

Welsh Women's Aid Briefing:

The Violence against Women, Domestic Abuse & Sexual Violence (Wales) Act 2015

On the 29th April 2015 the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill received Royal Assent from her Majesty the Queen, and became an Act of the National Assembly for Wales. This marks the official passing of this innovative Welsh Government legislation into law, and is the end result of many years of hard work and campaigning from the sector, Welsh Government and National Assembly for Wales. We are eager to work together with the public sector and partners to ensure this legislation has the positive impact for survivors and services it was intended to.

The purpose of the legislation

The stated purpose of the Act is to improve:

- a) *Arrangements for the **prevention** of gender-based violence, 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.

Much of the detail of how these purposes will be achieved, such as 'Ask and Act' and the National Training Framework, will come in later in statutory guidance.

An overview of what the Act covers

Title	Violence against Women, Domestic Abuse & Sexual Violence (Wales) Act 2015	<i>The title of the Bill at introduction was the 'Gender-based Violence, Domestic Abuse and Sexual Violence Bill'. The final title was agreed during stage 2 of the scrutiny process. The sector believed it was of the utmost importance that the central feature of the legislation was a recognition that women suffer disproportionately from these particular crime types.</i>
Violence against women and girls (section 2)	This section requires persons exercising relevant functions (as defined in section 2(2)), to have regard to the need to remove or minimise factors which increase and exacerbate the disproportionate effect on women and girls of gender-based violence, domestic abuse and sexual violence.	<i>The Act highlights the focus on the particular issue of violence against women and girls (section 2), which is also reflected in the title of the Bill. However, the section makes clear that a person exercising relevant functions must also have regard to all other relevant matters.</i>
National strategy (section 3)	Duty on Ministers to prepare, publish and review a national strategy.	<i>This duty requires Welsh Ministers to provide an overall national plan for tackling VAW, DA and SV. This is a strong duty as it includes 'must'.</i>

Local strategies (section 5)	Duty to prepare local strategies: local authorities and Local Health Boards must jointly prepare and publish a local strategy for their areas	<i>Local authorities and Local Health Boards can include actions that can be carried out by a public body, voluntary organisation or person whose activities are able to contribute to the objectives of the Act. The public body or organisation should agree to the inclusion of these actions in the local strategy.</i>
Education (section 9 & 10)	A regulation making power for Welsh Ministers to require Local Authorities to publish information about how their education functions are being exercised, including in schools, to promote the purpose of the Act.	<i>This section allows Welsh Ministers to require local authorities, through regulations, to report on the steps they have taken to address gender-based violence, domestic abuse and sexual violence through their education functions, including in schools.</i>
	The power for Welsh Ministers and the Higher Education Funding Council for Wales to issue guidance to the governing bodies of higher and further education institutions in Wales on how they may contribute to the purposes of the Act.	<i>This section ensures that FE and HE are covered by the Act alongside schools. Guidance will be developed in due course to set out how FE and HE institutions contribute to the purposes of the Act.</i>
National Indicators & progress reports (section 11-13)	Welsh Ministers must publish national indicators and an annual report to measure progress of the Act. Local authorities and Local Health Boards must also publish, each financial year, a report of the progress they have made in achieving the objectives specified in their local strategy.	<i>There will be an annual review published nationally measuring progress of this work, alongside annual progress reports at a local level by local authorities and Local Health Boards.</i> <i>In terms of indicators, Welsh Ministers are required to consult with relevant parties before publishing such as local authorities, Local Health Boards and third sector organisations working in the sector. It also requires the indicators to be laid before the National Assembly.</i>
Statutory Guidance to Authorities and duty to follow (section 15-17)	Welsh Ministers may issue guidance to a relevant authority on how the authority should exercise its functions to contribute to the purpose of the Act (“statutory guidance”). In this Act, “relevant authority” means— <ul style="list-style-type: none"> (a) a local authority; (b) a Local Health Board; (c) a fire and rescue authority; (d) a National Health Service trust. 	<i>Welsh Ministers can issue guidance to all relevant authorities on how to contribute effectively to the Act. The Act specifies examples of such guidance including: how professionals appropriately ‘ask and act’ when dealing with disclosures, the National Training Framework for training public and specialist sector staff information sharing, commissioning of services and awareness raising, including in respect of Champions. The Welsh Government has indicated other statutory guidance will be published including in relation to a whole education approach and on perpetrators. This will ensure authorities are given appropriate direction for work in these areas.</i>

