

Draft statutory guidance on “Ask and Act” under section 15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and section 60 of the Government of Wales Act 2006

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About Welsh Women’s Aid:

Welsh Women’s Aid is the national charity in Wales working to prevent domestic abuse and all forms of violence against women¹ and ensure high-quality services for survivors that are needs-led, gender-responsive and holistic.

Established in 1978, we are an umbrella organisation that represents and supports a national federation of 24 local independent charities delivering specialist domestic abuse and violence against women prevention services in Wales, as part of a UK network of provision. These specialist services constitute our core membership, and they provide lifesaving refuges, outreach, and community advocacy and support to survivors of violence and abuse - women, men, children, families - and deliver innovative preventative work in local communities. We also deliver direct services including the Welsh Government funded *Live Fear Free Helpline*; a National Training Service; refuge and advocacy services in Colwyn Bay and Wrexham; and the national *Children Matter* project which supports local services to help children and young people affected by abuse and to deliver preventative STAR groupwork in every local authority in Wales.

We have been at the forefront of shaping coordinated community responses and practice in Wales, by campaigning for change and providing advice, consultancy, support and training to deliver policy and service improvements for survivors, families and communities. As a national federation, our policy work, consultancy, training and advocacy is all grounded in the experience of local specialist services and service users. Our success is founded on making sure the experiences and needs of survivors are central to all we do.

Welsh Women’s Aid welcomes the opportunity to respond to this consultation.

¹ Domestic abuse is the exercise of control by one person, over another, within an intimate or close family relationship; the abuse can be sexual, physical, financial, emotional or psychological. Violence against women is violence directed at women because they are women or that affects women disproportionately, and includes domestic abuse, rape and sexual violence, forced marriage, female genital mutilation, sexual exploitation including through trafficking and the sex-industry, so-called ‘honour-based violence’ and sexual harassment .

Response to consultation questions:

1. Do you agree with the proposal for relevant authorities to demonstrate how they will implement “Ask and Act” (the guidance issued under section 15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015)?

Yes

No

Comments :

Welsh Women’s Aid notes that this would be more effective if public services were required to use targeted enquiry and act after identifying perpetrators too, to ensure the focus is not solely on the victim but also on identifying and responding to the agent of the violence and abuse.

Welsh Women’s Aid notes that each relevant authority is not expected to implement the same process in regards to Ask and Act. We appreciate that this is so delivery can be tailored to fit within their varying functions. However, it is of high importance to ensure that there is consistency and a standardised quality of service, between authorities in their approach to Ask and Act. This will ensure that all service users are given a high quality service, and that opportunities to support those who are experiencing or who have experienced a form of violence against women, domestic abuse or sexual violence are not missed. We would recommend a standardised outcomes framework is provided, or at a minimum, that individual processes are monitored in order to ensure that this consistency is present.

As raised through our oral and written evidence during the scrutiny stages of the Bill, we remain concerned by the ‘opt out’ clause for a relevant authority who *‘thinks there is a good reason for it not to follow the guidance in particular categories of case or at all’*. We again recommend that the scrutiny of this by Welsh Government and the National Adviser should be robust and opt-out should only allowed for those that exceed the stated standards.

Welsh Women’s Aid notes that there is a requirement for organisations to have an ‘Ask and Act Referral Protocol’, which “must be followed” if a disclosure is made. Welsh Women’s Aid understand the premise behind this but would highlight the importance of flexibility when dealing with disclosures; not every situation requires the same response, and in fact can at times put a victim of abuse and violence in a position of more vulnerability. We are also concerned that the premise of the policy is to refer to specialist third sector domestic abuse and sexual violence services in Wales; yet this is being implemented at a time when there the funding model for specialist services in Wales is not fit for purpose, and many risk closure over 2016/17 as a result. This must be urgently addressed by Welsh Government if ‘ask and act’ is to become an effective policy framework across all public services. We recommend protecting funding for existing national and local services, and working with third sector specialists like Welsh Women’s Aid to ensure a sustainable funding model is developed as soon as possible.

