

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

DOMESTIC ABUSE BILL

Seventh Sitting

Thursday 11 June 2020

(Morning)

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CLAUSE 53 agreed to.
Adjourned till this day at Two o'clock.

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

not later than

Monday 15 June 2020

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The Committee consisted of the following Members:

Chairs: † MR PETER BONE, MS KAREN BUCK

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

Public Bill Committee

Thursday 11 June 2020

(Morning)

[MR PETER BONE *in the Chair*]

Domestic Abuse Bill

11.30 am

The Chair: Good morning. I have to remind people of social distancing. If anyone is uncomfortable with the social distancing, please let me know. It is most important. The other plea is that if you have notes for your speeches, please send them to hansardnotes@parliament.uk. That is a good idea. I have always found that my speeches improve enormously if I send the actual words to *Hansard*.

Clause 53

SUPPORT PROVIDED BY LOCAL AUTHORITIES TO VICTIMS
OF DOMESTIC ABUSE

Jess Phillips (Birmingham, Yardley) (Lab): I beg to move amendment 67, in clause 53, page 34, line 23, after “area,” insert—

“by all persons affected by domestic abuse regardless of status, duly taking into account the special situation of women and children, with reference to a national needs assessment.”

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

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

Amendment 68, in clause 53, page 34, line 24, leave out paragraph (b) and insert—

“(b) prepare and publish a strategy for the provision of such support to meet the needs identified in its area by the assessment referred to in subsection 1(a) above, including sufficient specialist support for all persons affected by domestic abuse regardless of status,

(ba) in preparing and adopting any strategy, take account of any strategy to end violence against women and girls adopted by a Minister or Ministers, and”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 69, in clause 53, page 34, line 26, after “strategy”, insert

“and publish such evaluation in accordance with subsection (5)(a) and such regulation issued under subsection (8)”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 70, in clause 53, page 34, line 26, at end insert—

“(1A) The assessment and strategy referred to in subsections (1)(a) and (b) must, at a minimum, address the following matters—

(a) the prevalence of and trends in domestic abuse including that against women and girls, and the demographic of all persons in the area affected by domestic abuse;

(b) the needs for support, protection and safety of those who are affected by domestic abuse in the local population;

(c) the nature and extent of the need for and provision of specialist support in respect of those persons affected by domestic abuse with presenting characteristics including sex, gender, race, colour, language, religion,

national or social origin, association with a national minority, sexual orientation, gender identity, age, state of health, disability, or such other relevant status;

(d) the specific needs of vulnerable persons including women and children regardless of status;

(e) the nature and extent of the need for and provision of specialist support to women who are affected by domestic abuse and their children;

(f) the need for and provision of refuge services in sufficient numbers to provide safe accommodation for victims, especially women and their children;

(1B) The relevant local authority shall allocate appropriate financial and human resources for the implementation of the strategy, including the arrangement of such specialist support as is set out in the strategy.

(1C) For the purposes of this section—

“domestic abuse support” means specialist support, in relation to domestic abuse, provided to victims of domestic abuse or their children, who reside in relevant accommodation, by organisations whose organisational purpose is to support victims and/or children and young people impacted by domestic abuse.

“relevant accommodation” means accommodation which is safe for victims and their children of a description specified by the Secretary of State in regulations. This must include refuge services, which are provided in separate or single-sex services within the meaning given in Part 7 of Schedule 3 of the Equality Act and the address of which cannot be made publicly available or disclosed.

“status” includes a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic abuse and combined forms of such status.

“national needs assessment” means the needs assessment prepared by the national oversight group referred to in section [National Oversight Group].”

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 71, in clause 53, page 34, line 39, after “area,” insert—

“(ba) any person, group or organisation providing support and services with those affected by domestic abuse in the local authority’s area, whether or not they are commissioned by the local authority.”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity of what Local Authorities will need to consider when exercising that duty.

Amendment 72, in clause 53, page 34, line 42, after “appropriate” insert—

“to ensure equal representation and meet their equalities duties”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity of what Local Authorities will need to consider when exercising that duty.

Amendment 73, in clause 53, page 35, line 1, after “strategy” insert—

“but only further to undertaking a consultation of the kind referred to in subsection (4) above and taking into account the needs identified in the assessment referred to in subsection (1)(a) and any population and support needs changes in the local authority’s area”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 74, in clause 53, page 35, line 1, at end insert—

“(ba) when undertaking a consultation to review or alter the strategy, must publish the timeframe for the consultation of the kind referred to in subsection (4)

well in advance, and involve the person, group or organisation providing support and services in the consultation and review of the strategy, and”

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 75, in clause 53, page 35, line 16, after “strategy” insert—

“additional to those identified in subsection (1A)”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 76, in clause 53, page 35, line 21, after “strategy” insert—

“(f) how complaints about a local authority strategy will be handled;”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 77, in clause 53, page 35, line 25, after “authorities” insert—

“(ba) persons, groups and organisations providing support and services with those affected by domestic abuse locally, regionally and nationally,

(bb) organisations representing the interests of services providing specialist support for women and children affected by domestic abuse.”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 78, in clause 54, page 35, line 30, at end insert—

“(1A) The purpose of the board is to establish an equitable partnership that reflects the needs of those affected by domestic abuse in the local area and to deliver quality services that meet the needs of victims in the area identified in the assessment and strategy referred to in subsection (1) (a) and (b) of section 53.”

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 79, in clause 54, page 36, line 3, after “area” insert—

“, and (h) at least one person representing the interests of organisations working with or providing specialist support for women and children affected by domestic abuse”.

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

Amendment 80, in clause 54, page 36, line 3, at end insert—

“(2A) The domestic abuse local partnership board must establish a reference group of organisations delivering specialist support services to victims of domestic abuse and their children, and respond to recommendations made by the reference group in their decision making.”

This amendment strengthens the duty placed on Local Authorities by Part 4 and provides clarity about what Local Authorities will need to consider when exercising that duty.

New clause 19—*Secretary of State’s duty to ensure effective protection and support*—

“(1) In exercising functions under this Act, the Secretary of State must take steps to ensure equally effective protection against domestic abuse and support for all victims of domestic abuse irrespective of their status, including steps aimed at ensuring that—

- (a) domestic abuse is prevented;
- (b) all victims of domestic abuse receive protection and access to specialist services;

(c) all perpetrators of domestic abuse are able to access quality assured perpetrator programmes;

(d) awareness of this Act is promoted.

(2) In discharging the duty under subsection (1) the Secretary of State must—

(a) ensure that sufficient funding is provided annually to ensure that relevant public authorities can meet their statutory duties under Clause [Duty to commission specialist domestic abuse support services]; and

(b) take steps to ensure continuous improvement in the outcomes that are achieved.

(3) The outcomes in subsection 2(b) include, in particular, outcomes which demonstrate—

(a) effective steps aimed at ensuring that domestic abuse is prevented;

(b) effective protection and support for persons, including children, against domestic abuse irrespective of their status;

(c) effective services to all adult and child victims of domestic abuse irrespective of their status;

(d) effective access for all perpetrators to quality assured perpetrator programmes; and

(e) effective steps to promote awareness of this Act.

(4) Every three years from the date on which this section comes into force the Secretary of State must prepare, publish and lay before Parliament a strategic plan setting out their objectives, priorities and the measures they propose to take for the purpose of discharging their duty under subsection (1).

(5) In preparing and adopting any strategic plan under subsection (4) the Secretary of State must take account of any strategy to end violence against women and girls adopted by a Minister of the Crown.

(6) In this section—

“quality assured” means meeting standards determined and published by the Secretary of State.

“status” means a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and combined forms of any such status.

“victims of domestic abuse” includes—

(a) persons towards whom domestic abuse is directed, and

(b) persons who are reasonably believed to be at risk of domestic abuse.”

This new clause would establish a clear statutory duty on public authorities in England and Wales to commission specialist support and services for all persons affected by domestic abuse, together with a duty on the Secretary of State to ensure sufficient protection and funding for the implementation of this duty.

New clause 20—*Duty to commission specialist domestic abuse support services*—

“(1) It is the duty of relevant public authorities in England and Wales to commission sufficient specialist services for all persons affected by domestic abuse regardless of status.

(2) To ensure compliance with the duty under subsection (1) public authorities must—

(a) regularly assess population and support needs changes in their area; and

(b) co-operate to discharge the duty.

