

Transforming the Response to Domestic Abuse Consultation

Response from Women's Aid Federation of England

Personal Details of Respondent

Name: Lucy Hadley

Title: Campaigns & Public Affairs Officer, Women's Aid

Email: l.hadley@womensaid.org.uk

Region: South East

This response is submitted on behalf of Women's Aid Federation of England, a national domestic abuse charity. As well as submitting our response through the formal online system, we are submitting this full written response as it includes full referencing.

Women's Aid Federation of England 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.

The 24 Hour National Domestic Violence Helpline on 0808 2000 247 (run in partnership with Refuge) and our range of online services, which include the Survivors' Forum, help hundreds of thousands of women and children every year.

Women's Aid welcomes the opportunity to respond to the Government's consultation on a new Domestic Abuse Bill, which is a landmark opportunity to transform the national response to survivors of domestic abuse. We wish to highlight a number of key priorities made in our response:

- The safety of survivors, and their voices and priorities, must be at the heart of this new law.
- The Bill must meet the needs of all survivors of domestic abuse, improving protection, support and access to justice for black or minority ethnic (BME) women, lesbian, bisexual and trans (LBT) women, both older and young women, disabled women, migrant women and other groups facing multiple forms of disadvantage.
- Survivors are falling through the gaps between our criminal and family courts, and sectors such as housing, health and child protection, which have differing and often poor responses to domestic abuse. A criminal justice law alone will not transform the response to survivors; we need reform across all parts of the public sector and wider society. The role of the whole community in ending domestic abuse is central to Women's Aid's Change that Lasts approach.
- The Government's aim to increase public awareness, and improve the confidence of survivors to report and seek help, will increase demand on already highly stretched specialist services,

who are integral to ensuring a safe and robust response by the public sector - from the police to social services - to the harm caused by domestic abuse.

- The legislation must be underpinned by a sustainable funding future for specialist services, who support survivors at all points of their journey - from services for women within abusive relationships, to those thinking of leaving, who have escaped or remain in their home, are in recovery or who have returned to the perpetrator. Planned funding reforms to rent in refuges from 2020 also must be withdrawn while the Government works alongside Women's Aid and refuge providers to secure sustainable alternatives.
- The Bill, and supporting non-legislative package, must drive a shift in the national response to domestic abuse from managing a survivors' risk, to meeting her needs. A system focused on managing high risk victims alone can miss the most vulnerable, fail to deliver early intervention or prevention, and increase costs to the public sector. Systems that centre on a survivor's needs, in contrast, can provide earlier help to secure long-term recovery, independence and freedom for all women and children experiencing abuse.

To inform our response to the consultation, Women's Aid has drawn on our extensive research and evidence base and our national dataset on domestic abuse, which is the largest in the country. We hold five national data sources on domestic abuse, gathering evidence on the full range of domestic abuse services, the experiences of women and children using them, and the responses of agencies and the wider community. This includes: Women's Aid Annual Survey ('the Annual Survey') of domestic abuse services in England - which forms part of Survival and Beyond - The Domestic Abuse Report 2017- and Routes to Support, the UK violence against women and girls database of service and refuge vacancies run in partnership by Scottish Women's Aid, Welsh Women's Aid, Women's Aid Federation of England and Women's Aid Federation of Northern Ireland. We are grateful for funding from the Ministry of Housing, Communities and Local Government for both Routes to Support and the Annual Survey.

We have also consulted widely with our member services and survivors of domestic abuse on the Government's consultation. We have gathered the views of our member services at regional meetings held across England over the past year, through written feedback and through a specific survey on the Government's proposals held from April - May 2018. We also held a survey for survivors of domestic abuse on the Government's proposals during this time period. Our survivor survey was set to Women's Aid network of Campaign Champions, members of the online Survivors' Forum and members of the National Survivors' Participation Panel - 'Liberating Voices'. We requested responses from women survivors of domestic abuse over 16 years old and received 184 responses in total. Findings from these surveys are included throughout our consultation response and a full analysis of our Survivor Survey will be sent to the Government at a later date.

CHAPTER 1 - PROMOTING AWARENESS OF DOMESTIC ABUSE

1A. Introducing a new statutory definition of domestic abuse

1. Do you agree with the proposed approach to the statutory definition?

Neither agree nor disagree

Please give reasons [free text]

We welcome a statutory definition of domestic abuse in law and the opportunity to improve the understanding of all elements of domestic abuse, the ambition to challenge myths and stereotypes and to continue to raise awareness of domestic abuse as a pattern of behaviours. To do so, the definition must make clear that domestic abuse is a gendered crime - not only because quantitatively women suffer domestic abuse by men in far greater numbers, but because the nature and impact of men's violence and abuse towards women is qualitatively different from that experienced by men.

Economic abuse

The inclusion of economic abuse in the definition is particularly welcome. Experiences of economic abuse are common among survivors of domestic abuse, particularly as part of a pattern of coercive and controlling behaviour, and can have a devastating impact. We asked survivors of domestic abuse about their experiences of economic abuse as part of the survey which informs our response to this consultation, and 85% of respondents stated they had experienced economic abuse from a partner or ex-partner.¹ Previous research conducted by Women's Aid and the TUC also found that over half of survivors participating² could not afford to leave an abusive relationship because they had no money of their own.¹ Survivor's comments expose the serious impacts of economic abuse:

- *"My ex-husband ran up huge debts in our joint names that I only found out by chance. I had no alternative but to file for bankruptcy as he filed before me and left me with a substantial amount of debt."*
- *"I was living on an isolated farm where he controlled all monies and did not let me leave without him coming with me."*
- *"My ex-husband insisted we have joint accounts. He demonstrated his control over me financially by taking my name off our account, leaving me unable to access any money and having to beg him to put me back on the account."*

We are pleased that the proposed approach acknowledges the range of economic abuse that a survivor can suffer, including a perpetrator exploiting survivors' income and resources, accruing debts and being denied access to money.

Statutory guidance

Underpinning statutory guidance for professionals and safeguarding obligations is also welcome, and we would recommend this is developed with specialist domestic abuse organisations. The guidance must be accompanied by specialist and ongoing training for all statutory agencies and professionals coming into contact with survivors. Disappointingly poor attitudes and understanding towards domestic abuse – particularly around the nature and impact of coercive control – remain widespread and unacceptable 'victim blaming' responses continue to be common and a barrier to women accessing support. The proposed statutory guidance and safeguarding obligations, alongside training, are important to ensure consistent responses to domestic abuse and coercive control. It will be vital to learn lessons from the implementation of Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, particularly the National Training Framework and

¹ Of 171 responses to this question, 85% (n=146) of survivors stated that they had experienced economic abuse from a partner or ex-partner. 11% (n=19) of survivors stated they hadn't and 4% (n=6) didn't know.

² Women's Aid and the TUC held an online survey on financial abuse which received 161 responses in total.

'Ask and Act' duties for routine enquiry, to ensure a high quality response from professionals and a high standard of care for survivors.

Gendered nature of domestic abuse

The definition fails to acknowledge that domestic abuse is a gendered crime, and a form of violence against women and girls (VAWG), which is deeply rooted in the societal inequality between women and men. The UK Government is already signatory to a range of international treaties and conventions that define domestic abuse as a form of gender-based violence.³ Members responding to our survey were clear that the gendered nature of the crime must be central to the definition. It is crucial to understanding the unequal power relations between women and men, which are a cause and consequence of the violence and abuse that women experience. According to the Crime Survey of England and Wales (CSEW), an estimated 1.2 million women experienced domestic abuse in the year ending March 2017, and an estimated 4.3 million women aged 16-59 experienced domestic abuse since 16.ⁱⁱ

There are important differences between male violence against women and female violence against men, namely the amount, severity and impact. Women are more likely to experience higher levels of fear and are more likely to be subjected to coercive and controlling behaviours.ⁱⁱⁱ Women also experience higher rates of repeated victimisation and are much more likely to be seriously hurt or killed than male victims of domestic abuse.^{iv} Women are far more likely than men to be killed by partners/ex-partners; 70% of domestic homicide victims from 2013 to 2016 were women and 96% of these victims were domestic killed by men.^v Women will continue to be at risk of violence and murder if the gendered nature of domestic abuse continues to go unchallenged. In addition, women's different experience requires a very different response and resources. Specialist services led by and for women are therefore vital - not only to deliver essential physical and emotional safety, but for responding to the trauma caused by prolonged fear and coercive control, and achieving outcomes including empowerment, independence and self-esteem, and supporting recovery.

Failing to recognise the gendered nature and impact of domestic abuse 'gender neutralises' discussion on domestic abuse, with far reaching consequences. This is particularly evident in the current commissioning of services. Women's Aid is concerned by the increasing shift to gender neutral service provision, which lacks understanding that women are disproportionately the victims of repeated, serious and long-term domestic abuse and coercive control and require gender-specific services that meet their needs. All survivors, regardless of gender or sexual orientation and any other protected characteristics, must be able to access support that they need but treating men and women equally, however, does not mean treating them the same. 46.8% of domestic abuse services in England listed on Routes to Support⁴ currently deliver services for men, ensuring we are well placed to identify the different support services that male and female victims require. Further detail on this is provided in the response to Question 64.

If the statutory definition has a gender neutral understanding of domestic abuse we are concerned that gender neutral commissioning will continue and increase. The gendered nature of domestic abuse must be included in the definition and, as a minimum, within the statutory guidance - with clarity provided that female victims of male domestic violence are unique in the amount, severity and impact of the domestic abuse they experience.

Intimate Partner Violence

We are also concerned that the proposed definition confuses domestic abuse between intimate partners and family members. This conflation means that the data statutory agencies collect and

³ The Council of Europe Convention on preventing and combating violence against women and domestic violence (The Istanbul Convention); The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

⁴ Data from Routes to Support in 2018 shows that 170 out of 363 entries (46.8%) have one or more service for men. Routes to Support is the UK violence against women and girls database of service and refuge vacancies run in partnership by Scottish Women's Aid, Welsh Women's Aid, Women's Aid Federation of England and Women's Aid Federation of Northern Ireland, It is the new name for UK Refuges Online (UKROL).

use, including that from the police, will not allow the identification of the most basic component of a gender analysis; who is doing what to whom. In addition, it assumes that the dynamics in intimate partner violence and family member violence are the same. The nuance and complexity of intimate partner violence, which is rooted in power and control, cannot be simply read across into other relationships which are often generational, and where the issues of gender and sexuality play out differently. The definition should make the distinctions between forms of abuse perpetrated by intimate partners and family members robustly clear and, as set out below, state that intimate partner violence is a pattern of coercive control.

Coercive control

The role of coercive control must be central to the new definition. The proposed approach does not emphasise how prevalent it is. Coercive control is at the heart of domestic abuse perpetrated by an intimate partner, and has been a specific crime since the end of 2015. Women's Aid campaigned for this landmark offence, and worked closely with the Home Office on the legislation. Coercive control is defined in statutory guidance^{vi} as a purposeful pattern of behaviour which takes place over time in order for one individual to exert power, control or coercion over another, and we believe that the definition in this new Bill must clearly indicate and understand the impact of *fear* on a victim. For example, in a relationship where there is coercive control, one partner might use verbal abuse or controlling behaviour which can leave the other partner unable to respond or consider ending the relationship without *fearing* for their safety or that of their children or other violent or abusive consequences. Coercive and controlling behaviours are abusive actions designed to create a context of fear, limit a person's freedom and autonomy, and dictate most aspects of a survivor's everyday life.

The proposed definition fails to acknowledge the impact of domestic abuse on children, particularly the impact of coercive and controlling behaviour. Although s120 of the Adoption and Children Act 2002 extended the concept of significant harm to include impairment suffered by seeing or hearing the ill-treatment of another, this does not go far enough. The harm to a child is broader than physical violence, and should include sexual abuse and forms of 'ill-treatment' that are not physical. The daily reality of living in a home where coercive control is the norm creates immense stress on children and young people's lives, impacting their mental health and wellbeing in the long-term. Any harm a child suffers because a parent is being harassed or intimidated is caught by the definition of "harm", therefore the proposed definition, and the Children Act 1989, needs to name coercive control as 'harm to children'. This would hopefully drive a shift from children being identified as 'witnesses' in domestic abuse cases, to survivors.

Single incidents

The failure to emphasise the prominence of coercive control is also challenging due to the inclusion of both single incidents and patterns of behaviour. Whilst we welcome the aim to ensure the police and public services protect all victims, this approach fails to acknowledge the repetition and the web of forms of power and control which make coercive control so harmful. It also neglects the fact that abuse can often continue once a survivor has ended the relationship with the perpetrator; the acknowledgement of which is crucial as the risks a survivor will face in that situation will potentially differ to the risks they faced when in the relationship and/or living with the perpetrator.

We recommend that patterns of behaviour and single incidents be included in the definition, but with the focus shifted from 'incidents' to recognition that patterns of abusive behaviour and coercive control are far more common. In this regard, we support the suggestion of Rights of Women to amend the wording of the definition to '*any pattern or incident*'. We also recommend that accompanying statutory guidance makes clear that repeated patterns of abusive behaviour are much more common and single incidents should be explored in the context of likely coercive control.

Other forms of violence

The definition of domestic abuse must be inclusive of all survivors, regardless of immigration status, culture or religion. It is therefore concerning that the proposed definition completely excludes the forms of violence and abuse disproportionately experienced by Black and Minority Ethnic (BME)

women - forced marriage, female genital mutilation (FGM) and so-called 'honour-based violence', that are often perpetrated by family members, often with multiple perpetrators, as well as less recognised forms such as dowry abuse and transnational marriage abandonment.⁵

The exclusion of these forms of domestic abuse is particularly concerning as it fails to recognise that these crimes are often perpetrated in the same context of coercion and control, will continue to cause confusion over the classification of these crimes - for example cases of partner violence being recorded as 'honour' crimes - and will leave women's organisations struggling with the particular challenges affecting BME women. Our members are very concerned by this approach and have stated clearly that the definition must include these forms of abuse. In addition, underpinning statutory guidance for professionals must include information about the types, prevalence and impacts of these forms of gendered violence and abuse, and the response required.

A further gap in the definition is the inclusion of personal carers, which is a significant issue for domestic abuse experienced by disabled women. Abuse perpetrated by a carer is associated with severe isolation, neglect, and vulnerability and can mean that survivors find it almost impossible to access help and support.^{vii} Women's Aid includes carers within our definition of domestic abuse and recommends that the Government gives this further consideration to ensure the new definition is inclusive of disabled survivors.

2. Will the new definition change what your organisation does?

Yes, in a positive way

Explain how? [free text]

Robust understanding of domestic abuse underpins the ability of public services to deliver a good response to survivors of domestic abuse. A statutory definition will be critical to this understanding in the future. For the new definition - and legislation - to deliver improved awareness and understanding of all elements of domestic abuse, comprehensive training, professional development and guidance across the public sector is required. Supporting and improving the public sector response to domestic abuse is at the heart of the work of Women's Aid and our members across the country and their definition will therefore have an impact on our work. For example, our National Training Centre delivers training on domestic abuse and coercive control to numerous public services - from the police to healthcare professionals and the judiciary - and updates and revises training programmes in light of new legislation. Revised training and awareness work of course requires a sustainable future for specialist domestic abuse services - who have the skills and expertise to train in public services not only to understand the new definition, but to use it to identify, respond and support survivors safely and effectively.

Women's Aid uses our own definition of domestic abuse as it offers us the best way to communicate about the nature and impact of domestic abuse through our training, and enables us to provide expertise to other organisations through explaining Government terminology and legislation. In addition to adapting our training programmes, a new statutory definition would be reflected in future communication, education and awareness raising materials developed and delivered by Women's Aid. Our definition of domestic abuse is as follows:

"Women's Aid's defines domestic abuse as an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, but also by a family member or carer. It is very common. In the vast majority of cases it is experienced by women and is perpetrated by men. Domestic abuse can include, but is not limited to, the following:

⁵ Transnational marriage abandonment is defined within Practice Direction 12J of the Family Procedure rules as: "abandonment" refers to the practice whereby a husband, in England and Wales, deliberately abandons or "strands" his foreign national wife abroad, usually without financial resources, in order to prevent her from asserting matrimonial and/or residence rights in England and Wales. It may involve children who are either abandoned with, or separated from, their mother."

- *Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence)*
- *Psychological and/or emotional abuse*
- *Physical abuse*
- *Sexual abuse*
- *Financial abuse*
- *Harassment*
- *Stalking*
- *Online or digital abuse*

Domestic abuse is a gendered crime which is deeply rooted in the societal inequality between women and men. It takes place 'because she is a woman and happens disproportionately to women'. Women are more likely than men to experience multiple incidents of abuse, different types of domestic abuse (intimate partner violence, sexual assault and stalking) and in particular sexual violence. Any woman can experience domestic abuse regardless of race, ethnic or religious group, sexuality, class, or disability, but some women who experience other forms of oppression and discrimination may face further barriers to disclosing abuse and finding help.

Domestic abuse exists as part of violence against women and girls (VAWG); which also includes different forms of family violence such as forced marriage, female genital mutilation and so called "honour crimes" that are perpetrated primarily by family members, often with multiple perpetrators."

3. How can we ensure that the definition is embedded in frontline practice?

The embedding of the definition in frontline practice should start with clear statutory guidance for statutory agencies and public sector bodies on their responsibility to deliver a consistent, high quality response to - and standard of care for - survivors. Improving training programmes for statutory agencies and key public sector workers, including teachers and GPs, is also needed. It is concerning that many public sector workers are still receiving insufficient vocational training on domestic abuse and other forms of VAWG. A new definition is an opportunity to improve training requirements for key agencies and professions, and a key element of this should be training programmes provided by, or in collaboration with, specialist domestic abuse organisations such as Women's Aid and our network of local member organisations.

Training needs to clearly explain the different elements of the domestic abuse definition, but also improve the understanding of survivors' needs and how to respond and support survivors effectively. Training from specialist domestic abuse services is vital for ensuring that a good response to domestic abuse is embedded, and sustained, within frontline practice; training with specialists ensures that programmes are not isolated and a 'one-off', but leave a lasting legacy within organisational culture, local partnerships and relationships that support a coordinated response to domestic abuse. The increased need for training and partnership will of course further increase demand for, and expertise from, already overstretched specialist services. As set out in our response to Question 10, the domestic abuse sector is chronically underfunded and is already struggling from huge pressures to meet growing demand with reduced resources. Further resourcing of local specialist domestic abuse organisations will be required to enable them to offer and share their expertise in training, embedding and sustaining the new definition.

We welcomed the Government's 'Violence Against Women and Girls: National Statement of Expectations' (NSE) in 2016, which sets out the actions local areas should take to ensure victims of VAWG get the help they need. However, to ensure the embedding of the definition in frontline practice the NSE should be given 'teeth' and accompanied by a comprehensive accountability framework and guidance for statutory agencies and key public sector bodies. This would include establishing local domestic abuse and VAWG strategies, local accountability structures, shared outcomes to meet across sectors^{viii}, sharing best practice, and a mechanism for reporting back to national government on delivery. This is crucial to ensure that statutory agencies and public bodies are not just providing the bare minimum in terms of services and support, but delivering appropriate responses, specialist services and support - including provision of refuge and community based services - to survivors. Crucially, these services should all be accessible and have safeguards in

place for BME women, migrant women, disabled women, LBT women, older and younger women, women with multiple and complex needs, and other groups facing multiple disadvantage.

4. What impact do you think the changes to the age limit in the 2012 domestic abuse definition have had?

Positive

Please give reasons [free text]

From Women's Aid's experience working with and training frontline professionals across a range of organisations and statutory services, the changes to the age limit have had a positive impact. The inclusion of 16 and 17 year olds raised awareness of domestic abuse amongst teenagers and created a greater awareness amongst professionals. It is also likely to have changed some frontline professionals' understanding of when domestic abuse can be understood to occur, and therefore their responsibility to be vigilant and to act. Young people can experience domestic abuse in their own relationships and domestic abuse can co-exist with child abuse - through direct abuse of children, in addition to their exposure to the abuse of their mothers. One study from a sample representative of the population in the UK found that 34.4% of under-18s who had lived with domestic abuse had also been abused or neglected by a parent or guardian.^{ix}

Before the changes to the age limit, certain incidents or crimes involving 16 and 17 year olds were not recorded as domestic abuse on the Police National Computer, the national database of information available to all police forces throughout the United Kingdom. Lowering the age limit has therefore enabled more accurate recording of young people's experiences of domestic abuse, and increased the onus for young people to be signposted to appropriate support. The change to the age also provided a platform for a wider conversation around the importance of relationship and sex education for children and young people, which is vital for prevention and early intervention work. These are all vital as Office for National Statistics data highlights that 16 to 19-year-olds were the most likely to say they had experienced domestic abuse in the last year.^x

The change to include 16 and 17 year olds is unlikely to have had a significant impact on the practicalities of service provision, as our member services already included women over 16 years of age because this is the legal age for consenting sexual relationships.

5. We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach?

Agree

Please give reasons [free text]

We currently agree that it is the right approach to maintain the limit to 16 years old and above as this limit aligns with other relevant parts of the law, maintains a distinction in law with child abuse, and aligns with the services our members provide. It is of course important to acknowledge that children younger than 16 years old are supported in services, including refuges and community support services, directly or indirectly with a parent experiencing domestic abuse in their family.

However, we are aware that some specialist children's organisations consider that it may be appropriate for the definition to be expanded to cover all children or children over 10 years old. This will increase awareness of children who can be experiencing domestic abuse in their own relationships and raise much needed awareness around the experiences children have with unhealthy relationships, abuse and consent. We are open to considering the options that will afford the best protection and support for children and young people who experience domestic abuse at home or in their own relationships, and would welcome further consultation and consideration of the evidence on this point.

To ensure the inclusion of young people has a true, positive impact the Government urgently need to ensure the implementation of appropriate, high-quality education on sex and relationships. Relationship and Sex Education (RSE) - delivered by specially trained and supported staff and

surrounded by a ‘whole school approach’ to tackling VAWG – is crucial for providing young people with the information, skills, confidence and support to build healthy, respectful relationships and to identify abusive behaviours in themselves and others. RSE can give children and young people the language, knowledge and skills needed to identify, challenge and reject attitudes and beliefs which support abusive behaviour, and help create safe school environments for them to disclose abuse if they need to. The implementation of statutory RSE across all schools in England in 2019 is vital.

Domestic abuse, as well as other forms of abuse, can have a devastating impact on young people and results in a range of emotional, social, psychological and behavioural responses, with short and long-term implications. It is therefore vital that the Government ensure that appropriate support services are available. Data from Routes to Support shows that the number of dedicated children and young people’s domestic abuse services fell by 10% between 2010-17. This is despite there being more children than women resident in refuge services; the Annual Survey found that there were an estimated 3,557 women with 3,919 children staying in refuge on the census day in 2017.^{xi} Improving provision of appropriate specialist support for children and young people, and ensuring they have fast-tracked access to Child and Adolescent Mental Health Services, is an urgent priority.

1B: Making domestic abuse everybody’s business

6. In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?

Statutory relationships and sex education (RSE) in schools is urgently needed to prevent domestic abuse and other forms of VAWG for the future. Implementation of RSE across all schools in England in 2019 is of the utmost priority.

High quality RSE must be delivered as one part of a ‘whole school approach’ to preventing and ending domestic abuse and VAWG. Firstly, RSE must not become the domain of a few teachers, taught in isolation, or be limited to specific lessons. It should be embedded across the curriculum and school life. Secondly, such an approach must also tackle sexism, sexist bullying, sexual harassment, domestic abuse and all forms of VAWG. The need for this was highlighted by the Women & Equalities Select Committee, who identified that 59% of girls aged 13–21 said they had faced some form of sexual harassment at school or college.^{xii} A whole school approach must specifically address the needs of vulnerable children and young people who are impacted by violence, including basic guidance, visible displays for support services, and safe spaces for children.

A ‘whole school approach’ must be supported by guidance - which needs to be developed with urgency to ensure that RSE can be implemented across schools in England from 2019 – that has an explicit focus on the gendered nature of domestic abuse and other forms of VAWG. Revisions to key schools statutory guidance on safeguarding, including Keeping Children Safe in Education, similarly need to reflect the gender based nature and impact of these forms of crime.

Survivors responding to our survey issued a clear call for a particular emphasis on the teaching of ‘hidden abuse’ and coercive control. Children and young people need to understand what constitutes coercive and controlling behaviour, why it is at the heart of domestic abuse and how it can be manifested in their own relationships - including the ‘signs to spot’. It is therefore also crucial to have a more prominent emphasis and explanation of coercive control in the statutory definition. This quote from a survivor who responded to our survey particularly highlights these issues:

- *“Coercive control is real and raw and so many don’t know it exists. Educate on the early signs so they can escape.”*

Partnerships with, and funding for, local specialist domestic abuse and VAWG organisations will be critical for the successful delivery of RSE. Survivors who responded to our consultation survey agreed strongly with this, and stated that the Government must *“include specialist services in these compulsory lessons”*. Partnerships can be delivered in a number of different forms - for example, Women’s Aid have created the ‘Expect Respect’ Educational Toolkit which is easy to use and

provides lessons for each year group from reception to year 13. It is based on themes that have been found to be effective in tackling domestic abuse and is targeted for use by teachers within schools. Similarly, many of our member services deliver healthy relationships lessons within schools and provide support to children and young people who disclose and report abuse. It is crucial that funding for such specialist partnership work is sustainable in the long term, as specialist children's workers are often cut back in times of financial pressure on services and this expertise is lost.

However, although RSE is extremely welcome and urgently required, it will not alone and in itself be enough to radically change schools' response to domestic abuse happening in and outside school, or their ability to shape attitudes so as to prevent these crimes in the future. Survivors responding to our survey identified a number of measures to help children and young people learn about positive relationships and educate them about abuse - such as lessons on gender equality and the adaptation of adult domestic abuse programmes, such as the 'Freedom Programme', specifically for children and young people. Other suggestions including adapting the Helping Hands programme, developed by Women's Aid Northern Ireland for professionals working with children and young people, which addresses challenging issues of personal space, safety and awareness of acceptable and unacceptable behaviours. Survivors responding to our survey identified a number of areas that children and young people needed to learn about in order to understand healthy relationships:

- *"Gender equality, at a social level (at home, between husband and wife), not only at an economic level."*
- *"The education system needs to challenge the perceptions of how women are portrayed, often as 'objects' in e.g. some fairy tales (waiting to be rescued by the prince)... strong female role models and what women are capable of should be discussed with both sexes, e.g. women who have made major breakthroughs in science or engineering."*

Lessons addressing healthy relationships and consent - as well as a focus on gender equality, sexism and inequality - could aid the breakdown of deeply rooted stereotypes and inequality in society between men and women, which are the root causes of domestic abuse.

7. Which statutory agencies or groups do you think the UK government should focus its efforts on in order to improve the identification of domestic abuse? Please tick the top 3 from the list.

Other – please state

We encourage the Government to ensure efforts go further than improving the identification of domestic abuse, and also focus on how statutory agencies and groups deliver an effective response. A coordinated response across all public services is vital for meeting survivors' needs. The Government needs to take action to ensure that multi-agency responses listen to what survivors need, are coordinated in partnership with specialist services, and focus on delivering shared outcomes. This will ensure these agencies deliver a consistent, high-quality response to – and standard of care for – survivors. As survivors responding to our survey made clear:

- *"Whichever service survivors of domestic violence and abuse encounter, that is the one that needs to respond to her needs"*
- *"Society because it is societal and cultural prejudice that inform how all the above respond to victims of domestic abuse. An ill chosen word even can result in reliving and triggering of victims."*

The first year of Women's Aid's No Woman Turned Away (NWTa) project⁶ reported on the significant structural barriers women face to accessing safety due to inadequate responses from statutory agencies. For example, social services failed to meet their duty of care towards 37 of the 115 (32%)

⁶ Women's Aid, commissioned by the Department for Communities and Local Government, work with women who have difficulties accessing a refuge through the No Woman Turned Away Project (NWTa). The NWTa reports are then compiled from data collected by specialist caseworkers employed by Women's Aid to support women for whom the National Domestic Violence Helpline (run in partnership between Women's Aid and Refuge) were not able find a refuge vacancy.

survivors they supported, 30 (26%) of whom were fleeing with children. Several women refused help by social services were told that they were not experiencing domestic abuse or that they did not meet the risk threshold for intervention. In addition, local housing teams prevented 78 (19%) survivors from making a valid homeless application. 14 women were told to call the National Domestic Violence Helpline, run in partnership by Women's Aid and Refuge, instead of making a homeless application and 11 cases did not consider the domestic abuse to be a significant risk factor to merit an application, with eight women being told to return to the perpetrator and three women told to come back when the situation got worse.^{xiii} The experiences of these women highlight both the severe barriers faced by women in seeking help, and the lack of awareness, understanding and resource dedicated to domestic abuse within statutory agencies.

We have not selected specific agencies to prioritise, as all these parts of the public sector must be responsible for improving their identification of, and support for, survivors of domestic abuse. We know that some positive steps have been made by a number of agencies who come into contact with survivors, but there remains far more work to do. There must be clear national oversight to ensure these agencies are providing survivors with the response they need at the earliest possible point. If the new Commissioner role, further detail of which is provided in our response to Questions 59 and 60, is given the right powers and resources, real progress in holding statutory agencies accountable for their responses to survivors could be delivered.

We asked survivors which public sector bodies should be the Government's priority for an improved response to domestic abuse. The overall priority was identified as the judiciary, with 58% of survivors who responded stating that judges and magistrates required improvement.⁷ These figures were supported by our members feedback, and underline what we frequently hear from survivors about how the family courts are used and manipulated by perpetrators of domestic abuse as an avenue to further control, coerce and abuse their victims. A significant body of research^{xiv} demonstrates that poor judicial understanding on the dynamics and impact of domestic abuse - combined with a pro-contact approach, or a judicial 'failure to protect' within child contact cases - can lead to potentially unsafe decisions on child contact being made, and survivors of domestic abuse being placed in dangerous and frightening situations, including cross examination by their ex-partners in court.

