

## House of Commons Home Affairs Select Committee Domestic Abuse Inquiry

### *Response from Women's Aid Federation of England*

Women's Aid Federation of England welcomes the opportunity to submit evidence to the Home Affairs Select Committee Inquiry on Domestic Abuse. Women's Aid is the national charity working to end domestic abuse against women and children. Women's Aid was founded in 1974 and, over the past 44 years, has been at the forefront of shaping and coordinating responses to domestic abuse through practice, research and policy. We empower survivors by keeping their voices at the heart of our work, working with and for women and children by listening to them and responding to their needs.

We are a federation of over 180 organisations who provide just under 300 local lifesaving services to women and children across the country. We provide expert training, qualifications and consultancy to a range of agencies and professionals working with survivors or commissioning domestic abuse services, and award a National Quality Mark for services which meet our quality standards. We hold the largest national data set on domestic abuse, and use research and evidence to inform all of our work. Our campaigns achieve change in policy, practice and awareness, encouraging healthy relationships and helping to build a future where domestic abuse is no longer tolerated.

Our response to the Committee, and to the Government's Domestic Abuse Bill consultation, has been informed by Women's Aid's data, research and evidence base and extensive consultation with our member services and survivors - including a survey conducted in 2018 that 184 women responded to.

#### **1. What further measures need to be taken to help prevent domestic abuse**

##### Gendered approach

- 1.1 Domestic abuse is a form of violence against women and girls (VAWG), which is deeply rooted in the societal inequality between women and men.
- 1.2 Quantitatively women suffer domestic abuse by men in greater numbers.<sup>i</sup> The nature and impact of men's abuse towards women is also qualitatively different to that experienced by men. Women are more likely to experience fear, be subject to coercive control, experience repeat victimisation and are far more likely to be killed by partners/ex-partners. Effective prevention can only be achieved by recognising the gendered reality of the crime.
- 1.3 All survivors, regardless of gender or sexual orientation, must be able to access support that meets their needs. But 'gender neutral' approaches, concerningly evident in the current commissioning of services, fail to prevent domestic abuse and deliver the gender-specific support survivors require. 'Gender neutral' legislation, which guides strategy, funding and commissioning, will therefore have far-reaching, adverse implications.
- 1.4 The Government is signatory to a range of international treaties and conventions that recognise that this crime is a form of gender-based violence - including the Istanbul Convention, which the Government has committed to ratify, which requires states to recognise "*the gendered dynamics, impact and consequences of these forms of violence and [operate] within a gender equality and human rights framework*". The statutory definition proposed in the consultation does not do so.
- 1.5 A statutory definition must recognise the gendered nature of the crime and, subsequently; clarify the significant differences between the forms of abuse experienced by intimate partners and family members; shift the focus from 'single incidents' to patterns of abusive behaviour, which are far more common in intimate partner cases; and clarify that coercive control is the overwhelming experience of intimate partner abuse.

##### Education

- 1.6 High quality Relationship and Sex Education (RSE) is essential for prevention and must be delivered as one part of a 'whole school approach' to ending VAWG. We are concerned that the

implementation of statutory RSE has been delayed to 2020 and call for the Government to make urgent progress on delivering high-quality RSE. To ensure that children and young people are given the tools and resources to understand healthy relationships and abuse, RSE should be developed in partnership with specialist VAWG organisations with expertise in this area.

- 1.7 RSE, as part of a whole school approach, must: focus specifically on the gendered nature of these crimes; tackle sexism, gender myths and stereotypes, consent, healthy relationships, sexual harassment and all forms of VAWG - including forms of image based sexual abuse such as 'upskirting'; be embedded within school safeguarding, bullying and equality policies; delivered in partnership with specialist services; and supported with high quality training for school staff.
- 1.8 A whole school approach must specifically address the needs of vulnerable children and young people who are experiencing domestic abuse - including with guidance on disclosures, clear referral pathways and multi-agency safeguarding partnerships, visible displays for support services, safe spaces for children, and comprehensive training for teachers and school staff.
- 1.9 Women's Aid's Annual Survey of domestic abuse services in 2017 ('the Annual Survey 2017') found that 46% of organisations responding were running services with no dedicated funding during 2016/17 – this is very often work on prevention and in schools. Sustainable funding for domestic abuse services, which recognises the added value they deliver in preventing domestic abuse within communities, is essential.

