



| | |
|--------------------------------|--|
| Name: | <i>Elinor Crouch-Puzey, Policy and Research Officer</i> |
| Organisation: | <i>Welsh Women's Aid</i> |
| Email address: | <i>EliCrouch-Puzey@welshwomensaid.org.uk</i> |
| Telephone number: | <i>02920 541 551</i> |
| Address: | <i>Pendragon House, Caxton Place, Pentwyn, Cardiff CF23 8XE</i> |
| These are the views of: | <i>Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i> |

About Welsh Women's Aid

Welsh Women's Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums).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, sexual violence and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support and training to deliver policy and service improvements across government, public, private and third sector services and in communities, for the benefit of survivors.

We also deliver direct services including, for example, the Welsh Government funded Live Fear Free Helpline and a National Training Service partnership. We are piloting the Survivors Empowering and

¹ Our membership of 22 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, Safer Merthyr Tydfil, Carmarthen Domestic Abuse Service, Calan DVS, Cardiff Women's Aid, Cyfannol Women's Aid, Domestic Abuse Safety Unit (DASU), 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, West Wales Domestic Abuse Service and Rape and Sexual Abuse Support Centre (RASASC) North Wales.



Educating Services (SEEdS) project, which is empowering survivors of violence and abuse to collectively influence and inform improvements in public services and commissioning frameworks, and help change attitudes.

We also deliver the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>)

UK Government Consultation on Proposals for revising the Code of Practice for Victims of Crime

Do you agree with the proposal to have separate guidance alongside the Code aimed at victims and practitioners? Please give reasons for your response.

Welsh Women's Aid agrees that guidance for survivors of violence against women should clearly explain what they can expect from the criminal justice system and the service they are entitled to. Survivors have reported to Welsh Women's Aid 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 has also been raised as important for survivors, in order to build trust and confidence in the process. For this reason, we agree that two Codes would be more effective, with one, more detailed version available to practitioners. We also agree a Code for children and young people is important to empower them to know their rights and this should be aligned to the UN Convention on the Rights of the Child, particularly given its commitments to protecting children from violence and harm². At Welsh Women's Aid our focus groups with children have told us that children lacked a sense of agency when seeking support and that some had a lack of understanding of what was happening to them when they were engaged with agencies. Therefore, a clear guide, which explains the process at an age appropriate level, would be welcome. Guidance documents should also be developed in partnership with the specialist violence against women sector, including a recognition that services and other aspects of the public sector, aside from the criminal justice system, are devolved in Wales and so practice can differ from England.

Do you agree with the proposal to change the structure to a smaller number of overarching rights? Please give reasons for your response.

It is important that the Code is user-friendly as if it is deemed too long, then it stops becoming easy to use. We welcome the commitment in this consultation to ensure any changes are compliant with the

² <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child>



Domestic Violence, Crime and Victims Act 2004 and are clear that if the various entitlements are brought together entitlements for survivors of violence against women should not be lost, for example explicitly stating and referencing the rights of survivors of VAWG. Any streamlining carried out must ensure that there is no loss of clarity on rights and lack of information for practitioners or survivors on how to access these rights. To ensure this happens it is advisable to include specialist services and survivors in the drafting of any alterations.

How else could we improve the accessibility of the Code?

Disabled people experience disproportionately higher rates of abuse than non-disabled people, therefore, we would also call for the Code to be available in easy-read and other accessible formats. At Welsh Women's Aid we published a joint report with Disability Wales which highlighted the barriers disabled survivors face in accessing support. One of our recommendations was that all services provide accessible information³.

In addition, we would advocate for details of how survivors can access specialist support, for example including the Live Fear Free helpline for Wales⁴.

Finally, publicity about the code would be useful in other settings that survivors are likely to access before approaching the police, to ensure they are better informed of the process, for example in healthcare settings, housing offices etc.

Collaborating with organisations that have expertise in engaging with survivors with disabilities, from BME communities or with other protected characteristics is vital to ensure that the information provided is accessible and meaningful to all survivors.

Do you agree that there is a particular need to strengthen communication from the point of charge? Please give reasons for your response.

Yes, in terms of violence against women, we know survivors can be reluctant to see a case through the criminal justice system for various reasons, including pressure from the perpetrator and other family members to drop the case, as well as a reluctance to involve the criminal justice system at all⁵, particularly for some cohorts of women, such as older women or those involved in the criminal justice system themselves. It is also important that survivors are given regular updates relating to the status of the perpetrator, for example if bail conditions have changed or where the perpetrator has been bailed to. This lack of information or miscommunication may result in survivors not wishing to pursue a case, every effort must be made to ensure survivors are supported at every stage of the process. As stated above, survivors have reported to Welsh Women's Aid that they would like to see clearer

³ Welsh Women's Aid and Disability Wales, Supporting disabled people experiencing violence against women, domestic abuse and sexual violence in Wales; <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/04/WWA-and-Disability-Wales-2019-report-Final-ENG.pdf>, page 24

⁴ <https://gov.wales/live-fear-free>

⁵ Improving the police response to domestic abuse, <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf> page 31



information on what to expect from the process, decisions by the Crown Prosecution Service, special measures and advocacy support, this needs to be provided from the point of charge onwards. Poor communication can be very distressing for survivors and a significant barrier to them accessing the justice and support they have a right to.