The other public services identified by survivors as particularly important priorities were improvement were the police (57% of respondents), children's services (41%) Cafcass (41%) and health professionals (28%) and court staff (26%)⁸ - findings which were also echoed by responses from our members. All of these statutory agencies will come into contact with survivors regularly, highlighting the need for Government to ensure that improving the identification of, and response to, domestic abuse is a priority across the public sector.

8. In addition to improving training programmes and introducing guidance, what more can the government do to improve statutory agencies' understanding of domestic abuse?

There are a number of further steps the Government can take to improve understanding of domestic abuse across statutory agencies. There is an inconsistent approach across agencies and geographical areas to training, which can lead to a 'postcode lottery' of responses to domestic abuse, with no clear oversight mechanism to ensure all areas are delivering an appropriate level of response. The Government must ensure mandatory, specialist training and ongoing professional development on domestic abuse and other forms of VAWG within all public services listed in Question 8 at a minimum, and for wider professionals coming into contact with survivors too.

Women's Aid's new model of responding to domestic abuse, Change that Lasts - more detail on which is provided in our response to Question 11 - includes a number of strands which are essential to improving professional and societal understanding of domestic abuse. The 'Trusted Professional' strand provides a model of best practice for training professionals on their response to domestic

⁷ 58% (n=105) of 181 responses to this question.

⁸ Of 181 responses to this question, survivors identified that the following sectors required the most improvement in how they respond to domestic abuse: the police (57% of respondents (n=103); children's services (41%, n=75), Cafcass (41%, n=74) health professionals (28%, n=51) and court staff (26%, n=47).

abuse and has so far upskilled frontline professionals across a variety of sectors - including adult social care, mental health, housing and local charities. We support these 'Trusted Professionals' to make safe enquiries about domestic abuse to clients or service users that they are already engaged with, and respond in a way that meets a survivor's needs. The 'Trusted Professional' training provides these professionals - who are likely to come into contact with survivors - with the skill set to appropriately ask about and respond to disclosures. Additionally, the training encourages professionals to help raise awareness of domestic abuse and challenge negative stereotypes, myths and victim blaming in their professional and personal life. Evaluation of the 'Trusted Professional' programme has indicated participants had:

- increased ability to understand warning signs of coercive control in abusive relationships;
- better understanding of the needs of survivors of domestic abuse;
- increased understanding of the effects of trauma that domestic abuse has on survivors;
- strengthened confidence to respond appropriately to disclosures;
- an improved skill set in responding to disclosures;
- increased ability to offer support and guidance to colleagues to enhance their support for survivors.^{xv}

In addition to training programmes, ensuring that statutory agencies have a robust internal domestic abuse policy for employees is also key. An internal domestic abuse policy is necessary to ensure staff have a clear understanding of what domestic abuse is, and to set out the response that the organisation will provide to staff who have experienced domestic abuse. Accompanying training and awareness raising is also needed to equip staff to identify the signs of someone experiencing domestic abuse within the organisation, and how to provide a good response.

As stated in our response to Question 3, internal policies, training programmes and guidance are most effective and successful if carried out in partnership with a local specialist domestic abuse organisations. Not only do local specialist organisations provide expertise that will enrich internal policies and training programmes, but their 'on-the-ground' experience ensures that statutory agencies understand the dynamics and impact of domestic abuse and are able to respond safely and effectively. Sustainable funding for such partnerships is required to ensure that the local specialist services can deliver this work sustainably, and to ensure that additional burdens from increased reporting, signposting and referrals can met by the voluntary sector.

To reinforce a requirement of 'good' training programmes, policies and guidance amongst statutory agencies, the role of the new Commissioner will be essential for assessing delivery and sharing best practice. The Commissioner should highlight good work of statutory agencies, share best practice, policies and guidance, and encourage others to deliver improvements. They will also be crucial for measuring outcomes across all agencies, to ensure that a high-quality, consistent standard in responding to domestic abuse is achieved across all public services.

Finally, clear leadership within the national government departments and agencies responsible for responding to domestic abuse is required to ensure the frontline response is robust and effective. The significant improvements delivered within the criminal justice response to domestic abuse have been achieved through significant and sustained national leadership by the Home Office, but sadly this is not consistent across other parts of the public sector. Clear national commitment and leadership from relevant departments is essential for guiding effective statutory agency responses, and again the Commissioner has an important monitoring role in this regard.

9. What further support can we provide to the public (employers, friends, family, community figures) so they can identify abuse and refer victims to help effectively?

We welcome the drive to offer further support to the public to identify domestic abuse and support survivors. The safety of these individuals and survivors of domestic abuse must be the primary consideration and priority in this work. Women's Aid we never recommend members of the public intervene in cases of domestic abuse that they may witness; this cannot only put them in immediate

danger, but may also inadvertently make the situation more dangerous for the survivor and their children.

The Bill does, however, provide an important opportunity to equip communities and society with the knowledge of how to tackle everyday sexist behaviour, how to start conversations about domestic abuse and break down the myths and stigma surrounding it, and respond to survivors who disclose that they are experiencing, or have experienced, an abusive relationship. We welcome the Government's strong support for the community strand of our Change that Lasts programme - 'Ask Me' - which safely enables members of the public to:

- understand the nature and impact of domestic abuse including the signs of coercive control;
- be confident in how to challenge myths and victim blaming to help prevent unhelpful community response to survivors;
- feel equipped to use skills and ability to respond to someone sharing their personal experiences of abuse;
- feel equipped to use skills to share information and help signpost a survivor of an abusive relationship to specialist support services.

Early pilots of Ask Me in England and Wales have delivered two to three days training on domestic abuse to a total of 141 community ambassadors. Following the training, ambassadors were asked to keep a log of how often people disclosed abuse to them, and 36 ambassadors logged 65 disclosures.⁹ In addition, 42 ambassadors returned the "*How are you getting on?*" survey held from October –November 2017, which found that all ambassador had undertaken domestic abuse awareness raising activities after training - including talking to other about their role and the training (41) and challenging victim blaming (35).

Equipping the public with this knowledge and training helps to break the silence about domestic abuse within a community, and remove the barriers that make it hard for survivors to disclose their experiences. Importantly, we always make clear in Ask Me training that we do not expect, and do not want, members of the community to give advice or to tell someone what they should do. We are clear that listening, believing and signposting survivors to further support - such as the National Domestic Helpline or their local specialist domestic abuse services - is the best action to take, as well as calling 999 in an emergency.

Women's Aid is delighted to have now secured funding, through the Tampon Tax Fund, to roll-out the Ask Me scheme across the UK in partnership with our sister federations Scottish Women's Aid, Women's Aid Federation Northern Ireland and Welsh Women's Aid. To ensure that all communities are safe environments for survivors to disclose abuse, we recommend that resourcing for the Ask Me approach is sustainable and long-term.

⁹ The 65 Disclosure Trackers were sent in between 17th August and 24th October 2017.

CHAPTER 2: PROTECT AND SUPPORT VICTIMS

2A: Improving support services for all victims of domestic abuse and their children

10. We are in the process of identifying priority areas for central government funding on domestic abuse. Which of the following areas do you think the UK government should prioritise?

Other [free text]

We welcome the Government's focus on central government funding for domestic abuse services. It is imperative that new legislation is underpinned by sufficient resourcing and a sustainable future for domestic abuse support services - which provide a wide-range of specialist, practical and emotional support to women and children, but are currently operating in a climate of uncertain funding, insufficient resources to meet demand, and wider sustained reductions in public sector spending which negatively impact on the provision of support services.^{xvi} The result is that too many women and children are unable to access the support they need for survival and recovery.^{xvii} This in turn undermines an effective public sector response to domestic abuse, as agencies such as the police rely on specialist services to deliver support for survivors and keep them safe. Local specialist 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 are successful. It is concerning that there is no mention of anticipated costs to, and demand for, specialist domestic abuse services within the Impact Assessment accompanying this consultation.

We have not selected a specific priority from the list for three reasons. Firstly, the demand on all forms of specialist service is so great, and the funding challenges so severe, that isolating priorities from this list is inappropriate. Secondly, we are concerned about the categorisation of service types in this question, which does not accurately capture the types of domestic abuse services currently operating in England. Thirdly, ranking services fails to recognise that many or all of these services are often delivered at an integrated way at local level - to meet the needs of survivors in a range of circumstances and to work towards preventing domestic abuse in the long-term.

We recommend that the Government's priority for funding is to establish a sustainable, long-term funding future for specialist services. Funding should be delivered in a coordinated way by all Government departments responsible for responding to domestic abuse, as all will benefit from resulting cost savings from preventing and reducing this form of harm.

Domestic abuse support services

Survivors can experience repeated and prolonged forms of violence and abuse, which can impact on all aspects of their lives and result in severe trauma. Our research shows that survivors have a diverse range of support needs - whether they are escaping an abusive relationship to new accommodation, remaining in their home or staying with the perpetrator. This can include needing support for: safe housing; criminal or family law; financial abuse and debts; emotional support; needs relating to their children; information and support about their immigration status; and accessing education and employment.

Specialist support is vital for meeting these needs, supporting recovery and enabling their journey to independence. It is well evidenced that domestic abuse support services - such as those provided by local Women's Aid members across England, and developed based on over 40 years of knowledge and expertise - are successful in achieving long-term positive outcomes for women and children. They support women at all stages of their journey - whether they are living within an abusive relationship, thinking of leaving, escaping or remaining in their homes, in the process of recovery or who have returned to the perpetrator. Their wealth of experience enables them to provide a wide number of interventions, including many of those listed within this question, to meet the needs of survivors living in a range of circumstances. No two women will take the same journey to recovery, of course some may never access specialist services at all and, importantly, it is not a pre-requisite for a woman to have left the abusive relationship to access a specialist service.

As the Government recognise, domestic abuse is a gendered crime with the vast majority of victims' women, and perpetrators men.^{xviii} Specialist services led by and for women are therefore vital - not only delivering essential physical and emotional safety, but for supporting recovery and achieving outcomes such as independence and self-esteem.^{xix} For example, women's refuges usually operate as women-only spaces, generally only employing women staff, in order to meet the specific safety and support needs of women and children escaping life or death situations. Further detail on the importance of women-only services is provided in the response to Question 14. Across England there are also highly specialist services meeting the needs of specific groups of women, including 'by and for' Black and Minority Ethnic (BME) services and services for lesbian, bisexual and trans (LBT) women and disabled women. These services face particular funding challenges within the current localised system of domestic abuse service provision, as they may operate in one local authority area but deliver a national service to meet the needs of specific groups of women.

Specialist domestic abuse organisations in England deliver at least one or more of the services listed in this question. Routes to Support is the UK wide database of domestic abuse services and categorises service by 'types', with clear definitions. Broadly, service types are categorised as follows:

- **Open access services:** services where no referral is needed, which women can access anonymously as and when they need to. This includes a helpline, a drop in service (where open access support from trained staff at a specified venue, without an appointment) or another advice and information service.
- **Community based services:** offered in the service's building, the client's home or other location. This includes IDVA or other advocacy projects, which provide advice and support survivors and typically operate within a multi-agency approach to risk management. 'Community based' does not mean IDVAs only provide advocacy for women to stay in their own homes - they may provide support to women who have left refuge, or support to women who need to leave their home safely - but that the service itself is provided in the community. Other community based services include outreach (services not provided in the organisation's building, but in community centres or in a woman's home) or floating support (a service tied to accommodation). These services frequently provide advocacy and support to women staying in their homes.
- **Accommodation based services:** including refuge services (safe accommodation tied to a planned programme of therapeutic and practical support to women experiencing domestic abuse), other accommodation services (such as dispersed accommodation with support from a specialist domestic abuse organisation or second stage accommodation when a family has left a refuge) and resettlement services.
- **Recovery programmes:** these services are frequently offered alongside accommodation or community based services and can be offered at the service's building or in another location. Services include group work (such as the Freedom Programme or You and Me Mum), support groups (including peer support) and formal counselling.
- **Prevention and awareness raising:** many specialist domestic abuse organisations will deliver prevention work in their communities, often in schools, to raise awareness of issues around domestic abuse and work with children and young people.

We are concerned that the list of services in this question currently includes unclear and inaccurate definitions, which should not be used as a basis for prioritising funding. Women's Aid would recommend that the Government use the established definitions within Routes to Support - which is part funded by the Ministry of Housing, Communities and Local Government (MHCLG) - and would welcome the opportunity to provide further detailed information on service types and definitions.

It is critical that funding decisions are made on an evidence based understanding of domestic abuse services, how they operate, the outcomes they achieve, and the fact that most deliver services in an integrated way at local level. Women's Aid's case management system, On Track - which is currently used by over 50 local service providers throughout England - provides a national dataset on the support services and interventions delivered to survivors, and outcomes achieved. Women's Aid would welcome the opportunity to provide further information on all our data sources with Government.

Demand

Demand for domestic abuse services far outstrips supply. Women's Aid Annual Survey 2017 found that:

- 60% of referrals to refuge in 2016-17 were declined; there are likely to have been many more potential referrals that weren't made because the refuge was already known to be full.
- One in five of all referrals were declined due to lack of space in the refuge.
- On just one day in 2017, 94 women and 90 children were turned away from refuge services in England.
- 24% of referrals in 2016/17 to community based domestic abuse services were declined.

Women's Aid estimate that, over the year 2016/17, refuge services supported a total of 13,414 women with 14,353 children and 154,306 women used community-based services across all services in England. We estimate that community based services were unable to accept 51,322 referrals, and refuge services were unable to accept 21,729 referrals, in the same year.^{xx} Thousands of women and children experiencing domestic abuse are being turned away at the point of need. Further, these numbers do not give a true picture of demand, as women with complex or additional support needs face severe barriers to accessing services. Further information on this is provided in Question 12.

Organisations are struggling to deliver quality services that meet the needs of women and, critically, their children. As the Government recognise, domestic abuse has a 'chronic' impact on children and their futures. 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. Any future funding for domestic abuse support 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 organisations provide. This vital work for supporting children and young people's recovery and addressing trauma often runs with no dedicated funding, existing only because of the fundraising efforts of specialist services.

As recognised by the Prime Minister, if the consultation's stated aims to promote awareness of domestic abuse and increase victims' confidence in the justice system to protect them are achieved, the high demand for already highly stretched domestic abuse services will rise further.

Funding Insecurity

As the Government recognise, "*considerable national funding has been directed towards local commissioning*" for domestic abuse services in recent years, alongside the welcome National Statement of Expectations (NSE) for VAWG services and MHCLG priorities and quality standards for refuge and accommodation based services. However, a lack of formal accountability for meeting the NSE and the current approach of funding through a disparate set of funding streams - with differing timescales, commissioning processes and monitoring and accountability frameworks - is not helping to deliver high quality service provision. For example, one of our local members currently delivers services through 46 different funding streams, the various monitoring and accountability frameworks for which divert significant time and resources from front line service delivery - and meeting survivors' needs.

The funding landscape for domestic abuse services is highly fragmented in nature, with funding coming from a variety of sources and the proportion of local authority funding differing significantly between services. Women's Aid's Annual Survey 2017 reveals that:

- 60% of organisations responding cited funding challenges as their primary concern.
- 11.9% of organisations responding received no local authority funding at all in 2016/17. 46% of organisations responding were running services with no dedicated funding during 2016/17 - this is most often prevention work, community based services and support for children and young people.

- Over one in ten of responding organisations reported that they had experienced a decrease in staffing levels during the year 2016/17 - which represent a major risk to their ability to deliver a quality service that meets the needs of women and their children.^{xxi}

The current approach, of a range of departments - including the Home Office, Ministry of Justice, MHCLG, Department for Education - devolving discrete short-term funding pots to local authorities, to then commission in line with non-statutory guidance, is not a secure funding model for life-saving domestic abuse services. Service provision differs significantly across the country, resulting in a 'postcode lottery' of support for survivors. The challenges of funding uncertainty, and a lack of national accountability and oversight, have also been compounded by highly damaging local commissioning practices in recent years. There are now upper tier local authorities who no longer commission or fund refuge services at all.

The former *UN Special Rapporteur on violence against women, its causes and consequences* reported that open tendering, short term commissioning of gender-neutral services and the participation of sectors without relevant expertise have had a negative impact on the provision of support services in the UK.^{xxii} Women's Aid have provided extensive feedback to MHCLG and the Home Office on the issues with the current commissioning landscape: which lacks understanding of domestic abuse and VAWG; where tendering procedures that favour larger, generic organisations over smaller, specialist organisations with long established expertise; and which accords little value to the unique benefits that community based services, developed by and for women, provide. We have also provided concerning examples of how central government funding, such as the VAWG Transformation Fund and MHCLG funding for refuges, has been commissioned locally - including: poor partnership working with local services and exclusion of specialist services in planning and delivering services; failure to collaboratively assess local need and provision, resulting in service duplication and overlap; and tendering out grant funding that was only secured through joint work with specialist services. Further information on our concerns with commissioning are set out in Question 64.

Supported housing reforms

Delivering funding security for life-saving domestic abuse support services must be the Government's foremost priority. Urgency is needed because of the proposed 'short-term supported housing' reforms, set to be implemented from 2020, which would end the last secure form of national income that refuges receive (housing benefit) and devolve all funding for refuges to local authorities to administer.

Women's Aid have shown clearly that this proposal risks dismantling our national network of refuges; over half of refuges (52%) responding to our survey¹⁰ would have to close the refuge service entirely or reduce their bedspaces available - a loss of 588 refuge spaces, resulting in an estimated 4000 more women and children turned away from the lifesaving services they desperately need. This would add to an existing funding crisis facing specialist women's refuges, which have seen significant reductions in local funding since the ring-fenced Supporting People grant was removed in 2009. The severity and urgent of the risk facing refuge services is the reason that our members overwhelmingly identified refuges as the top priority for central Government spending on domestic abuse.

We welcome the Government's commitment to "*developing a sustainable funding model for refuges*" as part of a wider funding review of domestic abuse services. We hope to be able to contribute our expertise and substantial data to this review, but continue to call clearly for the inappropriate and risky short-term supported housing reforms to be withdrawn in order for a suitable alternative to be

¹⁰ We sent our survey to all providers of refuge services listed on Routes to Support on 1st November 2017. We received 60 responses (38% of all providers) to our survey from providers running 78 refuge services, with a total 1,149 refuge spaces between them. This accounts for 31% of the refuge spaces available in England.

developed. We are additionally concerned that review's scope is too narrow to be the basis for a transformative new funding model for domestic abuse services - as it is only auditing local authorities for the services they fund, and it is not considering outcomes at all.

In the context of severe levels of unmet demand, lack of support for children, the fragmented and uncertain funding landscape, and the threats facing the future of refuge provision, Women's Aid is clear that the Government's priority for funding must be to secure a sustainable funding model for the future of domestic abuse services. Without this, the ambition set out by Government for the programme of work around the Bill is set to be undermined. We recommend that the funding model:

- Recognises the trauma that women and children experiencing domestic abuse face and the support they require;
- Fully integrates funding for specialist support, including play therapy, for children and makes provision for fast tracking access into new schools;
- Is based on a clear understanding of the nature and value of specialist services and the outcomes they achieve;
- Will meet national demand for support in services that are resourced to meet women's and children's needs, and can flex to respond to demand;
- Ensures the sustainability of specialisms in the sector that have developed to meet local and national population needs, such as specialist 'by and for' BME services;
- Will enable adaptation and innovation to meet women and children's needs;
- Reduces the administrative burdens of lengthy tender and commissioning processes rather than front-line work;
- And incentivises early intervention and the provision of local support to prevent and reduce domestic abuse in the long term.

11. What more can the government do to encourage and support effective multiagency working, in order to provide victims with full support and protection?

Other [free text]

Partnerships and pathways between agencies are vital in combining packages of support to ensure that survivors' range of support needs are met. Domestic abuse has impacts across criminal justice, health, child protection, education, housing, employment and many more areas. A coordinated response across statutory agencies, in partnership with specialist services, is therefore vital. This understanding is at the heart of Women's Aid's Change that Lasts model, developed in partnership with survivors of domestic abuse, specialist local services and an advisory group of experts in housing, drug and alcohol, advice, criminal justice, health and social care agencies.

Coordinating the range of sectors and services involved in domestic abuse, and ensuring they are held accountable to each other for performance, is important for protecting victims and children and tackling perpetrators. It is well accepted that an effective multi-agency response requires: a shared understanding of domestic abuse and VAWG, recognising that survivors may have multiple needs related to homelessness, substance misuse and mental health that are best met holistically; robust partnership structures; representation from relevant bodies, at the right level; the expertise and involvement of specialist services; clear strategy, leadership and delivery plans; effective communication; adequate resources; training; information and data sharing; consistent policies and processes; and meaningful engagement with survivors.^{xxiii} Women's Aid recommends that the Government builds on the existing evidence base of what works in delivering a coordinated community response to domestic abuse when developing further guidance, sharing effective practice and improving training in this area.

Shared outcomes

Women's Aid is clear that multi-agency approaches to domestic abuse cannot be effective unless they are focused on delivering shared outcomes that meet survivors' needs. The predominant multi-agency response to domestic abuse, the Multi-Agency Risk Assessment Conference (MARAC),

which can be a useful tool where there isn't a more robust multi-agency partnership in place, is too often based on the objective of short-term risk management - focusing solely on reducing possibility of murder and serious harm, but not preventing re-victimisation, meeting the multiple needs of women and children and supporting long term independence. MARAC also usually excludes the survivor herself and is only used for cases categorised as 'high' risk. Analysis of Domestic Homicide Reviews shows that some victims of domestic homicide were assessed as low or medium risk, meaning they did not reach the threshold for intervention or support before they were killed.^{xxiv}

Many survivors assessed as low or medium risk are excluded from support services and opportunities for help and early intervention are also too frequently missed; on average a survivor seeks help from five professionals before she gets the help she needs.^{xxv} This impedes recovery and increases costs. As concluded by the Joint Targeted Area Inspection report into the multi-agency response to children living with domestic abuse, these short-term incident led responses can mean that survivors are held responsible for keeping themselves and their children safe - rather than a focus on holding the perpetrator accountable for the abuse.^{xxvi}

A study of the MARAC in Middlesbrough demonstrates why a shift away from the typical multi-agency response is so urgently required. The MARAC had recorded a high victimisation rate of 50% in their client group from 2008-2013, despite numerous multi-agency interventions. My Sister's Place (MSP), a local specialist domestic abuse service, were tasked with reducing repeat victimisation and delivering sustainable outcomes for women and children. Over a 12 month period, MSP supported 39 'high risk' women - who had previously disengaged with services as their risk escalated, and many of whom held the view that no-one could help. MSP's focused on meeting the needs of these women, empowering them to take back control and improving enforcement action against perpetrators. A dedicated support plan from the specialist service, counselling and women's group-work were integral to the approach. The results were significant - a 65% reduction in reported repeat incidents; measurable improvements for 31 out of 39 women; 15 women with no more incidents, and who reported being "safe"; and many perpetrators charged or convicted^{xxvii}. The study demonstrates the impact that shifting focus from risk, to needs can have.

A needs-led approach is at the heart of Change that Lasts (CtL). CtL is a whole community approach to domestic abuse which aims to ensure that survivors get the support they need, when and where they need it. Survivors' needs will always include safety considerations, but this is only part of the picture - an understanding of the trauma caused by domestic abuse, and how it presents, must also be central. CtL consists of three stands: upskilling community members to understand domestic abuse and respond to disclosures; training 'Trusted Professionals' across adult social care, mental health, housing and other services to make safe enquiries and deliver a needs-led response; and a framework for a needs-led approach to specialist domestic abuse service delivery which acknowledges the highly skilled work that these services provide.

Women's Aid is clear that each strand is integral for an effective response that provides survivors with full support and protection. Too often, multi-agency approaches ignore the community element - essential for providing pathways to early support for survivors and for long-term prevention - or the specialist role of voluntary sector partners. Early pilots of both the community and Trusted Professional schemes, as outlined in the response to Question 8, have shown a clear impact improving the ability of members of the public and professionals to 'spot the signs' and respond to disclosures, signpost survivors to support and better understand their needs.^{xxviii}

In partnership with Imkaan, Women's Aid has developed a national outcomes framework which the Government should consider as the basis for developing shared outcomes in the response to domestic abuse. The national outcomes framework was developed through extensive consultation with local services, academics, commissioners and survivors, and piloted with services before being rolled out nationally. The framework is embedded in the case management and outcomes framework systems developed by Imkaan and Women's Aid (Synthesis and On Track respectively). On Track is now used by 50 services, and anonymous data, including data on outcomes, is fed into

a national portal, which can be used to enable better tracking of women's experiences of abuse, support offered by services, and outcomes achieved.

Joint funding and commissioning

Shared outcomes must also drive a shift towards joined-up funding and commissioning at both national and local level, further information on which is provided in the response to Question 64.

Accountability

The NSE for VAWG services sets out the clear need for robust local multi-agency approaches that meet the support needs of survivors. The NSE, and supporting VAWG Commissioning Toolkit, provide a clear set of expectations for local multi-agency responses to domestic abuse and make clear that a co-ordinated, outcomes focused, survivor informed, and evidence-driven approach is required. We do not consider that further guidance is a priority for Government, but improved monitoring and accountability for the delivery of the NSE is critical, as well as opportunities to evaluate and revise the document as funding approaches, patterns and trends change, and best practice develops. There is currently no effective oversight of how the NSE is being delivered across local areas, or a mechanism for improving performance where required and highlighting good practice. Our research frequently shows that statutory services are not meeting their duties to support women and children experiencing domestic abuse.^{xxix} The new Commissioner has a critical role to play in strengthening accountability for the NSE, more detail on which is provided in Question 59.

National coordination

Effective multi-agency responses requires both improved national government oversight of statutory agencies and national government coordination on policy, strategy and funding for domestic abuse. Without clear leadership from respective government departments, statutory services are not set clear direction or held accountable for delivery which has led to inconsistent responses. Oversight of the Government's response to domestic abuse and VAWG is currently led by an Inter-Ministerial Group, chaired by the Home Secretary. However, whilst the VAWG Strategy includes cross-government commitments, it does not include every relevant department - such as the Department for Work and Pensions (DWP) - that are responsible for responding to survivors. As a result, policy changes - such as welfare reforms, discussed further in Question 35 - that have a major impact on survivors are not considered by the VAWG Strategy or Inter-Ministerial Group at all. Whilst welcome funding for health and children accompanied the announcement of the consultation, the lack of sustainable, adequate resourcing and leadership from across all relevant central government departments remains a major barrier to delivering an effective multi-agency response to domestic abuse.

In summary, Women's Aid recommends that the Government:

- Builds on the existing evidence base of what works in delivering a coordinated community response to domestic abuse when developing further guidance, effective practice and training.
- Ensure that commissioning practices enable a needs-led, trauma-informed response to domestic abuse, and deliver the outcomes that are valued by survivors and have already been established within the sector.
- Urgently improve monitoring and accountability for multi-agency delivery of the NSE in local areas through the new Commissioner role.
- Ensure the VAWG Strategy, and meetings of the Inter-Ministerial Group on VAWG, are truly cross-departmental - with the right level of representation, clear oversight of decisions which will affect survivors, and sufficient resourcing.

Specific reforms

Women's Aid's Annual Survey reveals that just 1 in 6 women in refuge on the census day in 2017 had seen a criminal case or sanctions against the perpetrator.^{xxx} However, although domestic abuse

has impacts across health and social care, child protection, education, housing and employment, it poor responses across these sectors continue and, in many cases, professionals in statutory agencies fail to meet their duties to survivors.^{xxx1} As made clear in the response to Question 8, specialist training on domestic abuse for all agencies is essential. In addition, the following legislative and non-legislative reforms are required to ensure that the Domestic Abuse Bill truly transforms the response to survivors, and makes domestic abuse “*everyone’s business*”:

- 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.
- Build on the general practice identification and referral programme IRIS¹¹ to ensure that - 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.
- A statutory bar on local authorities imposing local connection rules on refugees, 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.
- Routinely include the role and response of housing providers within Domestic Homicide Reviews.

Women’s Aid is happy to provide additional information on the above recommendations if required. Further recommendations for reforms to education are made in our response to Question 6, child protection in Question 44, immigration in Question 15 and welfare in Question 35.

2B: Supporting victims with specific needs

12. What more can the government do to better support victims who face multiple barriers to accessing support?

There is no ‘typical victim’ of domestic abuse. Survivors have diverse range of needs and take different journeys to safety, freedom and independence. Many face multiple barriers to accessing support - such as those relating to ethnicity, disability, age, substance use, physical and mental health (often as a result of, or exacerbated by, the abuse itself), housing and homelessness, financial position and immigration status.

Gendered, trauma informed approach

As one of the survivors responding to our survey stated, “*often the complex issues are caused by the abuse. Not causes of it.*” A trauma-informed approach to services - which supports women facing multiple disadvantage by asking ‘what has happened to them’, rather than ‘what is wrong with them’ - is essential for meeting the needs of women facing multiple disadvantage. This is a fundamental shift in thinking and responding to women and children that have experienced domestic abuse.^{xxxii} It means that services respond to the behaviours and ‘symptoms’ of women and children as coping and survival strategies. Women’s services working in this gendered, trauma informed way support women and children to build additional coping skills and strategies, practising resilience and working from their strengths, priorities and needs. As one survivor responding to our survey stated,

¹¹ IRIS - Identification and Referral to Improve Safety

“she is desperate, terrified, she needs every help to maintain her and her children's safety, everything else should follow from that.”

Women's Aid calls for commissioning of services that: place women's needs central; can meet complex needs in the trauma informed framework; ensure that services are staffed by professionals of an appropriate skill level, and who have the necessary support and protection from secondary trauma required; and recognise the value of specialist therapeutic services in the women's sector.

