

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

DOMESTIC ABUSE BILL

First Sitting

Tuesday 29 October 2019

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
Motion to sit in private agreed to.
Examination of witnesses.
Adjourned till this day at half-past Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 2 November 2019

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The Committee consisted of the following Members:

Chairs: † SIR DAVID AMESS, DAVID HANSON

† Atkins, Victoria (<i>Parliamentary Under-Secretary of State for the Home Department</i>)	† Merriman, Huw (<i>Bexhill and Battle</i>) (Con)
† Coaker, Vernon (<i>Gedling</i>) (Lab)	† Morton, Wendy (<i>Parliamentary Under-Secretary of State for Justice</i>)
† Dakin, Nic (<i>Scunthorpe</i>) (Lab)	† Newton, Sarah (<i>Truro and Falmouth</i>) (Con)
† Graham, Luke (<i>Ochil and South Perthshire</i>) (Con)	† Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op)
† Harris, Carolyn (<i>Swansea East</i>) (Lab)	† Saville Roberts, Liz (<i>Dwyfor Meirionnydd</i>) (PC)
† Hughes, Eddie (<i>Walsall North</i>) (Con)	† Scully, Paul (<i>Sutton and Cheam</i>) (Con)
† Jardine, Christine (<i>Edinburgh West</i>) (LD)	† Smith, Eleanor (<i>Wolverhampton South West</i>) (Lab)
† Johnson, Diana (<i>Kingston upon Hull North</i>) (Lab)	Joanna Dodd, <i>Committee Clerk</i>
† Jones, Mr Marcus (<i>Nuneaton</i>) (Con)	
† Keegan, Gillian (<i>Chichester</i>) (Con)	† attended the Committee

Witnesses

Nicole Jacobs, Designate Domestic Abuse Commissioner

Deputy Chief Constable (West Midlands Police) Louisa Rolfe, National Police Chiefs' Council lead on domestic abuse, National Police Chiefs' Council

Public Bill Committee

Tuesday 29 October 2019

(Morning)

[SIR DAVID AMESS *in the Chair*]

Domestic Abuse Bill

9.25 am

The Chair: Before we begin, I have a few preliminary announcements. Please switch your electronic devices to silent. I would certainly like tea or coffee, but the rules are set in stone and we would have to agree that through the Chairman of Ways and Means, so I am afraid that, at the moment, you cannot have tea or coffee. I do not really want to tell anyone off; I am afraid you are just going to have to deal with water.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication, and a motion to allow us to deliberate in private about our questions before the oral evidence session. In view of the timetable, shall we just get on with it? I call the Minister to move the programme motion, which was discussed yesterday by the Programming Sub-Committee.

Ordered,

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 29 October) meet—
 - (a) at 2.30 pm on Tuesday 29 October;
 - (b) at 11.30 am and 2.00 pm on Thursday 31 October;
 - (c) at 9.25 am and 2.00 pm on Tuesday 5 November;
 - (d) at 11.30 am and 2.00 pm on Thursday 7 November;
 - (e) at 9.25 am and 2.00 pm on Tuesday 12 November;
 - (f) at 11.30 am and 2.00 pm on Thursday 14 November;
 - (g) at 9.25 am and 2.00 pm on Tuesday 19 November;
 - (h) at 11.30 am and 2.00 pm on Thursday 21 November;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 29 October	Until no later than 10.55 am	Nicole Jacobs, Designate Domestic Abuse Commissioner
Tuesday 29 October	Until no later than 11.25 am	National Police Chiefs' Council
Tuesday 29 October	Until no later than 3.00 pm	Her Majesty's Inspectors of Constabulary
Tuesday 29 October	Until no later than 3.30 pm	Nazir Afzal, National Adviser to the Welsh Government
Tuesday 29 October	Until no later than 4.00 pm	Action for Children

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 29 October	Until no later than 5.00 pm	Age UK; Respect
Thursday 31 October	Until no later than 12.30 pm	Women's Aid Federation of England; Refuge; SafeLives
Thursday 31 October	Until no later than 1.00 pm	Local Government Association
Thursday 31 October	Until no later than 2.45 pm	Crisis; Giles Peaker, Anthony Gold Solicitors
Thursday 31 October	Until no later than 4.00 pm	Imkaan; End Violence Against Women Coalition; Southall Black Sisters; Cris McCurley, Ben Hoare Bell LLP
Thursday 31 October	Until no later than 5.00 pm	Amnesty International UK; Hestia

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 37; Schedule 1; Clauses 38 to 78; Schedule 2; Clauses 79 to 86; new Clauses; new Schedules; remaining proceedings on the Bill;

(4) the proceedings on the Bill shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 21 November.—(*Victoria Atkins.*)

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Victoria Atkins.*)

The Chair: Copies of written evidence that the Committee receives will be made available in the Committee Room. If there are any complaints, please direct them to our wonderful Clerk.

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*Victoria Atkins.*)

9.28 am

The Committee deliberated in private.

Examination of Witness

Nicole Jacobs gave evidence.

9.29 am

Q1 The Chair: Before I call the first Member to ask a question, I remind all Members—I am sure they do not need reminding—that everything must be related to the Bill; we should not wander beyond its scope. We should also stick to our timings. For this session we have until 10.55 am. Secondly, I ask Members to declare any relevant interests before they ask their first question. I cannot think that any Member does have an interest.

Nicole, would you please tell the Committee—not in huge detail—something about yourself?

Nicole Jacobs: Good morning, and thank you for having me. I am your new designate Domestic Abuse Commissioner for England and Wales. By way of background, I have worked in the domestic abuse sector

for more than 20 years—in the US at the very start of my career, but I moved to the UK about 20 years ago—and have worked in a variety of local and national domestic abuse charities.

The Chair: Splendid. You are projecting your voice well—we can all hear you—so that is a good start.

Q2 The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Sir David. Before I start the questioning, for the sake of completeness, I will say that I used to practise as a criminal barrister and prosecuted for the Crown Prosecution Service and other prosecuting agencies.

Ms Jacobs, congratulations on being the designate Domestic Abuse Commissioner. You have explained your expertise and experience in this area. Could you please help us with your thoughts on how you see the role of the Domestic Abuse Commissioner? What do you hope to achieve?

Nicole Jacobs: I was attracted to apply for the role at the start of the year because I feel, having worked for many years, that there is a real need for public leadership and an independent commissioner to hold the Government to account and look at the provision of service across England and Wales. You will have heard the term postcode lottery, and you will probably hear it many times in the next few sittings. I have worked in the field for more than 20 years and know what it feels like for people who are subject to domestic abuse, how services change and how the response of statutory services will differ from area to area.

My vision for the role is to instil a co-ordinated community response to domestic abuse, where essentially you have specialist services—we all know that victims of domestic abuse say time and time again that such services make a life-changing difference, and that has been well evaluated—with the survivor voice at the centre of the response; and where all entities, including housing, health, the criminal justice system and community and religious groups, are doing their part to address domestic abuse properly, as they should.

That is why I loved the job description set out for this role, which is about mapping provision and looking at our findings from homicide reviews. I have just come from an organisation that, sadly, has chaired over 60 homicide reviews. The idea of co-ordinating the learning from those reviews highly motivates me, as well as other aspects of the co-ordinated response.

Tangibly, what I would like to set out and do, as quickly as possible, is to get on with that mapping and really help to shine a light not only on where practice is lacking but on where there is good practice, because we need to emulate that and really push for that to be much more common across England and Wales.

Q3 Victoria Atkins: Thank you; that was most helpful. Your current title is designate Domestic Abuse Commissioner, because you will not possess statutory powers until the Bill becomes an Act. To help the Committee to put the framework in place—I suspect you may be asked questions about this—what are your thoughts on the statutory powers that you are given under the Bill?

Nicole Jacobs: I have been in post for a month, and one of the things that has struck me already—I was not fully expecting the breadth of this—is how much survivors and people who work in the sector and elsewhere have embraced the idea of this role. I understand the idea of public leadership in the role and what that means to people, but the powers that the Bill will give my office are critical.

I am an expert in domestic abuse, not in commissioners' powers, but I have done a bit of looking around and talking to other commissioners and I have had in-depth talks at the Home Office about this. Essentially, I feel that the powers in the Bill are fit for purpose, as far as I understand them. Obviously, I will defer to you if you think they should be strengthened, but what I like about them as they are set out is the ability to table reports to the Home Secretary and Parliament, and the timeframe in which the Government must respond if my office has made recommendations in those reports. I know from having talked to other commissioners that that is very important. The ability to redact information in my reports is limited; there have to be compelling reasons.

You know all those details, but the powers are quite well set out and have been well thought through, as far as I am concerned. Having said that, more power is fine with me, so if you, in the course of your duties, come across things that you feel would improve the independence and power of my office, I would certainly welcome that.

