

Refuge submission to the Victims and Prisoners Public Bill Committee

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About Refuge

1. Refuge is the largest specialist provider of gender-based violence services in the country supporting thousands of women and children on any given day. Refuge opened the world's first refuge in 1971 in Chiswick, and over 50 years later, provides a national network of 44 refuges, community outreach services, child support services, and acts as independent advocates for those experiencing domestic, sexual, and other gender-based violence. We also run a specialist service for technology-facilitated abuse. Refuge provides the National Domestic Abuse Helpline. Every 2 minutes someone looks to Refuge for help.

Summary

2. The Victims and Prisoners Bill presents a vital opportunity to improve survivors' access to lifesaving support services and transform their experiences of the criminal justice system. Refuge strongly welcomes the Bill's founding aims of improving end-to-end support for victims of crime and amplifying victims' voices in the criminal justice system. However, without providing **any new funding** for victim support services, the Bill will fail to deliver meaningful change for survivors of domestic abuse.
3. Refuge welcomes the opportunity to provide oral evidence to the Committee on June 22nd. This written evidence submission covers aspects of the Victims and Prisoners Bill pertaining to Refuge's expertise and experience as the UK's largest provider of gender-based violence services, including embargoed findings from our upcoming policy report '*Local Lifelines: the importance of domestic abuse community-based services*'¹. **Please note these findings are embargoed until June 21st.**
4. To ensure the Victims and Prisoners Bill delivers for survivors of domestic abuse, providing adequate, sustainable funding for domestic abuse community-based services and dispensing *enforceable* rights under the Victims Code is essential. Refuge therefore urges the Committee to consider the following proposals in scrutiny of the Bill:
5. **Strengthen the 'duty to collaborate in exercise of victim support functions' by introducing adequate, sustainable funding for specialist domestic abuse community-based services, estimated by Women's Aid Federation England to cost at least £238 million per year². In addition, the 'duty to collaborate' should be amended to:**
 - a. Require Joint Strategic Needs Assessments (SNAs) between duty holders;
 - b. Specify that community-based domestic abuse services commissioned under the 'duty to collaborate' are specialist gender-based services.

¹ Findings embargoed until June 21st.

² Women's Aid Federation England (2023) Investing to Save: the economic case for funding specialist domestic abuse support, Bristol.

- c. Specify that services must be commissioned on sustainable contract terms of a minimum of 3 - 5 years.
6. **Ensure the Bill addresses the myriad of issues survivors face from practitioners in the criminal justice system such a victim-blaming language, a culture of disbelief and a lack of understanding of the dynamics of domestic abuse by:**
- a. Introducing stronger measures to ensure compliance with the Victims Code.
 - b. Introduce mandatory, trauma-informed training for all police and criminal justice practitioners who come into regular contact with survivors of domestic abuse.

Part 1 – Victims of criminal conduct

Funding for specialist community-based domestic abuse services (clauses 12 –14)

7. Domestic abuse is the most prevalent form of violence against women and girls (VAWG) in the UK³. An estimated 1.7 million women aged 16 years and over experienced domestic abuse in the year ending March 2022 in England and Wales⁴. Specialist domestic abuse services – such as those delivered by Refuge - provide life-saving support to survivors. For some survivors, fleeing to an accommodation-based service - or a 'refuge' - is the only safe option. **But the vast majority (95%) of survivors Refuge supports seek tailored support in a local setting from a community-based service.**
8. Given the significant number of survivors who rely upon community-based services, Refuge welcomes the Bill's focus on improving survivors' access to victim support services and acknowledges the government's aim of making better use of currently available resource through collaborative commissioning via 'the duty to collaborate' (clauses 12-14 of the Victims and Prisoners Bill). However, due to historical and chronic underfunding of community-based services (evidenced in this submission), without providing any new funding for these vital services, the Bill will fail to deliver meaningful change for survivors of domestic abuse. **Refuge therefore urges Committee members to strengthen the 'duty to collaborate' by adding a duty to fund specialist domestic abuse community-based services adequately and sustainably, estimated by Women's Aid Federation England to cost at least £238 million per year⁵.**
9. This amendment is supported by the recommendations of the Justice Committee in their Pre-legislative scrutiny report, which states that *'the duty [to collaborate] must be strengthened to require the agencies described to collaborate and commission community-based services. That duty should be accompanied by an appropriate, multi-year funding package⁶.*

Community-based domestic abuse services

³ Home Office (2022), 'Tackling Domestic Abuse Plan.'

