



Information and guidance on domestic abuse and sexual violence: Safeguarding older people (60+) in Wales

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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 23 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

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 .



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.

Summary of the main points covered in this response:

1. 'Sexual violence' is a term used in conjunction with domestic abuse throughout the guidance, yet it is explored in very little detail and is often conflated with 'domestic abuse'. Further guidance should be issued which focuses solely on sexual violence. References to sexual violence should be deleted within the guidance, or to very clearly indicate that this is in the context of domestic abuse every time it is used.
2. The guidance should make apparent the danger of colluding with the perpetrator of abuse if using a whole family approach.
3. References to perpetrator programmes should make clear that these programmes should be Respect Accredited.
4. Modern refuge options are wide and varied, and can be a suitable option for older people, this point should be urgently corrected within the guidance.
5. The guidance should make clear that support is available to all who have experienced or are experiencing domestic abuse, regardless of what their risk level is determined to be.
6. Welsh Women's Aid would encourage use of the term 'survivor', rather than 'victim' throughout the guidance.

1. This guidance states an intention to provide good practice information. Does it go far enough in this regard? Yes/No

What additional information is required?

Welsh Women's Aid acknowledge the good practice information which has been included within this guidance. Our response outlines some additional information which we believe should be included in order to ensure that professionals have enough information to help older people who are experiencing, have experienced, or are at risk of experiencing domestic abuse and sexual violence.

Overall, Welsh Women's Aid are concerned that 'sexual violence' is a term used in conjunction with domestic abuse throughout the guidance, yet it is explored in very little detail and is often conflated with 'domestic abuse', which has very different considerations (such as the nature of the relationship etc.).

We acknowledge that the "A note on Language" section of the guidance explains that sexual violence within the guidance is considered "mainly" within a domestic abuse context, however, Welsh Women's Aid would recommend that this be clarified further by stating that



the guidance has been issued 'only' in the context of domestic abuse, and that references to sexual violence are limited to this context.

Domestic abuse and sexual violence differ in a variety of ways, and without clearly stating and exploring this context, there is a danger that those who have experienced sexual abuse in a different context (e.g. from a carer who is not a family member/partner, or historically) will not be provided with the correct support. The difference needs to be made clear for those who have little understanding of the two terms and how they impact differently on older people.

We would therefore recommend that references to sexual violence be deleted within the guidance, or to very clearly indicate that this is in the context of domestic abuse every time it is used. Our preferred option would be to issue further guidance which focuses solely on sexual violence against older people, either as a stand-alone document, or as a separate section of this document (clearly distinguished from the domestic abuse section).

We are pleased to see that coercive control has been mentioned in the guidance, but are concerned about the way in which a list of behaviours has been included. It should be made clear that the list of coercive and controlling behaviors included within the guidance are not exhaustive, and that the behaviours displayed are usually 'personalised' to the person who is experiencing the abuse. Whilst it is acknowledged that this is included in a footnote, Welsh Women's Aid would recommend that this is referenced in the main body of the guidance as it can be missed by those who regard footnotes as 'add on' information. It is important that this is made clear so that the behaviours listed are not used as a checklist to determine if a person has been, or is being, subjected to coercive control. This could lead to a missed opportunity to identify abuse and violence where the behaviour is not included within the examples given.

Whilst Welsh Women's Aid agrees that a holistic whole family approach can be beneficial to address the care needs of all members of a family, it is vital that if this is to happen, there is no collusion with the perpetrator of abuse. Unintended collusion can take many forms but professionals should be aware of the risks. Common examples include²:

- The survivor is not seen as credible and their account of their circumstances is seen as inaccurate or embellished. This may be because of the extreme ('unbelievable') nature of the abuse, or because of the appearance / behaviour of the survivor, or because the survivor does not give a logical and ordered account of what has happened;
- Professionals / agencies view the survivor as being responsible for the abuse. This can happen where the survivor presents as angry with professionals rather than as a passive 'victim', misuses substances, or has mental health problems. Conversely, the perpetrator presents as rational and appears to cooperate with professionals, or uses their professional status, vulnerability, or 'charm' to avoid detection;

² Taken from 'Adult safeguarding and domestic abuse A guide to support practitioners and managers' p43
http://www.local.gov.uk/c/document_library/get_file?uuid=5928377b-8eb3-4518-84ac-61ea6e19a026&groupId=10180



- Agencies place all the responsibility for protecting others in the household, for example children and dependent adults, on the survivor and not on the perpetrator. A parent/carer's ability to protect children, or adults with care and support needs, is seriously impaired by the effects of abuse. Supporting a parent/carer to increase their ability to protect others must involve measures to stop the abuser as well as support to the parent/carer to decrease the risk to themselves;
- The perpetrator makes counter allegations of abuse. Professionals should work to ensure that everyone is safe. Safe Enquiry should be used with every potential victim, and risk assessments made without breach of confidentiality to the other adult, involving other professionals such as domestic abuse specialist agencies and the police if appropriate.

