

A BILL FOR SURVIVORS



A BILL

TO:

TRANSFORM the national response to domestic abuse; prevent abuse from happening in the first place; put the needs of all survivors of domestic abuse, including children, at the heart of new laws and place the responsibility on perpetrators to stop abuse; provide protection by securing the national network of domestic abuse refuges and support services; make the family courts safe; encourage effective multi-agency work to identify abuse at the earliest possible point; uphold and strengthen international obligations; and to ensure the views and voices of survivors are central to the design and implementation of the new law.

The increased demand for help from public bodies and support services resulting from this BILL must be met with adequate, sustainable resources.

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Official (statutory) guidance will underpin this new law, and must be developed with survivors and domestic abuse and violence against women and girls (VAWG) specialists.

CHAPTER 1. PROMOTING AWARENESS OF DOMESTIC ABUSE

The purpose of this chapter is create a definition of domestic abuse that is shared and understood across society, raise awareness of the impact on women and children, make domestic abuse everyone's business and deliver mandatory training to ensure a consistent response across the board.

1. A new statutory definition of domestic abuse

- (1) An accurate definition, to uphold the UK's commitments under international law, which—
- a. explicitly recognises the gendered nature of domestic abuse;
 - b. ensures coercive and controlling behaviour is at the heart;
 - c. includes both patterns and incidents of abuse, making clear that patterns are much more common;
 - d. clarifies the differences between intimate partner and family abuse;
 - e. includes and reflects the true range of economic abuse;
 - f. is inclusive of all women's experiences of domestic abuse, including, but not limited to, forced marriage, honour based violence and female genital mutilation (FGM).

2. Raise awareness of domestic abuse

- (1) The right to relationships and sex education in all schools is realised for all children and young people, which includes—
- a. compulsory, age-appropriate lessons for all key stages, that cover healthy relationships, consent and all types of VAWG, and tackle sexism and inequality;
 - b. a whole school approach to tackling sexism and VAWG that provides a safe school environment and access to support;
 - c. adequate resourcing, partnerships with local specialists and high-quality teacher training.
- (2) Support is provided to communities to tackle domestic abuse and help survivors—
- a. investment in schemes to upskill individuals to understand domestic abuse, start safe conversations and signpost survivors to help, such as the Change That Lasts Ask Me scheme, developed in partnership between Women's Aid Federation of England and Welsh Women's Aid.
- (3) The government develops and delivers high quality awareness-raising campaigns on domestic abuse in partnership with survivors and specialist services.

3. Making domestic abuse everyone's business

- (1) Survivors can safely report domestic abuse to all public services, who have a duty to—
- a. listen, believe and respond effectively, and signpost survivors to help;
 - b. deliver protection and support before any other action - including immigration enforcement;
 - c. improve consistency in asking about domestic abuse (routine enquiry).
- (2) A duty for all public services to provide training on domestic abuse and coercive control to frontline professionals, which—
- a. shall cover, but not be limited to, the police, probation, judiciary, magistracy, court staff, adult's and children's social care, health agencies, housing and jobcentres;
 - b. shall be comprehensive, delivered by specialists and supported by ongoing professional development.
- (3) A duty on the police to report an incident of domestic abuse, where there are school aged children in the household, to the child(ren)'s school before 9am the next day, by—
- a. implementing the Operation Encompass law with training on domestic abuse for schools and the police on supporting survivors and their children.
- (4) A statutory right for employees affected by domestic abuse to vary their working arrangements in order to help deal with its impacts, including (but not limited to) paid leave, the location of their work, and their duties.

CHAPTER 2. PROTECT AND SUPPORT SURVIVORS

The purpose of this chapter is to create a new protection order, provide sufficient support services for all survivors and their children, ensure access to safe housing and financial assistance, and deliver the requirements of the Istanbul Convention.

4) Protecting women and children survivors of domestic abuse

(1) Deliver a domestic abuse protection order that—

- a. prioritises the safety of survivors;
- b. results in a criminal sanction if breached by the perpetrator;
- c. places responsibility on the perpetrator to stop the abuse;
- d. is supported by training and guidance for professionals including, but not limited to, police, courts, social care, health care professionals and local authority housing teams.

(2) Make Clare's Law (Domestic Violence Disclosure Scheme) available for all by—

- a. giving all frontline police staff dealing with Clare's Law applications ongoing specialist training on domestic abuse and coercive control;
- b. ensuring a duty to signpost all individuals making an application to specialist support organisations.

(3) Ratify the Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention) by taking all necessary legislative steps, including—

- a. introducing 'extra-territorial jurisdiction' to ensure domestic abuse offences committed overseas can be prosecuted in the UK;
- b. protecting survivors without secure immigration status;
- c. ensuring adequate provision of, and access to, specialist services.

(4) Ensure survivors can access their right to vote anonymously for life.

5) Deliver support for all survivors, including children and those with complex needs

(1) Deliver improved access to support for children survivors of domestic abuse by ensuring that—

- a. statutory guidance is given that sets out a clear cross-government strategy for the protection and support of child survivors;
- b. child survivors are given special waiting list status (protected status) for all NHS services, including child and adult mental health services (CAMHS);
- c. children in refuge have priority access to school places, with a duty on local authorities to respond to a change of school request from refuges in twenty days as they do for emergency placement requests.

(2) Establish a long-term, sustainable model of funding for specialist domestic abuse services for all women and children, including black and minority ethnic (BME) women and women with complex needs.

