

Briefing on the Domestic Abuse Bill

The Domestic Abuse Bill is a once-in-a-generation opportunity to deliver a step change in the response to domestic abuse. It needs to drive a cultural shift to make domestic abuse “everyone’s business” - no longer tackled solely as a criminal justice issue, but across health and social care, housing, children’s services and welfare. The voices and priorities of survivors of domestic abuse must be central to the development of this new law.

Women’s Aid welcomes the launch of the Government’s consultation on a new Domestic Abuse Bill on International Women’s Day 2018. Women’s Aid’s recommendations for priorities within, and foundations for, the Bill and the supporting non-legislative package - based on knowledge and expertise developed over 40 years are set out in this briefing. It continues to be updated in response to the expertise and insights of survivors and our network of specialist member services across England.

Priorities for the Bill

1. Crime, safety and justice

A domestic abuse crime is committed every minute in England and Wales¹ but there remain major variations in the police and criminal justice response to the crime. Following a 6% reduction in police referrals to the Crown Prosecution Service (CPS), the number of prosecutions and convictions for domestic abuse fell in 2016-17.² Just 1 in 6 women in refuge in 2017 had seen a criminal case or sanctions against the perpetrator³. The Bill must strengthen the power of the police response, deliver a victim-centered response and improve survivors’ experience of the justice system. Recommendations include:

- A breach of the proposed new **Domestic Abuse Protection Order (DAPO)** must be a criminal offence, and trigger an immediate police response with a swift return to court. We welcome the proposed range of DAPO requirements and restrictions on perpetrators, which must focus on protecting victims. The police must not be disincentivised from obtaining DAPO’s because of high court fees.
- Ensure that the police use **bail conditions to safeguard survivors**, following major reductions in the use of pre-charge bail resulting from the Policing and Crime Act 2017. Urgent reforms are needed to stop highly dangerous offenders being released under investigation with no conditions attached.⁴
- Guarantee survivors’ **access to special protection measures** - such as separate entrances and exits, waiting rooms, screens and video links - not only in criminal courts, but civil and family courts too. Deliver a complete ban on a perpetrator’s ability to cross-examine survivors across all jurisdictions.
- Deliver an **evidence-led policing response** with: evidence including 999 tapes, statements and photographs at the scene collected as a minimum; effective training and use of body-worn police cameras; and evidence of coercive control collected to refer to the CPS.
- Ensure that a survivor never has to choose between safety and **the right to vote** by ending the expiry of “anonymous voter” registration after 12 months, making it accessible for life.

2. Accountability

A clear framework of national accountability is critical to improve performance and end the “postcode lottery” response. The new independent Commissioner role requires robust powers and duties, clear reporting mechanisms, adequate resourcing, and an advisory board inclusive of survivors and specialist services. Recommendations for the Commissioner include:

- To have a remit for assessing the response to all forms of **violence against women and girls**.
- **Monitor and assess compliance** with the National Statement of Expectations for VAWG services to ensure that local areas provide quality, resourced service provision that meets local needs and delivers safe and appropriate responses to victims and perpetrators.
- To have a specific focus on reviewing the response to black or minority ethnic (BME) women, disabled women, older women, women with no recourse to public funds (NRPF) and other **vulnerable groups**.
- Make recommendations to both national and local government, **compelling statutory agencies and public bodies to cooperate** with requests where required.

¹ Her Majesty’s Inspectorate of Constabulary, Fire and Rescue Services, [PEEL: police effectiveness 2017 - a national overview](#), March 2018

² Crown Prosecution Service, [Violence Against Women and Girls Report 2016-17](#)

³ Women’s Aid, [Survival and Beyond - The Domestic Abuse Report](#), 2017

⁴ BBC, [Thousands of violent crime suspects released without conditions](#), 30 March 2018

- Improving learning from, and implementation of, recommendations from **domestic homicide reviews**, serious case reviews, and other data sources on fatal domestic abuse.
- Ensure consistent **data collection** across all agencies - aligning to the new definition and including sex, age and relationship of perpetrator and victim, and protected characteristics.

3. Health and wellbeing

Domestic abuse is a widespread public health issue that needs a long-term strategy to prevent.⁵ Despite the huge impacts upon physical and mental wellbeing, and associated costs, domestic abuse is often not regarded as a health or social care priority at national or local level. Almost all survivors interact with health services at some point and, for many women who experience violence and abuse, these are one of the only places that it is safe to disclose. Recommendations:

- Secure domestic abuse as a **priority within the health and social care sector** - specifically through inclusion within Joint Strategic Needs Assessments, Sustainable Transformation Plans and the priorities of Clinical Commissioning Groups, and clear guidance, roles and responsibilities for health and social care providers in commissioning and service provision.
- Establish **mandatory, ongoing training** for health care providers and professionals, with advanced provision for 'first contact' staff and those in specialities where they are likely to care for women and children survivors - such as midwives.
- Build on the general practice identification and referral programme IRIS⁶ to ensure that **health care settings are safe places for survivors** - where disclosures are responded to effectively and survivors are safely sign-posted and referred to specialist support services.
- Improve access to quality **mental health support** for survivors - including fast-tracked access to Child and Adolescent Mental Health Services (CAMHS) for children, and counselling, therapeutic and mental health support for women.
- **Scrap the 'GP Fee'** - end charges for survivors seeking to obtain evidence of domestic abuse from a health professional, for example when applying for legal aid through the Domestic Violence Gateway.

