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Public Bill Committee

DOMESTIC ABUSE BILL

Second Sitting

Tuesday 29 October 2019

(Afternoon)

CONTENTS

Examination of witnesses.

Adjourned till Thursday 31 October at half-past Eleven o'clock.

Written evidence reported to the House.

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,

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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)	Rob Page, <i>Committee Clerk</i>
† Jones, Mr Marcus (<i>Nuneaton</i>) (Con)	
† Keegan, Gillian (<i>Chichester</i>) (Con)	† attended the Committee

Witnesses

Zoe Billingham, HM Inspector of Constabulary and HM Inspector of Fire and Rescue Services

Nazir Afzal OBE, National Adviser on Domestic Abuse to the Welsh Government

Eleanor Briggs, Head of Policy and Research, Action for Children

Sally Noden, Children's Services Manager, Newcastle Family Support Service (Breaking the Cycle programme), Action for Children

Emily McCarron, Policy Manager, Age UK

Jo Todd, CEO, Respect UK

Public Bill Committee

Tuesday 29 October 2019

(Afternoon)

[MR DAVID HANSON *in the Chair*]

Domestic Abuse Bill

Examination of Witness

Zoe Billingham gave evidence.

2.30 pm

The Chair: We are quorate, so we will commence. If anybody wishes to take off their jackets, they can. I welcome our first witness. Please introduce yourself.

Zoe Billingham: Hello. I am Zoe Billingham, Her Majesty's inspector of constabulary, and I am also responsible for the work that Her Majesty's inspectorate of constabulary and fire and rescue services does on domestic abuse.

The Chair: I am grateful for your attendance today. I call the Minister to commence questioning.

Q53 The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): Hello, Ms Billingham. You have inspected the police response to domestic abuse for a number of years. What changes have you seen in that time?

Zoe Billingham: Considerable changes. We started this journey back in 2014 with our first report. We called it "Everyone's business"—slightly ironically, because what we found in 2014 when we looked at the police response to domestic abuse was that, in forces, it most certainly was not everyone's business. A second-rate service was being provided to victims of domestic abuse when you compared it with that provided to victims of other crime. There was a poor understanding of domestic abuse among frontline officers and insufficient leadership to make lots of promises an operational reality. It was a pretty dire situation that we found in 2014.

We made a series of recommendations. We were hugely grateful for the support of the national oversight group, chaired by the then Home Secretary and Ministers, in holding the police's feet to the fire. We are also very complimentary of the work police forces have done in the intervening five years to make this a real priority—to focus on domestic abuse in the way it ought to be focused on and to ensure that officers are trained and equipped to deal with domestic abuse, that victims are listened to, understood and taken seriously, and that investment has been made in areas of specialisms and protected, despite reductions in police budgets across the board.

We highly regard and highly commend forces for the changes that we have seen in terms of both the attitudes of frontline officers and the leadership displayed across forces. However, there is always a "but" with inspection findings: the "but" is that there are still a number of areas that forces need to improve on.

The Chair: The acoustics in this room are not great. Some Members have indicated that they have difficulty hearing. If witnesses, both present and future, can boom, that would be very helpful.

Q54 Victoria Atkins: I forgot to say that it is a pleasure to serve under your chairmanship, Mr Hanson; I apologise for that oversight.

Ms Billingham, you just mentioned that there are some areas that still require attention. Are you able to summarise those for us?

Zoe Billingham: I can give you a quick rundown of the areas that we identified in our last published report, which was in February 2019.

A better understanding around coercive and controlling behaviour: while frontline officers better understand domestic abuse and what their role is in keeping victims safe and bringing perpetrators to justice, the nuances around coercive control still need to be improved. We recognise that many forces have invested very heavily in training—in particular, face-to-face training, which has been successful. However, there is still further to go.

Issues around identifying risk: how much risk is a victim of domestic abuse at? There is still a lot of variance in how officers identify and classify that risk and inconsistencies in how that is being supervised. In our last report, we expressed real reservations and concerns around the drop-off in pre-charge bail and the protections that that may afford. We are also concerned about the number of occasions on which cases are discontinued on the basis that the victim does not support police action. We would also like to see forces take more action to receive feedback directly from victims of domestic abuse themselves, so they can tailor their services more appropriately to put the victim at the heart of the services provided.

The Chair: The shadow Minister has only just arrived from the Division, so I call Gillian Keegan.

Q55 Gillian Keegan (Chichester) (Con): For those of us who are less familiar with your world, how do you use the domestic violence protection order today, and how will this new provision make a difference on the ground?

Zoe Billingham: In our inspections, our basic, fundamental question is how well the police are keeping victims of domestic abuse safe: how well they are using the powers they have been given to make sure that victims are safeguarded and perpetrators are brought to justice. The proposals in the Bill regarding the new order are really positive.

The use of DVPNs and DVPOs has been very patchy, and some of the lessons that forces should have drawn from their use need to be applied to the new orders if they are to be successful. We will test this through our inspections when these new orders come on board, because we test how well forces are using DVPOs and DVPNs now and we find that it is very patchy; it varies from force to force.

A number of things will need to happen if the new order is to be successful. First, officers need to be properly trained. They need to understand the value of these orders, because a degree of effort will be involved

in obtaining them. There needs to be clarity within forces as to who is responsible. The forces that are best at the orders now are those that have specialist teams dedicated to undertaking that work; Essex police are a really good example.

Forces will also need to have the time and necessary resources to make sure they not only apply for the orders but enforce against breach of orders, otherwise there will be a danger of undermining victims' confidence. If there is something there to protect victims, but the forces are not geared up to use that tool appropriately, that is a potential risk. Of course, the pilots of the new orders are to be commended and we would like to see forces stepping forward and volunteering if they have not already, so that the implementation of these orders gets off on the right footing.

Q56 Gillian Keegan: Clearly, if implementation has been patchy previously, it is going to be absolutely key. Do you think this point about training and the patchy response is at all linked to the fall in the number of prosecutions and the number of people coming forward?

Zoe Billingham: When we inspect across domestic abuse, we try to take a whole-system approach, in so far as it relates to policing. We look at a whole range of measures all the way across; where we see drops in areas of performance, we are concerned.

Starting with the moment a call comes into a control room, if we see that forces are not attending to domestic abuse incidents as quickly as they should, that is warning flag No. 1. Warning flag No. 2 is when the responding officers who attend those incidents tend to arrest less. All forces have a policy of positive action, but the number of times that an alleged perpetrator of domestic abuse is arrested varies between 80% in some forces and 30% in others, and that variation worries us. Warning flag no. 3 is when too many cases are being discontinued post-arrest on the basis that the victim does not support police action. Nearly 50% of domestic abuse cases are discontinued on that basis, and that worries us. We see variance among forces in all parts of that whole-system approach, and the orders are one part of that system in which we see that variance.

As an inspectorate, we would like to see less variance and greater consistency, because a victim of domestic abuse in Cumbria is self-evidently entitled to the same level of police service as a victim in Camden. We set that as our expectation—rightly so, I think.

Q57 Vernon Coaker (Gedling) (Lab): Thank you, Zoe, for coming along. Are there serial offenders among police forces in terms of variance? Are there forces that you go to that are not as good as they should be, and then you go back and they are still not as good as they should be? I think I know the answer. If that is the case, what can you do about it and why cannot we do anything about it? You identify the problem, but then it just carries on.

Zoe Billingham: It is really interesting; policing has a habit of working like the swing of a pendulum. A force may be at variance in, for example, its rate of arrest, and we will put in our report—our local report—a recommendation that that should be reviewed and looked at. When we come back, we are listened to and we will follow that through, and we find that that may have changed. However, the danger is that, in addressing and

focusing responses on one particular area that we have identified in our report, the eye is taken off the ball elsewhere. Although the force may correct one part of the whole-system approach, there may be something that then surprises us and surprises them.

For example, the force may be arresting more but may actually then be disposing of more cases, on the basis that the victim does not support police action. Now, that may be an appropriate thing to do, but we are concerned that too often that resolution is being used because hard-pressed officers simply have not got the time to take the correct action to pursue the criminal justice route and outcome.

Q58 Vernon Coaker: But what if the public wanted to know that? If you want to know how good a school's exam results are, it is quite easy to find out—it is quite easy to compare schools. That is not so true of police forces, is it? I mean, what you say is quite right, but we know that there are police forces that do not improve their way of tackling domestic abuse by their serious violence strategy going west—they do both, even with the same resources and difficulties, even rural forces compared with rural forces or city forces compared with city ones. Everything is the same, yet there is a difference in performance.

Would it not help if there was greater public awareness of that? How can the inspectorate publish that information so that people can look at it and say, "My police force is not as good as equivalent forces"? League tables?

Zoe Billingham: Well, I am not sure—

Q59 Vernon Coaker: No—I just threw that out there. I am just trying. I do not agree with that either, but I am frustrated by the lack of that sort of thing.

Zoe Billingham: What we have promised to do since 2014 is to inspect police forces on domestic abuse every year—year on year—until the service is what we would want it to be. We have lived up to that promise and we are still inspecting forces year on year, which is an indicator that we are still not satisfied with the performance that we find. We have to bear in mind that in the intervening period—between our starting in 2014 and now—there has been a whopping great increase in the amount of demand being placed on officers. There has been an 88% increase in recorded domestic abuse-related crime.

Q60 Vernon Coaker: An 88% rise? When is the base year for that?

Zoe Billingham: In the three years from 2015 on, there has been an 88% increase. It represents 10% of all crime and 40% of all crime with violence.

Q61 Vernon Coaker: Sorry to interrupt; I am just trying to think. Was that 10% of crime that people have gone to?

Zoe Billingham: Some 10% of all recorded crime that police deal with, and 40% of all violence, has a domestic abuse-related basis.

We do what we call our police effectiveness, efficiency and legitimacy, or PEEL, inspections; I am sorry to go into so much detail. We review police every year, and within our vulnerability section we always look at domestic abuse.

Within that, we always provide the public with a judgment on their police performance, of either “outstanding”, “good”, “requires improvement” or “inadequate”. We think that brings a degree of transparency, and we supplement that with an annual report. We have published four—in 2014, 2015, 2017 and 2019—to shine the light on this area.