(3) The Secretary of State may issue regulations making provision for the resolution of disputes between public authorities relating to the discharge of the duty under subsection (1).

(4) In performing the duty under subsection (1) a relevant public authority must secure sufficient specialist services for (among others) the following persons—

(a) any victim of domestic abuse aged 18 or over;

(b) any child aged under 18 who experiences or witnesses domestic abuse;

- (c) any child who is a close relative of a victim of domestic abuse;
- (d) any person aged 18 or over who exhibits abusive behaviour towards another person to whom they are personally connected;
- (e) any child aged under 18 who exhibits abusive behaviour towards another person to whom they are personally connected.
- (5) In this section—
- “abusive behaviour” is behaviour that is abusive within the definition in section 1(3).
- “close relative” includes a daughter, son, sibling, sibling-in-law, step child, step sister, step brother, foster child, niece, nephew or grandchild.
- “domestic abuse” has the meaning given in section 1.
- “personally connected” has the meaning given in section 2.
- “relevant public authorities” are public authorities with functions relevant to the provision of specialist services for victims of domestic abuse, and include but are not limited to—
- (a) Ministers of the Crown and any government department in the charge of a Minister;
- (b) any local authority in England and Wales;
- (c) NHS Trusts in England and Wales;
- (d) Police and Crime Commissioners;
- (e) Prison, Police and Probation Service.
- “specialist services” include but are not limited to the following when provided in connection with domestic abuse, whether provided by a public authority or any other person or body—
- (a) protective measures and action taken to protect persons against domestic abuse;
- (b) residential accommodation, including refuge services;
- (c) counselling and other support;
- (d) advocacy services;
- (e) access to welfare benefits;
- (f) perpetrator programmes;
- (g) financial support;
- (h) legal services;
- (i) helplines;
- (j) services designed to meet the particular needs of a group that shares a status to ensure appropriate and effective service provision, including separate or single-sex services within the meaning given in Part 7 of Schedule 3 the Equality Act, and “communal accommodation” within the meaning given in paragraph 3 of Schedule 23 to the Equality Act 2010.
- “status” means a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and combined forms of any such status.
- “victims of domestic abuse” includes—
- (a) persons towards whom domestic abuse is directed, and
- (b) persons who are reasonably believed to be at risk of domestic abuse.”

This new clause would establish a clear statutory duty on public authorities in England and Wales to commission specialist support and services for all persons affected by domestic abuse, together with a duty on the Secretary of State to ensure sufficient protection and funding for the implementation of this duty.

New clause 48—National Oversight Group—

“(1) The Secretary of State must establish a national oversight group to monitor the exercise of local authority functions under section 53.

(2) The members of the national oversight group must include—

- (a) The Domestic Abuse Commissioner;
- (b) organisations representing providers of specialist support for women and children affected by domestic abuse;
- (c) organisations representing providers of specialist support for women and children affected by domestic abuse with protected characteristics;
- (d) representatives of local authorities;
- (e) representatives of police and criminal justice bodies;
- (f) representatives of health bodies;
- (g) representatives of health bodies;
- (3) The national oversight group must, at a minimum—
- (a) undertake a regular national needs assessment for refuge services, including provision for victims and their children with protected characteristics;
- (b) undertake ongoing assessment of whether local authorities and local partnership boards are effectively discharging functions under this Part, including monitoring compliance with the Public Sector Equality Duty and implementation of Equality Impact Assessments for relevant commissioning and procurement processes;
- (c) ensure that local authorities and local partnership boards are sufficiently and equitably funding services that meet the needs of victims and their children as identified in the national needs assessment, including those with protected characteristics;
- (d) provide oversight of local authorities and local partnership boards in funding services that meet quality standards developed by organisations representing providers of specialist support for women and children affected by domestic abuse;
- (e) sanction ineffective or inadequate provision and practice by local authorities and local partnership boards as required;
- (f) assess compliance with the Council of Europe Convention on preventing and combating violence against women and domestic violence and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.
- (g) consult with relevant monitoring bodies including, but not limited to, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence and the United Nations Special Rapporteur on Violence Against Women.

(4) the Secretary of State must ensure sufficient funding is provided annually to ensure that national need identified in subsection (3) (a) can be met.”

This new clause establishes a National Oversight Group to monitor the duty placed on the Local Authority by Clause 53.

Jess Phillips: There is a huge number of different proposals in this group. I have tabled two alternative options with respect to part 4 of the Bill, and there is an element of cross-over. Ultimately, however, the purpose of each is different, albeit equally important. Due to the way in which the proposals are grouped, there will be some jumping around, but I will do my best to ensure that it is as easy as possible to follow.

To avoid confusion, I will deal with each option separately. The first serves to strengthen and clarify the existing part 4 of the Bill, and provides for a national oversight group. The second is a brand new broader duty to ensure support and protection from the Secretary of State and to provide for a commission of specialist domestic abuse support services.

I will begin with option one and amendments 67 to 80. These amendments set out to make a number of changes to the current duty on local authorities, dealing with what the Bill currently seeks to do to put a duty on local authorities. It would assess the need for accommodation-based domestic abuse services, prepare and publish a strategy for the provision of such support in the area, and create a local partnership board to oversee those functions.

Currently, the duty provides very little direction or guidance to local authorities in how to assess need for accommodation-based domestic abuse services and develop a strategy to meet their needs. I welcome the duty, for which I have fought for a long time. In fact, it predates the Minister's elevation to her position, and she seems to have been here forever.

The current problematic trends in local authority commissioning and funding of refuges have led to disparate and inequitable provision across the country. From 2003 to 2011, support in refuges was largely paid for by Supporting People—a programme that was ring-fenced by central Government to local authorities, which funded a range of different accommodation-based support services or refuges. All refuges, my own included, received their funding through the Supporting People funding model.

The ring fence around Supporting People funding was removed in 2009, and in 2011 this funding was rolled into the general local authority revenue support grant. To be clear, this was a centralised funding pot specifically for not only victims of domestic violence, but all accommodation-based services, whether children with disabilities or offenders coming out of prison. They all used to be funded by that. That specialist funding was then rolled into the general revenue grant for local authorities.

The amount of support funding that refuge services receive from local authorities now varies significantly. In 2009 and again in 2011, I recall pointing out that this was going to happen if we removed the support in global funding. Here I am, some 11 years later. In 2019, over one in 10—13%—of refuges stated that they received no local authority funding at all. Many are now only able to deliver life-saving support through charitable funding.

At the same time as these significant changes in the budgets for supporting refuges have been made, there have been significant changes in how those budgets are administered. At the end of the last decade, as domestic abuse began to become a priority for statutory agencies, competitive tendering for service provision began to be used. This has in large part been toxic for specialist refuge services, as those procurement processes favour larger organisations and big contracts above small specialist women's refuges that are expert in meeting the needs of local survivors.

It was probably the day before yesterday that I referred to Jacky Mulveen, who runs a local domestic violence service in Birmingham. I talked about how in her organisation, which is a three-woman band, she is everything: she is the fundraiser, the manager, the support worker, and she makes the baps when the women need something to eat. Over the past few years, the reality is that the organisations that are definitely best placed to provide these services have been put up against organisations that have teams of people writing commissioning

documents. Specialist services run by, and for, black and minority ethnic women are systematically disadvantaged within competitive tendering, which favours larger providers. As a result of those damaging commissioning and funding trends, women are being turned away daily from the support that they need.

In 2019, there were 3,914 refuge spaces for women in England, which according to the Council of Europe recommendation is a shortfall of 30%. Demand for refuge services continues to exceed supply: in 2018-19, 64% of referrals to refuges responding to the Women's Aid annual survey were declined, with lack of space or capacity to support the survivor cited as the main reason. For anyone who has never had to fill in that annual survey, it is a census of a day in refuge. Hundreds of refuges across the country are part of the Women's Aid survey, and a whole range of data is collected from it: the refuge gives the number of women and children in its services, and also gives the number of people it has had to turn away. That survey showed that 64% of people who came forward on the day of the census had to be turned away from the service.

Data on bed spaces and demand in isolation masks the significant barriers preventing certain groups of survivors who face intersecting forms of oppression from accessing safety. There are currently just 40 refuges in England that are run specifically for particular groups of women, such as black and minoritised women. As documented by Imkaan, there is a long history of underfunding and political marginalisation of refuges led by and for BME women, which has impacted on the sustainability of their life-saving work. Services led by and for black and minority ethnic women report significant discrimination and disadvantage within commissioning structures and approaches to funding, because their specialism is often unrecognised, misunderstood and devalued.

