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Public Bill Committee

DOMESTIC ABUSE BILL

Tenth Sitting

Tuesday 16 June 2020

(Afternoon)

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Saturday 20 June 2020

The Committee consisted of the following Members:

Chairs: Mr Peter Bone, † Ms Karen Buck

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

Jo Dodd, Kevin Maddison, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 16 June 2020

(Afternoon)

[Ms Karen Buck *in the Chair*]

Domestic Abuse Bill

New Clause 8

Offence of non-fatal strangulation

A person (A) commits an offence if that person unlawfully strangles, suffocates or asphyxiates another person (B), where the strangulation, suffocation or asphyxiation does not result in B's death."

This new clause will create a new offence of non-fatal strangulation.—(Jess Phillips.)

2 pm

Brought up, and read the First time.

Jess Phillips (Birmingham, Yardley) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 9—*Offence of non-fatal strangulation in domestic abuse context—*

A person (A) commits an offence if that person unlawfully strangles, suffocates or asphyxiates another person (B) to whom they are personally connected as defined in Section 2 of this Act, where the strangulation, suffocation or asphyxiation does not result in B's death."

This new clause will create a new offence of non-fatal strangulation in domestic abuse offences.

Jess Phillips: I apologise at the outset, because the new clause contains rather technical legalese and quite graphic language. The purpose of the new clauses is to correct the inadequate way in which the law is applied in practice on the ground. Currently, we do not criminalise behaviour that was not already criminal—obviously, it is already a crime to strangle somebody; I can confirm that in case anyone was worried that it is not. The new clauses address a systemic problem that is highly gendered, as I will demonstrate, and if the Bill presents a once-in-a-generation opportunity to make a law work for domestic abuse victims and survivors, this can make a real contribution.

It is worth mentioning that exactly the same debate has taken place in the United States, Australia and New Zealand, all of which—most recently New Zealand, in 2018—have introduced specific laws on non-fatal strangulation. I will discuss that in more detail later. Before speaking to the new clauses in greater detail, it is important to establish that what I am talking about is completely distinct from the rough sex defence dealt with in new clauses 4 and 5, which also include asphyxiation. I am talking about strangulation in the context of physical domestic violence rather than strangulation during sex. New clauses 4 and 5 deal with consent issues relating to injuries inflicted during sex. There is of course some overlap, which I will address briefly at the end of my speech.

Strangulation and asphyxiation are the second most common method of killing in female homicides after stabbing. Some 29% of female homicides in 2018—43 women—were killed by that method, compared with only 3% of male homicides. However, the important thing to note about non-fatal strangulation is that it is generally not a failed homicide attempt, but a tool used to exert power and control and to instil fear within an abusive relationship. That has been explored in academic literature and in detailed interviews with survivors. Strangulation sends the message, "If you do not comply, this is how easily I can kill you." Researchers have observed that many abusers strangle not to kil, but to show that they can kill, using strangulation as a tool of coercion, often accompanied by death threats. The result is compliance and passivity by the victim in the relationship in the longer term. It is worth noting that I have very rarely come across a victim of domestic violence who has not been strangled as part of their abuse.

It is widely recognised that non-fatal strangulation and asphyxiation, such as suffocation with a pillow, are a common feature of domestic abuse and a well known risk indicator. The standard risk assessment tool used by police and domestic abuse services, which is called the DASH—domestic abuse, stalking and harassment—checklist, includes a question about attempts to strangle, choke, suffocate or drown the victim. The questions in the DASH checklist were identified through extensive research on factors associated with serious domestic violence and homicide. Researchers found that a history of strangulation presents an eightfold increase in the risk of death.

Although there can often be a lack of visible injury, it is important to recognise the very serious medical consequences of strangulation, which are not immediately visible. Many of the medical effects would come as a surprise to most members of the public, including survivors of domestic abuse, who may not realise the true dangers. Strangulation or suffocation result in the blocking the flow of oxygen to the brain by preventing the person from breathing, and the flow of blood if the neck is physically constricted. Loss of consciousness can occur in 10 to 15 seconds and a lack of oxygen to the brain results in mild brain damage. Studies show that between 8.9% and 39% of those who are strangled lose consciousness.

Although there may be little or no visible injury, numerous long-term medical effects of strangulation are reported, many of them neurological problems. They include a fractured trachea or larynx, internal bleeding, dizziness, nausea, tinnitus, ear-bleeding, raspy voice, neurological injuries such as facial or eyelid droop, loss of memory, and even stroke several minutes later as a result of blood clots; there is also increased risk of miscarriage. In addition to the longer term physical impacts, reports describe strangulation as extremely painful, and the inability to breathe is obviously very frightening. It is described in one report as "primal fear". Anybody who has not been able to breathe, for whatever reason, understands that fear and the control over you that it will have.

Not surprisingly, strangulation has been found to result in long-term mental health impacts. Post-traumatic stress disorder is closely linked to experiencing fear of imminent death. Four studies report the victim's sense of existential threat—a firm conviction that they were going to die. Recent research included interviews with 204 woman attending an NHS sexual assault referral centre in Manchester who reported that they had been strangled. In response to open questions about how

they felt, a high proportion stated that they thought they were going to die. Of those 204 women, 86, or 42%, had been assaulted by a partner or ex-partner. The others had been sexually assaulted by someone with whom they were not in a relationship, such as a first date, an acquaintance or a stranger. A survey of 13 studies of delayed psychological outcomes identifies depression, anxiety, suicidal ideation, nightmares, PTSD, dissociation and the exacerbation of existing mental health difficulties. Obviously, many of the women experiencing non-fatal strangulation were also experiencing other forms of domestic abuse, but the clear message is that strangulation certainly contributes to the psychological trauma.

Reports on prevalence of strangulation within intimate partner violence describes a hidden epidemic. A range of studies indicates that though the lifetime incidence of strangulation is between 3% and 9.7% in the adult population, that rises to 50% and 68% for victims of recurrent domestic abuse. Two studies of intimate partner violence and sexual assault where medical examinations took place found that strangulation was involved in 20% to 23% of cases respectively. Those figures vary, but one message is clear: non-fatal strangulation is widespread and a common feature of domestic abuse, not some kind of aberration.

Reports from frontline domestic abuse workers in England and Wales demonstrate a number of issues. There is a chronic undercharging and a failure by both police and prosecutors to appreciate the severity of non-fatal strangulation. That was also found in comparative studies in the United States and New Zealand. The seriousness of strangulation as a domestic abuse risk indicator is often missed. A separate category of offence would emphasise the importance of non-fatal strangulation when risk assessments are carried out by the police.

Strangulation is generally prosecuted as an assault. There may be a red mark or no physical signs at all, even after a serious assault, and the lack of observable injuries often means that offenders' conduct is minimised, so that they are charged with common assault rather than with actual bodily harm. As Members will no doubt be aware, common assault is a summary offence, which can only be tried in the magistrates court, whereas ABH is a more serious either-way offence, which can be tried either in the magistrates or the in Crown court. All summary offences must be charged within six months—and that puts further pressure on a victim in this circumstance to deal with the issue in a certain time frame.

The Crown Prosecution Service guidance for prosecutors on offences against the person states that, when deciding whether to charge with common assault or ABH,

> "Whilst the level of charge will usually be indicated by the injuries sustained, ABH may be appropriate",

where the circumstances in which the assault took place are more serious, such as repeated threats or assaults on the same complainant, or significant violence—for example,

"by strangulation or repeated or prolonged ducking in a bath, *particularly where it results in momentary unconsciousness*".

I added my own emphasis, by the way—that is not the emphasis in the CPS guidance. The guidance therefore indicates that non-fatal strangulation and suffocation offences would result in a charge of ABH rather than of common assault. However, that is not what happens in practice in a great many cases.

The Centre for Women's Justice carries out training for local domestic abuse services around England and Wales. Over the past two years they have trained more than 32 organisations at 24 training days in London, the midlands, the north-east and north-west of England, the north and south of Wales, and the south-east. Their training includes the CPS guidance I have quoted. They state that in most if not all training sessions, domestic abuse support workers report that where cases involving strangulation are charged, this is generally as common assault. They say that they hear this consistently from support workers across the country, and therefore believe this to be a systemic issue rather than local, isolated failings.

They also interviewed the deputy district judge in the magistrates court who sits as a recorder in the Crown court and who reported that undercharging of strangulation incidents appears to be extremely common. She stated that a significant number of domestic abuse cases before the magistrates court that include some element of non-fatal strangulation are charged as a summary offence of common assault, instead of the more appropriate offence of ABH. This information is obviously anecdotal, but may not come as much of a surprise to those who work on domestic abuse cases within the criminal justice system. Undercharging has been identified as a problem in the US, Australia and New Zealand. It is an inherent problem, given that strangulation often results in no visible injuries or just a red mark, and police officers are usually focused on the severity of physical injuries when they deal with assault cases. It is a very unusual type of assault, in that serious violence does not result in the level of injury that can be seen and measured easily.

There is currently no distinct offence of non-fatal strangulation or asphyxiation. Section 21 of the Offences Against the Person Act 1861 contains an offence of attempting to choke, suffocate or strangle in order to commit an indictable offence. Therefore, this only applies when the strangulation is done in order to commit some other serious offence. For example, the Centre for Women's Justice was told of a case in which a woman was raped and then strangled; she was told by the CPS that the section 21 offence could have been used if he had strangled her before he had raped her, as a pattern in order to rape her, but that this offence could not be used because the rape and strangulation took place in the wrong order. This is obviously ridiculous. The 2015 Law Commission report on the Offences Against the Person Act concluded that this offence was needlessly specific and should be abolished.

It is usually difficult to prove intent for an offence of attempted murder; as noted earlier, the intention is often to frighten and coerce rather than to kill, so a charge of attempted murder is not an option. Therefore, assault is generally the only option for the prosecution, either common assault or ABH.

In a very large number of cases of strangulation, suspects are not charged at all because the six-month deadline for summary offences such as common assault charges has passed. That time limit does not apply to either-way offences. When strangulation is treated as common assault rather than ABH, cases are closed by the police because the deadline has passed without referral to the CPS. If it were dealt with as an either-way offence, that would not be done, and those cases would be sent to the CPS. Police have the power to charge

[Jess Phillips]

summary offences without a charging decision from the CPS under the director's guidance on charging. We do not know whether in practice officers obtain input from the CPS in most of these cases.

Frontline support workers report that police officers tend to focus primarily on physical injuries when assessing domestic abuse situations. Strangulation and asphyxiation leave minimal injury, and are therefore easily dismissed as minor and relatively inoffensive. Even when cases are referred to the CPS, prosecutors are also responsible for undercharging and for undercharged cases proceeding to trial. A new offence of non-fatal strangulation must be an either-way offence rather than a summary offence, both to reflect the severity of the conduct involved and to remove time restrictions. That offence could be included in the Bill, along with a maximum sentence, if new clause 9 were added.

There are numerous side effects flowing from undercharging strangulation as common assault. Not only does the offence charged fail to reflect the gravity of the offending behaviour, but the sentencing options and potential for a custodial sentence are limited due to the initial charging decision. In addition, a summary offence deprives the victim and the defendant of the potential to benefit from the greater resources and attention devoted to the Crown court prosecution. Because the accused has an automatic right of appeal following a summary trial in the magistrates court, the victim may have to undergo the trauma of giving evidence a second time in the Crown court. That automatic right of appeal does not exist in the Crown court.

2.15 pm

Finally, a summary conviction is inevitably given less weight than a conviction for ABH in future risk assessments and public protection decisions, including future bail applications, sentencing decisions—including dangerousness determinations—and Parole Board decisions. The underlying facts of offences are not always available when such decisions are made, and the information available to decision makers is just a list of previous convictions. A summary offence has a relatively low place in the hierarchy of criminal offending and is less likely to be fully explored. This ripple effect throughout the criminal justice system has a long-term impact on public protection, with a disproportionate impact on women. It can also affect the evidence before the family courts and decisions on contact arrangements, which are intended to prioritise the welfare and safety of children.

A separate offence of non-fatal strangulation will also help the police to identify this critical risk factor in the overall response to domestic abuse. Current risk assessments follow the DASH system, which involves 27 questions, with one asking whether the victim or assailant has ever tried to strangle, suffocate, choke or drown someone. A positive response results in one tick on a form, with 14 ticks required for an assessment of being at high risk. It is important to point out that, in the vast majority of local authority areas and in the vast majority of situations, only those who are considered the most high risk will get, for example, access to an independent domestic violence adviser. If someone has been strangled, they get one tick of a possible 14.

I have seen people who have been smashed in the face with a brick that morning and then been assessed as being at low to medium risk. Although there is room for professional judgment, domestic abuse workers report that many risk assessments by police officers are formulaic. Strangulation is treated as a single tick on a checklist, not as a red flag, as it should be, and does not usually result in a separate criminal investigation. It is just as part of the background history, assuming that the particular call-out that triggered a risk assessment was not a strangulation incident in itself. Creating a more serious offence should make this significant risk factor stand out in the assessment process, resulting in better protection. This is a real opportunity to save women's lives.

It is well known that, on average, two women a week are killed by their partner or ex-partner. This was illustrated by the 2019 coroner's report following the inquest into the death of Anne-Marie Neild. Anne-Marie died during a sustained assault by her partner, who had previously subjected her to non-fatal strangulation. Officers who dealt with the previous incidences failed to appreciate the significance of the strangulation as a risk factor, and graded the risk as standard, rather than high. No support was offered to her and she was not referred to a multi-agency panel. The coroner expressed concern that, at the time of the inquest, two and a half years later, there was still no reference to non-fatal strangulation in the police force's domestic abuse policy, and that there was a lack of understanding of the issue among the officers involved.

Cases such as Anne-Marie's have forced other countries to implement legislation recognising non-fatal strangulation as a separate stand-alone offence. In the US, 37 states introduced non-fatal strangulation offences; in Australia, the state of Queensland introduced the offence in 2016, with other states due to follow; and a new offence came into force in New Zealand in December 2018. If we pass over this opportunity to introduce a similar offence in the UK, we will be behind the majority of the rest of the English-speaking world on domestic abuse protection.

The UK has been rightly proud of its leading role on the world stage on gender-based violence over many years—for example, as far back as William Hague's work on preventing sexual violence in conflict under David Cameron's Government, which I believe was done through the Department for International Development, God rest it. It would be a great shame if we cannot extend basic protections for our citizens suffering serious domestic violence as other, similar countries have done. Creating a free-standing offence of strangulation or asphyxiation will require police to treat such cases with the gravity they deserve and to refer all cases to the CPS for charging decisions, and it will send a signal to the police and prosecutors about the seriousness of this form of offending, with training around the links between strangulation, asphyxiation, domestic abuse and homicide.

