



**domestic
abuse
commissioner**

Public Bill Committee Call for Evidence: Children's Wellbeing and Schools Bill

The Domestic Abuse Commissioner's response

Role of the Domestic Abuse Commissioner

The Domestic Abuse Act establishes in law the Office of the Domestic Abuse Commissioner for the purpose of providing public leadership on domestic abuse issues and to play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales. The role of the Commissioner is to encourage good practice in preventing domestic abuse and improve the protection and provision of support to people affected by domestic abuse, by holding agencies and Government to account.

The Domestic Abuse Commissioner for England and Wales welcomes the opportunity to submit views on the Children's Wellbeing and Schools Bill and would be happy to discuss the contents of this response further, if requested to do so. This response will set out the Commissioner's overarching position in relation to domestic abuse and children and young people, why this is an important consideration for the Bill Committee, and specific feedback relating to aspects of the Bill as relevant to the Commissioner's remit.

Intersectionality

Domestic abuse does not exist in a single form. It is unique to each person's situation and history. Different forms of domestic abuse, including controlling and coercive behaviours, coexist in most contexts and it is important to understand how power and control manifest in these situations. 'Race'/ethnicity, age, gender, religion, sexuality, socio economic status, immigration status, disability status and other ways in which victims/survivors identify plays a crucial role in their experience of abuse, its impact and their ability to access pathways of support and recovery. Specialist pathways of support as well as any attempt to understand victim/survivor needs should be responsive to the multiple contexts of oppression and vulnerabilities that they experience.

Response Summary

The Commissioner is pleased to see the Children's Wellbeing and Schools Bill's commitment to better safeguard children from harm and abuse and ensure that the right services are working together effectively to support children.

In this response to the Bill Committee's call for evidence, the Commissioner will share her concerns, priorities and details of forthcoming work concerning children and young people who are victims of domestic abuse. The Commissioner hopes that this will assist the Committee to embed an understanding of the impacts on and needs of these children and young people as they scrutinise the Bill as a whole.

This is particularly critical given the prevalence of domestic abuse and the number of children and young people it therefore affects. Official statistics are disappointingly lacking, and the Commissioner is clear this must be addressed, including via the Child Abuse Prevalence Survey, with specific questions on childhood exposure to domestic abuse. But current estimates all reflect a size of problem that far outweighs the current attention paid to this type of harm and its potential impacts on children's lives. The most recent data on the prevalence and nature of partner abuse from the Crime Survey for England and Wales found that where adults aged 16-59 reported experiencing domestic abuse, 32.4% of respondents reported that there was a child under the age of 16 living in the house.¹

Based on the Commissioner's ongoing and existing work to date on domestic abuse and children and young people, she will also provide specific comment on the following aspects of the Bill as relevant to her remit:

- Family group decision making
- Strengthening the role of education in safeguarding
- Establishing multi-agency child protection teams
- Information-sharing and consistent identifiers

This comment will include and elaborate on the following recommendations:

- 1. Exempting domestic abuse cases from family group decision making.**
- 2. Making education a statutory safeguarding partner.**
- 3. Piloting a scheme of dedicated safeguarding resource within every school.**
- 4. Introducing local Education Domestic Abuse Advisor roles.**

¹ Office for National Statistics (2022). *Partner Abuse in Detail – Appendix Tables* - Office for National Statistics. [online] www.ons.gov.uk. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/partnerabuseindetailappendixtables>.

- 5. Undertaking a whole system review of the MARAC model.**
- 6. Including specialist domestic abuse services within the minimum core membership of new multi-agency child protection teams.**
- 7. Comprehensive, specialist training for all frontline professionals working with children, including identifying domestic abuse and responding safely.**
- 8. Fully domestic abuse informed policy/guidance underpinning the development and use of any single unique identifier.**
- 9. Strengthening Operation Encompass to place a duty on education settings to act on notifications and put in place support for the child.**
- 10. Extending the statutory duty of Operation Encompass to early years settings.**

Domestic Abuse, Children and Young People: The Context

Despite the 2021 Domestic Abuse Act's landmark step forward of recognising children as victims of domestic abuse in their own right, to date, little has been done to support or guide agencies locally to address a chronic lack of awareness or clarity as to what this means in practice. Children's legal status as victims of domestic abuse has therefore brought little tangible change.