Welsh Women’s Aid recommend that national oversight of the approaches to implementing ask and act by relevant authorities and progress against these approaches, is overseen and monitored by the national advisor to ensure standardisation, consistency and that requirements under this guidance and legislation is met.

2. Section 3 of the guidance relates to the pre-planning, planning and implementation of a local or regional approach to “Ask and Act”. It is aimed at leaders, co-ordinators and managers. Is this section fit for purpose? :

It is recommended that specialist services be included in any steering groups outlined, in order to provide a specialist perspective on and contribute to decisions. In regards to the recommendation around an Ask and Act workplace policy – due to Welsh Women’s Aid’s past work in this area we would also welcome involvement in supporting this work with relevant authorities. We welcome other references in this section to the need to work in partnership, collaboratively with the third sector.

Pages 26-29 in the guidance outline some of the types of services which may be available for referrals. We are concerned that there is an overemphasis on risk here, along with a focus on the commercial tools and processes associated with one charity’s core business whilst other specialist services’ models and approaches are minimised. The section on IDVAs on pages 26-27 is also disproportionately detailed compared to the other services provided, and includes areas of bold highlighting, which the others do not. These domestic abuse risk-based approaches have also been used extensively throughout this guidance without an alternate approach that is needs-led and strengths-based being mentioned; and without other forms of violence and abuse being given due regard. We would strongly recommend that other examples of good practice from different agencies should also be highlighted in this guidance,. Welsh Women’s Aid’s Change that Lasts model offers such an approach (attached as appendix 1). On page 27, under ‘refuge’ we would also recommend children be included in the description of those commonly accommodated.

We note that organisations will be asked to collect information and process data from the Ask and Act process within existing structures. Welsh Women’s Aid would stress the importance that the types of data collected also need to be universal across the nation and comparable. This will allow conclusions to be drawn, gaps to be identified and practise to be scrutinised. It will also help to identify good practice and the impact that Ask and Ask has had across Wales. The collection of demographic information will be vital to this.

We recommend that outcomes should reflect the reality of survivors of all forms of violence against women, and not only domestic abuse survivors. The monitoring of outcomes related to ‘cessation of abuse’ should align with longer-term achievement of independence and freedom for survivors, with public authorities working to common definition and goals with regards independence (as we advocate within our ‘Change that Lasts’ model and associated theory of change). Outcomes need to be meaningful and identify positive change created for survivors of abuse.

We recommend the need to monitor outputs that relate to ‘referral rates to specialist services’, as we have concerns about the capacity of specialist services to respond to increased demand for their support.

We also support measuring the impact of training on performance. Research with survivors carried out to inform the Dept. of Health (Westminster) work on violence against women (‘A Bitter Pill to Swallow’) found “those professionals that have been trained to safely ask women about domestic violence, like midwives and mental health professionals, are failing to do so”. It is important to monitor whether the training (for all groups) is being put into effect during day-to-day practice. This will not only record how effective the training is in practice, but will also allow for identification of areas of weakness, which can then be addressed.

In regards to the information on female genital mutilation (FGM) FGM on page 41, we would recommend this is updated to include the new offences and procedures now implemented – specifically FGM Protection Orders and the duty to report.²

What additional information is required? :

Concerns raised in our response to the National Training Framework consultation also apply here regarding existing training being ‘satisfactory’. Welsh Women’s Aid would like to stress that all training should be up to date and robust in this area. Those who have had training from two years ago may need more/updated training and this should be taken into account by a trainer knowledgeable in this area. It is important that any previous training which is outdated or which now relies on discredited theories is effectively identified and updated, so that the most up-to-date, evidence-based learning is taking place. It may be appropriate for the National Advisor to take the lead in this area to ensure that any courses that are already in place meet the standard of training that the National Training Framework is aspiring to achieve.