⁴ ONS (2022), '[Domestic abuse victim characteristics, England and Wales: year ending March 2022.](#)'

⁵ Women's Aid Federation England (2023) Investing to Save: the economic case for funding specialist domestic abuse support, Bristol

⁶ House of Commons Justice Committee (2022) Pre-legislative scrutiny of the draft Victims Bill: Second Report of Session 2022–23 [Pre-legislative scrutiny of the draft Victims Bill \(parliament.uk\)](#)

10. Community-based domestic abuse services provide holistic, specialist support to women and children experiencing domestic abuse on both a short and long-term basis. Survivors can access support at all stages of their journey; whether they are still living with an abuser, planning to flee, or have already left to rebuild their lives. These services take a needs-led and trauma-informed approach that recognises the **gendered nature** of domestic abuse and puts survivors on a path to long-term safety. Specialist, gendered services are essential for providing safe, trauma-informed, and expert support to survivors of domestic abuse.
11. The support provided to survivors in community-based services is delivered by a range of specialist roles including outreach workers, Independent Domestic Violence Advocates (IDVAs), Independent Gender-based Violence Advocates (IGVAs), and Young Person Advocates (YPAs). Whilst each role type has its own specialism, in practice they operate as a network of support. The support provided by frontline workers in community-based services could include accompanying a survivor to court, developing a safety plan, or supporting her to apply for Universal Credit – amongst many other types of support.
12. Community-based services provide transformational support to survivors. Research conducted by the Domestic Abuse Commissioner found that survivors who access specialist services are far more likely to feel safe and in control of their lives than those who do not⁷. Of all the survivors who left Refuge’s community-based services between April 2021 and March 2022, 97% said they felt safer and 95% said their quality of life had improved⁸. Specialist roles such as Independent Domestic Violence Advocates (IDVAs) are also proven to reduce survivor attrition rates in the criminal justice system, in addition to providing emotional support throughout what are often lengthy court proceedings as result of the current Crown Court backlog⁹. New research by Rape Crisis, [‘Breaking Point,’](#) evidences the re-traumatising effect of these long and uncertain waits for justice.
13. Community-based services are ever more important due of the ongoing cost-of-living crisis, which is having a devastating impact on survivors of domestic abuse. Research undertaken by Refuge in November 2022 found that the cost-of-living crisis is exacerbating the financial hardship survivors face when fleeing abuse, as survivors typically flee with few possessions, and often have to give up their jobs for their own safety. The cost-of-living crisis is forcing survivors to make the impossible decision of continuing to live with dangerous perpetrators or putting themselves and their children at risk of destitution¹⁰. **77% of frontline staff surveyed by Refuge in November 2022 said that the cost-of-living crisis was increasing barriers to leaving perpetrator.**¹¹ Caseloads in community-based services are therefore rising as more women need financial support, such as foodbank referrals and support with debt (see paragraph 21 for further detail).
14. Despite the transformative role community-based services play in a survivor’s journey and the significant numbers of women and children who rely upon them, some survivors are left without support. Insufficient and short-term contracts, gaps in funding for specialist support, and recruitment and retention challenges mean that service provision is inconsistent across the country and survivors face a postcode

⁷ Domestic Abuse Commissioner (2023) A patchwork of provision

⁸ Refuge data 21/22

⁹ HMICFRS (2021) Police response to violence against women and girls final inspection report.

¹⁰ Refuge (2022) New data from Refuge warns that cost of living crisis is forcing survivors of domestic abuse to stay with abusive partners. – Refuge

¹¹ Refuge (2022) New data from Refuge warns that cost of living crisis is forcing survivors of domestic abuse to stay with abusive partners. – Refuge

lottery in accessing support. **In 2022, less than 50% of survivors who wanted to access community-based services were able to**¹².