New clause 9 would address the situation that frontline domestic abuse workers report on the ground and would be a very welcome tool in the armoury against physical domestic violence.

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): May I begin by thanking the hon. Member for Birmingham, Yardley for a characteristically forceful argument? At the start, I acknowledge this: non-fatal

strangulation is a wicked crime and deeply unpleasant. It is unpleasant for the reasons the hon. Lady set out: it is calculated to degrade and to terrify, and in the course of doing so to ensure that the victim has that profound sense that this could be it—their time could be up. That is why it is such a cruel, offensive and unpleasant crime. I also say by way of preliminary remarks that I am aware of the Centre for Women's Justice campaign for this new offence of non-fatal strangulation. I wish to put on record my gratitude for their written evidence to the Committee.

I understand the concerns that have prompted the new clauses and I will address them directly. Before doing so, I want to say a little about the existing provisions in the law. In fairness, the hon. Lady did refer to them but there are a couple of points that would assist the Committee if they were teased out a little further.

Several offences can already cover non-fatal strangulation and they range in seriousness from common assault, also known as battery—my hon. Friend the Member for Hertford and Stortford, a magistrate, will know that well—to attempted murder. Within that spectrum, there remain a number of other offences referred to by the hon. Member for Birmingham, Yardley. Strangulation could also be part of a pattern of behaviour amounting to an offence of controlling or coercive behaviour; I shall come back to that in a moment. There is also assault occasioning actual bodily harm, grievous bodily harm, or section 20 assault, and grievous bodily harm with intent, or section 18 assault.

I want to step back for a moment to consider a non-domestic context, just to make some of this clear. For the sake of argument, suppose there is a queue outside a nightclub and somebody wishes to queue barge. He steps in and decides to grab the victim by the throat, throttle them and push them up against the wall. As the hon. Member for Birmingham, Yardley indicated, if that left no marks but the complainant was prepared to make a complaint to the police in the normal way, it is likely that would be charged as a battery. She is right that the charge would have to be laid within six months. It would be heard before the magistrates court—again, she is absolutely right—and would carry a custodial penalty. Even if no mark is left, that assault—it could be a punch on the nose but it could also be strangulation—would be covered in that way.

It is worth emphasising that, if that throttling or that strangulation was carried out in a more extreme way such as to leave marks, it is likely that would cross the threshold of harm which is more than merely transient or trifling. That might sound like rather archaic language, but that is the threshold for ABH. Why is that important? Assault occasioning actual bodily harm is not limited to being tried in the magistrates court; it can be tried on indictment in front of judge and jury and there the sentencing power is a full five years' custody.

The reason I mention that is because if there is one advantage that has come from these things, it means people are much better able now to gather evidence than they were in the past. It used to be the case that you had to go down to the police station, the force medical examiner had to photograph you and so on. Now, people can get those photographs at the time. The mere fact that two, three, four or five hours later those marks may have gone matters not a jot. If the individual can show that the assault occasioned actual bodily harm, that can lead to trial on indictment and a very serious penalty.

To continue with my example of what happens in the nightclub queue, if the throttling went further and it led to some of the dreadful injuries the hon. Lady referred to—a fractured larynx, tinnitus, neurological injury leading to droop or PTSD—although it is a matter for the independent prosecutor, it is likely that would be charged as grievous bodily harm. If it is grievous bodily harm with intent, because all the surrounding circumstances indicated that that was intended given the harm done, the maximum penalty for that is life imprisonment, and that is an indictable-only matter.

That is the law as it exists at present, and the same legal principles apply in a domestic context as apply in the non-intimate context of a fight in a pub queue. The hon. Member for Birmingham, Yardley made the point: "Well, that's all terribly interesting, but what about elsewhere in the world?" It is important, while we are mindful of our peers, particularly those in the common law jurisdictions, that we got ahead of the game to a considerable extent with section 76 of the Serious Crime Act 2015. It is worth taking a moment to consider what that ground-breaking piece of legislation introduced—the coercive control stuff.

We are guilty in this place of sometimes saying, "Right, we've passed this. Move on. What's the next exciting and shiny piece of legislation we can pass?" Section 76 is of enormous import in terms of providing prosecutors—I will come to the hon. Lady's point in due course about whether prosecutors are doing the right thing—with the tools that they need to protect victims. Section 76 says that if the defendant

"repeatedly or continuously engages in behaviour towards another…that is controlling or coercive",

at a time when the perpetrator and the victim are personally connected, and the behaviour has a serious effect on the victim and the defendant

"knows or ought to know that the behaviour will have a serious effect"

on the victim, that is a criminal offence, punishable by up to five years' imprisonment.

I wish to dwell on that for a moment, because behaviour is said to have a serious effect within the meaning of that section. It can be proved in two ways. First, if it causes the victim to fear on at least two occasions that violence will be used, or it causes the victim serious alarm or distress, which has a substantial adverse effect on their day-to-day activities. I mention that point because if, as the hon. Lady says, and I am absolutely prepared to accept it, more often than not in an intimate context this is part of a pattern of behaviour—all too often an escalating pattern of behaviour—the tools exist, should the prosecuting authorities seek to use them, to seek the conviction, punishment and disgrace of the perpetrator.

The question then arises of whether police and prosecutors are using the levers available to them. That is a really important point, and it is the central message that I take from the hon. Lady's speech, which was effectively saying: "I recognise that there are a whole load of statutory provisions here, but why don't we create a new statutory provision to really focus minds and ensure that this appalling behaviour is prosecuted?"

[Alex Chalk]

I understand that argument, but we have to ensure that we do not, in that sensible endeavour, risk confusion in the law.

I will say one final thing about the current state of play within the law. There is, as the hon. Lady indicated, a specific offence under section 21 of the Offences Against the Person Act 1861, which makes it an offence to

"attempt to choke, suffocate, or strangle any other person, or…to choke, suffocate, or strangle"

a person in an attempt to render that person

"insensible, unconscious, or incapable of resistance"

with intent to commit an indictable offence. Typically, that is strangling someone in order to rob them, to steal or whatever it may be. I am aware that there can be some evidential difficulties in prosecuting a section 21 offence, particularly if there is no evidence, or insufficient evidence, of injuries, such as reddening and minor bruising to the skin. However, that sits in a wider context of the legislation that exists. There are other options for prosecutors to fill the gap.

There is a risk too, I respectfully suggest, that creating a new offence could limit the circumstances covered, and create additional evidential burdens when compared with existing offences. In other words, we would potentially have a situation where we created a new offence, and prosecutors said, "Hang on—this look a bit like strangulation to me, so we need to look at this new offence. Do we have all the mental elements—the mens rea and the actus reus of the offence—and can we make them out? If not, we shouldn't charge," instead of saying, "Hang on—there are a whole load of offences that we could properly charge: common assault, assault occasioning actual bodily harm, and grievous bodily harm with intent. They might have existed for 150 years, but they do the job."

The key issue, going back to the point that the hon. Lady raised, is whether police and prosecutors are recognising this as a serious matter, and I will come on to that briefly in a moment. Before I do, though, I wish to say something on the clause as drafted. It is always worth going back to the text. New clause 8 says:

"A person (A) commits an offence if that person unlawfully strangles, suffocates or asphyxiates another person (B), where the strangulation, suffocation or asphyxiation does not result in B's death."

Sometimes what is important is what is not said, as opposed to what is said. That on its own, if it suddenly came into law, would be deficient, because it says nothing about whether the offence is triable either way, is indictable only or is summary only. It does not say what the sentence would be. It would be sitting there in splendid isolation. That is not a criticism, but as it is presently drafted, that would be a problem. As I say, that is not a criticism, it is just an observation that we certainly could never pass it in its current form.

2.30 pm

I said I would turn to the point about whether this is being taken seriously. Out of respect to the hon. Member for Birmingham, Yardley, I wanted to look this up while she was on her feet. I went to the CPS guidance on this matter and was pleased to see that it has been updated as recently as 28 April 2020. I am reading from "The Domestic Abuse Guidelines for Prosecutors". It is a long document and I do not propose to summarise it. However, the key messages are, first, that domestic abuse allegations are in and of themselves incredibly serious. Secondly, the mere fact that a complainant might say: "Do you know what, I don't want to pursue this case any more?"—which happens the entire time—is not a reason for the CPS in the public interest to drop a case because they recognise that that tactic from abusers is as old as the hills. They suddenly become all sweet and nice with a view to trying to obscure their offending behaviour or to pressure the victim into not proceeding with the case. The CPS is alive to that and seeks to prosecute it. Furthermore, it is an aggravating factor within the sentencing regime.

The basic point is that the new clauses are difficult in their own right because of bits that are missing, but while we remain hugely supportive of the instincts which lie behind them, the Government take the view that they risk introducing confusion in the law, which most seriously of all risks disadvantaging the very people we want to protect. For those reasons, I hope the hon. Member for Birmingham, Yardley will recognise that we take this extremely seriously and that we will always take every opportunity to remind prosecuting authorities, be that the police or CPS, of the importance of such matters. Given that, I hope the hon. Member for Birmingham, Yardley will be content to withdraw new clauses 8 and 9.

Jess Phillips: I once again stand here as the right hon. and learned Member for Camberwell and Peckham and the Member for Wyre Forest. I merely speak to the new clauses, although with considerable support from myself behind them. I believe they will wish to discuss them potentially more on Report and so I will withdraw from pushing them to a vote today. I have merely probed in preparation for that. All I would say is that what is happening currently is not working. Whose responsibility that is, is potentially of no mind to the general public. They think that we, in this building, should be sorting it out, but we are not currently assessing properly the marker of strangulation when it comes to homicide. The risk element of what is occurring in every one of our constituencies—how it can be used in a way to stop homicide rather than just being the obvious path towards it—is on all of us as policy makers who have to try to break that link. I am sure this probing will not go away any time soon. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 12

REGISTER FOR DOMESTIC ABUSE

"(1) The Secretary of State must arrange for the creation of a register containing the name, home address and national insurance number of any person (P) convicted of an offence that constitutes domestic abuse as defined in section 1 of this Act.

(2) Each police force in England and Wales shall be responsible for ensuring that the register is kept to date with all relevant offences committed in the police force's area.

(3) Each police force in England and Wales shall be responsible for ensuring that P notifies relevant police forces within 14 days if they commence a new sexual or romantic relationship.

(4) A failure to notify the police in the circumstances set out in subsection (3) shall be an offence liable on conviction to a term of imprisonment not exceeding 12 months.

(5) The relevant police force shall have the right to inform any person involved in a relationship with P of P's convictions for an offence that amounts to domestic abuse as defined in section 1 of this Act."—*(Liz Saville Roberts.)*

This new clause would require that any person convicted of any offence that amounts to domestic abuse as defined in clause 1 must have their details recorded on a domestic abuse register to ensure that all the perpetrator's subsequent partners have full access to information regarding their domestic abuse offences.

Brought up, and read the First time.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 49—*Monitoring of serial domestic abuse and stalking offenders under MAPPA*—

"(1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 325 (Arrangements for assessing etc risk posed by certain offenders)—

(a) In subsection (1), after ""relevant sexual or violent offender" has the meaning given by section 327" insert ""relevant serial domestic abuse or stalking offender" has the meaning given in section 327ZA;"

(b) In subsection (2)(a), after "offenders" insert "(aa) relevant serial domestic abuse or stalking offenders,"

(3) After section 327 (Section 325: interpretation) insert—

"327ZA Section 325: interpretation of relevant serial domestic abuse or stalking offender

(1) For the purposes of section 325—

(a) a person is a "relevant serial domestic abuse or stalking offender" if the offender has been convicted more than once for an offence which is—

(i) a domestic abuse offence, or

(ii) a stalking offence

(b) "domestic abuse offence" means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning defined in Section 1 of this Act

(c) "stalking offence" means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997."

This new clause amends the Criminal Justice Act 2003, which provides for the establishment of Multi-Agency Public Protection Arrangements ("MAPPA"), to make arrangements for serial domestic abuse or stalking offenders to be registered on VISOR and be subjected to supervision, monitoring and management through MAPPA.

Liz Saville Roberts: The new clause calls for the creation of a domestic abuse register to ensure that greater and more consistent protection is provided for potential victims of domestic abuse from individuals who have a track record of abusive behaviour in relationships and whose potential for repeat violent actions warrants the threat of intervention.

A domestic abuse register would provide the vehicle for a shift in focus away from reacting to domestic abuse towards a more preventive approach. We know that repeat offending by perpetrators with violent and controlling histories of abuse is common. A 2016 report published by a Cardiff University professor of criminology states:

"Research demonstrates that the majority of male domestic abuse perpetrators are repeat offenders, with English research producing a figure of 83% within a six-year period."

Data provided by the Metropolitan police to the London Assembly for its domestic abuse report showed that in the year up to September 2019, there were over 13,600 repeat victims of domestic abuse, and 21% of cases discussed at multi-agency risk assessment conferences in London in 2018 were repeat cases. This sobering fact warrants being addressed clearly in the Bill.

The domestic violence disclosure scheme, or Clare's law, mentioned in a previous sitting, has been in place since March 2014. It is named after Clare Wood, who was murdered by her ex-boyfriend 11 years ago. It enables preventive action to be taken to protect potential victims of domestic abuse, but its use has been widely questioned by many domestic abuse charities such as Refuge. There are two elements to Clare's law: the right to ask, which allows individuals or their families to seek further information about a partner's past; and the right to know, in which the police offer to make a disclosure to an individual who they believe might be at risk through their relationship.

The Government's 2019 review of the domestic violence disclosure scheme showed that only 55% of 7,252 right-to-know applications, and 40% of 6,196 right-to-ask applications, resulted in disclosures. Those are low percentages, and they give rise to the question: why are so many victims unwilling or unable to engage with the police? The same report revealed that seven out of 43 police forces made no right-to-ask applications in that year. That is problematic. Many abusers evade justice because the onus is on the individual to be suspicious about their new partner's history. There is an implicit risk that if an individual is told that their partner has no record of domestic abuse, they might be reassured about trusting their partner, but it might be that their crimes were simply not recorded—in other words, that nothing was disclosed on asking.

Individuals with a history of coercive and abusive behaviour towards partners will seek out partners with whom they can repeat such behaviour. To speak plainly, it is predictable that their new partners will often not be people who will consider Clare's law relevant to their immediate situation. Earlier, we referred to the fact that in a new relationship, people will not be receptive to asking whether their partner will do them harm, or to their mother asking that question of the police. They may very well not be receptive to the police knocking on their door to tell them this information. Although evidently Clare's law is excellent in and of itself, it warrants our questioning its effectiveness. I am very interested in hearing what the Minister has to say about new clause 12, and about how they are considering how Clare's law will work in future.

