



Transforming the Response to Domestic Abuse

This briefing sets out the responses submitted online to the consultation “Transforming the response to Domestic Abuse” by AVA (Against Violence and Abuse)

AVA (Against Violence and Abuse) is a national charity formed in April 2010 to take forward the work of the Greater London Domestic Violence Project which was originally established in 1997 under the wing of London Action Trust. Our mission is to *‘Inspire innovation and collaboration and encourage and enable direct service providers to help end violence against women and girls.’* We are a small charity with a big impact, and are particularly recognized for our specialist expertise in multiple disadvantage and children and young people’s work. Our core work includes training, policy, research and consultancy. This submission draws on our work with survivors, professionals and academics, as well as our own original policy and research work.

As members of the End Violence Against Women And Girls Coalition, (EVAW) we are proud to be associated with their response, parts of which have been incorporated into our response.

We are also signatories to the response submitted by Women's Aid on behalf of a number of Violence Against Women and Girls organizations and the submission of the National Domestic Abuse Policy and Practice Group.

Where we believe that other expert partners are better placed to respond to an issue, we have indicated this in our response to specific sections and questions

AVA response to the questions listed in Transforming the Response to Domestic Abuse .

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

Currently the definition causes some confusion in terms of the broad range of types of violence and inter-relationships that it covers. The wording as it stands covers both intimate partner violence and also family violence. These are very different issues with different levels of risk and harm and therefore requiring a different response. This also has an impact on the way that

police collect data relating to domestic abuse (in terms of both IPV and family violence but also single incidents and repeat patterns of abuse all being counted under the same umbrella term) and can make it difficult to get a true picture about risk and victimisation.

Child to parent violence is covered by the definition, which is appropriate given the high levels of CPV and the figures of child to parent homicide which average at approximately 21 per year with no signs of decreasing. However, by using the catch-all title of family members, this high risk issue is conflated with sibling violence which should not be seen as a form of domestic abuse.

This is also an opportunity to ensure that forced marriage and so-called 'honour-based violence' are not merely a footnote but included within the main definition.

Coercive control underpins all forms of domestic abuse and this should be a central focus of the definition alongside clear acknowledgement of the gendered nature of domestic abuse. This does not detract from the needs of male victims but research, homicide statistics and victimology all clearly show that women are overwhelmingly the main victims and responses need to reflect this.

Finally, the impact of all forms of domestic abuse on children as full and direct victims needs to be specifically addressed within the definition and accompanying guidance.

We suggest that the definition clearly separates out the forms of abuse and the accompanying guidance needs to clearly explain the contexts, relationships, prevalence and risks.

2. Will the new definition change what your organisation does

No. AVA will continue to work to eradicate all forms of gender based violence, regardless of the government definition. We take our lead from what survivors tell us , informing our policies and priorities.

3. How can we ensure the definition is embedded in frontline practice

The key is ensuring that frontline practice:

- (a) is fully informed about the needs of survivors and the impact that abuse has on them.
- (b) takes place in an organisational culture that understands what domestic abuse is and its impact on survivors, and has a culture that encourages disclosure and appropriate responses .
- (c) involves clear referral pathways- to specialist domestic abuse services from public and other voluntary services, and to public and voluntary services (eg mental health, substance abuse) from the DA specialist sector

In order to achieve this :

Staff need access to high quality training - the specialist domestic abuse sector has a particular role to play in this . AVA's PRIMH (Promoting recovery in mental health) project found that a combination of expert training , a review and adoption of domestic abuse policies for patients and staff lead to :

- Significant increase in knowledge of domestic and sexual abuse, reasons for non disclosure, questions to encourage disclosure and what to say /not say
- Increased confidence in discussing the issues and using referral pathways

It is also vital that the specialist services being referred on to are properly resourced- otherwise staff are referring survivors on to a lengthy waiting list or a service that closes

4. What impact do you think the changes to the age limit in 2012 domestic abuse definition had? Please give reasons

The inclusion of 16 and 17 year olds in the definition has had an impact on awareness and understanding of the issues faced by teenagers, both as directly experiencing abuse at home and also in their own intimate and peer relationships. However, as funding has been drastically cut for specialist domestic abuse services and youth services, many young people still fall through the gaps. Research shows alarmingly high figures of young people experiencing physical, sexual, financial and emotional abuse as well as other issues such as child sexual exploitation and county lines. The same studies have also highlighted commonly held attitudes and beliefs which normalise and condone abuse and often blame victims. Many young people do not understand consent or know how or where to get help. The impact of technology in terms of the social pressures it places on young people and the numerous ways it can be misused to control and abuse, must not be under-estimated.