Improving access to support

The non-legislative package must ensure access to support for survivors facing multiple forms of disadvantage, and the provision of services whose purpose is to tackle intersecting inequalities facing women. For example, Black Minority and Ethnic (BME) and migrant women are particularly vulnerable to domestic abuse and VAWG and face extra barriers to reporting abuse and seeking help.^{xxxiii} Dedicated 'by and for' specialist BME women's organisations are therefore vital for meeting BME women's needs - from language specialism to expertise on immigration, discrimination, racism, and gender dynamics within family and community structures.^{xxxiv} Although the NSE states that local areas should have *“provision designed specifically to support victims from marginalised groups e.g. specialist BME-led refuges”* and MHCLG funding in 2018-20 prioritised such provision, 'by and for' BME women's services face major challenges within the current devolved funding model and specialist BME refuges are at severe risk from proposed reforms to rent from 2020.

Women's Aid's research shows that women with a range of needs are currently facing significant challenges in accessing domestic abuse services, due a lack of funding for services to deliver a safe service to women with complex needs. Routes to Support data from 2016/2017 shows that:

- Only 5.4% of refuge vacancies would consider applications from women with no recourse to public funds (NRPF).
- Only 1.7% of refuge vacancies had wheelchair access, with a further 1.3% suitable for a woman with limited mobility.
- Less than a third of refuge services, and only one in five community-based services, were able to employ specialist mental health support workers.
- Just 10.8% of refuge services employed specialist drug use support workers or alcohol use support workers. Only 7.5% of community-based services had specialist drug use support workers, and 6.7% had alcohol use support workers.
- Whilst 61.7% of women in refuge had children with them on the census day of the Women's Aid Annual Survey 2017, less than half of refuge vacancies could accept a woman with two children - and less than one in five for a woman with three children in 2016/17.^{xxxv}

Services are also reporting an increasing complexity of needs for women seeking support - but dwindling resources and a reduced capacity to respond and safely support women with multiple or complex needs, when services have less resources to do so. Data from London shows a rise in the percentage of women with complex needs whose referral to London refuges is being refused; 2.4% of unsuccessful referrals to refuges were due to mental health support needs in 2014/15, but by 2016/17 this figure had risen to 11.4%.^{xxxvi} 17% of domestic abuse services responding to Women's Aid's Annual Survey stated that supporting women with complex needs was the biggest challenge they faced in 2016-2017.^{xxxvii}

Levels of provision are particularly concerning given the extent to which survivors report mental health support needs, physical disabilities and long-term health conditions. Over a quarter of women using community-based services and over a third of women in refuge in 2016-17 had mental health support needs. Crime Survey for England and Wales (CSEW) data for the year ending 2017 show that women with a long-term illness or disability were more likely to be victims of any domestic abuse in the last year than those without (15.9% compared with 5.9%),^{xxxviii} and disabled women face particularly severe barriers in escaping abuse. They are likely to be abused by their carer, whom they may be dependent on for personal care and mobility, which severely restricting their ability to

seek help and support. 83% of survivors responding to our survey identified that improving support services for survivors with mental health problems must be the Government's priority in tackling multiple disadvantage - followed by improving support services for women with disabilities, substance use problems and insecure immigration status.¹²

Age is a further challenge. Although evidence suggests older women experience domestic abuse at similar rates to adult women in other age groups, yet on the census day of the Annual Survey 2017 only 1.7% of refuge residents were aged 56 and over in 2016-17.^{xxxix} In addition, the CSEW until very recently did not collect data on adults over 59 (and these new data on adults over 50 have not yet been published), meaning that we know little about the true prevalence of domestic abuse amongst older women. Women 16-19 years old responding to the CSEW are the most likely to say they had experienced domestic abuse^{xi} - but very few refuges specialise in supporting young women. In addition, data collected in London found that only 1% of women placed in refuge were under 18 in 2016/2017, yet they accounted for 20% of unsuccessful referrals - indicating that the needs of this group of women are not being met.^{xii}

There are additionally significant gaps in provision for LBT women who face specific barriers to disclosing abuse and accessing support - including discrimination, misunderstanding and perceived homophobia - and who require inclusive, specialist services that are able to meet their needs.

Clear gaps in provision are creating barriers for women with a range of needs, and who may face multiple forms of disadvantage. National data on the number of services, or refuge bed spaces in isolation, is misleading if these barriers - and the impact they have on accessibility of provision - are not considered. As stated in our response to Question 10, a sustainable funding model for domestic abuse services must ensure that national demand for support services can be met by services resourced to meet women and children's multiple and often complex needs. Robust oversight and accountability of local areas' in meeting the NSE - and specifically the requirements to undertake thorough needs assessments, and deliver provision designed specifically to support survivors from marginalised groups - is essential.

We further recommend the following practical changes to improve accessibility of services for all women, informed by feedback from survivors and Women's Aid's expert member services:

- Fund additional support hours and provision in refuge and community based services for women with complex needs - specifically for specialist support for mental health and substance use;
- Engage directly with front line services to further explore barriers to support services - including age, disability, ethnicity, sexuality and complex needs - and determine how to improve access;
- Ensure that comprehensive and ongoing training and professional development for frontline professionals - such as those working health, housing, social services and the voluntary sector - covers complex needs, multiple disadvantage, the trauma and psychological harm survivors experience, and the need for effective signposting and referral to specialist support services;
- Better publicise information about support services, taking into account how women from differing backgrounds and age groups access information and seek help - as many survivors are still unaware of service provision.
- Sustain community based approaches such as 'Ask Me' as DHRs routinely show that the first people to know about the abuse are friends, family and the community;
- Deliver access to alternative care packages for disabled women experiencing domestic abuse, as their abuser is likely to be their carer.

12 Of 172 responses to this question, 83% (n=142) of survivors stated that the top priority was to improve support services for women with mental health problems experiencing domestic abuse. This was followed by: improving support services for disabled women experiencing domestic abuse (66%, n=113); improving support services for women with drug and alcohol problems who have experienced abuse (60%, n=104); and creating a single system for protecting all abused migrant women, regardless of their immigration status (53%, n=92).

Legislative and non-legislative changes to tackle the severe barriers facing survivors with insecure immigration status are also essential. More detail on the reforms required is provided in Question 15.

13. How can we work better with female offenders and vulnerable women at risk of offending to identify their domestic abuse earlier?

Other [free text]

Most women in prison are not dangerous or violent offenders, and are largely serving short prison sentences for minor offences.^{xiii} Furthermore, it is well established that women's experience of domestic abuse and coercive control is a contributing factor, or a driver, to female offending. Survivors can be coerced into committing crimes such as benefit fraud or shoplifting, prosecuted for not adhering to child arrangements orders facilitating contact between their children, and an abusive non-resident parent and may be forced to take responsibility for their abuser's offending. Overwhelming numbers of women in prison report having experienced domestic or sexual abuse.^{xliii} Poverty, substance misuse and mental health problems can also compound women's victimisation and offending, and their experiences of prison are profoundly damaging. BME, trafficked and migrant survivors of domestic abuse, and those with learning disabilities and difficulties, are also likely to be coerced into specific forms of offending^{xliiv} and experience additional stigma within the criminal justice system.^{xliv}

While the link between female victimisation and offending is identified, however, it is not well understood within the criminal justice system and there remain numerous challenges in the response to female offenders. All the options listed in this question would be welcome, but comprehensive change is required across the criminal justice system to: improve the identification of women whose alleged offences are driven by domestic abuse; avoid the use of custody for women offenders affected by domestic abuse; and ensure that female offenders and vulnerable women at risk of offending can access the specialist support services they need. Women's Aid supports the response of Women in Prison to this question.

There is currently limited support provision for female offenders affected by domestic abuse and this group of women face severe barriers to accessing services. Our No Woman Turned Away project found that women who have a history of offending and are escaping domestic abuse have multiple, complex support needs and face particular barriers in accessing a refuge space.^{xlvi} As set out in the response to Question 10, specialist services are facing severe demand and sustainability challenges and will require additional funding to deliver expert support to female offenders.

Better identification of survivors within the criminal justice system, and measures to ensure that they can access appropriate support, are critical to avoid ineffective and unsuitable imprisonment - which can incur severe personal, social and economic costs.^{xlvii} Routine enquiry into domestic abuse by the police, prosecutors, probation services and the courts is important for ensuring women's victimisation informs decisions made on their offending and any mitigating factors – but should only be considered alongside specialist training to ensure this enquiry is done safely and any disclosures are dealt with effectively and sensitively. It is important to recognise the significant barriers facing women in disclosing domestic abuse within the criminal justice system. Given the prevalence outlined above, Women's Aid recommends that there is a routine assumption within the criminal justice system that a woman who has committed an offence is likely to have experienced domestic abuse. and this may be directly or indirectly linked to their offending behaviour. This should be supported with mandatory pre-sentence reports, which include information about whether or not a woman's offending is linked directly or indirectly to domestic abuse, in all cases of female offending.

Short custodial sentences for women have poorer outcomes than community sentences in reducing reoffending, and exacerbate the issues that cause female offending.^{xlviii} Effective triage, diversion and liaison schemes - underpinned by specialist support delivered by women's services - are critical for ensuring that survivors are not further harmed by imprisonment and trapped into harmful patterns of offending and criminalisation. Community solutions for women offenders affected by domestic

abuse - specifically out of court disposals - are essential, and should be priorities for investment and implementation by the Government, Police and Crime Commissioners and police forces.

Access to specialist, gender-specific support and safety planning - both in custody and in the community - is essential for female offenders who have experienced, or are experiencing, domestic abuse. Our research with the National Offender Management Service (NOMS) demonstrated the need to ensure that support work in prisons is delivered by specialist domestic abuse service workers in conjunction with prison staff.^{xlix} Women's Aid is pleased to have worked in partnership with the Ministry of Justice to ensure that the National Domestic Violence Helpline (which we run in partnership with Refuge) is available and accessible to women in prison, and our National Training Centre delivers specialist training on how to support survivors in prison. Specialist women's services are essential for meeting a range of needs and vulnerabilities that may contribute to a survivors' offending, and many already deliver specialist interventions for women in the criminal justice system.

Finally, the police's ability to identify the primary aggressor in abusive relationships remains highly inconsistent, and survivors routinely report that they are the subject of wrongful arrest in incidents of domestic abuse. Hester's research that women are disproportionately likely to be arrested, often for violence used to protect themselves from further harm from male partners - 'reactive violence' or 'violent resistance.'^l Improving training on the links between domestic abuse, coercive control and female offending, and understanding of gender dynamics and power and control, is essential. In addition, the Domestic Abuse Bill is an opportunity to make legislative changes to prevent criminalisation of survivors. We recommend that the Government consider how legislation could establish an effective statutory defence for women whose offences arise from coercive control, and where women victims of domestic abuse have used 'reactive violence' or 'violent resistance'. This would protect survivors in cases whereby the police and criminal justice system have failed to correctly identify domestic abuse as a driver of the offending or apprehend the primary aggressor.

14. How can we make greater use of women-specific services to deliver interventions in safe, women-only environments?

Other [free text]

Women's organisations and women-only services, such as those provided by Women's Aid's members across the country, are essential for supporting women and children to escape domestic abuse and recover from trauma and already bring together a range of services and types of support in one place. We welcome the Government's focus on this model of best practice and to ensure this is happening consistently. Survivor empowerment, peer support and the understanding of domestic abuse as part of a wider structure of gender inequality are key features of women-only domestic abuse services.^{li}

Provision of all the options listed above within women-only spaces are essential for survivors, who have a range of health, financial and employment needs. In addition, it is important to recognise that women-only domestic abuse services already deliver or coordinate similar forms of support in existing local partnerships. For example, specialist domestic abuse services will often provide support to survivors with treatment for physical, mental or sexual health issues, help with registering with a GP surgery, and securing training, volunteering and employment opportunities when survivors are ready. Many such interventions are resourced by fundraising, other charitable income and may run with no dedicated funding at all.^{lii}

Women's Aid would recommend that development of how these interventions can be delivered and coordinated, in a way that taps into existing services and community resources, is explored by Government with central input from the specialist domestic abuse sector and front-line women-only services. More widely, it will also be critical to tackle the shift from gender specificity to gender neutrality in commissioning, funding and service provision that we are increasingly seeing at local level. Further detail on this issue is provided in the response to Question 64.

15. In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the government make in respect of protecting domestic abuse victims with no recourse to public funds?

Ensuring full and equal access to support for migrant survivors of domestic abuse must be a fundamental priority for the Bill. It is also essential for fulfilling the obligations of the Istanbul Convention, Article 59 of which makes clear that victims of domestic abuse and VAWG are afforded protection regardless of their immigration status. Migrant women experiencing domestic abuse and other forms of VAWG currently often face insurmountable barriers to escaping abuse and accessing support. 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 experiencing domestic abuse. If the Bill is to truly enhance the safety of all victims, a range of both legislative and non-legislative measures to improve access to protection and support for all migrant survivors is urgently required.

Improvements to protection are not only required for survivors with no recourse to public funds (NRPF) - but those with insecure immigration status, undocumented migrants, those seeking asylum and European Economic Area (EEA) nationals, who face significant restrictions in accessing state benefits. For the purpose of this response, we will use the term NRPF to cover all of these groups.

Survivors with NRPF may have additional vulnerabilities - including experiencing abuse from multiple family members, suffering rejection from their community for disclosing abuse, mental health vulnerabilities and language barriers. Research shows that women with NRPF are particularly vulnerable to forced dependency on men for accommodation - which increases vulnerability to different forms of sexual and labour exploitation - and only seek support only at the point of crisis.^{liii} Specialist BME services - who have expertise in language, the specific forms of violence which have a disproportionate impact on BME women and girls, and supporting and providing advocacy for migrant women - are essential for meeting the needs and vulnerabilities of women with NRPF. As set out in the response to Question 10, 'by and for' BME specialist services urgently require sustainable funding.

Women with NRPF face significant challenges in accessing support services - particularly refugees, who generally can only support a woman who has access to welfare benefits, or her own financial means, to cover refuge housing costs. The Domestic Violence Rule (DVR) and Destitution Domestic Violence Concession (DDVC) have been important developments - secured through advocacy from the 'by and for BME women's sector' - to ensure that women waiting to secure indefinite leave to remain (ILR) can access welfare benefits that will fund her stay in refuge. However, Women's Aid's No Woman Turned Away (NWTa) Project has revealed significant problems with the DVR and DDVC - including: the narrow eligibility criteria for the DDVC, which is only open to women on spousal and partner visas; difficulties with the DDVC application, which requires help from a support agency to complete; the restrictive three-month timeframe for the DDVC, which can often not be enough time to secure ILR; and issues with securing the evidence needed for an application for ILR under the DVR.

Current complexities with the DDVC and DVR process mean that survivors with NRPF are being routinely denied access to safety. The report of the first year of the NWTa project, which delivers additional casework support for women unable to find a refuge space when first contacting the National Domestic Violence Helpline (run in partnership between Women's Aid and Refuge), found that:

- Over a quarter of women (110 out of 404) supported by the project had NRPF, but 67% of these women were not eligible to apply for the DDVC, because they were not on a spousal visa.
- Other women unable to access the DDVC had over-stayed their visa (n=12), were seeking asylum (n=5), or were on student or other visas (n=21.)
- 47% of the women (n=35) who were not eligible for the DDVC were EEA nationals who did not have access to housing benefit. None of these women were accommodated in a refuge space.
- Only 8 of the total 110 women with NRPF were accommodated in a suitable refuge space.^{liv}

The report further found delays and barriers to the DDVC and ILR. 25% of the women with NRPF who were eligible for the DDVC were unable to access timely advice and support for their DDVC application. It is essential for women to be supported by a relevant service in order to know about the scheme, locate the form and to complete it. It can then take over two weeks to be granted the

DDVC - during which the woman is at risk of further abuse and harm, or forced into rough sleeping or other forms of unsafe accommodation.

Even with the DDVC in place, the funding crisis within most refuges means many feel unable to manage the risks of: delays to benefits after the DDVC has been granted; receiving no payment for the woman's stay; or funding running out while a woman is in refuge because the concession is only applicable for three months.^{iv} Women's Aid members are clearly that additional financial support is urgently needed to ensure refuges can meet the needs of women with NRPF. In the current funding climate, refuges simply cannot be expected to manage the financial risk currently attached to supporting women with NRPF, which leaves these women in an unacceptable situation.

The experiences of women with NRPF who are unable to access refuge are shocking. Some women suffered further physical injury and abuse from perpetrator while trying to access a refuge and 11% of women with NRPF slept rough - including two women who had children with them and two women who were pregnant. The case of Anna*, a woman supported by the NWTa project, demonstrates the stark realities facing women with NRPF for whom there is no current means of accessing safety:

“Anna, an EEA national seeking refuge with six children, had not worked in the UK and even though her partner worked she did not have mirror rights as they were not married. She was therefore not eligible for housing benefit and was unsuccessful in securing a refuge space. During her journey Anna sofa surfed with her six children and called the police following an incident, the perpetrator was arrested and released on bail with conditions to stay away from the property. Anna and her children had no option but to stay put with the potential threat of the perpetrator returning; and the caseworker was unable to link the family in with a local domestic abuse service as there was nothing available locally that could meet Anna's language needs.”

Our research found that women with NRPF were frequently failed by statutory services; 57% of women with NRPF were fleeing with children, but social services failed to meet their duty of care¹³ to 17% of these families.^{lv} NWTa caseworkers report highly discriminatory practices from statutory services towards survivors with NRPF - including examples of children's services refusing to uphold their duty of care to women with children due to 'alien' status.^{lvii} Wider research has also highlighted the clear need to improve the consistency of local authority screening and assessment of families with NRPF, training for children's services and the provision of accommodation and costs to meet children's basic needs.^{lviii}

It is clear that the DDVC excludes many women experiencing abuse with insecure status from the outset, the criteria for accessing it is too narrow, and the process of applying for both the concession and ILR under the DVR is too complex. Women and children's lives are put at risk as a result. The following reforms to the DDVC and DVR are urgently required to deliver an effective safety net for survivors:

- Eligibility for the DDVC must be expanded so that all migrant women - and not only those on non-spousal visas - can access the vital lifeline for support.
- The three month time limit for the DDVC must be extended, or a time limit completely removed, until ILR is in place, and the evidence requirements broadened.
- Additional financial resources and training should be provided to refuges and other domestic abuse services - specifically the 'by and for' BME services, that have a track record and history and expertise in supporting women with NRPF and successfully pushing for legal reform - to provide information and support to women with NRPF applying for the DDVC.
- The complexity of applications for the DDVC and ILR under the DVR must be reduced, and applications fast-tracked in recognition that these women can face significant risk and harm as they are waiting for the DDVC to be granted.

Wider reforms to immigration processes and practice are also needed to protect migrant women at risk of domestic abuse and prevent harm. We are supporting wider calls that the following measures

¹³ Under Section 17 of the Children Act 1989

* Her name has been changed.

would improve the safety of the spousal visa process, and help ensure that statutory agencies provide a safe response to survivors with NRPF:

- The Home Office and UK Visas and Immigration (UKVI) to improve the involvement of foreign spouses in the initial visa application process, ensuring that they fully understand their rights and know how to access help and support.
- The Home Office and UKVI to ensure that foreign spouses can access information about where their partner has supported any previous spousal visa applications, during the visa application process.
- The Home Office and UKVI to improve the response to curtailing spousal visas for foreign spouses when an abusive partner claims that a marriage has ended, as a way to instigate enforcement action against the victim as part of the domestic abuse. It is important that women have the right to reply to the curtailment of visa, as she will be subject to deportation.
- The Home Office and UKVI to provide 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.
- Statutory agencies to: ensure that comprehensive training on the rights of migrant women, the DDVC and the DVR is provided to professionals; publicise information, in a range of languages, about the scheme and available support for migrant women; and respond to requests for evidence swiftly.
- The Government to 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.

'Hostile Environment'

Survivors of domestic abuse have the right to protection and support from the police and criminal justice system, regardless of their immigration status. However, it is well known that migrant women face considerable barriers to justice - including well-founded fears that reporting abuse can lead to immigration enforcement and deportation. The Bill, and supporting guidance, should establish a clear framework for the rights and protection of all migrant survivors - regardless of their immigration status. We support the End Violence Against Women and Girls (EVAW) Coalition's comments on the 'hostile environment' in this regard.

Specific action is needed to tackle the barriers that survivors with NRPF face in reporting abuse and seeking help - particularly as fears of deportation, removal of children and destitution are likely to have been key elements of the control and abuse experienced from a perpetrator.^{lix} As members of the Step Up! For Migrant Women Campaign, Women's Aid supports calls for firewalls to separate immigration control from the public services that survivors may disclose or 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.

Concerningly, recent responses to Freedom of Information requests found that over half (27) of police forces in England and Wales share victims' details with the Home Office for immigration control purposes. Only three stated that they did not share information.^{lix} Women's Aid members have stated clearly that ensuring migrant women have access to safe reporting systems, which provide confidence that their immigration status will not be investigated, must be a priority for Government. In addition, we recommend that guidance is delivered to the police and other statutory services on their duties to prioritise the protection of victims and pursuit of justice ahead of immigration enforcement. These protections are essential to fulfil Article 59 of the Istanbul Convention, which the Domestic Abuse Bill aims to ratify.

Asylum seekers

Finally, Women's Aid welcomes the Home Office's decision to deliver funding for refuge spaces for women and children asylum seekers. We do, however, have concerns about the proposed length of stay that would be funded. Limiting access to refuge to 30 nights is not a safe or appropriate

approach to supporting asylum seekers fleeing abuse - particularly as they are likely to have a range of complex needs and require specialist support with language, asylum applications and move-on. The time-limit will mean that refuge providers are unlikely to consider this a viable funding mechanism - as they would be concerned about having to terminate a woman's stay if the funding had ended, but she was still in significant need of help. Further work is also required to ensure other parts of the policy design - such as the estimated costs of provision - are realistic. We look forward to providing further information to the Home Office in this regard, to ensure that the policy will provide a workable pathway to refuge for these highly vulnerable survivors. We further recommend that the Government end the policy of dispersal for abused female asylum seekers, to ensure that support and assistance they are receiving is not disrupted.

2C: Proposals to keep victims safe

16. Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?

Yes

Please give reasons [free text]

The existing Domestic Violence Protection Notices (DVPNs) can be a useful tool in providing a short period of 'breathing space' where the police are involved in a domestic abuse case. However their usefulness is limited and they should only be considered as one part of a range of measures that the police can use to try and keep victims of domestic abuse safe. Women's Aid would support this very short term support remaining in place, but have some recommendations on how to enhance the usefulness of these measures.

DVPNs can only be put in place where the police have reason to believe that there has been an incident, or incidents, of physical violence or the threat of physical violence. As the Government are proposing to make the definition of 'domestic abuse' statutory, and this definition goes much wider than physical violence alone, Women's Aid recommends that the new Protection Notice can be put in place for all forms of domestic abuse. This is critical to align with the growing recognition within the criminal justice system that domestic abuse is not isolated to physical violence, or single incidents and we therefore support this suggestion in the consultation paper.

Lowering seniority of police staff who can apply for the Protection Notice, from Superintendent to an Officer, will help to ensure the new provisions can be put in place quickly at a critical time of need. Women's Aid would recommend that the Notices are kept under review in terms of how effective they are at keeping victims safe.

Guidance and training accompanying the new Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) system must also be clear that new notices and orders are not an alternative to prosecution. If the charging standard is met, then the police must charge perpetrators with a criminal offence.

We asked Women's Aid member services for their views on the proposed system and the response was positive, with most members stating that DAPNs and DAPOs would improve protection for victims. Comments from members made clear that whilst the system proposed was positive, it would be implementation, monitoring and enforcement that would determine whether or not DAPOs were effective: *"it's only a piece of paper. Law Enforcement must be monitoring & following up these orders for them to be effective."* The involvement of specialist services was also identified as key for safeguarding victims.

17. Which of the following individuals/organisations should be able to apply for a Domestic Abuse Protection Order?

The victim

Certain persons associated with the victim (for example certain family members) on behalf of the victim

The police (following the issue of a Domestic Abuse Protection Notice or at any other time)

Relevant third parties, who would be specified by regulations, on behalf of victims

With permission of the court, any other person or organisation

Please give reasons [free text]

Women's Aid supports a wider range of individuals to be able to apply for a DAPO to be put in place. As we know, most women will never report their experiences of domestic abuse to the police, so widening the list of individuals who can apply for the orders outside of the police and allowing victims themselves to apply should enable more victims to access this measures. The Annual Survey 2017 found that less than half of survivors in refuge on the Day to Count (43.7%) and just over a quarter (28%) of survivors using community based services in the Week to Count had the domestic abuse reported to the police, either by themselves or a third party.^{ixi}

In order for a range of individuals and organisations to engage with this process safely, significant awareness raising of these measures will need to take place to ensure that DAPNs and DAPOs are implemented consistently and effectively. Anecdotally, two years on from the roll out of DVPOs in March 2016, we are still hearing that there are instances where the police are not aware that the current DVPN and DVPO provisions are in place, and when survivors are asking for them the police do not know what the processes are for applying or in what circumstances they might be relevant. Similarly, the measures will need to be accompanied by specific and bespoke guidance for all the different organisations or types of professionals who can apply for a DAPO on behalf of a victim, and of course guidance for survivors make applications for themselves.

Similarly to the programme of work around DVPOs, Women's Aid recommends the orders are piloted and monitored over at least a one year period before they are rolled-out nationally to provide assurance that all victims are able to access them when they need to, they increase survivors' safety and provide necessary deterrents to perpetrators. This review would highlight if there is a need to expand the list of third parties (in relation to the next question) or any related further provisions required.

18. Which persons or bodies should be specified by regulations as 'relevant third parties' who can apply for a Domestic Abuse Protection Order on a victim's behalf?

Local authority safeguarding or social care professionals

Providers of probation services

Specialist domestic abuse advisers/ Independent Domestic Violence Advisers (IDVAs)

Specialist non-statutory support services (for example refuge support staff)

Other [free text]

Please give reasons [free text]

Women's Aid supports the proposal for individuals and organisations outside of the criminal justice system to be able to apply for DAPOs. Based on our experience working with survivors, and knowledge of the areas women are likely to disclose or seek help from, we recommend that the following are also considered as 'relevant third parties':

- Health professionals such as midwives, health visitors and GPs;
- Safeguarding leads within local authorities;
- Advocates or professionals supporting women or children going through the family court processes.

All of these bodies and groups, however, must be consulted fully to ensure there is the capacity, training and support in place to enable frontline professionals to engage safely in the DAPO process and ensure consistency in the implementation of these orders across the public sector.

It's vitally important that the individuals who are able to apply for these orders are the kinds of professionals that victims of domestic abuse are likely to come into contact with. Professional bodies and organisations representing these groups should also be consulted on their inclusion in the regulations around DAPOs to ensure that the relevant professionals have the required capacity and specialist training to safely engage with this work. Whilst Women's Aid is supportive of the list of individuals and organisations being broad in order to support survivors, we are also clear that the organisations listed must have credibility and be a known specialist service provider to ensure this provision is not misused.

This list of professionals should be reviewed on a bi-annual basis and updated to reflect the expanding opportunities that victims of domestic abuse have to disclose abuse. It will be important to review this list as we work towards a society that is able to identify domestic abuse at a much earlier point, through Women's Aid's Change that Lasts approach and the wider programme of work around the Domestic Abuse Bill, which should encourage more women to report and seek help.

19. We propose that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made, including:

- at a magistrates' court by the police following the issue of a Domestic Abuse Protection Notice or at any other time
- as a standalone application by, for example, the victim or a person or organisation on the victim's behalf to a family court
- by a party during the course of any family, civil or criminal proceedings

Do you agree?

Yes

Please give reasons [free text]

Women's Aid would support there being multiple routes for a DAPO to be made. Women experiencing domestic abuse are unlikely to report the abuse to the police. They are even less likely to see a criminal case against the perpetrator. The Annual Survey 2017 found that only 17% of women in refuge reported that there was, or had ever been, a criminal case against the perpetrator and only 13.2% of women using community based services.^{lxii} It is therefore vital that important tools and measures, like the DAPO, are able to provide protection to women who do not, for a number of important and valid reasons, engage with the criminal justice system.

The Government's Impact Assessment estimates that 20,700 DAPOs will be made in the criminal court on conviction of an offence and 32,300 DAPOs made in a civil context. Women being able to apply for the orders for themselves, or via a third party, will be an important measure for those who have not reported the abuse to the police or who are not currently going through any family or civil proceedings. It will be vitally important that the evidence criteria in place to enable the courts to grant a DAPO reflect victims lived experiences of abuse and the types of evidence that they might have – so this must extend beyond evidence from the criminal justice system alone. Evidence including, but not limited to, records from healthcare professionals, social care, family court fact finding hearings, and from friends and family members, should also be admissible. It is also vitally important that healthcare professionals, such as GPs, do not charge for evidence in these cases - due to the essential need to access these orders for safety and protection.

Whilst we support that family judges and magistrates should be able to put DAPOs in place, our work on the *Child First: Safe Child Contact Saves Lives* campaign and accompanying body of research evidence has highlighted significant cultural issues with the family judiciary's handling of domestic abuse cases. As a result of Women's Aid's recently published "*What About My Right Not to be Abused? Domestic Abuse, Human Rights and the Family Courts*" research, we are now calling for a full-scale public independent inquiry into the family court's handling of domestic abuse cases.^{lxiii}

As made clear in our response to Question 44, significant work is required to ensure that the family courts are able to identify and respond to domestic abuse appropriately, and to ensure that fact finding hearings are held in child contact cases where there are allegations of domestic abuse. Without these wider reforms, Women's Aid would have significant concerns about the ability of some family judges and magistrates to make informed and safe decisions about granting these orders. We would certainly have concerns that the proactive granting of these orders in the family courts would not reflect the real level of need.

20. Do you agree that family, civil, and criminal courts should be able to make a Domestic Abuse Protection Order of their own volition during the course of any proceedings?

Yes

Please give reasons [free text]

Women's Aid would support the courts being able to impose a DAPO of their own volition during proceedings, as long as the victim is fully informed that this is being done and understands what the order means, what protections it provides her, and what to do if the order is breached.