15. For minoritised women seeking support from a specialist 'by and for' organisation, barriers to accessing community-based services are even greater. 'By and for' organisations are designed and delivered by the communities they serve, including D/deaf and disabled, LGBTQ+, Black, Asian and minoritised survivors, and migrant women. Minoritised survivors often turn to these organisations due to their specialist, and culturally sensitive, expertise and ability to meet survivors 'where they are.' Despite the transformative impact of accessing this type of specialist support, **'by and for' services are six times less likely to receive statutory funding than other specialist domestic abuse services** and minoritised women are often locked out of support¹³. Research by specialist LGBTQ+ anti-abuse charity, Galop, published in June 2023, found that fewer than 3% of LGBTQ+ survivors who seek support from an advocacy service are currently able to access it¹⁴. Refuge supports the Domestic Abuse Commissioner in calling for a national 'by and for' funding pot to bring long overdue investment to specialist services 'led by and for' D/deaf and disabled, LGBTQ+, Black, Asian and minoritised and migrant women.

'Local Lifelines: the importance of domestic abuse community-based services'

16. As the country's largest provider of specialist domestic abuse services, Refuge is in a unique position to investigate the impact of funding challenges on community-based services. Our upcoming report, due to be published on June 21st, *'Local Lifelines: the importance of domestic abuse community-based services'* shows that community-based services are under increasing pressure and caseloads are rising.
17. Between February and March 2023, we conducted a survey of frontline workers in Refuge's community-based services. In this survey, we asked 58 respondents about the types of funding challenges facing community-based services and their experiences of supporting survivors against this backdrop. We also conducted 16 semi-structured interviews with women who had accessed Refuge's community-based services to explore the impact these services had on their lives¹⁵.
18. This research shows that services are struggling to meet demand. Historical underfunding, insufficient contracts and recruitment and retention challenges are leaving many services reliant on fundraised income, which is inherently unstable and particularly challenging during the ongoing cost-of-living crisis, and many survivors without access to support. Key findings of the report include:
19. **Insufficient funding:** More than 4 in 5 (85%) of frontline workers believed that their service is impacted by insufficient funding. Most community-based services are funded by local authorities through competitive commissioning. However, in most cases, contract values are less than the cost of running a safe and effective service. Specialist providers are therefore forced to rely on insecure, fundraised income to ensure they can provide lifesaving services to survivors of domestic abuse. For the financial year 2021/22, more than half (56.6%) of Refuge's income was generated from fundraised sources. Frontline workers told us that there needs to be greater

¹² Domestic Abuse Commissioner (2023) A patchwork of provision

¹³ Domestic Abuse Commissioner (2023) A patchwork of provision

¹⁴ Galop (2023) An Isolated Place [Galop_A4_IsolatedPlace_Report_2023_Final.pdf](#)

¹⁵ Interviews conducted in November 2022.

consistency in funding for the **entire network** of community-based support roles. This is particularly needed for mental health support, early intervention and support for children and young people.

20. **Staff recruitment and retention:** 93% of frontline workers surveyed said their service was being impacted by staff shortages. Staff shortages are putting increasing pressure on frontline workers, who are often already working over-capacity to provide vital support to survivors and their children. Historically, the specialist domestic abuse sector has had challenges with recruitment and retention due to regular competitive commissioning, insufficient funding, and short-term contracts. The cost-of-living crisis is adding to these challenges, with increased costs in providing services with no commensurate increase in funding.
21. **Short-term contracts:** 64% of frontline workers surveyed said their service was impacted by short-term contracts. Frontline workers highlighted the challenges of delivering a service under a short-term contract due to the time and resources it takes to implement a new service and embed it within an area. Often, if a contract is for two years or less, it takes the length of the contract for the service to become established within a local area. At which point, the service comes to an end and the survivors it supports must find new sources of ongoing support, which can be incredibly unsettling and traumatic for survivors. This also presents significant recruitment challenges, as the service can only offer fixed term, rather than permanent posts. Refuge welcomes the government's acknowledgement of the challenges posed by single-year contracts in the Victims Funding Strategy, however, to enable services to take root in the community and provide women and children with the security and stability they so desperately need, services commissioned under the 'duty to collaborate' must be delivered on sustainable contract terms of 3-5 years minimum and adequately resourced.
22. **Rising caseloads:** More than 3 in 4 (76%) of frontline workers surveyed said their caseload had increased over the past 12 months. In just one year, the number of new clients supported by Refuge's community-based services has increased by 10%. This follows a surge in demand for frontline domestic abuse services during the pandemic which continues to impact community-based services as demand has not dropped to pre-pandemic levels but has instead remained high, at a new 'normal' level. For frontline workers, this increase in overall referrals is translating into rising caseloads and increased administration, as recruitment and retention challenges often mean that frontline workers take on additional clients. Frontline workers also attributed this rise in caseloads to both the insecure funding landscape facing community-based services, and to higher numbers of referrals from survivors presenting with multiple disadvantages, particularly in relation to economic and technology-facilitated abuse, housing, immigration, and mental health.
23. **The cost-of-living crisis:** 94% of frontline workers surveyed said their service was being impacted by survivors' changing needs as a result of the cost-of-living crisis. Caseloads are rising as more women are coming to community-based services with financial support needs, such as foodbank referrals and debt support. Our survey of frontline workers in community-based services highlights how the cost-of-living crisis is exacerbating the financial challenges survivors face when fleeing their perpetrators and rebuilding their lives. Many survivors are forced to give up their jobs when fleeing perpetrators, which leaves them reliant on the benefits system and more vulnerable to rising costs of food and energy. Securing safe long-term housing is becoming increasingly difficult for survivors as the cost of private rented accommodation soars,

