

Transforming the Response to Domestic Abuse Government Consultation (full version)

Chapter 1: Promoting Awareness of Domestic Abuse

1A: Introducing a new statutory definition of domestic abuse

The proposed statutory definition would therefore define domestic abuse as: Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation. The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Economic
- Emotional

Controlling behaviour

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

1. Do you agree with the proposed approach to the statutory definition?

Neither agree nor disagree. There are parts of the proposed approach which we support, but there is a critical area which we oppose, and as such we are unable to either agree or disagree with the proposal.

We support the clear statement that domestic abuse may be incidents or patterns of behaviour, and the clear descriptions of controlling and coercive behaviour.

The new reference to 'economic' rather than 'financial' abuse, and stated intention to improve perception and understanding of this aspect of abuse, is very welcome.

The statutory definition should also recognise that threats concerning immigration status, and control of documents and application processes related to settled status or citizenship, are also common where there is domestic abuse. The supplementary guidance should explain that fear of victims/survivors and their children's deportation is a key barrier which stops those with insecure immigration status being able to report domestic and sexual violence and seek protection and justice.

We strongly support the development of further underpinning statutory guidance for professionals including typologies, prevalence and impact information, and information on the gendered nature of abuse. Professionals across most public services, the majority of employers and many others will encounter domestic abuse during their working lives, but for many who are fortunate not to have direct personal experience, it can sometimes be difficult to perceive domestic abuse if your understanding of the term comes from popular culture/media and 'gendered social norms' about how it is acceptable for people in intimate relationships to behave. This guidance may also be a good place to include descriptions of forced marriage and so-called 'honour-based violence' (as well as less recognised forms such as dowry abuse and abandonment) as forms of, related to and a context for domestic abuse, enabling readers to understand that sometimes there are multiple as to single perpetrators. We welcome new, well written and consulted on supplementary guidance, especially including typologies and scenarios, and believe it will be very useful.

2. Will the new definition change what your organisation does?

No

3. How can we ensure that the definition is embedded in frontline practice?

There should be concerted, funded communications work on the new definition(s) and a plan to ensure that it is incorporated in the vocational and CPD training of many professionals. The communications work should include succinct definitions of domestic violence and related forms of abuse, followed by dropdown further guidance, typologies, scenarios, stories and testimonies. The communications work should invest in good Search Engine Optimisation so that the definitions are easily discoverable for professionals who need the definitions to hand.

The multiple statutory guidance documents across public services should be updated to reflect the new definitions, from schools, local authority and health safeguarding documents to criminal justice. Regarding training, many key public sector workers, including teachers and GPs for example, are still not receiving much if any initial vocational training on domestic abuse or other forms of

violence against women. (A recent report by Cumberland Lodge found that some medical and dental schools don't include VAWG in the curriculum at all, and very few adequately recognise VAWG as a determinant of health). The new definition is an opportunity to make a priority of reaching out to and changing training requirements for key professions.

6. In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?

School is not the only setting for young people to learn about positive relationships and be educated about abuse. The Employers' Initiative on Domestic Abuse includes a number of large employers which between them employ high numbers of graduates. Ensuring employers raise awareness and improve their response to domestic abuse can help to promote healthy relationships more broadly. Specifically to target young people, employers could include information about domestic abuse as part of their induction process for graduates.

7. Which statutory agencies or groups do you think the UK Government should focus its efforts on in order to improve the identification of domestic abuse? Please tick the top 3 from the list.

All of the agencies listed above need to improve their response but if three have to be identified:

Health professionals
Probation/Criminal Rehabilitation Company
Social workers

8. In addition to improving training programmes and introducing guidance, what more can the Government do to improve statutory agencies' understanding of domestic abuse
 - (1) Continue to invest in and drive the cross-Government Ending Violence Against Women and Girls Strategy from the highest Ministerial level. The aim and framework of the Strategy is strong, and many parts of Government have made significant commitments and "bought in", while other critical Departments less so.
 - (2) In addition to some mandatory training, leaders should try to ensure that in-depth training and CPD in domestic violence and other forms of abuse are essential to career development in careers including police, prosecution service, health, school leadership, probation and social work.
 - (3) Lead by example: Whitehall departments and all Government agencies should have domestic and sexual violence policies and should expect them from those they work with and influence.