However, I think that the sentiment behind your question is this: “Should the public be made increasingly aware of this issue?” Our answer would be a resounding yes. We are playing a small part in that as the inspectorate, but there might well be more that we can do—in fact, I am sure of that.

Vernon Coaker: That is very helpful.

Q62 Sarah Newton (Truro and Falmouth) (Con): Clearly, from the numbers that you are giving us, there has been a huge increase in the trust in police for the victims to come forward and report. The work that you have been doing with police forces is clearly moving in the right direction, so thank you.

The Bill seeks to simplify procedures for police officers, which hopefully will result in higher levels of prosecution. It also gives new powers or responsibilities to police officers, particularly for two groups of people: children and family members. We increasingly understand that when children in households are under exposure to domestic abuse and violence, it will make them more likely to be either a perpetrator or a victim. From your inspections of the constabulary, what steps are you seeing them take to identify those children and refer them?

The other type of domestic abuse now caught in the Bill, which I think is brilliant, is adult family members abusing elderly members or people with disabilities in their families. Again, that is a new area for the police to be tackling. Bearing in mind what you said about resource constraints, what evidence have you seen of the police tackling those particular issues?

Zoe Billingham: I can help particularly on the children front because we do a lot of inspection, including with other inspectorates, on the police response and other agencies’ response to children. Since 2014, we have seen a far greater awareness, particularly among those initially attending officers on the scene, of the importance of considering the impact of the domestic incident on the child.

When we first started inspecting, I was new to the area, but I was pretty horrified that police officers would often go into households with children who were themselves victims of the particular incident, even though they may have been in another room. The police officers were not even speaking to the children and checking that they were okay. We have seen a big shift now in the police’s understanding of the importance of safeguarding children and referring them into local authorities as appropriate, so that the appropriate safeguarding conferences can then take place.

We have seen an increase in the workload, which is why forces have invested in protecting vulnerable people areas and departments, which includes children. We continue to encourage that as an inspectorate so that children are put at the heart of this. We also see the prevalence of schemes such as Operation Encompass—an incredibly simple scheme where, if police attend a domestic

abuse incident overnight, an arrangement with all the local schools means that a single person in the relevant school is notified that the child has had the most traumatic experience. The teacher can take steps—perhaps seemingly very small ones—to care for that child during the course of the following day, and subsequently. Some of these things are very easily done. They take a bit of arrangement to put in place, but they are not that costly. They do require a will and leadership.

I am not as able to help on elder abuse specifically, but would be happy to write to you if there are any specifics that I can think of that would help on that.

Sarah Newton: The fact that you need to do that shows that that is an area of work, once the Bill goes through: police forces have to consider that as domestic abuse and violence. That is a whole new area for the police to be trained on and for you to inspect, ensuring that the new requirements are understood and the services are there to support victims. Clearly, there is some work to do there.

Q63 Carolyn Harris (Swansea East) (Lab): I wanted to talk about Operation Encompass; you raised it before I had an opportunity to ask. It is a wonderful scheme. I would like to see it rolled out across the UK as, I hope, a compulsory thing, so that all schools know what goes on.

You will be aware, as I am, that women’s prisons are full of women who have experienced domestic violence. When these women are convicted of criminal offences, it is very often through coercive control and behaviour. Are police forces aware of that and are resources stopping them from identifying that these women are victims of trauma?

Zoe Billingham: To reinforce what you say about women in prisons, perhaps the most profound thing I have experienced in the five or six years I have been doing this work is visiting a women’s prison and speaking to prisoners, all of whom have been victims of domestic abuse. They all gave an account in a very small focus group of the failure of the police to understand the circumstances that had, they said, driven them to activity that resulted in their being in prison. I would certainly like to look at that in greater detail in the future. It is certainly something that I know more forces are thinking about: how they can ensure, through training, that the home circumstances of alleged offenders are being taken into account when looking at women’s offending particularly. I am afraid it is not something that we have done a specific inspection on, but it is an area that we are interested in looking at in the future.

Q64 Carolyn Harris: Me too. When you make recommendations, do they have to be taken up by the constabulary, or can they be ignored? What impact do your recommendations have?

Zoe Billingham: We have no powers of direction. We are an independent inspectorate, so our recommendations are just that. A force could, if it so chose, ignore our recommendations. We find that that happens almost never; when it does, it will be because forces have had to prioritise in different areas. Our power is to come back time and again, to check whether the changes that we recommended have indeed been made, and to report to the public—in a clear way, I hope—whether the

improvements we thought necessary have been made and, where they have not, to explain that that has not happened. That will obviously affect the grade that we provide to the force in that particular inspection.

Q65 The Parliamentary Under-Secretary of State for Justice (Wendy Morton): Hello, Ms Billingham. You very kindly shared with us some statistics in answer to another question; I noted that 10% of all recorded crimes have a domestic abuse basis. I have heard concerns about the recent fall in the number of prosecutions for domestic abuse-related offences. Bearing in mind your figures and our concerns, what do you feel could be done to reverse that decline?

Zoe Billingham: I wish there was a simple answer; if there was, it would have happened and the changes would have been made. There is a whole range of issues, starting from the moment when the police are informed about an incident, that are leading to an attrition.

One concern, which we want to look at in the work we are doing this year and into next year, is how potential offenders are being dealt with and brought to justice, the interface between the Crown Prosecution Service and the police, and in particular the number of referrals being made to the CPS by the police and the advice on charging that the CPS is providing to the police.

We have not done the detailed work on that yet, but the issue is about the interface between the police and the CPS, the decision on whether a charge should be brought on a domestic abuse-related case and whether—as I often hear from the police when I go into forces—the CPS has set the bar to secure a charge impossibly high. Obviously, if we do not secure the charge then we will never secure the conviction. We hear a lot of anecdotal evidence in that regard, but I cannot give you specific, hard and fast evidence.

One thing that we are doing next year, which may help to shed a little bit of light on some of the areas where we lose victims, is whether the issue of bail and release under investigation is leading to a diminution in attendance of those needed in court and an eventual loss of victims who basically give up, because the timeframe is spread out so long across a whole domestic abuse case. We are doing a specific piece of work looking at the effect of release under investigation postal requisitions, so that we can see the real reasons behind the elongation of the time factors and the changes around safeguarding that may flow as a result.

Q66 Wendy Morton: Just one more quick question, if I may: what difference do you think the 20,000 extra police officers will make in the domestic abuse area?

Zoe Billingham: Obviously the uplift programme, as it is called across policing, is welcomed, and 20,000 officers will address some or most of the reductions in police officers since 2010. There has been a reduction in police staff and police community support officers during that period as well. The crux of that, in terms of how the police respond to domestic abuse, will be where those officers are deployed.

Of course, a whole lot of work will be done to ensure that frontline preventive policing is enhanced through the uplift programme. Although that is not a specific investment in specialist domestic abuse officers, in our

view prevention is much better than cure. Clearly, however, forces will need to look at their uplift—what they are going to receive in terms of additional officers—and see whether the stretch in the system that we have identified can be alleviated by effective and smart deployment in a whole range of roles across police forces. That is really a matter for forces.

The Chair: We are into the last four minutes, so we must have short questions and short answers.

Q67 Alex Norris (Nottingham North) (Lab/Co-op): Good afternoon, Zoe. You have been in your role at HMIC throughout the period of the domestic violence disclosure scheme—Clare’s law. How would you characterise its usage over the years and today?

Zoe Billingham: It is patchy, again, in terms of not just right to know, but need to know. We encourage forces. Each year, we have identified the patchy use, knowledge and understanding of Clare’s law as something that forces have responsibility to do more about in terms of greater publicity and awareness-building. It is another one of those powers that the police have and that are available to them, but that are too often used inconsistently.

Q68 Alex Norris: Do you think there are tools or avenues open to us through the Bill to raise that tide?

Zoe Billingham: Obviously, putting this on to a statutory footing will help, but two other things need to happen in conjunction with that. First, it needs to be publicised effectively in forces and across the broader population. Secondly, it is absolutely imperative that forces have sufficient resources to deal swiftly and effectively with what we suspect will be an increased number of requests. Our concern is that there might be a lot of local publicity about, “Your force will do this”, or, “Come forward and ask this”, only for victims to be let down because forces have not geared themselves up with the right resources. That would be our word of caution, but as I say, putting it on a statutory footing is welcome.

Q69 Alex Norris: To turn to the role of the commissioner, you mentioned that you can recommend that forces make those changes but you cannot command them. The commissioner will be a big ally for you in making similar public statements about the lack of satisfaction about certain local arrangements that will create significant public pressure for reform. Do you have any reflections on the commissioner’s role or ways that we could seek to improve it or its relationship with you through the Bill?

Zoe Billingham: We welcome the introduction of the commissioner’s role. I have met her briefly. We need to ensure that we, as an independent inspectorate, work closely alongside the commissioner, that we do not duplicate our efforts, and that our learning from inspections is passed to her and vice versa, so that we can continue to set the expectation that is required of police forces. I expect us to work in close concert on that.

Q70 Victoria Atkins: On the point about independence, questions have been asked today about the commissioner reporting to the Home Office. You are appointed by the Home Office, or HMIC is. What are your thoughts on your independence?

Zoe Billingham: I would say that we are independent. As you know, Minister, we make recommendations without fear or favour. We are very happy to make recommendations directed at the Home Office and have often done so in our work around domestic abuse. We expect action to be taken not only by police forces or police and crime commissioners but by Departments. I feel extremely independent in my role. I suspect that that will be reflected in the role of the Domestic Abuse Commissioner as well. The fact that I have a relationship with the Home Office does not undermine my personal statutory independence as an HMI or our organisation's independence.

The Chair: I am grateful for your evidence today, Ms Billingham. Thank you very much. We will move on to our next witness, Nazir Afzal.

Examination of Witness

Nazir Afzal gave evidence.

3 pm

The Chair: Welcome to the evidence session this afternoon. For the record, please introduce yourself and state your job title.

Nazir Afzal: I am Nazir Afzal. One of my roles is independent national advisor to the Welsh Government on what they call VAWDASV: Violence against women, domestic abuse and sexual violence. Previously I was chief prosecutor, and I led for 10 years on violence against women and girls for the Crown Prosecution Service.

