

Welsh Government Draft Perpetrator Good Practice Guidance

Consultation response form

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Introduction

Welsh Women's Aid welcomes the opportunity to comment on this good practice guide.

In order to provide this response, we have consulted with our specialist member services and their feedback have also been included within this response.

As a representative of 'domestic violence' on the National Advisory Board our CEO has also consulted with Respect, and their feedback is included with our own on the attached guidance document, in the form of tracked changes. Please note both documents should be read together.

Question 1: What additional content is required to strengthen this good practice guidance? What good practice should the guidance reference?

Please also see our tracked changes suggestions and comments on the guidance itself.

Welsh Women's Aid recommends this guide be further strengthened in order to enable public authorities and other agencies to respond appropriately to perpetrators of domestic abuse, sexual violence and other forms of violence against women.

This is especially important as the statutory guidance is to be implemented by those with operational and strategic responsibilities under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 ('the Act'). It is vital that these professionals are clear how to respond to perpetrators and know which interventions are appropriate to use. Without this understanding, there is a danger that those who are experiencing violence or abuse will not be safeguarded or that the risk posed to them will increase.

We note that the guidance is strongly focused on perpetrators of 'domestic abuse' as defined by the Act, although at times it seems to conflate and confuse wider family violence and intimate partner violence. At pp 4-5 it states that the guidance applies to all ages and all 'associated persons' in families, then only highlights 'adolescent to parent' violence and 'young people in abusive relationships', without referencing adult to child abuse, adult child to parent abuse, or other forms of 'associated person' abuse like forced marriage. Later it suggests the guidance is only for perpetrators who are adults. If the guide should be focussing on intimate partner violence, or only on adults, this should be clearly stated; if all family violence is included across all ages then these wider groups should all should be reflected.

The Act under which this guidance is issued, addresses all forms of violence against women and Welsh Women's Aid and our members would recommend that the guidance reflects this. Not doing so unfortunately suggests a hierarchy of types of violence and abuse that perpetrators need to be challenged and held accountable for; if this is not remedied, that will be the unintended consequence of this guidance being issued. We feel it is a missed opportunity *not* to address perpetrators of family abuse, sexual violence and other forms of violence against women in order to ensure a more wide-ranging preventative approach. By focusing on domestic abuse (and in many instances intimate partner violence only), we are concerned perpetrators of other forms of violence and abuse, as well as those who are not intimate partners, will be excluded from public authorities' responses.

At a local and national level, third sector agencies have examples of good practice in responding to perpetrators, which should be reflected in this guidance. For example, information about male violence against women who are exploited through prostitution, is collated by Safer Wales through the National Ugly Mug (NUM) scheme. This information is shared with public protection bodies in Wales and women are also informed of perpetrators' descriptions to help increase their protection.

It has also been noted that within the context of 'domestic abuse' (as defined here in relation to 'associated persons' across all age ranges), family members who are perpetrators are notable by their absence, even though they might commit different forms of abuse including, but not limited to, child abuse, child to parent abuse, abuse towards older people by other associated persons, forced marriage, so-called 'honour-based violence', female genital mutilation, and sexual violence. Responding to family members who are perpetrators and the associated risk they pose should also be included in statutory guidance on domestic abuse, in order to ensure that protection of and support for those who are experiencing abuse is maximised.

It is also vital that information about the impact perpetrators have on children and young people is also included within this guidance. This is both as victims of abuse, and also as witnesses to abuse in their households. The guidance should recognise that Section 120 of the Adoption and Children Act 2002 extends the legal definition of 'significant harm' to children to include the harm caused by witnessing or overhearing abuse of another, especially in a context of domestic abuse, and the responsibility for this harm lies with the abuser. One in seven children and young people under the age of 18 will have experienced living with domestic violence¹. Research shows that 60,000 girls under the age of 15 are at risk of FGM in the UK². In 2014 (Jan-Dec), the Forced Marriage Unit supported or gave advice to 1267 potential forced marriage cases. 11.% of cases involved victims below 16

¹ Radford, L., Aitken, R., Miller, P., Ellis, J., Robert, J. & Firkic, A. (2011) Meeting the needs of children living with domestic violence in London Research report Refuge/NSPCC research project. London: City Bridge Trust. Accessed: <http://www.nspcc.org.uk/globalassets/documents/research-reports/meeting-needs-children-living-domestic-violence-london-report.pdf>