I will put that in layman's terms. From the perspective of a nine-bed refuge specifically for women from the south Asian community, if a local authority puts out a commissioning document saying that it wants refuges in the area and is commissioning 80 beds in the borough, what that nine-bed refuge has to offer cannot meet those targets, and it is very rare for such a commissioning document to ask for any specialisation in that particular issue. Next week—I am sure the Minister is looking forward to this—we will discuss some of the barriers to accessing services faced specifically by migrant victims of domestic abuse. This is just another layer. On top of that, the specialist services that cater for those victims are often faced with not being able to take part in more general commissioning rounds.

In 2018, Imkaan reported that just 11% of the income for services led by and for black and minority ethnic women that they surveyed was from local authorities, compared to 40% from trusts and foundations. In London, where the majority of those organisations are based, local authorities are estimated to have cut funding for refuge services led by and for black and minority ethnic women by 50% in the last seven years. The fact that most of those organisations are based in London is nothing to celebrate. It is lucky for London that many such organisations are based there, even though they appear not to be being funded, but the needs for such services outside London are equally great.

[Jess Phillips]

Many refuge vacancies are not accessible for women with specific support needs, including those with issues around mental health or drug and alcohol use, those who have children with them, and those have no recourse to public funds because of their immigration status, or lack of clarity about it. Just 5.8% of refuges in England were able to accommodate women with no recourse to public funds. It is essential that the Bill requires local authorities to assess need and develop a funding strategy in a consistent, effective way.

This series of amendments would ensure that local authorities do the following: make arrangements for the provision of all accommodation for all victims, regardless of their immigration status; base their local needs assessment on a national needs assessment for refuge services, which I will discuss the need for later; respond to the prevalence of trends in domestic abuse, including that experienced by victims with protected characteristics, including race, disability and sexual orientation, in the local area; ensure that at there is specialist support to meet the specific needs of women and children experiencing domestic abuse, including refuge services, in sufficient numbers; and provide sufficient funding to implement the strategy, including to specialist support services. Local authorities would meaningfully consult with local specialist domestic abuse and violence against women and girls services in developing, altering or replacing a local strategy. The requirements mirror much of the existing language in the Istanbul convention.

The Bill requires local authorities to establish local partnership boards to oversee how they are delivering their statutory duties. While in some areas strong multi-agency partnership arrangements between specialist services commissioners and other partners are well established, in others there will be significant challenges in setting up collaborative boards that meet the needs of survivors and children. Evidence has been presented to the Government of extremely poor practice in partnership working, including the exclusion of specialist services, particularly those led by and for BME women, in the planning and delivery of services.

The purpose of the amendments is to make it clear that the purpose of the local partnership board is to establish an equitable partnership that reflects the needs of those impacted by domestic abuse in the local area, and works to deliver quality services that meet victims' needs. They would ensure that local specialist domestic abuse and VAWG services are represented on the board, require the board to establish a reference group of specialist service providers, and ensure that their views and recommendations are responded to in the board's decision making.

I welcome the boards, but I want to see some safeguards about exactly who will be on them. When I was first elected to Birmingham City Council, the average age of a Birmingham city councillor was around 60. I could not help but be filled with jollity that they were the people who got to decide on youth services in the area. It is important to ensure that the right people are on local partnership boards.

Perhaps confusingly—things will soon become clear—I want to refer back to amendment 70, and particularly the definitions in proposed subsection (1C) that it would insert into clause 53. It is my view that the Bill's definitions

of “relevant accommodation” and “domestic abuse support” do not offer the level of support that the Bill purports to provide.

11.45 am

“Relevant accommodation” is not defined in the Bill, which states that the matter will be dealt with through the ever-vaunted regulations. The Ministry of Housing, Communities and Local Government, which I imagine might even have another name by the time the Bill is passed—I have to train myself not to call it DCLG—included, when concluding its consultation on the duty, the following accommodation types in its definition: refuge accommodation, specialist safe accommodation, dispersed accommodation, sanctuary schemes and move-on or second stage accommodation. Those definitions are potentially unclear, and therefore potentially unsafe. They carry a significant risk that temporary or generic accommodation-based services, with limited or housing-focused support for survivors and their children, which do not deliver a safe environment and the support that they need, could be commissioned and funded by the local authority.

In my area, and in fact in almost every area—certainly in the cities in this country; I have no doubt that what I am talking about is happening in Westminster as well as Birmingham—there will be houses in multiple occupation currently funded through housing benefit in the local authority area: that is, to fund support for a variety of homeless people. Included in the list of things that the HMO landlords put in their service specifications will be domestic abuse, but zero domestic abuse support will be offered there. There will not be key work strategies for the victims. There certainly will not be family support workers. There will be someone who comes and collects the rent, and that is it. Those HMOs operate all over London, Birmingham, Manchester and every city in this country. At the moment, the Bill could allow a council to say, “We have got domestic abuse victims accommodated in this provision.” Potentially, therefore, there is a risk under the Bill of people being put in unsafe accommodation.

There is a planning application on which I have been going round the houses for what seems like my entire political career, based on Sheldon police station in my constituency. It used to be a police station, but we do not necessarily have those in localities any more. [Interruption.] Yes, as the Minister clearly says, it is down to the police and crime commissioner. I think I talked earlier about the devolution of blame. I am more than happy to take an intervention from the Minister if she wants to tell me that in all areas with Conservative PCCs, no police offices have closed. I shall take my seat.

The Chair: Order. Yes, the Minister should not chunter, but equally I do not think we should widen the debate too far.

Jess Phillips: Absolutely. Sheldon police station is no longer a police station, and there is now a planning application for it to become temporary accommodation. To return to the debate, police stations were often built in communities. My father was born in Sheldon, on the estate that the police station looks over. It is built on a sort of plinth, making it possible to see across the whole community. It can be seen from pretty much everywhere in the Garretts Green Chestnuts estate, as we call it colloquially. It is not hidden; it is not discreet.

The building was sold and, in the planning application that was put in for temporary accommodation, that accommodation was going to be provided for a list of people. One item on the list was victims of domestic abuse. Another was offenders. Another was people with drug and alcohol misuse problems. There was to be no specification about whether there would just be women in the place, or just men. Those people would be housed together. Every single council in the land will have a planning application exactly like this one, through which private landlords seek to make money by turning the property into temporary accommodation for victims of domestic abuse, even though it is completely unsafe. None of us would be happy to place them in such accommodation, but the Bill does nothing to prevent that from happening.

To avoid that situation, the definition must align with definitions established on Routes to Support, which is a UK-wide service directory, partly funded by the Ministry of Housing, Communities and Local Government, relating to violence against women and girls. The only accommodation-based service on the Routes to Support model is a refuge service. I ran refuge services, and it was not just buildings with different flats in them. It was dispersed accommodation. We had about 18 flats in the community that were single-use, for all sorts of reasons, including the need to provide disability space and space for boys over the age of 14. In sex-based, women-only services, as boys become older there are safety issues involved in having males in a women's refuge. So, for women with teenage boys—my teenage boy is nearly twice my size and he definitely looks like a man—we made sure that dispersed accommodation was available.

We are talking not just about refuges that people might imagine to be a house where lots of women live together. We are talking about refuge accommodation in its broadest terms, including shared houses, self-contained and dispersed accommodation. The amendment seeks to require that the relevant accommodation, as defined in the regulations, must be safe for survivors and their children.

Julie Marson (Hertford and Stortford) (Con): The hon. Lady mentions the relevant accommodation. I cannot help looking at subsection (2), which notes that “‘relevant accommodation’ means accommodation of a description specified by the Secretary of State in regulations.”

What the hon. Lady is covering is covered there, and will be specified in the regulations.

Jess Phillips: Hope springs eternal for what I am covering here being in the regulations. Had we seen the regulations, we would not have to debate whether it is going to be in them. Unless the regulations are drawn according to clearly defined grounds, I fear that there is a real risk that people will just say, “Yes, I am a provider for victims of domestic violence.”

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I just draw the hon. Lady's attention to subsections (9) and (10). Subsection (9) reads:

“The power to make regulations under subsection (8) may, in particular, be exercised to make provision about—

(a) the procedure to be followed by a relevant local authority in preparing a strategy;

(b) matters to which a relevant local authority must have regard in preparing a strategy;

(c) how a relevant local authority must publish a strategy;

(d) the date by which a relevant local authority must first publish a strategy;

(e) the frequency with which a relevant local authority must review its strategy.”

