



Home Affairs Committee Inquiry into Domestic Abuse: Response of the Police and Crime Commissioner for Northumbria, Dame Vera Baird QC

This response to the HM Government consultation on transforming the response to domestic abuse is submitted on behalf of:

Dame Vera Baird, QC
Northumbria Police & Crime Commissioner (PCC)
2nd floor, Victory House, Balliol Business Park, Newcastle upon Tyne, NE12
Email: Enquiries@northumbria-pcc.gov.uk
Tel: 0191 221 9800

Executive Summary

We have consulted with several organisations and individuals in the Northumbria area, in order to formulate this response.

A summary of our key points follows:

- To make the government's proposals for a DA Bill and non-legislative measures meaningful, there needs to be a coherent strategy underneath actions taken. This needs to tie in with a broader VAWG strategy.
- BAMER women's experiences need to be considered in any action the government takes, ensuring they are included and specialist services properly resourced. The majority of BAME victim-survivors do not access the criminal justice system and therefore there needs to be strong non-legislative measures in place to support these victims-survivors.
- The government must take urgent action in certain areas to ensure justice for all victims of DA and VAWG. Particularly the issues surrounding refuge funding, universal credit, and women with no recourse to public funds, as set out in our response below.
- There must also be adequate levels of sustainable, long-term funding for all services involved in the response to DA and VAWG more widely – including the wider women's sector and the police. Without this, it is dangerous to encourage more victims to come forward and expect to be supported by services which are already under pressure.
- The Home Office funded 'whole system approach to domestic abuse', led by Northumbria and underway across 6 police forces, should be considered by the government as a model for multi-agency working and a holistic response to DA.
- A Domestic Abuse Commissioner needs teeth and real powers, to be effective.
- Training for professionals must be more embedded in core training qualifications and CPD.



What further measures need to be taken to help prevent domestic abuse?

- In Northumbria, we have a network of nearly 900 workplace DA champions based in the voluntary, public and private sectors. Their role is to offer opportunities for disclosure and signposting to expert services in the one place (the workplace) that victims often go without their controlling partner. In addition, one of our six local authorities is a pilot site for the Women's Aid 'Change That Lasts' programme, which includes the development of 'Ask Me' community-based ambassadors who will likewise offer a discreet, first point of call in places (such as the local hairdressers) that victims often go without their abuser. Both programmes require an initial training input and ongoing communication/coordination which would benefit from central, sustained support, perhaps by the proposed DA Commissioner.
- The school is another place where victims of DA (adult and child) may attend without the abuser. We therefore recommend that Operation Encompass be placed on a statutory footing and used as the first step in a wider 'whole schools approach' that places domestic abuse at the heart of school policy, ensures all staff (teaching and non-teaching) receive ongoing training on domestic abuse and all victims are able to access support through the school's front door.
- We would highlight how surprisingly little health services are mentioned in the DA Bill, despite the obvious role they are likely to play as a service of first resort, both as professionals who deal with injuries and also as trusted confidantes within the local community. We would recommend that action is taken, similar to the piloting of health-based DA advocates in hospital and GP settings in Northumbria, to ensure that health staff are trained/supported to identify and effectively refer victims.
- All of the above developments would also benefit from a series of national 'bystander' campaigns that seek to make domestic abuse as morally unacceptable as drink driving became in the 1970's.

Is the response of public authorities to domestic abuse good enough, and if not, how could it be improved?

- The response of public authorities can always be improved.
- Many specialist support services are at crisis point, but the Government's proposed Bill makes very little commitment to funding. Many of the services and innovations cited as best practice are likely only to exist in the short term due to funding limitations and short-term contracts.
- High quality, specialist provision requires a national strategy and central ring fenced resources.
- Where local commissioners are involved, the government must require them to undertake thorough needs assessments accompanied by detailed equality impact assessments.
- The same approach is needed for victims with complex support needs (e.g. due to poor mental health) and those with insecure immigration status. Their needs must be highlighted nationally and addressed locally as a matter of shared responsibility.



