularly during the recent pandemic, home is a sanctuary and a place where we can feel the most comfortable and protected. Domestic abuse is, therefore, one of the worst crimes as it undermines this place of safety and instead, makes the home a place of fear and harm. This is magnified when there are children within that home, and their lives are also affected negatively by what they see, hear and experience.

The pandemic highlighted further the issue of domestic abuse on our Island, and as a result of this, the Isle of Man Constabulary worked with partner agencies to develop initiatives such as creating safe spaces within supermarkets and pharmacies, where victims of domestic abuse were able to contact support services, who could provide emergency accommodation for victims of domestic abuse, particularly during the periods of lockdown.

However, this was only part of the wider picture that will be seen when the Domestic Abuse Act 2020 is fully implemented. This Act will finally see a legal basis for the protection and support of people in abusive domestic environments and the bringing to justice of perpetrators, alongside other interventions including restorative and preventative pathways.

To be clear, this is not something that the Department of Home Affairs or Isle of Man Constabulary can do alone. Implementation of the Domestic Abuse Act will require all parts of Government to work together to deliver a range of actions including court procedures, secondary legislation, training and support and intervention services.

Statutory Guidance will be issued to ensure that all parties playing a role in delivering services to support the wider Domestic Abuse framework are clear on their objectives. However, the legislation and Guidance will not be enough. Service development and delivery will be central to supporting those affected by domestic abuse.

Implementation of the Domestic Abuse Act heralds positive change. Once the full Domestic Abuse framework is in place, this will also fulfil the personal commitment made by the late Minister, Bill Malarkey, MHK, who championed this legislation and for whom it is a legacy for the Island.

Hon Jane Poole-Wilson, MHK
Minister for Justice and Home Affairs
24 March 2022

1. Overview and Background

1.1 Consultation

1.2 In summer of 2018, The Diversion of Offenders and Domestic Abuse Bill 2018 was part of a Public Consultation undertaken in connection with Criminal Justice, Offender Management, Sentencing and Domestic Abuse - https://consult.gov.im/home-affairs/criminal-justice-2018/

Consideration of the feedback following that consultation lead to the publication of a discrete Domestic Abuse Bill.

1.3 A targeted consultation followed in 2019, whereby the draft Bill was circulated to key stakeholders, accompanied by a covering letter from the then Minister.

These stakeholders were:

- Members of Tynwald
- Attorney General's Chambers
- Chair of Safeguarding Board
- Chief Constable
- Chief Registrar
- DHSC CEO
- Graih
- Public Health
- Safe Strong Secure (3S)
- Space 4 Action
- Victim Support
- Women's Refuge

Those consulted were asked to respond by the 27 August 2019. Feedback was reviewed and the key points considered and addressed.

1.4 Legislative progress

Following finalisation and leave to introduce to the legislative branches, the Bill was introduced into the House of Keys on the 22 October 2019.

1.5 During the time the Bill spent within the Legislative Council, considerable engagement took place. Specific evidence was taken on the 11 February 2020, following a motion to undertake a Committee of the Whole Council and several witnesses were invited to provide their evidence at that time. Subsequently this evidence was reviewed and considered as part of the scrutiny of the Bill in that chamber.

1.6 Amendments to the Bill brought within the Legislative Council were considered and following disagreement with a number of these amendments in the House of Keys, deputations were elected from the branches to consider the amendments, and two deputation reports produced; one for the House of Keys (PP 2020/0135), and one for the Legislative Council (PP 2020/0136), that set out a proposed resolution of that deadlock in respect of ages in certain provisions.

The proposals were that:

- For domestic abuse protection notices and domestic abuse protection orders (Clauses 7 and 18), the minimum age limit would be 14, meaning that people aged 14, 15, 16 and 17 would be able to receive such notices and orders.

- For the domestic abuse offence (Clause 35), the minimum age limit would be 16, meaning that the offence would apply to young people aged 16 and 17. There would also be power for the Department of Home Affairs to reduce the minimum age limit for this offence, subject to the approval of Tynwald; but the Department could not specify minimum age for this offence which was lower than the general age of criminal responsibility.

- For the coercive and controlling behaviour offence (Clause 36), the minimum age would be 16. There would be no power for the Department to reduce the age limit for this offence.

These reports were laid, one in each Branch, and agreed on the 23 June 2020.

1.7 The Act received Royal Assent on the 20 October 2020.

1.8 Ongoing consideration by Social Affairs Policy Review Standing Committee of Tynwald

Following progression of the Domestic Abuse Bill within the Legislative Council - Ms Lord-Brennan, MLC, requested in writing on the 04 May 2020 that the Social Affairs Policy Review Committee (SAPRC) look into the implementation of the Domestic Abuse Act.

The SAPRC called for submissions of evidence in respect of this via a media release on 20 January 2021, requesting submissions on the topic of domestic abuse to be received by 10 February 2021.

The SAPRC's call for evidence which contained a link to Ms Lord-Brennan's letter can be found here: https://www.tynwald.org.im/about/news/Pages/2103.aspx

The Committee received one confidential response following their call for evidence and deemed that to not be suitable for publication.