4. Children and family

Domestic abuse can have a devastating impact on children and young people and is the most common factor in cases where children are at risk of serious harm.⁷ Domestic abuse results in a range of emotional, social, psychological and behavioural responses, with short and long-term implications for children. The Government propose to create a statutory aggravating factor when domestic abuse impacts a child, which will enable sentences to increase. Similar recognition of the serious harm domestic abuse causes to children is needed in within the family justice system - where the approach to child contact can undermine the safety and welfare of children in domestic abuse cases, and expose them to further harm.⁸ Recommendations:

- **End the assumption of contact** in cases where children are at risk of harm from domestic abuse, with contact arrangements based on informed judgement of a child's best interests and safety.
- **Prohibit unsupervised contact** for a parent waiting for trial, or on bail for, a domestic abuse related offence, or where there are ongoing criminal proceedings for domestic abuse.
- Establish a statutory footing for the principle of **Operation Encompass**:⁹ police disclosure of a domestic abuse incident at a child's home to their school before 9am on the next school day.
- **Recognise and resource specialist domestic abuse services** who deliver vital protection and support for children and young people who have experienced domestic abuse.
- Consistent **information sharing** on children at risk of harm from domestic abuse within and between agencies.

5. Housing, welfare and immigration

The harm caused by domestic abuse is far-reaching and includes impacts on finances and debt, housing and homelessness, employment and education. These impacts are more acute for migrant women and women with insecure immigration status or NRPF, who face severe barriers to escaping abuse and accessing support. Recommendations:

⁵ Ofsted, HMICFRS, CQC, HMIoP, The multiagency response to children living with domestic abuse, 2017

⁶ [IRIS - Identification and Referral to Improve Safety](#)

⁷ Ofsted, HMICFRS, CQC, HMIoP, 'The multiagency response to children living with domestic abuse', 2017

⁸ Dr Ravi Thiara and Dr Christine Harrison, Safe Not Sorry: Key issues raised by research on child contact and domestic violence, University of Warwick 2016. [Accessible online.](#)

⁹ <http://www.operationencompass.org>

- Fair access to support services for migrant women by reforming the Immigration Rules, **specifically the eligibility and time limit for the Destitution Domestic Violence Concession (DDVC)**, to ensure all women with insecure immigration status fleeing violence can access a refuge space.
- A statutory bar **on local authorities imposing local connection rules on refuges**, which women and children frequently flee to from another area.
- A consistent response to access to social housing and homelessness prevention for survivors, with legislation enshrining the **priority need** for accommodation for all survivors of domestic abuse.
- Review the availability and effectiveness of **sanctuary schemes** to keep survivors who are able to stay in their own home safe.
- **Assess welfare reforms** for their impact on women's ability to escape abuse, exempt all women fleeing domestic abuse from the benefit cap and end the two child tax credit limit.
- Routinely include the role and response of housing providers within **Domestic Homicide Reviews**.

6. Prevention

To really achieve a step-change in the response, the legislation and non-legislative package must drive progress in prevention and towards a future free from abuse. Recommendations:

- Ensure **mandatory Relationships and Sex Education**, which will be introduced in all schools from September 2019, has a clear and gendered focus on tackling domestic abuse and VAWG, is delivered in partnership with the expertise of specialist domestic abuse services, and has a 'whole school approach' to prevention.
- **Support communities to talk about domestic** abuse, such as through the Women's Aid 'ask me' scheme, and tackle everyday sexist behaviours;
- Ratify and deliver the **Istanbul Convention** to address the root causes of inequality and discrimination that underpin domestic abuse and VAWG.

Foundations for the Bill

Framework

Domestic abuse is a form of violence against women and girls (VAWG), overwhelmingly perpetrated by men towards women¹⁰. The consultation places the Bill within the Government's wider VAWG Strategy and includes a welcome commitment to extend extra-territorial jurisdiction over VAWG related offences - to enable the ratification of the landmark Istanbul Convention. The legislation must build upon this landmark Convention and adopt its gendered approach and obligations, which are critical for ensuring that corresponding resources are effectively targeted at local level.

Definition

The Bill will establish a new statutory definition of domestic abuse in law. The proposed inclusion of economic abuse - which can range from exploiting survivors' income and resources, accruing debts, and denying access to money - is welcome. We are concerned that the definition proposed confuses domestic abuse between intimate partners and family members - which require different responses. The experience of coercive control, and a gendered understanding of the crime, must also be central to the new definition.

Resourcing

If the Bill delivers the Government's aims to increase public awareness, and improve the confidence of victims to come forward, demand on already highly stretched domestic abuse services will rise further. The legislation must be underpinned by a sustainable future for specialist services - including the national network of life-saving refuges, currently at severe risk from proposed funding reforms in 2020.

Training

Poor attitudes and understanding towards domestic abuse - particularly the nature and impact of coercive control - remain widespread, and unacceptable 'victim-blaming' responses are common. Improving training is essential for the implementation of the Bill. Building on lessons from the Wales Act¹¹, the Bill must be underpinned by a national approach to training and professional development to deliver a consistent, high quality response to - and standard of care for - survivors.

For further information or to arrange a meeting please contact: Sian Hawkins, Campaigns & Public Affairs Manager at Women's Aid - s.hawkins@womensaid.org.uk

¹⁰Crown Prosecution Service, [Violence Against Women and Girls Report](#) 2016-17

¹¹ Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015