(3) Improve access to accommodation-based services and emergency housing for survivors by—

- a. removing local connection rules for survivors moving across local authority boundaries to access housing;
- b. giving survivors priority need status for homelessness assistance.

(4) Guarantee support for women who have no recourse to public funds due to their immigration status by—

- a. ensuring equal access to specialist support services, information and advice;
- b. enabling all migrant women to access the destitute domestic violence concession;
- c. stopping public services from sharing the details of survivors with insecure status with immigration control.

(5) A duty to assess all welfare reforms for their impact on survivors' ability to escape abuse.

CHAPTER 3. PURSUE AND DETER PERPETRATORS TO PROTECT SURVIVORS

The purpose of this chapter is to ensure perpetrators of domestic abuse are managed safely and effectively, put survivors' safety at the heart of all justice responses, deliver just and safe sentences, and make the family courts safe for survivors and their children.

6. Safe and effective perpetrator management

- (1) Clarify the police's duty to use their powers to safeguard survivors consistently, including—
 - a. a consistent approach to arresting perpetrators to keep survivors safe;
 - b. placing a suspect on bail after arrest with conditions attached, whilst continuing the investigation;
 - c. collecting high quality evidence - including of coercive control - to charge the suspect;
 - d. requirements to refer the survivor to support services, and to provide ongoing updates and information about their case.
- (2) Design and deliver a high quality probation service for supervising perpetrators that has survivors' safety at its heart.
- (3) Ensure all responses to perpetrators funded by government or statutory agencies, including perpetrator programmes, courses, projects or any form of interventions—
 - a. will be Respect accredited;
 - b. are delivered by experienced staff who receive ongoing specialist training;
 - c. work alongside separate support for survivors.

7. Just and fair sentencing in cases of domestic abuse

- (1) A duty on the Ministry of Justice and Sentencing Council to undertake a comprehensive review of the implementation of the new sentencing guideline on domestic abuse.

8. Measures to make the family courts safe for survivors

- (1) A power for the family court to prohibit a perpetrator of domestic abuse from cross-examining a survivor within family proceedings.
- (2) A duty on the family court to ensure special protection measures are available within family proceedings in cases of domestic abuse that—
 - a. include, but are not limited to, separate entrances and exits, separate entrance and exit times and screens.
- (3) A power for the family court to prohibit unsupervised contact with child(ren) for a parent waiting for trial, or on bail for, a domestic abuse related offence, or where there are ongoing criminal proceedings for domestic abuse.
- (4) End the legal assumption of contact in cases where children are at risk of harm from a perpetrator of domestic abuse and—
 - a. replace it with a focus on child contact arrangements that are made in the child's best interests, and for their safety and protection.

CHAPTER 4. IMPROVE PERFORMANCE FOR SURVIVORS

The purpose of this chapter is to ensure that the voices of survivors are central to the design and delivery of this new law, to create a new commissioner to represent the voices of survivors and hold the government and statutory agencies to account, ensure we learn the lessons from domestic homicide reviews, and collect data on the nature, scale and impact of abuse.

9. Survivors' voices and views

- (1) A duty to meaningfully engage with survivors on—
- the implementation of the BILL;
 - the detail of the accompanying non-legislative package;
 - the review of the legislation after an agreed period of time.

10. Violence Against Women and Girls (VAWG) commissioner

- (1) An independent commissioner who has a remit over all forms of VAWG and duty to—
- lead robust national accountability for the resourcing, quality and provision of services and sharing best practice;
 - deliver a specific focus on the response to survivors facing multiple forms of discrimination and additional vulnerabilities;
 - maintain meaningful engagement and consultation with survivors and specialist services;
 - coordinate and have regular meetings with other commissioners, including those within the devolved nations;
 - oversee the domestic homicide review quality assurance process and other serious case reviews.
- (2) The commissioner shall be properly resourced, and required to report back to a relevant select committee with evidence-based research and recommendations.

11. Learning from domestic homicide reviews (DHRs)

- (1) Improve the learnings from, and awareness of, DHRs by—
- ensuring the reduction of homicides involving women is at the centre of government work to reduce violence against women;
 - supporting the Femicide Census with the collection of data on homicides involving women;
 - including information and learnings in training for all public services;
 - making anonymous versions of DHRs available online to the public through a central repository.

12. Inspections and monitoring

- (1) A duty to include domestic abuse in the outcome frameworks of, but not exclusive to, the following groups—
- Care Quality Commission (CQC);
 - Ofsted;
 - Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS);
 - Her Majesty's Inspectorate of Probation (HMIP).
- (2) The responsibility for oversight of these frameworks should fall to—
- the National Oversight Group on Domestic Abuse;
 - the Inter-Ministerial Group on Violence Against Women and Girls.

13. Data collection

- (1) A duty for public services to collect data on domestic abuse that focuses on—
- its gendered nature, and the role of power and control;
 - the relationship between the perpetrator and the survivor;
 - different social groups and the inequalities they face.

THANK YOU to every survivor and Women's Aid member service who shared their views on a new law on domestic abuse with us. This BILL has been created from your priorities for change.

This is a working document that will be continually updated with feedback from survivors and member organisations. It does not represent an exhaustive list of priorities for the BILL and should be read alongside Women's Aid's briefing on the BILL.

For a full live and up to date version visit the [Women's Aid website](#).

This BILL should also be considered alongside proposals developed within the 'by and for' expert sector, which are specific to black and minoritised women, migrant women, disabled women and LGBT women - see [Imkaan's Alternative Bill](#).

women's aid
until women & children are safe

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