	<p>Local authorities and Local Health Boards must follow the course set out in guidance issued to them in accordance with this Act when exercising a power or duty (including a power or duty that is contingent upon the opinion of the authority concerned); but this is subject to the following provisions of this section.</p>	<p><i>All relevant authorities must follow statutory guidance from Welsh Ministers, unless they are able to propose an alternative that the Welsh Ministers agree contributes to the purpose of the Act and has a good reason not to follow the guidance. If the Welsh Ministers are not satisfied with this alternative, under section 16 they can direct an authority to follow the guidance.</i></p> <p><i>Welsh Ministers are required to consult with relevant parties before publishing any statutory guidance and the draft guidance must be laid before the National Assembly for Wales.</i></p>
<p>National Adviser (section 20-22)</p>	<p>The Welsh Ministers must appoint a person as the National Adviser. <i>[NB: - there is some inconsistency in the section regarding the National Adviser's title, which sometimes appears as 'Ministerial Adviser'. This was due to some technical amendments being voted down by the opposition parties in protest over other amendments on education failing during the Bill's final stage. The intended title however, is 'National Adviser'.]</i></p>	<p><i>Welsh Ministers are required to appoint a National Adviser. The National Adviser role is intended to advise Welsh Ministers in addressing VAW, DA and SV in Wales, alongside the wider sector and public. The role also allows for research to be undertaken in to matters relating to VAW, DA and SV and request information from relevant bodies which they must comply with in view of the Adviser's review function. There is specific mention of taking into account the effects of any inequality in exacerbating any abuse, which directly relates to violence against women and the other protected characteristics. The National Adviser will also publish reports on relevant topics and an annual plan/report on their role.</i></p>
<p>Definitions</p>	<p>In this Act— “abuse” (“cam-drin”) means physical, sexual, psychological, emotional or financial abuse; “domestic abuse” (“cam-drin domestig”) means abuse where the victim of it is or has been associated with the abuser</p> <p>“gender-based violence” (“trais ar sail rhywedd”) means—</p> <p>(a) violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;</p> <p>(b) female genital mutilation;</p> <p>(c) forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony of marriage (whether or not legally binding);</p>	<p><i>The face of the Act does not explicitly mention 'coercive control,' but this has been included in the explanatory memorandum.</i></p> <p><i>This includes violence against women.</i></p>

	<p>(2) A person is associated with another person for the purpose of the definition of “domestic abuse” in subsection (1) if—</p> <p>(a) they are or have been married to each other; (b) they are or have been civil partners of each other; (c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex); (d) they live or have lived in the same household; and for this purpose a person is a member of another person’s household if—</p> <p>(i) the person normally lives with the other person as a member of his or her family, or (ii) the person might reasonably be expected to live with that other person;</p> <p>(e) they are relatives; (f) they have agreed to marry one another (whether or not that agreement has been terminated);</p> <p>(g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated); (h) they have or have had an intimate personal relationship with each other; (i) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.</p>	<p><i>This includes intimate partner and wider family violence.</i></p>
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The following statutory guidance is currently being developed, or will be developed in due course, by the Welsh Government under the Act, and will be issued separately:

The National Training Framework

This will aim to create a consistent standard of care for those who experience gender-based violence, domestic abuse and sexual violence, and an unfailing standard of service throughout the Public Service to this client group. The National Training Framework will be aligned to the requirements of those who experience violence against women, domestic abuse and sexual violence, with an outline of the key competencies and knowledge required at each professional level. The groups who will have to undertake training will be employed within the relevant authorities and will include those who frequently come in to contact with potential victims of domestic abuse and those who work with victims (all levels of employment up to chief executive level).

Ask and Act

The primary objective of Ask and Act will be to encourage relevant professionals to ‘ask’ potential victims about the possibility of gender-based violence, domestic abuse and sexual violence where such abuse is suspected and to ‘act’ so suffering and harm as a result of the violence and abuse is prevented or reduced. This will be facilitated through guidance and accompanied by a training programme delivered through the National Training Framework. Guidance on information sharing will be included to encourage the safe and legal sharing of information on victims of abuse and violence to ensure appropriate action is taken so suffering and harm is reduced in Wales.

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A Whole Education Approach

This will outline the expectations on Local Authorities in relation to a whole education approach to healthy relationships, and in relation to Champions. It will build on the Whole Education Approach Good Practice Guide being developed by Welsh Women's Aid.

The Good Practice Guide, which will be published in this autumn, will outline the principles of a whole education approach and include examples of excellent practice from across Wales, the UK and internationally.

Multi-agency Working

This guidance will explore the necessary stages of collaboration and identify good practice in establishing partnership arrangements. This guidance will first outline the value of multi-agency collaboration in relation to gender-based violence, domestic abuse and sexual violence and the key components necessary for effective partnerships. The guidance will then move on to focus on three types of collaboration: the strategic partnership, the operational partnership, and multi-agency fora. It will also detail what is required within agencies to deliver on their partnership commitments and embed a robust response to gender-based violence, domestic abuse and sexual violence within their agency.

Guidance for Commissioners

The commissioning guidance will provide a comprehensive outline of the considerations to be made when procuring specialist service provision for gender-based violence, domestic abuse and sexual violence. The guidance will be developed in partnership with a stakeholder Task and Finish group and will outline the Welsh Government requirements for a nationally consistent model of service delivery to those affected by gender-based violence domestic abuse and sexual violence. The overarching objective of the guidance is to ensure consistent consideration of the prevention, protection and recovery needs of service users within a risk and needs led framework. It will outline the usefulness of pooled and joint funding, quality principles for delivery, pa structure though which outcomes for work with those who have experienced gender-based violence, domestic abuse and sexual violence should be measured and the capacity requirements of service provision. This is yet to be drafted.

Healthy Relationships and the Curriculum and the Prevention Agenda

Publication of Professor Donaldson's report, *Successful Futures*, which reviewed the curriculum and assessment arrangements, is very significant to future work in this area. Professor Donaldson recommended that the new curriculum should be structured around six 'Areas of Learning and Experience' – one of which should be Health and Well-being. It is here that healthy relationships would feature. Further detail in terms of implementation of *Successful Futures* is expected shortly and the Minister for Public Services has indicated that the sector will be invited to participate in a stakeholder group to develop this moving forwards. The Welsh Government are also planning an annual calendar of national awareness raising campaigns to further the purpose of the Act.

More guidance areas are likely to follow.

As the legislation is enacted and new statutory guidance is released under it, Welsh Women's Aid will continue to monitor its effectiveness and impact on the sector and survivors. In the meantime, if you have any comments or questions on the above, or any other policy matter, please don't hesitate to get in touch.

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