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Cymorth i Ferched Cymru Welsh Women's Aid

Rhoi Merched a Phlant yn Gyntaf Putting Women & Children First

Welsh Women's Aid UK Government Transforming Responses to Domestic Abuse Consultation Response

Deadline: 31 May 2018

Responders

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About Welsh Women's Aid

Welsh Women's Aid is the umbrella membership organisation in Wales that supports and provides national representation for 23 independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (our membership of specialist services).¹ 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 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 direct services including the Welsh Government funded Live Fear Free Helpline; a National Training Service; the national Children Matter programme of work which, for example, supports local services to help children and young people affected by abuse and to deliver preventative Safety, Trust and Respect (STAR) programmes across Wales, and refuge and advocacy services in Colwyn Bay and Wrexham. We are piloting the Survivors Empowering and Educating Services (SEEdS) project, which is empowering survivors of violence and abuse to collectively influence and inform services and commissioning frameworks, and help change attitudes.

We also deliver the Wales National Quality Service Standards, 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



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information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>

Welsh Women's Aid welcomes the opportunity to respond to the Transforming the Response to Domestic Abuse consultation by the Home Office and Ministry of Justice. The legislative and non-legislative programme being proposed provides an opportunity to create effective change to improve prevention, protection and provision in England and Wales. In Wales, it offers an opportunity to align work across devolved and non-devolved areas to ensure no survivor is left behind, all perpetrators are effectively held to account and we have a coordinated approach to preventing abuse and violence for future generations.

This response highlights the priority areas we feel must be addressed to achieve these ambitions. We have set out recommendations that we feel must be included at a minimum to ensure policy and practice is effective.

This response aligns with those submitted by partners from across the England and Wales violence against women and girls (VAWG) sector and specifically the specialist sector in Wales. It has been informed by consultation events we have held with survivors and providers across Wales. It is based on knowledge and expertise in providing support and protection to survivors, holding perpetrators to account and working towards ending domestic abuse, sexual violence and other forms of violence against women and girls.

A note on language: we recognise that those experiencing abuse may identify as survivor, victim, or neither, but we use the term 'survivor' in place of 'victim' in this response, to refer to someone who is surviving daily the experiences and impacts of domestic abuse, sexual violence and other forms of violence against women. In doing so, we acknowledge that women as a group are victimised, disadvantaged and discriminated against by male violence and the systems that perpetuate it, in order to exacerbate inequality between women and men. We also refer to women and girls when appropriate, due to the gendered nature of domestic abuse these are the majority of survivors, although we also recognize and support the needs of male survivors.

Our key areas of recommendation are:

1. Robust statutory definition of domestic abuse

- Ensure the definition adequately recognises the experience of coercive and controlling behaviour post separation.
- Ensure that the definition and the guidance allow for a gendered understanding of domestic abuse linked to the UN definition of VAWG.
- Ensure the guidance provides clear distinction between intimate partner abuse and child to parent abuse, elder abuse, and other familial violence to ensure appropriate responses are developed, commissioned and delivered.
- The statutory guidance should apply to all statutory agencies outlined in section 1B and inform commissioners.
- The guidance should be embedded through adequate training across strategic and frontline professionals.
- Maintain the inclusion of 16-17 year olds within the definition.

2. Broaden the remit to cover sexual violence and all other forms of VAWG



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- Expand the proposed legislative and non-legislative programme of work to include sexual violence and other forms of VAWG.
- Set out how policy and practice aligns across domestic abuse, sexual violence and other forms of VAWG.
- Set out clearly how collaboration will be enabled to ensure the proposals create improvements to effective working between devolved and non-devolved public services.

3. A Violence against Women and Girls Commissioner

- The role of the commissioner should clearly outline how they will facilitate survivor and specialist sector engagement, particularly from Wales.
- Outline the statutory powers that the role will have to monitor statutory agencies and compel them to engage with their work and take on their recommendations, including clearly stating how the role will function in Wales in the devolved setting.
- Establish a clear outline of a transparent recruitment process that will enable the appointment of a person with sufficient expertise in VAWG to the role.
- Necessary resourcing of the role in line with the scale of VAWG in the UK to provide an appropriate budget and team to deliver a meaningful programme of work.
- An outline of regular meetings with all relevant Secretaries of States, including attendance at the inter-Ministerial group meeting on VAWG, all relevant UK government civil servants and with the National Advisers for Wales and where relevant, Welsh Government Ministers and officials.
- A requirement for the role to maintain an open relationship with VAWG umbrella bodies and the wider VAWG sector, including regular meetings and ensuring VAWG sector members and survivors from Wales have a role in any relevant working groups or boards created by the commissioner.

4. Ratification and implementation of the Istanbul Convention

- The legislation and non-legislative programme set out measures to address complying with the Istanbul Convention in full.

5. Equal access to support and resources for all survivors including migrant women

- An extension on the time limits on Destitution Domestic Violence Concession (DDVC) to the length of time it takes to conclude a case or at least to a timeframe of six months.
- Enable the eligibility of survivors of domestic abuse for a fast track application for indefinite leave to remain regardless of marital or relationship status.
- Extend DDVC to ensure all survivors with insecure immigration status can access DDVC and, therefore, access safe accommodation and refuge spaces.
- Ensure the legislative and non-legislative programme enables improvement in provision and support for all survivors, this should include ensuring access to adequate support and financial assistance for survivors with insecure status that does not burden specialist services or the survivor with the cost.
- Ensure public bodies, particularly the police, Crown Prosecution Service (CPS) and courts are specifically instructed of their duty to protect survivors of abuse and to pursue to adopt a non-punishment principle towards survivors ahead of immigration enforcement.

6. Reformed welfare system that supports survivors to be free from abuse

- A statutory review and publication of a report of the impact of current welfare reforms to assess whether they are creating a barrier to women being able to have long term



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freedom from abuse, this should be published with recommendations of addressing barriers in partnership with the VAWG sector.

- Reversal of the two child tax credit limit as it fails to recognise the complexities in which a third child may be conceived and inexplicably discriminates against women, putting a financial burden on them and their children if their financial circumstances change.
- Recognition that the exemption on the grounds of rape and coercive control is fundamentally unworkable and at odds with principles enshrined in human rights legislation and should lead to the reversal of the two child tax credit limit.
- Universal credit payments should be provided individually rather than to a single householder as default. The current system can enable financial abuse and the split payments system could unintentionally exacerbate domestic abuse.
- Access to dual housing benefit for up to 12 months (even if they are not intending to return home) for survivors of domestic abuse who are forced to flee their homes.
- Survivors fleeing domestic abuse should be exempt from repayments of benefit advances under universal credit.

7. Improvements to the family courts system and wider court system

- Bring forward legislation that bans the cross examination of survivors by their abusive ex-partners across family courts, ensuring parity with criminal courts.
- Ensure all professionals in family courts and involved in child arrangement applications for contact/residence receive adequate training on domestic and sexual abuse, particularly coercive controlling behaviour and its impact on the survivor and their children.
- Guarantee special measures are available and offered for all survivors, including separate entrances and waiting areas, screens and video links and ensure they are provided in consultation with the survivor across family and criminal courts.
- Ensure the provision of advocacy support for survivors before, during and after all family court proceedings.
- Improve links between family and criminal courts to ensure that there is consistency in approach to information sharing focused on the safety of the survivor and their children.
- Ensure the prohibition of unsupervised contact where a case is awaiting trial, on bail or there are ongoing criminal proceedings for domestic or sexual abuse.
- Provide clarity on the assumption of shared parenting when children are at risk of harm from domestic or sexual abuse.
 - Ensure child arrangement orders for contact/residence are decided on an informed judgement of what's in the best interests of the child(ren) and that unsafe and unsupervised contact is not ordered, either in final hearing or interim, where there is an ongoing risk of harm to children and their non-abusive parent due to domestic or sexual abuse.
 - Monitor the use and delivery of expert safety and risk assessments in child contact cases, increase the availability of child contact centres offering supervised contact, and ensure greater consistency in the use of supported or supervised contact. This includes ensuring parity between Wales and England so that family courts in Wales can also require, via Cafcass Cymru, a perpetrator of domestic abuse to attend a domestic abuse perpetrator programme as part of a 'court ordered activity' in private law cases concerning Child Arrangements Applications.



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- Remove the capital means test, which treats the equity in homes as funds available towards legal costs, from the eligibility process for legal aid to ensure survivors are able to access justice.
- Provide the power to dismiss vexatious applications or continual applications being made by the same individual where it is clear the purpose is to harass or distress the survivor or children.

8. Protection Orders

- Survivor consent to orders and notices is sought as part of the process.
- The provision of protection orders should be aligned to advocacy and other specialist support for survivors.
- Monitoring of compliance should be sufficiently resourced to ensure that it does not fall to the survivor to monitor.
- There needs to be sufficient resourcing of agencies that can apply for orders.

9. Resource and funding

- The legislation includes a clear commitment to resource the implementation of the proposed reforms that includes a model for sustainable funding for all VAWG specialist services.
- As part of the above recommendation, the proposed reforms for 'short term' Supported Housing funding should not include refuge and move on provision, and in partnership with specialist services, there should be development of a sustainable long-term funding model to support the national network of refuge provision for England and Wales.
- The UK Government and Welsh Government urgently coordinate parallel action to sustainably fund domestic abuse refuges, sexual violence services, specialist support for migrant women and wider VAWG provision, in accordance with existing Strategy commitments.

Response to consultation questions 1-65:

1) Do you agree with the proposed approach to the statutory definition?

Strongly agree

Agree

Disagree

Strongly disagree

Please give reasons [free text]

Don't know/no answer

Free text:

1.1 Welsh Women's Aid welcomes the widening of the definition to encompass patterns of behaviour as well as incidents, including coercive control and economic abuse. However, it is concerning that the proposed statutory definition moves away from aligning the definition of domestic abuse as a form of violence against women and girls (VAWG) in line with the UN and Welsh Government definitions of VAWG. So that much of the UK Government's work and achievements in this area are not lost, the legislation must ensure that the definition allows for a gendered understanding of domestic abuse and continues to situate it as part of the continuum of violence and abuse women and girls experience in society. We welcome and support that this will still be outlined in the statutory guidance to accompany the definition.



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However, it is critical that the definition allows for the understanding that domestic abuse is a gendered crime, which is deeply rooted in societal inequality between women and men.¹

1.2 Survivors have raised concerns with us about the importance of recognising the coercive and controlling behaviour and abuse that occurs post separation. They have highlighted that there can be an increase in coercive and controlling behaviour, stalking and harassment after the end of a relationship. Research has shown that 90% of survivors report experiencing abuse post separation.² It is also well documented that this can be a time of increased risk. Therefore, it is critical to recognise that post-separation domestic abuse is recognised within the statutory definition and in any required responses that follow on from that.

1.3 It is important to note that there are some limitations to a statutory definition. Domestic abuse does not happen outside of society, and as the tools of society change so does domestic abuse. This is most recently demonstrated by the use of digital technology and social media by perpetrators to extend their abusive behaviour online and utilise these mechanisms as a means of coercion and control. It is therefore important that a statutory definition has the flexibility to encompass the changes that occur within society that can capture future aspects of domestic abuse that are yet unknown.

1.4 Recommendations:

1. Ensure the definition adequately recognises the experience of coercive and controlling behaviour post separation.
2. Ensure that the definition and the guidance allow for a gendered understanding of domestic abuse linked to the UN definition of VAWG.

2) [Question 2 for organisations only] Will the new definition change what your organisation does?