The impacts of domestic abuse upon children can be profound. Alongside the distress experienced while abuse is occurring is the likelihood of longer-term trauma that affects physical and mental health, development, behaviour and emotional wellbeing.²
^{3 4} Psychological impacts of coercive control can include a lack of security and safety, a reluctance to trust others and limited opportunities to choose, feel free and develop a sense of independence.^{5 6} Children who experience domestic abuse are also more likely to have higher internalising and externalising behaviours and lower pro-social skills than their peers.⁷

Support for children and young people who are victims of domestic abuse therefore remains one of the Commissioner's top priorities. Her Office is currently embarking on an ambitious research, policy and practice report that will explore current provision of

² Stanley, N. (2011). *Children experiencing domestic violence: a research review*. Totnes: Research In Practice.

³ Holt, S., Buckley, H. and Whelan, S., 2008. The impact of exposure to domestic violence on children and young people: A review of the literature. *Child abuse & neglect*, 32(8), pp.797-810.

⁴ WHO (2013). *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*. [online] Available at: https://iris.who.int/bitstream/handle/10665/85239/9789241564625_eng.pdf?sequence=1.

⁵ Mullender A, Hague G, Imam U, Kelly L, Malos E and Regan L (2002) *Children's perspectives on domestic violence*. London: Sage.

⁶ Buckley, H., Holt, S. and Whelan, S. (2007). Listen to Me! Children's experiences of domestic violence. *Child Abuse Review*, [online] 16(5), pp.296–310. doi: <https://doi.org/10.1002/car.995>.

⁷ Skafida, V. and Devaney, J. (2023) Risk and protective factors for children's psychopathology in the context of domestic violence – a study using nationally representative longitudinal survey data. *Child Abuse & Neglect*, 135, 105991 <https://doi.org/10.1016/j.chiabu.2022.105991>

services, understand best practice, offer policy solutions, and reflect the voices of children themselves. Over 800 professionals from across the statutory and non-statutory sectors have been engaged as part of the report's development, to ensure recommendations are practicable and based in the reality of operational work.

Whilst the full report will be published in April 2025, work to date highlights the alarming prevalence of domestic abuse cases in the social care system. Children's Social Care assessments record domestic abuse in around 50% of cases, which is the most common adverse background factor listed for children deemed in need of support. This figure is widely believed to be underestimated. Despite this, social workers reported, during roundtables held by the Commissioner's Office, only receiving a day of training on domestic abuse, and difficulty spotting the signs of controlling and coercive behaviour. Similarly, teachers and Designated Safeguarding Leads also reported a lack of time, training and confidence in effectively handling disclosures and conversations around domestic abuse.

This is compounded by a lack of specialist support services for children who have experienced domestic abuse, with the Commissioner's previous mapping of support finding that just 29% of victims who wanted support for their child were able to access it⁸. Preliminary findings from the Commissioner's recent survey found that, of over 160 commissioners who told us about over 680 commissioned services, continuation of current funding arrangements could only be confirmed for 1 in 5 services.

As a result of this fractured and over-stretched system, children are currently falling through the cracks and not receiving the statutory and non-statutory support which they deserve. The Commissioner's full suite of recommendations to address this and ensure a genuine response to children and young people as victims in their own right will be published in her forthcoming report. She would however like to take the timely opportunity of this call for evidence to highlight some of the key themes emerging, as they relate to current Bill provisions and aims.

Specific Feedback

Family group decision making

In 2024 the Domestic Abuse Commissioner's Office worked in partnership with eight organisations to pilot *Tell Nicole*: a framework to engage with children who have experienced domestic abuse. The key aim was to understand what children wanted and needed from support services, helping to ensure that children's voices inform the Commissioner's strategy in relation to children affected by domestic abuse.

As part of this work, children told the Commissioner that their views have often been sidelined or considered secondary to those of adults. It is therefore imperative that, in

⁸ [DAC_Mapping-Abuse-Suvivors_Long-Policy-Report_Nov2022_FA.pdf](#)

both the context of family group decision making and all agencies' interactions with families, mechanisms are in place to allow children to safely make their voices heard, and that their views and experiences are afforded an equal status.

On the proposals relating more widely to mandating the use of family group decision making when the Local Authority is considering applying to the court for a care or supervision order, the Commissioner has serious concerns about the appropriateness and safety of this approach in a domestic abuse context. It is well established amongst domestic abuse specialists that, due to the nature of coercive and controlling behaviour, attempting to work with both the victim/survivor and perpetrator together (for example, mediation) in a domestic abuse context is inappropriate, ineffective, and can be unsafe. Family group decision making therefore has the potential to be retraumatising for both the child and adult victim and provides a potential tool for further controlling and coercive behaviour on the part of the perpetrator. There are also additional concerns and risks in the context of 'honour'-based abuse (HBA), where there may be multiple perpetrators within the family. The Commissioner therefore strongly recommends an amendment to exempt cases where domestic abuse is a factor from family group decision making.

