

## **Response to the review of the Overarching principles: domestic abuse guideline**

### **The review**

The Sentencing Council recently commissioned Nottingham Trent University to conduct a review of the domestic abuse guideline which has been in force since 2018. The review focused on how the guideline is used in sentencing as well as sentencers' understanding, interpretation, implementation, application and thoughts of the guideline. This response is being published to accompany the publication of the [review](#).

### **Consideration of the findings of the review**

The Council carefully considered the findings of the review, and what action, if any was appropriate in light of the main findings. The Council concluded that it was not necessary to revise the guideline in any significant way, as the review did not uncover any significant problems with the guideline and that generally it was working well.

Some sentencers in responding to the review suggested further guidance in particular areas may be helpful, but others felt the guideline was already lengthy enough, and pointed to the large amount of information and other guidelines sentencers had to refer to when sentencing. Therefore, on balance, the Council decided no further guidance or substantial amendments to the existing guideline are necessary. Some issues raised pointed towards training issues, which are outside of the remit of the Council and are the responsibility of the Judicial College.

### **Minor changes to the guideline**

Having concluded that it was not necessary to carry out a full revision of the guideline as a result of the review, the Council has decided to make a number of minor changes and amendments to the guideline to deal with some specific areas identified in the review. These are listed below:

- **Change the name of the guideline to 'Domestic Abuse: Overarching Principles' instead of 'Overarching Principles: Domestic Abuse'**. This is to make the guideline more obvious within a list of guidelines so it is easier for users to locate. Some sentencers in the review said the guideline could be difficult to find. This change has already been made.

- **Add a link to the guidance on compensation**, which is available on the Sentencing Council website, as some sentencers said in the review that they were unsure of the appropriate approach to take regarding compensation in domestic abuse cases. This will be done as part of the work underway on ancillary orders.
- **Add a link to the guidance on restraining orders**, as some sentencers in the review said further guidance on restraining orders and child contact and length of orders would be helpful. This will also be done as part of the current work underway to produce guidance on ancillary orders.

### **Minor changes to references to domestic abuse in other guidelines**

The Council has also agreed to make some minor changes to how domestic abuse is referred to in guidelines generally, these are listed below:

- **Reword the aggravating factor** ‘offence was committed in a domestic context’ to ‘offence was committed within a domestic abuse context’. This is to make the wording of the factor clearer, and the change has already been made.
- **Add the domestic abuse aggravating factor to around 20 guidelines-** this proposed change is to assist sentencers to reflect the seriousness of domestic abuse when it is present in a case. The factor has a drop down which takes users to the domestic abuse guideline. This will be consulted on as part of this year’s miscellaneous amendments.

### **Conclusion**

The Council is grateful to Nottingham Trent University for a thorough and detailed piece of research and feels there was value in an independent and impartial review of this overarching guideline covering a sensitive area of sentencing. Cases involving domestic abuse can be very serious. The Council believes that the guideline is an effective tool to assist courts in sentencing these cases which form a significant part of the work of the courts.

The Council is also currently working on a separate evaluation of the coercive and controlling behaviour guideline, which has been in force since 2018. The results of this evaluation will be published in Spring 2025.

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