Yes, in a positive way

Explain how? (free text)

Yes, in a negative way

Explain how? (free text)

No, it won't change

Explain how? (Free text)

Don't know/no answer

2.1 Welsh Women's Aid will continue to work to eradicate all forms of VAWG, including domestic abuse. The new statutory definition will not change the focus or scope of the organisation. This said, the lack of inclusion of all forms of VAWG has particular implications for Wales where public services already have duties under a new violence against women, domestic abuse, sexual violence (VAWDASV) legislative framework. We need to ensure that the definition and duties align across devolved and non-devolved areas both strategically and in frontline practice.

2.2 In Wales, the legislation and practice reflects the reality that survivors may experience a myriad different forms of abuse and violence in their lives, not solely within an intimate partner relationship, but across a range of settings and situations. There is a need for commissioners

¹ United Nations (UN) Declaration on the elimination of violence against women 1993.

² Kelly, Sharp and Klein (2014) Finding costs of freedom Report: How women and children rebuild their lives after domestic violence, CWASU



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to understand the distinct responses needed for domestic abuse, sexual violence and other forms of VAWG to ensure that there is holistic specialist support available to meet all the needs of survivors. Without the inclusion of all forms of VAWG, including sexual violence, in this proposed legislation, we risk that sexual violence and other specialist support that survivors need will be further marginalised or ignored by commissioners.

2.3 The inclusion of familial abuse in the definition allows for the recognition of abuse by family members and multiple perpetrators, which has been welcomed by some survivors of domestic abuse. However, there is a concern that inclusion of this dilutes and conflates domestic abuse (intimate partner abuse – often characterised by coercive controlling behaviour) with other forms of abuse (child to parent abuse, elder abuse etc.) Both the definition and the wider consultation document do not currently set out how the statutory definition or the proposed legislation will align with other legislation and policy on forced marriage, so called ‘honour based violence’, elder abuse and child abuse. Without clear distinctions these different forms of abuse risk being amalgamated with intimate partner violence and the specialist knowledge and responses needed to address them. This raises the risk that specialist support for survivors of these forms of abuse may then go unrecognised. This issue has been evidenced within domestic homicide reviews where the relationship has been familial rather than an intimate partner relationship. Research has shown the dynamics underpinning the homicide are different, therefore requiring different identification, assessment and management.³ A clear distinction between intimate partner abuse and child to parent abuse, elder abuse etc. is needed to ensure appropriate responses are developed, commissioned and delivered.

2.4 Inclusion of this term will also have implications on the recording and collating of data on domestic abuse. There is a need for data collecting to identify the relationship and gender of the survivor/victim and perpetrator to ensure that it accurately reflects who is doing what to whom. Without this we are unlikely to have an accurate picture of the gendered nature of domestic abuse.

2.5 Recommendations:

1. Ensure the guidance provides clear distinction between intimate partner abuse and child to parent abuse, elder abuse etc. to ensure appropriate responses are developed, commissioned and delivered.
2. Ensure that the data collected the definition has clear distinctions between intimate partner abuse and child to parent abuse, elder abuse etc. and records the relationship between survivor/victim and perpetrator and the gender of both.

3) How can we ensure that the definition is embedded in frontline practice?

Free text

3.1 The definition needs to be clearly communicated to frontline practitioners across public services. This includes through appropriate guidance and training. We welcome the proposal to accompany the definition with statutory guidance for professionals who have safeguarding obligations. We believe that this statutory guidance should go beyond those with safeguarding obligations to inform all statutory agencies as outlined under section 1B of the consultation.⁴

³ Nicola Sharp-Jeffs and Liz Kelly, Domestic Homicide Review (DHR) Case Analysis: Report for Standing Together, June 2016

⁴ Armed forces, Children’s services, Court staff, Education professionals (for example teachers, school staff), Fire brigade, Health professionals, Housing staff, Jobcentre staff, Judges/magistrates, Police,



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3.2 It will be important that commissioners have an obligation to adhere to the statutory guidance to ensure that they have a clear understanding of the remit and scope of their commissioning and procurement processes. It must ensure that this guidance applies across different statutory agencies to allow for joined-up commissioning approaches. This will be particularly acute in Wales where commissioning of provision falls across the responsibility of devolved and non-devolved statutory agencies.

3.3 To ensure that the guidance is embedded training will be needed for frontline practitioners and strategic leaders to ensure that there is leadership, commitment and a shared understanding throughout all agencies. Training should be embedded within vocational and professional development for key professions and not be a 'one-off' training session to ensure that it is effective. A clear plan is needed to ensure that barriers to attending training, particularly experienced by professions such as GPs or judges, can be managed and addressed. To do this, it will be vital to ensure that domestic abuse, sexual violence and other forms of VAWG are covered any initial vocational training as well as on going professional development.

3.4 Recommendations:

1. The statutory guidance should apply to all statutory agencies outlined in section 1B and inform commissioners.
2. The guidance should be embedded through adequate training across strategic and frontline professionals.

4) What impact do you think the changes to the age limit in the 2012 domestic abuse definition have had? Please select one.

- Very Positive
- Positive
- None
- Negative
- Very Negative
- Don't know/no answer

Please give reasons [free text]

4.1 We believe that the inclusion of 16-17 year olds within the definition has had a positive impact, which has enabled greater recognition of domestic abuse happening amongst young people and improved access the support they need when they need it. It is, however, disappointing that commissioning practice has not reflected the need for services to extend their provision accordingly, and it is critical that the age limit does not hinder agencies responding to domestic abuse in relationships earlier than 16 years old or inhibit an appropriate response and early intervention in all cases.

5) We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach? Please select one.

Strongly agree

Probation/Criminal Rehabilitation Company staff, Prosecutors, Providers of adult social care, Commissioners of adult social care services (local authorities and clinical commissioning groups), Social workers.



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Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know/no answer

Please give reasons [free text]

5.1 We agree with maintaining the current age limit of 16 years old in the definition, however, we believe that the guidance should ensure that links are made with child sexual exploitation and child abuse as these can often overlap. There is a need to recognise the distinctive experience of violence and abuse of teenage girls prior to and after 16 years old. It is vital that the guidance ensures a holistic response for teenage girls that enables prevention and early intervention, and that services are commissioned accordingly.

5.2 Recommendations:

1. Maintain the inclusion of 16-17 year olds within the definition.
2. Ensure the guidance clearly links domestic abuse with other forms of violence against women and girls experienced by teenage girls including child sexual exploitation and child sexual abuse.
3. Ensure that the guidance allows for prevention and early intervention support and provision prior to 16 years old where appropriate.

6) In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?

Free text

6.1 Welsh Women's Aid strongly supports access to quality sex and relationship education (SRE) for all children and young people. This must be part of a whole education approach that ensures educational institutions have a robust response to preventing VAWG and responding to pupils, parents, staff and the wider community that may need support (this is an adaption of the whole school approach which takes into account other educational settings). Education is a devolved area in Wales and we have worked with the Welsh Government to produce a Good Practice Guide on the nine key elements required for a whole education approach and working towards SRE being a statutory part of the curriculum in Wales.⁵ This reinforces that any work in this area must be a rights and gender equality based approach which strives to introduce inclusive and empowering sex and relationship education that is embedded in and promote gender equity, social justice, safety and well-being. The Agenda Toolkit, coproduced by Welsh Women's Aid in partnership with Cardiff University, NSPCC Cymru and the Children's Commissioner for Wales, is a good example of one element of this approach.⁶

6.2 Although Education is devolved, the nature of VAWG and domestic abuse means that the impact of education in England on this area stretches across borders (and vice-versa). We therefore make our recommendations for England in this context. Survivors have told us that sex, gender and intersectional equality should be part of the school structure and that cross

⁵ <https://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/good-practice-guide-a-whole-education-approach/?lang=en>

⁶ <http://agenda.wales/>



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curriculum integration of gender equality is needed as well as school structures that promote gender equality and respect and support for children and young people in school that are impacted by VAWG. This means that SRE should be embedded across the whole school (or institution) and not just be a one-off lesson on the curriculum.

6.3 Beyond formal school settings, it is vital that the children and young people who may not be engaged in education, employment or training have access to SRE. Opportunities should be utilised to work with youth services, youth clubs and organisations to engage these children and young people.

6.4 Vitally, the SRE and preventative work must be embedded within the Youth Justice System, ensuring that young people engaged in the system have equal access to SRE. Further to this, the Youth Justice System must have a robust response to VAWG based on prevention and early intervention with both young survivors and perpetrators.

6.5 Public information/awareness campaigns and media engagement through 'edutainment' can be tools to engage children and young people. Utilising tools including social media and traditional media forms can engage children and young people in conversations that inform attitudinal change. These need to be co-produced and designed with children and young people to ensure they are effective. Similarly the most effective media portrayals of VAWG have involved specialist VAWG sector representatives as consultants to ensure what is portrayed is effective. Article 13 of the Istanbul Convention sets out the role of awareness campaigns; guidance produced by the Council of Europe outlines how this can be effectively done including examples of good practice campaigns with young people.⁷

6.6 Recommendations:

1. Adopt a whole education approach, including training for all staff, engagement with specialist services. This approach must integrate a rights based, sex, gender and intersectional equality across the curriculum and structures of educational institutions.
2. Work with youth services, youth clubs and organisations to engage children and young people outside of formal education settings.
3. Ensure SRE and preventative work is embedded within the Youth Justice System.
4. Engage children and young people in the development of public awareness campaigns and to inform 'edutainment' through various media platforms.

7) Which statutory agencies or groups do you think the UK Government should focus its efforts on in order to improve the identification of domestic abuse? Please tick the top 3 from the list.

- **Armed forces**
- **Children's services**
- **Court staff**
- **Education professionals (for example teachers, school staff)**
- **Fire brigade**
- **Health professionals**
- **Housing staff**
- **Jobcentre staff**
- **Judges/magistrates**
- **Police**
- **Probation/Criminal Rehabilitation Company**

⁷ <https://rm.coe.int/168046e1f1>



- **Staff**
- **Prosecutors**
- **Providers of adult social care**
- **Commissioners of adult social care services (local authorities and clinical commissioning groups)**
- **Social workers**
- **Other – please state**

7.1 A number of the agencies or groups listed fall completely or partly outside of this legislation's remit in Wales and are covered by Welsh Government legislation. Those agencies that are within the devolved responsibility of the Welsh Government are covered by the duties under the Violence against Women' Domestic Abuse and Sexual Violence (Wales) Act 2015. This would include responsibilities to engage in the [National Training Framework](#) and, where relevant, the [Ask and Act Framework](#). These are aimed at improving identification and responses to all forms of violence against women and girls, including domestic abuse and sexual violence. It is important that the efforts made to improving identification by all non-devolved agencies in Wales align with those of the devolved agencies to ensure effective referral pathways between services and access to relevant support. It is, therefore, not possible to prioritise a 'top three', but a request that all agencies are required to improve identification to enable earlier and effective interventions is universal.

7.2 There are also agencies that are not listed that would be important to improving identification, in particular immigration services (including those privately contracted by government) in recognising the use of a person's immigration status as a method of control and abuse. Immigration officers and other relevant professionals need to be fully trained to identify all forms of abuse and to respond in the best interest of the person being abused. They be instructed to exercise a non-punishment principle and must put the protection and support of the survivor over immigration enforcement. Without doing so creates a barrier for people with insecure immigration status to disclosing abuse and could make the state complicit in the perpetrators methods of coercion and control.

7.3 Recommendations:

1. Ensure alignment across devolved and non-devolved agencies on duties regarding training to identify and respond to all forms of violence against women and girls, including domestic abuse and sexual violence.
2. Include immigration services (including those privately contracted by government) to be fully trained to identify all forms of abuse and to respond using a non-punishment principle in the best interests of the person being abused.