So, while the inclusion of this age group was a welcome amendment, unless it is backed up with specialist training for relevant frontline practitioners and funding for accompanying support, young people are still not being identified and supported as victims.

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

We tend to agree with this approach, as lowering the age limit could cause confusion with regards to child protection services and increase pressure on already stretched services and thresholds as well as concern over the criminalisation of under 16s within a criminal justice system that is not set up to adequately support them. However, the guidance accompanying the definition must clearly explain that there are many children under 16 who are experiencing serious gender-based violence, often by perpetrators who are also under 16. Many of these

cases are no-crimes or minimalised, in a way that would not happen for older victims. There is an urgent need to properly develop referral pathways and appropriate support for both victims and young people using abusive behaviours who are under 16.

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?

Whilst we welcome the changes being made to Relationships and Sex Education in schools, we do not feel the current proposals go far enough. RSE lessons on their own, are not enough to identify and support children at risk, challenge abuse happening at school or elsewhere and shape attitudes to prevent gender-based violence in the future. We believe the only way this can happen is via a [whole school approach model](#), as developed by AVA for our award winning prevention platform.

The core components of this approach, as well as lessons, are: all members of the school staff to undertake specialist training; school policies to clearly name and set out action plans for identifying and responding to forms of gender-based violence (for example, bullying policies to specifically cover sexual bullying); school staff to mirror respectful relationships and challenge and abuse/harassment in the school; involving young people and parents as peer educators and making links with specialist organisations locally to support and provide advice

As well as this, it is vital that any such work recognises and makes clear the gendered nature of abuse in relationships and challenges normalisation and victim blaming attitudes.

The Home Office campaigns on Teenage Relationship Abuse have been an excellent example of awareness raising and education campaigns. The numbers of young people accessing the materials have been consistently high, thus showing the need for this information. However, previous campaigns included moderated support forums and live chat (as moderated by AVA and Respect), where thousands of young people came online to discuss their experiences of (often very high risk) abuse, usually asking the question 'is this abuse?' or having no idea where to get help. Raising awareness without this additional support can increase risk. We recommend that future campaigns reinstate this support and also link up with the Dept for Education to embed the campaign materials into the proposed RSE lessons.

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

We believe that all of these agencies are essential in improving the identification of domestic abuse

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

- 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.
- 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.
- 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 ?

- 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.
- 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.
- The role of women with lived experience is also crucial here. More opportunities should be created for them to have their voice heard - these should be paid, and not just restricted to voluntary roles or acting as tokenistic case studies. For example, as part of the work (funded by Lloyds Bank Foundation) of the National Commission established jointly with Agenda, AVA has developed a pool of peer researchers. These are women with lived experience who we have trained in research methods so that they can

interview other women in the same situation , making recommendations to the commission based on a thematic analysis of these interviews.

10. We are in the process of identifying priority areas for central Government Funding on domestic abuse. Which of the following do you think the government should prioritise.

We believe that all of these have an essential role to play.

