



Welsh Women’s Aid response to rebalancing care and support

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These are the views of:	<i>Welsh Women’s Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

About Welsh Women’s Aid

Welsh Women’s Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums). These services deliver life-saving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision.

As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support and training to deliver policy and service improvements across government, public, private and third sector services and in communities, for the benefit of survivors.

We also deliver the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>)

Introduction

Welsh Women’s Aid welcomes the opportunity to respond the Welsh Government consultation on Improving social care arrangements and partnership working. We welcome the White Paper on rebalancing care and support. As the national umbrella body in Wales working towards the prevention of violence against women, domestic abuse, and sexual violence (VAWDASV), our response will primarily focus on how the virus and the response to it is affecting survivors of abuse (including children) and how this negative impact intersects with factors such as ethnicity, age, class, sexuality and disability.



In this short response we will highlight our key points for consideration - ending VAWDASV in Wales is everyone's business, with each sector playing a role in providing safety and support to survivors. The COVID-19 pandemic has affected every person in Wales. VAWDASV is, as described by the World Health Organisation, in and of itself, a global health problem of epidemic proportions.¹ Long before official social distancing guidance and lockdown on 23 March, 1 in 3 women² will have experienced some form of VAWDASV across their lifetimes. The pandemic has held a magnifying glass to this, showing in detail gaps in protection and support, unsustainable funding models for specialist support and the dangers and barriers which face survivors in Wales, as well as reducing access to support from informal networks.

Our response will cover three key areas:

1. Prevention and Early intervention
2. Children and Young People
3. Duty of Care to Migrant Women with No Recourse to Public Funds (NRPF)

Prevention and Early Intervention

We note the acknowledgement that:

“competing priorities and increased demand for services to meet more complex needs often means a focus of commissioning and delivery on the acute services, which are more costly and which squeeze the capacity for preventative work.”

Unfortunately, it seems that little has changed since the Wales Audit Office made the observation in their review of progress against the VAWDASV Wales Act 2015 that there was no money for prevention. While it is positive that we continue to see acknowledgements of the importance of prevention work (which also facilitates a greater level of earlier intervention), we would urge that any re-structuring of the social care sector is fundamentally based on increasing the capacity of preventative services and the scale at which prevention interventions are delivered. Additional funds must be sourced to enable this change, and until such a change does happen, we will continue to see resources being depleted and the need for more intensive interventions increasing.

Domestic abuse and child abuse are common reasons for placing children in care. Working with the VAWDASV sector to fund a programme of early intervention and primary prevention interventions that is delivered across Wales is essential if we are to truly be centring the principle of prevention.

Children and Young People

The white paper should work towards enabling a safe and stable family environment and an Integrated Care Fund to keep children out of care. There are opportunities to consider sustainable commissioning

¹ https://www.who.int/pmnch/media/news/2013/violence_report/en/

² <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>



of CYP specialist support, also noting need to cover children in refuge, referral routes and safeguarding, and safe contact.

Sustainable funding:

We have notes on the provision of sustainable funding in our Children Matters report³, including issues surrounding waiting lists, which have now been further exacerbated by the pandemic. The impact of a lack of staff is felt directly by the children and young people who are waiting for support. Despite the plethora of resources and services offered on very little staff or sustainable funding the need greatly outweighs the provision. In 2018/19, data from Welsh Women's Aid members shows that **3,193 children were supported by specialist community/outreach services** in Wales, and **1,070 children under 16 years of age were supported in refuge provision**.⁴ This is 4,263 children and young people, compared to the estimated 18,487 children and young people who experience abuse in a year. Welsh Women's Aid therefore estimated that **77% of children and young people impacted by abuse had no specialist support**⁵

In 2020 we held a roundtable in partnership with NSPCC⁶ which expanded on the ideas of the report in a COVID-19 context. Discussions found a key building block to ensure support for all VAWDASV victims in Wales are appropriately resourced, high quality specialist services. Welsh Government committed to finding a sustainable funding model for specialist VAWDASV services in 2016. However, Welsh Women's Aid's mapping of services, in 2019, for children confirms the urgent need for better funding and resources to meet need.⁷ It found the provision of services for children and young people in Wales is 'limited, patchy and hugely varied due in large part to unsustainable, inconsistent and in some cases total non-existence of funding towards specialist dedicated services for children and young people'. The lack of public commitment is demonstrated by the fact that only one third of the £1,591,942 funding for specialist children and young people's services came from statutory sources. Most specialist services for children and young people rely on funding from trusts and foundations.

With other services unable, due to the effects of the COVID-19 pandemic, to see children in the usual way, such as schools or other universal services, the pressure has further mounted on the specialist VAWDASV sector. Specialist services are still engaging with social services if there are any safeguarding concerns, however many are pre-empting a massive increase in all areas once lockdown is over, which is concerning when it comes to capacity and available resources – both of which were already reduced prior to the pandemic. The Live Fear Free helpline saw a 54% increase during the first quarter of 2020/21 of contacts from survivors experiencing abuse who disclosed that they had children. Calls to ChildLine about violence and abuse in the home has also seen an increase,

³ <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/11/Children-and-Young-People-participation-report-FINAL.pdf>

⁴ <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/11/Annual-Membership-Report-2018-19-FINAL.pdf>

⁵ Ibid, Page 15

⁶ <https://www.welshwomensaid.org.uk/wp-content/uploads/2020/11/Round-table-briefing-Oct-2020-Final.pdf>

⁷ <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/11/Children-and-Young-People-participation-report-FINAL.pdf>



it is therefore inevitable that we will see a peak in demand for these services in the months and years to come. They must be fully resourced to respond to that.