8) In addition to improving training programmes and introducing guidance, what more can the Government do to improve statutory agencies' understanding of domestic abuse?

Free text:

8.1 Welsh Women's Aid believes that there needs to be cross governmental and inter-agency commitment to drive improvements, this needs to work across organisational boundaries. For survivors in Wales, improving statutory agency responses needs to ensure that there is a consistent and joined up approach across devolved and non-devolved agencies and that their responses are aligned to ensure effective referral pathways between services.



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8.2 This will require continued investment and drive by UK Government across all ministerial areas as well as working with Welsh Government to ensure there are not gaps in support or investment into effective responses and vital specialist services for survivors.

8.3 There is a need to work together on domestic abuse, sexual violence and other forms of VAWG as issues which cross the boundaries of devolved and non-devolved areas of responsibility. This needs to be effectively acknowledged and a clear directive set out on how this will be achieved within the non-legislative programme. While there is reference made to engaging with the Devolved Administrations this does not follow through to a commitment to collaborative or joined-up approaches within the objectives and priorities set out.

8.4 Recommendations:

1. Expand the proposed legislative and non-legislative programme of work to include sexual violence and other forms of VAWG.
2. Set out how policy and practice aligns across domestic abuse, sexual violence and other forms of VAWG.
3. Set out clearly how collaboration with the Welsh Government and other devolved administrations will be enabled to ensure the proposals create improvements to effective working between devolved and non-devolved public services.

9) What further support can we provide to the public (employers, friends, family, community figures) so they can identify abuse and refer victims to help effectively?

Free text:

9.1 Every point of interaction with a survivor is an opportunity for intervention. It should not be missed, and should never add to the enormous barriers that survivors already face. Welsh Women's Aid welcomes the recognition of the 'Ask Me' Scheme (as part of the 'Change That Lasts' model informed by our collaboration with Women's Aid England and Respect), we have been piloting this scheme in Powys and are now rolling it out in three further areas of Wales (working in partnership with the four Women's Aid federations in the UK). We are also testing out 'Change that Lasts' and the 'Ask Me' model to address VAWG, in partnership with Respect and the South Wales PCC. Trained Ask Me ambassadors not only help maximise safe disclosure points, but also take their learning out to family, friends and colleagues to inform attitudinal change within their local community by creating more supportive, resilient communities that are knowledgeable about VAWG.

9.2 All public and third sector employers must develop and implement VAWG policies and all private employers should be incentivised to do so too. Welsh Women's Aid has produced a template policy and training for organisations and employees, and we have worked with agencies to enable them to adapt and implement this. Similar initiatives exist elsewhere in England and the government should promote these links between employers and specialist services to create workplaces that are aware of domestic abuse and sexual violence and can be proactive if it affects an employee (both survivors and perpetrators). These policies should also encourage a culture in which VAWG is not acceptable; this should include sexual harassment in the workplace.

9.3 Recommendations



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1. Support the rolling out of the Ask Me scheme across local areas, linked with support to local specialist service provision, supported by the integrated 'Change that Lasts' model of intervention.
2. Ensure employers have robust workplace policies to respond to survivors and perpetrators in their workforce and create a culture in which all forms of VAWG is not acceptable.

10) We are in the process of identifying priority areas for central Government funding on domestic abuse. Which of the following areas do you think the UK Government should prioritise? Please select up to 3.

- **Advocacy for victims to enable them to stay safely in their own home (Independent Domestic Violence Advisors or their equivalent)**
- **Therapeutic services to help victims of domestic recover from their experience**
- **Accommodation services**
- **Helpline services for those affected by domestic abuse to call for advice and support**
- **Interventions embedded in health**
- **Perpetrator programmes which aim to change offenders' behaviour and stop reoffending**
- **Rolling out of new multi-agency approaches**
- **Other (free text):**

10.1 Welsh Women's Aid does not believe these areas can be prioritised above each other as they are all part of, and necessary for a coordinated response to domestic abuse. They should also all be available and/or aligned with provision for survivors of sexual violence and other forms of VAWG.

11) What more can the Government do to encourage and support effective multi-agency working, in order to provide victims with full support and protection? Please select up to 3.

- **Guidance**
- **Incentives through funding**
- **Sharing effective practice**
- **Training**
- **Other (free text)**

11.1 It is not possible to rank these areas, as funding, guidance, training and shared effective practice are all integral to a robust multi-agency response to domestic abuse as well as other forms VAWG. However, we would caution support incentives through funding, as whilst it is vital that third sector specialist services are funded to participate in multi-agency and partnership working, it is critical funding incentives to encourage multi-agency working by the public sector does not lead to disinvestment in much needed provision, particularly by specialist services. Incentives will not necessarily lead to better multi-agency working; it is more appropriate to focus on enabling multi-agency working rather than financially penalising providers.



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12) What more can the Government do to better support victims who face multiple barriers to accessing support.

Free text:

12.1 Survivors who face multiple barriers to accessing support, like experiencing substance misuse, mental health concerns, homelessness, exploitation through the sex industry, insecure immigration status or involvement in the criminal justice system, may also have cumulative or multiple experiences of VAWG. In addressing severe multiple disadvantage it is also important to address structural issues which impact on a survivor's experience. In these cases disadvantages are often compounded by poverty and inextricably linked to social inequalities associated with sexism or gender-based violence. It is also important to examine how these experiences intersect with ethnicity, age, class, sexuality, gender norms and disability, in addition to a survivor's identity and life experiences in relation to whether, for example, they access benefit/welfare systems, public or specialist services or the criminal justice systems.

12.2 Survivors who have used specialist services speak about the importance of feeling that they were being listened to and treated like a human being with their own needs, and wanting public and specialist services to show respect, understanding, belief, and to offer them hope, rather than being referred to a range of different services to meet their needs.⁸ Survivors' experiences can be exacerbated because they are frequently labelled as an 'offender', 'benefit claimant' or 'mental health client', which can lead to secondary abuse by the systems that should offer protection, support, safety and justice.

12.3 As women often make up the minority of service users in criminal justice or homeless services, these services are often designed around men's needs and experiences, which can result in the needs of women being missed, undervalued or disregarded.⁹

12.4 When designing services for survivors, commissioners and providers need to maximise survivors' space for action¹⁰, ensuring that they offer a needs-led, strengths based response centering on empowering the survivor. It is essential to adequately meet the needs of survivors by addressing the ways in which VAWG and multiple disadvantage intersect at a national, regional and local level. These connections need to be understood fully by commissioners so that specialist services best suited to meet survivors' needs are commissioned. Under competitive tendering and limited local authority budgets there is often a tendency for commissioning of generic services, at the expense of local specialist services, risking the loss of decades of experience to one generic provider delivering all services (for example the loss of BME specialist provision or a non-specialist housing provider delivering a refuge).¹¹ Women-only specialist services offer survivors safe spaces for themselves and for their children to begin to mitigate the effects of their experiences of violence and abuse and to begin their recoveries, and these need to be recognised, protected and prioritised by commissioners.

⁸ Public Health Wales, 'Welsh Adverse Childhood Experiences (ACE) Study: Adverse Childhood Experience and their impact on health-harming behaviours in the Welsh adult population', *Public Health Wales NHS Trust*, 2015.

⁹ AVA Project, 'Complicated Matters: A toolkit for addressing domestic and sexual violence, substance use and mental ill-health', AVA, 2013.

Against Violence & Abuse (AVA) & Agenda, 'Mapping the Maze: Services for women experiencing multiple disadvantages in England and Wales', AVA & Agenda, 2017.

¹⁰ L. Kelly, N. Sharp & R. Klein, 'Finding the Costs of Freedom', Solace Women's Aid, 2014.

¹¹ Against Violence & Abuse (AVA) & Agenda, 'Mapping the Maze: Services for women experiencing multiple disadvantages in England and Wales', AVA & Agenda, 2017.



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12.5 Statutory agencies, for instance police, social services and immigration services need to be trained to deliver a trauma-informed needs-led and strengths-based response to women who face multiple barriers to accessing support. This trauma-informed approach should recognise that the experiences of violence and abuse alongside discrimination and other trauma can impact on a survivor’s ability to engage and remain engaged in support. The onus should be on statutory agencies to take action to facilitate engagement through the recognition of the experience of trauma and its impact on someone’s emotional, cognitive and psychological well-being.

12.6 Recommendations

1. Ensure commissioners are instructed to include survivors with experiences of multiple barriers within needs assessments and service design and delivery, including working with specialist services to ensure survivors needs inform commissioning processes and the development and investment in specialist provision.
2. Ensure public services are trained to have a trauma-informed response to engaging with women experiencing multiple barriers to accessing support.
3. Ensure the criminal justice system and immigration system provides responses based on providing safety and support to survivors of violence against women and girls rather than criminalisation or deportation.

13) How can we work better with female offenders and vulnerable women at risk of offending to identify their domestic abuse earlier? Please select top 3.

- Criminal justice agencies to adopt appropriate enquiries into history of abuse at each stage of the criminal justice process
- Dedicated support and/or IDVAs in women’s services
- Encourage the use of schemes which divert vulnerable women out of the criminal justice system (where appropriate) and into services
- Improve availability of support for domestic abuse victims in prisons
- Support signposting into appropriate services for women who come into contact with the police
- [Other \(free text\)](#)

13.1 All of the above are necessary to provide a trauma-informed response to female offenders and vulnerable women at risk of offending.

14) Question: How can we make greater use of women-specific services to deliver interventions in safe, women-only environments? Please select top 3.

- Availability of a GP at women-only services
- Availability of a nurse at women-only services
- Child contact sessions so that women who are not living with their children can have supervised access to their child
- Delivery of health interventions such as mental health and substance misuse treatment at women-only services
- IDVAs located or linked to women-only services
- Improving access to benefits, finance and accommodation advisors at women-only services
- Provision of employer interventions at women-only services to help individuals become work ready, including offering work experience and/or mentoring



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- Other (free text)

14.1 Women-specific services tell us that they are consistently under threat from losing funding and contracts to generic providers with little or no experience in providing women-specific services. This is despite women repeatedly and consistently reporting to commissioners and policy-makers that they want services that are delivered in safe separate provision from men, by specialist support workers with the skills, knowledge and understanding specific to their experiences of domestic abuse, sexual violence and other forms of VAWG.

“Women’s drop-in sessions are simple but invaluable, if the building and environment feels safe, you can take another woman along with you for a coffee, and you don’t always have to see a support worker, it’s just having that space to get out, see others who understand, and it helps you grow in confidence. Women’s drop-ins and women’s centres are really helpful”¹² Survivor

“If a generic provider picked up our domestic abuse service, I don’t think women would approach them because they wouldn’t feel safe enough. You need specialist training and knowledge to deal with the unspoken areas that come up when working with women. Without specialist knowledge you can’t pick up on those signals to support her effectively and safely.” Specialist service provider in Wales.

14.2 The UK Government must ensure that these needs are met, both when providing funding centrally and when informing regional and local commissioners on how to utilise funds.

14.3 Similarly specialist BME women’s services are vital as they provide dedicated spaces for BME survivors and have expertise about the specific forms of abuse which have a disproportionate impact on BME women and girls. These specialist services also have vital knowledge of the intersecting experiences and structures which shape survivor’s experience of abuse such as discrimination, racism, and gender dynamics within family and community structures. A survey of women using specialist BME domestic abuse services found that 89% of women (126 women) said they preferred to use abuse services with a BMER specialism. They particularly valued being with other BME women who had experienced abuse, being able to communicate in their own language and the specialist expertise of staff.¹³ Specialist BME services largely rely on funding at a national level for their core management and infrastructure costs, as well as for some project delivery in the regions.¹⁴ There is often a lack of effective regional or local needs assessments that highlight the needs of survivors from BME communities.