9. What further support can we provide to the public (employers, friends, family, community figures) so they can identify abuse and refer victims to help effectively?

Employers should be incentivised to have domestic and sexual violence policies; initiatives exist to promote this. Friends can be critical and public awareness campaigns may be of use to better alert people to warning signs and how to help. But it is also critical that key professionals learn to seek the views of friends too, and to trust rather than dismiss these (as the Standing Together review of DHRs recommended). Public/community figures, such as elected people for example, should be encouraged to speak up about different forms of abuse, to help empower friends, families and other bystanders to be more confident if approached for support or worried about someone.

Lloyds Bank Foundation for England and Wales has been working with Lloyds Banking Group to improve the Group's response to domestic abuse for both colleagues and customers. Critical to this work has been the expertise of small and local specialist domestic abuse services funded by the Foundation across England Wales, to highlight where problems in existing systems arise for victims and survivors and to test the Group's approach. A key challenge in developing this response has been the referral pathway. The Group is keen to work with small and local specialist services but it simultaneously needs a simple referral route for colleagues and customers throughout the UK, no matter whether they are male, female or non-binary. This is particularly challenging for banks where security is tight and access to external websites is very limited. Many big businesses are likely to face similar challenges when trying to improve their response to domestic abuse. It would be helpful if there was a simple referral process which could triage people to the right local support, no matter where they are in the country, what their gender or sexual orientation.

Through its work with Lloyds Banking Group, Lloyds Bank Foundation for England & Wales is also part of the Expert Panel feeding into UK Finance's forthcoming Code on Financial Abuse. This work is an opportunity to raise the profile of financial abuse, and concurrently domestic abuse, across the banking industry. Other industries should be encouraged to set their own standards for how they will respond to domestic abuse. We have already witnessed the value that comes from other sectors raising awareness and developing referral pathways to better support people affected by domestic abuse such as the IRIS project for GPs and training for some Housing Association staff to enable those people going into homes to be able to better pick up on signs of abuse and empower them to know how to respond. It is particularly important for industries to improve their response to domestic abuse where they are providing services to households such as utilities or are carrying out home visits. Government has a key role in raising awareness of domestic abuse and encouraging different industries to improve their response.

10. We are in the process of identifying priority areas for central Government funding on domestic abuse. Which of the following areas do you think the UK Government should prioritise? Please select up to 3.

The Government's priority must be to establish a sustainable funding model for specialist domestic abuse services and, urgently, women's refuges. Charities funded by Lloyds Bank Foundation for England & Wales report unprecedented rises in demand, corresponding with figures from Women's Aid Federation of England which showing that 94 women and 90 children were turned away from refuge on just one day last year. If the proposed Bill is successful in raising awareness of and support for those affected by domestic abuse, this demand is only set to increase. The experience in Wales provides an early warning system for this. In Wales, the introduction of 'Ask and Act' is expected to result in a significant increase in demand for specialist domestic abuse support, yet there is no associated increase in funding for these services. It is essential that small and local specialist domestic abuse services can access the funding they need to meet the demand that is increasing in both numbers and complexity.

Despite these high levels of need, we know that funding is increasingly difficult for small and local charities to secure across civil society as a whole. Recent research by Local Giving showed that 56% of local organisations consider 'generating income and achieving financial sustainability' their greatest concern, with only 47% confident that will survive the next 5 years (Local Charity and Community Group Sustainability Report 2017/18, 2018). Lloyds Bank Foundation for England and Wales has carried out extensive research into the challenges of commissioning for small and local charities and many of the examples we receive relate to domestic abuse services. Operating in a climate of reduced statutory budgets, it is more important than ever that government achieves the best value from every public pound, yet short term contracts, complex competitive tendering processes and a failure to understand needs and how best to meet them is seeing small and local charities prevented from accessing funding and the rise of generic, one-size-fits-no-one services which result in a revolving door of services and increased long term costs. 46% of services responding to Women's Aid's Annual Survey 2017 ran part of their service with no dedicated funding - often vital support for children, or prevention work.

The challenges small and local specialist services face in the commissioning context need to be addressed at both a central and local government level.