Welsh Women's Aid are pleased that the telephone number for the Respect Helpline has been provided for further reference. We stress the importance of all references to interventions for perpetrators, such as perpetrator programmes, to make clear that these programmes should be Respect Accredited, as other programmes can be unsafe and unsuitable. The guidance should also clarify that perpetrator programmes have been specifically developed to deal with underlying beliefs and behaviours, and are different to other courses, such as anger management programmes, which are not appropriate responses.

Welsh Women's Aid are pleased to see that reference has been made to the different factors which come into play when considering those from marginalised communities such as LGBT and BME. In order to further strengthen this, the points included could be further added to, to ensure that the target audience get a good understanding of the issues which are particular or unique to these communities. For example, the list of issues which are said to be areas which a member of the BME community may face includes 'family honour, shame and stigma', which are different from the shame that those from mainstream society experience. Many, for example, argue that shame is present in all cultures, but it is the way in which shame is seen to be an integral aspect of BME culture, how that manifests and the consequences of this that make shame in BME communities different. Good practice can only be put into place if terms and differences are clearly understood.

The guidance states that refuge may be unsuitable for older people as they are "often based around the needs of women with children...older women's difficulties with stairs...conditions are too loud" (pg.42). The lack of acknowledgement about the provisions which are made by specialist services to ensure that refuge accommodation is suitable for all, could be seen as misleading. This may stop referrals to refuge provision and ultimately hinder vulnerable people accessing specialist support which they vitally need and is available. Modern refuge options are wide and varied, and can be a suitable option for older people, this point should be urgently corrected within the guidance.

In addition, temporary supported housing is listed as an option for older people who are experiencing abuse in this section. Welsh Women's Aid would disagree with this as an option for those who are experiencing abuse as the specialist support which a survivor of abuse needs will not be available here, as it would be in specialist domestic abuse organisations.



The section which outlines the criminal justice options (pg. 41) should also make clear that many do not disclose due to fear of criminal justice service involvement and that this should be kept in mind when discussing this option. Whilst it is important that those who are committing crimes are subject to criminal sanctions, it is of paramount importance that an individual is not put off disclosing abuse and that their wishes are acknowledged and respected. Safety must be the priority when dealing with a disclosure, and often, the survivor will be an expert in managing their own safety within the relationship.

Welsh Women's Aid note that the duty to 'Ask and Act' has been outlined within the guidance, especially on pages 25-26. However, we note that the guidance does not make reference to the fact that this should only be conducted by trained professionals until the end of this section (end of page 27). It is imperative that the guidance clearly outlines that 'Ask and Act' should only be conducted by trained professionals early in this section, and why this is the case; if a professional who has not had training attempted to 'Ask and Act', there could be an increased risk to the person experiencing abuse, and/or a lack of disclosure.

Welsh Women's Aid note the emphasis which has been placed on risk assessments throughout this guidance. The focus and examples given for responses, focus very much on the tools of one provider (i.e. SafeLives tools i.e. IDVAS, MARACs and DASH). This does not include reference to multi-agency needs-assessments models of service delivery that work across risk. There is a need for equal consideration given to the wide range of other options and services available to give a more balanced approach. This will ensure that all options are considered, the best approach can be adopted as appropriate, and that no one organisation is seen to be endorsed over others.

In addition, this draft document does not reflect the growing evidence recently published that questions the effectiveness of MARACs. This has shown that a focus on risk has been accompanied by a reduction in needs-led responses, and a growing crisis of unmet need³. In addition, some responses have been criticised for marginalising and disempowering survivors themselves⁴. A controlling and undermining response from a service replicates the way in which the abuser has depleted a woman's own resources, and many studies emphasise how women need to remain in control of the decision-making process, rather than having no idea, for example, about their 'case' going to the Multi Agency Risk Assessment Conference. The DASH risk assessment tool is used in a number of varying forms across the country to assess risk in cases of domestic violence and abuse. Women's Aid in England and Wales, and many of our partners, have raised concerns about the reliance on this tool and the extent to which it is contributing to poor outcomes.

