

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## DOMESTIC ABUSE BILL

*Fifth Sitting*

*Wednesday 10 June 2020*

*(Morning)*

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CLAUSES 11 TO 13 agreed to.

CLAUSE 14 agreed to, with an amendment.

CLAUSES 15 TO 20 agreed to.

CLAUSE 21 under consideration when the Committee adjourned till  
this day at Two o'clock.

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**not later than**

**Sunday 14 June 2020**

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

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

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|--|--|
| † 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> )<br>(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

Wednesday 10 June 2020

(Morning)

[MR PETER BONE *in the Chair*]

### Domestic Abuse Bill

9.25 am

**The Chair:** I have a few opening remarks. For the benefit of the shadow Minister, we are definitely stopping for lunch. This sitting will run until 11.25 am, so that Members can get to the main Chamber by the time it sits, if they so wish. Please turn your electronic devices on silent. Hot drinks are not allowed during sittings. Social distancing is exceptionally important, so please maintain it. If anyone is unhappy about the social distancing arrangements, they should let me know—we take it very seriously. Obviously, you cannot hand notes to *Hansard* now, so please email electronic copies of any speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

*Clauses 11 and 12 ordered to stand part of the Bill.*

#### Clause 13

##### ANNUAL REPORTS

**Peter Kyle (Hove) (Lab):** I beg to move amendment 45, in clause 13, page 8, line 16, leave out from “must” to “on” and insert “report annually to Parliament”.

*This amendment changes the requirement for the Commissioner to submit an annual report to the Secretary of State to a requirement to report annually to Parliament.*

**The Chair:** With this it will be convenient to discuss amendment 46, in clause 13, page 8, line 25, leave out subsections (3) to (5) and insert—

“(3) The Commissioner must arrange for a copy of every annual report under this section to be laid before Parliament.

(4) Before laying the report before Parliament, the Commissioner must ensure that no material is included in the report which—

- (a) might jeopardise the safety of any person, or
- (b) might prejudice the investigation or prosecution of an offence.

(5) The Commissioner must provide a copy of the report to the Secretary of State.”

*This amendment is linked to Amendment 45.*

**Peter Kyle:** It is an absolute pleasure to serve under your chairmanship, Mr Bone. I do not know about you, but I like to start every day with a quote from an inspirational political figure, and I thought today there could be no better inspirational political figure than the Minister for safeguarding. On 18 September 2019, the Minister said:

“The focus of the Commissioner will be to stand up for victims and survivors, raise public awareness and hold both agencies and government to account in tackling domestic abuse.”

That is key: to hold Government to account. The most important Government Department that the commissioner needs to hold to account will be the Home Office.

Yesterday we explored the independence and importance of the commissioner. I will not go over all the arguments made yesterday, as we want to make some progress today, but we established that it is absolutely essential. For the commissioner to be successful in the role, she will need a degree of independence from the Home Office. Amendments 45 and 46 would deliver the independence that she will need.

The Minister is right that the role of the commissioner is to hold Government to account. An essential part of the commissioner’s role is to advise, support and inform, and at times to challenge. Nothing must stand in the way of her being able to perform that challenge. Holding to account sometimes involves disagreeing. Sometimes it involves saying publicly, “I believe they are wrong,” or, “I believe they should be doing things differently.”

We need the commissioner to be 100% focused on giving a voice to victims and survivors, and that is not possible if they are worried about the reaction of the people paying their wages. That is true for any other organisation up and down the country, and it is true for this appointment as well. The thing that makes the biggest difference to a survivor’s life is the way that public services respond to their needs.

Most of the commissioner’s time will be spent trying to improve and change things. By definition, improvement is change, so the role of the commissioner will be to change Home Office policy. The vast majority of that change must come from the Home Office. Yet the Home Office pays the bills, sets the budget, hires or fires the commissioner and sets the framework. The Home Secretary is, in essence, the commissioner’s line manager, and even gets to mark her homework.

The Minister has drawn the Committee’s attention to the exhaustive prelegislative process that the Bill has been subjected to, and it is true that the Bill is one of the most heavily scrutinised pieces of legislation—even before arriving in the House—of any in recent years. However, what if every part of that exhaustive process comes to the same conclusion—as, when it comes to the Home Office, it has? If every part of prelegislative scrutiny results in saying the same thing but the Home Office does the exact opposite, we must ask ourselves what the point of all the prelegislative scrutiny was.

As I have said, the commissioner is popular—everyone wants a piece of the commissioner. Everyone wants her to report to them or to someone else. The Home Affairs Committee wants her to report to Parliament. The Joint Committee on the Draft Domestic Abuse Bill wants her to report to the Cabinet Office. However, they all have one thing in common: none of them thinks that it is appropriate for her to report to the Home Office.

That can be seen in the prelegislative scrutiny. I will quote from paragraph 306 of the Joint Committee’s report. It mentions two names: Emily Frith, who worked for the Children’s Commissioner, and Kevin Hyland, the former Independent Anti-Slavery Commissioner. It states:

“Emily Frith noted that the Children’s Commissioner had to send draft reports to the Secretary of State for Education before publication, and that the Secretary of State had to approve its

annual strategic plan. She stated, ‘We would like to see both those things removed, because that would give the commissioner much more independence to report directly to Parliament.’”

That was with reference to the domestic abuse commissioner. The report continues:

“Kevin Hyland told us that, during his reappointment, he was criticised for giving evidence to a parliamentary committee. He suggested that, if the Commissioner were to be responsible to a parliamentary committee rather than a government department, then they would be able to express concerns more openly.”

Paragraph 307 states:

“In its report on domestic abuse, the Home Affairs Committee recommended that the Commissioner be accountable, and report directly, to Parliament rather than to Government, and should be independently accommodated and resourced.”

The safeguarding Minister drew the Committee’s attention to the process, and it is incumbent on us to heed the Joint Committee’s advice. It did not mince its words, and concluded, in paragraph 323, that it had

“grave concerns about the proposal for the Commissioner’s role to be responsible to the Home Office.”

It recommended in paragraph 324

“that the Commissioner be responsible to the Cabinet Office”.

The Opposition—[*Interruption.*] I reassure the Committee that my cough is the result of the London plane trees outside Parliament, not anything else that might be making its way around the city. [*Laughter.*] I am well protected by the Brighton Gin hand sanitiser that sits before me.

The Opposition accept the clear advice of both parliamentary inquiries, which involved both Houses of Parliament, and their exhaustive deliberations. Since those inquiries completed, Britain has left the European Union and the Cabinet Office is consumed—some might say overwhelmed—by the challenges posed by the negotiations and preparations for our future relationship. It is unlikely that a domestic abuse commissioner would find a suitable home there right now, bearing in mind that the Joint Committee reported almost two years ago.

We accept the clear recommendation of the Home Affairs Committee that for matters of substance the commissioner should report directly to Parliament. I feel certain that if the Joint Committee were reporting today, rather than two years ago, it would totally agree.

Amendment 45 and 46 are straightforward. Amendment 45 would simply exchange “Secretary of State” for “Parliament” for the submission of the commissioner’s annual report. Amendment 46 achieves a similar outcome but has regard to a concern raised by the Minister yesterday, by requiring the commissioner by law to ensure that no material be included that might jeopardise the safety of anyone or prejudice an investigation or prosecution.

These amendments refer to the annual report. We do not cover all the different areas of reporting. These amendments are intended to probe the issue of accountability and independence and will not be pressed to a vote. We urge Ministers to look afresh at the conclusions of pre-legislative Committees and, if they are in a generous mood, to ensure that we can argue for the amendments, engage with them as they stand and keep an open mind as to whether the role of the commissioner could be strengthened, delivering an outcome that I believe would put it in a much safer, stronger and

more secure position, to enable the commissioner to do their job. My God, the people whom the commissioner seeks to give a voice to need the strongest possible voice that we can muster.

There is one final aspect of the relationship between the Home Office and the commissioner that I want to raise. I do this carefully and with respect to all hon. Members, because I know that when we talk about individuals it is a sensitive issue. I do not want to squander the constructive nature of our deliberations so far, but I believe that this is relevant and important. This relates to the nature of the Home Secretary and issues raised about her own personal behaviour in recent times.

At this time there are two separate formal processes underway that involve multiple allegations of abusive behaviour by the Home Secretary: one is an internal civil service inquiry being conducted by the Cabinet Office; and the other is a legal tribunal by the Home Office’s former most senior official for constructive dismissal. Both are ongoing and I will say nothing that will prejudice either inquiry.

**The Chair:** Order. I liked the part where you said that you will say nothing on this issue, because I am not really sure what the relevance is to amendment 45 to clause 13.

**Peter Kyle:** Mr Bone, I would like to explain. We are talking about the establishment of a commissioner for abuse, reporting directly to the Home Secretary. The amendment seeks to change the line management of the commissioner. I believe I am treading lightly as I progress through this. I think it will become apparent why I want to put this on the record.