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

It is essential that commissioners incentivise multi agency working when issuing tenders, and that a strong role for the specialist VAWG voluntary sector sits at the heart of this

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

We would have liked to have seen more emphasis in the consultation on this area of work, giving our increased understanding (thanks to work carried out by AVA and other specialist VAWG third sector organisations) of the multiple disadvantage faced by women who have experienced gender based violence. There are many barriers for women in accessing support, and for many women there are more than one. Many of these barriers are well evidenced, and include:

Lack of women only services Our report “Mapping the Maze” (in partnership with Agenda) highlighted the challenges that many women experiencing multiple disadvantage in addition to gender based violence face (www.mappingthemaze.org.uk) . These include:

- Lack of access to women only services- for many women who have experienced sexual or domestic violence , mixed gender services are not appropriate- women do not feel safe in , and so do not attend , or attend but with limited engagement or therapeutic advantage.
- Lack of holistic services- all too often , women are not able to access support that meets their needs in the round and enables them to recover from the impact of their abuse. They are offered different pathways for the abuse, for mental health, for substance use etc - forcing them to choose which issue they want to seek help for first, often leading to lack of engagement with services , poor outcomes, and poor disclosure of their full range of issues, including the abuse
- Poor experiences of services in the past, increasing the fear of being judged by service providers - this is particularly the case when mental health and substance use issues are involved. Despite , e.g. gender based violence being the most prevalent cause of

depression amongst women , mental health professionals do not routinely receive training on these issues, and statutory mental health services remain ungendered in the main.

Fear of accessing services

The reasons why women fear the repercussions of accessing services include:

- **Immigration fears-** Many women do not access support because of insecure or uncertain immigration status- a situation that has been made worse by the “Hostile Environment “ policy. Migrant women are often told by their abuser that he controls their right to remain in the UK, and often they will not have access to the documents that clarify their status. A public shift by Government from a hostile environment , to one that shows compassion and understanding to migrant women experiencing domestic abuse is essential if these fears are to change
- **Fear of losing children** Many women are concerned that they will lose their children if they disclose either gender based violence , or the substance use or mental health problems that result from the abuse. This perception is often reinforced by the perpetrators claims and/or by the experience of other women in similar situations.

Bearing these and other documented barriers in mind , ways in which the government could improve support to these women include implementing the following recommendations from Mapping the Maze

- ***A Cross-government approach to women experiencing multiple disadvantage***

A high level of political will from across government departments is required to ensure that the specific needs of women are addressed in relevant areas of policy and funding programmes. There is a clear need for a national champion on this issue and for there to be a minister at cabinet level responsible for driving forward cross-departmental work.

- ***Central government funding streams that are gender- and trauma-aware***

A significant amount of funding for services that women would benefit from originates with central government. Central government should, in its tendering and bid documents, do far more to actively encourage bidders to show that they have taken into account the need for trauma-informed and gender-responsive services.

- ***A cross-departmental funding stream for services to support women experiencing multiple disadvantage***

We are calling for a cross-departmental funding pot for services supporting women experiencing multiple disadvantage. This would help to overcome some of the silos created by current funding streams and incentivise the development of joined-up, holistic, gender-informed services.

Evidence also tells us (e.g. AVA/Solace Womens Aid- Case by case, Women's Aid “No woman turned away) that women with substance use and mental health issues struggle to access refuge provision. Even where providers are committed to making spaces available to all, commissioning models do not allow for the higher levels of staffing and expertise required to support women with complex needs. This needs to be addressed with Commissioners, and also when central government is making funding streams available.

We also agree with EAW , of whom we are proud members, that :

- 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, 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

We wish to be associated with the response of our partner organisations Women in Prison and the Prison Reform Trust on this important issues . We would also like to emphasise that without greater investment in specialist domestic abuse services signposting will be of little assistance to women at whatever point it takes place.

14. How can we make greater use of women specific services to deliver interventions in safe, women only environments?

We believe that all of these have a role to play , but based on Mapping the Maze and other work, we would prioritise

- Delivery of health interventions such as mental health and substance use services at women only services
- IDVAs located or linked to women only services
- Other- the biggest problem is the lack of women only services to attach any of these interventions to

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

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.