We note that the guidance encourages professionals to conduct risk assessments, however, the way in which risk is determined can differ depending on the person/organisation

³ Taylor, K. (2013) A Growing Crisis of Unmet Need: what the figures alone don't show you, Bristol: Women's Aid Federation of England

⁴ And Still Like Dust We Rise: London survivors of domestic & sexual violence (2010) AVA; Wilson, A (2013) Racism, Surveillance and Managing Gender Violence in The UK; Kelly et al. (2014) Finding The Cost of Freedom, London: Solace



conducting the assessment. It is important that risk and how it is assessed is clearly understood by all those who are conducting assessments, as this can greatly shape the results of an assessment and therefore the level of support.

We are pleased to note that the guidance states that 'it is also very important that appropriate services are available to those at all levels of risk'. It is of vital importance that the guidance makes clear that support is available to all who have experienced or are experiencing domestic abuse, regardless of what their risk level is determined to be. The specialist sector, such as Welsh Women's Aid's specialist member groups are able to provide a range of services to a range of people. This needs to be made clear in the guidance as there is a danger that professionals who are using it may believe that there is nowhere for those who are deemed to be low or standard risk to be referred to. Best practice would also dictate a referral to a specialist domestic abuse service, as opportunities to intervene when the risk is low or standard are extremely important - the movement between risk-levels can be a very fluid process in cases of domestic abuse. Positive and cost-effective results can arise from earlier interventions which are needs lead, gender responsive, survivor focused and produce change that lasts.

2. What examples of good practice are available across Wales which should be referenced in this guidance?

Please consider examples of service provision, tools, documentation, and partnership arrangements

In order to ensure a survivor focused, gender responsive and needs lead approach Welsh Women's Aid would recommend implementation of the recently developed Welsh Women's Aid and Women's Aid Federation England Change That Lasts model.

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

- 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 'Ask Me' schemes and development of the '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 are supported to overcome the impact of abuse and survivors 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.

The 'Change that Lasts model' (see attached report) not only focuses on the needs of the individual, it is also suitable for every circumstance, as the response is tailored to the person who needs support and interventions. This model supports and compliments the needs of older survivors.

3. It is important that services for older people experiencing domestic abuse and sexual violence integrate with existing statutory safeguarding processes. What more should this guidance include to clarify practice around these issues? :

References to other guidance should be made within this document, for example, the "Controlling or Coercive Behaviour in an Intimate or Family Relationship, Statutory Guidance Framework"⁵. In addition, there are many training programs Welsh Women's Aid can provide which can increase confidence in spotting signs of domestic abuse. These should also be referenced in the guidance should organisations need further support. We are happy to provide more information to facilitate this.

Where draft documents are referred to, for example, the "Draft Statutory Guidance on 'Ask and Act'" consultation, there should be a disclaimer that these documents are not the final versions and are subject to change. The document should also clearly indicate that the final, published documents are the ones which should be used and referred to once they have been finalised.

We note that the guidance includes large extracts of relevant legislation. However, for some this can be inaccessible and engagement can be limited. It is vital that those who are using the guidance are able to understand the document and the law regarding safeguarding older people who are, or may be at risk, of experiencing abuse. It would be beneficial to summarise the key parts of legislation to make them accessible to a wide range of professionals, rather than quoting directly from the relevant Acts. References on how to access the relevant Acts can also be included for those who are more comfortable with reading legislation.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf



4. How could this guidance provide opportunities to use the Welsh language?

Do you have concerns this guidance could have an adverse effect on opportunities to use the Welsh language? Yes/No

Welsh Women's Aid would like to see the use of the Welsh language maximised wherever possible. Work should be undertaken in Welsh and English where this is possible.

5. 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 encourage use of the term 'survivor', rather than 'victim' throughout the guidance (except when referring to deceased, crime types and in the context of perpetrator actions). The use of 'survivor' rather than victim is widely accept as best practice within the specialist sector as it is thought to be more empowering and less stigmatising to those suffering abuse.

The guidance should recommend that organisations themselves have work-based domestic abuse policies. This is relevant in this guidance as those who are over 60 years old and experiencing domestic abuse may also be in employment. By having a work based domestic abuse policy, and making it clear that it is applicable to all, regardless of age, organisations will be able to also help their own employees in feeling comfortable in disclosing any abuse they may be experiencing. Welsh Women's Aid can provide organisations support and training for this.

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 to support its delivery.

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

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