As I say, we will not push the amendment to a vote, but there are arguments here that I believe need to be made. Many people who have contacted me are aware of the irony of having a commissioner for abuse reporting to somebody who has two active investigations into abusive behaviour. I will tread lightly.

**The Chair:** Order. I am afraid that you will not tread lightly, because you have made the point. I understand the argument you are making, but we are talking about the post of Home Secretary, not an individual. The point is on the record and I think we should now move on.

**Peter Kyle:** I am very respectful of your chairmanship. I will move on and conclude my remarks. I have put on the record what I wanted to say, which was to explain delicately the parallels between the comments that were made in public statements relating to the Home Secretary. What I said—I will not repeat it—was meant to acknowledge your point, Mr Bone, that this legislation will almost certainly last for a generation and will therefore see successive Home Secretaries. A particular issue right now is the character of the one who—

**The Chair:** No, I am not having this. I do not want to spoil the hon. Gentleman’s speech, but I am going to. I thought he was making a very well-argued speech until

[The Chair]

he got to that point, which I think is out of order. In fact, I am telling him that it is out of order. We will now move on.

**Peter Kyle:** I appreciate that. In our debates yesterday, during an exhaustive set of speeches about the independence of the role of the commissioner, the case was made that it is extremely important that the link between independence and effectiveness is categoric. That has been exhaustively investigated by two previous inquiries by the Home Affairs Committee and by a Joint Committee of both Houses of Parliament. The direct link between effectiveness in that role and where it reports—its independence—comes from a central role of the commissioner: to give voice to people who have, for too long, been shut out of public debate. Victims and survivors of domestic abuse are some of the most disempowered people in our society.

The reason that independence is important is that there will be times when the commissioner needs to give voice to people who are suffering abuse but comes into conflict with current Home Office policy. That area is never more acute than on the issues of migrant women, legal aid and the experience of women at the hands of law enforcement agencies. Overwhelmingly, there will be a constructive relationship between the Home Office, the Home Secretary and the commissioner—there is already a good and fruitful working relationship between the Home Office and the commissioner designate—but there will be times when we need the commissioner to be an unflinching advocate for survivors and victims and to be 100% focused on the needs of those individuals, and not even 1% focused on the delicacies of managing a complex set of relationships within the Home Office.

There are also technical reasons why that is seen as more effective. As we heard in evidence, reporting to the Home Office is a complex relationship. The Home Office is a complex organisation with numerous officials and various levels that can have direct relationships with the commissioner. The commissioner will have a handful of staff, while the Home Office will have thousands, and although those thousands will not all report directly, dozens will—that is a very high-maintenance reporting line.

We will not push the amendment to a vote, but I urge the Minister to assure us that she will use her influence at the Home Office to ensure that the reporting line is effective and efficient and that the commissioner is not overwhelmed with different people asking for different things. As we all know, the civil service rightly needs to protect taxpayers' money, and people's liberty and safety, so it can sometimes overwhelm small organisations with bureaucracy. We want to ensure that the commissioner has all the freedom to act in a way that fully represents the victims and survivors for whom she is there to give voice.

**Nickie Aiken** (Cities of London and Westminster) (Con): I understand the concerns that you raise about effectiveness and independence. We have a Children's Commissioner and a Victims' Commissioner, and they are both very independent. What makes you think—

**The Chair:** Order. It is not supposed to be “you”, because I am “you”—you are supposed to speak through me.

**Nickie Aiken:** Yes, Mr Bone.

What does the hon. Gentleman think? Why would this commissioner be any different in independence and effectiveness compared with the Children's Commissioner, the Victims' Commissioner or any other commissioner that the Government may have?

9.45 am

**Peter Kyle:** I welcome the hon. Lady's intervention. As I said yesterday, I remember my first Bill Committee well. I assure every Member sitting on a Bill Committee for the first time that they are in the safest of environments if they want to stand up to speak—and, like me, to make mistakes in an honest, open and sincere way. Believe me, it is much better to do so here in Committee than over there in the Chamber.

The hon. Lady is completely right about other commissioners, including the two she named. In fact, the Victims' Commissioner reports directly to a Department. The Children's Commissioner has a slightly different reporting line, because more aspects of her role involve reporting directly to Parliament. What those commissioners have in common, however, is that they have both given evidence to the Joint Committee and to the Select Committee on Home Affairs, and one commissioner gave evidence in our evidence session only last week.

Both those commissioners believe that greater independence for the domestic abuse commissioner is desirable. Based on their experience of being commissioners, they believe that that is more desirable, and they have both said so on the record in the firmest possible terms. That reflects on their own positions—they would like more freedom in their roles—and they are generously willing to share their experience with this Committee so that we can get it right for the new commissioner. We got it mostly right in previous times, but there is always room for improvement and, given on their experience, the issue of independence is something they would like to see improved.

With that, Mr Bone, I conclude my remarks.

**The Chair:** I thank the hon. Gentleman, and I wish him well with the cough because I suffer from exactly the same problem. You never know when it is going to come on—if I start to have a coughing fit, please, that is the reason.

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** It is a pleasure to serve under your chairmanship, Mr Bone.

I thank the hon. Member for Hove for emphasising yet again the exhaustive scrutiny that the Bill has received. When we look over the history of the Bill and its scrutiny, we see that he is right to say that few other pieces of legislation in recent history have received such scrutiny. Yesterday, the hon. Member for Birmingham, Yardley said that we had “got away with it” this time with the appointment of Nicole Jacobs, but, on behalf of the commissioner, I should say that it is not a question of getting away with it.

We had a recruitment process in line with the public appointments process, which is carefully managed and objective. I interviewed Nicole myself, and she was the stand-out candidate. That is why I advised the Home

Secretary to appoint her. I know that the hon. Member for Hove does not mean to do this, but the more it is suggested that Nicole, the designate commissioner, will somehow not be independent, the more I fear that that risks undermining her. We have to accept that Ms Jacobs is a professional, highly qualified and highly experienced person in the world of domestic abuse. We should welcome her appointment, which shows that the system has worked.

**Jess Phillips** (Birmingham, Yardley) (Lab): I absolutely echo the Minister's words about Nicole Jacobs—and, I am sure, anyone who had been given the position.

May I ask if that same process was followed in the appointment of Kevin Hyland as the Independent Anti-slavery Commissioner? Where does the Minister feel that that relationship broke down, to the point that his evidence on this Bill led to concerns that are now shared by me, Parliament, my hon. Friend the Member for Hove, the Home Affairs Committee and so on?

**Victoria Atkins:** I cannot speak to that appointment process, because I was not the Minister at the time, although I know that, personally, I had a good relationship with Mr Hyland at the tail end of his tenure.

Clearly, however, I was involved in the appointment process for the current Anti-slavery Commissioner, Dame Sara Thornton. I asked officials to double-check this: I do not believe that she has voiced any concerns about her independence in the year—it must be at least a year—that she has been in role. I remind the Committee that Dame Sara is a former chief constable and was chair of the Association of Chief Police Officers before the National Police Chiefs Council was set up. She is, again, a very highly qualified, highly experienced professional with decades of public service under her belt.

In exploring these issues, I would not for a moment wish to risk undermining the work or reputations of Dame Sara, Ms Jacobs or any of the commissioners that we have heard reference to.

**Jess Phillips:** There is absolutely no sense that anybody here wishes to undermine the commissioners—we also work with those commissioners. We wish to empower them. We are concerned about relationship breakdown, and not necessarily with the current commissioner. Can the Minister speak more to the relationship with the previous Anti-slavery Commissioner, which definitely broke down?

**Victoria Atkins:** Forgive me, but I am returning to the Bill, which is what we are concerned with now.

I am very happy to talk about the Children's Commissioner, who is sponsored by the Department for Education. I do not know whether anyone has been listening to the news recently, but I do not think anybody could accuse Ms Longfield of not being independent or not expressing her views pretty forcefully and vehemently. Only yesterday there was a statement in the House about the issues she has raised.

**Peter Kyle:** I am keen for us not to fall into the bearpit that the Chair has already identified. We are not talking about the specific officeholder; we are talking about the role. We need to make sure that we get the role right so

that future holders of the office are able to exercise powers correctly and so that the powers encourage a certain type of behaviour, rather than relying on a character who can find their way through unideal rules, making the best of it.

**Victoria Atkins:** I am absolutely focusing on the powers available. Ms Longfield is exercising her powers as a commissioner who is sponsored by the Department for Education, just as Dame Vera Baird is—I think the hon. Member for Birmingham, Yardley referred to Dame Vera's political background. I have to say that she was appointed by a Conservative Government. She is very capable and experienced, with decades of public service under her belt. Again, the appointments process identified the correct candidate and she uses her powers to great effect. No one can accuse Dame Vera of holding back when she feels there is a need to hold the Government to account.