*“Educate everyone about what a healthy, equal, respectful relationship is, and to teach everyone what an unhealthy, damaging relationship is. My only point of reference for a healthy relationship was Disney and Hollywood movies”, Survivor*

## **2. Is the response of public authorities to domestic abuse good enough, and if not, how could it be improved?**

2.1 Domestic abuse is not only a criminal justice issue, it touches all parts of society and various public bodies come into contact with survivors and perpetrators. The onus is often put on the police to respond to domestic abuse, however, just 1 in 6 women resident in refuges responding to the Annual Survey 2017 had seen a criminal case or sanctions against the perpetrator<sup>ii</sup>. Agencies in the housing, health and financial sectors have a huge role to play, as these were the most common needs of women using domestic abuse services last year.<sup>iii</sup> An effective, co-ordinated response across public authorities listens to what survivors need, works in partnership with specialist services, and delivers shared outcomes.

*“Whichever service survivors of domestic violence and abuse encounter, that is the one that needs to respond to her needs”, Survivor*

2.2 The second report from Women's Aid's No Woman Turned Away (NWTa) project<sup>1</sup> finds that women face barriers to accessing safety due to poor statutory responses. In 2017-18, over half of the survivors who approached their local housing teams for help were prevented from making a valid homelessness application, and social services failed to meet their duty to nearly half of the cases where women had children. The report uncovers poor awareness, understanding and resourcing on domestic abuse within statutory agencies which present significant barriers to safety for survivors.<sup>iv</sup>

2.3 With statutory agencies clearly currently failing to meet their duties, and even increasing women's risk of harm, the Government's priority must be to ensure all parts of the public sector deliver an effective response to, and high quality standard of care for, survivors.

2.4 One particular area of concern for Women's Aid and the survivors we work with are the Department for Work and Pension's (DWP's) policies and agencies. Welfare reform policies are having disproportionate impact on survivors<sup>v</sup> and the design of Universal Credit (UC), which is paid to one member of a household, risks increasing a perpetrator's financial control.<sup>vi</sup> We also know that practices

---

<sup>1</sup> In 2015 Women's Aid was commissioned by Ministry of Housing, Communities and Local Government (MHCLG) for continuing to fund the No Woman Turned Away (NWTa) project. This funding provides additional support for women who have faced barriers to accessing a refuge and detailed monitoring of the journeys of survivors seeking safety from domestic abuse.

currently vary hugely; Jobcentre Plus work coaches report that a lack of training bars them from providing effective support<sup>vii</sup>, and not all banks or financial services have robust internal policies, resulting in survivors experiencing significant issues with debt and closing joint bank accounts safely.<sup>viii</sup>

2.5 There must be clear national oversight to ensure public authorities are upholding their duties, providing survivors with a good response, and investing in and improving training. The powers, functions and resources of the new Commissioner role - further detail of which is provided in our response to Question 8 - are essential for holding statutory agencies accountable for progress.

2.6 Women's Aid further calls on the Government to ensure that the Bill, and supporting non-legislative package, delivers the following specific reforms:

### Recommendations

#### All Public Services:

- Domestic abuse is made a strategic safeguarding policy for all public services.
- Staff receive dedicated specialist training and professional development on domestic abuse – including coercive control and its impact – and how to support survivors' and meet their needs.

#### Housing:

- A statutory bar on local authorities imposing local connection rules on refuges, which women and children frequently flee to from another area.
- An automatic assumption that survivors are in 'priority need' for housing; 20% of the women escaping domestic abuse supported by the NWTa project in 2017 who had approached their local housing team were told they weren't 'priority need'.<sup>ix</sup>
- Review the availability and effectiveness of sanctuary schemes, so survivors who are able to remain in their own homes stay safe.
- Align strategies on domestic abuse, VAWG, social housing and homelessness at local and national level, and routinely include the housing sector in Domestic Homicide Reviews.

#### Health:

- Secure domestic abuse as a priority within the health and social care sector - including within Joint Strategic Needs Assessments, Sustainable Transformation Plans and the priorities of Clinical Commissioning Groups - and provide clear guidance, roles and responsibilities for health and social care providers on commissioning and service provision.
- Build on the general practice programme IRIS<sup>2</sup> to ensure that disclosures are responded to effectively and survivors are sign-posted and referred to specialist support services safely.
- Improve access to quality mental health support - including fast-tracked access to Child and Adolescent Mental Health Services (CAMHS) for children, and counselling, therapeutic and mental health support for women.