We asked survivors of domestic abuse whether the courts being able to grant a DAPO without the knowledge or consent of the victim was a good idea. 38% women thought the courts should be able to do this and a similar number, 34% didn't think they it should be possible.¹⁴ Many women commented that the survivor should always be informed that the order is going to be applied for and be aware of the process, but they shouldn't necessarily have to consent to the order being imposed - to remove that burden at a potentially dangerous time. *"I think they SHOULD notify the survivor but should NOT require their consent."* This may help to ensure the victim is aware of the situation and what the outcomes might be, but that the onus around decision making is removed from her.

Comments from survivors in support of courts being able to impose a DAPO without the victim's consent or request highlighted how this approach could reduce the risk of repercussions from the perpetrators, could take a difficult decision/action out of the hands of someone who is very traumatised and scared, and could ensure that survivors are afforded some breathing space. Specific comments included:

- *"It enables decisive & swift action to be taken."*
- *"Although some women (survivors) may be against this if they e.g. still care for the perpetrator or have been manipulated, it would be better for them to have their perpetrator monitored by external sources."*
- *"Many would be too frightened to consent. Also the perpetrator would blame the survivor and perhaps retaliate. The survivor should not be involved for their safety."*
- *"The survivor cannot be blamed for what happens without her consent, reducing the likelihood of revenge attacks."*
- *"Some are too frightened to get involved. This is in everyone's interest to monitor abusers, not necessarily just the survivors. It could prevent further abuse."*
- *"When you are in an abusive relationship it is almost impossible to do what is best for you. Imposing this would give the victim a chance to get a breathing space and for a normal perspective to develop, not one manipulated by the perpetrator."*

Comments from survivors who did not support courts being able to impose a DAPO without the victim's consent or knowledge highlighted survivors' right to be involved, the importance of women feeling in control of proceedings that directly involved them, and the importance of knowing about a DAPO application so they can themselves put any necessary safety measures in place - for example, if they fear repercussions they may decide to leave a property for a period of time. Specific comments included:

¹⁴ Of 167 responses to this question, a slightly higher proportion of survivors agreed that courts should be able to impose a DAPO without a survivor's knowledge or consent (38%, n=63) as disagreed (34%, n=60). 25% (n=44) of survivors responding to this question stated that they did not know.

- *“All survivors have the right to know any relevant actions or information relating to their case. It is essential for their safety and it their right to be protected or warned of any imminent danger, especially when children are involved.”*
- *“These should always be imposed with the victim’s knowledge; she needs to be able to have every opportunity to keep them and their family safe, plus to know that the perpetrator is breaching it. I feel they should be imposed by the courts for sure, but ensure the victim is aware (whether there is agreement or not).”*
- *“The survivor needs to know and be supported this would not help recovery by imposing anything. It’s very important survivors have choices which they decide and are supported in enabling this. They have rights!”*
- *“I have always had concerns about laws that take consent and control away from women who have already had had consent and control taken away from them via the abuse they sustained. It could feel like an extension of abuse and affect mental health.”*

Women’s Aid member services strongly agreed that the civil, and criminal courts should be able to make a DAPO of their own volition during the course of any proceedings, but highlighted a number of safeguards that would be required for this to be effective. Members stated that: advocacy for victims was essential to ensure they understand the proceedings and can have their voice and views heard; considerable training for the judiciary would be required to undertake this responsibility; and the DAPO should be accompanied by a referral to agencies and specialist services to meet victim’s needs and provide in-depth support. One member service commented: *“it is good for the court to make such orders of its own volition, however, we would advocate in all cases obtaining the views of the women as if she does not want an order it could cause more problems than it solves”*. Another member service also highlighted that this provision could also afford extra protection for children who are subject to child contact proceedings: *“it would better protect children from being used as instruments of further coercion and abuse.”*

Special consideration will need to be given to cases where the victim and perpetrator are still in a relationship, and the victim does not want to end the relationship. In these situations women should always be fully aware of orders being made and what the possible implications are for her if she continues the relationship, and spends time with the perpetrator over the period the DAPO is in place. Guidance and training around these measures must ensure that women in these cases are not victimised or sanctioned for still seeing or contacting a perpetrator when a DAPO is in place. There are a range of complex and challenging issues why women stay in an abusive relationship and keep contact after calling the police or experiencing abuse, even after an order is put in place - not least because they are frightened of the consequences if they cut off contact, if their children still want contact or if there is a child contact order in place, and if they are coerced into continuing contact with the perpetrator.

Consideration will also need to be given to situations where a DAPO is put in place, but where women are expected to facilitate or supervise contact between their children and the abusive parent in order to comply with child arrangements order. There must be a clear join-up between DAPOs and child contact arrangements. We discuss later in our response the importance of addressing areas where women fall between the cracks between the criminal and family courts.

In all cases where DAPOs are put in place, it is vital that the victim is signposted to specialist support for domestic abuse and given information about the National Domestic Violence Helpline, run in partnership between Women’s Aid and Refuge.

21. Do you agree that courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order?

Yes

Please give reasons [free text]

Women’s Aid is supportive of the proposal to add positive requirements to DAPOs. This will contribute to a culture change that we need - to remove the onus from the victim to keep the perpetrator away from her and end the relationship, and put the responsibility on the perpetrator to

stop the abuse. Survivors responding to our survey were very supportive of the need for positive requirements:

- 96% of survivors agreed that a DAPO should prohibit a perpetrators from coming within a certain distance of, or contacting, survivors - including digitally or online;
- 77% of survivors thought perpetrators should complete perpetrator, parenting and drug and alcohol programmes;
- 62% of survivors thought perpetrators should not be allowed to drink alcohol or take drugs.¹⁵

Many women commented that DAPOs should also protect children and that breaches of orders should have implications for contact with children. It is essential that the new order is fully linked to any family court processes and align with child contact arrangements:

- *“The court system still favours contact at all costs, this puts victims at risk of further abuse. This needs to be addressed first & foremost, but in the absence of this then monitoring perpetrators will hopefully give some protection to victims, but sadly not their children, who are victims too.”*
- *“Child contact gets used as a vehicle for continuing the abuse of the mother. This must stop. Making breach of a DAPO an automatic criminal offence needs power of arrest attached and solid action taken against the perpetrator by police and CPS.”*

Women’s Aid member services agreed that DAPOs should be able to prohibit certain behaviours - particularly in terms of prohibiting contact and exclusion zones. Fewer members, however, that DAPO’s should prohibit offenders from taking alcohol or drugs, with comments stating that it would be extremely difficult to enforce these prohibitions. Our members broadly agreed that that the courts should be able to attach positive requirements to a DAPO - such as requirements to attend parenting programmes, perpetrator programmes, and complete drug and alcohol treatment. Commenting on this question, members made clear that: completion, rather than just attendance, of programmes must be a requirement; programmes must have been evaluated to be effective and achieve specific outcomes; and these requirements must also be accompanied by support for victims.

The application of positive measures to a DAPO will require additional resources and training for the police and other statutory agencies, to ensure that these orders are handled and monitored safely and effectively. As one survivor responding to our survey stated: *“these are all good ways of monitoring perpetrators, however these proposals are only as good as the police who enforce them.”* It is essential that positive requirements are monitored effectively to ensure that DAPOs are creating the breathing space that women need and helping to deter perpetrators from further abuse. A key challenge with tools like this is that if they are not implemented correctly or robustly, they can unintentionally be used by a perpetrator to continue coercion and control. If orders are breached with no consequences, or not enforced, properly further power is given to the perpetrator, and victims are left with the view that the ‘system’ has failed her and enabled the perpetrator to continue the abuse.

The Government’s Impact Assessment estimates that 14,500 DAPOs will include positive requirements – such as perpetrator programmes or drug and alcohol programmes - and an assumption is made that these will be funded by the police, local authorities or Police and Crime Commissioners. In a context of financial constraint, we are clear that safeguards must be in place to ensure such programmes are of consistently high quality, achieve specific outcomes, and keep survivors safe. In particular, all perpetrator programmes must be Respect accredited in order to ensure that they are safe and effective; further detail on this is provided in the response to Question 57. For DAPOs made in the civil courts, the police will still need to monitor implementation of the orders and respond to breaches if they become a criminal offence – early indications from the evaluations of the current orders (DVPOs) showed 18% breach rates.^{lxiv}

¹⁵ Of 166 responses to this question, 96% (n=160) of respondents agreed that a DAPO should prohibit a perpetrators from coming within a certain distance of, or contacting, survivors - including online or via text messages; 77% (n=128) of respondents agreed that perpetrators should complete perpetrator, parenting and drug and alcohol programmes where relevant; and 62% (n=103) of respondents stated that perpetrators should not be allowed to drink alcohol or take drugs, where relevant.

Women's Aid would also like to see further assurance of how the positive requirements will be monitored, and whether the victim feels satisfied that the DAPO has provided her with the protection that she requires, before implementation. Engagement with survivors must be central to the future development of these proposals. Consideration will be especially required where DAPOs are granted through the family or civil courts, where there may be no ongoing criminal justice case. After further testing and development, Women's Aid recommends that the use of positive requirements in these cases is fully reviewed after the new orders have been operational for six months, to ensure that positive requirements are being met and affording extra protection to victims. This includes the use of electronic tags, where we would welcome a pilot to test the safety and effectiveness of this approach.

The DAPO, and range of positive requirements, should enhance the service and safety provided to survivors and not impact on charging, sentencing or other decisions made in the criminal justice system. As previously stated, it must be made clear in all guidance and training that DAPOs are not an alternative to prosecution. If the charging standard is met, the policy must always charge a perpetrator with a criminal offence. Women's Aid would also want to ensure that the positive requirements applied - such as completing perpetrator programmes, parenting programmes or drug and alcohol treatment - are not regarded as mitigating factors when sentencing perpetrators of domestic abuse for related crimes if the DAPO is granted through a criminal case. Similarly, these positive requirements should not affect outcomes of child contact cases or be deemed to mitigate the risk of contact with a child or non-abusive parent. It will be essential to make clear what the read across between these orders and child contact cases is before these orders are available for use.

22. Do you agree that courts should be able to require individuals subject to a Domestic Abuse Protection Order to notify personal details to the police?

Yes

Please give reasons [free text]

We know that there are many serial perpetrators of domestic abuse who move their abuse from one victim to the next, often over many years. Survivors of domestic abuse responding to our survey were overwhelming supportive of proposals for perpetrators to notify personal details to the police, providing a clear indication that these changes would make survivors feel safer and could protect future victims:

- 93% of survivors agreed that perpetrators should be required to notify the police when they move house, change name, or start a new relationship;
- 85% agreed that courts should be able to enforce electronic monitoring of perpetrators;
- 83% agreed that perpetrators should notify the police when a new child is born or otherwise moves into their house;
- 76% agreed that perpetrators must notify the police when there is any change in child contact arrangements.¹⁶

Women's Aid is aware of numerous calls for the creation of a register for repeat perpetrators, similar to the register established for sex offenders, to better safeguard potential victims of domestic abuse and to prevent repeat perpetration. A register could enable the police to improve monitoring and information sharing on perpetrators of domestic abuse - particularly those who are prolific repeat offenders and abuse multiple victims - with the aim of better protecting survivors.

Although we didn't specifically ask them about a 'register', many survivors responding to our survey called for such a mechanism to identify and alert new partners of known perpetrators, which they

¹⁶ Of 166 responses to this question, 83% (n=154) of respondents agreed that perpetrators should be required to notify the police when they move house, change name, start a new relationship. 85% (n=141) agreed that courts should be able to enforce electronic monitoring of perpetrators; 83% (n=138) agreed that perpetrators should notify the police when a new child is born or otherwise moves into their house; and 76% (n=12) agreed that perpetrators must notify the police when there is any change in child contact arrangements.

believed would prevent future abuse and give women the opportunity to make an informed decision about a new relationship. Comments included:

- *“There should be a domestic abusers register that every abuser should sign. Many domestic abusers will jump from one relationship to another in order to maintain their behaviour.”*
- *“Most perpetrators are serial offenders, causing many women and children to repeat a cycle of abuse at the hands of an offender. They should have to inform police and children’s services whenever they get into a new relationship, or another child is brought into the situation and a risk assessment must take place to ensure that women and children are being protected. I also firmly agree that perpetrators should have to inform police every time they move house to ensure that they are not encroaching upon their previous victim’s safety.”*
- *“Regarding new relationships, I think this is essential. My ex-husband has started a new relationship and she only found out his history when she was very pregnant. She is still with him but may not have been if she were aware of the accusations.”*
- *“The person I suffered abuse from had done EXACTLY the same in a previous relationship and potentially at least one before.”*

A summary of ‘lessons learned’ from Domestic Homicide Reviews (DHRs) has stressed the need to improve information sharing about the risk of domestic abuse. Specifically, the issue of accessing records and information from other geographical areas was identified “usually in relation to the police records of a perpetrator who had moved to a different police force area”^{lxv} A national domestic abuse register would be particularly beneficial for monitoring perpetrators who move locations, enabling police forces to recognise and monitor known offenders who have moved into their area. A 2009 review by the then Association of Chief Police Officers (ACPO) found that *“there are substantial number of serial perpetrators of violence against women and girls who have not been recognised by the criminal justice system for the risk they pose. There is limited evidence which suggests that collation of data could potentially reduce re-offending and protect women against serial and repeat abusers”*, and recommended the legislative change to permit the registration and ‘tracking’ of serial perpetrators of VAWG.^{lxvi}

In other crimes (such as child sexual exploitation and other sexual offences) there is a far greater focus on monitoring, tracking and multi-agency perpetrator management, which is often lacking in the response to domestic abuse. The register could be a useful tool in improving offender management in domestic abuse cases and does represent a move from managing the victim’s risk—where the perpetrator is almost invisible - to holding perpetrators accountable in a more proactive way, supporting the emphasis on positive requirements as part of the proposed new DAPO regime.

Women’s Aid, however, does have concerns about the introduction of a specific register, which would similarly need to be addressed in order to ensure that positive requirements on perpetrators subject to a DAPO deliver better protection for victims and more effective sanctions on the perpetrators.

Firstly, domestic abuse is chronically underreported – only a very small proportion of survivors ever see a criminal case or sanctions against the perpetrator, meaning that few perpetrators would ever be placed upon a register. A register or requirement, as outlined, will therefore only ever cover a very small proportion of offenders if it is limited to individuals who have been through the criminal justice process - so the impact in improving offender management will be limited. As the Government are consulting on DAPOs being put in place in family and civil courts, with a breach being a criminal offence and different third parties being able to apply, we do recognise that the scope and effectiveness of this scheme will be expanded.

Similarly to the concerns we outline in Question 33 on the Domestic Violence Disclosure Scheme, the register also may give women false confidence if her partner’s name is not listed on it. These situations will need to be carefully managed and referrals still made to specialist services.

Finally, given levels of demand, we have concerns about adding new administrative burdens on the police without additional resourcing. The Government’s position is that domestic abuse and stalking perpetrators can already be placed on VISOR and managed by the police and probation under

MAPPA. The Home Office has stated it would be important to ensure that a register is “*simple to use for those who need to use it*” and they would not want to “*over-complicate things by issuing too many registers, with cases potentially falling between the cracks.*”¹⁷ We would support a simple process that is designed with victims’ safety as the central priority, with signposting and referrals to support services designed-in from the start.

We would recommend a workshop, or further investigation, to look at the proposal around a possible serial perpetrator register in more detail.

23. If so, what personal details should the courts be able to require individuals to provide to the police?

Name/change of name

Home address/change of home address

Formation of new relationship with an intimate partner

Change of circumstances relating to household – including where a new child is born or otherwise joins the household

Details of child arrangements orders for where and with whom a child is to live and with whom a child is to spend time or otherwise have contact

Other [free text]

Women’s Aid would agree that the personal details listed would be suitable in the development of a new register for individuals subject to DAPOs. We would also recommend consideration of these additional details being included, which are also crucial for recognising potential escalation of future harm:

- if they have applied for firearms license;
- any other violent crimes committed or anti-social behaviour;
- adding to change of address – if they have been made or become homeless;
- if their partner (current or ex) is pregnant.

Although this may be outside of the scope of what the legislation can cover, there are numerous other factors which could also be considered and help to inform understanding of the potential risk of repeat perpetration:

- suicide attempts and/or mental health crisis;
- drug or alcohol misuse factors;
- if the perpetrator is commencing child contact proceedings in the family courts;
- leaving a care placement.

The Government could also consider more intensive or robust monitoring of perpetrators who have repeatedly breached conditions of their DAPOs, if they are not imprisoned, where more detailed information may be required in order to further mitigate risks of further repeat perpetration.

The focus of the DAPO is to improve protection for survivors, and any collection of data must have the same aim. Any monitoring and management of perpetrators registering their information, and subsequent responses to this intelligence by the police, would need to be accompanied with timely and robust safeguarding measures for victims and their children. The Government will need to give careful consideration to how any data collected will be used and shared by the police, particularly if it is used to notify survivors or potential victims about changes to circumstance.

It is also critical that focus continues to be on improving the police response to tackling all perpetrators and supporting all victims - not only those who are ‘registered’ or who are required notify details to the police.

24. Do you agree that breach of the proposed order should be a criminal offence?

Yes

¹⁷Baroness Williams, 10 October 2017, Hansard Volume 785

Please give reasons [free text]

In order for the DAPO to be an effective means of keeping survivors of domestic abuse safe, criminalising a breach of the order is critical. This is currently a major barrier to the effectiveness of DVPOs, as there is no sanction for perpetrators if they do not abide by the conditions set out in the order. Women's Aid would also recommend clarity on the links between DAPOs and the Domestic Violence Disclosure Scheme and, if there is a DAPO in place, if this could be disclosed to a new partner without criminal conviction for a related offence or breach of order. We would recommend that an individual being subject to a DAPO should be part of these disclosures.

We know many perpetrators of domestic abuse will continue to abuse and control women after they report the domestic abuse to the police, or other agencies, or sought help. We also hear anecdotally from women that perpetrators will frequently breach orders that are put in place, which can then leave women in more danger. As outlined in our response to Question 21, implementation is key and if orders are breached with no consequences or not enforced properly it gives the perpetrator more power and contribute to a victims sense of the 'system' failing her and enabling the perpetrator to continue the abuse.

Given the range of positive requirements and prohibitions proposed for DAPOs, we recognise that criminalising breaches of certain measures - such as requirements to complete parenting programmes or drug and alcohol treatment - may have human rights implications. We would recommend that the Government consider how the DAPO could be varied in this regard, and how to ensure that all positive requirements will be robustly monitored and enforced.

This protection order will have extremely limited effectiveness if breaches - particularly breaches of contact restrictions and exclusion zones - are not criminalised and we strongly recommend this action is taken in the legislation. We would consider it a significant failing of this programme of work if a breach of a DAPO is not criminalise, after calling for a number of years for a breach of a DVPO to be criminalised.

25. If you do agree that breach of the proposed order should be a criminal offence, should it be possible for breach to alternatively be punished as a contempt of court?

Don't know/no answer

Please give reasons [free text]

This protection order will have extremely limited effectiveness if it is not a criminal offence to breach, and we strongly recommend this action is taken in the legislation. We are not sure how a breach could not also be punishable as a contempt of court, as breach of a court order is always contempt.

When a DAPO is granted in the family or civil court grants, there must be robust sanctions for a breach in order to ensure effective protection for victims and adequate deterrent for perpetrators. It will be important that the statutory guidance covering DAPOs is clear how these orders will work, and be enforced, consistently between different jurisdictions. The punishments for breaches handed down through the different court structures must be commensurate to ensure that orders and breaches are treated as seriously by all those who can grant them, and sanctions for perpetrators are equally serious. We know already, and have highlighted elsewhere in this response, that that are significant gaps in practice between the criminal and family jurisdictions. We consistently hear reports of hugely varied practice and treatment of victims and perpetrators of domestic abuse between the different court settings, which are borne out in research.^{lxvii}

Inconsistencies are largely a result of poor levels of understanding of the dangers associated with domestic abuse. In the family court setting, ensuring breaches of orders are punished effectively will require upskilling and training on domestic abuse for judges and magistrates so they understand the potential impacts and risks associated with breaches of orders, and the types of punishments required. This would form part of a wider programme of work that Women's Aid believes is required to ensure the family courts are handling domestic abuse cases properly. These reforms must happen alongside any plans to involve the family courts in the legislation on - and implementation

of - DAPOs, to ensure there is a consistent and safe approach to using these measures across jurisdictions.

26. Do you agree that courts should be given an express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order?

Yes

Please give reasons [free text]

The majority, 66%, of survivors responding to our survey agreed that electronic monitoring of a perpetrator's location or behaviour would have made them safer.¹⁸ 85% of survivors thought that electronic tagging should be an option that courts can impose as part of a DAPO.¹⁹ Many of the comments from survivors focused on why tagging would have made them feel safer and more in control, highlighting the importance of a robust response to perpetrators having the potential for a really positive impact on victims too:

- *"I wouldn't of felt so frightened of him turning up at my new property."*
- *"I would have felt safer."*
- *"It would have calmed my nerves and anxieties."*
- *"He would not have been able to find me if he was being monitored."*
- *"It is difficult not knowing where that person is and it leads to a lot of feelings of insecurity in day to day life."*

Many women also mentioned how tagging could have helped in their cases and prevented further post separation abuse, stalking and harassment. Tagging could have been a deterrent to the perpetrator, but also a way to prove the repeated and ongoing nature of this abuse if it continued after a court order was in place.

- *"My ex-partner broke into my home, followed me, stalked me, chased me when I tried to flee and forcibly brought me [REDACTED] back home with him. When I fled to refuge, he moved closer to me again. I was never able to prove any of it, if he had been electronically tagged then I would have been at far less risk, or at least been able to prove his stalking and abuse so the police could have taken 'appropriate action' instead of just telling me "we can't be sure it's him as there is no evidence to prove it's him."*
- *"He always denied stalking me and claimed he was elsewhere. Tagging would have given me the proof I needed."*
- *"They may not necessarily stop them from doing what they want to in terms of stalking etc but would be solid evidence of location at time of a crime/breach"*
- *"Proof of further harassment"*
- *"Would have prevented all stalking behaviour which occurred after reporting."*

Women's Aid member services broadly agreed that courts should be given the power to impose electronic monitoring as a condition of a DAPO, with some members *"particularly keen to see the use of electronic monitoring and notification requirements being used"*. However, members raised concerns about the effective implementation and monitoring of such a measure - *"how responsive that would be in practice i.e. whose responsibility is it to act after the tags activates. If these orders can be made it would improve protection but we wonder how this would work in practice if a defendant is denying abuse"*.

Women's Aid recommends that this approach is trialled and evaluated, to ensure that it does improve the safety of victims and act as an effective deterrent, before implementation. As with the

¹⁸ Of 165 responses to this question, 66% (n=109) of survivors stated that electronic monitoring of a perpetrator's behaviour and/or location would have made them safer. 16% (n=26) of survivors responding stated that it would not have made them safer, and 18% (n=30) stated that they did not know.

¹⁹ Of 166 responses to this question, 85% (n=141) of survivors responding agreed that courts should be able to enforce electronic monitoring of perpetrators.

other positive requirements that the Government is considering including within a DAPO, electronic tagging will require additional police training and resourcing to ensure effective implementation.

27. Which particular statutory safeguards relating to the use of electronic monitoring with Domestic Abuse Protection Orders should be put in place?

The safety of survivors of domestic abuse should be the paramount concern when determining which safeguards are required for the use of electronic monitoring as part of a DAPO. We would recommend a pilot programme and evaluation before electronic tagging is implemented to understand the safety and effectiveness of this approach. This would need to assess: the impact of electronic monitoring in awareness of breaches of orders; whether the tagging provides the police with enough information about breaches; and if the response to the breach was sped up or made more efficient by the electronic tag. It would also be important to evaluate what impact the electronic monitoring had on the outcomes of cases - including whether it acted as a deterrent to perpetrators, and made survivors feel safer.

28. How much easier do you think it will be for domestic abuse victims to register to vote anonymously, once the changes summarised above happen?

Somewhat easier

29. What further support could survivors receive to prove their safety would be at risk if their name and address appeared on the electoral register? Please put forward one suggestion.

Women's Aid welcomes the decisive action taken by Government to reform the anonymous registration system for survivors of domestic abuse. In partnership with Mehala Osborne, a survivor who was unable to register to vote whilst living in refuge due to the previously strict evidential requirements for anonymous registration, Women's Aid led the campaign for the welcome reforms enacted in February 2018. The Cabinet Office reforms - to update the forms of evidence that will be accepted, and enable refuge managers, registered medical practitioners, nurses and midwives, and police officers, of or above the rank of inspector, to become 'qualifying officers' - will ensure that many more survivors living in refuge will be able to vote anonymously in the future. Training and awareness raising with Electoral Registrations on the importance of anonymous registration for survivors, and the refuges operating in their area, will be crucial for ensuring that the changes are implemented effectively.

Our submission to the Cabinet Office's first Policy Statement on reforming anonymous registration for survivors of domestic abuse in May 2017 proposed that a far wider range of professionals should be listed as 'qualifying officers.' It is of course important to note that only a small proportion of survivors will escape abuse to refuge - an estimated 13,414 women with 14,353 children in England in 2016-17.^{lxviii} Survivors may not want to, or be able to, access refuge for many reasons - but this does not mean that they are not at risk from their name and address being public. Many of these survivors will never come into contact with a refuge manager, but may be supported by another form of domestic abuse service or professional. It is therefore critical that the Government widen the range of qualifying officers who can attest that a survivors' safety is at risk if their name and address appeared on the electoral register.

We therefore propose that, in collaboration and after further consultation with the organisations or representative bodies referred to, the following professionals are included as qualifying officers:

- Any health professional as a member of a profession regulated by the General Medical Council, the General Dental Council, the General Optical Council, the General Osteopathic Council, the General Chiropractic Council, the General Pharmaceutical Council, the Nursing and Midwifery Council, or the Health and Care Professions Council;
- Chairs of Multi-Agency Risk Assessment Conferences (MARACs);
- An employer;
- Educational services - including a school, college or university;

- A local authority - with the seniority of qualifying officers lowered from the Director of Adult Social Services or Children's Services;
- A legal professional - including a solicitor, a trainee solicitor, a barrister, a paralegal, or a legal executive.

This would align the Cabinet Office process with model used by DWP in the Child Maintenance Service, in regulation 4(3) of the Child Support Fees Regulations 2014, for providing evidence of domestic abuse.^{lxix}

We also recommend that professionals working within the full range of specialist local domestic abuse services, who are able to attest that a survivor requires anonymity, are included as qualifying officers - at a minimum:

- Managers of, or support workers within, a specialist domestic abuse or sexual violence or abuse service;
- Managers of, or support workers within, a national or local domestic abuse or sexual violence or abuse helpline;
- Domestic abuse advocates - including Independent Domestic Violence Advocates (IDVAs) or Domestic Abuse Prevention Advocates (DAPAs) or Independent Domestic Abuse Advisers (IDAAs);
- Sexual violence advocates - such as Independent Sexual Violence Advocates (ISVAs).

The inclusion of the above professionals will help to ensure the list of qualified officers more accurately reflects the range of professionals that survivors of domestic abuse are in contact with.

30. Do you have any further comments or suggestions on how to make it easier for domestic abuse survivors to anonymously register to vote?

We welcome the Government's commitment to improving the anonymous registration system, which is essential for ensuring that survivors can access their democratic rights in safety. We recommend that two further reforms are required to ensure that all survivors can access anonymous registration in the future - removing the time-limit on evidence, and expanding the list of evidential requirements.

Removing the time-limit

As the Cabinet Office have recognised, "*abuse does not necessarily fit within a time limit and many survivors of abuse fear for their safety years after escaping abuse.*"^{lxx} The anonymous registration system must reflect the long-term risk that domestic abuse perpetrators pose to their victims. Currently, the requirement to resubmit an anonymous registration application after 12 months - and the expiry of an attestation or evidence after 5 years - fails to protect survivors who face ongoing and persistent threats to their safety, regardless of when the relationship has ended or when they escaped the perpetrator.

The first report of the Femicide Census demonstrates the persistent risks survivors face - regardless of when the relationship ended or when they may have escaped. 200 of the 598 women killed by a partner or ex-partner between 2009 and 2015 were killed after they separated, and of these women 7.5% were killed in between 1-3 years, and 4.5% over 3 years after the separation.^{lxxi} One woman counted within the statistics, Mumtahina Janna, was killed by her ex-husband on 5 July 2011 - six years after she fled to a refuge in 2005.

The on-going, and often life-long, risks of domestic abuse and homicide make it critical that survivors are able to register to vote anonymously to protect their safety throughout their lives - even if there is no recent evidence of domestic abuse or post-separation abuse taking place. A survivor is the expert in managing their own safety, and if they feel that they will be at risk from their name and address appearing on the Electoral Register they must be believed. Women's Aid therefore recommends that:

- The time-limit for evidence or attestation for an anonymous registration in cases of domestic abuse is removed, ensuring evidence or attestation can be used by a survivor to register anonymously for life;

- Given the frequency with which survivors may have to relocate to protect their safety, anonymous registration status moves with a survivor when they move address too;
- If a restriction on the duration of anonymous entry has to be imposed, it is developed with an understanding of the severe and ongoing risks facing survivors, and in alignment with established precedents - such as the fact that voter registration for a member of the armed forces, or their spouse, lasts for five years.

