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Approved by: Mark Gilmartin, Director of Essex & Kent Support Services	Classification of paper: Not Protectively marked
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Report to PCC	Report reference number EPDP/0001-2014 PCC/0031/14
Date of decision Date of report March 18 th 2014	Area of county/stakeholders affected County wide / the public
Title of report Establishment of a Domestic Violence Protection Orders Unit and Court Fees Budget	
Report by Debbie Martin, Chief Finance Officer of the Chief Constable	
Enquiries to Debbie Martin, Chief Finance Officer of the Chief Constable or Fiona Philpott, Deputy Force Solicitor	

1.0 Purpose of Report

1.1 To seek approval for the setting up of Domestic Violence Protection Orders Unit and approve the financial arrangements for funding the Unit and for payment of the court fees.

2.0 Recommendations

- i) To approve the recruitment of a team of paralegals, on 12 month temporary contracts (£111k)
- ii) To approve the payment of court fees (£351k)

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- iii) To approve a carry forward of £462k from 2013/14 force underspend to fund the Unit in 2014/15.
- iv) To approve the Medium Term Financial Strategy being updated to consider a cost pressure for 2015/16 of £462k.

3.0 Benefits of Proposal

- 3.1 Review of the pilots found that DVPN/DVPOs were effective in reducing domestic violence and abuse.

4.0 Background and Proposal

- 4.1 New legislation coming into force on 8 March 2014 will allow the police to apply to the magistrates' courts for civil orders to provide immediate protection for victims of domestic abuse. Applications will be appropriate in cases where a victim needs protection but prosecution is not an option.
- 4.2 An authorising Superintendent can issue a Domestic Violence Protection Notice (DVPN) which prevents the perpetrator from molesting the victim and may also exclude the perpetrator from premises or an area where the victim resides / works.
- 4.3 Once a DVPN has been issued, the police must apply to the magistrates' court for a Domestic Violence Protection Order (DVPO). A DVPO could exclude the perpetrator from the home for a period of 14 – 28 days. The application must be made by police (not CPS). The application must be heard within 48 hours of issue of DVPN.
- 4.4 A breach of a DVPN or DVPO must be heard within 24 hours of arrest. A breach is a civil matter and must be prosecuted by the police (not CPS).
- 4.5 The DVPN/DVPO scheme was piloted in parts of three force areas. Review of the pilots found that DVPN/DVPOs were effective in reducing domestic violence and abuse.
- 4.6 The total cost of the pilots was £1.2 million. No central money will be made available for national roll-out of the scheme.

5.0 Police and Crime Plan

- 5.1 The Police and Crime Plan includes 'Reducing domestic abuse' as one of its key areas of focus. The Domestic Violence Protection Orders Unit would support this objective.

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6.0 Police Operational Implications

- 6.1 Assessment of current high/medium risk cases (that are not prosecuted) suggest that there might be 1080 DVPO applications to court within the 12 month period.
- 6.2 In the pilot areas, 11.5% of DVPN/DVPOs led to breach proceedings. This would equate to 124 breach proceedings in Essex during the 12 month period.
- 6.3 Applications and breach proceedings will be heard six days per week (Monday to Saturday). It is not yet known whether DVPO applications will be listed centrally or at any of the four magistrates' courts in Essex. It is also not yet known whether the court will allow use of video link facilities for DVPO applications.

7.0 Financial Implications

- 7.1 The anticipated demand in Essex has been assessed and options for meeting the demand have been reviewed. There are two areas of costs:
- 1) It is estimated 3 fte paralegals will be required to cover the applications and breach proceedings at a cost in the region of **£1111k** for 12 months.
 - 2) Under current legislation, courts will charge a fee of £200 for each application and a further fee of £500 if the application is contested. Experience shows that the court tends to request payment of the additional £500 fee only if a matter is adjourned to a separate trial date and evidence is called. It is anticipated that the higher fee will be charged in around 25% of cases. Based on the assumption that the higher fee will be payable in 25% of cases, if Essex Police apply for 1080 DVPOs per year, this will equate to court fees of **£351k**.
- 7.2 Based on the assumed demand, total costs across the 12 months will be in the region of **£462k**.
- 7.3 Essex Police was unaware at the time of budget setting that new legislation would be passed in March 2014 relating to DVPOs and DVPNs. Consequently rather than wait another financial year before following up the new powers, it is desirable to utilise 2013/14 force underspending by carrying it forward into 2014/15 to enable the Unit to be established in April 2014.

7.4 In terms of future funding, provision can be made in the Medium Term Financial Strategy to consider a cost pressure for 2015/16 budget setting process. Evaluation of the Unit's success would be part of the budget decision making.

8.0 Legal and Contractual Implications

8.1 As described in section 4.0 and 9.0.

9.0 Staffing and Other Resource Implications

9.1 It is estimated 3 fte paralegals will be required to cover the applications and breach proceedings at a cost in the region of £111k for 12 months.

10.0 Equality and Diversity Implications

10.1 None apparent.

11.0 Background Papers

11.1 None.

Report Approval

The report will be signed off by the Chief Executive and CFO and the PCC Solicitor where legal implications arise.

Chief Executive/M.O *[Signature]*
Chief Financial Officer *[Signature]*
PCC Legal Advisor (as necessary)

Decision

I agree the recommendations to this report

[Signature]
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PCC/Deputy PCC

I do not agree the recommendations to this report because

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Publication

Reasons for non-publication (*state 'None' if applicable*)

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Signed/Print name

Report for publication

YES

NO

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.