The Committee note in their fifth Report for the session 2020-21 - End of term report (PP 2021/0154) that they will keep a watching brief on Domestic Abuse and would be amenable to scrutiny in the future.

1.9 Justice Reform Act 2021

Certain matters raised during the passage of the Domestic Abuse Bill were relevant to both that Bill, and the Sexual Offences and Obscene Publications Bill. Thus, the following such matters were incorporated into the Justice Reform Bill during its passage:

Information sharing: There was already a clause within the Domestic Abuse Bill (clause 44[1]) that related to disclosure of information by the Isle of Man Constabulary that was for the purpose of preventing and mitigating the effects of Domestic Abuse (providing for a "Clare's law" type scheme)[2]. A more general provision was included at Clause 5 within the Justice Reform Bill in relation to disclosure of information for the purposes of public safety, preventing or reducing crime, disorder or anti-social behaviour, for safeguarding the welfare of a particular Person, or where it is otherwise in the public interest.

Stalking and Harassment: Part 8 Harassment and Stalking of the Justice Reform Act 2021 makes changes to the Protection from Harassment Act 2000 based on provisions within England and Wales and extends the law to include stalking, restraining orders on acquittal and other key points.

Choking, suffocation and strangulation: The amendment to the Criminal Code 1872 inserted by section 18 of Schedule 1 of the Justice Reform Act 2021 creates a new section 36 *Choking, suffocation and strangulation* with its drafting based on the statutes of New South Wales 1900/40/37 (as substituted by NSW 2014/23/Sch. 1).

Consent to injury or risk of death for sexual gratification not a defence: The amendment to the Criminal Code 1872 inserted by section 18A of Schedule 1 of the Justice Reform Act 2021 creates new sections 36A, 36B and 36C which provide that consent to injury or risk of death for sexual gratification cannot be a defence. This was included, following engagement with Mrs Lord-Brennan, MLC, to preclude the so called "rough sex defence".

2. The Act

2.1 Basis of the Act

Within the terms of the Criminal Justice Strategy, the Department committed to providing legislation that enabled an appropriate response to crime.

One of the key types of crime where it became clear that new powers were required, was where crime is committed in the home, or if not in the home, amongst or against persons within intimate or wider family relationships. Physical, psychological, emotional, financial, or any other abuse whether against or between adults or children within the domestic setting can be devastating to the victim and has much wider consequences, not least where children are involved.

The Department therefore brought forward provisions within a Domestic Abuse Bill to address the issues of coercive or controlling behaviour, and indeed domestic abuse itself.

As part of the background landscape to the Bill, there was an awareness that when police are called to domestic incidents it would be especially helpful if they had the necessary legal powers to take immediate steps to address the particular situation they encounter, by way of an immediate domestic abuse protection notice.

THE ACT

[1] Now section 44 Regulations about the disclosure of information by the Constabulary: https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2020/2020-0012/DomesticAbuseAct2020_1.pdf

[2] See Domestic Abuse Act 2020 Implementation Plan 2022

A further vital aspect was identified as being statutory guidance that those involved in delivery of the wider framework around domestic abuse must take into account when carrying out their functions.

The Island's Domestic Abuse Bill made its progress from consultation through to receipt of Royal Assent, concurrent with the passage of the UK's Domestic Abuse Act 2021. There are broad similarities, where drafting was based largely upon provisions from the Domestic Abuse Bill presented to the House of Commons in July 2019 (House of Commons Bill 422 of the 2017-19 Session, and which was subsequently reintroduced as House of Commons Bill 2 of the 2019-20 session following the prorogation at the end of the 2017-19 Session). Some other provisions were from the Serious Crime Act 2015 (also an Act of Parliament).

2.2 Content of the Act

The Act comprises of a total of 55 sections spread across 5 distinct Parts. A Schedule supplements the section 27 *Arrest for breach of order* with further provision about remand under that section.

Briefly the layout of the Act is as follows:

Part 1 - Introduction

Interpretations, Definitions and Presumptions

Part 2 - Domestic Abuse

Division 1: Domestic Abuse Protection Notices – comprising of sections 7 to 13.

A "domestic abuse protection notice" is a notice prohibiting an individual from being abusive towards a person aged 16 or over to whom the individual is personally connected.

Division 2: Domestic Abuse Protection Orders – comprising of sections 14 to 34.

A domestic abuse protection order means an order which, for the purpose of preventing a person from being abusive towards a person aged 16 or over to whom the individual is personally connected, prohibits certain behaviours.

Part 3 - Abusive Behaviour: Offences

Division 1: Offences - comprising of section 35 *The domestic abuse offence* and section 36 *The controlling or coercive behaviour offence.*

Division 2: Procedural Provisions – comprising of section 37 *Behaviour occurring outside the Island* and section 38 *Conviction of alternative offence.*

Division 3: Aggravation - comprising of section 39 *Aggravation of offence where victim is under 18,* section 40 *Aggravation of offence where a child is otherwise involved* and section 41 *Power to amend Division.*

Part 4 - Prohibition of Cross Examination in Person

Division 1: Proceedings in the Courts of Summary Jurisdiction – comprising of section 42 *Summary Jurisdiction Act 1989 amended*.

