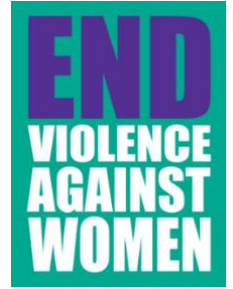


End Violence Against Women Coalition

**Submission to Government Consultation on the
proposed Domestic Violence and Abuse Bill**

30 May 2018



About the End Violence Against Women Coalition

The End Violence Against Women Coalition is a UK-wide coalition of more than 70 women's organisations and others working to end violence against women and girls (VAWG) in all its forms, including: sexual violence, domestic violence, forced marriage, sexual exploitation, FGM, stalking and harassment. We campaign for improved national and local government policy and practice in response to all forms of violence against women and girls, and we challenge the wider cultural attitudes that tolerate violence against women and girls and make excuses for it. Our members and trustees include women who are globally renowned for their pioneering work in setting up the first domestic and sexual violence crisis services, for their academic research in this area, and for having successfully campaigned for considerable legislative and policy change in the UK to end and prevent abuse over the last four decades.

Executive Summary

The EVAW Coalition welcomes the opportunity to contribute to this consultation on the proposed Domestic Violence and Abuse Bill, and has made a considered response to most of the questions in the long version of the consultation (below), but also wishes to make the following summary of our views on the proposals.

The proposals are narrow and still fail to guarantee women will be protected

While there are some proposed measures in the consultation which would be useful, overall the 'offer' is narrow and cannot possibly be seen as a "once in a generation" attempt to end abuse and protect survivors. It is especially disappointing that at a time when the national and global conversation on sexual violence has never been louder or more pressing, measures to address sexual violence are absent from the proposals.

In particular, the proposals are focused on new criminal sanctions and sentencing changes, while there is no national vision or material commitment to ensuring women will receive protection from violence if they seek it. Encouraging women to come forward and support prosecutions and other sanctions, without ensuring adequate protection for them is available, amounts to an experiment with women's safety. In addition, it is notable that the proposals include specific measures to help enable the UK to finally ratify the Istanbul Convention, but Istanbul requires adequate provision of advocacy and support services as well as criminal law compliance, and without substantial commitment to better protection, the UK will be found wanting.

The new Commissioner needs a broader brief

The new Commissioner is an opportunity to ensure that there is a response which meets the needs of women, and must not be limited to a narrow domestic violence remit. The current deference to local decision-making regarding what and how to provide for victims, which is hung only on a “national expectation,” means that too often advocacy and support services are simply not available for women. A Violence Against Women and Girls Commissioner should have powers to map the national provision of services across all forms of VAWG, ensure data collection is comprehensive and ensure local commissioning is working. The limited ambition for the Commissioner set out in this proposal is out of step with the national policy framework and the need in this area.

Migrant women living in “hostile environment” must be included

It is extremely disappointing that women with insecure immigration status receive scant attention in the proposals, when if one were to ask women’s services up and down the country what the most urgent issues needing attention are, the needs of these women would be at the top of the list. Women with insecure immigration status, including but not limited to women who are here on spousal visas, victims of trafficking, and asylum seekers, are among the most desperate and the most vulnerable to further abuse because of their status and inability to access safety, but they commonly face treatment as ‘immigration offenders’ due to the “hostile environment” rather than victims of abuse.

Bill must recognise continuum of violence and abuse, including sexual violence

The limiting of the Bill proposals to measures addressing domestic violence only is also disappointing when the established national policy framework is violence against women and girls, and is not true to many women’s lived experience of different forms of abuse. There are ongoing urgent needs for changes in the criminal law related to sexual violence including the need to address sexual history evidence in rape trials; rules around disclosure rules; so-called “upskirting”; and anonymity for complainants across sexual offences.

EVAW Coalition recommendations

We urge Ministers to review submissions to this consultation and to considerably enhance ‘the offer’ in any Bill which comes before Parliament and ensure:

1. A legislative commitment that all survivors of gender based violence will have full access to specialist support and advocacy, ensuring their rights under the Istanbul Convention are fully realised.
2. The new Commissioner to be a Violence Against Women and Girls Commissioner in order to ensure this critical new role has clear and solid powers to make a real difference in this area.
3. The Bill is accompanied by a ‘non-legislative package’ which refreshes the VAWG Strategy, and makes radical and resourced commitments to systems change across the public sector.

Summary

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

Neither agree nor disagree

Please give reasons (Free text):

There are parts of the proposed approach which we support, but there is a critical area which we oppose, and as such we are unable to either agree or disagree with the proposal.

The current working definition of domestic violence has developed incrementally and in consequence is contradictory and confusing. To provide clarity it is essential that a new definition is rooted in an understanding that domestic violence is a course of conduct or pattern which includes combinations of physical, sexual, psychological and economic abuse in an intimate partner relationship, some of which continue post separation. It isn't correct to define it as a 'incident or pattern', although in the guidance it will be essential to explain that it may 'present' as an incident. Training is essential to ensure statutory services understand how to identify the underlining pattern in these circumstances.

The new reference to 'economic' rather than 'financial' abuse, and stated intention to improve perception and understanding of this aspect of abuse, is very welcome.

The statutory definition should also recognise that threats concerning women's immigration status, and control of documents and application processes related to settled status or citizenship, are also common where there is domestic abuse. The supplementary guidance should explain that fear of their and their children's deportation is a key barrier which stops women with insecure immigration status being able to report domestic and sexual violence and seek protection and justice.