Q71 Victoria Atkins: This witness was requested by Plaid Cymru, but I will step into the shoes of Ms Saville Roberts and ask a general question. How will you work together with the Domestic Abuse Commissioner to maximise the impact of the two roles across Wales?

Nazir Afzal: I met with her yesterday, and I very much welcome her. I think she is sitting behind us right now. Obviously, there are restrictions on what she can do: there are devolved areas for the Welsh Government, and she is not permitted to comment on or analyse those areas. There are reserved areas where she can. We agreed yesterday to collaborate, and I know we will do that from here on in. There are opportunities for the sharing of good practice, and there are opportunities for commissioning joint research and things like that. I have no doubt whatsoever that our relationship will be very fruitful.

Q72 Alex Norris: When we looked at this in the Home Affairs Committee, we made the final judgment, after a lot of back and forth, to pursue a Welsh approach—to introduce an Act to deal with violence against women, domestic abuse and sexual violence, as was done in Wales. That is at the nub of the conversation about whether there needs to be a gendered definition. Whenever that is raised, there is the obvious reply about not missing out male victims and survivors. How does it work in Wales? What comfort can you give us that a gendered approach is practical but works for everybody?

Nazir Afzal: We live in the real world, and it is acknowledged that 84%, or thereabouts, of victims are female. Much of the men-on-men abuse, for example, is men abusing, and the vast majority of perpetrators

are male. When you recognise that, it does not mean that you ignore male victims. The Welsh Government have been working closely with organisations that support male victims, and I have no doubt that that will continue. Being one thing does not mean that you have to stop being another. That should not cause any problem for us in England and Wales, because it certainly has not caused any problems in Wales.

Q73 Alex Norris: What positives has it brought?

Nazir Afzal: There is a substantial learning. For example, there are people working in the male victim sector who previously felt that they were being ignored and not listened to and that perhaps—I think this was underlying your question—they were second-class victims. What they have picked up from those who are suffering has informed the Welsh Government's work in relation to female victims. There is substantial good practice in that area, which perhaps would not have been picked up had we not engaged with them in the way that we are doing.

Q74 Gillian Keegan: I am quite intrigued by this role. Will you give us some examples of how it has helped to improve the response to domestic abuse in Wales, and how that might be seen from the viewpoint of the victim or survivor?

Nazir Afzal: Do you mean the national advisor role?

Gillian Keegan: Yes, the national advisor role.

Nazir Afzal: I job share the role with a colleague of mine. I do two days and she does three days. It is a statutory role that was created by the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. Going back to a question you put to Her Majesty's inspector, independence is a state of mind; it does not have to say "independent" in the Act. What we have been able to do—I spoke to the Domestic Abuse Commissioner about this yesterday—is to have access. My colleague and I were able to meet with the whole Welsh Cabinet a year ago and talk about this issue, and about cross-Government work that needs to happen. There are four director generals in the Welsh Government in four Departments, and I meet them every quarter. I would hope that the Domestic Abuse Commissioner would have similar access. We know that this is not just a policing issue; it is an education issue and a health issue—it is cross-cutting—so it needs that kind of access. We get that kind of access.

We are also advocates for the sector. When people knew I was speaking today, I got several hundred emails from the various NGOs, which do phenomenal work, saying, "Raise this; raise that"—although there is not enough time. We can do that advocacy for them or with them within the Welsh Government. We are literally on the road all the time—with the geography of Wales, you have to be on the road all the time—in order to try to understand the various issues that take place. We alert the First Minister and his Government to those issues in an intelligence-based, early way so that before it hits the proverbial, some action can be taken. It works really effectively.

As I said to the Domestic Abuse Commissioner yesterday, if she gets the kind of access that we have been given, if she gets the kind of freedom that we have, and if she is able to enforce her independent way of

thinking—it goes without saying that she has enormous credibility within the sector—all those things will make her role really fulfilling. We have been able to look internationally and look at best practice across the UK. I think Wales lead the way—they will love me for saying this. The VAWDASV Act was four years ago, and they have put in place so many things.

One of the things I am concerned about with this Bill is what is underneath it—that is, the implementation strategy. Wales has grasped that and there is a phenomenal implementation strategy. There is the national training framework; you name it, there are all sorts of things underneath which will enable, and are enabling, us to deliver on the Act. We are there as critical friends to the Welsh Government and also to the Home Office here. We are able to share learning from Wales, and also to the Scottish Government.

Q75 Carolyn Harris: I agree entirely that the Welsh Government have got it spot on: they are superb. I have long followed your career and admired your work and it was an excellent appointment by the Welsh Government—but then, it would be. We have got such a good structure in Wales. Will what is proposed in this Bill clash with what we have got, or will it link in with it? Are we doing things differently or better in the Welsh plan than is intended in this Bill? How can we make both of them the best that they can be?

Nazir Afzal: Somebody will die or be severely injured in Wales today because of domestic abuse. There is no way on earth that I am going to be complacent, and neither should we. There will be victims with every minute of every day. On that basis, what progress has Wales made? There are issues with the Bill that I am happy to share with you, but implementation is key. If you do not have leadership from the top, it will not happen.

Let me give you another example. The First Minister has asked for his whole Cabinet to get training. Then he asked all the Assembly Members to get training, and he asked all their support staff to get training—to the point where, in Wales, 170,000 people have now been trained under the 2015 Act. Some 4,000 professionals—that is, pretty much every professional in the ambulance service and police service—have been trained. I encourage you as Members of Parliament, if you have not done so, to undergo some training to enable you to spot the signs. If leaders are doing it, it comes down from that. If you have done it, others who work for you and with you will do it as well.

With the implementation strategy, the amount of guidance that has been produced is second to none. There are guidelines for governors of universities and governors of further education institutions; there are guidelines on elder abuse, which I think you mentioned earlier on; and there are guidelines on children as victims. That is what we call “ask and act” training guidance, because in the legislation it invites professionals to ask if something is not right and act upon it. That is all in place.

A key point with regard to the Bill is that every local authority has a public duty to compare and publish annually their strategy on violence against women and girls, domestic abuse and sexual violence, and to put that out to the public and say, “This is what we are going to do”, and be challenged on it. Unless you mandate

that and prescribe it, it is not going to happen. That is why I encourage you—it is not too late—to do that in the Domestic Abuse Bill. The Welsh Government have done that. They have commissioning guidance, so that every commissioner of services, and there are many, knows how to approach it. There is guidance left, right and centre.

In terms of what we still need to do, there is a big issue that only the Treasury can help us with: sustainable funding. From all the non-governmental organisations that mailed you and me, you will know that on 31 March they will not know whether they will have a job on 1 April. The people they service will not know whether they will have a service on 1 April. Unless you have at least an indication that your funding is x number of years, you cannot plan. Cardiff and Vale has a seven-year funding cycle. It tells everybody, “This is what we’re going to give you this year,” and indicates what they are going to get for the next six years. It can plan on that basis, and that is what we would like the rest of Wales to do. That is certainly what the NGOs in England would prefer you to do.

Carolyn Harris: Thank you very much. Diolch yn fawr.

Q76 Luke Graham (Ochil and South Perthshire) (Con): Thank you very much for coming to the Committee today, and for your time. You mentioned that you had communicated with the devolved Administration in Scotland as well. Could you just elaborate on some of the communication you had and on the sharing of best practice, if any?

Nazir Afzal: It is premature, to be honest. The Scottish Government do not have a role of the kind that you have in the Bill, and that the Welsh Government have. It would be premature of me to tell you what their plans are. There is certainly good practice—there is no getting away from it. When we talk about knife crime, we talk about the public health approach in Glasgow, do we not? If the public health approach can work for knife crime, it can work for violence against women and domestic abuse. The idea of being able to contain people who are currently infected, for want of a better term, and then prevent others from becoming so by dealing with the infection—it is the same thing with domestic abuse. They are applying the kind of approach we are taking in Wales, and I hope England will do the same. There is good learning, good sharing and good practice. The Scottish Government are probably no further forward than England in relation to structural governance issues, but the will is certainly there.

I go back to what I said. Part of the problem, as HMI indicated earlier, is that we have a bit of a perfect storm right now. Scottish police numbers and health service numbers have been reduced. There has been an impact on all sorts of areas where previously the people were there to provide that level of service. NGOs do not have the same funding. If you have a significant increase in victims, as we have had over the past three years or thereabouts, there is nobody there to provide them with the service. Scotland is no different from England and Wales in that regard.

Q77 Luke Graham: No, I appreciate that. The section of the Bill on the commissioner’s role talks about the establishment of an advisory board. The Bill mandates

[*Luke Graham*]

that the board must include representatives from voluntary organisations and healthcare professionals from England, but there is nothing about Wales. Given that Wales is a central part of the advisory board, would you like to be on the board?

Nazir Afzal: Not me personally, because I have not got the time, but I certainly think that Wales should be on it. It is an England and Wales board, even if there are reserved and devolved areas. I cannot see any reason why Wales should not be present. We currently engage with the Home Office even though, technically, it does not have responsibility for certain parts of what we do in Wales. I see no problem with that.

Q78 Luke Graham: This is important, and I do not want to put you in a constitutional hotspot, but devolved does not mean separate. A lot of the Bill is meant to be set by the UK Parliament. Some Members will push for it to be extended in certain areas to Scotland. As I have experienced with my constituents, domestic abuse in relationships does not respect county or other political boundaries. Do you agree that—framed as the Bill is about sharing best practice, sharing standards, ensuring that certain standards are reinforced throughout the entire United Kingdom and ensuring that analysis is shared throughout the United Kingdom—this is a good space for the Bill to play in, and that it can respect devolution within the United Kingdom and the role of central Government?

Nazir Afzal: Yes, 100%. The victim referral pathways could involve a victim from—well, I had one a long time ago in London who was moved to Inverness. If we do not have common practices, and so forth, rest assured that that would be a recipe for disaster. You need to have an understanding across borders, despite the fact that, jurisdictionally, there will be differences.

Q79 Vernon Coaker: In your evidence to us just a few minutes ago, you said that there were some issues with the Bill and that you would be happy to share them with the Committee. Could you please do that?