Division 2: Proceedings under the Matrimonial Proceedings Act 2003 – comprising of section 43 *Matrimonial Proceedings Act 2003 amended*.

These provisions will ensure that in family proceedings, no party to the proceedings who has been convicted of, or given a caution for, or is charged with, a specified offence may cross-examine in person a witness who is the victim, or alleged victim, of that offence.

Part 5 - Closing Provisions

Division 1- Regulations Etc. – comprising of section 44 *Regulations about the disclosure of information by the Constabulary,* section 45 *Data from electronic monitoring: code of practice* and section 46 *Guidance*. These provisions respectively do the following:

- place on the Department a requirement to make Regulations about the disclosure of police information by the Constabulary for the purposes of preventing and mitigating the effects of domestic abuse.
- place on the Department a requirement to issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic monitoring requirements imposed by domestic abuse protection orders.
- provide that the Department may from time to time issue, revise and replace guidance relating to the exercise of functions under or by virtue of this Act.

Division 2- Consequential and Minor Amendments – comprising of section 47 *Children and Young Persons Act 1966 amended,* section 48 *Consequential and minor amendments to the Land Registration Act 1982* and section 49 *Repeal of amendment contained in Central Registry Act 2018.*

These provisions respectively do the following:

- make a few amendments to subsection (1) of the Children and Young Persons Act 1966. After the word "wilfully" is inserted "or recklessly" and after "illtreats" is inserted "(whether physically or otherwise)" and these amendments are to clarify matters in court proceedings. Subsection (2)(e) is a clarification and refers to a fine by its modern term ("level 5 fine")
- provide a change to allow that the property and address details that an individual would wish to remain hidden from their abusive partner are kept private, where without these changes they would otherwise have found that this information was to be held within the public domain as a matter of Land Registry record.

Schedule

Further provisions concerning remand under s.27 where a person is arrested for breach of a domestic abuse prevention order.

KEY STAKEHOLDERS

3. Key Stakeholders for Delivery

- Attorney Generals Chambers Drafters & Prosecutions Division
- Cabinet Office - Public Health
- Department for Enterprise – Land Registry
- Department of Education, Sport and Culture
- Department of Health and Social Care
- General Registry
- Isle of Man Constabulary
- Isle of Man Law Society
- Judiciary
- Manx Care
- Prison and Probation
- Third Sector
- Treasury and Legal Aid

KEY COMMITMENTS

4. Key Commitments

A stable framework for Domestic Abuse services to be delivered We aim to develop and establish a strong governance framework formed of legislation, statutory guidance and an overarching strategy. This will ensure that Domestic Abuse services are of a high quality, underpinned by National Institute for Health and Care Excellence (NICE) quality standards. That they are shaped around the identified needs of victims and perpetrators at all levels of risk. That adequate oversight and improvement will be possible by continuous review of these services. By providing a framework for the commissioning and delivery of statutory and specialist domestic abuse services, we will ensure that these are focused around the needs of the victim, and the perpetrator, to provide the best outcomes possible.
An open dialogue with stakeholders We commit to engagement and transparency with all key stakeholders, in particular the input of the third sector who provide valuable support and services in these areas, which will be critical.
Clear and transparent communication about what is being done We will establish a communications strategy to support the aim of raising awareness of Domestic Abuse and encouraging more victims to come forward, as well as educating the public on the signs of abuse.
A clear and legal basis for information to be shared between key parties

We will develop and agree effective information sharing and referral pathways between key agencies, to ensure victims of abuse are identified and protected. The legal basis for this exchange of information comes from s.44 of the Domestic Abuse Act 2020, and s.5 of the Justice Reform Act 2021.

Key areas for Implementation

4.1 Statutory Guidance / Secondary Legislation

Detailed planning around the various items of Statutory Guidance and Secondary Legislation that may be required, can be found within Appendix 1. In relation to Part 4 of the Domestic Abuse Act 2020, the Department will work alongside the Treasury and the Legal Aid Committee to scope when suitable Regulations might be brought forward and once a clear timescale for these has been discerned that information will be incorporated into Appendix 1.

4.3 Wider Guidance / Resources / Training / Services / Systems

Detailed planning around setting out the other matters that need to be addressed as part of the overall Domestic Abuse Framework can be found within Appendix 2.

5. Risks / Challenges

5.1 Some of the key risks and challenges that will need to be faced in providing an effective Domestic Abuse Framework are set out in Appendix 2.