And, we strongly support the development of further underpinning statutory guidance for professionals including typologies, prevalence and impacts information, and information on the gendered nature of abuse. Professionals across most public services, the majority of employers and many others will encounter domestic abuse during their working lives, but for many who are fortunate not to have direct personal experience, it can sometimes be difficult to perceive domestic abuse if your understanding of the term comes from popular culture/media and 'gendered social norms' about how it is acceptable for men and women in intimate relationships to behave. This guidance may also be a good place to include descriptions of forced marriage and so-called 'honour-based violence' (as well as less recognised forms such as dowry abuse and abandonment) as forms of, related to and a context for domestic abuse, enabling readers to understand that sometimes there are multiple as to single perpetrators. We welcome new, well written and consulted on supplementary guidance, especially including typologies and scenarios, and believe it will be very useful.

A range of other forms of violence have been folded into domestic abuse through focusing on the context – household/family relationships - rather than the forms and dynamics of violence. Intimate partner violence is not the same as violence between siblings, or between children and parents, these have their own dynamics as does elder abuse and child abuse. When these forms of abuse are conflated, it becomes harder to perceive and understand coercive and controlling behaviour in intimate relationships, as 'domestic violence' appears to be a catch all for all abusive behaviour behind a front door. There are different dynamics and relationships of power involved in violence related to children, which lead to differing protection and support needs. This was evident in the Standing Together analysis of DHR's which revealed very different patterns and learnings for murders by ex/partners and those by

other family members. Child abuse, sibling abuse and child to parent violence, while they may disproportionately occur in households where there is or has been intimate partner violence, are distinct, serious phenomena which lead to serious harm, and deserve their own proper descriptions, training and allocated resources. There is no form of words which could properly cover all of these in a single definition; multiple definitions are needed which clarify rather than conflate. The statutory definition of domestic abuse should focus on intimate partner violence, with thoughtful supplementary guidance. We urge a reconsideration of what is proposed here.

We suggest that an expert group is formed (including researchers, practitioners and survivors) to tease out layered definitions which distinguish contexts and forms of violence. This will also enable our data and statistics to be more meaningful than they are currently. For example, at the moment police data conflates abuse by partners and that by other family members, and the high level prevalence data from the Crime Survey England and Wales makes a single incident equivalent to prolonged and repeated abuse.

2) Will the new definition change what your organisation does?

Don't know/no answer

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

Free text box:

There should be concerted, funded communications work on the new definition(s) and a plan to ensure that it is incorporated in the vocational and CPD training of many professionals. The communications work should include succinct definitions of domestic violence and related forms of abuse, followed by dropdown further guidance, typologies, scenarios, stories and testimonies. The communications work should invest in good SEO so that the definitions are easily discoverable for professionals who need the definitions to hand.

The multiple statutory guidance documents across public services should be updated to reflect the new definitions, from schools, local authority and health safeguarding documents to criminal justice. Regarding training, many key public sector workers, including teachers and GPs for example, are still not receiving much if any initial vocational training on domestic violence or other forms of violence against women. (A recent [report](#) by Cumberland Lodge found that some medical and dental schools don't include VAWG in the curriculum at all, and very few adequately recognise VAWG as a determinant of health). The new definition is an opportunity to make a priority of reaching out to and changing training requirements for key professions.

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

Positive

Please give reasons [free text]

We believe it is likely to have changed some frontline professionals' understanding of when domestic abuse can be understood to occur and therefore their responsibility to be vigilant and to act. The question of improving understanding of and responding to abuse in intimate relationships between those aged under 16 (sometimes included in the term "peer on peer abuse") remains urgent however. Research, reported crime and household survey figures all reveal that abuse committed by those aged under 16 is alarmingly high, and that young

people commonly hold attitudes and beliefs which do not recognise abusive behaviour and tend towards blaming victims. This is also an area of critical overlap with other forms of violence against women and girls, including child sexual abuse and child sexual exploitation, both of which may occur when an abusive intimate relationship provides a 'conducive context' for further abuse/exploitation.

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.

Agree

Please give reasons [free text]

We believe it is probably unhelpful to potentially extend criminalisation of under 16s by reducing this age limit. But, we do believe that an urgent action plan is needed regarding intimate partner and sexual violence and harassment between under 16s. At present the experience of some under-age victims of very serious gender-based violence crimes, committed by perpetrators aged under 16, is that they have their experience minimised and even 'no-crimed' (in a way which would likely not happen were the offender 16 or over). This is problematic on many levels, from the victims' rights to justice, reasonable adjustments in, for example, their educational provision, through to deterrence, prevention and the example that is set in front of peer groups.

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 box:

In education settings - in short, we believe that Relationships Education in schools, which is extremely welcome, will not alone and in itself be enough to radically change schools' response to domestic and sexual violence happening in and outside school, or their ability to shape attitudes so as to prevent these crimes in the future. Good quality Relationships Education needs to be delivered as one linked up part of a "Whole School Approach" to ending and preventing domestic and sexual violence. The other key elements are: school leaders to take high level leadership of the duty to end and prevent abuse, from being the named people in school policies to speaking out in school assemblies and making the rejection of abuse and harassment part of their school ethos; school bullying, child protection and equality policies to explicitly name and set out action towards eradicating domestic and sexual abuse and harassment; involving young people as peer educators, and parents as partners to join proactive awareness events and more in school; making links with local specialist women's organisations who can advise on long-term prevention work.

Recognising the gendered nature of abuse - The Guidance which is being developed at time of writing for Relationships Education in primary schools, and for Relationships and Sex Education in secondary schools, must, like the proposed new DV definition(s) above, be clear about the gendered nature of abuse, and name this, as should revisions to key schools statutory guidance including Keeping Children Safe in Education.