which is pushing survivors into rent arrears. The hardship caused by the cost-of-living crisis is particularly acute for disabled, minoritised and younger survivors.

24. One frontline worker told us: ***“There has been a huge increase in demand for supporting women with debts created by an abuser. These debts create barriers to women leaving and put them at increased risk of harm. As a result, women need more time and support from community-based services.”***
25. Despite these challenges, frontline workers in community-based services go above and beyond for the women they support every day. They are a lifeline to women. The survivors we interviewed told us that community-based services helped them to feel happier, more secure, and more hopeful about the future. Accessing support at any stage of their journey and without having to uproot their lives and move into a refuge is transformative.
26. **Hazel’s* story:** Hazel was supported by an outreach worker in one of Refuge’s community-based services. Prior to accessing support, Hazel told us that she felt *“hopeless, like there was no way out at all.”* When she joined the service, Hazel was experiencing multiple forms of abuse and was at high risk of harm. Her outreach worker supported her to develop a safety plan to continue living in the property she shared with her abuser and children, until there was a safe time to flee. At this time, she was supported to secure safe, long-term accommodation close to her children’s school and her support network. Hazel fled her home with almost nothing, but her outreach worker helped her access a grant to buy essentials such as a washing machine and beds for her children. Once she was settled, Hazel’s outreach worker provided practical advice and emotional support as she obtained a non-molestation order and child arrangement order against her ex-partner in the Family Court.
27. Speaking about her experiences of community-based services, Hazel said: ***“You’re not forgotten. You’re not just another woman they’ve got on their caseload. It feels like you’re important, and it matters.”***

*Survivor’s name has been changed for anonymity

The economic case for investing in community-based services

28. Not only do community-based services transform survivors’ lives, but they also make financial sense. An economic analysis published by Women’s Aid Federation England in February 2023 shows that **every pound invested in domestic abuse support services will make at least £9 savings to the public purse**¹⁶. Due to the insecure funding landscape underpinning the network of specialist domestic abuse services across the country, survivors are often forced to turn to statutory services such as the police, NHS, and social care for support. This comes at huge cost to society. In 2022, the estimated economic and social costs of domestic abuse was a staggering £78 billion per year¹⁷. Community-based services make savings by preventing further abuse, relieving pressure on public services, and managing the far higher costs incurred when a survivor moves into refuge accommodation.

¹⁶ Women’s Aid Federation England (2023) Investing to Save: the economic case for funding specialist domestic abuse support, Bristol

¹⁷ Women’s Aid Federation England (2023) Investing to Save: the economic case for funding specialist domestic abuse support, Bristol