² Macfarlane, A., Dorkenoo, E. (2014) "Female Genital Mutilation in England and Wales: Updated statistical estimates of the numbers of affected women living in England and Wales and girls at risk: Interim report on provisional estimates" London: City University

years, 11% involved victims aged 16-17, 17% involved victims aged 18-21³. The harm that children and young people face as a result of being a victim of abuse themselves, or as witnesses should be highlighted in this guidance in order to inform how best to respond to perpetrators.

Information should also be included in the guidance about marginalised communities' experiences. Victims within Black and minority communities, or who identify as disabled, LGBT+ or who fall within other protected characteristics groups are often marginalised and experience multiple forms of discrimination and disadvantage. This often makes it harder for those experiencing abuse and violence to seek help, allowing the perpetrator more power and control over their victim. Where there are language barriers to seeking help, for example amongst survivors without a first language of Welsh or English or who use British Sign Language, perpetrators may act as an interpreter, thereby controlling what information is shared and who to⁴. This can make seeking support highly problematic. Methods of abuse which exacerbate the experience of abuse and introduce further barriers to help-seeking need to be included in order to understand the parameters under which perpetrators can often continue to abuse with impunity and how this can be prevented.

The guidance should also make reference to the fact that perpetrators can be in multiple relationships at one time, thereby creating multiple victims of abuse. In addition, the guidance should address issues about abuse stemming from multiple perpetrators with one victim of abuse. Both of these circumstances create complexities, and the responses needed to address these should be reflected in this statutory guidance.

Coercive control, which is the most common context in which women are abused and also the most dangerous, is notable by its absence. The UK Government definition of domestic violence and abuse defines this as a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is a continuing 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. The guidance should also reference coercive control, which is now enforceable as a crime⁵. Reference should also be made to the accompanying statutory guidance framework on coercive control, for England and Wales, which is aimed at criminal justice agencies and other public and non-government organisations.

The good practice should include a section on the Welsh Third Sector role, to accompany the section on the Welsh Public Service role. The third sector specialist services in Wales should be recognised as providers and for their expertise in supporting survivors, delivering women-centred intervention with women offenders/involved in the justice system, and for delivering accredited perpetrator programmes and interventions. For example,

³ Forced Marriage Unit: Accessed: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412667/FMU_Stats_2014.pdf

⁴ Women's National Commission (2010) 'A Bitter Pill to Swallow', DH

⁵ Serious Crime Act 2015, section 76



- The 'Chose2Change' programme which is run by *Relate Cymru* should be acknowledged in the guidance as a Wales-based Respect accredited Domestic Violence Perpetrator Programme (DVPP). This prevention service works with perpetrators in groups and on a one to one basis, and with perpetrators from a range of backgrounds including men, women, people in same-sex relationships, and people with learning disabilities.
- *Llanelli Women's Aid* 'Choices' programme for male perpetrators of intimate partner violence and abuse should also be included in the guidance. The programme is a 30 week rolling programme which is delivered on a 1:1 basis for the initial 5 weeks followed by 25 weeks of group work. This new programme has been developed with Respect and is run in accordance with Respect best practice guidelines, as part of a whole family response to domestic abuse within specialist domestic abuse services. The programme is currently working towards Respect accreditation.

Question 2: What will be the challenges in adopting the good practice outlined within this guidance? What would assist in overcoming these challenges?

Please also see our tracked changes suggestions and comments on the guidance itself.

The provision of Respect accredited perpetrator programmes across Wales is sparse and significantly under-resourced, in comparison to the rest of the UK, and the guidance should emphasise that this gap in provision should be addressed through commissioning arrangements. Commissioners need to understand that investing in an accredited programme requires the essential provision of associated women's safety work running alongside the interventions with men as integral to the programme. Until this is addressed, this gap in accredited provision presents a challenge to adopting good practice outlined in this guidance to enable the referral to perpetrator programmes.