We recommend that if training updates have occurred, all staff should receive it, regardless of when any previous training has taken place. This will ensure consistency within organisations and across Wales.

Whilst it can be accepted that those who are experiencing or who have experienced violence against women may also be experiencing particular vulnerabilities, it is important that the approach that professionals take to Ask and Act also includes those who may not traditionally be seen as someone who may face a form of violence against women (pg22). Ask and Act provides an opportunity to identify those who need support who may otherwise be ‘hidden’.

We are pleased to see that practices will be monitored to promote client safety and wellbeing as being central to the Ask and Act work. Welsh Women’s Aid would add that it is important that not only do professionals ask and act, but that they also believe and not judge survivors when disclosures are made.

3. Section 4 of the guidance relates to good practice for “Ask and Act”. It is aimed at practitioners. Is this section fit for purpose? :

Welsh Women’s Aid would like to note that, although this section contains some very relevant advice to professionals, it is very focused on domestic abuse, to the neglect of other forms of violence against women (female genital mutilation, so called ‘honour’ based violence, trafficking/slavery, stalking and harassment, and sexual violence etc.)

There is also a lack of consideration and explanation of coercive and controlling behaviour and the new law regarding this which has now been implemented. This is an issue throughout the document, but this is of particular concern in this section where the information would add valuable insight and context.

The Home Office description of controlling or coercive behaviour is:

² Serious Crime Act 2015 Factsheet – female genital mutilation
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416323/Fact_sheet_-_FGM_-_Act.pdf

‘Controlling behaviour is acts designed to make a person subordinate and/or dependent by isolating and exploiting them; depriving them of the means needed for independence, resistance and escape; and regulating their everyday behaviour. Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. Coercive control includes psychological abuse, which cannot currently be taken into account by the criminal justice system before sentencing, and recognises the repetitive nature of most intimate partner violence.’

This has now been brought into the remit of domestic law by the Serious Crime Act 2015. This offence is outlined in the following way and has now been implemented as of December 29th 2015:

- It is now a crime for a person to repeatedly or continuously use coercive or controlling behaviour against another. In order for control or coercive behaviour to be considered under this Act, the people involved must be closely connected at the time of the event; the behaviour must have a serious effect on the person it is committed against; and the perpetrator of the behaviour must know, or ought to have known that the behaviour will have a serious effect on the other person.
- “Closely connected” has been defined as people in an intimate personal relationship, those who have previously been in an intimate relationship, or members of the same family. This section of the act does not apply to a person who is displaying the behaviour if they are a parent, or legal guardian, and the behaviour is towards a person who is under 16 years old to whom that parental responsibility is for.
- “Serious effect” has been defined as, causing the person against whom the behaviour is displayed, to be fearful that violence will be used against them (on at least two occasions); or cause serious alarm or distress which has caused substantial adverse effect on day-to-day activities.

Also of concern to Welsh Women’s Aid is the impact on services which will result from increased referrals to specialist services, already themselves under significant pressure due to increasing demand and cuts to their budgets. We would recommend monitoring of this impact and provision of more funding support if required to maintain adequate levels of support.

The final section on ‘risk identification’ again focuses only on the DASH RIC model, and predominantly on high risk victims of domestic abuse. Again we would recommend consideration of a model that is needs-led and strengths-based and applies across all forms of violence and abuse, such as Change that Lasts.

What additional information is required? :

The inclusion of the identification and response to children and young people, and of perpetrators of violence against women, domestic abuse and sexual violence, should be included here. For example, many perpetrators are in contact with public authorities already, especially health and social care services, and it is vital that professionals know how to ask and respond to abusers. Excluding this group from ‘ask and act’ guidance is a significant gap in terms of achieving protection of survivors and prevention of abuse.