Strengthening the role of education in safeguarding

Schools are 'the eyes and ears of the safeguarding system'⁹, as they see children more than any other service. Daily interactions with children provides opportunities to spot a pattern, identify issues and intervene as early as possible – schools are a critical site for the protection and safeguarding of children. The Commissioner therefore strongly supports proposals for a strengthened role of education in safeguarding, and in the response to domestic abuse more specifically. She would however urge the Government to go further and reconsider its stance on making education the fourth statutory safeguarding partner. This would help to build a better understanding of a child's life and ensure that education representatives are consistently engaged in decision making, held to account, and sharing important data and information as timely as possible. It would also reduce the risk of differing interpretations of the role of education in safeguarding in different local areas, which would exacerbate existing inconsistencies.

Feedback from the Commissioner's engagement with frontline practitioners has highlighted that currently Dedicated Safeguarding Leads (DSLs) in education settings cover multiple roles as standard and aren't specialists in risk management and safety planning. Yet the reported proportion of cases within their caseload that DSLs manage which related to domestic abuse was between 20-100% of their caseload. In order to improve schools' response to domestic abuse, there must be dedicated safeguarding

⁹ ADCS (2019) Building a Workforce That Works For All Children. (2019). Available at: https://www.adcs.org.uk/wp-content/uploads/2024/04/ADCS_Building_a_workforce_that_works_for_all_children_FINAL_11_March_2019.pdf [Accessed 21 Jan. 2025].

resource within every school, who holds no other separate responsibilities. In her submission to the HM Treasury Autumn Budget and Spending Review 2024¹⁰, the Commissioner called for this to be funded as a pilot scheme; she will repeat this call in her submission to the upcoming Spring Spending Review.

The Commissioner will also make a new call for the funding and introduction, via Local Safeguarding Children Partnerships, of Education Domestic Abuse Advisor roles, who can provide training and guidance to schools and share best practice across local areas. This role would entail taking a strategic role in the coordination of the local Education sector's ability to respond effectively to child victims of domestic abuse, as well as collating and analysing key data from safeguarding and inclusion referrals to feed into local joint strategic needs assessments (as required by the Victim and Prisoners Act 2024 Duty to Collaborate).

Establishing multi-agency child protection teams

The Commissioner believes that robust and effective multi-agency working and collaboration across the whole statutory system and specialist services is fundamental to the protection and support of children experiencing domestic abuse. She supports therefore the Bill's ambitions to strengthen multi-agency risk assessment and decision making.

It is important to note that there are a number of existing local multi-agency partnership structures and frameworks which have a role to play in the response to domestic abuse, including – at least in theory – the response to child victims. These include Multi-Agency Risk Assessment Conferences (MARAC), as well as Multi-Agency Tasking and Coordination (MATAC), Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Safeguarding Hubs (MASH), Local Safeguarding Children's Partnerships (LSCPs), Local Family Justice Boards (LFJBs) and Integrated Care Boards. The Commissioner believes that there are opportunities to strengthen the response to child victims within these existing structures and learn from challenges they have faced in the implementation of any new multi-agency arrangements or systems.

MARACs bring together multi-agency partners to respond to high risk, high harm cases of domestic abuse. In the year ending March 2024, 107,674 cases were discussed at a MARACs in England and Wales. From those cases, we know that there were 134,222 children and young people living in those households¹¹. Despite the high prevalence of domestic abuse within social work caseloads just 2.9% of referrals came from Children's Social Care, 0.6% from the Multi-Agency Safeguarding Hub and just 0.2% from education settings.¹² The Commissioner has heard from practitioners that

¹⁰ [Domestic Abuse Commissioner's submission to the HM Treasury Autumn Budget and Spending Review 2024 - Domestic Abuse Commissioner](#)

¹¹ SafeLives (2024). *Our quarterly MARAC data*. [online] SafeLives. Available at: <https://safelives.org.uk/research-policy/practitioner-datasets/marac-data/>.

¹² SafeLives (2024). *Our quarterly MARAC data*. [online] SafeLives. Available at: <https://safelives.org.uk/research-policy/practitioner-datasets/marac-data/>.

representatives from education are not routinely present at MARAC discussions in many areas, and that as presently designed it is insufficient to reflect children's voices and respond to the experiences and needs of child victims. These concerns form part of the wider picture which has led to the Commissioner, in her recent criminal justice report¹³, to call on Government to commit to undertaking a whole system review of the MARAC model (and risk assessment framework underpinning it), which includes improving its understanding of and response to child victims.