Nazir Afzal: Absolutely. The main one is the public duty. We have found in Wales that unless you mandate it, it does not happen. Furthermore, unless you ring-fence it, it does not happen either. Our experience—the experience across England and Wales, actually—has been that if people have made cuts, they have made them in areas they see as soft, and strangely, they see this area as soft. That is ridiculous, frankly, but none the less that is what they do. Unless you say—we have not said this in Wales—“0.5% of your income must go on whatever it is” and ring-fence it, it does not happen.

The public duty side of it certainly needs to be clearer, because people do opt out. One third of mental health trusts in England do not have a strategy that deals with domestic abuse. Given the number of victims who will be suffering either as victims or, potentially, as perpetrators, that is scandalous. My experience tells me that unless you mandate these things, it does not happen. That is issue No. 1, and I clearly think that is right.

Black and minority ethnic victims have been let down. Do you know how many independent domestic violence advisors in England and Wales work specifically with BME people? There are four.

Q80 Vernon Coaker: Say that again. Four?

Nazir Afzal: There are four IDVAs in this country who are specially trained to work with BME victims. Given the population, that is not right.

Q81 Vernon Coaker: How many are there altogether, do you know?

Nazir Afzal: Hundreds. That issue needs addressing.

There is also the rural-urban thing—I have said this specifically about Wales, but it is true of England as well. If you are a victim in a rural area, the perpetrator is probably known to everybody. To access support, you need transport—the support is not available locally—but we give everybody the same amount of funding. We give an NGO in Birmingham the same funding as we give one somewhere in Shropshire, but the one in Shropshire probably needs more funding per person than the one in Birmingham. We need to address that. Again, I do not know how you do that, but it needs to come from the top down, rather than the bottom up.

There are issues around refuge funding and refuge services. My personal view—it is the Wales view, too—is that the safest place for a victim is his or her home. The refuge should always be seen as an emergency, rather than as the first port of call, which is what it is commonly seen as. There are very few refuges with provision for children. You wait until mid-December, when it is coming up to Christmas: they will be turning away children left, right and centre, but what happens? They end up in emergency accommodation or going back to their abuser, because the support is just not available to them. Strange as it may sound, when I spoke to the Welsh Cabinet, one of the environmental Ministers mentioned pets. I was not aware of this. Victims do not leave home because of their pet. Apart from the Dogs Trust, as I understand it, there is very limited provision for animals in those circumstances, so they end up remaining with the perpetrator. Something needs to be done about refuge funding. It goes back to the sustainable funding issue I mentioned earlier, which needs to be addressed.

There are bigger issues. Your colleague, Sarah Champion, mentioned early marriage or child marriage yesterday. There are a substantial number of victims. I know the Minister asked for more detail, but my personal view is that you should ban child marriage under the age of 18. Too many 16 and 17-year-olds are forced into marriage, and too many suffer significant abuse at that age. Unless you put an age limit of 18 on marriage, you are not going to be able to prevent that from happening. The Bill offers you that opportunity.

Q82 Vernon Coaker: Do you know what the estimates are? How many marriages are there?

Nazir Afzal: There are roughly 200 marriages of 17-year-olds every year.

Q83 Vernon Coaker: Do you know what it is for 16-year-olds? The Minister will be able to get that.

Nazir Afzal: I do not know. The Minister will probably know better than I do.

Q84 Vernon Coaker: Was that figure of 200 for England and Wales?

Nazir Afzal: Yes, but a lot of religious marriages are not registered. A lot more than 200 are not registered because they are religious marriages.

Q85 Vernon Coaker: Have the Government made an estimate of the number of non-registered marriages?

Nazir Afzal: I do not know. Again, the Minister will know better than I do. I have dealt with cases, and the most amazing ones—the most bizarre, horrible ones—involved people who were forced into marriage at 16 and 17. Some of them died at the age of 19 and 20. There is a gap that needs to be addressed, and maybe the legislation could do that.

There is another area in which I would agree with other campaigners. Twelve years ago, I met with somebody called Iain Duncan Smith—I don't know if you know him—and he was running a campaign with Refuge about driven suicide. A lot of victims of domestic abuse are driven to commit suicide, and as it currently stands, there is no law that can hold somebody to account for that. I tried to bring one in back then, and the Court of Appeal said that we could, but we were not able to succeed. You probably know the fact that two women are murdered every week in domestic abuse cases, but you probably do not know that 10 women kill themselves every week.

Vernon Coaker: Ten women—

Nazir Afzal: Ten women, every week, in England and Wales will kill themselves because of domestic abuse. That is Refuge's figure.

The Chair: The Minister wants to come in on this point.

Victoria Atkins: I just want to clarify that the latest year for which we have figures on marriage is 2016. Of the around 500,000 people who entered opposite-sex marriages in that year, 179 were aged 16 or 17 years old. I just wanted to clarify that for the record.

The Chair: I am going to bring in Carolyn Harris to ask some questions. If anybody else wishes to speak, please indicate now.

Q86 Carolyn Harris: Let me pick up on two things you have said. First, is religious marriage a growing issue? Somebody came to see me last week who had been in what she thought was a marriage. When she went to get a divorce because of domestic violence, her marriage certificate was in Arabic. She had been married under sharia law and was not actually married.

Secondly, you talked about IDVAs; is there a programme in Wales for having IDVAs in hospitals, specifically for elderly people? I was in A&E with my son, who had pneumonia a couple of weeks ago, when I heard the nurse at the next bed asking a young girl if her problem was because of domestic violence. Can you tell us a bit more about that?

Nazir Afzal: The second one is easy. Yes, there is a programme to recruit more IDVAs. It is a bit haphazard because they are employed by different agencies—health, police and crime commissioners and so on—but there is a significant programme to increase the numbers. There was a dip in the mid-2010s, for all sorts of resource reasons.

On the first question, there is another campaign, which is about religious marriages also having to be certified—that is, to become marriages recognised by British law. I support that, too. You have given one example;

I can probably give you several hundred others of people who did not know that they were married. In any event, if these people were married, their ability to seek a divorce is challenging, to say the least, and abuse is often tolerated in such circumstances. There is a role for the state to say, "If you enter into a religious marriage, you should also have a civil marriage." There is some good practice around that—for example, just up the road in the Regent's Park mosque you have to have the religious marriage and a civil marriage at the same time. Why can they not do that anywhere else? I absolutely agree with you on that.

Carolyn Harris: Thank you.

The Chair: Are there any further questions from Members?

Nazir Afzal: Can I just say one more thing about release under investigation, because I forgot?

Q87 The Chair: I will just see whether there are any further questions. No, there are not, so feel free to continue.

Nazir Afzal: Her Majesty's inspector mentioned release under investigation. The previous time I gave evidence to the Joint Committee, Lord Blair was here, and he and I agree on this. The Bill should specifically say that domestic abuse is excluded from the provision on release under investigation. There is tons of evidence already out there—you may want to get your own, Minister—that shows that there are suspects waiting for a long, long time before a decision but, worse still, that there are potential victims waiting for a long, long time, who are under enormous pressure to go back to their abuser or potential abuser, and who lose interest and so on because the process takes such a long time. If you had bail with conditions, it would offer protection, and it also concentrates minds in respect of decision making. We did not anticipate it happening when the Act was passed, but my personal view and, I think, that of anybody in the sector is that we ought to exclude domestic abuse from that provision.

The Chair: Do Members have any further questions? If not, we are grateful to you, Mr Afzal, for your contribution, and will bring your session to an end.

Examination of Witnesses

Sally Noden and Eleanor Briggs gave evidence.

3.24 pm

Q88 The Chair: I am grateful for your attendance at this evidence session. For the record, the maximum time we have for this session is until 4 o'clock. Please introduce yourselves for the benefit of the Committee.

Sally Noden: My name is Sally Noden and I am a children's service manager in Newcastle.

Eleanor Briggs: I am Eleanor Briggs and I am head of policy and research at Action for Children.

Q89 Victoria Atkins: Welcome to the Committee. It would perhaps help the Committee if we could hear a little bit about your work in Newcastle, Ms Noden.

Sally Noden: In Newcastle, I oversee a cluster of services, but one of them is called Breaking the Cycle. This is a service that was specifically designed by us several years ago, when we saw a gap in recovery services

for children. We work with children between the ages of four and 16 who have experienced domestic abuse, and we offer them one-to-one counselling.

The way the piece of work is done is that we normally meet the non-abusing partner—normally the mum—and we do a session with her, and then we bring the child in. One of the big points of the model—this is why it is a specialist service—is that we name why the children are there. It is named. That is actually a really big issue for a parent who has spent a long time thinking that they are protecting the child. They realise that the child's behaviour—the traumatic behaviour that they are displaying—is because of the domestic abuse that they have experienced. We need to spend time with the non-abusing partner, getting them to understand their story and what has happened to their child.

We then offer up to 10 sessions with the child, and they are child-led sessions with the counsellor, using a variety of tools that the counsellor is extremely skilled at using: sometimes they use play, sometimes they use games and words, and they do special box work with the young people. We then have a review session with the child and the non-abusing partner and parent. Some of that is very much around looking at their relationship, because children can be really angry. Suddenly they can be angry and confused, and the relationship between the parent and the child can be really broken, so we need to do some work to improve that parent-child relationship and have an understanding on both sides. That is the work that we do up in Newcastle at the moment.

Q90 Victoria Atkins: Thank you very much, Ms Noden; Ms Briggs, please do not think I am going to leave you out. I am going to get straight to the point. The Committee is considering the definition, and at the moment the definition is limited to from the age of 16 onwards. What are your views on that age being in the definition? Perhaps you can go first, Ms Briggs.

Eleanor Briggs: It is certainly a really complex issue and something that we have thought really hard about and discussed in great detail with other children-sector organisations. Ultimately, we agree with the Government's decision to go for the 16 age limit. We talked in detail to frontline practitioners, such as Sally and others, and to our safeguarding experts, and the final decision we made was that because abuse of someone under 16 is child abuse, we did not want to muddy the waters. We wanted to keep it absolutely clear that under 16 it is child abuse. Also, the age of consent is 16, so that is another factor to consider.

We do recognise, though, the need for support for children and young people in romantic relationships under 16 where abuse happens, and we warmly welcome the recommendation from the Joint Committee around the need for a Government review to look at those relationships. One thing we would stress is that the experience from when the age limit in the definition was lowered from 18 to 16 showed that adult responses are not necessarily the right ones, so a different model could be needed for 16 and 17-year-olds. We would ask that that review consider 16 and 17-year-olds as well. Sally has extensive experience of what services work for young people and how they need to be different.