It is imperative that funding for Respect accredited perpetrator programmes are additionally resourced as part of a holistic strategic commissioning plan and do not result in a reduction of funding for specialist services for survivors of abuse. Both forms of specialist provision are essential to an effective coordinated community response. It is vital that that there are robust commissioning standards implemented to maintain standards and effective responses.

The models developed in North Wales and in South Wales should be embedded into local commissioning frameworks and considered by other areas as good practice:

- In South Wales Llanelli Women's Aid aims to provide integrated accredited perpetrator programmes as part of a wider 'whole family' response to domestic abuse within specialist Women's Aid services.
- In North Wales, the Choose2Change programme works in partnership with Welsh Women's Aid and our member services, who provide continuing support for survivors whose partners are on programmes.

Further examples in the UK of effective practice should be highlighted in the guidance. For example, co-location of Domestic Violence Prevention Workers (for perpetrators) and

Women's Support Service Workers (for women) within social services⁶ – e.g. children's services – provides an effective means by which families are supported, abuse is prevented and also achieves the following benefits:

- Provision of in house expert services in cases where domestic abuse is a feature, including: case consultation; referral and risk assessment of male perpetrators; referral and identification of support needs for female victim/survivors.
- Provision of a Violence Prevention Programme for men assessed as suitable for group or one-to-one intervention.
- Provision of proactive support and safety planning, including a support group, for women whose partners are referred to the Violence Prevention Programme.
- Provision of relevant training for Children's Services staff.
- Improvements to joint working and influencing cultural and structural practices.

Question 3: Have you encountered any specific challenges associated with information sharing and data protection related to perpetrators of domestic abuse that this guidance should address?

Please also see our tracked changes suggestions and comments on the guidance itself.

Specialist services have communicated a number of issues resulting from information sharing and data protection. These include cases where perpetrators have contacted a number of organisations wanting to know if they had been discussed at MARAC meetings. Organisations must be clear on what approach to take in such situations.

It is imperative for all partners to understand the importance of safe information sharing, which if not undertaken effectively can limit frontline services in activities including safety planning, support planning and the provision of support and suitable referral pathways. This is particularly relevant for incidents which have not been reported to the Police which would not initiate established processes such as MARAC.

The importance of having the buy in from the public sector, with regards to safe information sharing and multi-agency collaboration for any perpetrator work is crucial to inform a robust risk assessment and referral pathway, which should be highlighted within the guidance.

Question 4: Do you have access to a community based Domestic Violence Perpetrator Programme in your area? If so, what are the details of this programme and how are referrals managed?

Please also see our tracked changes suggestions and comments on the guidance itself.

⁶ <http://www.dvip.org/assets/files/downloads/DVIP%20Co-Location%20In%20Hackney%20Children%20Services%20-%20A%20Process%20Evaluation.pdf>

A number of our specialist member services have indicated that there are no community Domestic Violence Perpetrator Programmes available to them. There have also been concerns raised that any developing or available "programmes" are not Respect accredited. All perpetrator programmes must be Respect accredited to ensure safety, and best practice is used, and concurrent women's safety work is integral to the programme.

See response above for specific programmes and models.

Question 5: How well is the risk posed by perpetrators of domestic abuse to both non-abusive adults, vulnerable adults and children managed through existing safeguarding systems? What could be improved?

Please also see our tracked changes suggestions and comments on the guidance itself.

Under the section 'Professional Safety', Welsh Women's Aid would recommend that joint assessments should take place with the specialist third sector, as well as police and other statutory bodies.

The guidance mentions the important role of the specialist third sector to deliver perpetrator work, however as stated above, the availability of these programmes is sporadic across Wales. In order to effectively work with and refer to the third sector, organisations need to be appropriately funded to deliver such work. This guidance should recognise that fact and direct practitioners and leaders to appropriately developed Commissioning Guidance calling for accredited perpetrator services. At the moment, there is a gap in accredited perpetrator programmes across Wales, and as such, if perpetrators are identified, there is a limited number or places (in a limited number of areas) where a referral can be made.

Question 7: 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:

Please also see our tracked changes suggestions and comments on the guidance itself.

Welsh Women's Aid would recommend that this guidance should include information which relates to employees being perpetrators of violence against women. There should be information which then links to appropriate responses that are supported by a robust workplace policy and training for staff.

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

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