



Welsh Women's Aid Response to APPG on Domestic Violence Parliamentary Hearing on Family Courts

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 group work 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.

Personal experiences of domestic abuse and the family court (from services users via groups)

- Issues with Legal Aid:
 - Threshold is too high – Women in refuge are refused legal aid as they have a joint mortgage, which mean that they are over the threshold to be able to apply. However, as the mortgage is with the perpetrator they do not have control over selling etc so are unable to access any of the

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 .



- money. This means that they are unable to access legal advice and has resulted in women returning to the perpetrator.
 - Women who work part-time are also unable to access legal aid as they tend to be just over the threshold. Lately many women who come into refuge both single women or families are part-time workers.
 - National Centre for Domestic Violence has been approached and result have been seen in regards to restraining orders, but not when they have been working or had a property.
 - Cuts have created climate of extra hurdles and increased risks. These are barriers to accessing justice.
 - Self-representation – perpetrator intimidation and manipulation
 - Unaware of options e.g. docs (C1A) or special measures
 - Perpetrators accessing support through family organisations
 - Specialist services less able to support survivors in court due to cuts
- Decision makers increasing risk
 - Survivor of domestic abuse recently relocated away from the perpetrator. Family court Judge ordered that mother (survivor) must share new address and telephone number with the father (perpetrator), as the father has a right to know where is child is and a way to contact.

Case Study 1 - Dani

Mum accessed support in November 2015. Mum was deemed a high risk victim of domestic violence following years of physical, emotional, financial and sexual abuse by the father of her children. Since separating in 2013, dad has taken mum to court for custody of the children. Mum has found the drawn out process gruelling and unstable for the children. Dad has failed to turn up to the majority of court hearings. Mum is still receiving on going abuse from dad and other family members. Mum disclosed that her daughters, has been repeatedly been let down. It has resulted in a lack of consistency and structure for her daughters. Mum is a single working mother and without legal aid, the financial cost of the court procedures would have been too much. The court process has been lengthy and a time of uncertainty for mum and her two daughters.

Case Study - Rosie

Mum was in an abusive relationship for a number of years. She suffered physical, financial and emotional abuse. Due to be isolated by dad, mum had little support when she left the relationship. Mum spent a short amount of time sofa surfing before finding her own accommodation. Dad then refused to allow mum to have contact with the children or to allow the children to live with her. Due to the solicitors lack of awareness around domestic abuse it was an extremely costly process for mum, financially and emotionally. The court process was a traumatic experience for mum, there was no understanding of domestic abuse or power and control in a relationship. Mum felt shamed by the courts for leaving her children and shared contact was granted between the parents. This shared care allowed the abuse and control to



continue for a number of years. The children on a number of occasions requested to live solely with mum, but dad manipulated and pressured mum and with the court order, reinforced the control he has. The children have not had a settled home, spending one week with one parent and then the other. This has impacted on their education and their emotional wellbeing and they have become victims to dad's abuse.

Role of state agencies such as social care and Cafcass

- Issues with CAFCAS Cymru have been mentioned to Welsh Women's Aid via our members
- Lack of awareness of domestic abuse with decision makers
 - Survivor forced by family court judge to share address
 - 'risky' CAFCAS Cymru reports
 - Survivor 'shamed' by family court for leaving children when escaping abuse
 - Court process secretive, expensive, traumatic and lengthy
 - Has allowed abuse to continue
 - Medication offered
 - Statutory agencies not sharing information
 - Parents rights over child's
 - Solicitors feel police should act more when there is a risk of harm/broken arrangements

Impact of unsafe child contact on children

- Judges decisions are putting children at risk – in one case it has led to a child being sexual abused by her father

Domestic abuse, family courts and child contact in Wales

- Geography of Wales
 - Closure of courts – in rural areas means that accessing justice is extremely difficult as transport in these areas can be very limited
 - Limited contact centres in West and Mid Wales
 - Limited Access to Legal Aid providers
- Cuts to Specialist Services means that there is less available support for all

Radnor WA:

As a support worker I have found that I have had to act as a McKenzie friend on occasion to provide support to clients who have had to represent themselves. Unless our clients can provide some evidence of abuse they do not qualify for any legal aid. And now we are finding that some legal firms are abolishing any legal aid work at all. Thus leaving our clients to face the perpetrator in court with no legal knowledge and no way of obtaining any. Besides special measures being asked for which most clients are unaware they can have, they are faced with being in close proximity to their



abuser prior and for the duration of the court hearing and by the time they are expected to speak they are so intimidated and frightened that they are rendered incapable of doing so. Also there is also the matter of making the court aware that there has been domestic abuse and we are finding that without legal representation the appropriate documents i.e. C1A is not being processed along with the application.