#### Finance:

- Front line staff in DWP, Jobcentre Plus and other relevant agencies to receive specialist training, and all banks and financial services have robust internal domestic abuse policies that fast-track survivors to support and treat joint bank accounts separately.
- End the benefit cap and two child tax credit limit, which are creating additional barriers to survivors leaving abusive homes, and reform Universal Credit to ensure it is safe for survivors - including working towards a system of 'splitting payments' by default.

### **3. What else is required to ensure that there is sufficient support, protection and refuge for victims of abuse?**

3.1 The legislation must be underpinned by sufficient resourcing and a sustainable future for domestic abuse services - which achieve positive outcomes for women at all stages of their journey, whether they are living in an abusive home, thinking of leaving, escaping to refuge, remaining in their home, or

---

<sup>2</sup> IRIS - Identification and Referral to Improve Safety

returning to the perpetrator - but are currently operating in a climate of uncertain funding, insufficient resources to meet demand, damaging commissioning practices, and cuts in public sector spending.<sup>x</sup>

3.2 Demand for domestic abuse services far outstrips supply and women and children are turned away daily at the point of need, unable to access the support required for recovery. The Annual Survey 2017 found that: 24% of referrals to responding community based services, and 60% of referrals to refuge, in 2016-17 were declined; and 94 women and 90 children were turned away from refuge on one day.<sup>xi</sup>

*“Going into a refuge saved my life, and gave hope and a future to my children”, Survivor*

3.3 Organisations struggle to deliver quality services that meet the needs of all women and, critically, their children. Women with additional vulnerabilities - including Black and Minority Ethnic (BME) women, disabled women, women with substance use needs and those with no recourse to public funds (NRPF) - face acute barriers to support. In 2016-17, only 1.7% of refuge vacancies in England had wheelchair access, only 10.8% of refuge services employed specialist drug or alcohol support workers, and only 5.4% could support survivors with NRPF due to limited capacity as a result of chronic underfunding.<sup>xii</sup>

3.4 The current funding approach is not working. A range of Government departments devolve short-term funding pots to local authorities and Police and Crime Commissioners, to then commission in line with the non-statutory National Statement of Expectations (NSE) for VAWG services. There is no accountability mechanism for ensuring that local areas meet the NSE. Service provision therefore differs significantly across the country, resulting in a ‘postcode lottery’ of support.

3.5 Funding insecurity and lack of national oversight are compounded by damaging local commissioning practices. Specialist services such as women’s refuges face major challenges within a competitive commissioning landscape where: expertise in domestic abuse and VAWG is lacking; open tendering procedures favour larger, generic organisations; and short-term commissioning of gender-neutral services negatively impacts their provision.<sup>xiii</sup> The Annual Survey 2017 found that 60% of services cited funding challenges as their primary concern and over 1 in 10 received no local authority funding at all.<sup>xiv</sup>

3.6 The funding crisis undermines an effective public service response to domestic abuse, as services such as the police rely on signposting survivors to specialist services and glean strategic or training advice from them. Local support services are an essential part of the national infrastructure required to respond to the demand from domestic abuse, which will only increase if the aims of the Domestic Abuse Bill - to improve awareness, protections and support for victims to come forward - are achieved.

3.7 Proposed reforms to rent in ‘short-term supported housing’, announced in October 2017, would have removed the only secure form of national revenue for refuges - housing benefit - with grant funding devolved to local authorities to administer. Over half of refuges (52%) responding to our survey would have been forced to reduce bedspaces or close the refuge entirely if these plans went ahead.<sup>xv</sup> We are calling for Government to withdraw these proposals and deliver a secure funding model for refuges which covers both their housing and support costs. We are developing alternative solutions in this regard, which we would be pleased to share with the Committee at a later date.

3.8 The Bill will be undermined without sustainable resourcing. In the context of severe levels of unmet demand, a lack of support for children and uncertain funding, a sustainable model for the future of domestic abuse services is urgently required. This must meet national demand for support in services resourced to meet women’s and children’s needs.

#### **4. How to secure the equal protection of BME and migrant women who are victims of domestic abuse**

4.1 Ensuring full and equal access to support for BME and migrant survivors is a fundamental priority for the Bill. BME and migrant women are particularly vulnerable to domestic abuse and VAWG and face extra barriers to reporting abuse and seeking help.<sup>xvi</sup>

4.2 All measures in the Bill must be inclusive and responsive to BME and migrant survivors. The proposed statutory definition unacceptably excludes the forms of violence disproportionately experienced by BME women - forced marriage, female genital mutilation (FGM) and so-called 'honour-based violence', often perpetrated by family members and with multiple perpetrators, as well as dowry abuse and transnational marriage abandonment. Women's Aid is highly concerned by this and calls for the definition to include these other forms of abuse, with accompanying statutory guidance.