Central Government has recognised the crisis in refuge funding, as reflected in the one-off pots of funding available through MHCLG. Yet the way this funding has been allocated has been problematic. Government could address this through:

- Adopting a strategic approach to the long term funding of refuge provision. While short term funding from MHCLG provide urgent funds for local services, they do not support refuges' long term sustainability.

- Channelling funding directly to small and local specialist services. To date, government has directed funding through local authorities, yet this fails to address the problem of funding for those services in local authorities where domestic abuse is not a priority.
- Allowing sufficient time for applications to be developed. Too often application time lines for these one-off pots of funding are too short and are published when charities are already likely to be understaffed, such as over Christmas or the summer holidays. Small and local specialist services typically do not have dedicated fundraisers; they put together funding applications in their evenings and on weekends so need sufficient lead-in time to do this.

In recognition of the challenges surrounding commissioning, Lloyds Bank Foundation for England & Wales has been supporting the Imkaan and Women's Aid Federation of England Sustainability Partnership (and Welsh Women's Aid in Wales) to support specialist domestic abuse services and commissioners with the commissioning process. However, this is not a long term solution to a complex problem: Government needs to address poor commissioning so that small and local charities can access the funding needed to do what they do best and turn lives around. Through the Sustainability Partnership's work they have identified 6 key areas for improving the commissioning of domestic abuse services:

- 1) Co-production at the heart of shaping local provision
- 2) Use of a grant-based approach instead of competitive tendering
- 3) Longer term contracting arrangements
- 4) Engaged commissioners and understanding the importance of protecting violence against women and girls budgets
- 5) Investing in sector capacity and expertise
- 6) Measuring quality and performance.

Government should build these into the reform of commissioning and the development of a sustainable funding system for domestic abuse services. Lloyds Bank Foundation for England and Wales would be delighted to support government in developing a new approach to commissioning and funding, building on the experience gained through the Foundation's support of the Sustainability Partnership and the development of the [Violence Against Women and Girls Commissioning Toolkit](#).

The need to address the funding of specialist services is urgent. Lloyds Bank Foundation has already had funding returned from a domestic abuse charity because they lost the contract and were unable to run the service which our funding would have contributed to. Within this context, refugees are at particular risk. The proposed funding model for rent after 2020 would remove refugee's last secure form of national funding and result in certain closures. This proposal must be withdrawn while government works with the sector to find a suitable

alternative. The funding model must meet national demand for support in services resourced to meet needs.

11. What more can the Government do to encourage and support effective multi-agency working, in order to provide victims with full support and protection? Please select up to 3.

Again, it is unhelpful to ask for these interventions by (central) Government to be ranked.

They are not entirely separate. 'Funding incentives' is particularly thorny because of the potential for unintended consequences.

12. What more can the Government do to better support victims who face multiple barriers to accessing support.

Ensuring frontline professionals perceive and understand the extra barriers some people face requires well designed vocational and CPD training. The expertise of small and local charities such as those funded by Lloyds Bank Foundation should be sought for the development of this training, as this sector has long factored in and developed specialisms in many of these areas, including the needs of BME women, children and women in poverty, women with complex needs, and women with insecure immigration status. Independent, local organisations are the best route to crisis and long-term justice and support for victims; commissioning guidance should recognise this. Urgent action is needed to tackle gaps in support provision for survivors facing multiple disadvantage. As charities supported by the Foundation regularly attest, the growing complexity of demand without the influx of resources to match is making it increasingly difficult for small and local charities to respond. For example, less than a third of refuge services responding to Women's Aid's Annual Survey 2017 could employ specialist mental health support workers. We recommend that the government:

- Deliver a sustainable funding model that meets national demand for domestic abuse services resourced to meet women and children's multiple and often complex needs.
- Ensure a sustainable future for services that specifically tackle intersecting inequalities - such as dedicated 'by and for' specialist BME women's organisations.
- Ensure commissioning practices: place needs at the heart; enable services to be staffed by professionals with specialist training to support people with complex needs; recognise the value of specialist gendered services; and do not prevent small and specialist services from accessing funding, building on the recommendations in Lloyds Bank Foundation for England and Wales' [Commissioning in Crisis report](#).
- Engage directly with specialist services to explore barriers and how to improve access.

