



Joint Committee on the Draft Domestic Abuse Bill

Submission from AVA (Against Violence and Abuse)

Executive Summary

1. AVA believes that we achieve more together than we do alone, and we are a signatory to the joint submission from several VAWG charities, submitted on our behalf by Women's Aid.
2. In addition, we wish to bring to the Committees attention a number of additional points relating to women experiencing multiple disadvantage, especially where children are concerned
3. Women experiencing domestic abuse, particularly where they also experience other forms of multiple disadvantage, need access to trauma and gender informed services that can meet their needs holistically. Without this support, the changes proposed in the Bill, which related primarily to the criminal justice system, will have limited impact for this significant group of women.
4. Fear of having their children removed is one of the biggest barriers to disclosure for mothers experiencing domestic abuse. Systems need to recognize this. There needs to be better informal, non-judgmental community based support for mothers experiencing domestic abuse that enables them to seek help before crisis point is reached.
5. There needs to be improved step-down support for women when children are returned to families or no longer deemed in need.
6. Women survivors of domestic abuse whose children have been permanently removed into care need more support, including support to establish contact with children or around care proceedings.
7. The Government should prioritise work to develop alternatives to permanent child removal that protect the child from short-term risks, whilst also recognising the long-term risks to both mother and child in the event of permanent removal into care.

About AVA

8. AVA (Against Violence & Abuse) is a feminist charity committed to creating a world without gender-based violence and abuse. Our mission is to *'Inspire innovation & collaboration and encourage & enable direct service providers to help end violence against women & girls.'* We are an expert, independent and groundbreaking national charity particularly recognized for our specialist expertise in multiple disadvantage and children & young people's work. Our core work includes training, policy, research and consultancy

Our approach to the Draft Domestic Violence Bill

9. At AVA, we believe that we are stronger together than we are alone, and this has been our approach to the Domestic Abuse Bill. In this spirit, we are a signatory to the joint submission from a number of VAWG charities which has been submitted separately on our behalfs by Women's Aid. We support all of the key recommendations of this submission, which are:

10. Definition

- Amend the proposed definition to acknowledge the gendered nature and the accurate understanding of all forms of domestic abuse;
- Amend to accurately distinguish between, and not conflate, intimate partner abuse with other forms of family abuse.

11. Migrant Women

- Extend eligibility under the Domestic Violence Rule and Destitution Domestic Violence Concession to all survivors with no recourse to public funds (NRPF).
- Extend the time period for which the Destitution Domestic Violence Concession is provided to at least six months.
- Ensure equal protection for all survivors by upholding the non-discrimination principle in accordance with Istanbul Convention Article 4(3).
- Safe reporting which ensures immigration enforcement is kept completely separate from the domestic abuse response and the safety of the victim is paramount

12. Housing

- An automatic assumption that survivors are in 'priority need' and do not need to meet an additional 'vulnerability' test'.
- A bar on local connection rules for survivors who need to flee their local area to access refuge.

13. Employment

- Require employers to provide survivors with a period of paid leave.

14. Welfare Reform

- A duty to assess the impact of welfare reforms on domestic abuse survivors.
- Reverse the two child tax credit limit.
- For separate payments of Universal Credit to be the default.
- Any survivor who has had a change of circumstances due to domestic abuse to be exempt from repaying advance Universal Credit payments.
- A duty to provide British Sign Language and Language Interpreters where necessary at JobCentre Plus offices.

15. Family Courts

- Ban direct cross-examination in any family, criminal or civil proceedings in cases involving domestic abuse, sexual abuse, stalking or harassment.
- Guarantee access to special measures for survivors of domestic abuse in the family courts.
- Prohibit unsupervised contact for a parent who is on bail for domestic abuse related offences, or where there are ongoing criminal proceedings for domestic abuse.

16. Response to Perpetrators

- Quality assurance of perpetrator work beyond criminal justice system, and a comprehensive perpetrator strategy.

17. Specialist LGBT+ Interventions and Services

The creation, expansion and sustainability of specialist LGBT+ interventions and services

18. Enquiry into Domestic Abuse

- A public duty on publicly funded services to enquire into current and historic domestic abuse and sexual violence as standard practice.
- Gender and trauma-informed training for staff across all publically funded services.

19. Relationships and Sex Education Opt-outs

- Amend the Children and Social Work Act 2017, to ensure that the Secretary of State for Education is required to publish anonymised annual data about the numbers and characteristics of those opting out.

20. The Commissioner

- Powers to effectively enforce a clear framework of national accountability and assess the response to all forms of VAWG across the public sector.
- Fully independent of Government, and supported by a budget that ensures the role is properly resourced for their remit and responsibility.
- Duties to collect and publish comprehensive data across all relevant sectors, public bodies and agencies, which enables an intersectional analysis across equality characteristics and types of abuse.
- Duties to collect and publish data on the different types of domestic abuse recognized by the statutory definition and disaggregated by type of relationship between victim and perpetrator
- Requirement to establish a VAWG sector scrutiny board.
- Requirement to work closely the VAWDASV National Advisors in Wales to ensure joined up working, sharing of best practice and to avoid duplication.

