

Women's Aid Federation of England's Evidence to the Public Bill Committee on the Victims and Prisoners Bill

Background and Executive Summary

Women's Aid Federation of England (Women's Aid) is the national charity working to end domestic abuse against women and children. We are a federation of 170 organisations which provide just under 300 local lifesaving services to women and children across the country. Over the past 49 years, Women's Aid has been at the forefront of shaping and coordinating responses to domestic abuse through practice, research and policy. We empower survivors by keeping their voices at the heart of our work. Our support services, which include our Live Chat Helpline, the Survivors' Forum, the No Woman Turned Away Project, the Survivor's Handbook, Love Respect (our dedicated website for young people in their first relationships), and the national Domestic Abuse Directory, help thousands of women and children every year.

Women's Aid welcomes the Victims and Prisoners Bill as an opportunity to improve the support that survivors of domestic abuse, and other forms of violence against women and girls (VAWG) receive. However, we have concerns that this long-awaited Bill will not lead to meaningful change for survivors.

This submission sets out the amendments which Women's Aid is calling for based on our expertise from our national network of members, engagement with survivors, and partnership work with the wider VAWG sector. Overall, we have three main areas of concern:

1. **Commissioning of services** –there is no specificity that victim support services should be specialist and much needed oversight and monitoring is lacking. We are also clear on the need for a sustainable funding package for community-based support (CBS) services;
2. **The role of advocates** - by only recognising Independent Domestic Violence Advisors (IDVAs) in legislation, the Bill risks creating a one-size-fits-all approach to the commissioning of services;
3. **The Victims' Code** – the provisions within the Bill do not give the code 'teeth' or ensure it is enforceable or monitored. Women's Aid is clear that several provisions relating to the Code need to be strengthened to ensure that all survivors can access their rights and be signposted to specialist support.

Women's Aid also supports other key amendments that are set out in the VAWG sector's joint submission, which are vital to ensure the Bill meets the needs of all survivors – for example, Latin American Women's Right Services's recommendation for a firewall and the Domestic Abuse Commissioner's recommendation on joint strategic needs assessments.

Although Women's Aid generally uses the term 'survivor' when referring to those who have experienced domestic abuse, for the purposes of this evidence submission the term 'victim' is used.

Part 1 – Victims of crime

Victims' Code

We strongly welcome proposals to put the overarching principles of the Victims' Code in primary legislation.

Clause 2 – The Victims' Code

- The majority of victims of domestic abuse do not report abuse to the police or seek outcomes through the criminal justice system; the Office of National Statistics reports that only 18% of victims report to the police.¹
- It is therefore imperative that regardless of whether a victim reports a crime to the police, that they are still able to access the support they need and that they do not feel pressured to seek criminal justice outcomes.
- This principle should be included in the legislation and associated guidance alongside a reference to 'all victims without discrimination' to ensure it is in line with Article 4 (3) of the Istanbul Convention.²

Women's Aid calls for the principles in subsection 3 of Clause 2 of the Bill to state that "victims do not have to report a crime to the police to access support", and that the principles apply to "all victims without discrimination".

Signposting victims to specialist support

- Frontline criminal justice professionals should be required to signpost victims to specialist advocacy support to help them attend court, build their confidence and ensure that they receive practical safety planning.
- We recommend victims are signposted to a full range of specialist services³, as well as practical support and information; Women's Aid's Survivor's Handbook⁴ provides a clear example of what practical support should be included. The ability to access thorough information on a full range of issues and easy-to-follow guidance is crucial for victims who may be planning to leave their perpetrator. It is also imperative that Black and minoritised women, Deaf and disabled women and LGBT+ victims are able to access support which meets their specific needs in recognition of their experiences of additional inequalities and the intersecting forms of discrimination.

¹<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018>

² <https://rm.coe.int/168008482e>

³ [Women's Aid Directory - Women's Aid \(womensaid.org.uk\)](https://www.womensaid.org.uk)

⁴ <https://www.womensaid.org.uk/the-survivors-handbook/>

- Victims should also be made aware of the range of relevant helplines and online support, including Women's Aid's Live Chat Helpline⁵, and other specialist domestic abuse and VAWG services.