29. Community-based services also provide significant social value to society. For every £1 invested, Refuge's IDVA services generate an average of £9.40 in social value and Refuge's outreach services generate an average of £23.35 in social value¹⁸.
30. The case for investing in community-based services is therefore clear. Sustainably funding specialist support services, who reduce the need for survivors to use statutory services, will save money in the long-term and generate social value for society whilst transforming the lives of survivors and their children.
31. After years of funding cuts, the Domestic Abuse Act 2021 introduced a statutory duty on local authorities to commission accommodation-based services. Refuge has been monitoring the implementation of this duty, and despite some challenges, it is resulting in increased funding, increased commissioning opportunities and longer contract lengths. Community-based services require the same focus, investment and protection.
32. While the Ministry of Justice has committed to increasing funding for victim and witness support services to £147 million per year until 2024/25, this funding is not ring-fenced to domestic abuse services and existing commitments are simply insufficient to meet the demand for specialist domestic abuse community-based services across the country. Joint Strategic Needs Assessments are vital for understanding this need and evidencing gaps in commissioning, particularly for specialist 'by and for' services.
33. Without specifying the types of services that need to be commissioned to best support women and children experiencing domestic abuse, there is a risk that the 'duty to collaborate' exacerbates the challenges smaller, specialist services face in commissioning. The duty should specify that commissioners should commission "specialist women's community-based domestic abuse support services" which operate independently from the state and whose organisational purpose is to support victims impacted by domestic abuse. This should include services led 'by and for' Black and minoritised women, given the scarcity of their resources and the funding challenges they face.
34. **The Victims and Prisoners Bill presents a vital opportunity to safeguard community-based services and ensure all survivors can access the specialist support they so desperately need. Refuge therefore strongly urges Committee members to adopt the following amendments to clauses 12 - 14 in scrutiny of the Bill:**
- 1. Introduce adequate, sustainable funding for specialist domestic abuse community-based services via the 'duty to collaborate', estimated by Women's Aid Federation England to cost at least £238 million per year¹⁹.**
 - 2. Require Joint Strategic Needs Assessments (SNAs) between duty holders under the 'duty to collaborate'.**

¹⁸ New Economics Foundation (2021) Refuge: Social Return on Investment

¹⁹ Women's Aid Federation England (2023) Investing to Save: the economic case for funding specialist domestic abuse support, Bristol

3. **Specify that community-based domestic abuse services commissioned under the ‘duty to collaborate’ must be specialist, gender-based services, including specialist services ‘by and for’ minoritised women.**
 4. **Specify that services must be commissioned on sustainable contract terms of a minimum of 3 - 5 years.**
35. **This Bill also provides a vital opportunity to establish a separate, national ‘by and for’ funding pot to provide long overdue investment for specialist services for D/deaf and disabled, LGBTQ+, Black, minoritised, and migrant women, including those with no recourse to public funds.**

Victims Code

36. As it stands, the Victims and Prisoners Bill is a missed opportunity to address the myriad of issues survivors face in the criminal justice system and dispense enhanced, enforceable rights to victims. Declining prosecution rates mean there is little incentive for survivors to report, and ongoing high-profile cases of police perpetrated domestic abuse and police misconduct have eroded survivors’ confidence in the criminal justice system further²⁰.
37. **Just 1 in 5 (20%) of the survivors Refuge supports report to the police.** Survivors that do report often feel let down at every stage. Some face victim-blaming language, a culture of disbelief and a lack of understanding of the dynamics of domestic abuse from many of the police and criminal justice practitioners they encounter. Further, the police, Crown Prosecution Service and Prison and Probation Service often fail to communicate vital information about the progress of domestic abuse cases, including updates that could escalate a survivor’s risk, such as their perpetrator being released on bail, released from prison or changes to protective orders. To improve survivors’ experience of the criminal justice system, mandatory and culturally competent trauma-informed training for all police and criminal justice practitioners is essential.
38. **Lisa’s* story:** Lisa reported her perpetrator to the police, and he was initially arrested and released on bail. The police did not inform Lisa that her perpetrator’s bail had expired and when she found out and queried this, she was told that there were no grounds for renewal because the perpetrator ‘hadn’t done anything for 48 hours.’ She was not informed about the Criminal Injuries Compensation Authority by the police officer assigned to her case and she did not know what the perpetrator’s charges were until she got to court; she thought he was charged with one offence, but there were multiple charges. Lisa suffered extreme stress as a result of her experience of the criminal justice system. She described her experience as ‘soul destroying at times’ and said she remembered thinking ‘this is why people don’t go to the police’.