14.4 Recommendations:

1. Ensure commissioners are instructed to assess the need and commission sufficient provision of specialist services led ‘by and for’ women and specialist services led ‘by and

¹² Y. Rehman, ‘Are you listening and am I being heard? Survivor Consultation: A report of the recommendations made by survivors of violence against women, domestic abuse and sexual violence, to inform the National Strategy in Wales’, http://www.welshomensaid.org.uk/wp-content/uploads/2016/03/Are_you_listening_and_am_I_being_heard_FINAL_July_2016.pdf, Welsh Women’s Aid, 2016, (accessed 19 Oct 2017);

¹³ Thiara, R and Roy, S Vital Statistics2 Key Findings Report on Black, Asian, Minority Ethnic & Refugee women & children facing violence & abuse (London: Imkaan, 2012), p. 17

¹⁴ Welsh Women’s Aid, ‘Report to National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales’, 2017.



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for' BME women, which recognise the intersections between VAWG and different forms of structural oppression and can provide integrated services.

15) In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the Government make in respect of protecting domestic abuse victims with no recourse to public funds?

Free text

15.1 The legislation must ensure the current UK Government VAWG strategy commitment to 'turn no woman away', including improved provision for women with 'no recourse to public funds'. We are deeply concerned that the current system does not enable migrant survivors with insecure immigration status to access safety and support, particularly refuge provision. Last year in Wales 78 survivors were referred to refuge based support in Wales who, because of their insecure immigration status, had 'no recourse to public funds' (NRPF) so their places were unable to be funded.¹⁵

15.2 There needs to be improvements within statutory agencies, in particular immigration services (including those privately contracted by government) in recognising the use of a person's immigration status as a method of control and abuse. Immigration officers and other relevant professionals need to be fully trained to identify all forms of abuse and to respond in the best interests of the person being abused. They must be instructed to exercise a non-punishment principle in these cases, to put the protection and support of the survivor over immigration enforcement, without doing so creates a barrier for people with insecure immigration status to disclosing abuse and could make the state complicit in the perpetrator's methods of coercion and control.

15.3 Similarly, lesbian bisexual and trans (LBT) survivors with NRPF also face unique experiences of domestic abuse and additional barriers in access to services. We know that specialist LGBT+ domestic abuse services are most equipped to respond to the complex needs and intersectional oppression faced by LBT survivors. Anecdotal evidence suggests that limited funding for specialist support often results in LBT survivors with NRPF facing threats of deportation and that, for example, LBT asylum seekers are being asked for excessive and unreasonable 'evidence' in order to 'prove' their sexuality.

15.4 Recommendations:

1. To ensure this legislation is for everyone, migrant survivors must have full and equal access to all services and financial support to enable their access to specialist services – the financial risk of supporting survivors with insecure status should not fall to specialist services.
2. To ensure sufficient provision of specialist 'by and for' BME and LBT survivor services which recognise the intersections between VAWG and different forms of structural oppression and can provide integrated services.
3. Reform Immigration Rules and Destitute Domestic Violence Concession (DDVC) to ensure all survivors, not just those on spousal visas, with insecure immigration status fleeing violence can access a refuge space or safe and appropriate emergency accommodation with specialist support.
 - Extend the timeframe to six months or until the case is concluded for access to the provision included in the DDVC.

¹⁵ Welsh Women's Aid, 'Summary of 2016/17 Data from Specialist Services in Wales', 2017.



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- Ensure survivors are able to apply for the DDVC more than once in recognition that survivors sometimes, for multiple reasons, return to their perpetrator.
 - Ensure asylum-seeking survivors are not dispersed across the country to enable them to be close to their support networks.
 - All victims of domestic abuse should be eligible for a fast tracked application for indefinite leave to remain (ILR) regardless of their marital or relationship status.
 - Public authorities, including police, Crown Prosecution Service and the courts should receive new specific instructions that they should apply the non-punishment principle to all victims of domestic abuse and are required to always put protection of victims and pursuit of justice when a victim seeks it ahead of immigration enforcement.
4. A 'firewall' must be created between critical public services and immigration control policies. All agencies, service providers and practitioners who come into contact with migrant women should apply the non-punishment principle and put the safety and rights of women ahead of immigration enforcement, to ensure an insecure immigration status does not bar women from protection and justice and that migrant women have access to secure and safe reporting.
 5. To ensure any supplementary guidance clearly sets out that fear of their and their children's deportation is a key barrier which stops women with uncertain immigration status being able to report domestic abuse and seek protection and justice.
 6. To ensure any immigration laws and procedures, including the upcoming Immigration Bill, be assessed before implementation to ascertain the impact to survivors of VAWG and specifically domestic abuse.

16) Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?

Yes

No

**Please give reasons
(free text)**

16.1 Consultation with survivors has welcomed the inclusion of coercive and controlling behaviour to the notices, however there needs to be consistency and increased knowledge of how and when these orders can be used to ensure they are appropriately and effectively applied. They need to be aligned with specialist support for the survivor and her children alongside access to perpetrator interventions to enable them to be effective.

16.2 In regards to perpetrator interventions, effective monitoring of a perpetrator subject to a DAPN needs to be carried out, both in regards to continued abuse to the current victim, but also in relation to others he may be in contact with, i.e. are they residing with other potential victims.

16.3 It needs to be noted that DAPN and DAPO are less likely to be accessed by marginalised and vulnerable women due to the multiple barriers they experience in engaging with the statutory agencies and the complexities they may have in maintaining separation from their perpetrator. For these reasons it is critical to ensure that the monitoring of DAPN and DAPO is focused on the actions of the perpetrator and responds to survivors actions in a trauma-



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informed manner and with an acute understanding of the impact of coercive and controlling behaviour.

16.4 Recommendations:

1. Align the provision of DAPN with specialist support for the survivor and her children and access to perpetrator interventions to enable them to be effective.
2. Ensure there are robust procedures to monitor the perpetrator subject to a DAPN so that the responsibility for this does not fall on the survivor.
3. Ensure police and other relevant agencies are trained in trauma-informed responses and coercive control so they understand the actions of all survivors and respond appropriately to enable their safety and support.

17) Which of the following individuals/organisations should be able to apply for a Domestic Abuse Protection Order? Please select all that apply:

- The victim
- Certain persons associated with the victim (for example certain family members) on behalf of the victim
- The police (following the issue of a Domestic Abuse Protection Notice or at any other time)
- Relevant third parties, who would be specified by regulations, on behalf of victims (see Question 18 for further details)
- With permission of the court, any other person or organisation
- Other (free text)
- Don't know/no answer

Please give reasons (free text)

17.1 We support the revision of the current Domestic Violence Protection Orders, which are being used to varying degrees across Welsh police forces. There are concerns that the cost of orders is inhibiting their use where police forces are attempting to manage lower budgets. This will have implications for other agencies with the expansion of who can apply for orders. The process must not see agencies 'passing the buck' on who will apply for the order and, therefore, take on the cost. This will be particularly concerning for specialist services that already have limited funding. Specialist services are often best situated to apply for an order in consultation with the survivor, however, if they are to be given the capability to apply for orders they will need to be resourced to do so, both for the cost of the order and the capacity to do so.

17.2 Recommendation

1. There needs to be sufficient resourcing of all agencies that can apply for orders.

18) Which persons or bodies should be specified by regulations as 'relevant third parties' who can apply for a Domestic Abuse Protection Order on a victim's behalf? Please select all that apply:

- Local authority safeguarding or social care professionals
- Providers of probation services
- Specialist domestic abuse advisers/Independent Domestic Violence Advisers (IDVAs)
- Specialist non-statutory support services (for example refuge support staff)
- Other (free text)
- None of the above
- Don't know/no answer



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Please give reasons (free text)

18.1 Any revised protection order system must (1) have the survivor’s consent and support at its heart (2) proactively prevent further perpetration and hold the perpetrator to account for their actions. The current proposals remove the survivor from the decision making process in applying for the order, opening up the possibility that an order or notice could be imposed on a survivor without her wishing for it. Applying for an order must be done as part of a strengths-based, needs-led support approach for a survivor and aligned to specialist advocacy support. Additionally the monitoring of the compliance with the orders/notices often falls to the survivor, it is critical that there is sufficient resourcing to make sure that the monitoring of compliance is focused on the perpetrator and their actions. As part of this we welcome the proposal to make a breach of an order an arrestable offence.

18.2 Recommendations:

1. Survivor consent to orders and notices is sought as part of the process.
2. The provision of protection orders should be aligned to advocacy and other specialist support for survivors.
3. Monitoring of compliance should be sufficiently resourced to ensure that it does not fall to the survivor to monitor.

19) We propose that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made, including:

- at a magistrates’ court by the police following the issue of a Domestic Abuse Protection Notice or at any other time
- as a standalone application by, for example, the victim or a person or organisation on the victim’s behalf to a family court
- by a party during the course of any family, civil or criminal proceedings

Do you agree? Please select one:

Yes

No

Don’t know/no answer

Please give reasons (free text)

19.1 As stated above, this proposal must ensure that there is adequate resourcing of all agencies that provide a route to apply for a DAPO to ensure that agencies do not pass the responsibility between each other to avoid the costs. This said, survivors welcomed the opportunity to have multiple routes to access DAPO, especially where they had not involved the police.

19.2 This will require adequate training of those offering these routes to apply, particularly in understanding coercive control (see response to family courts below).

20) Do you agree that family, civil, and criminal courts should be able to make a Domestic Abuse Protection Order of their own volition during the course of any proceedings?

This would include where no application has been made by the victim or relevant third parties. In a criminal court this could include following a conviction or an acquittal. This should improve how different jurisdictions can respond to domestic abuse by giving all courts a clear pathway for protecting individuals who are identified as being at risk.



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Yes

No

Don't know/no answer

Please give reasons (free text)

20.1 We recognise that granting courts the powers to make DAPOs may increase their use, however, applying for an order must be done as part of strengths-based, needs-led support for a survivor and aligned to specialist advocacy support. Survivor consent should be at the heart of the process of making a DAPO. A DAPO is unlikely to be effective if a survivor is not engaged in the process. With third parties there is significant risk of them not having a clear understanding of the needs of the survivor and unintentionally negatively impacting on their lives if they do not engage with the survivor on applying for a DAPO on their behalf.

21) Do you agree that courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order? Please select one:

Yes

No

Please give reasons (free text)

Don't know/no answer

21.1 The current positive requirements set out do not meet the needs of addressing perpetrators' abusive behaviour and the causes of that abusive behaviour. For instance, the suggestion of alcohol or substance misuse treatment would not address the attitudinal changes that are required to prevent further perpetration of abusive behaviour. It is vital that any positive requirement is based on evidence based approaches on disrupting and preventing further abusive behaviour.

21.2 We recognise the positive requirement for attendance on a perpetrator programme. Welsh Women's Aid would strongly advocate that any mandated perpetrator programmes must be awarded with the recognised Respect accreditation, to ensure survivor support and safety is central to the programme. It must be acknowledged that where these fall outside of a statutory requirement by criminal courts, there must be resourced provision which funds perpetrator intervention and survivor support simultaneously. The provision must be accessible for all perpetrators to access, including those in employment. In Wales, this will require adequate provision that is accessible across all regions including in remote and rural areas. Perpetrator programmes must be adequately resourced alongside support and safety provisions for the survivor and her children.

