# Children Living within a Household where they are Exposed to or Experience Domestic Abuse may Suffer or are Likely to Suffer Significant Harm

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## 1. Scope

Children living within a household where they are exposed to, or experience Domestic Abuse may suffer or are likely to suffer significant harm.

This information is provided for practitioners to be a useful source of information to assist when recognising and responding to Domestic Abuse.

## 2. Domestic Abuse Definition

The Domestic Abuse Act 2021 provides a statutory definition of Domestic Abuse:

Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if-

(a) A and B are each aged 16 or over and are personally connected to each other, and

(b) the behaviour is **abusive**.

(3) Behaviour is "abusive" if it consists of any of the following-

(a) physical or sexual abuse;

(b) violent or threatening behaviour;

(c) controlling or coercive behaviour;

(d) economic abuse (see subsection (4));

(e)psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) "Economic abuse" means any behaviour that has a substantial adverse effect on B's ability to-

(a)acquire, use or maintain money or other property, or

(b)obtain goods or services.

(5) For the purposes of this Act A's behaviour may be behaviour "towards" B despite the fact that it consists of conduct directed at another person (for example, B's child).

It does not matter whether the behaviour consists of a single incident or a course of conduct.

See the <u>Government's statutory guidance</u> for descriptions and examples of a range of abusive behaviours to help with identifying domestic abuse, including physical abuse, violent or threatening behaviour, sexual abuse, controlling or coercive behaviour, harassment or stalking, economic abuse, verbal abuse, technology-facilitated abuse, abuse relating to faith, and so-called 'honour'-based abuse.

Under the Domestic Abuse Act 2021 children are recognised as victims in their own right.

Part 1 of the Domestic Abuse Act 2021 provides that a child who sees or hears, or experiences the effects of, domestic abuse and is related to or under parental responsibility of the person being abused or the perpetrator, is also to be regarded as a victim of domestic abuse. This means that where the Domestic Abuse Act imposes a duty in relation to victims of domestic abuse, this will include children.

Effective safeguarding is achieved when agencies share information to obtain an accurate picture of risk and then work together to ensure the safety of children or the adult at risk. No single agency or professional has a complete picture of the life of a domestic abuse victim but many will have insights which are crucial to their safety. It is paramount that agencies work together effectively and systematically to ensure a victim's safety and ultimately prevent domestic homicides.

Focus needs to be given to family and inter-generational abuse and how this may differ from abuse perpetrated by a partner.

## 3. Legislation, Indicators & Considerations

Legislation	Indicators	Considerations
Offences against the person Act 1861 Assault occasioning Actual Bodily Harm Assault occasioning Grievous Bodily Harm	Psychological harm Injuries with inconsistent explanations Repeated injuries Repeated threats by partner/ex-partner in which the victim perceives the threats to be real	Older persons and disabled persons may be dependent on the perpetrator for their care Victims who identify as LGBTQ+ may experience additional barriers to reporting and accessing support
Threats to kill Administer poisonous / noxious substances with intent to endanger life	Frequent visits to GP with vague complaints or symptoms Admittance at Hospital with unexplained illnesses	
Sexual Offences Act 2003 Rape Causing a person to engage in sexual activity without consent Assault by penetration	Unwanted / unplanned pregnancies, miscarriages, or terminations Genitourinary complaints Difficulty walking, soreness Unexplained bleeding inconsistent with explanations Sexually transmitted infections Alcohol or drug misuse	Young people experience the highest rates of domestic abuse of any age group and are more likely to experience domestic abuse from an intimate partner The lack of specialist services and perceptions of 'healthy relationships' amongst young people increases the likelihood of them not disclosing or being visible
Female Genital Mutilation Act 2003 (Addition – Serious Crime Act 2015)	Difficulty walking, soreness Bleeding Incontinence Constant pain Nightmares and sleep problems	Awareness of mandatory reporting duty - Regulated health and social care professionals and teachers are now required to report cases of FGM in girls under eighteen which they identify in the course of their professional work to the police Victims of so-called honour-based abuse (HBA) may be more isolated due to perceived cultural and religious beliefs, language barriers, having no recourse to public funds or fear of bringing shame to their 'family honour' Victims at risk of HBA are 7 times more likely to have multiple perpetrators and at higher risk of serious harm or homicide