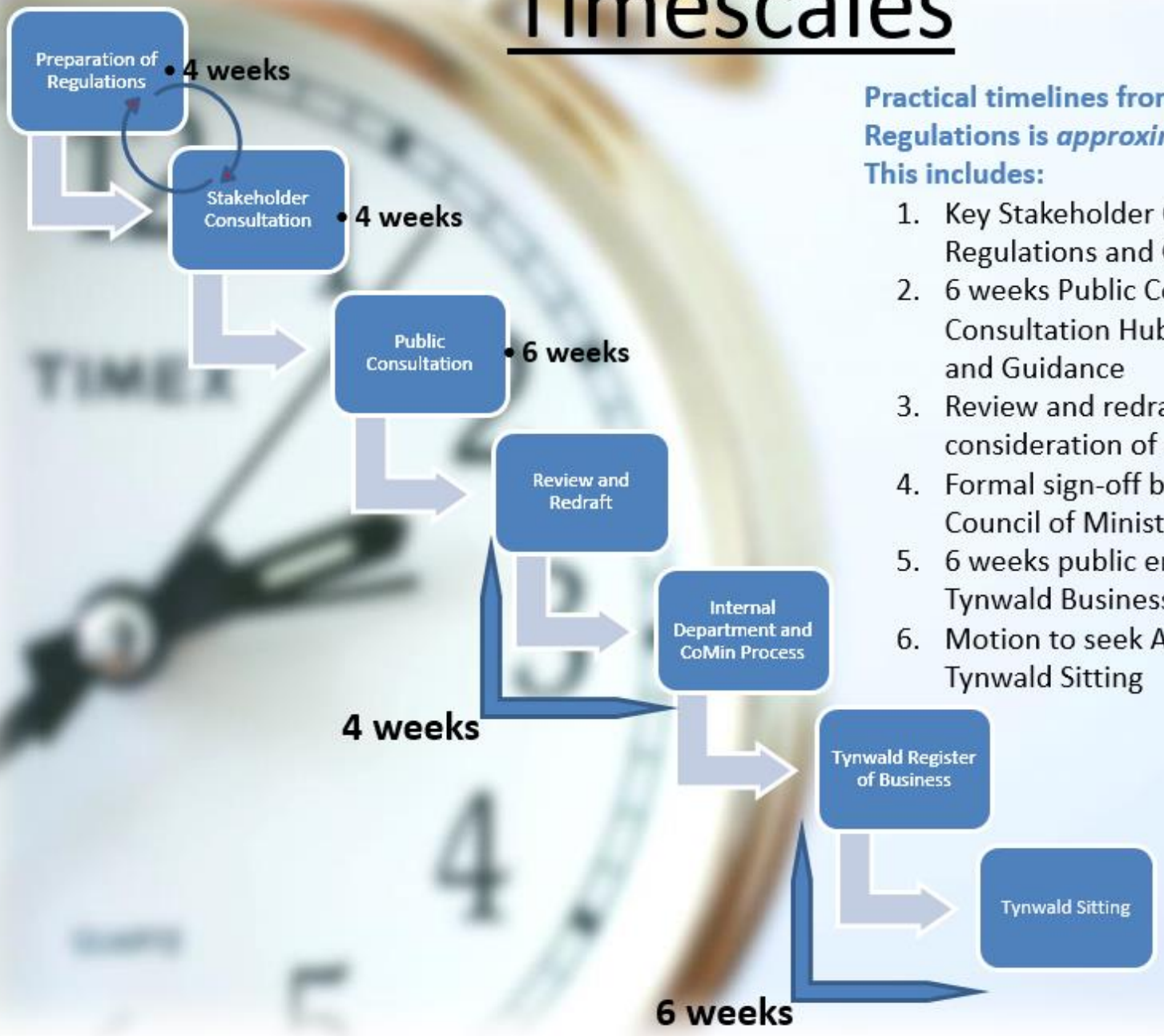
5.2 Key primary and secondary legislation, statutory guidance, and commissioned services will all be needed in alignment to effectively implement in a "joined up" way the Sexual Offences and Obscene Publications Act 2021, the Domestic Abuse Act 2020 and wider changes brought by the Justice Reform Act 2021.

Ensuring joined-up changes on such a broad scale is a challenge in itself; there are many "moving parts" within the process, multiple organisations and key stakeholders who will be impacted and require training programmes to be in place within those individual agencies so they are ready to operate under new legislation. In addition, understanding of the wider service requirements across the piece, and identification of gaps where these exist, is needed.

An overview of the stakeholders involved within the delivery of each piece of legislation can be found on the following page.

STAKEHOLDER MAP

Timescales



Practical timelines from in-draft, to finalised Regulations is *approximately* 5 months.
This includes:

1. Key Stakeholder Consultation on draft Regulations and Guidance
2. 6 weeks Public Consultation via Consultation Hub on draft Regulations and Guidance
3. Review and redrafting time in consideration of consultation feedback
4. Formal sign-off by Department and Council of Ministers leave to progress
5. 6 weeks public entry on the Register of Tynwald Business
6. Motion to seek Approval/Lay before Tynwald Sitting

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

Complete | On track | Risk to delivery | Not on track | No action required for implementation