22) Do you agree that courts should be able to require individuals subject to a Domestic Abuse Protection Order to notify personal details to the police?

Yes

No

Don't know/no answer

Please give reasons (free text)

22.1 We support this monitoring of perpetrators, however, it must be noted that feedback from providers of perpetrator programmes is that men often do not self-report new information. Police will need the resources to monitor perpetrators to ensure they adhere to this requirement and to take action when they do not.



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23) If so, what personal details should the courts be able to require individuals to provide to the police? Select all that apply.

- Name/change of name
- Home address/change of home address
- Formation of new relationship with an intimate partner
- Change of circumstances relating to household – including where a new child is born or otherwise joins the household
- Details of child arrangements orders for where and with whom a child is to live and with whom a child is to spend time or otherwise have contact
- None of the above
- Other (free text)
- Don't know/no answer

24) Do you agree that breach of the proposed order should be a criminal offence?

Yes

No

Please give reasons (free text)

24.1 Survivors and service providers in Wales strongly support that a breach of an order should be a criminal offence.

Don't know/no answer

25) If you do agree that breach of the proposed order should be a criminal offence, should it be possible for breach to alternatively be punished as a contempt of court?

Yes

No

Please give reasons (free text)

Don't know/no answer

25.1 A breach of an order must be treated as a criminal offence. If this is to be a contempt of court, it must be seen as a criminal contempt of court and treated with the necessary seriousness. A breach of an order can mean the continuation of abuse, particularly in relation to coercive and controlling behaviour. This is a continuation of criminal behaviour and must be treated as such. The criminalisation of breaching an order must have sufficient response to hold the perpetrator to account for their behaviour and to ensure the ongoing safety and support of the survivor and their children. This should include custodial sentencing, as and when appropriate. This should not be limited by a breach alternatively being punished as a contempt of court.

26) Question: Do you agree that courts should be given an express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order?

Yes

No

Don't know/no answer

Please give reasons (free text)

26.1 We agree it can be a useful tool, however, if this is to be effective it would need to be adequately resourced and monitored, with sufficient parallel support commissioned for survivors of abuse. Imposing electronic tagging should ensure that the system is set-up so that the responsibility to maintain it remains focused on the perpetrator - including the response by the police. Systems have been used elsewhere in Europe, for instance in Spain,



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where a perpetrator is tagged using a GPS system that informs them when they are within an exclusion zone surrounding the victim and requires them to take action, which has recently been piloted by Northumbria police.

26.2 Recommendations:

1. Any electronic tagging system must also ensure that the victim is supported, remains informed and in control so that they can feel empowered and able to move on with their lives.
2. Electronic tagging will only be effective if a perpetrator can be effectively removed from a home.
3. Electronic tagging must be accompanied by an accredited perpetrator intervention.
4. Electronic tagging should not be used in place of custodial sentences where this is an appropriate response to the crime committed, it should not dilute the state's response to domestic abuse crimes.

27) Which particular statutory safeguards relating to the use of electronic monitoring with DAPOs should be put in place?

27.1 As stated above it should be statutory that:

1. Any electronic tagging system ensure that the survivor remains informed and in control so that they can feel empowered and able to move on with their lives.
2. Electronic tagging are only used where be a perpetrator can be effectively removed from a home.
3. Electronic tagging must be accompanied by an accredited perpetrator intervention.
4. Electronic tagging should not be used in place of custodial sentences where this is an appropriate response to the crime committed, it should not dilute the state's response to domestic abuse crimes.

28) How much easier do you think it will be for domestic abuse victims to register to vote anonymously, once the changes summarised above happen?

- Much easier
- Easier
- Somewhat easier
- Slightly easier
- Not easier
- Don't know/no answer

28.1 We will continue to monitor implementation and its effect on survivors.

29) What further support could survivors receive to prove their safety would be at risk if their name and address appeared on the electoral register? Please put forward one suggestion.

Free text

29.1 Specialist service support workers, including refuge support workers, Independent Domestic Violence Advocates or Advisors (IDVAs) or Independent Sexual Violence Advocates, are often a survivor's primary point of contact and should be able to attest that an applicant's safety is at risk. Women experiencing domestic violence may (particularly those that experience multiple disadvantage) often do not engage with statutory agencies or access criminal justice measures such as injunctions and orders. Specialist support workers are well



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placed to attest to potential ongoing risk and could also increase awareness of the scheme, which would improve accessibility for survivors.

30) Do you have any further comments or suggestions on how to make it easier for domestic abuse survivors to anonymously register to vote?

Free text

30.1 Currently the types of documentary evidence required are narrow, there is an opportunity to widen the types of evidence to enable more women to demonstrate their safety is at risk. As stated above, it is often women who face multiple barriers who are less likely to access civil or criminal protection, it is therefore vital that these women are not further disenfranchised by denying them access to anonymous registration for voting due to these barriers.

31) Aside from anonymous registration, how else can we keep victims' addresses safe?

Free text

31.1 The UK Government should remove the 12 month time limit for anonymous voter registration, allowing it to stay in place indefinitely:

- Domestic violence can have lifelong impacts on victims and their children, with many fleeing abuse for the rest of their life.
- Criminal / civil court proceedings in such cases often exceed periods of 12-24 months.
- Women are at significant risk of domestic violence homicides after they have left the perpetrator of abuse.¹⁶
- Domestic and sexual violence are inextricably linked, with victims of a sexual offence afforded anonymity for life under the Sexual Offences Act 2003.

32) Before reading this consultation, were you aware of the Domestic Violence Disclosure Scheme (Clare's Law)?

Yes

No

33) Do you agree the guidance underpinning the DVDS should be put into law? Please select one.

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know/no answer

Please give reasons

32.1 Welsh Women's Aid would support statutory guidance underpinning the DVDS as there are currently considerable regional disparities in levels of disclosure and in responses to requests for partner background checks.

32.2 Survivors reported differing levels of awareness of the scheme and differing levels in the likelihood of using them scheme. While they noted that it could be a useful tool, they also said that the control and manipulation a perpetrator can have means that even with a disclosure a

¹⁶ Femicide Census 2016, <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/12/The-Femicide-Census-Report-published-2017.pdf>



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victim may chose to remain in a relationship. It is important that those administering the scheme understand coercive control and ensure those women who request background checks on current partners and chose to stay in their relationships, do not face a 'blame culture' in any potential future investigations or court proceedings related to domestic violence or abuse.

32.3 The scheme must also ensure there are effective referral pathways to specialist domestic abuse and sexual advocacy and support services.

34) How do you think we can best promote awareness of the Domestic Violence Disclosure Scheme amongst the public?

- **Marketing materials (for example posters, leaflets)**
- **TV & radio Media (for example newspapers, magazines,)**
- **Social media (for example Facebook, YouTube, WhatsApp, Twitter, Instagram)**
- **Online through search engine**
- **Other (free text)**

34.1 Considerations around raising awareness must also take into account the availability of advice and support services for those who are vulnerable to, or are experiencing abuse. Offering a scheme in isolation will not help to keep women safe from potential abusers.

- **Don't know/no answer**
- **Please give reasons (free text)**

35) What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?

Free text

35.1 With the recognitions of economic abuse in the proposed statutory definition and the duty to make domestic abuse everyone's business it is vital that the impact of welfare policy on survivors is recognised and addressed. Access to financial assistance and support through welfare benefits is vital for survivors.

35.2 Economic abuse does not occur in isolation, 82% of survivors of financial abuse report experiencing other forms of abuse.¹⁷ In Wales, almost a third of survivors accessing specialist services reported experiencing financial abuse.¹⁸ Survivors in Wales raised with us the significant barriers financial abuse has caused them in terms of leaving a relationship and the significant anxiety and impact it has had on their ability to survive and stay safe. Survivors reported experiencing ongoing financial burdens post relationship including repaying debt, negative equity and problems in accessing welfare benefits to support them.

35.3 Welfare policy reforms, including the introduction of universal credit, child tax credit limitations and reduced access to housing benefit have left survivors without adequate access to money for housing, transport, food and basic essentials during and after leaving an abusive relationship. The various welfare reform policies underway risk further increasing financial

¹⁷ 'Money matters: Research into the extent and nature of financial abuse within intimate relationships in the UK' 2015, written for the Co-Operative Bank and Refuge by Nicola Sharp-Jeffs

¹⁸ Welsh Women's Aid, 'Summary of 2016/17 Data from Specialist Services in Wales', 2017.



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barriers survivors face in leaving abusive relationships, increasing the control abusers have, enabling financial or economic abuse and inhibiting survivors' ability to build safe and independent futures. Survivors reported to us that perpetrators 'work the system' to perpetuate their control.

35.4 Recommendations

1. A statutory review and publication of a report on the impact of current welfare reforms to assess whether they are creating a barrier to women being able to have long term freedom from abuse, this should be published with recommendations on addressing barriers in partnership with the VAWG sector.
2. Reversal of the two child tax credit limit as it fails to recognise the complexities in which a third child may be conceived and inexplicably discriminates against women, putting a financial burden on them and their children if their financial circumstances change.
3. Recognition that the exemption on the grounds of rape and coercive control is fundamentally unworkable and at odds with principles enshrined in human rights legislation and should lead to the reversal of the two child tax credit limit.
4. Universal credit payments should be provided individually rather than to a single householder as default as the current system can enable financial abuse and the split payments system could unintentionally exacerbate domestic abuse.
5. Access to dual housing benefit for survivors of domestic abuse, who are forced to flee their homes, for up to 12 months, even if they are not intending to return home.
6. Survivors fleeing domestic abuse should be exempt from repayments of benefit advances under universal credit.

36) What more can we do to tackle domestic abuse which is perpetrated online, or through control of technology?

- **Appropriate reporting categories on social media platforms and signposting victims to off-platform support, such as helplines**
- **Clear guidance from social media companies on privacy settings for users at risk or victims of domestic abuse on online domestic abuse**
- **Effective use and handling of evidence from social media within the investigation and prosecution processes**
- **Government /charities and others promoting awareness of online and technology risks in relation to domestic abuse , such as through advertising**
- **Government raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators**
- **Retailers, applications and the wider technology industry raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators**
- **Other – please state**

36.1 There needs to be effective training within the criminal justice system, particularly for the police, to ensure that the perpetration of abuse online or use of technology to control someone can be effectively dealt with. In addition there needs to be mechanisms to rapidly strengthen the law so that it can adapt to changes in technology.

36.2 There is a further need to strengthen protection orders and legislation to ensure that these extend protection to the online arena. Any contact made in this context should be treated as a breach, just as it would be in real life.



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36.3 Technology companies need to take more responsibility for the use of their devices and apps to further abuse. For instance, app developers should not be able to apply 'spyware' or GPS locators as standard to devices or apps and should be required to provide adequate and ongoing information and warning to consumers that these may give away their location or allow someone to track their movements.

36.4 It is also essential that schools include learning about the ways in which technology can be used as part of VAWG in the curriculum for SRE. Children and young people have to be given this information so they can navigate the technological world safely. Awareness raising must also happen within the wider community to ensure adults are also aware of how to utilise technology safely.

36.5 Survivors suggested that there should be a process to monitor and, where appropriate, ban perpetrators from utilising dating sites, especially if they had not accessed perpetrator interventions. It was suggested that dating sites should be required to have mechanisms by which previous partners or other users could report known perpetrators utilising the sites.

Don't know/no answer

- Free text for further explanation of choice

37) How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?