4.3 Research with over 250 survivors found that the police were much less likely to arrest, conduct a criminal investigation, or bring a criminal charge in cases involving migrant women - who were also less likely to get injunctions or protection orders than UK/EU nationals.<sup>xvii</sup> New criminal justice measures proposed for the Bill - including the Domestic Abuse Protection Order (DAPO) - must be accessible, and deliver equal protection, for BME and migrant survivors.

4.3 Dedicated 'by and for' specialist BME women's services are vital for meeting BME women's needs - from language specialism to expertise on immigration, discrimination, racism, and gender dynamics within family and community structures.<sup>xviii</sup> Although the NSE makes clear that local areas should fund this provision, 'by and for' BME services face severe challenges within the current devolved funding model. In 2017 there were just 28 refuge services run specifically for BME women.<sup>xix</sup>

*"The biggest thing was that she used to speak my own language to speak with me", Survivor.*

4.4 Urgent reforms are needed to end the often insurmountable barriers facing survivors with NRPF<sup>3</sup> to accessing safety. The funding crisis facing refuges means many are simply unable to accommodate survivors who are unable to access housing benefit, or other means, to pay rent. Over a quarter (26%) of the women refused access to a refuge space supported by NWTAs project in 2017 had NRPF.<sup>xx</sup>

4.5 The Domestic Violence Rule (DVR) and Destitution Domestic Violence Concession (DDVC) - secured through advocacy from 'by and for' BME women's sector - are important developments. However, in practice there remain significant barriers for survivors in accessing the DDVC - which provides access to benefits while a survivor applies for indefinite leave to remain (ILR).<sup>xxi</sup>

4.6 Immigration status itself is routinely used by perpetrators as means to coerce and control, and compounded by a 'hostile environment' and inadequate public sector responses to migrant women. As a member of the Step Up! Migrant Women Campaign, we are highly concerned that over half (27) of police forces in England and Wales confirmed in response to Freedom of Information requests that they share victims' details with the Home Office for immigration control purposes.<sup>xxii</sup>

## Recommendations

- Eligibility for the DDVC must be expanded so that all migrant women - and not only those on non-spousal visas - can access this lifeline for support;
- Extend, or completely remove, the three month time limit for the DDVC until ILR is in place, and broaden DDVC evidence requirements;
- Provide additional resources and training to refuges and domestic abuse services - specifically in the 'by and for' BME sector - so they can deliver information and support to migrant survivors;
- Reduce the complexity of applications for the DDVC and the DVR, and fast-track applications.
- Government to improve the spousal visa process by: ensuring foreign spouses can access information about their partners' previous applications; tackling harmful curtailing of visas for foreign spouses when an abusive partner claims that a marriage has ended; and providing temporary visas for women who have entered the UK on spousal visas and are then taken to another country and abandoned there, so they can return to the UK and exercise their rights.

---

<sup>3</sup> We use this term to include those with insecure immigration status, undocumented migrants, asylum seekers and European Economic Area nationals, who all face significant restrictions in accessing state benefits.

- Requirements on statutory agencies to: ensure that professionals have comprehensive training on the rights of migrant women, the DDVC and DVR; publicise information, in a range of languages, about the scheme and support for migrant women; and respond to requests for evidence swiftly.
- Revise statutory guidance on assessment of children in need to make specific reference to the cases of NRPF families seeking support, clarifying that local authorities have statutory duties under Section 17 of the Children Act to support these women and children.
- Establish 'firewalls' to separate immigration control from the public services that survivors may report to and seek help from - including the police and social services - to ensure that insecure immigration status does not bar women from protection and justice.
- An end to the policy of dispersal for abused female asylum seekers, to ensure that support and assistance they are receiving is not disrupted.

## **5. The impact of domestic abuse on children and child safeguarding and what more the Government could do to ensure that more children are protected from domestic abuse;**

5.1 As the Government recognise, domestic abuse has a 'chronic' impact on children and their futures; evidence shows that 1 in 7 children and young people under the age of 18 will have lived with domestic abuse at some point in their childhood<sup>xxiii</sup> and 62% of children living with domestic abuse are also directly harmed.<sup>xxiv</sup>

5.2 It is therefore highly concerning that the number of dedicated children and young people's domestic abuse services listed on Routes to Support fell by 10% from 2010-2017.<sup>xxv</sup> Any future funding for domestic abuse services must integrate funding for children by default – this should not be left to be an optional 'add on' fund, as it is central to the services specialist domestic abuse services provide. Vital children and young people services, to tackle trauma and support recovery, often run with no dedicated funding, existing only from the fundraising efforts of specialist organisations.