Key:
Q1: Jan-March **Q3**: July – Sept
Q2: Apr – June **Q4**: Oct - Dec

Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
Part 1	✓	Appointed Day Order	TBC	TBC		Appointed Day Order in relation to Parts 1 (sections 1-6), Part 2 (sections 7 -23 & 25-34), Part 3 (sections 35-41), Part 5 (section 46- 49) & the Schedule will be brought into operation on 4th January 2023.
Part 2		Section 15(2): Regs to set out any additional persons who might apply for a Domestic Abuse Protection Order (DAPO) if required. Tynwald procedure – Approval required.	Q1 2022	~~Q4 2022~~ TBC		**November 2022:** ✖ Regulations are not considered applicable for implementation of the Act. *Electronic monitoring will not initially be a component of Domestic Abuse Protection orders at the
		Section 17(8): Order to include additional "relevant proceedings" of a kind referred to in 17(6), if required, i.e. to add to the list set out at 17 of those proceedings in which a DAPO might be made. ✖ Tynwald procedure – Approval required.	Q1 2022	~~Q4 2022~~ TBC		
	✓	Section 24(5): Regs making further provision about electronic monitoring requirements for a DAPO, as required, namely the person responsible for the monitoring. Tynwald procedure - Approval required.	Q1 2022	Q4 2022		
		Section 28(7): Regs specifying further notification requirements which a court might impose when making or varying a DAPO (excluded when individual is already subject to Sexual Offender reporting). ✖ Tynwald procedure - Approval required.	Q1 2022	Q4 2022		
			Q1 2022	Q4 2022		

		Section 29(1) The Department may by Regs setting out notification requirements for those subject to a DAPO who leave the Island, or return to the Island, if required.√ Tynwald procedure - Approval required, and; Section 30(1): Regs related to a notification under section 28 or 29 must prescribe, in addition to other means, a means of electronic communication (within the meaning of Electronic Transactions Act 2000). √	Q1 2022	Q4 2022		time of implementation. √ Regulations required for implementation of the Act. Drafting complete. Approval will be sought at December Tynwald.
Part 3	✓	Section 35(1): In connection with the Domestic Abuse Offence, the Department may by Order specify that this offence applies to a person aged under 16 years of age. Tynwald procedure - Approval required.	Q1 2022	~~Q4 2022~~		Consideration will be given to the policy basis for such an Order. **November 2022:** There is no intention to bring forward an Order for implementation. Should the Department progress such an Order in the future, this will be subject to extensive public consultation.

		Section 41(1): The Department may by Order amend the Division 3 *Aggravation* [of Offence] to add, vary or remove provisions about factors which constitute aggravation of the domestic abuse offence or the controlling or coercive behaviour offence in addition to those already set out at s.39 and 40. Tynwald procedure - Approval required.	Q1 2022	~~Q4 2022~~		**November 2022:** There is no intention to amend this Division at this time. Should the Department progress such an Order, this will be subject to extensive public consultation.
Part 4	✗	Prohibition of Cross-examination in Person Sections 42 and 43 make amendments to the Summary Jurisdiction Act 1989 and Matrimonial Proceedings Act 2003. Treasury, following consultation with the Deemsters, may make regulations in respect of the costs of advocates appointed under s.53F SJA 1989 and s.114F of the MPA 2003. Tynwald procedure – Approval required.	TBC	~~TBC~~ By Q3 2023		**November 2022:** Ongoing. Regulations will not be in place for the implementation of the Act and therefore Part 4 will not come into operation in January. Regulations will be brought forward in relation to costs of Advocates by September 2023. Engagement

			Section 42 and 43: Within the amendments made to the SJA 1989 and the MPA 2003, at 53B(5), and 114B(5) respectively being the definition of 'specified offence', Regs may be brought to provide additional definitions. Tynwald procedure - Approval required.	Q1 2022	~~Q4 2022~~ TBC		with Treasury has commenced. **November 2022:** This gives the Department the power to make Regulations but these are not considered applicable for implementation of the Act.
Part 5		✓	Section 44(1): Regs making provision for the disclosure of police information by the Constabulary for the purposes of preventing and mitigating the effects of domestic abuse. Tynwald procedure - Approval required.	Q1 2022	~~Q4 2022~~ TBC		**November 2022:** Ongoing. Regulations will not be in place for the implementation of the Act and therefore Section 44 will not come into operation in January. Regulations will be required for the purposes of disclosing information held by the Police. See the section

					below for further information.
	Section 45(1): Code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic requirements imposed by domestic abuse protection orders. Tynwald procedure - Laid before.	Q1 2022	~~Q4 2022~~ By Q3 2022		**November 2022:** Electronic monitoring will not initially be a component of Domestic Abuse Protection orders at the time of implementation of the Act. Ahead of electronic monitoring being included in a Domestic Abuse Protection Order a Code of Practice will be published relating to the processing of data gathered
	Section 46(1) Statutory guidance relating to the exercise of functions under or by virtue of this Act. Tynwald procedure - Laid before.	Q1 2022	Q4 2022		**November 2022:** On track. Targeted consultation with relevant stakeholders on Domestic Abuse Protection Notices and Orders Statutory

							Guidance began in August 2022. Guidance will be laid before Tynwald in December 2022. The intention is to draft a broader guidance document for frontline professionals which will initially be issued as a best practice document.

