



House of Commons  
Home Affairs Committee

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**Domestic Abuse**

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**Ninth Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
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## Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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## Summary

Nearly 2 million people a year in England and Wales experience domestic abuse, and many endure long-term harm from their experiences. Domestic abuse is traumatising for victims and their children and is unacceptable in our society. It requires legislative change and a comprehensive strategy, effective across the country, that confronts one of this country's most common and most serious crimes. Earlier this year the Government set out its strategy for tackling domestic abuse, and it has committed to bringing forward a draft Domestic Abuse Bill later this year. We decided to hold a short inquiry into the Government's proposed strategy, and to identify issues which it must address in the draft bill and in its future policies.

It is very welcome that the Government has committed to developing a domestic abuse strategy and preparing a draft bill on domestic abuse, which we hope will be informed by this report. The bill has the potential to deliver measures which will provide real benefits for all victims. But we urge the Government to go further as part of its commitment to end domestic abuse. To have confined the proposed scope of the draft bill to domestic abuse rather than all forms of violence against women and girls (VAWG) represents a missed opportunity. We therefore recommend that the Government publishes a Violence Against Women and Girls and Domestic Abuse Bill which would facilitate a more effective, joined-up and cross-Government strategy to tackle both domestic abuse and VAWG and would better demonstrate the UK's commitment to comply with international VAWG conventions. We also recommend that the bill explicitly recognises the gender inequality underlying domestic abuse, and that the disproportionate impact of domestic abuse on women and girls is explicitly highlighted in the text of the bill and the statutory guidance.

We welcome the inclusion of economic abuse in the Government's proposed statutory definition of domestic abuse. Economic abuse is associated with an increased risk of homicide because victims tend to stay with abusive partners for longer when they do not have the financial means to leave. We are concerned that some of the Government's welfare reform policies are making it even more difficult for victims to leave their abusers and establish financial independence and there is evidence that the default single household payment for Universal Credit can reduce the autonomy of some women. We recommend that the UK Government should make split payments standard for all couples in England and Wales claiming Universal Credit, in line with the approach taken in Scotland. In addition the Government should analyse the potential impact of domestic abuse leave and consult on options for introducing domestic abuse leave in the UK.

We heard that there is a desperate shortage of refuge accommodation available for victims and their children seeking safety and access to support services. According to Women's Aid, 60% of referrals to their refuges are refused due to a lack of bed spaces. This huge gap in capacity must be filled and the spaces required must be available. It is unacceptable that women fleeing violence and other forms of abuse are often unable to access any form of emergency accommodation, and it is clear that a sustainable model for the long-term funding of refuge services is urgently required. Given the interdependency of network provision we recommend the Government analyses the operation of refuges as

a national network. We recommend a new statutory responsibility upon local authorities for refuge places to be available, supported by ring-fenced funding for local authorities from central Government at a level which meets demand and fills the capacity gap.

We also recommend that the Government facilitates a comprehensive review of funding across all aspects of support for survivors of domestic abuse and sexual violence, to be carried out by the proposed new Commissioner. The Government should commit to the introduction of a new national funding mechanism, informed by the outcomes of a comprehensive review, to provide sufficient and sustainable funding for all necessary support services. We are particularly concerned about the provision of specialist domestic abuse services for protected, vulnerable or minority groups, and for people with additional needs such as debts or drug or alcohol dependency. We recommend that the Government's review of refuge and other domestic abuse support services should document and report what specialist provision is currently available, and where there are gaps which need to be addressed.

We are concerned that the Government's proposed strategy makes no explicit additional provision for children who have experienced domestic abuse, as abuse within a family can cause children and young people to suffer a range of long-term negative consequences as a result of their experiences. We recommend that the devastating effect of domestic abuse on children is explicitly recognised in the legislation and that the Government develops a clear strategy to ensure that children experiencing domestic abuse are protected and given the support necessary to help them recover.

Despite efforts to introduce national guidance for all police forces on responding to reports of domestic abuse, there continue to be instances where victims' claims are not taken seriously or where there is an inadequate police response. These failings can have catastrophic consequences for victims of abuse. We are particularly concerned to hear that many police forces continue to share details of victims with the Home Office for the purposes of immigration control. This practice is contrary to national police guidance, makes it harder for particularly vulnerable victims to seek protection and access justice, and conflicts with the Government's stated objective that all vulnerable migrants, including those in the UK illegally, receive the support and assistance they need regardless of their immigration status.

Witnesses described family court proceedings for victims of domestic abuse as traumatising and harrowing. It is unacceptable that navigating the justice system can be as distressing for some victims as the abusive behaviour which they are seeking to escape, and that children may be placed in danger because of a lack of coherence between different parts of the justice system. We recommend that the new Commissioner should have, as a priority in the first year of office, to review the impact upon children of the interaction between the family courts, children's services, CAFCASS and the police, with particular reference to contact arrangements in domestic violence cases. The Government must, without further delay, make provision in the draft bill to prohibit the cross-examination of a victim by a perpetrator of domestic abuse in the family court.

We support the creation of a new Commissioner but recommend that this new post is established as a Violence Against Women and Girls and Domestic Abuse Commissioner

and that the remit of the new Commissioner reflects the scope of both the domestic abuse and the VAWG strategies. Confining the scope of the new Commissioner to domestic abuse would fail to recognise the gendered nature of domestic abuse, and its links to other forms of gender-based abuse in the lives of many women and girls. Recognising the challenges highlighted by the first holder of the role of the Independent Anti-Slavery Commissioner, we also recommend that the Government review its proposals with a view to strengthening the remit and increasing the resources of the proposed Commissioner. It is essential that the Commissioner is fully independent, reports directly to Parliament rather than to Government, and is independently accommodated and resourced.

## Introduction

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1. Domestic abuse is one of the most common, and most dangerous, crimes in the country with deep, long-term consequences for families. In the year ending March 2017, nearly 2 million people in England and Wales were victims of domestic abuse.<sup>1</sup> Many of these people, and their children and other family members, will endure long-term harm from their experiences. In addition to the immediate trauma and physical harm, domestic abuse contributes to a number of health problems, including depression and anxiety, alcohol and substance misuse, and sexually transmitted diseases. The social and economic consequences of abuse can include homelessness, loss or separation from family and friends, isolation, loss of employment, debt and destitution. Children exposed to domestic abuse are at higher risk of having mental ill health, poor relationships, and physical health as adults.<sup>2</sup> On average two women are killed by their partner or ex-partner every week in England and Wales.<sup>3</sup>

2. On 17 February 2017 the Prime Minister announced a programme of work leading towards the introduction of a Domestic Abuse Bill. In the Queen’s Speech in [June 2017](#), the Government subsequently committed to bring forward a draft bill that proposes to:

- Enshrine a definition of domestic abuse in law;
- Introduce a new protection order to better protect victims from their abusers;
- Recognise the harm domestic abuse inflicts on a child;
- Create a Domestic Abuse Commissioner; and
- Demonstrate commitment to ratifying the Istanbul Convention by extending extraterritorial jurisdiction over Violence against Women and Girls (VAWG) related offences.

3. In March 2018, the Government published a [consultation](#) paper setting out its proposed strategy for responding to domestic abuse.<sup>4</sup> In the paper, the Government stated that its main aim was to prevent domestic abuse “by challenging the acceptability of abuse and addressing the underlying attitudes and norms that perpetuate it.” The consultation ran until 31 May 2018 and received over 3,200 responses, as well as information and data gathered from six regional events and almost 30 focus groups which directly reached over

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1 According to the March 2017 Crime Survey for England and Wales, an estimated 1.9 million adults aged 16 to 59 years experienced domestic abuse in the previous year; Office for National Statistics, *Crime in England and Wales: year ending Mar 2017, 20 July 2017*

2 [DVA0062](#)

3 Between 1 April 2014 and 31 March 2017, a total of 241 women were killed by their partner/ex-partner in England and Wales. This gives an average of 1.54 women per week (241/[52 weeks\*3]) – rounded up to two women per week; Women’s Aid, ‘How Common is domestic abuse?’, (accessed at 8 Oct 2018). <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/how-common-is-domestic-abuse> (accessed at 8 Oct 2018).

4 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018

1,000 people.<sup>5</sup> The proposals in the consultation paper focused upon policy in England or England and Wales, reflecting the fact that the matters dealt with in the paper were generally devolved to the Scottish Parliament and Northern Ireland Assembly.<sup>6</sup>

4. In addition to the consultation on the future strategy, the Ministry of Housing, Communities and Local Government (MHCLG) is carrying out a review of all local authority commissioned domestic abuse services, including refuges, together with an audit to help understand what impact current domestic abuse services are having and to identify any gaps in services. This review will explore options for future delivery of domestic abuse services in England. Once the data has been collected and analysed, MHCLG will then make decisions on the future arrangements for domestic abuse services.<sup>7</sup>

5. We received over 130 written submissions from a range of organisations and individuals. Many of these highlighted the complexity of tackling domestic abuse, the wide variety of influences on the behaviour of perpetrators, and the range of support needed to help victims and their families leave the abuse and recover from their experiences. We would particularly like to thank those individuals who wrote about their personal experiences of domestic abuse and helped us understand the issues involved.

6. A successful outcome for victims of domestic abuse requires an effective response from mainstream public services as well as from specialist providers. For example, some witnesses pointed to welfare reform, and in particular the design of Universal Credit, as a particular area of concern. Other issues identified by witnesses included the shortage of suitable housing for victims trying to leave abusive partners, and the need for better integration of domestic abuse services with health services, and in particular with mental health services and support for victims with alcohol or drug dependencies.

7. The aim of our inquiry was to help inform the Government's draft bill which is expected to be published this autumn. In order to meet the anticipated timetable for the draft bill, we took only a small amount of oral evidence, and have focused this report on specific issues which were highlighted extensively in both the oral and written evidence we received. Our report is organised according to the themes in the Government's consultation paper, but we have not attempted to respond to every issue raised in that paper.

8. We heard oral evidence from a range of representatives from statutory agencies, support organisations and academics. We are grateful to all those who contributed to this inquiry.

9. We welcome the Government's commitment to develop a domestic abuse strategy and the preparation of a draft bill on domestic abuse. This is an important and wide-ranging cross-Government initiative which has the potential to bring significant benefits to people who are currently experiencing or who are recovering from domestic abuse.

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5 [DVA0107](#)

6 The matters dealt with in the consultation are generally devolved to the Scottish Parliament and the Northern Ireland Assembly. Some of the matters in the consultation are devolved matters in Wales. The Government has said that it will seek a legislative consent motion for any legislative measures that may impact or fall within the legislative competence of the National Assembly for Wales.

7 [DVA0107](#)

# 1 Promoting awareness

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## A statutory definition of domestic abuse

10. The Government wants to ensure that all domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes. One of the measures which it proposes is to introduce a new statutory definition of domestic abuse which covers all victims and all types of domestic abuse.<sup>8</sup> The proposed definition includes wider family members as well as couples, and it aims to include the many different types of behaviour which can be exhibited as part of domestic abuse. The proposed definition includes the following text:

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation. The abuse can encompass, but is not limited to: psychological; physical; sexual; economic; emotional.<sup>9</sup>

## Gendered nature of domestic abuse

11. In its consultation paper, the Government referred to the close links between its domestic abuse and its Violence Against Women and Girls (VAWG) strategies and noted that on a global level, domestic abuse is one of the most endemic forms of violence against women.<sup>10</sup> It said that it aimed to use the draft bill on domestic abuse to demonstrate the Government's commitment to ratifying the Istanbul Convention by extending extraterritorial jurisdiction over VAWG related offences.<sup>11</sup> It also acknowledged the gendered nature of domestic abuse:

We know that domestic abuse is disproportionately gendered and have framed our consultation to recognise this. Equally, this is why our approach to tackling domestic abuse remains within the context of a wider Violence Against Women and Girls Strategy. The majority of domestic abuse victims are women, with men far more likely to be perpetrators.<sup>12</sup>

12. Some witnesses argued that the Government had missed an opportunity to further the aims of its VAWG Strategy by confining the scope of the proposed bill to domestic abuse, rather than encompassing all forms of violence against women and girls.<sup>13</sup> The End Violence Against Women coalition explained that:

It is disappointing and incongruent that this Bill is limited to domestic violence, and largely to criminal justice measures, when women's and girls'

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8 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p11–13

9 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p13

10 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p8

11 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p9

12 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p9

13 The Government's Violence against Women and Girls [Strategy](#) 2016–2020 was published in March 2016, and aims to eliminate violence against women and girls. The Council of Europe Istanbul Convention is an international set of standards designed to address domestic violence and violence against women. The UK has signed the Convention and the government states in its domestic abuse consultation paper that it is committed to ratifying the Convention into UK national law as soon as possible.

lived experience of gender-based violence is not in separate boxes. We want to see radical change to the way all public services respond to the violence which prevents too many women and girls from living free and equal lives. The Government should enhance the national VAWG policy framework, ensure that a truly national network of specialist support services are available to women when they need them, and ensure that statutory services are able to prevent and respond to abuse appropriately.<sup>14</sup>

13. The Equality and Human Rights Commission recommended that the Government's approach to domestic abuse should be fully integrated with its work on VAWG and urged the UK Government to consider whether it would be more appropriate for them to publish a VAWG and Domestic Abuse Bill.<sup>15</sup>

14. Witnesses also argued that the gendered nature of domestic abuse should be recognised in the statutory definition so as to provide the best possible protection to survivors and to comply with VAWG legislation and policies. Councillor Simon Blackburn, representing the Local Government Association, described domestic abuse as "a heavily gendered crime".<sup>16</sup> Women's Aid explained that as well as women being more likely than men to be victims of domestic abuse, the nature and impact of men's abuse towards women was qualitatively different. Women were more likely to experience fear, be subject to coercive control, experience repeat victimisation and were far more likely to be killed. It explained that gender-neutral services failed to deliver the gender-specific support required by victims of abuse.<sup>17</sup> Amnesty International UK provided the following statistics:

According to data collected in 2016 and 2017 by the Office of National Statistics women are around twice as likely as men to experience domestic violence, and men are far more likely to be perpetrators. Most domestic homicide victims are women, killed by men. On average, two women are killed each week by their current or former partner in England and Wales, a figure that has changed relatively little in recent years. Between March 2014 and 2016, 242 women were killed by a male partner/ex-partner; 32 men were killed by their male partner/ex-partner, and 40 by their female partner/ex-partner.<sup>18</sup>