Beyond education settings – We believe the Home Office supported teen abuse campaigns have been excellent and would encourage further investment in these, using strong and tested creative work and targeting audiences, as has been done and evaluated to date. International research in the area of preventing violence against women and girls (See What Works...) finds that public information/awareness and 'edutainment' awareness-raising like

this, when accompanied by opportunities for face to face conversations concerning the ideas presented, can successfully shift attitudes of tolerance towards for example domestic violence, early marriage and FGM. In the UK, the teen abuse media campaign would likely be more effective if it were integrated with schools' delivery of Relationships Education, to enable these conversations to happen soon after exposure to the messages in the campaign.

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.

Other - please specify

All of the agencies listed above need to improve their response. We object to this question asking for a 'top 3' ranking.

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:

(1) Continue to invest in and drive the cross-Government Ending Violence Against Women and Girls Strategy from the highest Ministerial level. The aim and framework of the Strategy is strong, and many parts of Government have made significant commitments and "bought in", while other critical Departments less so.

(2) In addition to some mandatory training, leaders should try to ensure that in-depth training and CPD in domestic violence and other forms of abuse are essential to career development in careers including police, prosecution service, health, school leadership, probation and social work.

(3) Lead by example: Whitehall departments and all Government agencies should have domestic and sexual violence policies and should expect them from those they work with and influence.

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:

Employers should be incentivised to have domestic and sexual violence policies; initiatives exist to promote this. Friends can be critical and public awareness campaigns may be of use to better alert people to warning signs and how to help. But it is also critical that key professionals learn to seek the views of friends too, and to trust rather than dismiss these (as the Standing Together review of DHRs recommended). Public/community figures, such as elected people for example, should be encouraged to speak up about different forms of violence against women and girls, to help empower friends, families and other bystanders to be more confident if approached for support or worried about someone.

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.

Other [free text]:

Again, it is very unhelpful to ask for these essential services to be ranked, and here, many of the areas listed, when done well, and linked to one another and not truly separate.

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.

Other [free text]:

Again, it is unhelpful to ask for these interventions by (central) Government to be ranked. They are not entirely separate. 'Funding incentives' is particularly thorny because of the potential for unintended consequences.

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

Free text:

Ensuring frontline professionals perceive and understand the extra barriers some people face requires well designed vocational and CPD training. The expertise of the independent women's sector should be sought for the development of this training, as this sector has long factored in and developed specialisms in many of these areas, including the needs of BME women, children and women in poverty, women with complex needs, and women with insecure immigration status. Independent, local women's organisations are the best route to crisis and long-term justice and support for female victims; commissioning guidance should recognise this.

When public sector commissioners are determining the funds that will ultimately be available to support some of these most vulnerable people, it would help if these commissioners were instructed to carry out thorough needs assessments as a condition of receiving their devolved funding (the PCCs, when receiving victims monies from the MOJ, should be required to assess the needs of survivors of domestic and sexual violence in their area on the basis of gender, age, social background and other protected characteristics). These needs assessments should be required to be made central to tendering processes such that "innovative" bids are not able to score more highly than that which is not necessarily new but is shown to soundly meet local need.

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.

Other (free text):

We wish to endorse the answer to this question made by our member organisation **Women In Prison**.

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

Other (free text)

Again, we feel strongly that ranking these options in a 'top 3' is unhelpful when all may be beneficial and need more detail before comparison in context of limited resources could be considered. Also, ISVA provision should be considered alongside IDVAs.

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:

The Government should begin by recognising that abusive partners can use women's insecure immigration status as a means to coerce and control them.

The DDVC currently permits eligible individuals three months' leave outside the rules during which they can access public funds to apply for further leave to remain in the UK. It applies currently to those women who are trapped in an abusive relationship when by virtue of a spousal visa they cannot access public funds. The concession allows her to convert her visa to a temporary one giving her three months to flee and find safe accommodation and ultimately to apply for indefinite leave to remain where the relationship has broken down due to the abuse.

Both the DDVC and indefinite leave to remain as the victim of domestic violence are only available to those women who have a visa as the partner of a British or settled person. We would urge a review of eligibility of both the DDVC and of those who are eligible to regularise their status long term as a victim of domestic violence. The time limits should be reviewed and extended, and eligibility should be extended to all survivors of gender-based violence, so that it is not limited to spouses and is not limited to narrowly defined domestic violence in a marital context. In addition, we would suggest that the current system which restricts access to public funds has an extremely detrimental impact on women who are too often forced to remain in abusive situations.

The Government should also investigate urgently the impact of requiring many critical public services to conduct immigration checks on service users (the "hostile environment") in order to understand how women with insecure immigration status who need police protection from abuse, who want to seek justice, or who may need healthcare, for example, may be deterred from seeking it. Indeed, when reviewing the responses to the next set of questions in this consultation (regarding DVPOs and other criminal justice measures), the Government should consider how women with insecure immigration status currently face a "justice gap" –

- (1) they are already less likely to access civil protection orders when they and their children may benefit from them;
- (2) when they report DV, the police are less likely to proceed to a criminal charge;
- (3) they may have a well-founded fear of being penalised and even deported if they do report and seek sanction of a dangerous partner.

If our society is serious about all women and children at risk being able to seek justice and support, we should end the "hostile environment" and work towards the establishment of 'firewall's' to separate immigration control and all public services scenarios where victims may report or seek help. The dispersal of asylum-seeking women who have suffered violence should stop because it destroys their support networks.