	Appendix 2 – Key Deliverables Wider Guidance/Resources/Training/Services/Systems			
Version History		Version 1.0: Plan issued March 2022		
Key Deliverables	**Risks/Challenges**	**Time Frames**	**Status**	**Progress commentary**
Domestic Abuse Framework Key primary and secondary legislation, statutory guidance, a detailed overarching strategy and commissioned services will all be needed in alignment to effectively implement the new Island framework. The existing Domestic Abuse Strategy would be reviewed and updated as part of this process.	There has to be a cohesive approach to the development and implementation of each segment of the framework to be able to deliver every aspect of the service needed to provide an effective Domestic Abuse framework. The key challenge is how to make these agile ways of working, the different approaches part of the overarching framework and how to build on them without creating a scenario where key participants time is spent in meetings and discussions rather than taking direct action to support victims and perpetrators of Domestic Abuse.	Publish a comprehensive implementation plan for the Domestic Abuse Act 2020 detailing the key areas and services for implementation, risks and challenges and timescales in March 2022.		**November 2022:** Complete. Plan published March 2022. A Domestic Abuse Project Board has been established to provide oversight, monitor performance and progress on the actions required to implement the Act.
		Finalise ~~stakeholder~~ internal feedback and publish a Domestic Abuse Strategy for consultation by ~~July 2022~~. February 2023.		**November 2022:** Ongoing. Scoping of infrastructure and services is currently taking place to develop a Domestic Abuse Strategy based on a community co-ordinated response. Whilst a draft strategy has been produced this requires consultation and will not be in place for implementation. A draft working protocol will instead be in place to outline objectives and how agencies will work together to tackle Domestic Abuse.

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Key Deliverables	**Risks/Challenges**	**Time Frames**	**Status**	**Progress commentary**
		Undertake consultation with Third Sector and Stakeholder Partners on Statutory Guidance in July 2022.		**November 2022:** On track. DAPO/DAPN Statutory Guidance has been drafted and shared with relevant parties for feedback. Our approach will be to issue specific guidance on DAPN/O procedures and processes. A broader best practice guidance will be drafted with our partners for frontline professionals, with formal consultation to follow.
		Bring forward an Appointed Day Order bringing the Act into operation to be laid before Tynwald by December 2022.		**November 2022:** ADO will be laid before January 2023 Tynwald. Parts 1 (sections 1-6), Part 2 (sections 7 -23 & 25-34), Part 3 (sections 35-41), Part 5 (section 46- 49) & the Schedule will be brought into operation on 4th January 2023.

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Domestic Abuse Strategic Co-ordinator Recruit a specific project resource to support the implementation of the Act, Framework, and a national Domestic Abuse Strategy. The key responsibilities of the Domestic Abuse Strategic Co-ordinator will be: • Act as a lead coordinator and facilitator for the Domestic Abuse Strategy and action plan; • Support the development of services and responses that reduce the impact of all forms of domestic abuse and violence on victims and their children; • Support the development of services that work with perpetrators of all forms of domestic abuse and violence; • Development of Guidance required to effectively enact the Domestic Abuse Act 2020.	Scope and timescales for delivery. Need for resource and support from partner agencies to drive forward work will be critical.		Q1 2022.		**November 2022:** Complete. An appointment to this role was made and the Co-ordinator commenced their role in February 2022.

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Review and revision of Court Rules Provide for new Domestic Abuse Protection Notice and Domestic Abuse Protection Order processes. Attorney General's Drafters are undertaking a review and revision of Court Rules, particularly those rules that will be required to support the implementation of the court processes required by provisions within the Act. As part of this review, small corrective actions have been identified to make a targeted adjustment to the Domestic Abuse Act, thereby enhancing operation of the Domestic Abuse Protection Orders across all "family proceedings".	Alignment across all key stakeholders for implementation of the Act will be critical. Resources within General Registry will be focused on delivery of both the AXIOM project and a number of other major legislative reforms including those in relation to adoption, capacity and divorce.	~~Q3 2022.~~ Q4 2022		**November 2022:** On track. The Summary Jurisdiction (Domestic Abuse Protection Orders) Rules 2022 have been drafted and approved by the members of the Judiciary. A draft of High Court Rules have been prepared and will be approved ahead of implementation. Timescales amended to reflect delivery.
Intersection with Land Registry changes where any secondary law is needed to align with changes found within sections 48 and 49. These changes relate to the requirement to keep private the details of the property and address details that an individual would wish to remain hidden from their abusive partner, and would otherwise have found that this information was to	~~Secondary legislation will be needed to accommodate these changes and will be developed and consulted upon by the Land Registry.~~	~~Q4 2022~~.		**November 2022:** No Regulations are required for the amendments to the Land Registry Act.