Q4 Carolyn Harris (Swansea East) (Lab): Good morning and welcome. It is an absolute pleasure to have you here. I am interested to hear you say that you would welcome more powers. An issue for me, at this moment in time, is whether you need more time. I am really concerned about the fact that the role is part time, and there is definitely an opportunity for us to look at that. I am offering you a full-time job here.

Nicole Jacobs: I would love it. I have said from the very start that I recognise that this is a huge role. I am certainly 100% committed and passionate, and I would welcome working more. I will obviously be building up a team, which will sit around me in my office. I am slowly starting to recruit for it, and I will feel better when I have got it. I always try to point out to people that they should not worry about the fact that there is not a team sitting around the commissioner. There is resource there, but of course I believe that it is more than a part-time role.

I understand from my conversations with the Home Office, which is my host, that there is a real openness to doing that. People made that clear on Second Reading—I was listening in Parliament—so I do not worry about that so much. Once I have been in post a little longer, I can make a decision if I believe I need more time, but I would certainly welcome your support on that. I would really like that.

Q5 Carolyn Harris: You have had an opportunity to look at the Bill. What are your thoughts on the gender definition within it?

Nicole Jacobs: I am of the view that there is a gendered nature to domestic abuse. Going back to the homicide reviews that I was talking about earlier, three fourths of them are intimate partners or former intimate partners—that is highly gendered. A fourth of those

homicides are adult child to family—again, that is highly gendered. That does not mean that there are not male victims of domestic abuse. Both those things can be true. In my area—I have just been working in central London—there were 4,000 women who came to services in just one tri-borough area last year. That is a lot. The facts speak for themselves.

I appreciate that your dilemma is that you want to write inclusive legislation that is clear that domestic abuse can happen to anyone. Where I have eventually fallen on this is that there is strength in the statutory definition in wanting the gendered nature of domestic abuse to be very prominent in the statutory guidance. If you can all figure out a way to make the law gendered and still address the breadth of people who suffer domestic abuse, I would welcome that. My understanding is that what you would like, and what the Joint Committee on the draft Bill looked at, is to have gender-neutral language in the law, underpinned by much more informed statutory guidance related to the gendered nature. I hope that makes sense.

Carolyn Harris: That is perfect.

Nicole Jacobs: I am sure we all recognise the gendered nature of domestic abuse.

Q6 Sarah Newton (Truro and Falmouth) (Con): It is a pleasure to see you here today, as it was to see you in the Gallery. I thought it was terrific that you sat through the whole debate.

Nicole Jacobs: I thought you were all terrific.

Sarah Newton: You made a compelling description in your opening remarks about the landscape of community services and specialist services commissioned by the NHS, local authorities, children's services, and police and crime commissioners. I am delighted that you have picked mapping this provision of services as a key priority. Are you also looking at prevention services? We know that, unfortunately, if children grow up in a home where they witness domestic abuse and violence, they are far more likely to become perpetrators or victims. Given the scale of the challenge—we have heard your reflections on time—will the budget of £1 million be enough to undertake such a mammoth mapping exercise? What role does sharing best practice have and how would you undertake that partnership working, given the range of agencies involved in providing services?

Nicole Jacobs: I will take on prevention first. You are exactly right, and we will all differ in our views of what we would undertake if we were preventing domestic abuse. Some of us would be interested in a public health campaign. Some would be interested in work within schools. Some might say that we need to do a lot to intervene early, so that we are educating all manner of frontline services about how they can prevent this. With any issue as complex as domestic abuse, it must be all three, and we must do all that.

Although I endorse the idea of a public campaign, I am aware that we would have to have the services and the breadth of development and understanding to underpin that. If we raise the expectations of the public—if we want them to understand that we are there and they can reach out for help—we need to have the help in place. I can see a role in helping to shape some of those prevention

activities, but that responsibility rightfully sits within Government. My office, for example, cannot run a prevention campaign, but I really endorse the idea of helping to support the Government to do that.

In respect of my budget, I understand the scope of the staff team I can hire. I understand that I can have roughly 13 staff members with that budget. I can anticipate what I think they could do in terms of analysis, stakeholder engagement and policy work. As the Committee hears further evidence, I encourage you to be mindful of the fact that there are a lot of ideas and discussions about what else my office might do. Please be mindful of the fact that if there are any additional responsibilities, they will need to come with additional resource.

I am a bit concerned about being able to do the breadth of that mapping. I would have to depend on Departments sharing with me the information that they already have, and charities in our sector doing the same. I do not intend to start from scratch. I know there has been a lot of work, and I would like to have access to that information and make sense of it, and to use it as part of the mapping. There are some efficiencies in that way.

In terms of my background and the breadth of what gets mapped, which was the last part of your question, the organisation I have just come from is about promoting a co-ordinated community response. We have specialist courts, and we had health-related and housing-related work. I feel that I would have a level of precision in terms of knowing what I would be looking for. You are right to say it is a huge endeavour, but there are definitely areas of work where we know what the practice ought to be. We do not have to worry about figuring that out; we just need to know who is doing it and who is not, and why not. With the breadth of that, there is a bit of expertise that I can bring that will help to make that a little more precise and efficient.

Q7 Diana Johnson (Kingston upon Hull North) (Lab): Welcome, and congratulations on your role. I want to ask you whether the fact that the advertised role was part time was one of the reasons you applied for it. I asked the Minister about this in the House of Commons yesterday, and she said that she had had advice from recruitment consultants that we would get a better breadth of applicants if we had a part-time post. Is that why you applied?

Nicole Jacobs: To be perfectly honest, I applied because of the job description. I was very motivated by the job description. In fact, I looked at that more than I looked at the part-time nature of the role. I would have questioned it a bit, but then thought, "Well, there'll be lots of full-time staff on my team." I was very relieved in my initial conversations that it was likely, if I wanted to spend more time—

Q8 Diana Johnson: You would like it to be full time.

Nicole Jacobs: I can imagine that if I were at a different stage in life, with different responsibilities, I might find that attractive. Right now, from my current thinking about it, I would love to be doing it full time but it did not dissuade me when I saw it was part time. I just assumed I would have to work around that.

Q9 Diana Johnson: I wonder whether you have read the prelegislative scrutiny report on the draft Domestic Abuse Bill, because it was clear from its recommendations

that there was unanimity that the issue of accountability was not properly addressed in the way the commissioner is accountable to the Secretary of State in the Home Office. Their budgets and staff are set by the Secretary of State in the Home Office. I wonder what your thoughts are on that.

Kevin Hyland, who was a commissioner with whom I am sure you are very familiar, gave evidence that the Secretary of State would have too much control over the commissioner's budgets, the staff employed and the content of the commissioner's reports. I note that you said at the beginning that you wanted to be a publicly independent commissioner and hold the Government to account. What is your view on what Kevin Hyland said?

Nicole Jacobs: Obviously, I have really considered that, because the last thing I want to do is stop the job that I love in the charity sector and come to a role in which I would not be able to exercise my independence as much as I would like. In the ebb and flow of the work on the Bill, I looked at a framework document just last week that set it out more clearly. I am sure you will have sight of that in the Committee. I feel quite confident in the way I have negotiated thus far with officers at the Home Office, in terms of asserting different changes and things that I would like to be clarified. I have felt confident in the way that that has been conducted to date.

I would highlight that the budget is set out year to year. My view, as I have said to the Home Office, is that if I have a three-year plan and my term is for three years, I should have assurance over the budget over that time. I will have people working for me, for example, who will be working on things, so I would rather have the assurance of three years at a time rather than year to year. Again, I am highlighting that to you not because I am concerned about it but because we are discussing that now. In other words, I have felt assured by the reactions of the Home Office to date, in terms of how I will conduct myself independently.

Q10 Diana Johnson: In terms of being able to be accountable, do you think it would be better for your role to sit within the Cabinet Office rather than the Home Office?

Nicole Jacobs: I have considered that as well. I have worked in this sector for many years. There is expertise in many Departments, obviously, but the Home Office has traditionally been the centre of activity, not just for criminal justice related work but for good leadership in terms of violence against women and domestic abuse, in any number of areas. There is a certain level of expertise within the Home Office of which I am appreciative; I have less experience with the Cabinet Office. I know people who work there. I would defer to your view, but I feel confident about the hosting at the Home Office.

I hope I am not naive, but I fully intend to be independent. I do not intend to wilfully disagree if I do not disagree, but I do not feel hindered in any way in the process to date, in terms of my independence.

Q11 Diana Johnson: I wanted to ask how you feel you will be accountable to Parliament. This is a parliamentary Committee, so how will you do that?

Nicole Jacobs: By tabling reports to Parliament and annual reports. One of my biggest regrets about only being in post for a month is that I have not been able to

get around and speak to many parliamentarians yet, and there has been all this activity related to the Bill. I feel that I would be accountable to Parliament in the way that I would table information and reports to Parliament, and be clear about the work of my office, what we are finding and what we are doing about it. I thoroughly understand how accountable I am in this role, and I would welcome any ways that you wish to improve that.