15. Women's Aid has highlighted research which suggests that official statistics seriously understate the scale of violence against women in England and Wales. ONS adjusts crime data to reduce the risk of a small number of cases involving multiple attacks skewing overall crime trends, so the number of times that any person can be counted as a victim of crime is capped at five. Professor Sylvia Walby, UNESCO chair of gender research, Lancaster University, has suggested that this practice means that the incidence of violent crime against women, and of domestic violence in particular, is underestimated in official

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14 [DVA0040](#)

15 [DVA0079](#)

16 [Q9](#)

17 [DVA0056](#)

18 [DVA0090](#)

statistics. She conducted research which indicated that, when the cap is removed, violence against women by intimate partners rises by 70 per cent and violence against women by acquaintances by 100 per cent.<sup>19</sup>

16. Amnesty International UK suggested that if gender inequality is not explicitly recognised “the proposed definition will not advance eradicating domestic abuse”. It explained that:

A gendered understanding and definition of domestic abuse will guide the response to tackle this violation of human rights. This means that statutory guidance, training for professionals, funding modalities and allocation will reflect the needs of women and girls and their diverse experiences.<sup>20</sup>

17. Respect runs two government funded national helplines for perpetrators of domestic abuse. It welcomed the proposed bill and supported a gendered approach and an acknowledgement of the different needs of male victims. It noted that there was very little data about perpetrators of domestic abuse but explained that “the whole cohort of perpetrators is a large and diverse group. Mainly men, but some women, and including those in same sex relationships”.<sup>21</sup>

18. Some organisations which provide support and services for male victims of domestic abuse argued that the statutory definition should recognise male victims of domestic abuse. The ManKind Initiative, which provides support to male victims of domestic abuse, supported the Government’s proposed gender neutral statutory definition. It also proposed the creation of a parallel ‘Ending Intimate Violence Against Men and Boys Strategy’ and gender-inclusive training for domestic abuse professionals.<sup>22</sup> Families need Fathers suggested that “authorities need to be far more sensitive to the likelihood of men being victims of abuse”. It suggested that there was a stigma attached to men reporting abuse; and said that in cases of family separation, fathers “do not report abuse for fear of repercussions affecting their chances of continuing to have access to their children”.<sup>23</sup>

19. Dr Elizabeth Bates, University of Cumbria, argued that the Government’s proposed gender-neutral definition was an important step in highlighting that women, men and people within the LGBTQ+ community can be victims and perpetrators of domestic abuse and said that, by contrast, a gendered approach “marginalises men, women in same-sex relationships, and other groups on the gender and sexuality spectrums, such as people who identify as non-binary or queer”.<sup>24</sup>

20. The Equality and Human Rights Commission stated that Article 6 of the Istanbul convention requires domestic violence policies to be gender-sensitive. In addition, it noted that public authorities must, under the Equality Act 2010, ensure that funding policies and service provision for victims and perpetrators of domestic abuse are designed to meet the needs of specific protected groups. It recommended that “the new statutory definition

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19 The Telegraph, ‘Domestic abuse could not be further from gender neutral. Wake up Britain’, 11 June 2015: <https://www.telegraph.co.uk/women/womens-life/11666990/Domestic-abuse-and-violence-is-not-gender-neutral.-Wake-up-Britain.html>

20 [DVA0134](#)

21 [DVA0095](#)

22 [DVA0046](#)

23 [DVA0130](#)

24 [DVA0041](#)

of domestic abuse should apply to both sexes, but that the disproportionate impact of domestic abuse on women and girls should be explicitly highlighted in the text of the bill and the statutory guidance”.<sup>25</sup>

**21. *The aims of the proposed domestic abuse bill include furthering both the Government’s domestic abuse strategy and its Violence Against Women and Girls (VAWG) strategy. The Government must ensure that it meets both of these objectives. The Bill should provide measures which will help all victims of domestic abuse including women and men, and victims within LGBT and wider family relationships. But it is also essential that future domestic abuse strategy and services should continue to include a focus on women who, because of broader inequality issues, are more likely to be victims of abuse and to suffer disproportionately as a result of abuse.***

**22. *The Government says that it has developed its response to tackling domestic abuse within the context of its wider Violence Against Women and Girls Strategy: this needs to be on the face of the draft bill. We recommend that the Government publishes a Violence Against Women and Girls and Domestic Abuse Bill. We believe that this will facilitate a more effective, joined-up and cross-Government strategy to tackle both domestic abuse and VAWG and will better demonstrate the UK’s commitment to comply with international VAWG conventions.***

**23. *We recommend that the bill explicitly recognises the gender inequality underlying domestic abuse, and the need to reflect this inequality in education programmes, funding, service provision, criminal justice and other statutory responses to domestic abuse. The Equality and Human Rights Commission has recommended that the new statutory definition of domestic abuse should apply to both sexes, but that the disproportionate impact of domestic abuse on women and girls is explicitly highlighted in the text of the bill and the statutory guidance. We support this recommendation.***

## Forms of abuse

### Stalking

24. The Government recognises that there are close ties between domestic abuse and other crimes such as sexual abuse and stalking.<sup>26</sup> ONS [statistics](#) indicate that around a third of victims of domestic abuse suffer more than one type of abuse, with partner abuse and stalking the most commonly experienced combination.

25. When we asked about the links between domestic abuse and stalking, Rachel Griffin, CEO, Suzy Lamplugh Trust said that around 55% of callers to the National Stalking Helpline were being stalked by an ex-partner. She explained that whilst callers being stalked by an ex-partner or other family member might benefit from the Government’s proposed measures to tackle domestic abuse, there was a risk that others would not be able to access the necessary support. She suggested that the Government’s strategy should have a broader scope and include all violence against women crimes.<sup>27</sup> The Equality and Human Rights Commission suggested that online abuse often reflected a pattern of coercive and controlling behaviour and that women had become particular targets

25 [DVA0079](#)

26 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p10

27 [Q79](#)

for abuse and misogynistic harassment. It recommended that the Government should undertake further research into online abuse marked by misogyny and violence against women and girls and develop mechanisms for tackling it.<sup>28</sup>

26. National Stalking Helpline statistics indicate that, while stalking usually includes a broad range of behaviours, the most common behaviour reported was stalking via social networking sites, closely followed by texts and phone calls.<sup>29</sup> Rachel Griffin said that about 75% of calls to the National Stalking Helpline were from people who had been stalked by some kind of technologically-assisted means. However, she added that in most of these cases, perpetrators were using a variety of different means to stalk their victims, both offline and online.<sup>30</sup> Laura Richards, Founder, Paladin National Stalking Advocacy Service, agreed, and said that online and offline risks must be considered together:

We need to not siphon this off into cybercrime or digitally-assisted crime and create a separate way of talking about it, which some services have been doing, and ensure that we understand that we all live our lives online and offline and the risks exist in both spaces.<sup>31</sup>

27. Witnesses called for more effective measures to tackle stalking. Paladin has campaigned for a register of serial stalkers and domestic violence offenders so that they can be tracked by the police, and this recommendation was supported by the All Party Parliamentary Law Reform Inquiry in 2012.<sup>32</sup> Laura Richards explained that serial stalkers who had offended on two occasions against two separate women would be included on the register.<sup>33</sup> She also pointed out that the Domestic Violence Disclosure Scheme (“Clare’s Law”) was dependent on an individual asking about an offender’s history and recommended that the focus be changed so that offenders were tracked as a matter of course by police officers. She added that this had been discussed at a senior police level since 2001 but had still not been implemented.<sup>34</sup> Paladin has also made other specific recommendations to the Home Office about measures to tackle stalking.<sup>35</sup>

28. The Suzy Lamplugh Trust indicated that there is considerable academic research to show that stalking perpetrators have an obsession with their victims which restraining orders or even imprisonment do nothing to address. Its National Stalking Helpline has worked with victims whose perpetrators have continued to stalk them from prison, and others whose stalkers have immediately returned to stalking behaviours within hours of being released from custody. The Suzy Lamplugh Trust advocates a multi-agency approach to stalking, with the close involvement of mental health services in programmes to tackle the behaviour of perpetrators and reduce re-offending.<sup>36</sup> Rachel Griffin told us that the

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28 [DVA0079](#)

29 [DVA0137](#)

30 [Q109](#)

31 [Q110](#)

32 *Independent Parliamentary Inquiry into Stalking Law Reform: Main Findings and Recommendations*, February 2012: <https://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/Stalking-Law-Reform-Findings-Report-2012.pdf>

33 [Q79](#)

34 The [Domestic Violence Disclosure Scheme](#) allows police to disclose to individuals details of their partners’ abusive pasts

35 Paladin, *Response to the Home Office Consultation on New Protective Orders*, January 2016

36 [DVA0137](#)

Suzy Lamplugh Trust had recently begun a piece of work with colleagues in criminal justice and health to look specifically at how to improve the management of perpetrators of stalking.<sup>37</sup>

**29. Stalking is a serious crime which can have a devastating impact on the lives of victims. Victims of stalking often endure years of abuse before the crime is taken seriously. We were told that existing criminal justice responses were often ineffective in stopping perpetrators. We recommend that a national register of serial stalkers and domestic violence perpetrators, as recommended by Paladin, is introduced as a matter of urgency and that individuals placed on the register should, like registered sex offenders, be managed through multi-agency public protection arrangements (MAPPA). We believe that a more integrated VAWG and domestic abuse strategy would support a better statutory response to stalking, and a more joined-up approach to supporting victims and managing the behaviour of perpetrators.**

### **Economic abuse**

30. Many of the submissions we received from individuals with personal experience of domestic abuse highlighted the effects of economic abuse. Siân Hawkins, Head of Campaigns and Public Affairs, Women’s Aid said that the inclusion of economic abuse was a “really positive” step which would help shape understanding of the way that “financial abuse and economic abuse is part of most women’s experiences of domestic abuse and is very often overlooked”.<sup>38</sup> Pragna Patel, a founding member of Southall Black Sisters, noted that recognition of economic abuse in the statutory definition would have a material impact upon victims’ ability to seek protection for themselves or their children through the civil courts, since this would enable evidence of economic abuse to be taken into account when considering a victim’s application for legal aid.<sup>39</sup>

31. Dr Nicola Sharp-Jeffs, Founder and Director, Surviving Economic Abuse explained that economic abuse and coercive control were linked with an increased risk of homicide because victims tended to stay with abusive partners for longer when they did not have the means to get away. She added that perpetrators were often able to continue their economic abuse even after the victim had left and even when the perpetrator did not know the victim’s new address.<sup>40</sup> She welcomed the inclusion of economic abuse in the proposed statutory definition and said that raising awareness of economic abuse would help to ensure that victims had access to support services and specialist advocacy to help them end and recover from the abuse.<sup>41</sup>

### **Welfare policies**

32. Economic abuse can leave victims without access to the financial resources to leave their abusers. Witnesses suggested that the Government’s welfare reform policies were making it even more difficult for survivors of abuse to establish financial independence. Women’s Aid said that welfare reform policies were “having disproportionate impact on

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37 [Q97](#)

38 [Q7](#)

39 [Q8](#)

40 [Q99](#)

41 [Q79](#)

survivors”. It pointed in particular to the design of Universal Credit, which by default is paid to one member of the household, saying that it risked increasing a perpetrator’s financial control.<sup>42</sup>

33. The Work and Pensions Committee examined these issues in detail in its recent report on Universal Credit and domestic abuse and agreed that there was a risk that single household payments could in some circumstances reduce the financial autonomy of women who were victims of abuse.<sup>43</sup> A [report](#) from the Women’s Budget Group concluded that Universal Credit increased the financial barriers to leaving an abusive partner. It made a number of detailed recommendations, including calling for DWP to develop a working group to develop options for apportioning Universal Credit to each member of a couple, and for DWP to develop a revised Equality Impact Assessment including a detailed gender analysis.

34. The Equality and Human Rights Commission noted that whilst the UK Government had allowed for split Universal Credit payments in exceptional circumstances, this did not provide sufficient protection for survivors of abuse. Surviving Economic Abuse wrote that the arrangement for requesting the payment to be split was “fundamentally flawed” because

However sensitively and carefully a request for split payments might be handled, actively challenging the control exerted through domestic abuse is dangerous. Research shows that the risk of experiencing physical abuse among those who experience economic abuse is nearly five times greater than those who do not. In addition, when women experience economic abuse within a context of coercive control then they are at increased risk of domestic homicide.

Moreover, requests for split payments are made on a case-by-case basis so there is no guarantee that disclosure of domestic or financial abuse will result in an alternative payment being granted. Such arrangements place the burden on survivors to negotiate an exceptional status within the Universal Credit system at the same time as they are seeking to survive a controlling and coercive context. There is currently no clarity about the safety measures in place for survivors making an application for a split payment, including sign-posting to domestic abuse support services. Even if such an application were to be successful, alternative payments are intended to be temporary and are reviewed at three month intervals.