- As proposed by EAW, the multiple statutory guidance documents across public services should be updated to reflect the new definition and understandings of domestic abuse – in schools, local authorities, health sector, social sector etc. This is crucial if professionals are to properly identify and respond to domestic abuse, to fully protect victims-survivors.

What else is required to ensure that there is sufficient support, protection and refuge for victims of abuse?

Long-term, secure refuge funding

- The Government's proposals to remove refuges from the welfare system reduces completely end security of funding for providers.
- The proposed ring-fence around the fund allocated to local authorities (LAs) will be for short-term supported housing as a whole, not refuges specifically. Much short-term supported housing is expensive and funding it is the statutory responsibility of local authorities who will inevitably give it priority within the ring-fence
- This plays into the generic approach to commissioning which has led to the downfall of many specialist services and may lead to misunderstanding of what is required for refuge accommodation to work.
- Should refuge provision be impacted in these ways, so too will police safeguarding activities. For example:
 - Police will have no safe accommodation for victims who need to leave home quickly.
 - As the public becomes aware of the lack of refuges, reporting may be discouraged and victims are more likely to stay with their abusive partner which not what the government wishes and may lead to escalated abuse and ultimately increased costs to police and other services
- The government has proposed that the level of the new funding will be set at current demand and predicted future demand but current demand far outstrips supply and is not being met, so that calculations based on Housing Benefit levels in use for refuges will be a serious underestimate. Demand is difficult to predict
- Refuges are part of a national network It is vital that there is a national refuge co-ordinating fund and a body, perhaps the Domestic Abuse Commissioner to ensure that there are sufficient sustainable refuges available

Universal Credit

- There are important ways in which the Government should structure its own arrangements with the public, to minimise the opportunities for economic abuse by a perpetrator. One pressing example is the new system of single household payments under Universal Credit.
- This system is capable of facilitating economic abuse, by allowing an abusive partner to control the household finances and thereby to prevent a victim from leaving an abusive relationship. Giving households the option to choose which bank account money is paid into will not assist in a domestic abuse context, as abusers will ensure there is no choice.



- This is supported by research conducted by Women's Aid, which found that 85% of survivors would not dare apply for split payments as an exceptional measure, as it would attract further abuse¹.
- We therefore recommend that this system is urgently reviewed and payments be made equally to partners as standard.

Funding for services

- There also must be adequate levels of sustainable and long-term funding and resources for all services involved in the response to DA and VAWG more widely – including refuges, the women's sector and the police. Without this, it is dangerous to encourage more victims to come forward and expect to be supported by services which are already under-funded and strained.
- Funding concerns are experienced by the majority of services across the country, repeatedly year on year because of the provision of short term or one-off funding requiring repeated formulation of bids and which does not allow organisations to become sustainable.
- It is our view that services to protect people from VAWG and which support victims should be as central a part of a modern welfare state as the National Health Service and should be funded on a similarly sustained basis.
- It is notable that Professor Walby's research shows the annual cost of domestic abuse to the state as upwards of £26billion, a cost many times greater than is invested currently in prevention, protection and the pursuit of perpetrators.

The Government must also address the additional barriers faced by BAME women, migrant women, women with insecure immigration status and those with no recourse to public funds, as set out below.

How to secure the equal protection of BME and migrant women who are victims of domestic abuse?

The statutory definition and the underpinning guidance need to recognise the specific additional issues for BAME women, women with insecure immigration status and women with no recourse to public funds (NRPF).

Statutory definition of DA

The Government's proposed definition of DA needs to acknowledge other forms of domestic abuse – such a forced marriage, honour based abuse and female genital mutilation. BAME women's issues are assumed to be addressed by the inclusion of 'family violence' within the existing definition,

¹ Howard, M and Skipp, A. (Women's Aid and TUC). (2015). Unequal, Trapped & Controlled: Women's experiences of financial abuse and the potential implications for Universal Credit. Online: https://1q7dgy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/11/Women_s_Aid_TUC_Financial_Abuse_Report_March_2015.pdf

However, this is not how ‘family violence’ tends to be used in practice and ‘rolling up’ all forms of abuse in those words can lead to a lack of focus on these critically important and specific issues.