26. 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. We believe that , in theory, electronic monitoring has the potential to be of benefit both in cases that involve stalking , and in allowing the survivor of domestic abuse to stay in her own home rather than being forced to flee. We are concerned, however, that current technology may not allow the women or relevant services to be notified in time of a breach. AVA, along with Standing Together and Respect , undertook a feasibility study for MOPAC on the use of sobriety tagging for cases of domestic abuse and we had real concerns about the delays between breach and notification , either to the woman or to services. We believe it is essential that this issue is addressed with any use of electronic monitoring in domestic abuse cases or the risk to the survivor could end up being increased. Our feasibility study also raised a number of issues around the specific use of sobriety tagging for DA perpetrators , and we hope that Mopac will make this report available to government before any further consideration of this issue takes place. It is also essential that appropriate support and information are in place for survivors where tagging is considered for a perpetrator. In the light of these concerns, we do not believe this power should be granted to the courts until further work has been carried out in this area, although we continue to believe that the potential of electronic tagging of DA perpetrators (rather than sobriety tagging) has potential that is worth exploring further with expert organisations , including the specialist VAWG sector.

32 Before reading this consultation were you aware of the Domestic Violence Disclosure scheme.

Yes

33. Do you agree the guidance underpinning the DVDs should be placed on a statutory footing

Yes

34. How do you think we can best promote awareness of the DVD scheme amongst the public

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

We wish to endorse the following view from 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. 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?

Tick box options

'Other'

Technology offers ever increasing ways for perpetrators to control, isolate, stalk and humiliate victims. Effective ways to tackle abuse online must place the onus on perpetrators and social media/ online platforms, rather than on the victims.

Perpetrators should be held to account, but without increasing the risk to victims, for instance by making it unlawful to apply spyware or GPS tracking devices on devices. Protection Orders should include the use of technology to contact victims and extend fully to online abuse; making contact online, or the use of any spyware or tracking devices a breach of any order.

Information about how to increase safety is helpful, but should not be only focus of a response to online abuse. Awareness of online safety should be prioritised by online platforms, education and government. Awareness raising must focus on cultivating a zero-tolerance approach and preventing abuse, rather than warning women/ victims against the threats of using social media. This should be embedded in the curriculum for Relationships and Sex Education and ICT as well as any risk assessment and safety planning tools.

Victims must have an appropriate and safe way to report abuse, which must be taken seriously by social media platforms. Platforms should provide appropriate mechanisms to report and disclose abuse in a confidential way, taking into account that perpetrator may be monitoring the victim's account and activities. This should also take into account any targeted advertising that may be linked to a victim's searches for help and support which the perpetrator may see.

Training and regulations for online platforms and companies on how to respond to reports of abuse and abusive content, is vital, with penalties attached if they are not compliant.

A whole-piece reassessment of DV and online offences is needed, examining what is effective in which instances. The new coercive control legislation has been helpful at raising awareness of how technology can be used to control victims but police still need more training in collecting evidence including the potential use of RIPA (Regulation of Investigatory Powers Act 2000) under section 22 which provides a notice request to a service provider, enabling them to disclose the data about a message or the person sending a message and gain the IP address of the sender in order to help prove a course of conduct.

To address sharing of images without consent (so called 'revenge pornography') - platforms must be heavily penalised. Victims must be able to get images removed from online spaces.

Ideally all pornographic content online should have a disclaimer of consent from those depicted in the material.

It is also important to highlight the ways that technology can be used to protect and support victims. Most support services now offer web based support and new apps are being developed to help protect victims and make storing evidence and accessing support easier. Finally, more research needs to be done into emerging technologies (such as google home, amazon echo, fitbits etc) to ensure they are safe and less likely to be used as a further tool of coercive control and abuse.

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

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. We would like to emphasise how vital it is that police are properly trained to have sight and sound of any children present in a house during an incident of domestic abuse. They should also be mindful of children who may not live in the house but are regular visitors such as stepchildren. Children's experiences,

wishes and feelings must be listened to and the risks properly assessed. We support the proposed roll out of Operation Encompass, whereby police inform schools if a child has experienced domestic abuse overnight. However, this is currently operating very differently around the country with limited monitoring. We recommend that clear procedures are developed for Operation Encompass, with appropriate training and support for both police and school staff.