Expanding Evidence Requirements

The current forms of evidence of domestic abuse accepted in an anonymous registration applications are solely criminal justice focused. Just one-fifth of victims speak to the police in the first place, and one in six women in refuge in 2017 had seen a criminal case or sanctions against the perpetrator. Restricting documentary evidence to court orders alone bars many survivors from showing that their safety is at risk. From a sample of over 250 survivors of domestic and sexual violence, the Justice, Inequality and Gender-Based Violence Project carried out by the Universities of Bristol, West of England and Cardiff from 2016-18, found that the police were much less likely to arrest, conduct a criminal investigation, or bring a criminal charge, in cases involving migrant women, and that migrant women were less likely to get a civil injunction or order, than UK/EU nationals.^{lxxii}

The list of evidence which survivors can submit in an anonymous registration application must be significantly widened to reflect lived experiences of domestic abuse and comparable Government evidential requirements in this area - for example the evidence requirements for the Legal Aid Gateway. This would include, at a minimum:

- relevant unspent court convictions for a domestic abuse-related offence;
- criminal proceedings or evidence of bail for a domestic abuse-related offence;
- court undertakings relating to domestic abuse;
- court findings of fact relating to domestic abuse;
- relevant police cautions for domestic abuse;
- evidence that someone has been granted indefinite leave to remain in the UK as a victim of domestic abuse;
- evidence of a bind over order which was made in connection with an alleged domestic abuse offence;
- evidence that someone has been granted legal aid in private family proceedings for domestic abuse;
- an expert report produced as evidence for the benefit of a court or tribunal relating to domestic abuse.

31. Aside from anonymous registration, how else can we keep victims' addresses safe?

To ensure the safety and confidentiality for the women and children living there, the address of a refuge is not made publically available. Most refuges therefore use a Post Office (PO) Box system - but it is not currently possible to use a PO Box address in lieu of a postal address on an anonymous registration application. Although the Education Review Office (ERO) is responsible for, and trusted in, keeping the addresses of anonymously registered electors safe and confidential, this address requirement may remain a barrier for women in refuge and the staff that support them. Refuges make every effort to keep their address safe and secret and, given the life-threatening and extreme circumstances of the women living there, the disclosure of this address is a very real risk. We recommend the Cabinet Office and Electoral Commission consider this issue further, and develop alternatives to ensure that the address of a refuge does not have to be disclosed on each anonymous registration application in the future.

More widely, training and understanding is required to ensure that those working in statutory services and other sectors who are likely to come into contact with survivors - such as landlords, banks and financial institutions, and healthcare professionals - understand the significant risks of harm facing survivors if their address or identifiable information is not kept safe. Despite extensive

guidance in this area, we continue to see cases in which the addresses of survivors can be disclosed by statutory agencies to a perpetrator, putting women at severe and life-threatening risk of harm.^{lxxiii} This often happens in the family courts where paperwork is not redacted as required. It is critical that training and ongoing professional development routinely highlights the need to keep contact addresses, and other information that could enable a perpetrator to track down a survivor, are kept strictly confidential and secure.

32. Before reading this consultation, were you aware of the Domestic Violence Disclosure Scheme (Clare's Law)?

Yes

33. Do you agree the guidance underpinning the DVDS should be placed on a statutory footing?

Agree

Please give reasons [free text]

Women's Aid was aware of Clare's Law. Of 124 responses to this question, our survey with survivors found that the majority, 73% of survivors had also heard of Clare's Law.²⁰

It is positive to see that a significant proportion of survivors are aware of the DVDS. However, as this group were a self-selecting cohort likely to have engaged with Women's Aid in some capacity (most likely with either through the peer-to-peer support platform the Survivors Forum or our online network of Campaign Champions) this level of awareness may be disproportionately high and is unlikely to be reflective of the general population of survivors. In addition, the survey also found that just 4% of survivors had used Clare's Law in the past²¹. As one survivor commented - *"I wish I had known about Clare's Law before I left my relationship. There is no awareness."*

46% of survivors responding to our survey stated that they would now consider using Clare's Law.²² Again, it is important to note that women in our sample will likely have now had engagement with Women's Aid, a specialist support service and/or other survivors, and greater understanding and awareness of domestic abuse as a result. This is not the case for many women potentially at risk from an abusive partner. As one survivor stated *"it is important to understand that most women in a newish relationship would not necessarily think to use this. The power the perpetrator has is great."* Another stated, *"after the DV my support worker made me aware of Claire's law. I previously had no idea."*

It will be important to explore why more than half of those responding would not engage with this scheme. This may be because the DVDS is situated with the police and, as most women will not report to the police, are also understandably reluctant to engage with the police in any way and may be fearful of the consequences. It would also be important to analyse whether women from more marginalised communities access this provision, and if there are ways to adapt the scheme in legislation so it can reach more women.

As the DVDS is relatively new, and the variation of use between police forces is so great, it is not possible to determine the impact of the scheme in protecting survivors to date. The number of recorded domestic abuse related crimes has risen by 60% since 2014 – but there not been a corresponding increase in the use of Clare's Law in this time. As recommended by HMICFRs, forces need to raise awareness of the DVDS and ensure that victims are linked into specialist domestic abuse organisations who can provide additional support and advice.^{lxxiv}

The inherent problem with the DVDS was raised by a number of survivors responding to our survey:

²⁰ Of 169 responses to this question, 73% (n=124) of survivors stated that they had heard of Clare's Law.

²¹ Of 169 responses to this question, 4% (n=7) of respondents stated that they had used Clare's Law in the past.

²² Of 169 responses to this question, 46% of survivors responding stated that they would now consider using Clare's Law.

- *“Clare’s Law only covers those who have been convicted of domestic violence. It is notoriously difficult to get a conviction (...) no-one has been protected from my ex.”*
- *“It only shows convictions so it doesn’t show very many abusers.”*
- *“Only captures perpetrators who have been convicted; there are numerous perpetrators who have not been convicted due to the intense difficulty for a victim to get to court and stay engaged in the process.”*

The DVDS is a useful tool for the police – but it will only ever cover a small proportion of perpetrators, and protect a small number of survivors. For this reason, the priority for Government and forces must be to continue to strengthen the overall police response to domestic abuse.

Women’s Aid agrees that the guidance underpinning the DVDS, with a number of amendments outlined below, should be placed on a statutory footing. Women’s Aid member services reflecting on these proposals broadly agreed that the guidance underpinning the DVDS should be put into law.

Training

Placing the guidance on a statutory footing may help to embed the DVDS into good practice and training across police forces, and improve consistency of use. The variation of forces use of ‘Right to Know’ and ‘Right to Ask’ remains extremely wide – and there are unacceptable delays in police disclosure of information about a partner’s history of domestic abuse or violent acts. Survivors responding to our survey highlighted concerning police practice in responding to ‘Right to Know’ requests:

- *“My local officers wouldn’t disclose my ex-partners’ bladed article conviction his criminal damage because he wasn’t in relationship with the women.”*
- *“I have requested information and had an interview but some weeks later I am still waiting to hear back.”*
- *“I had heard of Clare’s law. The police at first didn’t seem to know what I was talking about.”*
- *“I have heard police are not always consistent if information is requested and do not always give this.”*

It is important to note that the anticipated cost of this policy – between £2.4 and 4.8 million over the next 10 years, due to increased use of the scheme – will fall entirely on the police, at a time in which forces face resource constraints and we are increasingly hearing that the police are unable to deal with the increased pressure from huge increases in reports of domestic abuse. Placing guidance on a statutory footing must be accompanied with continued investment in training and professional development for police forces, to tackle these issues of poor understanding and ensure a safe and effective disclosure process.

Safeguarding and Access to Support

Any survivor making a “Right to Ask” application clearly has very serious concerns that their partner is, or will be, abusive. Requests are generally directly linked to domestic abuse incidents, so it’s critical that disclosures are: made as quickly as possible; accompanied by robust safeguarding measures; and supported by signposting and referral to specialist domestic abuse services. Only 28% of survivors responding to our survey²³ agreed that using Clare’s Law would make them safer. A far higher proportion, 44%²⁴, stated that using Clare’s Law would make them safe if support was also available.

Women’s Aid recommends that, whether or not there has been a disclosure, the police take the following steps with all individuals who make a ‘Right to Ask’ application:

²³ 28% (n=47) of 169 respondents agreed that using Clare’s Law would make them safer.

²⁴ 44% (n=74) of 169 respondents agreed that using Clare’s Law would only make them safe if support was also available.

- Provide information about the 24 Hour National Domestic Violence Helpline (run in partnership with Refuge), and local support services available.
- Ensure to regularly follow up with the survivor to prevent further harm and, if consent is provided, take proactive safeguarding measures - such as flagging her mobile number as a 'high risk' victim of domestic abuse or follow up from a specialist domestic abuse officer.
- Monitor any offences and incidences of violent behaviour committed by the partner.

If a disclosure is made following a "Right to Ask" application it is vital that the individual is referred to specialised services to support them with safety planning, any decisions they may then make about their relationship, and through future recovery.

The above requirements should be added to the DVDS guidance.

Ex-partners

Survivors responding to our survey were clear that Clare's Law must be extended to cover ex-partners, and accessible after a woman has left an abusive relationship. Survivors stated that not only may previous convictions or incidents be evidence of character that are important in cases where domestic abuse is disputed, but are essential to consider within child safeguarding and decisions about child contact and whether it is safe to expect a survivor to supervise or facilitate contact. As one survivor stated: *"I requested information on the criminal history that Cafcass uncovered about my ex. Despite having to spend time alone with him as ordered by court that no other adults were allowed to attend contact, I was told because I was not currently in a sexual relationship with him I was not allowed to know the crimes he had committed."*

Extensive evidence shows that women and children face continued, and often heightened, risks of abuse and harm after the relationship has ended. Research, including Women's Aid's 19 Child Homicides report, has found that murders of women and children where there is a history of domestic abuse frequently take place at the point of, or following, separation - including during child contact. Separation with disputes about contact (or residence) is well identified as a high risk factor for escalating domestic abuse, with a possibility of domestic homicide.

Women's Aid is clear that post-separation abuse is not recognised as a harmful form of domestic abuse, the safety of women and children can continue to be at risk, but often the end of a relationship is thought to decrease risk. We recommend that the Government further consider how Clare's Law could be extended to cover requests and disclosures from ex-partners.

34. How do you think we can best promote awareness of the Domestic Violence Disclosure scheme amongst the public?

Other [free text]

Please give reasons [free text]

It is clear that greater awareness of the DVDS, both within police forces and the general public, is required. However, there is also currently limited evidence about the impact or effectiveness of the scheme to date and it is unlikely that many women at risk from an abusive partner will use it. It will be essential that any awareness raising of the DVDS - whether by or within police forces, or in the general public - is not undertaken in isolation, but with clear messaging about access to help, advice and support for survivors. Decisions about future awareness raising activity need to be considered alongside the severe levels of demand facing domestic abuse services, and whether there is any capacity to respond to further demand. We would recommend survivors of domestic abuse are engaged in this process, with support from organisations like Women's Aid, so their views and ideas are taken into account.

2D: Forms of Domestic Abuse

35. What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?

As a form of domestic abuse and coercive control, economic abuse has devastating impacts and is a major barrier to women leaving a relationship, and achieving safety and independence. Economic abuse can include exploitation of a survivors' income and time, forcing them to pay wages into the perpetrator's bank account, or sabotaging access to employment, education, training and transport. It can also include using or misusing their money, withholding or denying access to money for basic essentials, financial monitoring, and controlling their access to resources and benefits. The impact of economic abuse for survivors can be severe and long-lasting, including: the inability to meet basic needs for themselves and their children; having no access to their own financial resources; facing significant problems in securing employment and safe accommodation; and with a poor credit rating or credit history and debts. As one survivor told us: *"I couldn't leave as I never had any money of my own, he controlled everything including our business. He refused me my wages. When we had kids I worked part time, he gave me small handouts for housekeeping, it was never enough. I had no financial independence as he didn't want me to have it or a bank account."*

Experiences of economic abuse are highly common. 85% of survivors responding to our survey had experienced economic abuse²⁵ and 68% agreed that economic abuse had an impact on their ability to leave the relationship.²⁶ A previous survey by Women's Aid and the Trades Union Congress (TUC)²⁷ found that 71% of survivors with experience of economic abuse often went without essential items and 77% said their mental health had been affected.^{lxv} Survivors responding to our survey told us about devastating impacts of economic abuse, including on their health, ability to work, debt and poverty:

- *"He stole my savings book and all my household records so I was unable to manage my life properly. I was very afraid of him and he ended up better off than I did."*
- *"I had left with my baby only a few weeks old out of the home from my violent ex... I had a business I had to close because of the violent attacks and abuse I had suffered in front of my son. I tried to get a job then my ex isolated me from working as he harassed me at my last job my boss was in fear of his staff's safety so I was asked to leave. So I am unable to find a job due to the fear of my ex finding me again."*
- *"My ex-partner coerced me into claiming benefits whilst he was living here and working. The money never went into the house and I often went without food while he viciously and maliciously built up a secret life for himself (...) All the time I was home alone living in fear of his temper and losing my home."*
- *"My ex-husband ran up huge debts in our joint names that I only found out by chance. I had no alternative but to file for Bankruptcy as he filed before me and left me with a substantial amount of debt (...) Myself and my children have been forced to move many times, causing added trauma. I suffer with a long term health condition that impacted on my ability to work. (...) Neither the Building Society, Secured Loan Company, Judge in Family Court, Child Maintenance Service, Official Receivers have recognised the abuse (aside from individual staff members) There would appear to be no recognition of economic abuse and its long term impact, and on several occasions have compromised mine and my children's safety by sharing information with my ex, or insisting that I need his permission for disclosure of information that should have been freely available to me."*

²⁵ Of 171 responses to this question, 85% (n=146) of respondents of survivors stated that they had experienced economic abuse from a partner or ex-partner. 11% (n=19) of survivors stated they had not experienced economic abuse, and 4% (n=6) stated they didn't know.

²⁶ Of 158 responses to this question, 68% (n=107) of survivors stated that the economic abuse they had experienced had an impact on their ability to leave the relationship. 25% (n=39) of survivors stated it did not have an impact, and 8% stated they didn't know.

²⁷ Women's Aid and the TUC held an online survey on financial abuse which received 161 responses in total.

Women's Aid's recommends that the Government deliver reforms in three main areas - changes to training, awareness, policy and practice; support in crisis; and welfare reform policy - to support survivors and ensure they can leave abusive relationships safely.

Training, awareness, policy and practice

Economic abuse is well recognised as a harmful form of domestic abuse that co-exists alongside other forms of coercive control. However our research has shown that the awareness of, understanding on, and responses to, economic abuse - including within banks and financial institutions, payday loan companies, DWP, Job Centre Plus (JCP), the Child Maintenance System (CMS) and Her Majesty's Revenue and Customs (HMRC) and statutory agencies - is often poor. Survivors need to be able to disclose economic abuse safely and receive the necessary support and signposting to further help. Women's Aid recommends:

- All front line staff in DWP, JCP, CMS, HMRC and other relevant statutory agencies listed above receive specialist training to: develop a comprehensive understanding of economic abuse and coercive control; deliver safe routine enquiry with survivors; and effectively identify and respond to survivors, including signposting them to further help and support. Over half of survivors responding to this question stated this should be a priority for Government.²⁸
- Improving practice in banks and consumer financial services, who should: have a clear policy on domestic abuse; place a flag on identified survivors who will have a named contact within the organisation; treat bank accounts separately in domestic abuse cases, ensuring that joint accounts are frozen quickly and that no further abuse of those accounts occurs; and work in partnership with specialist domestic abuse services to improve training and expertise.

Support in crisis

Escaping an abusive relationship can leave survivors destitute. Women and children often flee abusive relationships, and into refuge, with nothing and are extremely limited in the resources they need to rebuild their lives. Dealing with debt, property, residential tenancies and economic recovery is extremely complex for survivors at a time of severe trauma and distress. 79.9% of women in refuge on the Women's Aid Annual Survey Day to Count 2017 had finance-related needs, and refuges routinely support women to access benefits or access their own income, with debt and money management, destitution, and employment.^{ixxvi} Many women have to leave their jobs when they escape - because they have left their local area or would be at risk from the perpetrator - and working when living in refuge is often not possible. Survivors responding to our survey were clear that financial support is required at this time of crisis to ensure safety. As one woman said "*I ended up homeless the first time I left so I had to go back.*"

Women's Aid:

- Welcomes the Government's intention to deliver 'breathing space' from debt for survivors escaping abusive relationships: 62% of survivors responding to our survey stated that creating "breathing space" from debt should be a priority for the Government.²⁹
- Calls for crisis loans and support to be available for survivors escaping an abusive relationship. 70% of survivors responding to our survey stated this was a priority.³⁰ The Government must assess the impact of the abolition of community care grants and crisis loans on survivors, and ensure that crisis resources for women and children escaping abusive are available through local areas.

28 Of 169 responses to this question, (52%, n=88) of survivors stated that a priority for Government in tackling economic abuse was to ensure that all Jobcentre staff receive training on domestic abuse and how to support victims of domestic abuse.

29 Of 169 responses to this question, 62% (n=104) of respondents stated that a priority for Government in tackling economic abuse was to create a "breathing space" from debt for survivors.

30 Of 169 responses to this question, 70% (n=119) of 169 respondents of respondents stated that a priority for Government in tackling economic abuse was to ensure that crisis loans and support are available for victims escaping domestic abuse.

Welfare reform

Access to financial assistance and support, through welfare benefits, is essential for ensuring that survivors can escape abusive relationships and rebuild their lives. Women's Aid has welcomed the Government's recognition of this and commitments to protect survivors from welfare reforms - including through continued access to lifetime tenancies and excluding refugees from the 1% social rent reduction. However we remain concerned about the regressive impact of a number of welfare reform policies which disproportionately impact women, lone parents and those on low incomes. Specifically, the benefit cap and two child tax credit limit risk increasing the barriers facing women leaving an abusive relationship and threaten the financial support required to move-on from refuge and rebuild independence.^{lxvii} We are further concerned that the design of the Government's major welfare reform programme - Universal Credit (UC) - will exacerbate economic abuse, as the single monthly payment to one member of the household risks increasing perpetrators' economic control. Women's Aid recommends that the Government:

- Reform UC to ensure it protects survivors safety, including by: making urgent changes to the current 'split payment' system, to ensure survivors' are aware of this system and it is operated safely; routinely enable direct payments to landlords in cases of domestic abuse, to ensure that UC housing costs cannot be exploited by a perpetrator; remove the requirement for women fleeing domestic abuse to a refuge to have to repay a benefit advance through UC; extend the evidence requirements and time-limit of the domestic abuse exemption from work-related UC sanctions for 13 weeks; and work towards a safe system of 'split payment' by default, following the commitment by the Scottish Government to do so.
- Exempt all survivors escaping domestic abuse, who face significant constraints in securing childcare and secure well-paid employment, from the benefit cap - which is having severely adverse impacts on single mothers seeking to leave abusive relationships^{lxviii}, and leading to 'bed-blocking' in refuge because women are unable to afford move-on accommodation.
- Reverse the two child tax credit limit and 'rape clause' - a dangerous policy which disproportionately impact women and children, threatens to increase child poverty, and forces survivors to disclose domestic abuse and sexual abuse, which many will never do for reasons including of trauma, shame, self-protection and fear. The requirement to have left the perpetrator in order to claim the 'non-consensual conception' further ignores the life-threatening risks facing women and children who leave abusive relationships.
- Assess all new welfare reform policies for how they impact on survivors. Half of survivors responding to our survey stated this was their priority for Government.³¹ Women's Aid remains concerned that a range of changes to welfare benefits are restricting women's access to security, safety and the resources they need to escape from domestic abuse. The Government is having to continue to retrospectively revise welfare policies because of unintended consequences, which is inefficient and time-consuming. The Bill should include a new duty on government to assess welfare reforms for the impact on survivors of domestic abuse, with a specific focus on whether policies increase the barriers that survivors face in leaving abusive relationships with consideration of the multiplication effect of various policies that may affect an individual at the same time.

As part of the National Working Group on Economic Abuse, convened by Surviving Economic Abuse, Women's Aid supports their response to this question. Further information on Women's Aid's recommendations for [welfare reform](#) and [UC](#) is also available to access from our website.

³¹ Of 169 responses to this question, 50% (n=84) of respondents stated that a priority for Government in tackling economic abuse was to assess all new welfare reform policies for how they impact on survivors.

36. What more can we do to tackle domestic abuse which is perpetrated online, or through control of technology?

Other - please state

Free text for further explanation of choice

Many women experiencing domestic abuse are not only abused offline but are harassed, abused and stalked online by their partners or ex-partners, including through the use of image-based online abuse - so called "revenge pornography". In cases relating to domestic abuse, online stalking and harassment is usually part of a pattern of coercive and controlling behaviour which encompasses online abuse and harassment as well as physical abuse, economic abuse and sexual abuse. Many perpetrators of domestic violence use online abuse as a way of controlling their partners through surveillance and monitoring, even when they are not in the same physical space as them. Online and digital abuse includes behaviours such as:

- Monitoring of social media profiles, messages or emails
- Abuse over emails or social media such as Facebook or Twitter
- Threats over email or social media, including threats to friends, family or pets
- Spreading lies or personal information about you online
- Creating a website to harass or abuse
- Setting up fake social media or email profiles
- Sharing private photos online without your consent (image based sexual abuse or so-called 'revenge pornography')
- Using GPS or other geolocator software to track your movements
- Using spyware

A 2015 Women's Aid survey of 693 survivors of domestic violence^{lxxxix} who had been abused online by their partners or ex-partners found that for 85% of respondents the abuse they received online from a partner or ex-partner was part of a pattern of abuse they also experienced offline, and for half (50%) of respondents the online abuse they experienced also involved direct threats to them or someone they knew:

"But all of the above really - it needs to be taken more seriously - like all forms of harassment - the police need to understand that it is not a joke. Zero tolerance."

The Crown Prosecution Service (CPS) VAWG Report 2016^{lxxx} outlines five successful prosecutions under Section 76 of the Serious Crime Act, the new offence of coercive controlling behaviour. These offences must have taken place when the perpetrator and victim were in a relationship (after the relationship has ended these types of offences would be dealt with under stalking and/or harassment legislation). Three of these cases specifically mentions an element of online abuse or harassment (the other cases do not make clear either way whether there was an element of online abuse). As the online abuse that survivors experience is usually part of a pattern of offline abuse and could happen post-separation, it is vital that survivors are aware of all the safety features of phones, laptops and tablets and how to keep safe on social media platforms such as Twitter and Facebook. This is highlighted in the following quote from a survivor:

"My ex used social media to spread malicious rumours to alienate me from my friends and later tried to cause problems with my current partner through false accusations. He also published nude pictures of me online as well as sending them to friends..... After we split he would log in to mutual friends' accounts to see what I was posting and using the information against me."

We welcome the Government's proposals to introduce a social media code of practice and transparency, which will set a higher bar in terms of the safety provisions and terms and conditions of social media providers.^{lxxxi} It is vital that the Government develop this in partnership with wide range of stakeholders - including survivors and specialist domestic abuse and VAWG organisations - as well as providers. It is also vital that this includes guidance on preventing and tackling gendered online abuse, and should establish clear procedures for how providers handle, store and share evidence, and respond to civil and criminal proceedings, in cases of domestic abuse and VAWG.

To truly ensure that women and survivors are kept safe online, Women's Aid also recommends that:

- All criminal and civil sanctions in cases of domestic abuse, such as Non-Molestation Orders and the proposed new Domestic Abuse Protection Order, explicitly prohibit a perpetrator from making online or digital contact, such as through email, social media and text messages. 69% of survivors responding to our survey agreed that all restraining orders must automatically prohibit online abuse.³²
- A duty for social media platforms, such as Twitter and Facebook, to work with specialist domestic abuse organisations such as Women's Aid to ensure that women survivors of domestic abuse are kept safe online and improve how abuse can be reported online
- The creation of a Digital Advisory group to bring together survivors and experts in their fields to discuss current digital issues, including online abuse.
- An investigation into the regulation or closing down of websites that promote and profit from image base sexual abuse (revenge pornography) and for organisations who advertise on revenge pornography websites to be placed on a blacklist.
- The sale and marketing of spyware apps or software for the purpose of monitoring a partner or ex-partner to be banned and for the default settings on smartphones to turn the 'find a friend' service off.
- The improvement of police training and tools to tackle online abuse, which was urged for by 61% of survivors responding to our survey.³³
- The inclusion of online abuse in the mandatory Relationship and Sex Education that will be rolled out from September 2019, which 56% survivors responding to our survey agreed with.³⁴

³² Of 167 responses to this question, 69% (n=115) of survivors stated that the priority for Government in tackling online abuse was to ensure that restraining orders automatically prohibit online abuse.

³³ Of 167 responses to this question, 61% (n=108) of survivors stated that the priority for Government in tackling online abuse must be to improve police training and tools to tackle online abuse.

³⁴ Of 167 responses to this question, 56% (n=94) of survivors stated that the priority for Government in tackling online abuse was ensuring that relationships and sex education for children and young people must tackle online abuse.

CHAPTER 3: PURSUE AND DETER PERPETRATORS

3A: Improving the police response

37. How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?

Women's Aid welcomes significant improvements in the police identification, reporting and response to domestic abuse in recent years, driven by leadership from the Home Office and Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMCFRS). But while police figures show a domestic abuse crime is committed every minute in England and Wales, and many more will never be reported, significant variations and concerns with the police response to the crime persist. Survivors continue to experience major barriers to accessing justice, and just one in six women living in refuges in 2016-17 had seen a criminal case or sanctions against the perpetrator. BME women, women with insecure immigration status, LGBT survivors and disabled women experience particular barriers to reporting to the police and pursuing criminal charges.^{lxxxii} 57% of survivors³⁵ responding to our survey stated that the police was the statutory agency requiring the most improvement in identifying and responding to domestic abuse.

Women's Aid has reported widely on concerns with the policing response, including: continued poor levels of understanding of the dynamics and impact of coercive control; variable first responses and investigations; not believing the victim; inadequate risk assessments that fail to predict harm and ensure that all survivors' safety needs are met; over-reliance on the victim and a witness, insufficient evidence gathering and variable use of Body Worn Video; widespread variation in the use of police powers to protect survivors, a falling arrest rate and referrals to the Crown Prosecution Service (CPS); a lack of communication with and support for the victim throughout the process; and poor responses to breach and enforcement. The Femicide Census³⁶ has documented persistent police failings to prevent, investigate and prosecute the killings of women by men, which are routinely committed in similar settings, with the use of similar weapons, and where similar (specifically intimate partner) relationships exist between the perpetrators and victims.^{lxxxiii} The impact of these failings is clear - a lack of trust in the police, continued low levels of reporting for domestic abuse, and high rates of attrition.

Survivors responding to our survey highlighted the impact of a poor positive police response:

- *"My case is still with the police, it has been three very long months and I still don't know whether the CPS will even accept the case. It has made me extremely anxious and depressed not knowing what will happen next. Angry and frustrated thinking that he will get away with what he has done to my family and I. Worried that he will do it to someone else."*
- *"The police DA officer was totally overworked; her caseload was impossible. CID's understanding and ability to keep me safe was incredibly poor. More training is required."*
- *"Much much more support, understanding, patience and clarity from the police would have made an inherently horrific experience (recounting abuse under pressure) easier."*
- *"I asked the police for help and to keep an eye on me but I never heard from them again."*
- *"When I initially left the relationship I asked for police presence but I was denied as it was deemed "not urgent", however to call 999 if an emergency was to rise. More protection is needed."*

It is highly concerning that after years of progress, the volume of prosecutions and convictions for domestic abuse fell in 2016-17.^{lxxxiv} Major increases in demand from domestic abuse are also resulting in unacceptable and often dangerous practices - including downgrading the severity of cases to justify a slower response time, and leaving 999 calls from domestic abuse calls unanswered

³⁵ Of 181 responses to this question, 57% (n=103) of respondents identified that police as the statutory agency requiring the most improvement in responding to domestic abuse.

³⁶ Developed by Karen Ingala Smith and Women's Aid Federation of England working in partnership, with support from Freshfields Bruckhaus Deringer LLP and Deloitte LLP.

for hours and even days. Certain Government policy changes are compounding these challenges - for example pre-charge bail reforms introduced in the Policing and Crime Act 2017 have significantly reduced the use of bail conditions and restricted the police's ability to safeguard survivors. To strengthen the police response to domestic abuse, Women's Aid recommends that:

- The Home Office to work with the College of Policing and forces to ensure that the police use bail conditions to safeguard survivors, and ensure that dangerous perpetrators are not released under investigation with no conditions attached.
- The Government to put reducing femicide at the centre of its work to reduce violence against women, including the new Domestic Abuse Bill and non-legislative package. Specifically, we are calling for police forces to nominate a specific senior officer for each police force area responsible for responding to the Femicide Census and building a strategy to prevent future deaths - including ensuring that training for officers covers the findings of the Femicide Census, improving data collection, and strengthening safeguarding, support and protection mechanisms for victims. Further recommendations for forces are detailed in full in the annual reports of the [Femicide Census](#).
- Police forces to continue to invest in specialist, face-to-face domestic abuse and coercive control training, such as the successfully delivered and sustainable Women's Aid's 'Domestic Abuse Everyone's Business' or the College of Policing's 'Domestic Abuse Matters' of which both were developed specifically with HMICFRS recommendations. As stated in our responses to Question 3, delivering training in partnership with specialist domestic abuse services such as Women's Aid and our network of member services is vital for leaving a lasting legacy within a police forces' organisational culture, and enabling the force to establish effective local partnerships and relationships that support a coordinated response to domestic abuse.
- Police forces to deliver 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. 50% of survivors responding to our survey stated that not having to face the perpetrator in criminal court would have improved their experience of the justice system.³⁷

3B: Improving victims' experience of the justice system

38. Do you think creating a legislative assumption that all domestic abuse victims are to be treated as eligible for assistance on the grounds of fear and distress (if the victim wants such assistance), will support more victims to give evidence?

Yes, please give reasons

Yes, a legislative assumption that all domestic abuse victims and survivors are to be treated as eligible for assistance on the grounds of fear and distress should be created, in all jurisdictions, however it would be essential for this to be linked to appropriate support, including legal representation and access to special measures that must be simultaneously provided.

Legal representation

Firstly, survivors must have access to high-quality, non-means tested legal representation. The need for this is clear in regards to domestic abuse victims and survivors, particularly as professional legal representation in the courts is essential but expensive and many survivors are unable to afford this representation, particularly if they have experiences of economic abuse. In family courts there has been an increased number of survivors of domestic abuse who are forced to represent themselves as litigants in person as they are unable to qualify for legal aid, due to the

³⁷Of 157 responses to this question, 50% (n=78) of 157 respondents stated that not having to face the perpetrator in criminal court would have improved your experience of the justice system.

changes brought in through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), or afford formal legal representation.

