

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## DOMESTIC ABUSE BILL

*Third Sitting*

*Tuesday 9 June 2020*

*(Morning)*

---

### CONTENTS

CLAUSE 1 agreed to.

CLAUSE 2 under consideration when the Committee adjourned till this day  
at Two o'clock.

---

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

**not later than**

**Saturday 13 June 2020**

© Parliamentary Copyright House of Commons 2020

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chairs:* MR PETER BONE, † MS KAREN BUCK

- |  |  |
|--|--|
| † Aiken, Nickie ( <i>Cities of London and Westminster</i> )<br>(Con)                         | † Harris, Rebecca ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) |
| † Atkins, Victoria ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) | † Jardine, Christine ( <i>Edinburgh West</i> ) (LD)                      |
| † Bowie, Andrew ( <i>West Aberdeenshire and Kincardine</i> ) (Con)                           | † Jones, Fay ( <i>Brecon and Radnorshire</i> ) (Con)                     |
| † Chalk, Alex ( <i>Parliamentary Under-Secretary of State for Justice</i> )                  | † Kyle, Peter ( <i>Hove</i> ) (Lab)                                      |
| Coyle, Neil ( <i>Bermondsey and Old Southwark</i> ) (Lab)                                    | † Marson, Julie ( <i>Hertford and Stortford</i> ) (Con)                  |
| † Crosbie, Virginia ( <i>Ynys Môn</i> ) (Con)  | † Phillips, Jess ( <i>Birmingham, Yardley</i> ) (Lab)                    |
| † Davies-Jones, Alex ( <i>Pontypridd</i> ) (Lab)   | † Saville Roberts, Liz ( <i>Dwyfor Meirionnydd</i> ) (PC)                |
| † Gibson, Peter ( <i>Darlington</i> ) (Con)  | † Twist, Liz ( <i>Blaydon</i> ) (Lab)                                    |
|  | † Wood, Mike ( <i>Dudley South</i> ) (Con)                               |
|  | Jo Dodd, Kevin Maddison, <i>Committee Clerks</i>                         |
|  | † <b>attended the Committee</b>  |

## Public Bill Committee

Tuesday 9 June 2020

(Morning)

[Ms KAREN BUCK *in the Chair*]

### Domestic Abuse Bill

9.25 am

**The Chair:** Good morning, everybody. I have a few preliminary points. Remember to switch your electronic devices to silent mode. Stimulants, with specific reference to tea and coffee, are not allowed.

Obviously, the important thing today in Committee is social distancing. The main body of the Committee Room has capacity for a maximum of 15 Members. If more than 15 Members are present, two will need to sit in the Public Gallery, but if they catch my eye during the sitting, they will obviously be able to participate. I will have to suspend the sitting if I think anyone is breaching the social distancing guidelines.

The *Hansard* Reporters would be very grateful if Members could email electronic copies of their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

Members will be aware that Parliament will hold a minute's silence at 11 am in memory of George Floyd. I will suspend the sitting for one minute just before 11 o'clock.

Today we begin line-by-line consideration of the Bill. A selection list for today's sittings is available at the other end of the room, showing how the selected amendments have been grouped for debate. Amendments grouped together are generally on the same or a similar issue. Decisions on amendments take place not in the order in which they are debated, but in the order in which they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment are taken when we come to the clause that the amendment affects. I will use my discretion to decide whether to allow a separate stand part debate on individual clauses and schedules, following the debates on relevant amendments. I hope that that explanation is helpful.

#### Clause 1

##### DEFINITION OF "DOMESTIC ABUSE"

**Jess Phillips** (Birmingham, Yardley) (Lab): I beg to move amendment 50, in clause 1, page 2, line 7, at end insert—

“(5A) For the purposes of this Act, people affected by domestic abuse may include any child (such as a child in relation to whom A or B has a parental relationship) who sees, hears or is otherwise exposed to domestic abuse within the meaning of this section.”

*An amendment so children are recognised within the statutory definition of domestic abuse.*

Thank you, Madam Chairman—that always sounds ridiculous, so I will say Madam Chair. I will start as I mean to go on, with a feminist flourish. The aim of the amendment is to ensure that children who see, hear or are otherwise affected by domestic abuse—in other

words, who themselves experience the domestic abuse—perpetrated by one person aged 16 or over against another, are recognised in the proposed statutory definition of domestic abuse.

We will come later to the debate about the statutory definition and the importance of having a statutory definition. It is almost unbelievable to somebody who has worked in the field for so long that one does not exist. I think people on the street would think that one did. I will not talk more broadly about the definition now, but merely about the amendment with regard to children.

What are the reasons for the amendment? Why is it important? Analysis from the Children's Commissioner suggests that 831,000 children in England live in households that report domestic abuse. On average, 692 child-in-need assessments—I presume that that is the figure for before covid-19—are carried out every single day that highlight domestic abuse as a feature of a child's or a young person's life. Having worked in the field, I know that that is an enormous under-reporting, but, still, the figure is 692 children every single day.

The Women's Aid annual survey reported that, in 2018-19, 13,787 children used refuge services, compared with 11,489 women, so there are more children accessing our refuge services. When I worked in Refuge, there was always a board that said, “Flat 1, flat 2, flat 3, flat 4, flat 5”, and it was always, “Woman plus three” or “Woman plus four”—that was the number of children she had with her in the refuge accommodation. There were always more children than women in Refuge.

According to the Women's Aid study, 187,403 children used community-based services, compared with 156,169 women. I want to explain that a little bit, because the headline figure of 187,403 does not mean that, in a single year, those children necessarily received any direct support as a result of their domestic abuse. I worked for a Women's Aid in community services. That is where the vast majority of victims of all kind are seen; it far outstrips refuge accommodation. The reality is that you would sit with a form in front of you and often with a woman in front of you who was telling you of the horror she was facing at home, where she was still living or interacting with the perpetrator, because of the family courts or for a variety of other reasons, and you would know, and would have recorded on your system, the number of children in her household, but you might never lay eyes on those children—you might never see them. They would never necessarily come into community services. My organisation dealt with 8,000 to 9,000 community cases a year. Had we had the associated children in, it would have been like running 10 inner-city schools in the west midlands. Although that number of children are recorded in community services, it does not necessarily mean that they are accessing support.

The consequences of these childhood experiences are well known, ranging from brain development being negatively affected and cognitive and sensory growth being impacted, through to people developing personality and behavioural problems, depression and suicidal tendencies. Children who experience domestic violence from the age of three onwards reported 30% higher than average antisocial behaviours at the age of 14.

There is not really any crime type that we debate in this building that we could not link back in some way to adverse childhood experiences, whether we are talking

about the link between domestic violence perpetration and terrorism, about the adverse childhood experiences that lead to grooming and sexual exploitation, about knife crime or about county lines exploitation. In every single one of these crime types, if we were to look back at adverse childhood experiences, it would not be too long before we saw a pattern of domestic abuse. It is haunting how much domestic abuse affects many of the issues that the Home Office deals with.

The children who have suffered report 13% higher than average conduct problems, such as fighting with their peers. The Joint Committee on the Draft Domestic Abuse Bill highlighted concerns that if children's status as victims of domestic abuse that occurs in their household—rather than that which occurs to them as individuals in their own relationships or directly at the hands of the perpetrator in their home—was not recognised, the Bill could have a negative impact on the level and quality of specialist support available to children.

The provision of services for child victims of domestic abuse is already disjointed. Studies have shown that support for children is often a bolt-on to existing domestic abuse services and that many children do not receive any specialist support following their experiences of domestic abuse and violence.

Without wanting to blow my own trumpet, I think it is important to say that my in-depth knowledge of the domestic abuse services in Birmingham is probably a little bit better than that of the average Member of Parliament. I have worked in most of those services; I know where the services are. When I need a refuge bed, I rarely go through a referral line—my next-door neighbour but one is the place where I would go—and I have the phone numbers of the people I need to talk to at any given moment. If a child came into my constituency office and was facing domestic abuse at home, or came in with their mother and their mother was begging for direct support for that child, I would not know where to send that child for certainty of service.

**Peter Kyle (Hove) (Lab):** What my hon. Friend describes is a set of services that works within the rules. I believe she is saying that guidance and codes go so far, but we really need legislation. Does she agree that the very existence of this good Bill, which we need, proves that statutory definitions make a difference and that that, fundamentally, is why we need their extension to children?

**Jess Phillips:** I absolutely agree. Throughout the day, no doubt, we will be told, as we were on Second Reading, and as we will be on Report, that, even though I am a sometime opponent of some things in the Bill—actually, I am not an opponent of anything in the Bill; I am an opponent of what I fear is missing from it—the definition is important and ground-breaking. We will be told that it is finally the leap pad that we can all use to do some things we have all so deeply wanted to do, but we have to make sure that we do that for the nation's children and that they are on the face of the Bill.