The point is that the powers and the offices already exist, they work, and it is on that basis that we have listened to the Joint Committee's recommendations. We have made changes between the first iteration and this iteration of the Bill. For example, clause 13 has been changed. It was the case that the Home Secretary would lay a copy of the report before Parliament, but we listened and took on board what the Joint Committee recommended. We have now changed that so that it is the commissioner who must arrange for a copy of her report to be laid before Parliament—it is the commissioner who decides when that happens, within the realms of the reporting framework and the financial year and so on. It is the commissioner who decides what is in that report, with that tiny, narrow exception that we discussed yesterday, which mirrors the previous clauses. I am grateful that the hon. Member for Hove withdrew that amendment; I took it that he was satisfied with my explanation.

I would very much argue that the domestic abuse commissioner is empowered. She has oversight by a Department—the Home Office—as does pretty much every other commissioner, with the three exceptions that we have identified, including the Parliamentary and Health Service Ombudsman, which by definition reports directly to Parliament. We have followed that model, but adapted it to take into account the matters raised by the Joint Committee.

In recommending the clause to the Committee, I pray in aid the fact that, when Ms Jacobs appeared before the Public Bill Committee in the previous Session, she was asked about sponsorship of her office by the Home Office. She replied that she felt

“confident about the hosting at the Home Office.”—[*Official Report, Domestic Abuse Public Bill Committee*, 29 October 2019; c. 9, Q10.]

In separate evidence to the Public Bill Committee last October, Zoë Billingham, who is one of Her Majesty's inspectors of constabulary and fire and rescue services, said:

“The fact that I have a relationship with the Home Office does not undermine my personal statutory independence as an HMI or our organisation's independence.”—[*Official Report, Domestic Abuse Public Bill Committee*, 29 October 2019; c. 43, Q70.]

I fully appreciate why hon. Members want to debate and explore the issue, but I hope that they will be reassured by the fact that office holders do not have a

[Victoria Atkins]

problem, and feel confident about the hosting at the Home Office. What is more, we have listened to the Committee and adapted the measures so that the commissioner has the direct relationship with Parliament that Members feel is so important.

**Peter Kyle:** I briefly make the point that you cannot have it both ways—or, rather, the Minister cannot have it both ways. You, Mr Bone, can obviously have it any way you like.

The Minister cannot say that the commissioners speak up freely, and give examples of that, but ignore what they say, and have a reporting line for them. Every one of the commissioners that she mentioned believes that the commissioner for domestic abuse should report somewhere other than the Home Office.

The Minister is right to quote Nicole, because she is a formidable and generous advocate. She has been given the role, and was clear from the outset about the reporting lines, which she accepted when she began to apply for the job. However, I remind the Minister that last week, in giving evidence, she made it clear in her opening exchange with me that she would welcome greater independence from the Home Office. She was clear about that.

I will lay the argument to rest, and accept the arguments of the Minister. I hope that she sees the sincerity with which we make our argument, which in no way impugns our belief that Nicole Jacobs will be a fantastic advocate. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 13 ordered to stand part of the Bill.*

#### Clause 14

##### DUTY TO CO-OPERATE WITH COMMISSIONER

**Victoria Atkins:** I beg to move amendment 30, in clause 14, page 10, line 2, after “London” insert “in its capacity as a local authority”

*This amendment clarifies that the reference to the Common Council of the City of London in the definition of “English local authority” in clause 14 is to the Common Council in its capacity as a local authority.*

**The Chair:** With this it will be convenient to consider Government amendment 36.

**Victoria Atkins:** I can be brief. The amendments are technical ones to clauses 14 and 57. Clause 14 uses the term “English local authority” while part 4 of the Bill uses the term “local authority”. In both cases, the definition of those terms includes the Court of Common Council of the City of London.

The City of London Corporation has both public and private functions, so it is appropriate that public legislation should apply to it only in respect of its public functions. The amendments to clauses 14 and 57 therefore provide that the references to “the Common Council” relate to its capacity as a local authority.

*Amendment 30 agreed to.*

*Question proposed, That the clause stand part of the Bill.*

**Victoria Atkins:** Clause 14 is about the duty to co-operate with the commissioner. We addressed parts of it yesterday. It is an absolutely crucial part of the commissioner’s powers. The commissioner may specify public authorities as laid out in subsection (3) to co-operate. We can add to the list in due course by regulations, but the public authorities listed in subsection (3) may not be removed. In this case I would recommend the clause to the House, although I appreciate that the hon. Member for Birmingham, Yardley might have some things to say about it.

10 am

**Jess Phillips:** We went over this extensively yesterday. I just want complete clarity for the record—don’t worry, I will not go on for 50 minutes, although I could. I want to feel absolutely certain about this issue. When the commissioner says something to any one of the authorities—the list is absolutely fine—and they have the duty to respond, where in the system does the duty to act come in? Does that fall within the reporting line to the Home Secretary, who will then help the commissioner to ensure that action is taken? As somebody who often seeks a response from the Government, what I am actually seeking is action.

**Victoria Atkins:** Yes, of course. There are organisations on the list that are directly accountable to the electorate, such as local authorities, or are accountable via elected officials such as police and crime commissioners. We expect those bodies to be mindful and act on what the commissioner recommends. There will be consequences for them at the ballot box if they do not do so, which is the case for Ministers as well as any other Member of Parliament.

As for the other bodies, we are mindful of the independence of the police, the British Transport Police and organisations such as the Criminal Cases Review Commission, so there will be a delicate balancing act between what Ministers can do and the independence of those organisations. As with other commissioners, where a public body is given fully reasoned recommendations by the commissioner in her report, they would be expected to respond to that, and that includes action.

*Question put and agreed to.*

*Clause 14, as amended, accordingly ordered to stand part of the Bill.*

*Clauses 15 to 18 ordered to stand part of the Bill.*

#### Clause 19

##### POWER TO GIVE A DOMESTIC ABUSE PROTECTION NOTICE

*Question proposed, That the clause stand part of the Bill.*

**Victoria Atkins:** Clause 19 signifies the beginning of part 3 of the Bill, which introduces domestic abuse protection notices and domestic abuse protection orders. These are very important aspects of the Bill. It may help if, before turning specifically to clause 19, I recap why we are creating the new protective orders, and the significant value that they will provide to victims and to agencies in holding perpetrators to account.

Responses to our public consultation in 2018 emphasised that the multitude of orders currently available in domestic abuse cases, which include non-molestation orders, occupation orders, restraining orders and domestic violence protection orders, can be confusing for victims and, indeed, practitioners. Each of those orders is available in different circumstances, does different things and has different consequences for breach. No single order provides victims with the comprehensive protection that they need to rebuild their lives. Our intention, in creating the new DAPOs, is to bring the strongest elements of the existing protective order regime together in one comprehensive and flexible order, and for DAPOs to become the go-to order in domestic abuse cases.

Clauses 19 to 23 create the new domestic abuse protection notice, which is designed to provide victims with immediate protection and breathing space from the perpetrator following a crisis incident. The notice will be issued by the police and could, for example, require the perpetrator to leave the victim's home for up to 48 hours. Issue of the notice triggers an application by the police to a magistrates court for a DAPO, an order, which, if made by the court, provides the victim with longer-term protection.

Unlike the current domestic violence protection notices and orders, the new domestic abuse protection notice and order can be used to protect victims from all forms of domestic abuse and not just from violence or the threat of violence. However, it will not always be the case that there is a single crisis incident that necessitates the issuing of a notice by the police. Furthermore, we know that some victims do not want to involve the police in their case at all; they just want the abuse to stop. That is why the Bill provides for a range of flexible application routes to obtain an order, enabling not just the police but victims themselves or any other person, with the leave of the court, to apply for a DAPO. In addition, it is open to a judge or magistrate to decide to make a DAPO as part of existing proceedings in the criminal, civil or family courts.

The DAPO is designed to be fully flexible, so that it can be tailored by the court to meet the needs of the victim, based on the specific facts of each individual case. That is one of the order's most important characteristics. Unlike the existing domestic violence protection orders, which have a maximum duration of just 28 days, DAPOs can be flexible in duration and can therefore provide victims with longer-term protection if needed. It will be for the court to determine the duration of an order or, if necessary, to decide that it should be open-ended until such time as the court makes a further order.

The Bill also provides courts with the flexibility to attach to the order not only restrictions but positive requirements, depending on what is necessary in each case to protect the victim from abuse. For example, the conditions attached to a DAPO could range from basic non-contact requirements and an exclusion zone, right up to requirements to wear an electronic tag or to attend a behaviour change programme. Crucially, breach of an order will be a criminal offence, subject to a maximum penalty of five years' imprisonment.

We know how important it is to get the implementation of the new orders right and to ensure that the whole process is as simple as possible for victims, the police and others to navigate. That is why we will issue statutory

guidance on the orders and also pilot them in a small number of areas prior to any national roll-out. The Bill expressly provides for that.

We must acknowledge, however, that the creation of the new protective order will not by itself deliver a better response to domestic abuse. The success of DAPOs will rest on a strong, multi-agency approach to ensure that these orders are the protective tool that they are intended to be. Everyone will have a role to play in this: the justice system, other statutory agencies, and specialist domestic abuse organisations will be expected to work together to manage those who are subject to an order and, most importantly, keep victims and their children safe.