5.3 Some of the most vulnerable children and young people are the least likely to be able to access help. Strong emphasis on equality of access to help for children and young people, regardless of their ethnicity, age, gender, disability or parental immigration status, is therefore required. In addition, they may not be given opportunities to express their own views, and some professionals are reluctant to talk directly with children and young people and involve them in decisions which affect them. It is crucial that children and young people have access, and are clearly signposted, to therapeutic support and have fast-tracked access to CAMHS.

5.4 Women's Aid is working in partnership with Operation Encompass - a reporting scheme by which police notify schools before the start of a school day about a domestic abuse incident that a child or young person has been involved in, or exposed to, the previous evening to ensure the school delivers effective support. This scheme aims to improve local responses to domestic abuse, and ensure schools are supporting children and parents at the earliest possible point. The Bill is an opportunity to provide a statutory underpinning to this approach - which is required to deliver consistent national implementation of Operation Encompass, with appropriate training that focuses on how to provide effective support for children and non-abusive parents.

5.5 Children should never be put at risk of further harm from the criminal or family justice systems. However, research we have undertaken in partnership with Queen Mary University of London (QMUL) has demonstrated that serious safeguarding concerns arise from the family courts' current approach to child contact arrangements in domestic abuse cases. Poor understanding of domestic abuse and the dominant 'pro-contact' approach in the family jurisdiction can result in unsafe child contact decision and dangerous situations for women and children survivors. Our research found examples of the family courts being used to perpetuate post-separation and financial abuse, and criminal charges of domestic abuse being minimised or ignored within child contact decisions<sup>xxvi</sup>.

*"No one in the family court system, in particular the judges, have any clear idea as to the impact of domestic violence and the fact most victims & their children are highly traumatised. They are just hell bent on contact at whatever cost, the children's voices are never heard", Survivor*

## Recommendations

- Improve the provision of appropriate, high-quality specialist support for children and young people.
- Ensure children have fast-tracked access to Child and Adolescent Mental Health Services.
- Implement statutory high-quality RSE - delivered by specially trained and supported staff and surrounded by a 'whole school approach' to tackling VAWG – to provide young people with the information, skills, confidence and support to build healthy, respectful relationships.
- Ensure the work of specialist domestic abuse services in supporting and protecting children is recognised and funded by children's services.
- Clear, consistent protocols to improve information sharing on children at risk of harm from domestic abuse within and between agencies.
- Establish a statutory footing for the principle of Operation Encompass.
- A cross-government approach - clearly linked and following the VAWG Strategy - to join up and improve the multi-agency response to children and young people living with domestic abuse.

### **6. What are the key difficulties encountered by victims of domestic abuse in the justice system, and in particular in the family courts;**

6.1 Despite progress in the criminal court response to domestic abuse, survivors continue to find the process highly intimidating and dehumanising, are concerned about their safety and face huge barriers in accessing justice.

6.2 Women report to us that the family courts are particularly traumatising, harrowing and often re-victimising for a range of reasons. Survivors are slipping between the cracks between the two court systems - where a perpetrator of domestic abuse is seen as violent criminal in the criminal courts, but a 'good enough' parent in the family courts.

6.3 There is serious disparity in the response to domestic abuse between jurisdictions. The seriousness and impact of domestic abuse and coercive control is treated very differently by the criminal and family courts, leading to markedly different experiences for survivors and outcomes for children. Our research demonstrates that the family courts are frequently traumatic and dangerous environments for survivors and their children.

6.4 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 has increased the volume of litigants in person within the family courts, resulting in a rising numbers of victims being cross-examined by, or required to cross-examine, the perpetrator of abuse against them.

6.5 The practice of cross-examination intensifies and perpetuates the fear experienced by survivors, and prolongs the impact and trauma caused by the abuse. Our research with QMUL found that 24% of survivors responding to our survey<sup>4</sup> had been cross-examined by their former partner/abuser in family court proceedings.<sup>xxvii</sup>

6.6 Whilst we welcome the Government's proposal in the consultation to prohibit cross-examination in the criminal courts, in our experience the practice is not widespread in this jurisdiction. This abhorrent practice must be banned in all courts, and the long-awaited ban in the family courts – which the Government committed to making in January 2017- enacted as quickly as possible.