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

Please give reasons (free text):

While we broadly support the revision of the current 'protection order' regime, we wish to highlight that in reality there is a broad 'knowledge gap' around exactly how both police and victims use and experience the orders that already exist. We believe any new regime should incorporate the following Key Principles:

- (1) women's choices and freedom should be at the centre of decision-making in this area and it should never be possible for an Order/Notice to be imposed in relation to her which she does not want;
- (2) the availability of advocacy (especially IDVAs and ISVAs, as well as the support a specialist women's organisation can provide) is known to make a huge difference to justice outcomes for women, and should be 'built in' alongside any attempt to make protection orders work better;
- (3) the creation and imposition of protection orders is a key area where the separation of domestic and sexual violence soon falls apart, and the framing of any new orders around DA only will be of limited value when both the perpetrators commonly use sexual violence as part of coercive and controlling behaviour;
- (4) limited research seems to show that the current protection order regime is largely focused around managing post separation violence; a huge cohort of women remain in violent relationships and/or reconcile with men known to be violent, and thought should be given as to what can work best for these women;
- (5) there is already a huge "justice gap" for women with different intersecting inequality characteristics, with BME women for example less likely to access the justice system, and women with insecure immigration status very unlikely to. Any new implementation should include an equality impact assessment and should undergo continuous revision to try and ensure that all women are able to access protection orders if they want to;
- (6) finally, it is known that some police forces do not use the current orders because of the cost which they incur; there should be full transparency about all planned costs for the new regime, and on whom these will fall, and consideration of the possible consequences of this.

We would also endorse the response to this question from our member organisation **Rights of Women**.

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 YES**
- **Certain persons associated with the victim (for example certain family members) on behalf of the victim YES**
- **The police (following the issue of a Domestic Abuse Protection Notice or at any other time) (CAVEAT BELOW)**
- **Relevant third parties, who would be specified by regulations, on behalf of victims (see Question 18 for further details) YES**
- **With permission of the court, any other person or organisation YES**
- **Other (free text):**

The Police should not be permitted to apply for a PN/PO against the wishes of the victim.

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 YES**
- **Providers of probation services YES**
- **Specialist domestic abuse advisers/Independent Domestic Violence Advisers (IDVAs) YES**
- **Specialist non-statutory support services (for example refuge support staff) YES**

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

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.

Don’t know/no answer

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:

No

Please give reasons (free text):

Imposing ‘positive requirements’ is potentially very dangerous. The evidence base is very poor.

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

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 YES**
- **Home address/change of home address YES**
- **Formation of new relationship with an intimate partner YES**
- **Change of circumstances relating to household – including where a new child is born or otherwise joins the household YES**
- **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 YES**
- **Other (free text):**

While we are answering yes to the requirement to disclose the listed information, we wish to highlight that this proposal raises many more questions, including the association between such notification and ‘Clare’s Law’, and what, if any, connection will be made between children’s services and law enforcement when such notifications are made, all of which implies resource as well as good practice.

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

Yes

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?

Don’t know/no answer

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?

No

Please give reasons (free text):

We are concerned that this proposal would be used differently by different courts, is unlikely to be policed/enforced given current police capacity, and may give false sense of security to victims and interested agencies.

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

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?

Somewhat easier

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.

[ERROR IN QUESTION TEXT; MEANING PRESUMED FROM CONSULTATION TEXT]

Free text:

The list of attestors should be reviewed to include Independent Domestic Violence Advocates or Advisors (IDVAs). Women experiencing domestic violence may, for a number of reasons, choose not disclose abuse to authorities or access criminal justice measures such as injunctions and orders. IDVAs provide support and work with women from the point of crisis through to safety planning and during any related court proceedings. They are extremely well 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:

Wider types of documentary evidence should be introduced to enable more women to demonstrate their safety is at risk. For example, evidence should also extend beyond criminal court orders to proof that someone has been granted legal aid in private family proceedings on domestic violence grounds. And, evidence that someone has been granted indefinite leave to remain in the UK as a victim of domestic violence should also be permissible. This measure is important for women who could be qualified to vote, for whom it is often more difficult to obtain relevant supporting documentary evidence. The University of Bristol's research project, *Justice, Inequality and Gender-Based Violence* suggests police, in relation to this cohort of women, are less likely to pursue investigations into reports of abuse and it is less likely that those investigations will proceed to criminal charge. These women are also less likely to access civil protection orders (16% compared with 25% for UK/EU nationals). The government should show it has taken reasonable steps to ensure women with different characteristics can access this scheme.

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

Free text:

The government should remove the 12 month time limit for anonymous voter registration allowing it to stay in place indefinitely. This is because 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 the greatest risk of domestic violence homicides after they have left the perpetrator of abuse; 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

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

Agree

Please give reasons:

Statutory guidance underpinning the DVDS would raise awareness of the scheme and help to ensure it is embedded into good practice across police forces, for which there are currently considerable regional disparities in levels of disclosure and in responses to requests for partner background checks. To address this, guidance should recommend training of police officers to better understand the scheme's purpose and the application process. It should also ensure there are effective referral pathways to specialist domestic and sexual abuse advocacy and support services. It is also important for those women who request background checks on current partners and chose to stay in their relationships, to not face a 'blame culture' in any potential future investigations or court proceedings related to domestic violence or abuse. We wish to add here also – the DVDS has not been used to the extent perhaps anticipated (as predicted by some) and should not be considered a core part of response to DV.