Sally Noden: It is great that we are looking at it, but we need to recognise those relationships and we need to look at services through the lens of a young person or teenager. An adult service may not meet those needs. In Newcastle, we have a service called West End Women and Girls Centre, which has peer educators, and those peer educators are young people who have been through abusive relationships and are now trained to be peer educators with other young people. That sort of service is really important.

I have experience of a young person working in a service. I was in a children's centre and I was running the Freedom programme, which is a social educational programme. This young person was 17 and I suggested that she came on to the programme, but there were women who were much older than her and their experiences were very different to her experience, and she did not feel as valid. I learned from that mistake. She did not feel valid because her relationship was an 18-month relationship and she was listening to women who had been in abusive relationships for 30 years. I did a lot of work with her after that. We absolutely need to recognise that there are abusive relationships, but we need to have the right responses for them.

Q91 Carolyn Harris: For me, children who experience domestic violence are victims—there are no two ways about it—and we know that it can be a vicious circle. What more can we do to break the cycle of victims becoming perpetrators?

Sally Noden: We need to have the right services and we need to invest in services for some of our young victims. In Newcastle, we have one of the only specialist services. In the past four months, I have had 59 referrals, but I have one and a half counsellors. In the sense that the resources are not there to do the work, we need to look at some peer education work and work on what healthy relationships are about. We need to look at some early intervention work, but then there need to be those specialist services to help break the cycle. There are a number of fantastic programmes out there, such as the Drug Abuse Resistance Education programme and the Domestic Abuse, Recovering Together programme, but again, from my experience in Newcastle, we had the programme running, the funding stopped, and it has not run again. It might come back again. We need to have the right resources to have the right community responses.

Q92 Carolyn Harris: So the work is being done in silos, without being all joined up. Are we not all aiming for the same thing, or are we working to different agendas?

Sally Noden: There is some very good joining up. I sit on the violence against women and girls strategic group in Newcastle with a whole host of services, and we work really well together. However, there are not the resources to continue the work that we need to do.

Eleanor Briggs: That is where the Bill offers a real opportunity. Two things can happen in the Bill that would contribute. The first is to put children as victims into the definition. Our view is that that being in the statutory guidance is not strong enough. We can talk in more detail about the definition.

Secondly, the duty on the Ministry of Housing, Communities and Local Government should be extended. We really welcome the duty and the fact that it will look

at accommodation-based support but, as the previous witness said, we really feel that the refuge should be the person's home and that the support needs to be there in the community for children. That will build into the whole cycle: if we get the support for children early on, they will learn what healthy relationships look like. We know that Sally's excellent service in Newcastle is Big Lottery funded and only has two more years to go, so what happens to it after that? If we had the statutory duty extended out, we could have secure, proper and long-term funding for services for children, and that would help to break the cycle.

Q93 Carolyn Harris: Are local authorities keen to support you financially or with services in kind, or is it a battle just to get the money to keep going?

Sally Noden: It is a battle to get the money to keep going. As Eleanor said, our money comes from the Big Lottery Fund. I work really closely with Safe Newcastle, with their offices, and they are really supportive—they were supportive of our Big Lottery bid—but they are not able to give us the funding.

Eleanor Briggs: And that is one of our concerns. If the MHCLG duty comes in as designed at the moment, just for accommodation-based support, the local authorities will be under pressure to fund refuge and accommodation-based support. Obviously, we see the need for that, and it is very important, but the duty needs to be wider, because if the funding is all going into that, funding will come away from non-statutory services, as we have seen with children's services. Under the Children Act 1989, statutory services are still being provided, with increased money going into them, but the funding has come away from the non-statutory services—the early help services. Although we welcome commitments to funding for the new duty, which is fantastic, this will be in law for the long, long term and we cannot guarantee that the funding will always be there. That is why the legislation needs to be right and why we need to have a statutory duty for both accommodation-based and, crucially, community services that include children and young people.

Carolyn Harris: I am sold. Thank you.

Q94 Sarah Newton: We are all united in wanting to break the cycle. The evidence is overwhelming that young people who are exposed to domestic abuse, coercive control or violence are likely to be perpetrators or victims themselves. As the Government are investing a lot of money in schools on good relationship education, I am concerned that children will start to realise that what they are seeing at home is not a good relationship, but they will think that is what love looks like because that is what their mum and dad do with partners they see. In the context of what the commissioner and services are to do, what should we do to make sure that that part of the Government's work in the Department for Education is linked to the sorts of the service you provide and the possibilities in the Bill?

Sally Noden: I think it is about linking up with community services—making sure that there are the resources within community services. We talked about Operation Encompass, which I think is fantastic, but it needs to go further. There needs to be the support. It is great to do the silent monitoring or to enable the teacher to help that child through the day, but are we

actually saying, "It's okay—it's okay to go back home"? We have to be honest: children will be going back home, so there needs to be an open discussion and resources to be able to work with a child to make sense of that and enable them to be resilient. There are services to support women who are in abusive relationships and plan to leave, and there is support to enable them while they are in that relationship. We need that for children as well.

Q95 Sarah Newton: I was thinking along slightly different lines—sorry if I did not make myself clear. Again in my constituency, there is another Big Lottery-funded youth work-based project where young people are coming to realise that they are living in a home with domestic abuse and violence, whereas before they did not really understand that that was what was going on. The youth workers are there to make sure that the parents have a conversation and that they are being supported to address their relationship issues. That is more what I was thinking of. Is that something we should be looking at, so that rather than the child being identified as being in an abusive home, it is more that the child themselves identifies that they live in an abusive home? What support can we then give to the parents?

Sally Noden: Absolutely. We have to then be very mindful about making sure that we are not keeping children in the abusive relationship, and about whether the parents are willing to do that piece of work or whether someone will continue to be controlling. It is really important to have that open dialogue, and name it. There are a number of projects, such as the Helping Hands project, that you can work with children on, and I know of a number of youth work projects working with young people, but you are right to ask whether they are really doing the joining up. We need to look at that further.

Q96 Alex Norris: What do you think are the implications for children of a proposed legal duty on local authorities to provide accommodation-based support?

Eleanor Briggs: I have touched on that already. Although we really welcome the duty and see it as a step forward, we think that, as it stands, it is not adequate and will not provide the support that children and young people, and adult victims and perpetrators, need. We welcome the focus in the duty as drafted on children's support, and we welcome the fact that children's social care will sit on the board, although we would like to see DFE on the national steering group as well.

We need to face up to the reality that most victims will not be in a refuge. That is a positive thing—people should not need to leave their home to get support. It seems logical to us that if you are getting all the local partners together, including children, to look at an issue and how they are going to respond to domestic abuse, you should not limit that to accommodation-based support. It should be a holistic, expanded duty where they can look at what support we need in the community as well.

There is a particular concern about refuges and the amount of support, because of the fact that people are being turned away and that children are being turned away. From what Sally has said, and from what we see in our own research with Stirling University, we know that those issues are also there with community-based services. Currently, there is a real postcode lottery for access.

Research that we did with Stirling University and local authorities showed that in two thirds of areas there were barriers to children and young people accessing community services. Also in two thirds of areas the funding issues that we have already spoken about were present, with projects being funded by unstable funding streams and not knowing what their future was. In 10% of local authorities, there were actually no services for children and young people, and only two had services for children in the early years. There is a real problem around adequate services for children and young people in the community, which the Domestic Abuse Commissioner picked up this morning.

The duty is a real opportunity, which we welcome, but to do its job properly, it needs to be widened. In that research with Stirling University, local authorities said that there is an absence of guidance, that they are not sure what they are supposed to be providing, and, unusually, that they would welcome a duty to give them that clarity about what is wanted. Of course, they will need it to be properly funded, but having that clarity would be a real step forward for everyone.

I have already addressed our fear that unintentionally the duty as it stands might have a negative impact on some of those vital community services for children and young people, particularly given the funding pressure that we know local authorities are under. MHCLG has said that the duty will not have an impact on community-based services, but no detail was provided about how or why that is the case. We therefore echo the Joint Committee's recommendation that the duty needs to look at how community-based support can be provided. We know from the services that Sally provides how important that support is in helping children to recover and preventing further abuse in the next generation.

Q97 Alex Norris: Is anywhere doing it really well at the moment? Postcode lotteries have winners as well as losers. Does anywhere model the sort of thing that you are talking about?

Eleanor Briggs: Yes. The research that we did with Stirling has three different case studies of how local authorities are operating. One is high functioning, one is doing okay, and one is a really poorly functioning local authority. We will happily share that to show you how the different models are working. We hope that through an expanded duty everyone could get up to that high-functioning model.

Q98 Luke Graham: My question builds on those of some of my colleagues regarding how children who experience domestic abuse link with potential fostering services, the Department for Work and Pensions, and future education opportunities. Having had a number of constituents and some family go through a similar process, I know that there is a lot of opportunity to fall through gaps. What, in your view, are the elements of best practice? If they are not in the Bill already, we can try to add them. Certainly, we can share such best practice more widely, supporting an individual in an abusive situation and then connecting them with DWP services, education and other opportunities.

Sally Noden: I can talk about a case study. I think this will answer your question—tell me if it does not. Within our service, we had a referral of a sibling group. There is a waiting list, and by the time of the referral one of the children had been removed—in fact, all three of them

had been removed and one was in a foster placement on their own. We continued with that work; our original piece of work was with the foster carer and the young person.

We linked up with children's social care and with the foster carer, and we met with mum, because the young child was potentially going to go back home—so we linked up in terms of what sort of therapeutic support we could offer this young person. In fairness, children's social care linked up with us as well and ensured that we were speaking to the right people. We needed to speak to the foster carer. We might have spoken only to mum, or we might not have spoken to her.

The big piece of work that we did with that young person was trying to work out their emotional responses to the uncertainty that they were going to go through. That was a huge piece of work, because they did not know whether they were going to go home. At one point, the courts were looking at whether dad was a potential caregiver. Dad had been the perpetrator of domestic violence towards mum. We had to do some work, although the child was not really in recovery because they still had lots of uncertainties; they really needed some therapeutic support in working out their emotions and their lack of knowledge about what was going on.