Women's Aid calls for the principles in subsection 3 of Clause 2 of the Bill to state "victims should be signposted to a full range of practical advocacy support and information".

Accessibility of the Code

- Improvements need to be made to the Code's accessibility, particularly in terms of the needs of Deaf, disabled and blind victims, whose needs are often overlooked, neglected or addressed inadequately.
- The Bill must ensure that all victims can access the Victim's Code via means that are suitable for them. The recent British Sign Language (BSL) Act 2022 alongside the Public Bodies Accessibility Regulations 2018 makes clear the accessibility requirements for public sector bodies.

Women's Aid calls for the introduction of a new subsection in Clause 2 of the Bill which states "The Code must be made fully accessible in line with the standard of accessibility in the Public Bodies Accessibility Regulations 2018 and BSL Act 2022".

Training for criminal justice staff

- Without in-depth understanding of domestic abuse and its impacts, we have evidence of the poor response frontline staff can deliver to victims.
- Research conducted by Women's Aid and the University of Bristol highlighted poor responses to domestic abuse victims. One victim said that "...I completely shut down all sort of opportunities to get help or to seek justice because basically I was told that it was my fault."⁶ This example demonstrates victim-blaming, which is prevalent in many poor responses to victims.
- All frontline staff in criminal justice agencies, and those who respond to victims of domestic abuse, should undergo continuous professional development training, co-produced with specialist domestic abuse services, to ensure a victim's entitlements are always delivered in a safe and appropriate way.

Women's Aid calls for the introduction of a new subsection in Clause 2 of the Bill which states "The Secretary of State must ensure all frontline staff have an in-depth understanding of domestic abuse and the impact it has on victims".

A secondary subsection in Clause 2 of the Bill must also be introduced stating "The Secretary of State must make sufficient funding available for criminal justice

⁵ <https://chat.womensaid.org.uk/>

⁶ [Women's Aid, Hester, M., Walker, S-J., and Williamson, E. \(2021\) Gendered experiences of justice and domestic abuse. Evidence for policy and practice. Bristol: Women's Aid](#)

agencies to undertake the provision outlined in Clause 2, in a transparent manner”.

Clause 7 - Reviewing code compliance: elected local policing bodies

Monitoring compliance with the Code

- Whilst the Bill introduces a duty on Police and Crime Commissioners (PCCs) to monitor compliance with the Victims’ Code locally, the establishment of a national oversight mechanism could help to ensure accountability and consistency across police areas.
- Any body established to oversee this must include representation from specialist victim support services, including those focused on domestic abuse and VAWG.

Women’s Aid calls for Clause 7 of the Bill to include a new subsection stating that “The Secretary of State must produce a report looking at the merits of establishing a national oversight mechanism to monitor compliance with the Code”.

This new subsection must also stipulate a time frame within which the Secretary of State must produce this report and a requirement for the success of an oversight mechanism to be reviewed locally by local multi-agency groups.

Voice of victims

- We welcome that the Bill requires PCCs to ensure they consider the experiences of victims to contextualise and add to the Code compliance data. To ensure that the voices of all victims are meaningfully heard, any guidance accompanying this duty should explicitly state the need to engage and collaborate with specialist domestic abuse and VAWG services, including those led ‘by and for’ Black and minoritised women.
- The Women’s Aid’s Annual Survey 2022 highlighted that 27.3% of responding domestic abuse services reported having received no local authority funding⁷ and specialist ‘by and for’ services were overall less likely to be commissioned by their local authority, with 55% being non-commissioned.⁸
- It is therefore vital that the Bill requires PCCs to engage with both commissioned and non-commissioned services to ascertain the full breadth of victim experiences and needs and ensure that all victims voices are heard.

Women’s Aid is calling for subsection 1 of Clause 7 of the Bill to state that this must be done by “engagement with local commissioned and non-commissioned specialist domestic abuse and sexual violence services”.