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

Don't know/no answer

Please give reasons (free text)

Considerations around raising awareness of DVDS must take into account the immediate availability of advice and support services for those who are vulnerable to or are experiencing abuse and routes into these. Offering a scheme in isolation will not help to keep women safe from potential abusers. And, again, we are somewhat sceptical about the efficacy of the DVDS to date; the relatively low take up might indicate that it is not a service that meets needs.

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

Free text:

We wish to endorse the answers given here by our expert member, **Surviving Economic Abuse.**

Economic abuse can leave victims without access to the financial resources which would enable them to leave abusive situations and can create a lack of financial independence in women which would delay or entirely prevent them from leaving their abusers.

Women whose immigration status is insecure or dependent on a spouse, partner, or relative, where the expectation is of financial dependence on the sponsor, are especially vulnerable to economic abuse. Where access to household finances is being denied, a victim's situation is compounded by restrictions on their access to welfare/recourse to public funds as a route to safety. The Destitution Domestic Violence Concession (DDVC) is too restrictive to be an effective safety net, and should be widened to include more women reporting domestic abuse with varying leave conditions.

Means-tested benefits assume that income is shared equitably within a household, but this assumption has been challenged by research. Male-controlled money management systems such as giving the female partner a housekeeping allowance, means women's deprivation and poverty can remain hidden when men control finances. The introduction and roll-out of universal credit which entails making one payment to a couple may worsen a situation of economic abuse, and / or present a greater risk of economic dependency. The Government should urgently seek advice on this.

Additionally, we would endorse the response of our member **Women In Prison** who state that any prison sentence generally exacerbates financial issues including debt because women risk tenancies, mortgages, benefits etc. and often lose any job they had. As such the imprisonment of a woman who is a victim of domestic violence is likely to increase her risk and reliance on the perpetrator, after release and whilst in prison. It can also leave children in the sole care of the perpetrator. Women are often forced to return to the perpetrator or face street homelessness. Similar issues occur when women are economically abused as part of sexual exploitation and prostitution.

Broadly cuts to government public expenditure have disproportionately reduced the income of women compared to men and reductions in national and local budgets for domestic violence services and financial support to access legal advice, have further compromised women's ability to leave abusive situations. Financial abuse is also not well-recognised by agencies. Banks, advice agencies and creditors should do more to develop helpful responses to disclosures of abuse, protect confidentiality, signpost to specialist advocacy, and provide support to survivors trying to regain control of their financial affairs.

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 YES**
- **Clear guidance from social media companies on privacy settings for users at risk or victims of domestic abuse on online domestic abuse YES**
- **Effective use and handling of evidence from social media within the investigation and prosecution processes YES**
- **Government raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators YES**
- **Retailers, applications and the wider technology industry raising awareness of the use of spyware or GPS locators on phone or computers by perpetrators YES**

- **Other – please state:**

It should be unlawful to apply spyware or GPS locators as standard to devices or apps. This change would take the emphasis off the consumer to protect themselves and would make it harder for perpetrators to use the software against victims.

Any Government or charity 'awareness raising' of risks should be addressed to potential perpetrators and not simply exhort potential victims to stay safe / keep themselves safe.

It is essential that schools include learning about the ways technology can be used as part abuse in the curriculum for Relationships and Sex Education and ICT learning.

Protection Orders should include and be relevant in this area, and extend fully to online abuse; making contact online should constitute a breach of any order.

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:

Multiple reports (including DHRs, Inspectorates and IPCC investigations) find police force failures to protect women from intimate partner violence, despite their obligation under human rights law to do so. Commonly, police forces make poor risk assessments at first and subsequent points of contact, and it may be that the risk framework itself is unhelpful, being a very blunt tool which inevitably 'downgrades' some cases. It is critical that police receive in-depth and continuous training in recognising coercive and controlling behaviour as the core of intimate partner violence, and are enabled through this to make good, experience-based professional judgements when perceiving it. This makes putting coercive control at the heart of the statutory definition, and extensive awareness raising and training around this, essential.

In addition, potential perpetrators need to know before abuse occurs, as well as afterwards, that they will be held accountable for and sanctioned for abusive behaviour (the current failure to respond when protection orders are breached contradicts such a message). Experience of those reporting domestic violence varies depending on where they live, and the attitude of their local police force - arrest and charging decisions vary widely. There is unreliable data on domestic violence and variation of use of DVPOs and DVDS by different forces, which points to a need for more consistent and wider data collection and national oversight of this and police response.

Evidence from Bristol University's Justice Project research on police response to women with insecure immigration status points to police often being unwilling to take action in their cases, and wrongly advising women they have to deal with regularisation of status before action can be taken. There are very poor outcomes in the criminal justice system for women who have insecure immigration status and the lack of consistent police response, the varying protocols on how to deal with reports, and the insistence by some forces to move straight to an immigration enforcement response is contributing to this failure.

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:

It is essential that all domestic abuse victims are treated as eligible for special assistance to ensure they are able to access justice. But eligibility is not enough. The courts service has to have the equipment and training to ensure victims can access special measures. We also know that victims of all forms of VAWG are more likely to achieve a just outcome if they are supported by a specialist advocate. This means that to improve access to justice across the whole system victims should have a right to advocacy, and that advocacy should be specialist and available.

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.

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.

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

Where a defendant is charged with violence/abuse against a victim-witness, they should not be able to cross examine in person. If they were it would mean the legal system providing a further opportunity to intimidate and control. Given the nature of coercive control, the court cannot know the ways that threats can be made implicitly in a context where there is already abuse.

