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**Cymorth i Ferched Cymru**  
**Welsh Women's Aid**

Rhoi Merched a Phlant yn Gyntaf  
Putting Women & Children First

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

## 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 lifesaving 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/>)

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## Introduction

Welsh Women's Aid welcomes the opportunity to respond to this consultation on Domestic Abuse Legal Guidance. Our response is separated into positive points, areas to strengthen, and further points to consider.

## Positives

- We welcome that both the guidance and policy statement reference existing legislation and strategies and nod to how these may function in a complimentary way. It is vital that this enthusiasm for joined-up work is reflected in the way the guidance is embedded- guidance which exists in silo, or which contradicts that already in existence will confuse, and may detract from good practice, which will ultimately be detrimental to survivors.
- We were pleased to see a reference to special measures. While the introduction of some special measures for survivors in family courts and a ban on direct cross-examination have progressed protections, not enough has been done to ensure survivor's peace of mind around security or to challenge the current 'pro-contact' culture. A substantive body of evidence demonstrates the harm caused to children, young people, and their non-abusive parent (all of whom are often survivors in their own right) by the family justice system<sup>1</sup> and this can only be dismantled with commitments to survivors' safety and wellbeing.
- We support the reference within the guidance to victims being provided information throughout the entirety of their case. Extensive feedback from survivors informs us that all too often, a lack of consistent communication, coupled with patchy or inadequate levels of support from criminal justice agencies breaks down resilience, and generates a feeling of there being no choice but to withdraw support for a prosecution.

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<sup>1</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/09/WWA-response-to-MOJ-inquiry-intofamily-courts.pdf>

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- We welcome both documents referring to the importance of support for survivors, and that support being offered at the earliest opportunity within the process. However, we would strongly advise specialist support services being explicitly referenced here, as currently only IDVAs are named which leaves the scope of support offered ambiguous.
- We were pleased to see reference to monitoring the impact of this policy, through the governance of the Domestic Abuse Steering Group. A cross-departmental group with responsibility for domestic abuse must set out robust accountability measures to ensure that commitments made are developed, enacted and fully implemented.

## Areas to strengthen

- Terminology

It is vital that this guidance embodies an ambitious, equitable and thoughtful approach, and that the terminology used is reflective of that. Consequently, we suggest:

- An alteration within both documents to “ending” domestic abuse rather than the current use of “tackling” it. This would help to represent the belief that domestic abuse is not an inevitability.
- Scrutiny of and accountability to the commitment of the phrase “develop our understanding of equalities”. Currently this positions intersectionality as an evolving afterthought, rather than a central factor in all stages of the development process. In their current formats, neither document is strong enough in displaying genuine inclusivity.

- Accessibility and intersectionality

There is little acknowledgement throughout either document of the concerning low percentage of survivors who make the decision to report the abuse they have experienced, the multiple barriers faced when it comes to reporting (and the exacerbation of these barriers when multiple inequalities intertwine) and that specialist VAWG/VAWDASV services are often at the forefront of support,

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healing, and justice for survivors-even if a decision to report is made.

For the guidance to truly reflect survivors' experiences, it must acknowledge that there are significant barriers that survivors of VAWG/VAWDASV navigate in securing safety, healing, and justice (especially when this is gained through pursuing criminal justice). All violence against women and girls is a consequence of inequality between women and men, which intersects with factors such as ethnicity, age, class, sexuality, and disability to impact on experiences of abuse and routes to recovery.<sup>2</sup>

These barriers are particularly profound for Black and minoritised survivors, Deaf and disabled survivors, older survivors, and survivors who are part of the LGBTQ+ community. We would strongly suggest that greater reference is made to the specific barriers that these communities face when accessing justice and commitment to eliminating them outlined.