I was talking about what I saw in services and saying that I would not necessarily be able to find somewhere for a child. In a case in my constituency, a woman's husband was convicted in the Crown court of domestic abuse towards her. Her child is now going through the family courts. That is a story we will hear again and again throughout the passage of the Bill. The child's

school identified a need for extra support and had access to some educational psychology resources that could be put in place at the school. The school had to get permission from both parents. The father refused to allow the child access to the support. Those involved at the school, which is not huge administratively—primary schools in Birmingham, Yardley do not have big teams of policy people and people making decisions—felt anxious, nervous and unprotected about what to do, so they allowed the father to make that decision. There are all sorts of reasons why we need legislative change to provide explicitly that public bodies have a duty in that area. That is just one example.

When I worked in Refuge accommodation, I saw a decline in the number of family support workers. When I arrived, we had two children's rooms in the main refuge, which had 18 flats for families to live in. There were communal spaces and two family support units, and, more importantly, four family support workers. Their entire job was to work with children, and to work through their experiences with them, and also to work with mothers whose sense that they could tell their children what to do had often been removed by a perpetrator who had undermined them at every level, to the point where the children—certainly the older children in Refuge—became the parent. Those workers watch childhoods being lost, usually by older teenage girls. However, in some cases it is boys who become a parent to their younger siblings.

I have seen horrendous cases, including one where I had to help with and facilitate the removal of children from a family for their best interest, when a group of three siblings was separated so that the oldest was sent somewhere separate from the two younger ones. I have lots of siblings, and it felt as if separating that sibling group was the cruellest thing ever to have to do, but that older child would never have had a childhood had she been resettled with her younger siblings, because, at the age of eight, she had become their mother.

Even in the time I worked in Refuge accommodation, we closed the family rooms because there was no longer funding for specific family support work, which came through early intervention grants, either through Supporting People funding or the local authority. The rooms that had been filled with big murals of Disney characters and the play schemes that offered places in summer—I remember we used to do this brilliant den-building thing, because of the idea that kids would like to build a space they felt safe in—started to disappear from refuges across the land. The onus on, and ability of, organisations to work directly with children has been limited.

If we were truly representative and I asked Members to survey all their constituents who had suffered domestic abuse about what single thing every victim wanted to see, there would be a variety of answers. However, I guarantee that a huge percentage would say, "I just want some support for my kids. I just want someone to talk to my kids. My kids have nowhere to go." That is what victims of domestic violence say again and again at coffee mornings, at refuge support groups and at every refuge's weekly house meeting. People are saying, week in and week out, "I just want something for my kids."

Do not just take my word for it. Research conducted by the University of Stirling has shown the following: in two thirds of local authorities questioned, children

[Jess Phillips]

faced barriers to accessing support in cases of domestic abuse. Over 10% of those local authorities had no specialist support for children who were victims of domestic abuse. In one third of local authorities questioned, children's access to services was restricted by postcode.

I see the hon. Member for Dudley South in the room; I used to work at Black Country Women's Aid and offer services across the great borough of Dudley. We had a rape crisis service that offered services to adults and children who were victims in Sandwell, but we offered other services in Dudley—around domestic abuse, for example. Rape victims and children who had been sexually abused or sexually assaulted would ring our services, and if they lived in Dudley, we would have to say to them, "I'm sorry, that service is for Sandwell kids. We cannot come into a school in Dudley." I hasten to add that that is not the case now, I am pleased to say.

I am covered by parliamentary privilege, so I can say that I sometimes used to fake an address in Sandwell. I used to think, "The crime data for this one house is going to go through the roof. This is going to be some horrible hothouse of abuse where every person in Dudley who has ever been abused lives." There is nothing worse than working for a service and telling people that they cannot access it. The people who live in Sandwell and Dudley definitely know the difference between the two, and it would be a grave insult to accuse someone who is from one area of being from the other; that would be like saying I am from Manchester. Nevertheless, the idea that people in the west midlands understand lines drawn on a local government map in 1974 when their children need support is frankly laughable.

Funding for children's services fell by £3 billion between 2010 and 2018, and children's services in two thirds of local authorities questioned are reliant on time-limited funding. It is important to stress the issue of time-limited funding: if I had superpowers beyond those I will ever have, I would scrap 31 March from every calendar in the world. People who work in the voluntary sector are aware that when a child comes in to start 10 sessions of support over a financial year, they might not know until well into April whether they will still have the funding to carry on supporting that child. The voluntary sector currently lives hand to mouth; that is not a criticism of this Government, but a criticism of literally every Government. The way we manage funding for those dealing with people whose lives are completely and utterly chaotic is a travesty.

In addition, 60% of local authorities that responded to the recent Women's Aid survey have had to reduce or cancel children's services as a result of covid-19. Cross-national comparative research has shown that when children are recognised as direct victims, they are more likely to be spoken to and have their perspective taken into account.

9.45 am

This is particularly important when the joint targeted area inspection report identified that in children's social care, health professionals, the police and probation there were instances where children were not listened to or considered. The National Society for the Prevention of Cruelty to Children has also found that the police often do not provide children with any explanation or

information, or get their perspective on domestic abuse incidents and they are not listened to. This is a really important point.

I am a victim of crime. There is a court case tomorrow, which I cannot go to because I will be here. Someone else will read out my victim impact statement. When the police come to talk to me about that, I am given a form to tick that they have offered me a victim's personal statement. Those who are responsible for victims in the Ministry of Justice will be pleased to hear that I ticked the little form. It asks whether it has been explained to me that there are services available to me, whether I mind my information being passed over to victims agencies that might be able to support me and whether I understand what might happen with court. That was all explained to me.

I do not even need to take an extreme example, but if a child has just watched one of their parents punch the other in the face repeatedly, and the police are called because the neighbours hear, in those circumstances what will largely happen—it is patchy, don't get me wrong—is that the police will do a much better job than they did 10 years ago with that victim of crime. There is no doubt about it. That victim of crime will get the form that I got. She will probably get a much more advanced service, because of the specialist agencies that she would probably be referred to. But they may never see the child who was in that house. No little leaflet is given to them to ask if they are okay.

I recognise the instigation of Operation Encompass, although it is early days. I must say, when I worked in domestic violence services, we called Operation Encompass the "392 form" and every school received a form if there had been a domestic violence incident in a child's home. I must say, by and large, they were filed.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): I refer to my own experience when I was a councillor responsible for local education. I remember—this varies between local authorities—how effective it was that looked-after children were the responsibility of the local authority and the schools were held to account for their educational performance. Obviously, this must be handled sensitively, but we know that children and their educational outcomes suffer in these circumstances, so making this more consistent must be beneficial.

**Jess Phillips:** I absolutely agree; there needs to be a consistent thread. I suppose the Government would lean on the idea of Ofsted's safeguarding principles with regard to all schools, regardless of whatever jurisdiction they sit under. However, if we looked at any of the inquiries into sexual violence or harassment in schools, which have been done by what feels like every Select Committee over the past five years, we would see there is a real disconnect between the safeguarding that Ofsted is able to identify and incidents where, for example, peer-on-peer sexual violence in a school is handled appallingly. I cannot help but think there needs to be a far more consistent approach.

What is more, for example with Operation Encompass, a proper monitoring review and action plan needs to come out of any review. A former chief constable of Dorset Police wrote to me. He now runs an organisation that goes into schools and works with Operation Encompass. He told me that during a recent webinar

with 150 school safeguarding leads, he ran an online poll, to ask who was aware of Operation Encompass: 35% said yes, they were aware; 49% said no, they were not; 9% said that they were not sure; and 7% said yes, but that they were not receiving any calls about children in such circumstances. I can only hope that they have very lucky children in their school without any incidences at home, although I find that vanishingly hard to believe.

When we talk about the voice of the child, nowhere in the debate that we will have over the next 10 days will we hear what I can only describe as a primal cry about hearing the voice of the child, including when we discuss the family courts. If I wanted to filibuster all day, I could read from the special folder in my inbox, which contains hundreds if not thousands of emails from children and adult victims who have been through the family courts, talking about how the children were ignored. There is a deep and meaningful reason why the voice of the child has to be put on the face of the Bill. Later, when we discuss the family courts, what we hear will put us all beyond any doubt that rarely are children asked what is happening at home by anyone, even when services are instigated.

Including children in the definition of domestic abuse would also mean that public authorities and frontline practitioners, including CAF/CASS—the Children and Family Court Advisory and Support Service—and the police, will be encouraged to recognise and respond to children experiencing domestic abuse. Local authorities and their partners would recognise the importance of ensuring that child victims have access to support for their needs. That is deeply important.

I do not underestimate how stretched local authorities are. In most circumstances, they are trying to do the very best that they can. I used to say that I wished that the victims of domestic abuse were as important as the bins—there is a statutory duty to collect the bins—but now they will be. We have made it to the heady level of domestic abuse victims being as important as bins! I now wish to see children in every local authority reach that heady status. I do not underestimate the importance of bins, though. I am from Birmingham, where we have bin strikes all the time, so I cannot tell you how important I think that the collection of bins is—I do not wish to present otherwise to the Committee.