21. Other relevant work we support

In addition, we support a number of other campaigns, including:

- The [Step Up! Migrant Women Coalition](#), led by the Latin American Women's Rights Service (LAWRS);
- Southall Black Sister's #ProtectionForAll campaign;
- Suzy Lampugh Trust's campaign on vexatious claims in the family courts;
- Rights of Women's campaign to improve victims' and survivors' access to legal aid;
- Surviving Economic Abuse's call for a national inquiry into economic abuse, to be led by the Commissioner;
- Imkaan's alternative Bill which outlines an approach to VAWG that is gendered and intersectional
- Centre for Women's Justice call for reform of pre charged bail conditions in domestic abuse and sexual violence cases.

22. Breaking down the Barriers

23. In addition to confirming our support for these submissions to the Committee, we would like to make the committee aware of some of the most relevant findings of "Breaking down the Barriers",¹ the report of the Commission on Women experiencing Domestic and Sexual Violence and Multiple Disadvantage, convened by AVA and Agenda. The recommendations that are most relevant to the work of the committee are:

24. Service Design and Pathways

¹ "Breaking down the barriers" AVA/Agenda London 2019

- Enquiry into current and historic domestic abuse should be standard practice across publicly funded services supporting women experiencing multiple disadvantage, supported by robust policies, staff training and accurate data collection.
- Where abuse is identified, there must be appropriate trauma informed support and pathways into care.
- All women experiencing multiple disadvantage who have experienced abuse should be able to access appropriate women specific trauma informed services as a priority, particularly in spaces that are currently failing to meet women's needs, such as addiction treatment, criminal justice and homelessness.
- Thresholds and criteria for support should be reviewed by all services to ensure that women experiencing domestic and sexual violence and multiple disadvantage are not disproportionately excluded from the support they need and deserve. Services should review their inclusion criteria and related policies and provide clear reasons and data on why women are turned away.

25. Gender and Trauma informed practice

- Government, led by the Department of Health and Social Care, should lead an evidence review on the value and impact of trauma informed approaches in public service settings. This should build on the evidence base and develop national guidelines on what quality gender and trauma informed services mean in practice across all public services to assist commissioners to identify effective approaches. Monitoring this practice should form part of inspection regimes.

26. Workforce

- There should be a public duty on services, especially health services, to ensure their staff are appropriately trained to enquire about domestic and sexual abuse, and respond appropriately to disclosures, including having clear referral pathways that understand and reflect women's diverse needs
- Service providers should review their recruitment practices to ensure they are recruiting staff with the right balance of technical skills and core competencies, with emphasis placed on empathy and relationship building at the core. Values based recruitment should be considered as one vehicle through which to do this.

27. Poverty

- The DWP should produce a revised, updated and comprehensive Equality Impact Assessment for the continued roll out of Universal Credit, and for all future policy and decision making around welfare reform, including cumulative assessment of reforms so

far to improve policy outcomes for women, This should involve meaningful stakeholder engagement with the women's sector and women with lived experience

- Alternative methods should be designed and tested to enable separate payment arrangements to each member of a couple under Universal Credit. Payments should be made fortnightly, as is allowed in Scotland, to make these more manageable for women

28. Children

The report makes several recommendations around children affected by Domestic Abuse which may be of particular relevance to the work of the Joint Committee.

The Commission found, through listening to women with lived experience, that the role of women as mothers featured strongly in relation to their ability to access help and support, especially in terms of the legacy of trauma where children had been removed either temporarily or permanently from their care. Many women described the fear of losing their children as a huge barrier to seeking support. This was particularly true for women who used substances and/or who experienced mental ill-health.

The report made the following recommendations in this area:

- The Department of Education should prioritize work to develop alternatives to permanent child removal that protect the child from short term risk whilst recognizing the long term risks to both mother and child of permanent child removal into care. Further investment is needed in Family Drug and Alcohol courts which are proven to be effective. Evidence has found sustained benefits of Family Drug and Alcohol Courts, including higher rates of substance misuse cessation, higher rates of family reunification and more women receiving help from other agencies for their substance misuse, as compared to those who have been through ordinary care proceedings.
- Particular attention should be paid to models in other countries, such as the social models in Germany, that have a greater emphasis on supporting parenting combined with temporary rather than permanent removal. The What Works Centre for Children's Social Care should support and evaluate projects and evidence development that will enable these approaches to be embedded in the profession long term
- Children's services should apply strengths-based approaches that enable women to draw on their strengths, make safe plans for their children, and allow decision making about a child's welfare based on proper understanding of the family context. Multi-disciplinary teams should be in place in all local areas, drawing on the skills of substance misuse, mental health and domestic abuse practitioners to work alongside children and adult social workers
- A full understanding of the experiences of survivors facing multiple disadvantage must be embedded in all children and family social work training and development in England and Wales.
- To reduce the number of children entering care, greater specialist trauma informed support is needed to support mothers facing multiple disadvantage and sexual and

domestic violence to parent effectively and before they reach crisis. Universal services, such as children's centres, should be available across the country to provide community support to all families, with staffing skills and strategies in place to ensure women facing multiple disadvantage and abuse are reached and supported