When considering experiences of those that are victim of Domestic Abuse:

Legislation	Indicators	Considerations
Serious Crime Act 2015 (Amendment Section 68 Domestic Abuse Act 2021) Controlling or coercive behaviour	Stress or anxiety disorders Isolation from friends, family or colleagues No access to finances, unable to achieve	The abusive partner may make allegations against the victim which the victim does not defend Controlling or coercive behaviour is a purposeful pattern of behaviour which takes place over time in order for one individual to exert power, control or coercion over another Controlling or Coercive behaviour is now an offence post separation
	gainful employment The victim may wait for her/his partner to speak first within meetings. The victim may appear to be checking her/his reaction The victim may seek to take responsibility for events or minimise the effects Victim monitored in their daily lives Depression, panic attacks or other symptoms Alcohol and/or drug abuse Self-harm, Suicide attempts	
Protection from Harassment Act 1997 Stalking (fear of violence, serious alarm or distress) Harassment	Receiving unwanted contact from partner/ex-partner Being monitored physically / digitally Partner/ex-partner fixated and obsessed with the victim Fear of violence being used against the victim which has a substantial adverse effect on daily activities	There needs to have been <b>two</b> or more events Stalking Protection orders (SPO) can be sought by Police to protect victim
<b>Criminal Law Act 1977</b> Using or threatening violence to secure an entry	Victim at home address and partner/ex- partner attending the home address and making threats or using violence to try to gain access to the home address	The partner/ex-partner can commit this at their own home address if the victim is home and does not wish them to enter
Serious Crime Act 2015 (addition made by Domestic Abuse Act 2021) Non-Fatal strangulation or suffocation	Pain and stiffness in neck area Hoarseness, coughing and difficulty with speech Dizziness, blurred vision, headaches Deafness or ringing in ears Longer lasting effects may include loss of memory and PTSD	Victim may have NO physical injuries Victim must seek medical care and a referral to MARAC to be made

Legislation	Indicators	Considerations
<b>Public Order Act 1986</b> Affray	Using or threatening violence towards the victim and there is a fear for their personal safety	This can be committed in private as well as in public place
Common Law Offences Kidnapping False imprisonment	Partner/ex-partner has refused to allow the victim to leave the home or has taken the victim somewhere against their wishes	Leaving an abusive relationship is a dangerous time. The risk of further abuse can increase as and after the victim leaves
Criminal Damage Act 1971 Criminal Damage Arson	Partner/ex-partner deliberately destroying or damaging items belonging to the victim Emotional harm Financial / Economic loss	

## 4. Best practice response to Domestic Abuse

Best practice response to domestic abuse requires good multi-agency working and Information sharing.

Professionals in all agencies are likely to become aware of domestic abuse through:

- 1) Disclosure prompted by the professional's routine questioning or identification of signs that domestic abuse could be taking place
- 2) Unprompted disclosure from a child, adult victim or abuser, or
- 3) Third party information (e.g. neighbours or family members)

Information from the public, family or community members should be taken seriously by professionals in statutory and voluntary agencies. Professionals receiving information about domestic abuse should explain that priority will be given to ensuring that the child/ren and the victim's safety is not compromised through the sharing of information and seek consent wherever possible to share information. Upon notification / disclosure / suspicion of domestic abuse within a family, **all** agencies should consult existing records and consider what else is known of the family and if there have been any previous domestic incidents. Considering previous relationships along with current information being shared.

If there is concern about the increased likelihood of suffering significant harm to the child/ren, then every professional's overriding safeguarding duty is to protect the child/ren.

Professionals also have a duty to protect the victim. The Crime and Disorder Act 1998, allows responsible authorities to share information where a crime has been committed or is going to be committed.