Despite the caveat in the consultation about government commitment to stopping cross – examination of victims in the family courts, this is an on-going issue having devastating impacts on victims and the government could make this change through this legislation.

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

Ample research shows that 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 notable impact on BME and more marginalised women. We recommend access to advocacy be given as a right, as promoted by the Istanbul Convention (which this Bill seeks to enable the UK to ratify), especially specialist advocates like IDVAs and ISVAs.

We would encourage the MoJ to undertake more research into points of attrition in the criminal justice process, in order to get a better understanding of the complexity of victim withdrawal, including how much of it is withdrawal of faith in criminal justice system and why this happens. Too often cases are deferred, sometimes again and again, which means a victim/witness has to prepare to appear, only to be stood down at the last minute and then asked to do it all over again a few weeks later. This can seriously impact mental health, ability to achieve 'resolution' and confidence in the system. Other times victims arrive at court to find the special measures haven't been put in place, there isn't access or interpreters, or they haven't been able to have effective discussions with the prosecuting counsel. All of these delays mean justice is less likely to be achieved and require significantly increased resources and training across the system.

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:

- (1) Advocacy throughout the process - see answers above;
- (2) Improve police first response - see answers above;
- (3) Address time delays in criminal justice process - see answers above.

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

There are a number of measures which the family courts could learn from the criminal courts.

- (1) There is a need to ensure cooperation between court jurisdictions. Many women see their perpetrator sanctioned by the criminal courts only then to find that this is ignored and seems irrelevant when they then appear in the family court. There may be no special measures, the court workers may display little understanding of abuse, especially coercive and controlling behaviour, and in adjudications, abusive parents who have convictions may still be given access to children for example. Especially given that the Bill is proposing recognising harm to children in households where there is domestic violence as an aggravated offence, the family courts should specifically consider the appropriateness of making any presumption of shared parental access in families where domestic violence has occurred.
- (2) Clear prohibition of cross examination by perpetrators in civil / family courts. On this point, we would endorse the response of our member organisation **Rights of Women**.
- (3) Special measures in civil / family courts for victims of domestic violence (including screens and video links).
- (4) Acknowledge ability of perpetrators of domestic abuse, stalking and harassment to misuse or abuse family and civil courts to cause further distress and exercise control their victims, and as such allow family courts to dismiss meritless applications in these circumstances.

(5) Strengthen sanctions available for family courts in the case of a breach of restraining or other restrictive orders. In the event of multiple breaches, introduce a presumption against custody.

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

Please give further detail:

It is imperative that in-depth training in recognising and responding to coercive and controlling behaviour as the core of domestic violence is delivered to all frontline police officers on an ongoing basis. Demonstrating good knowledge and understanding of this offence, which is an extremely high volume offence, should be essential to progression in the police.

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.

Don't know/no answer

Free text to explain answer:

We feel this set of questions (46-48) regarding sentencing for DV where there are children in a household, is much less important than Government action toward implementing, for example, the recommendations of the Ofsted-led joint inspectorate report on harm to children when there is domestic violence. This report, and ample other research on the harms to children of living in households where there is domestic violence, show an urgent need for systems change, including programmed preventative work with perpetrators rather than just crisis response; and training of frontline workers in coercive control, including social workers and school staff. 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/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.

Don't know/no answer

Free text to explain answer:

See free text box answer at Question 46.

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:

See free text box answer at Question 46.

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

No

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

Free text:

It is not clear that introducing extraterritorial jurisdiction over these offences will be in any way sufficient to satisfy the requirements of the Istanbul Convention.

Article 1a of the Istanbul Convention requires that states “protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence”. It is not enough to simply have laws in place outlawing violence against women and girls; those laws have to work in practice. But, it is clear that in many areas of law, the criminal and civil justice systems in the UK do not work for many women. For example, there is currently a crisis in prosecuting rape in England and Wales; detection and prosecution rates are very low, and ongoing discussions about disclosure of evidence mean that many rapes and serious sexual assaults can, in effect, not be prosecuted. There is nothing in this Bill to address this very serious problem, and no recognisable Government attempt to improve justice for rape.

Article 1c of the Istanbul Convention requires that States “design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence”. The postcode lottery faced by women accessing services, the closure in particular of specialist services for BME women, and the restrictions on access to justice and advocacy, make it impossible to suggest that the UK is meeting this requirement. In particular, women in the UK who have insecure immigration status routinely feel unable to access support or assistance to escape violence because of the perceived or actual risk of being referred to immigration authorities and detained or deported. The provision of adequate per capita support services, including advice and advocacy, and assurance that a women’s immigration status will not effect her access to justice and support, need to be included in this Bill if the UK is to meet the requirements for ratifying the Istanbul Convention.

Article 1e of the Istanbul Convention requires that states “provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence”. Ongoing police failure to provide adequate protection of women from domestic and sexual violence (detailed in previous answers and as recently recognised at the Supreme Court), and the multiple statutory agencies’ failings to protect children from domestic violence as detailed in the Ofsted-led joint inspectorates report (September 2017) demonstrate a failure to comply with the Istanbul standards.

Additionally, we would endorse the response of the British Pregnancy Advisory Service (BPAS) in respect to the Offences Against the Person Act 1861:

We would recommend that the government uses this unique opportunity to amend the Offences Against the Person Act 1861 (OAPA), to ensure it protects rather than criminalises women and the healthcare professionals who care for them, both as the correct course of action for a government that supports women's rights but certainly before it exerts extraterritorial jurisdiction over it. The decriminalisation of abortion in the UK is endorsed by medical organisations including the Royal College of Obstetricians and Gynaecologists, the

Faculty of Sexual and Reproductive Health, The British Medical Association, and the Royal College of Midwives, and was overwhelmingly supported by members of the Royal College of Nursing in a recent consultation. Polling also shows the public and politicians believe consensual abortions should be treated as a healthcare not criminal matter.