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be held within the public domain as a matter of Land Registry record.				
Training and Education[3] Specific Domestic Abuse training for all frontline staff is crucial; this will ensure that professionals are able to spot the signs of domestic abuse early and help identify the right intervention at the right time to a level appropriate to their role.	The identification of training need(s) to be established by stakeholders. Once training need(s) have been identified, training packages will be systematic and mandatory for frontline staff as directed by the stakeholder. The Isle of Man Constabulary has prepared a training package which can be rolled out but this is reliant on additional guidance/secondary legislation. Broader training is required for Manx Care this needs to be identified and delivered in short timescales.	Initial identification and training Q2 – Q4 2022.		**November 2022:** Ongoing. Training needs analysis is being conducted by the relevant stakeholders. A basic awareness training package is being prepared which all Government employees can access to raise awareness and how to respond to Domestic Abuse. An interactive training package is in development to train police officers on Domestic Abuse Protection Notices and Orders processes. Officer training commenced November 2022. Training for specialist units on the legislation will be funded

[3] Training in this context focusses on delivery by those key internal stakeholders of the Act itself and supporting framework, other schemes and supporting services within the third sector that signpost access to Domestic Abuse support will be addressed separately by those parties.

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	Training and educating teachers on the signs of abuse and ensuring that the relevant reporting pathways are signposted is also key and may take time to embed.			and supported by the Attorney General's Chambers. Expected delivery is in January 2023. Training on the legislation has been extended to the Judiciary, Law Society and specialist frontline professionals who will work in the Sexual Assault Referral Centre.
Commissioned Services for victims and perpetrators Services will be jointly commissioned against stated outcomes and will be evidence based. Using NICE, the effectiveness of the interventions will be measured over time and performance indicators put in place to ensure responsiveness and continuous improvement.	Provide a framework for the commissioning and provision of statutory and specialist domestic abuse services, ensuring that they are high quality and shaped around the identified needs of victims and perpetrators at all levels of risk. The need for services such as a housing service, to allocate accommodation for the temporary housing of alleged perpetrators, once removed from the home through the use of DAPN/O's, will be another core aspect. Lack of threat-safe accommodation for victim, lack of housing to remove and house perpetrator, lack of understanding of risk	Q4 2022		**November 2022:** Ongoing. The current strategic needs assessment is being reviewed and a baseline provision set created to better understand the current provisions and services for domestic abuse and identify where the gaps are. Scoping of infrastructure and services is taking place to develop a Domestic Abuse Strategy based on a community co-ordinated response.

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	imminence, lack of clear guidance for escalation.			
Statutory Guidance Framework This guidance will set standards and promote best practice. The guidance will be aimed at statutory and non-statutory bodies working with victims, perpetrators and commissioning services, including, but not limited to the police, Department of Health and Social Care and Manx Care to increase awareness and inform their response to domestic abuse.	Devising guidance that is clear and concise and accessible to all parties will be a challenge given the wide range of matters to be covered and the varied stakeholders who will be impacted by this guidance.	Undertake consultation with Third Sector and Stakeholder Partners on the Statutory Guidance Framework of Practice in July 2022.		**November 2022:** On track. Targeted consultation with relevant stakeholders on Domestic Abuse Protection Notices and Orders Statutory Guidance began in August 2022. Guidance will be laid before Tynwald in December 2022. Broader standards and best practice will initially be contained in non-statutory guidance to allow development as the Act is implemented.
Prohibition of Cross-examination The structure and financial impacts of the provisions provided for under the Summary Jurisdiction Act 1989 and the Matrimonial Proceedings Act 2003 where an advocate is appointed to prevent an abuser conducting cross-examination in person will need to be put in place.	Draft Regulations will be initially subject to drafting and review by Treasury, prior to progression, following further engagement with Treasury and the Legal Aid Committee.	~~Timescales will be added following engagement with Treasury as per note at 4.1.~~ Q3 2023		**November 2022:** Ongoing. Prohibition of Cross-examination relates to Part 4 of the Act which will not be switched on in December 2022. Regulations will be required and these will be brought forward in respect of Advocates costs no later than Q3 2023. Timescale amended to reflect.

	Appendix 2 – Key Deliverables Wider Guidance/Resources/Training/Services/Systems			
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Key Deliverables	**Risks/Challenges**	**Time Frames**	**Status**	**Progress commentary**
Domestic Violence Disclosure Scheme The Domestic Violence Disclosure Scheme (DVDS) in the UK, also known as "Clare's Law" enables the police to disclose information to a victim or potential victim of domestic abuse about their partner's or ex-partner's previous abusive or violent offending. If this type of scheme is to be put in place within the Island, the legal basis for this exchange of information comes from s.44 of the Domestic Abuse Act 2020.	Existing arrangements will be considered in the light of new provisions introduced by this Act to determine whether such a scheme is required in an Isle of Man context.	~~Q4 2022.~~ TBC		**November 2022:** Ongoing. The Act provides for the disclosure of information held by the Constabulary for the purposes of preventing and mitigating the effects of domestic abuse. In practice this paves the way for Regulations to be made under which the Isle of Man Constabulary would disclose information to an individual, either proactively, where the Constabulary has identified a need for this information to be shared, or reactively, where an individual has made an application for information to be shared about another person (for example a partner). The making of Regulations setting out a detailed statutory process would require all information gateways to be fully described (i.e. making clear who can ask, how they ask, how a decision is made and what other circumstances might see information proactively disclosed). The formal application and determination