The report of the Joint Committee on the Draft Domestic Abuse Bill echoed much of what I am saying, stating:

“We recommend the Bill be amended so the status of children as victims of domestic abuse that occurs in their household is recognised and welcome the assurance from the Home Office Minister that the Government seeks to include the harm caused to children in abusive households in the definition”—we would welcome that.

The Minister sent a letter following Second Reading this time—the Joint Committee report is actually a piece of scrutiny work done on a previous Bill. The Bill we are considering is a different one but, in shorthand, let us all assume that we are talking about the same Bill for now. In the letter, the Minister stated:

“It is vital that we support children who are affected by domestic abuse, and the Bill expressly recognises that in the statutory functions of the domestic abuse commissioner. One of the key functions of the commissioner will be to encourage good practice in the identification of children affected by domestic abuse and the provision of protection and support.”

I want to know what “encourage” means—the domestic abuse commissioner will “encourage”.

The domestic abuse commissioner, in her evidence to us on Monday, very much encouraged the idea that more support is needed for the victims of domestic violence who are children. She told a clear story about how shocking one particular service that seemed to be doing it well was to her—that she had never seen such a service. What powers will the powers of encouragement have? Will the Minister explain in her remarks how the commissioner will encourage that? The Government have not been encouraged to include children. The commissioner—regardless of her title—has no budget to commission children’s services in the country, and she has no power to demand that a local authority does it.

**Peter Kyle:** My hon. Friend makes an important point in focusing on the attention that encouragement is given in the current system. Can she give some examples, from her own experience, of all the other areas where services are encouraged to do something, but that does not actually happen?

**Jess Phillips** *rose*—

**The Chair:** In replying, I am sure the hon. Member will remain within the terms of the Bill Committee.

**Jess Phillips:** I will remain within the terms by saying that we, as members of the Committee, received evidence yesterday from the Children’s Commissioner. She is encouraging us to look at this amendment and to pass it. I do not think anyone in this room doubts that the Children’s Commissioner has been trying to encourage that to happen, and it has not happened. That encouragement is just one good example of how the role of a commissioner, which will we talk about later, is deeply important. It must mean something more than just encouraging. I do not know why the Government would not want to be encouraged to include children.

The Minister’s letter goes on to say:

“In addition, clause 66 of the Bill places a duty on the Home Secretary to issue guidance on the effect of domestic abuse on children. Alongside the Bill, we announced on the day of Second Reading that the Home Office had awarded £3.1 million to specialist services for children who have both been directly and indirectly affected by domestic abuse.”

The organisation I worked for was one of those that received some of that money, for work in the area represented by the hon. Member for Dudley South; no one would argue with that. However, as will be said many times in the Committee, saying that advice will be issued in the guidance is all well and good. We want to see incredibly robust guidance. I spent the weekend reading the guidance on human trafficking, which nobody would want to see on the face of the Bill because it is long, in-depth, ridiculously detailed and targets specific agencies with specific nuance. That is what good guidance should do.

I understand that kicking the issue of children to the Commissioner and the guidance might make it feel as if the issue is forgotten. I do not think that Members opposite—certainly the Minister—do not want to see the very best for every child in our country. I absolutely think that the Minister wants that—it would be horrific to think otherwise—but the suggestion is that it does not need to be on the face of the Bill but will play its role in the guidance, which we have not yet seen. This is not a new Bill. The Domestic Abuse Bill is like an old

[Jess Phillips]

lady of the House. The joint Committee compelled the previous Bill—this Bill's sister—to publish the guidance before we even reached Second Reading. Why, if we are so confident that the issue of children can be dealt with in the guidance, can we not see that guidance? Why cannot this body of Parliament scrutinise the guidance before we agree that children will be perfectly well catered for? That guidance might allay my fears. I would probably still want to see it on the face of the Bill because I am a person who likes to use the law to get what I want, but maybe the guidance would allay my fear. Perhaps the Committee could be allowed to see a draft of the guidance during its discussions? I will not press it to a Division as I am sure all Members would agree.

Of the £3.1 million that was announced, which was of course welcomed, not a single penny would enable me to place anyone in Birmingham into the service. The hon. Member for Dudley South and people in his area are in a lucky position. Maybe we now need a Dudley house for Birmingham children to go to—it is not far, I will drive them and we will go to the Black Country Living Museum on the way. Most people in this room, let alone most Members of Parliament, would not have got any of that £3.1 million for any child in their area. They would not be able to access that service. Once again, we are back to postcodes and houses with ridiculous crime reports.

I am not sure why there is a resistance to include children in the Bill. I have concerns about how all issues that are too difficult to deal with are pushed on to the commissioner in statutory guidance. The Bill has been going through the Commons for so long that it is not unreasonable to expect to have seen the guidance.

10 am

**Peter Kyle:** My hon. Friend and I both have a lot of experience working in the voluntary sector, admittedly in very different parts. We both know that, if we had three charities in a room and asked them a question, we would get three different answers, but on this issue, is she aware of any charitable or campaigning organisation that supports children and opposes including children in the definition in the Bill?

**Jess Phillips:** I am not. Often, the two issues that the children's sector mainly campaigns for in this regard become conflated. One is the issue of teenage relationship abuse and the age limit of 16, at which the definition that we are discussing currently sits. There is some divergence of opinion about whether the way to include children in the Bill is to remove age limits. For very obvious reasons, there are concerns about that. As somebody who has represented and worked with child victims in the past, I would not wish to see them criminalised—that is one issue. On the issue of whether a child should receive in the definition the status of victim rather than witness of domestic abuse, I have heard no divergence—my hon. Friend is absolutely right.

As somebody who worked in the women's sector, I have to say that if the Government want to take some real credit for what they have done for the domestic violence sector, the greatest thing that they have done—

I do not mean this in a glib way—is to genuinely unite charities, which now work in a way that was certainly not always the case when I worked in the field. On this matter, they are all singing from the same hymn sheet.

As always, I want to give voice to some of those who have suffered in childhood. Charlie Webster, the Sky Sports presenter, who sits on the victims' board at the Ministry of Justice to advise the Government, has expressed real frustration that there seems to be little to no movement on this issue. She has talked about her experience of living with domestic abuse as a child. She said:

“Home is supposed to be your safe, loving space. As soon as I walked in the door from school I wouldn't know where to put my feet in case I made a noise. I would chew quietly and make sure my teeth wouldn't touch my knife and fork, not making any noise, trying to keep the peace to protect my mum. Anything would make him angry, even the sound of me eating. Hearing that, he would smash the table with his fists near your face. I was constantly on edge.”

Charlie admits that growing up feeling worthless and unloved has affected her adult relationships. Lasting effects include an inability to accept praise. Charlie said:

“I was traumatised and had a lot of nightmares. If I got close to somebody, it would trigger a feeling of a lack of safety and stability.”

She said that her situation was a factor in her being sexually abused by her former running coach in her teens, and added that,

“People like that coach are predators who prey on vulnerable people for the power. It was easy to have power over me.”

I wish I could say that Charlie's case was an unusual one in which domestic abuse in childhood had not laid in step the trap of both domestic abuse and sexual violence and exploitation in adulthood.

**Nickie Aiken** (Cities of London and Westminster) (Con): I would like to say that Charlie Webster is a good friend of mine. I have lived through her testimony and it is harrowing, to say the very least. There are many reasons why she was let down by local authorities and by the police. To go back to what you were saying, Jess, as the children's services lead for a London borough, I have seen at first hand that the trauma of domestic abuse runs through all families and all relationships.

I would like to ask what you think the Domestic Abuse Bill will achieve by adding that definition of children, compared with what the definition does in the Children Act, where children are protected. Also, from the point of view of CAFCASS, there is the importance of family courts and of listening to children. I have sat on the board of CAFCASS and know that they have a huge part to play.

**The Chair:** Order. I remind Members that interventions need to be short. Also, may I make a gentle reminder that the speaker is addressing the Chair, and therefore not referring to other Members by their first name?

**Jess Phillips:** On that point, this is the first time for lots of us, doing a lot of things. We are all learning: I will inevitably get some of the procedure wrong—I almost always do. I have learned to live with that fact, and wear it almost as a weapon. I totally agree with the hon. Member about the effect that domestic abuse has.

However, if the Children Act currently does that job, why is it not happening? The Children Act is currently failing. When you intersect—as the language has it these days—the Children Act with domestic violence, from my own experience there is starting to be a breakdown in understanding. I would argue that that has been brought about by the austerity faced by local authorities, although I have no evidence to back that up.