BAME women’s services

Key services have and continue to close - particularly smaller, specialist and BAME services which cannot compete with larger generic providers and yet offer a service for hard to reach women which is not otherwise available. Funding for services needs to be reviewed.

Women with insecure immigration status and no recourse to public funds

EVAW’s document ‘Women living in a Hostile Environment’², presented to a House of Commons event to which we contributed, sets out the issues succinctly. Women who have insecure immigration status face additional barriers to being able to report domestic and sexual violence, in particular fear of deportation. This gives perpetrators of domestic abuse an extra weapon – stay with me or be deported – and it is important that threats to rights should be represented in the definition. It currently uses the term ‘threatening behaviour’ likely to be understood as physical threats, in the context of public order legislation and without express reference apparently excluding threats to rights.

Destitute Domestic Violence Concession (DDVC)

- The DDVC is too limited and, fairly, should be extended to all survivors of gender-based violence with insecure immigration status (not just those on a spousal visa) and the three month time limit extended, in acknowledgment that applications for right to remain take longer. Funding is required for refuge accommodation for migrant women, who face extra barriers of language and rejection by their community for reporting abuse. Women’s Aid ‘No Women Turned Away’ project uncovered some findings of real concern E.g. only 8 out of 110 women with NRPF were accommodated in a suitable refuge space, and some were forced into homelessness or stayed with their partner at risk of further abuse.
- The Istanbul Convention specifies that victims of VAWG are protected, despite their immigration status. In acknowledgment of that, we support the idea of putting ‘firewalls’, between critical public services and immigration control so that the safety of women is given higher priority than immigration enforcement. Consistent with the Government’s new approach, the ‘hostile environment’ should be reversed in this connection³
- In considering legislative measures, such as the new DAPNs and DAPOs below, the government should acknowledge the additional barriers women with no recourse to public funds/insecure immigration status face. E.g. a fear of being penalised or even deported, when seeking help.

² EVAW. (2018). Women Living in a Hostile Environment. Online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf>

³ EVAW. (2018). Women Living in a Hostile Environment. <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf>



The impact of domestic abuse on children and child safeguarding and what more the Government could do to ensure that more children are protected from domestic abuse.

Mandatory and thorough training for all professionals

- It is essential that professionals working with children are knowledgeable about DA, the signs and the impact it can have on children. They must be aware that children can be as adversely affected by witnessing and/or living with coercive control as by seeing physical violence⁴.
- Training should be a mandatory part of degrees and professional training courses, as well as CPD and refresher training.

An age limit of 16 for domestic abuse

- Though domestic abuse can be experienced by children under the age of 16 and this should be addressed through education, we believe that this constitutes child abuse first and foremost and it would be unhelpful to include this in a definition of domestic abuse. 16 is the age of sexual consent and this is consistent with the current domestic abuse age limit. Children under the age of 16 often experience abuse at the hands of an older 'partner' and this is extremely problematic, but should be addressed as a child protection issue.

Relationships education

- Around 1 in 5 children have been exposed to domestic abuse (DA) in England and Wales (Crime Survey for England and Wales 2015/16). It is therefore reasonable to suggest that every classroom in every school in the UK will contain *at least* one child who is experiencing DA. Without effective support within the school environment, many will go on to experience a detrimental impact on their adult life chances (Herman, 2015).
- The proposed changes to relationships education are very welcome but it is a cause of widespread concern that little is known about how the preparation for the implementation of the Children and Social Work Act is progressing and what the government's strategy is about teaching and learning.
- We recommend that the Government ensure that education on relationships and VAWG is threaded through the curriculum, by teachers who have been trained to have a full understanding of the dynamics of abuse (as per question 3), rather than just in one-off PSHE classes.
- It is also important that ALL school-aged children receive age-appropriate information, regardless of faith, race, class or whether they are being educated in the public or private sectors. Young people do not confine their relationships to people in their own school who may have had the same relationships education as they have had.
- The Commissioner is a Patron of Operation Encompass. We recommend that it should be expanded placed on a statutory footing and made compulsory in all schools.