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				processes that would be followed in each unique instance would also need to be set out within these Regulations. Feasibility to the introduction of an information sharing arrangements and where that would sit in terms of prioritisation will be considered from January 2023 onwards and will form a part of the Domestic Abuse Strategy.
Public Protection Arrangements to manage perpetrators and the risk they represent Establish comprehensive Public Protection Arrangements across relevant agencies and Departments including comprehensive training and agreed governance arrangements. This multi-agency way of working ensures that public protection arrangements include adequate risk assessment which identifies perpetrators, reduces the risk to potential victims and puts safeguarding in place to protect	Multi-Agency collaboration can be challenging and requires all parties to regularly attend meetings and to share information. Fundamental difficulties might include: • lack of service buy-in • lack of service funding • lack of threat-safe accommodation for victim • lack of housing to remove and house perpetrator • lack of understanding of risk imminence	Initial co-location of the Police Early Action Team with social services by ~~April~~ December 2022. Consideration of co-location of Isle of Man Constabulary protective services team with partners to create a proto-Multi-Agency Safeguarding Hub is ongoing. Establishment of comprehensive Public Protection Arrangements across relevant agencies and the Department of Home Affairs including comprehensive training and agreed governance arrangements by September 2022.		**November 2022:** Actions combined due to the identification of additional requirements to ensure effective co-location. Revised target date of December 2022.

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victims. These are all key parts of the ongoing protection that the criminal justice system framework provides. Information sharing and referral pathways between key agencies, to ensure victims of abuse are identified and protected is built from a legal basis for this exchange of information found within existing legislation as it relates to sexual offenders and how they are monitored, and also more generally within section 5 of the Justice Reform Act 2021.	• lack of clarity in guidance for escalation • Lack of crisis funding	TBC		**November 2022:** Ongoing. Governance arrangements and guidance drafted. Training will be undertaken in Dec 22/Jan 23.
Care pathways to support the victims of Domestic Abuse The Department of Home Affairs is leading on the objective to ensure appropriate provision of services and support is available to any victim by performing an evaluation and review of the provision of service, protection from abuse and support for adult and child victims and the vulnerable, where necessary and to ensure multi-agency intervention takes place swiftly and appropriately.	As above for Multi-Agency collaboration.	As above.		**November 2022:** Ongoing. Care pathways are being mapped with regards to the different pathways through which a person who is a victim or survivor of domestic abuse, can come in to the system and then start to be the recipient of support and services from the different agencies. This has been mapped by Manx Care and the Department of Health and Social Care.

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Independent Domestic Violence Advisors (IDVA's) The main purpose of Independent Domestic Violence Advisors (IDVA) is to address the safety of victims at high risk of harm from intimate partners, ex-partners or family members to secure their safety and the safety of their children.	The role of these advisors is pivotal in supporting those who have been victims of domestic abuse and their families. Consideration of how IDVAs might be engaged and trained and from where these individuals will be drawn is key to supporting as many individuals who have experienced domestic abuse as possible.	Timescales to be put in place once a wider scoping of available resources has been undertaken.		**November 2022:** Scoping Ongoing. Linked to care pathways and public protection work – see above updates.
Baseline Data The new offences will likely result in the number of recorded crimes increasing as the new offences and services come into operation. ~~The current strategic needs assessment will need to be reviewed and a baseline data set created to better understand the current activity levels of domestic abuse and monitor the efficacy of interventions.~~ This will enable the identification of longer-term goals and resourcing requirements, and proposals aimed at delivering a sustainable approach	Resulting increase in recorded crime following the introduction of new offences. Availability of data and timescales will likely see initial services brought into operation which may then need to be expanded, or amended, once further data becomes available.	~~Q4 2022.~~ TBC		**November 2022:** Risk to delivery. The Chief Constable's Annual Report for 2021-22 provides further data and can be viewed online here. This offers limited data and is offence focused, the Department is working with partners to gather statistical information which will aid understanding of the current activity levels of domestic abuse and allow monitoring of the impact of interventions.

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to the Island's response to domestic abuse.				
Governance of delivery of Domestic Abuse and Sexual Offences frameworks ~~The Criminal Justice Board will oversee the delivery of these frameworks.~~ The Domestic Abuse Project Board will oversee the delivery of these frameworks.	The complex project delivery requirements of these wide ranging pieces of legislation will add to the extensive workload of the Criminal Justice Board which is also key to strategic planning for the wider Criminal Justice System.	Beginning Q4 2021 to conclusion of delivery of fully enacted legislation and any supplementary requirements.		**November 2022:** Ongoing. It was anticipated that governance would be primarily through the Criminal Justice Board, however given the deliverables and timescales, a separate Project Board has been established to oversee delivery. Terms of Reference have been agreed by Members of the Board and monthly meetings are taking place.

Isle of Man
Government

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