The Commissioner is clear that independent, specialist domestic abuse services have a critical role to play in any multi-agency response to both adult and child victims of domestic abuse. Feedback from the Commissioner's roundtables with frontline practitioners emphasised the value of strong collaborative working between these services and statutory agencies such as Children's Social Care. This was also reflected in findings from the National Review into the tragic deaths of Star Hobson and Arthur Labinjo-Hughes, which highlighted the understanding specialist domestic abuse practitioners demonstrated of the impact of domestic abuse and – critically – the potential risks to children.¹⁴

In the context of the Bill's creation of a duty for local safeguarding partners to establish multi-agency child protection teams, the Commissioner strongly recommends that specialist domestic abuse services must be included within the minimum core membership. She is clear that their expertise will be relevant to safeguarding in every local area, and their inclusion therefore need not be left to the discretion of individual local areas. The resource required for specialist domestic abuse services to become core members of these teams should be reflected within local commissioning arrangements.

It is imperative that all members of multi-agency child protection teams are appropriately trained on domestic abuse, including understanding coercive and controlling behaviours and responding to perpetrators. A comprehensive recommendation on domestic abuse training for professionals will be detailed further in the Commissioner's forthcoming report.

Information-sharing and consistent identifiers

The Commissioner agrees that there is a need to improve data sharing between agencies to better safeguard and support children and families – this is a key aspect of effective multi-agency working within a Coordinated Community Response¹⁵ to domestic abuse. Currently, professionals involved in this response lack clarity as to what information can be shared within, and across agencies.¹⁶

¹³ [dac_cjs-report_main_FINAL-DIGITAL.pdf](#)

¹⁴ The Child Safeguarding Practice Review Panel (2022). *Child Protection in England National review into the murders of Arthur Labinjo-Hughes and Star Hobson*. [online] Available at: https://assets.publishing.service.gov.uk/media/628e262d8fa8f556203eb4f8/ALH_SH_National_Review_26-5-22.pdf.

¹⁵ (a framework for multi-agency working, developed by Standing Together Against Domestic Abuse, which shifts responsibility for survivor safety onto systems)

¹⁶ McBride, E., 2018. The multi-agency response to children living with domestic abuse. *Probation Journal*, 65(1), pp.99-100.

Where children are identified as victims of domestic abuse, information must be shared in a timely and relevant way with a view to supporting the child victim and the non-abusive parent as early as possible, including referrals for advocacy and specialist support. This is a clear and consistent theme which emerges from Serious Case Reviews and analysis of Domestic Homicide Reviews¹⁷ (now Domestic Abuse Related Deaths Reviews).

With regards to the specific proposal of a single unique identifier, the Commissioner would be interested to understand more details on this, including what information would be recorded against the identifier and who would have access to it. Any policy and guidance underpinning the development and use of a single unique identifier must be fully domestic abuse informed.

Further considerations

Operation Encompass

Operation Encompass is an early information partnership whereby police forces notify a child's school when it becomes apparent that they are a child victim of domestic abuse, enabling schools to offer immediate support to the child. In 2024, as part of the Victims and Prisoners Act, government placed Operation Encompass on a statutory footing. It also created a statutory duty for all police forces in England and Wales to notify relevant educational establishments if a member of the force has reasonable grounds to believe that a child who resides within their force area may be a victim of domestic abuse, as soon as is reasonably practicable.¹⁸

Unfortunately, however, the Act did not put in place any duty on education settings to act upon the notification, beyond existing safeguarding responsibilities. It is vital that an effective response happens as soon as possible and that relevant actions follow as a result of the notification, such as documenting and assessing the child's wellbeing and any risks and providing emotional support to the child. The Commissioner therefore recommends that provisions are strengthened to place a duty on education settings to act on the notification and put in place support for the child. This should include a referral to children's social care and/or a specialist domestic abuse service, and additional support in school, underpinned by guidance.

Furthermore, the Commissioner firmly believes that the statutory footing for Operation Encompass must extend to early years settings. This is critical given the high prevalence of domestic abuse occurring during and post pregnancy.

¹⁷ [Briefing-Paper-Childrens-Services-Domestic-Homicide-Oversight-Mechanism-2023.pdf](#)

¹⁸ *Victims and Prisoners Act 2024*. [online] Available at: <https://www.legislation.gov.uk/ukpga/2024/21>.