CPS Supplementary Evidence (DAA0116)

Baroness Kennedy of The Shaws
Chair of the House of Lords Select Committee on the Domestic Abuse Act 2021
By email

April 2026

Dear Baroness Kennedy

RE: Post-legislative scrutiny of the Domestic Abuse Act 2021

Thank you for the opportunity to give evidence at the recent post legislative scrutiny session on the Domestic Abuse Act 2021.

This letter provides follow-up information on some of the questions raised during the session.

Definition of 'personally connected'

1. Has the widened definition of 'personally connected' caused any challenges particularly regarding relationships involving elders and community or religious authority figures?

The Act has provided greater clarity about who can and cannot be defined as a victim or a perpetrator of domestic abuse so that there is a more consistent understanding of this through the criminal justice system. The statutory framework requires a familial or intimate partner relationship for the victim and perpetrator to be considered 'personally connected'. Therefore, this does not extend to teachers, community elders, religious leaders, or other authority figures unless they fall within those categories. Generally, the expanded definition has not created operational challenges for CPS.

Victim Attrition

2. What is the rate at which victims are withdrawing support for prosecutions due to delays, and what data does CPS hold on this?

CPS data indicates that victim and witness attrition, where it is recorded as the primary reason for an unsuccessful outcome, has increased over the past four years. Victim and witness attrition, recorded as a proportion of all completed domestic abuse prosecutions, rose from 1,761 defendants in Q2 2021/22 to 2,203 defendants in Q2 2025/26. Over the same period, the victim and witness attrition rate as a primary reason for an unsuccessful outcome increased from 13.6% to 14.2%.

Data is not available, however, on the underlying causes of attrition and whether withdrawals stem from court delays or other dynamics within domestic abuse relationships such as controlling or coercive behaviour. Data is also not available on the stage at which the victim withdraws, so we cannot establish whether the case length directly influenced victim attrition. As a result, we are unable to isolate or quantify a withdrawal rate attributable specifically to court delays.

It may be helpful to note that some cases with successful outcomes are likely to involve victim attrition. We know this because our prosecutors sometimes make applications to summons witnesses or victims to court and they also have examples of where they have been able to proceed without the victim through an Evidence Led Prosecution. However, this is not something we are able to measure from our current management systems.

Our approach seeks to mitigate the impact of withdrawal through suspect-focused case building. Prosecutors consider the potential for an evidence-led prosecution (ELP) from the outset, identifying alternative evidential sources such as body-worn video, digital material, and third-party evidence. This ensures that, where the evidential test is met, cases may proceed even where a victim feels unable to continue, helping to mitigate the impact of victim attrition on case outcomes.

Evidence-led prosecutions

3. Do the CPS pursue many victimless prosecutions, and do you have data on this?

Prosecutors must consider an evidence-led prosecution in every domestic abuse case. CPS Prosecution Guidance on prosecuting cases of domestic abuse sets out that the prosecution strategy should, from the outset, consider the possibility of proceeding without the victim's support and this should be clearly recorded within pre and post charge reviews.

Encouraging suspect-centric prosecutions, that focus on the suspects' behaviour, rather than placing undue emphasis on the victims' actions is a key priority of the CPS VAWG Strategy 2025-2030. We have eLearning module on domestic abuse ELP's that is available to all prosecutors and mandatory for all new starters. Additionally, between 2022 and 2024 face-to-face domestic abuse refresher training was delivered to most prosecutors which included detailed and comprehensive training on evidence-led prosecutions. This domestic abuse refresher training is now a follow-up course to the Lawyer Induction programme which is mandatory for all new prosecutors.

It is not possible to isolate and identify ELP cases separately due to limitations with our data.

Transnational Marriage Abandonment

4. Do the CPS give guidance on what counts as coercive control and does this include transnational abandonment?

The CPS provides Prosecution Guidance on coercive or controlling behaviour in an intimate or family relationship. This guidance provides a non-exhaustive list of examples of repeated or continued behaviour that is controlling or coercive, to assists prosecutors to identify behaviour that meets the test set out in Statutory Guidance. There is no specific section on transnational marriage abandonment in this guidance, but transnational marriage abandonment is explicitly listed as an example of immigration abuse in our Prosecution Guidance on 'honour'-based abuse, Forced Marriage and harmful practices. Transnational marriage abandonment is where the sponsor's partner or their family member abandons or strands the partner abroad, usually without financial resources to prevent them from returning to the UK.

Depending on the nature of the abandonment, jurisdiction restrictions can pose barriers to prosecutions for controlling or coercive behaviour, where transnational marriage abandonment forms part of the repeated or continuous conduct required for this offence. Where the majority of the offending takes place outside England and Wales, the defendant can only be tried if they are a UK national or if they are habitually resident in England and Wales.

Domestic Abuse Accreditation

5. Should lawyers and judges who handle domestic abuse cases including defence solicitors and defence advocates be required to undertake specialist domestic abuse training or formal certification, similar to the accreditation required for rape or homicide cases?

We recognise the value of ensuring that all practitioners engaged in domestic abuse cases have a clear understanding of the dynamics of abuse and the impact of trauma on victims. Specialist knowledge can support more effective case progression and improved outcomes for victims and witnesses. However, domestic abuse remains a volume crime, forming a substantial proportion of overall CPS casework. Moving towards mandatory certification for all defence representatives or all judges will need to be balanced against wider resourcing considerations across the justice system.

CPS prosecutors receive mandatory training on domestic abuse and trauma-informed practice. We also work closely with the defence community through cross-agency initiatives such as Better Case Management (BCM) and Transforming Summary Justice (TSJ), both of which support consistent

standards in the handling of cases including domestic abuse cases to bring perpetrators to justice.

Independent Domestic Violence Advocates

6. What are the risks to funding for IDVA training and roles with changes to Police & Crime Commissioners?

Independent Domestic Violence Advisers (IDVAs) provide specialist, independent support to victims of domestic abuse, who are assessed as high risk. They may help them understand their rights under the Victims' Code, navigate the criminal justice process and prepare for court, including assisting with pre-trial familiarisation visits, discussions about special measures and offering practical and emotional support when the victim gives evidence, with judicial approval.

They play a critical role in maintaining victim engagement and confidence. However, IDVAs are largely available only to highest-risk victims, leaving those at standard and medium risk without equivalent specialist support, which can allow risk to escalate unnecessarily and can impact victim participation.

Any instability in funding risks reducing access to this vital support for the highest risk victims while widening existing gaps for others, with potential consequences for the progression of cases through the criminal justice system.

Thank you again for the opportunity to contribute to this important work. The CPS remains fully committed to the effective implementation of the DA Act 2021 legislation and to delivering the strongest possible service for victims of domestic abuse. We look forward to continuing our collaboration to ensure the reforms are implemented successfully and achieve the outcomes intended.

Yours faithfully,

Kate Brown
Chief Crown Prosecutor
Domestic Abuse Lead

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