This should be built into a strengthened National Statement of Expectations to ensure local areas meet the standards set out.

In terms of improving the nature of the response, Lloyds Bank Foundation is currently funding AVA and Agenda's Commission on Domestic Abuse and Complex Needs through its Transform funding programme. The Commission's work is focused on violence against women and girls experiencing multiple disadvantage, who face issues like substance misuse and poor mental health, helping to inform and influence policy and practice in the domestic and sexual abuse sector. Government needs to learn from the Commission's findings and ensure their recommendations result in improved policy and practice.

Furthermore, a number of other projects are being funded by the Foundation through the Transform project which seek to further address barriers in accessing support, including:

- Carmarthenshire Domestic Abuse Services working with Carmarthen People First to improve the response to domestic abuse for the learning disabled
- Ann Craft Trust building the evidence base to develop policy and practice recommendations to better support people who are disabled and affected by domestic abuse
- Latin American Women's Rights Service leading the England arm of the Step Up! for Migrant Women campaign to secure the rights of all women survivors of violence against women and girls to access safe reporting and appropriate services, creating a 'firewall' between reporting of violence and immigration control
- Galop working with Stonewall Housing to promote greater understanding of the experience of LGBT survivors of domestic abuse to inform policy and practice
- Rights of Women with Public Law Project to improve access to Exceptional Case Funding for those affected by domestic abuse.

Government at every level needs to build stronger relationships with the charities developing these projects and new responses to ensure the recommendations coming out of this work can have the widest reaching impact. This includes ensuring funding agreements do not prevent charities from sharing their expertise with government and ensuring government at every level recognises the expertise in the sector, building their knowledge into decision making processes.

When public sector commissioners are determining the funds that will ultimately be available to support some of these most vulnerable people, it would help if these commissioners were instructed to carry out thorough needs assessments as a condition of receiving their devolved funding (the PCCs, when receiving victims monies from the MOJ, should be required to assess the needs of survivors of domestic and sexual violence in their area on the basis of gender, age, social background and other protected characteristics). These needs assessments should be required to be made central to tendering processes such that

“innovative” bids are not able to score more highly than that which is not necessarily new but is shown to soundly meet local need. The [violence against women and girls commissioning toolkit](#), published by the Home Office with support from Lloyds Bank Foundation for England & Wales sets out how commissioners should go about understanding and meeting needs. Again, government needs to strengthen the National Statement of Expectations so that it ensures commissioners are following the practice set out in toolkit.

14. In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the Government make in respect of protecting domestic abuse victims with no recourse to public funds?

Delivery of health interventions such as mental health and substance misuse treatment at women-only services

IDVAs located or linked to women-only services

Improving access to benefits, finance and accommodation advisors at women-only services

Again, we feel strongly that ranking these options in a ‘top 3’ is unhelpful when all may be beneficial and need more detail before comparison in context of limited resources could be considered. Also, ISVA provision should be considered alongside IDVAs.

15. Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?

The Government should begin by recognising that abusive partners can use individuals’ insecure immigration status as a means to coerce and control them. Lloyds Bank Foundation for England & Wales believes that the Bill must deliver full and equal access to support for migrant survivors of domestic abuse. The DDVC is not currently providing adequate protection as it only covers those on spousal visas, the criteria for accessing it is too narrow, and applying for it and indefinite leave to remain (ILR) is very complex. The DDVC should be extended to at least six months, and there should be a review of the experience of those who have used it to date so that the delays and barriers they encounter can be understood, in order to improve access to and fairness in this system. The DDVC should be extended to all survivors of gender-based violence, so that it is not limited to spouses and is not limited to narrowly defined domestic violence in a marital context.

Government needs to address the issue of no recourse to public funds. When consulting with Lloyds Bank Foundation grant holders which support people affected by domestic abuse, the challenge of supporting people with no recourse to public funds is frequently cited as one of the most prominent issues facing the

organisation. Small and local charities are the lifeline for many people facing complex social problems – if these charities cannot access the funding to support people with no recourse for public funding, people affected by domestic abuse who have no recourse to public funding have nowhere else to turn. Again, a sustainable funding system needs to be established so that small and specialist domestic abuse services can meet the needs of all those rebuilding their lives after domestic abuse.