Usually, the main point of intersection between the Children Act and domestic abuse services is section 17 of the Children Act 1989. Section 17 is my favourite piece of legislation that was ever written. It is as though I keep it in a drawer and can just pull it out. Section 17 of the Children Act means that if a woman is destitute with her children, the local authority has a duty and power to house that child. Although I represented an area in the Black Country that was incredibly parochial, domestic violence services are national schemes. In cases of domestic abuse, we very often get the response from a local authority area—we take people from all over the country, and we disperse people out into different areas of the country. In fact, as part of the safeguarding approach, people are not allowed to stay in a refuge if they live within five miles of its location.

We would therefore be ringing round local authorities trying to rehouse people out of a refuge—or, in fact, rehouse people in our refuge, being paid for by that local authority. Any number of times, we would get “Computer says no” for x, y or z reason; but if the woman had a child, we knew that by the end of the day we would have bed space for her, because of section 17 of the Children Act. I have seen that eroded of late, because I have seen section 17 being used as a tool against victims of domestic violence to say, “We will rehouse your child, but you are going to have to go and sleep in your car, because we have a duty to the child, not to you as a family”.

So, while I love the Children Act, it is currently not doing this. From some of the evidence we heard from the victims, if you are multiply presenting, for whatever reason—in the instance of the evidence we were given, it was disability and domestic abuse—it is often the case that those who are specialist in one area are not specialist in the other. In domestic violence services, that person was being seen just as a disabled victim, and in disability services she was not being seen as a victim of domestic abuse. I am afraid that, with reliance on the Children Act and the agencies that necessarily come out of a local authority through the Children Act—namely, children’s social care—the situation was at the point where you would be able to access services only if you were near death; access is vanishingly rare, unless your threshold is certainly in Birmingham. I do not know why that is so, just because of the laws that exist to protect children: other laws exist to protect all people, if they are represented in the Bill. There is another law for everybody: why would we not include them?

I will often, because of the nature of this crime, lean towards talking about women. I cannot help but do it—it comes from the background I come from and the working organisation that I come from. However, I want to highlight the pain suffered by boys and young men who grow up with domestic abuse. I want to send a very clear message to my friends Rachel Williams, Jacky Mulveen and Mandy Thomas—three women who have dedicated their lives to campaigning for and supporting

victims of domestic abuse, and all of whom have suffered the unimaginable loss of a death of a son because of domestic abuse. All talk about the strain that living with domestic abuse had on their sons and other children.

Rachel has talked many times about how the violence against her affected her children. Rachel’s ex-partner abused her for years. On 19 August 2011, Darren Williams walked into Carol-Ann’s Hair Salon, Rachel’s place of work in Newport, and attacked his wife of 18 years after she asked him for a divorce. Williams used a gun butt to smash Rachel in the head and fired two shots into her legs, which left her unable to walk until surgeons replaced her shattered bones with titanium. Six weeks later, her 16-year-old son Jack took his life. Rachel said:

“Children are not seen as victims of domestic abuse but as witnesses and that’s not the case. It’s about putting a strong message out that we need to do more in our society to stop this from happening.”

Rachel said her son was a “strong-willed boy” and she was “shocked and distraught at his death.” She added:

“He was a popular boy in school and was a bit of a Jack-the-lad but he was a loving boy. He was the first to put his shoes on and help me with the shopping from the car.”

Jacky Mulveen is a woman so very close to my heart. She runs local services in Birmingham that are utterly life-saving for victims of domestic abuse. Over many years, Jacky and I have spent time sitting on my living-room floor, late into the night, surrounded by papers for funding bids to keep her work going. A constant problem we face is the need for crèche facilities to care for children while their mothers get support. Even that, which is the most basic hat tip to the existence and needs of children whose families might need support, is almost never available. I cannot tell the Committee the number of times that I have had to pull a support service because we could not get a crèche or we could not afford it in the funding or the funding provider would not provide for childcare services. It is always hard to get funding for children’s support or to enable mothers to get support to help their children.

I am sure that the idea that there is currently support available for children living with domestic abuse would be met with the world’s greatest meme-worthy eye-roll from Jacky. Jacky is a manager, a support worker, a group leader, a fundraiser, a campaigner. Like so many women running local services, she has to do everything. I remember once I spent hours and hours erecting beds in refuge; I was one of the senior managers and my job that day was to put up the beds.

Jacky suffered years of horrific abuse at the hands of her ex-husband. She bears many scars, but none worse than the scar of losing her son, Karl, at the age of 17, after he suffered years of growing up in a household of tyranny. Karl lived just around the corner from me. He was born the same year as me and today I should be bumping into him in our local high street. Perhaps our kids would have been in the same school, even in the same class.

Jacky, Karl’s mother, wanted me to say the following: “21 years ago, my 17-year-old son died from inhaling butane gas, a way of dealing with the stresses of his childhood and the impact of growing up in a household of domestic abuse. Karl’s death was the catalyst to me leaving, so not only did he save my life, he also saved the lives of his brothers, who were then able to grow up in a

[*Jess Phillips*]

household free from abuse, and also the lives of hundreds of children whose mothers our project has supported over the years.

I don't want Karl to be an unspoken tragedy. His legacy is the work I do every day. I may not have been able to save my son, but I can use my knowledge and experience to support other mothers so that they can support their children and help them to heal. I want people to understand the devastating impact on children's lives. Our children are dying, but their death certificates do not tell the full story. I also want people to understand that when you abuse a mother, you abuse the child, and when you support a mother, you are supporting the child. When we start to heal, we can then provide a foundation for our children's healing. Leaving is a process and healing is a process and this process must not be missed out when commissioning services."

10.15 am

Mandy Thomas and her son endured 18 years of abuse at the hands of her husband. Jahmene, her younger son, has bravely spoken of his childhood and his family's years of violence at the hands of their father, confessing that he might have killed himself if his brother had not taken his own life first. Jahmene's sibling Daniel tragically killed himself in 2008 when their abusive father was released from jail. Jahmene revealed that his sibling's devastating death was the only thing preventing him from taking his own life.

The Committee heard from witnesses last week about children being abducted as a pattern of abuse, sometimes across borders, and we were told about the strain on siblings that comes from acting as parents to their younger brothers and sisters. A witness told us that the brothers had to constantly remind their little sister who their mother was, and that the duty had fallen on them to keep her alive in their minds. As I have said, I saw many instances in refuges where this was the case: little eight-year-olds going on 35-year-olds. We heard from victims who slept on the streets of London with their children, and about how section 17 of the Children Act—my favourite bit of that Act; let me reassure Members that at one time, that section was a gift to people like me—is now being used as a weapon to remove children from their mothers. We also heard during that evidence session about how a child was abused and controlled by her family because of her disability.

A number of things were missing from that evidence session, but I thought it was a particular shame that we did not hear from local police forces, or even the head of the police. If I were to go into Stechford police station in Yardley, which is the head of the response unit in my bit of Birmingham—once headed up by the brother of the then Home Secretary, which was always entertaining—and ask them about their ability to keep safe a victim of domestic violence who might have no recourse to public funds, like the cases we heard about in the evidence session, the police officers there would tell me that they had nowhere to go. They end up with children in police stations with mothers who have no recourse to public funds. Some of the evidence we heard was quite shocking: it is hard for the Committee to think of the police saying, "There is nothing we can do."

This is not necessarily a criticism of the police. They regularly tell me, "We put them in a hotel for one night, but what are we meant to do? How are we meant to protect them?" It almost always comes down to the police having to report to children's services those children who turn up with their mothers in a desperate situation. That does not breed a good relationship between that victim and the police, but who can blame the police officers for doing their job and their duty, which is to protect and serve those vulnerable children in that circumstance? The police want a solution that allows them to say to the victim in front of them, "You are a victim and nothing else, and I know somewhere I can send you tonight where you can be supported." If anything, it is us here—the policy makers—who are stopping them doing that. The police face child victims very often, with little they can do to help them. It is undeniable that there is an effect on children from growing up with domestic abuse. No one in this Room would deny it. However, it seems that in the Bill and our response to the issue when the Joint Committee raised it, we are fooling ourselves about what support currently exists.

The Minister said to the Joint Committee:

"In the wider context of abusive behaviour, if a victim is under the age of 16, that will be deemed to be child abuse, with all of the extra support in terms of social services."

To give the Minister credit, she was talking about the age difference, which is not what we are talking about now; but the point stands that the idea that child victims of domestic abuse are receiving support from social services, as we heard from the domestic abuse commissioner and a number, if not all, of the witnesses—especially the representative of Hestia—is simply not the case.

Most abused parents are too terrified to involve social services, for a start. They have been told by the perpetrators again and again, "If you come forward, they are going to take the kids away," and—do you know what?—the perpetrator is right. The system still puts the onus very much on mothers, in their failure to protect their children from the abuse they suffer themselves. If I had a penny for every woman who has been sent on a freedom programme as part of a child-in-need service, child-in need notice or child protection order, and who was told that it was her fault that she was being abused, I would be able to fund services for children in the United Kingdom. Perhaps that is the way to get round this.