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

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Consultation Response:

Welsh Women's Aid warmly welcome the Wellbeing of Future Generations (Wales) Act 2015 (the Act). We are hopeful that the steps outlined in the draft statutory guidance will ensure that public bodies are well equipped to exercise their new powers in a way which has a positive impact on Wales and the seven wellbeing goals as outlined in the Act – including in regard to gender equality and ending violence against women and girls.

We suggest that the following recommendations (summarised below) are adopted in order to further the positive impact that public bodies can have whilst utilising their powers under the Act.

Summary of key recommendations (further recommendations are included below):

1. Investing in preventing violence against women in Wales will ultimately contribute to a more prosperous Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language, and a globally responsible Wales.
2. Responsibilities under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) should be taken into account by any guidance developed under the Act.
3. Child protection cannot be viewed in isolation from tackling violence against women, and as such, the link between both areas should be made evident to those with decision-making powers.
4. Local level wellbeing plans should, where appropriate, incorporate a gender responsive, needs lead, survivor focused service model such as Welsh Women's Aid's 'Change that Lasts' model², but should not replace the need for standalone VAW/DA/SV strategies
5. The overlap in indicators and members of boards and bodies involved in the Act and the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (also relevant to the Social Services and Wellbeing (Wales) Act) should be aligned to ensure a strategic and holistic approach in Wales and prevent any duplication of effort.

² Change that Lasts Transforming responses to domestic violence and abuse, accessed November 2015 at http://www.womensaid.org.uk/core/core_picker/download.asp?id=4974



Responses to questions:

Questions 1-8

Welsh Women's Aid does not have anything to add to questions 1-8 of the consultation.

Question 9

Violence against women is an issue which touches the lives of a large part of the population. 4.6 million women have experienced domestic abuse since the age of 16, and last year in Wales, specialist domestic abuse services supported 10,347 adult survivors and 3892 children and young people. We also know of at least 284 women in Wales who were not able to be accommodated last year because there were no refuge rooms available. In 2014-15 the All Wales Domestic Abuse and Sexual Violence Helpline (now named the Live Fear Free Helpline) also received 28,526 calls and emails for help.

Welsh Women's Aid recommends the importance of linking work to end gender inequality and violence against women within all aspects of the Act.

Men's violence against women and girls is a cause and consequence of inequality between men and women; and the law and the sexual exploitation and objectification of women reflect and reinforce sex inequality and contribute to a conducive context for male violence. Evidence shows that tackling violence against women and promoting equality between men and women will have a positive impact on all of the seven wellbeing goals outlined in the Act. Investing in primary prevention leading to the elimination of violence against women will lead to:

- An equal Wales: sex inequality is a root cause of violence against women³. Tackling violence against women, including its causes, will lead to more equality between men and women in Wales;
- A healthy Wales: the World Health Organisation has stated that violence against women is a 'global health problem of epidemic proportions'⁴. By adopting practices to eliminate all forms of violence against women, Wales will see a positive increase to the nations' physical and mental health, reduction in problematic substance use as well as improved resilience and recovery from trauma associated with violence against women and adverse childhood experiences;

³UN Women: virtual knowledge centre to end violence against women and girls, accessed November 2015: <http://www.endvawnow.org/en/articles/300-causes-protective-and-risk-factors-.html>

⁴ World Health Organisation Media Centre, accessed November 2015: http://www.who.int/mediacentre/news/releases/2013/violence_against_women_20130620/en/