*Survivor’s name has been changed for anonymity

²⁰ Crown Prosecution Service (2022) ‘CPS data summary Quarter 1 2022-2023’ [CPS data summary Quarter 1 2022-2023 | The Crown Prosecution Service](#)

39. Enshrining the Victims Code in primary legislation (clause 2) presents an important to improve survivors' experiences in the criminal justice system. However, as drafted, clause 2 proposes enshrining just four broad overarching principles of the Victims Code into primary legislation, rather than a comprehensive set of standards with legal purpose. Refuge supports the Justice Committee's assertion that "this is not strong enough to drive the necessary cultural change in the treatment of victims in the criminal justice system"²¹. Further, for the Victims Code to be effective, it must dispense enforceable rights. In Refuge's experience, the vast majority of the Victims Code is currently not adhered to by the police and other criminal justice agencies and survivors are often not informed about their rights under the code or even aware of its existence. Without clear responsibility and accountability mechanisms to ensure compliance, the Victims Code will continue to fail to deliver for survivors.
40. **Refuge therefore urges Committee members to adopt the following proposals to address the Bill's shortcomings in addressing the myriad of issues survivors face when pursuing justice in the criminal courts:**
1. **Strengthen clause 5 to introduce stronger measures to ensure Code compliance.**
 2. **Introduce mandatory, trauma-informed training for all police and criminal justice practitioners who come into regular contact with survivors of domestic abuse.**

Guidance on Independent Advocates

41. Refuge welcomes the recognition of the vital support provided by Independent Domestic Violence Advocates (IDVAs) within the Victims and Prisoners Bill. However, the proposal to introduce a statutory definition of Independent Advocates only (clause 15) risks creating a hierarchy of specialist domestic abuse support roles and compounding barriers many frontline workers face when advocating for survivors with statutory services.
42. Most survivors seek support that would not typically be provided by an IDVA²². Yet, in Refuge's experience, IDVAs are often better recognised by statutory agencies than other community-based support roles. Introducing a statutory definition of IDVAs therefore risks elevating their status to the detriment of other specialist domestic abuse support workers. In particular, those working for specialist 'by and for' organisations who already face disproportionate challenges when advocating for survivors and provide tailored support which is unlikely to be captured within a generic definition.
43. **Refuge urges Committee members to amend clause 15 to recognise all community-based support roles. If introduced, a statutory definition of IDVAs and accompanying guidance should be broad, flexible and emphasise a survivor's right to a specialist advocate, regardless of their role title.**

Commissioner for Victims and Witnesses

44. Refuge supports the additional powers proposed in Clause 16 enabling the Commissioner for Victims and Witnesses to lay a report before Parliament and

²¹ House of Commons Justice Committee (2022) Pre-legislative scrutiny of the draft Victims Bill: Second Report of Session 2022–23 [Pre-legislative scrutiny of the draft Victims Bill \(parliament.uk\)](https://www.parliament.uk/publications/2022/23/pre-legislative-scrutiny-of-the-draft-victims-bill)

²² Domestic Abuse Commissioner (2023) A patchwork of provision

placing a duty on authorities within the Commissioner's remit to respond to recommendations, where relevant. However, this is only effective as a mechanism of accountability if relevant authorities, including the government, adhere to the duty and respond within the specified timeframe. Refuge is aware of at least one occasion whereby the equivalent duty has not been adhered to in response to reports by the Domestic Abuse Commissioner. Furthermore, as a crucial advocate for victims and survivors, the delayed appointment of a new Commissioner for Victims and Witnesses, following the resignation of the former Commissioner in September 2022, during the passage of a Bill which aims to bolster victims' rights is problematic and Refuge urges the government to take necessary steps to prevent any further delays to this appointment.

Part 3 – Prisoners

45. In Refuge's view, the expansion of the Bill to include measures on prisoners and parole board reform risks distracting its focus from victims and poses further limitations to its transformative potential.
46. Given the significant need for additional funding for victim support services evidenced in this submission, Refuge is disappointed that Part 3 is the only part of the Bill to have any additional funding attached²³.
47. In Refuge's view, the proposals outlined in Part 3 collectively risk undermining the independence of parole processes and exacerbating delays to the parole process, which may result in greater trauma, disappointment, and disengagement among survivors. Further, the attempt to withdraw Section 3 of the Human Rights Act, applied within this Bill to prisoners is concerning. Undermining the principle of universality in human rights protection is not in the interest of victims and survivors. **Refuge therefore urges the Committee to reconsider these clauses and recentre victims and survivors within the Bill.**