Also, the threshold for action means that it would be vanishingly unlikely that even a tiny fraction of victims could get any kind of support from children's social care. Some councils—no doubt about it—do absolutely brilliant things and invest in early intervention and work with children's centres for children up to five. There are many instances up and down the country, but it is not consistent. The only consistency in the experience of child victims across the nations and regions is that it is not very easy to get support. It is certainly not necessarily easy to get specialist support.

However, it does not have to be like that. Support for child victims, where it is available, can be life-changing. Carrie was supported by Action for Children's specialist counselling service after experiencing domestic abuse between her parents, who are now separated. Carrie was present when her father was abusive towards her mother

and was directly affected by her father's coercive and controlling behaviour. Carrie has, and wanted, contact with her father, but she was struggling to make sense of her feelings. Her mum said that Carrie was "crying a lot, both wanting to see Dad and then crying to come home".

It was felt that independent counselling would help Carrie to understand her emotions and manage how she was feeling. She was offered 10 counselling sessions. They were delivered at her school so that she could explore her emotions in a familiar and trusted environment. Her counsellor used creative interventions like games and therapeutic play, which always helps children to express themselves more freely and develop decision-making and problem-solving skills. Through those interventions, Carrie and her counsellor explored her fears and anxieties, and her relationships at home and at school. Things started to get better. She started gradually to become more able to work in the here and now, communicating her feelings with greater insight and confidence. By the end of the counselling sessions, Carrie had an improved sense of what is and is not within her control, and understood better the characteristics of good and challenging relationships, and the importance of asking for help when needed.

The need to include children not just in the guidance but in the Bill, as in the amendment, was mentioned by Members across the House on Second Reading of this Bill and the old Bill—the old bill? Yesterday I said to my husband, "I've got to go and speak to Anna about the Bill," and he thought I meant the TV programme. That is how deeply politically rooted my husband is—he thinks I am talking about Tosh from 1987.

Undeniably, this Bill and this amendment have the ear of the House, and I have no doubt that that will be the case on Report. Also, I am very noisy but nowhere near as noisy as the parents who have lost their children to this abuse. If every single domestic abuse victim in the country were to write to their Member of Parliament to tell the story of how their children had been affected or, as the hon. Member for Bolsover (Mark Fletcher) did so beautifully on Second Reading, tell their own experience of growing up with domestic abuse, our casework teams would not be able to cope, and I can guarantee that every Member of Parliament would struggle to know where to refer. In every one of our constituencies, thousands of untold stories exist about scared, demoralised and abused children. The Bill in its current form does not reflect that.

The Children's Commissioner submitted evidence to this Committee yesterday. I will read out just a small section of what she said:

"We believe it is essential that children are identified as victims in their own right, in order to ensure that they are not treated by services simply as 'witnesses' who may not have been affected themselves.

This not only plays out in the support given to children, but in child contact arrangements, as the impact of a perpetrator's abuse of a parent on their child is often under-acknowledged."

**Christine Jardine** (Edinburgh West) (LD): I thank the hon. Lady for her contribution. Does she, like me, believe that if we do what is proposed, we will have a completely different concept of what domestic abuse is and we will begin to tackle it in a way that prevents it from happening in the first place, because—as she so eloquently said—we see children become abusers and

abused and the key to tackling it properly, although we will never wipe it out, is including children not only in the definition but in the care and the approach that we take?

**Jess Phillips:** I absolutely agree. If we are going to write a ground-breaking Bill, let us make it break ground. If we do not genuinely think, as a Committee and as a House, that it is worth putting children in, "because what difference will that make?", what is the point in any of it? That is the question I would ask. What is the point in having a definition at all if we do not see the reality of domestic abuse?

As I have said, in moving this amendment, I absolutely feel that I have the ear of the whole House, so I feel that, on Report, there will be huge support. Across this House, no matter the colour of our rosettes, people have spoken up for children in our debates. That sends an immense message that we might not realise; and we have a chance, with this amendment, to send the same message again.

**Virginia Crosbie** (Ynys Môn) (Con): Regarding the amendment, I want to hear the debate develop and I trust that my hon. Friend the Minister is listening.

In many ways, children are long-term "silent victims" of domestic abuse. The Public Health Wales adverse childhood experiences research found that 16% of adults in Wales grew up in a house with domestic violence. The definition of domestic violence used in the past obviously does not extend to domestic abuse as defined in the scope of the Bill. Indeed, children's social care assessments for children in need in England show that more than half—51%—of relevant assessments last year cited domestic abuse as a factor. Given those figures, it is likely that many in this room will have witnessed or suffered from some form of domestic abuse in their childhoods.

10.30 am

My constituency of Ynys Môn has one of the highest percentages of looked-after children in rural Wales, many of whom will have experienced domestic abuse in their very short lives. This matter is therefore close to my heart.

Organisations such as Action for Children see the devastating impact of domestic abuse on children and young adults. That often continues into adulthood, resulting in personality and behaviour disorders, depression and suicidal tendencies. It is critical for the long-term health of our country and our people that we recognise the very real impact of domestic abuse in all its forms on all our children.

**Liz Twist** (Blaydon) (Lab): It is a pleasure to speak in this debate on amendment 50, which would include children in the definition.

My hon. Friend the Member for Birmingham, Yardley set out very fully the framework and the background to the need for this amendment to be made to include children in the statutory definition of the abuse. Why? We speak calmly about children observing—a very calm word here—domestic violence. What that means is that children experience violence—violent behaviour, abusive behaviour, shouting, fear and dread. They are not just observers but victims, affected emotionally and physically by that abuse. They feel the violence and danger. None of us in this room, I think, would disagree with that.

[Liz Twist]

Why should we amend the definition to include children? Because they need to be recognised formally as victims in order to be sure that they can access the support and services that they will really need at the time they need them. Their needs would therefore be addressed specifically when dealing with domestic abuse. That needs to be set out in law, so that they have that beyond any doubt.

On Thursday, in the evidence sessions, we heard about the substantial support for the inclusion children in the definition of domestic abuse. We heard from the domestic abuse commissioner and the Victims' Commissioner, both of whom gave evidence and believe that it is hugely important to include children.

Last Friday, the Minister kindly met me virtually, along with the children's charities Action for Children, the NSPCC and the Children's Society. We specifically discussed including children in the definition. We talked about the age 16 limit, which appears in an earlier subsection. The charities told the Minister that they and the wider sector were agreed in their wish not to change the reference in the Bill to age 16, but rather to support this amendment to include a wider description of children.

Yesterday, I was pleased to see, circulated by the Clerk, evidence submitted by the sector on the age 16 issue—DAB 44—including the people we heard from last Thursday, such as the Women's Aid Federation and other organisations. No one wants to see children criminalised as a result of relationships between each other, and it is really helpful that yesterday that statement was circulated making the sector's unequivocal support for the amendment absolutely clear.

I have talked to constituents about this issue, and to some excellent local organisations in the north-east, such as Children North East, which provides support for children affected by domestic abuse. They tell me about the difficulty of ensuring that they have funding and commissioned services for children. They are doing a great job, but there is so much more that we need to do to ensure that children have support when they are victims of domestic abuse.

In the Westminster Hall debate that I was fortunate to secure earlier this year, I spoke about my constituent Christine, who had been a victim of domestic abuse. She has come through that and now wants to change things. She talked to me about the need for children to be properly supported.

Christine's daughter, who is now an adult, is still dealing with the trauma of the domestic abuse suffered by Christine and living in the home where that took place. Her daughter contacted me after the Westminster Hall debate—she sent a very nice card—to say how much she appreciated the fact that finally people were taking notice of the needs of children and recognising them as victims in their own right. She was so pleased that there might be a glimmer of hope that things might improve for children.

Again, why should this be in the definition rather than the guidance? Inevitably, people looking at what service they need to provide, especially in times of financial constraint, will ask, "What does the law require us to do?". That is why it is important to have the amendment in the Bill. It will mean that statutory authorities must address the needs of those children.

Statutory guidance is not enough and in any case, as we know, it is not yet ready. I support the amendment and hope that the Government feel able to accept it.

**Nickie Aiken:** I am delighted to hear that the Minister is certainly in listening mode. Having heard from the hon. Member for Blaydon that the Minister met with children's charities on Friday, it is clear that she is in listening mode.

I would like to make the point that there is a lack in the role that local authorities should be playing under the Children Act, which I mentioned earlier. I led a council and was the children's services lead at a time—2010 onwards—when it got quite difficult. We were innovative and put children first. That was responded to by Ofsted, which awarded Westminster City Council the outstanding grade in children's services. Again, last year, that was repeated—the first time any local authority had received an improved Ofsted outstanding grade. That was a brilliant example of how social workers and children's services experts put the child at the forefront of all that they do.

Domestic abuse runs through so much, as we have heard today. Having launched the first ever domestic abuse strategy for Westminster back in 2012, I know that we put children at the heart of that.