Just twenty requests for split payments of Universal Credit have been made since its inception, reinforcing that this option is not credible.<sup>44</sup>

SEA, like the EHRC, recommended that the Government should make split payments the default for all couples, in line with the approach taken in Scotland.<sup>45</sup>

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42 [DVA0056](#)

43 Work and Pensions Committee, Seventeenth Report of Session 2017–19, *Universal Credit and domestic abuse*, HC 1166, 1 August 2018: <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1166/1166.pdf>

44 [DVA0136](#)

45 [DVA0079](#)

35. Witnesses also referred to other aspects of welfare reform. Women's Aid called for an end to the benefit cap and the two child tax credit limit, saying that these were creating additional barriers to survivors leaving abusive homes.<sup>46</sup> The Women's Budget Group, along with other organisations, is planning further work to explore its concerns about other aspects of Universal Credit and other welfare policies that have implications for women, and for survivors of domestic abuse.<sup>47</sup> Nicola Sharp-Jeffs recommended that the Government establish a fund for victims of domestic abuse. Given that crisis loans and social loans were no longer available, she called for a financial package to help victims of abuse rebuild their lives.<sup>48</sup>

### *Support for victims of economic abuse*

36. The London Borough of Hackney called for more specialist support for victims of economic abuse, saying that:

Victims of economic abuse experience multiple barriers. They may have been prevented from working, from owning a bank account, from registering benefits in their name. They may have been forced to take loans and accumulate debt in their name. As a result, leaving the abusive situation can become extremely difficult. They have no means to flee and move on to suitable accommodation. If they do flee they could have limited resources and no finances to replenish what they have left behind. They may face enforcement and may feel that little consideration will be taken for their circumstances. The London Borough of Hackney would want to see specialist support provided to victims of economic abuse that prevents them being made destitute or experiencing enforcement as a result of debt.<sup>49</sup>

37. Some other legislatures have taken a different approach to helping victims of abuse maintain their economic independence. Earlier this year, New Zealand passed legislation granting victims of domestic violence ten days paid leave to allow them time, on leaving an abusive partner, to find a new home and put measures in place to protect themselves and their children. New Zealand's new law also allows victims to ask for flexible working arrangements and makes discrimination against victims illegal. One of the aims of the legislation is to help women retain their jobs, and their economic independence, whilst dealing with the upheaval associated with leaving an abusive relationship. Similar laws also exist in the Philippines and in Canada, at a provincial level.<sup>50</sup>

### *Financial institutions*

38. UK Finance highlighted steps which the financial services industry is making towards supporting victims of economic abuse, and also identified some remaining legal issues regarding the separation of joint assets and liabilities.<sup>51</sup> The Lloyds Banking Group said that further legal clarification on issues relating to the division of assets and liabilities, and on the impact of the Government's proposed new Protection Notice would enable

46 [DVA0056](#)

47 Women's Budget Group, *Universal Credit & Financial Abuse: Exploring the links*, June 2018

48 [Q107](#)

49 [DVA0008](#)

50 BBC News, 'New Zealand grants domestic violence victims paid leave', 25 July 2018: <https://www.bbc.co.uk/news/world-asia-pacific-44951237>

51 [DVA0001](#)

financial institutions to provide more help to victims of economic abuse. It also said that, with the increased use of internet and mobile banking, there was a continued need to help victims and potential victims understand what was healthy behaviour, and how to keep their financial information safe.<sup>52</sup> On 10 October 2018 UK Finance launched a new voluntary code of practice on financial abuse for UK banks, “to bring increased awareness and better understanding of what financial abuse looks like for firms, colleagues, victims, potential victims and their families, and ensure more consistency in the support available for those who need it”.<sup>53</sup>

39. We welcome the Government’s recognition that domestic abuse can take different forms of coercive or controlling behaviour, and that it can be displayed not only through a single act of serious abuse, but also through a series of incidents. Economic abuse is associated with an increased risk of homicide because victims tend to stay with abusive partners for longer when they do not have the financial means to leave. The inclusion of economic abuse in the Government’s proposed statutory definition is a positive step, both in terms of allowing it to be included as part of a wider pattern of abuse and as criminally abusive in its own right, even in relationships where no violent abuse is involved. In light of the Lords Select Committee on Financial Exclusion’s recommendation that there should be a statutory duty of care for financial service providers,<sup>54</sup> we recommend that the Government look at options for strengthening the current voluntary code of practice on financial abuse, to include the possibility of introducing a duty of care to protect victims of financial abuse. We note that New Zealand has recently passed legislation granting paid leave for victims of domestic abuse, in order to help victims keep their jobs and maintain their economic independence whilst escaping abuse. We believe this has the potential to save lives. The Government should analyse the potential impact of domestic abuse leave and consult on options for introducing domestic abuse leave in the UK.

40. Parliament has acknowledged the importance of dividing resources within a couple household since the middle of the twentieth century. In 1945, following a campaign by the independent MP Eleanor Rathbone, the House of Commons decided on a free vote that Family Allowance should be paid to the mother rather than to the father.

41. Since then, the structure of benefit payments has been periodically revised, with different administrations bringing proposals before the House. In 1977, with the creation of Child Benefit and again in 1986, following the intervention of poverty campaigners in respect of the proposed Family Credit, it was determined that these resources should be paid to the mother.

42. By 2001, after initial plans to pay new tax credits to the main earner were changed, the Financial Secretary to the Treasury recognised the importance of providing resources to the main carer, stating during debate on the Tax Credits Bill that it “does make a difference” and adding “We need to have the transfer of money from wallet [father] to purse [mother] in order to meet the particular needs that children have”.<sup>55</sup> **That no payments under**

52 DVA0081

53 UK Finance, *Financial Abuse Code of Practice*, August 2018: <https://www.ukfinance.org.uk/policy/financial-abuse-code-of-conduct> (accessed 12 October 2018)

54 DVA0136; House of Lords Select Committee on Financial Exclusion, Report of Session 2016–17, *Tackling financial exclusion: A country that works for everyone?*, HL paper 132, 25 March 2017: <https://publications.parliament.uk/pa/ld201617/ldselect/ldfinexcl/132/13202.htm>

55 HC Deb 10 December 2001 c682

**Universal Credit are made to the main carer by default, after decades in which the importance of independent resource for the main carer has been recognised, appears to be a particularly retrograde and damaging step.**

43. Witnesses suggested that the Government’s welfare reform policies were making it even more difficult for victims to leave their abusers and establish financial independence. We heard that the default single household payment for Universal Credit can reduce the autonomy of some women, make them more vulnerable to abuse and more likely to stay with an abuser. *We recommend that the UK Government should make split payments standard for all couples in England and Wales, in line with the approach taken in Scotland.*

### Promoting awareness of domestic abuse

44. The Government’s consultation paper provided examples of “wide-ranging action” being taken to improve understanding of domestic abuse across many statutory agencies, including statutory guidance, targeted resources and training.<sup>56</sup> Witnesses suggested that there was considerable scope for improvement. Andrea Simon, Public Affairs Manager, End Violence Against Women coalition, pointed to the important role which training of health service workers could play to increase early interventions, saying that if GPs, hospital workers and others were appropriately trained, they could identify abuse, disrupt perpetrators of abuse and then signpost those women to help and support.<sup>57</sup> Rachel Griffin suggested that there was a need for training of staff throughout the police and justice systems in relation to recognising reports of stalking and responding appropriately.<sup>58</sup> Laura Richards agreed, saying that Paladin had developed training modules for the police but had only had a limited uptake. She cited evidence that, in the period 2015–17, 49 women who were being stalked and who had contacted the police had then been murdered, and said that efforts were not being made by the police to establish good practice. Nor were police leaders being held to account.<sup>59</sup>

45. Dr Nicola Sharp-Jeffs said that, in her view, the police tended to regard economic abuse as a low priority and were not sufficiently well-trained to recognise signs of coercive control and understand the links between coercive control and increased risk of homicide.<sup>60</sup> She added that there were no “quick fixes” because change was dependent on challenging often deep-seated attitudes towards entitlement to money and economic resources.<sup>61</sup>

46. The LGA agreed that the ultimate aim of the Government’s domestic abuse strategy should be to prevent domestic abuse from occurring. It was supportive of the early intervention and prevention approach set out in the Government’s consultation. It provided some local authority best practice examples, such as a scheme in Norfolk to train professionals in health and in education about how to spot the signs of domestic abuse early on, and how to respond.<sup>62</sup> Councillor Blackburn spoke strongly in favour of a greater focus on preventative measures. He called for much more investment in

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56 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p17

57 [Q93](#)

58 [Q91](#)

59 [Q93](#)

60 [Q93](#)

61 [Q98](#)

62 [DVA0132](#)

early interventions, working with perpetrators and in schools to make sure that people understand what a healthy relationship is and for men to understand what is and is not acceptable behaviour.<sup>63</sup> He told us that:

I think we need to stop domestic abuse happening in the first place and the way that you do that is through education. We now have two generations of children and young people who have been brought up on a diet of hardcore internet pornography, who do not understand what a healthy, respectful relationship looks like. I think it is beholden on us to make sure that young men and young women understand what that looks like.<sup>64</sup>

47. The Government’s consultation paper set out the work led by the Department of Education regarding school education programmes for young people on healthy relationships. It asked what else could be done to help young people learn about positive relationships. The LGA stated that education programmes “must include what children and young people are watching online, and the impact this is having on their views about appropriate behaviour in a relationship”.<sup>65</sup> Sian Hawkins, Head of Campaigns and Public Affairs, Women’s Aid, pointed to the influence of popular TV programmes with large audiences. She told us that by commenting on behaviours in TV programmes, Women’s Aid had started a national conversation about these issues. She said that “lots of women on Twitter and on social media are saying thank you to Women’s Aid for calling this behaviour out”.<sup>66</sup>

48. The Institute of Alcohol Studies pointed to the link between alcohol misuse and domestic violence, saying that “multiple studies have suggested that a substantial portion of domestic violence perpetrators have been drinking at the time of their assault”.<sup>67</sup> The Government’s consultation paper refers to ONS data which indicates that “in one third of domestic violence incidents, the victim believed the offender to be under the influence of alcohol”.<sup>68</sup> The Institute of Alcohol Studies pointed to the benefits of population-level action rather than just a focus on offenders, and called for Government action on alcohol availability, marketing, and price.<sup>69</sup> It also referred to the influence of alcohol marketing on the attitudes of young people, saying that:

Children are regularly subjected to harmful gender stereotypes, perpetuated through alcohol advertising, which promote and normalise the objectification of women, and potentially, domestic violence and sexual assault.<sup>70</sup>

49. SafeLives proposed that the Government initiate a national campaign to change public attitudes towards domestic abuse.<sup>71</sup> The End Violence Against Women coalition agreed, calling for “a public health based, whole community attempt to challenge the

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63 [Q10](#)

64 [Q2](#)

65 [DVA0011](#)

66 [Q36](#)

67 [DVA0022](#)

68 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p11

69 [DVA0022](#)

70 [DVA0022](#)

71 [DVA0083](#)

acceptability and tolerance of [abusive] behaviour, as has been done with drink-driving for example”.<sup>72</sup> Barnardos recommended that the Home Office recommit to its 2013 This is Abuse Campaign, to help raise the profile of abuse among young people:

The campaign targeted 13 to 18 year old boys and girls to understand what constitutes abusive relationships using a storyline in Hollyoaks to illustrate the issues. Supporting work for the campaign included a Home Office-produced resource for teachers, support workers and other professionals who work with young people. Updating this campaign through social media platforms could help encourage healthy relationships amongst today’s teens.<sup>73</sup>

**50. *We strongly support the introduction of further measures to prevent domestic abuse, to improve the identification and response to domestic abuse by organisations and to educate young people about healthy relationships. More training, central guidance and national oversight is required to ensure that public sector staff dealing with members of the public can identify signs of domestic abuse, respond appropriately and know how to help victims of domestic abuse access whatever specialist support they may need.***

**51. Relationship education in schools is an important part of the awareness programme. It is regrettable that the establishment of compulsory relationship and sex education has now been delayed until 2020. This should be a meaningful part of building awareness. However other initiatives will also be required to challenge representations of abusive behaviour in the media, on social media and in marketing messages. *The Government must allocate sufficient funding for these programmes to be effective and establish a mechanism for determining priorities and evaluating the impact of different initiatives.***

**52. *We recommend that the Government ensures that its awareness raising and training programmes address the objectives of its VAWG strategy as well as its domestic abuse strategy, and that it develops a coordinated approach to challenging all forms of abusive behaviour towards women and girls. The proposed Commissioner should be given powers to investigate the availability and effectiveness of prevention programmes, training for public service staff and awareness campaigns, and to make recommendations for their improvement.***

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72 [DVA0040](#)

73 [DVA0115](#)

## 2 Protecting and supporting victims

### Refuges and safe accommodation

53. Many individuals fleeing domestic abuse rely on the provision of emergency refuge accommodation. The charity Refuge described their refuges as safe houses for women and children escaping domestic violence, which also offer residents support with a range of other needs including housing, education, accessing benefits, employment, immigration or health and wellbeing.<sup>74</sup>

54. Local authorities are responsible for commissioning refuges and other safe accommodation in their area and are also subject to the duty to provide accommodation for victims of domestic abuse facing homelessness. The Government also provides some central funding for core support of refuges. It stated in its consultation paper that it had committed £100 million through to 2020 to combat violence against women and girls, including a two-year £20 million fund from MHCLG to local authorities for refuges and accommodation-based services.<sup>75</sup>

55. Despite this, witnesses said that there was a severe lack of funding for core support services. Pragna Patel told us that austerity had forced many local authorities to close services, while other services had been transferred from specialists to larger corporate providers:

Localism has led to local authorities using their discretion as to which services to keep and which to let go of. What we are finding is that the more corporatised generic service operators are taking over functions that were once performed by more skilled, more specialist organisations. Those corporatised responses are very timebound and target-driven. A woman going into a refuge run by a housing association, for example, is seen as a homelessness unit rather than a whole person needing a range of interventions and support from counselling to advocacy to other support services and so on. Instead, she is just seen as homeless. What we are finding is that most services, even domestic violence services in local areas, are now providing support for only high-risk cases of domestic violence and for only six weeks. After six weeks, they are just left back on the street.<sup>76</sup>

56. Councillor Simon Blackburn told us that it was important to see the potential of localism as a force separate from austerity which “had arrived upon us at the same time”. He said that he was “a passionate believer in the power of localism”, and that “decisions made locally and services commissioned from knowledgeable local providers are inevitably better than the sort of huge corporate organisations that seek to invade that territory”. However, cuts to local authority funding had resulted in cuts to all council services.<sup>77</sup> The LGA said that any legislative changes in the Bill must be matched with adequate resources and funding, because local government was facing “unprecedented levels of demand, with an overall funding gap of £7.8 billion by 2025”. It explained that

74 [DVA0073](#)

75 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p7

76 [Q11](#)

77 [Q10](#)

councils were increasingly being forced to prioritise spending for those at immediate risk of harm, rather than on earlier support services to address harmful behaviours, including in areas such as domestic abuse.<sup>78</sup>

57. Witnesses told us that the current provision of refuge spaces does not meet the level of demand. London Councils said that although 22% of refuge bed spaces are in London demand continues to outstrip capacity, and around 64% of referrals to London refuges are unsuccessful.<sup>79</sup> Women’s Aid runs a database called Routes to Support, which is funded by MHCLG, to provide a central source of daily information about the availability of bed spaces across the country. Sian Hawkins told us that around 60% of referrals to refuges were being turned away because of lack of bed spaces, representing “about 94 children and 90 women every day being turned away from services at their point of need, when they are desperate to flee abuse”.<sup>80</sup> Women’s Aid stated that the current funding approach is not working:

A range of Government departments devolve short-term funding pots to local authorities and Police and Crime Commissioners, to then commission in line with the non-statutory National Statement of Expectations (NSE) for VAWG services. There is no accountability mechanism for ensuring that local areas meet the NSE. Service provision therefore differs significantly across the country, resulting in a ‘postcode lottery’ of support.<sup>81</sup>