Subsection (10) states that, in making the regulations, “the Secretary of State must consult—

(a) the Domestic Abuse Commissioner,

(b) relevant local authorities, and

(c) such other persons as the Secretary of State considers appropriate.”

We are trying to be as open and transparent as possible in drawing up these regulations.

Jess Phillips: I absolutely agree, and I have no reason to doubt that there will be transparency in drawing up the regulations. However, I am not entirely sure why we cannot include in the Bill our opposition to that sort of accommodation. The amendment would require that the relevant accommodation, as defined in regulations, must be safe for survivors and their children and that the definition must include refuge services. All I am seeking is assurances that that will be included in the Bill. What is the point of making laws unless we are going to lean on them when things go wrong? We need a document that states that.

Victoria Atkins: Again, by way of safeguarding, the local authorities are doing what is intended by the Bill. I draw the hon. Lady's attention to clause 55, which states that the local authority

“must submit to the Secretary of State an annual report in relation to the exercise of the authority's functions under this Part during the year.”

That is how the Secretary of State can ensure that individual local authorities are doing what they should be doing and meeting the expectations of the Bill.

Jess Phillips: I again thank the Minister, but with the greatest respect to the Secretary of State, unless something is written into the Bill, I do not know whether she will agree with what I am saying about what determines safe accommodation. All I seek to do in amending the Bill is a belt-and-braces job to ensure that that is the case—that what is perceived as good refuge accommodation is written into the Bill.

Peter Kyle (Hove) (Lab): This has been a heated but illuminating exchange—

Victoria Atkins: I am being gentle.

Peter Kyle: Gentle for the Minister is sometimes brutalising for those on the receiving end. Is it not true that a lot of the Bill, in particular at this point, relies on regulations? That means that we will have to rely not only on those Ministers currently in post but on the whim of future Ministers as well. That is why it is important that we nail down the Bill's intentions. Rather than criticism of the to and fro in Committee, would it not be great to hear Ministers explain the intention, so that the next incumbents of their roles can see properly what the Bill is intended to do?

Jess Phillips: Absolutely. I have talked about my love of section 17 of the Children Act—I love to turn to a law. Had those issues been left to regulation, they would have been the responsibility of any incumbent Government, even when it seemed that literally anything could have happened in our politics over the past 10 years. Had section 17 not been written into law, it would have had to be done by regulation. As the Minister as pointed out, a law can be updated and be subject to annual reviews, but I want something that is protected forever. Just like section 17, I want this to apply always, because I have seen the degradation experienced by victims of domestic abuse as a result of their accommodation.

This is not about the vagaries of language in the Bill. I saw what happened when ring-fenced funding was removed from Supporting People. It was explicit about what kind of accommodation it would fund, and because it had national oversight, we had to fill in all sorts of protocols and forms. Given my long involvement in this particular sector, I am used to the cyclical debates. Looking back, it is funny. When the Supporting People funding was in place, we used to have to fill in forms about the number of bed spaces per 10,000 people. I remember filling in the little forms and sending them off, but what came with them was the idea that local authority areas had a duty to provide a certain amount of spaces through the Supporting People funding. Yet here we are, back again, rightly and honourably putting that duty into law.

When the national oversight was removed and the fund was no longer specifically about that, I saw all sorts of organisations saying, “Yeah, we provide for victims of domestic abuse.” In my constituency, the Holiday Inn could claim to be a refuge. A commissioning round could include Ibis, because people in my constituency and those of all Members present are being accommodated in Ibis hotels. Do we think that that is a refuge?

A council needs to put people where the space is, and the Bill, through this very good clause, seeks to ensure that councils do that better, but only by regulation. All I ask is that the idea of what a refuge is be written into the Bill, because a lot of councils—especially at the moment, my gosh—have a million different things going on. We need to be really prescriptive.

I referred to Ibis. I have to say that, during the beginning of the pandemic, some of those hotel chains absolutely came to the rescue of people like me. However, I do not think that anybody here wants to see domestic abuse victims living in one room, with all their children, and without any cooking facilities—of course, in the coronavirus crisis, they could not even go to the local McDonald’s. They are literally left resourceless. Although the Ibis might provide someone with a roof over their head, it does not provide them with support for their trauma or an understanding of what move-on actually means.

12 noon

The aim of the amendment is to include a short definition of refuge services in the Bill, making it clear that they are provided separately for men and women, within single-sex services, within the meaning given in part 7 of schedule 3 to the Equality Act 2010, and that the refuge’s address cannot be made publicly available or disclosed. Although that seems like a small thing, it is very important.

To go back to my example of Ibis, it discloses its addresses all over the internet. The reality is that if there is some accommodation that has a couple of rooms for people who have experienced domestic abuse, a couple of rooms for people with substance misuse issues and a couple of rooms for people who are in the general homeless category, the idea that the kinds of safeguards required when a refuge is opened could possibly be put in place is wrong. Licence agreements would have to be given to everybody in that building. When someone comes into a refuge, they are there on a licence. Licence agreements would have to be given to everybody, to people with chaotic lives who are not victims of domestic abuse, asking them not to tell their family where they were, for example.

All I ask is that clarity be written into the Bill. I do not want to be in the position—although I know I will be, because I remember the things I said when the Supporting People funding was made mainstream—in three years’ time of standing in this building again and proving myself right when I say that this duty is being used to put people in inappropriate accommodation. The right outcome cannot be guaranteed without it being written into the Bill.

I care very, very deeply about domestic violence refuges, and sometimes the situation is maddening. Everybody in this place will feel the same. The Ministers in front of me probably think this about the courts in this land and the practice of law. Sometimes, when people talk in these buildings about something that is words on paper, it feels to those of us who have lived it and are deeply ingrained in it that we are screaming and people cannot hear our experiences. That is difficult.

Let me move on to domestic abuse support. Currently, the Bill defines “domestic abuse support” as

“support, in relation to domestic abuse, provided to victims of domestic abuse, or their children”.

That could result in a very wide range of organisations that are not expert in supporting survivors being funded by the local authority under the duty. *[Interruption.]* I get anxious whenever I hear a bell, but it is just indicating the suspension in the Chamber. The definition must be strengthened to ensure that the support provided is specialist.

The Istanbul convention requires states to provide specialist services to meet the specific needs of victims and their children, including specialist refuge provision. Article 22 of the convention makes it clear that the specialist support is best ensured by women’s organisations and by support services that have specialised and experienced staff with in-depth knowledge of gender-based violence.

There is currently no UK Government definition of a specialist service, but in the context of domestic abuse and the violence against women and girls services within the VAWG sector, there is a shared understanding of specialism, developed from established knowledge and practice approaches. Some of those principles have now been adapted into a definition of what specialist means, developed—I am sure that the people in the corners of the room will be pleased to hear this—by Welsh Women’s Aid and recently adopted by the Welsh Government. It is actually very much within their commissioning guidelines. I feel like we have a Welsh wave for those Members with Welsh interests. The Welsh Government have taken on that definition in their commissioning framework.

Critically, the Welsh Government's definition recognises that specialist services are run by organisations whose core business is to support survivors, children and young people affected by domestic abuse and other forms of violence against women and girls. That says to Ibis, to take my example, "Your core business is not the support of victims of domestic abuse." It says to the landlord with 19 HMOs on one street that this man or woman's core business is not the provision of specialist domestic abuse services. It provides a safeguard against what will inevitably happen. Without these clear definitions, there is a significant risk that the duty will encourage councils to fund generic accommodation-based services, which do not have the specialisms or expertise to deliver the safe environment and holistic package of support needed by women and children escaping domestic violence. Amendment 70 defines specialist domestic abuse support as that delivered by

"organisations whose organisational purpose is to support victims and/or children and young people impacted by domestic abuse" and other forms of violence.

There also needs to be a more comprehensive definition of "specialist" in the statutory guidance underpinning the Bill, including making it clear that specialist services are independent from the state, that they are run by and for the communities they serve, including black and minoritised women, disabled women, and LGBT women, and that they are needs-led and gender-responsive.