Q12 Gillian Keegan (Chichester) (Con): I, too, would like to congratulate you on your new role. There are such high expectations of this role. As the comments so far show, this is now the time to make sure that we set out the role so that it is set up to be successful.

I listened to what you said about mapping and co-ordinating support services to eliminate the postcode lottery across England and Wales, and to make sure that we have a clear idea about what services are there. We know that there are big gaps in services for survivors and children. It is a massive brief. Like many Committee members, I have concerns about whether this can be a part-time role or whether you will end up doing it three times over. This is going to take up a lot of time.

You have a staff of 13. Could you give us a bit more colour about what that staff looks like? How are you going to eat this elephant, in a way? It is a massive thing to do. What can we expect? Perhaps our expectations are too high. What can we expect in the first 100 days or so? Now is the time to say and to give us all the feeling about whether the role ought to be considered to be full time, whether the budget is sufficient and whether you have the right staff. We want to make sure that you are successful and that we get it right. We do not want something where we all come back later and think, "That's disappointing."

Nicole Jacobs: In terms of the first 100 days, to give a little more colour, I would expect to be hiring a chief of staff next week and some element of communications specialism within the office, but primarily having analysts, policy leads and officers. For me, having a stakeholder engagement post is very important in order to feel like I am doing as much as I can to reach out to frontline services and individual people, and to have built up an advisory board, which would include people who have been subject to domestic abuse.

I agree that there is a lot to do and a lot of breadth of work in that. One thing that would help me is for you to consider the statutory duty for services. If my job is to help shine a light on what practice ought to be out there and end the postcode lottery, I cannot do that on my own. One of the things you will be thinking about in this Committee is the statutory duty for accommodation-based services, which I wholly endorse, and I congratulate the Ministry of Housing, Communities and Local Government on all the work and leadership on that. I believe that duty should be expanded to the breadth of frontline services for domestic abuse.

You will understand that housing-related services will excellently cover refuge and those types of associated services, but there is a whole breadth of other services such as community-based independent domestic abuse advisers. A significant majority of domestic abuse services that we call specialist services do not fall within the duty as it is set out. That would be a great help to me as the commissioner, because that would strengthen the services

that must be provided. In some ways, the underpinning of that would be a huge boost to not only my role but the provision of services in England and Wales.

I would love to give you a precise budget increase that I would like, but I have been in role for a month and I do not have my full strategic plan and the costings set out. I would feel a bit embarrassed to come to you and say, “Could you provide more resource, but I can’t really tell you the strategic plan and exactly how it will fall out?”. I feel I have the resource now to get started, certainly, and to make headway. My understanding of the framework document, which I would love for you to take a really good look at and consider, is that as that strategy is set by my office, there is a process of negotiation related to what resource I need. I would really appreciate anything you could do that would strengthen my hand in terms of what I can do at that point.

Q13 Gillian Keegan: Could you give us a little more information on stakeholder engagement, as that will be a key part? How do you see that playing out and who are the key stakeholders?

Nicole Jacobs: In my mind, the absolute stakeholders are the adults and children suffering domestic abuse. They would be first and foremost in my mind. I know that sounds possibly clichéd, but in every decision I make and everything I do, that would be the first thought I have—what the implications are, what is needed, what people are saying about services. It would be the first thing I consider.

I will not go into all my thoughts about this, but it is difficult to consider how we would do that properly. How do we engage? We are talking about millions of people, so I would like to think carefully about how to do that in a meaningful way, in terms of advisers and whatnot.

I brought with me something that I was struck by—of course I cannot put my fingers on it right now, but I do have it somewhere. I know several of you were at the Law in the Making launch in Parliament last week, and there was an amazing booklet that set out priorities that were set by survivors. It is an excellent example of the careful bringing in of the views of stakeholders. I fully intend to take every one of the recommendations and, if they are not addressed in the Bill or the statutory guidance, to use them in some way in my mapping.

I know this is a long answer, but it is worth you understanding that my view of stakeholder engagement is much broader than that. Going back to that co-ordinated response, where is health? We talk about the health response to domestic abuse, and one of the recommendations from the Law in the Making booklet was about mental health services. There is a lot to do to engage stakeholders, such as mental health trusts, acute hospital trusts and clinical commissioning groups, and in every area that is being mapped, a whole host of stakeholders need to be engaged fully and to understand where the practice is, where their practice should be, and what we expect. I will aim to do that.

Q14 Gillian Keegan: Thank you; that was a helpful response. Will you tell me one last thing? In a lot of the discussion, there was clearly a great deal of difficulty with the children of survivors—in finding school places, in considering the children and with the support services for children, who are also survivors of domestic abuse. I

am conscious that this role is massive, but how do you see it fitting in with them as stakeholders and with the provision of services for them?

Nicole Jacobs: That is why I feel strongly about the broadening of the statutory duty. One of the things that I want to point out is that when you hear about refuges or community-based services, all those people are serving the needs of children. They are the people who are finding the school places and thinking about advocating to CAMHS—child and adolescent mental health services—for example, about waiting lists and all sorts of things.

That aside, there is still a distinct lack of services that address the child directly. There are the needs of the child and then what services a child in their own right should have, such as counselling support to understand and make sense of the trauma they have suffered. Those services are seriously lacking because in the local authority, at the local level, it is the crisis-related services that are prioritised for funding.

Believe anyone who gives you evidence on the lack of services for children, because it is true to say that it is very unusual to find an area with genuine nice provision and breadth of services for children in that respect. Again, that is why we need to be clearer about where that is happening, so that we can learn from it—how do they fund it, or which partners come together at the local authority level to fund it? Even better, that should be included in the breadth of a duty that we would expect everyone to have. That would make things significantly better.

Q15 Alex Norris (Nottingham North) (Lab/Co-op): Welcome, Nicole. I have just two things. To continue the theme of mapping, it has always seemed to me that there is a real challenge with refuge or accommodation-based support because a constituent of mine, for obvious reasons, is as likely to need somewhere outside Nottingham tonight as inside Nottingham. There is no connection between the commissioning decision made in, say, Birmingham and that individual back in Nottingham, in the way that there would be for another service commissioned through the local authority. I know you are in the early stages of this, but have you had much chance to consider that issue, perhaps drawing on your previous experience? How is the health of the national network of refuges at the moment? Do you intend to establish that in your role?

Nicole Jacobs: My colleagues at Women’s Aid, whom I trust, would say that we are turning away one in three people who seek a refuge. I know what it is like to try to find a place in a refuge—I have many years’ experience in frontline services and I have been at the end of the phone on a Friday night trying to find a place for someone sitting in front of me who has nowhere to go. I welcome the establishment of a solid fundamental duty to ensure that that provision is in place.

I like the way that MHCLG has consulted many stakeholders about having a board that would include specialist services that map and think carefully about the priorities in any area. All those things would end the idea of, “I am funding something that is not for ‘my residents’,” which has been the attitude from some, although not all, local authorities. Some local authorities have had an attitude of, “Why are we providing this service when it is not our residents who are attending?”, but if everyone did that there would be no place to go.

Some of the measures being introduced will address that in part, but I stress that things such as provision for migrant women or people with no recourse to public funds—I cannot tell you how frustrating it is when you are desperately trying to find suitable, safe accommodation for someone in those circumstances. I am sure you will hear a lot of evidence about that, so I will not go into great detail, but we must seek to improve those things through the Bill in terms of our duties. I do not see it happening any other way.

Local authorities are very constrained. For example, even when you go to a local authority with great solid information and say, “This is the percentage increase in our referrals; this is the breadth of what we are not doing,” the response is not, “Okay, you have given me the evidence, here we go.” Usually, it is, “Let’s have a 10% cut because we are cutting all services right now.” That is the reality out there, and that is why there has been such a lot of enthusiasm for the idea of a duty, which I feel needs to be extended.

Q16 Alex Norris: Pivoting to recruitment, the Home Affairs Committee heard from Kevin Hyland, just before he left his role as anti-slavery commissioner. We asked him about the challenges and what he knew then that he did not know at the beginning. He said that one challenge of being in the Home Office is that, quite rightly, it has exceptionally rigorous recruitment processes because of the access to exceptionally sensitive material, including on organised crime and counter-terrorism. All that makes abundant sense, but it means that recruitment of staff is difficult, and he was taking up to nine months to bring in members of staff. You are building a team of 13 people from scratch. How is that looking so far? Do you have any of those anxieties? Has anything changed? Is there a streamlined process specifically for you?