58. In October 2017 MHCLG published a proposed new housing costs model to fund emergency and short-term supported housing in England. If implemented, housing benefit payments from residents to refuge providers would have been replaced with grant funding, which would have been devolved to local authorities to administer. Women’s Aid told us that over half of refuges responding to its survey said that they would be forced to reduce bed spaces or close the refuge entirely were those plans to be implemented. Women’s Aid explained that, at present, a significant part of the funding required to run a refuge building, and cover rent and service charges, comes from housing benefit payments. This provides more secure funding for the individual housing costs of eligible women and children in refuges because, unlike the proposed support funding, it is not subject to local discretion.<sup>82</sup> After listening to service providers, stakeholders and local authorities, the Government announced on 9 August 2018 that housing benefit would remain in place to fund supported housing. It also committed to work with service providers, local authorities and others to develop an oversight regime for local authority provision of supported housing.<sup>83</sup> In September 2018, Women’s Aid published a [report](#) setting out initial proposals for an alternative funding model, the methodology and rationale behind it, and the next steps to progress this work.<sup>84</sup>

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78 [DVA0011](#)

79 [DVA0119](#)

80 [Q7](#)

81 [DVA0056](#)

82 Women’s Aid, *SOS: Save Refuges, Save Lives Campaign: Briefing on Supported Housing Reforms*, November 2017

83 HM Government, ‘All supported housing funding to be retained in welfare system’, 9 August 2018: <https://www.gov.uk/government/news/all-supported-housing-funding-to-be-retained-in-welfare-system> (accessed on 17 October 2018)

84 Women’s Aid, *Funding a national network of refuges*, September 2018: available at <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/09/Refuge-Funding-Model-Report-FINAL-WEB-1.pdf> (accessed on 29 September 2018)

59. Refugees are just one option for providing emergency accommodation. The National Housing and Domestic Abuse Policy and Practice Group described the wider range of housing provision which is needed to meet the different needs of domestic abuse victims, and the support services and resources required to help victims stay either in their own privately owned or privately rented accommodation, or to stay in supported housing or hostels which help with their other needs. It pointed to the need for support agencies to work together and to look at the long-term security of survivors of abuse as well as managing short term crises.<sup>85</sup> London Councils described the wider pressures on housing supply:

Pressures on housing supply present a significant challenge for London local authorities in responding to domestic abuse. With an enduring housing crisis, there is scarce availability of social housing stock and affordable housing; this creates deep challenges for a local authority to source safe and appropriate temporary and move-on accommodation. The Homelessness Reduction Act and new Code of Guidance is a good opportunity to improve responses to victims of domestic abuse, but there remains concern that the New Burdens<sup>86</sup> funding will not be sufficient to meet the costs of implementation.<sup>87</sup>

60. Women's Aid calls for the legislation to be "underpinned by sufficient resourcing and a sustainable future for domestic abuse services" and says that services "are currently operating in a climate of uncertain funding, insufficient resources to meet demand, damaging commissioning practices, and cuts in public sector spending". Refuge agreed, saying that:

Refuge strongly welcomes new legislation but is concerned about the potential impact of increasing demand for services when there is a deficit of services available and those that do exist are overstretched and financially fragile. Refuge believes that it is crucial that the forthcoming legislation is met with sustainable investment in the specialist services upon which survivors rely.<sup>88</sup>

61. The Equality and Human Rights Commission pointed out that Article 23 of the Istanbul Convention requires states to provide sufficient, safe and easily accessible shelters for victims, especially women and their children. It recommended that the number of refuge places in England and Wales should meet the minimum levels recommended by the Council of Europe.<sup>89</sup>

**62. We heard evidence that there is insufficient bed-space in safe accommodation for victims of domestic abuse and that the funding streams for existing services are short-term and unpredictable. It is unacceptable that women fleeing violence and other forms of abuse are often unable to access any form of emergency accommodation.**

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85 [DVA0108](#)

86 The Government has stated that it will provide £72.7 million to local authorities to meet the new burdens costs associated with the additional duties contained within the Homelessness Reduction Act over the course of the Spending Review; HM Government, 'Homelessness Reduction Act: new burdens funding', 16 October 2017

87 [DVA0119](#)

88 [DVA0073](#)

89 [DVA0079](#)

63. *Funding is required now to fill the large gap in capacity so starkly put to us by Women's Aid. It is shocking that, at present, this deficit represents about 94 children and 90 women at the point of crisis being turned away from refuge every day. This urgent problem should be addressed by placing a statutory obligation upon local authorities in England and Wales to provide emergency refuge places and associated specialist services. This can be done immediately through the draft bill.*

64. *It is right that domestic abuse provision is subject to local decision-making. However, given the interdependency of network provision, we recommend that the Government analyses the operation of refuges as a national network. This would ensure that there is an evidence-based understanding of the total demand for refuge places. A sustainable model for the long-term funding of refuge services is also urgently required. The Government's central funding support for local authority-led domestic abuse projects and services is welcome, but it is not clear whether it is being focused in the right areas, what is being achieved and how much more funding would be required to provide an adequate level of support for all victims of abuse. A new statutory obligation upon local authorities to provide sufficient safe and easily accessible emergency shelter for victims must be supported by adequate ring-fenced funding from central Government to local authorities, ensuring the capacity gap is closed and providing long-term certainty about the sustainability of refuge places. In order to determine the level and allocation of funding required for these services, we recommend that the Government facilitates a comprehensive review of funding across all aspects of support for survivors of domestic abuse and sexual violence, to be carried out by the proposed new Commissioner. This review should take place within the first year following establishment of the Commissioner's office, and the report should be laid by the Commissioner before Parliament. The Government should commit to the introduction of a new national funding mechanism, informed by the outcomes of the comprehensive review, to provide sufficient and sustainable funding for all necessary support services. This new mechanism should be operational within two years following publication of the Commissioner's review. The Government has said that it will work with providers, local authorities, membership bodies and residents' representatives to develop a robust oversight regime, and the review could feed into this new mechanism.*

## Specialist support services

65. Some victims of domestic abuse experience additional barriers when seeking support, and benefit from specialist targeted services such as those for disabled people, older people, male and LGBT victims. Others need services to help address additional needs such as debt, uncertain immigration status, mental health needs and drug and alcohol dependency. The Association of Directors of Public Health explained that:

People with complex needs are often dealing with childhood or early adulthood trauma and therefore simply offering services is not enough. They require persistent, gendered, trauma informed support including for mental health and substance misuse. Although this approach may be expensive initially, it will reduce demand on public services in the longer term.<sup>90</sup>

66. Witnesses told us that there was an inadequate provision of specialist services and that generic providers did not always have the capacity or the expertise to provide the required support. Women’s Aid explained that:

Funding insecurity and lack of national oversight are compounded by damaging local commissioning practices. Specialist services such as women’s refuges face major challenges within a competitive commissioning landscape where: expertise in domestic abuse and VAWG is lacking; open tendering procedures favour larger, generic organisations; and short-term commissioning of gender-neutral services negatively impacts their provision.<sup>91</sup>

67. Independent Domestic Violence Advisers (IDVAs) are specialist workers who support victims of domestic abuse who are assessed as being at high risk of harm. They receive specialist accredited training and hold a nationally recognised qualification. They normally work with their clients from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans. The IDVA role is embedded in the Government’s VAWG strategy which included a commitment to provide Government funding for “core services” including IDVAs.<sup>92</sup> We heard evidence that more IDVAs are needed to ensure that all high risk victims receive the support they need. For example, the SafeLives’ 2017 survey of domestic abuse practitioners identified significant gaps in all services including IDVAs.<sup>93</sup> SafeLives told us that “We only have 75% of the IDVAs needed and there are still nine police forces which have less than 50% of the recommended IDVA coverage, three of whom have only 33% or less”.<sup>94</sup>

68. The Institute for Alcohol Studies said that many refuges refuse women with alcohol use problems. It referred to research which indicated that 61% of London boroughs only sometimes accept women who use alcohol or drugs into their refuges, while two boroughs actively exclude them.<sup>95</sup> The End Violence Against Women coalition said that “women with complex needs, including homelessness, mental health problems, addictions and women who have been in prison, face severe difficulties getting help.”<sup>96</sup> Pragna Patel told us that women’s services and services for the vulnerable, disabled, mentally ill, and those who are dependent on drugs and alcohol “are just decimated”, and that there had been a trend of more corporate, generic service operators taking over functions that were once performed by more skilled, more specialist organisations.<sup>97</sup> DCC Rolfe, National Police Chiefs’ Council lead for domestic abuse, said that there were insufficient resources and services available to meet the increasing number of people with complex needs including drug and alcohol abuse and mental health needs, and that the multiagency process for managing high risk cases of domestic abuse could “feel futile” if the necessary support services were not available.<sup>98</sup>

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91 [DVA0056](#)

92 HM Government, *Ending Violence against Women and Girls: Strategy 2016–2020*, March 2016, p54: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF) p54

93 SafeLives, *SafeLives’ 2017 survey of domestic abuse practitioners in England and Wales*, January 2018: [http://safelives.org.uk/sites/default/files/resources/SafeLives%202017%20survey%20of%20domestic%20abuse%20practitioners-web\\_0.pdf](http://safelives.org.uk/sites/default/files/resources/SafeLives%202017%20survey%20of%20domestic%20abuse%20practitioners-web_0.pdf)

94 [DVA0083](#)

95 [DVA0022](#)

96 [DVA0040](#)

97 [Q11](#)

98 [Q61](#)

69. Trent Chambers described how cultural factors can mean that Asian and other BAME victims of domestic abuse in the UK have different and specific needs to other victims of abuse. Helping these victims may require an understanding of cultural issues relating to honour-based violence and dowry-related violence. It pointed out that abuse in BAME communities can include collusion of extended family members and that seeking help, and talking confidentially, can be particularly difficult for BAME victims because of their close-knit cultural communities.<sup>99</sup>

70. Southall Black Sisters operates a specialist advocacy centre for BAME women fleeing gender-based violence. Pragna Patel stressed the need for culturally specific services for BAME women, for example for young women who were escaping forced marriage or other culturally specific forms of harm.<sup>100</sup> Jane Gordon endorsed this view, saying that BAME specialist services provided a critical access point, particularly for women with language barriers or other freedom of movement restrictions, but said that these specialist services had been reduced by around 45% in the last five years.<sup>101</sup> She added that another factor for BAME victims of abuse was the number of cases where children were asked to act as interpreters for their mothers who were reporting violence.<sup>102</sup>

71. Southall Black Sisters also highlighted specific issues for women who have an insecure immigration status, saying that “immigration status is a potent weapon of coercive control in the hands of perpetrators, who exploit women’s fears of deportation, destitution and imprisonment, to continue their abuse and prevent women from exiting abuse”.<sup>103</sup> In particular, it identified the No Recourse to Public Funds (NRPF) status, which means that many migrant women of insecure immigration status are not entitled to state financial assistance; and transnational marriage abandonment, where foreign national wives are deliberately abandoned by their British national husbands in their countries of origin. Southall Black Sisters also stated that there are “considerable flaws in the government’s proposed approach to extra-territorial jurisdiction”, saying that there remains “a gap in protection and legal redress for women harmed abroad”.<sup>104</sup>

**72. Witnesses told us that the provision of specialist domestic abuse services is inadequate and that generic providers do not have the capacity or the expertise to provide the required specialist support to protected, vulnerable or minority groups, or to people with additional needs such as debts or drug or alcohol dependency. The 2017 review of domestic abuse practitioners, carried out by SafeLives, found that only 75% of the required number of specially trained independent domestic violence advisors (IDVAs) are in post, despite this role being a key part of the Government’s VAWG strategy. We recommend that the new Commissioner assess the extent of coverage by IDVAs (Independent Domestic Violence Advisors) across the country and makes recommendations to the Government about how to increase provision.**

**73. We are particularly concerned about the reported decrease in specialist services for BAME victims of abuse. Some BAME women are more vulnerable to culturally specific types of abuse and can find it particularly difficult to seek help because of close-knit family and communities, and because of language difficulties. Witnesses**

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99 [DVA0109](#)

100 [Q15](#)

101 [Q54](#)

102 [Q73](#)

103 [DVA0005](#)

104 [DVA0005](#)

**provided evidence about a range of specific problems for some BAME women, including financial difficulties for those with No Recourse to Public Funds, transnational marriage abandonment, honour-based violence and extra-territorial jurisdiction for victims who are removed from the UK in order to be harmed. *We believe that specialist ‘by and for’ BAME domestic abuse services are necessary to win the confidence of BAME victims of abuse, to understand the issues they face and to have the skills and experience to provide the necessary support.***

**74. *We recommend that the Government’s review of refuge and other domestic abuse support services should document and report what specialist provision is currently available, and where there are gaps. This should specifically identify the services available to, and required by, BAME victims of abuse.***

## Impact on children

75. Domestic abuse within a family can have a devastating effect on children and young people. Hestia Housing and Support estimated that 25% of young people in England and Wales have witnessed at least one episode of domestic violence and abuse by the age of 18, and said that 950,000 children across the UK are affected by domestic abuse each year, either directly as victims of violence, or indirectly in terms of witnessing violence.<sup>105</sup>

76. Action for Children explained that children’s lives are often destabilised by domestic abuse: children may not be able to develop an understanding of healthy relationships and may later become abusive themselves; and infants who are exposed to violence in the home can undergo so much added stress that it can negatively affect brain development and impact on cognitive and sensory growth.<sup>106</sup> Professor Jane Callaghan told us that children experience direct harm as a consequence of exposure to domestic abuse and that they are at greater risk of a broad range of other harms. These include mental health difficulties, educational difficulties, socioeconomic problems as a consequence of educational dropout, as well as exposure to a higher risk of child sexual exploitation and involvement in criminal gangs.<sup>107</sup>

77. Witnesses suggested that children affected by domestic abuse are not properly recognised in the Government’s proposals. Barnardo’s said that the prospective bill “fails to recognise the full picture of risks and vulnerabilities that children affected by domestic abuse experience”.<sup>108</sup> The Children and Family Court Advisory and Support Service (Cafcass) recommended that children, and the impact on them of domestic abuse, be given a stronger representation in the bill. Action for Children stated that the Government’s recent consultation did not put forward any meaningful measures to address the needs of children. It called for more support services for children to help them recover from their experiences, and more central Government funding for these services.