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 victims want such support) will support more victims give evidence

It is essential that the The Youth Justice and Criminal Evidence Act 1999 (YJCEA) which gives provisions for Vulnerable and Intimidated Witnesses to have access to special measures at court must be extended. In particular, it should not be at the discretion of magistrates and judges to decide whether a survivor is vulnerable, this should be automatic and survivors should opt out of special measure if they wish.

42. 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.

Yes

There is a great deal of research which shows that specialist advocacy has a great deal of influence on survivors engagement with justice services and criminal justice outcomes. Provisions must be made to ensure that all survivors have access to an advocate from the very beginning of the investigation, right through to the end. This means ensuring there are resources for advocates to attend all hearings to update survivors, as well as attend trials with survivors as moral support and to guide them through the process. The CPS should also ensure that travel expenses are offered and paid for well in advance of trials to ensure survivors can attend. Further, provisions should be made for child care to ensure survivors with children are not prevented from attending due to child care costs.

The CPS must stop the free reign issuing of witness summons with power of arrest as a means of ensuring survivors attend court. Evidence from HMCPSP in 2016 found this has no impact on the numbers of those giving evidence, and threatens to criminalise vulnerable survivors of domestic and sexual violence. Specialist advocates have been proven to have a much greater influence on survivor engagement, and can offer ongoing support instead of the punitive measures of witness summons.

43. What more can police, witness care units and the CPS do to support victims through the justice process from the point of report onwards?

Similar to question 42, specialist advocacy from start to finish. More provisions must be made to ensure that all survivors are offered a pre-trial visit to help familiarise themselves with the trial process beforehand. Further, time delays must be addressed and rearranging trials dates on the day of the trial itself must be stopped as survivors are unlikely to attend if trials are rearranged.

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

Yes. The low level of prosecutions since the offense was introduced indicates that it is not as effective as had been hoped. 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 is effective in ensuring sentences imposed reflect the seriousness of DA when it involves children?

No.

Section 12 of the current sentencing guidelines states:

The offender or the victim may ask the court to consider the interests of any children by imposing a less severe sentence. The court should consider not only the effect on the children if the relationship is disrupted but also the likely effect of any further incidents of domestic abuse.

We are pleased to see the effects on the children mentioned, but not that they are only mentioned within the context of disrupting relationships. The wishes and feelings of children must be taken into account, with many children clearly stating they are afraid of the perpetrator and have no wish to see them (coupled with the high rates of post-separation abuse and abuse taking place during child contact). This issue links to wider concerns about CAFCASS's new referral pathways on high parental conflict and parental alienation. We are very concerned about the lack of understanding of domestic abuse and the many ways perpetrators manipulate both their family and professionals as well as the lack of trauma informed approaches and evidence of listening to and believing the child and non-abusive parent.

47. Is a statutory aggravating factor need in order for the court to reflect the seriousness of offences involving DA and children?

The current aggravating factors, as set out in the 2018 sentencing guidelines, mention the following in relation to children.

Impact on children (children can be adversely impacted by both direct and indirect exposure to domestic abuse)

Using contact arrangements with a child to instigate an offence

We do not feel this adequately covers the levels of harm experienced by children. Mention of 'exposure' to domestic abuse makes it sound as if children are passive victims or witnesses, rather than full and direct victims. The life-long legacy of trauma that many children experience needs to be taken into account. If a statutory aggravating factor is developed, the implications of this need to be much clearer than current guidance and consideration needs to be given to the non-abusive parent, most often the mother, to ensure she is not re-victimised by being seen as having failed to protect the children.

48. Share any views on how to ensure DA and its impact on children are taken into account when sentencing

The impact of domestic abuse on children must be looked at holistically, not just in relation to sentencing. We urge the government to follow the recommendations of the Ofsted-led joint inspectorate report on harm to children when there is domestic violence. This report, and others, clearly show the need for a holistic systems change, across all sectors not just criminal justice. This should include prevention and early intervention work, not just crisis response; training for all frontline professionals on all aspects of domestic abuse including coercive control, the use of technology and support for child victims.

More research needs to be done into the effectiveness of perpetrator programmes and the impacts of sentencing including aggravating factors.