⁴ 'Beyond the Physical Incident Model: How Children Living with Domestic Violence are Harmed By and Resist Regimes of Coercive Control', Emma Katz, Child Abuse Review Vol. 25: 46–59 (2016).



Effective multi-agency working

- Section 2 of the Children and Social Work Act requires English local authorities to publish information about services they offer to care leavers. Similar provision could be made regarding the services offered to children affected by domestic abuse.

Acknowledgment of the impact of DA on children in court

- The Government has suggested a statutory aggravating factor for the court to reflect the seriousness of offences involving domestic abuse and children in sentencing. More information is required on how this might be applied and the outcomes it may achieve.
- The DA Sentencing Guidelines already guide judges to consider any impact on children, so it is unknown what additional benefit a statutory aggravating factor would have. What is perhaps more important is more training for judges on the impact of DA.

What are the key difficulties encountered by victims of domestic abuse in the justice system, and in particular in the family courts?

- At present an alleged abuser is able to cross-examine a victim in the family courts. The Government must act to prohibit this.
- Victims of DA should be identified as early as possible in family court proceedings and be able to access skilled representation funded by the legal aid system.
- There needs to be greater communication and cooperation between court jurisdictions, particularly where victims of DA are engaging as litigants in person. In Northumbria, Police Transformation Fund monies are enabling Family Court Liaison Workers as part of the 'Whole System Approach'. Employed by a local voluntary sector service, they will:
 - a) Support any victims identified as litigants in person
 - b) Ensure requests for police disclosure receive a quality response
 - c) Support the use of special measures
 - d) Where necessary assist the family court in their understanding information shared by the criminal justice system.
- Members of the family court judiciary must be fully trained by subject matter experts in coercive and controlling behaviours with its possible implications for family court process (Practice Direction 12J).

What national oversight framework is required to ensure that there are sufficient quality services available at a local level for victims of abuse?



- As discussed above, we agree with the proposal of a DA Commissioner to oversee service provision at a national level. We see a role for Police and Crime Commissioners to work closely with a DA Commissioner to ensure adequate provision and accountability, against a solid statutory framework.
- There needs to be a detailed look at equality and needs to ensure adequate provision of services.
- Training for all public-facing staff must be made mandatory and incorporated into degrees and professional qualifications, as well as CPS and refresher training, to ensure quality services.

The proposed role and powers of the Domestic Abuse Commissioner.

- We agree with the proposed idea of an independent Commissioner to oversee DA on a national level. However, we feel that the National Statement of Expectations is not a strong enough framework for the Commissioner to work from. This should be reviewed by the Government with the view to strengthening its content and placing the revised framework on a statutory footing.
- We feel that the remit of the Commissioner under the proposed statutory definition would mean that this Commissioner could address issues surrounding sexual violence, forced marriage, honour-based violence and other forms of VAWG that often go hand in hand with DA, and seek the Government's confirmation of this. VAWG is interconnected and DA cannot be addressed in isolation.
- We propose that the Commissioner's remit is wider than just the police and criminal justice system, and would oversee all facets of the multi-agency response to DA.
- There exists a postcode lottery in the response to DA currently and the Commissioner's role in addressing this, by holding local commissioners and services to account, is welcome.
- The role needs teeth if it is to have a real impact. The Children's Commissioner has a wide remit with influencing powers because of her focus on children's rights, enabling her to reach across statutory agencies and address pressing issues. This should be the case for any DA Commissioner – who must be given wide-ranging powers as described in the 2014 report 'Labour: Placing Women's Safety Centre Stage'⁵.
- There are key issues that the Commissioner could address in the immediacy, such as the position of victims of DA with NRPF, the impact of the single household payment under Universal Credit and the uncertain state of refuge funding.
- Police and Crime Commissioners are well-placed to work with and support the duties of the DA Commissioner. We see this is a collaborative opportunity to ensure the best response to DA, rather than a compliance exercise.

⁵ Labour (2014). Labour: Placing Women's Safety Centre Stage
https://www.policyforum.labour.org.uk/uploads/editor/files/LWSC_Document_1.pdf



- A DA Commissioner could be well placed to oversee DHRs, providing they have sufficient capacity and teeth to ensure recommendations are addressed.