



Joint Recommendations Briefing for the Domestic Abuse Bill

The UK Government's Domestic Abuse Bill has the potential to deliver a step change in the national response. We welcome the report published by the Joint Committee that scrutinised the draft Bill in June 2019 and the introduction of the Bill to Parliament in July 2019. We, however, remain clear that the remit and focus of the Bill must go wider than the criminal justice system alone. Just one in five victims are estimated to report to the police, so to be truly transformative this legislation must deliver the changes survivors need - from housing to the immigration system, welfare reform and the family courts.

If the Bill is successful in achieving its aims to increase public awareness, and improving victims' and survivors' confidence to come forward, demand on highly stretched domestic abuse services will rise further. Whilst we welcome the proposed statutory duty on local authorities to deliver support in accommodation based services, there remain many questions with how this will deliver a sustainable future for the sector and what funding will be in place to deliver a step change in the provision of services for children, prevention work, community based support and work with perpetrators.

Repeated concerns have been raised that limiting this Bill to domestic abuse only, separate from the policy framework for Violence Against Women and Girls (VAWG), ignores the inherent overlaps and intersections between these forms of crime. Whilst our recommendations focus on changes to the legislative and policy framework that will specifically effect survivors of domestic abuse, we strongly advocate that this programme of work sits within the UK Government's existing VAWG framework. There are also a number of issues between reserved and devolved matters in Wales which need to be fully considered within the Bill to ensure equivalency of services and that there is no conflict with the existing [legislation in Wales](#).

We are clear that the following recommendations are key for the success of the Bill and wider non-legislative package of action. Our organisations urge MPs to attend the Second Reading Debate on Wednesday 2nd October 2019 and raise these vital concerns for the protection and support of survivors.

An accurate definition of domestic abuse

- Amend the proposed definition to acknowledge the gendered nature of domestic abuse, in line with the UK's commitments under international law - including the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) and the Istanbul Convention.
- Amend to ensure an accurate understanding of domestic abuse, including the distinctions between intimate partner abuse and other forms of family abuse, and acknowledge coercive control related to immigration status and other forms of VAWG.

Equal protection and support for migrant women

- Extend eligibility under the Domestic Violence Rule (DVR) and Destitution Domestic Violence Concession (DDVC) to all survivors with no recourse to public funds (NRPF).
- Extend the time period for which the DDVC is provided for at least six months.
- Ensure equal protection for all survivors by upholding the non-discrimination principle in accordance with Article 4(3) of the Istanbul Convention.
- Deliver safe reporting mechanisms which ensure immigration enforcement is kept completely separate from the domestic abuse response and the safety of the victim is paramount.

Tackle the housing barriers facing survivors of domestic abuse

- An automatic assumption that survivors are in 'priority need', in England, and do not need to meet an additional 'vulnerability' test.
- A bar on local connection rules for survivors who need to flee their local area to access refuge.

Improving the response from employers

- Require employers to provide survivors with flexible working arrangements and a period of paid leave.

Protection from the social security system

- A duty to assess the impact of all welfare reform policies on domestic abuse survivors.
- Reverse the two child tax credit limit.
- Deliver separate payments of Universal Credit by default, and exempt survivors who have a change of circumstances due to domestic abuse from repaying advance Universal Credit payments.
- A duty to provide British Sign Language and Language Interpreters where necessary at JobCentre Plus offices.

A safer family court and child contact system

- Ban direct cross-examination in any family, criminal or civil proceedings in cases involving domestic abuse, sexual abuse, stalking or harassment.
- Guarantee access to special measures for survivors of domestic abuse in the family courts.
- Prohibit unsupervised contact for a parent who is on bail for domestic abuse related offences, or where there are ongoing criminal proceedings for domestic abuse.

Use of protective measures in the criminal justice system

- As recommended by the Joint Committee, introduce a presumption in favour of pre-charge bail in all domestic abuse and sexual offences cases unless this is clearly not necessary in the individual case, and extend the initial pre-charge bail period to six months and re-balance the test for extension of pre-charge bail to give full weight to the need to protect victims.
- Ensure applications for Domestic Abuse Protection Orders (DAPOs) are free for victims, police and anyone else who applies.
- Ensure survivors' voices are heard within the DAPO process, establish robust procedures for monitoring compliance and positive requirements, and ensure the strict nature of notification requirements does not impact on judges' decision as to whether to impose a DAPO.

An effective response to perpetrators

- Quality assurance of perpetrator work beyond the criminal justice system, and deliver a comprehensive perpetrator strategy.

- Ensure perpetrator programmes, including those used as a positive requirements for DAPOs, are accredited by Respect to ensure a safe, consistent and high-quality approach.

Specialist LGBT+ interventions and services

- The creation, expansion and sustainability of specialist LGBT+ interventions and services.

Effective routine enquiry into domestic abuse

- A public duty on publicly funded services to enquire into current and historic domestic abuse and sexual violence as standard practice, with learnings from the Welsh legislation incorporated into the duty.
- Gender and trauma-informed training for staff across all publically funded services.

Relationships and Sex Education

- Require the Secretary of State for Education to publish anonymised annual data about the numbers and characteristics of those opting out of these vital lessons.
- Require the Secretary of State for Education to have discussions with Welsh counterparts to ensure equivalency for Wales.

An independent, truly effective Commissioner

- Powers to effectively enforce a clear framework of national accountability and assess the response to all forms of VAWG across the public sector, including in children's services.
- Fully independent of Government, reporting to the Cabinet Office, and supported by a budget that ensures the role is properly resourced for their remit and responsibility.
- Duties to collect and publish comprehensive data across all relevant sectors, public bodies and agencies, which enables an intersectional analysis across equality characteristics.
- Duties to collect and publish data on the different types of domestic abuse recognised by the statutory definition and disaggregated by type of relationship between perpetrator and victim.
- Requirement to establish a VAWG sector scrutiny board.
- Requirement to work closely the VAWDASV National Advisors in Wales to ensure joined up working, sharing of best practice and to avoid duplication.

Other priorities and campaigns we support -

Across the sector there are a number of important campaigns on the Bill, and our organisations would like to make it clear that we fully support the work and calls of the following -

- The [Step Up! Migrant Women Coalition, led by the Latin American Women's Rights Service \(LAWRS\)](#);
- Southall Black Sister's [#ProtectionForAll campaign](#), including a comprehensive strategy on violence against and abuse of migrant women;
- Suzy Lampugh Trust's campaign on vexatious claims in the family courts;
- Rights of Women's campaign to improve victims' and survivors' access to legal aid;
- Surviving Economic Abuse's call for a national inquiry into economic abuse, to be led by the Commissioner;
- Imkaan's ['Alternative Bill'](#), which outlines a response to VAWG that is gendered and intersectional.

Please contact Sophie Francis-Cansfield, Campaigns and Public Affairs Officer, at Women's Aid Federation England, for **the full recommendations paper** or for further information at: s.francis-cansfield@womensaid.org.uk