⁷ [Women’s Aid. \(2023\) The Domestic Abuse Report 2023: The Annual Audit, Bristol: Women’s Aid](#)

⁸ [Women’s Aid. \(2023\) The Domestic Abuse Report 2023: The Annual Audit, Bristol: Women’s Aid](#)

Collaboration in exercise of victim support functions

Clause 12 - Duty to collaborate in exercise of victim support functions

Improving commissioning

- The “duty to collaborate”, as currently drafted, will not improve victims’ access to community-based support (CBS) services unless this is underpinned by a sustainable funding package.
- Specialist CBS services are crucial to supporting victims of domestic abuse and their long-term recovery. They offer a range of service types including advocacy; therapeutic support such as formal counselling or peer support groups; floating support aimed at supporting women to maintain their tenancies; outreach support; support for children and young people; and prevention and awareness raising work. CBS can also include ‘open-access’ services which do not require a referral, such as a helpline or drop-in service.
- Women’s Aid’s 2023 Annual Audit report shows between April 2021 and March 2022, CBS services in England supported an estimated 131,094 women and 170,422 children⁹, with the Women’s Aid Annual Survey 2022 of domestic abuse services finding that:
 - 40 of the 55 respondents (72.5%) that had community-based service provision had received funding from their local authority, PCC or health body in 2021-22.¹⁰
 - Only 12 of these were able to run their entire service from local authority funding.¹¹
 - The remaining 15 respondents (27.3%) reported receiving no local authority funding at all.¹²
- Inadequate funding and poor procurement and commissioning practices are prohibiting the ability of specialist domestic abuse services to effectively support victims.
- Women’s Aid is therefore calling for the “duty to collaborate” to specify the types of services that best support women and children experiencing domestic abuse and sexual violence. Omission of this, could lead to big, pooled budgets across a range of commissioners which incentivise large, generic contracts and not local specialist services.

⁹ [Women’s Aid. \(2023\) The Domestic Abuse Report 2023: The Annual Audit, Bristol: Women’s Aid.](#)

¹⁰ [Women’s Aid. \(2023\) The Domestic Abuse Report 2023: The Annual Audit, Bristol: Women’s Aid.](#)

¹¹ [Women’s Aid. \(2023\) The Domestic Abuse Report 2023: The Annual Audit, Bristol: Women’s Aid.](#)

¹² [Women’s Aid. \(2023\) The Domestic Abuse Report 2023: The Annual Audit, Bristol: Women’s Aid.](#)

Women’s Aid is calling for subsection 4(a) of Clause 12 to be amended to “specialist domestic abuse services”.

Women’s Aid is also clear on the need for a sustainable funding package for [community-based support \(CBS\) services](#).

Cross-boundary collaboration

- Due to the insufficient capacity of domestic abuse support services, many victims have to cross local authority borders in order to access suitable support. This is particularly pertinent for Black and minoritised women, who are more likely to only be able to access appropriate support outside of their local area due to the scarcity of these services; just over half of all refuge spaces dedicated to Black and minoritised women, not all of which are ‘by and for’, were located in London.¹³
- We also know that the inability to effectively help victims of domestic abuse at the first presentation of need, can lead to costly interventions involving a range of already overstretched public services.¹⁴
- The duty to collaborate should therefore be expanded to encourage cross-boundary collaboration.

Women’s Aid calls for subsection 2 in Clause 12 of the Bill to include a line stating the relevant authorities for a police area must also “work with neighbouring police areas when commissioning support services”.

Oversight mechanism

- The Bill currently provides no mechanism to protect the national network of specialist domestic abuse services, who not only deliver life-saving support to victims of domestic abuse but offer huge value to the wider society, by reducing pressure on public services such as the NHS.¹⁵
- A national oversight mechanism, similar to the National Expert Steering Group set up by the Department for Levelling Up, Housing and Communities to oversee the delivery of Part 4 of the Domestic Abuse Act 2021, could monitor the commissioning of specialist services with powers to intervene where these services are being decommissioned without suitable alternatives.
- In the consideration of such a mechanism, lessons should be learned from the National Expert Steering Group on effectiveness and the collection and publication of meaningful data. Women’s Aid would also urge for such a

¹³ [Women’s Aid. \(2023\) The Domestic Abuse Report 2023: The Annual Audit. Bristol: Women’s Aid.](#)

¹⁴ [Women’s Aid. \(2023\) Investing to save: the economic case for funding specialist domestic abuse support. Bristol: Women’s Aid.](#)

¹⁵ Women’s Aid. (2023) Investing to save: the economic case for funding specialist domestic abuse support. Bristol: Women’s Aid.

mechanism to enforce and monitor Equality Impact Assessments for commissioning and procurement processes.