I hope all of us would endeavour to promote shifting the onus away from the victim to the perpetrator. That is precisely why a domestic abuse register is needed. New clause 12 demands that domestic abusers sign a register. This would ensure the wellbeing of victims, and place the responsibility on the offender—as they are on the register, they are of course a proven offender—and on the agencies that are meant to prevent abuse and protect victims from it.

The creation of a domestic abuse register would mean that perpetrators were monitored in the same way as sex offenders, paedophiles and violent offenders, which would allow the police to provide greater protection for victims via a similar process to that used in respect of the violent or sex offender register and the multi-agency public protection arrangements. New clause 49, which I support, proposes monitoring serial domestic abuse

[Liz Saville Roberts]

and stalking offenders via a register managed by MAPPA. However, importantly, senior police sources who gave evidence to the London Assembly raised concerns about the emphasis that the current register places on sex offenders over violent offenders. Before we shift more on to that mechanism, its effectiveness needs to be reviewed, because we could be looking to use mechanisms that are not proving effective. The point is echoed by the London Assembly, which agrees that a register could vastly improve the way that police officers are able to proactively track and manage the risks presented by the most dangerous perpetrators.

While it is, of course, welcome that the Bill strengthens existing powers with the introduction of domestic abuse protection notices and domestic abuse protection orders, which will give greater protection to victims, the onus remains on the victims, rather than the perpetrator or the authorities. A domestic abuse register would address that. It is not only political institutions, domestic abuse charities and campaigners that are calling for a domestic abuse register, but the very people who are affected by domestic abuse.

In closing, I will give one example. The mother of 17-year-old Jayden Parkinson called for such a register to be kept, in order to track the activities of domestic abuse offenders after her daughter's former boyfriend, Ben Blakeley, brutally murdered her a day after she told him that she was expecting his first child. It emerged after her death that Blakeley was a serial abuser and had exhibited violent and controlling behaviour towards most of his girlfriends in the past, even pushing one of his former girlfriends down the stairs when she was seven months pregnant.

The case of Jayden Parkinson made it clear that the effective management of domestic abuse calls for a shift to greater proactive risk management. A domestic abuse register would place the onus on the most dangerous domestic abuse offenders to register with the police and to maintain up-to-date details, such as address and relationship status. I know that one of the police's concerns is capacity—the numbers involved here. Surely, however, with a register and with the facilities enabled by technology, we would be able to reduce much of the pressure on the police in that respect. That would allow police forces to assess the threat posed by offenders in their communities and put in place the required level of proactive policing, or a lower level of monitoring through existing partnership arrangements.

Finally, there is a critical point to make. I referred to the London Assembly and the work being done by the Met, but that has only been done within some of the boroughs covered by the Met. We want a consistency of approach across England, across Wales, and across police forces, and, at the least, I would appreciate a comment from the Minister about a review of how consistency and the shifting of the onus on to the perpetrator and away from the victim can be managed consistently, across all forces and across England and Wales.

Alex Davies-Jones (Pontypridd) (Lab): Diolch, Ms Buck. I will speak to new clause 49, if that is appropriate now, because it is grouped with the amendment.

Domestic abuse and stalking are the only crimes where a serial abuser is not proactively identified and managed. I take this opportunity to pay tribute to the fantastic work of Laura Richards and others, for all their hard work, and their blood, sweat and tears, on new clause 49.

Hollie Gazzard was stalked and murdered by Asher Maslin. He had been involved in 24 previous violent offences: three against Hollie; 12 against an ex-partner; three against his mother; and four against others. Why was Hollie left at risk?

Kerri McAuley was stalked and murdered by Joe Storey. He broke every bone in her face. When she left him, he bombarded her with 177 calls. He had many convictions for abusing many women since the age of 14. Two women had also taken out restraining orders against him. Why were the risks not joined up?

Linzi Ashton was raped, strangled and murdered by Michael Cope. He had strangled two previous partners, but his repeated pattern of abuse towards women was not joined up. Why not?

Justene Reece took her own life. Nicholas Allen coercively controlled Justene and he stalked her relentlessly when she left him. Justene ran out of fight. Allen had been convicted for assault and harassment of other women. However, none of those offences were joined up. He was charged with coercive control, stalking and manslaughter after Justene died. Why?

We are currently in the middle of a global health pandemic, but we are also in the midst of another pandemic: the murder of women. These murders do not happen in a vacuum; these murders do not happen in slow motion. They drip, drip, drip over time on an escalating continuum. Since the lockdown began, 33 women and four children have been brutally murdered.

These offenders are not first-time offenders; no one starts with murder as their index offence. Currently, police rely on victims to report crimes and often it is the victims who are forced to modify and change their behaviour; they flee their homes and they disappear themselves in order to stay safe. This incident-led approach to patterned crimes such as domestic abuse and stalking must be stopped. Women are paying with their lives. It is clear that we need a cultural shift, through law, to ensure that the perpetrator is the focus, and that they must change their behaviour and take responsibility. Serial offenders should be the ones who are tracked, supervised and managed, not the victims.

2.45 pm

The new clause is not about creating a new list of offenders. We simply need to build on and develop the multi-agency public protection arrangements with the Prison and Probation Service leading and chairing meetings, as well as the police. That is why MAPPA is the correct forum; but it must be enhanced to MAPPA-plus. Under MAPPA-plus, a new category should be introduced—category 4 serial and serious domestic violence and stalking perpetrators. Police, probation and prisons must actively identify serial perpetrators under that new category 4 and co-ordinate a risk management plan, to engage and solve problems, and/or target perpetrators.

Women are currently being failed and left at risk on a daily basis. We must push for a systemic change in the culture, and violent individuals must be held to account, and held responsible for their behaviour.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I thank the right hon. Member for Dwyfor Meirionnydd and the hon. Member for Pontypridd for speaking to the new clauses.

We agree with the underlying objective behind new clause 12. It is of course vital to have the right systems and processes in place to identify and manage serial perpetrators of domestic abuse, and it is unacceptable that a domestic abuse perpetrator—particularly a known convicted offender—should be able to go on to abuse further victims. We therefore recognise the need for robust management of those dangerous offenders. However, we consider that the outcome can be achieved more effectively and, importantly, more safely through other means. As for new clause 49, we consider that existing legislation already provides for the management of the serial domestic abuse and stalking offenders we are concerned about.

Deputy Chief Constable Louisa Rolfe, the National Police Chiefs' Council lead on domestic abuse, was clear in her oral evidence to the previous Public Bill Committee in October that better use of established police systems is the best way to grip dangerous individuals. She referred to the Bichard inquiry following the tragic deaths in Soham of Holly Wells and Jessica Chapman, which recommended that information about dangerous perpetrators should not be dispersed over multiple different systems. Her testimony was persuasive, and highlighted the fact that a new, separate register would introduce

"unnecessary complexity cost and, most importantly, risk."—[*Official Report, Domestic Abuse Public Bill Committee,* 29 October 2010; c. 27, Q48.]

Furthermore, several witnesses at an oral evidence sitting of this Committee also questioned whether the creation of a new bespoke register was the right way forward. Suzanne Jacob made reference to the recommendations of the Bichard enquiry and Ellie Butt pointed to the vital importance of multi-agency working to manage the risk posed by perpetrators. In addition, Dame Vera Baird advised:

"It is probably better to think in terms of an institution that is already present…than it is to invent another separate way of recording the fact that they are a perpetrator."—[*Official Report, Domestic Abuse Public Bill Committee,* 4 June 2020; c. 65, Q157.]

As the Committee will be aware, and as witnesses at the oral evidence sitting highlighted, the police already have systems in place for recording and sharing information about domestic abuse perpetrators. Offenders who have been convicted of stalking or domestic abuse-related offences are captured on the police national computer and, where appropriate, they will also be recorded on the ViSOR dangerous persons database, which enables information to be shared across relevant criminal justice agencies.

Section 327 of the Criminal Justice Act 2003 already allows for those domestic abuse and stalking offenders who are assessed as posing a risk of serious harm to the public to be actively risk-managed under MAPPA. Individuals who commit offences listed in schedule 15 to the 2003 Act and who are sentenced to 12 months or more are automatically eligible for management under MAPPA category 2 when on licence. Those offences include domestic abuse-related offences such as threats to kill, actual and grievous bodily harm, and attempted strangulation, as well as stalking offences under the Protection from Harassment Act 1997. When their licence ends, offenders can be managed under MAPPA category 3 if they are assessed as posing a risk of serious harm to the public. There is also discretion for other convicted domestic abusers who are assessed as posing a risk of serious harm to be managed under MAPPA category 3. Indeed, operational guidance makes it clear that this should be actively considered in every case.

The Government do, however, recognise the need to strengthen the use of current systems. Work is already under way to review the functionality of the violent and sex offender register, and the College of Policing has issued a set of principles for police forces on the identification, assessment and management of serial or potentially dangerous domestic abuse and stalking perpetrators. Work in this area will be supported by the provision of £10 million in funding for perpetrator interventions, which was announced in the Budget, to promote a better response to perpetrators across all agencies that come into contact with them.

The Bill also provides the police with an additional tool to help improve management of the risk posed by domestic abuse perpetrators. The police will be able to apply for a new DAPO that requires perpetrators who are subject to an order to notify the police of their name and address, and of any changes to this information. That will help the police to monitor the perpetrator's whereabouts and the risk they pose to the victim. The Bill also includes the power for a DAPO to impose further additional notification requirements, to be specified in regulations that the court may consider on a case-by-case basis. The DAPO provisions include an express power to enable courts to use electronic monitoring or tagging on perpetrators to monitor their compliance with the requirements of the DAPO.

The aim of new clause 12 is to provide police with a statutory power to disclose information about a perpetrator's offending history to their partner. However, Clare's law already facilitates that. The domestic violence disclosure scheme relies on the police's existing common-law powers, which are fit for purpose. The right-to-know element of the scheme provides a system through which the police can reach out proactively and disclose information to a person's partner or ex-partner about that person's violent or abusive offending history in order to prevent harm. As we have already debated, clause 64 places guidance for the police on Clare's law on a statutory footing, which will help to improve awareness and consistent operation of the scheme across all forces.

I am very keen to emphasise—this is a concern that the right hon. Member for Dwyfor Meirionnydd has set out—that the burden should not be solely on victims. It is right that a victim can apply for a DAPO or can apply under the right-to-ask scheme, but the police can—indeed, are expected to—take the initiative in appropriate cases to apply for a DAPO or proactively make a disclosure under the right-to-know element of the domestic violence disclosure scheme, as I have just outlined. Given the views of the witnesses from whom we heard in oral evidence to this Committee and its predecessor, and the ongoing work to improve the systems and the MAPPA arrangements that I have set out, I hope hon. Members are reassured, and that the right hon. Lady will feel able to withdraw the new clause.

Liz Saville Roberts: I thank the Minister for her detailed response. This is a probing amendment, which I am happy to withdraw. The only thing that I want to

[Liz Saville Roberts]

say comes from the London Assembly, and from cross-border issues arising within the boroughs of the Met. Dauntless Plus, which deals with 600 or so of the most dangerous repeat offenders in London, reaches 1% of repeat offenders. Present arrangements seem not to be achieving what I am sure we would all wish them to achieve. I hope the Minister will keep a close eye on their effectiveness in future. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 17

LOCAL WELFARE PROVISION SCHEMES

"(1) Every local authority in England must deliver a Local Welfare Provision scheme which provides financial assistance to victims of domestic abuse

(2) The Secretary of State must issue guidance on the nature and scope of Local Welfare Provision schemes and review this biannually in consultation with the Domestic Abuse Commissioner and other such individuals and agencies he deems appropriate.

(3) The Chancellor of the Exchequer must provide local authorities with additional funding designated for Local Welfare Provision, to increase per year with inflation.

(4) For the purposes of this subsection "domestic abuse" is defined in section 1 of the Domestic Abuse Act 2020."—*(Christine Jardine.)*

This new clause would allow victims of domestic abuse to access a local welfare assistance scheme in any locality across England.

Brought up, and read the First time.

Christine Jardine (Edinburgh West) (LD): I beg to move, That the clause be read a Second time.

I would like to apologise to the Committee in advance: as luck would have it, for the first time in two years of printing things too small for me to read, I do not have my glasses with me. Bear with me and I will do my best.

Alex Chalk: I think the notes say that you wish to withdraw the new clause.

Christine Jardine: No, that is not what they say. I would like to speak to this cross-party new clause tabled in my name, which would ensure that emergency financial support was available to victims and survivors of domestic abuse across England, in the form of effective local welfare provision. It is supported by the crisis and destitution sector, from the Children's Society to the Trussell Trust, as well as financial experts, including the Lloyds Bank Foundation for England and Wales, Smallwood Trust and Surviving Economic Abuse.

The Bill, for the first time, acknowledges economic abuse, which creates economic instability and often prevents women in particular from being able to leave an abusive situation, as they lack the financial resources to do so. Defining economic abuse is just the first step. It must be possible to enable those who find themselves in that situation to militate against this form of abuse. The Committee must look at whether we can provide a welfare safety net for all survivors that empowers them.

Local welfare assistance schemes often offer financial assistance to applicants in emergencies. At their best, this type of crisis support works in partnership with other organisations and provides a kind of wrap-around holistic support that other types of welfare cannot, but they are underfunded and underused, and consequently get forgotten.

Without question, cuts to local authority services and changes in the social security system have disproportionately impacted women. That social security system should act as a financial safety net for survivors of domestic abuse, but it does not. Too many survivors are still having to take out payday loans and rely on food banks or, if they are lucky, grants from charities.

Research from Women's Aid recently found that a third of survivors who left their abusive partner had to take out credit to do so. Smallwood Trust estimates that 70% of their applications for financial assistance are received from women who are fleeing, or have fled, domestic abuse. Given that the Trussell Trust's most recent food bank figures found an 89% rise in need since the same time last year, with 107% more children needing support, there can be no question but that the welfare safety net for our most vulnerable has gaping holes in it.

Before the creation of local welfare provision, the discretionary social fund, run from the Department for Work and Pensions, was often seen as an essential form of financial support for victims of domestic abuse. Community care grants were often used to enable survivors to establish a new home after a period in refuge accommodation. Since responsibility for those grants has shifted to hard-pressed local authorities, which do not have any statutory obligations to provide this form of support, getting them has become a postcode lottery.