Free text

37.1 There is an inconsistency in the way police frame and respond to domestic violence, use their powers to keep victims safe, and apply the established referral mechanisms. There is a clear need for better resourcing and training of frontline officers.

37.2 Survivors and services have reported the need for all police officers to be adequately trained at the beginning of their career and to receive on-going refresher training on all forms of VAWG and the impacts on the survivor and their children. It was noted by survivors that the police need training to address any unconscious bias perpetuated by their own negative assumptions of gender roles and how this may intersect with race, disability, age, sexuality and class. Mechanisms need to be in place to enable any form of sexism to be identified and challenged so that all officers are held to account on how their behaviour or assumptions may negatively impact on someone reporting domestic abuse.

37.3 There needs to be national oversight of the consistency in data collection by police forces to ensure that data collected on domestic abuse and the use of DVPOs and DVDS by different forces can be adequately assessed to monitor for consistent high quality approaches and to give an accurate picture of policing domestic abuse across England and Wales.

38) Do you think creating a legislative assumption that all domestic abuse victims are to be treated as eligible for assistance on the grounds of fear and distress (if the victim wants such assistance), will support more victims to give evidence? Please select one.

Yes, please give reasons

No, please give reasons

Don't know/no answer

38.1 It is essential that all domestic abuse survivors are treated as eligible for special assistance to ensure they are able to access justice. Survivors stated that special measures



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should be standard for all survivors. The courts service has to have the equipment and training to ensure all survivors can access the right special measures for their case. The use of video links and screens needs to be fully discussed with the survivor as the measures need to be appropriate for the case. Survivors reported that they wanted to be consulted on the special measures. To ensure that this is the case all survivors must have the right to being supported by a specialist advocate. The advocacy should be specialist and available to all survivors.

39) Is there more this government could do to explain the range and remit of existing measures for victims to help support them in the criminal justice process? Please select one.

Yes, please describe

39.1 The survivors and specialist services we have consulted have recommended:

1. Enabling greater joined-up working between police and specialist providers, for instance funding the provision of specialist support workers attending police call outs to provide immediate contact to survivors with support.
2. Providing clear information for criminal justice professionals to provide to survivors on what to expect and explanations of possible criminal justice outcomes.
3. Improved links between family and criminal courts to ensure that there is consistency in approach to information sharing focused on the safety of the survivor and their children and the risks the perpetrator poses.
4. Providing more adequate, empowering support for survivors of domestic abuse through both formal legal support and the presence of a support worker or specialist advocate.
5. Ensuring all professionals in professionals in the criminal justice system receive adequate training on domestic abuse, particularly coercive controlling behaviour and its impact on the survivor and their children.
6. Ensuring that courts have the ability to inform juries of the nature of domestic abuse, sexual violence and other forms of VAWG to ensure widely held myths are challenged and ensure juries are able to make an informed and unbiased decision.

No

Don't know/no answer

40) Do you know of instances in criminal proceedings when an application to prevent cross-examination of a victim by an unrepresented defendant has been denied in a domestic abuse case? Please select one. Where possible, please provide evidence or details of the experience to support your answer.

Yes, please describe

No

Don't know/no answer

41) Do you think extending the prohibition on cross-examination in criminal proceedings would support more domestic abuse victims to give evidence? Please select one.

Yes, please give reasons

41.1 Particularly in cases where coercive controlling behaviour is present, the perpetrator's ability to intimidate and further abuse the victim in court significantly inhibits their ability to freely give evidence in court. By allowing the perpetrator to cross examine the victim, the court



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is facilitating further abuse as well as significantly impacting the quality of witness evidence that the victim is able to provide, therefore inhibiting their access to justice.

**No, please give reasons
Don't know/no answer**

42) Question: Do you have suggestions for how we can better support prosecutions through to conclusion, including providing better support for witnesses who currently disengage from the process. Please select one. Where possible, please provide evidence or details of the experience to support your answer.

Yes, please describe

Don't know/no answer

42.1 Across Wales, there has been a loss of Specialist Domestic Violence Courts and a reduction in the provision of courts in local areas. This has been specifically raised in North Wales, where courts are covering large geographic areas that are not well connected. This means survivors have to travel significant distances to attend court and may not have had the opportunity to meet with court advocates prior to the court date. It has also lead to issues of 'funneling' where survivors are more likely to encounter their perpetrator when traveling on limited public transport to a more remote court. Similarly survivors and services are reporting that special measures are not in place when they have been requested, court rooms used are not appropriate even when raised by advocates (i.e. survivor has to walk closely past the defendant to the witness box or screens have fallen down). Survivors report having limited opportunity for discussions with the prosecuting counsel.

42.2 Survivors reported that they would like to see clearer information on what to expect from the process, decisions by the Crown Prosecution Service, special measures and advocacy support. The relationship with an advocate prior to court was also raised as important, in order to build trust and confidence in the support they can offer.

42.3 The court system needs to adhere to a trauma-informed approach that recognises that trauma can impact on a survivor's ability to engage and remain engaged in support. The onus should be on courts and support agencies to take action to facilitate engagement through the recognition of the experience of trauma and its impact on someone's emotional, cognitive and psychological well-being. For this to be effective guidance and training must be provided to all relevant court officials in partnership with specialist services.

42.4 Specialist advocacy can have a significant impact on justice outcomes and reduce the numbers of victims 'disengaging' from the system. This is true for all women and has a particular impact on BME and marginalised women. Access to specialist advocates like IDVAs and ISVAs should be a guaranteed offer to all survivors, and sufficiently resourced so that a trusting relationship can be built with the survivor prior to key dates.

42.5 Recommendations:

1. Ensure that effective guidance and training must be provided to all relevant court officials to ensure a trauma-informed approach.
2. Access to specialist advocates like IDVAs and ISVAs should be a guaranteed offer to all survivors and sufficiently resourced so that a trusting relationship can be built with the survivor prior to key dates.
3. Reinstatement of SDVC in areas where there is limited access to court.



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4. Special measures should be available, explained and directly offered as standard to all survivors.

43) What more can police, witness care units and the Crown Prosecution Service do to support victims through the justice process from the point of report onwards? Where possible, please provide evidence or details of the experience to support your answer.

Free text

43.1 Specialist service providers have reported a reduction in relationships with local Crown Prosecution Service and witness care units, this is often due to the reduction in services based in their local area. These relationships between specialist services and criminal justice agencies at a local level can be critical in ensuring survivors are at the heart of the justice process. For survivors it is often vital for the provision of clear information, clarity on expectations and reasoning around decision making, and to ensure clear referral pathways to support throughout the process.

43.2 Recommendations:

1. Ensure robust training for all involved in the criminal justice system focused on an understanding of coercive control and providing a trauma-informed approach.
2. Ensure access for survivors to specialist advocates from as early stage as possible that can follow them through the justice process.
3. Set specialist measures as standard so that they are always available when needed and ensuring the justice process is as accessible as possible and eradicate postcode lotteries of access.

44) Are there other aspects of the criminal court treatment of vulnerable people which the family court could learn from? Please select one.

Yes, please describe

No

Don't know/no answer

44.1 The legislation should improve the support for survivors across all court systems and ensure that there is join-up in decision making in family, civil and criminal courts. The support for survivors across the court system should include an assumption for all survivors to be provided with special measures, aligned to advocacy support for survivors to accompany them to all court proceedings and a reassurance that they will not be cross examined by their perpetrator.

44.2 It needs to be recognised that family courts are often used and manipulated by perpetrators of domestic abuse as an avenue to further control, coerce and abuse their victims. Survivors have reported how the family justice system services can prolong and reinforce the abuse they have experienced by perpetrators. They reported that perpetrators are using child arrangement applications and contact/residence orders as a mechanism of ongoing control and that this was either not understood or ignored by the court and related agencies.¹⁹ This is

¹⁹ Y. Rehman, 'Are you listening and am I being heard? Survivor Consultation: A report of the recommendations made by survivors of violence against women, domestic abuse and sexual violence, to inform the National Strategy in Wales', Welsh Women's Aid, 2016,



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often in contradiction to social services raising contact as a child protection and welfare concern and advising survivors that they should not allow contact. This places survivors in the predicament of going against family court contact orders or being held accountable by social services for allowing unsafe contact.

44.3 We have also been told by survivors that perpetrators are capitalising on the opportunity of cross-examining victims as a method of continuing their abuse, and preventing survivors from safely being able to access justice after the relationships has ended. The UK Government has committed to prohibit perpetrators from cross-examining victims in the family and criminal justice systems through new legislation. This legislation should be laid as soon as possible either in the Domestic Abuse Bill, or the Courts Bill.

44.4 Recommendations:

1. Bring forward legislation that bans the cross examination of survivors by their abusive ex-partners across family courts, ensuring parity with criminal courts.
2. Ensure all professionals in family courts and involved in child arrangement applications for contact/residence receive adequate training on domestic and sexual abuse, particularly coercive controlling behaviour and its impact on the survivor and their children.
3. Guarantee special measures are available and offered for all survivors, including separate entrances and waiting areas, screens and video links and ensure they are provided in consultation with the survivor across family and criminal courts.
4. Ensure the provision of advocacy support for survivors before, during and after all family court proceedings.
5. Improve links between family and criminal courts to ensure that there is consistency in approach to information sharing focused on the safety of the survivor and their children.
6. Ensure the prohibition of unsupervised contact where a case is awaiting trial, on bail or there are ongoing criminal proceedings for domestic or sexual abuse.
7. Provide clarity on the assumption of shared parenting when children are at risk of harm from domestic or sexual abuse.
 - Ensure child arrangement orders for contact/residence are decided on an informed judgement of what's in the best interests of the child(ren) and that unsafe and unsupervised contact is not ordered, either in final hearing or interim, where there is an ongoing risk of harm to children and their non-abusive parent due to domestic or sexual abuse.
 - Monitor the use and delivery of expert safety and risk assessments in child contact cases, increase the availability of child contact centres offering supervised contact, and ensure greater consistency in the use of supported or supervised contact. This includes ensuring parity between Wales and England so that family courts in Wales can also require, via Cafcass Cymru, a perpetrator of domestic abuse to attend a domestic abuse perpetrator programme as part of a 'court ordered activity' in private law cases concerning Child Arrangements Applications.
8. Remove the capital means test, which treats the equity in homes as funds available towards legal costs, from the eligibility process for legal aid to ensure survivors are able to access justice.



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- 9. Provide the power to dismiss vexatious applications or continual applications being made by the same individual where it is clear the purpose is to harass or distress the survivor or children.

45) Do you think there is further action the government could take to strengthen the effectiveness of the controlling or coercive behaviour offence? Please select one.

Yes

No

Don't know/no answer

Please give further detail

45.1 Survivors have raised concerns about the importance of recognising the coercive and controlling behaviour and abuse that occurs post separation. They have highlighted that there can be an increase in this behaviour, including stalking and harassment after the end of a relationship. Research has shown that 90% of survivors report experiencing abuse post separation.²⁰ It is also well documented that this can be a time of increased risk so it is critical to recognise that post-separation domestic abuse is recognised within the offence and in the responses of the criminal justice system.

45.2 Survivors also highlighted the need for compulsory training of all statutory agencies so that they can recognise coercive controlling behavior and are aware of how a perpetrator can manipulate systems and processes to continue the abuse.

45.3 Similarly, they raised that there should be ongoing training for all frontline police officers; a demonstration of good knowledge and understanding of this offence (which is an extremely high volume offence) should be essential to progression within the police force. Guidance should be given to officers on gathering evidence for this offence.

46) Do you think the current approach of using sentencing guidelines, as per guidelines issued in February 2018 is effective in ensuring sentences imposed reflect the seriousness of domestic abuse when it involves children?