We back calls from Women's Aid Federation England, in support of the Victim's Commissioner's recommendation, that all victims disclosing domestic abuse should have a contact person within the police to liaise with about their case to ensure consistency and support. It is important that victims of domestic abuse receive up to date and accurate information about the status of their case, particularly as they have to plan for their own safety.

Should the victim's preferences relating to frequency and preferred method of contact through their criminal justice journey be recorded as part of the initial communication? And if so, should these preferences form part of the referral process between agencies? Please give reasons for your response.

Yes, we advocate for a person-centred approach from services and reiterate the points above that we are concerned about survivors feeling unable to pursue their case if they do not have the level of communication they need to feel safe and supported through the process. Pursing a prosecution is a daunting step for anyone, but where the perpetrator is a partner or family member this can be further exacerbated, particularly if the survivor has been subject to coercive control. Therefore, the level of information communicated and how often, is important to support survivors to remain engaged in the process, ensuring the survivor can alter their preference throughout the process if needed. The method of communication is also particularly important in the context of domestic abuse and so-called honour-based violence as some methods of communication might not be a safe way to contact the survivor – steps should therefore be taken to ensure all communication is done safely. Risk is often dynamic in cases of domestic abuse and so-called honour-based violence, it is important, that the method of contact is regularly reviewed with the survivor to ensure contact remains safe and supportive. It is also worth noting that addresses can change rapidly if a survivor needs to access refuge or other housing support and the system needs to be able to respond to this. This is best facilitated by working with specialist support services that can provide support for the survivor to remain engaged with communications and provide the advocacy they may need.

Do you agree with the proposal to provide agencies with more discretion on when the Victim Personal Statement is offered? Please give reasons for your response.

Reiterating the point above about the importance of a person-centred approach and a recognition of the trauma of violence against women and girls. For instance, the impact of coercive control on an individual might mean it takes time for a survivor to feel able to provide a statement. We would also highlight it is important that assumptions are not made about whether someone should or should not make a statement and reiterate that a person-centred approach is taken, and a survivor feels empowered to make a choice that it is right for her. Welsh Women's Aid also feels other issues need to be considered in the context of violence against women and girls, such as a fear of the perpetrator(s) that might prevent someone from wanting to make a statement at the first point of



contact and the risks, as well as stigma, associated with so called honour based violence/female genital mutilation which can act as an additional barrier to providing a statement. Again, we would reiterate the importance of specialist advocacy here to support with this process should a survivor want to make a statement. The opportunity to utilise special measures, such as a screen or video link, should also be offered to all survivors as standard, when giving a Victim Personal Statement.

Do you agree that victims should be provided with a copy of their Victim Personal Statement? Please give reasons for your response.

Yes, it is their statement and they should have the opportunity to review it, especially if they have given it during a particularly traumatic time. This is particularly important in cases of violence against women and girls as the survivors 'space for action' and choices have been reduced by the perpetrator and it is important this is not continued by the agencies involved in a case.

Do you agree that the right to access practical and emotional support for victims should be made clearer in the revised Code, for those victims:

a. who do not report incidents to the police?

b. Who chose to withdraw after reporting an incident to the Police?

c. at the end of their case?

Please give reasons for your response.

Welsh Women's Aid is clear that support must be provided regardless of whether a victim of violence against women and girls is involved in the criminal justice system. Survivors of all forms of violence against women and girls need access to specialist support to ensure they feel able to talk about their experience in a safe and non-judgmental environment. Dedicated specialist services provide support through the legal process, should individuals choose to report as well as a range of housing, community and therapeutic support regardless of whether someone reports or not. According to the Istanbul Convention all survivors should have access to adequate specialist support regardless of reporting or continuing with a case.

Recent statistics have highlighted that even with the increase in reporting many cases do not progress to charge and prosecution. Rape Monitoring Groups statistics for 2017/18 show that for rape the charge rate for England and Wales is 4.2%. Survivors have spoken to Welsh Women's Aid about the re-traumatising experience of reporting rape and sexual assault to the police and going through the subsequent investigation and court processes. It is vital that the Code is a tool that can address this, ensuring survivors are informed of their rights to support at any point during the process, if they withdraw a case for any reason and regardless of the outcome of a case.