Clause 19 confers a power on a police officer to issue domestic abuse protection notices. It sets out the two conditions that must be met in order for the police to issue a notice. The first condition is

“that the senior police officer has reasonable grounds for believing that P”—

the perpetrator—

“has been abusive towards a person aged 16 or over to whom P is personally connected”,

in line with the definitions we discussed yesterday, contained in clauses 1 and 2.

As I have mentioned, unlike with the current domestic violence protection notice, this clause provides that the new notice can be used to protect victims from all forms of domestic abuse, not simply from violence or the threat of violence, which the Joint Committee commented “removes a key weakness of the previous scheme.”

Furthermore, it does not matter if the abusive behaviour that provides grounds for the issue of the notice took place outside England and Wales.

The second condition is that the police officer

“has reasonable grounds for believing that it is necessary to give the notice to protect that person from domestic abuse.”

The requirements imposed by the notice, which are provided for in clause 20, have effect in all parts of the United Kingdom, not just in England and Wales. For example, if a notice required the perpetrator not to make contact with the victim in any way, the perpetrator would breach the notice by sending a text message or email to the victim from Scotland. I therefore commend the clause to the Committee.

**Jess Phillips:** I feel I have been remiss in not having yet said that it is an absolute pleasure to serve under your chairship, Mr Bone, as others have. I will not start with an inspirational quote, though I am sure you have given plenty in your time.

I thank the Minister for a detailed and forensic walk through the new DAPO system. It can sometimes feel like we say all these things in all these different scrutiny bodies, but absolutely nothing comes of it; however, from what the Minister has walked us through, I can see how different systems have evolved over time and over the course of lots of conversations. For people who love scrutiny, worry not: it does sometimes get heard.

I feel very hopeful about the new system of DAPNs and DAPOs. The Opposition, along with most witnesses who reported to the Joint Committee, strongly support any tool that gives the police and courts greater powers to protect victims of abusive relationships. We very

[Jess Phillips]

much welcome the fact that the new orders just require abusive behaviour—rather than violent behaviour—as a precondition, although time will tell how that plays out on the ground. For too long, judges have looked for evidence of scars and bruises, rather than the emotional pain that victims suffer, so this is a real step forward, and one of which the Government should be proud.

The Opposition are also pleased to see the introduction of criminal sanctions—I believe that another amendment on this topic will be debated later—with the power of arrest for a breach of the order. For too many years, I have worked with women and children for whom the orders in place to protect them were not worth the paper they were written on. For far too long, victims have been left to argue with police forces about what constitutes a breach.

As modern technology has advanced—certainly since I started working in the field of domestic abuse—we have seen a host of new ways in which a perpetrator, or those connected with one, can breach an order. Sending posts through a family member on Facebook, for example, is a very common one that I have seen time and again. When the victim has highlighted that as a breach of an order with the police, it has not been acted on. This is not necessarily just a complaint about the police. I am not suggesting that they can act on literally everything; they have their own set of circumstances.

10.15 am

I have also seen breaches right up to victims having to tolerate their perpetrators stalking them every day at work and outside their homes. In lots of those cases, such an obvious breach is still met with no action from the authorities. We would not have to comb through many domestic homicide reviews before we came across instances of women and children being murdered while they had one of a variety of protective orders. Orders alone, certainly where the fear of criminalisation is not a feature, are not enough to protect most victims.

On the lack of police action on existing orders, I hope the act of criminalising breaches will keep victims safer, although there is currently no evidence for that. As the Minister outlined, there is a two-year pilot in a variety of areas to see whether that will be the case, and I very much welcome it. I truly hope to see the evidence being built up. Again, I do not wish to sound overly critical of the police, but even Deputy Chief Constable Louisa Rolfe stated in the evidence session held by the Joint Committee that there are too many instances of failure in this area. I am simply concerned that the police have the capability and the training capacity to deal with the whole host of orders, which will still exist, and with the new order.

I want to try to paint a picture of police resources from a day that I spent on response with West Midlands police. As I am sure lots of hon. Members have done, I went on a ride-along with the police in my local area. From some conversations I had in the Tea Room this morning about how far away the local supermarkets are in parts of rural Wales, I suggest that I live in quite a densely populated area. I will not say it is potentially more criminal than other areas, but that is probably the case. I live in a place where there are police call-outs every minute of every day.

It was really exciting to be on a ride-along with the police—a force that I have worked with my entire career. I spoke to the chief constable afterwards and said, “I want to become a police officer,” because I absolutely loved it. From the crackle of the radio and the number of calls coming in, I noticed that a lot of call-outs do not ever get a police response. I would say, “Listen to that one; let’s go to that one,” and they would say, “We can’t. We’ve got to go to this one.” I asked, “Well, what happens to them?” They said, “They’ll probably get a response later or tomorrow.”

Even though I have worked with the police force for years and I am sometimes critical of the police, I was genuinely surprised. The reality is that, if someone is a victim who is not at this moment at direct risk—nobody is holding a knife to their throat with a breach of this order; it might be a Facebook post or involve writing off to their kid’s school—my police force does not currently have the resource to respond really quickly.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Very briefly, I want to take the opportunity to describe the rural experience.

**Jess Phillips:** I am not suggesting that it is not—

**Liz Saville Roberts:** They are different in different ways. There is immense pressure in terms of population, but the rural experience is that there might well be a desired staffing level on the police of six to cover the whole of north-west Wales. It is physically impossible to reach people within the hour.

**Jess Phillips:** That is a deeply important thing. For my constituents, it would take four minutes to drive across if there was no traffic, so that is not such an issue. It will definitely lead to victimisation by different means. It also has to be added on to the police resource, for when they see a call and have an immediate issue they need to deal with, because the order has potentially been breached, and they are going to have to drive 50 miles.

I am not suggesting for a second that the police do not want to act on these calls. I think that they do. Every police officer I meet—this has definitely changed over the last 10 years—deeply cares about domestic abuse and wants their force to be brilliant at tackling it. I am just concerned.

What I do not want to happen with the DAPO is for it to have the same reputation as all the other orders among victims and victims’ organisations. All the other orders are basically, “Isn’t that nice? I’ve got this piece of paper,” apart from an occupation order, which is given vanishingly rarely. If we were to sit down with a group of victims, they would say, “What was the point of it?”. I do not want the DAPO to have that. The inclusion of abuse and the inclusion of criminality will go some way to allaying that fear, but without resource, it will be very difficult.

The Joint Committee clearly shared some of our concerns. Its report noted:

“Particular concerns were that the proposed new notices and orders did not ‘cure’ the difficulties seen in the operation of the current Domestic Violence Protection Notices and Orders and the practical workings of the DAPO scheme had not been considered, or funded, sufficiently.”

I give the Minister her due; that is from a year ago and a lot of consideration has gone into it since.

The Joint Committee also found that the use of the existing model of DVPNs and DVPOs—different in flavour, if not in name—by police forces across England and Wales a year after they were rolled out nationally was “patchy.” We are not just referring to breaches; this is about whether they are even given out. I am concerned about resources for dealing with breaches, but there is quite a lot of concern about resources for the orders being given out in the first place.

The Joint Committee noted:

“Numbers ranged from three DVPNs and three DVPOs in Cambridgeshire”—

where there is either no domestic violence, or they are not giving them out properly—

“to 229 DVPNs and 199 DVPOs in Essex”.

Bravo to Essex! The majority of forces submitted figures between 10 and 100.

The Joint Committee continued:

“A review of the police response to domestic abuse by HM Inspectorate of Constabulary, Fire and Rescue Services”—

I noticed the Minister also struggled to say that earlier; it needs a better acronym—

“in 2017 found: ‘Many forces are still not using DVPOs as widely as they could, and opportunities to use them are continuing to be missed. Over half of the forces that were able to provide data—

that were able to provide data does not speak to many—

“on the use of DVPOs reported a decrease in the number of DVPOs granted per 100 domestic abuse related offences in the 12 months to 30 June 2016 compared to the 12 months to 31 March 2015.”

Those comments speak to my concerns about the capacity of the police, rather than their desire.

I very much hope that the inclusion of the term “abuse” rather than “violence” will act to massively improve the numbers—I really hope that we are proven right on that—and that the act of criminalising has a similar effect on the uptake and usefulness of DAPOs. However, I seek from the Minister an understanding of how and at what intervals that will be assessed.

A number of organisations, from the perspective of both the victim and the perpetrator, have expressed concerns about the new scheme and the act of criminalisation. I am sure that some minds will be put to rest if a framework for review and possible action plans from the evidence of such reviews were put in place—the Minister has spoken about a two-year review in specific areas. For example, if there is limited use in a certain police force after a year and it is identified that that is because of training deficits—that is what it usually is—action plans could then be put in place to ensure a remedy.

Some concerns about the criminalisation element would certainly be allayed if we have an idea about exactly how the pilot is going to work and what actions will be taken to remedy any possible deficits.