I do not know whether that quite answers your question. We ensured that we connected up, and doing so has to be everybody's responsibility. It is the same with adult services. Often you see the adult presented, and you do not connect up whether the child will have to move school, and what will happen to them and their education. That is why it is so important to have children named as victims in the Bill, because people then have to connect it up, from all services.

Eleanor Briggs: I would add that if we got a wider duty, looking more broadly than accommodation-based services, that would help because you would have the board and representatives from all relevant partners across the local authority on that board looking at their joined-up response. That would get them talking, and would be such an opportunity. If they were looking more widely than just at accommodation, they would pick up on those issues.

Q99 Nic Dakin (Scunthorpe) (Lab): It all sounds a bit precarious. A lot of excellent work is going on, but it is not certain that it will continue in a consistent way. You seem to be putting quite a lot of eggs in the basket of the wider duty, which will be a way to drive resource and underpin greater consistency, so that we are not just dependent on lottery funding that is falling. Can you explain how you think that will work?

Eleanor Briggs: I suppose the way the duty will be set up is that the boards will come together and do an assessment of what is happening their area; what the needs are and how they can commission services to meet those needs. I think the current version of it will look at accommodation-based needs, whereas the way that we envisage it, they will look at the whole spectrum. With other organisations, we would like to look at perpetrators as well, so that we can get a proper picture. We are looking to end this problem and that also involves support for perpetrators. They look at the whole thing as a holistic issue and look at where support is needed. Obviously, that demands a good risk assessment

and the right people being there, but proper funding is also key. For this duty to be in place will need proper funding, so that once the assessment is done, the right services can be commissioned and funded properly so that that support is in place.

Q100 Nic Dakin: We heard from the earlier witness that these sorts of services are often seen as low-hanging fruit when pressures are on budgets.

Eleanor Briggs: Absolutely. That is why for us this is the part of the Bill that offers us the best chance we have to get those services. People have already talked about how something gets done when you make it statutory. When there is an obligation, it will be provided. We want these services to be a statutory obligation to provide support to children and families and then we will see it funded. As I mentioned, we have seen children's services, where there is no statutory obligation. Those, as you say, are the low-hanging fruit and the ones that go when there is a problem.

You say we are putting all our eggs in one basket. This is absolutely key for us and the best way that we can see at the moment to secure vital support. We also definitely want to see children in the definition on the face of the Bill. That is really important in getting a response from all services. Zoe has already mentioned that the police are doing much better, which is great to hear, but we know from studies abroad that the police have responded to children much better when children are named as victims in the definition of domestic abuse, so we want to see that here as well.

Q101 Wendy Morton: Thank you for joining us today. I want to touch on the Children Act. You are probably aware that the Government are considering the pre-legislative scrutiny Joint Committee recommendation on the definition of harm in the Children Act and whether it should be amended to recognise the impact on children of coercive control. What are your thoughts on that? What do you think the impact of such an amendment will be? Also, do you foresee any unintended consequences of singling out one form of harm?

Eleanor Briggs: We really welcome that. We were really pleased to see the Joint Committee recommendation. The Children Act is a fantastic piece of legislation. We are excited its 30th anniversary is coming up next month. It is a great piece of legislation because it has adapted and changed as things have moved forward. As part of that, in 2002, the definition of harm was changed to include impairment suffered from seeing or hearing the ill-treatment of another. That was added in relation to domestic abuse, so that recognition was there. We support the Joint Committee's recommendation for it to be absolutely clear that coercive control is included. Our research with Stirling University, that I referred to, showed that the local authorities we spoke to felt that social workers still did not recognise coercive control and how dangerous it can be. Research shows that children really do suffer when coercive control is going on in the house. It is also very high risk. There is a high chance of very serious violence related to coercive control, so we support that widening.

We would also like to see the definition change slightly so that it talks about children seeing or hearing—experiencing—the domestic abuse that goes on. This point was powerfully made when we went to see one of our

services. We did not prompt them or say anything when we did our initial research, but one of the service managers said: “Children don't witness domestic abuse, they experience it.” She was absolutely passionate about that. They are not sitting there as some kind of secondary part of it; they absolutely are experiencing that. The Bill provides an opportunity to get that into the Children's Act and to link it to the definition in the Bill. I am not concerned about it limiting, because from my understanding it was introduced in 2002 to be around getting domestic abuse in there. To get that right and to make sure it is up to date with the Domestic Abuse Bill, now feels like a real opportunity.

The Chair: Three more Members wish to speak and we have just under 10 minutes, so questions and answers need to be relatively quick.

Q102 Eleanor Smith (Wolverhampton South West) (Lab): I want to expand on mental health issues. Do you work with child and adolescent mental health services?

Sally Noden: Yes. Actually, over a third of our referrals come from CAMHS, and I also oversee a family support service within Early Help. We work really closely with our CAMHS colleagues, because mental health is a real issue for our young people and for parents.

Q103 Eleanor Smith: I know we have the NHS in the commissioning body, but do you think there should be something for people with mental health issues, particularly children, in the commissioning body?

Sally Noden: Yes, I think so. I do not know whether Eleanor would answer that better than I would.

Eleanor Briggs: We have not done a lot of work on this, to be honest, but we can speak to others and come back to you. I know that Hestia Housing will be appearing before you on Thursday and that they have done a lot of work looking at CAMHS. That is one of their asks, so it might be good to ask them about that.

Q104 Gillian Keegan: It is fascinating to hear all about the services, and the people of Newcastle are obviously very lucky to have them. We heard in other evidence sessions that not having services such as these is often a barrier to women going further to seek out more services, because they do not think their children will get the services required. Do you have a view on how widely available they are across England and Wales? What difference will the role of the Domestic Abuse Commissioner make in ensuring that when she and her team are mapping all these services, it will help to improve the availability of such services across the country for children affected by domestic abuse?

Eleanor Briggs: The research that we did with Stirling University looked at 30 local authorities and at where services were available and where they were not. It varies a lot. In two thirds of local authorities involved in the study, there were some barriers to accessing services. In 10% of areas, there were no support services available. In a third of areas, access to services was restricted by postcode. We know it really varies, which relates to the lack of duty and the instability around funding being an issue.

We really welcome the role of the commissioner, and it is fantastic to see that. We welcome that she has a specific remit on children and that she will have a child advisor as part of her office. We would really like to see children included in the statutory definition, just to strengthen it and ensure that it is absolutely clear. We would also like to see a bit more clarity in the wording—when she looks at the provision of services, it should include children's services as well, because it could be a real tool if it was absolutely clear that she is going to look at that.

Q105 Huw Merriman (Bexhill and Battle) (Con): Thank you very much for the interesting evidence. Can I just come back to your point on people under 16 being victims? The Bill states:

“Behaviour of a person (‘A’) towards another person (‘B’) is ‘domestic abuse’ if...A and B are each aged 16 or over”.

Are you suggesting it should be the case that, in that scenario, B does not have to be aged 16 or over? Is that what you were driving towards?

Eleanor Briggs: No.

Huw Merriman: Sorry—I beg your pardon.

Eleanor Briggs: It is really confusing, and we have spent literally hours thinking about this. We want to keep the domestic abuse age at 16, because of the issues around child abuse that we have talked about. We are working on various amendments. We would like to see something added, probably under clause 1(5), so that the impact of domestic abuse on children is recognised in the definition. The offence would be between A and B, who would be over 16, but then further down we would have the impact recognised on children, as happens at the moment in the Australian model. It is complicated legally, but we are working with a number of barristers and there are options that we are pursuing about how that could fit.

Huw Merriman: I have probably missed it—if so, my apologies—but, from a legal perspective, what would you be wanting to occur as a result of that addition at paragraph 5?

Eleanor Briggs: We would want it to be linking in to the commissioner and to the new MHCLG duty that we have there, so that it is absolutely clear. The notes with the Bill also make very clear that this definition will be used well beyond the scope of the Bill. It will be used by frontline practitioners as well. We are really passionate that that has to be in there, so that when healthcare or the police are responding to a domestic abuse incident, they are recognising children in there. We know from the joint targeted area inspection reports that were done in 2016 that a lot of adult services just did not ask any questions about children. We think that we need it there in a definition, so that everyone is aware. The Children's Act is great, but it does not do all of that, and a lot of other practitioners will not be looking at it.

Huw Merriman: So it is a similar concept to the discussion we were having about recognising the gender imbalance and that being on the face, but there was also a feeling that that could be covered by the statutory guidance that comes out. Could that not be a place for what you just described there with regard to children, in terms of the guidance, and knock on to the providers of the services?

Eleanor Briggs: We do welcome the guidance, and that is definitely a step forward. But for us, that is not going to be strong enough. We do not feel that you can guarantee that everyone is going to read the guidance—or when they see the guidance they might see children and think, “Actually, that is just relevant to children's services”. If you have got it on the face of the Bill it will be much stronger, and we can guarantee that we are getting the proper response that we need.

Huw Merriman: Thank you.

The Chair: Do any Members wish to ask further questions? I thank both witnesses for their contributions today and discharge them from the Committee.

Examination of Witnesses

Emily McCarron and Jo Todd gave evidence.

3.57 pm

The Chair: Good afternoon, Emily and Jo, and thank you for your attendance at the Committee this afternoon. For the purposes of the record, could you introduce yourselves, starting with Emily?

Emily McCarron: My name is Emily McCarron. I am a policy manager at Age UK.

Jo Todd: I am Jo Todd. I am the chief executive at Respect.

The Chair: We are grateful for your attendance today.

Victoria Atkins: Welcome. We are very interested to understand the impact that domestic abuse can have on older people. Ms McCarron, could you help us understand what action you would like to see the Domestic Abuse Commissioner take around older victims of domestic abuse?

Emily McCarron: Certainly. When we are talking about older people and domestic abuse, those circumstances are often very much overlooked. We want older people who experience domestic abuse to start getting the support that they need. With this Bill, there is an opportunity to remedy that.

The first thing of crucial importance is that we do not know much about how much older people are experiencing domestic abuse. We know that about 140,000 older women and 74,000 older men experienced domestic abuse in the past year—therefore more than 200,000 older people. We know also that they face many barriers to reporting this abuse, so that figure is likely to be much higher. Of particular importance is the fact that data collection on the incidence of domestic abuse stops at 74. We would like that to be changed and fixed on the face of the Bill, so that data on domestic abuse is collected for all ages, not just under the age of 74.

