

# The Domestic Abuse Bill

## Report Stage and 3<sup>rd</sup> Reading, House of Commons

6 July 2020



### Key messages

- The Domestic Abuse Bill introduces important measures which will help to raise awareness of domestic abuse and will go some way to providing additional support to domestic abuse victims and helping to challenge perpetrator's behaviour. It is a positive step in the right direction.
- Alongside the Bill's focus on crisis interventions and criminal justice, tackling domestic abuse requires a cross-government response incorporating health, housing and education. We need an equal focus on, and funding for, prevention and early intervention measures that aims to prevent domestic abuse happening in the first place.
- In addition to the measures in the Bill, the Government should provide long-term and sustained investment in early intervention and prevention programmes and wider community-based support. This should include investment in perpetrator programmes, which is why we are calling on the Government to introduce a National Domestic Abuse Perpetrator Strategy.
- This legislation comes at a time when, even prior to the eventual long-term impact of the COVID-19 pandemic, local government's services, particularly children's services, were already facing unprecedented demand.
- The funding that the Government has announced in order to tackle domestic abuse during COVID-19 is welcome. We now need a long-term settlement as these one-off, short-term funds do not provide consistency or sustainability in the sector. Long-term, sustainable funding can help transform the response to domestic abuse.

# Briefing

## Amendment statements (up to 2<sup>nd</sup> July)

- **New Clause 15, tabled by Priti Patel MP and Robert Buckland MP, provides that references in the Bill to a victim of domestic abuse include children who see or hear, or experience the effects of, the abuse.**

Domestic abuse can have a devastating effect on children who witness the abuse, either directly or indirectly. According to the NSPCC, as many as one in five children have been exposed to domestic abuse.<sup>1</sup> Half of all children assessed to be in need by local authority children's services have experienced domestic abuse.<sup>2</sup>

We know children who live in families where there is domestic abuse can suffer serious long-term emotional effects. As Barnardo's highlights, children growing up in a household with domestic abuse can go on to face future harms such as developing mental health issues, exhibit harmful sexual behaviour, entering into abusive intimate relationships and youth offending.

It is right that the Bill recognises the harmful effects that domestic abuse has on children who witness abuse at home. As the legislation is implemented it will be important to clarify how this will affect existing legislation for current safeguarding and children's social care arrangements.

The statutory guidance will need to outline what this change to the Bill will mean in practice, in terms of new rights for children and the responsibility of agencies in responding to domestic abuse cases. There will need to be clear guidance for relevant agencies on how existing legislation and practices will be affected by this change, particularly for local authorities, the police and the courts.

- **New Clause 1, tabled by Fiona Bruce MP, Sir Desmond Swayne MP, Sir John Hayes MP and Sir Edward Leigh MP, calls on the Secretary of State to commission and publish research into the impact of pornography consumption on levels of domestic violence.**

It would be helpful to establish what impact pornography consumption has on levels of domestic abuse. Pornography can create unrealistic expectations about what to expect from a relationship or a partner's sexual behaviour, particularly violent or extreme pornography. This may inform a person's views about what they consider to be healthy or abusive behaviour towards a partner. It will be helpful to know what effect this has on teenagers and adolescents, who may be learning about relationships for the first time.

Any future research should take into consideration the proposals outlined in the Online Harms White Paper. Some online content that is lawful and appropriate for adults, such as dating apps or pornography, may cause significant harm to children who either access it intentionally or stumble across it. We understand that forthcoming age verification requirements for online pornography are intended to prevent this.

- **New Clause 2, tabled by Sir John Hayes MP, calls on the Secretary of State to commission and publish research into the incidence of domestic abuse within different living arrangements.**

During the COVID-19 pandemic, there were different themes of domestic abuse being increasingly reported. For example, abuse of young people (18 years old to 24 years old) living at home with their parents, LGBTQ+ phobic issues, parents abused by adult children, people contacting services about housemates who are not family, or partners behaving in abusive ways for the first time. It would therefore be helpful for any research to consider the incidence of domestic abuse within different living arrangements.

We hope that the introduction of a statutory definition of domestic abuse will help raise awareness of different types of domestic abuse and highlight the detrimental impact that coercive and controlling behaviour can have on a domestic abuse victim. The Bill makes it clear that domestic abuse is not just exhibited by physical violence, it can take the form of psychological, sexual, emotional or economic abuse, and occur in a wide range of domestic settings.