Please select one.

Yes

No

Don't know/no answer

Free text to explain answer

46.1 There is a need for systems change, including programmed preventative work with perpetrators rather than just crisis response, and training of frontline workers in coercive control. It cannot simply be a matter of discretionary or mandatory sentencing, in an area where it is unknown whether such a measure, as longer sentences, would produce any deterrent effect or behaviour change.

47) Is a statutory aggravating factor needed in order for the court to reflect the seriousness of offences involving domestic abuse and children in sentencing? Please select one.

²⁰ Kelly, Sharp and Klein (2014) Finding costs of freedom Report: How women and children rebuild their lives after domestic violence, CWASU



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Rhoi Merched a Phlant yn Gyntaf Putting Women & Children First

Yes

No

Don't know/no answer

Free text to explain answer

47.1 Children are harmed by all forms of domestic abuse, including non-physical abusive behaviours inherent to coercive control-based domestic abuse: continual monitoring, isolation and verbal/emotional/psychological and financial abuses. The responsibility for the impacts of coercive control-based domestic abuse on children should be placed with the perpetrator and not with the victimised parent. It is, therefore, relevant to have a statutory aggravating factor in sentencing cases of domestic abuse.

47.2 In considering aggravating factors regarding children, it is important to look at any possible unintended consequence and how these can be mitigated. It is likely that more children will be called to give evidence in cases involving domestic abuse, this means there must be adequate measures taken to minimise the trauma and distress this may have on children. This requires adequate special measures to enable them to give evidence in a manner that is safe and supportive. Further to this, there must be adequate specialist support for children and young people affected by domestic abuse, at present this support is significantly underfunded. Just 5.64% of all funding for specialist services in Wales is allocated to domestic abuse outreach, advocacy and support for children and young people in the community. If the impact of domestic abuse on children and young people is to be effectively recognised, for vulnerable children and adults to receive appropriate, therapeutic, specialist support wherever they live in Wales, we must see reliable funding needs ring-fenced.

48) Please share any other views on how to ensure domestic abuse and its impact on children are taken into account in sentencing?

Free text

48.1 Please see above.

49) Do you agree that taking extraterritorial jurisdiction over these offences is sufficient to satisfy the requirements of the Convention?

Yes

No

Don't know/no answer

50) If not, what additional offences do you think we should take extraterritorial jurisdiction over and why?

50.1 The proposed legislation and the non-legislative agenda should set out the ratification and the full implementation of the Istanbul Convention obligations including standards on prevention intervention, statutory minimum levels of specialist support for survivors and effective perpetrator interventions to hold them to account. The Convention establishes legal frameworks for the protection and support of survivors, punishment of perpetrators and to prevent and eradicate all forms of VAWG setting out minimum levels of provision. Member states are required to establish a comprehensive and coordinated policy addressing all forms of violence covered by the Istanbul Convention and offering a holistic response to VAWG. The consultation sets out the UK Government's steps to ensure it complies in regards to



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extraterritorial jurisdiction, which we support, however the legislation should look at how the UK Government will comply with all aspects of the convention.

50.2 Recommendations:

1. The legislation and non-legislative programme sets out measures to address complying with the Istanbul Convention in full.

51) Do you agree that relying on the civil law remedy in the Protection from Harassment Act 1997 is sufficient to satisfy the sexual harassment requirements of the Convention?

Yes

No

Don't know/no answer

52) If not, what do you think is necessary to satisfy those requirements?

51.1 The Protection from Harassment Act 1997 is inadequate here as it enshrines in law the principal that there must be a course of conduct perpetrated against one victim by one offender. This denies the reality of sexual harassment, which for many women is experienced as 'street harassment' i.e. multiple incidents each perpetrated by a different offender e.g. cat-calling. This can be summarised as one 'victim' - multiple offenders, one offender - multiple 'victims'. The impact on the victim is no less than if these multiple incidents were being perpetrated by a single offender but there is currently no redress. As this behaviour is so widespread and every day, we do not currently think that criminalising it would necessarily be the most effective approach.

51.2 To satisfy the Istanbul Convention, this behaviour needs to be addressed either through legislation or other societal approaches or interventions, for example education and culture change programmes. In examples of harassment that do meet the legislative framework, women may struggle to access the civil remedy. Costs and limited access to legal aid may be prohibitive in terms of securing legal representation and the civil court system is hard to navigate as a litigant in person.

53) Do you agree we should explore (with the Crown Prosecution Service) further controlled and monitored use of conditional cautions with rehabilitation programmes than is currently permitted for lower-level, normally first time domestic abuse incidents? Please select one.

Yes, please describe

No

Don't know/no answer

If yes, please explain your answer, suggesting what procedures should be in place to ensure a conditional caution would only be given in appropriate cases with appropriate conditions attached.

53.1 Rehabilitation programmes should be approached carefully. Because of the significant risk of harm caused by ineffective interventions, we would recommend that it is essential that any programme aimed at perpetrators should be delivered within the Respect UK Accreditation Standard²¹ principles. This means providing a service which reduces the risk to

²¹ <http://respect.uk.net/what-we-do/accreditation/>



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survivors of domestic violence and abuse, is gender-informed and provided by well trained and supported staff.

54) Do you have any additional evidence on current conditional caution practice which we should consider in relation to this issue? Please select one.

Yes, please describe

No

Don't know/no answer

54.1 Conditional caution practice needs to be used in line with evidence based responses to perpetrators. This should align to Respect Accredited interventions and safety and support for the survivor and their children. There is evidence of practice in Wales where conditional cautioning with brief intervention is being used in isolation without full perpetrator programmes being made available. This could have significantly dangerous implications for victims and their children. It will also have limited effectiveness as it is unlikely to enable long term change in behaviour and attitude. Where integrated offender management is utilised with 'low level' perpetrators, it must be inclusive of accredited perpetrator programmes that are accessible and align with support and safety work with survivors and their children that is sufficiently resourced.

55) What changes to current policies or procedures would help police and other agencies to better manage serial and repeat abusers, in particular those who are not subject to a sentence of the court. This can include how best to:

- risk assess an abuser and plan for risk reduction
- engage an abuser in order to encourage compliance with control measures

55.1 It must be recognised that the majority of perpetrators of abusive behaviour are serial and repeat abusers, although it is likely that they are not subject to a criminal sanction for any or some of their actions. It is vital to recognise that the pattern of coercive and controlling behaviour that characterises many cases of domestic abuse is a serial offence in its very nature.

55.2 Further to this, it is known that survivors often do not contact the police or report the first incident of abuse, often because of the coercion and control of them by the perpetrator. This means serial and repeat perpetrators may not be known by criminal justice agencies or subject to a court sentence.

55.3 It is essential that statutory services beyond criminal justice take a lead in responding to domestic abuse, sexual violence and other forms of VAWG, and is not solely seen as a criminal justice issue. This should include training on identifying and responding to perpetrators as well as survivors. This training must be informed by evidence-based practice in responding to perpetrators, we would advocate that this falls within the principles of Respect UK standards²² that put the safety of the survivor and their children at their heart.

55.4 Access to perpetrator programmes that are aimed to create sustainable change and ensure the safety of the survivor and their children must be available for those outside of the criminal justice system. These need to be sufficiently resourced alongside the support work for the survivor and their children.

²² <http://respect.uk.net/what-we-do/accreditation/>



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55.5 Recommendations:

1. Ensure that training and guidance for statutory services on identifying and responding includes information dealing with perpetrators as well as responding to survivors.
2. Ensure there is access to perpetrator programmes that are aimed to create sustainable change within the principles of Respect UK standards that put the safety of the survivor and their children at their heart, with sufficient resourcing of all aspects.

56) What more could be done to work with perpetrators in prisons, particularly offenders who receive a sentence of less than 12 months and do not have sufficient time to complete a domestic abuse programme in custody? We are interested to hear of particular examples of practice which have been successful.

56.1 All perpetrators in prison should be subject to interventions that challenge their behaviour and aim to create attitudinal change regardless of the length of a sentence. This should include evidence based interventions with perpetrators of all forms of VAWG, including sexual violence. It is critical that effective interventions are researched and provided to sexual violence offenders both in custody and out in the community. At present evidence based practice is focused solely on domestic abuse.

56.2 In addition to work with perpetrators, there should be an urgent review of the duty, and exactly whose duty it is, to inform survivors/victims of domestic abuse, sexual violence and all forms of VAWG when a convicted person is due for release, no matter what sentence was given (currently there is only a limited obligation to notify and only for crimes sentenced above this limit).

57) What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour? We are interested to hear of particular examples of practice which have been successful.

57.1 It is essential that any community-based programme for perpetrators meets the highest standards of safety and efficacy, with clear commitment to victim safety at the centre (as to programmes which address the perpetrator in isolation). The Respect UK Standard is the only way to ensure programmes are safe, and, as more programmes are rolled out, meeting the Respect UK Standard should be a requirement.

57.2 Beyond direct work with perpetrators, it is essential that broader, strategic and resourced work takes place in all communities to proactively name, tackle and aim to prevent VAWG. Such work would help ensure an unambiguous message to perpetrators that abuse will not be tolerated. This includes ensuring that victims of abuse are supported to stay in their homes, and are given access to legal advocacy and specialist support to ensure they are safe, and there are wide-scale community and national media campaigns including a zero tolerance message.

58) Please select which of the following you believe should be priorities for improving data collection. Please choose up to 3.

- Improving the collection and reporting of data on when domestic abuse is a feature of a case/intervention
- Improving collection and reporting of data relating to the gender and relationship of the perpetrator and victim



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- Improving data to enable better tracking of outcomes in domestic abuse cases/ intervention
- Linking data to enable better tracking of interventions and reoffending
- Linking data to enable better understanding of the interactions/relationships between domestic abuse and other types of offending
- Other (free text)

58.1 It is essential that data about perpetrators and victims, along with the frequency of incidents (with no upper limit on number of incidents) is collected to ensure a real picture of the prevalence and harm caused by domestic violence, so that this is better understood by agencies. More information about the type of harm, covering all the different types of abuse and the context in which it happened would be extremely useful. Information about the household, and others including children within the household is very relevant to ensuring collected data is useful.

58.2 The gender of perpetrators and victims should be collected to ensure a full understanding of the gender dynamics of these types of violence and abuse.

58.3 It is also vital that this data is aligned to other forms of VAWG including sexual violence so that it provides the evidence base to the prevalence of VAWG in England and Wales.

58.4 Data should be segregated between England and Wales as there are differences in provision and it is important that these can be measured through effective desegregated data.

- None of the above
- Don't know/ No answer

59) Do you agree with the proposed model for a Domestic Abuse Commissioner outlined above? Please select one.

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

59.1 Welsh Women's Aid welcomes the creation of the independent Commissioner role. The role is an opportunity to provide leadership and accountability for the VAWG agenda in England and Wales. The role offers a unique opportunity to provide the necessary machinery for ensuring strong leadership and to introduce processes for scrutinising delivery, monitoring and evaluating progress made in England and Wales. An annual reporting mechanism, including a published report, will be required to enable this and allow for recommendations to be set and taken forward.

59.2 We believe the new Commissioner should have a broad VAWG remit. Their role as a figure head who will 'stand up' for survivors and holding statutory agencies to account on their behalf means that they cannot prioritise the different experiences of survivors of one particular type of abuse over other forms of VAWG. This will be critical in their role in ensuring local areas best plan and deliver an integrated approach to supporting all survivors and holding perpetrators to account.