**Peter Kyle:** The hon. Lady cited the example of Ofsted, which I think is a good example, because schools have a legal duty to improve; if they do not, Ofsted has the power to intervene. She is not making the case that it is important for children to have a legal footing in the Bill. Does she see the similarities in the argument, and is she open to the idea that it might be worth exploring the concept of having a statutory definition of children in the Bill?

**Nickie Aiken:** I think it is down to the Minister to decide that, but, as I said, from the commissioner's point of view, it is important to encourage and to be part of the whole system. There is a lack in the involvement of local authorities, which already exists.

Having sat on the CAF/CASS board for several years, as I said earlier, I was appalled when we had a briefing from experts who had been sent to Birmingham City Council to do the quality assurance, because the council was letting down its children. What I took away from the briefing, and what I have taken away from the evidence we heard last week, is that local politicians have to play a part and ensure that they put their children at the heart of their children's services strategy. There is still a lack of that approach. In Rotherham, for example, where were the local politicians holding their services to account?

**Jess Phillips:** I speak as a local politician in Birmingham. If we would like a tally of who can slag off Birmingham City Council more, I would definitely win. The hon. Lady is talking about the children who might interact with Birmingham City Council or Westminster City Council. The reality is that they represent a tiny fraction of child victims of domestic abuse. The vast majority the children we are talking about will never interact with any children's social worker ever. It is the duty of the council to fund services beyond that. While I could definitely take pot shots at Birmingham City Council, it is fair to say that, in reality, it would not be able to afford most of what we might be suggesting here.

**Nickie Aiken:** Having been a local politician for over 15 years, I have always taken the view that it is not always about the money. It is usually about the attitude of local authorities and the innovation that they can bring. Westminster City Council achieved two outstanding Ofsted grades at a time when we saw about 50% of our funding cut.

Let me end with the words of Charlie Webster, a victim whom the hon. Member for Birmingham, Yardley quoted today. I spoke to Charlie this morning and, when I told her I was hoping to speak today, she said:

“Thank you so much for validating the many times I’ve had to convince myself my life is worth living both as a child and an adult. I’m praying that this will make a difference to actually start to tackle the root cause and allow children love and to reach their potential because they’re absolutely deprived of it in Domestic Abuse.”

That is where I would like to end. I am delighted that we are debating the Domestic Abuse Bill in Committee today.

**Alex Davies-Jones (Pontypridd) (Lab):** I, too, am a new Member of Parliament and this is the first time I have sat on a Bill Committee.

Since I started as a Member of Parliament, I have been inundated with casework, as Members can imagine, given what has happened in my constituency. We have had terrible flooding, the coronavirus pandemic, and the comings and goings of a certain political adviser, but I have also had lots of casework relating to domestic abuse and domestic violence. It has mainly been from women, with some from men, and, more often than not, it includes children in the family units, all of whom are victims who need equal protection. As it stands, the Bill does not fully address the needs of children affected by domestic abuse.

As we have heard from other Members, this Bill has the opportunity to change things and to save lives. Lives are not saved through encouragement, guidance or attitude; they are saved through funding services and by putting children in the definition in the Bill. That is how lives will be saved. Given that the Bill will inform the Government approach to tackling domestic abuse, it is vital that we understand the impact on children. We have heard many harrowing tales; as my hon. Friend the Member for Birmingham, Yardley said, we have all heard such tales.

Children need our protection and our support, and that needs to be fully reflected in the Bill. As a new Member and somebody who has already had people come to me about the issue, I cannot see how we would not include children, in order to save lives. It seems unconscionable to me that we would not do that. Members might say that legislation in the Children Act may save children, but what my hon. Friend the Member for Birmingham, Yardley said really hit me. There is legislation for everything now. We have legislation that will stop people from abusing people, but just include children in the Bill to save their lives.

10.45 am

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** It is a pleasure to serve under your chairmanship as always, Ms Buck. I thank everyone who has contributed to the debate and those colleagues who have not risen to their feet to

speaking. I know that there are a few who consider these matters very important and have given them great thought throughout the debate, and who will do so as we go forward.

I am very grateful to the hon. Member for Birmingham, Yardley, for setting out the case for the amendment. I wholeheartedly agree that it is vital that we recognise that children are direct victims of domestic abuse. Growing up in a household of fear and intimidation can affect children’s wellbeing and development with lasting effects into adulthood. Children who are exposed to domestic abuse are more likely to experience mental health difficulties, to be excluded from school, and to become victims of domestic abuse in later life.

Many colleagues talked about adverse childhood experiences, including my hon. Friend the Member for Ynys Môn, who cited one of the highest percentages of looked-after children in Wales and is obviously very concerned. That is something that I have to consider, not just in the context of domestic abuse, but in my work at the Home Office on gangs and violence against women and girls specifically. That factor has many repercussions beyond the immediate impact in the household where the abuse occurs. I am very alert and alive to that.

I thank the hon. Member for Blaydon for our virtual meeting on Friday and for clarifying that the issue that she mentioned is now no longer taken on age. I make that point because in a moment I will describe the journey on which the Government have been with the definition so that there is transparency and no mystery about why the definition is phrased as it is. In the Westminster Hall debate, the argument was made that there should be no minimum age threshold. I said frankly during that debate that although it was a balancing exercise, we had come down on the side of keeping the age of 16 as the threshold. I was very pleased that on Friday, having had our discussions—I hope I am not misquoting—there seemed to be consensus about keeping that age in the definition.

I will explain the Government’s approach so that there is no misunderstanding that we are not in any way taking into account the terrible impact that domestic abuse has on children. The approach that we have taken with the definition is to describe the relationship between the abuser and the abused—the immediate victim of the abuse—and to define categories of abusive behaviours. That will be relevant when we look at other clauses as, understandably, people want particular manifestations of behaviour to appear in the Bill. We draw people back to the fact that we are looking at categories of behaviour because, sadly, there are countless ways of emotionally abusing someone, for example, and—as Members of this House will know—if we listed everything in statute, it would take quite some doing to change or update it, whereas statutory guidance is more flexible and we can update it.

The basis of the definition in the Bill is to focus on the relationship between the abuser and the direct victim, and to define the categories of behaviour. The definition does not address the impact of abuse on adult victims. I would not dream of trying to define in statute how Claire Throssell, for example, experienced the harrowing and awful things that happened to her. Nor would I dream of trying to put into statute some of the experiences described by the hon. Member for Birmingham, Yardley. We cannot do justice to them in the Bill.

[Victoria Atkins]

That is the approach that we have taken, and that is why we place so much emphasis on the statutory guidance. That will be the document that commissioners and police forces look at to work out how to interpret the Bill at local level. Just as we have not put the impact of abuse on adult victims in the Bill, we have not done so with the impact of abuse on child victims. Instead, we will rely on the statutory guidance. We have, however, referred in the definition to the fact that perpetrators can use children in their abuse towards their victims. Clause 1(5) states that the perpetrator's

"behaviour may be behaviour 'towards' B"—  
the victim—

"despite the fact that it consists of conduct directed at another person (for example, B's child)."

We have, therefore, put in the Bill the fact that the perpetrator may not confine their abusive behaviour towards the immediate victim, but that it can be directed through a child or another person as well. We have also emphasised the statutory guidance set out in clause 79(2)(b) in which the Secretary of State must issue guidance about

"the effect of domestic abuse on children."

**Jess Phillips:** I just wonder—this might be a massive ask—if the Committee could see that guidance, or have sight of at least that section about what we are going to discuss throughout the Bill.

**Victoria Atkins:** I very much appreciate the request, but, sadly, I cannot provide the Committee with a copy at this point. When it comes to the transparency of the journey to this point, the guidance has not been created by a silo of Home Office officials who did not talk to anyone else. We have involved, consulted and asked other people, and that has included asking the designate domestic abuse commissioner for her views. Indeed, she mentioned last week that she had seen it. Other charitable sectors have been very much involved and consulted in the drafting of the guidance. Sadly, covid-19 has had an impact on our ability to draft the guidance so we have not been able to publish it in time for the Committee, but we are aiming to publish it in draft form before Report. I hope that members of the Committee will be able to see it before the next procedural stage, and I apologise for it not being available now. We want people's views on it. All sorts of colleagues have been asking me whether certain things are being included in the guidance, and I have been saying to them, "This will be open for people to give their views on it." Of course, I welcome views on it.

**Liz Saville Roberts:** I wonder to what extent the Minister has considered the Rights of Children and Young Persons (Wales) Measure 2011, and the fact that when we are dealing with children we are at the jagged edge of devolution—between the laws affecting Wales and those in England—as well as considering how the interplay will work with these measures.