A lot of different issues are covered by new clause 48, which seeks the creation of a national oversight group. The current statutory duty in part 4 of the Bill places significant responsibilities on local authorities to make arrangements for refuge provision. "Hooray!" I said when they rang me up and told me about it. I then had to explain to my husband exactly what the law change would mean, but he did not understand, so I said, "Just be happy, because they've told me I can't tell anyone else."

Refuges are a national network of services which, by necessity, support survivors from outside their local area. It is well established that women escaping to refuge often need to flee their local area in order to be safe from the perpetrator. Research shows that women who are at risk travel from everywhere to all types of places, resulting in a network of services distinctly assessing across local authority boundaries. Turning once again to the example of Sandwell and Dudley that I gave on day one of our line-by-line scrutiny, victims do not respect local authority boundaries.

It follows that local needs assessments cannot be based on local data alone. In coming debates I will turn repeatedly to the statistic that 68.4% of women resident in refuge are from a different local authority area from that in which the refuge is housed and, potentially, funded by. Services led by and for communities discriminated against because of protected characteristics also face severe challenges in a fully localised funding system, as they often run across local authorities and meet the needs of survivors across a wider geographic area. The need for these services may, therefore, not be identified in local needs assessments, but they are a vital national resource.

Birmingham City Council did a needs assessment that did not identify that it needed specialist services for, among others, black women and south Asian women.

To be frank, I would be bowled over if they did not include that in their needs assessment and I would definitely write some stern letters.

The Minister will have to excuse me, because I do not know whether Bolsover or Lincolnshire is the local council area that this would fall under. The Minister's local authority area could be excused for not including specialist bed spaces in any needs assessment for the kinds of domestic abuse that can be different among certain groups, such as with forced marriages or so-called honour-based violence—one day we will settle on a term that does not require the prefix "so-called"; let us get on with that.

The local authority could be forgiven for that, but, given the way that refuge accommodation in this country works, Lincolnshire may well be the safest place for that woman to flee, and, when looking around the country, victims may well disperse to where there is a bed. What I am trying to get across is that a local needs assessment, without national oversight to ensure that the system works, has real potential for parochialism, and that could be dangerous.

Christine Jardine (Edinburgh West) (LD): I hope that this does not move us away from the text, but on the hon. Lady's point, it strikes me that a national overview that allowed women to move to different parts of the country might be particularly relevant for migrant women, who do not have any roots in any particular part of the country. If there were a bed that was appropriate for them in, say, Lincolnshire, Carmarthen or Birmingham, they could go there.

Jess Phillips: Absolutely—the hon. Lady makes an important point. Constituents of mine, because of the accommodation that is provided under the contracts for refugees in this country, have moved overnight to different areas. They have pulled their children out of school and been sent to different areas as part of what we used to call NASS—National Asylum Support Service—accommodation. The terminology changes quicker than the weather in this country. That is absolutely the case and, currently, it is exactly what happens in a different part of the Home Office.

In 2017, a joint report by the Work and Pensions Committee and the Communities and Local Government Committee concluded:

"It is essential that refugees are able to operate as a national network, unrestrained by admission restrictions imposed by individual local authorities and with appropriate coverage across the country." That national network of services cannot be assessed, planned, commissioned or funded on the basis of local need alone. I am not for one second saying that local needs assessments are not needed, because they absolutely are, but not on their own, which leaves a deficit in the Bill.

Although the Government have stated that they will establish a ministerial-led national steering group to monitor and evaluate delivery of the new duty, that is not set out in the Bill, and we do not consider it robust enough to oversee this life-saving national network of services. On the point made by my hon. Friend the Member for Hove, I have absolutely no doubt that the Minister would seek to have quarterly meetings on national oversight. The Minister sat in front of me is a diligent one who cares just as deeply as me about those services—of that I have absolutely no doubt—but she

[*Jess Phillips*]

may not always be in her post. It is very easy for Ministers, because they have a lot on their plate, to sigh when they see in their calendars that this or that particular meeting is next week. I want it stated in the Bill that those meetings must be in those calendars. Basically, I am blocking Ministers' calendars—consider the Committee the invite list.

New clause 48 would establish a national oversight group that included the domestic abuse commissioner to undertake a national needs assessment for refuge services, including a review of their provision for victims with protected characteristics. The national oversight group would ensure that local authorities and local partnership boards were effectively discharging their duties, including

“monitoring compliance with the Public Sector Equality Duty and implementation of Equality Impact Assessments for relevant commissioning and procurement processes”.

The group would also oversee the delivery of funding by local partnerships and local authorities and would sanction ineffective or inadequate provision and practice—that is my favourite bit; I like a sanction. It would ensure compliance with the Istanbul convention and the convention on the elimination of all forms of discrimination against women, or CEDAW, as well as ensuring ongoing liaison with relevant monitoring bodies. It is all very well to place a duty on local authorities—it is a good idea—but another issue entirely to ensure that they discharge that duty effectively. There is no provision for that in the Bill. If safeguards are not in place, there is no guarantee that provision will improve. Vulnerable women will remain in precarious situations. The national oversight group is merely a safeguard and I do not think it is a lot to ask.

12.15 pm

Turning completely away from refuge accommodation—well, not completely; these things are always tied together—new clauses 19 and 20 discuss community-based domestic abuse services. We all know the invaluable work that specialist services provide to adult and child victims of domestic abuse, often in some of the darkest moments, but we also know that there are not enough of those services to support all the victims who need them. Access depends very much on where we live—I keep going back to my Sandwell and Dudley example.

Initially, it looks like clause 53 helps to address that point. It places a duty on local authorities to provide statutory support for victims, including children, who have had to uproot their lives, leave their home and move into safe accommodation such as refuge. However, my concern, which is shared widely with a broad group of charities and representative organisations, is that clause 53 could lead to a two-tier system. While benefiting victims who can access refuge, the clause ignores the majority of victims—nearly 70%—who are supported by community-based services.

Some 65,000 adults and 85,000 children who are at the highest risk of serious harm and murder—in some cases, we are talking literally about life and death—are supported by an independent domestic violence adviser. Services are almost completely based in community support services. In fact, the Justice Secretary accepted

in his speech on Second Reading that the majority of victims fell outside the scope of clause 53. Some 13,000 women were supported in refuge in 2016-17, but 2.3 million people were victims of domestic abuse in that year. The Government's ambition in the Bill guarantees support for just 0.5% of victims.

Covid-19 and the restrictions that have been put in place mean that families have been locked away at home, out of sight of professionals and facing mounting pressures. During this time, services have told us of increasing domestic abuse, such as the use of coercive control now controlling food intake and finances more than before. Children in these homes no longer attend school as they are not deemed as vulnerable, necessarily, or in the relevant group. It is very difficult to see a way that a victim of domestic abuse who might not be within the statutory service—by that I mean children's social care—would ring up and say, “Well, my kid needs a place because I am a victim of domestic abuse.” That seems vanishingly unlikely.

Additionally, not all victims have equal access to services. Migrant women and their children, disabled victims, and lesbian, gay, bisexual and transgender victims face multiple barriers in accessing services. Black, Asian and minority ethnic victims are less likely to be able to access refuge services, for all the reasons that we will go into in depth next week. Importantly, the need for equal protection in the Bill was endorsed by the Joint Committee on the Draft Domestic Abuse Bill.

We are told that the domestic abuse commissioner will be responsible for conducting a review of community-based services, which will report back to the Government. Seemingly, that is because the landscape of service provision is vast and complex. Suzanne Jacob of SafeLives clearly said to us in the evidence session that it is not. For anybody who does not know, while Women's Aid and Refuge are the main bodies that represent victims of domestic violence in refuge, SafeLives is essentially the go-to organisation with regard to community-based services, so Suzanne Jacob's evidence should be taken very seriously. Imagine she is the Chris Whitty of this particular field—now, wash your hands.

The Minister has told us that this review could take some 12 months, which I feel is too long. With this Bill, we have the opportunity to act right now and ensure that all victims are protected and supported, not just those who have to leave their home.

Repeatedly, in any debate on domestic abuse or housing in this place, we hear hon. Members say, “It is not fair that the victim has to leave the home.” I think everyone would agree with that. We need to move to a model where the perpetrator is removed from this circumstance, not the victim. The Bill puts the statutory duty on victims escaping—I am glad that it does—but it does not allow for the same duties on public authorities, broader than the local authority, to seek to put in place the support that would meet that ambitious target that so many people speak to.

