



## **Joint Recommendations Briefing for the Domestic Abuse Bill**

The COVID 19 crisis has exposed the lack of protection and support for survivors of domestic abuse and other forms of violence against women and girls (VAWG), especially those discriminated against on the basis of race, immigration status, disability, sexual orientation and gender identity. The Domestic Abuse Bill has the potential to deliver a step change in the national response, but the legislation requires significant change to tackle gaps in the system and ensure equal protection and support for all survivors.

As specialist organisations working with survivors of VAWG, we have urgently called on government to put the prevention of abuse, protection and support for survivors, and pursuit of perpetrators central to the COVID 19 response. We remain concerned that Treasury funding announcements have yet to reach the frontline and call again for a clear and simple fund to ensure VAWG services can cope with this crisis – including ring-fenced funding for specialist services led 'by and for' BME women, disabled, deaf and blind women, and LGBT survivors. At least £50 million of the £750 million package announced by the Chancellor is desperately required now.

The lack of joined-up government action to tackle VAWG during the pandemic has also been stark. It was foreseeable that the mass experience of isolation, and the closure of many routes to safety and support, would be used as a tool of coercive control by perpetrators and increase physical and emotional harm. We are still waiting for coordinated action at the highest-levels of government to prevent the escalation of abuse and meet the support needs of women and children.

Unless the remit and focus of the Bill goes wider than the justice system alone, we fear that siloed responses to domestic abuse will continue further. Just one in five victims are estimated to report to the police, so to be truly transformative this legislation must deliver the changes survivors urgently need – from housing to health, the immigration system, welfare reform, the family courts and support for children. Our long-standing recommendations for change within the Bill, listed below, are more urgently needed than ever.

The pandemic could not have come at a worse time for specialist services who have faced years of funding crisis and are now operating in a 'perfect storm' of lost fundraising income, additional costs of remote working, increasing complexity of caseloads, and staff shortages. In addition to crisis funding now, COVID 19 has demonstrated the need for resilience and long-term sustainability – particularly as services predict increased demand for support when lockdown measures lift. Whilst we welcome the Bill's statutory duty on local authorities to deliver support in accommodation based services, the future of community based services is uncertain. There remain many questions about how the duty will resolve the challenges facing the national network of specialist women's refuges

and deliver the funding required for services for children, community based support, prevention and work with perpetrators.

It remains more important than ever that the Bill sits within a robust response to all forms of violence against women and girls. We continue to urge the UK Government to renew and deliver a fully funded VAWG Strategy, which ended in March 2020. There are also a number of issues between reserved and devolved matters in Wales which need to be fully considered within the Bill to ensure equivalency of services and that there is no conflict with the existing [legislation in Wales](#).

**We are clear that the following recommendations are key for the success of the Bill and wider non-legislative package of action. Our organisations urge MPs to attend the Second Reading Debate on Tuesday 28<sup>th</sup> April and raise these vital concerns for the protection and support of survivors.**

#### Equal protection and support for migrant women

- Abolish the no recourse to public funds (NRPF) policy which prevents many migrant women with insecure immigration status from accessing vital, often life-saving support and routes to safety.
- Ensure all survivors, regardless of age or immigration status, are entitled to support, equal access to welfare systems and legal tools that can provide protection from abuse, in accordance with the requirements of the Istanbul Convention which the Bill seeks to ratify.
- Extend eligibility for the existing Domestic Violence (DV) Rule, to ensure all women with insecure immigration status, not only those on spousal visas, can access a life-saving refuge space, financial support and housing.
- Extend the time period for which the Destitution Domestic Violence Concession (DDVC) is provided for at least six months.
- Deliver safe reporting mechanisms which ensure immigration enforcement is kept completely separate from the domestic abuse response and the safety of the victim is paramount.
- Provide long-term ring-fenced funding to ensure sustainability of BME and migrant 'by and for' specialist services.

#### An accurate definition of domestic abuse

- Amend the proposed definition to acknowledge the gendered nature of domestic abuse, in line with the UK's commitments under international law - including the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) and the Istanbul Convention and the UN Convention on the Rights of Persons with Disabilities (Article 16).
- Amend the proposed definition to accurately distinguish between, and not conflate, intimate partner abuse with other forms of family abuse, and include abuse perpetrated by unpaid carers of disabled women within the definition of 'personal connection'.

#### Tackle the housing barriers facing survivors of domestic abuse

- An automatic assumption that survivors are in 'priority need', in England, and do not need to meet an additional 'vulnerability' test.
- A bar on local connection rules for survivors who need to flee their local area to access refuge.
- A duty on local authorities to ensure that housing allocation for survivors is safe and suitable. This must take into account the impact of trauma, physical safety, and additional needs – including suitable accommodation for BME women and disabled women, and the provision of women-only spaces.