Nicole Jacobs: Yes, it is quite different. I am used to working in an organisation where if I wanted to recruit someone, I could go to my office, write a job description, put in an ad, and it would all be done. It is a bit of a shock. There has been some real learning from Kevin Hyland. The team in the Home Office that has been helping me get set up—I have had some support—has really got ahead of that and the recruitment, which has been great. I feel it has helped to manage my expectations a bit, but it has got a few key posts in place. To be honest, if the team had not done that—it was a courtesy to get me off to a good start—I would be doing it now, and instead of interviewing next week I would be interviewing in three months’ time.

I understand what Kevin Hyland was saying, and it reminds me of something that I would like to point out. I was madly reviewing all the documents in preparation for coming before you—although you are very friendly and not as intimidating as I had thought—and one of the things that I noted was this thing about recruitment. It says that the Domestic Abuse Commissioner would approve the recruitment. When I read that wording, I thought, “This is my staff team, and I will select it. If it is not me, it will be my chief of staff.” I would not approve the recruitment; I would be doing it. Again, I do not anticipate that I will not be able to negotiate that in the framework agreement, but it is something that I noticed yesterday, and I thought, “Actually, it should be worded to be really clear that I or someone on my team will be recruiting, as it is my staff team.” I will be advocating for that small change in the wording.

Q17 The Parliamentary Under-Secretary of State for Justice (Wendy Morton): Good morning, Nicole, and congratulations on your new post. I want to focus on one particular group of stakeholders: victims and their children. I believe they are at the heart of the Bill; I wonder what your thoughts are on that. What do you feel are the right levers for improving the response to domestic abuse for victims and their children?

Nicole Jacobs: Without saying some of what I have said already, I think it is necessary to have the basic services on a very solid footing, in terms of the provision of funding, and to include that for all survivors, no matter whether they are disabled, LGBT or migrants. Frankly, to be the bearer of bad news, there is massive room for improvement in every direction. That would be central to my thoughts about what those levers would need to be—the levers that would enable the funding to be settled and much more stable. Later, you will hear from Jo Todd about male victims and perpetrators of domestic abuse, and I would endorse all those things.

It is not as if people who experience domestic abuse line up at the specialist service door or call. They are most likely to receive support through the nurse, the housing officer, the neighbour or the community leader. There will be a pathway to support. It is interesting to think about those levers individually. What does housing need to do? What does the criminal justice system need to do? I am a huge advocate of specialist courts so that when people access the criminal justice system for redress, the system really pays attention to them as a witness. The levers are different for different types of service and different pathways into support. I know that is not a very succinct answer, but there are many things we can do in every area that would lever support. Some would not need to be contained in the Bill; some would rightly sit in the statutory guidance alongside the Bill. An exciting aspect of this process is strengthening that guidance. I have had sight of an initial draft and was pleased to consider what this would be like and what kind of effect it would have, once it was in the statutory guidance.

Q18 Wendy Morton: In terms of working with others, we obviously have the Victims’ Commissioner and the Children’s Commissioner, and we also have the Welsh Government national advisers’ role. How would you see your work linking in with them, or any collaboration with them? How do you see it all not just knitting together, but working together in this space?

Nicole Jacobs: I always really admired Vera Baird, the Victims’ Commissioner. She has been quite active in this process and you will be hearing various things from her colleagues who work with her. In a lot of ways, the synergy with her office is quite clear to me, because of the breadth of her understanding and her background. I feel the same about my initial conversations with the national advisers—I met with them yesterday—and the Children’s Commissioner and others. Technically, there will be a memorandum of understanding that will set out and make clear the delineation of priority, duties and how we will co-ordinate. Practically speaking, we are off to a good start: I feel really enthusiastic about how we will work together and think about really practical ways to work so that we are not stepping on each other. There is plenty to do and if anything I do not think there will be any stepping on toes; there will be a lot of co-ordinating work and prioritising of what we would like to see done. That should work quite well.

One thing I find is that there has been a lot of discussion about the breadth of violence against women and girls, and that could sit in certain aspects of what I will do but it could also sit well with the Victims' Commissioner and other commissioners. There is a lot to do to co-ordinate that work, but I feel confident that will happen.

Q19 Wendy Morton: Just one more quick question. You touched on the work of Jo Todd and we talked earlier about the definition of domestic abuse and about gender neutrality. How do you see your role in terms of supporting male victims of domestic abuse?

Nicole Jacobs: I see it in a fairly similar way, in terms of feeling that I would want people to feel I was championing and amplifying their voice, their views and their needs. I would not see it as wholly different in that way. For example, in many aspects of my career over many years I have worked with male victims, particularly in health settings, where perhaps you would be more likely to have people come forward or be able to intervene early. I would see it in a very similar way, but that does not mean it would be the same. We have to realise that there are all sorts of intersections. We have to appreciate the differences: male victims may not need the same provision of services or types of services. I would be open to having these conversations and understanding what would be individually needed for any number of groups, including male victims.

Q20 Eleanor Smith (Wolverhampton South West) (Lab): Good morning, Nicole, and congratulations on your role. How much importance do you place on diversity in your recruitment, and within your department and the work you are doing there?

Nicole Jacobs: I highly prioritise it, partly because I understand that people who are subject to domestic abuse are very diverse. We say that it is a gendered crime, but all women are not the same. There are older women, disabled women, lesbian women—there are all sorts of people that I would want my office to represent. I really want a diverse range of people represented in my office and being engaged by my office. Put simply, I would absolutely be committed to that, because we have learned in the past that sometimes we have geared our services and responses towards people who might be similar to those running the service.

Over the years, we have learned that we must have a more diverse service pathway. For example, in the area of London where I come from, instead of commissioning one service, there is a partnership of nine services. It is a partnership and it is commissioned as one. That has allowed for smaller, community-based BME services to thrive and be part of the service framework. That is the kind of thing I would really like to see more of and to be encouraged.

There are unintended consequences of promoting the provision of service. The worry is that larger charities will come into the frame and provide more generic services. People who have been subject to domestic abuse tell us that they want many pathways and to know that there are people in particular communities whom they could approach. I am a huge advocate of making sure that we do not do anything that would make small charities even more fragile in that way.

Q21 Huw Merriman (Bexhill and Battle) (Con): You will be aware from listening to the Second Reading debate that there was discussion as to whether the definition should pay regard to the fact that women are much more likely to be victims or survivors of domestic abuse than men. I thought that was more a statement of fact, but I could see the argument that that would help to ensure that providers or funders would weight provision according to that same proportion. Will your office and powers allow you to investigate and ensure that providers are providing on a proportionate basis when it comes to gender?

Nicole Jacobs: I think so, because the approach is very much based on the idea of mapping and understanding needs. Anyone who is doing that properly will understand this gendered nature. What I want to get across and achieve is, at the very least, a prominent statement about that in the statutory guidance, because that would have an influence and would be something tangible to point towards. It does not happen in every single place, but it is not unusual for services to be commissioned in such a way that people think: "Well, we have to take a gender-neutral approach, so that is not fair, so it has to be a much more generic service." That flies in the face of all that we know is likely to work.

I feel comfortable with what you describe. I would very much welcome your views on whether you think it should be in the law versus the statutory guidance. At the very least, it has to be prominently put in the statutory guidance. A lot of the mechanisms that are being promoted in the statutory duty, such as the mapping and multi-agency planning of services, should, I hope, address that as well, if done properly.

Q22 Huw Merriman: May I ask a supplementary question? You talk about the guidance; excuse my ignorance—I should perhaps have known this—but in your role how much input will you have in writing the guidance?

Nicole Jacobs: I have been shown the guidance and I had a session last week where I was able to suggest changes. I would like to think the changes will all be there the next time I see the draft, but it is in process right now and I think the idea is that the guidance will be published by the time the Bill passes. I am perhaps being a bit trusting, but I believe that I will have input.

As long as I have made my case strongly, and it is fair and clear, I do not see any reason why my input would not be in the guidance.

Q23 Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Congratulations on your recent appointment. I have two questions on the jurisdictions of the United Kingdom and devolution divergence. I will start with Northern Ireland, although I appreciate that you are the commissioner for England and Wales. The Joint Committee report stated that it was unacceptable for people in Northern Ireland to be denied the same level of domestic abuse protection as those elsewhere in the UK because of the lack of a Northern Ireland Executive and Assembly. Do you believe the Government's response as it stands to be satisfactory? In the present circumstances, do you have any role whatsoever in relation to Northern Ireland?

Nicole Jacobs: No, in the present circumstances I do not. That does not mean that I am not interested. I am the type of person who would be very interested in the

services needed—all that we have discussed—in Northern Ireland; they would be needed anywhere. As for raising the quality and provision of services, my assumption would be that that all stands for Northern Ireland, but in terms of what I have been hired for and what I am currently doing, it is for England and Wales. It would be entirely up to you potentially to change that.

Q24 Liz Saville Roberts: That leads me seamlessly to my next question, which is about Wales. I appreciate that Wendy Morton mentioned the adviser to the Welsh Government, who is giving evidence to us this afternoon. The Joint Committee made a recommendation on reporting to the Senedd—Wales’s Parliament—and a duty to consult. Of course, Wales has the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. Here we have an instance of devolution divergence, given that housing, education, health and local authorities are all devolved. How do you see your role interacting with Welsh Ministers as well as in accountability to the Senedd?