6.7 However wider changes are also needed to improve a survivors' access to safety and justice, and to ensure that women and children experience consistency in both the criminal and family courts. This includes the extension of access to special protection measures to victims of domestic abuse in this regard.

---

<sup>4</sup> Of 63 responses to this question, 24% (15) of respondents stated that they were cross-examined in court by their ex-partner, who was also a perpetrator of domestic abuse.

6.8 Women's Aid stands with survivors in calling for a wholesale review of the culture, practice and outcomes of the family courts in child contact cases where there are allegations of domestic abuse to work towards the necessary changes, and a more consistent response to domestic abuse to protect the safety and rights of survivors and their children.

*"Family court is beyond flawed...my abuser used the legal system to carry on abusing me", Survivor*

### Recommendations

- Ban the cross-examination of a victim by a perpetrator in the family court as swiftly as possible.
- Guarantee survivors' access to special protection measures across all jurisdictions.
- All professionals working in all jurisdictions to receive specialist domestic abuse training.
- All survivors in domestic abuse cases to have a named contact - within the police or other relevant criminal justice agency - to liaise with to ensure consistency and support.
- All survivors are referred to further specialist support - including information about their local domestic abuse service.
- An independent statutory inquiry to be conducted for an in-depth examination of the family courts handling of domestic abuse.
- The Ministry of Justice must continue to review survivors' access to the Domestic Violence Legal Aid gateway, and assess the impact of the means test on survivors.
- Clarification that the presumption in the Children and Families Act 2014 (the welfare of the child is best served by the involvement of both parents) does not apply where there is evidence of domestic abuse.
- Ban unsupervised contact for a parent who is awaiting trial or on bail for domestic abuse related offences, or where there are ongoing criminal proceedings for domestic abuse.
- Issue guidance for courts to use section 91 of the Children Act 1989, which empowers courts to make an order preventing further applications by a party, to ensure perpetrators are prohibited from using child contact proceedings to continue coercive control after separation.
- Ensure all judges, magistrates and professionals involved in child contact cases in the family court have specialist training on domestic abuse, coercive control and Practice Direction 12J - Child Arrangements and Contact Orders: Domestic Abuse and Harm.
- Create a mechanism for oversight of the judiciary in child contact cases involving domestic abuse - such as an independent, national oversight group overseeing the implementation of Practice Direction 12J.
- Properly resourced and risk-assessed child contact centres to ensure safe contact for both child(ren) and non-abusive parent - including training on domestic abuse for staff and volunteers, and a mechanism to ensure that inappropriate referrals to contact centres can be challenged.

*"Cross Examination MUST end", Survivor*

## **7. What national oversight framework is required to ensure that there are sufficient quality services available at a local level for victims of abuse;**

7.1 Survivors currently face a postcode lottery of support services, and the quality of the local response is not always adequate, partly owing to a lack of formal or informal national oversight or robust monitoring. Whilst the Home Office has published the welcome NSE for VAWG services, it lacks 'teeth' and an accompanying mechanism to hold statutory agencies and public bodies accountable for delivery. There is no clear monitoring or accountability framework to ensure adherence to national expectations, and no means of assessing local service provision.

7.2 The current lack of oversight and monitoring has serious implications for effective resourcing. There is clear evidence of poor commissioning practices that have resulted in the loss of, and or reduction in, the quality of domestic abuse provision by moving from independent specialist providers to larger more generic services.

7.3 Ongoing competitive tendering practices and procedures can effectively bar participation from small, specialist organisations with long established expertise. Such practices favour larger, generic providers, create a 'race to the bottom' in terms of costs, and fail to recognise the significant and unique added value that specialist services offer within communities, far over and above their contracted work. Mainstream commissioning processes can also fail to accommodate the specific needs of BME survivors, or subsume these specialist services into larger, generic contracts.

7.4 There has also been a shift from gender specificity to gender neutrality in commissioning which fails to recognise that domestic abuse perpetrated by men against women is a quantitatively and qualitatively distinct phenomenon. We are clear that all survivors must be able to access support that they need, however treating men and women equally does not mean treating them the same. Female and male survivors have very different support needs, which must inform service provision.

