Home Office

Programme-based positive requirements under Domestic Abuse Protection Orders (DAPOs)

Guidance for programme providers

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Contents

1. Introduction 3

1.1 Purpose of this guidance 3

1.2 Legislative framework 3

2. Overview of programme-based positive requirements 5

2.1 What is a programme based positive requirement? 5

2.2 Types of intervention 5

2.3 One intervention at a time 5

3. Principles for providers 7

3.1 Victim safety 7

3.2 Safeguarding 7

3.3 Information sharing 7

3.4 Role of providers 8

4. Receiving referrals and conducting suitability assessments 9

4.1 Initial contact from police 9

4.2 Purpose of the suitability assessment 9

4.3 Matters providers should consider 9

4.4 Consent 10

4.5 Failure to attend suitability assessment process 10

4.6 Unable to arrange a suitability assessment 10

4.7 Assessment outcome 11

5. Delivering and Monitoring Programme-Based Positive Requirements 12

5.1 Commencement of the intervention 12

5.2 Ongoing engagement with the provider 12

5.3 Routine reporting 12

5.4 Escalation of concerns 12

5.5 Provider role in reporting attendance, engagement and risk 13

5.6 Breach 13

5.7 Supporting breach investigations and criminal proceedings 13

6. Completion of the Intervention 14

6.1 Completion reporting 14

6.2 Continuing risk 14

6.3 Post-completion decisions 14

1. Introduction

1.1 Purpose of this guidance

This guidance is intended for organisations delivering programme-based positive requirements imposed as part of a Domestic Abuse Protection Order (DAPO).

It explains the role of providers in supporting the delivery of programme-based positive requirements and outlines the expectations on providers in relation to suitability assessments, intervention delivery, victim safety, information sharing and reporting.

This guidance should be read alongside the Domestic Abuse Protection Notice (DAPN) and DAPO statutory guidance and any local referral pathway arrangements agreed between providers and police forces.

1.2 Legislative framework

DAPNs and DAPOs were introduced by Part 3 of the Domestic Abuse Act 2021.

A DAPN is a notice that may be issued by the police to provide immediate protection to a victim following a domestic abuse incident. Where a DAPN has been issued, the police must apply to the magistrates' court for a DAPO within 48 hours.

A DAPO is a protective order designed to protect victims from domestic abuse or the risk of domestic abuse. A DAPO can impose prohibitions restricting a perpetrator's behaviour and positive requirements requiring them to take specified action. The court may include any conditions it considers necessary and proportionate to protect the victim, taking account of the circumstances of the case and the risks posed by the perpetrator. Programme-based positive requirements are only one element of a DAPO and may be imposed alongside other conditions intended to protect the victim.

Under section 35 of the Act, a DAPO may impose positive requirements requiring a perpetrator to take specified action. Positive requirements must be necessary and proportionate to protect the victim from domestic abuse or the risk of domestic abuse.

The Crime and Policing Act 2026 amended the DAPO framework to provide that a positive requirement requiring a person to attend an assessment of suitability and, where assessed as suitable, participate in an intervention, may only be imposed in the circumstances set out in sections 35(5A) and 35(5B).

Programme-based positive requirements are currently available through:

- police-led DAPO applications; and
- DAPOs made in criminal proceedings, including on conviction or acquittal.

Programme-based positive requirements are not available through family court or civil court DAPO proceedings. Providers should not accept referrals for programme-based suitability assessment from family court or civil court and should notify the referring court that such positive requirements are not available in those jurisdictions.

2. Overview of programme-based positive requirements

2.1 What is a programme based positive requirement?

A programme-based positive requirement requires a perpetrator to participate in an intervention designed to address factors associated with their abusive behaviour and reduce the risk of further domestic abuse.

Programme-based positive requirements form one part of a wider DAPO and may be imposed alongside prohibitions and other requirements.

2.2 Types of intervention

Depending on the circumstances of the case, programme-based positive requirements may include:

- perpetrator behaviour change programmes;
- substance misuse interventions;
- mental health interventions; or
- other interventions approved by the court as part of the DAPO.

2.3 One intervention at a time

As a general principle, perpetrators should normally be subject to only one programme-based positive requirement at a time.

This is intended to support meaningful engagement with the intervention and improve the likelihood of successful completion.

Where a perpetrator presents with multiple or complex needs, it may be more effective to address the most significant need first before requiring participation in another intervention.

For example, where substance misuse is preventing meaningful engagement with a perpetrator behaviour change programme, it may be more appropriate for the substance misuse intervention to be undertaken first.

The selection of the intervention should be informed by a thorough assessment of the perpetrator's needs, risks and circumstances. Police and providers should consider whether the proposed intervention is likely to contribute to reducing risk and protecting the

victim. Care should be taken to ensure that the intervention is appropriate to the circumstances of the case and does not inadvertently increase risk to the victim.

