**Consultation on the Domestic Abuse legal guidance**

**Introduction**

1. The CPS is conducting a public consultation on the revisions to its legal guidance on Domestic Abuse (DA). The purpose of the consultation is to provide interested persons with an opportunity to provide comments and to ensure the final version of the guidance is informed by as wide a range of views as possible.
2. The proposed revisions are intended to provide guidance to prosecutors when dealing with cases where DA has taken place.
3. The CPS regularly reviews and updates our legal guidance to ensure it supports our prosecutors. A review of the DA legal guidance identified that there was the need to update the guidance as the publication of the Directors Guidance on Charging (DG6) and introduction of the Domestic Abuse Act 2021 (‘DA Act 2021’) in April 2021, meant the guidelines were outdated. Adherence to these guidelines will ensure that there is transparency and consistency of decision making across the CPS.
4. The guidance is being published as interim guidance, whilst this consultation takes place and the final guidance will be published following review of the responses from this consultation.
5. As part of the drafting process the CPS has conducted pre-consultation with interested groups.

**Background**

1. The Domestic Act 2021 received Royal Assent on 29 April 2021 and is being commenced in stages. As a result, the CPS decided to update the legal guidance in two stages. Stage one focused on technical updates required by changes in legislation introduced by the DA Act 2021 and was published on 29 September 2021. This stage two update is intended to develop guidance in relation to how prosecutors should approach DA cases, myths and stereotypes and develop the guidance to ensure prosecutors consider the use of protective orders in all cases.
2. Our legal guidance is an important aspect of our work and provides support to our prosecutors to make effective Code compliant decisions in all cases, thereby helping to ensure the delivery of justice. Crown Prosecutors to whom the decision-making function is delegated need to be given the clearest possible guidance about the legal test that they must apply when making charging decisions or reviewing cases. The police, who apply the Code when exercising an important discretion as to whether to bring a case to the attention of the Crown Prosecutors for a charging decision, also need guidance to ensure a fair and consistent approach to these difficult and sensitive cases.
3. Once the consultation is concluded all responses will be considered and any necessary amendments will be made, before the guidance is published as finalised guidance.

**Consultation Questions**

1. The consultation seeks your views on the following questions:

* Question 1 – Do you think the terminology used is appropriate and sensitive to the issues addressed? If not, please identify concerns and share how it can be improved.
* Question 2 – Do you think that the guidance in the section titled: ‘Applying the Code’ in relation to the principles to consider when applying the evidential test will assist prosecutors in arriving at Code compliant charging decisions in DA cases?
* Question 3 -Is the new content in the section titled ‘Offences available to prosecutors’ accurate and comprehensive and do you think it will assist prosecutors in making decisions reflecting all the potential background in DA cases?
* Question 4 – Will the new content in the section titled ‘Case building and approach to prosecuting DA cases’ regarding factors to consider when making charging decisions assist prosecutors with identifying actions and building cases for charge?
* Question 5– Will the new content in the section titled ‘Case building and approach to prosecuting DA cases’ regarding evidence led prosecutions assist prosecutors when making charging decisions and building cases for charge?
* Question 6 – Is the content in the section titled ‘Sentencing & Ancillary Orders’ accurate and comprehensive? Will it assist prosecutors with better awareness of orders to be considered in DA cases?
* Question 7 – Do you think the new content on DA myths and stereotypes at Annex C is accurate and comprehensive and do you think it will assist prosecutors in making decisions which are not clouded by myths and stereotypes?
* Question 8- Do you think Annex E has all the correct details for the relevant national support organisations? If not, please identify concerns and share the correct details.
* Question 9- Do you have any other feedback you wish to share around the how the guidance can be improved?

**How to respond**

1. It would be helpful if you could give your feedback using our online form (see below) for ease of analysis.
2. You can also download a response form, complete it, and return it to da.consultation@cps.gov.uk by midnight on 23 June 2022.
3. We would prefer electronic submissions if possible but, if you would rather submit your feedback in hard copy please use the response form and return it by the same date, to:

Domestic Abuse Legal Guidance Consultation

Senior Policy Advisor

Crown Prosecution Service

10th Floor 102 Petty France

London SW1H 9EA

1. Please include your name, organisation (if applicable), postal address, telephone number and email address in any response.

**Next steps**

1. After the consultation closing date, we will consider every individual response received. A summary of the consultation responses and the final version of the revised guidance will be published on the CPS website in accordance with the Government's guidelines. We look forward to receiving your response.