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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>	<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. Our membership comprises of 20 specialist support services. These services deliver lifesaving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence against children and young people, men and boys, trans and non-binary people, 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 also award 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](#)).

Welsh Women's Aid welcome the opportunity to provide our thoughts on the recommendations that were made to the Home Office for the changes to legislation on firearms licensing, possible changes to the system of referees and changes to other areas of firearm licensing. We have previously submitted a response to the UK Governments consultation on the Statutory Guidance to police on

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firearm licensing<sup>1</sup>, and in this response we will be focusing on the topics that relate to our area of work.

Welsh Women's Aid believe that it is fundamental that there are the correct procedures and safeguarding in place to ensure that further women and girls are not victims of homicide. When this occurs where the perpetrator should not have been given a firearms certificate, this adds an additional failure of the systems put in place that are meant to protect. Women suffer disproportionately from firearm related violence as they are very rarely the buyer, owner or user of such weapons, there must be a wider understanding that armed violence against women is not inevitable<sup>2</sup>. Research has highlighted that around "80% of female gun deaths occur in domestic incidents" with the majority of them involving licensed weapons<sup>3</sup>. It is estimated that 1.7 million women would have experienced domestic abuse in the year ending March 2022, with only just under 600,000 domestic abuse-related incidents being reported to police<sup>4</sup>. We strongly believe that providing anyone with a certificate for a firearm when they have a history of domestic abuse and other forms of violence, is a significant risk and does not prevent opportunities of further escalation of abuse or violence. Whilst we believe that any history of abusive or violent behaviour must constitute a life ban on applying for or obtaining a certificate, we understand the complex nature of gendered based abuse and violence and recognise that many perpetrators may be unknown to the police<sup>5</sup> or other agencies and this presence of abuse and violence will remain hidden.

### **Police power to seize firearms**

We recognise the positive impact that could arise following the police being granted a specific power of entry to seize firearms when there is a risk of public safety, peace and the certificate holder is not cooperating. However, following the murder of Sarah Everard, 47% of women have less trust in the police and 76% of women believe the culture of policing must change before they are able to successfully support survivors<sup>6</sup>. Many survivors have raised concerns that they have not felt believed when disclosing abuse or concerns to the police or that it was not taken into consideration. Survivors are experts in their own experience and their concerns and perception of risk must be understood and acted upon with urgency. A Regulation 28 Report to Prevent Future Deaths was released

<sup>1</sup> <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/WWA-Response-to-UK-Government-Firearms-Consultation.pdf>.

<sup>2</sup> <https://www.amnesty.org/en/wp-content/uploads/2021/08/act300012005en.pdf>, page 1.

<sup>3</sup> <https://gun-control-network.org/press/female-gun-deaths-in-the-uk>.

<sup>4</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2022>.

<sup>5</sup> International research such as that by the United Nations Development Programme highlighted that half of perpetrators in Serbia had not been previously convicted.

<sup>6</sup> <https://www.endviolenceagainstawomen.org.uk/almost-half-of-women-have-less-trust-in-police-following-sarah-everard-murder/>.

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following the death of Christine Ann Lee and Lucy Daisy Lee, who were fatally shot by a perpetrator who lawfully possessed a firearm<sup>7</sup>. Within the report it states that the daughter and sister of the victims had called the police to state that the perpetrator had made a threat to kill, and the firearm and certificate was removed later that day by Surrey Police. The reporting individual withdrew her support for the prosecution of the perpetrator in regard to the threat to kill, and when the police reviewed whether his license should be returned, they did not sufficiently investigate the allegation of the threat to kill<sup>8</sup>. This raises concerns of a lack of understanding by the police into the numerous reasons why allegations are dropped in situations of abuse and violence, and the risk of serious harm and homicide that can occur. Whilst we understand the short-term risk reduction of seizing firearms, there must be an understanding of the wider risk and how this can escalate. This must inform any review or granting of firearm licenses.

We strongly believe that the use of a digital marker on the medical records of licensed firearm holders must be visible to other health professionals, to ensure as many agencies as possible are able to identify and raise any concerns with the individual perpetrating abuse or violence. There must also be appropriate signposting for firearm holders to ensure they are able to access support if they are concerned with their behaviour. There must a robust system in place to ensure that any contact with these agencies trigger an immediate referral to the police in order to revoke the certificate and any firearms.