78. Refuge called for the Government to set out a clear strategy for protecting children and enabling them to recover from the harms caused by domestic abuse. It said that this must include sustainable funding for specialist services for children of all ages. It explained that:

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105 [DVA0125](#)

106 [DVA0105](#)

107 [Q65](#)

108 [DVA0115](#)

Many local authorities do not fund any services for children in domestic violence services, despite children making up around half of the residents in refuges at any one time. Organisations, like Refuge, are instead required to rely on donations and voluntary sources of funding to provide services and support to children.<sup>109</sup>

79. The flight to emergency accommodation may be particularly difficult for families. The End Violence Against Women coalition found that the percentage of women who were forced to ‘sofa surf’ while seeking access to a refuge increased from 39.9% in 2016–17 to 45.8% in 2017–18, and that more than half those women had children. Less than one in five vacancies posted to Routes to Support in 2016–17 could accommodate a woman with three children.<sup>110</sup> Leaving the abuser can also often mean that children have to leave their school and friends, for example, if the refuge place is out of area or if there is a fear that the perpetrator will seek to make contact with the family during drop-off or pick-up at the school. Children may have to change school more than once, as they are moved from one place of refuge or temporary accommodation to another.

80. Children may find it difficult to integrate into a new community, especially if they have to move several times or become in need of a new school place outside the normal school admissions cycle. A Women’s Aid survey of refuge services in 2013–14 found that 42% of responding services reported difficulties in placing children living in refuges in schools and 44% had encountered problems in accessing mental health services for children and young people.<sup>111</sup> We have heard anecdotally that, in some instances, the additional complexity such challenges represent to families escaping abuse has caused the victim to return to their abuser, putting themselves at risk through trying to secure a wider support network for a child.

81. Hestia Housing and Support explained that these young people may need support in dealing with trauma and issues arising from moving home, suddenly changing schools and coping with the loss of relationships with other family members. It called for children who have experienced domestic abuse to be given protected status on NHS waiting lists, saying that:

Children who have experienced domestic abuse need to be given a special waiting list status (protected status) for all NHS services including child and adult mental health services (CAMHS). The current system for accessing NHS services including CAMHS services differs from one primary care trust (PCT) to the next. Children who experience domestic abuse move on average three times in the first year that their parent accesses specialist domestic abuse support such as a refuge. Each time a child moves they could be faced with having to be re-assessed or re-referred to NHS services such as CAMHS. This delays and at times prevents access to vital services.<sup>112</sup>

109 [DVA0073](#)

110 Women’s Aid, *Nowhere to turn, 2018: Findings from the second year of the No Woman Turned Away project*, 26 June 2018: <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/06/NWTA-2018-FINAL.pdf> (accessed on 18 October 2018)

111 Women’s Aid, *Annual Survey: A year in the life of children and young people’s services, 1 April 2013–31 March 2014*: <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/10/Annual-Survey-2014-CYP.pdf>

112 [DVA0125](#)

82. Professor Callaghan told us that “the problem is too little legislation and too little direct recognition of their status as victims”. Professor Callaghan recommended that the Bill explicitly recognise that, where other members of the family are present, they are also considered as direct victims of abuse.<sup>113</sup> She proposed broader guidance for public bodies and for staff, including police officers, to be trained to respond to children and young people effectively and appropriately,<sup>114</sup> and statutory obligations on local authorities in relation to the protection of children experiencing domestic abuse.<sup>115</sup> Professor Callaghan also described a model, Safe and Together, being used by local authorities in Scotland and led by Edinburgh Council. This model aims to offer an alternative approach to the current practice of expecting domestic abuse victims to protect their children rather than requiring the perpetrator to cease being abusive. The Scottish model adopts a multiagency response, with the aim of keeping children with their caregivers and making sure that the perpetrator remains visible in the system, which enables a better focus on children’s safety.<sup>116</sup>

83. Operation Encompass is a reporting scheme where police notify schools before the start of a school day about a domestic abuse incident that a child or young person has been involved in, or exposed to, the previous evening, so that the school can provide appropriate support. The aim is to ensure that schools support children and parents at the earliest possible point. Women’s Aid suggested that the forthcoming bill was an opportunity to provide a statutory underpinning to Operation Encompass, and to deliver a consistent national implementation.<sup>117</sup> DCC Rolfe told us that every police force was keen to participate, and that 33 forces were doing so when HMICFRS carried out its most recent inspection. However, not all schools were signed up to the scheme, and some areas required education authorities to act as an intermediary which was less effective.<sup>118</sup>

**84. Children who have experienced domestic abuse risk suffering a range of long term negative consequences as a result of their experiences and must be able to access the necessary support and health services to help them recover. Children in refuge and other temporary accommodation, and those who have moved home repeatedly to flee domestic abuse, are particularly vulnerable and risk becoming invisible to professionals in the education, health and social care sectors.**

**85. *We recommend that the devastating effect of domestic abuse on children is explicitly recognised in the legislation and that the Government develops a clear strategy to ensure that children experiencing domestic abuse are protected and given the support necessary to help them recover. Under this strategy, children must be given special waiting list status (protected status) for all NHS services including child and adult mental health services (CAMHS), and statutory service providers should be required to have regard to the wellbeing of the child, including the benefits deriving from stability in their education, when making decisions about the welfare of the family in refuge. In cases where the wellbeing of the child requires a change of school, and a change is requested by the family in refuge, local authorities should be given the same statutory obligation as they have for looked-after children on an emergency placement, to provide***

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113 [Q66](#)

114 [Q67](#)

115 [Q73](#)

116 [Q67](#)

117 [DVA0056](#)

118 [Q75](#)

*a new school place, within twenty school days.<sup>119</sup> The Government must consider what further reform of education law and guidance is necessary to remove any obligation upon schools to share information with a non-resident parent when a child is in refuge. It is essential that this strategy is supported with adequate funding for all the relevant specialist services.*

## Probation Services

86. Victims of domestic abuse, and their families, may rely on probation services to protect them from individuals who have been convicted of offences relating to that domestic abuse. A recent thematic inspection report from HM Inspectorate of Probation noted that probation services “can and should play an important role in reducing domestic abuse and protecting victims and children” but expressed “grave concern” about some of the probation work which is intended to protect victims of domestic abuse, and especially children.<sup>120</sup>

87. Community Rehabilitation Companies (CRCs) are independent organisations, owned by private companies on contract and held accountable by the Ministry of Justice (MoJ). CRCs manage cases assessed at sentence as posing a low or medium risk of harm to others. According to the Inspectorate’s report, most of the perpetrators of domestic abuse who have been convicted of offences such as public order or criminal damage, and many who are serving sentences for assault, will have been assessed as posing a low or medium risk of harm. These cases will be managed by CRCs and constitute a substantial part of their business. The Inspectorate’s report identified a number of concerns about CRC services in these cases and suggested that in many cases they failed to provide proper protection for victims and their children:

It was hard to see the victim’s voice in plans to manage risk of harm. In the majority of cases, it was important to make plans to keep victims safe; planning took enough account of victims in just over half of these. There was a need to protect children in three-quarters of the cases we looked at; this had been given enough consideration in 37 per cent of these.<sup>121</sup>

88. **In June 2018 the Justice Committee expressed doubt that the delivery model of Community Rehabilitation Companies (CRCs) could “ever deliver an effective or viable probation service” and called upon the Government to initiate a review of the long-term future and sustainability of delivering probation services under this model.<sup>122</sup> While the Government subsequently initiated a review, this is more restricted in scope than the Justice Committee recommended.<sup>123</sup> The thematic inspection on the work**

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119 Department for Education, *Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities*, February 2018: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/683556/Promoting\\_the\\_education\\_of\\_looked-after\\_children\\_and\\_previously\\_looked-after\\_children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683556/Promoting_the_education_of_looked-after_children_and_previously_looked-after_children.pdf)

120 HM Inspectorate of Probation, *Domestic abuse: the work undertaken by Community Rehabilitation Companies (CRCs)*, September 2018, p9: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2018/09/Report-Domestic-Abuse-the-work-undertaken-by-CRCs.pdf> p9

121 P30

122 Justice Committee, Ninth Report of Session 2017–19, *Transforming Rehabilitation*, HC 482, 22 June 2018, para 200, <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/482/482.pdf>

123 Ministry of Justice, *Strengthening probation, building confidence*, July 2018: [https://consult.justice.gov.uk/hm-prisons-and-probation/strengthening-probation-building-confidence/supporting\\_documents/strengtheningprobationbuildingconfidence.pdf](https://consult.justice.gov.uk/hm-prisons-and-probation/strengthening-probation-building-confidence/supporting_documents/strengtheningprobationbuildingconfidence.pdf)

of CRCs in relation to domestic abuse, from HM Inspectorate of Probation, provides further cause for urgent action by the Government to address the failings of the CRC model.

89. *We support HM Inspectorate of Probation's recommendation that the Ministry of Justice must, as part of the probation systems review, consider how to compel Community Rehabilitation Companies to focus on the quality of work with perpetrators and victims of domestic abuse, and to ensure that their approach prioritises the need to protect victims and children.*

## 3 Pursuing and deterring perpetrators

### Police response

90. A 2013 HMIC inspection report on the police response to domestic abuse highlighted failings in police culture, attitude and skills. In response, the Home Office established a national group to oversee a domestic abuse improvement plan and new guidance, training and data collection. DCC Rolfe told us that police forces generally now had a good level of understanding of domestic abuse and had got better at responding, arresting, and taking positive action to deal with perpetrators and ensuring victims were safe. She said that the Authorised Professional Practice (APP) guidance issued by the National Police Chiefs' Council (NPCC)<sup>124</sup> addressed the police service's core responsibilities to protect victims, to prosecute offenders, and also to take action to prevent offending.<sup>125</sup>

Note: see [correction](#) regarding this paragraph

91. The College of Policing told us that its day long vulnerability training course is compulsory for new recruits and as part of investigation training for CID officers, and was delivered to 9,500 officers and staff in 2017/18; on 9 October 2018 the course was released to all police forces for use locally and to support continuing professional development. The course uses case studies which guide responses to vulnerability issues including domestic abuse and stalking. The College has also worked with SafeLives to produce a further day long training course specifically on domestic abuse, which focuses on sharing knowledge about coercive and controlling behaviour. To date this has been delivered by SafeLives in a small number of forces, and will be rolled out to “many more ... over the next few months”.<sup>126</sup>

92. The CPS Violence against Women and Girls Report 2017–18 indicates that numbers of prosecutions and convictions remained broadly steady between 2016–17 and 2017–18, with some progress in rates of charge or prosecution in respect of newer stalking offences and offences of controlling or coercive behaviour:

- In 2017–18, the volume of DA (domestic abuse) -flagged referrals from the police remained steady at 110,562 compared with 110,833 in 2016–17—with only a slight fall of 271 referrals (0.2%). Suspects charged fell by 2.1%;
- The volume of DA-flagged prosecutions completed fell from 93,590 in 2016–17 to 89,091—a fall of 4,499 defendants (4.8%);
- The volume of convictions fell from 70,853 in 2016–17 to 68,098—a fall of 2,755 convictions (3.9%). The conviction rate increased from 75.7% to 76.4%, the highest rate ever recorded. Convictions after trial rose by 1.8 percentage points (ppt) to 54.8%;
- In 2017–18, 960 offences of controlling or coercive behaviour were charged and reached a first hearing; this was an increase from 309 in 2016–17;

124 College of Policing, 'Authorised professional practice on domestic abuse' <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse>

125 Q63

126 [DVA0141](#)

- Prosecutions were commenced for 11,922 stalking and harassment offences in 2017–18, staying steady with an increase of 33 offences (0.3%) from 2016–17 when 11,889 prosecutions were commenced. 73.3% of these were DA-related, a rise from 71.0% in 2016–17;
- There were 1,616 prosecutions commenced under the newer stalking offences (a rise of 68.5% from 959 in 2016–17) and the highest volume ever recorded. Of these, 73.1% were DA-related, a rise from 64.8% in 2016–17;
- 17,012 prosecutions commenced for breaches of restraining order offences, an increase of 2.4% from 16,614 in 2016–17. 87.2% of these were DA-related, a rise from 86.2% in the previous year; and
- 6,266 breaches of non-molestation orders started prosecution, compared with 6,505 in the previous year, a fall of 3.7%. 95.0% of these were DA-related, a rise from 94.8% in 2016–17.<sup>127</sup>

93. The 2017 HMICFRS inspection report on the police response to domestic abuse concluded that, while many police forces recognise they still have further to go to provide the best possible service to victims of domestic abuse, the Inspectorate was “pleased with the progress being made”.<sup>128</sup> The report noted the demands placed on police forces:

In England and Wales, there is an unrelenting and increasing demand for the police to respond to incidents of domestic abuse. The total number of reported domestic abuse crimes has increased from 353,063 in the 12 months to March 2015, to 434,095 in the 12 months to June 2016. This represents a 23 percent increase in a year. For the 12 months to 30 June 2016, domestic abuse-related crime made up just over 11 percent of all recorded crime and represented 33 percent of all recorded crimes that involved assault with injury. This is at a time when the police service is under a range of pressures across several crime types.

94. The Inspectorate identified the following six areas as requiring improvement in the police response to domestic abuse: risk assessment; following guidance on taking positive action when dealing with domestic abuse incidents; working with domestic abuse services to build the best possible cases for victims; working closely with the CPS to understand when cases should be referred to the CPS; providing a thorough police response from the first point of contact with victims of domestic abuse; and consistent performance measures.