That is why I propose to amend the Bill to place a duty on all relevant public authorities to commission specialist domestic abuse support services and for all persons affected by domestic abuse. I want to stress that when I say all public bodies, I mean it. I know this is a bit confusing because these are all pushed together into

one explanation. Previously, we talked about the local authority and its national oversight. I am now talking, for example, about health services, many of which do not commission any domestic abuse services.

Whether with health authorities—another thing that changes its name more regularly than the weather—or education, every Minister of the Crown must look at their area. We are often told that things work in silos and so much of this is not just the Home Office. There is a need for other public bodies to take this duty seriously, especially as we have the two Ministers before us.

We should consider the vast majority of commissioning in this area: the Home Office is but a bit-part player with regard to the commissioning of domestic abuse services. It is beaten outright by the Department of the hon. Member for Cheltenham, the Ministry of Justice, with regard to police and crime commissioners. Yet he only gets a silver. It is licked by local authorities under the Ministry of Housing, Communities and Local Government. I want to see the Secretary of State for Health somewhere on that podium. I want to see every A&E in our land recognise the need for a specialist to speak to people coming in with broken bones and poorly arms. This exists, funnily enough, in Sandwell and Dudley, thanks to some people who are excellent at fighting for things.

I want to see the Secretary of State for Education talking about this. We have made steps forward in talking about the mental health of children at school. I want to see the same thing for domestic abuse. If you have people in your Department, you have victims of domestic abuse. That is the end of it.

The duty that I propose would ensure that all adult and child victims who remained at home in the community or in accommodation-based services could access support to recover from their trauma, young people under 18 who were in abusive relationships could access support to break the cycle of abuse and adult perpetrators could access quality-assured programmes so that we could tackle reoffending.

Importantly, a thread of non-discrimination runs through this amendment, to ensure the provision of inclusive and accessible services for all victims, regardless of their status, particularly those migrant victims who are traumatised by their abusers and further traumatised by the state, which discriminates against them by withholding access to life-saving support.

Christine Jardine: Does the hon. Lady agree that one of the prominent features of our debates on this Bill, over its long life in Parliament, has been the desire on all sides of the House to protect migrant women and to ratify the Istanbul convention? That that has not been done for eight years is a failure that cannot be excused, but these new clauses and amendments could go some way to ensuring that the convention was ratified and that those migrant women, and their children, got the attention that is obviously desired for them by Members across the House and people across the country.

Jess Phillips: I absolutely agree with the hon. Lady from Scotland, which is not currently covered by the Bill. The Home Office is, of course, in charge of the policy that covers Scotland with regard to this area of immigration and the destitution funding that is put in place in those circumstances. She is right that there are

hundreds of voices—nay thousands, according to the petitions on this—on one side of the argument, with regard to the need for access to support for all migrant victims of domestic abuse. It seems that there are some in this place, on the other side of the House, who do not agree. However, on Second Reading and in the Joint Committee, every specialist agency, all the commissioners and every expert involved—I have not asked Chris Whitty, but I imagine he might fall on my side about this—stated that the Bill needs to do more and that it needs to look at specific issues around migrant women.

This is not some radical left-wing approach, unless the right hon. Member for Basingstoke (Mrs Miller) could be considered a radical left-winger. Indeed, the issue was raised by the onetime Immigration Minister on Second Reading. We will speak to the issue in far greater detail next week, but without such provision the ability to ratify the Istanbul convention is null and void. I cannot understand why we would put together a Bill about domestic abuse victims that did not explicitly support every single one of them. That is the simple fact about what we have at the moment.

Throughout the amendment runs the thread of non-discrimination, as the hon. Member for Edinburgh West pointed out. We cannot pass a Bill that discriminates or has a blind spot on the effects of domestic abuse on young children. By providing an inclusive and holistic approach—by working with all those affected—we can truly tackle domestic abuse. These new clauses provide an opportunity for us to make changes now, not in 12 months' time, and ensure that all victims of this horrific crime are supported.

Victoria Atkins: If I may, I will first explain the duty in clause 53, because the amendment is relevant as it is key to what is intended. I want to be sure that everybody understands what clause 53 does.

We are clear that it is critical that victims of domestic abuse are able to access specialist support, in safe accommodation, when they need it. At the moment, nobody has responsibility to provide this support and, as a result, coverage is patchy, as the hon. Member for Birmingham, Yardley set out. That is why I am pleased that we have included part 4 in the Bill, which will put in place duties on tier 1 local authorities in England to ensure a clear framework for needs assessment, commissioning and reporting on outcomes, so that everyone has a chance of accessing the support that they need within safe accommodation.

Clauses 53 to 57 will together ensure a consistent approach to support in safe accommodation for victims and children who are forced to leave home to escape domestic abuse, with national coverage across local authorities. Clause 53 places a duty on each relevant local authority to assess the need for domestic abuse support for victims and their children within its area. Local authorities are best placed to assess the needs of victims in their area, considering the different requirements of all victims, including those with protected characteristics under the Equality Act 2010, as well as victims and their children who may come in from outside the local authority area. The local authority must then prepare and publish a strategy for the provision of support within its area, give effect to that strategy, and monitor and evaluate its effectiveness.

12.30 pm

The Chair: Order. As the Minister started in this vein, it would be appropriate to have the stand part debate for clause 53 now. She is already speaking to it.

Victoria Atkins: Thank you, Mr Bone. That is very helpful.

Clause 53 defines “domestic abuse support” as “support, in relation to domestic abuse, provided to victims of domestic abuse, or their children, who reside in relevant accommodation”.

Such support may include the overall management of the service, the provision of emotional support and practical advice such as on housing options, specialist support for victims with protected characteristics, and children’s support.

The hon. Member for Birmingham, Yardley raised the spectre of Ibis and other hotel chains. To be clear, the duty only covers support within safe accommodation services. In the majority of cases, the costs of rent and eligible services charges will be met through welfare benefits, housing benefit in particular, so this measure is very much focused on the specialist services within safe accommodation.

Jess Phillips: How do we stop—I quote someone’s email—an “HMO daddy”? How do we stop them claiming to offer all of those things? What will we put in place that is beyond what is currently in place to assess use of the housing benefit system, which, I hasten to add, is not working?

Victoria Atkins: Part 4. I will take the hon. Lady through it carefully, so that she understands how we have cross-checking systems in this part, in addition to all the checks in the rest of the Bill, including the commissioner and local authorities.

The Secretary of State for Housing, Communities and Local Government will specify in regulations a description of “relevant accommodation”. That is intended to be a broad definition in recognition of the diversity of housing in which the victims of domestic abuse and their children may live, from refuges to dispersed housing units. That is one of the complexities that we have had to deal with during the covid-19 crisis.

Clearly, people at the beginning stage of fleeing their accommodation will be in a different state of mind, different physical states and a different state of trauma after receiving specialist support in safe accommodation and when looking to enter the next stage of their life. Therefore, that diversity of accommodation must be reflected in the regulations. That will help to ensure that victims get the right support in the right place for them, which includes refuge accommodation, specialist safe accommodation, dispersed units of accommodation, sanctuary schemes, and move-on or second-stage accommodation.

The duty will require each relevant local authority to give effect to its strategy in carrying out its functions. Before publishing the strategy, the local authority must consult the domestic abuse local partnership board established under clause 54. Looking at the membership of that board, the hon. Lady understandably expressed concerns such as whether we were collecting or aware of data from A&E departments, but we have set out that not just tier 2 local authorities should be represented on

the board, if appropriate to the local area, but victims of domestic abuse, children of domestic abuse victims, voluntary organisations and charities that work with victims of domestic abuse, persons who have responsibilities in relation to healthcare services in the area, and policing and criminal justice representatives.

We have very much taken on board the requests in the consultation and elsewhere for a multi-agency approach to this problem. That is very much the direction of travel at national level. Through clause 54, we are insisting that it is the direction of travel at local level.

Liz Twist (Blaydon) (Lab): May I ask the Minister to comment on community services? The references to the provision of accommodation services are welcome, but she will know that there is a concern in the children’s sector in particular—but not only that sector—about the provision of community services, which, as my hon. Friend the Member for Birmingham, Yardley has described, are a large part of the services for children. Will she comment on how that can be secured?

Victoria Atkins: I am going to, but a little bit later in my speech, because I am concerned to ensure that everybody understands the purposes of this part. I sense that there may be a little bit of misunderstanding; I want to make sure we are all clear and will deal with that point later.