Victoria Atkins: Thank you. Ms Todd, will you explain what Respect does as an organisation, and then help us with the Drive project? I will then ask you about the lessons that can be learned from that programme in relation to the positive requirements in the domestic abuse protection orders.

Jo Todd: Respect is a membership organisation. We focus on perpetrators of domestic abuse, male victims and young people, particularly those that use violence, abuse and controlling behaviour in their family home and in their intimate relationships.

The Drive partnership started off as a project between three organisations: SafeLives, Social Finance and Respect. It was to develop a service delivery model for perpetrators causing high levels of harm. That partnership came together about five years ago, and we have worked on developing that service delivery model. It is now just about to publish the third year evaluation report: the University of Bristol has been our evaluator all the way through. That has shown really positive findings. They are not quite out yet, but they are all in the right direction.

Part way through that partnership, we began to have conversations about the strategic needs around perpetrators: not just looking at one part of the perpetrator cohort—the perpetrators causing the highest levels of harm—but actually looking at what is needed by the whole cohort, and what a good whole-system approach would look like. We have reached out to others in the sector and developed what we have called a call to action for a perpetrator strategy. I can go into that in more detail if you like, and can certainly submit it as written evidence. We have a draft of that, and more than 60 organisations have signed up to it.

It looks at the comprehensive strategic approach that we think is needed for perpetrators. The spotlight has been on victims for too long: keeping themselves safe, keeping their children safe, keeping each other safe. Perpetrators have been very invisible, or if they have been visible the approach to them has not always worked. We need an approach that stops domestic abuse happening. That can work in different ways. You can have behaviour change programmes. I have worked on behaviour change programmes with perpetrators. There are men out there who want to change, who recognise the harm they are causing, and are motivated to change. They may be the ones that Sarah Newton was mentioning, who have grown up around domestic abuse. It is all around them in their community, and they do it without even considering that there are other ways of having relationships.

We need to offer those people opportunities to change, but we also need to be clear that we hold them to account when those opportunities are there and are not being taken by them, and that we have robust measures in place through the criminal justice system and also through a multi-agency approach that will stop their abuse, and limit them from being able to be abusive and controlling in their relationships through a series of actions that different agencies can take. We call it disruption. It can be housing, or it can be a police-led response. Lots of children's services are included. There are lots of different ways in which agencies can disrupt perpetrators and stop them causing harm.

Q106 Victoria Atkins: Thank you. Will you give us an insight into the work, to add a bit of colour to the picture you paint? For example, I visited the Drive project in Croydon. What sort of cases will some of the workers in Croydon or elsewhere be working on, and how do they interact with those perpetrators? Also, what happens with the victims at the same time?

Jo Todd: That is a really good point. When you work with perpetrators, it should always be alongside a programme of work that keeps victims safe too. That is the approach taken by the Drive project. The victim will always be offered support but also information about the perpetrator, about whether or not he is changing and about what the risk levels are, to help her make decisions for herself.

The Drive project is a case management-based system. There are case managers who will have perpetrators on their books, who are all levels. Some of them might be in and out of the criminal justice system; some of them may be in prison and coming out. They work very closely with the probation and prison services, as well as the police. They are often resistant to change. They are not in the place I was just speaking about, where they have recognised their behaviour is a problem and they want to change. They often have multiple needs themselves. Sometimes that is trauma in their own lives; sometimes it is drug and alcohol problems and mental health problems. They are often, but not always—this is always often, but not always—unemployed or have housing problems or chaotic lifestyles that mean that engaging in any kind of intervention might be difficult.

The caseworker will take a view on whether it is appropriate to engage directly with that person, or whether to work behind the scenes in a co-ordinated multi-agency way to start tightening the net around them and to start making sure that every agency is aware of the problems they cause and the risk of harm there is and can take appropriate action. Someone mentioned earlier the carrot and the stick. It is very much that. It is, “We will work with you if you work with us, but if you won't, we will use everything we can to stop you being able to be abusive.”

Q107 Victoria Atkins: Just a last question. Referring back to the domestic abuse protection orders and notices, but particularly the orders, in the Bill, what are your thoughts on the fact that judges can make negative requirements—for example, “Do not go within 100 metres of that address”—but also positive requirements, which may include attending a perpetrator programme?

Jo Todd: It is true of any intervention around domestic abuse that it has the possibility to solve the problem and be safe and effective as an intervention, or to make things worse. Whenever we are looking at developing new things, and DAPOs and the positive order requirements are one of those, we need to really think about how this might raise the risk, as well as how it might reduce it. There are concerns—about not putting enough resource in and not being specific enough about what the positive order requirements are—that mean it could go in the wrong direction. We are hoping to work with you and possibly put amendments in to make sure that that does not happen.

With certain things, such as the specified responsible person who recommends to the courts what should be included in the DAPO and then is responsible for monitoring that requirement, there is not at the moment the same level of specification about whose that role should be. The Government may already have plans and thoughts around who would fill that role: whether it be probation or police, I am not sure. However, at the moment, that is not clear. It is really important that that role is of high quality, is an expert, is able to assess

suitability and risk for various different interventions, and is then able to manage that risk. That is an important part of it.

Quality assurance is key, and you know that Respect has a set of standards for perpetrator work. When new interventions come up, we have to flex those standards and think about what is appropriate for the new types of work. It is really important that there is quality assurance around the DAPOs and the role. That means really thinking hard about what those positive requirements might be. Is it a range of requirements? What I would like to see, and what we have advised the Home Office on already, is not just having a one-size-fits-all short intervention, which I think is the risk, but having at your disposal the kind of things we have talked about already that Drive has got. You could just say, "You can go on this behaviour change programme for six weeks," or something like that, but if someone is not suitable for a behaviour change programme because they are resistant to change and their lifestyle is chaotic, there is no point putting them on one. They will sabotage the whole process for everyone who wants to be on it. In that case, the disrupt and the case management element of Drive would be suitable.

I would like the DAPO to have the flexibility to be able to say, "You are suitable for this and this, but not this, this and this." Obviously, it all takes resource to be able to do those assessments. I am plugging the call to action and strategy on perpetrators, but if the Government were able to comprehensively write a strategy on perpetrators, it would cover all those things, ensure a range of activities and have to be in every geographical area, and that is a real challenge; that is really resource-intensive, but I think you would see results.

We know the costs of domestic abuse are astronomical—I am sure everyone in this room knows the £66 billion a year figure that the Home Office published earlier in the year. I do not think the public realise that £66 million is frittered away on the social and economic impacts of domestic abuse. If we were to use some of that money in a proactive and strategic way to address the cause of the problem—the perpetrator—we would start to get somewhere.

Q108 Carolyn Harris: We know that victims change the way that they behave to stop a perpetrator abusing them. What can we put into legislation to put the emphasis on change on the perpetrator and not the victim?

Jo Todd: Some of it—some of the things I have mentioned—goes alongside the legislation. Domestic abuse legislation is focused on responding to abuse that has already happened, which of course is really important, but we need to prevent it from happening or stop it happening again if it has already started. That is hard to put into legislation. Some things have been suggested, such as polygraph testing—that is in the Bill at the moment.

I think you could spend your money a lot more wisely than on polygraph testing, and really think about GPS tracking. It has been piloted around the world, but in Spain in particular, and has been very successful. In case you do not know, because technology has moved on so much and we are all running to keep up with it, the tags that people on probation can have when they are released into the community can restrict them from

going into wide geographical areas. You can put protections around victims, such as a 10-mile radius, or saying that he is not allowed in a certain town or cannot go where the school, the hospital or her mum's house is, and all the travel in between those places. You can programme those tags. I would like money to be put into those kinds of things. If probation took forward technological advances, that would be really interesting to pilot, rather than polygraph testing. I didn't know if anyone would ask me about that, so I thought I would get it in.

I keep coming back to quality assurance, but if I was putting anything into the Bill, it would be around the standards for work with perpetrators and the commissioning guidance around that. At the moment, commissioners are sometimes flailing. They want to do the right thing, but they have limited budgets. It is great when commissioners take notice of our standards—quite a lot do—but they are not compelled to, so some do not. Standards that are looking at safe and effective practice need more money than quick, cheap options.

I would look at putting an amendment in the Bill on quality assurance in perpetrator work. I have had a conversation today with the Domestic Abuse Commissioner on how that might fit with her role and with her oversight. There is still a bit of thinking to do about that, so I would be happy to take that forward with the Home Office, although we have all been watching the news today and are not sure where we will be in a few weeks' time, but the positive thing is that everyone—in this room, it is a cross-party group—wants to take this Bill forward. Whoever ends up in government, and whatever form of Government we end up with, I am hoping will take forward the Bill. Again, that is something that the sector would appreciate some reassurance on. We will all be knocking on the doors of the people writing the manifestos really soon, to get some of the things that we want from the Bill into manifestos. You will be expecting us, I am sure. Does that answer your question?

Q109 Carolyn Harris: Yes, that is brilliant—I will give you a rest now. Ms McCarron, we have already discussed—something that came as a huge shock to me—that we do not keep stats for victims over 74 years of age, which is obviously something we have to look at remedying. How do we gather the data? What can we do to ensure that we have ways of identifying elderly people who are victims of domestic violence? Is it as simple as an IDVA—an independent domestic violence adviser—in a casualty unit? What can we do?

Emily McCarron: I am not a statistician, so I cannot advise on the exact statistical methods, but there are opportunities with IDVAs, as you imply. We are also trying to raise the opportunity within the healthcare setting to better detect where domestic abuse of older people is occurring. Admission and discharge are critical points, when the experience of domestic abuse of older people can be picked up by healthcare professionals, so that is an opportunity potentially for data to be collected on, or certainly for more understanding of, the incidence of domestic abuse. That is why—for that point—we are calling for healthcare professionals to receive specific and ongoing training so that they can identify when domestic abuse is occurring, and so that they can better support older people.