There are two potentials. In one of the pilot areas, they may not do it well, and we could all say, “Maybe DAPOs don’t work,” and go and look at something else. Alternatively, pilot areas could put a lot of effort and resources in because of the very nature of being pilot areas. Fair play to all of them, but when we scale that up to the Metropolitan police, the West Midlands police or a police force in a completely rural area, for example,

and the scheme is ongoing, there is a concern that we need to ensure that we are reviewing it constantly and pushing for it to work.

I want to the order to work, and the sector wants it to work. I could be glib about people rolling their eyes when an does not work, but that tells victims that the police do not care, even if that is not the case. If someone rings the police and they do not act on a breach, the view is, “It’s because they don’t care about me.” That will stop that person going forward again in the future. That demoralises the whole system, and we cannot have that.

I welcome the fact that domestic abuse protection orders may be applied for without victims’ consent—by the police, specialist agencies and third parties, with the consent of the court. That will end a process that can be very onerous on victims, both administratively and, much more keenly, emotionally. As the Joint Committee highlighted,

“the nature of domestic abuse is such that pressure not to take action against the perpetrator will often be overwhelming and it would significantly weaken the protective effect of the orders if only victims were able to apply for them.”

I cannot sing the praises of that enough.

I turn now to some of the concerns raised by police about the cost of the DAPO application. We welcome the Government’s assurances that no victim will have to pay any costs. I have seen incidences, in times of austerity, where local authority partnership boards moved from systems for application of civil orders, where there was no cost to a victim for application, to a system where victims have been asked for large sums to apply for various orders. Some were asked for thousands of pounds in fees to keep them and their children safe—or, as it turned out, partially safe. It is welcome news that there will be no cost to the victim in this new regime.

Currently, however, an application for a DVPO costs the police £205—admittedly, that is under the current system—and a contested hearing costs £515. In evidence to the Joint Committee, Rights of Women explained:

“the police will seek a costs order against the respondent, which will only be granted when the application is successful. It is unclear how many costs orders are made following applications for DVPOs, and, most pertinently, how much money is actually recovered from respondents when costs orders are made. The National Audit Office report from the summer of 2011 concluded that as much as £1.3bn was owed in court fines, prosecutor costs and other payments arising from court proceedings.”

I especially like the bit at the end of a court hearing, when we talk about the money. It is so academic, as hardly any of it will be paid, but I often enjoy that moment in court.

To date, police forces have not received any additional funding for DVPOs. Olive Craig, legal officer at Rights of Women, told the Joint Committee:

“the organisation had been told by police officers, victims, and frontline domestic violence support staff that one of the reasons they did not use these orders was because they were seen as ‘too expensive’.”

It has been the concern of many specialists that courts will not want to be seen as being draconian, so courts may be less likely to grant DAPOs in the first place, especially now, with the criminalisation element.

10.30 am

There is also no time limit suggested in the Bill, which is something that will be debated later. On the time limits, however, I think the Minister has struck the right balance. I think 28 days is not enough. It is up to the court how long the time limit is. Having tried to help victims get occupation orders in the past, I can understand the concerns. We should remember that a DAPO will potentially exclude someone from their home. It is, essentially, an occupation order—an occupation order is a civil order that gets the person out of the house. A DAPO has a similar flavour in some regards, although not in all cases, but if it removes someone from their home, and if what I have seen of the courts' unwillingness to grant occupation orders because of their draconian nature remains the case—I have seen that hundreds of times—I am concerned that the courts may be similarly nervous of this protection order and that it may be used rarely.

I hasten to add that I say all of that not out of criticism of the Government, but out of concern that the scheme should work and the best thing should happen. In cases where the courts do not grant an order, and the police therefore have to pay for it, there is obviously a disconnect, because the police will start to think, "Well, that it is too expensive."

The concern relating to the cost, due to the fact that DAPOs are more likely to be defended because someone will lose their right to their home, will increase the cost concerns in the police's mind, because orders will become more expensive to apply for. The Joint Committee highlighted this concern in its recommendation, which stated:

"The Government's insistence that the police pay a court fee to make an application for a Domestic Abuse Prevention Order, while victims do not, will undermine the entire scheme and end any chance of the orders becoming the 'go-to' order to protect victims of domestic abuse. Police officers will be put in the invidious position of having to choose to use scarce resources to make an application or persuading the victim to make the application themselves. This effectively removes a key strength of the order, that an application may be made without the victim's involvement, or even consent. We strongly recommend that applications for Domestic Abuse Protection Orders be free to the police, with appropriate funding to HM Court and Tribunal Service."

In responding to the Joint Committee, the Minister has stated that the Government would provide sufficient funding to cover the cost for the police during the two-year pilot, and then use findings to decide what to do in the long term. Can the Minister outline at all how her negotiations with the Treasury are going in this regard? It is quite clear that if there is any cost of application to the police—leaving aside existing concerns about the resources the police have generally to cope with the extra admin and time needed for such an order—the system for DAPOs could fail without proper resources being available. None of us here wish to see that. Unfortunately, it does not make such a good political slogan: "Funding for the police for DAPOs" is not as good as "60,000 new officers" or whatever it is. It is a shame. Victims of domestic violence are rarely the go-to event.

Will the Minister outline what training she expects to be put in place? I sat in multi-agency meetings about domestic abuse 10 years ago. I sit in them today. I could sit in them for the next 30 years, and I guarantee to all here that the same thing would be being said about the

need for training for police forces and the judiciary. I sometimes think I will just send a tape recorder of me saying, "We need better training." It is a bit like with my kids in the morning—I could be replaced with a tape that just said, "Where are your shoes?" Given that DAPOs are intended to be more draconian than some similar orders, there must be clear training and guidance to all professionals, including judges across the criminal, civil and family courts, regarding the most suitable orders to use. That will ensure that DAPOs are utilised where appropriate over any softer options.

Will Minister enlighten the Committee on what is planned in this area so that we can feel confident that these new orders will not just end up as more nice words written on vellum, but will make an actual material difference to victims on the ground? Too often, we change laws in this building. During the initial throes of the coercive control law change, and the change regarding the idea that victims of domestic abuse can be victimised at the age of 16 or 17, I was working in service, and no change was felt on the ground. I am pleased to say that, in both those instances, that is no longer the case, but it took a good five, six or seven years of training police forces, courts and everyone for me to feel that the phrase "coercive control" is not just words on vellum, but makes a material difference to victims.

Understanding exactly what we will be doing with regard to DAPOs and DVPNs is vital to the success of this part of the Bill. What expectation does the Minister have regarding the support a victim might receive during the period a DAPO is in place? I would have thought that an order without support—for example, from an independent domestic violence adviser or a family support worker—would be less effective. What plans do the Government have to look at the framework for community support that might sit alongside the orders to make them as effective as we all want them to be? In the Northumberland police force and, potentially, the Gwent police force—they always seemed to do everything right when I worked in service—the initial roll-out of the DVPN was led by response officers with an independent domestic violence adviser in the car with them.

As the perpetrator was removed, an element of support for the victim swooped in to help her—it is usually "her" in this instance—to understand what was happening, what the processes were and how to go through them, and how to deal with the trauma. The likelihood of her then not just surviving but thriving because of the instigation of that support at the point of the order was borne out. If the Government could do one thing that would make DAPOs a success—this is a huge ask, and I know all the reasons why it possibly will not happen—it would be to guarantee that, with every order, somebody got a support worker. That would radicalise the way victims felt about the orders and their own safety.

The Opposition welcome the orders, but without the training, resources and hand-in-hand support for all parties concerned, perpetrators included, I fear that they could go down the line of their forebears. We welcome the orders, and certainly support the clause.

**Julie Marson** (Hertford and Stortford) (Con): I want to add my voice in supporting the belief that the orders will be a step change in the courts. As a magistrate, I have grappled with many restraining orders and non-molestation orders, and with bail conditions. One of the

frustrations I have seen on the bench arises from the desire to know what tools we have to do more, particularly for what seem like minor offences, when someone is not breaking down someone's door, but writing Facebook messages, or text messages, to their mum or sister.

Many in the police and the courts recognise that the point of crisis for women—in my experience, it is mainly women, as the hon. Member for Birmingham, Yardley said—is when they try to break away from an abuser. That is the moment of greatest danger for a woman, because the perpetrator can see the control slipping away. That is a moment of desperation, when the perpetrator wants to reassert that control, and will use every tool and every trick in the book to do so.

In my experience, the courts and the police are crying out for the tools that they can use, and for the clarity and scope that the measures introduce. I am optimistic, and I believe that lots of people in the system are crying out for just this kind of measure. It will be very welcome and effective.

**Victoria Atkins:** Forgive me, Mr Bone, but I should explain that, because we do not have box notes, I am having to use my phone. If I may, I will deal with a couple of points that the hon. Member for Birmingham, Yardley raised. A lot of the questions that she posed sit with other clauses in the Bill, and I do not want to detract from the magnificent occasion that will be my hon. Friend the Under-Secretary of State for Justice getting to his feet and talking through some of those clauses, so I will defer to him.