- More gender and trauma informed step-down support is needed to support mothers and children who would continue to benefit from other targeted or universal interventions when they move from statutory safeguarding support.
- Long term support is needed for women whose children have been temporarily or permanently removed into care to enable them to process the loss of losing a child, to support with care proceedings and to establish and maintain appropriate and meaningful contact with children
- Women and survivors should never be made to feel responsible for protecting their children from an abuser. In their current form, written agreements, which require victims to sign contracts with terms around their contact with the perpetrator, are highly problematic and should not be used

29. Commissioning and Funding

- Local authorities should hold overall responsibility for co ordinated joined up approaches. This should be supported by a duty on local authorities to collaborate with and through the local authority
- Mental Health and substance use services should be lead jointly at strategic level to enable women with dual diagnosis to be effectively supported.
- Commissioners should build incentives into contracts to encourage mainstream services to work collaboratively and ensure that specialist expertise, including that provided by the specialist women's voluntary sector, is prioritised.
- Services should be designed and commissioned around outcomes that make a difference to women's lives, with a long-term view to addressing issues preventatively. As a matter of urgency, local commissioners must address gaps for women facing multiple disadvantage, mental health, substance use, domestic abuse and the impact of trauma.
- Commissioners should ensure that services provide data on who is being turned away to allow data collection on service thresholds and provide clarity on local need
- Commissioning processes must involve genuine and meaningful co production with women with lived experience at all stages, including in developing needs assessments, shaping service specifications, scoring service tenders and sitting on tender panels, evaluating existing services and contract monitoring. Experts by experience networks should be drawn upon to support this, and beneficiaries should be supported with remuneration and/or through accredited skills and training
- The Cabinet Office should promote the take up of the Public Services (Social Value) Act 2012, which has a positive impact where used, to support local authorities to meet the needs of marginalized women in their area and ensure vital specialist provision for marginalized women can thrive

- Police and Crime Commissioners local plans should have a gendered lens that understands the connections between women's offending and their experiences of domestic abuse, and enables more holistic commissioning that addresses the risks that cause women to become involved in the criminal justice system. Police and Crime Panels should scrutinize PCC decision making on the basis of how well they have achieved this. The Association of Police and Crime Commissioners should support the discussion and exchange of good practice in this area.

30. Local and National Strategy: Lack of coherence and Join-Up

- Cross-departmental leadership is required to develop coherent national strategies in England and Wales around supporting women facing multiple disadvantage. A Secretary of State for Equalities should be appointed, with their brief including responsibility for driving cross departmental approaches to improving the national response in England and Wales to women experiencing and living with the legacy of domestic and sexual violence, abuse and multiple disadvantage
- A central government funding pot should be developed to invest in service redesign and incentivize local bodies to collaborate to break down silos and build better infrastructure to meet women's needs in the long-term. This must prioritise funding for specialist organisations with a track record of gender and trauma informed delivery to survivors facing multiple disadvantage
- The Domestic Violence Commissioner and the Welsh Advisors for Violence against Women, Gender Based violence, domestic Abuse and Sexual Violence respectively must prioritise survivors facing multiple disadvantage. This needs to be done in partnership with the Children's Commissioner.
- Local and national government departments must commit to robust research and gender disaggregated data collection that allows for an intersectional analysis across equality characteristics
- Sex and Relationship Education is essential both to support children living with domestic abuse and multiple disadvantage and to prevent domestic and sexual abuse in further generations. This needs to be provided to all children and young people from early years onwards, in age appropriate ways. It should take place in all educational settings and needs to specifically help children and young people to recognise abuse and understand where to get help, as well as promoting healthy relationships. It also needs to reflect the gendered nature of this abuse. This education should be supported by a Whole School Approach² to tackling abuse.

31. Conclusion

The Draft Domestic Abuse Bill has been heralded as an opportunity to transform the response to domestic abuse. This will remain a lost opportunity, unless it reflects the support that women and children need, especially in circumstances of multiple disadvantage. The Bill, and its accompanying guidance and policies, need to move away from their limited focus on the

² See, for example, www.preventionplatform.co.uk

criminal justice system, and instead focus on opportunities to make domestic abuse everyone's business.

AVA (Against Violence and Abuse)
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