It must also be acknowledged that even a proportion of the small percentage of survivors who *do* make the decision to report their abuse lack confidence and faith in criminal justice systems to adequately support and protect them during the process. Welsh Women's Aid's Survivor Network have reflected that the onus is often placed on the survivor to progress criminal justice proceedings, making the process of reporting inaccessible, intimidating, all-consuming, and often a vehicle for both furthering existing and creating fresh trauma. There is a vast scope of clear evidence- sourced from specialist services, the wider women's sector, and academic research- that depicts the complex and devastating long-lasting effects that the trauma of abuse and violence can have on survivors' mental wellbeing. The deliberate and individualistic nature of abuse means perpetrators will often target and weaponise this against survivors.<sup>3</sup> This can significantly impact the power dynamics surrounding Victim Personal Statements and serves to further demeaning stereotypes and victim blaming narratives that surround survivors' mental health and wellbeing. This must be addressed to ensure that survivors are listened to, respected, and have access to justice.

- Person-Centred, Trauma-Informed Approach

We know from extensive engagement with survivors and member services that current criminal justice procedures are not sufficiently survivor centred, and that survivors are do not feel valued in criminal

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<sup>2</sup> Women's Aid. (2021) Mental health and domestic abuse: A review of the literature. Bristol: Women's Aid

<sup>3</sup> Women's Aid. (2021) Mental health and domestic abuse: A review of the literature. Bristol: Women's Aid

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proceedings. While the prosecution should not build cases that are solely reliant of the survivor, this must be balanced by not overlooking the fact that they are experts by experience. Every survivor will have an individual collection of circumstances and needs, flexibility is crucial in establishing systems that work for the people they should exist to support.

We wish to emphasise that best practice would include:

- Having the same point of contact throughout their whole journey through the criminal justice system. The process of retelling traumatic experiences can be emotionally complex and triggering, to expect disclosures to happen multiple times over to new people who do not have a pre-existing relationship with the survivor, can be exhausting. Thoughtful communication throughout the process is vital- making sure key decisions and outcomes of any feedback or complaint clearly explained, and any additional steps or actions the survivor could take as a result, fully laid out will not only aid transparency
- The opportunity to meet with the prosecutor before the charging decision. There should be flexibility around this meeting that takes the survivor's needs into account as not simply the convenience of the prosecutor. If a survivor chose to take this meeting, a needs-led approach would entitle them to full access of a range of specialist support. This support- whether legal, emotional, or communicative (for example, British Sign Language, easy-read materials, or an interpreter for survivor's whose first language/ language they feel most comfortable communicating in is not English)- should be sourced, with an understanding that support may be required from multiple agencies to make this meeting fit for purpose.

- Cultural change

Victim blaming myths and stereotypes are woven into the fabric of a patriarchal society and are consequently normalised and upheld within institutions, structures, and wider culture. We welcome the acknowledgement in the documents that prosecutors should not be swayed by such myths and stereotypes, but are concerned that without concentrated, ongoing efforts to challenge and dismantle these views, and accountability for change, these words risk being tokenistic. In consultation with our members, this was highlighted as a particular concern, specifically that examples provided were not

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extensive enough and the explanations around disproving the myths were concerningly basic.

Myths and stereotypes around child contact, stalking and harassment and coercive control were some concrete examples that members wanted to see explored more within the guidance.

## Further points to consider

- Will a training framework accompany the guidance and if so, how will this be embedded and to what extent will training (as a one-off or ongoing structure) be compulsory?
- We suggest the guidance be extended to include those who are frequently cautioned without an escalation in charges, and encourage an inspection of these patterns, rather than viewing each caution in isolation.
- During consultation with member services, the importance of expanding terminology to include 'primary victim/ survivor' was emphasised.
- During consultation with member services, concern around the inclusion of 'restorative justice' was raised. More explicit explanation of this (or its' removal from the guidance) is necessary.
- A lack of understanding about the extent to which non-compliance with orders is a risk factor is currently evident, this should be made clear within the guidance.
- We suggest that sexual exploitation services should be included within the list of supporting agencies.

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