The Children's Society found that one in seven local authority areas in England now has no local welfare support provided by the council, and that in too many other areas, local welfare provision is far too difficult to access. Some 60% of local authorities had put in place stipulations about routes that had to be taken first before applying for local welfare assistance, including borrowing from friends or family, taking up a commercial loan or using a food bank. That is not acceptable.

Even when a local authority does provide an assistance scheme, Smallwood Trust has suggested that access is often dependent on what time of year one applies for help, and whether the pot is already empty. Analysis of council spending on local welfare provision by the Children's Society found that in 2018-19, local authorities spent only £41 million on local welfare assistance schemes, out of a possible funding allocation of £129 million for local welfare provision. At their best, those schemes can offer assistance where universal credit cannot. They can be a further source of support while survivors wait for their first universal credit payment, or they can support those not on universal credit who need emergency support, perhaps to buy a new fridge, or a bed for their child, in their new home away from abuse. During the pandemic, some local authorities are even using creative methods to offer emergency financial assistance to vulnerable applicants with no recourse to public funds.

3 pm

Local authorities should be shouting about the schemes, but they are not, because they do not have the financial resources to operate them, or a statutory obligation to

do so. The need for emergency financial support has never been so great, yet figures show that the number of people receiving crisis support from national or local government has plummeted by 75% since central Government devolved responsibility to councils in 2013.

Like most people, I welcomed the announced package of measures for low-income families, and the extra funds given to local authorities to support victims during this very difficult period. That has been welcome support, but I am concerned that those interventions are not enough.

The Children's Society, in partnership with a coalition of anti-poverty charities, has examined the per-capita spend on emergency financial support by the four nations. It is an astonishing picture. England is currently spending 79p per capita, whereas Wales is spending £6.88, Northern Ireland £9.97, and Scotland £14.76. Survivors of domestic abuse in England need access to that form of support just as much as those in the other nations of the United Kingdom. I urge the Minister to speak with Treasury colleagues to ensure that the schemes are put on a long-term, sustainable funding plan in the upcoming spending review.

A coalition of anti-poverty charities has estimated that the Government need to allocate £250 million to local authorities in England for the support, to bring it into line with the other devolved nations. That funding uplift should be accompanied by statutory guidance that sets out how a local authority should operate a scheme and ensure that it is designed with vulnerable applicants, such as victims of domestic abuse, in mind. That guidance should stipulate that local welfare assistance schemes are not just a public fund, but are also available to migrant victims.

This new clause is a plea to the Government—a plea to Departments to work with one another to recognise the benefits of the schemes and fund them accordingly, so that survivors do not have to go into debt or rely on charity grants or food banks. Survivors must be given the financial support to flee abuse, so that financial need is not a barrier to escaping, an obstacle to re-establishing a home following a period in a refuge, or a reason to have to return to an abusive situation. In short, what we are asking for in the new clause is a financial lifeline for survivors of abuse, so that they can afford to escape to safety with their children.

Victoria Atkins: Local welfare and assistance is important to meet the needs of the most vulnerable people in our communities. That is why, in 2013, the national social fund crisis loans and community care grants were abolished and local authorities were empowered, with maximum flexibility, to deliver services as they saw fit, according to local needs. The hon. Member for Edinburgh West will agree, I hope, that local authorities are best placed to determine what support is required for the most vulnerable in their area, given their expertise in the local communities that they serve. That was set out by the then Work and Pensions Secretary in 2014, when he found that local authorities delivered support more effectively than was the case under the social fund, as help was targeted at those who needed it most and joined up with wider social care.

I assure the hon. Member that we fund local authorities to deliver such important duties. In 2016, just over £129 million was included for local welfare provision schemes as a notional allocation within the English local government financial settlement. That allocation was increased to £131.7 million in 2020-21. In response to the coronavirus, we have also announced £3.2 billion of un-ring-fenced funding for local government to meet additional pressures arising from the pandemic and continue to deliver frontline services.

The hon. Member rightly focused on the overall economic situation of the victim. We included economic abuse in clause 1 because we accept that it is not just about bank accounts or money in the purse; it can take many forms. Similarly, the economic situation of the victim includes not just payments that she may be receiving by way of benefits, wages or salary, but her overall situation. That is why the statutory duty for tier 1 local authorities in England to provide support to victims of domestic abuse and their children in safe accommodation is part of the picture. Local welfare assistance schemes enable support in such circumstances, such as support for victims of abuse in women's refuges to become established in the community. The work that the domestic abuse commissioner will undertake to explore in depth the provision of community-based support is part of the economic picture as well.

A principle that I think we all share and are working towards is that we all want victims and survivors to be able to stay in their homes with their children—if anyone has to leave, it should be the perpetrator. That is what we are trying to get to, but of course I appreciate that there will be situations in which that is not possible, and we are attempting to address that through the Bill.

We are committed to working with the commissioner on community-based services and on the range of services and needs that she will address during her tenure. We believe that it would be a little premature to look at that before she has the chance to undertake that work.

I thank the hon. Member for raising the issue. I hope that the indications that I have given of the Government's overall approach to helping victims will help to reassure her.

Christine Jardine: I thank the Minister for her reassurance. I know that the issue is of concern to a lot of people; all of us in this House deal with constituents every week for whom it is a barrier to safety that they simply cannot afford either to leave or to get the abuser to leave—it works against them either way. However, I accept the Minister's assurances. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 18

GUIDANCE: CHILD MAINTENANCE

"(1) The Secretary of State must issue guidance relating to the payment of child support maintenance where the person with care of the child is a victim of domestic abuse.

(2) Guidance issued under this section must take account of—

(a) the potential for the withholding or reducing of child support maintenance to constitute economic abuse under section 1(4) of this Act;

(b) the need for enforcement action to prevent non-payment; and

(c) the difficulties faced by victims of domestic abuse in obtaining evidence to support an application for a variation of a child support maintenance calculation.

(3) The Child Maintenance Service must have regard to any guidance issued under this section when exercising a function to which the guidance relates.

(4) Before issuing guidance under this section, the Secretary of State must consult

(a) the Domestic Abuse Commissioner, and

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

(5) The Secretary of State must publish any guidance issued under this section." *—(Christine Jardine.)*

This new clause would require the Secretary of State to issue guidance to the Child Maintenance Service to tackle the problem of abusers continuing economic abuse by withholding or reducing child maintenance payments.

Brought up, and read the First time.

Christine Jardine: I beg to move, That the clause be read a Second time.

I am sure that we have all had constituents who have come to us because their relationship or marriage has fallen apart and their child maintenance agreement is being used against them by their former partner as a form of manipulation and abuse. New clause 18 aims to address that situation.

Withholding or artificially reducing child maintenance payments can be a way for abusers to perpetuate economic abuse. It can be especially hard for survivors to get the evidence necessary to succeed in getting the Child Maintenance Service to increase the amount that the abuser has to pay. We tabled the new clause to require the Government to issue guidance on child maintenance payments to survivors of domestic abuse that would have to address their specific concerns. Often, for survivors of domestic abuse, using the statutory child maintenance system is not a matter of choice; it is a matter of safety.

The Government must surely understand that the reality of domestic abuse is not confined to one area of people's lives. It needs to be addressed across all services and Departments, including child maintenance.

Child maintenance, which is sometimes referred to as child support, can be vital for separated families and the wellbeing of the children, particularly in single-parent families. It is impossible to overstate the importance of child support for some survivors. It helps with the cost of raising a child, from the day-to-day expenses of food, clothing and school expenses to the cost of running a child's main home and giving a child a decent quality of life. It is vital, as we have said often in Committee, for children who are often damaged by witnessing domestic abuse in homes.

Child maintenance arrangements can, as we know, take different forms. They can be made privately between separated parents, through the Government-run Child Maintenance Service, or, more rarely, through a court order. The statutory child maintenance system has seen big reforms, but there are still concerns over its effectiveness. In 2017, the Government introduced a fee waiver for survivors of domestic abuse who applied to the Child Maintenance Service. Although the reform has been welcomed, the way in which it works leaves many trapped in a dangerous dilemma: get financial support at the risk of abuse, or avoid abuse and face financial hardship.

Research commissioned by the Department for Work and Pensions in 2017 supports Gingerbread's concerns that new charges in the CMS prevent parents and children from accessing maintenance. The findings also suggested that survivors of domestic abuse, who are perhaps most in need of a Government service to help ensure maintenance is paid, are some of the worst served by the barriers created by the charges and the dilemma that I mentioned.

Domestic violence can be a barrier to setting up a maintenance arrangement at all. It is estimated that one in four receiving parents cited domestic violence as a reason for not setting up an arrangement after the Child Support Agency case had closed. People who are already survivors are being asked to try to survive something else.

In 2017, Women's Aid told the Work and Pensions Committee that the Child Maintenance Service had a

"rigid focus on incentivising collaborative arrangements between parents".

It had

"the potential to increase survivors' risk of abuse, including financial coercion and control."

We need to publicise the fee waiver. It places an emotional burden on parents to voluntarily disclose their experience of domestic abuse in order to receive their exemption. It is simply not fair. Those who do not do that miss out.

Similarly, the Government have reassured parents and campaigners that processes would be in place to avoid the risk of abuse as a result of having to request payment and share personal details to set up direct payment arrangements. However, parents often discover that even CMS staff and banks can be unaware of provisions such as non-geographic bank accounts, where the receiving parent's location would not be identifiable from a bank account sort code. Researchers have found that although one in five receiving parents surveyed said domestic violence had made it difficult to set up a direct pay arrangement, just 2% reported using a generic or national bank account. They also found that many parents reluctant to share details did not know that the CMS could help with providing this information.

A Gingerbread helpline example was of a single parent with a history of domestic abuse. The last incident had involved hospitalisation. She was told that she had to have a direct pay arrangement, and was given the option of using a non-geographic bank account or using a pre-paid card. However, both those options would reveal her new name, which was adopted to make her harder to trace. She felt at risk and was now considering dropping her case.

Ensuring payment can also be difficult when receiving parents fear domestic abuse, and the murky interactions between direct pay and collect and pay services does not fill parents with confidence. The Government argue that when direct pay is not working, parents can report the paying parent and come into the collect and pay service. In reality, some parents are wary of flagging non-payment for fear of rocking the boat or inflaming tensions with ex-partners who face hefty collection charges if the CMS steps in. Economic abuse of survivors of domestic abuse is unacceptable. Too many of us see too many of these people in our offices every week. This new clause would address their situation.

3.15 pm

Alex Chalk: I thank the hon. Member for Edinburgh West for the exposition of her new clause and the way she did it, which was of real assistance to the Committee and certainly to me. Again, I absolutely commend and

underscore the spirit and intention behind the new clause. I hope to provide some context that she will find reassuring.

Domestic abuse touches the lives of many DWP customers, and the Child Maintenance Service takes the safety of its customers extremely seriously. The new clause seeks guidance; the hon. Lady wants the Secretary of State to issue guidance relating to the payment of child support maintenance where the person with care of the child is a victim of domestic abuse. We have issued guidance already, and we have gone further by actually implementing—guidance is one thing, but it is when it moves on to training that it makes a big difference.

That training feeds into precisely the point the hon. Lady raises in subsection (2):

"Guidance issued under this section must take account of (a) the potential for the withholding or reducing of child support maintenance to constitute economic abuse under section 1(4) of this Act".

Absolutely. We get that point, and that is precisely what the training is designed to achieve. It has been created with input from Women's Aid, and it trains caseworkers on domestic abuse to identify the types of abuse, including economic abuse. By the way, that is not optional training; it is mandatory training—that is point one. Point two is that the DWP has introduced a complex needs toolkit, which includes a domestic abuse plan specifically, to give clear steps for a caseworker to follow in order to support customers, and it also outlines the support available to caseworkers. That toolkit is regularly reviewed and strengthened based on customers' insight.

It may be helpful to the Committee if I set out other ways in which the Child Maintenance Service currently responds to cases involving domestic abuse. This goes to the point raised by the hon. Lady about how victims go about accessing support. First, the CMS can waive the application fee for victims of domestic abuse. Secondly, it provides advice and support to help victims of domestic abuse use the direct pay service where no further charges apply to ensure there is no unwanted contact between parents. Thirdly—picking up a point made by the hon. Lady—the CMS can act as an intermediary for parents to facilitate the exchange of bank details and ensure that personal information is not shared. Fourthly, the CMS will provide information to parents on how to set up a bank account with a centralised sort code, which avoids parents being traced. Fifthly, where the parents have reported domestic abuse, agents are trained to signpost clients to additional sources of support. I do not suggest that it is a one-stop shop, but, none the less, they are trained in what support is out there.

The bottom line is that the CMS will not tolerate parents failing to meet their obligations to support their children. Where a parent fails to pay in full and on time, enforcement action will be taken. I mention enforcement because the second limb of subsection 2 says:

"Guidance issued under this section must take account of…(b) the need for enforcement action to prevent non-payment".

Let me turn directly to enforcement. The Child Maintenance Service has a range of strong enforcement actions at its disposal. They include deducting directly from earnings; seizing funds directly from a paying parent's bank account, either as a lump sum or as regular payments; and a good deal in addition.

Jess Phillips: I deeply respect that the Minister is reading out exactly what should happen, but has he ever tried to get money out of the CMS for one of his constituents?

Alex Chalk: I have. I am perfectly prepared to accept that no organisation always works precisely as one might like. That is inevitably the case, but I am not suggesting that that is my usual experience. By and large, we have been able to deliver for my constituents in Cheltenham, while recognising, as I do, that there is always room for improvement. Perhaps we shall leave it there.

The Government have gone further and extended the powers to cover joint and certain business accounts, removing the opportunity for paying parents to put their money beyond reach. Where appropriate, the Child Maintenance Service will use enforcement agents to seize goods, forcing the sale of the paying parent's property. The Child Maintenance Service may also apply to a court to have the paying parent committed to prison or disqualified from driving. In addition, we have introduced the ability to disqualify non-compliant parents from holding or obtaining a British passport, which we believe will act as a strong deterrent.

The impact of all that is important, and this goes to the point made by the hon. Member for Birmingham, Yardley. Of course, we have our anecdotal experience—mine, by and large, has been pretty good, but I accept that other colleagues will have had different experiences—but it is important to look at the data. Compliance with the CMS Collect and Pay statutory scheme has increased from approximately 57% in the quarter ending December 2017 to 68% in the quarter ending December 2019, according to Child Maintenance Service statistics to December 2019. In addition, 723,500 children are covered by Child Maintenance Service arrangements, reflecting an increase of 158,300—almost 30%—since the quarter ending December 2017. That is from the same statistics source.