**Victoria Atkins:** The hon. Lady probably does not know this, but she may be committing a parliamentary first. The old hands that have previously sat on Bill Committees will know that part of a Minister's job is to keep talking while her officials furiously scribble notes that are handed to her to enable her to accurately

answer difficult questions. Sadly, I do not have that ability, but Members may see me looking at my mobile phone. I would be grateful if the hon. Lady would indulge me and allow me to return to that later, because she asks a specific question. In general, I am, of course, aware of the jagged edge, as she describes it.

**Liz Saville Roberts:** Part of me feels that I may be a little bit boring in this Committee, because I have a duty to say, "Look at what has been done in Wales and look at the responsibilities that lie in Wales." I fear—this came up in the Joint Committee on the Draft Domestic Abuse Bill—that we have two pieces of legislation in operation and this piece of law will affect the legislation that I have mentioned. We will create wonderful events, or we may unexpectedly create tensions out of the divergence test. It is important that that is considered at this stage.

**Victoria Atkins:** Very much so. May I postpone my answer until we debate the amendment that the hon. Lady has tabled on Welsh devolution, so that I can address the point about clause 11? We are aware that good work is going on in Wales on domestic abuse through the devolved authorities. Where matters are devolved, we have the "jagged edge", as she describes it: some areas in Wales are devolved and some are not. It is perhaps a little clearer cut in Scotland, but we are clear that we want to work with our Welsh colleagues, and I hope that the commissioner gave reassurance last week. I think I am right in saying that the Home Office has helped to fund the work on adverse childhood experiences has been conducted by the South Wales Police. We see that as a really important piece of work with the police and crime commissioner in South Wales, and we hope that it will help the rest of the country as the findings are evaluated.

**Peter Kyle:** Perhaps my intervention will give the Minister's officials time to get a note to her on the previous question. I realise that this might turn into a sketch from "The Two Ronnies", with her answering the previous question to mine, but we will deal with that when it arises.

Can the Minister explain why there is a conflict between establishing the rights of a child in the Bill and having it in guidance? From what I have heard so far, I do not understand why we cannot have both.

**Victoria Atkins:** At the risk of turning into a sketch from "The Two Ronnies", I am told that we will be consulting Welsh Ministers on the precise point raised by the right hon. Member for Dwyfor Meirionnydd, so I am grateful for that.

In relation to the intervention from the hon. Member for Hove, it is not a question of conflict. I was trying to explain the journey of the Government's drafting of the definition. I do not wish anyone to think that children have been forgotten or ignored in the course of drafting the Bill. I hope that the references to children that we have scattered through the Bill—clause 66 is a good example—show our thinking on that.

**Liz Twist:** The Minister has referred to some of the people who have commented on the early draft of the statutory guidance. Does she not agree that in their written and verbal evidence, most of them asserted a preference for the definition to include children?

**Victoria Atkins:** I do. I am going to complete the journey, because I suspect that where I end up will, I hope, answer some of those concerns. I take on board carefully the views of children's charities.

We have made sure that the domestic abuse commissioner is required to recognise the impact on children in her statutory functions, which can be seen in clause 6. Of course, we also have local authorities. My hon. Friend the Member for Cities of London and Westminster set out the responsibility and the ways in which local authorities can help to deliver services on the ground. Indeed, I was most interested to hear about the domestic abuse strategy introduced by her council under her leadership. That is a very sensible point to be making and it is why, in part 4 of the Bill, where we put the responsibility on tier 1 local authorities to provide support to victims of domestic abuse in safe accommodation, we have expressly referred to victims and their children in that duty.

The need for statutory agencies to recognise and respond to the impact of domestic abuse on children is already embedded in the Bill. Councillor Simon Blackburn gave helpful evidence last week—he has experience as a former social worker, but also as the current leader of Blackpool Council and through his work in the Local Government Association—about the safeguarding legislation in respect of children and how, in some cases, although I accept not all, the safeguarding legislation will kick in.

I also remind colleagues that in clause 54—this has not necessarily come to light yet in the evidence, but I hope it will do so in due course—as part of that duty, tier 1 local authorities are required to set up local partnership boards for domestic abuse. One of the members of that board must represent the interests of children who are victims of domestic abuse.

The theme of children, and the impact on children, already runs throughout the Bill, but I take very seriously the concerns that members of the Committee have voiced and, indeed, the concerns of children's charities and the witnesses we had last week. I am going to reflect carefully on this debate, and I invite the hon. Member for Birmingham, Yardley to withdraw her amendment.

**The Chair:** Order. I think the House is about to suspend for one minute's silence.

11 am

*The Committee observed a minute's silence.*

**Jess Phillips:** I thank the Minister. I think that, in the words of Belinda Carlisle, everybody on the Committee dreams the same dreams and wants the same things—*[Interruption.]* Belinda Carlisle was not from Carlisle. The fact of the matter is that we all want the same thing from this Bill. We all want to see children represented in the Bill and the guidance—in every part of it. The Minister can point to clauses where children have been considered. We will not press the amendment to a vote, partly because the whole House would like the opportunity to discuss these issues further, with potential Divisions on Third Reading.

I want to say, with as much grace as somebody like me can manage, that it is a pleasure to hear that the Minister wishes to listen to what has been said today and what is being said by the sector, and seeks to act

on it. I thank her for giving us the option of seeing the guidance prior to the next stage of the Bill. I beg to ask leave to withdraw the amendment.

*Amendment, by leave withdrawn.*

*Clause 1 ordered to stand part of the Bill.*

## Clause 2

### DEFINITION OF “PERSONALLY CONNECTED”

**Jess Phillips:** I beg to move amendment 48, in clause 2, page 2, line 21, at end insert—

“(ee) one person is a provider of care to the other;”.

**The Chair:** With this it will be convenient to discuss amendment 49, in clause 2, page 2, line 34, at end insert—

“‘provider of care’ means any person (‘A’) who provides ongoing emotional, psychological or physical support to another person (‘B’) with the aim of enabling B to live independently, whether or not A is paid for this support;”.

*An amendment to ensure a carer of a person with disabilities is included in the definition of “personally connected”.*

**Jess Phillips:** We are now moving on from the definition to talk about exactly who we mean by “connected parties”. The amendment is a response to calls from people with disabilities and organisations within the disability rights sector that have been in touch with us to express their concerns about whether they are seen in the Bill.

As we said in the debate about whether children should be in the Bill, we recognise that there is a need for much more detailed and in-depth guidance. In relation to domestic abuse, we are potentially missing some real opportunities that genuinely need to be responded to with law—the courts of our land—but are currently not covered by the area of “connected parties”. The issue is those whose connection to a person is that they are their carer. We are not necessarily talking about paid carers.

Carers UK announced yesterday that 4.5 million people have become unpaid carers during the coronavirus crisis, so it is not a minority issue or something that happens only in certain areas. People who very much rely on others for their care might not currently be covered by what is outlined in the Bill as a connected party. They might never have been married or had a civil partnership. They might never have been divorced, which got a bit easier yesterday, and they might not be related. I should tell my husband that it got easier to get divorced yesterday—

**The Parliamentary Under-Secretary of State for Justice (Alex Chalk):** He has been in touch already. *[Laughter.]*

**Jess Phillips:** The reality is that for lots of people a connected party to their wellbeing, their life, or what people would call their family, is a bit like in working class communities, although I am sure it happens in others: a woman lives down the road and her husband borrows somebody's dad's ladder, so they call her auntie, even though she is absolutely no relation whatever. We have to understand that in lots of people's lives, connected people might not be what we would naturally recognise.

On the definition of “personally connected”, I want the Bill to reflect the realities of all domestic abuse victims. I want all victims to be able to access services, justice and support when needed. I think we would all

[Jess Phillips]

agree that no victim should be left behind. We are taking our time—my gosh, it is quite a lot of time—to get the Bill right and see it through. It will never be perfect, but we should make every effort to make it as perfect as it can be.

Clause 2 defines what it means to be personally connected. In other words, the clause sets out the relationship between a victim and a perpetrator that comes under the definition of domestic abuse. The list includes what we would typically expect: as I have already laid out, those in intimate personal relationships with each other. However, my concern is that the clause, as it stands, fails to recognise the lived experiences of disabled victims of domestic abuse, who are among the most vulnerable. Their abuse often goes unnoticed.

The crime survey for England and Wales found that individuals with long-term illness or disability were more likely to be victims of domestic abuse. A 2016 report on intimate personal violence by the Office for National Statistics found that 16% of women with long-term illness or disability had experienced domestic abuse. Disabled victims are also more likely to experience domestic abuse for a longer period of time: 3.3 years, on average, compared with 2.3 years for non-disabled victims. With that in mind, I want the Bill to make it easier for disabled victims of domestic abuse to be recognised. To do that, we have to accept the reality of disabled people's lives, where significant relationships are perhaps different from those of a non-disabled person with an unpaid carer.

Ruth Bashall, the chief executive of Stay Safe East, said that disabled people

“have emotionally intimate relationships with the people who, in very large inverted commas, ‘care’ for us, and the experience of abuse by those people is exactly the same as domestic abuse: the coercive control, the violence, the financial abuse and so on.”