Nicole Jacobs: If I am being totally honest, I am still working that out. One of the conversations I had with the national advisers yesterday was precisely about that so that I would fully understand what is currently happening in Wales, which is quite impressive in terms of the structure of legislation; there is a lot to learn. Some of what I was doing was listening and hearing their experiences from the last two years in post and what they know of from before that. I am sure you will hear about that today.

I asked the national advisers, quite openly, where they see the potential for us to work together, and obviously they thought that particularly in the criminal justice or court systems there are lots of ways we can work together in joined-up efforts, but I would be respectful of the notion that many duties are devolved.

There is a lot of progress. If anything, there is a lot of learning to do on the agenda in Wales. The overarching duty of Government has been to ask and act—I am sure you will hear evidence about that—which is very impressive, as is the headway they have made. The advisers were talking to me yesterday about how many thousands of frontline workers have been trained in Wales. The proportion of Government Ministers who have been trained in Wales is extremely impressive. I would want to be cautious. I would want to plan with them essentially what we can learn but also what exactly I should do, because I would not want to do anything that would disrupt those structures.

Q25 Liz Saville Roberts: Justice is not devolved to Wales, yet many of these critical services are, and you are answerable to the Home Office. Do you feel that there should be answerability to Wales, given the critical nature of those services, which are devolved, and the fact that criminal justice over-straddles that?

Nicole Jacobs: I understand what you are saying. In other words, would I welcome the idea, for the issues that I would predominantly be working on, of answerability to Wales or Welsh Ministers? Of course, any mechanism that is appropriate to do that would be important to me. In fact, yesterday the national advisers were saying that they really welcomed the idea that I would be meeting the breadth of Ministers in Wales. They were not very territorial about that; they liked the idea that, once

things have settled down, we will find ways to work together. There is obviously some resource that I can bring, in terms of things that they would like to get done. Again, I would be very cautious to learn exactly what is happening before setting out some kind of plan, not knowing how all of it co-ordinates or connects with Welsh colleagues, or whether it is welcome.

Q26 Luke Graham (Ochil and South Perthshire) (Con): Welcome and congratulations. My questions will be a bit about Wales, but also Scotland and Northern Ireland. I do not want to put you in a constitutional hotspot, because most Ministers and MPs could not answer some of these questions, but hopefully they will help to clarify the position and provide a bit of guidance to us. You will be held accountable to Wales, Scotland and Northern Ireland, because there are Scottish, Welsh and Northern Ireland MPs who sit in this place and will, of course, hold you to account. One part of the Bill is the advisory board—clause 11, I think. As part of that, part 4 and subsections (a)(b)(c) and (d) specify certain participants who should be part of the advisory board. It is very specific about ensuring the representation of the interests of voluntary organisations that work with victims of domestic abuse in England, healthcare services in England and providers of social care in England. Given that, certainly for now, you cover England and Wales, do you think it would be helpful for us to specify the same stakeholders from Wales to ensure that they are on the advisory board and that England and Wales are represented at that level?

Nicole Jacobs: Potentially. Because some of those issues are devolved to Wales, I would not want to impose the requirement that someone would have to come and sit on an advisory committee of mine if they thought, “In actuality, this is something that we govern ourselves.”

My intention is that the advisory committee will not just be set at 10. That is something that I was looking at last week. It could be set there, but there could be any number of advisers. In fact, I have been highly encouraged to use advisers from areas that perhaps do not sit in that official capacity. I think I would be seeking out advice. There is incredible work being done in Scotland. There is good legislation and really interesting work there. I think that, in any respect, I would be very curious and would want advice from outside Wales and England.

I suppose I would leave it to you to consider whether it is necessary to have them as official advisers. If my role and passion in life is seeking out the best practice—I assure you that it is—I would not be restricted by borders in that way. I would be very interested to visit—I often do this—and hear about work in Scotland, and I would like to know more about Northern Ireland. I am learning every day about Wales, and have done for the past few years, since that legislation was introduced.

Q27 Luke Graham: That leads me to my next question. In your experience—obviously, you come from the United States, which is federal system with several different states and lots of different jurisdictions, but they come together as one country—do you find that domestic abuse or relationships stop at certain political jurisdictions?

Nicole Jacobs: No, not at all. You will have issues related to people moving from one place to another. In fact, that is a tactic that abusive people use to isolate

their partner or family from sources of support. There is no doubt that there is a need to co-ordinate and understand cross-border.

Q28 Luke Graham: You have talked a lot about the mapping exercise that you want to undertake. Do you foresee problems in having a national network, when it is not actually national—it covers England and Wales only, which is not our country but only two parts of it? Do you foresee major problems with that, especially when many victims, as in my constituency, will be flipping between different parts of the UK or will have family the length and breadth of the UK?

Nicole Jacobs: You are correct that that is true. My understanding is that what is happening in Scotland is quite impressive in terms of legislative changes. I know from a frontline-service perspective that in England we often look to Wales and Scotland to see what is happening there. I would not anticipate there being something superior happening in England. It would be more about learning, co-ordinating and making sure that my office would talk to equivalents in Scotland. My understanding of Scotland is that there is more of a regional and planned perspective of services. There is a lot of learning there, and certainly co-ordination.

Looking down the line, if there was a view taken between countries that there was inconsistency in service provision and something to bring back to you, that would certainly happen. I can imagine there would be a lot of cross-border support. I am about ending the postcode lottery: if there was a related issue in Scotland, I cannot imagine we would not find ways to work together and to promote those ideas. I hope that addresses it.

Q29 Luke Graham: It does. I appreciate that. I have one final question, if the Chair does not mind. Unfortunately, in an area such as this, your role is so worthy and so wanted throughout the United Kingdom. I do not want to put you in a political hotspot with our constitution, whether it is Brexit or other movements where the UK can become a bit of an issue. However, I have a big concern. In my constituency I have Clackmannanshire, which has the highest instance per head of domestic abuse in Scotland. It is as much of a postcode lottery in Scotland as it is in other parts of the United Kingdom.

To be devolved does not mean to be separate. You come from a country with a federal system; the point about eminent domain still rests within this UK Parliament, as the sovereign Parliament. I do not see this as an either/or model. I would be very keen for a role such as yours to have a UK-wide remit, following a similar model to the Office for Veterans' Affairs that was recently launched, which connects devolved and reserved matters and guarantees guidelines and standards throughout the United Kingdom, which I think is exceptionally important.

Do you foresee any problems? The Bill is quite specific about Wales. Paragraphs (c) to (g) of clause 6(2) talk about

“undertaking or supporting (financially or otherwise) the carrying out of research; providing information, education or training...to increase public awareness...consulting public authorities...co-operating with, or working...with, public authorities, voluntary organisations and other persons”.

At the moment, the Bill talks about

“co-operating with, or working jointly with, public authorities, voluntary organisations and other persons, whether in England and Wales or outside the United Kingdom.”

I find it bizarre that we are creating a Bill that says, “We want you to co-operate with England and Wales and other countries outside the UK, but not the two other constituent parts of the United Kingdom.” Do you foresee any problems for us in trying to extend your role in just paragraphs (c) to (g)—which currently apply to Wales—to Scotland and Northern Ireland? Obviously we might have to stagger that for Northern Ireland because we have no Assembly just now, but do you foresee any problems with extending your role for guidelines, consultation and research, so you can complete the mapping exercise and make sure that the service is provided to all citizens of the United Kingdom, rather than just two constituent parts of it? I will take away the political side for a minute—that is our job—but from a practical point of view, so long as you got a budget uplift to match, do you foresee any problems in your role being extended to Scotland and Northern Ireland?

The Chair: May I intervene for a moment? We have less than 15 minutes left and we still have four colleagues who have been waiting patiently to ask their questions. I wonder whether we could just speed it up, please.

Nicole Jacobs: I will give you a quick answer. I am not sure about some of that, but my instinct about the things you listed is that certainly some would be easier than others and, from my own knowledge of working, some things—such as the good practice mapping and some research—might be more welcome to colleagues in Scotland. Whether that extends to the whole breadth of the activities you described, I am not sure. My understanding of Scotland is that there are different structures, and different things are perhaps being mapped and planned that I am not aware of.

Q30 Luke Graham: There is no commissioner in Scotland. We have no equivalent. Currently, it falls between the courts and Police Scotland to pick up some of the activity. We have no commissioner, so this would not be a substitute; it would be a complement. The idea is that, just as in Wales, you would have a role in that consultation on the work. Obviously, a legislative consent motion could be passed in the Scottish Parliament so that this was done in consultation and agreement with different levels of government rather than being imposed with an iron fist. I just wonder whether you foresee problems on an operational level. I know about the political bits; those are for us to deal with. I am just interested in that operational point.