Given all those measures, the central point is that, while the new clause seeks guidance, what is already in place is guidance and training, and that training is informed by Women's Aid, as I said. In the circumstances, our view is that no new clause is necessary at this stage, because the Child Maintenance Service already has sufficient enforcement powers and has further strengthened its procedures, training and processes to support customers who suffer domestic abuse.

We will, however, continue to monitor the impact of Child Maintenance Service enforcement powers, as well as the support provided to help domestic abuse victims to use the service safely. The hon. Member for Edinburgh West, who clearly takes a close and principled interest in this matter, will watch that closely but, with that assurance, I hope she feels able to withdraw her new clause.

Christine Jardine: I thank the Minister for his reassurance but, as the hon. Member for Birmingham, Yardley said, he describes the ideal—it is not how we find it works. If we could get closer—just closer—to the ideal, we might all be satisfied. However, given his reassurance, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 21

DUTY OF THE SECRETARY OF STATE TO TAKE ACCOUNT OF MATTERS RELATING TO GENDER

"It shall be the duty of the Secretary of State in performing functions under this Act to take account of the point that domestic abuse is a subset of violence against women and girls, which affects women disproportionately."—*(Jess Phillips.)*

This new clause establishes the gendered nature of domestic abuse in statute.

Brought up, and read the First time.

Jess Phillips: I beg to move, That the clause be read a Second time.

We all know that domestic abuse disproportionately impacts on women. I think pretty much everyone who has stood to speak in Committee has at one point said that—we always add the caveat that of course we know it mainly happens to women. One in four of us in England and Wales will experience it at some point in our lives, compared with one in eight men. Women experience domestic abuse in far greater numbers than men—that is just a simple fact.

When we take a deeper look into the statistics, however, gender is clearly intertwined with domestic abuse in a much greater way than bald prevalence stats first indicate. To start with, the stats on domestic abuse collected and published by the Office for National Statistics, while being the best we have, do not take into account coercive and controlling behaviour. Academics working in the field estimate that the disparity in experience of domestic abuse between men and women would increase significantly were coercive control taken into account.

Abusers will use any tool at their disposal to control and coerce their partners, which in far too many cases includes rape and sexual assault. More than 1.7 million women in this country have experienced domestic sexual assault and rape. That is more than 12 times the number of men who have experienced this trauma. Last year, five times more women than men were killed by their partner or their ex. Over the past few years, over 96% of women killed in domestic homicides—almost all of them—were killed by men. Of the men who were killed in domestic homicides, more than half were killed by other men.

None of this means that men do not experience domestic abuse; I have never suggested that, and nor would I ever, no matter what somebody might read about me online. What that means is that domestic abuse is a form of violence against women and girls, with women making up the vast majority of victims and survivors of domestic abuse, particularly when it comes to rape, sexual assault and murder at the hands of their partner or ex, and that men make up the overwhelming majority of perpetrators.

However, domestic abuse as a form of violence against women and girls is not just about the numbers, as stark as they are. Domestic abuse is, in the words of the Istanbul convention—you know, I was meant to be in Istanbul this week. Sad times. I would have walked around citing parts of the convention, which I am sure the people of Istanbul know very little about, other than that it is their namesake. Anyway, the Istanbul convention says that domestic abuse is

"a form of gender-based violence that is committed against women because they are women."

It is about the patriarchy that instils in abusive men the belief that they are entitled to control, abuse, rape and murder women because we are lesser. Gender inequality is a cause and consequence of domestic abuse. It is used to keep us controlled and silenced, and it happens to us because we have a lesser position in society.

The nature of domestic abuse as a gendered phenomenon has to be understood, not just by feminist academics, thousands of individuals working on the frontline in domestic abuse services, or those of us working in Westminster, but by all those whose job it is to respond to domestic abuse survivors and perpetrators. Too often, the nature of domestic abuse is not appreciated by professionals who need to understand what it is. According to Refuge, the largest specialist provider of domestic abuse services in the country, it is becoming increasingly common for local authorities tendering for domestic abuse support services to rely on a complete misapprehension about the nature of domestic abuse and the needs of survivors. Time and time again, I have seen commissioning rounds go out that just say, "Domestic abuse services", without any suggestion that some of those need to be women-only services, for example.

Refuge staff have also told me that when the police attend domestic abuse call-outs, their misunderstanding of the nature and dynamics of domestic abuse, including the role gender plays, leads to them arresting the survivor rather than the abuser; asking perpetrators to translate what survivors are saying; and referring survivors and perpetrators to completely inappropriate support services, for example.

Within the Westminster bubble, it is easy to labour under the false belief that a critical majority of people have enough of an understanding of domestic abuse as a form of violence against women and girls that those responses to survivors are anomalies. That is not the experience of organisations such as Refuge, and Members need only look at my Twitter feed after I have mentioned gender or domestic abuse to see that we cannot assume that the majority of people understand domestic abuse as a form of violence against women and girls. There was a discussion about misogyny earlier today, and I invite members of the Committee to look at what my online experience will be tonight after I have said this about women. I imagine that, for many, it will be shocking, and some of it will almost certainly be a hate crime, but one that would never be collected in the data.

It is critical that every effort is made to ensure that domestic abuse is understood as a form of violence against women and girls. It is my view, in addition to that of Refuge, Women's Aid, the End Violence Against Women Coalition, Southall Black Sisters and virtually every other domestic abuse service provider, that the best way of raising awareness of domestic abuse as a form of violence against women and girls is to include that definition on the face of the Bill. The Government's consistent response is to say that they agree that domestic abuse is a form of violence against women and girls, that both men and women experience it, and that they are committed to including this in the statutory guidance accompanying the Bill.

3.30 pm

Yet the Government have also, on several occasions, agreed with me and expert organisations in the sector that it is the definition that will be the primary driver on

domestic abuse, not the statutory guidance. It is the letter of the law that police officers, work coaches, housing officers, local commissioners, employers and numerous others will look at when forming domestic abuse policies and procedures.

I have had some experience of that this week. My sister-in-law came over—to sit in my garden, I hasten to add. She is training to be a social worker and spoke about the different Acts that she was learning about as a frontline social worker because she was going to take her law exam. I told her that I hoped to change some of them by the time she becomes a social worker. If we do not make sure that this Bill accurately reflects the dynamics and nature of domestic abuse, we are missing a huge opportunity to counter some of the damaging practices that are seen among some of those tasked with responding to domestic abuse.

Alex Davies-Jones: In our Committee's evidence session, we heard from Sara Kirkpatrick, the CEO of Welsh Women's Aid, who said this, and I heartily agree:

"Some really exciting things have come out of the Welsh legislation, particularly the idea of taking that broader lens…of violence against women and girls"—[*Official Report, Domestic Abuse Public Bill Committee,* 4 June 2020; c. 66, Q158.]

I know that I am harping on about Wales again, and I make no apology for it. We know that domestic abuse impacts everyone—men, women and children—but we also know that it is women and girls who suffer the most frequent and severe abuse. It is important to acknowledge that in order to enable practice and support to be tailored to the specific needs of the person experiencing abuse, as opposed to a one-size-fits-all approach.

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 includes all forms of violence and abuse against women and girls, including domestic abuse, rape and sexual violence, stalking, forced marriage, so-called honour-based violence, female genital mutilation, trafficking and sexual exploitation—including through the sex industry—and sexual harassment in work and public life. None of these forms of abuse are mutually exclusive, and policy and service provision should reflect that.

Victoria Atkins: I thank the hon. Member for Birmingham, Yardley for tabling the new clause. I hope that she knows that I always enjoy debating the issue of gender with her, because those debates draw us out of the nitty-gritty of the Bill's text and make us think about wider and bigger topics. I very much accept that she will get all sorts of abuse tonight on Twitter, but may I gently remind her that Twitter is not the real world? I say that as someone who came off Twitter a few years ago and I have not missed it for a second.

My bigger concern when it comes to raising awareness of domestic abuse relates to a more common misunderstanding. It is not necessarily that women are disproportionately victims and survivors, because from my experience, I think that that is pretty well understood. What worries me is the idea that "She must leave him." I hope that, through the Bill, and the work that we are all doing, we are beginning to change that conversation, but I absolutely understand why the hon. Lady has raised this issue.

The hon. Member for Pontypridd took the words out of my mouth: anyone can be a victim of domestic abuse, regardless of their age, gender or ethnicity. We have had to reflect that fact in the definition. We have followed the lead of the drafters of the Istanbul convention in adopting that gender-neutral stance. There is no reference to gender in their definition of the act of domestic violence. The explanatory report published alongside the convention expressly states that the definition is gender neutral and encompasses victims and perpetrators of both sexes.

However, we very much want to reflect the fact that the majority of victims are female, which is why we set out in clause 66, following careful consideration by the Joint Committee on the Draft Domestic Abuse Bill, the requirement on the Secretary of State regarding the guidance; the guidance reflects that fact. I appreciate that the definition is incredibly important, but the people commissioning services, training and looking at how their local services are working will be drawn to the guidance, in addition to the Bill, and will want practical help with it. That is how we adopted the definition.

We have made it clear that the definition has two fundamental elements: the first deals with the relationship between the abuser and the abused, and the second deals with what constitutes the categories of abusive behaviour. If the definition is to work for victims and survivors, it must work for all, regardless of gender or other characteristics. Interestingly, we have not been able to identify any other English-language jurisdiction that adopts a gender definition in relation to domestic abuse.

Jess Phillips: Other than Wales.

Victoria Atkins: Other than Wales—forgive me. Gosh, that was probably a career-ending slip. I take the hon. Lady's point about Wales. Apart from England and Wales, we have not been able to find other examples, although it may be that the hon. Lady's Twitter feed will be inundated with them tonight. We place the emphasis on the draft statutory guidance. Believe me, I am under no illusions: hon. Members in the Committee and outside will be paying close attention to the guidance. I very much hope that, at the end of the informal consultation process, the guidance will be in a shape that meets with the approval of members of this Committee.

Jess Phillips: I thank the Minister. I know that she fundamentally wants a system in which commissioning is gendered and recognises the fact that the vast majority of these crimes happen to women. I agree with that.

If I read all the things that were tweeted at me in any one day, I would lose the will to live. It is important, on today of all days, to remember that the aggression towards Members sometimes features in real life, and that anyone who is willing to stand up and say what they feel about something can pay a heavy price.

I recognise what the Minister has said, and I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 22

CHILDREN AFFECTED BY DOMESTIC ABUSE: NHS WAITING LISTS

"The Secretary of State must by regulations ensure that children who move to a different area after witnessing or being otherwise affected by domestic abuse as defined by section 1 of this Act are not disadvantaged in respect of their position on any NHS waiting lists."—*(Jess Phillips.)*

Brought up, and read the First time.

Jess Phillips: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 23—*Children witnessing domestic abuse: school admissions*—

"The Secretary of State must by regulations require admissions authorities of all mainstream schools to give the highest priority in their oversubscription criteria to children who have moved as a consequence of witnessing or being otherwise affected by domestic abuse."

Jess Phillips: These new clauses are about child and school admissions and NHS waiting list, and we heard compelling evidence about that from Hestia at the evidence session. They are about the importance of ensuring that children who are forced to relocate because of domestic abuse are prioritised. Last Tuesday, I spoke at length about the need to include children in the definition of domestic abuse—I am sure everybody will be relieved to hear that I will not repeat that now. I very much hope that that has been heard, and I await progress.

Hestia and Pro Bono Economics advised that the average wait for children who move to obtain a new school place is between four and six months in cases of domestic abuse. That is certainly my experience of working in refuges—there were often children out of school. Obviously, we must take account of the fact that we are in this weird time when most children are not at school. This means they have four to six months away from their peers without the routine and safety of school, while living in an unfamiliar house or refuge. The alternative would be to attend a school that is an impossible distance away, in a location deemed too dangerous for that child to live in.

We see parents and their children day in, day out in my constituency office because those children are not in school, and they are desperate for assistance in finding a school place. Those parents and their children are often living in temporary accommodation—perhaps in a Travelodge, or in a refuge where children of varying ages and needs are sharing one room. Cooking facilities are rare, and they are often reliant on food banks.

Many do not have the required resources or technology to educate their children. Imagine being in a domestic abuse situation and also having to home-school your children—it is worth noting that previously I would have said, "Try to imagine what it's like to have to home-school your children for that period." I do not need to ask people to imagine that anymore. I am not in a domestic abuse situation, and I have a loving and kind husband, but I have found it almost impossible to home-school my children. Now layer on top of that a situation in which everyone is living in one hotel room and having to home-educate their children.

I am sure everybody will hear in their constituencies some of the most heartbreaking cases involving a teenage child trying to study in temporary accommodation, living in difficult circumstances and saying, "I just can't study. I don't want to tell my friends where I live, so I walk a different way home." Those are the most heartbreaking stories. I have heard of cases of children with severe PTSD and anxiety being placed in accommodation with men who trigger their symptoms. There are cases of children with sleep disorders and suicidal ideation being placed in a Travelodge where noise is unavoidable and antisocial behaviour is rife.

The impact of covid-19 has demonstrated the importance of schools, not only in education but in the provision of food—a subject that was not quite as topical when I wrote this as it is about to be. It is estimated that 1.3 million children are now dependent on food parcels from their school, and according to my notes there is now a campaign for those food parcels to be available throughout the summer—I should just scrap this part and be grateful that food parcels will now be available over the summer. Children not enrolled in school cannot access the food parcels provided by schools, which forces them further into food poverty. Obviously, we have all had to overcome that during covid-19, but in normal times there is no food provision for children on free school meals living in a refuge who are out of school. It is a complicated situation.

Schools have also remained open for known vulnerable children, including those on a child in need plan, because schools also provide safeguarding and pastoral care. They can act as a referral mechanism for those with mental health problems or special educational needs. Schools can be a safety net and a place of sanctuary for children at risk—I do not just say "can", because we all have brilliant schools in our constituencies, and it is impossible to imagine what kids' lives would be like without them.

Schools have also remained open for children with special educational needs and those with an education, health and care plan. Schools are integral in referring those with special educational needs to the local authority so that they can receive an EHC plan—I would like to carry on calling it a "statement", because that seemed easier. Those plans offer support to children and young people whose special educational needs require more help than would normally be provided. The plans identify educational health and social needs and set out additional support required to meet those needs, most often in the form of support provided by schools. Children who are not enrolled in school do not have access to that safety net and the nature of support that can be provided by a school. They are not afforded these protections and do not have access to support services. They are left at risk and vulnerable in circumstances in which they have experienced extreme trauma and upheaval.