### **Mandatory Prohibitions**

Whilst we do believe that there should be a focus on the nature of the offence when it comes to mandatory prohibition, we are concerned that focusing solely on the nature of the offence will allow many perpetrators to potentially apply for firearms licenses in the future. Currently mandatory prohibitions are based on the length of a custodial sentenced, however in the year ending June 2019, 90% of people in England and Wales were given non-custodial sentences<sup>9</sup>. As highlighted by Amnesty, relying on criminal convictions is inadequate on their own as domestic abuse related offences do not always result in a conviction of a serious offence<sup>10</sup>. Many cases do not meet the evidential threshold required for prosecution, some collapse later on in the process and a significant number of survivors do not report abuse or violence in the first place. There is no specific offence that encapsulates domestic abuse and offences related to domestic abuse or violence are often reflected in offences

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<sup>7</sup> <https://www.judiciary.uk/wp-content/uploads/2020/05/Lucy-Lee-2019-0509-Redactd.pdf>, section 4.

<sup>8</sup> *ibid.*

<sup>9</sup> <https://researchbriefings.files.parliament.uk/documents/POST-PN-0613/POST-PN-0613.pdf>.

<sup>10</sup> <https://www.amnesty.org/en/wp-content/uploads/2021/08/act300012005en.pdf>.

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such as the threats to kill or Actual Bodily Harm<sup>11</sup>. In a Sentencing Council magistrate court sentencing survey, 56% stated that the domestic context made little or no difference to the sentence they received<sup>12</sup>, even though the sentencing guidelines emphasise that “the domestic abuse context of this offending behaviour makes the offending more serious”<sup>13</sup>. We strongly believe that all offences which are related to domestic abuse and violence must have an automatic lifetime ban, but this must not be in silo. There must be recognition that not all perpetrators have convictions or are known to the police, some may be convicted of low risk and low harm offences or may have historical offences, all of these factors must be taken into consideration to ensure that all perpetrators of abuse and violence are never able to obtain a firearms license.

### **Length of certificate before renewal period**

We believe that the renewal period for a certificate should be less than 5 years. If it has not been identified that an automatic life ban is applicable when the individual has applied for a firearm certificate, we believe that this decision must be renewed more often. Risk is dynamic, it can quickly change and there are many circumstances that can increase risk, such as a partner attempting to leave, pregnancy or other changes in the relationship. There must be a shorter time period between renewal periods to ensure that perpetrators of abuse and violence are not being hidden and are able to possess firearms.

### **Recommendations relating to referees**

We believe that the referees used should be able to demonstrate a good knowledge on the applicant and their circumstances, and that the circumstances of a change in referees must also be considered. There must be a process where previous or current referees are able to share their concerns with the police and a robust process to ensure these are acted upon immediately.

### **Statutory Guidance**

Whilst the statutory guidance identifies and acknowledges that evidence of domestic abuse is one of the most serious factors, that interviews must not be completed in front of the perpetrator, and that

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<sup>11</sup> <https://www.sentencingcouncil.org.uk/wp-content/uploads/Domestic-Abuse-Resource-Assessment-Final.pdf>, page 3.

<sup>12</sup> *ibid*, page 5.

<sup>13</sup> <https://www.sentencingcouncil.org.uk/wp-content/uploads/Overarching-Principles-Domestic-Abuse-definitive-guideline-Web.pdf>, page 3.





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the survivor may be in fear or fear of further violence<sup>14</sup>, we still fundamentally believe that any history of abuse or violence must constitute an immediate ban. Survivors are likely to minimise the abuse and violence they have been experiencing due to fear of repercussions or may even deny that the abuse of violence happened in the first place. There must be focus on the statutory guidance and in training, to ensure that a wider picture is determined through multi-agency working and that a whole-system approach is taken to ensure perpetrators of abuse and violence are not hidden. Many survivors do not report abuse or violence to the police, and there must not just be a reliance on police records to determine evidence of the risk of harm.

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<sup>14</sup> <https://www.gov.uk/government/publications/statutory-guidance-for-police-on-firearms-licensing/statutory-guidance-for-chief-officers-of-police-on-firearms-licensing-accessible-version-from-1-november-2021>, from section 2.54.

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