Nicole Jacobs: Without having thought about it very much, I would say that some of those points seem obvious, but I am afraid I would have to consider some of the others further. There are things I know of happening in Edinburgh in children's social care—“Safe and Together”—on which we are already co-ordinating with England. There are really obvious things to me about learning and maybe some shared research and other matters. On whether it extends to the whole list, I would have to come back to you or defer to your decisions.

Q31 Vernon Coaker (Gedling) (Lab): Welcome to the post. What should we say in the Bill about perpetrators? There is a lot about prevention orders and so on, but

what should we say about that? Should we say anything about rehabilitation or should we just lock them all up? What should we do?

Nicole Jacobs: I would say a couple of things. There are some criminal justice elements in the Bill. Making those robust and effective is not necessarily to do with locking people up but about ensuring that the criminal justice system is working in the way that it should and that is set out. I believe that one of the things we do not do enough is to prioritise multi-agency working around the courts system. In the area I have come from, we have specialist courts. We have a court management group, which is all the criminal justice partners and the specialist service, and they can collectively remember and problem solve around the mistakes that they inevitably may be making. That is not intentional; sometimes it is to do with the bulky way that our criminal justice system works. In terms of holding perpetrators to account, I suppose the one thing I would really encourage the Committee to consider is in what ways, in piloting the DVPOs, we could consider what helps to make the implementation work. We should not just say, “Are the police doing it or not?”, as if it is down to one entity; it has to be the whole of the criminal justice system working.

Having said that—I talked about the duty—I believe there is very little consistency in terms of enabling people to engage and change their behaviour. I would include that in the broadening of the statutory duty. Again, you will hear later from Jo Todd, who is much more of an expert than me, about the breadth of service. There is a perpetrator strategy that many organisations have signed up to that I am very interested in, and which I am sure you will have sight of or will perhaps be given in written evidence. I would stand behind that type of strategy, which is about prevention, provision of service and what I would call incentives to change—both carrots and sticks. What do we do to really have the breadth of provision that we need? Of all the domestic abuse provision, that is probably the most patchy in terms of where you could find places to change.

Q32 Vernon Coaker: Did you say you had seen the draft of the framework document—that you have been talking to the Minister about a draft of the framework?

Nicole Jacobs: I have not been talking to the Minister about it.

Q33 Vernon Coaker: Did you say you have seen a draft?

Nicole Jacobs: I have seen a draft, yes.

Q34 Vernon Coaker: Do you think it would be helpful for the Committee see that draft when we get to clause 10?

Nicole Jacobs: I do not know if I am getting into your processes too much here. I think it is being prepared.

Victoria Atkins: It is in hand, Mr Coaker. That point is very well understood.

Q35 Vernon Coaker: That is very helpful. So we are going to see a draft before we get to clause 10 rather than at the end. That is helpful; thank you very much.

Nicole Jacobs: I might have said “at the end” meaning published to the public.

Q36 Vernon Coaker: That is fine. It is quite helpful. Just to say to you, Nicole, it is very helpful for us to see drafts before we discuss the clause, so we know what we are talking about, rather than appearing at the end of the Bill as a framework that we do not know anything about.

Nicole Jacobs: I can imagine, yes.

Vernon Coaker: It is therefore very helpful that the Minister has helped to support your remarks that we are going to see that before clause 10.

Q37 Paul Scully: Welcome to the role, Nicole. You mentioned your views on the gendered nature of domestic abuse at the beginning. Some people have been suggesting that we should have a violence against women and girls commissioner, rather than a Domestic Abuse Commissioner. What are your views on that?

Nicole Jacobs: I understand the logic. Obviously, some of those who have said that are colleagues of mine. One of the things we would all have to understand about doing that is just how broad a remit you would be moving to. That would certainly extend well beyond all the discussion we have had this morning, to do it properly and do it well.

While many strategies and, certainly, the Government strategy is a violence against women and girls strategy—I appreciate that—when I am describing to you the breadth of what needs to happen for domestic abuse, it is a heck of a lot of work. There is a lot of progress to make. In doing that, it will strengthen certain aspects of what we call those strands of violence against women and girls. For example, so-called honour-based marriage, forced marriage—all these things intersect. By strengthening the approach in general, you are addressing aspects of that, but you are certainly not covering the whole breadth of it. That is when I was referring back to my looking forward to working with the Victims’ Commissioner, and certainly the national advisers in Wales and colleagues in Scotland, where there is a lot of expertise on that. If you wanted to broaden my remit to that, I feel I have the background and understanding to do it, but I would just caution that you are talking about a huge difference.

Again, going back to the very first thing I said to you, the reason I was so motivated by this role is the breadth of what still needs to happen. Sometimes, we think, “Oh, we’ve been talking about domestic abuse for years and years and somehow it’s all sorted.” Well, it is really not. It has shaky foundations, and I think that is what we can address here.

Q38 Paul Scully: That is great. That is why I wanted to ask you about the awareness. One of your roles is to raise public awareness as well, but you rightly said at the beginning that you do not have the capacity to do all the public health campaigns and these kinds of things. How do you see your role and capacity to join the dots, whether from entry-level, early intervention for emotional abuse at that stage, through to members of the public and others who come into professional or personal contact with people in an emotional or domestic abuse scenario?

Nicole Jacobs: I guess what I meant by that is that there is not a budget to run a huge public campaign in the same way as those run by the Home Office in the

past. That rightfully sits within the remit of what needs to be funded and developed in Government, including in the Department for Education and in public health. My role would be to influence that type of campaign, and I would be mindful that my role would be about asserting what kind of services are needed to underpin that campaign. We are raising expectations and awareness. That is a good thing, but we must have the infrastructure in place to meet the needs of what that would bring.

The Chair: This will probably have to be the last question.

Q39 Christine Jardine (Edinburgh West) (LD): I will be brief, Chair. One of the significant things in the debate around the Domestic Abuse Bill has been the Istanbul convention. How significant is it to the work you do that we make sure that we ratify it and are in line with it?

Nicole Jacobs: My understanding is that this Bill will help us to meet those commitments. It is incredibly important. The Istanbul convention is important symbolically, in terms of the message that is sent. A lot of what it does is to create an expectation of Government commitment. Some of the elements of the Bill are tidying up certain things, but there are also elements of broadening the duty—which we will hear about from other witnesses—and broadening the statutory provision of services and strengthening the duty for that all the more. I know I sound a bit like a broken record. Other colleagues will present fine-tuning of anti-discrimination clauses and that kind of thing, which I would obviously support. Symbolically, the Istanbul convention is very important, and what it would deliver practically is important.

Christine Jardine: Thank you. Apologies again for the combination of my sore throat and my accent.

Q40 The Chair: Nicole, before I end the session, is there anything you wanted to share with the Committee, in a couple of minutes?

Nicole Jacobs: I hope you have found my evidence and advice helpful. I have been in post for a month, so I am doing my best in terms of trying to give you the information you need. As you go through the process, I feel confident that you will be presented with a lot more specific information by other colleagues.

I did want to talk about a couple of things that you will be hearing, and I want you to know that I feel strongly about them. I would like you to consider them. We have talked about migrant women, and you have heard and will hear a lot about that, obviously. I am interested in whatever we can do that would improve the family court response in statutory guidance or in the Bill. There is a real, desperate need to better understand what exactly we have to do in relation to the family court. You might be tabling amendments relating to women charged with crimes, understanding their past in domestic abuse, and understanding how that may have influenced their offending. I am encouraged to know that that may be coming.

Lastly, there is the issue of the kind of abuse and financial abuse that happens post-separation. Our coercive control law requires people to be living together, when in fact some of the financial abuse will come after

separation. You will be hearing evidence about that. Again, I would like you to know that I am encouraging of those types of provisions and improvements. Thank you for being patient with me and for understanding my new role. Thank you for your support. I was struck on Second Reading by the level of support from all parties and by the wish to strengthen my role and powers. Thank you very much for all your support today.

The Chair: Nicole, on behalf of the Committee, I thank you for the time you have spent with us today. We wish you well in the challenge that lies ahead.

Examination of Witness

Louisa Rolfe gave evidence.

Q41 The Chair: We have until 11.25 for this session. Will our witness kindly introduce herself and say something about her role?

Louisa Rolfe: Good morning. My name is Louisa Rolfe and I am Deputy Chief Constable of West Midlands police, but I have been the National Police Chiefs' Council lead on domestic abuse since 2013. The job involves working closely with the sector, the Home Office, the Crown Prosecution Service, HMICFRS and the College of Policing. For four years I have reported quarterly to the Home Secretary at the national oversight group, and my focus is on improving the police response to domestic abuse.