It is also well known that the consequences of domestic abuse are significant and wide-ranging. Brain development can be affected, impacting cognitive and sensory growth. There are associated personality and behavioural problems, and a greater prevalence of suicidal tendencies and depression. Pro Bono Economics has advised that childhood exposure to severe domestic violence can increase the number of children in the UK with conduct disorders by around 25,000 to 75,000, and the number with hyperactivity disorders by around 10,000 to 25,000. Conduct disorders are the most common type of mental and behavioural problem in children and young people. They are characterised by a repeated and persistent pattern of antisocial, aggressive or defiant behaviour, much worse than would normally be expected in a child of that age. I hasten to add that that is quite a gendered view of those disorders. Often when girls present with attention deficit hyperactivity disorder or autism spectrum disorder, it presents in a different way, and those ways are often ignored.

3.45 pm

ADHD is often a contributing factor. These children often require psychological therapies, medication and support from health professionals. Children growing up in a situation with domestic abuse are more likely to need help from school, more likely to need food provided by school, and more likely to need the sorts of plans that schools put in place. They are also more likely to be in the referral system regarding a childhood mental health disorder.

For those children to receive support from health professionals, they need a diagnosis. Such diagnoses can take years to receive—a bit like how we all deal with the CMS—and they are often requested by a local authority to produce the aforementioned EHC plan. I see so many constituents who are constantly fighting against local services for a diagnosis that would assist their child. One in particular had been waiting for more than three years for a six-year-old to be diagnosed with ADHD and ASD. That is over half his life, and in that time he was receiving no additional support, either inside or outside school.

When my son was going to secondary school, I got a call to say that he had to go and have an assessment, in his case by the local clinician, who said to me, "I remembered that your son was going to secondary school when I saw you on 'Have I Got News For You', and I thought I must give her a call before he goes to secondary school." We had waited two and a half years for the assessment. That cannot be the referral pathway for the nation: that people have to appear on a comedy panel show in order to get through the system.

The reality at the moment is that people are waiting for years. That is not just the case in Birmingham, Yardley. Berkshire Healthcare NHS Foundation Trust reported a wait of 799 days between referral and the start of an autism assessment, North Staffordshire Combined Healthcare NHS Trust reported a wait of 637 days, and South West Yorkshire Partnership NHS Foundation Trust reported a wait of 535 days. To get a final diagnosis can take up to 1,288 days, as was reported in Northern, Eastern and Western Devon clinical commissioning group. It appears to be another example of a postcode lottery.

The situation for ADHD is no better, with an average wait of 18 months for a child to receive a diagnosis. Although I was unable to find any figures for conduct disorder diagnosis, I can only assume that the situation is similarly bleak. If a child is forced to move to a different NHS trust or CCG due to domestic abuse, they may have to repeat that wait over and over again. That is untenable. These children are vulnerable victims in urgent need of support. Their living situations are often precarious, and their parents may not be in a position, through no fault of their own, to provide the support that they need for an extended period of time.

These children are more susceptible to mental health and behaviour disorders. As such, they should be prioritised on NHS waiting lists for all health conditions, not just those that I have outlined. The estimated cost of the long-term effects of exposure to severe domestic abuse is between £0.5 billion and £1.4 billion per year, including a projected £790 million on education services and £70 million on health services. Providing appropriate resources to children in a timely way can reduce that, and reduce the long-term trauma and difficulties, together with the economic cost. I therefore urge Members to support new clauses 22 and 23.

Victoria Atkins: I thank the hon. Lady. I will deal first with the NHS and then move on to schools. I think there is agreement across the Committee that it is important to recognise the impact of domestic abuse on children and the trauma it can cause. The role of the NHS is to give the best care to address the immediate and continuing health needs of such children. It is a key principle that access to the NHS is based on clinical priority, so when patients move home and between hospitals, the NHS should take previous waiting times into account and ensure, wherever possible, that they are not disadvantaged as a result. A child's need to access and receive health services will be assessed, and services will be provided according to clinical need, which will consider the individual needs of the child. We have to trust clinicians to take decisions about a patient's treatment.

On schools, I agree with the hon. Member for Birmingham, Yardley that vulnerable children, including those who have been affected by domestic abuse, should be able to access a school place quickly, and that any gaps in their education must be kept to an absolute minimum. As I have said before, wherever possible, we want victims, survivors and their children to stay at home and the perpetrator to leave, but in some cases, sadly, that is not possible for their safety.

Before I explain the Government's position on that, I will highlight an important distinction between seeking school places in the normal admissions round, such as the start of the school year, and doing so outside that process, which is called in-year admission. As we know, it is important that children who have experienced or witnessed domestic abuse are more likely to seek a school place outside the normal admissions round and to require the in-year process. During the review of children in need and the 2018 consultation on domestic abuse, we heard about the difficulties and delay that such children face in accessing new school places when moving into refuge after fleeing domestic abuse. Improving the in-year admission system is the most effective way to get vulnerable children back to school as quickly as possible.

The in-year application process varies between local authorities and can be particularly difficult to navigate for disadvantaged and vulnerable families, including those who have been victims of domestic abuse, because the school may already be full, and oversubscription criteria are unlikely to be helpful at that point. To ensure that this does not prevent children experiencing domestic abuse from accessing the school places they need, the Government have committed to make changes to the schools admissions code to improve the in-year admissions process. That will ensure that all vulnerable children can access a school place as quickly as possible.

That is not to say that the current system does not support the admission of our most disadvantaged children when they apply for a school place in year. Fair access protocols are in place to ensure that vulnerable children who need a school place outside the normal admissions round can secure one as quickly as possible, but we know from consultation that there is confusion about how fair access protocols should work, which means that sometimes they do not work as effectively as they

[Victoria Atkins]

should do. In some areas, fair access protocols are used as the default way to place every in-year applicant, rather than as a safety net for vulnerable and disadvantaged children.

I am pleased to state that we intend to consult on changes to the school admissions code to better support the in-year admission of vulnerable children, including those in refuge or safe accommodation. In practice, that means making changes to the provisions relating to the in-year admissions process and fair access protocols by introducing a dedicated section in the code that will set out a clear process for managing in-year admissions. We are also proposing to provide greater clarity in the code on fair access protocols, which will improve their effectiveness by making clear their purpose and what they should be used for, and by setting out a clear process by which they should operate.

We will also extend the categories of children who may be admitted via the fair access protocol, specifically to include children on a child in need or child protection plan and children in refuge and safe accommodation. That will ensure that those children are secured a school place quickly, keeping disruption to their education to an absolute minimum.

Liz Twist (Blaydon) (Lab): The Minister has talked at some length about the schools provisions, which are important to ensure that children have quick access to a school near them. Will she say some more about the NHS provisions in new clause 22? She has talked about clinical priority but, as most of us know—not just from children, but from other situations—moving from one health area to another means that there is inevitably a setback. The new clause is intended to address that.

Victoria Atkins: I understand that, but the problem is that we are now rubbing up against the fundamental principle of the NHS, which is that it is based on clinical need and priority. Clearly, if a child is in the most urgent clinical need, we would absolutely expect them to be at the front of the queue to receive help, but there will be different gradations depending on the condition, the length of the condition and the way in which it manifests. We have had to keep to the fundamental principle that that must be clinician-led, because we could not, with the best will in the world, hope to categorise exhaustively in the Bill the many ways, quite apart from domestic abuse, in which children may suffer or be ill

Liz Twist: I think this is fundamental, really. Simply moving house can put someone back in a queue when clinical priorities are assessed in that new area. What we are all trying to do—as, I am sure, is the Minister—is ensure that the principle is one of clinical priority, rather than where someone is on a waiting list. This change is absolutely vital.

Victoria Atkins: Very much so; that is the key principle on which the NHS operates. The hon. Lady will appreciate that I am neither a doctor nor a Health Minister. I take her point about waiting times, but once the clinicians have assessed the clinical need, they must surely be the ones to determine what sort of treatment the child receives, as well as when and where.

Liz Twist *indicated dissent.*

Victoria Atkins: I can see that the hon. Lady is perhaps not with me on that, but it explains our position. We stick to the principle of the clinician and the clinical need leading on this matter. Of course, I accept the point about different areas.

Liz Twist: I am sorry to keep pushing this, but I know that it occurs for other groups of people who are disadvantaged. People receiving alcohol or drug treatments, for example, may move from one area to another and lose all their connections. We are talking about clinical priority within a different group, so although someone might have reached the top of the queue in one place, they might not somewhere else. The amendment seeks to ensure that those children get the best chance that they can.

Victoria Atkins: Again, that comes back to the principle that, wherever possible, we do not want victims and survivors to have to move and be put in that new place. The hon. Lady articulates very well one of the many ways in which it is incredibly traumatic for the survivor to have to leave the family home to flee to the other side of the country with the children. In some cases, the survivor has to do so because of the danger of the perpetrator, but where we can, let us try to keep her and her children at home, so that they do not have to put up with such concerns about things that are terribly important on a day-to-day basis, but sadly become another consequence of fleeing.

4 pm

With regard to waiting times, again it comes down to the views of the clinician with that particular condition or range of conditions. CCGs and providers have a duty to provide services within the maximum waiting times set out in the NHS constitution—the rights are set out in that constitution. We very much think that the service should be clinician-led, rather than having a duty set in statute, because although I hope the hon. Lady knows how committed to this I am personally and professionally, as night follows day there will be other categories of very vulnerable people who could turn around and say, "Okay, it is great that you have prioritised children who are suffering the impacts of domestic abuse, but what about children who are suffering child sexual exploitation or modern slavery?" Does she see what I mean? If we come back to the fundamental principle of the NHS, which is that it is led by clinicians, we know we are dealing with conditions as they need to be dealt with.

I will sum up by saying that we think the changes in relation to schools will have the greatest impact in ensuring that all vulnerable children can access a school place as quickly as possible, including those affected by domestic abuse.

Jess Phillips: I thank the Minister for her comments and welcome what she has outlined with regard to school places. She is right that we are talking about in-year school placements in the vast majority of cases. Some people are lucky enough to have to move house just at the right moment for getting kids into school, but the vast majority are not. I therefore welcome what she has said about changes to that process.

With regard to waiting lists for children, she is not wrong to lean on the principle that it should be clinician-led. However, in these instances a clinician will never see the child, because the assessment takes two and a half

years. It will not be based on any clinical decision; it will be based entirely on a paper exercise where you just go back into the system. If someone were to move from Berkshire County Council, where they had already waited the 799 days, and then they moved to Staffordshire on day 798, they would just go back into the system. No clinician would lay eyes on them for Staffordshire's 695 days. The decisions are not being made by clinicians in this instance. As I said, it took two and a half years for me to be sat in front of a clinician with regard to the situation in my own family.

I will not push the new clauses to a vote at this stage, but I think this goes to what we were talking about with regard to public duties. That the local authority has a public duty in this regard is great, but the reality is that if we do not put a public duty on other organisations, such as CCGs and healthcare workers, those are the things that fall through the gaps. For a child who has moved and has already been on a waiting list somewhere—let's say for 798 days in Berkshire—there should be some way to prioritise their needs. I do not think the Minister would disagree with that as the principle. I will not push it to a vote now, but the Opposition will be seeking answers for that area from the Department of Health and Social Care. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 24

ASSESS THE IMPACT OF WELFARE REFORMS ON SURVIVORS OF DOMESTIC ABUSE

'(1) It is the duty of the Department for Work and Pensions, in conjunction with the relevant government departments, in developing welfare reform policies, to assess the impact of such policies on individuals who are or are likely to become victims of domestic abuse within the meaning of section 1 of this Act, and to promote their wellbeing through those policies.

(2) "Wellbeing", for the purposes of subsection (1) above, relates to any of the following—

(a) Physical and mental health and emotional wellbeing;

(b) Protection from abuse and neglect;

(c) Control over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);

(d) Participation in work, education, training or recreation;

(e) Social and economic wellbeing; and

(f) Suitability of living accommodation.

(3) In exercising this duty under subsection (1) above, the Government must have regard to the following matters in particular—

(a) the importance of individuals who are or are likely to become victims of domestic abuse within the meaning of section 1 of this Act being able to escape abusive relationships;

(b) the importance of individuals who are or are likely to become victims of domestic abuse within the meaning of s. 1 of this Act being able to become economically independent of the perpetrator(s) of abuse; and

(c) the importance of individuals who are or are likely to become victims of domestic abuse within the meaning of s. 1 of this Act being able to rebuild their lives.'—*(Jess Phillips.)*

This new clause seeks to create a duty to assess the impact of welfare reforms on survivors of domestic abuse, and to ensure welfare policies that promote their wellbeing.

Brought up, and read the First time.

Jess Phillips: I beg to move, That the clause be read a Second time.

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

New clause 38—*Social Security: Exemption from repaying benefit advances*—

'(1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.

(2) In regulation 7 (definition of financial need), after paragraph (3) insert—

"(4A) It shall be presumed for the purposes of this section that A is in financial need where A—

(a) is or has recently been a victim of domestic abuse; and

(b) provides evidence of the domestic abuse in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.

(5) A has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.

(6) For the purposes of this section—

(a) 'domestic abuse' has the meaning set out in section 1 of the Domestic Abuse Act 2020;

(b) 'victim of domestic abuse' means a person on or against whom domestic abuse is inflicted or threatened."

(3) In regulation 10 (Bringing payments on account of benefit into account), after subparagraph (b) insert—

"(c) In the case of a payment on account of benefit made to a person who can provide evidence of being or having recently been a victim of domestic abuse, subsections (a) and (b) shall not apply.

(d) A person has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.

(e) For the purposes of this section—

'domestic abuse' has the meaning set out in section 1 of the Domestic Abuse Act 2020;

'victim of domestic abuse' means a person on or against whom domestic abuse is inflicted or threatened.

(f) For the purposes of this section, evidence of being of having recently been a victim of domestic abuse must be provided in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012."'

New clause 39—*Universal Credit: Exemption from repaying hardship payments*—

'(1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.

(2) In regulation 116 (Conditions for hardship payments), subparagraph (1)(f), after (c) leave out "and

"(g) the Secretary of State is satisfied that the single claimant or each joint claimant is in hardship"

and insert—

"(g) the claimant is or has recently been a victim of domestic abuse; and

(h) the Secretary of State is satisfied that the single claimant or each joint claimant is in hardship.

(2) For the purposes of paragraph 1(g) a person has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened."

(3) In regulation 116 (Conditions for hardship payments), after paragraph (3)(d) insert—

"(4) In this regulation—

'domestic abuse' has the meaning as set out in section 1 of the Domestic Abuse Act 2020;

'victim of domestic abuse' means a person on or against whom domestic abuse is inflicted or threatened."'