7.5 In recent years, we have seen a worrying trend in local authorities introducing 'local connection' rules to tenders, and local refuges being capped on the number of 'non-local' women they are able to accept. The very existence of refuges depends on these services' ability to accept women from out of the area, as women often have to flee their local area to be safe. The Annual Survey 2017 shows that over two thirds of women (68.4%) resident in refuge on the census day crossed local authority boundaries to access refuge.<sup>xxviii</sup>

7.6 Extensive work has been done to quality assure domestic abuse and VAWG services within the specialist sector, establishing a foundation for future national oversight. This includes the creation of agreed quality service standards<sup>5</sup> and work by Women's Aid and Imkaan - in collaboration with services, survivors, academics and commissioners - to establish a national outcomes framework and accompanying case management systems,<sup>6</sup> which enable services to evidence the outcomes they deliver. The specialist sector has also worked in partnership with Lloyds Bank Foundation and the Home Office to develop a Commissioning Toolkit, which sets out best practice in commissioning specialist domestic abuse and VAWG services and delivering the NSE at local level.<sup>xxix</sup>

## Recommendations

- We are calling for the proposed Commissioner role to provide a national oversight framework and for its primary purpose to establish a robust accountability mechanism that would monitor the provision of and access to services - as well as their quality and outcomes.
- In order to drive the culture change required, the Commissioner must have powers to assess the response to all forms of VAWG, share best practice to push for an improved response, and ensure that local authorities or statutory agencies failing to deliver for survivors can be held accountable.

## **8. The proposed role and powers of the Domestic Abuse Commissioner;**

8.1 We welcome the development of a new Commissioner role, in particular one which is a permanent and independent accountability mechanism for scrutinising legislation, policy, practice, commissioning, funding and provision.

8.2 For the Commissioner role, there must be a clear criteria for who could qualify to be an appointee, which must be someone that victims from all communities and backgrounds feel they can trust, and a transparent process around recruitment. If it is not explicit that the appointee should be an expert in the field, we are concerned that the Commissioner may struggle to make any impact and only have a limited use. It will also be crucial for meaningful engagement and consultation to be at the heart of the role and that an advisory group or board is appointed alongside the Commissioner to ensure the role benefits from the expertise and insights of both survivors and specialist domestic abuse services.

---

<sup>5</sup>These include Women's Aid's National Quality Standards - already adopted by MHCLG in their 'Quality Standards' for domestic abuse funding; Imkaan's Accredited Quality Standards; and the VAWG Sector Sustainability Shared Standard developed Imkaan, Rape Crisis England and Wales, Respect Safe Lives and Women's Aid.

<sup>6</sup> 'On Track' and 'Synthesis'

8.3 We are concerned about the proposed budget for the Commissioner role; the Impact Assessment accompanying the consultation notes that the budget is likely to be around £1 million per year for their salary, employment of staff, travel and other expenses.<sup>xxx</sup> When the scale of domestic abuse is taken into consideration - an estimated 1.2 million women experienced domestic abuse in the year ending March 2017<sup>xxxi</sup> - it is clear that this budget would not be sufficient for the Commissioner to have a transformative impact.

### Recommendations

- VAWG Commissioner - understanding the interconnectedness of experiences of different forms of gender-based violence in many women's and girls' lives, mean a truly useful and robust role would be a VAWG Commissioner.
- Accountability – to reiterate our response to question 7, we are clear that underlying all of the Commissioner's duties must be the power to effectively enforce a clear framework of national accountability and assess the response to all forms of VAWG.
- Vulnerable Groups – a specific duty to focus on the response to BME women, lesbian, gay and trans (LBT) women, disabled women, older women, migrant women and other vulnerable groups such as Gypsy, Roma and Traveller women.
- Independent, qualified and consultative – the appointee must be someone that victims from all communities and backgrounds feel they can trust, there must be a transparent recruitment process, and the Commissioner must meaningfully engage with survivors and specialist domestic abuse services.
- Domestic Homicide Reviews – oversee the Domestic Homicide Review Quality Assurance process, to improve learning from and implementation of recommendations from these reviews, alongside other serious case reviews and data sources on fatal domestic abuse; such as the Femicide Census.
- Reporting – to ensure accountability, the Commissioner should be required to present their work for scrutiny by a relevant Select Committee to ensure delivery to a high, evidence-based standard.
- Data Collection – a clear duty to collect and publish comprehensive data, in addition to data already collected, across all relevant sectors and agencies. Data collection must include sex, age and relationships of perpetrators and victims, and also include protected characteristics and outcomes on cases.
- Budget – the scale of domestic abuse should be taken in to consideration to ensure the role is properly resourced for their remit and responsibility.