Women's Aid calls for Clause 12 of the Bill to include a new subsection stating that "The Secretary of State must produce a report looking at the merits of establishing a national oversight mechanism to monitor the commissioning of victim support services that provide support specifically for victims with protected characteristics".

Clause 13 - Strategy for collaboration in exercise of victim support functions

Needs assessments

- In conducting needs assessments, commissioners should demonstrate an understanding of the ecology of specialist domestic abuse services. Critically, this requires engagement with both commissioned and non-commissioned services.
- With many domestic abuse services operating with partial or even no funding from their PCC, local authority or health body, engaging with these services ensures that victims who face increased barriers to seeking support are represented in the assessment of need, and ultimately, increases access to support for all victims.
- Commissioning should not be done in silos, as this approach fails to recognise that domestic abuse impacts all aspects of a woman's life and leads to repeated and additional interventions, which are resource-intensive for overstretched public services like the police.
- It is well evidenced that local authorities that draw on insights from available data in other commissioning functions, such as mental health and housing, are more likely to deliver services that meet the needs of victims in the area.

Women's Aid calls for Section 2 of Clause 13 to state that the relevant authorities must also consult persons providing "victim support services which are commissioned by the relevant authorities in the police area and victim support services operating in the police area which do not receive funding from the relevant authorities".

Independent domestic violence and sexual violence advocates

Clause 15 - Guidance about independent domestic violence and sexual violence advisors

- Women's Aid fully appreciates the key role IDVAs and ISVAs have in working with victims of domestic abuse to understand their experiences and their risk of ongoing harm.

- Women's Aid has concerns that defining only IDVAs in the Bill risks undermining a whole range of other community-based specialist domestic abuse services. This is likely to lead to the IDVA model becoming the preferred model of support for victims and commissioners may prioritise funding IDVAs over other forms of support.
- Many women and children seek alternative forms of support from specialist domestic abuse services that fall outside of the formal IDVA title, such as formal counselling and support groups, which play a vital role in supporting the recovery of women and children.
- Moreover, victims from minoritised backgrounds value, and need access to, holistic support and intersectional advocacy from organisations led 'by and for' Black and minoritised women, and those providing specialist advocacy to Deaf and disabled, and LGBT+ victims, which do not fall within the narrow IDVA framework.
- By only formalising the IDVA model and not enshrining the value of CBS services more broadly in the Bill, Women's Aid expects that there will be a reduction in the types of specialist support commissioned and therefore available for women and children, and larger, more generic services or services run in-house by local authorities will increase.

Women's Aid calls for Clause 15 to be removed, and a new clause defining "community-based specialist domestic abuse services" to be inserted.

We also call for Clause 12 to be amended to add subsection (10) "Relevant authorities to adhere to accompanying guidance about community-based specialist domestic abuse services", which the Department for Justice should publish.

Part 3 - Prisoners

- Women's Aid agrees with the VAWG sector's consensus that the expansion in scope of the Bill through Part 3 is not in the interests of victims and in fact, risks undermining the purpose of the Bill overall.
- Women's Aid shares the following concerns in relation to Part 3 of the Bill:
 - The provisions in Part 3 risk undermining the independence of parole processes, to the detriment of victims and survivors of VAWG.
 - Part 3 would exacerbate delays to the parole process and risk incurring greater trauma, disappointment, and disengagement among victims and bereaved families.

- These provisions appear to accelerate some of the aims of the widely condemned Bill of Rights Bill, in their disapplication of Section 3 of the Human Rights Act.
 - Many provisions were not subject to pre-legislative scrutiny.
- Women's Aid supports calls for the withdrawal of all probation provisions in their entirety along with the disapplication of Section 3 of the Human Rights Act to prisoners as a group.