95. More recently, 2018 crime data integrity inspection reports have found that some police forces under-record reports of domestic violence. The Cleveland Police inspection report noted that the “process for identifying domestic violence incidents as crimes and assessing the correct closure of such incidents within the force control room does not support accurate crime recording”. It said that “the absence of a crime record resulted in

127 Crown Prosecution Service, *Violence against Women and Girls Report 2017–18*, September 2018: <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2018.pdf>

128 Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services, *A progress report on the police response to domestic abuse*, November 2017: <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

fewer than a quarter of these reports of crime being investigated, and that only around a quarter of victims received adequate safeguarding, thereby increasing the potential risk of harm to the victim”.<sup>129</sup>

96. Witnesses agreed that further improvements in the police response were required. Refuge stated that “Dismissive attitudes to domestic abuse continue to exist amongst some police officers and a lack of understanding of coercive control remains a major issue”.<sup>130</sup> Victim Support said that there was a need for the police to treat survivors with more empathy; to take reports more seriously and believe survivors; to ensure that there are better referrals to specialist support services; to deal more robustly with the perpetrator; to improve risk assessment and safety planning; and to improve evidence gathering.<sup>131</sup>

97. Sian Hawkins explained that domestic abuse was “a huge part” of the daily work of the police, and said that there was a need for all police staff to have training on identifying and responding to domestic abuse, particularly on coercion and control, and understanding the non-physical types of abuse that women and children might be experiencing.<sup>132</sup> Pragna Patel agreed that there was too much variation in police response to domestic violence, and said that there were still instances of poor practice ranging from “not recognising domestic violence or trivialising or minimising it to the other end of the spectrum where women who were reporting domestic violence were actually being arrested, detained and criminalised”. She suggested that there was a need for more robust accountability measures and a more robust complaints system.<sup>133</sup>

98. DCC Rolfe said that in her view there was now a robust accountability framework for the police service. She accepted that the police could continue to improve its response to domestic abuse, but said that greater scrutiny of the response of other agencies, “whether that is teachers, GPs, midwives or social workers” would help to provide a consistent response.<sup>134</sup> She pointed out that the police response was “hugely dependent” on the response of others, both from other statutory agencies and also the support sector, and told us that her priority would be for “a consistent, comprehensive, intelligent response from all statutory agencies that is underpinned and supported by a sustainable support sector in domestic abuse”.<sup>135</sup>

### *Insecure immigration status*

99. Witnesses expressed particular concern about the police response to victims of domestic abuse with insecure immigration status. Women’s Aid stated that a Freedom of Information request had indicated that over half (27) of police forces in England and Wales confirmed that they shared victims’ details with the Home Office for immigration control purposes.<sup>136</sup> In our Windrush report, we recommended that the obligation on police to share data of victims of crime with immigration enforcement should be removed

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129 Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services, ‘Cleveland Police: Crime Data Integrity inspection 2018’, 7 August 2018: <https://www.justiceinspectors.gov.uk/hmicfrs/publications/cleveland-police-crime-data-integrity-inspection-2018>

130 [DVA0073](#)

131 [DVA0058](#)

132 [Q4](#)

133 [Q3](#)

134 [Q73](#)

135 [Q49](#)

136 [DVA0056](#)

immediately.<sup>137</sup> In its response, the Government said that there was no legal obligation on the police to share data on victims of crime with immigration enforcement, but that it was “clearly appropriate in some cases to do so”. It explained that:

Our immediate priority is to ensure that all vulnerable migrants, including those in the UK illegally, receive the support and assistance they need regardless of their immigration status. We are clear that victims of crime must be treated first and foremost as victims. ...

The sharing of information between the police and immigration system helps us to protect vulnerable people in a range of circumstances including ensuring that we provide accommodation for asylum seekers and keeping unaccompanied migrant children safe.<sup>138</sup>

100. The End Violence Against Women coalition said that “the hostile environment immigration policy has been weaponised by abusers and can result in women being treated as immigration offenders when they seek safety or report crimes”. It recommended that:

The statutory definition of domestic violence should recognise that threats concerning women’s immigration status, and control of documents and application processes, can be part of domestic violence and abuse; and that fear of their and their children’s deportation is a key barrier which stops migrant women being able to report and seek protection and justice. Protection of women facing abuse should be put clearly before any immigration enforcement, and there should be a “firewall” between all critical public services and immigration control policies.<sup>139</sup>

**101. Evidence indicates that the police response to victims of domestic abuse is improving, but that there are instances where victims’ claims of abuse are not taken seriously, where they do not receive an appropriate police response and where police forces do not follow national guidance on recording or responding to reports of domestic abuse incidents. These failings can have catastrophic consequences for victims of abuse.**

**102. We were particularly concerned to hear evidence that many police forces share details of victims with the Home Office for the purposes of immigration control. Immigration status itself is used by perpetrators of domestic abuse as a means to coerce and control. Victims of abuse with uncertain immigration status are particularly vulnerable because they can have difficulties in accessing financial support and refuge and other support services, so they have few options for escaping from abuse.**

**103. *Insecure immigration status must not bar victims of abuse from protection and access to justice. The Government states that its immediate priority is to ensure that all vulnerable migrants, including those in the UK illegally, receive the support and assistance they need regardless of their immigration status. It must ensure that the police service conforms with this objective.***

137 Home Affairs Committee, Sixth Report of Session 2017–19, *The Windrush generation*, HC 990, 3 July 2018: <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/990/990.pdf>

138 Home Affairs Committee, Seventh Special Report of Session 2017–19, *The Windrush generation: Government Response to the Committee’s Sixth Report of Session 2017–19*, HC 1545, 4 September 2018 <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1545/1545.pdf>

139 [DVA0040](#)

## Access to justice

104. The Government’s consultation sought views on measures which would improve victims’ experience of the justice system. The Government aims to ensure that victims come forward and support prosecutions through to their conclusion, and that individuals in the family court system receive the support and protection they require.<sup>140</sup>

105. The CPS told us that domestic abuse victims encounter many difficulties when they decide to engage with the justice system, and that these include: the complexities of the criminal justice system; lack of and inconsistent communication from criminal justice agencies; delays in cases passing through the criminal justice system; and fear of facing the perpetrator within the court.<sup>141</sup> A recent report commissioned by the police and crime commissioner for Northumbria, Dame Vera Baird QC, suggested that defendants in specialist domestic violence courts in the north-east of England were “gaming the system” by intimidating partners into not appearing in the expectation that magistrates would then drop charges. It suggested that defendants, almost all men, continued to exert coercive control over their victims through the mechanism of the courts system.<sup>142</sup>

## Restorative Justice

106. The question of whether restorative justice is ever appropriate in cases of domestic abuse was considered by the Justice Select Committee in its 2016 [report](#) on Restorative Justice. The Committee concluded in principle that restorative justice should be available for all types of offence but recognised that there were clear risks for certain types of offence, including domestic abuse, and that there was a need for training and guidelines to help promote the use of safe restorative justice in such cases. In response to the Committee’s recommendations, the MoJ confirmed cross-government consensus that ‘Level One’ restorative justice is not appropriate for cases of domestic abuse involving intimate partner abuse. The MoJ is leading discussions to create a more detailed cross-government action plan which will outline the criteria for any potential use, including safety issues and risk assessments.<sup>143</sup> Witnesses told us that Restorative Justice was not an appropriate response for stalking and domestic abuse cases. Laura Richards described it as “dangerous” and Rachel Griffin explained that it risked providing perpetrators with an opportunity to continue their manipulation, power and control over victims.<sup>144</sup>

## Inconsistent treatment of victims of abuse across the court system

107. The charity Respect, which works with perpetrators of domestic abuse, described a lack of consistency across the justice system in its treatment of victims of domestic abuse, saying that:

140 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p47

141 [DVA0080](#)

142 Office of the Police and Crime Commissioner for Northumbria, *Specialist Domestic Violence Courts – How special are they?*, July 2018: [https://vhsfletchers.co.uk/wp-content/uploads/2018/08/OPCC\\_037\\_Specialist-domestic-violence-courts-Court-Observers-Panel-A4-booklet-2018-V2.pdf](https://vhsfletchers.co.uk/wp-content/uploads/2018/08/OPCC_037_Specialist-domestic-violence-courts-Court-Observers-Panel-A4-booklet-2018-V2.pdf)

143 Crown Prosecution Service, *Violence against Women and Girls Report 2017–18*, September 2018; This report explained that “Level One restorative justice is for minor crimes – it is often referred to as ‘street’ RJ and includes community resolutions where an informal agreement is made between the parties”. <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2018.pdf>.

144 [Q99](#)

There are currently multiple possible remedies across criminal, civil and family courts, but little coherence between them. We are aware of cases where one court has undermined another (for example the family court has issued contact without reference to bail conditions or a protective order). We are also aware of the lack of enforcement of breaches which undermines the whole process.<sup>145</sup>

Women's Aid agreed, stating that "survivors are slipping between the cracks between the two court systems—where a perpetrator of domestic abuse is seen as a violent criminal in the criminal courts, but a 'good enough' parent in the family courts".<sup>146</sup>

108. Much of the evidence we received on justice issues described concerns about child contact proceedings in the family courts. Many people told us about their personal experiences, sometimes in confidence, in the hope that this would help prevent others experiencing similar difficulties and trauma in the future. We appreciate how difficult it must be to share such distressing experiences, which no one should have to go through. While we have not published all the details of these powerful testimonies, they have affected our understanding and impacted upon our consideration of the issues.

### *Cross examination of witnesses by perpetrators of abuse*

109. One of the key issues raised by witnesses was the cross-examination of victims of abuse by perpetrators and alleged perpetrators. Siân Hawkins explained that the lack of legal representation for women who were not eligible for legal aid meant that cross-examination of victims of abuse by the perpetrator was happening routinely in family courts. She explained that means testing for legal aid often included assets and savings that the victim of domestic abuse no longer had any access to but which was still included within the calculations.<sup>147</sup> A Queen Mary School of Law research study commissioned by Women's Aid found that one of the long-lasting effects of going through family courts for a survivor of domestic abuse was that their family finances and resources had been significantly depleted.<sup>148</sup> A significant amount of the work of Southall Black Sisters was trying to access pro bono support for women who could not access legal aid.<sup>149</sup>

110. The Equality and Human Rights Commission stated that in the first three quarters of 2017, 3,234 (27%) of applicants in domestic abuse cases were unrepresented, compared with 1,309 (16%) for the same period in 2012.<sup>150</sup> Refuge recommended that cross-examination by perpetrators and alleged perpetrators in the family courts be prohibited urgently and said that if earlier legislative time could not be found, then the Domestic Abuse Bill should prohibit this practice.<sup>151</sup>

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145 [DVA0095](#)

146 [DVA0056](#)

147 [Q40](#)

148 Women's Aid and Queen Mary University of London, "*What about my right not to be abused?: Domestic abuse, human rights and the family courts*", 30 May 2018

149 [Q38](#)

150 [DVA0079](#)

151 [DVA0073](#)

### *Lack of special protection measures in family courts*

111. Another issue raised was the lack of special protection measures in family courts. Criminal courts can offer protection measures such as separate entrances and exits, separate waiting rooms, screens and video links, but victims of domestic abuse may have to endure direct contact with their abuser when they attend child contact proceedings in the family court. The Equality and Human Rights Commission pointed out that family courts often lack the special measures that are available in the criminal courts and that women may be followed or harassed when leaving court.<sup>152</sup>

112. There is also evidence that family court child contact orders take insufficient account of the history of domestic abuse and place victims of abuse and their children at risk. Siân Hawkins called for a change in how contact is ordered in the family court cases so that there is no automatic assumption of unsupervised contact with a known perpetrator of domestic abuse where there are bail proceedings or court proceedings still ongoing for domestic abuse-related offences.<sup>153</sup>

113. The Queen Mary School of Law research into family courts concluded that:

Our findings highlighted clear safeguarding gaps around child contact, both for children and non-abusive parents. In some of the cases in our sample, allegations of child abuse appeared to have been outweighed by a pro-contact approach. In addition, survivors of domestic abuse had been expected to place themselves in very dangerous situations in order to facilitate contact between their child and their former partner.<sup>154</sup>

The report called for the Ministry of Justice and the President of the Family Division to 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. It also recommended that the Judicial College, the Magistrates Association and HMCTS should continue with and expand their current educational provisions to ensure that all family court professionals have specialist training on interpreting the guidance on child contact arrangements in cases where domestic abuse is involved.

114. The Magistrates Association (MA) acknowledged that victims of domestic abuse can find the family justice system particularly challenging, but suggested that there have been some recent improvements:

Previous research has identified problems including a lack of understanding about domestic abuse amongst justice professionals (including the fact domestic abuse should be considered as child abuse), lack of support (both before court and during proceedings) and court orders which exacerbate the fear and distress of the women (such as requiring contact with an abusive partner). However the MA would note that there have been a number of positive changes over the last 6 months: especially the publication of the amended Practice Direction 12J (which makes it clear that it should no

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152 [DVA0079](#)

153 [Q46](#)

154 Women's Aid and Queen Mary University of London, "What about my right not to be abused?": Domestic abuse, human rights and the family courts, 30 May 2018

longer be presumed that children should have contact with parents who are perpetrators of domestic abuse), the new Practice Direction 3AA to support vulnerable witnesses and the changes to ensure victims of domestic abuse are exempt from attending mediation before coming to court.

The MA believes further change is needed, especially in relation to provision of legal aid support for victims, ensuring special measures (such as separate entrances and waiting rooms as well as screens) are available in family court and legislative change to ensure victims are not cross-examined by their abusers.