The duty will require consultation with the local partnership board—local partnership boards do not exist at the moment; they will be a really important factor in local areas—and will ensure that the local authority draws on the expertise of local domestic abuse services in its area. That provides for local accountability, requiring as it does the consultation.

The strategy that is created by the tier 1 local authority must be kept under review and any alterations, amendments or replacement must be published. That is in lockstep with everything else we are trying to do with the Bill, through the commissioner’s reports, the strategy plans and so on—making sure that this is transparent. At the moment, it will not be very easy in some areas to understand what the local strategy is. We want this section, with all the other parts of the Bill, to make that really clear.

The relevant local authorities have been picked as being tier 1 local authorities because of their larger geographical coverage, which is often coterminous with the footprint of other key partners such as police and crime commissioners, which supports planning of services. Providing support across a wider area will also help those victims who need to move further to stay safe. My own county of Lincolnshire is one of the largest counties in England and is an example of where a tier 1 local authority can help. Someone who lives in one corner of the county may be an hour and a half or two hours’ drive away from my constituency. They have that breadth of service provision and knowledge. That is how we have selected the authority, but we are also clear that tier 2 local authorities, where they exist, must play their part, which is precisely why we want them to be part of the partnership boards.

Of course, tier 1 authorities also have related responsibility in governance arrangements to draw on in leading this work, including their work on adult social care, health and wellbeing boards, community safety partnerships and children’s services.

In London in particular, tier 2 authorities will be critical to the success of this system, because they will have responsibility for housing and in some parts they commission domestic abuse services as well. We are putting the joined-up approach that the hon. Member for Birmingham, Yardley and many others in the sector have been crying out for into the Bill in part 4 at local level.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): I am listening carefully to the Minister, as I did to the hon. Member for Birmingham, Yardley before her. However well-meaning the amendment is—no one can doubt that it is well-meaning—everything the Minister is saying reinforces the impression that the Bill is driving progress and consistency across local government across England. Does she worry, as I do, that the amendment might stymie that progress across local authority areas and prove a block to what we are trying to achieve?

Victoria Atkins: I agree with my hon. Friend that the amendments are clearly coming from the right place, but we share that concern. The system that is being constructed in the Bill has been constructed as a result of intense reflection on consultation and in conversations with our charitable partners, service providers and so on. This is the end of a very intensive exercise of reflection and working out what can best help victims at a local level.

The hon. Member for Birmingham, Yardley also raised a fair point about assessing local need for accommodation-based support when victims may have to flee across boundaries. I am alert to that, and we will be developing a standardised needs assessment form to support local authorities in carrying out their needs assessment. Our statutory guidance will make clear the need for all areas to provide support to victims and their children from outside the area, and to work with other local authorities to allow victims easy movement from one area to another, while ensuring their safety.

There are some services that survey national need, such as dedicated services that support the needs of BAME and LGBT+ victims and people of faith. Our statutory guidance will make it clear that local area needs assessments should take those vital services into account.

Clause 54, as I have said, sets up the local partnership boards. A board will support the relevant authority in undertaking a robust local assessment of the need for domestic abuse support in its area. It will support the relevant authority in developing and publishing a local strategy based on the needs assessment. Through the duty to appoint a board, which must reflect the range of skills and expertise of different local partners—I suspect the local board in Birmingham will look different from that in Cumbria, because they are different areas with different populations and needs, and it is precisely that flexibility and responsiveness that we want throughout the Bill—the clause will help to ensure that an effective local domestic abuse strategy is put in place, informed by a needs assessment that has been tested by those who support victims of domestic abuse and their children day in, day out. Those strategies are not being imposed from Whitehall. They are being drawn up in local areas, where the needs are best understood.

The clause sets out the minimum requirement for board members. I have already outlined who is included in that. However, there is flexibility to appoint others

as well. Relevant local authorities will be able to decide whether an existing board can fulfil the requirements or whether to create a new, dedicated board to fulfil the duty. Again, we are trying to be as flexible as possible, because we accept the point that some areas have managed to make much more progress in providing the services than others. Clause 54 is an important provision.

Clause 55 relates to the requirement on tier 1 local authorities to submit an annual report to the Secretary of State on how they are doing. The Secretary of State will make regulations about the form and contents of the report, and so on, but local authorities will be responsible not just to the local partnership board and, as democratically elected councils, the voting public, but to the Secretary of State. I imagine that the commissioner, who herself has reporting requirements under the Bill, will pay close attention to those annual reports.

The hon. Member for Birmingham, Yardley may be reassured to know, although it is not on the face of the Bill, that as part of the annual report there will be a national steering group. It will be led by an MHCLG Minister and established to monitor and evaluate delivery of the new duty. Therefore, there will be the safeguard of the clause 54 requirements, as well as clause 55, and in addition we will set up an expert steering group, on which the commissioner will sit, to consider the analysed information provided by local authorities.

12.45 pm

Alex Davies-Jones (Pontypridd) (Lab): When the Minister talks about a national steering body, could she clarify whether she means England and Wales, or England only?

Victoria Atkins: Of course, it will respect the devolution arrangement. I like the phrase “jagged edge”; it describes it well. The group will work within the devolution arrangement. As has been the case throughout the Bill’s passage, we are happy to compare and work with our Welsh partners to ensure a consistent approach and to ensure that there is learning, and so on. We have taken an open approach throughout the Bill.

The group will review the operation of local needs assessments and the provision of domestic abuse support in safe accommodation across the country, specifically considering specialist provision for those who share relevant protected characteristics and services that serve a national rather than a local need. That will allow best practice to be shared and will highlight areas that may need further support to provide the consistent coverage expected by victims and the Government.

Clause 56 deals with guidance in addition to local partnership boards and the annual reports. The Secretary of State will also issue guidance to local authorities in England on exercising their functions in part 4. The clause places a duty on the Secretary of State to consult with the domestic abuse commissioner, local authorities and other persons considered appropriate by the Secretary of State. Subsection (2) requires local authorities to have regard to the guidance when exercising a function to which it relates. We are pleased to say that the guidance—which has been welcomed by local authorities—is to help them to deliver these vital services at local level. It will clearly outline the Government’s expectations for local authorities in delivering this duty.

[Victoria Atkins]

We recognise that there is a balance between giving local authorities the flexibility to meet particular local needs and the requirement for a consistent approach to the provision of support within safe accommodation across the country. The guidance will help to provide a standardised approach to enable that to happen. We will make it clear in the guidance how that duty interacts with other duties and requirements on local authorities, such as those relating to homelessness.

I hope that colleagues with particular expertise will understand that the guidance will, I suspect, be quite a weighty document in its own right. It will sit alongside the statutory guidance that we have talked about for the Bill as a whole, precisely because we want it to be a working document for practitioners on the ground. We aim to have the draft guidance published in time for the Lords Committee stage. The report stands to be reviewed as necessary, of course. That sets out the framework of the clauses, and I will go into more detail on some of the points raised by the hon. Member for Birmingham Yardley and her colleague the hon. Member for Blaydon.

Once again, I emphasise that the statutory duty is to provide support to victims and their children within safe accommodation. Our concern is that new clauses 19 and 20 would apply more broadly to local and other relevant public authorities. The Committee may not be aware that responsibility for the provision of victim support services—including services targeted at perpetrators in order to support victims—has sat with police and crime commissioners since 2014. Local authorities will be bound by the new statutory duty to provide support to victims of domestic abuse residing in safe accommodation within their areas, but responsibility for wider victim support and perpetrator programmes will remain with police and crime commissioners.

Since 2014, PCCs have been funded by the Ministry of Justice to support victims of crime in their local areas and to address the specific needs identified in their local communities. That funding totalled some £68 million in 2019-20. PCCs have unique insight into the crime profiles and demographics of their local areas and thus the ability to allocate funding to those victims in need. Their autonomy to fund victim support services to meet local need should be preserved.

To create a duty that is workable and takes advantage of the considerable knowledge of local and public bodies, it must be placed on the specific authority that holds responsibility for particular services. Just as the new duty in part 4 will apply only to tier 1 local authorities, the commissioning of support for victims in the community must remain with PCCs and, in some cases, clinical commissioning groups. Interventions with perpetrators in the community must remain with PCCs, local authorities and, in some cases, CCGs. There is a variety with community-based services that there is not so much with refuge accommodation.

Jess Phillips: Will the Minister give way?

Victoria Atkins: I know that the hon. Lady cited the fact that 13% of refuge accommodation is not commissioned by local authorities. We accept that. We are looking, as I have said, at the overwhelming majority of refuge accommodation.