3. Principles for providers

3.1 Victim safety

Victim safety should be the primary consideration throughout the delivery of any programme-based positive requirement.

Providers should consider whether participation in an intervention may create additional risks for the victim and should maintain appropriate arrangements for identifying and communicating risk information to the police, and, where appropriate, in accordance with their organisational safeguarding policies and information-sharing arrangements.

Providers should consider the needs of all victims who may be affected by the perpetrator's behaviour, including children where relevant.

Where a victim is receiving services from the same organisation, providers should ensure that appropriate safeguards are in place, including using separate practitioners wherever possible and ensuring that confidential information relating to the victim is not disclosed to the perpetrator. Providers should also take reasonable steps to prevent victims and perpetrators from coming into contact though delivery of services, including through appointments, groups, events, drop-in sessions or online forums.

Victim safety should be kept under review throughout the intervention. Providers should communicate any emerging concerns relating to victim safety to the police in accordance with local information-sharing arrangements.

3.2 Safeguarding

Providers should maintain appropriate safeguarding policies and procedures.

Where safeguarding concerns arise during the course of an assessment or intervention, providers should take action in accordance with their safeguarding responsibilities and any local information-sharing arrangements.

3.3 Information sharing

Providers should work collaboratively with police and other relevant agencies to support the safe delivery of programme-based positive requirements and prioritise victim safety.

Information sharing should be necessary, proportionate and compliant with relevant legal and organisational requirements.

Providers should establish secure information-sharing arrangements with police before accepting referrals.

3.4 Role of providers

Providers play an important role in supporting the delivery of programme-based positive requirements.

This includes:

- conducting suitability assessments;
- determining whether a perpetrator is suitable for the proposed intervention;
- delivering interventions safely and effectively;
- sharing information about emerging risk concerns; and
- providing information regarding attendance and engagement;

Providers are not responsible for determining whether a perpetrator has breached a DAPO. Decisions regarding compliance, breach investigations and enforcement action remain the responsibility of the police.

4. Receiving referrals and conducting suitability assessments

4.1 Initial contact from police

As programme-based positive requirements are only available through police-led DAPO applications and DAPOs made in criminal proceedings, providers should expect the police to be the primary source of referrals.

Providers should be aware that police-led DAPO applications may follow the issue of a DAPN and be subject to statutory timescales requiring a court hearing within 48 hours. In such cases, timely engagement between providers and police will be particularly important.

Before seeking a programme-based positive requirement, police should contact the provider to discuss the proposed referral and establish whether the provider is willing and able to undertake the suitability assessment and, where appropriate, deliver the intervention.

Where possible, police will seek to obtain the date, time and location of an assessment appointment before the DAPO hearing. Where this is not possible, the provider may be required to arrange the assessment following the making of the DAPO (**see section 4.6**).

Providers should make police aware of any anticipated waiting times, capacity constraints or programme availability issues that may affect the delivery of the proposed intervention.

4.2 Purpose of the suitability assessment

The suitability assessment enables providers to determine whether the proposed intervention is appropriate for the perpetrator and whether it can be delivered safely and effectively.

The assessment should be conducted in accordance with the provider's normal operating arrangements.

4.3 Matters providers should consider

Providers should apply their own professional and legal standards when assessing suitability. A thorough assessment of risk and need should form part of the suitability assessment process. This should include consideration of:

- the perpetrator's suitability for the intervention;
- ability to engage meaningfully with the intervention;

- practical barriers to attendance or participation;
- the impact of employment, education, caring responsibilities or religious observance;
- risk factors relevant to the intervention; and
- victim safety considerations, including any potential impact of the intervention on the safety of the victim and any children.

4.4 Consent

Attendance at a suitability assessment will be mandated by the DAPO. Providers should therefore expect perpetrators referred under a programme-based positive requirement to attend an assessment of suitability in accordance with the terms of the order.

Where participation in an intervention requires informed consent under the provider's operating model, this should be considered as part of the suitability assessment process.

A perpetrator may therefore be required by the DAPO to attend an assessment of suitability, but participation in the intervention itself may be subject to the provider's assessment outcome and any applicable consent requirements.

Providers should ensure that the perpetrator understands the provider's reporting responsibilities as part of the suitability assessment process. This should include explaining that information relating to attendance, engagement and any relevant risk concerns may be shared with the police in accordance with the DAPO and local information-sharing arrangements.

4.5 Failure to attend suitability assessment process

Where the DAPO specifies the date, time and location of the suitability assessment, providers should notify police where the perpetrator fails to attend the assessment without prior notification or explanation.

Providers should share any relevant information regarding the missed appointment, including any concerns relating to victim safety or increased risk with police in accordance with local information-sharing arrangements.