Family court

The National Audit Office (NAO) found that since the implementation of LASPO there has been a 22% increase in the case involving contact with children where neither party was legally represented; there has been a 30% increase across all family court cases (including those that remain eligible for civil legal aid) in which neither party had legal representation; and, 80% of all family court cases starting in the January–March quarter of 2013-14 had at least one party who did not have legal representation.

Survivors of domestic abuse who did not meet the requirements for legal aid have described how they were faced with a choice between getting into debt in order to pay for legal representation, or taking on the daunting task of representing themselves in court. If a survivor of domestic abuse is a litigant in person, it is far from unusual for them to be cross-examined by their perpetrator or in turn have to cross-examine their abuser. Our report *“What about my right not to be abused?” Human rights, domestic abuse and the family courts*³⁸ indicates that 24% of survey respondents had been cross-examined by their perpetrator³⁸. Whilst this practice is practically unheard of in the criminal courts, in family court cases involving child contact cross-examination can be used by the perpetrator as an opportunity to continue persistent, coercive and controlling behaviour. This is a traumatic and distressing experience for a survivor of domestic abuse, and can also mean that women feel that they are unable to advocate properly for the safety of their children, meaning that they and their children are denied access to justice. In addition, this practice can often slow the court process down, and therefore lead to delays, but can also result in the court and survivor incurring additional costs.

The legal representation that is offered to victims and survivors must be of a high-quality, and have a clear understanding of domestic abuse. Our published report, *“What about my right not to be abused?” Human rights, domestic abuse and the family courts*, finds that survivors feel that inequalities around access to legal representation negatively influence the outcome of their case in the family courts. Survivors who had managed to qualify for legal aid told us how, while they felt lucky to have legal representation, at the same time they felt disadvantaged because their ex-partners were able to pay for top family law barristers:

- *“My legal aid solicitor was not fully qualified [...] She submitted all my response to my ex-husband’s call to court, she filed my response without filing those domestic violence things because she said it didn’t matter and they could be filed later. But the impact of that was we had the first hearing and I had to keep pressing on at her to submit it, so that by the time it came to the second hearing the judge was like ‘oh this old chestnut, now you’re bringing up domestic violence’*
- *‘The perpetrator used parent alienation syndrome (Richard Gardner theories) throughout the case to gain residency. He paid for top barristers and I was poorly represented on legal aid, often with no consultation or position statements, no access to solicitor or barrister except for bare minimum [...] The most traumatic experience of mine and my children’s lives.’*

Special measures

Women have told us about the long-lasting effects of going through the courts as a survivor of domestic abuse, for both them and their children which is why access to special measures in all jurisdictions by default is crucial to ensure the right to a fair trial.

Family court

Women told us they lived every day with anxiety and fear about their child’s safety and the possibility of being taken back to family court by their former partner at any time. There has been a slow rollout of certain measures, and some family courts often lack access to any special

³⁸ Women’s Aid (2015) Survey of survivors of domestic abuse (25.3% of 91 responses).

measures often due to the design of the court building itself. Access to special measures provide survivors with fair access to justice and protect their safety and well-being when they are on the family court estate. Disappointingly, even when survivors sometimes asked, for example, to wait in a separate room to their perpetrator, their requests were refused. There should be no family court that forces a survivor of domestic abuse to wait in the same room as their perpetrator, or to have to go through the ordeal of leaving the court building at the same time or same way as the abuser. It is not uncommon for women to be followed, stalked, harassed and further traumatised after leaving the court. Crucially, if a woman is living in a refuge, this can also put the safety of every resident at the refuge at risk. Therefore urgent action must be taken to ensure that the special measures available criminal courts are mirrored in the family court.

Criminal court

Whilst special measures are in place in some criminal courts, the rollout of certain measures has been slow and there are variations of what measures are on offer. For example, in some criminal courts there are not separate entrances but there are separate waiting rooms, and some of these waiting rooms have secured entry, for example with access by a PIN. Many criminal courts have facilities for special measures, such as screens to separate witnesses and defendants in the court room and video links, which enables victims and survivors to feel safer.

We support a legislative assumption that special measures will always be available throughout criminal proceedings. This may help survivors feel more confident that their involved in court proceedings will be managed safely and their needs will be met. Therefore it is vital that the availability of special measures is consistent in all criminal courts and extended to all family courts.

39. Is there more this government could do to explain the range and remit of existing measures for victims to help support them in the criminal justice process?

Yes, please describe

Yes there is more the Government could do to expand the range and remit of existing measures for victims and survivors of domestic abuse to help support them in the criminal and the family justice systems.

All jurisdictions

Firstly, there must be consistency in the special measures available to ensure that survivors have equal access to justice no matter what part of the country they live in. This is also critical due to the direct impact that special measures have on a survivor's ability to feel safe and their levels of satisfaction with the support they received. The monitoring of the rollout of these special measures and how accessible they are to survivors should be part of the accountability mechanism that falls under the remit of the new Commissioner role. All courts should be proactive in making the special measures available to survivors explicit on their website, in any correspondence that is sent out and around the court house itself.

Criminal court

The Government should also consider how the availability of specialist domestic abuse support workers in the court can support proceedings and survivors. Criminal courts can cluster domestic abuse cases to a particular day of the week, to facilitate the presence of an advocate to support the victim or survivor; 62% of survivors responding to our survey agreed more support from specialist domestic abuse services and/or advocates would have improved their experience of the justice system.³⁹ The presence of dedicated support would enable a survivor or victim to be kept informed safely and be a source of support both within the court proceedings and outside; acknowledging the true trauma that domestic abuse has.

³⁹ Of 157 responses to this question, 62% (n=97) of respondents stated that support from specialist domestic abuse services and/or advocates would have improved your experience of the justice system.

Family court

In the family courts, the specialist knowledge of a dedicated domestic abuse support worker would stimulate better identification of all forms of abuse, better implementation of Practice Direction 12J – Child Arrangements & Contact Orders: Domestic Abuse and Harm, and a better response to domestic abuse. However this measure requires Government action to ensure that courts maintain a structure that enable an advocacy presence, but also to ensure that courts contribute to funding for these vital support roles whilst still recognising need for further reforms to the legal aid system and how essential it is survivors can access formal legal support in both criminal and family courts.

40. Do you know of instances in criminal proceedings when an application to prevent cross-examination of a victim by an unrepresented defendant has been denied in a domestic abuse case? Where possible, please provide evidence or details of the experience to support your answer.

No

We do not know of any specific cases where an application to prevent cross-examination of a victim or survivor by an unrepresented defendant has been denied in a criminal domestic abuse case.

However, we do know that survivors are routinely subject to cross-examination by a perpetrator of domestic abuse within the family courts. We undertook an online survey which showed that 24% of survey respondents had been cross-examined in court by their ex-partner, who was also a perpetrator of domestic abuse⁴⁰. We heard from some women that they felt that their former abusive partner had been allowed to treat them in a degrading manner during cross-examination:

“It was horrible, I mean it was the worst thing I’ve ever had to do in my life, I mean the cross-examination was just disgusting, and you know, the judge twice stepped in and stopped him. The questions were about my sex life and previous boyfriends and who was going in my house, and it was ridiculous”

Furthermore, some women felt that their own safety had been compromised to such an extent that they were at further risk of abuse. However, this was not raised or considered by the court, despite it being an absolute right. Qualitative research on survivors’ experiences of the family courts, conducted by Women’s Aid and Professor Shazia Choudhury of Queen Mary University of London, [*“What about my right not to be abused?” Human rights, domestic abuse and the family courts*](#)^{lxxxvi}, contains a number of important findings on this issue that are discussed further in this response.

41. Do you think extending the prohibition on cross-examination in criminal proceedings would support more domestic abuse victims to give evidence?

Yes, please give reasons

We welcome the extension to provide a cast-iron guarantee of prohibiting cross-examination in the criminal courts, but in our experience the practice is not widespread in this jurisdiction. We are calling for this abhorrent practice to be banned across all jurisdictions, and the long-awaited ban in the family courts must be enacted as quickly as possible.

Family court

Our new report *“What about my right not to be abused?” Human rights, domestic abuse and the family courts* indicates that 24% of survey respondents had been cross-examined by their former partner/abuser in family court proceedings⁴¹. Cross-examination has devastating and traumatic impacts on survivors and as an expert witness informed the APPG on Domestic Violence Inquiry into Child Contact, Domestic Abuse and the Family Courts^{lxxxvii}.

⁴⁰ 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.

⁴¹ 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.

“A man who had raped [the survivor], beaten her and abused her over a six year period interrogated her for three hours.”

The practice of cross-examination intensifies and perpetuates the fear experienced by survivors, and prolongs the impact and trauma caused by the abuse. It also diminishes the quality of evidence that the victim of domestic abuse can provide to the Judge and creates a significant barrier for them when advocating for the long-term and on-going safety of their child. We very much welcomed the Government’s commitment to ban perpetrators of domestic abuse from cross-examining their victims within the family jurisdiction in 2017, however the legislation to ban this abhorrent practice fell and it is vital the ban is enacted by the quickest legislative vehicle available.

Wider reforms

However the ban on cross-examination is just one part of the wider reforms required to transform a survivor’s ability to feel safe and supported enough to give evidence. Wider changes are needed to improve their access to safety and justice, and 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.

42. Do you have suggestions for how we can better support prosecutions through to conclusion, including providing better support for witnesses who currently disengage from the process? Where possible, please provide evidence or details of the experience to support your answer.

Yes, please describe

Survivors frequently report to Women’s Aid that they feel unsupported as witnesses in the criminal justice system, and that the process is dehumanising. Women frequently state they have very little, or no, control over their case, that it is taken ‘out of their hands’, and that lack of communication and updates on the case from the police and criminal justice agencies is a persistent problem.

Safeguarding, specialist support and advocacy through the process is essential, and Women’s Aid recommends that all survivors are referred to further support - including information about their local domestic abuse service. Specialist services support survivors through the criminal justice system, attend court sessions and provide practical safety planning and advice. We know, however, that many survivors are not routinely and swiftly referred to local support services - meaning they don’t get the right level of support or protection quickly enough and can be exposed to further harm or feel further isolated. 62% of survivors responding to our survey⁴² identified that more support from domestic abuse services and/or advocates was a priority for improving their experience of the criminal justice system.

The speed of referrals from the police to the Crown Prosecution Service (CPS), and repeated delays in the criminal justice process often put women’s safety at risk, and are a key reason for high attrition rates. A comprehensive understanding of the impact of domestic abuse, particularly coercive control, even after a relationship has ended is fundamental to efforts to reduce attrition. Timely information about arrest, charge, bail and sentencing is critical for safety planning in domestic abuse cases - survivors may require immediate practical and safety support, such as refuge accommodation, dependent on the status of the case. Women’s Aid continues to hear of failures in this regard, and recommends that all survivors in domestic abuse cases have a named contact - within the police or other relevant criminal justice agency - to liaise with about their case to ensure consistency and support.

Despite progress in the criminal court response to domestic abuse, survivors continue to find the court process highly intimidating and are concerned about their safety. As stated in the response to Questions 38 and 39, special measures to help vulnerable witnesses to give the best quality evidence can mitigate some of the stress of court process - and ensuring that survivors can

⁴² Of 157 responses to this question, 62% (n=97) of respondents stated that support from specialist domestic abuse services and/or advocates would have improved your experience of the justice system.

consistently access special measures across the criminal, civil and family courts is a priority for the Bill.

Women's Aid is also concerned by discriminatory attitudes of criminal justice professionals about domestic abuse, particularly with regard to the stereotype of the "perfect victim and witnesses." 71% of survivors responding to our survey⁴³ identified that training for judges and magistrates was a priority for improving their experience of the criminal justice system. There remain persistent myths and misconceptions in the criminal justice system about the nature and impact of domestic abuse and coercive control and Women's Aid recommends that all professionals working in the criminal, family and civil justice system receive specialist domestic abuse training.

Finally, robust and safe sentencing is vital for upholding survivors' confidence in the justice system. Survivors repeatedly report to Women's Aid that sentences (such as suspended sentences) are remarkably lenient given the gravity of the offences and the long-lasting harms caused by domestic abuse crime. This reduces survivors' confidence and trust in the justice system to protect them, adversely impacting on their engagement with criminal proceedings in the future. We welcome the Sentencing Council's decision to ensure that domestic abuse offences are "*regarded as particularly serious within the criminal justice system*", and call for the impact of the revised Domestic Abuse Guideline to be monitored and assessed for impact on sentencing outcomes in this regard.

Survivors responding to our survey commented on the range of issues raised above:

- *"Funding is needed to improve the volume of the specialist advocacy services. Training for police, magistrates and judges is vital (...) judges need to have harsher sentences they can impose on perpetrators along with a much improved understanding of DVA especially coercive control.*
- *"I am still waiting on [CPS] after 8 months. Also no contact from police and case not assigned to anyone since the officer left."*
- *"My IDVA encouraged me to report to police who passed file to CPS who did not prosecute. He knows that I went to the police and they cannot help me. I am a sitting target till he finds us, or we bump into him. I will be severely beaten or even worse that day."*
- *"I was highly traumatised at the time of reporting, as I was just coming to terms with everything that he did to me (...) At this time I wasn't able to say the word 'rape' - it was too much for me (...) I had been diagnosed with PTSD by this point and was suffering intensely. Communication was extremely poor from the police on updates (...) much much more support, understanding, patience and clarity from the police would have made an inherently horrific experience (recounting abuse under pressure) easier (...) information is power, and giving survivors information makes them feel more in control of their situation."*

43. What more can police, witness care units and the Crown Prosecution Service do to support victims through the justice process from the point of report onwards? Where possible, please provide evidence or details of the experience to support your answer.

Survivors frequently report to Women's Aid that they do not have confidence in the criminal justice system to protect them, and that the process is unsupportive and dehumanising. In order to better support survivors through the criminal justice process, the changes outlined in response to Question 43 are required:

- Timely information and updates on a case - including arrest, charge, bail and sentencing - from the police and criminal justice agencies are crucial for survivors' safety. Communication is too often poor and compounded by delays in the criminal justice system, which increase attrition. Women's Aid recommends that all survivors in domestic abuse cases have a named contact - within the police or other relevant criminal justice agency - to liaise with about their case to ensure consistency and support.

⁴³ Of 157 responses to this question, 71% (n=110) of respondents stated that support from specialist domestic abuse services and/or advocates would have improved your experience of the justice system.

- Safeguarding, specialist support and advocacy through the process is essential - specialist domestic abuse services support women through the criminal justice system, to attend court, and provide practical safety planning and advice, which is critical for improving trust and confidence. Women's Aid recommends that all survivors are referred to further specialist support - including information about their local domestic abuse service.
- A comprehensive understanding of domestic abuse and coercive control by all professionals within the criminal, family and civil justice systems is essential to improving experiences of the criminal justice system. Training must be face-to-face, delivered by domestic abuse specialists, and supported by ongoing professional development.
- Special measures to help vulnerable witnesses to give the best quality evidence can mitigate some of the stress of the court process. As outlined in the response to Questions 38 and 39, ensuring that survivors can consistently access special measures across the criminal, civil and family courts is a priority for the Bill.
- Robust and safe sentencing is vital for upholding survivors' confidence in the justice system to protect them in the future. Women's Aid recommends that the impact of the Sentencing Council's new Domestic Abuse Guideline, which classifies domestic abuse as "*particularly serious within the criminal justice system*", to be monitored and assessed for impact on sentencing outcomes in this regard.

Survivors responding to our survey highlighted the impact that variable responses from criminal justice agencies could have for the confidence in the system:

- *"I was lucky enough to have great support from the police and witness protection service, but the judges/legal system have no clue on how the court process emotionally affects the survivor"*
- *"[REDACTED POLICE FORCE] sent out a well-trained officer who understood everything. [REDACTED POLICE FORCE] sent out an officer who suggested that the repercussions I would face would not be as bad if I hid from my ex for longer. My solicitor didn't understand particularly well..."*
- *"I am still going through the police investigation/court case process. The police have been very helpful and kind so far but I am still dreading the potential of going to trial and being in the same room as my ex-husband. I know I don't have to be but I was informed the conviction rate is better if I appear in court and not by video..."*
- *"The investigating officers were (...) certainly not trained (...) The 2 DCs also did not take it seriously especially the coercive Control stuff which in my case was severe. I had so much evidence most of which they refused to take seriously."*
- *"I found the process very lengthy, he was on pre-charge bail for nearly two years before the CPS decided to charge him, and it was almost another year before it went to trial. My experience at court was horrendous and incredibly traumatising. The CPS barrister was very good, very supportive. The police detective who compiled and dealt with my case was outstanding. And the witness services were very attentive. The judge was very patient. The defence barrister was horrific. The special measures that were put into place worked very well - I had screens around me and the courtroom was cleared as I entered and left. However I feel everyone who heard my case would have benefited from mandatory domestic abuse training (inclusive of the jury)."*
- *"My experience overall was good. The police were helpful and empathic. My healthcare professionals were good in referring me to a DV support group which helped immensely. I felt that the prosecution was nowhere near enough for what myself and my daughter went through."*

44. Are there other aspects of the criminal court treatment of vulnerable people which the family court could learn from?

Yes, please describe

Women's Aid remains highly concerned by the disparity between the response to domestic abuse between jurisdictions. Women 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. The seriousness and impact of domestic abuse and coercive control is treated very differently between jurisdictions, leading to markedly different experiences for

survivors going through different courts. Far more survivors responding to our survey prioritised the family, rather than criminal, jurisdiction for urgent reform. For example, when responding to a question on what would improve their experience of the justice system, 55% of survivors responding to our survey selected access to special measures in the family courts, in comparison with 30% for the criminal courts.⁴⁴ Survivors commenting on the family courts demonstrate profound levels of distrust in the system to keep them safe:

- *“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 and their mental well-being is totally trashed (...) The Family Court system is perfect for the perpetrator to continue their abuse. It degrades victims further, exposes them to further trauma and leaves their children with permanent mental health issues.”*
- *“Family court is beyond flawed (...) the worst part of a DV relationship is when you have kids there's no escape they use the family courts to continue the abuse. My abuser used the legal system to carry on abusing me by trying to remove my child from me and making out I was unfit when all I was trying to do was recover from the abuse (...) My daughter has been ignored and it has ruined her childhood.”*
- *“Family court needs to be brought up to standard in line with these new proposals. Many perpetrators of DV use child contact and family court to further harass the victim. We need to end the secrecy of family courts and judges need to acknowledge the devastation that these perpetrators cause the victim through playing the court system”*

Our research has demonstrated that the family courts and child contact proceedings are frequently traumatic and dangerous environments for survivors and their children. Despite progress - driven by our *Child First: Safe Child Contact Saves Lives* Campaign - in the guidance for judges and magistrates for overseeing child contact proceedings where there are allegations of domestic abuse, and for ensuring that vulnerable parties are supported to participate in family proceedings⁴⁵, persistent challenges remain.

New research on survivors' experiences of the family courts, conducted by Women's Aid and Professor Shazia Choudhury, has found that understanding of the dynamics and impact of domestic abuse within the family courts continues to be poor, leading to potentially unsafe decisions on child contact and dangerous situations for survivors. Our report, *“What about my right not to be abused?” Human rights, domestic abuse and the family courts*^{lxxxviii}, adds to over a decade of research and evidence demonstrating the systemic failings of the family courts in cases involving domestic abuse. It finds examples of the family courts being used to perpetuate post-separation and financial abuse; criminal charges of domestic abuse being minimised or ignored within the family courts; human rights being misused or ignored; and clear safeguarding gaps in relation to child abuse and unsafe child contact. It also uncovers worrying evidence of accusations of parental alienation being raised against women when they raise concerns about domestic abuse. Finally, it finds that gender discrimination within the culture and processes of the family courts is blocking the effectiveness of policies and practices to promote safe child contact, and adherence to Practice Direction 12J - Child Arrangements and Contact Orders: Domestic Abuse and Harm.^{lxxxix}

Women's Aid is therefore 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 in order to work towards the necessary changes.

As stated in our response to Question 41, of urgent concern is the need to ban perpetrators from cross-examining survivors in the family courts. In January 2017 we welcomed Government commitment to provide family courts with the power to prohibit perpetrators of abuse (alleged or otherwise) from cross-examining their victims in person. It is now over a year since this vital

⁴⁴Of 157 responses to this question 55% (n=87) of respondents stated that special measures in the family courts would have improved their experience of the justice system and 30% (n=47) stated that special measures in the criminal courts would have improved their experience of the justice system.

⁴⁵ Family Rules Part 3A and Practice Direction 3AA.

legislation fell due to dissolution, and survivors are still frequently subject to cross-examination in the family jurisdiction. An online survey we conducted with Professor Shazia Choudhury in 2017 as part of our joint research into survivors' experiences of the family courts found that 24% of survey respondents had been cross-examined in this way.^{xc}

The practice of cross-examination intensifies and perpetuates the fear experienced by survivors, and prolongs the impact and trauma caused by the abuse. It also diminishes the quality of evidence that survivors can deliver, and bars them from effectively advocating for the long-term and on-going safety of their child. Legislation to ban this abhorrent practice is urgently required, and we urge the Government to enact it through the quickest legislative vehicle available.

More widely, the Domestic Abuse Bill is a major opportunity to ensure a consistent response to domestic abuse across the family and criminal jurisdictions and protect the safety of children at risk of harm from domestic abuse. Women's Aid recommends the following urgent measures are implemented to ensure that the family courts uphold the rights and safety of survivors and their children and that women and children are not falling between the gaps in the different court processes, which can often be happening at the same time:

- An independent statutory inquiry with relevant legal powers, equipped with the necessary resources to conduct an in-depth examination of the family courts' handling of domestic abuse.
- The Domestic Abuse Bill bans 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.
- The Domestic Abuse Bill guarantees survivors' access to special protection measures across all jurisdictions, and a ban on cross-examination of a victim by a perpetrator in the family court is brought forward in legislation as swiftly as possible.
- The Ministry of Justice and the President of the Family Division must clarify that the presumption in the Children and Families Act 2014 (that the welfare of the child is best served by the involvement of both parents) does not apply where there is evidence of domestic abuse.
- Issue guidance for the 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.
- The Judicial College, Magistrates Association, Law Society, Solicitors Regulation Authority, Cafcass and HMCTS should ensure that all professionals involved in child contact cases in the family court can benefit from greater awareness raising and training on domestic abuse, and *Practice Direction 12J - Child Arrangements and Contact Orders: Domestic Abuse and Harm*
- Survivors of domestic abuse are able to access free specialist support and advice, including an advocate throughout family court proceedings.
- The Ministry of Justice should 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.
- The government must ensure that all child contact centres are properly resourced and risk assessed so that contact is safe for both children and non-abusive parent - including through training on domestic abuse for staff and volunteers in supervised and supported contact centres, and a mechanism to ensure that inappropriate referrals to contact centres can be challenged.
- The Ministry of Justice should conduct a review on the use of expert psychological witnesses in the family courts to investigate concerns about credibility, standards and consistency, and all expert psychological witnesses preparing reports for the family court should practice within a registered, professional and practice-based framework.
- 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.
- The Ministry of Justice and President of the Family Division should deliver guidance to courts on section 91 of the Children Act 1989, which empowers courts to prevent further applications by a party - to prevent the courts being used to continue coercive control.

Further information on, and recommendations for, how the family courts can improve the response to domestic abuse are set out in the [report](#) by Women's Aid and Queen Mary University of London.

3C: Prosecuting domestic abuse

45. Do you think there is further action the government could take to strengthen the effectiveness of the controlling or coercive behaviour offence?

Yes

Please give further detail

There is further action that the Government could take to strengthen the effectiveness of the controlling or coercive behaviour offence. Controlling or coercive behaviour does not relate to a single incident, it is a purposeful pattern of behaviour which takes place over time in order for one individual to exert power, control or coercion over another. It is very welcome that the offence focuses responsibility and accountability on the perpetrator who has chosen to carry out these behaviours, however there needs to be an increase in awareness of the types of behaviour associated with coercion or control and the contexts in which it is perpetrated.

Poor levels of understanding on coercive control mean that the offence is still being used inconsistently. There were 70,853 convictions of domestic abuse offences in 2016–17^{xcj}, but only 59 convictions for coercive control offences^{xcii} - despite the fact that survivors overwhelmingly experience coercive control as part of domestic abuse. Patterns of behaviours not being correctly identified as coercive or controlling, and we have continued to find that most professionals within the criminal justice system, including police and judges, focus only on physical violence, despite women's experiences being characterised by coercive control over many aspects of their lives.

Gaps in legislation

The legislation could be strengthened by the specific inclusion of economic abuse in the coercive control offence and accompanying statutory guidance. Many prosecutions of this offence so far have been for cases which have included elements of economic abuse. This would also ensure that the new statutory definition of domestic abuse, which includes economic abuse, is underpinned by a robust framework where perpetrators of these crimes can be held to account.

As stated in the response to Question 1, the impact of coercive and controlling behaviour on children must be better recognised in legislation. S120 of the Adoption and Children Act 2002, which extended the concept of significant harm to include impairment suffered by seeing or hearing the ill-treatment of another, does not go far enough. The daily reality of living in a home where coercive control is the norm creates immense stress on children and young people's lives, impacting their mental health and wellbeing in the long-term. Any harm a child suffers because a parent is a victim of coercive control is caught by the definition of "harm", therefore the offence, and the Children Act 1989, needs to name coercive control as 'harm to children'.

Training and awareness

There urgently needs to be specialist training on coercive control and all aspects of domestic abuse for judges and magistrates to ensure that survivors can access justice; 70% of survivors who responded to our consultation survey stated this was a priority.⁴⁶ This training must be face-to-face, delivered in collaboration with independent specialists, and supported by ongoing professional development. Women's Aid has delivered training on domestic abuse and coercive control with the Judicial College, which has had excellent feedback. However, to date this has been on an ad hoc, and not a formal or consistent, basis.

There also must be robust and ongoing training on, and understanding of, coercive control for all police forces. This is critical because tackling abusive patterns of behaviour is a fundamentally different approach to how the criminal justice system traditionally deals with offending. Frontline police officers, for example, are typically deployed to deal with 'incidents' - therefore their

⁴⁶ Of 157 responses to this question, 70% (n=110) of respondents stated that improved training for judges and magistrates would have improved their experience of the justice system.

understanding of the dynamics of coercive control and abuse between victim and perpetrator can be a significant challenge. College of Policing research on risk assessment has shown that officers still focus primarily on physical violence, and can fail to recognise ongoing patterns of abuse.^{xciii} Specialist training must cover the impact of control on victims, and why cooperation with the police may be challenging for victims - for many reasons, including fear for the safety of themselves and their children, embarrassment or internalisation of blame, and economic dependence. It is also vital to ensure that police and prosecutors are trained to record and evidence coercive control properly, use this charge the offence effectively, and can then present evidence to the court in a simple and coherent way. Presenting a case of coercive control with the use of footage from Body Worn Video (BWV) can be extremely effective in demonstrating the fear, control and impact on victims to the court. A consistent approach to the use of BWV across all forces and courts is critical.

It is also vital that statutory agencies and all professionals responding to survivors - including children's services, housing officers and healthcare professionals - have improved training and understanding of coercive control. The response of these professionals is often too focused on managing risks and responding to incidents of physical violence - not the women's needs, the impact of coercive control on her and her children, and the best route to safety, freedom and independence for her.

Statutory relationships education (coming into force in September 2019) must cover coercive control and consent to ensure that we are equipping people from a young age with information about what constitutes a healthy relationship. Often deliberately coercive behaviours can be explained away or misunderstood as being romantic, over-protecting, caring or jealous. A huge part of the work of domestic abuse services - including the National Domestic Violence Helpline run in partnership between Women's Aid and Refuge - is to explain the nature of coercive control to both victims and professionals. Many survivors say that they didn't know they were experiencing domestic abuse for a long time, and often women who contact our member's services disclose that they feel terrified, entrapped and isolated but don't 'identify' the experience they are having as coercion or control. We must ensure that individuals and communities are trained to identify coercive control in order to ensure that this crime is recognised, and that survivors get the support they need.

'Gaslighting'

We also welcome the Government's commitment to further strengthen the offence with regards to tackling specific forms of coercive control - such as 'gaslighting'.⁴⁷ Specific inclusion of gaslighting - a form of psychological abuse where the perpetrator manipulates their partner, can make victims doubt themselves, their memories and judgement, which has a devastating impact on their mental health and wellbeing - within the statutory guidance accompanying the offence is needed to increase awareness about this form of abuse is and improve professional responses. Gaslighting is an insidious form of abuse and is, by its very nature, extremely difficult for survivors to recognise.

46. Do you think the current approach of using sentencing guidelines, as per guidelines issued in February 2018 is effective in ensuring sentences imposed reflect the seriousness of domestic abuse when it involves children?

Don't know/no answer

Free text to explain answer

Women's Aid welcomed the publication of the new Domestic Abuse Guideline - particularly the Sentencing Council's decision to define domestic abuse offences as 'particularly serious' within the justice system, and to better reflect the seriousness of domestic abuse when it involves children. As the Guideline is not yet in force, it is not yet possible to know whether this is sufficient in ensuring that sentences imposed reflect the seriousness of this crime when children are involved. 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 in the country.^{xciv}

⁴⁷ The Prime Minister, Rt Hon Theresa May MP, 23 May 2018, Hansard v631, c835

It is vital that the serious harm domestic abuse causes to children - who not only witness, but experience coercive control and a whole range of abusive behaviours - is recognised and reflected in sentencing. Similarly, it is important that children are never put at risk of further harm from the criminal justice system. In light of significant concerns with safe child contact in domestic abuse cases, a perpetrator's desire to maintain contact with their child should not influence a sentencing decision made by the court or lessen sentences.