New clause 40—*Social Security: Exemption from repaying benefit advances*—

'(1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.

(2) In regulation 12 (Conditions for payment of budgeting advances), after paragraph (2) insert—

"(2A) Where B is or has recently been a victim of domestic abuse, sub-paragraphs (c), (d) and (e) shall not apply.

(2B) B has recently been a victim of domestic abuse if—

(a) a period of 12 months has not expired since the domestic abuse was inflicted or threatened, and

(b) B is able to provide evidence of the domestic abuse in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.

(2C) For the purposes of this section—

(a) 'domestic abuse' has the meaning set out in section 1 of the Domestic Abuse Act 2020;

(b) 'victim of domestic abuse' means a person on or against whom domestic abuse is inflicted or threatened."'

New clause 41—*Housing benefit: exemption from benefit cap*—

'(1) The Housing Benefit Regulations 2006 are amended as follows.

(2) In Regulation 75A, omit "or 75F" and insert ", 75F or 75FA".

(3) After Regulation 75F, insert—

"75FA Exception to the benefit cap: domestic abuse

(1) The benefit cap does not apply to a person (P) who is or is likely to become a victim of domestic abuse or where the victim of domestic abuse has fled domestic abuse within the previous two years.

(2) Subparagraph (1) applies where P provides evidence of having experienced domestic abuse or being at risk of domestic abuse in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.

(3) The exception in subparagraph (1) above will last for a period of two years from the date on which the person became eligible for the exception.

(4) 'Domestic abuse' has the meaning set out in section 1 of the Domestic Abuse Act 2020."'

Jess Phillips: All these new clauses deal with welfare provision and the multitude of ways that the benefits system currently prejudices victims of domestic abuse.

I will first speak to new clause 24, which would place a duty on the Government to undertake an impact assessment of welfare reform changes on survivors of domestic abuse. I recognise that the Ministers in front of me from the Home Office probably do not have the stomach to change actual welfare rules that are run by the Department for Work and Pensions. It would be churlish of me to suggest that they were going to start making Department for Work and Pensions policy right here on the hoof, although Marcus Rashford has not done a bad job. If they do not have the stomach to change the policy that some of these amendments seek to make, we may need to assess when welfare changes are made with regard to victims of domestic abuse.

The Bill rightly recognises that economic abuse is a key tactic used by perpetrators to coerce and control, but while the Bill recognises this as a key form of harm experienced by survivors, what does it do to provide a safety net for survivors who face years of economic sabotage, control and exploitation at the hand of a perpetrator? Economic abuse is sadly widespread and over half the survivors surveyed by Women's Aid and the TUC could not afford to leave their abuser. That means they will stay and experience further abuse.

Research by the charity Refuge says that one in five people have experienced economic abuse and 88% experienced other forms of abuse at the same time. That means many survivors are in debt and have been prevented from accessing their household income. Access to welfare benefits is therefore vital to ensure that women can access the financial support they need to escape and rebuild their lives. I am not sure anybody would argue with that.

A robust safety net that enables survivors to escape and rebuild independence is not a luxury, it is a lifeline. The cumulative impacts of numerous changes to welfare reform policy in recent years are having some serious consequences for survivors, including universal credit, the benefit cap, the two-child limit, the under-35 shared accommodation rate—which I recognise there are now exemptions on—and the bedroom tax. Welfare reforms are restricting the resources women need to leave.

Specialist organisations like Women's Aid are receiving direct reports from their member services about the stark choices between poverty and safety that women are being forced to make as a result of welfare changes. This has obviously sharply increased during covid-19. Women's Aid member services have reported serious concerns about women's access to food and basic essentials.

In my constituency I meet woman after woman who has been placed in temporary accommodation, often a local hotel or bed and breakfast, sharing a room with her children, and without any access to cooking facilities. The women are often in significant financial distress, without access to any form of support. They and women in refuges are largely reliant on food banks. Specialist domestic abuse services are telling us that delays to universal credit and the cumulative impacts of welfare reforms are resulting in women being unable to access their most basic rights to food and survival. That cannot be right.

While the Government have made the case for bringing in various welfare reform policies, they are also having to retrospectively revise those policies because of the unintended consequences. Every time Ministers have stood up, they have oft warned of the unintended consequences of changing our laws, so they are only too alive to that possibility.

Many of the welfare changes in the last few years have had unintended consequences for survivors of domestic abuse. There is the well-documented case of a survivor who was forced to pay the bedroom tax because of a panic room that had been installed in her flat. That panic room had been installed because the survivor and her son were at such high risk of domestic abuse from her ex-partner, and the impact of the bedroom tax was to plunge her into financial instability and force her to move to a far less secure property, without the protections that the panic room had afforded her. Ultimately it was ruled by the courts that the survivor did not need to pay the levy, setting a precedent for others with panic rooms. However, the process was inefficient, costly, time-consuming and placed an unimaginable emotional toll on the survivor. It should not be on survivors to make welfare policy right. It is not the job of domestic abuse survivors to strength-test the system for us.

It is clearly the Government's intention to transform the response to domestic abuse through the Bill, including economic forms of abuse. However, that intention is at risk of being seriously undermined by welfare reforms. Although the consultation on the Bill stated the intention to identify

"practical issues that make it harder for a victim to escape",

and to

"consider what can be done to help victims of economic abuse",

there is no mention of welfare reform policy. The range and severity of concerns regarding the current welfare reform agenda demonstrate that a new approach is needed. It is vital that the impacts and unintended consequences on survivors of welfare reform policies are safely and robustly assessed before implementation in the future.

I have personally had to take cases to court, with victims, regarding legislation that has not protected them. I have to say that, in almost every case, the court finds in favour of the victim in cases of domestic abuse. All the new clause asks is that, when we make new changes to welfare policy, considerations are made for victims of domestic abuse. Those considerations do not have to be listened to, but should be considered.

For example, when universal credit was originally rolled out, if somebody changed their situation, they would trigger a universal credit update. They may have been on legacy benefits, but if their situation changed and they went into the jobcentre and said that their address has changed because they have been moved into the area, they would then be put on to universal credit, as part of the roll-out. Immediately, the income of single mothers and victims of domestic abuse would drop by £600 overnight, simply by virtue of that.

Anyone who works with domestic violence victims would be able to look at every single welfare thing and say, "Well, this won't work for this reason, and this may need mitigation for this reason." That is not to say that we cannot have any welfare reforms that would never harm victims of domestic violence, but some time to prepare for what they are going to be would not go amiss, especially because the court eventually agrees with me and overturns them in the long term anyway, costing the taxpayer a huge amount of money.

New clauses 38 and 40 concern the non-repayment of advances. As with new clause 24, we need to ensure that the benefits system works for survivors of domestic abuse and enables them to support themselves and their children away from the perpetrator. We must recognise that access to money is fundamental and understand the benefits system as one of our most powerful tools to support survivors and enable them to live safely. Our social security system—particularly universal credit—does not support survivors and provide that essential safety net to help them live independently from the perpetrator. In fact, it does the opposite. It often forces them into poverty, exactly at the point that they make the incredibly difficult, traumatic and dangerous decision to leave their abuser.

Take a woman going into a refuge as an example. At the moment, after a few days in the refuge, she will be supported to apply for universal credit. For most women, this will be their first interaction with universal credit, having either never received benefits before or having received legacy benefits. It will typically be much harder for survivors to make an application for universal credit than most. Some will not have their own bank account, because they have been prevented by their abuser from opening one. Others will have left without key documents and ID. Refuge staff will help women overcome those barriers, but it still might take a few weeks to sort it all out. Only after that will survivors be able to make an application. They must then wait a minimum of five weeks before they receive the first payment. That means seven to eight weeks without any income at all. Refuge managers tell me that a wait of around two to three months before receiving the first payment is very common for survivors of domestic abuse.

While they wait for the money, survivors are reliant on food banks, perhaps a small amount of money that the refuge provider can give through a hardship fund and whatever else refuge workers can access from other charities and community groups. We must remember that this is happening at the very same time that the woman has left her home, her job, her friends and her family, because she fears for her safety. Many of these women will have been raped; many will have been subject to torturous physical abuse or will have experienced a sustained campaign of coercion and control.

4.15 pm

Julie Marson (Hertford and Stortford) (Con): Does the hon. Lady agree that, in some of these circumstances and given the really complex issues that she describes, a comprehensive training package is needed, as the most powerful place to intervene and help is the frontline? So, the training that the caseworkers in jobcentres receive, the tools they have and the relationships they build are really powerful ways to help people in those situations.

Jess Phillips: There is absolutely no doubt about it, and a good jobcentre worker is worth their absolute weight in gold. I have a gold star system for the ones in my local jobcentre, who are excellent in lots of circumstances. The hon. Lady is absolutely right. However, when we are talking about domestic abuse and universal credit, we have put in a huge amount, and maybe that could have been avoided if we had looked at some of the impacts of how this policy was going to be rolled out. For example, on the issue of split payments in universal credit, we are now asking jobcentre staff potentially to intervene directly when two people are sitting in front of them, saying, "So, would you like split payments?" It is rocky terrain for a jobcentre worker to have to try and deal with that.

In fact, if we look at the take-up of split payments, we see that it remains persistently low, compared with the number of victims of domestic abuse who are claiming universal credit. That situation means that there is potentially a need for the complete redesign of jobcentres, so that there are permanent private spaces for every single person who might need one, and so that people can be talked to separately. There are all sorts of things that can be done to make the situation better, and training at the frontline is absolutely key in that.

However, that roll-out of universal credit was not done in my own area; I had to go and ask what was being done. I have sat in the Department for Work and Pensions with Ministers and asked them what they are going to do about these issues. The issue of split payments

[Jess Phillips]

was very much an afterthought, and I suppose that all I am asking for in new clause 24 is that it is not an afterthought but is built into the system from the very beginning. However, the hon. Lady is right—frontline staff are worth their weight in gold.

The way that universal credit has been designed means that women are forced to choose between staying with a perpetrator or being unable, in lots of cases, to feed themselves and their children. That cannot be right and cannot be allowed to continue. Although the reasons why a woman might return to a perpetrator can be complex, it should not surprise anyone in this room that their not having enough money to provide for themselves and their children is the most common factor. In a survey for Refuge, one refuge worker said,

"the changeover to Universal Credit has caused a significant delay in accessing benefits when women arrive at the refuge. The five-week waiting time means women have to survive with their children with no income, and only a few food bank vouchers. This means that many struggle with whether they've made the right decision to leave, if they can't even feed their children on their own."

Of course, the Government response is that advance payments are available for those who experience hardship during the minimum five-week wait. That is true, but the crucial thing about advances is that they are loans, which must be paid back immediately from the very first payment, at the rate of up to 30% of the person's payment. In offering such loans, we are offering women the choice of having no money now or not having enough money for many, many months afterwards.

We must remember that this is often the period when women are traumatised, and supporting their traumatised children, while trying to rebuild their lives in a new place without their support network. They might well be going through the criminal justice process, or the family courts, or both. The system requires them to do that either without a penny, or with some money but in the knowledge that they will spend at least the first year of their life away from their perpetrator struggling to make ends meet, as they have to pay that loan back.

Specialist services supporting survivors tell me that many women they support do not take advantage of the advance payment, even though they desperately need it. Those women are frightened about the consequences of taking on debt at the very beginning of their life away from the perpetrator. Those who have experienced years of economic abuse might have thousands of pounds in debts that they were coerced into taking, with their perpetrator fraudulently putting their names against a variety of debts. That is very common. They know that they will likely spend the next decade paying that debt off and they do not want to start their new lives by volunteering for even more debt.

Those fears are often well founded. Research from Citizens Advice shows that people who take out an advance loan from the Department for Work and Pensions are more likely to get into further debt as they struggle to pay the loans back. The answer to this is to get rid of the five-week wait—some well-trodden evidence regarding everybody, but there we go. In the case of domestic abuse victims, the answer is to pay benefit advances to survivors of domestic abuse as grants, rather than loans.

It is hard to overstate how much of a positive difference that would make to women and children up and down the country. It is the difference between a woman in a refuge hoping the food bank has not run out of baked beans and a woman in a refuge being able to treat her child to a yoghurt or some sweets after dinner on their first day in a new school. It is the difference between a woman feeling hopeful that she made the right decision and can look forward to a life without abuse or a woman feeling that she has no choice but to go back, because she simply cannot afford to live away.

When I explain to Ministers the impact of the five-week wait and repayment of advances for survivors, they often tell me that they cannot treat different groups differently under universal credit or that it is impossible because people would lie and pretend to be victims—usually they say both. In fact, last week the Ministers wrote to me saying that paying advances as grants to survivors includes significant fraud risk.

On treating people differently, there are many exceptions in our social security system. The Minister herself already referred to the shared accommodation exemption for victims of domestic abuse, which is a recent change. It is a strength that there are differences for different people. It makes our system work better and better protect people.

There are already exemptions for survivors of domestic abuse in the benefits system. For example, the domestic violence easement means that survivors do not have to comply with job-seeking conditions of benefits for a few months while they focus on their safety. The destitution domestic violence concession, which we will no doubt discuss at length tomorrow, is a crucial example from immigration rules, which provides a lifeline to survivors on spousal visas. Exempting survivors of domestic abuse from repaying benefit advances would be another important difference for survivors of domestic abuse that ensures the system works as a safety net for them and not as a barrier.

On the point of making it up, as someone who has worked in specialist domestic abuse services, I can tell you that it is a thousand times more likely that a woman will minimise the abuse that she has suffered, or think it is not abuse because they have started to believe what the perpetrator is telling them—that it is their fault and they are making it up. I understand, however, the Government's desire to ensure that public money is not received fraudulently and therefore accept that some level of evidence is needed.

The best model for providing evidence is the legal aid gateway, which sets out the evidence requirements for survivors of domestic abuse to access legal aid. The same framework can be used here. This is an affordable policy that would make an extraordinary difference. I urge the Committee to support new clauses 38 to 40, which would ensure that benefit advances are treated as grants and do not need to be repaid.

I will now briefly turn to new clause 41, which would exempt survivors of domestic abuse from the benefit cap. The benefit cap limits the total level of benefits that a household can receive. It was introduced in 2013 and has impacted 250,000 households since the limit was lowered in 2016. While the cap was one of a number of policies intended to reduce our deficit, the Government's own evaluation shows that only 5% of households moved into work because of the benefit cap; 95% did not.