Jess Phillips: I thank the Minister for picking up that point. The point that I wanted to pick up on was her two uses of the phrase “in some cases CCGs”. Would it not be nice if it were “in all cases”? Does the Minister think there are CCGs in the country that do not have victims of domestic violence living in their areas?

Victoria Atkins: Sorry, I am not quite clear. Every single police and crime commissioner has victims of domestic abuse in their area, clearly, as do local authorities and, where appropriate, CCGs. To my mind, this is part of the diversity of provision of services. In some cases, it will be appropriate for CCGs to provide services, but I would not say it should be CCGs exclusively.

Jess Phillips: Will the Minister elaborate on that point and say in which CCG areas that would not be appropriate? She is saying that certain CCGs, for whatever reason, would not have to provide services for victims of domestic abuse.

Victoria Atkins: I am not going to cite, out of the hundreds of CCGs, the ones that are appropriate and not appropriate. I assume that what the hon. Lady is trying to get to is that this should be viewed as a medical issue as much as a policing and crime issue. I welcome both approaches. That is precisely why we are introducing the multi-agency approach at local level, through local partnership boards, whereby health services will be represented, whereas they are not at the moment. Policing and criminal justice will be represented, whereas they are not at the moment. Children will be represented, whereas they are not at the moment. This is the multi-agency approach that we are trying to achieve.

The Government do, however, recognise the need to explore the provision of community-based services to domestic abuse victims to ensure that those victims are receiving the right support to cope and recover from this terrible crime. Equally, we are clear that if we do not hold perpetrators to account for their actions and challenge them to make real sustainable changes to their behaviour, we will not stop the cycle of violence and abuse.

Before establishing the new statutory duty in relation to accommodation-based support, the Ministry of Housing, Communities and Local Government consulted at length with local authorities, the domestic abuse sector and other organisations involved in supporting victims, to identify the barriers to provision of safe accommodation. That identified the lack of accountability and sustainable funding for the provision of support in safe accommodation as the key issue. Through that detailed engagement, it was possible to design a statutory duty that would tackle that. I am delighted to say that my right hon. Friend the Secretary of State for Housing, Communities and Local Government has confirmed that the new statutory duty will be appropriately funded.

Jess Phillips: I thank the Minister for allowing me to intervene again—this is almost greedy on my part. She was talking about all the organisations that took part and what they said about what the barriers were. Could she enlighten us on what they said the barriers were in relation to migrant women?

Victoria Atkins: I will deal with that later in my speech. The hon. Lady took some 55 minutes—it is not a competition, but I have to do this justice by drawing out the points as we develop the argument. As with clauses 1 and 2, I want to explain the journey that we have taken to arrive at the statutory duty.

I think we would all acknowledge that the current funding arrangements for community-based services are complex. Although responsibility sits with PCCs, services are funded from myriad routes, including PCCs, local authorities, health partnerships and community safety budgets. That is true of both services for victims and programmes targeted at perpetrators, particularly those who have not been convicted. It would not be right to define what should be available by way of services for community-based support, without conducting a similar investigation as took place for support within safe accommodation and consulting the sector on any proposals.

To that end, the domestic abuse commissioner has agreed to lead an in-depth investigation into the current community-based support landscape, and the Government are committed to addressing its findings. We believe that that work needs to come to fruition before we can properly understand how any wider duty should be framed, on whom it should be imposed, and at what cost. It is also right that we fully consult on any expansion of the duties in part 4. I should add—in trying to describe the interlocking and interweaving web of accountability that runs through the Bill—that the commissioner will publish her report under clause 8, and we are required to respond to it within 56 days. The Bill therefore sets a time limit by which the Government are to respond.

In addition, a number of other areas of work across Government are already taking place to improve the experience of victims who seek help, such as the refresh of the national statement of expectations that is due to be published later this year. That will set out the best practice for commissioning all violence against women and girls services. We are also developing a cross-Government victim funding strategy, which is due to be published by the end of the year. Those developments are part of a cross-Government drive to ensure that domestic abuse victims in the community are receiving the support that they need, and that good-quality work with perpetrators is the norm.

I am afraid that I am not persuaded that the general duty on the Secretary of State set out in new clause 19(1) is necessary or helpful at this time. As we have already debated, the Bill establishes in law that the domestic abuse commissioner's statutory remit will include the encouragement of best practice in the prevention of domestic abuse and the provision of protection and support to victims and others affected by domestic abuse. As part of her remit, she will necessarily look at the availability and quality of perpetrator programmes and make recommendations based on her findings.

On new clauses 19 and 20, it is worth pointing out the jagged edge, as I have called it: the new clauses do not reflect the devolution settlement in Wales. A number of relevant public authorities listed in new clause 20 operate in the devolved sphere, and we would not normally legislate on devolved matters in Westminster without the consent of the Senedd.

The other amendments in the group relate broadly to the existing provisions in part 4. Again, although I appreciate the intention behind the amendments, they would add more detailed requirements to the Bill, thereby reducing the flexibility of local authorities to meet particular local needs and set up a local partnership board in line with local needs and existing partnership arrangements. I do not believe that they are necessary because much of what they seek to achieve will be in the statutory guidance and laid down by regulation.

Clause 53 places a duty on each relevant local authority in England to assess the need for domestic abuse support for victims and their children within its area. In assessing needs, relevant local authorities will consider the differing requirements of all victims, including those with protected characteristics under the Equality Act 2010, as well as victims and their children who come in from outside the local authority area. The local authority will then be required to publish a strategy, which will take effect as I have set out.

The Chair: Order. The Minister is talking about the other amendments; I should point out to the Committee that amendment 77, as printed, refers to line 21, when it should refer to line 25—it is just a typing error. As the Committee knows, we cannot adjourn at 1 pm while the Minister is still speaking; a speech cannot be interrupted.

1 pm

Victoria Atkins: Sorry, I had thought that we might go on until 2 pm. In that case, I will be very quick; I hope I have set out the framework of the guidance. I am extremely grateful to Mr Bone for that clarification.

We recognise the concerns that the hon. Member for Birmingham, Yardley has set out. I emphasise in relation to new clause 48 that the importance of national oversight is accepted, as can be seen from the setting up of the Minister-led expert steering group. We very much hope that those who are involved in that group will be able to make their views clear and look at the reports with all of the interlocking safeguards we have.

I will sum up by saying that we believe amendment 67 and new clauses 19 and 20 are at best premature, and that the other amendments are unnecessary. We recognise the importance of community-based services for those affected by domestic abuse and the need to address offending behaviour. As I have said, we are committed to investigating, in collaboration with the commissioner, what needs to be done to ensure that victims who stay in their own home, together with their children, are receiving the support they need, and that perpetrators are appropriately challenged and supported to change their behaviour.

Jess Phillips: I will not keep Members for a long time, and I recognise the Minister's generosity towards other members of the Committee. She has not covered some of the issues that she said she would cover, whether those raised in my speech or through interventions on myself or her. I recognise the reason for that; no doubt we will have plenty of time to debate those issues as the Committee progresses.

I will just pick up on a few small things. The Minister has clarified that the regulations she mentioned will be laid at Lords Committee stage, as opposed to the guidance that she has promised will be laid before the House

[*Jess Phillips*]

on Third Reading. As regards the guidance about local authorities' commissioning of specialist refuge accommodation, the Minister has suggested that some of the things we are suggesting may be premature. I have been having meetings and conversations about these regulations for six years, beginning before I was elected, in the days when MHCLG was still DCLG. I have met with pretty much every housing Minister or MHCLG Minister about this issue, so it does not feel particularly premature to me. However, I look forward to the regulations coming before the Lords Committee.

So much of this regulation is based on trust, and all I was saying to the hon. Member for Cheltenham was that although I like part 4 of the Bill, I think there are areas in which it could be better, clearer and more

robust to future-proof it. I will not press amendment 67 or new clauses 19 and 20 to a vote now, because I think the duty on community services is something that the whole House would wish to discuss—and the Lords would certainly wish to see discussed—on Report, and then maybe at the amendment stages in the Lords. I thank the Minister for responding to many of the issues I have raised, which has allayed some concerns, and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 53 ordered to stand part of the Bill.

1.4 pm

Ordered, That further consideration be now adjourned.
—(*Rebecca Harris.*)

Adjourned till this day at Two o'clock.