Whether or not a child or victim discloses, when a professional becomes aware of domestic abuse in a family, in order to assess and attend to immediate safety issues for the child/ren, parent and professional, the professional should establish:

- 1) Whether there is a need to seek immediate assistance
- 2) The nature of the abuse
- 3) If there are other children in the household
- 4) Whether the victim's ex/partner is with them, and where the children are
- 5) What a child or victim's immediate fears are
- 6) Whether the child/ren and the victim have somewhere safe to go

Where there has been disclosure, professionals should:

- 1) Support the child/ren and/or adult victim by taking what they say seriously
- 2) Make an immediate decision, where possible, about whether a child or victim requires treatment or protection from emergency services
- 3) Ask the child/ren and/or adult victim what strategies they have in place for keeping safe (if any)
- 4) Record the information and the source of the information
- 5) Discuss the information / concerns with the agency's designated safeguarding children professional and the professional's line manager

The following models of working should underpin professionals' approach to responding to domestic abuse;

#### Domestic Abuse-Informed

A domestic abuse-informed response names the source of the harm and describes the behaviours of the abuser and the impact on adults and children, seeing both as direct victims who are entitled to support.

Interventions are focused on holding abusers accountable and offering them support to change. This response is about focusing on the continuous patterns of behaviour by the person causing harm.

#### Trauma Informed

Being trauma-informed means responding to individuals and families in a non-judgemental, nonblaming and strengths-based way, building trusting relationships and avoiding re-traumatisation. Recognising that people who come to the attention of services have histories, experiences and contexts that are relevant to and impact on their current circumstances.

In relation to those who harm, a trauma-informed approach ensures that the whole person is responded to, but without collusion around their abusive behaviours.

#### Intersectional

An intersectional approach to domestic abuse means services seek to understand the unique experiences of each family, including their histories, characteristics and the current impact on identity. To understand these in the context of unequal societal structures including racism, sexism, and poverty. It requires practitioners to be aware of their own values, biases, and judgements, have safe spaces to reflect, and receive support to separate these from work with families.

#### Whole Family

A whole-family approach does not separate the abusive behaviours of the parent from the impact on children. It considers the parenting of the abuser, as well as the impact of their abuse on the non-abusing parent and their care for the children. It is important to remember children do not come to

services alone: they are part of families. They have relationships with their parents, grandparents and wider networks, as well as with siblings and stepsiblings who they might not live with.

Practitioners must gain an understanding of what family means to the children. The full extent of the impact on children of exposure to domestic abuse is often not fully understood until a child feels safe; they will need several opportunities over a period of time to talk about their experiences.

Risk of violence towards professionals should be considered by all agencies who work in the area of domestic abuse and assessments of risk should be undertaken when necessary. It is acknowledged that intimidatory or threatening behaviour towards professionals may inhibit the professional's ability to work effectively. Effective Supervision and management are important and agencies should take account of the impact or potential impact on professionals in planning their involvement in situations of domestic abuse and make sure they are properly supported.

See the <u>Government's Tackling Violence Against Women and Girls Strategy</u> for more details on their plan to tackle domestic abuse. This strategy covers how the government will prioritise prevention, support survivors, pursue perpetrators and create a stronger system to ensure that all victims – and their families - have access to the right support at the right time to help them live free from violence and abuse.

## 5. Housing

There is a duty on local authorities within the Domestic Abuse Act 2021 to ensure that all victims and their children across England can access the right support in safe accommodation when they need it.

To accompany the duties, there is <u>statutory guidance on support for victims of domestic abuse in</u> <u>safe accommodation</u> and the <u>Homelessness code of guidance</u>, which provide further details to local authorities on how the duties should be delivered on the ground.

Information on Housing support can be sought from:

- Bedford Borough: Housing Team on 01234 718058 in office hours or 01234 267422 out of hours
- **Central Bedfordshire:** Homeless Intervention Team on 0300 300 4370 in office hours and 0300 300 8098 out of hours
- Luton Borough: Housing Solutions Team on 01582 510371

The <u>Domestic Abuse Resettlement Team (DART)</u> are a Pan Beds service provision and can support those aged 16+ who need to be rehoused. Other support services can be found at the <u>Bedfordshire</u> <u>Domestic Abuse Partnership (BDAP) website</u>.

## 6. Risk Assessment and Referral Pathways

Risk assessment should be carried out using the DASH Tool (Domestic Abuse, Stalking, Harassment and Honour Based Violence Assessment). The referral forms for each local authority include a DASH form and can be found on the <u>BDAP website</u>.