The Safe Lives Spotlights series focuses on groups of victims who may be 'hidden' from services or face additional barriers to accessing support. Each Spotlight briefing brings together insight from survivors, practitioners, academics and other experts. Further information is available here.<sup>3</sup>

- **New Clause 21, tabled by Liz Saville Roberts, intends to require that any person convicted of any offence that amounts to domestic abuse as defined in section 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.**

The Domestic Violence Disclosure Scheme (DVDS, also known as 'Clare's Law') enables the police to disclose information to a victim or potential victim of domestic abuse about their partner's or ex-partner's previous abusive or violent offending.

The scheme has two elements: the 'Right to Ask' and the 'Right to Know'. Under the scheme an individual or relevant third party (for example, a family member) can ask the police to check whether a current or ex-partner has a violent or abusive past. This is the 'Right to Ask'. If records show that an individual may be at risk of domestic abuse from a partner or ex-partner, the police will consider disclosing the information.

The 'Right to Know' enables the police to make a disclosure on their own initiative if they receive information about the violent or abusive behaviour of a person that may impact on the safety of that person's current or ex-partner. This could be information arising from a criminal investigation, through statutory or third sector agency involvement, or from another source of police intelligence.

We understand the Government intends to put the guidance on which the DVDS is based into statute. This will place a duty on the police to have regard to the guidance and will hopefully strengthen the visibility and consistent operation of the scheme.

The police already maintain a number of databases which will hold details of domestic abuse perpetrators, for example the Police National Computer, Police National Database and the ViSOR Dangerous Persons Database.

We understand there are plans to improve how these existing systems are used to record and share information about domestic abuse perpetrators and improve how agencies identify, risk assess and manage perpetrators, for example through better use of the DVDS and multi-agency public protection arrangements. We would support these changes being made to the current DVDS system and an evaluation of whether these changes have been effective, before considering the introduction of a domestic abuse register.

If these changes fail to be made and it was felt by the police, domestic abuse organisations and domestic abuse victims that a new domestic abuse register would provide greater protection and prevent future abuse from occurring, then this should be taken forward. However, there would have to be a rigorous quality assurance process for the register and adequate resources to ensure the register has the latest data and information inputted. This would need to be accompanied by guidance and resources for domestic abuse victims on how to access support services and put together a personal safety plan if they are in an abusive relationship. It is important the introduction of a domestic abuse register does not

contribute to the false security of a domestic abuse victim or put a victim's safety at risk in any way.

There should also be clear guidance on how the information in the domestic abuse register could be used and what the expectations of employers and other services would be.

- **New Clause 22 seeks to ensure that certain provisions under the Immigration Acts – including exclusion from public funds, certain types of support and assistance and the right to rent – do not apply to survivors of domestic abuse.**

High numbers of people with No Recourse to Public Funds (NRPF) have been approaching councils for support during the pandemic, following, for example, loss of employment.

We have called for a temporary suspension of the NRPF condition which would enable people to access welfare benefits and could prevent them from becoming homeless.

The LGA wants to work with the Government to provide greater clarity and funding for councils' responsibilities for all those who are destitute and homeless because of their immigration status.

Councils also do not receive any specific funding from central government to support people with NRPF. Latest data for 2018/19 showed that 59 councils were spending £47.5 million a year on NRPF service provision, however this was before the coronavirus crisis.

It is positive to see the Government is committed to doing what it can to support all migrant victims of domestic abuse, as outlined in the Government's Review findings on 'Migrant Victims of Domestic Abuse'. It is helpful the review has highlighted concerns about the situation for these victims, particularly how a lack of access to public funds can make it difficult to obtain safe accommodation. We welcome any further progress or updates on this work.

- **New Clause 23 seeks to establish a statutory duty on relevant public authorities to commission specialist support and services to all persons affected by domestic abuse. This includes refuge and community-based services; specialist services for groups with protected characteristics; services for children and young people; services for perpetrators.**

There should be a whole-systems approach to tackling domestic abuse, which does not just focus on criminal justice issues or crisis response, but includes partners in housing, health and education. Effectively tackling domestic abuse will require comprehensive approaches that all partners are funded to implement. There must also be flexibility to ensure services can be tailored to the needs of different areas.

We are concerned that the proposed statutory duty on local authorities to deliver domestic abuse accommodation support and services is solely focused on the crisis response, and there has been little in the Bill that focuses on wider community-based support. This is why we have called on the Government for greater investment in early intervention and prevention initiatives.

The current statutory duty proposed in the Domestic Abuse Bill to deliver domestic abuse accommodation services is placed solely on Tier 1 local authorities. There is currently no duty on partners to co-operate or engage with the proposed domestic abuse partnership board.

This New Clause highlights that in addition to local authorities, there should be a statutory duty on other relevant authorities to take action including Ministers of the Crown and any government department in the charge of a Minister; NHS Trusts in England; Police and Crime Commissioners; Prison, Police and Probation Service.