**115. We heard evidence that there is a lack of consistency in the way in which criminal and family courts treat the seriousness and impact of domestic abuse, with family courts tending to prioritise contact with both parents even when there has been a criminal conviction for violence, or a history of other domestic abuse.**

*116. Restorative justice is not appropriate for crimes involving coercion and control of victims, because it provides perpetrators with a further opportunity to continue their abusive behaviour. The Government must update its Restorative Justice Action Plan so as to provide clear direction that restorative justice is not an option for stalking and domestic abuse cases given the clear risks of restorative justice for these types of offence.*

*117. Witnesses described family court proceedings for victims of domestic abuse as traumatising and harrowing. It is unacceptable that navigating the justice system can be as distressing for some victims as the abusive behaviour which they are seeking to escape, and that children may be placed in danger because of a lack of coherence between different parts of the justice system. We are very concerned about the evidence of safeguarding gaps in the family courts, highlighted by the evidence of Professor Shazia Choudhry.<sup>155</sup> We urge the President of the Family Division to consider what further steps are necessary to ensure practice in the family courts fully recognises the paramount importance of the welfare of the child as set out in section 1(1) of the Children Act 1989, and the safeguards to protect children from any harm that might arise through parental contact which are set out in section 1(6) of the Act, as amended by the Children and Families Act 2014.*

*118. Improvements would include better sharing of information, and training. We recommend that all judges, magistrates and professionals involved in child contact cases in the family court receive specialist training on domestic abuse, coercive control and on the provisions of Practice Direction 12J.<sup>156</sup>*

*119. We have particular concerns about the impact on children of court proceedings, and the lack of co-ordinated support for them. There is a need for more specialist children's workers who are trained to recognise the impact of domestic abuse on children, and to ensure that the relevant statutory organisations respond to their needs. We recommend that the new Commissioner should have, as a priority in the first year of office, to review the impact upon children of the interaction between the family courts, children's services, CAFCASS and the police, with particular reference to contact arrangements in domestic violence cases.*

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155 [DVA0101](#)

156 [DVA0101](#)

120. On 6 March 2018 the then Under-Secretary of State for Justice, Dr Philip Lee MP, advised the House that the draft domestic abuse bill would address the unacceptable “abuse and coercion of females, invariably by males, through the court process”.<sup>157</sup> *The bill must prohibit the cross-examination of a victim by an alleged perpetrator of domestic abuse in the family court.*

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157 HC Deb, 6 March 2018, [col 148](#) [Commons Chamber]

## 4 Improving performance

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### Domestic Abuse Commissioner

121. The Government proposes to establish an independent Domestic Abuse Commissioner to provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring provision of domestic abuse services in England and Wales.<sup>158</sup> The commissioner's office is assumed to consist of 15 staff at a total cost of approximately £1 million per year.<sup>159</sup> The Government aims to provide a balance between giving the Domestic Abuse Commissioner sufficient powers to improve services nationally, while avoiding duplicating existing inspection regimes and maintaining the independence of local areas to commission services, and proposes that, to achieve this, the Domestic Abuse Commissioner could have the powers and resources to:

- map and monitor provision of domestic abuse services against the National Statement of Expectations;
- require local public bodies to cooperate and provide information;
- oversee the Domestic Homicide Review Quality Assurance process;
- oversee compliance with the Specialist Domestic Abuse Courts Manual 117;
- publish findings in reports, which will be laid before Parliament;
- provide recommendations to public bodies, including national and local government.<sup>160</sup>

122. The charity Transform Justice, which commissions and publishes research and advocates for reform of criminal justice policy and practice, was not convinced that a domestic abuse commissioner is necessary:

We believe such a role would duplicate the functions of other organisations and “tsars”. There is already a Victims’ Commissioner, who represents the interests of victims of domestic abuse. There is a minister in the Home Office who has domestic abuse in her portfolio and civil servants tasked with implementing the government’s policy on domestic abuse. The risk of creating a new post is that the incumbent is likely either to duplicate, tread on toes or prompt existing stakeholders to absolve themselves of responsibility. Instead the Home Office should review how domestic abuse policy is coordinated and ensure that mechanisms are available for legitimate challenge.<sup>161</sup>

123. However, other witnesses generally welcomed the proposal to create the new Commissioner, and some called for the Commissioner to have more powers and more resources than were being proposed by the Government. Professor Jane Callaghan described the proposed new role as “an absolutely crucial innovation” but said that

158 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p64

159 Home Office and Ministry of Justice, [Consultation on the Domestic Abuse and Violence Bill: Impact Assessment](#), November 2017

160 HM Government, *Transforming the Response to Domestic Abuse: Government Consultation*, 8 March 2018, p65

161 [DVA0047](#)

there was a need to strengthen the powers of the Commissioner and the way they could operate.<sup>162</sup> Sisters for Change called for the new Commissioner to have the power to compel national and local public bodies to work together and share information, as well as to have enforcement authority to investigate issues and complaints on behalf of victims or frontline service organisations.<sup>163</sup> Hestia Housing and Support said that responsibility for education and awareness should be a key part of the role of the new Domestic Abuse Commissioner.<sup>164</sup> Action for Children recommended that the Commissioner’s role should include monitoring and oversight of services specifically for children and young people affected by domestic abuse.<sup>165</sup> Families Need Fathers Cymru called for a separate Commissioner with a remit for male victims of abuse.<sup>166</sup>

124. The Office of the Merseyside Police and Crime Commissioner pointed to the need for clear guidance on how the Domestic Abuse Commissioner would work in partnership with other Commissioners such as PCCs to ensure that there is no duplication of responsibilities and powers across similar positions.<sup>167</sup> The Office of the Police and Crime Commissioner for Northumbria pointed out that the Children’s Commissioner has a wide remit with influencing powers which enable her “to reach across statutory agencies and address pressing issues”, and said that this should also be the case for the Domestic Abuse Commissioner.<sup>168</sup>

125. Victim Support suggested that the Commissioner should have the powers to require statutory agencies to provide information and to co-operate with investigations or inquiries; to examine the commissioning of domestic abuse services and to identify gaps in provision; and to hold the Government and agencies to account to ensure that both the National Statement of Expectations and the actions and ambitions within the Violence Against Women and Girls strategy are met.<sup>169</sup>

126. A number of witnesses argued that the Commissioner should have oversight of VAWG policies, and not be limited to domestic abuse. Refuge said that because of the “overlapping and interlinked nature of the different forms of violence against women and girls” a VAWG Commissioner rather than a Domestic Abuse Commissioner “would be more effective in driving progress for survivors”.<sup>170</sup> The End Violence Against Women coalition explained that:

We welcome the creation of a new independent commissioner in this area. But, if the new commissioner’s brief is limited to domestic violence only, they will 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 girls, leaving them working on a limited set of objectives, only parts of service provision, only some relevant data, only

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162 [Q58](#)

163 [DVA0098](#)

164 [DVA0125](#)

165 [DVA0105](#)

166 [DVA0129](#)

167 [DVA0082](#)

168 [DVA0061](#)

169 [DVA0058](#)

170 [DVA0073](#)

parts of local commissioners' powers, and inevitably needing to review law and practice in areas stretching beyond what is termed domestic violence (in the area of new and emerging forms of abuse online for example).<sup>171</sup>

*127. We welcome the proposal for a new Commissioner, however, the creation of a Commissioner will not in itself improve delivery of the Government's domestic abuse strategy if the new post is largely a figurehead with limited powers.*

*128. We believe that a key function for the new Commissioner must be to establish a robust accountability mechanism to ensure that services are delivered where they are required. Given the broad remit of the domestic abuse strategy, the Commissioner will also need to have sufficient authority to investigate and comment on the impact of mainstream Government services on victims of domestic abuse, such as access to justice, health, housing and welfare benefits, as well as on specifically tailored domestic abuse services. Recognising the challenges highlighted by the first holder of the role of the Independent Anti-Slavery Commissioner, we support the creation of a new Commissioner to support delivery of the domestic abuse strategy, provided that they are given adequate powers and resources to be effective. We recommend that the Government review its proposals with a view to strengthening the remit and increasing the resources of the proposed Commissioner. It is essential that the Commissioner is fully independent: to this end, we also recommend that the Commissioner is accountable, and reports directly, to Parliament rather than to Government, and is independently accommodated and resourced.*

*129. Confining the scope of the new Commissioner to domestic abuse would fail to recognise the gendered nature of domestic abuse, and its links to other forms of gender-based abuse in the lives of many women and girls. We therefore recommend this new post is established as a Violence Against Women and Girls and Domestic Abuse Commissioner. The remit of the new Commissioner should reflect the scope of both the domestic abuse and the VAWG strategies.*

## Conclusions and recommendations

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### Promoting awareness

1. *The aims of the proposed domestic abuse bill include furthering both the Government's domestic abuse strategy and its Violence Against Women and Girls (VAWG) strategy. The Government must ensure that it meets both of these objectives. The Bill should provide measures which will help all victims of domestic abuse including women and men, and victims within LGBT and wider family relationships. But it is also essential that future domestic abuse strategy and services should continue to include focus on women who, because of broader inequality issues, are more likely to be victims of abuse and to suffer disproportionately as a result of abuse. (Paragraph 21)*
2. *The Government says that it has developed its response to tackling domestic abuse within the context of its wider Violence Against Women and Girls Strategy: this needs to be on the face of the draft bill. We recommend that the Government publishes a Violence Against Women and Girls and Domestic Abuse Bill. We believe that this will facilitate a more effective, joined-up and cross-Government strategy to tackle both domestic abuse and VAWG and will better demonstrate the UK's commitment to comply with international VAWG conventions. (Paragraph 22)*
3. *We recommend that the bill explicitly recognises the gender inequality underlying domestic abuse, and the need to reflect this inequality in education programmes, funding, service provision, criminal justice and other statutory responses to domestic abuse. The Equality and Human Rights Commission has recommended that the new statutory definition of domestic abuse should apply to both sexes, but that the disproportionate impact of domestic abuse on women and girls is explicitly highlighted in the text of the bill and the statutory guidance. We support this recommendation. (Paragraph 23)*
4. *Stalking is a serious crime which can have a devastating impact on the lives of victims. Victims of stalking often endure years of abuse before the crime is taken seriously. We were told that existing criminal justice responses were often ineffective in stopping perpetrators. We recommend that a national register of serial stalkers and domestic violence perpetrators, as recommended by Paladin, is introduced as a matter of urgency and that individuals placed on the register should, like registered sex offenders, be managed through multi-agency public protection arrangements (MAPPA). We believe that a more integrated VAWG and domestic abuse strategy would support a better statutory response to stalking, and a more joined-up approach to supporting victims and managing the behaviour of perpetrators. (Paragraph 29)*
5. *We welcome the Government's recognition that domestic abuse can take different forms of coercive or controlling behaviour, and that it can be displayed not only through a single act of serious abuse, but also through a series of incidents. Economic abuse is associated with an increased risk of homicide because victims tend to stay with abusive partners for longer when they do not have the financial means to leave. The inclusion of economic abuse in the Government's proposed statutory definition is a positive step, both in terms of allowing it to be included as part of a wider pattern of abuse and as criminally abusive in its own right, even in relationships*

where no violent abuse is involved. In light of the Lords Select Committee on Financial Exclusion's recommendation that there should be a statutory duty of care for financial service providers, *we recommend that the Government look at options for strengthening the current voluntary code of practice on financial abuse, to include the possibility of introducing a duty of care to protect victims of financial abuse. We note that New Zealand has recently passed legislation granting paid leave for victims of domestic abuse, in order to help victims keep their jobs and maintain their economic independence whilst escaping abuse. We believe this has the potential to save lives. The Government should analyse the potential impact of domestic abuse leave and consult on options for introducing domestic abuse leave in the UK.* (Paragraph 39)

6. That no payments under Universal Credit are made to the main carer by default, after decades in which the importance of independent resource for the main carer has been recognised, appears to be a particularly retrograde and damaging step. (Paragraph 42)
7. Witnesses suggested that the Government's welfare reform policies were making it even more difficult for victims to leave their abusers and establish financial independence. We heard that the default single household payment for Universal Credit can reduce the autonomy of some women, make them more vulnerable to abuse and more likely to stay with an abuser. *We recommend that the UK Government should make split payments standard for all couples in England and Wales, in line with the approach taken in Scotland.* (Paragraph 43)
8. *We strongly support the introduction of further measures to prevent domestic abuse, to improve the identification and response to domestic abuse by organisations and to educate young people about healthy relationships. More training, central guidance and national oversight is required to ensure that public sector staff dealing with members of the public can identify signs of domestic abuse, respond appropriately and know how to help victims of domestic abuse access whatever specialist support they may need.* (Paragraph 50)
9. Relationship education in schools is an important part of the awareness programme. It is regrettable that the establishment of compulsory relationship and sex education has now been delayed until 2020. This should be a meaningful part of building awareness. However other initiatives will also be required to challenge representations of abusive behaviour in the media, on social media and in marketing messages. *The Government must allocate sufficient funding for these programmes to be effective and establish a mechanism for determining priorities and evaluating the impact of different initiatives.* (Paragraph 51)
10. *We recommend that the Government ensures that its awareness raising and training programmes address the objectives of its VAWG strategy as well as its domestic abuse strategy, and that it develops a coordinated approach to challenging all forms of abusive behaviour towards women and girls. The proposed Commissioner should be given powers to investigate the availability and effectiveness of prevention programmes, training for public service staff and awareness campaigns, and to make recommendations for their improvement.* (Paragraph 52)

## Protecting and supporting victims

11. We heard evidence that there is insufficient bed-space in safe accommodation for victims of domestic abuse and that the funding streams for existing services are short-term and unpredictable. It is unacceptable that women fleeing violence and other forms of abuse are often unable to access any form of emergency accommodation. (Paragraph 62)
12. *Funding is required now to fill the large gap in capacity so starkly put to us by Women's Aid. It is shocking that, at present, this deficit represents about 94 children and 90 women at the point of crisis being turned away from refuge every day. This urgent problem should be addressed by placing a statutory obligation upon local authorities in England and Wales to provide emergency refuge places and associated specialist services. This can be done immediately through the draft bill.* (Paragraph 63)
13. *It is right that domestic violence provision is subject to local decision-making. However, given the interdependency of network provision, we recommend that the Government analyses the operation of refuges as a national network. This would ensure that there is an evidence-based understanding of the total demand for refuge places. A sustainable model for the long-term funding of refuge services is also urgently required. The Government's central funding support for local authority-led domestic abuse projects and services is welcome, but it is not clear whether it is being focused in the right areas, what is being achieved and how much more funding would be required to provide an adequate level of support for all victims of abuse. A new statutory obligation upon local authorities to provide sufficient safe and easily accessible emergency shelter for victims must be supported by adequate ring-fenced funding from central Government to local authorities, ensuring the capacity gap is closed and providing long-term certainty about the sustainability of refuge places. In order to determine the level and allocation of funding required for these services, we recommend that the Government facilitates a comprehensive review of funding across all aspects of support for survivors of domestic abuse and sexual violence, to be carried out by the proposed new Commissioner. This review should take place within the first year following establishment of the Commissioner's office, and the report should be laid by the Commissioner before Parliament. The Government should commit to the introduction of a new national funding mechanism, informed by the outcomes of the comprehensive review, to provide sufficient and sustainable funding for all necessary support services. This new mechanism should be operational within two years following publication of the Commissioner's review. The Government has said that it will work with providers, local authorities, membership bodies and residents' representatives to develop a robust oversight regime, and the review could feed into this new mechanism.* (Paragraph 64)
14. Witnesses told us that the provision of specialist domestic abuse services is inadequate and that generic providers do not have the capacity or the expertise to provide the required specialist support to protected, vulnerable or minority groups, or to people with additional needs such as debts or drug or alcohol dependency. The 2017 review of domestic abuse practitioners, carried out by SafeLives, found that only 75% of the required number of specially trained independent domestic violence advisors (IDVAs) are in post, despite this role being a key part of the Government's VAWG

strategy. *We recommend that the new Commissioner assess the extent of coverage by IDVAs (Independent Domestic Violence Advisers) across the country and makes recommendations to the Government about how to increase provision.* (Paragraph 72)