Q42 Victoria Atkins: For colleagues who are not familiar with the acronyms of the Home Office and policing, the National Police Chiefs' Council is the collective of the most senior police officers in the country. It is fair to say that it is an influential and important body in the law enforcement world. Deputy Chief Constable, how do you rate the police response to domestic abuse?

Louisa Rolfe: I think it is improving. It has significantly improved over a number of years, but I think it is stretched, and it is highly dependent on partnership working with other agencies, particularly the provision of IDVA services and refuge services. As you will be aware, we have worked hard to improve identification, and since 2013, Her Majesty's inspectorate of constabulary and fire and rescue services has noted substantial and significant improvements in the police response. It recognises, however, that the service is stretched in its response to domestic abuse.

Reporting has gone up by more than 90% since 2013, and some of that is down to improved accuracy in recording and reporting domestic abuse. Up to 40% of that 90% increase could be because we have got much better at identifying things that might have been recorded in the past as a non-crime incident that involved a verbal argument. There is now better identification of things such as common assault and harassment within those incidents. The proportion of reported incidents that become crimes has increased and, despite forces reducing in size since 2010, all have either maintained or invested in their response to domestic abuse, with dedicated investigators and specialists working in the field.

We have worked with the College of Policing to develop the domestic abuse risk assessment, which is an improvement on the established DASH risk assessment

process. Evidence-based research helped us to develop that, and with a number of charities we have also developed the Domestic Abuse Matters training programme, which has been academically proven to increase the empathy of officers with victims and their understanding of abuse. Things are improving.

We are at a challenging time for prosecutions, and a number of things are driving that. Between 2013 and 2016, prosecutions for domestic abuse increased rapidly. They plateaued in 2016 and have fallen since. A number of things are driving that—this is about demand and pressures on the police service and the Crown Prosecution Service. When you look end to end at cases, however, it is also about the higher thresholds required for charging, the standards expected of digital evidence, medical evidence, and disclosure. Attrition in cases, post-charge, has reduced dramatically, but the number of cases hitting the threshold for charge has also reduced. I think that has gone too far, and we are working hard with forces nationally to improve the number of cases that achieve a prosecution and get justice for victims.

Q43 Victoria Atkins: In terms of the national oversight committee, which you have already mentioned, that is a meeting at national level, chaired by the Home Secretary, with organisations ranging from you, for instance, representing the police, through to HMICFRS and the CPS but also charities and stakeholders, who are important members of the group as well. Through that committee, what challenge do our members give to you, representing the police, in terms of the police response to domestic abuse incidents?

Louisa Rolfe: There is a quite robust challenge. Certainly, at the last couple of meetings, we have talked quite extensively about the police response to migrant women and ensuring that our work with immigration enforcement services is effective in identifying and recognising the particular challenges and concerns faced by women who may have no recourse to public funds or have uncertain immigration status. There has been an appropriate challenge from the sector in ensuring that there is an informed and thoughtful response, not a clumsy response, in addressing those issues. There has been a robust challenge about the decrease in prosecutions and particularly referrals to charge. I have worked jointly with the Crown Prosecution Service to present to that meeting a detailed overview of the challenges as we understand them and the work we are doing to improve the situation.

Q44 Victoria Atkins: Just to give us an idea of the pressures that domestic abuse in all its forms places on the police, do you have any measure of how many phone calls or reports to the police there are each day or each year, for example?

Louisa Rolfe: The Office for National Statistics collects police data and the dataset in terms of calls to police, reported incidents and crimes, is publicly available each year. We are talking about more than 2 million reports to policing every year. It is important to understand how it is a growing proportion of demand to the police service as well. More than 11% of emergency call demand to the police service is now domestic abuse and more than 30% of violence with injury incidents recorded by the police are domestic abuse. So, it is not only increasing, it is a growing proportion of caseload. It is often multiple issues together: a significant proportion

of rape investigations are domestic abuse rape. Honour-based abuse, or FGM, are often issues of domestic abuse as well. It is not a simplistic issue, but very complex.

Q45 Victoria Atkins: Will the introduction of 20,000 police officers over the next three years assist in your investigation of domestic abuse?

Louisa Rolfe: Undoubtedly, yes.

Q46 Carolyn Harris: It is a pleasure to meet you. I have been very happily married for 25 years, but I was married before and it was not so happy. I was a victim of domestic abuse—I have never said this before. I can remember the police coming to my house and saying, “It’s just a domestic”. The only person who was going to be able to do anything about that was me, the following day, but I did not do anything about it, because I was afraid. Needless to say, that marriage did not last very long. But I really worry about people of my generation and older, who believe that this is normal and quite acceptable. In the Welsh valleys, I have heard so many times the expression, “Just give it a clip across the ear-hole”. We are getting better but are not where we should be. That is down to the fact that the generations coming behind us are much stronger women, in the sense that they will not take the nonsense that we took. How many older people are we seeing who we know are victims of domestic abuse but are afraid to report it or to take that step to actually admit it?

Louisa Rolfe: From my work with charities I know that that is a very real issue. It goes back to the discussion earlier about the gendered nature of domestic abuse. Some of it is inextricably linked with people’s perceptions of a woman’s place. Particularly with older generations—I know from charities that people are less inclined to report and can often feel more isolated, and that statutory agencies will be less likely to listen, support and understand if someone has been married for a long time in an established relationship.

We have found that domestic abuse is not restricted to one societal group or one area of the UK—it happens everywhere—but perpetrators, particularly manipulative perpetrators, will focus on the vulnerabilities of their victim. If that victim feels that they do not have a close network of friends or family and that agencies are not likely to believe them—perpetrators will often tell a victim, “Nobody will believe you”—that can be exacerbated by their vulnerability.

It might be that their vulnerability is that they are older and more isolated; it might be that they are somebody with uncertain immigration status and their spouse holds all their papers. There are many ways that perpetrators will manipulate and seek to control victims. This is why I promote the work that we have done on the Domestic Abuse Matters training, because it is about understanding what is behind the abuse and looking for signs of control. A lot of research now shows that violence is not necessarily an indicator of more violence, but that coercion and control tends to be the highest risk indicator that we have in domestic abuse.

Q47 Carolyn Harris: Police are under a huge amount of pressure, with lack of resources, lack of police officers and everything else that we talk about on a regular

[Carolyn Harris]

basis. With the DAPOs, I know that the victim will not be charged, but the police service will be charged for court cases. Will that prevent police forces that are already under pressure in terms of budget resources from going for DAPOs because of the financial implications?

Louisa Rolfe: I have spoken to forces about this, and I think it will not. The cost of the DAPO would be the least of our concerns. There are many positive aspects to the DAPO: that it protects from all abuse and not just violence, that it is more flexible, that anyone can apply, that there is no restrictive duration and that it can include positive and negative restrictions. Policing is not deterred by cost, and I have some examples of that. We have a strong record of sometimes stepping in where other agencies are not able to.

A good example is that in my own force last year we spent more than £40,000 over a couple of months on emergency accommodation for women with no recourse to public funds. Where even local authorities and refuges are not able to find emergency accommodation, the police service will fund that, because our priority is the safety and protection of victims.

With the DAPO, there are some costs, and it is not just how much it costs—at the moment, it is £500 to present a domestic violence protection order at court—but often the on-costs and logistics that we must consider as well. When the domestic violence protection orders came in, they were something that the police service must present at court. Some forces employed lawyers to do it and others trained staff to do it, so there is an investment in an additional team and extra resources. Every force has done that, but we have done it to variable degrees.

I think the DAPO will focus on assessing the resources required to do this effectively, but we also need an understanding of the scale and volume. Are we anticipating domestic abuse protection orders for all 2 million victims, or are we thinking of the thresholds at which they would apply and how they could be used most effectively?

Q48 Carolyn Harris: Where are you on a register for perpetrators?

Louisa Rolfe: I am concerned that a distinct register, not embedded within established police systems such as the police national computer, the police national database or the ViSOR—Violent and Sex Offender Register—system, adds unnecessary complexity cost and, most importantly, risk. The Bichard inquiry following the tragic deaths in Soham recommended that information about dangerous perpetrators should not be dispersed over different systems. That is why the PND system was introduced. There are established ways of registering dangerous individuals on the police national database. The disclosure and barring scheme system has access to that database, as do other agencies such as probation.

There is definitely work for us to do in the police service. I have been working with the College of Policing on what the principles for managing serial perpetrators should look like. It recently reported and provided a draft report in which it made some recommendations on improved use of tools to identify dangerous serial perpetrators, effective use of the systems that we have, such as the PNC, PND and ViSOR, and effective multi-agency management of those individuals at the most

dangerous end, using multi-agency public protection arrangements effectively in the way that we do now for dangerous sex offenders or dangerous violent offenders, because those methods are established and it would worry me if we tried to create something distinct over here.

The draft report also recommended a more proactive use of the domestic violence disclosure schemes. If we have identified a dangerous serial perpetrator and we are really clear about the thresholds, when the police service or any other agency involved in the management of that individual becomes aware of a new relationship, there should be more proactive disclosure and use of right to know for potential victims.