It is important that we recognise, based on the evidence presented to the Committee, that a large number of disabled people will have no relationship with anyone except for the people who “care” for them. This type of close relationship can easily take on a problematic power dynamic that closely mirrors familial or intimate partner violence. As I have said, we can see how that might occur. I have been doing shopping and taking money from people who needed me to go to the shops for them. It would, if I were that way inclined, not be particularly difficult to build a relationship, a rapport and a need from me in that person that I could then exploit over a number of years. I would not do that, obviously.

In response to the Joint Committee's report, the Government said that they did not propose to review the personally connected clause at the current time. Paragraph 60 of their response states:

“If they are personally connected to their carer, this will be covered by our definition of domestic abuse. Otherwise, abuse of disabled people by their carers is already covered by existing legislation.”

What we heard from Saliha in the evidence session last Thursday was that, as a disabled victim of domestic abuse, she often finds that she is not understood by one or the other. As I have said this morning, her experience as a victim of gender-based violence or domestic abuse is often not expected, dealt with or understood by disability agencies, and vice versa: as a disabled person, she finds getting access to mainstream domestic violence services difficult.

We have to be very careful, when writing this Bill, not to ignore those intersecting groups of people and just say, “Well, there's already existing legislation that would cover it.” It would not cover it from the point of view of domestic abuse because, as we all know, that has been lacking from our laws, and that is what we are here to try to improve.

I urge the Government to rethink their position for a number of reasons. First, it is not appropriate to say that abuse of disabled people by their carers is already covered by different legislation. This is a Domestic Abuse Bill for all victims. Therefore, if the abuse of a disabled person meets the definition of domestic abuse—if it is financially controlling, or if it involves sexual, economic or psychological abuse—but it is not by somebody in one of the connected party groups, that disabled person would not be left with many places to turn to take the case of domestic abuse to court or wherever.

If a disabled person meets the definition, that ought to be recognised and covered by this legislation, not something else. We cannot just keep saying, “Well, if you're in this group you're covered by this, and if you're in this group you're covered by this.” I would have thought that we would want to make a Domestic Abuse Bill that covers everybody.

I would go even further, and suggest that the Government's response is a bit dismissive and fails to recognise the gender-based nature of domestic abuse solely because the victim is disabled. We cannot have domestic abuse covered by other legislation just because the person is disabled.

Secondly, while I appreciate that section 42 of the Care Act 2014 places a duty on local authorities to carry out safeguarding inquiries if they suspect abuse, that is no reason why disabled victims should not be represented in this Bill. Furthermore, there is evidence to suggest that local authorities are failing even to identify victims, even those who are at highest risk. Between 2015 and 2016, none of the 925 referrals of disabled victims to domestic abuse services were from adult safeguarding—zero.

I would be so bold as to bet that every piece of single adult safeguarding guidance in every adult safeguarding group that exists in every single local authority has domestic abuse written within it somewhere, and says that the vulnerable adults can be victims of domestic abuse. In all my years, I have literally never once referred a victim of domestic abuse to adult social care, because that is not what adult social care is for.

If I were to ring up my local authority or, I would even wager, Westminster City Council and say, “I've got this woman and she's a victim of domestic abuse, and I see that that's written into your adult social care board, so can I get a social worker out to see her later? She's suffered some violence over the years and a bit of emotional abuse recently, the kids are getting a bit—”, the idea that an adult social worker would go out and see that victim is for the birds. The fact that zero referrals—none—to domestic abuse services of disabled women came from adult social care speaks to the evidence.

That is why we are proposing to amend the Bill to include carers in the definition of “personally connected”. Including carers will raise awareness and, I hope, help the police and local authorities to adopt better practices—for example, on something as simple as questioning a victim separately from the carer, which I imagine happens quite

rarely. It is vital that those sorts of policies are put in place. The amendment provides an opportunity for us to tackle the profound inequalities faced by disabled survivors.

Stay Safe East sent a number of case studies, such as this one:

“A disabled woman was targeted by a man who was homeless. He gradually gained her trust and over a period of months, she began to see him as her friend, then as ‘better family than my own’. He assisted her first with shopping (while taking her money), then with household tasks and eventually with personal care. His controlling and intimidating behaviour towards the woman’s carers led them to withdraw the support, leaving him in complete control of the disabled woman’s life.”

To anyone who has ever worked in domestic abuse services, that sounds exactly like what a domestic violence perpetrator does—isolate, control and ensure there is no one else there to turn to. The quote continues:

“There was physical, sexual, emotional and financial abuse. The man then brought his friends into the woman’s home; they further intimidated her. When she was eventually able to seek help, her health had deteriorated due to neglect. Whilst the actions of the man and his friends could be described as ‘cuckooing’ (a term used by the police to describe taking over a person’s home for criminal or other purposes), they also constitute domestic abuse: the woman had a ‘close personal connection’ with the abuser which left her dependent on him and open to abuse.”

I am sure the Minister would say that the woman would have been able to get support from this service or that service, but why should she not be able to access direct support from domestic abuse services? Why would we not want to compel councils, for example, to commission services specifically for victims of domestic abuse who are disabled? Should the police take that case, on different grounds, using different legislation from a different law —[*Interruption.*] The very polite Member for Cheltenham is leaving; take care. It is a lovely constituency.

It is not fair to say that the woman had not been a victim of domestic abuse. It is not fair that she would not then be entered into the system that would allow her to access the specialist support that comes with understanding control, power and her own sense of worth in the world.

Another case study notes:

“A neighbour befriended a woman with learning disabilities, became her carer and provided her with support. He then demanded sex and verbally abused her because she would not have sex with him.”

These women experienced abuse by people who had in effect become their family, and with whom they had a close personal connection. They experienced this abuse as domestic abuse. In lots of the cases that Stay Safe East sent, when these women sought help, they were often refused services as victims of domestic abuse—they did not fit the current definition, and they suffered for months before being able to access the right, more specialist support.

Disabled people face huge barriers in getting support from the services that are available today and that we all hope to see improved. They still find it very difficult to access domestic abuse services; by and large, only one or two beds available in an area will be accessible.

With regard to specialism in learning disability support, for example: with the greatest will in the world, people like me and the women who work in the refuge where I worked are not specialists in dealing with people with learning disabilities. We did not have specialist training. With 19 women and 28 kids in the building each night,

and people coming and going because of housing emergencies, where is the level of specialism that might be needed in our refuge for somebody with severe autism? Everybody does their best, but the specialism that can be found for disabled victims is often provided only by disabled voluntary sector providers, who do not deal with the manifest issue of recovering from the trauma of domestic abuse. We have to find a way to make sure that if a disabled person is the victim of domestic abuse, they get the same service as they would if they were not disabled—I am not saying that it is perfect for everyone, by any means.

Again, I cannot help but go back to the evidence from the victim Sal. She told the Committee that that was exactly what had happened to her: her parents had abused her, stating that she would never be able to do anything or go anywhere, and she had to allow them to control her because as a disabled woman in society she would not be able to cope. We have to hear her voice and make sure that we make the Bill as inclusive as possible, so that it can help as many people as possible.

**Victoria Atkins:** I will try to finish in eight minutes. I thank the hon. Member for Birmingham, Yardley for setting out the case for her amendments.

Clause 2 defines “personally connected” for the purposes of the definition of domestic abuse in clause 1. We believe that the personal relationship between the perpetrator and the victim is central to the nature of domestic abuse, which is why our clause 2 definition of “personally connected” covers two individuals who are or have been in an intimate relationship or have a familial relationship, as defined. We believe that the connection between the two—the victim and the perpetrator—is central not just to our understanding in the Bill but, frankly, to the public’s understanding of what domestic abuse is.

The hon. Lady set out the horrors that disabled victims have faced. We absolutely agree that the abuse of a disabled person by their carer is as unacceptable as any other form of abuse, but we fear that the impact of the amendment would be to broaden the scope of the definition of “domestic abuse” by capturing a range of people who are not personally connected. That would widen the definition beyond how it is commonly understood.

The examples of exploitation that the hon. Lady gave could, as she says, be dealt with by other legislation. I myself have prosecuted carers for stealing the life savings of an elderly woman with dementia; we were able to catch that exploitation and the resulting loss with existing legislation, under the Theft Act. There are other examples of exploitation; it is not something that we like discussing in day-to-day life, but the fact is that there are forms of exploitation across many, many walks of life.

Another example within my portfolio is county lines gangs. Gang leaders ensnare vulnerable children as young as 11, 12 or 13, build relationships with them and build up the trust that the hon. Lady described in her examples. They offer them food or new pairs of trainers, and when the children have accepted those “gifts”, they are part of the gang—they are sent out to work: to rob, steal and deal drugs. That is exploitation.

11.25 am

*The Chair adjourned the Committee without Question put (Standing Order No. 88).*

*Adjourned till this day at Two o’clock.*