Professionals using this, or other risk assessment tools, should be alert to the risk to children as well as to adults. It is essential to identify changes, such as escalation in severity and/or frequency of

abuse. They should not just focus on the levels of violence but on the full range of behaviours that can be abusive, coercive or controlling. Risk is fluid and must be re-assessed regularly.

Where children or young people are involved in families where there have been incidents of domestic abuse a referral to the local Children's Safeguarding team should be made and consideration should be given to completing a DASH risk assessment.

- Bedford Borough Integrated Front Door: 01234 718700 in office hours or 0300 300 8123 out of hours
- Central Bedfordshire Children's Safeguarding: 0300 300 8585 in office hours or 0300 300 8123 out of hours
- Luton Borough Multi Agency Safeguarding Hub (MASH): 01582 547653 in office hours or 0300 300 8123 out of hours

Across Bedfordshire, each local authority holds Multi Agency Risk Assessment Conferences (MARAC) for high-risk victims of domestic abuse.

The MARAC is a multi-agency meeting where professionals share information and agree a safety plan to reduce the risk to the survivor and any children. Whilst the victim does not attend the meeting, their views are represented by an Independent Domestic Violence Advisor (IDVA) to ensure that the safety plan suits their individual needs and circumstances. The primary focus of the MARAC is to safeguard the adult victim.

At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety.

Information sharing at the MARACs takes place within the confines of a strict Information Sharing Protocol and under the bounds of a confidentiality agreement.

Guidance on completing Risk Assessments and referring to each of the three local authority MARAC can be found on the <u>MARAC page of the BDAP website</u>.

A flowchart for helping people who make a disclosure of domestic abuse, along with links to relevant support and information, has been compiled. <u>Click here to view</u>.

## 7. Safety Planning and Protective Orders

#### Safety planning for adult victims and children

Safety planning is vital when working with families experiencing domestic abuse and should be considered and where possible included in the wider plans and interventions to safeguard children.

Emergency/informal safety plans should be family lead, multi-agency and in place whilst assessments, referrals and interventions are being progressed.

Women's Aid have produced <u>The Survivor's Handbook</u> to provide information to those experiencing domestic abuse.

In cases where imminent or significant risk of harm to the child/ren is identified, the emergency safety plan / strategy should be for the child/ren and the non-abusing parent. Interventions for the parent causing harm should be considered and where appropriate, included in safety plans for the children.

Professionals should keep the safety of the child/ren constantly under review, re-assessing the risk of harm considering any new information or knowledge of further domestic abuse. If the risk of harm to the child/ren rises to risk of the child/ren suffering significant harm, lead professionals must review whether a referral to Children's Services is required.

#### Safety Planning with Children and Young People

As soon as a professional becomes aware of domestic abuse within a family, they should work with the adult victim and each child, according to their age and understanding to develop a safety plan. If a safety plan already exists, it should be reviewed.

The plan should emphasise that the best thing a child can do for themselves, and their non-abusive parent/carer is not to try to intervene but to keep safe and, where appropriate, to get away and seek help.

Support for children and young people can be accessed from:

- Childline on 0800 1111
- NSPCC Child Protection Helpline on 0808 800 5000
- Bedford Borough Children's Services on 01234 718700 (in office hours)
- Central Bedfordshire Children's Services on 0300 300 8585 (in office hours)
- Luton Borough Children's Services on 01582 547653 (in office hours)
- Out of office hours, safeguarding concerns for all three local authorities can be reported on 0300 300 8123
- Emerald Centre on 0330 223 0099 24 hours a day 365 days a year.
- Mental health support can be accessed through the <u>Reflect text messaging service</u> in all three local authorities

When the adult victim's safety plan involves separation from the abusive partner, the disruption and difficulties for the child/ren need to be considered and addressed alongside assessment and management of the heightened risk separation presents.

The child/ren will need a long-term support plan, which may include, support to integrate into a new locality and school / nursery school or attend clubs and other leisure / play activities through to therapeutic services and group work to enable the child to share their experiences. Professionals should ensure that in planning for the longer-term support needs of the child/ren, input is received from the full range of key agencies e.g. the school, health, LA housing, an advocacy service, the Police, Women's Aid or Refuge, relevant local activity groups and/or therapeutic services.