My concern about the domestic abuse register is in the logistics and practicalities. Where do we draw the line? Do we intend to add 2 million individuals to that register each year? What are the risks and implications if your perpetrator is not on the register because you have not reported to the police? Would that offer a false sense of security to victims? I would be the first to say that there is more to do to use the systems we have effectively, but I would worry about creating a list that might present as a quick fix but does not address the risk.

Q49 Wendy Morton: I am really interested in hearing that you are sharing some of the work you are doing in the west midlands. You mentioned Domestic Abuse Matters training. In addition to that, could the police introduce any other measures to encourage victims to come forward to the police in the first instance?

Louisa Rolfe: We have done a lot to improve people's confidence. If a victim is to have confidence, I have got to ensure that all the charities I work with have confidence, so that every IDVA we have a relationship with, as well as every GP or health visitor who might come across a victim, will reassure them and give them confidence in reporting to the police.

There is a lot of really good work going on nationally. For example, the IRIS—identification and referral to improve safety—project is live in Birmingham and a lot of other places across the UK. GPs and health practitioners are trained to recognise the signs of domestic abuse and to be able to tell a victim in a very informed way what happens when you report to the police. Often, people have a lot of fear about the consequences of reporting to the police, and it is really important that there is immediately accessible advice and support for victims as well.

Vernon Coaker: One of the real issues that has dogged us for years is the postcode lottery in dealing with domestic abuse and the different responses from agencies and police forces in different parts of the country. Some do it better than others, and prosecution rates vary, with some taking into account emotional abuse as well as physical abuse. Your role is to try to pull all that together and generate a national standard that everyone adheres to. Is it fair to say that there is still a lot of difference between forces? What are we doing to try to ensure that everyone is raising their standard to that level?

The National Police Chiefs' Council will say, "As senior officers, we will adhere to these standards. It is absolutely right and we agree with all of it," but we all

know that sometimes it does not always work in practice. How big a challenge is that for each force? What will you do on that and what more could we do to help?

Louisa Rolfe: There are a number of issues here. When I meet with the sector and the charities, I also meet with a representative from every policing region in the UK. Additionally, the Police Service of Northern Ireland, Police Scotland and the Welsh forces are represented in that meeting. We share best practice.

There is a lot to be said for working closely with the College of Policing in ensuring that, when we are developing policy and practice, it is evidence-based. We took a long time developing the Domestic Abuse Matters training with charities and what I like about it is that it is very focused on challenging culture and perceptions. We have run a number of independent academic evaluations that prove that it increases officers' empathy and understanding. That is the one training that I recommend nationally, and forces are rolling that out.

It is quite challenging: in my own force, the training has taken us nearly a year, because it requires an abstraction of nearly 25% of your workforce to be trained face to face. You need to commit to developing trainers within your workforce who can continue to develop practice and understanding. It is quite a big ask, but we are rolling it out slowly across forces nationally.

On the work on the domestic abuse risk assessment, the DASH tool is very good and still very effectively used by IDVA services, charities and specialists. For many years, lots of forces and academics told me that it was not working for first responders. We have worked with Cardiff University women's safety unit to develop something that we know through evaluation better identifies coercion and control with first responders. We have worked with the College of Policing to develop authorised professional practice, so that there is one standard, and I work with regional leads and force leads. I publish a newsletter regularly to forces and practitioners across the UK on improvements and the work we are doing.

A lot is going on to improve practice, but some is dependent on local variation and local arrangements. There is a balance—I do not want to stifle innovation. Some of the best work has been developed in forces and then shared. Northumbria has done a lot of work on developing a multi-agency tasking and co-ordination response to perpetrators. That has now influenced the work the College of Policing has done and will be part of the guidance on how to better manage serial perpetrators. One of our challenges is the willingness of partner agencies locally to work with policing to develop an approach to multi-agency safeguarding and management of perpetrators.

Q50 Vernon Coaker: Is there anything more that we could do? We have the inspectorate later and could try to influence what they inspect, I guess. What you said is absolutely right and exactly what one would expect you to do, but we still know that there will be individual forces where this will not happen in the way that you or any of us would want. How do you drive that change?

Louisa Rolfe: HMICFRS has included domestic abuse in its PEEL inspections—police effectiveness, efficiency and legitimacy—and it has been a significant part of that. You will hear from Zoe Billingham, the lead HMI, later. We talk quite regularly. If she finds significant

variation in forces, she will often flag it with me so that I can work with local leaders to address that. The biggest challenge is how we embed a more public health approach. I hear from charities that their concerns are less about policing and more about how we ensure that all agencies can work together and prioritise this effectively.

Q51 Sarah Newton: I would like to start by saying to my colleague, the hon. Member for Swansea East how brave she was to share her experience. It reminds us all that every part of the country and every sort of woman is very much affected and how important this work is, so I am grateful to Carolyn. Talking about the Welsh valleys and traditional cultures resonates with me as I represent Cornwall. The point about older women being reluctant to come forward is very much borne out in the evidence.

I thank the deputy chief constable for being with and answering the questions so well. In the new definition in the Bill, we will extend domestic abuse to other family members—grown-up adults and older people—and the abuse that they commit, which is really important. You have described a long process of domestic abuse training—IRIS training, partnership working—to get the frontline police officers sufficiently trained to be able to recognise domestic abuse. This is another huge challenge you are now going to face in extending that definition and the training, so that people are looking out for a different group of victims and perpetrators. How will you go about doing that?

Louisa Rolfe: Thankfully, much of the training we have invested in and the work on domestic abuse risk assessment will apply, because it identifies coercive controlling behaviour, which is often prevalent in those relationships where there are adult children and an elderly parent. I do not worry that we will struggle.

The police service has been working for many years to better understand and address vulnerability, and that is why we had such a dramatic increase in the reporting and recording of domestic abuse. In reality, many of those incidents are already recognised and reported. The challenge is often in the provision of adequate support services, to ensure that victims feel confident that they can take that leap and pursue a prosecution.

There are some great domestic abuse perpetrator programmes out there, such as the Drive Project, which focuses on addressing behavioural change. The evaluation of that programme has shown that it reduces abuse by 30%, which is hugely impressive. However, the reality is that the College of Policing recently looked at the provision of perpetrator programmes and found that only 1% of perpetrators participate in them. I do not think that that is because of the reluctance of perpetrators; it is about the lack of availability.

We found in the significant increase in the reporting of domestic abuse that many incidents might not meet the threshold for prosecution. In the absence of perpetrator programmes to address the behaviour, we are in a difficult position. We must do something, so we focus on safeguarding victims, but we really want to work with other agencies to ensure that there is also a solution to address that behaviour.

Q52 Diana Johnson: I just wanted to ask you a very straightforward question about the definition of domestic abuse and clause 1(2)(a), which gives an age for when domestic abuse will be investigated. What is your view,

[Diana Johnson]

as a police officer, of having the cut-off at 16? The Joint Committee heard evidence about abusive relationships that were happening below 16, and young people were querying why 16 would be the time that it would be treated as domestic abuse. As I understand it, below that it is treated as child abuse. From a police perspective, what is your take on that?

Louisa Rolfe: In reality, often our specialist officers who investigate child abuse or domestic abuse work within public protection investigation teams in forces. For many years, our approach to child abuse investigation has been more advanced than towards domestic abuse, so there has been some catching up to do. While it is something that causes a little bit of consternation, the reality is that, in terms of the service provided to victims under 16, we would identify an abusive relationship. There is probably something about the justice system approach as well. If you have an older perpetrator, you might get an improved justice sanction if you address it as child abuse, as opposed to domestic abuse. The reality is that we would not be blinkered and say, “It is this, not that.” We would look to understand the dynamics of the relationship.

Some of that might be down to the vagaries of our justice system. The coercion and control legislation was so groundbreaking for us because it was the first time

we had an opportunity to move away from focusing on single incidents of abuse, which often meant that much of the dynamic of what was going on was lost in the presentation of evidence and so we lost the opportunity to present to the court the totality of abuse and the impact on the victim and their life. At the moment, the reality is that we would provide an equitable—if not an improved—response to someone under the age of 16. The definition, in that regard, does not affect the support that victims might receive from the police service.

The Chair: If there are no further questions from Members, I thank our witness very much indeed for the time you have spent with us. We are very grateful for the evidence you have given us.

Colleagues, that brings us to the end of our morning sitting. The Committee will meet again at 2.30 pm in this room. The proceedings will be chaired by the right hon. Member for Delyn. It is quite safe to leave your possessions here—the room will be locked. In the event that there will be a general election, quite where we are going with the Bill I do not know.

Ordered, That further consideration be now adjourned.
—(Mr Marcus Jones.)

11.24 am

Adjourned till this day at half-past Two o'clock.