We welcome the Sentencing Council's recognition of these issues and call for the implementation of the new Domestic Abuse Guideline to be monitored and assessed. Data on outcomes in domestic abuse cases remains poor, and the Ministry of Justice must collect and publish national data on sentencing to fully understand the impact of the new Guideline.

More widely, there are a range of reforms required to ensure that the harm of domestic abuse on children is recognised and reduced. The joint targeted area inspections (JTAI) report by Ofsted, Care Quality Commission (CQC), HMI Constabulary and Fire & Rescue Services (HMICFRS), and HMI Probation (HMIP) on the response to children living with domestic abuse sets out the scale of the challenge; the Inspectorates found that statutory agencies can be overwhelmed by demand from domestic abuse and, as a result, focus on high-risk cases and immediate crisis rather than a long term approach to prevention and early intervention. The report found that concerning levels of understanding about domestic abuse within statutory agencies, a lack of clarity on information sharing, children who were not always 'seen' by professionals, and a focus on the victim as the only solution - rather than holding the perpetrator accountable. In the worst cases, this placed "*an inappropriate attribution of responsibility on the mother to protect her children*".^{xcv}

The non-legislative package of measures supporting the Bill is an opportunity to strengthen the multi-agency response to children experiencing domestic abuse. Women's Aid has partnered with Operation Encompass - reporting by police to schools before the start of the next school day when a child or young person has been involved in or exposed to a domestic abuse incident the previous evening, to ensure the school can provide effective support - and has welcomed take up of the innovative scheme across forces. The Bill is an opportunity to provide a statutory underpinning to this approach, and ensure consistent implementation across the country and appropriate training that also focuses on how to support non-abusive parents.

Improving access to specialist support services for children and young people, that can help them to cope and recover, is also essential. Women's Aid is concerned that the number of dedicated children and young people's (C&YP) domestic abuse services in England has reduced by 10% 2010-2017. Many more services are operating unsustainably; 46% of domestic abuse providers responding to our Annual Survey were running services with no dedicated funding during 2016/17 - these are very often vital C&YP services, running only because of the fundraising efforts of specialist domestic abuse organisations.^{xcvi} 83% of survivors responding to our survey identified that access to specialist supports services, and Children and Adolescent Mental Health Services (CAMHS) is a priority for improving the response to children experiencing domestic abuse⁴⁸. Children are often not considered when local areas are putting together tender specifications for domestic abuse services, so these essential therapeutic services only exist in some areas and funding concerns are perennial issues.

Women's Aid recommends that:

- Clear and consistent protocols to improve information sharing on children at risk of harm from domestic abuse within and between agencies.
- Mandatory training and ongoing professional development on domestic abuse and coercive control, and the impact on children, for all front line staff within statutory agencies responding domestic abuse and ensure confidence around principles of information sharing.

⁴⁸ Of 161 responses to this question, 83% (n=134) of respondents stated that fast tracking children experiencing domestic abuse to CAMHS was an improvement that the Government must make to the response to children.

- Establish a statutory footing for the principle of Operation Encompass: police disclosure of a domestic abuse incident at a child's home to their school before 9am on the next school day.
- Ensure that the work of specialist domestic abuse services in supporting and protecting children is recognised and funded by children's services, recognising that increased sentences in cases where domestic abuse harms a child may increase demand for support.
- Children experiencing domestic abuse should have fast-tracked access to CAMHS.

47. Is a statutory aggravating factor needed in order for the court to reflect the seriousness of offences involving domestic abuse and children in sentencing?

Don't know/no answer

Free text to explain answer

Women's Aid recommends that the Ministry of Justice does further consultation on this issue. We understand that the intention is to develop both a statutory aggravating factor for domestic abuse offences, and a further statutory aggravating factor for domestic abuse offences that involve or have a particular impact on a child, but this proposal was not made clear in the consultation document.

We welcome the Government's intention to ensure that domestic abuse offences are treated with the upmost seriousness in sentencing. Survivors routinely report concerns about the leniency of sentences for serious and fatal domestic abuse to Women's Aid, and have long campaigned for recognition of the severity of domestic abuse to be fully recognised within the criminal justice system. A statutory aggravating factor would require the courts to consider domestic abuse as an aggravating factor in the offence which merits a higher sentence within the maximum available, rather than following guidance to consider this. Similarly, a requirement to consider the impact and involvement of a child would require the courts to recognise the devastating harms caused to children by the offence.

We do, however, have a number of outstanding concerns with this proposal which we would recommend the Ministry of Justice address through further consultation:

- The impact of the new Sentencing Council Guideline, which states that domestic abuse is 'particularly serious' within the justice system, is not yet known. We recommend that early, in-depth assessment is made of the Guideline's implementation from June 2018 in order to inform the development of a statutory aggravating factor.
- The definition of how a statutory aggravating factor for domestic abuse would be established has not been made clear within the consultation - we understand that this could be drawn from the definition of 'associated persons' within the Family Law Act, but further detail is required.
- It is not clear what the 'involvement' or 'impact' of domestic abuse on children means - far more clarity is needed in order for us to take a position on this measure.
- The risk that statutory aggravating factors would increase not guilty pleas will need to be examined carefully.

48. Please share any other views on how to ensure domestic abuse and its impact on children are taken into account in sentencing?

The Government must consider how any changes to sentencing domestic abuse offences impacting children will translate to child protection, family law and child contact arrangements. Continued poor understanding of domestic abuse, and 'victim-blaming' attitudes and responses to survivors, within children's social services are a real risk in this regard. 89% of survivors responding to our survey⁴⁹ stated that establishing a legal requirement for training on domestic abuse within children's services must be the Government's priority for improving the response to children.

⁴⁹ Of 161 responses to this question, 89% (n=144) of respondents stated that the establishing a legal requirement for training on domestic abuse within children's services must be the Government's priority for improving the response to children.

We are concerned that sentences for a domestic abuse offence which specifically recognise harm to children may lead to further responsibility being placed on non-abusive parents - usually mothers - for 'failing to protect' the child involved. Specialist, face-to-face training and ongoing professional development for children's services on domestic abuse and coercive control is required to ensure perpetrators are held to account, and non-abusive parents are supported and not held responsible for the impact of the abuse.

Children and young people - and their parents or guidance - are of course able to make a victim personal statement (VPS), which can be read aloud by a responsible adult at the court's discretion. The safety of children's participation in proceedings, however, must be paramount. Domestic abuse is harmful to children - whether they experience domestic abuse within the home, or are subjected to direct abuse by the perpetrator themselves. The co-occurrence of domestic abuse and child abuse is well evidenced and our Nineteen Child Homicides Report highlighted the serious child protection concerns resulting from unsafe child contact from a perpetrator of domestic abuse.^{xcvii} It is essential that children making a VPS are not put at risk of harm from a perpetrator of domestic abuse. We recommend that the Government review the effectiveness, and safety, of children and young people's making a VPS in a domestic abuse case in this regard.

Finally, far greater consideration by government will be required to consider how sentences that reflect harm from domestic abuse to a child will impact on family law and child contact proceedings. It is critical that recognition of the serious harm domestic abuse causes to children is consistent across jurisdictions.

More widely, far more commitment and action is required across Government to improve the response to children and young people experiencing domestic abuse. This approach must go beyond an improvement to sentencing and the criminal justice system alone. The JTAI report made a series of recommendations that require action across a range of sectors - including health, education and social services - to improve the response to protecting children living with domestic abuse.^{xcviii} The Government has yet to respond to this important report, but it is clear that a cross-government approach - clearly linked and following the VAWG Strategy - is required to join up, and significantly improve, the multi-agency response to children and young people.

49. Do you agree that taking extraterritorial jurisdiction over these offences is sufficient to satisfy the requirements of the Convention?

Don't know/no answer

50. If not, what additional offences do you think we should take extraterritorial jurisdiction over and why?
Free text

We welcome the Government's commitment to extending extraterritorial jurisdiction over offences that are routinely committed in a domestic abuse or VAWG context. Women's Aid has long called for the ratification of the Istanbul Convention, the landmark international treaty which enshrines the obligations of states to take comprehensive action to improve protection for all victims, ensure prosecution of perpetrators, and prevent violence by promoting awareness at all levels. We agree that the list of offences is sufficient to satisfy the requirements of the Convention, with one exception.

We are concerned that the inclusion of section 58 of the Offences Against the Person (OAPA) Act, procuring abortion, will not satisfy the requirements of the Convention. We recommend the Government undertakes further consultation in this regard. Article 39 of the Convention requires states to criminalise "an abortion on a woman without her prior and informed consent" and forced sterilisation. Section 58 of the OAPA, however, does not criminalise this form of 'forced abortion', but criminalises women who attempt an abortion themselves. We would be concerned, therefore, that the inclusion of 'procuring abortion' would risk criminalising women who may go abroad to terminate a pregnancy.

More widely, Women's Aid supports calls to decriminalise abortion in the UK and fully support women's right to choose. Decriminalising abortion may require the creation of explicit new offences

to cover forced or coerced abortion; to cover cases where abortion is not consensual, in the future. The welcome Government commitment to ratify the Convention however, should not be delayed by this process. Taking extraterritorial jurisdictions over the other offences listed - with the addition of the offence of 'child destruction', discussed below - will satisfy the requirements of the Convention.

We recommend that the UK take extraterritorial jurisdiction over the offence of child destruction, set out in the Infant Life (Preservation) Act 1929. While there are numerous concerns with the scope and operation of the current offence, and Women's Aid is supporting calls to review this highly outdated legislation, it would help to ensure the protection of women who lose a wanted pregnancy due to violence committed overseas. Child destruction is the criminal offence of killing a child who is 'capable of being born alive' – and recorded convictions show clearly that it is an offence that is routinely perpetrated by intimate partners in a domestic abuse context. For example:

- Kevin Wilson and Taffair Grant, London, 2015: Wilson and Grant targeted Malorie Bantala's stomach with the intent to kill her baby in 2015. She suffered internal bleeding and a fractured hand, and the attack tragically resulted in the stillbirth of her son. Wilson had previously tried to make Malorie have an abortion, which she had refused. Wilson and Grant were convicted of 'child destruction' and grievous bodily harm and are serving, respectively, sixteen years (life) and ten years in prison for the crime.
- Babur Karamat Raja, Birmingham, 2016: pleaded guilty to actual bodily harm (ABH), child destruction and attempted murder among other offences. He stabbed his girlfriend, Natalie Queiroz, who was 36 weeks pregnant, repeatedly in chest and abdomen. He was sentenced to eighteen years. She and her child survived, but have been permanently scarred by the attack.
- Tariq Khan, Bradford, 2015: pleaded guilty to murder, child destruction and assault by beating. He had a history of domestic violence and a Domestic Violence Protection Order was in force after he assaulted his wife on Christmas Day. He stabbed her, while she was sixth months pregnant, sixteen times in the chest, back and abdomen. She died at the scene. He was sentenced to twenty-five years (life).

Women's Aid is concerned that this offence, established in 1929, is severely outdated and unfit for purpose. Despite the heightened risk of harm and attack faced by pregnant women, the offence of child destruction is rarely used and the need to prove the perpetrator's intention to kill is a significant obstacle to conviction. We are supporting Malorie Bantala's call for the Ministry of Justice to lead an urgent review of the outdated 'child destruction' legislation to ensure it is fit for purpose.⁵⁰

Furthermore, we are not clear that that requirements of the Convention will be satisfied by taking ETJ over these offences alone - as there are further gaps to address. As has been made clear throughout this consultation, survivors are not always properly protected by the criminal and civil justice systems, the rights of women with insecure immigration status are frequently not upheld, and survivors are routinely turned away from the specialist support that, under the Convention, they are entitled to access. In 2017 there was a shortfall of 1695 refuge spaces in England, far short of the Convention's recommendation for one family space per 10,000 head of population.^{xciix}

51. Do you agree that relying on the civil law remedy in the Protection from Harassment Act 1997 is sufficient to satisfy the sexual harassment requirements of the Convention?

No

52. If not, what do you think is necessary to satisfy those requirements?

Free text

We support the response of the End Violence Against Women (EVAW) coalition to this question:

"The Protection from Harassment Act 1997 is inadequate here as it enshrines in law the principal that there must be a course of conduct perpetrated against one victim by one offender. This denies the reality of sexual harassment which for many women is experienced as 'street harassment' i.e. multiple incidents each perpetrated by a different offender e.g. cat-calling. This can be

⁵⁰ <https://petition.parliament.uk/petitions/214660>

summarised as one ‘victim’ – multiple offenders, one offender – multiple ‘victims’. The impact on the victim is no less than if these multiple incidents were being perpetrated by a single offender but there is currently no redress. As this behaviour is so widespread and every day we do not think that criminalising it would necessarily be the most effective approach. To satisfy the convention, this behaviour needs to be addressed either through legislation or other societal approaches/ interventions for example education and culture change programmes. In examples of harassment that do meet the legislative framework, women may struggle to access the civil remedy. Costs and limited access to legal aid may be prohibitive in terms of securing legal representation and the civil court system is hard to navigate as a litigant in person.”

In addition, we are supportive of work to explore how misogyny can be tackled as a hate crime by police forces, in order to improve the response to street harassment and abuse experienced by women and challenge wider sexism and gender inequality in society. The roll out of the scheme in forces such as Nottingham has had impressive results in improving public protection, reducing sexism within the organisational culture of the police force and supporting victims of ‘street harassment’ or ‘everyday sexism.’

3D: Preventing reoffending

53. Do you agree we should explore (with the Crown Prosecution Service) further controlled and monitored use of conditional cautions with rehabilitation programmes than is currently permitted for lower-level, normally first time domestic abuse incidents?

No

If no, please explain your answer

Women’s Aid urges extreme caution with this approach. Out of court disposals for domestic abuse offences are largely an inappropriate, ineffective and often highly unsafe means of tackling domestic abuse - which, by its nature, is a pattern of often what can be considered ‘low level’ incidents characterised by coercion and control which have severe and harmful impacts on survivors. A shift towards using conditional cautions, whatever safeguards are in place, sends a signal that certain domestic abuse incidents are not ‘serious’ enough to require a charge. After concerted work to improve the criminal justice response to domestic abuse, this would be highly concerning.

We recognise that the evaluation of Project CARA suggested that this intervention may be effective for reducing crime and the prevalence and frequency of reoffending when used as a response to ‘lower-level, normally first-time domestic abuse incidents’. However the evaluation did not consider outcomes for the survivor - including, critically, whether they felt safer as a result of the intervention. It is therefore not possible to fully conclude whether this was a ‘successful’ domestic abuse intervention.

We would not recommend that the Government or Crown Prosecution Service (CPS) to expend significant time or resources on further pilots of this approach at the expense of other priorities. For example, a greater priority would be ensure that out of court disposals are used consistently and effectively in cases of female offending where there is a history of domestic abuse.

If this approach is further explored by the Government and CPS, it is essential that any programme aimed at perpetrators is Respect accredited to ensure it is safe. Further detail on this is provided in our response to Question 57.

54. Do you have any additional evidence on current conditional caution practice which we should consider in relation to this issue?

No

55. What changes to current policies or procedures would help police and other agencies to better manage serial and repeat abusers, in particular those who are not subject to a sentence of the court. This can include how best to:

- risk assess an abuser and plan for risk reduction
- engage an abuser in order to encourage compliance with control measures

The police have a range of powers and mechanisms of recording, risk assessing and managing serial and repeat abusers, and support victims potentially at risk. However, a number of high profile cases have demonstrated that there are clear gaps - and Domestic Homicide Reviews (DHRs) routinely show that information sharing on perpetrators who move between police force areas is a particular problem.^c There are also concerns that the police aren't consistently using the tools - such as the Violent and Sexual Offenders Register (VISOR) and the Police National Database - to robustly identify, assess and manage the risk that serial perpetrators pose.

Better collation and sharing of data could potentially reduce re-offending and protect women against serial and repeat abusers. Women's Aid cautiously supports calls to establish a requirement on perpetrators of domestic abuse and stalking to register any change of address or name with their local police force, mirroring the existing requirement for sex offenders under part two of the 2003 Sexual Offences Act. This is commonly known as a "domestic abuse register." Women's Aid member services broadly agree that establishing such a register should be a priority for Government and, as stated in our response to Question 22, survivors responding to our survey were very supportive of this proposal. A register could enable the police to improve monitoring and information sharing on perpetrators of domestic abuse - particularly those who are prolific repeat offenders - and deliver a mechanism for new partners of known perpetrators to be identified and alerted to prevent future abuse.

In other crimes - such as Child Sexual Exploitation and other sexual offences - there is a far greater focus on monitoring, tracking and multi-agency management of the perpetrator, which is often lacking in the response to domestic abuse. In practice the response to domestic abuse is frequently fragmented and does not join up interventions for perpetrators and survivors. The dominant multi-agency response to domestic abuse, MARAC, focuses on managing the risk to the survivor - rather than tackling the risk that the perpetrator poses and working to reduce the frequency and gravity of their offending. Women's Aid recommends that the Government take further action in shifting the focus of multi-agency approaches in this regard. Our members are clear that the police should use the use of MAPPA, Integrated Offender Management (IOM) schemes to effectively manage perpetrators of domestic abuse, and that the agency tasking and co-ordination (MATAC) process, which targets the most dangerous and harmful perpetrators, should be rolled out across police forces.

As explained in our response to Question 22, it is of course important to note that such approaches will only ever cover a small proportion of perpetrators, and the focus of the police response must be continue to improve the protection and support of all survivors - not only those whose perpetrator is 'registered.'

56. What more could be done to work with perpetrators in prisons, particularly offenders who receive a sentence of less than 12 months and do not have sufficient time to complete a domestic abuse programme in custody? We are interested to hear of particular examples of practice which have been successful.

Women's Aid supports the response of Respect, and the End Violence Against Women (EVAW) Coalition, to this question as this is not our area of expertise.

57. What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour? We are interested to hear of particular examples of practice which have been successful.

Effective responses to domestic abuse will integrate safeguarding and support for survivors and their children, with a robust approach to tackling perpetrator behaviour. This includes use of police powers to monitor and tackle perpetrator behaviour, robust responses to repeat offending and breaches, and safe, specialist interventions for perpetrators - with the priority always the safety of survivor and her children. An effective, safe and survivor-led response to perpetrators is required to deliver a good overall response to domestic abuse, and reduce harm.

Specialist interventions for perpetrators can play a part in disrupting perpetrator behaviour and reducing repeat offending, and must always be delivered with a survivor-focused perspective and a clear commitment to safety and put survivors at the heart. Respect accreditation is an essential requirement for ensuring that perpetrator programmes are safe and ensures: behaviour change opportunities; robust risk assessment and management; integrated support services for survivors; work that is embedded in the local multi-agency partnership; and innovation is supported and carried out within a safe, effective framework. An evaluation of Respect accredited perpetrator programmes found that they delivered clear reductions in physical and sexual violence, and increased levels of safety, for survivors - although ongoing coercive and controlling behaviour was identified as harder to change.^{ci}

Currently, however, very few perpetrators are getting a targeted, risk and needs-led specialist response that is designed to keep victims safe, reduce further abuse and support behaviour change. It is estimated that only 1% of perpetrators are currently receiving a specialist intervention.^{cii} We share the concerns of Respect that not all currently funded or commissioned programmes and services for perpetrators are safe and effective. We are aware that central government funding, including through the Home Office VAWG Transformation Fund, is currently being allocated to perpetrator programmes that are not Respect accredited. We recommend that the Government adopt the Respect standards for any domestic abuse funding allocations in future, and ensure that commissioners adopt the Respect standards as the benchmark for local commissioning and funding.

Women's Aid, in partnership with Respect is pleased to have secured funding through the Police Transformation Fund to pilot our 'Change that Lasts' approach to work with perpetrators.⁵¹ Perpetrator work too often waits until crisis point, or until after a pattern of domestic abuse has become established. This Change that Lasts project will expand our specialist intervention and community based approach to offer opportunities for behaviour change, working towards the prevention of domestic abuse in the long-term. The work will enable closer and more coordinated working arrangements between the police, statutory services and the voluntary sector in two pilot sites - Lincolnshire and Sussex. We look forward to sharing findings and resulting best practice with Government in due course.

⁵¹ The project will also work in partnership with OPCC Lincolnshire, Lincolnshire Police and OPCC Sussex, with the support of Local Authorities including Lincolnshire County Council, Brighton & Hove City Council and East Sussex County Council. The programme's partners will also work with Northumbria and MOPAC during the process with the Home Office.

CHAPTER 4: IMPROVE PERFORMANCE

4A: Improving performance using data

58. Please select which of the following you believe should be priorities for improving data collection.

Other (free text)

From our work we know that the following four are priorities for improving data collection:

- Improving the collection and reporting of data on when domestic abuse is a feature of a case/intervention;
- Improving collection and reporting of data relating to the gender and relationship of the perpetrator and victim;
- Improving data to enable better tracking of outcomes in domestic abuse cases/intervention;
- Linking data to enable better tracking of interventions and reoffending.

We would like to highlight that a potential unintended consequence of linking data to enable better understanding of the interactions and relationships between domestic abuse and other types of offending will shift the focus to specific individuals who perpetrate domestic abuse. The focus for data collection must be on the fact that domestic abuse is a gendered crime involving power and control, which is deeply rooted in the societal inequality between women and men.

In our experience we know prevalence estimates provide an evidence base for the commissioning of domestic abuse services and it is important that they accurately reflect the gendered nature of domestic abuse. Women's Aid has consistently been recommending better data collection on the relationship between the perpetrator and the victim. Victimization surveys and any prevalence estimates derived from population surveys must take into account important context and impact information. They must also separate out primary perpetrators from the numbers of victims - people who have experienced violent resistance to their own primary perpetration of abuse should not be counted as domestic abuse victims. Important context and impact information includes whether the violence and abuse caused fear, who experienced repeated abusive behaviours, and who experienced violence and abuse in a context of power and control. Research studies have shown that when these factors are taken into account the gendered nature of domestic abuse becomes much more apparent. Female survivors of male domestic abuse are more likely to experience repeated incidents of domestic abuse, more likely to fear for their lives and more likely to experience abuse as part of a coercive and controlling relationship. In addition, it is important to collect data about different social groups and the inequalities they are faced with, for example disabled women's, BME women's, LBT women's, and older women's experiences of abuse.

Furthermore, the Government can support and utilise a range of existing sources to improve the use of data in the response to domestic abuse. Women's Aid collects extensive data on domestic abuse nationally, including data on the full range of service provision, survivors' experiences and professional and community response. We have developed a national outcomes framework in partnership with Imkaan, which was developed through extensive consultation with local services, academics, commissioners and survivors, and piloted with services before being rolled out nationally. The framework is embedded in the case management and outcomes framework systems developed by Imkaan and Women's Aid (Synthesis and On Track respectively). On Track is now used by 50 services, and anonymous data, including data on outcomes, is fed into a national portal which can be used to enable better tracking of outcomes in domestic abuse cases.

In addition, the Femicide Census is a database containing information on over one thousand women killed by men in England and Wales since 2009. It is a ground-breaking project which aims to provide a clearer picture of men's fatal violence against women by allowing for detailed tracking and analysis. It was developed by Karen Ingala Smith and Women's Aid working in partnership, with support from Freshfields Bruckhaus Deringer LLP and Deloitte LLP. Supporting the Femicide

Census will also ensure that the national data on homicide reflects the gendered nature of these crimes by collecting comparative data on the sex and age of the perpetrator and victim, on their relationship, on any previous convictions relating to abuse or violence and by disaggregating across police force areas. Data from the Femicide Census; enables better understanding of the significantly heightened risk period post-separation for a woman leaving an abusive relationship; reveals that the killings of women and girls follow similar patterns and trends, and are far from the “isolated incidents” they are often reported as; and informs evidence based recommendations to Government, the police, judiciary on how homicides involving women can be better prevented.

4B: Establish a Domestic Abuse Commissioner in law

59. Do you agree with the proposed model for a Domestic Abuse Commissioner outlined above?

Agree

Please give reasons

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

VAWG Commissioner

We support EVAW’s position in highlighting that understanding the interconnectedness of experiences of different forms of gender-based violence in many women’s and girls’ lives mean that a truly useful and robust Commissioner role must have duties relating to all forms of gender based violence; we recommend a Violence Against Women and Girls (VAWG) Commissioner. If the new commissioner’s brief were limited to domestic abuse only, they would be out of step with the established national policy framework in this area - the Home Office-led, but cross-departmental, Strategy to end violence against women and girl. This would leave the Commissioner working on a limited set of objectives, only parts of service provision, only some relevant data, only parts of local commissioners’ powers, and inevitably needing to review law in areas stretching beyond what is termed domestic abuse - in the area of new and emerging forms of abuse online as one example. Established ‘VAWG’ policy frameworks at the Home Office, the CPS, in local areas, in criminal justice and other statutory agencies usually find that it makes sense to be tasked and to report on their work in relation to the different forms of gender based violence, not domestic abuse alone.

Accountability

We are also clear that underlying all of the Commissioner’s duties must be the power to effectively enforce a clear framework of national accountability and to assess the response to all forms of violence against women and girls. A member told us that:

“We would like to see uniformity across the country so no matter where you live if you disclose domestic abuse you will have access to the same services.”

We currently see high levels of inconsistency in responding to all forms of abuse, which results in a complete lottery for survivors in accessing support. Performance on responding to some forms of VAWG is monitored by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), however this does not indicate how well, for example, local Clinical Commissioning Groups or social care services respond. We have seen the success of bringing together a range of agencies in the joint targeted area inspections (JTAs), which began in January 2016, and brought together the Ofsted, Care Quality Commission, HMICFRS and HMI Probation inspectorates to ‘examine how well agencies are working together in a local area to help and protect children’. The JTA report on children living with domestic abuse provided some insightful and clear recommendations^{ciii}, and we urge for there to be more collaboration and joint reporting to ensure progress is made in the response and support survivors receive.

We believe the Commissioner role must have the power to monitor the response to all forms of abuse; nationally this would involve assessing progress in delivering the VAWG Strategy and making recommendations to government, whilst locally would involve assessing how local areas and statutory agencies were delivering the National Statement of Expectations (NSE) for VAWG Services. This would tackle the current poor national oversight and enable the Commissioner role to ensure that local areas provide good quality, resourced service provision that meets local needs, and delivers safe and appropriate responses to victims and perpetrators.

Vulnerable Groups

There is also a clear need for the Commissioner to have a specific duty to focus on the response to black or minority ethnic (BME) women, LBT women, disabled women, older women, migrant women and other vulnerable groups such as Gypsy, Roma and Traveller women. The needs of these groups are often under-represented in service use and provision; for example older women are very under-represented despite evidence to suggest that older women experience domestic abuse at similar rate to young women. As a result victims from these vulnerable groups can often be left deterred from seeking help or from leaving a violent relationship because they have nowhere else to go, do not feel safe in their own homes or do not have legal rights to remain. Our 'Survival and Beyond'^{civ} report found a disproportionate amount of survivors from a BME background were trapped in relationships by violent perpetrators for a long time due to numerous structural barriers in place for them to access help. Survivors facing multiple forms of disadvantage also experience severe barriers to accessing justice; for example, the Justice, Inequality and Gender-Based Violence Project found that, from a sample of over 250 women, the police were less than half as likely to conduct a criminal investigation into cases of domestic and sexual violence involving migrant women than they were for UK/EU nationals.^{cv} We need to ensure these vulnerable groups are receiving the vital support they need from voluntary services and statutory agencies and this focus should firmly fall under the Commissioner's remit.

Independent, qualified and consultative

We have used knowledge of other statutory Commissioners in comparable areas - such as the Children's Commissioner and the Independent Anti-Slavery Commissioner - and are concerned that certain important details are lacking in the proposed model. For example, the consultation states that the Commissioner will be 'independent' but there is no clarity about who will appoint the role, and the resulting extent of their independence, ability to undertake research that informs strong recommendations, and exercise of accountability powers. 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 we recommend that the Commissioner is appointed alongside an advisory group or board that incorporates the expertise and insights of both survivors and specialist domestic abuse services.

The need for an independent, qualified and consultative Commissioner was highlighted by one of our members, who stated:

"All of this depends on the government stance - will (the Commissioner) be independent? Will they seek the views of those who are experienced providers, (set up) a panel made up of providers, those with lived experience and other key positions?"

Domestic Homicide Reviews

In addition, if government wants the Commissioner role to truly transform the response to domestic abuse, certain powers and duties outlined in the proposed model need to go further. Whilst we agree that the Commissioner should oversee the Domestic Homicide Review Quality Assurance process and improve learning from, and implementation of, recommendations from domestic homicide reviews, we believe that this should also include serious case reviews and other data sources on

fatal domestic abuse - such as the Femicide Census, more detail on which is provided in the response to Question 58.

Reporting

The proposed model includes the duty to deliver annual reports, and we believe that to ensure the Commissioner has authority this work should be more in depth and detailed. The potential scope of annual reports to initiate change can be limited and can often end up being a list of 'work done'. We therefore recommend that the Commissioner should have a more structured reporting line to Parliament - for example, a requirement to present their work to a relevant Select Committee. Not only would this mean that any work or report published by the Commissioner would be questioned and scrutinised, it would also ensure that they delivered evidence-based research and investigation that addresses the issues faced by survivors, and makes clear recommendations for change.

Data Collection

Furthermore the proposed duty to require local public bodies to cooperate and provide information lacks the strength to ensure a consistent, high-quality response across all agencies. The Commissioner must have a clear duty to collect and publish comprehensive data, in addition to data already collected, across all relevant sectors and agencies. Data collection must be aligned to the new definition that will be outlined in the Bill and include the sex, age and relationships of perpetrators and victims. It must also include protected characteristics, service provision, access to services, outcomes on cases and, where relevant, the length of sentences.

60. Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner?

Other (please state other functions the commissioner should fulfil)

All of the stated powers and resources are crucial and the Commissioner's remit should include them all. We know that there is currently a postcode lottery in the support survivors receive, therefore having a Commissioner to map out and monitor provision and share best practice will push services and agencies to improve their response. This goes hand in hand with the power to ensure that national and local governments cooperate and provide information, as well as responding to recommendations about how to improve their response. The power to oversee Domestic Homicide Review (DHR) Quality Assurance processes is also needed to address the systematic failures exposed by individual DHRs and for the Commissioner to ensure that the lessons learned are applied across authorities. The work of the Commissioner on these areas, as well as others, must be publically available, as well as being laid before Parliament, to ensure an accurate portrayal of the situation of the ground for survivors and for specialist services.