The section on ‘young people and forced marriage’, page 81, should include information on the law in this area and specifically Forced Marriage Protection Orders. Mention should also be made in this area about the risk of forced marriage for vulnerable adults and those with learning difficulties.

The section regarding 'young people', page 82, should include information about FGM risk and the risk factors surrounding this. Again, discussion on the legal implications in this area around reporting and FGM Protection Orders would be of benefit.

4. It is important that "Ask and Act" integrates complements and aligns to existing statutory safeguarding processes. What more should this guidance include to clarify practice around these issues? :

What related guidance/processes/protocols should be referenced? :

This has been addressed through our answers around 'additional information required' in our answers above.

We would also recommend increased detail and information be given on the Live Fear Free Helpline when referenced, as currently, no detail on what the helpline can provide is given.

5. "Ask and Act" requires long term support and this is acknowledged within the Welsh Government's training plan for initial implementation. It is proposed that this guidance will be issued in early 2016 with pre-planning and planning taking place between September 2016 and March 2017 with ongoing national rollout over three years thereafter. Does this timeframe seem appropriate, are there any aspects which cause concern? :

Welsh Women's Aid is of the view that these time frames are appropriate.

6. Training for "Ask and Act" will be delivered through a "Train the Trainer" model which uses local expertise and experience to communicate the training messages. What existing local or regional training structures could such a model utilise? :

Welsh Women's Aid (in partnership with UK Federations) developed the first suite of accredited qualifications and training designed for both specialist and non-specialist professionals in Wales.

- This suite, which is listed in the Qualifications and Credit Framework (QCF) for Wales, is a national training framework in terms of scope and qualifications, conforms to national training standards for accreditation (by OCN and Agored Cymru), and provides consistent effective and efficient delivery of high quality training in Wales that is aligned with UK training frameworks.
- Our Federations have also developed a 'train the trainer' course to support this delivery, and we deliver a range of accredited and stand-alone courses focusing on raising practice standards in specialist and public services.
- Welsh Women's Aid has recently combined our expertise in service delivery and training by bringing together a national partnership of sector-specialist trainers from regional independent domestic abuse/violence against women services. This team of associate trainers/assessors comprise the *Welsh Women's Aid National Training Service*. Partners hold training expertise in sexual violence and exploitation, domestic abuse, forced marriage, 'honour'–based violence, trafficking, FGM, safeguarding, substance use, mental health, supporting children and young people, domestic and sexual abuse in LGB&T relationships and amongst Black and minority communities, offender management, and individual/group perpetrator interventions

Children Matter training for professionals working with children should also be used as pathways for professionals who require specialist knowledge but who do not work in specialist roles. The *Children Matter* training delivers preventative work in all local authority areas and as such will be vital to support *Ask and Act* referral pathways for children and young people needing support. Regional training consortia should be established in each region across Wales that report to VAW regional boards and VAW strategic leads. We also recommend that a national training advisory group meets to oversee implementation of the statutory guidance. Where local safeguarding and other training consortia or partnerships already exist, consideration should be given to align with these so as to avoid duplication, whilst ensuring the focus on violence against women, domestic abuse and sexual violence training is not lost amongst wider safeguarding/POVA priorities.

These consortia should comprise trainers already experienced in domestic abuse, sexual violence and violence against women. A survivor involvement framework should also be incorporated into structures, to ensure consistent, safe and effective participation in the development and review of training. The experiences and expertise of survivors and specialist services will be invaluable in ensuring good governance for training programmes, and that lessons learnt from survivors' experiences informs future delivery and practice. Welsh Women's Aid is developing a national survivor involvement project which could help enable consistent, trained survivor involvement in development, delivery and review of this programme at a national and regional level.

As stated above, Welsh Women's Aid provides Agored Cymru accredited and non-accredited training in violence against women, domestic abuse, sexual violence. This is delivered by our national training partnership with specialist services across Wales. We would suggest in the absence of regional training consortia across the country, that this national training partnership constitutes an ideal existing structure for the National Training Framework to utilise and develop from, in areas without such partnerships currently in place.