The hon. Lady raised the issue of police fees and recognised that the Government have accepted the Joint Committee's recommendation, which means that, for the two-year pilot, we will cover the police's court fees for applying for the orders. We very much want to use the pilot to understand the resource implications of the new orders for the police and other agencies, and to use that to inform our considerations in future.

When she spoke to the Public Bill Committee in 2019, Deputy Chief Constable Louisa Rolfe, the National Police Chiefs Council lead on domestic abuse, said:

"The cost of the DAPO would be the least of our concerns. There are many positive aspects to the DAPO...Policing is not deterred by cost and I have some examples of that. We have a strong record of sometimes stepping in where other agencies are not able to."—[*Official Report, Domestic Abuse Public Bill Committee*, 29 October 2019; c. 27, Q47.]

In any event, as I say, we have said that we will cover the cost in response to the concerns raised by the Joint Committee.

In terms of training, we will provide statutory guidance on the new orders, to ensure that the police and other frontline practitioners use them effectively and consistently to protect victims and their children. We will consult with the commissioner, the police and others on the guidance before it is issued, and we will ensure that the police and other frontline practitioners have enough time to prepare for the introduction of the new orders.

The Judicial College has a regular training programme for all judges and magistrates, and Her Majesty's Courts and Tribunals Service provides training for court staff. We will work with both those partners to assess how to incorporate training on DAPOs into their ongoing training programmes.

**Jess Phillips:** I do appreciate the back and forth of this forum. I am pleased to hear that about the guidance. Will there be some overview to check whether that training has been done? What body might that sit with? I understand that the Minister may have to get the answer from somebody else.

**Victoria Atkins:** Obviously, in relation to the judiciary, it will be the Judicial College. The College of Policing plays a vital role in training constabularies across the country to ensure consistency, as do chief constables.

To move away from the Bill momentarily and reflect on the last couple of months, the Home Secretary, I and others have had daily operational calls with the NPCC and other chief officers, and I have been struck by how much domestic abuse has been absolutely at the top of every chief constable's mind in the last month or two. Some innovative policing practice has been going on, precisely because we are worried about the effects of lockdown.

I know that chief constables take that training responsibility very seriously. Of course, the Home Office has a role to play as well. The hon. Lady said that training is a constant theme in these discussions, which it is, but we should acknowledge that we are in a better place than we were, certainly 10 years ago and, actually, five years ago. I hope that I will be saying that in another five years as well.

*Question put and agreed to.*

*Clause 19 accordingly ordered to stand part of the Bill.*

**The Chair:** I was struck by what the Minister said about the problem of not having the officials here, and so not having inspiration fluttering from behind. If it is of any help to her in these exceptional circumstances, if she is stuck on a point, I am happy to come back to the matter later, because the Committee would then be better advised.

**Victoria Atkins:** Thank you, Mr Bone.

10.45 am

## Clause 20

### PROVISION THAT MAY BE MADE BY NOTICES

**Jess Phillips:** I beg to move amendment 56, in clause 20, page 13, line 8, after "lives", insert "or works."

*This amendment would ensure that those giving Domestic Abuse Protection notices have the discretion to consider the workplace as well as the home.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 57, in clause 20, page 13, line 10, after "lives", insert "or works."

*This amendment would ensure that those giving Domestic Abuse Protection notices have the discretion to consider the workplace as well as the home.*

Amendment 58, in clause 20, page 13, line 11, after "lives", insert "or works."

*This amendment would ensure that those giving Domestic Abuse Protection notices have the discretion to consider the workplace as well as the home.*

Amendment 59, in clause 21, page 13, line 29, after "lives", insert "or works."

*This amendment would ensure that those giving Domestic Abuse Protection notices have the discretion to consider the workplace as well as the home.*

## [The Chair]

Amendment 60, in clause 21, page 13, line 32, after “lives”, insert “or works.”

*This amendment would ensure that those giving Domestic Abuse Protection notices have the discretion to consider the workplace as well as the home.*

Amendment 61, in clause 32, page 20, line 24, after “lives”, insert “or works.”

*This amendment would ensure that those giving Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Amendment 62, in clause 32, page 20, line 26, after “lives”, insert “or works.”

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Amendment 63, in clause 32, page 20, line 27, after “lives”, insert “or works.”

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Amendment 64, in clause 32, page 20, line 28, after “person from”, insert “part of”

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Amendment 65, in clause 32, page 20, line 28, after “the”, insert “workplace or”

*This amendment would ensure that those serving Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Amendment 66, in clause 33, page 20, line 43, after “establishment”, add “except in a case where the person against whom the order is made works in the same premises as the person for whose protection the order is made;”

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

**Jess Phillips:** We got here quickly—we are a bit quicker today, aren’t we? I realise that is my responsibility, so maybe we will not be quick anymore. The amendments would expand the DAPO to cover the workplace. In 2016, four women were murdered in their workplaces by men.

In one high-profile case, Andrew Burke cut the throat of his ex-partner’s new girlfriend, Cassie Hayes, at the Southport branch of Tui. The 28-year-old was killed by her lover’s ex-partner at her agency branch in what the judge called a

“cold-blooded execution in public”.

Burke slit Cassie’s throat at the travel shop in front of horrified customers, including families with young children. A court heard how events turned toxic in the lead-up to the murder, after the killer realised that Cassie had begun a relationship with his ex. In 2017, Burke admitted to sending malicious communications and was fined and warned to keep away from Cassie after threatening to kill her. It is particularly poignant for any of us here who have had the exact same thing happen. The perpetrator was already awaiting sentencing for harassing the mother of his child, and was being investigated for further harassing Cassie.

Rachel Williams, about whom I spoke yesterday in the context of the suicide of her son Jack, suffered much of her abuse in the workplace. Rachel’s employer recounted to a newspaper the behaviour of the perpetrator—Rachel’s husband, Darren Williams—in the workplace:

“First, her employer recalled, Williams banned Rachel from working with male colleagues and cutting the hair of any man—or even lesbian women.

When they employed a young man, the entire salon had to enact the charade that he was gay.

Rachel’s boss recalled: ‘Darren’s demeanour was intimidating and we were all afraid of him “kicking off.” He would make surprise visits to the salon and check our appointment book to try to catch her cutting men’s hair.’

‘I remember one particular day when Rachel was the only stylist available to cut a gent’s hair and I had to order all my trainees to circle around her and the client to block any view from the street while she cut his hair. The fear of her getting caught was tangible and the whole salon was on pins.’”

Some 47.3% of respondents to a TUC survey said that their partner physically turned up at their workplace, while 43.6% said that their partner stalked them outside their workplace. Three quarters of women who experience domestic violence will also be targeted at work. Clearly there is a problem with the protection of victims in their places of work. I feel as though the Government were prepared for this speech, because I am very pleased to hear of a review—we all know how much I love a review—into what is needed in workplaces, although I think the issue still stands with regard to the DAPO.

I have seen time and again, working both in domestic abuse services and, I am afraid to say, as an employer, how women can be targeted. Although it did not always mean that the perpetrator would turn up, women would be threatened with the idea that the perpetrator would come and make a scene at their workplace. Imagine being in an abusive relationship—even someone in our job or someone who works for us—and to be kept being told, “I will come and make a scene at your work.” We would do almost anything. It is one of the worst controls that I can imagine—I say that as someone who is so driven by my work—someone turning up at work to humiliate me, causing a scene. I remember one case of a victim whose perpetrator rang her workplace switchboard hundreds of times a day, but she was disciplined for it.

I also recall the case of a teaching assistant who called the police many times about the abuse she suffered at home, including violence and sexual abuse. As in many cases, unfortunately, no convictions were ever secured, for one reason or another. However, were this case to occur now, after this Bill, with which we are all trying to improve the situation, I can very much foresee that we might have got a DAPO—whether through the family courts, the police, the victim or, potentially, a third party, because in that case the woman had an older teenage daughter who was fiercely fighting for her mother.

One day at work, that victim was told that her perpetrator would be coming as a visiting dignitary to the school where she worked. The school had no idea of the connection or the abuse but, when she expressed concerns, she was asked to take the day off. The tentacles of control are hard for us to beat. When we look at domestic abuse, we see that it is about power and control. In that case, someone who wishes to exert power and control is being given the option—which they always are—of using another model of power and

control, which is the hierarchies we have at work, such as fear of the boss, worry about what colleagues will think, or that they will say, “Gosh, she is always causing trouble”, or, “She’s whinging again.” It happens, because that is human nature—these things happen—but the two power structures together are a dangerous and heady combination.

In that case, the perpetrator knew that he had the power to go to his ex-partner’s place of work, and that her position as a teaching assistant in that power structure meant that he trumped her even in her workplace. The thought of him delighting in the fact that she would have to take action because of him going about his business makes my blood boil. Perpetrators will use every power option they have, so there is no reason to think that they would not do that in a place of work.