This could be done by amending both section 58 and 59 of the Offences Against the Person Act to make clear that no offence is committed under these sections where a) the pregnancy is terminated by the woman herself, or she assists in or consents to such a termination and b) the pregnancy is terminated in good faith by a registered medical practitioner, a registered nurse or a registered midwife, with the consent or assistance of a pregnant woman.

This effect would decriminalise consensual abortion up to 24 weeks, at which point the Infant Life Preservation Act would criminalise abortion, and a defence to prosecution only supplied by the 1967 Abortion Act.

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?

No

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

Free text:

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 think that criminalising it would necessarily be the most effective approach.

To satisfy the convention, this behaviour needs to be addressed either through legislation or other societal approaches/ 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

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:

We wish to endorse the answer to this question made by our expert member organisation **Respect**.

Rehabilitation programmes should be approached carefully. Because of the significant risk of harm caused by ineffective interventions, it is essential that any programme aimed at perpetrators meets the Respect Standard. This means providing a service which reduces the risk to 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.

Don't know/no answer

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**

Free text:

Most abusers are serial abusers, and it is likely that at any one time most of them are not subject to a criminal sanction. It is therefore essential that combating violence against women and girls is understood to be everyone's business. This means there has to be a shift in the way we talk about VAWG, and how we collectively respond to it. It is essential that statutory services beyond criminal justice take a lead in responding to VAWG, and it isn't left only to the police. This means:

- Health – effective and tested interventions like IRIS in primary care and IDVAs in hospital settings are introduced across the country to ensure women have access to the appropriate services and perpetrators can be identified and the abuse disrupted;
- Mental health – There needs to be better training of frontline staff and an understanding of their duty to protect victims of VAWG and report concerns if they think someone is a survivor of abuse or is still at risk;
- Welfare changes must be reviewed to ensure they don't undermine independence or enable economic abuse;
- Housing – rules must be enforced to ensure victims can be safe and remain in their own home. We would endorse the submission of our colleagues and members from the **National Housing and Domestic Abuse Policy and Practice Group** who recommend amongst other things; a 'whole housing approach' which offers a suite of options, alignment of VAWG, domestic abuse and housing strategies, a domestic abuse specialist located within housing teams, equal access to housing and refuge for all women including migrant women (often currently excluded as NRPF), by and for BME women's services and a review of welfare benefits in order that victims/survivors can move on to secure accommodation.

All statutory services must learn from the findings of Domestic Homicide Reviews (DHRs) and in particular **Standing Together's** '[review of the reviews](#)' which highlighted systemic failures to identify risk and protect victims. In particular the review found that "... a lack of fundamental understanding of coercive control, a lack of focus on the perpetrator and the need for more professional curiosity in thinking beyond basic policy and procedure." As

discussed in earlier answers above, better professional training on understanding and responding to coercive control should lead to better judgement in relation to individual cases and less reliance on 'mechanical' risk assessment which is often poor.

It is also essential that all statutory authorities are implementing findings from now multiple inspectorate reports - especially where there are findings which reveal women and children are at risk of serious harm. The November 2016 HMIC [report](#) into the Metropolitan Police's response to child sexual exploitation and abuse found a critical lack of leadership, a lack of training of officers who have major responsibility for child protection, unacceptable delays, poor handling of data and, frighteningly – a huge proportion of cases examined by the inspectorate had to be flagged up again to the Met Police because it was possible a child was at ongoing risk. The report is also unclear about strategy and failings on FGM and forced marriage.

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.

Free text:

We wish to endorse the response of our expert member **Respect** to this question, and we urge national Government to require Respect accredited practice as minimum standard in delivery of work with perpetrators. In addition, there should be an urgent review of the duty, and exactly whose duty it is, to inform victims of domestic violence and all forms of violence against women and girls 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.

Free text:

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 Standard is the only way to ensure programmes are safe, and, as more programmes are rolled out, meeting the Respect Standard should be a requirement.

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 violence against women and girls. 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 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.

Other (free text):

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. More information about the type of harm, covering all the 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.

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

Strongly disagree

Free text:

We welcome the creation of a new commissioner in this area, in particular one which is a permanent and independent mechanism for scrutinising policy and practice. But, understanding the interconnectedness of experiences of different forms of gender-based violence in many women's and girls' lives, and indeed the interconnectedness for male victims too, mean that a truly useful and productive commissioner must have duties relating to all forms of gender based violence: we recommend a Violence Against Women and Girls Commissioner. If a new commissioner's brief were limited to domestic violence only, they would be out of step with the established national policy framework in this area: the Home Office-led but cross-departmental Strategy to end violence against women and girls, leaving them working on a limited set of objectives, only parts of service provision, only some relevant data, only parts of local commissioners' powers, and inevitably needing to review law in areas stretching beyond what is termed domestic violence (in the area of new and emerging forms of abuse online as only one example). Established 'VAWG' policy frameworks at the Home Office, the CPS, in London and other local areas, are inclusive of men's and boys' victimisation, and criminal justice and other statutory agencies usually find that it makes sense to be tasked and to report on their work in relation to the different forms of gender based violence, not domestic violence alone.