- A prosperous Wales: domestic violence costs Wales £303.5m annually: £202.6m in service costs and £100.9m to lost economic output. These figures do not include any element of human and emotional costs, which the research estimates costs Wales an additional £522.9m⁵. In addition, women who experience violence will be adversely affected in both education and work. Each year, one in ten victims of partner abuse takes time off work as a result of the abuse⁶. By incorporating approaches to prevent violence against women, Wales will be more prosperous both with regard to public spending, and also in terms of personal ability to earn, learn and succeed;
- A Wales of cohesive communities: violence against women and cohesive communities are interlinked areas, given the level of involvement that the criminal justice system has in both. Tackling violence against women will lead to safer communities, and more trust between neighbours. In addition, violence against women can result in the further social exclusion of already marginalised minority groups, for example Black and minority communities and lesbian, gay, bisexual and transgender (LGBT+) communities. Tackling violence against women will break stereotypes and challenge social stigma, which will promote inclusiveness and better community ties;
- A resilient Wales: a more equal Wales will arguably lead to a nation which allows the full participation of women in all aspects of public and private life. Therefore, more of the population will be able to contribute to the resilience of the natural environment. In addition, the UN has recommended: *'Governments...to incorporate gender perspectives into their national policies, action plans and other measures on sustainable development and climate change, through carrying out systematic gender analysis'*⁷;
- Vibrant culture and Welsh language: a more equal Wales which fully involves women in its cultural life and reflects their lives will be of benefit to all;
- A globally responsive Wales: violence against women is a worldwide issue, and many legal instruments have been produced to protect the human rights of the women adversely affected by these issues. By Wales utilising the recommendations in these instruments (e.g. fulfilling requirements of the Istanbul Convention), Wales will be globally responsive and at the forefront of developing good practice in this area.

⁵ Walby, S., The Cost of Domestic Violence: Update 2009.

⁶ Povey, E., Coleman, K., Kaiza, P., Hoare, C., Jansson, K., (2008) Home Office Statistical Bulletin: Crime in England and Wales 2006/07. Supplementary Volume 2 to Crime in England and Wales 2006/07

⁷ UN WomenWatch: Fact Sheet Women, Gender Equality and Climate Change:

http://www.un.org/womenwatch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf



It has been well documented that violence against women and women's lack of equality adversely impacts our health care⁸, the criminal justice system⁹, poverty¹⁰, employment¹¹, and education¹², amongst many other areas of society. Even seemingly separate issues can also have an impact on, and be impacted by, violence against women, for example, climate change.

UN Women say:

"Linking gender equality with sustainable development is important for several reasons. It is a moral and ethical imperative... To be effective, policy actions for sustainability must redress the disproportionate impact on women and girls of economic, social and environmental shocks and stresses. Failure to capitalize on [women's knowledge, agency and collective action] would be a missed opportunity. Women should not be viewed as victims, but as central actors in moving towards sustainability"¹³.

It is therefore important that all bodies and boards with a duty under this Act understand, and make decisions in this context.

Local Level Wellbeing Plans

Welsh Women's Aid would like further clarity around the inclusion of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (henceforth VAW Act) which has been included in the list of legislation that can be discharged via a local level well-being plan. We note that there is an overlap in the bodies and boards who will be involved in implementing the Act and the obligations under the VAW Act to improve:

- a) Arrangements for the prevention of violence against women, domestic abuse and sexual violence;
- b) Arrangements for the protection of victims of gender-based violence, domestic abuse and sexual violence;
- c) Support for people affected by gender-based violence, domestic abuse and sexual violence.

⁸ World Health Organisation: Violence against women Health consequences, accessed November 2016: <http://www.who.int/gender/violence/v8.pdf>

⁹ Equality and Diversity Impact Assessment on the CPS Violence Against Women Strategy and Action Plan https://www.cps.gov.uk/publications/equality/vaw/vaw_eia.html

¹⁰ Bevan Foundation for the Women Equality Network Wales. (Women's Equality Now: The Position in Wales Today on Poverty and Economic Violence. Accessed: <http://www.wenwales.org.uk/wp-content/uploads/6033-WEN-Econ-Violence-FINAL.pdf>

¹¹ Povey, E., Coleman, K., Kaiza, P., Hoare, C., Jansson, K., (2008) Home Office Statistical Bulletin: Crime in England and Wales 2006/07. Supplementary Volume 2 to Crime in England and Wales 2006/07.