4.6 Unable to arrange a suitability assessment

In some cases, the DAPO may identify the provider but may not specify the date, time and location of the suitability assessment. In these circumstances, the provider will be responsible for contacting the perpetrator to arrange the assessment. Police should notify the provider where they are required to arrange a suitability assessment following the

making of a DAPO and provide any relevant information required to facilitate contact with the perpetrator.

Providers are recommended to make at least three reasonable attempts to contact the perpetrator using the contact details provided. This may include telephone calls, emails, letters or other reasonable methods of communication.

Where the perpetrator cannot be contacted, declines to engage with the assessment process, or otherwise fails to respond following reasonable attempts to arrange an assessment, the provider should notify police in accordance with local information-sharing arrangements.

It is for the police to determine whether any failure to engage with the assessment process constitutes a breach and requires further action.

4.7 Assessment outcome

Following the suitability assessment, providers should determine whether the perpetrator is:

- suitable for the intervention;
- unsuitable for the intervention; or
- unable to participate safely or effectively at that time.

In reaching this decision, providers should consider any relevant victim safety concerns, including whether participation in the proposed intervention could increase risk to the victim.

Providers should communicate the outcome to police in accordance with local arrangements, together with any information relevant to the delivery of the intervention or ongoing risk management.

Where a provider determines that the perpetrator is unsuitable for the intervention, the provider should provide a rationale for that decision to police.

Where a provider determines that the perpetrator is suitable for the intervention, the provider should provide information required to support implementation of the programme-based positive requirement, including anticipated start dates, programme duration and delivery arrangements with the police.

5. Delivering and Monitoring Programme-Based Positive Requirements

5.1 Commencement of the intervention

Where the perpetrator is assessed as suitable, and any relevant consent requirements have been met, the provider should commence the intervention in accordance with the DAPO and the provider's operating arrangements.

5.2 Ongoing engagement with the provider

Providers should maintain appropriate records of attendance, participation and engagement throughout the intervention and retain those records in accordance with their organisational policies and applicable information governance requirements.

Providers should continue to assess risk and identify any emerging safeguarding concerns during the course of the intervention.

5.3 Routine reporting

Providers should submit engagement and attendance reports to police at least quarterly using the reporting form.

Police forces and providers may agree more frequent reporting arrangements locally depending on the circumstances of the case, the level of risk posed by the perpetrator or the nature of the intervention being delivered.

It is for the police to determine whether any non-compliance amounts to a breach of the DAPO and whether further action is required to safeguard the victim.

5.4 Escalation of concerns

Providers should proactively share information with police where there are concerns that a perpetrator's attendance, engagement or behaviour may indicate an increased risk to the victim.

Providers should not wait until the next scheduled report where immediate concerns exist.

Police will consider what further safeguarding action may be required, including information sharing with relevant safeguarding partners in accordance with local arrangements.

5.5 Provider role in reporting attendance, engagement and risk

Providers are responsible for delivering the intervention and sharing relevant information with police regarding attendance, engagement and any emerging risk concerns. Providers should also notify police where they become aware of information suggesting that the perpetrator may have breached another condition of the DAPO, such as by contacting the victim when prohibited from doing so, or where there are concerns regarding victim safety.

Providers are not responsible for monitoring compliance with a DAPO or determining whether a perpetrator has breached the order. The assessment of compliance and any subsequent enforcement action remain matters for the police.

5.6 Breach

Failure to comply with any requirement imposed by a DAPO without reasonable excuse may constitute a criminal offence. This includes, where applicable, failing to attend a suitability assessment, failing to engage with arrangements made to facilitate a suitability assessment, or failing to comply with a programme-based positive requirement imposed by the order.

It is for the police to determine whether any non-compliance amounts to a breach of the DAPO and whether further action is required to protect and safeguard the victim.

Where appropriate, police may request further information from providers to support breach investigations or criminal proceedings.

5.7 Supporting breach investigations and criminal proceedings

Where police investigate an alleged breach of a DAPO, providers may be asked to provide evidence relating to attendance, engagement or assessment arrangements.

Programme providers are strongly encouraged to cooperate with police investigations and criminal proceedings where appropriate. This may include providing witness statements, attendance records, engagement reports or other relevant information relating to assessment arrangements or participation in the intervention. Providers should have regard to their own legal, safeguarding and organisational responsibilities when responding to requests for information or evidence.

6. Completion of the Intervention

6.1 Completion reporting

Once the intervention has been completed, providers should submit a final report to police summarising attendance, engagement, completion of the intervention and any relevant observations relating to ongoing risk management.

6.2 Continuing risk

Providers should identify any ongoing concerns relevant to the safety of the victim and communicate these to police as part of the completion process.

6.3 Post-completion decisions

Following receipt of the final report, police will consider alongside wider information on the perpetrator and victim, whether the intervention has achieved its intended purpose, whether any ongoing risks remain and whether further action, including variation of the DAPO, may be required.