What are the challenges associated with this model and how can these be overcome? :

This has been extensively covered elsewhere in our responses to Welsh Government, and in relation to our delivery of the Ask and Act training contract.

7. What opportunities exist to ensure "Ask and Act" provides opportunities to use the Welsh language? :

Do you have concerns that "Ask and Act" could have an adverse effect on opportunities to use the Welsh language? :

Please provide specific recommendations which can be incorporated into the "Ask and Act" guidance on the use of safe Welsh language and terminology. :

Welsh Women's Aid do not believe that Ask and Act will have an adverse effect on opportunities to use the Welsh language, however we would comment that it is important that those who prefer to use the Welsh language are also included in the Ask and Act checks, and that they are asked using the Welsh language which the service user feels comfortable with. All tools and guidance should therefore be available bilingually.

8. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them :

Welsh Women's Aid would also like the guidance to emphasise an understanding of 'violence against women' that is aligned with the international understanding of it being a cause and consequence of gender inequality and a violation of human rights. The phrase violence against women in the UK includes recognition of a defined group of specific crime types, as used by the Crown Prosecution Service amongst others, which encompasses individual crimes for which women's suffering is disproportionate, but of which men and boys can also be victims.³

It is also imperative to recognise that violence against women, including domestic abuse and sexual violence, underpins many issues within society: it has roots in women's inequality and it is a fundamental violation of women's human rights. Its prevalence is reflected by high rates of public spending to protect survivors, with the resulting population-based estimates⁴ of the costs of domestic abuse suggesting this costs Wales £303.5m annually – £202.6m in service costs and £100.9m to lost economic output. There is also the significant impact of human and emotional costs resulting from this type of abuse, which estimates show an additional £522.9m cost for Wales annually.

Acknowledgement and action is needed to address the lack of capacity and sustainability of specialist domestic and sexual violence services across Wales, which this year and next are facing proposed cuts in budgets at a local level. This means their ability to take referrals and offer ongoing support for survivors and families, as a result of 'ask and act' training, will be severely reduced. Roll-out of the National Training Framework and Ask and Act guidance will likely see a significant increase in disclosures and demand for support, and this needs to be carefully monitored and addressed throughout its implementation.

Significant resources should also be dedicated to support for specialist services such as refuges and other community-based domestic abuse services, sexual violence services and other specialist violence against women services. Local specialist services have stated that they are already under significant pressure and are concerned by an increase in demand without more investment to secure sufficient service levels across Wales, for example:

'We feel this would result in adding further strain to an already busy service both refuge and drop in /community.' (North Wales service)

'The refuge is a resource that is already oversubscribed, on average we get about 3 request for each room and that's on a slow day – for example today we had 6 requests for a room (which would accommodate one women and 3 children).' (South Wales service)

The violence against women sector has suffered from cuts along with other public services in recent years. This has occurred alongside a significant year-on-year increase in demand for services. Therefore increasing reporting as a result of such planned aspects of the National Training Framework such as 'Ask and Act' and public sector training will lead to increased pressure on these services. Provision should be made to address any increase in reporting to ensure victims and specialist services are protected and supported to allow a holistic approach to implementation. Acknowledgement needs to be made, and action taken, to secure the capacity and sustainability of specialist domestic abuse and sexual violence services across Wales.

³ 'Equality and Diversity Impact Assessment on the CPS Violence Against Women Strategy and Action Plan: Analysis of evidence - April 2008' http://www.cps.gov.uk/publications/equality/vaw/vaw_eia.html

⁴ Walby, S., The Cost of Domestic Violence: Update 2009.

Welsh Women's Aid would again like to thank the Welsh Government for the opportunity to comment on this important guidance and we look forward to working together on its implementation in the near future.

Any comments or questions regarding our response can be directed to:

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