Welsh Women’s Aid mapping has found that specialist services are offering a lot on limited staff and resources, but because of the shortfall, some children and young people are still waiting up to 12 months for support. In addition, every service Welsh Women’s Aid spoke to name a lack of funding as a risk to their children and young people provision.

The voices of children and young people

Consideration needs to be given to the engagement of children and young people who have experienced VAWDASV, to ensure they can feed in their views on the delivery of outcomes in a trauma informed and safe manner. These are the most vulnerable in our society, who’s actions and autonomy are impeded not only by their experiences but also due to the impact of COVID-19 on their space for action, their experiences and feedback will be vital to measuring the impact of the CRS. To do this, it will be essential to work with specialist services who have the expertise to facilitated this engagement and ensure appropriate support where necessary.

Supporting all survivors of VAWDASV should be a priority in Wales, which includes children and young people. We have identified the prevalence of experiences of all forms of violence and abuse by children and young people, which demonstrates that there can be no room for negotiation that an awareness and understanding of VAWDASV is imperative for any Children’s Rights Scheme. For many children and young people, any access to specialist support or information/education outside of the home has been limited, which has been illustrated by the increase in calls to both the Live Fear Free Helpline and NSPCC Childline, and Meic, the helpline service for children and young people up to the age of 25 in Wales, also saw engagement with their services and recourses increase since the beginning of lockdown measures.⁸ We know that children and young people who have experienced abuse are trying to find their voices to ask for support. Children and young people have the right to live fear free from violence and abuse - we as citizens, organisations, policy makers & legislators must ensure their rights are protected upheld, and that robust policy is accompanied by effective implementation or policy will be largely inconsequential.

Duty of Care to Migrant Women with No Recourse to Public Funds (NRPF)

Welsh Women’s Aid welcome the acknowledgement in the White Paper that:

“the description in the social services well-being statement, of *the outcomes people should experience* with support from care and support services, is **still not uniformly the experience of people who need care and support**, and carers who need support. A range of environmental **and system** factors offer explanations for this.” (p.7 White Paper, emphasis added)

We also want to highlight that, for many migrant women and families, there is an even more fundamental issue: accessing *any* support from social services in the first place. Migrant survivors of

⁸ https://www.meiccymru.org/wp-content/uploads/2020/12/Meic-Report-English-21_12_20-Final.pdf



VAWDASV are a particular group of people in need of care and support who are **systematically** denied this support on the basis of their immigration status. We continue to hear numerous examples of this from our member services and the Helpline. For example, social services have:

- refused to undertake care and support needs assessments even though it is clear there is a risk of abuse;
- agreed only to meet the care and support needs of the child because they have “no duties” to the mother;
- turned survivors away “because they have NRPF”;
- told refuge providers that because the survivor is already in refuge, they are not at risk of harm and therefore social services have ‘no responsibilities’ to provide any financial assistance.

After seeking advice from barristers on the interpretation of social services’ duties to migrant survivors of VAWDASV under the SSWBW Act, Welsh Women’s Aid are clear that such denial of support to survivors is often **unlawful**.

We would be happy to share the barrister’s advice if this would be beneficial to the development of the new legislation to improve care and support and partnership working.

It is clear that there is a lack of understanding among social service departments about what their duties are to migrants with insecure status. The effect of this is that migrant survivors are often unlawfully denied the safety net of support that many are entitled to. This needs rectifying.

There is existing policy and legislation in Wales which, if implemented thoroughly and embedded into practice, could be effective in supporting migrant women. We would urge the Welsh Government to include clear instruction on these responsibilities under the SSWBW Act and consider the effectiveness of any future legislative change / updated guidance, if existing legislation is not being fully utilised.

Recommendation:

Advice and expertise on this issue should be readily available to social services departments, for example embedded in the proposed “national office” for social care.

We would also note that the way in which social services’ responsibilities have been characterised in this White Paper is unhelpful:

“Social care helps people who need care and support, such as older people, children who have physical or social needs, disabled people, and their families and carers. Care and support might include support to communicate, protection from abuse or neglect...” (p.10)

This reinforces the idea that it is only people who meet the criteria under the Eligibility Regulations who qualify for care and support under the SSWBW Act. This is not the case as the Act explicitly states



that the duty of care is triggered **EITHER** when they meet the criteria under the Eligibility Regulations **OR** where it is necessary to protect them from (a risk of) abuse or neglect.

Tailored support

The White Paper notes that:

“There has tended to be a perception in the sector of a reluctance to engage with social care amongst some Black Asian and Minority Ethnic communities as some families have preferred to support older family members themselves. However, more families are reported to say they cannot offer the support needed and therefore it is expected that significantly more Black Asian and Minority Ethnic older people will need to access social care services in the future” (p.14)

We welcome the acknowledgement that enabling access to appropriate and culturally sensitive social care provision has emerged as a priority for Black, Asian and Minority Ethnic people in the early co-construction of the Race Equality Action Plan. However, we would also like to note that where individuals prefer to be supported by their family and the family wants to provide this care, we would expect care by their family to be considered and the support put in place to facilitate this if this is in the individual’s best interests. This would be in line with the SSWBW Act expectation that local authorities have regard to the importance of beginning with the presumption that the adult is best placed to judge their well-being.