This Violence Against Women and Girls Commissioner could:

- (1) map provision of services across all forms of VAWG ensuring the National Statement of Expectations is met and in line with the VAWG strategy;
- (2) ensure data collection is effective and comprehensive, mapping prevalence and response across England for all types of VAWG;
- (3) make the links in DHRs and help ensure lessons are learned;
- (4) ensure the criminal justice system is able to respond lawfully to rape and sexual violence in a way which offers justice for victims;
- (5) ensure the ambitions within the VAWG strategy are met, including taking an overview of public services' response to VAWG, and analysing the potential impact of policies which could have a negative impact on some women. This may include, for example, analysing any new immigration legislation for disproportionate impact on women who've experienced VAWG, highlighting possible unintended consequences of welfare changes which could enable economic abuse by reducing independence, or exploring housing policy to create greater protections for women and children who experience abuse to remain in their homes.
- (6) ensuring the response to VAWG is reflective of women's lives and services meet their needs; this means being alert to the need for specialist support services including BME and LGBT specialist services which are an essential element of the response to VAWG.

Our members are committed to supporting a VAWG Commissioner with the powers and budget to contribute to the vision of a society where violence against women and girls is prevented, and the response to VAWG is compassionate, effective and just.

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.

Other (please state other functions the commissioner should fulfil):

Again, we object to this question being put as a 'top 3' ranking of prescribed options, several of which are quite limited in nature and would not help create an impactful commissioner. The Children's Commissioner, on the other hand, has a wide remit with real influencing powers because of her focus on children's rights, enabling her to 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 all victims of gender based violence, with 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 gender based violence.

Their powers should extend beyond domestic violence to cover all forms of violence against women and girls, given what we know about the interconnectedness of these issues and their impact on the lives of victims. Many specialist services and the statutory response don't 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 NSE.

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

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?

Free text:

We support the recommendations made in the Standing Together [analysis](#) of DHRs which found that authorities are not addressing the systematic failures exposed by individual DHRs. It is vital that the lessons learned are applied across authorities and with urgency.

We would like a new VAWG commissioner to also introduce:

- (1) a duty on public authorities to absorb relevant lessons from DHR;
- (2) an annual report reviewing the DHRs, ensuring lessons are not left at a local level and move to national lessons learned;
- (3) a regular report into progress for public authorities on implementing learning from DHRs.

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

Free text:

The notion of local DHR action plans completely misses the point. The findings by default are systemic, as shown in the Standing Together report, and if anything there should be a public inquiry into routine police and other agency failures in order to help change national policy.

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?

Free text:

This Bill must go further than small changes to criminal sanctions and sentencing if it is truly to meet the needs of all victims of gender-based violence. If we understand that domestic and sexual violence are part of what stop women living free and equal lives, then this and any Government can't hide behind localism and its devolved decision-making: there has to be a national strategy for meeting the demand for specialist support services and truly eradicating abuse. It can't be left to local public sector commissioners to pick and choose priorities and providers; they should be instructed to carry out effective needs assessments as a condition of devolved funding, and these assessments should be central to tendering processes so they can be shown to meet local need. It also means that the health service, schools and the welfare and housing systems as well as the police, play their part.

Support services in many communities are at crisis point, but this proposed Bill, whose stated aim is to increase the numbers of women coming forward, is virtually cost free and makes barely any commitment to advocacy, crisis and long-term support (which faithful ratification of the Istanbul Convention requires). A survivor of domestic or sexual abuse may well be unable to access counselling and will face big hurdles when seeking justice. Changes to the way refuges are funded means they are turning women and children away every day, and some of the most marginalised women have no access to support. Women with complex needs including mental health problems face severe difficulties getting help and systems at present can further traumatise them. Women with insecure immigration status are often appallingly treated as immigration offenders before victims of abuse.

EVAW members provide specialist crisis and long-term support to women all over the country. They know that domestic violence is linked to sexual violence, to stalking and harassment, to abuse online, to forced marriages and more. Any new measures and independent Commissioner in this area must be able to work across these different forms of abuse if they are to be effective.

As outlined in the response from EVAW member **Women In Prison**; Independent specialist women's advocacy and support services, including those in women's centres, are the lynchpin of support for women in contact with the criminal justice system (including those in prison), particularly because their levels of trust in the criminal justice system and in state agencies is often extremely low.

Proposals on "programmes" for offenders must include the requirement they meet the highest standard (the Respect Standard) and put women's safety at its heart, as Respect accreditation requires. In the related area of criminalised sex offences, the Government should openly recognise that recent research has shown that programmes designed to address and help change their behaviour cannot be shown to work. Everyone with responsibility for arrest, detention, 'risk assessment, probation management and more of sex offenders (who include domestic violence offenders) should work with this knowledge.

Proposals to ensure that domestic violence which also harms children in a household is an

aggravating factor is welcome, but if this recognition of harm to children is there, it should be directed at systems change in the way the family courts, social work practice and schools respond. Sentencing change alone amounts to very little.

And existing legislation and laws must be effective in practice to meet the demands of the Istanbul Convention. That means all women and their children, no matter what their immigration status and in whatever context they experience harm, should have access to advocacy and specialist services to ensure they are protected and have access to justice.

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

Free text:

Local areas have a role to play in sharing best practice and what works, but the 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. There is too much risk in letting every area design their own provision or in letting every police force, school, clinical commissioning group and others to decide how much resource or attention to give to these very high harm crimes. 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 government. This is not something which can be undertaken in a piecemeal and local way.

Contact:

End Violence Against Women Coalition Policy and Membership Manager, Beccy Shortt:
beccy.shortt@evaw.org.uk / 07903 265 643 / www.evaw.org.uk