It is important to state that any new statutory duties require comprehensive and long-term funding. A statutory duty to deliver community-based services and specialist services will not be effective without a clear commitment from Government to provide adequate and sufficient funding.

Currently, there is a variety of different funding streams for domestic abuse specialist services, often these are one-off, short term grants that do not allow for long-term planning or consistency in service. In order to transform the response to domestic abuse, there needs to be a broad range of support packages available to supporting victims of domestic abuse and intervene with perpetrators to change and prevent their behaviour.

We are concerned that only councils will be subject to a statutory duty, yet funding for domestic abuse services tends to be routed to other bodies. For example, the majority of the Government's COVID-19 funding pots were only made available to frontline services (outside councils) or Police and Crime Commissioners (PCCs).

There also needs to be a cross-Government approach, with all departments taking account of how to tackle domestic abuse rather than taking a siloed approach. There should be a clear Ministerial lead for tackling domestic abuse, rather than individual departments making different funding announcements and publishing separate guidance.

- **New Clause 30 seeks to allow victims of domestic abuse to access a local welfare assistance scheme in any locality across England.**

The new clause intends to make provision for every local authority in England to deliver a Local Welfare Provision scheme which provides financial assistance to victims of domestic abuse.

We would welcome any additional funding to be put towards local welfare provision, as these schemes do not currently receive Government funding. If the schemes were to become a statutory duty upon local authorities, this would require new burdens funding.

We're aware that more people, particularly during the COVID-19 crisis, have needed to access local welfare provision. Domestic abuse victims who experience financial and economic abuse will be particularly in need of accessing local welfare assistance, and many victims who seek refuge and emergency accommodation services may have few belongings or will be unable to afford essential items. Councils and their partners in the voluntary sector continue to work tirelessly to help households facing financial hardship, many of whose circumstances have changed overnight. Many of these pressures were increased by lockdown measures and social distancing, such as having children home from school or not being able to shop for essentials.

Many households are likely to be economically vulnerable for some time to come and it is vital that the Government puts local welfare funding on a long-term, sustainable footing. The ability of councils to provide preventative support to all households who need it is vital if they are to ensure households can be financially secure and can benefit from council efforts to reboot local economies.

- **New Clause 36, tabled by Tim Loughton MP, aims to ensure that children from domestic abuse households are not adversely affected by moving areas when applying for schools.**

We welcome any additional protection that can be given to children who have experienced domestic abuse and any support that can be provided to help them with school admissions. Whether this is included within the Bill or statutory guidance, it would be helpful for the Government to look into this in further detail.

- **Amendments 40, 41 and 42 tabled by Peter Kyle MP and Jess Phillips MP, intends to change the provision enabling the Commissioner to report to the Secretary of State to one enabling the Commissioner to report to Parliament. This will include the Commissioner’s Annual Report.**

The LGA has called for there to be sufficient Parliamentary time to consider the Domestic Abuse Commissioner’s Annual Report and any recommendations made. We would welcome the report being presented to Parliament and for there to be adequate time for both sides of the House to consider the report. It would also be helpful for a parliamentary select committee to examine the Domestic Abuse Commissioner’s Annual Report as part of an annual inquiry.

- **Amendment 46, tabled by Liz Savile Roberts MP, aims to require representation for domestic abuse victims in Wales, ensuring that both the interests of domestic abuse victims in England and Wales are equally addressed.**

It will be important for domestic abuse victims in Wales to be represented at discussions regarding domestic abuse services for England and Wales. Whilst there is different legislation which affects domestic abuse services in England and Wales, recommendations and guidance made by the Domestic Abuse Commissioner will have a bearing on domestic abuse victims in Wales.

We understand from the Domestic Abuse Commissioner, Nicole Jacobs, that there is a strong working relationship with the Welsh National Adviser’s Office and there are regular discussions with domestic abuse leads in Wales.

- **Amendment 47 intends to place a duty on the Secretary of State to publish separate statutory guidance on teenage relationship abuse. The statutory guidance would cover not just victims of teenage domestic abuse but extend to those who perpetrate abuse within their own teenage relationships.**

We would welcome further guidance which addresses the issue of teenage relationship abuse. This should also be accompanied with resources and provision of support for those experiencing abuse in their own teenage relationships, in order to intervene at any earlier point and prevent domestic abuse from escalating and occurring in the first place.

<sup>1</sup> <https://learning.nspcc.org.uk/media/1042/child-abuse-neglect-uk-today-research-report.pdf>

<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/762527/Characteristics\\_of\\_children\\_in\\_need\\_2017-18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762527/Characteristics_of_children_in_need_2017-18.pdf)

<sup>3</sup> <https://safelives.org.uk/knowledge-hub/spotlights>