We are, however, concerned about the proposed budget for the Commissioner role. We know, using our knowledge of similar Commissioners that already exist, that the role must be adequately resourced and be equipped with a sufficient sized team to tackle their designated issue. The Impact Assessment accompanying the consultation notes that the budget for the Commissioner role is likely to be around £1 million per year for their salary, employment of staff, travel and other expenses. When the scale of domestic abuse is taken in to consideration - an estimated 1.2 million women experienced domestic abuse in the year ending March 2017^{cvii} and, on average, the police in England and Wales receive over 100 calls relating to domestic abuse every hour^{cvii} - it is clear that this budget would not be sufficient for the Commissioner to have a transformative impact. We call on the Government to rethink the Commissioner's budget and ensure the role is properly resourced for their remit and responsibility.

Robust, accountability mechanism

The primary purpose of the Commissioner must be that the role establishes a robust, accountability mechanism. We believe that this is imperative due to the lack of accountability structure for all statutory agencies, and local areas, in the response to domestic abuse and VAWG. The current inconsistent and uncoordinated approach of statutory agencies drives a 'postcode lottery' of support

for survivors. Local domestic abuse and VAWG services have been left to try to tackle this, however they lack the sustainable funding and resources to undertake this consistently and in the long-term.

This is why the Commissioner must be equipped with the power to effectively enforce a clear framework of national accountability and assess the response to all forms of violence against women and girls. As it stands, the performance on responding to domestic abuse is monitored by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), however this does not indicate how well, for example, statutory children's services, health bodies, housing authorities or many other parts of the public sector respond. The Commissioner's remit must include the powers required to ensure they are an accountability mechanism across the public sector, can drive culture change needed in all areas, and ensure that local authorities or statutory agencies failing to deliver for survivors can be held accountable.

However to ensure that the Commissioner is also held accountable, the role's reporting and scrutiny mechanisms need to be as strong as possible and their office and work should be meaningfully informed by survivor's voices. The Commissioner must be required to maintain an open relationship and meaningful engagement with survivors and the VAWG sector, including regular meetings, and for specialists and survivors to be included within an advisory group - and any subsequent working groups or boards - for the Commissioner.

Furthermore, the Commissioner's powers should not be limited to specific areas of investigation, for example specialist courts, but rather be based on the needs and rights of all victims of VAWG, with powers to investigate across public, private and voluntary sectors, powers to commission and gather data, and powers to require a response from those to whom they take questions or complaints. This role could then become a critical part of our society's commitment to ending VAWG. Their powers should extend beyond domestic abuse to cover all forms of violence against women and girls, given what we know about the interconnectedness of these issues and their impact on the lives of victims and the difficulty to disaggregate domestic abuse from broader VAWG services meeting the requirements in the National Statement of Expectations.

61. Question for public bodies only: What would be the practical implications of complying with the proposed Domestic Abuse Commissioner's powers?

N/A

4C: Learning from Domestic Homicide Reviews

62. One proposal is that the Domestic Abuse Commissioner could routinely collate, quality assure and share lessons learnt from DHRs. What more could be done to increase awareness of the learning from DHRs?

There are a number of ways in which to increase awareness of the learnings from DHRs. It is of critical importance that the Government takes steps to ensure that authorities are addressing the systematic failures exposed by individual DHRs and that the lessons learned are applied across authorities and with urgency. We see again and again the same issues and failings highlighted in DHRs, including: failure to recognise the risk posed by persistent coercive control; over reliance on risk assessment tools; a lack of information sharing between agencies and professionals involved in a domestic abuse case; seeing an abusive relationships ending as equating to a reduction in risk; no one agency or professional having the full picture of the victim's life or domestic abuse; and reports of domestic abuse not being taken seriously and therefore women assessed as low or medium risk becoming the victims of homicide.

As a first step to increasing awareness, the Government should put reducing homicides involving women at the centre of its work to reduce violence against women. In order to secure the success of this, the Government should support the Femicide Census with the collection of data on homicides involving women as this is key to defining and understanding the causes and consequences of men's violence against women and compelling police forces to comply with data requests. The Femicide Census is a database containing information on over one thousand women killed by men in England and Wales since 2009. Developed in partnership by Karen Ingala Smith and Women's

Aid with support from Freshfields Bruckhaus Deringer LLP and Deloitte LLP, it is a ground-breaking project which aims to provide a clearer picture of men's fatal violence against women by allowing for detailed tracking and analysis. The Femicide Census reveals a range of trends and patterns associated with intimate partner homicides - such as method of killing, and the significantly heightened risk period after separation from an abusive partner - which furthers understanding of how such crimes can be better prevented. Supporting the sustainability of the Femicide Census - which collects comparative data on the sex and age of the perpetrator and victim, on their relationship, on any previous convictions relating to abuse or violence and disaggregates across police force areas - will ensure that the Government is collecting robust national data on the gendered nature of intimate partner homicide.

Police and Crime Commissioners (PCCs), Chief Constables and the College of Policing also need to work together to improve and share learning from DHRs, and contribute effectively to other bodies that hold information on homicides. There must be a top-down prioritisation of responding to domestic abuse and preventing homicides in police forces, with senior staff and Chief Constables raising awareness and holding their forces to account. To ensure increased awareness across the whole of the police force, police training should include information and learning from DHRs to improve their response to women at risk, recognition of the seriousness of threats of violence and killing, and that the accountability lies firmly with the perpetrator and that they are prosecuted. Improving levels of prosecution and sentencing is imperative, as appropriate sanctions to all forms of men's violence against women and girls will send out the clear message that it will be taken seriously and be rigorously punished by the law.

We also recommend that a wider review of the range of sentencing for homicides involving women across England and Wales is required, which must specifically look at the impact of the new Sentencing Guidelines on Domestic Abuse on outcomes. Data from the Femicide Census in 2016 found significant variation in the length of sentences - ranging from 12 years to 28 years for murder.^{cviii} A review of sentencing for domestic abuse homicide is required to understand the reasons for this disparity, and recommend whether further changes are needed to the trials and sentencing of homicide cases involving women is necessary to ensure all perpetrators are equally held to account and victims' families can see that justice done.

Finally, making public (redacted) versions of DHRs should be made easily available online in a national repository that is searchable by specific themes. To ensure these public versions increase awareness, reviews of common themes and learnings from DHRs should also be published on a bi-annual basis.

63. How can areas best hold their own local agencies to account in terms of monitoring delivery against DHR action plans?

Domestic Homicide Report (DHR) action plans are an important source of information to inform local practice and all parts of the public sector involved have a responsibility to act on lessons identified to better safeguard victims - including ensuring that relevant agencies incorporate DHR action plans in their strategies. Our member services were clear that to derive best value from DHR action plans, and prevent further abuse and homicide, local areas also need to have robust governance mechanisms in place for monitoring delivery - including subsequent inspections of agencies to ensure the recommended actions have been delivered.

Local areas could also be supported in holding their own local agencies to account through the role of the new Commissioner. If the Commissioner is given the right powers, they will be able to hold local agencies to account and publish data that enables local areas to monitor, scrutinise and hold agencies accountable for delivery of DHR action plans. Our members have been clear that the Commissioner should be required to maintain a national online database of public DHR reports in this regard. The ability to access, collect and distribute such information will enable the Commissioner to empower local areas to hold their own agencies to account in a more meaningful way.

We are also clear that the Commissioner's role in sharing learnings from DHRs must go outside of local areas alone. This will enable other areas to learn lessons and make necessary improvements to improve the prevention of domestic homicides.

64. How can the government better share and promote effective practice on domestic abuse across all public services both in regard to commissioning and delivery of services?

The Government can create or encourage opportunities for local collaboration and partnership working by recognising the wealth and experience of the domestic abuse and VAWG sector and ensuring that commissioning and funding for service delivery provides the best value for money and outcomes for survivors.

Alternatives to competitive tendering for domestic abuse services

The Government must ensure local commissioners move away from commissioning 'one size fit all' or generic 'victim services' that do not have specific specialism in delivering domestic abuse services. The awarding of contracts to sectors that do not have the expertise to provide responsive and appropriate services to survivors has, in many cases, come at the expense of the expertise and experience of specialist providers.⁵² Competitive tendering practices and procedures can effectively bar participation from small, specialist organisations with long established expertise in domestic abuse. 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 - from prevention, to improving professional awareness and advisory roles to local statutory services and partnerships. Competitive tendering practices are not appropriate for a sector that is delivering services of social benefit and where quality, expertise and outcomes for survivors must be assessed alongside cost. We are aware that some commissioners have acknowledged that certain local tender decisions have resulted in a deterioration of domestic abuse services to the public.

Local conditions that best foster the environment for partnership working and local collaboration are where there are no competitive tendering practices, but where commissioning and funding is based on a clear outcomes framework and robust, transparent assessments of need. However, the move to competitive tendering over recent years has, in some areas, contributed to the breakdown of relationships between local services - where services that may have a history of working together suddenly have to compete with each other - and between local services and commissioners, who need to be able to work together effectively in order to provide the best possible service to women and children survivors of domestic abuse. It has also created a race to the bottom in terms of services being forced to try and undercut each other, or push costs down, in order to win bids that are heavily weighted on costs and not necessarily overall value.

As the Home Office VAWG Supporting Local Commissioning Toolkit⁵² - which defines best-practice in commissioning for domestic abuse services - makes clear, competitive tendering is not the only option available for commissioners. The Toolkit highlights the need to ensure that large tenders, contracts and commissioning practices do not favour bigger, generic providers or limit the ability of local, specialist services to bid and states clearly that grant-giving is a "legitimate commissioning technique", which is more responsive and "allows greater flexibility in meeting complex outcomes" for specialist VAWG services.⁵² The Government now must ensure that the advice within the Toolkit - specifically around alternatives to competitive tendering - becomes routine within local commissioning practices. The new Commissioner's role could provide accountability in this regard.

Collaboration

In our experience, the most effective local or regional collaborations happen where the wealth of experience within the domestic abuse and VAWG sector is utilised. Partnerships with expert organisations or consortia help to provide best value for money and person-centred services.

⁵² The Home Office VAWG Supporting Local Commissioning Toolkit was produced by specialist partners including Imkaan and Women's Aid and funded by the Lloyds Bank Foundation.

Successful commissioning and provision of domestic abuse services is achieved where commissioners work alongside providers and local experts to plan what services are required, deliver robust needs assessments, and enable services to innovate and adapt to meet needs of populations as they change over time. As most domestic abuse goes unreported, prevalence data alone is inadequate for needs assessment and many survivors will be “hidden”, due to gaps in protected characteristics and equalities data. Utilising the expert advice of specialist services is therefore critical for developing a full and adequate picture of local need.

Supporting collaboration, planning, and joint funding and commissioning across different agencies - including local authority commissioners, Clinical Commissioning Groups (CCGs) and Police and Crime Commissioners (PCCs) - is also crucial for effective and sustainable domestic abuse services. Joined up funding and commissioning can be an efficient way to maximise resources and ensure buy-in and action from across agencies. As set out in our response to Question 11, we recommend that Government efforts to improve joined up funding and commissioning are based on clearly stated shared outcomes, developed in consultation with the domestic abuse and VAWG sector.

Gender-specific funding

The Government must provide clarity that women are disproportionately impacted by domestic abuse, inequality and discrimination and require gender-specific services that meet their needs. This is essential to guide effective local strategies, funding and commissioning practices and end the problematic shift to ‘gender-neutral’ service provision which fails to meet the needs of all survivors - both male and female.

A shift from gender specificity to gender neutrality fails to recognise that domestic abuse perpetrated by men against women is quantitatively and qualitatively distinct phenomenon, and men and women experiencing abuse have very different needs. Women’s Aid is clear that all survivors, regardless of gender or sexual orientation and any other protected characteristics, must be able to access support that they need. Treating men and women equally, however, does not mean treating them the same. Male and female survivors have very different support needs, which must inform service provision; data from victims contacting the Men’s Advice Line demonstrates that men seeking help predominately want protection, legal support, housing options and counselling services.^{cxix} Very few men need refuge space, for example, as they tend to have other safe accommodation options and are at less risk of domestic homicide.^{cxii}

Women’s Aid has presented clear evidence to Government of commissioning processes and contracts for gender-neutral service provision, and even requirements for specific proportions of resource or service provision for male victims, that have directly diverted resources from the provision of support for women. This is occurring in a context where, as stated in our response to Question 10, demand for services for women is severe and unmet. Data from Routes to Support shows that during 2017-18, 78 domestic abuse service providers in England added 1 or more service types for men. Of these, only 21 showed a corresponding increase in staff - 9 showed a decrease in staff, despite providing these additional services, and 48 who had no change in staffing number.^{cxiii}

Whilst we believe all survivors should get the services they need, the clear evidence that services for men are directly diverting resources from women’s services is highly concerning when these services are already overwhelmed by demand. There is a need for extra resources for services for male victims of domestic abuse, rather than diverting existing resources from services that are already unable to meet demand. Such an approach ignores the gendered distribution of this offending and undermines the national response to domestic abuse as a form of VAWG.

The Domestic Abuse Bill, and supporting non-legislative package, is an important opportunity for the Government to provide clarity on the need for gender-specific funding, commissioning and service provision for domestic abuse and VAWG. It will also be important to deliver an accountability mechanism that enables unacceptable commissioning practices to be reviewed and challenged.

Specialist services for specific groups

Alternatives to competitive tendering processes will help to protect important specialisms within the sector and the “by and for” leadership model – where services are set up by specific groups of women for that specific group of survivors to meet their needs. The fact that small specialist domestic abuse services have managed to survive outside of commissioning arrangements and sustain their long track records of quality needs-led provision for BME survivors, young people, disabled women and LBT women - often delivered through grant funded services - should be celebrated. Mainstream contracts and commissioning processes often do not accommodate the needs of these minority groups of survivors, or subsume these specialist services into larger more generalist contracts. This can not only fail to meet specific support needs, but also has a knock-on impact of increasing the pressure on non-commissioned services who still need to provide this dedicated specialist resource.

Specialist services should not be reliant on, or their sustainability be at risk from, the decision making and commissioning structures of one local area, where there might be relatively low numbers of their client population, when they are delivering a service for the whole country. The Government’s current funding review and consideration of funding priorities offers opportunities to review the funding of national specialist provision to women with disabilities, BME women, LBT women, older women and other excluded groups facing significant barriers to accessing refuge provision.

Local connection

In recent years, Women’s Aid has 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 will often need to flee from their local area in order to be safe. Data from the Annual Survey in 2017 shows that over two thirds of women (68.4%) in refuge on the census day crossed local authority boundaries to access refuge.^{cxiv} Women often cannot access a refuge in their local area, due to the severe and ongoing risks faced from a perpetrator. If women are referred to a very local refuge, the service’s own risk and needs assessment will highlight that a woman staying in the same local area would be a risk to their safety and that of the other women in the refuge - so they will help them to find them somewhere else safe to go.

Women fleeing to refuge rely on these services being able to accept them and their children from out of their local area, with no “local connection.” Government guidance makes clear that locality gaps and restrictions should never be written into tenders or contracts for domestic abuse and VAWG. However this guidance is not consistently applied across England - leading to a ‘post code lottery’ of access to refuge and the major risk that our national network of services is dismantled.

These issues must be resolved in the funding and commissioning of domestic abuse services - particularly refuges - is to be sustainable. Women’s Aid further recommends that the Domestic Abuse Bill includes specific bar local authorities from restricting women and children without a local connection from accessing refuge in their area. A statutory bar on ‘residency requirements’ is a priority for ensuring that commissioning and funding practices are safe and consistent across the country, and to ensure that all women and children fleeing domestic abuse can access safe refuge, where and when they need to.

Review of Domestic Abuse Services

There is clearly an explicit link between the Domestic Abuse Bill, and the ongoing work by MHCLG and DWP to develop a new model of funding for rent in refuges after 2020 and review the funding of domestic abuse services more generally. Women’s Aid continues to work alongside Government to provide evidence and feedback on commissioning and funding practices - both good and poor - and make recommendations for effective solutions. We have commissioned consultants to support our work to develop alternative funding models for refuges and domestic abuse - which will be informed by our evidence base, our expertise on what works and what doesn’t, and the experiences of our member services delivering services across England. We look forward to sharing our recommendations and proposals for sustainable funding solutions with Government.

65. What role should local areas play in sharing good practice?

The Domestic Abuse Bill is a significant opportunity to make domestic abuse a priority across all parts of the public sector and 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. This must include recognition of the huge impact domestic abuse has in our society, and the urgent need to remove the current postcode lottery and inconsistency in the response and support survivors receive.

The Government should encourage local areas to be involved in sharing good practice of what a ‘good response’ is and how best to provide a sustainable footing for specialist domestic abuse services. Local public sector services should also be encouraged to partner and collaborate with specialist domestic abuse services to ensure survivors get the right response and the identification of a survivor as the earliest possible point. Strong partnerships enable local specialist services to feed in their expertise knowledge of survivors’ needs, and encourage good practice in preventing, identifying, investigating and prosecuting offences and have a primary focus on survivor’s safety.

The Government should not, however, expect the fully transformative change required to be delivered solely at the local level. Whilst the role of Commissioner may enable a better link between local and national responses, there is still the clear need for a strong national strategy which genuinely ensures national coverage of support services, and a joined up approach by all the statutory agencies to domestic abuse and all forms of violence against women and girls. Domestic abuse is systemic, gendered and a cause and consequence of women’s inequality. It is also preventable, but this requires change and a commitment at every level of society and government.

- ⁱ Howard, M and Skipp, A, Unequal, trapped and controlled, Women's Aid and TUC, 2015.
- ⁱⁱ Office for National Statistics (ONS). (2017) Domestic abuse in England and Wales: year ending March 2017. Published online: ONS.
- ⁱⁱⁱ Hester, M. (2013) 'Who Does What to Whom? Gender and Domestic Violence Perpetrators in English Police Records', *European Journal of Criminology*, 10: 623- 637
- ^{iv} Walby et al, The concept and measurement of violence against women and men, 2017
- ^v Office for National Statistics (ONS). (2017) Domestic abuse in England and Wales: year ending March 2017. Published online: ONS
- ^{vi} Section 76 of The Serious Crime Act 2015 (the 2015 Act).
- ^{vii} Hunt et al, Making the Links: Disabled women and domestic violence, 2008.
- ^{viii} Imkaan, Rape Crisis England & Wales, Respect, SafeLives and Women's Aid, 2016, <https://www.womensaid.org.uk/information-support/i-commission-work-survivors/violence-women-girls-sector-shared-core-standards/>
- ^{ix} Radford, L., Aitken, R., Miller, P., Ellis, J., Roberts, J., and Firkic, A. (2011) Meeting the needs of children living with domestic violence in London Research report. London: NSPCC and Refuge, p. 101
- ^x <http://www.crimesurvey.co.uk/SurveyResults.html>
- ^{xi} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{xii} HC 91, House of Commons Women & Equalities Select Committee, Sexual Harrassment and Sexual Violence in Schools, September 2016. [Accessible online](#).
- ^{xiii} Women's Aid, [Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project](#), 2017
- ^{xiv} Dr Ravi Thiara and Dr Christine Harrison, Safe Not Sorry: Key issues raised by research on child contact and domestic violence, 2016. [Accessible online](#).
- ^{xv} Women's Aid, Change that Lasts - Impact Briefing, 2018.
- ^{xvi} 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
- ^{xvii} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- ^{xviii} Office for National Statistics (2017). Domestic Abuse in England and Wales; Crown Prosecution Service (2016-17). Violence against women and girls report, 10th edition
- ^{xix} Women's Resource Centre (2007) Why Women Only: the value and benefit of by women and for women services. WRC: London
- ^{xx} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{xxi} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#).
- ^{xxii} 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
- ^{xxiii} Standing Together Against Domestic Violence, In Search of Excellence - A Guide to Effective Domestic Violence Partnerships, 2013. [Accessible online](#).
- ^{xxiv} Nicola Sharp-Jeffs and Liz Kelly, Domestic Homicide Reviews - Case Analysis: Report for Standing Together, June 2016. [Accessible online](#).
- ^{xxv} HM Government, Ending Violence Against Women & Girls Strategy 2016-2020. [Accessible online](#).
- ^{xxvi} Ofsted, HMICFRS, CQC, HMIoP, '[The multiagency response to children living with domestic abuse](#)', 2017
- ^{xxvii} Rogerson. B, 'How A Needs Led Approach to MARAC cases delivers effective outcomes', Safe: The Domestic Abuse Quarterly, Winter 2015. [Accessible online](#).
- ^{xxviii} Women's Aid, [Change that Lasts - Impact Briefing](#), March 2018
- ^{xxix} Women's Aid, [Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project](#), 2017.
- ^{xxx} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{xxxi} Women's Aid, [Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project](#), 2017
- ^{xxxii} Covington, Stephanie. Becoming Trauma Informed, Toolkit for Criminal Justice Professionals. (2015)
- ^{xxxiii} 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
- ^{xxxiv} 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
- ^{xxxv} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{xxxvi} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#): Referrals from women with additional support needs in London 2016/17 (Routes to Support)
- ^{xxxvii} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#): 20 services responding to this question.
- ^{xxxviii} Office for National Statistics (ONS). (2018) *Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2017*. Published [online](#): Office for National Statistics.
- ^{xxxix} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{xl} Office for National Statistics (ONS). (2017) *Domestic abuse in England and Wales: year ending March 2017*. Published online: ONS.
- ^{xli} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{xlii} Women in Prison, <http://www.womeninprison.org.uk/research/key-facts>. (Access May 2018)
- ^{xliii} Prison Reform Trust, 'There's a Reason We Are In Trouble': Domestic Abuse as a Driver to Women's Offending, 2017. [Accessible online](#).
- ^{xliv} Prison Reform Trust, 'There's a Reason We Are In Trouble': Domestic Abuse as a Driver to Women's Offending, 2017. [Accessible online](#).

- xliv Jane Cox and Katharine Sacks-Jones, Double Disadvantage: The experiences of Black, Asian and Minority Ethnic women in the criminal justice system, Agenda and Women in Prison, 2017. [Accessible online.](#)
- xlvi Women's Aid, [Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project](#), 2017
- xlvii 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
- xlviii Prison Reform Trust, 'There's a Reason We Are In Trouble': Domestic Abuse as a Driver to Women's Offending, 2017. [Accessible online.](#)
- xlivx Women's Aid and NOMS, *Evaluation of the POWER TO CHANGE PROGRAMME piloted within the National Offender Management Service and associated Community Services* (Women's Aid and NOMS, 2012)
- ¹ Hester, 'Portrayal of Women as Intimate Partner Domestic Violence Perpetrators', 2012.
- ⁱⁱ NANE Women's Rights Association, The Power To Change, How to set up and run support groups for victims and survivors of domestic violence, Daphne project, Budapest, 2008
- ⁱⁱⁱ Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{liii} Jonathan Price and Sarah Spencer, Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds', Compas 2015. [Accessible online.](#)
- ^{liv} Women's Aid, [Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project](#), 2017.
- ^{lv} Women's Aid, [Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project](#), 2017.
- ^{lvi} Women's Aid, [Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project](#), 2017.
- ^{lvii} Women's Aid, No Woman Turned Away Report 2017-18, Forthcoming.
- ^{lviii} Jonathan Price and Sarah Spencer, Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds', Compas 2015. [Accessible online.](#)
- ^{lix} Imkaan, 2017, Pathways and barriers to accessing specialist ending-VAWG support for minoritised women, not published.
- ^{lx} Step Up Migrant Women UK: Latin American Women's Rights Service, Safe Reporting of Crime for Migrants With Insecure Immigration Status, May 2017
- ^{lxi} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{lxii} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{lxiii} 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.
- ^{lxiv} Home Office (2016) Domestic Violence Protection Orders, One Year On – Home Office Assessment of National Roll Out.
- ^{lxv} Home Office, DHRs: Common Themes to Be Identified as Lessons to be Learnt, 2013
- ^{lxvi} Association of Chief Police Officers, Tackling Perpetrators of Violence Against Women and Girls: ACPO Review for the Home Secretary, September 2009
- ^{lxvii} Hester, M. (2011), 'The Three Planet Model: Towards an Understanding of Contradictions in Approaches to Women and Children's Safety in Contexts of Domestic Violence' The British Journal of Social Work, Volume 41, Issue 5, 1 July 2011 pp. 837–853.
- ^{lxviii} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{lxix} Department for Work and Pensions, Guidance on regulation 4(3) of the Child Support Fees Regulations 2014: List of persons to whom an applicant must have reported domestic violence or abuse , 2013, [accessible online.](#)
- ^{lxx} Cabinet Office, Policy Statement - '[A Democracy that Works for Everyone: Survivors of Domestic Abuse](#)', March 2017
- ^{lxxi} The Femicide Census - Women's Aid in partnership with Karen Ingala Smith *REDEFINING AN ISOLATED INCIDENT* (Published [online](#): Women's Aid and Karen Ingala Smith, 2016)
- ^{lxxii} Bates, L., Gangoli, G., Hester, M. and Justice Project Team (2018), Policy Evidence Summary 1: Migrant Women. University of Bristol, Bristol. [Accessible Online.](#)
- ^{lxxiii} BBC News, Social worker 'gave safe house address to woman's abuser', 25 January 2017. <http://www.bbc.co.uk/news/uk-38719709>
- ^{lxxiv} Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services, A Progress Report on the Police Response to Domestic Abuse, March 2018. [Accessible online.](#)
- ^{lxxv} 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.](#)
- ^{lxxvi} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{lxxvii} Equality and Human Rights Commission, The Cumulative Impact of Tax and Welfare Reforms, March 2018. [Accessible online.](#)
- ^{lxxviii} Mr Justice Collins Judgement in the case of The Queen on the application of DA and others and the Secretary of State for Work and Pensions and Shelter, EWHC 1446 (Admin), Case No: CO/379/2017. [Accessible online.](#)
- ^{lxxix} Women's Aid, Online Safety, [Accessible online.](#)
- ^{lxxx} Crown Prosecution Service, Violence Against Women and Girls Report - 10th Edition, 2016-17. [Accessible online.](#)
- ^{lxxxi} HM Government, [Response to the Internet Safety Green Paper](#), May 2018
- ^{lxxxii} Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- ^{lxxxiii} All Party Parliamentary Group on Domestic and Sexual Violence, Women's Access to Justice: From Reporting to Sentencing, 2014; The Femicide Census, Redefining an Isolated Incident. Published online: Karen Ingala Smith and Women's Aid (2016)
- ^{lxxxiv} Crown Prosecution Service, [Violence Against Women and Girls Report](#) 2016-17
- ^{lxxxv} 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.
- ^{lxxxvi} 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.
- ^{lxxxvii} All Party Parliamentary Group on Domestic Violence, Domestic Abuse, Child Contact and the Family Courts, 2016. [Accessible online.](#)

-
- lxxxviii 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.
- lxxxix 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.
- xc Women's Aid (2015) *Survey of survivors of domestic abuse* (25.3% of 91 responses); 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](#).
- xcI Crown Prosecution Service, Violence Against Women and Girls Report - 10th Edition, 2016-17. [Accessible online](#).
- xcii Office for National Statistics (ONS). (2017) Domestic abuse in England and Wales: year ending March 2017. Published online: ONS
- xciii Robinson et al., What Works: Crime reduction Research - Risk-led policing of domestic abuse and the DASH risk model, September 2016. [Accessible online](#).
- xciv Ofsted, HMICFRS, CQC, HMIoP, 'The multiagency response to children living with domestic abuse', 2017
- xcv Ofsted, HMICFRS, CQC, HMIoP, 'The multiagency response to children living with domestic abuse', 2017
- xcvi Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- xcvii Women's Aid. (2016) *Nineteen Child Homicides*. [Published online](#): Women's Aid
- xcviii Ofsted, HMICFRS, CQC, HMIoP, 'The multiagency response to children living with domestic abuse', 2017
- xcix CoE (2008): "... safe accommodation in specialised women's shelters, available in every region, with one family place per 10,000 head of population
- c Home Office, DHRs: Common Themes to Be Identified as Lessons to be Learnt, 2013
- ci Kelly, L. and Westmarland, N. (2015) Domestic Violence Perpetrator Programmes: Steps Towards Change. Project Mirabal Final Report. London and Durham: London Metropolitan University and Durham University.
- cii HM Government, Ending Violence Against Women and Girls Strategy 2016-2020, March 2016. [Accessible online](#)
- ciii Ofsted, HMICFRS, CQC, HMIoP, 'The multiagency response to children living with domestic abuse', 2017
- civ Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)
- cv Bates, L., Gangoli, G., Hester, M. and Justice Project Team (2018), Policy Evidence Summary 1: Migrant Women. University of Bristol, Bristol. [Accessible Online](#)
- cvi Office for National Statistics (ONS). (2018) *Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2017*. Published online: ONS
- cvii Her Majesty's Inspectorate of Constabulary (HMIC). (2015) Increasingly everyone's business: A progress report on the police response to domestic abuse. Published online: HMIC, p. 28
- cviii The Femicide Census: 2016 findings. Annual Report on cases of Femicide in 2016. [Published online](#): Karen Ingala Smith and Women's Aid
- cix 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
- cx Home Office, Violence Against Women and Girls Services: Supporting Local Commissioning, December 2016.
- cxI Respect Toolkit, Work with male victims of domestic violence, 2nd Edition, 2013. [Accessible online](#).
- cxii Respect, Reaching & Responding: Improving Quality, Safety And Service Provision For Male Victims. – June 2016, [Accessible Online](#).
- cxiii Women's Aid data from Routes to Support, Changes to Provision 2017-18 [forthcoming].
- cxiv Women's Aid, *Survival and Beyond: The Domestic Abuse Report 2017*. [Accessible Online](#)