- 
- <sup>i</sup> Office for National Statistics (ONS). (2017) *Statistical bulletin: Domestic abuse in England and Wales: year ending March 2017*. Published online: ONS
- <sup>ii</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- <sup>iii</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- <sup>iv</sup> Women's Aid, *Nowhere to Turn: Findings from the Second Year of the No Woman Turned Away Project*, 2018. [Accessible online](#).
- <sup>v</sup> Women's Aid Briefing on Welfare Reform, April 2018. [Accessible online](#).
- <sup>vi</sup> Women's Aid Briefing on Universal Credit, April 2018, [Accessible online](#)
- <sup>vii</sup> <https://www.parliament.uk/documents/commons-committees/work-and-pensions/Correspondence/pcs-chair-uc-domestic-abuse-140518.pdf>
- <sup>viii</sup> Women's Aid and TUC, *Unequal, trapped and controlled: Women's experience of financial abuse and potential implications for Universal Credit*, March 2015. [Accessible online](#).
- <sup>ix</sup> Women's Aid, *Nowhere to Turn: Findings from the Second Year of the No Woman Turned Away Project*, 2018. [Accessible online](#).
- <sup>x</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- <sup>xi</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- <sup>xii</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- <sup>xiii</sup> A/HRC/29/27/Add.2, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to the United Kingdom of Great Britain and Northern Ireland, May 2015
- <sup>xiv</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- <sup>xv</sup> Women's Aid Survey 2017, <https://www.womensaid.org.uk/refuges-send-sos-response-governments-proposed-supported-housing-funding-plans/>.
- <sup>xvi</sup> Imkaan, *Capital losses: the state of the BMR ending violence against women and girls sector in London* (available [online](#): Imkaan, 2016); Siddiqui, H. and Patel, M. *Safe and Sane: A model of intervention on domestic violence and mental health* (available [online](#): Southall Black Sisters, 2010)
- <sup>xvii</sup> Bates, L., Gangoli, G., Hester, M. and Justice Project Team (2018), Policy Evidence Summary 1: Migrant Women. University of Bristol, Bristol. [Accessible Online](#).
- <sup>xviii</sup> Anitha, S (2010). No recourse, no support: state policy and practice towards South Asian women facing domestic violence in the UK. *British Journal of Social Work*, 40 (2). pp. 462-479
- <sup>xix</sup> Women's Aid, *Nowhere to Turn: Findings from the Second Year of the No Woman Turned Away Project*, 2018. [Accessible online](#).
- <sup>xx</sup> Women's Aid, *Nowhere to Turn: Findings from the Second Year of the No Woman Turned Away Project*, 2018. [Accessible online](#).
- <sup>xxi</sup> Women's Aid, *Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project*, 2017. [Accessible online](#).
- <sup>xxii</sup> Step Up Migrant Women UK: Latin American Women's Rights Service, *Safe Reporting of Crime for Migrants With Insecure Immigration Status*, May 2017
- <sup>xxiii</sup> Radford, L, Aitken, R, Miller, P, Ellis, J, Roberts, J, and Firkic, A, *Meeting the needs of children living with domestic violence in London Research report* Refuge/NSPCC research project Funded by the City Bridge Trust November 2011 (London: NSPCC and Refuge, 2011), p. 9
- <sup>xxiv</sup> CAADA, *In Plain Sight: Effective Help for Children Exposed to Domestic Abuse*, 2014. [Accessible online](#).
- <sup>xxv</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- <sup>xxvi</sup> Birchall, J. and Choudhry, S. (2018), "What about my right not to be abused?" Human rights, domestic abuse and the family courts, Bristol: Women's Aid. [Accessible online](#).
- <sup>xxvii</sup> Birchall, J. and Choudhry, S. (2018), "What about my right not to be abused?" Human rights, domestic abuse and the family courts, Bristol: Women's Aid. [Accessible online](#).
- <sup>xxviii</sup> Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- <sup>xxix</sup> Home Office, *Violence Against Women and Girls Services: Supporting Local Commissioning*, December 2016. [Accessible online](#).
- <sup>xxx</sup> Home Office and Ministry of Justice, *Impact Assessment - Consultation on the Domestic Abuse and Violence Bill*, November 2017. [Accessible online](#).
- <sup>xxxi</sup> Office for National Statistics (ONS). (2018) *Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2017*. Published online: ONS