We also echo our concerns laid out above with regards to the new CAFCASS referral pathways as they could increase risk to children. We have heard numerous concerning reports whereby CAFCASS have seemingly colluded with the perpetrator, and not listened to the clear wishes of the

children/non-abusive parent. Children are experts in their own lives and their experiences and accounts should be listened to and honoured. More trauma-informed training needs to be given to criminal justice and victim support staff in order to appropriately and sensitively talk to children about their experiences in a way that can inform the courts during sentencing.

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?: 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 affect 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. 20

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?: The Protection from Harassment Act 1997 is inadequate here as it enshrines in law the principle 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 to 57

These questions relating to working with perpetrators and we wish to support the submission of our partner Respect in these areas .

58. Please select which of the following you believe should be priorities for improving data collection

- improving the collection and reporting of data when domestic abuse is a feature of the case/intervention
- Improving collection and reporting of data relating to gender and the relationship of the perpetrator and victim
- Improving data to enable better tracking of outcomes in domestic abuse cases/intervention

59 Do you agree with the proposed model for a domestic abuse commissioner

We welcome the proposal to appoint a Commissioner. However,

- The Commissioner role must be wider than domestic abuse and sit under VAWG strategy framework; all forms of VAWG need independent scrutiny, and the Commissioner must be a stand-alone role.
- The Commissioner role must have the necessary resources to be effective, including an appropriate budget and team to deliver a meaningful programme of work.
- The Commissioner role must have a transparent recruitment process, have expertise in the VAWG field and be completely independent of government.

The Commissioner's remit must include:

- Statutory powers including data collection and the ability to conduct robust research.
- Statutory powers to monitor statutory agencies and local authorities, and compel them to engage in their work, to ensure they are providing appropriate and safe services that are accredited to nationally recognised standards, and are accountable to the National Statement of Expectations.
- A specific focus on reviewing the response to Black and Minority Ethnic (BME) survivors, LGBT survivors, disabled survivors, older survivors, survivors with no recourse to public funds (NRPF), survivors with complex and intersecting needs; including mental health problems, addiction or involved with the criminal justice system, and other vulnerable groups.
- Requirement to maintain an open relationship with the VAWG sector, including regular meetings and VAWG sector members to have a role in any working groups or boards created by the Commissioner.
- Requirement for the Commissioner's Office and work to be meaningfully informed by survivor's voices.
- Requirement to share best practice across both the VAWG sector and civil society.
- Requirement for the role's reporting back and scrutiny mechanism to be as strong as possible to ensure transparency and success of the role.
- Regular meetings and access to all relevant Secretary of States, including attendance at the current Inter-Ministerial Group Meeting on VAWG chaired by the Home Secretary, and all relevant civil servants.

60. Of the proposed powers and resources , which do you consider to be the most important for a domestic abuse commissioner

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. Our response to the previous question sets out the powers that we, and many other specialist VAWG organisations, believe the Commission should have. We would also like to draw parallels with the Children's Commissioner who 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.

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.

The Government could ensure that all relevant public sector funding streams call on successful applicants to show how they are delivering effective practice on domestic abuse.

Given the concentration of specialist expertise in the specialist voluntary VAWG sector, it is important that funding streams emphasise the importance of working with the specialist VAWG sector so this knowledge and support is not lost. This is important with respect to both local commissioners and national funding streams. Related to this is the importance of developing central government funding streams that the specialist voluntary sector can apply for- too much central government funding is currently restricted to local public bodies. Where this is the only effective way of making funds available, then application criteria must emphasise the

importance of working with the voluntary sector, so that successful applicants have to show how they will work in partnership with the specialist VAWG sector.

It is vital that the Department for Education are fully involved in any cross-government response to domestic abuse, especially as the new proposed structure for LSCBS to become Safeguarding Partnerships between Local Authorities, Police and Health, does not include Education as a partner. Prevention, education and awareness raising have to be a core part of any full response, including not just schools but also other non-formal education settings.

Government departments must also lead by example- with strong policies on how to support staff experiencing domestic abuse - backed up by public statements that make it clear that Domestic Abuse and other forms of violence against women and girls are not acceptable.