¹² Phipps, A and Smith, G (2012) 'Violence against women students in the UK: time to take action', in Gender and Education 24(4), 357-373.

¹³ World Survey on the Role of Women in Development 2014: Gender Equality and Sustainable Development, UN Women, 2014, p.7.



This overlap provides an ideal setting from which to identify opportunities that further both the goals under the VAW Act and the Act. However, we would like reassurances that the VAW/DA/SV plans will still be stand-alone strategies, rather than being incorporated into the wider local level wellbeing plan – which would be of great concern.

Incorporating specialist domestic abuse and violence against women support services such as Welsh Women's Aid and our membership of specialist services across Wales will ensure that boards and bodies making decisions are cross-cutting and that any changes made are relevant, realistic and have a positive impact. We would also stress the importance of involving the voices and needs of survivors, though a collective group, when creating local level well-being plans, as this can be a seldom heard group. Welsh Women's Aid is developing a national survivor involvement framework to inform the VAW Act development, which could also be of benefit to the Commissioner and Ministers/officials when implementing the Act.

In order to ensure a survivor focused, gender responsive and needs lead approach Welsh Women's Aid has developed, in partnership with Women's Aid Federation England, the Change That Lasts service model¹⁴.

In summary, the key elements of *Change that Lasts* are:

- The voices of survivors are central to the development and delivery of service responses;
- Services work to a shared goal of independence for the survivor;
- There is a shift from a risk based approach to one that starts with the individual needs of survivors, including their safety;
- Survivors are supported to draw and build upon their individual strengths and resources – needs assessment and safety planning facilitate this;
- Barriers to help are removed or reduced and opportunities to access help in the community are widened through local safe disclosure schemes in local communities and development of the trained, trusted professional role;
- Communities increase their understanding of domestic violence and abuse, and the role they can play in responding, through awareness campaigns with consistent key messages and clear signposting;
- Children and young people are supported to overcome the impact of abuse and survivors should be supported to help them in this process;
- The focus of risk shifts to the perpetrator who is held to account and provided with opportunities to change behaviour.

Integrated Approach to Other Duties: CEDAW and the Istanbul Convention

Welsh Women's Aid is also pleased to see the inclusion of the Equality Act 2010 and the *United Nations Convention on the Rights of the Child (UNCRC)* as areas where an

¹⁴ Change that Lasts, accessed November 2015:

http://www.womensaid.org.uk/core/core_picker/download.asp?id=4974



integrated approach to other duties can be taken. We would further strongly recommend that the guide includes the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)¹⁵ to this list. CEDAW outlines how women are adversely discriminated against and how member states can put in place measures to eliminate this discrimination¹⁶. The Istanbul convention calls for member states to recognise and act on violence against women fully in order to prevent this violence from occurring, protect victims of violence and to prosecute perpetrators¹⁷. Local Authorities, Police and Crime Commissioners, and Health Commissioners all have responsibility for the obligations set out in these two legal frameworks. Given the involvement of these groups with regard to the Act, there is an ideal opportunity for issues that adversely affect women and children to be tackled, whilst at the same time, working towards achieving the Wellbeing goals.

Wales, through the Act, is in a position to make real changes for women and children across the nation, and be an example to other countries in the EU and also worldwide. Whilst we appreciate that the Istanbul Convention is yet to be ratified by the UK government (indications from the UK Government however, are that this is imminent), signing the convention in June 2012 shows an intention to commit to the recommendations. Recommendations under the Istanbul convention which align with the wellbeing goals include creating gender sensitive policies, promoting substantive equality between men and women, promoting international co-operation, and education. This is not an exhaustive list, and Welsh Women's Aid would stress the point that tackling violence against women in all forms ultimately ties in with, and supports, all of the wellbeing goals. Wales, by paying regard to the Istanbul Convention will ensure that decision making is forward looking and EU compliant.