15. We are particularly concerned about the reported decrease in specialist services for BAME victims of abuse. Some BAME women are more vulnerable to culturally specific types of abuse and can find it particularly difficult to seek help because of close-knit family and communities, and because of language difficulties. Witnesses provided evidence about a range of specific problems for some BAME women, including financial difficulties for those with No Recourse to Public Funds, transnational marriage abandonment, honour-based violence and extra-territorial jurisdiction for victims who are removed from the UK in order to be harmed. *We believe that specialist 'by and for' BAME domestic abuse services are necessary to win the confidence of BAME victims of abuse, to understand the issues they face and to have the skills and experience to provide the necessary support.* (Paragraph 73)
16. *We recommend that the Government's review of refuge and other domestic abuse support services should document and report what specialist provision is currently available, and where there are gaps. This should specifically identify the services available to, and required by, BAME victims of abuse.* (Paragraph 74)
17. Children who have experienced domestic abuse risk suffering a range of long term negative consequences as a result of their experiences and must be able to access the necessary support and health services to help them recover. Children in refuge and other temporary accommodation, and those who have moved home repeatedly to flee domestic abuse, are particularly vulnerable and risk becoming invisible to professionals in the education, health and social care sectors. (Paragraph 84)
18. *We recommend that the devastating effect of domestic abuse on children is explicitly recognised in the legislation and that the Government develops a clear strategy to ensure that children experiencing domestic abuse are protected and given the support necessary to help them recover. Under this strategy, children must be given special waiting list status (protected status) for all NHS services including child and adult mental health services (CAMHS), and statutory service providers should be required to have regard to the wellbeing of the child, including the benefits deriving from stability in their education, when making decisions about the welfare of the family in refuge. In cases where the wellbeing of the child requires a change of school, and a change is requested by the family in refuge, local authorities should be given the same statutory obligation as they have for looked-after children on an emergency placement, to provide a new school place, within twenty school days. The Government must consider what further reform of education law and guidance is necessary to remove any obligation upon schools to share information with a non-resident parent when a child is in refuge. It is essential that this strategy is supported with adequate funding for all the relevant specialist services.* (Paragraph 85)
19. In June 2018 the Justice Committee expressed doubt that the delivery model of Community Rehabilitation Companies (CRCs) could “ever deliver an effective or viable probation service” and called upon the Government to initiate a review of the long-term future and sustainability of delivering probation services under this model. While the Government subsequently initiated a review, this is more restricted

in scope than the Justice Committee recommended. The thematic inspection on the work of CRCs in relation to domestic abuse, from HM Inspectorate of Probation, provides further cause for urgent action by the Government to address the failings of the CRC model. (Paragraph 88)

20. *We support HM Inspectorate of Probation's recommendation that the Ministry of Justice must, as part of the probation systems review, consider how to compel Community Rehabilitation Companies to focus on the quality of work with perpetrators and victims of domestic abuse, and to ensure that their approach prioritises the need to protect victims and children.* (Paragraph 89)

### Pursuing and deterring perpetrators

21. Evidence indicates that the police response to victims of domestic abuse is improving, but that there are instances where victims' claims of abuse are not taken seriously, where they do not receive an appropriate police response and where police forces do not follow national guidance on recording or responding to reports of domestic abuse incidents. These failings can have catastrophic consequences for victims of abuse. (Paragraph 101)
22. We were particularly concerned to hear evidence that many police forces share details of victims with the Home Office for the purposes of immigration control. Immigration status itself is used by perpetrators of domestic abuse as a means to coerce and control. Victims of abuse with uncertain immigration status are particularly vulnerable because they can have difficulties in accessing financial support and refuge and other support services, so they have few options for escaping from abuse. (Paragraph 102)
23. *Insecure immigration status must not bar victims of abuse from protection and access to justice. The Government states that its immediate priority is to ensure that all vulnerable migrants, including those in the UK illegally, receive the support and assistance they need regardless of their immigration status. It must ensure that the police service conforms with this objective.* (Paragraph 103)
24. We heard evidence that there is a lack of consistency in the way in which criminal and family courts treat the seriousness and impact of domestic abuse, with family courts tending to prioritise contact with both parents even when there has been a criminal conviction for violence, or a history of other domestic abuse. (Paragraph 115)
25. *Restorative justice is not appropriate for crimes involving coercion and control of victims, because it provides perpetrators with a further opportunity to continue their abusive behaviour. The Government must update its Restorative Justice Action Plan so as to provide clear direction that restorative justice is not an option for stalking and domestic abuse cases given the clear risks of restorative justice for these types of offence.* (Paragraph 116)
26. Witnesses described family court proceedings for victims of domestic abuse as traumatising and harrowing. *It is unacceptable that navigating the justice system can be as distressing for some victims as the abusive behaviour which they are seeking to escape, and that children may be placed in danger because of a lack of*

*coherence between different parts of the justice system. We are very concerned about the evidence of safeguarding gaps in the family courts, highlighted by the evidence of Professor Shazia Choudhry. We urge the President of the Family Division to consider what further steps are necessary to ensure practice in the family courts fully recognises the paramount importance of the welfare of the child as set out in section 1(1) of the Children Act 1989, and the safeguards to protect children from any harm that might arise through parental contact which are set out in section 1(6) of the Act, as amended by the Children and Families Act 2014. (Paragraph 117)*

27. *Improvements would include better sharing of information, and training. We recommend that all judges, magistrates and professionals involved in child contact cases in the family court receive specialist training on domestic abuse, coercive control and on the provisions of Practice Direction 12J. (Paragraph 118)*
28. *We have particular concerns about the impact on children of court proceedings, and the lack of co-ordinated support for them. There is a need for more specialist children's workers who are trained to recognise the impact of domestic abuse on children, and to ensure that the relevant statutory organisations respond to their needs. We recommend that the new Commissioner should have, as a priority in the first year of office, to review the impact upon children of the interaction between the family courts, children's services, CAFCASS and the police, with particular reference to contact arrangements in domestic violence cases. (Paragraph 119)*
29. *On 6 March 2018 the then Under-Secretary of State for Justice, Dr Philip Lee MP, advised the House that the draft domestic abuse bill would address the unacceptable "abuse and coercion of females, invariably by males, through the court process". The bill must prohibit the cross-examination of a victim by an alleged perpetrator of domestic abuse in the family court. (Paragraph 120)*

### Improving performance

30. *We welcome the proposal for a new Commissioner, however, the creation of a Commissioner will not in itself improve delivery of the Government's domestic abuse strategy if the new post is largely a figurehead with limited powers. (Paragraph 127)*
31. *We believe that a key function for the new Commissioner must be to establish a robust accountability mechanism to ensure that services are delivered where they are required. Given the broad remit of the domestic abuse strategy, the Commissioner will also need to have sufficient authority to investigate and comment on the impact of mainstream Government services on victims of domestic abuse, such as access to justice, health, housing and welfare benefits, as well as on specifically tailored domestic abuse services. Recognising the challenges highlighted by the first holder of the role of the Independent Anti-Slavery Commissioner, we support the creation of a new Commissioner to support delivery of the domestic abuse strategy, provided that they are given adequate powers and resources to be effective. We recommend that the Government review its proposals with a view to strengthening the remit and increasing the resources of the proposed Commissioner. It is essential that the Commissioner is fully independent: to this end, we also recommend that the Commissioner is accountable, and reports directly, to Parliament rather than to Government, and is independently accommodated and resourced. (Paragraph 128)*

32. *Confining the scope of the new Commissioner to domestic abuse would fail to recognise the gendered nature of domestic abuse, and its links to other forms of gender-based abuse in the lives of many women and girls. We therefore recommend this new post is established as a Violence Against Women and Girls and Domestic Abuse Commissioner. The remit of the new Commissioner should reflect the scope of both the domestic abuse and the VAWG strategies. (Paragraph 129)*

## Formal minutes

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**Wednesday 17 October 2018**

Members present:

Rt Hon Yvette Cooper, in the Chair

Sir Christopher Chope	Stuart C. McDonald
Stephen Doughty	Douglas Ross
Kirstene Hair	John Woodcock
Tim Loughton	

Draft Report (*Domestic abuse*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 129 read and agreed to.

*Resolved*, That the Report be the Ninth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Monday 22 October at 2.00 pm

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 17 July 2018

**Councillor Simon Blackburn**, Chairman, LGA Safer and Stronger Communities Board, Local Government Association, **Siân Hawkins**, Head of Campaigns and Public Affairs, Women's Aid, and **Pragna Patel**, Southall Black Sisters [Q1–49](#)

**Professor Jane Callaghan**, Stirling University, **Jane Gordon**, Sisters for Change, and **Deputy Chief Constable Louisa Rolfe**, National Police Chiefs' Council [Q50–77](#)

### Tuesday 4 September 2018

**Rachel Griffin**, Chief Executive Officer, Suzy Lamplugh Trust, **Dr Nicola Sharp-Jeffs**, Founder and Director, Surviving Economic Abuse, **Laura Richards**, Founder, Paladin National Stalking Advocacy Service, and **Andrea Simon**, Public Affairs Manager, End Violence Against Women Coalition [Q78–120](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

DVA numbers are generated by the evidence processing system and so may not be complete.

- 1 Action for Children ([DVA0105](#))
- 2 Agenda ([DVA0010](#))
- 3 Alcohol Monitoring Systems Ltd ([DVA0045](#))
- 4 Alliance for Choice ([DVA0094](#))
- 5 Amnesty International ([DVA0134](#))
- 6 Amnesty International UK ([DVA0090](#))
- 7 Anne Greig ([DVA0112](#))
- 8 Anonymous ([DVA0015](#))
- 9 Anonymous ([DVA0017](#))
- 10 Anonymous ([DVA0020](#))
- 11 Anonymous ([DVA0021](#))
- 12 Anonymous ([DVA0023](#))
- 13 Anonymous ([DVA0026](#))
- 14 Anonymous ([DVA0027](#))
- 15 Anonymous ([DVA0035](#))
- 16 Anonymous ([DVA0048](#))
- 17 Anonymous ([DVA0053](#))
- 18 Anonymous ([DVA0055](#))
- 19 Anonymous ([DVA0066](#))
- 20 Anonymous ([DVA0085](#))
- 21 Anonymous ([DVA0091](#))
- 22 Anonymous ([DVA0092](#))
- 23 Anonymous ([DVA0096](#))
- 24 Anonymous ([DVA0099](#))
- 25 Anonymous ([DVA0104](#))
- 26 Anonymous ([DVA0110](#))
- 27 Anonymous ([DVA0111](#))
- 28 Anonymous ([DVA0117](#))
- 29 Anonymous ([DVA0118](#))
- 30 Anonymous ([DVA0121](#))
- 31 Anonymous ([DVA0122](#))
- 32 Anonymous ([DVA0124](#))
- 33 Anonymous ([DVA0128](#))

- 34 Anonymous ([DVA0133](#))
- 35 Anonymous ([DVA0140](#))
- 36 Association of Directors of Public Health ([DVA0062](#))
- 37 Axon Public Safety UK ([DVA0059](#))
- 38 Barnardo's ([DVA0115](#))
- 39 British Association of Social Workers ([DVA0067](#))
- 40 British Pregnancy Advisory Service ([DVA0084](#))
- 41 British Transport Police ([DVA0002](#))
- 42 Cafcass ([DVA0030](#))
- 43 Cambridge City Council ([DVA0089](#))
- 44 Centre for Gender and Violence Research, University of Bristol ([DVA0042](#))
- 45 Christine McKnight ([DVA0069](#))
- 46 Clinks ([DVA0032](#))
- 47 College of Policing ([DVA0141](#))
- 48 Crown Prosecution Service ([DVA0080](#))
- 49 Dr Charlotte Barlow, Dr Kelly Johnson and Professor Sandra Walklate ([DVA0037](#))
- 50 Dr Elizabeth Bates ([DVA0041](#))
- 51 Dr Robert Dover ([DVA0052](#))
- 52 Dr Rodger Patrick ([DVA0029](#))
- 53 Emlyn Jones ([DVA0127](#))
- 54 End Violence Against Women Coalition ([DVA0040](#))
- 55 Equality and Human Rights Commission ([DVA0079](#))
- 56 Families Need Fathers ([DVA0130](#))
- 57 Family Planning Association and Amnesty International ([DVA0114](#))
- 58 Fawcett Society ([DVA0064](#))
- 59 FNF Both Parents Matter Cymru ([DVA0129](#))
- 60 Galop, LGBT+ Anti Violence Charity ([DVA0068](#))
- 61 Gender and Internet of Things Research Team ([DVA0139](#))
- 62 Hestia - UK SAYS NO MORE ([DVA0125](#))
- 63 Home Office, Ministry of Justice and Ministry of Housing, Communities and Local Government ([DVA0107](#))
- 64 Imkaan & London Black Women's Project ([DVA0065](#))
- 65 Kayliegh Richardson and Claire Bessant ([DVA0006](#))
- 66 Latin American Women's Rights Service ([DVA0097](#))
- 67 Laura Richards, Founder of Paladin National Stalking Advocacy Service ([DVA0076](#))
- 68 Liberty ([DVA0039](#))
- 69 Lloyds Bank Foundation for England and Wales ([DVA0024](#))
- 70 Lloyds Banking Group ([DVA0081](#))

- 71 Local Government Association ([DVA0132](#))
- 72 London Assembly ([DVA0135](#))
- 73 London Councils ([DVA0119](#))
- 74 Magistrates Association ([DVA0038](#))
- 75 Marisa Dunn ([DVA0126](#))
- 76 Miss Geraldine Lafferty ([DVA0028](#))
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- 78 National Housing and DVA Policy and Practice Group ([DVA0108](#))
- 79 National Police Chiefs' Council ([DVA0113](#))
- 80 Nordic Model Now! ([DVA0078](#))
- 81 Office of the Police & Crime Commissioner for Merseyside ([DVA0082](#))
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- 83 Paladin National Stalking Advocacy Service ([DVA0138](#))
- 84 Professor Catherine Donovan ([DVA0060](#))
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- 96 Sisters For Change ([DVA0098](#))
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- 99 Staffordshire Safeguarding Children Board and Stoke-on-Trent Safeguarding Children Board ([DVA0057](#))
- 100 Standing Committee for Youth Justice ([DVA0071](#))
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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

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Fifth Special Report	Immigration policy: basis for building consensus: Government and Office for National Statistics Responses to the Committee's Second Report	HC 961
Sixth Special Report	Home Office delivery of Brexit: immigration: Government Response to the Committee's Third Report	HC 1075

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Ninth Special Report	UK-EU security cooperation after Brexit: Government Response to the Committee's Fourth Report	HC 1566
Tenth Special Report	UK-EU security cooperation after Brexit: Follow-up report: Government Response to the Committee's Seventh Report	HC 1632