#### **Operation Encompass**

Operation Encompass is a police and education early information safeguarding partnership enabling schools to offer immediate support to children experiencing domestic abuse. Operation Encompass ensures that there is a simple telephone call or notification to a school's trained Designated Safeguarding Lead /Officer (known as key Adult) prior to the start of the next school day after an incident where police have attended domestic abuse and there were children related to either of the adult parties involved. Operation Encompass aims to ensure that appropriate school staff are made aware at the earliest possible stage in order to provide relevant and tailored support to children and young people in a way that means that they feel safe.

#### Legal Protective Measures

**Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs)** provide protection to victims by enabling the police and magistrates to put in place protection in the immediate aftermath of a domestic violence incident.

With DVPOs, a perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need.

NOTE: Domestic Violence Protection Orders will be replaced by Domestic Abuse Protection Orders and Domestic Abuse Protection Notices in 2024 under Domestic Abuse Act 2021.

#### Domestic Violence Disclosure Scheme ('Clare's Law')

The Domestic Violence Disclosure Scheme (DVDS) Guidance (also known as 'Clare's Law') enables members of the public to enquire about an individual they are in a relationship with, or who is in a relationship with someone they know, and where there is a concern about a history of previous domestic abuse. This scheme adds a further dimension to the information sharing about children where there are concerns that domestic abuse is impacting on the care and welfare of the children in the family.

Members of the public can make an application for a disclosure, known as the 'right to ask'. Anybody can make an enquiry, but information will only be given to someone at risk or a person in a position to safeguard the victim. The scheme is for anyone in an intimate relationship.

Partner agencies can also request disclosure is made of an offender's past history where it is believed someone is at risk of harm. This is known as 'right to know'.

If a potentially violent individual is identified as having convictions for violent offences, or information is held about their behaviour which reasonably leads the police and other agencies to believe they pose a risk of harm to their partner, the police will consider disclosing the information. A disclosure can be made if it is legal, proportionate and necessary to do so.

Within Bedfordshire, Clare's Law applications can be made to <u>Bedfordshire Police</u>.

#### Sarah's Law (CSODS)

The Child Sex Offender Disclosure Scheme (CSODS) lets you formally ask the police whether someone who has contact with a child or children:

has a record for child sexual offences and/or poses a risk to the child or children for some other reason.

It's not a law, but it is sometimes called 'Sarah's Law'. It gives guidance on how you can ask to use existing police powers to share information about sex offenders.

If concerns are raised over someone's behaviour towards a child, or something that has been seen, heard or been told, Sarah's Law can be used to find out if that person is a risk.

Information can be requested under the CSODS from <u>Bedfordshire Police</u>.

Protective Orders can provide an opportunity to protect victims and their children from harm. Examples of orders to consider are:

**Non-Molestation Orders (NMO)** – applied for through Family Court proceedings, an NMO can place prohibitions upon the alleged perpetrator. They provide the Police with a power of arrest if the NMO is breached.

**Restraining Order (RO)** – This order is granted within Magistrate or Crown Court proceedings, can place prohibitions upon the alleged perpetrator. They provide the Police with a power of arrest if the RO is breached.

Child Arrangement Order (CAO) - A 'child arrangements order' applied for in Family Court decides:

- where a child lives
- when a child spends time with each parent
- when and what other types of contact take place (phone calls, for example)

**Occupation Order** - Occupation orders are orders made by Family court to enforce, declare or restrict rights to occupy the matrimonial home. They are only a short-term solution and will not affect what happens to the property in any final settlement. They may order certain restrictions on access to the property which may provide further protection for the victim.

For further information of other protective orders which may provide an opportunity to protect victims and their children and act as a preventative measure please see <u>this document</u>.

### 8. Working With Those That Harm

The primary aim of work with those who abuse in intimate relationships is to break the cycle of abuse for all current and future victims and children. Breaking the cycle of abuse is the only way to ensure long term, meaningful safety for children and the adult victim whilst holding the abusive partner accountable for their behaviour.