No nation in the UK has yet reached the minimum standards set by the Council of Europe with regard to tackling Violence against Women under CEDAW. For example, the UK does not have a national strategy for implementing CEDAW; the convention has rarely been mentioned in consultations, legislation and policies (including the Equality Act 2010), and the UK are yet to nominate a representative to sit on the CEDAW Committee. These standards, plus many more, all of which seek to eliminate violence against women, have been further embedded in the Istanbul Convention, emphasising the importance of achieving them. If the duties in both CEDAW and the Istanbul Convention were integrated into the duties under the Act, Wales will be utilising a great opportunity not only to improve the lives of women and girls across the nation, but also fulfil the aim of the Act to be globally responsive. In addition, as mentioned above, by pursuing an end to violence against women within the frameworks set out in this consultation, there will also be a direct impact on the wellbeing goals.

¹⁵ Council of Europe Convention on preventing and combating violence against women and domestic violence, accessed November 2015: <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

¹⁶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), accessed November 2015: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

¹⁷ <http://www.coe.int/en/web/istanbul-convention/about-the-convention>



Children and Violence against Women

It is important that the overlap between protecting women and protecting children is given due regard in any future guidance. Whilst we welcome and support the focus on the wellbeing of children, this should not be seen as a separate issue to the wellbeing of women and how violence against women and their children impacts significantly on their future well-being.

Research shows that there is a link between abused children and domestic violence. An early NSPCC prevalence study of child maltreatment found that 80% of children that reported serious physical abuse were also living with domestic violence at that time¹⁸. Later research has also illustrated a substantial overlap between the most severe forms of child maltreatment resulting in the death of a child, and domestic violence¹⁹. Research also shows that domestic abuse has a long lasting impact on children, such as an increased risk of children becoming victims of abuse themselves, significant risk of ever-increasing harm to the child's physical, emotional and social development, and a strong likelihood that this will become a continuing cycle of violence for the next generation²⁰.

Issues of child safety often go hand in hand with protecting women from domestic abuse, as well as other forms of violence against women. An integrated approach to children therefore, needs to simultaneously address violence against women in order to be truly effective, equal and long lasting.

Investing in Tackling Violence against Women

Violence against women costs Wales millions of pounds per year. Domestic violence alone costs Wales £303.5m annually: £202.6m in service costs and £100.9m to lost economic output. These figures do not include any element of human and emotional costs, which the research estimates costs Wales an additional £522.9m²¹. These figures also do not consider other types of violence against women, such as sexual violence and so called 'honour based' violence, as such, the cost annually to Wales is likely to be much more than research may suggest.

¹⁸ Cawson (2002) *Child maltreatment in the family: the experience of a national sample of young people*. London: NSPCC

¹⁹ Brandon, M., Belderson, P., Warren, C., Howe, D., Gardern, R., Dodsworth, J., Black, J., (2008) *Analysing Child Deaths and serious injury through abuse and neglect: what can we learn?* England: Department for Children, Schools and Families

²⁰ UNICEF (2006) *Behind Closed Doors: The Impact of Domestic Violence on Children*. Accessed: <http://www.unicef.org/media/files/BehindClosedDoors.pdf>

²¹ Walby, S., *The Cost of Domestic Violence: Update 2009*.



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 our member services.²² The sector as a whole is very dependent on secure long-term funding from Welsh Government to protect services for women and children fleeing domestic abuse and violence. Given the intersecting ways in which violence against women has a negative impact on many areas of life, due regard needs to be given to the way in which funding is allocated in order to protect and strengthen specialist services who work in this area. Investing in tackling violence against women therefore, is a cost effective approach. Even a small increase in the cost of providing specialist services is outweighed by the decrease in the costs to public services, lost economic output and the decrease in the human and emotional costs²³. Improving funding for specialist services will have a huge positive impact on meeting the wellbeing goals.

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 in the near future.

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

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²² WWA summary briefing on the CPS VAW Crime Report for 2013-14:
http://www.welshwomensaid.org.uk/images/WWA_brief_on_CPS_VAWG_Report_13-14.pdf

²³ Walby, S. (2009) The Cost of Domestic Violence: Update 2009. Lancaster: Lancaster University.