Do you agree with the proposed changes to eligibility categories for access to specialist support? Please give reasons for your response.

We are concerned about the amalgamation of categories as it may risk some of the named categories being lost. Particularly losing the term 'victims of the most serious crime and persistently targeted



victims' as victims of violence against women and girls, particularly domestic abuse, are some of the most persistently targeted and experience the highest rates of repeat victimisation. We are clear that if there is an amalgamation, then the different forms of violence against women and girls must still be listed as falling within the category of 'greatest need'. It must also ensure that all survivors of violence against women and girls are offered suitable specialist support.

We are concerned that so called honour-based violence, forced marriage and coercive control are not listed under eligibility for specialist support. We know, from survivors, these crimes require specialist intervention, either from highly skilled IDVAs or specialist by and for BAME services for women. We also know that these crimes present a particular risk to the survivor. Survivors of so-called honour-based violence are also more likely to have multiple perpetrators which requires a specialist response.

Specialist advocacy can have a significant impact on justice outcomes and reduce the numbers of survivors 'disengaging' from the system. This is true for all women and has a particular impact on BAME 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.

The use of specialist measures is also important here, for example, video link evidence, in women only spaces, should be available for survivors so that they do not have to attend Court to give evidence. Whilst, along with other members of the violence against women and girls sector, we welcome government proposals in the Domestic Abuse Bill to ensure special measures are available in criminal courts, we are clear that they must also be available in family and civil courts.

What changes should be made to the existing needs assessment process?

Welsh Women's Aid advocates for a person-centred and trauma-informed needs assessment process. A needs assessment process must maximise survivors' space for action, ensuring that the support provided across all agencies within the criminal justice process offers a needs-led, strengths-based response centring on empowering the survivor. This is best achieved by ensuring survivors and their children are supported by specialist services and the criminal justice agencies work in partnership with these services. It is essential to adequately meet the needs of survivors by addressing the ways in which violence against women and girls and multiple disadvantage intersect; the needs assessment process must consider the structural issues which impact on a survivor's experience. In many 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.

Those carrying out needs assessments must be trained to deliver a trauma-informed, needs-led and strengths-based response to women, particularly to women who face multiple barriers to accessing support. Where it is appropriate needs assessments should be carried out by or with specialist service providers, with an expertise in providing support to survivors of violence against women and girls.



We welcome the acknowledgement that it can be re-traumatising for survivors to have to re-tell their story when information is not correctly passed between agencies. As stated, survivors have told us about how reporting rape and sexual assault, for example, can be a re-traumatising experience and then going through the subsequent investigation and court processes. Information sharing, therefore, must be done in a way that focuses on empowering the survivor. We are clear that appropriate information sharing with survivor consent must be practiced across the criminal justice system as well as with family courts to ensure a joined up process of supporting survivors. This prevents potential re-traumatising however it needs to be recognised that need and risk can change over the period of a criminal justice process so there must be regular reviews to ensure that the needs of the survivor and their children are being met throughout the process.

The criminal justice 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.

Do you agree that PCCs should work with their local criminal justice partners to adapt the victim guidance to explain the local offer for victims? Please give reasons for your response.

In the context of violence against women and girls, survivors often move across borders to access safety and the national network of refuges. Therefore there must be a national oversight of adequate provision not just based on local need. This is particularly important for women with protected characteristics such as BAME or disabled women whose specialist support needs might not be identified in localised needs assessments.

If PCCs are to adapt their guidance to meet local needs this must be done in partnership with local specialist violence against women services that are best placed to identify the needs of survivors in their community. Engagement must meaningfully happen with a diversity of women, particularly those often excluded due to multiple discrimination to inform the local implementation of the guidance.

We call for more clarity from a devolved perspective on increased powers for the Victims Commissioner and strengthening compliance from agencies and how this will work in Wales and the devolved statutory and public sector. We also call for clarity on how this work will be done with Welsh Government to ensure adequate provision of specialist support services. Welsh Government is currently developing a model for sustainable funding provision in Wales. It is important that both devolved and non-devolved funding is provided to sustain provision across Wales.

Finally, we welcome further clarity on how the new Victims Commissioner will work with the Domestic Abuse Commissioner and the Violence Against Women, Domestic Abuse and Sexual Violence National Advisors for Wales to hold both local authorities and the PCCs to account in ensuring adequate responses to survivors and sustainability of provision. In our recommendations to UK Government on



the Domestic Abuse Bill, we, and partners in the violence against women sector, have consistently called for the Domestic Abuse Commissioner to have the power to effectively enforce a clear framework of accountability across the public sector and feel this is essential to ensure this work is carried out effectively.