The same goes for IDVAs. We know that only 5% of the people who seek support from IDVAs are over the age of 60, which is extremely low, so there is an opportunity here also to boost that role, particularly in the healthcare setting, where older people are likely to turn up with domestic abuse issues. Many older people are perhaps reliant financially or physically on perpetrators for financial or care support, and go to GP appointments with the perpetrator perhaps, but when they go to hospital, perhaps alone for the first time, there is an opportunity to intervene, to see what is going on and to see what support can be provided.

Q110 Carolyn Harris: Do you know that in Wales there is quite a big training programme on domestic violence training? Is it better in Wales, because we have more people trained to identify victims?

Emily McCarron: I cannot comment on the specific situation in Wales. We have identified a gap overall in the NHS, which could be providing much more training—or there is an opportunity for those healthcare professionals to intervene and to provide support, as well as to identify.

Q111 Sarah Newton: Actually, I can answer your question, Carolyn. Yes, it is very good in Wales, because they have compulsory IRIS—Identification and Referral to Improve Safety—training in the NHS, which is definitely something we should do in the England NHS. That is why they have got the highest detection rates in the UK of domestic abuse among older people.

Emily, you gave us very good written evidence on a different type of domestic abuse for older people from what we have been talking about. We have very much been talking about intimate partners, and this is really about adult family members abusing the older members of their family, or people with disabilities in their family. Perhaps you could talk to us a bit about what you know about that and the prevalence of it. What more do we need to do to reflect on it? For the first time, that type of domestic abuse is being captured in legislation.

Emily McCarron: We know that domestic abuse is a gendered crime. However, at Age UK we receive about two calls a day from older people, their families and their support about this issue. Older men and women, as they age, are more likely to experience domestic abuse at the hands of family members—not just intimate partners. Older people are almost equally as likely to be killed by a partner or spouse as by their adult children or grandchildren. We are very pleased to see the definition of domestic abuse expanded, particularly with regard to the inclusion of statutory inquiries into suspected financial abuse, which is very relevant to older people.

We would like that definition to be expanded further so that it recognises the whole array of family relationships and the complexities and vulnerabilities that arise in those relationships as a person ages and their care needs develop and change. We are calling for the definition to be expanded to include abuse that is perpetrated not just by family members and intimate partners, but carers, because they provide care in a domestic setting to a person whose vulnerability has increased as they have aged. That is why we are calling for the definition to be expanded. We must recognise that older people experience domestic abuse not just at the hands of intimate partners; it is a new array of family members, neighbours, friends and carers.

Q112 Vernon Coaker: Emily, could you say a little about the difficulty with elderly people disclosing the fact that they are victims of this sort of abuse, and how difficult that must be? This morning, somebody raised the issue of older people, and I think this is a problem as you get older—hopefully, younger people have a different attitude, which is that you don't suffer in silence. Have you made any estimate of the number of people that this affects? What initiatives have you found that have made a difference? What can we do about it, given that it is not only physical abuse and the economic abuse that Sarah was just talking about, but emotional abuse, control and those sorts of things?

Emily McCarron: You are right to say that older people often suffer in silence because they face a range of barriers to reporting the abuse. In many instances, it might be that they have suffered from the abuse for a very long time and are simply resigned to it or feel that no one is really listening to them. They might be very frightened. It is also the case that some older people have cognitive and physical decline, which makes it much harder to report. We know that there are very few services available to older people. We have reports from older people that they think that domestic abuse services are not for them; they think they are for younger women and do not want to take up the places of younger women and children, so are reluctant to report the abuse. It is also due to fear and a reliance on people financially. In many instances, they might not want to leave the perpetrator, so it is about what the correct response to that person's needs is. That is why we are calling for a better response from healthcare professionals.

As it stands, the Bill is very focused on the criminal justice response, and that may not always be the only response that is right for older people. We are calling for better co-ordination and links between the criminal justice system, the healthcare system and local authorities, for a more co-ordinated response that is also linked up to social care, which obviously plays a part.

We are also calling for greater links with local authorities. At the moment, the possibility of domestic abuse is not always fully considered in assessments under the Care Act 2014, so we are calling for a better understanding of it. Certainly some successful training programmes have been delivered specifically to train people up on the needs of older people, because it is not always the criminal justice response that is needed.

Q113 Huw Merriman: Emily, may I take you back to your suggestion that the definition be widened to include carers? I can absolutely see the logic of that, but is there not a danger? Currently, “personally connected” effectively means being or having been in a relationship or being a relative. If you extended that to carers, why would you not extend it to people who provide paid services to the home, for example? There is a danger that you go from “personally connected” towards “comes into contact”. Where would you stop? I wonder if you have thought about that in terms of extending the definition.

Emily McCarron: We have. We see that there is a role for the Care Quality Commission to play in ensuring sufficient safeguards for professionals who provide paid professional care. We are going on the evidence we see at Age UK, on what the calls to our information and

advice service tell us, and on case studies. We are seeing that, in addition to intimate partner abuse, older people raise concerns about the abuse they experience at the hands of unpaid carers. I can see that there would be some concerns about how far that goes, but we are just going on the evidence.

We see that older people are experiencing abuse at the hands of their carers. As I have said, that is related to their vulnerabilities, and often that person is the only person who they see—they are not in contact with many other people. We are seeing evidence of the same coercive control and of older people adapting their behaviour to deal with the abuse that they experience—for example, sticking to their rooms and avoiding all conflict. That is exactly the same pattern of abuse and coercive control that we see in other examples of domestic abuse. That is really what is driving our desire for this amendment to expand the definition of abuse.

Q114 Huw Merriman: Clearly, this is an area that you would think needs addressing. Did you consider whether there are other vehicles to address that point or is this neatly fitting?

Emily McCarron: I do not think that it is ever neat—I do not necessarily think that anything fits neatly into this area. There are other opportunities beyond the Bill. There are opportunities to look at the guidance for the Care Act and how we address that. There are also discussions around the definition of coercive control and whether that is always in the domestic setting. The Bill provides an opportunity to improve the lives of older people who are experiencing domestic abuse. That is why we are focusing on this as a vehicle to make some change and have some relevance to the lives of older people who are experiencing abuse.

Q115 Gillian Keegan: There is no doubt that this is a very big area that is relatively new in terms of our considering it. As you say, older people are definitely much more vulnerable, particularly with regard to intimate care. They are much more isolated, and I guess they are more conscious and concerned about loneliness too, which could be the consequences of taking any action. I have encountered a number of distressing cases involving either carers and the abuse of elderly victims, or other residents abusing people's relatives in care homes. Obviously, the Government want to ensure that we get this right and make domestic abuse everybody's business in order to try to identify and help victims, and I suppose that is even more critical with elderly people. What do you think needs to change to ensure that the response to older victims is as good as it can be? How do you see the role of the Domestic Abuse Commissioner in helping us on that journey?

Emily McCarron: The first step is the need to correctly identify that this is happening. A budget of £100,000 was allocated to support older people experiencing domestic abuse. While we are certainly not arguing for resources to be diverted away from younger people, that indicated to us that this is not recognised as an issue. In part, as I have explained, that is a data issue: we just do not quite know how many older people experience domestic abuse. We have quite a stark figure that one in four victims of domestic homicides are over the age

of 60. We believe that is a consequence of the fact that older people are not accessing the services they need.

Really, this is about recognising that this is an issue for older people, that it is quite a hidden issue, that more needs to be done and that their particular needs must be recognised in terms of the response. The response should not just be a criminal justice response; it should also be about healthcare, social care, housing and the provision of services. On asking the commissioner, this is about recognising the issue and allocating resources—or the Government response—in accordance with the number of older people who experience it. It is quite a stark issue, but it is still very hidden.

Q116 The Chair: Are there any further Members who wish to ask questions of the witnesses? If not, is there anything you wish to add that the Committee has not covered?

Jo Todd: I would like to mention something about culture change. It is really easy to focus on individuals. The Bill is a real opportunity for the Government and society to reflect on what it is to have a healthy relationship. That is about equality. A lot of the reason we talk about gender all the time is that domestic abuse is a cause and a consequence of women's inequality. There is a broader landscape around this issue. I think addressing that, alongside the measures we are looking at in terms of individuals, would help a lot. If we are talking about individual relationships, shared decision making, and having equality in the relationship, an unhealthy and abusive relationship is where there is an expectation of one partner having control and power in the relationship, and that their entitlement to make decisions for the family and for the other people in the relationship overrides everything else. We increasingly recognise that it is the control at the heart of an abusive relationship that is the problem, and the violence or abuse—economic abuse or whatever it is—is just a part of the mechanism for maintaining control.

So there is a bigger piece of work—it was mentioned earlier—about Government campaigns. There really is a mixed method approach to trying to shift the society we live in and the views that we all have, whether it is the older or younger generation. We are all from different generations in this room, and there is no generation that has got this right, so there needs to be a national dialogue about what healthy relationships are so that everyone knows what they are. And there needs to be campaigning targeted at perpetrators, or people who might end up as perpetrators, that gives very clear messages.

The Met police did a campaign probably 12 or 15 years ago that was directed at perpetrators. They put it on tube platforms and it had a really positive recognition rate among men. Media testing of how campaigns had worked found that it had a really positive impact, but we have not seen much since that is aimed at perpetrators. When you think about the Bill, I encourage you to think about a broader package of what the Government can achieve. We want services and the statutory response to victims, perpetrators and children to be as good as they can be, but we also need the wider conversation to happen.

Q117 The Chair: Any final word, Emily, before we conclude?

Emily McCarron: I have been talking about older people and in particular a response to domestic abuse that moves beyond the criminal justice response. Although we have advocated for the needs of older people, looking at healthcare, housing, social care, the local authority response and the need for a multi-agency response and better co-ordination, this does not only benefit older people; it benefits all those who experience domestic abuse. There is a real opportunity for the Bill to meet those needs and bring real change.

The Chair: I am grateful to the two witnesses for their contributions, which brings us to the end of the proceedings for oral evidence today.

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

4.38 pm

Adjourned till Thursday 31 October at half-past Eleven o'clock.

Written evidence reported to the House

DAB01 Transform Justice

DAB02 Equi-law UK

DAB03 Amnesty International UK

DAB04 Step Up Migrant Women Coalition

DAB05 Prison Reform Trust

DAB06 The ManKind Initiative

DAB07 Dogs Trust

DAB08 Dr Tirion Havard, Senior Lecturer at London
South Bank University

DAB09 Refugee Council