We do not have anywhere near robust enough policies and procedures to deal with workplace domestic abuse, and it is barely seen as a side issue by most. Some really notable examples of good employers, such as Lloyds bank, Vodafone and the Welsh Government, have all sought to take the issue and to go above and beyond with it. They offer paid leave, instances of support and proper policies, for example on what to do if there is a perpetrator and a victim at the workplace.

**Alex Davies-Jones (Pontypridd) (Lab):** My hon. Friend mentioned the Welsh Government and yesterday we discussed the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, which puts a statutory duty on organisations in Wales to provide training. Some of our local authorities have extended that duty to local employers as well. That is about engagement with local businesses and employers to make their staff aware, so that they can identify the signs, picking up on domestic abuse to help their employees. Some of our local authorities have also introduced paid leave, following what has been done in Scotland. We would definitely look to that as a blanket measure across the UK.

**Jess Phillips:** When the Minister stands up, I am sure that she will urge us all to take part in the consultation on the current review and say that very thing. My hon. Friend is absolutely right. This is another issue on which this Bill, although it is for England and Wales, is up against some potential differences in Wales—there might be different guidance—and I very much hope that the statutory guidance that comes with the Bill will look at that. The specific issue is that of the DAPO.

I want to talk about how little the issue of violence against women and girls at work is currently considered. As a member of the Women and Equalities Committee, I raised the issue of abuse in the workplace with the Health and Safety Executive as part of our inquiry into sexual harassment in the workplace. Obviously, we know that there is much crossover in this area. I said—this is like a script; I could act it out, but I am definitely better at being Jess Phillips than I am at being Philip White from the Health and Safety Executive. I said:

“Do you know what caused the most deaths of women at work last year?”

The answer, of course, is violence against women and girls. Philip White said, “I don’t know.” That is from the Health and Safety Executive. I asked:

“Would you consider that deaths of women at work came under Health and Safety Executive legislation?”

This is the best answer I have ever received in Parliament; it has stayed with me and will stay with me forever. He said:

“If they were killed by a reversing vehicle or an exposure to gas—”.

I asked:

“So when their safety is not their interpersonal safety, it would come under the Health and Safety Executive?”

The then Chair of that Committee, the right hon. Member for Basingstoke (Mrs Miller), tried to push the issue, asking:

“Surely a death at work would come under you?”

We talked through different incidents of violence at work that would fall under the Health and Safety Executive. As hon. Members might imagine, it did not fill me with much hope, so I asked him

“do you think that the Health and Safety Executive has a role in making sure that workplaces have safety practices at work that keep people safe from violence at work?”,

to which the response was a simple yes.

I pushed further, asking

“does the Health and Safety Executive have any specific guidance for violence against women and girls at work?”

Philip White answered:

“We don’t have any specific advice regarding violence against women and girls at work.”

I mean, we are only 52% of the population. He said that there was some evidence on the website and that HSE was part of

“a European piece of guidance that has been developed”,

which has nothing to do with violence against women and girls. I pushed him further, saying:

“Three women were murdered at work last year due to violence against women and girls, so it might be worth looking into.”

While the amendments we are proposing would not improve the role of the Health and Safety Executive, my encounter with it points to the current lack of proper understanding about the effect of interpersonal violence and abuse in people’s workplaces. It is stark. From my scrutiny of the Health and Safety Executive, I was left with the firm feeling that an employer had a role to protect me as a woman if I was hit by a van, but not if I was hit by a man. The extension of the DAPO to include protections based on people’s workplaces would have not only a material effect by literally protecting people at work, but the effect of forcing employers to take on the role of protecting their workforces from this very real problem.

The right hon. Member for Maidenhead (Mrs May), not normally a union firebrand, herself the originator of this very Bill—[*Interruption.*] I would not like to speak to what Government Members know of the right hon. Lady’s union firebrandery, but she agrees with me, and on Second Reading of this Bill she very clearly spoke of the need for improvements in the workplace and safety in the workplace. In fact, on Second Reading of the sister Bill, the predecessor to this Bill, the right hon. Lady bravely spoke about specific issues of domestic abuse in the workplace when people work in the police force. She has been a constant champion of this particular issue, and she found many bedfellows on Second Reading of this Bill in people I would definitely describe as union firebrands.

[*Jess Phillips*]

The Bill rightly and nobly includes economic abuse, and the definition is clear—it would be abusive to perpetrate any behaviour that has “a substantial adverse effect” on a victim’s ability to “acquire...or maintain money”. It is clear that perpetrators will use a victim’s workplace as part of their pattern of control, and we have an opportunity in the Bill to stop that. A victim should be safe in the knowledge that they can attend their workplace without their abuser being able to reach them, and all that my amendments would do is simply add the words “and workplace” where the Bill refers to the provisions of a DAPO.

11 am

Currently, DAPOs cover homes, travel from home, travel on the way to work, school or college, regular social venues, extended family homes—Gosh, those were the days, when we could go to extended family homes; it seems like I must have written this briefing note in a different time—or when taking children to school, rightly, or when socialising with friends. Actually, what is currently being covered is remarkable, and it reflects the life of a victim. It reflects their life, but it does not reflect their life at work.

**Alex Davies-Jones:** We need this amendment to the Bill, because nearly a quarter of all people now meet their partners at work. If someone is working with an abusive partner as well as living with them, it makes sense that they will be subjected to domestic abuse while at work. That is another reason why we need this amendment.

**Jess Phillips:** I agree, and I will move on to concerns about people working in the same building. It is a very real issue; a quarter of people meet their partner at work—I met my husband in Kings Heath Park when I was 12; it is now many happy years later.

The Bill must not exclude the workplace from victims’ protections, when it is the place where many victims will spend the majority of their time—those of us in this room know that our time at work far outstrips the time we spend anywhere else. I have to say that what is in the Bill with regard to DAPOs really does recognise the idea of a victim’s life and where people are. The only deficit is specifically with regard to workplaces.

For example, as my hon. Friend the Member for Pontypridd referred to, where a victim and a perpetrator share a workplace, a DAPO could specify distances and support employers to make the changes to shift patterns, or locations, or the perpetrator’s work space. The amendment would allow victims to keep their job and to continue working, as necessary steps can be taken to ensure that they have no contact with the perpetrator.

I understand that the Government may feel that non-police interventions for protections may be considered more effective. However, my interaction with the Health and Safety Executive speaks to a different reality, and the evidence that victims need protection in the workplace is clear.

Undoubtedly, in some situations there will need to be stronger enforcement to protect victims and to ensure that there is no unnecessary loss of life. In situations

where the victim is in serious danger, workplaces should be a place of safety, but this will only be the case if protections are properly enforced by police interventions.

The amendment seeks for judges to include the consideration of the workplace in DAPOs; it does not have to be included. As we have said, one of the good things about DAPOs is that they are flexible, and there is no compulsion on the court or the applicant to request this consideration in addition to protection in the home. The amendment does not necessarily mean that all DAPOs will feature the victim’s workplace; as I have said, it will be at the discretion of the judiciary and those presenting the case.

In cases where perpetrators’ access to their workplace is restricted due to a DAPO, workplaces should be able to support both the perpetrator and victim to ensure that as few limitations as possible are placed on them, but ultimately they must ensure that they operate a zero-tolerance policy towards any kind of harassment.

I am fearful. I have been trying for years to look at different models for how we can support victims of domestic abuse in the workplace. When perpetrators and victims work together, the issue we always run up against is that it gets too difficult because of the potential infringement on the liberties of people in the workplace. But this infringes on the liberties of the victim every single day. We put a man on the moon 50 years ago. It is not too difficult for us to come up with something. Let him Zoom in—that is what we have all been doing. Can he not use Zoom in his new place of work? We have all learned that we do not have to physically be here in order to work—unless the Leader of the House says otherwise, in which case we are entitled to different options. We cannot live in this modern society and think that this is too difficult to address because people work together, as my hon. Friend the Member for Pontypridd has said. We are better than that. What is that phrase? “World beating”. Let us be world beating in how we deal with domestic abuse in the workplace.

The amendment would protect victims with life-saving orders and give them the opportunity to be protected at work. It would also present a chance to push forward, as so much of the Bill seeks to do, the idea that workplaces across the country should be safe for vulnerable people. The amendment would force employers to consider their role. By agreeing to this amendment, the Committee would be saying that we believe in the DAPO and that it has a chance to keep people safe. The amendment would also do what we all hope the Bill will do. It would break ground and enable us to say, for the first time, to the bosses and to Philip White of the Health and Safety Executive, “This is the responsibility of all of us.”

**Virginia Crosbie (Ynys Môn) (Con):** Like every other area of the UK, the constituents of Ynys Môn who suffer domestic abuse are supported by a range of agencies, including police, local authorities and charitable organisations. These organisations provide housing, counselling, education and other services that are vital to keeping safe those escaping domestic abuse. However, as those organisations are all too aware, the issue of domestic abuse goes well beyond the home. Domestic abuse-related stalking and harassment cases make up more than 60% of cases heard at magistrates courts, and more than one third of all reported stalking and

harassment takes place at work or at home. It is difficult for those suffering domestic abuse to escape when their abuser follows them.