#### Protection from the social security system

- Deliver separate payments of Universal Credit by default.
- Pay benefit advances as grants to survivors of domestic abuse.
- Require employers to provide flexible working arrangements and a period of paid leave.

- Extend the Jobseeker's Allowance Domestic Violence Easement to disabled survivors on Employment Support Allowance.
- A duty to provide British Sign Language and Language Interpreters where necessary at JobCentre Plus offices and to provide accessible means of claiming benefits.

#### A safer family court and child contact system

- Ban direct cross-examination in any family, criminal or civil proceedings in cases involving domestic abuse, sexual abuse, stalking or harassment.
- Guarantee access to special measures for survivors of domestic abuse in the family courts.
- End the assumption of contact in cases where children are at risk of harm from domestic abuse, with contact arrangements in domestic abuse cases based on informed judgement of a child's best interests and safety.
- Prohibit unsupervised contact for a parent waiting for trial, or on bail for, a domestic abuse related offence, or where there are ongoing criminal proceedings for domestic abuse.
- The proposed definition of domestic abuse to make clear that children experience domestic abuse, and the Children Act 1989 needs to name coercive control as 'harm to children'.
- An end to discrimination against disabled mothers in the child protection system and family courts.

#### The Domestic Abuse Protection Order (DAPO)

- Ensure survivors' voices are heard within the DAPO process, establish robust procedures for monitoring compliance and positive requirements, and ensure the strict nature of notification requirements does not impact on judges' decision as to whether to impose a DAPO.
- A duty on police to make applications rather than putting the responsibility on survivors or third parties.

#### An effective response to perpetrators

- Publish and fund a national Domestic Abuse Perpetrator strategy, and quality assure DAPOs.

#### Specialist LGBT+ interventions and services

- Ensure that any legislation, policy and commissioning arising from the measures of the Bill clearly recognises and respond to the needs, experiences and distinct barriers that LGBT+ survivors face in accessing support.
- Provide long-term ring-fenced funding to ensure sustainability and expansion of LGBT+ services delivering specialist support to LGBT+ survivors.

#### Specialist Sexual Violence and Abuse services

- Provide long-term ring-fenced funding to specialist sexual violence and abuse services delivering specialist counselling and advocacy to victims and survivors who suffer sexual violence and abuse within a domestic abuse setting.

#### Specialist deaf and disability interventions and services

- A public duty to record and report on interventions and experiences of deaf and disabled survivors.
- Provide long-term ring-fenced funding of specialist services for deaf and disabled survivors, as well as funding for all services, refuges and helplines to ensure they are accessible and meet the needs of deaf and disabled survivors.
- Ensure the criminal and family justice systems and processes meets all the needs of deaf and disabled survivors.

### Effective routine enquiry into domestic abuse

- A public duty on publicly funded services to enquire into current and historic domestic abuse and sexual violence as standard practice, with learnings from the Welsh legislation incorporated.

### Health and social care services

- A duty to fund evidence-based interventions in health that effectively support survivors who come forward from enquiry.
- A duty on health and social care professionals to ensure safeguarding procedures are used to protect survivors and to ensure they get the support they need.

### Coercive control legislation

- Repeal the discriminatory ‘carer’s defence’ clause in the 2015 Serious Crime and Domestic Violence Act (Part 5, Section 76).

### Use of protective measures in the criminal justice system

- Guarantee a presumption in favour of pre-charge bail in all domestic abuse and sexual offences cases, and introduce a duty to consult with victims at each stage of decision-making on bail.
- Introduce a new criminal offence of non-fatal strangulation.
- Prohibit defendants relying on a “rough sex” defence that the victim consented to her injuries.

### **Other priorities and campaigns we support -**

Across the sector there are a number of important campaigns on the Bill, and our organisations would like to make it clear that we fully support the work and calls of the following -

- The [Step Up! Migrant Women Coalition, led by the Latin American Women’s Rights Service](#);
- Southall Black Sister’s [#ProtectionForAll campaign](#), including a comprehensive strategy on violence against and abuse of migrant women;
- Rights of Women’s campaign to improve victims’ and survivors’ access to legal aid;
- Imkaan’s [‘Alternative Bill’](#), which outlines a response to VAWG that is gendered and intersectional;
- [Surviving Economic Abuse’s call](#) to extend the offence of controlling or coercive behaviour in the Serious Crime Act to post-separation abuse.
- [DRIVE’s call](#) for the government to publish and fund a new Domestic Abuse Perpetrator Strategy.
- [Prison Reform Trust’s call](#) for an introduction of a statutory defence for domestic abuse victims compelled to offend by their abusers.
- Stay Safe East’s briefing and recommendations for disabled survivors.

**Please contact Sophie Francis-Cansfield, Senior Campaigns and Policy Officer, at Women’s Aid Federation England, for further information at: [s.francis-cansfield@womensaid.org.uk](mailto:s.francis-cansfield@womensaid.org.uk)**