Instead, the cap largely impacts lone parents and those with an illness or disability. Seven out of 10 capped households are single parent families, of which 69% had

at least one child under the age of five and 24% had a child under two, according to figures from May 2019. Around 90% of single parents are female, so it is unsurprising that single female parents make up 85% of all households whose benefits have been capped, but the cap is having a particularly devastating impact on survivors of domestic abuse and increasing the barriers that women face in leaving an abuser. There is no free childcare before the age of two, meaning that lone parents with young children often do not work enough hours to avoid the impact of the cap. The issue is particularly acute where a women has fled domestic abuse and is far from her support network, so is unable to rely on friends or family for childcare and is perhaps unable to work due to the abuse she has experienced.

Although survivors are exempt from the cap while living in refuges—another exemption that has been put through—they are not exempt as soon as they leave. That is severely restricting survivors' ability to find a safe new home and move on from refuge, as their benefits might not cover the cost of housing, either in social housing or in the private rented sector. It is leading, essentially, to bed-blocking, where women who are ready to leave a refuge are stuck in the service, blocking spaces that other survivors fleeing abuse desperately need.

The impact of the cap on survivors was made starkly clear in the case of R *v.* the Secretary of State for Work and Pensions, which considered the legality of the benefit cap. Two of the claimants in the case were survivors. One was living in statutory overcrowded housing and was unable to move herself and her family anywhere suitable and safe due to the cap. Another was stuck in a refuge because the cap meant that she could not afford any move-on housing, and she was therefore blocking a much-needed space for another survivor. They told Women's Aid that they felt financially penalised for escaping domestic abuse.

I know that the Department for Work and Pensions states that discretionary housing payments, which are paid by local authorities, are available for survivors in such circumstances. However, DHP allocations remain inconsistent, short term and dependent on different councils' policies and practices—it is yet another postcode lottery. They are not monitored by the Government centrally, so it is impossible to know whether they are providing an effective solution.

The Department for Work and Pensions has repeatedly claimed that the benefit cap is saving money. As I have highlighted, however, the cap creates significant hardships, and the Department therefore gives back a significant proportion of the money it takes from claimants by providing funding for discretionary housing payments to local councils in order to help them support capped claimants. The circular process of transferring public money from one budget to another fails to consider the impact that has on families, particularly survivors, who rely on less stable support and are certainly under somebody's "discretion".

The Department does not include in its figures the cost of DHPs included in administration costs, nor does it consider the increased cost to local authorities through temporary accommodation or the wider cost that the hardship created by the cap might have on other public services. Women's Aid is concerned that the DHP allocation remains inconsistent, short term and dependent on different councils. The DWP confirmed that it has not carried out a full cost-benefit analysis of the cap. In 2018-19, however, the DWP allocated £60 million of DHP funding for local authorities in Great Britain to support capped households.

For those reasons, I urge colleagues to support new clause 41 in order to exempt survivors of domestic abuse from the benefit cap. To summarise, the Bill must do more for survivors of abuse, including those suffering economic abuse, than merely define what is happening to them. The new clauses would ensure that the Bill has a legacy of not only recognising that money is used to control and abuse, but making significant changes to reduce the number of women who are forced to stay with their abusers because they cannot afford to leave.

Victoria Atkins: With regard to new clause 24, the Department is already obliged to consider the impacts of its policies through existing equality assessments, in accordance with the public sector equality duty. Moreover, the Department reviews, and is consistently striving to improve, services, working with partners who are experts in the areas that they support. This has included the roll-out of a significant training programme and the implementation of domestic abuse points of contact in every jobcentre.

4.30 pm

I appreciate what the hon. Member for Birmingham, Yardley wants to achieve through new clause 24, but I do not believe that the proposed duty is the mechanism through which to achieve it. If I may, I will highlight some of the support that is already available for victims of domestic abuse in response to the three important issues highlighted in subsection (3) of the new clause.

The availability of immediate support is crucial for victims of domestic abuse, and the existing universal credit advance scheme delivers that. The Department signposts individuals affected by abuse to specialist support and works with them to ensure that they are aware of the other support and easements available under universal credit, including special provisions for temporary accommodation, easements to work conditionality and same-day advances.

The existing universal credit advance scheme is there to provide immediate support for survivors of domestic abuse, as well as others. After completing a new universal credit claim, all new claimants can request a rapid advance of up to 100% of their estimated monthly award, allowing them to receive their first year of entitlement over 13 payments instead of 12. That money can be paid within a matter of days, or even on the same day if it is needed urgently. Advance repayments are made over 12 months and deductions are capped at 30% of claimants' standard allowance. For claimants who find themselves in unexpected hardship, the repayments can be deferred for up to three months. In addition, change-of-circumstance advances are available to claimants in the month in which a change of circumstances means that their universal credit award will significantly increase from the next payment. Those advances are repayable over six months.

New clause 40 would remove the recoverability of budgeting advances, as well as removing the earnings and long-term claimant conditions for eligibility. The standard recovery period is 12 months, although it can be extended to 18 months in exceptional circumstances.

The hon. Member for Birmingham, Yardley raises the issue of waiving repayment of new claims advances and budgeting advances for victims of domestic abuse. New clauses 38 and 40 would raise equality concerns from other claimants such as care leavers, prison leavers and single parents, who might well argue that advances should be non-repayable for them, too. In addition, distinguishing these people from other claimants would be problematic to implement. For new claims advances, it would require an additional manual assessment to verify the claimant's circumstances, which would be necessary to mitigate the risk of fraud, but might delay payment of urgently required support. Furthermore, removing the recovery, earnings and long-term conditions of budgeting advances would effectively remove any cap on the limit of such advances that may be taken out by a single claimant affected by the amendments. I appreciate what the hon. Member wants to achieve, but I do not think that the new clauses are the way to do it.

I reiterate the measures that the Government have already announced to further support universal credit claimants. From October next year, new claims advances of universal credit can be repaid over 24 months instead of 12, which could halve the amount that claimants with an advance need to repay each month, significantly reducing the impact of repaying advances. In addition, survivors of domestic abuse may be eligible for further support that does not need to be repaid. From next month, new claimants will continue for two weeks to receive legacy benefits that they were previously receiving, if their new universal credit claim is the reason for their benefits stopping. That includes employment and support allowance, income support and income-based jobseeker's allowance, and it will mean that eligible claimants receive an average of £200 in additional support that does not need to be repaid. Discretionary housing payments are also available to new claimants, administered by local authorities.

Through new clause 39, the hon. Member for Birmingham, Yardley seeks to make recoverable hardship payment non-repayable for victims of domestic abuse. It is worth mentioning that that payment applies only to claimants who have had a fraud penalty or sanction applied against them. When the abuse is known about, it is unlikely that a victim of domestic abuse would have such penalties applied to them in the first place. However, the DWP already exercises discretion on waiving this payment in exceptional circumstances, and a victim of domestic abuse would fit such circumstances. Therefore, we argue that the new clause is not necessary: if a recoverable hardship payment is applied, the DWP may already use its discretion to waive repayment.

Turning to new clause 41, the benefit cap was introduced to restore fairness between those receiving out-of-work benefits and taxpayers who are in employment. It provides an incentive to move into work. There is clear evidence that work, particularly full-time work, substantially reduces the likelihood of being in poverty—children in workless families are around three times more likely to be in poverty than those in families in which at least one adult works. The likelihood of a survivor having the benefit cap applied is reduced because of exemptions that are in place to provide breathing space while people stabilise their situation. For example, when housing benefit is paid in respect of a person in a refuge, it is excluded from the calculation of the benefit cap. In addition, any housing benefit paid to a universal credit claimant living in temporary accommodation is exempt from the benefit cap. Claimants who need additional support to meet rental costs can approach their local authority for a discretionary housing payment.

The DWP produces guidance to help local authorities to administer the discretionary housing payment scheme. This guidance suggests that DHP support should be prioritised for the most vulnerable, including households with young children and those fleeing domestic abuse. More than £1 billion has been provided to local authorities since 2011 to help the most vulnerable claimants. Some £180 million in discretionary housing payments is already available in 2020-21 for local authorities to distribute to support renters with housing costs in the private and social rented sectors. That money includes an additional £40 million to tackle affordability pressures in the private rented sector. As with the other new clauses, new clause 41 would raise equality concerns among other claimant cohorts facing similar challenges, such as refugees, care leavers or prison leavers, who might well argue that the benefit cap should not apply to them either.

The hon. Member for Birmingham, Yardley raised the issue of split payments. While we share her determination to support and protect victims of domestic abuse, the Government do not believe that introducing split payments by default is the appropriate policy response. For many legacy benefits, a payment is already made to one member of the household, so the way in which universal credit is paid is not a new concept. Additionally, evidence shows that the vast majority of couples keep and manage their finances together. Most couples want to manage their finances jointly.

We recognise, however, that there are circumstances in which split payments are appropriate. If a customer discloses that they are a victim of domestic abuse in an ongoing relationship, the DWP can make split payments available to provide them with access to independent funds. It is important that we allow the individual who is experiencing the abuse to decide whether split payments will help their individual circumstances.

Jess Phillips: Can the Minister not see the problem with a woman going in and asking for a split payment, and then returning home that evening?

Victoria Atkins: That is why we do not have it as a default. We are sensitive to that precisely because it will not work for some women. It has to be done led by the victim—led by the survivor—and not imposed universally. I will come on to our concerns about the default position in a moment but, if I may, I will carry on building the argument towards that.

The Department will also signpost individuals affected by abuse to specialist support and will work with them to ensure that they are aware of the other support and easements available under UC. Those include special provisions for temporary accommodation, easements to work conditionality and same-day advances. That approach ensures that victims are supported, while simplicity is maintained for others.

In July last year, the universal credit digital claims system was changed to encourage claimants in joint claims to nominate the bank account of the main carer for payment. We continue our support of payment of universal credit to the main carer through that messaging.

This strikes the right balance between encouraging positive behaviour and allowing claimants to choose how best to manage their finances.

The proposed change in approach would be inappropriate for some vulnerable people who struggle to manage their money—for example, if one partner has addiction issues or is a carer for the other. A number of practical issues would present further challenges to vulnerable people. For example, 1.3 million adults in the UK do not have a bank account—most of them are on low incomes or unemployed.

The current process does not require both claimants to have bank accounts. The Government are working to improve financial inclusion, but it remains the case that the introduction of split payments by default could result in unnecessary payment delays for joint claimants when one partner does not have a bank account. It is necessary, therefore, to retain a single payment option.

Moreover, a move to split payments by default does not eliminate risk. Sadly, we know that, irrespective of how someone receives their money, perpetrators use a broad spectrum of abusive tactics to dominate and control their partners. That is the point about split payments being rolled out as a default.

The DWP has rolled out a significant training programme and implemented domestic abuse single points of contact in every jobcentre. That means that jobcentre customer service managers and work coaches have the right knowledge, tools and local relationships to support customers who are experiencing or fleeing domestic abuse. The Department continues to support survivors of domestic abuse through a range of measures, including signposting to expert third-party support, special provisions for temporary accommodation and other measures that I have mentioned, including easements to work conditionality.

We are achieving positive cultural change in jobcentre sites and, while we accept there is always more to learn, our departmental awareness of and support for those who have suffered or are suffering domestic abuse is better than it has ever been. I appreciate that the hon. Member feels strongly about her proposed measures, but I hope that I have reassured other colleagues about the steps that the Department for Work and Pensions is taking to support those who receive benefits, whether legacy benefits or universal credit.

Jess Phillips: Often the words that get read out bear no relation to the experience that we feel on the ground, whether as a benefit claimant or and as somebody supporting benefit claimants. With that idea that single payments are somehow safer and better, it is noble of the Minister to try to argue that universal credit going to one person in the household is better for victims of domestic abuse, but it is genuinely—

Victoria Atkins: I chose my words very carefully. What I said was that this must be led by the victim herself. I fully accept the point that the hon. Member made when she intervened on me. For some victims, walking in at the end of the day and saying, "I'm getting my UC separately," may be a trigger. That is why we have to be led by the victim/survivor, rather than having split payments by default.

4.45 pm

Jess Phillips: I understand, but about a year ago, I asked how many people had asked for split payments, and obviously the answer was, "We don't collect that data"—the Government literally were not collecting the data nationally. When I asked them to collect that data, please, we saw that very few people are currently asking for split payments. That is not because people do not want some of their own money coming into their own hands; it is because the current system is not safe for having split payments. Split payments by default is a way of protecting people.

On the other equality areas that the Minister talks about, I totally take the point that saying that victims of domestic abuse do not have to repay the loans opens things up to care leavers. I am okay with that. If care leavers think that they cannot cope when we think about the universal credit five-week-wait loan, I would live with that. I think we need to look at all vulnerable groups. We are here to talk about the Domestic Abuse Bill, so I am leading chiefly in regard, but I am okay with other vulnerable groups not having to repay the universal credit loan. If anything, covid-19 has proved to us that the five-week wait is too much.

We can sit here and say that there are more than ever, but the reality on the ground is that victims are telling us that they cannot move out of refuge—they cannot afford to become free. We have to listen to them. There have been times in the Department for Work and Pensions—I really hope that that era will break out again under the current Secretary of State—when their voices were heard. I truly hope that that will happen, so we will continue to push this.

I shall not bother pushing a Home Office Minister into a vote to change the policy of the Department for Work and Pensions. I recognise all our limitations in that regard. However, we will continue to focus on this. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

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

4.47 pm

Adjourned till Wednesday 17 June at Twenty-five minutes past Nine o'clock.

Written evidence reported to the House

DAB71 Mothers' Union

DAB72 Association of Directors of Children's Services (ADCS)

DAB73 We Can't Consent To This - further submission

DAB74 Families Need Fathers

DAB75 Stonewater

DAB76 The Rt Revd Rachel Treweek, Bishop of Gloucester

DAB77 National Housing and Domestic Abuse Policy and Practice Group

DAB78 Frank Mullane MBE, CEO of Advocacy After Fatal Domestic Abuse (AAFDA)

DAB79 361 Life Support

DAB80 Mumsnet

DAB81 Joint submission from Action for Children, Against Violence and Abuse, Agenda, Barnardo's, Beck Fitzgerald, Centre for Women's Justice, The Children's Society, Employers' Initiative, End Violence Against Women, Hestia, Latin American Women's Rights Service, National Children's Bureau, NSPCC, SafeLives, UK SAYS NO MORE, and Victim Support (on NC19 and NC20)

DAB82 National Association of Child Contact Centres

DAB83 The AIRE Centre (Advice on Individual Rights in Europe)

DAB84 Victim Support

DAB85 London Victims' Commissioner

DAB86 Fulfilling Lives South East Partnership

DAB87 Latin American Women's Aid and Dr Charlotte Proudman