We all know from evidence provided by organisations such as Refuge that the current injunction system is of limited effectiveness. I therefore welcome the introduction of domestic abuse protection orders, which are a critical part of the Bill. The orders will enable anyone who suffers domestic abuse of any kind to access services knowing that they will be supported and protected beyond the home.

**Victoria Atkins:** May I start by saying that I have some sympathy with the aim of the amendments? I recognise that the targeting of the victim's place of work is often a tactic used by domestic abuse perpetrators to cause distress and exercise coercive control. I have been a strong supporter of the work of the Employers' Initiative on Domestic Abuse, which aims to help businesses and employers take practical steps to help members of their workforce who suffer from domestic abuse. They can often be very small steps, including allowing time off for a victim to go and seek medical help, but they can also include much larger ideas, such as setting up a bank account so that she can siphon money off to get a little bit of independence from the perpetrator. I am very interested in what employers can do to help their employees who are suffering from domestic abuse. Indeed, the Government are looking into this. Only yesterday, the Department for Business, Energy and Industrial Strategy launched a consultation calling for evidence on what more can be done by employers to protect their workforce against domestic abuse. That is very much the direction of travel of this Government.

My hon. Friend the Member for Ynys Môn mentioned stalking, and the hon. Member for Birmingham, Yardley referred to some terrible cases in which victims have been murdered at their workplace. The story that always comes to my mind is that of Hollie Gazzard, as I lived not very far from Gloucester at the time. That was a horrendous case, and her parents have been quite extraordinary in doing what they have done to try to stop other families suffering in the same way. Our efforts to address the issue of stalking have included the introduction of stalking protection orders, which have a similar format to these orders. We have tried to mirror in DAPOs things like the positive requirements and the criminal breach that are in stalking protection orders, so that there is a protection order for stalking if the facts fit one, but if the facts are better suited to a DAPO, those orders will be available as well—subject to the approval of the House, of course. A huge amount of work is going on to recognise the role that the workplace can play in a victim's life, and in the attempts of a perpetrator to continue their aggressive or coercive behaviour.

To be clear, clauses 19 to 23 relate to the notices, and these are emergency orders. They are issued not by a court, but by a senior police officer, and the perpetrator has no opportunity to make representations against the imposition of the notice. They apply for a very short period—for 48 hours—so that we can give a bit of space to the victim, and so that the police or others can take steps to make the formal application for an order before a court. These emergency orders are different in nature. They are much more restrictive, because obviously if they

are issued by a police officer rather than a court and the perpetrator does not have the chance to make representations, we have to reflect that in the nature of the orders. That is why the list of conditions in clause 20 is exhaustive, and they relate in particular to the occupation of the premises shared with the victim. These were drafted because they mirror the existing provisions in the domestic violence protection notices that are in operation at the moment, but I will consider what the hon. Member for Birmingham, Yardley and others have said about introducing the workplace into these notices.

There is one caveat. The hon. Lady has talked about the notices more generally. I hope, Mr Bone, you will forgive me if I veer into clause 21. The reason we are being very careful and methodical is that clause 21(2) requires the police to consider, before issuing a notice that restricts the perpetrator's access to the premises, the opinion of other people who work on those premises. In very small workplaces, that may be practicable, but in a workplace of thousands—the House of Commons, a Government Department or elsewhere—there would be significant logistical challenges. We will look into the overall principle, but we flag that as a practical concern about amendments 59 and 60. We also have to bear in mind as we look at these amendments that a victim may not wish to disclose their abuse to their employer.

The purpose of amendments 61 to 65 is to make equivalent amendments to provisions that may be made by a DAPO. The Under-Secretary of State for Justice, my hon. Friend the Member for Cheltenham may deal with those specifically in relation to the clauses on orders. It may be that they are not quite as necessary in orders as they are in notices, given that orders will be considered by a court and there is much more freedom for the court to impose necessary restrictions.

11.15 am

I also note that clause 33(1)(b) provides that, so far as is practicable, the requirements imposed by a DAPO must avoid

“interference with any times at which the person normally works”.

The purpose of amendment 66 is to create an exception in circumstances where the perpetrator works at the same premises as the victim, so that such an interference with the perpetrator's work would not have to be avoided. I will not go into detail on the further amendments, because I suspect they will come up in the discussion about the orders, but we take on board the points made and will take them away to consider them.

**Jess Phillips:** I welcome the Minister's comments. I am happy about the announcement of a Government review, although a number of reviews about workplace violence against women and girls are outstanding after a number of years. That is not the Minister's responsibility, but the issue of non-disclosure agreements, for example, has been raging, as part of a review and consultation, for three years since the Weinstein affair.

I welcome the Minister's commitment to this particular issue. I do not think that anybody wants victims to be controlled in that way in their workplaces. I recognise the concerns about when people work together and that, in those instances, it will potentially be much easier to have that conversation in court. I am happy to withdraw the amendment on the proviso that the

[*Jess Phillips*]

Government have given, having said that they will listen and try to take that on board and see how it could work. I welcome that, so I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 20 ordered to stand part of the Bill.*

### Clause 21

MATTERS TO BE CONSIDERED BEFORE GIVING A NOTICE

*Question proposed*, That the clause stand part of the Bill.

**Victoria Atkins:** Clause 21 relates to matters that must be considered by the senior police officer before giving a notice. Again, I emphasise the difference between a notice and an order. First, the police officer must consider the welfare of any child whose interests the officer considers relevant to ensure that any safeguarding concerns are addressed appropriately. The child does not have to be personally connected to the perpetrator for their interests to be relevant and could therefore be the victim's child from a previous relationship.

The police officer must also take reasonable steps to find out the opinion of the victim as to whether the notice should be given. However, as set out in subsection (4), the police officer does not have to obtain the victim's consent to give a notice, which I think the Committee—I observe the nodding heads—is in agreement with. That enables the police to protect victims who may be coerced by the perpetrator into expressing the opinion that a notice should not be given or who are fearful of the consequences should they appear to be supporting action against the perpetrator.

Where the notice includes conditions in relation to the premises lived in by the victim, reasonable steps must be taken to find out the opinion of any other person who lives in the premises and is personally connected to the perpetrator, if the perpetrator also lives there. For example, if the perpetrator had caring responsibilities for a family member with whom they shared the premises, it would be important for the police to be aware of that. Consideration must also be given by the police officer to any representation that the perpetrator makes in relation to the giving of a notice, although that is not a formal process as with the courts.

I want to be absolutely clear that the primary consideration in determining whether notice should be given must be the protection of the victim and their children. We will ensure that that is set out clearly in the statutory guidance.

**Peter Kyle:** The decision that the officer has to make on whether he asks permission from an alleged victim or issues the notice without the support of the victim is going to be very difficult. What guidance will the Home Office issue to assist frontline officers in making that decision in a way that is consistent within and across police forces?

**Victoria Atkins:** The hon. Gentleman raises a sensible point. There will be moments where an officer has to judge the situation as it is presented to her or him. We

will be issuing statutory guidance and, as with the statutory guidance on the Bill, that will very much be in consultation with the commissioner and frontline charities.

These sorts of decisions have to be made regularly by officers. During the current crisis, officers are making decisions about whether they visit certain premises to check that people are okay and the potential impact of that. There will be difficult decisions, but we will very much engage with people in a transparent way to make sure that the guidance is in a good place before it is issued formally.

**Liz Saville Roberts:** A point that has been raised with me is that training in domestic abuse for junior police officers is often much more thorough than that which their senior officers have experienced, and that, as well as guidelines, specific training for those officers who will be making the decisions could be very useful.

**Victoria Atkins:** That is not the case with all senior officers. Deputy Chief Constable Louisa Rolfe, who is the NPCC lead on domestic violence, is a very senior officer and an absolute expert. I take the point that officers at different stages in their career will have different levels of experience and training. I am sure the guidance will help address that so that we have a wealth and diversity of experience in the decision-making process.

**Jess Phillips:** I will be brief. I have a number of concerns about the notice, some of which have, quite rightly, already been raised. Louisa Rolfe is currently a West Midlands police officer—she is just about to leave that post—and an excellent one at that, but I get the point that has been raised.

Last night, a journalism award was given to someone who investigated what happens when there is domestic abuse within the police force. In this instance, we are putting so much of the onus on the individual police officer. If a social worker suffers domestic abuse or is accused and convicted or perpetrating domestic abuse, or any other type of abuse, the LADO process—the local authority designated officer—is followed. They go through that process at work and are not allowed to work on certain areas. I just want to make sure that something similar applies in this case. Individual police forces are huge; a variety of people work for them. If issues were raised in an officer's case, that kind of process would ensure that they were taken into consideration when deciding who within the force gives out notices. I imagine that that sort of situation would be vanishingly rare, but it is worth noting.

On breach of a notice, we are talking about victims who do not give consent. As the Minister said, I nodded—I totally agree—but if a victim breaches a notice, I do not want that to end up being used against them in court. A lot of issues came up in the sad case of the suicide of Caroline Flack—

11.25 am

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

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