Omissions

Keep Counselling Confidential

48. Refuge endorses the [Keep Counselling Confidential](#) campaign to end unethical and routine requests made by criminal justice agencies for counselling and therapy notes. The proposed amendment to the Victims and Prisoners Bill, developed by Rape Crisis England & Wales, the Centre for Women's Justice, and the End Violence Against Women Coalition, would adopt a presumption of non-disclosure regarding therapy notes. This would afford a higher legal threshold for obtaining counselling and therapy records and would balance a defendant's right to a fair trial with a victim or survivor's right to access counselling or therapy without fear. If adopted, therapy notes would not be the subject of disclosure, except in very exceptional circumstances (including when a survivor wishes for their notes to be used).
49. Refuge acknowledges the government announcement during Second Reading that an amendment to the Victims and Prisoners Bill will set out clearly in law that in rape cases, the police should only request third-party materials such as survivors' counselling notes if they are absolutely necessary and proportionate. However, in practice, this amendment does not change the law or bring about any new protections for victims and survivors of rape. It simply reinforced what already exists

²³ Impact Assessment: Parole Clauses (publishing.service.gov.uk)

in law, but is not properly implemented, under the Data Protection Act 2018. Under current law, and the government's announced amendment, survivors are still prevented from discussing with their therapist the details of their experiences.

50. **To protect survivors of rape, their access to therapy and right to privacy, Refuge urges Committee members to support the amendment, championed by Rape Crisis England & Wales, the Centre for Women's Justice, and the End Violence Against Women Coalition, to adopt a presumption of non-disclosure regarding therapy notes.**

Firewall between Immigration Enforcement and Statutory Services

51. The Victims and Prisoners Bill misses an important opportunity to enable migrant survivors to safely report domestic abuse. The practice of information sharing between the police and the Home Office often deters migrant survivors with insecure immigration status from reporting, putting them at increased risk of harm from dangerous perpetrators. Among migrant victims and survivors interviewed by the Latin American Women's Rights Service in 2019, more than half (54%) feared that they would not be believed by the police because of their immigration status or felt that the police or the Home Office would support the perpetrator over them²⁴.
52. To ensure migrant survivors can report safely, Refuge is supporting the Domestic Abuse Commissioner's proposed amendment – backed by Southall Black Sisters, the Latin American Women's Rights Service and many organisations across the Violence Against Women and Girls sector - to implement a firewall between Immigration Enforcement and Statutory services preventing data shared by the police being used for immigration control purposes. This will enable survivors to report and access support without fear of immigration enforcement; would bring more perpetrators to justice; and reduce the grip of immigration abuse.
53. **Refuge therefore urges the Committee to amend the Bill to introduce a firewall between Immigration Enforcement and Statutory Services.**

Conclusion

54. To ensure the Victims and Prisoners Bill delivers for survivors of domestic abuse, Refuge therefore urges the Committee to consider the following proposals in scrutiny of the Bill:
- a. **Strengthen the 'duty to collaborate' by introducing adequate, sustainable funding for specialist domestic abuse community-based services, estimated by Women's Aid Federation England to cost at least £238 million per year²⁵.**
 - b. Require Joint Strategic Needs Assessments (SNAs) between duty holders;
 - c. Specify that community-based domestic abuse services commissioned under the 'duty to collaborate' are specialist gender-based services.
 - d. Specify that services must be commissioned on sustainable contract terms of a minimum of 3 - 5 years.
 - e. Introduce stronger measures to ensure compliance with the Victims Code.

²⁴ McIlwaine, C., Granada, L., Valenzuela-Oblitas, I. (2019), 'The Right to be Believed. London: Kings College London, Latin American Women's Rights Service

²⁵ Women's Aid Federation England (2023) Investing to Save: the economic case for funding specialist domestic abuse support, Bristol

- f. Introduce mandatory, trauma-informed training for all police and criminal justice practitioners who come into regular contact with survivors of domestic abuse.
- g. Adopt a presumption of non-disclosure regarding therapy notes.
- h. Introduce a firewall between Immigration Enforcement and Statutory Services.