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59.3 To carry out the functions outlined by the government it will be critical that the role has sufficient powers, resources and independence in terms of holding the UK Government and other statutory agencies accountable to their obligations. This should reflect the scale of VAWG in England and Wales to have the impact across all areas they will need to cover. It will also be critical that the role will require someone with sufficient expertise in the field of VAWG and an ability to remain independent. This will require a robust and transparent recruitment process for the role.

59.4 We recognise the role's function in providing guidance and monitoring activities, however, it remains unclear what the remit fully entails if the role needs to challenge the UK Government or other public bodies about not fulfilling their statutory duties. It is unclear what sanctions will take place if these legal duties are broken, and how these sanctions will be imposed. Sanctions are absolutely vital if the legislation is to 'have teeth', therefore clarity is needed on whether imposing sanctions on non-compliant individuals, bodies or organisations is a statutory function to be fulfilled by the commissioner.

59.5 A clear process will be vital for working with the Welsh Government, National Advisors, devolved public sector, specialist sector and survivors in Wales. The relationship between the Commissioner role and the National Advisor role needs to be set out from the beginning so that their roles in monitoring and providing guidance to the public sector and government are complimentary across the devolved and non-devolved agendas. This will be particularly critical in the role the commissioner has in overseeing the quality assurance process for Domestic Homicide Reviews (DHR). The Commissioner will need to work together with stakeholders across Wales and provide a mechanism for shared learning from DHRs to facilitate the learning on an England and Wales wide level.

59.6 The Commissioner must facilitate the amplification of survivor voices and the specialist sector in Wales rather than act as a barrier to our participation through acquiring our representation.

59.7 Recommendations:

1. The Commissioner role must be wider than domestic abuse and sit under the UK Government VAWG strategy framework; all forms of VAWG need independent scrutiny, and the Commissioner must be a stand-alone role.
2. The Commissioner role must have the necessary resources to be effective, including an appropriate budget and team to deliver a meaningful programme of work.
3. The Commissioner role must have a transparent recruitment process, have expertise in the VAWG field and be completely independent of government.
4. The Commissioner's remit must include:
 - Statutory powers including data collection and the ability to conduct robust research.
 - Statutory powers to monitor statutory agencies and local authorities, and compel them to engage in their work, to ensure they are providing appropriate and safe services that are accredited to nationally recognised standards, and are accountable to the National Statement of Expectations.
 - A specific focus on reviewing the response to Black and Minority Ethnic (BME) survivors, LGBT survivors, disabled survivors, older survivors, survivors with no recourse to public funds (NRPF), survivors with complex and intersecting needs; including mental health problems, addiction or involved with the criminal justice system, and other vulnerable groups.



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- Requirement to maintain an open relationship with the VAWG sector, including regular meetings and ensuring VAWG sector members and survivors from Wales have a role in any working groups or boards created by the Commissioner.
- Requirement for the Commissioner's Office and work to be meaningfully informed by survivor's voices.
- Requirement to share best practice across both the VAWG sector and civil society.
- Requirement for the role's reporting back and scrutiny mechanism to be as strong as possible to ensure transparency and success of the role.
- Regular meetings and access to all relevant Secretary of States, including attendance at the current Inter-Ministerial Group Meeting on VAWG chaired by the Home Secretary, all relevant civil servants and with the National Advisors for Wales and where relevant, Welsh Government officials.
- Specific remit for their work in Wales and interaction with the National Advisor and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

Please give reasons [free text]
Don't know/no answer

60) Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner? Please choose up to 3.

- Map and monitor provision of domestic abuse services against the National Statement of Expectations, and publish this information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected
- Oversee compliance with the Specialist Domestic Abuse Courts Manual
- Oversee the Domestic Homicide Review Quality Assurance process, including any potential changes implemented following this consultation, feeding lessons learned into their recommendations
- Provide recommendations to both national and local government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations
- Publish findings in reports, which will be laid before Parliament
- Require local statutory agencies to cooperate and provide information
- Other (please state other functions the commissioner should fulfil)

60.1 As stated above it is not relevant to rank a 'top three' of prescribed options as this will curtail the effectiveness of the Commissioner's role and would not help create an impactful Commissioner.

60.2 Other Commissioner roles have wide remits, enabling them to have influencing powers because that reach across statutory systems. This Commissioner's powers should not be limited to specific areas of investigation (specialist courts and DHRs) but rather be based on the needs and rights of survivors of domestic abuse, sexual violence and other forms of VAWG. They should have the powers to investigate across public, private and voluntary sectors, powers to commission and gather data, and powers to require a response from those to whom she/he takes questions or complaints. This role could then become a critical part of our society's commitment to ending VAWG.

60.2 Their powers should extend beyond domestic violence to cover all forms of VAWG, given what we know about the interconnectedness of these issues and their impact on the lives of survivors and their children/families. Many specialist services and the statutory response don't



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make an artificial distinction between types of VAWG and it is important that a new Commissioner in this area has scope to meet this reality. It is impossible to disaggregate domestic abuse from broader VAWG services meeting the requirements in the National Statement of Expectation.

- **None of the above**
- **Don't know/no answer**

61) Question for public bodies only: What would be the practical implications of complying with the proposed Domestic Abuse Commissioner's powers?

Free text

N/A

62) One proposal is that the Domestic Abuse Commissioner could routinely collate, quality assure and share lessons learnt from DHRs. What more could be done to increase awareness of the learning from DHRs?

62.1 This will be particularly critical in the role the Commissioner has in overseeing the quality assurance process for Domestic Homicide Reviews (DHR). The will need to work together with stakeholders across Wales and provide a mechanism for shared learning from DHRs to facilitate the learning on across local authority and national borders in England and Wales.

62.2 We would recommend that the Commissioner has a role in holding public bodies to account in applying the learning and addressing the systemic failures exposed by DHRs.

62.3 The Commissioner should produce an annual report that collates the learning of DHRs, makes recommendations in addressing failures and reports on how the learning is effectively being addressed at local, regional and national levels. This should outline the progress made by public bodies and hold them to account where progress has not been made.

63) How can areas best hold their own local agencies to account in terms of monitoring delivery against DHR action plans?

63.1 DHR action plans need to not be limited to local monitoring as learning must go beyond the boundaries of a local area. The Commissioner must have the statutory powers to hold local agencies to account for their actions and demand reports on progress. The Commissioner has a role in ensuring that accountability is taken to the top of an organisation and, where appropriate, raised with the relevant government minister or secretary of state. To leave local agencies to address systemic and structural concerns fails to recognise the need for a whole system approach to preventing domestic homicides.

64) How can the government better share and promote effective practice on domestic abuse across all public services both in regard to commissioning and delivery of services?

64.1 The impact of any reforms will be limited without sufficient resources being allocated to enable public services and specialist services in the third sector to effectively implement these reforms. To ensure no victim is turned away from life-saving support, it is vital that we see parallel action by Westminster and Welsh Government to sustainably fund domestic abuse



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refuges and community outreach services, sexual violence services and specialist support for migrant women.

64.2 The impacts of austerity measures on statutory and generic service provision such as mental health, substance misuse, and sexual health services are impacting on survivors' access to relevant and timely support. This has led to reports from specialist services that they are picking up additional and often complex support needs caused by gaps in public services. Last year 500 survivors in Wales were unable to be supported in refuge because of a lack of service resources or capacity.²³ The turn-away rate highlights that resourcing of specialist services is already not insufficient to meet demand.

64.3 Uncertainties of funding in the long-term include the UK Government proposed reforms to funding for short-term supported housing, which they have announced will be devolved to the Welsh Government, who will determine the model of funding for Wales for implementation from April 2020 onwards. The UK Government will provide the Welsh Government with the level of funding in 2020/21 equivalent to that which would otherwise have been available through the welfare system. This raises significant concerns that the funding will be set at current projections and not be flexible to actual need. Specialist services, in the last year alone, have suffered the loss of 30% of funding from housing and homeless prevention grants from local authorities in Wales. Housing benefit covering housing costs has provided critical stability for refuges in the continued challenging funding landscape of competitive commissioning and reductions in other funding streams in Wales. The removal of the link to individual benefit entitlements to commissioning through competitive tenders and grants means that this consistency and flexibility in funding need will be lost. These changes are set to have a catastrophic impact on the future of refuge provision which underpins the national response to domestic abuse.

64.4 The legislative and non-legislative's programme success currently risks being significantly undermined by the lack of a model for sustainable funding for the specialist services in the VAWG third sector to carry out and support much of the activity proposed. This is a particular concern in regards to the proposed reforms to funding for short term supported housing, which includes refuges in Wales.

64.5 Recommendations:

1. The legislation includes a clear commitment to resource the implementation of the proposed reforms that includes a model for sustainably funding for all VAWG specialist services.
2. As part of the above recommendation, the proposed reforms for 'short-term' supported housing funding should not include refuge and move-on provision, and in partnership with specialist services, there should be a development of a sustainable long-term funding model to support that national network of refuge provision.
3. The UK Government and Welsh Government coordinate parallel action to sustainably fund domestic abuse refuges, sexual violence services, specialist support for migrant women and wider VAWG provision.

65) What role should local areas play in sharing good practice?

²³ Welsh Women's Aid, State of the Sector, Dec 2017 - <http://www.welshwomensaid.org.uk/wp-content/uploads/2017/12/WWA-State-of-the-Sector-2017-ENG.pdf>



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65.1 Local areas have a role to play in sharing best practice and what works, but the UK Government can't expect the change which is needed to be delivered by localism. We need a national strategy which genuinely ensures national coverage of support services, and a joined-up approach by all the statutory agencies.

65.2 In Wales, there is a need to work together on domestic abuse, sexual violence and other forms of VAWG as issues which cross the boundaries of devolved and non-devolved areas of responsibility. This needs to be effectively acknowledged and clarification received on how this will be achieved within the non-legislative programme. While there is reference made to engaging with devolved administrations this does not necessarily follow through to a commitment to collaborative or joined-up approaches within the objectives and priorities set out.

65.3 The lack of inclusion of all forms of VAWG has particular connotations for Wales where local public services already have duties under a new violence against women, domestic abuse, sexual violence legislative framework. We need to ensure that the public services duties and accountability align across devolved and non-devolved areas both strategically and in frontline practice.

65.4 The violence we are talking about is systemic, gendered and a consequence of inequality. It is also preventable, but that requires change and a commitment at every level of society and within the UK and Welsh Governments. This is not something which can be undertaken in a 'piecemeal' and local way, but requires leadership and a large-scale approach.

ⁱ Our membership of 23 third sector violence against women, domestic abuse and sexual violence specialist services in Wales, with whom we have national partnership agreements to ensure our work is coordinated and integrated includes: Aberconwy DAS, Atal y Fro, Bangor and District Women's Aid, Clwyd Alyn Housing Association (CAHA) Women's Aid, Stepping Stones, New Pathways, Safer Merthyr Tydfil, Carmarthen Domestic Abuse Service, Calan DVS, Cardiff Women's Aid, Cyfannol Women's Aid, Domestic Abuse Safety Unit (DASU) North Wales, Gorwel (Grwp Cynefin), Montgomeryshire Family Crisis Centre, Newport Women's Aid, North Denbighshire Domestic Abuse Service, Port Talbot & Afan Women's Aid, RCT Women's Aid, Safer Wales (including Dyn Project), Swansea Women's Aid, Threshold (formerly Llanelli Women's Aid), West Wales Domestic Abuse Service and Rape and Sexual Abuse Support Centre (RASASC) North Wales.

Welsh Women's Aid would like to thank the UK Government for the opportunity to comment on this important consultation and we look forward to working together in the future.

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

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