Where an abusive (ex)partner is willing to acknowledge his/her abusive behaviour and to seek support to change, this should be encouraged and affirmed. They should be referred to appropriate behaviour change programmes which work to address the cognitive structures that underpin controlling and coercive behaviours. People that harm family members, should not be referred to mediation or therapeutic support for anger management. This approach can often place family members at increased risk of domestic abuse.

In higher risk situations, those who abuse their (ex)partners may seek to control any contact a professional has with them, or work undertaken with them.

Some abusive (ex)partners will go to extreme lengths to avoid taking responsibility for their abusive behaviour towards their (ex)partner and their child/ren.

When a victim leaves an abusive situation, the risk to their safety, and the safety of any children involved is significantly escalated. Maintaining the confidentiality of the victim and children's whereabouts and contact details are of particular importance during this time and should be considered as part of the wider safety planning for the victim and any children involved.

Support for those who harm others can be sought from the <u>Chrysalis Centre</u>.

#### Asking Questions

Direct contact with the abusive partner may be necessary in conducting assessments around risk and contact. This will help ensure shared parental responsibility is considered, to reduce 'victim-blaming', disguised compliance and promote the engagement with the family to improve outcomes whilst holding the abusive partner accountable for their behaviour.

Before undertaking direct contact with the abusive partner, the suitability of this should be assessed to ensure it is safe to do so; the DASH will help with this as well as wider checks and information sharing amongst colleagues and partner agencies.

Practitioner's measured and non-judgemental responses to disclosures, will help to encourage responsibility and motivating an abusive (ex)partner towards change.

Always think safety first – recognise the need for behaviour change but make reducing harm the primary focus.

#### Do not:

- Make direct reference to a concern raised by the non-abusive (ex)partner/carer this may increase their risk;
- Discuss domestic abuse openly with both parties present this will present platform for the abusive (ex)partner/carer to further control their victim and further reduce the victim's capacity and space to disclose the full extent of their experience, fear, and distress.

#### 9. Domestic Homicide Reviews

Domestic Homicide Reviews (DHR) are multi-agency reviews into the circumstances in which the death of a person aged 16yrs or over occurred as a result of abuse, violence, or neglect in the context of domestic abuse and to identify the lessons to be learnt from the death.

Where a victim took their own life (suicide) and the circumstances give rise to concern, for example it emerges that there was coercive controlling behaviour in the relationship, a review should be undertaken, even if a suspect is not charged with an offence or they are tried and acquitted.

Their purpose is to establish, identify and apply the lessons to the way local professionals and organisations work individually and together to safeguard victims to improve service responses, policies and procedures. The rationale for conducting a DHR is set in the aim of ensuring agencies are responding appropriately to victims of domestic abuse by having effective and robust support mechanisms, procedures, resources and interventions in place to prevent future incidents of domestic abuse and homicide.

The review will also assess whether agencies have sufficient procedures and protocols in place, which were understood and followed by their staff and where there may be a need to improve these procedures.

Domestic Homicide Reviews aim to prevent domestic violence homicide and improve service responses for all domestic abuse victims and their children through improved intra and inter-agency working.

## 10. Resources

- Domestic Abuse Act 2021
- Children Act <u>1989</u> and <u>2004</u>
- <u>Children and Social Work Act 2017</u>
- Working Together to Safeguard Children 2013
- <u>Female Genital Mutilation Act 2003</u> and <u>resource pack</u>
- <u>Safeguarding Vulnerable Groups Act 2006</u>
- Information Sharing Advice for Safeguarding Practitioners
- <u>Sexual Offences Act 2003</u>
- Ending Violence Against Women and Girls (VAWG) Strategy 2016-2020 and 2019 update
- <u>Controlling and Coercive Behaviour Statutory Guidance Framework</u>
- Domestic Homicide Reviews Statutory Guidance
- <u>Central Bedfordshire Council Domestic Abuse Strategy 2022-2025</u>
- <u>Central Bedfordshire Council Thresholds Document</u>
- <u>Bedford Borough Council Domestic Abuse Strategy</u>
- Bedford Borough Council Thresholds Document
- Luton Borough Council Domestic Abuse Strategy
- Luton Borough Council Thresholds Document