The Government should also investigate urgently the impact of requiring many critical public services to conduct immigration checks on service users (the “hostile environment”) in order to understand how those with insecure immigration status who need police protection from abuse, who want to seek justice, or who may need healthcare, for example, may be deterred from seeking it. Indeed, when reviewing the responses to the next set of questions in this consultation (regarding DVPOs and other criminal justice measures), the Government should consider how women with insecure immigration status currently face a “justice gap” –

(1) they are already less likely to access civil protection orders when they and their children may benefit from them;

(2) when they report domestic abuse, the police are less likely to proceed to a criminal charge;

(3) they may have a well-founded fear of being penalised and even deported if they do report and seek sanction of a dangerous partner.

If our society is serious about all women and children at risk being able to seek justice and support, we should end the “hostile environment” and work towards the establishment of ‘firewalls’ to separate immigration control and all public services scenarios where victims may report or seek help – as is being promoted by the Step Up! for Migrant Women campaign funded through Lloyds Bank Foundation’s Transform programme. The dispersal of asylum-seeking women who have suffered violence should stop because it destroys their support networks.

The following urgent changes are needed:

- Expand the DDVC so it is accessible to all migrant women, extend the timeframe beyond three months, and fast-track applications for the DDVC and ILR for survivors;
- Provide additional financial support to refuges and domestic abuse services to support women with insecure immigration status and no recourse to public funds;
- Provide temporary visas for women who’ve entered the UK on spousal visas and are then taken to another country and abandoned there, so they can return and seek support;

- Improve foreign spouses' involvement in visa application processes, ensuring that they understand their rights and where to access help and support;
- Establish a 'firewall' separating immigration control from public services that women come into contact with when experiencing domestic abuse, and ensure safe, confidential reporting systems for migrant survivors to provide confidence that immigration status won't be investigated – the Foundation recommends that government works with Latin American Women's Aid, building on their experience of working on the Step Up! For Migrant Women campaign in pursuit of this.

16. Do you agree that the proposed Domestic Abuse Protection Notice issued by the police should operate in broadly the same way as the existing notice (except that it would also be able to be issued in cases of abuse which do not involve violence or the threat of violence)?

Yes

18. Which persons or bodies should be specified by regulations as 'relevant third parties' who can apply for a Domestic Abuse Protection Order on a victim's behalf? Please select all that apply:

Lloyds Bank Foundation draws on the experience of the Drive perpetrator programme here. We recognise that the inclusion of victims and IDVAs as applicants for DAPO's contains the potential to increase scope for victim and IDVA action against the perpetrator. However, on balance, we support Drive's belief that this potential is outweighed by the risks that this places undue expectation and responsibility on victims and IDVAs to act and take responsibility for perpetrator behaviour in a way that removes responsibility from police. Enforcement lead activity needs to rest with the police. Otherwise, this risks contributing to the perpetuation of a low and inconsistent use of these powers with a lack of commitment to applying police resources to follow up and take action on breaches. We therefore recommend that victims and IDVAs are not included as eligible applicants for the issuing of DAPOs.

27. Which particular statutory safeguards relating to the use of electronic monitoring with Domestic Abuse Protection Orders should be put in place?

There needs to be force-wide training in the purpose and use of Domestic Abuse Protection Orders, with sufficient resources dedicated to following up on any breaches of the order, in order to maximise its potential. Experience from the Drive perpetrator programme leads us to recommend caution around directing additional resources towards acquiring new technology to monitor or tag perpetrators, which requires significant police resources in order to be implemented effectively. Instead, we support Drive in advocating for greater training, oversight and more effective use of existing powers as well as the proposed DAPO.

The experience from Drive suggests that the effective use and oversight of these tools is increased by establishing local perpetrator-focused multi-agency fora to work alongside the MARAC providing a system and processes through which to coordinate a multi-agency response to disrupt perpetrators' abuse before another high-risk incident can occur and monitor their behaviour over time. Additionally, Drive is currently carrying out a benchmarking exercise to measure the current use of existing civil orders in new Drive areas with the intention of tracking use during and after the establishment of new multi-agency perpetrator panels.

There is also a role for HMICFRS to scrutinise the response to perpetrators. This should not be limited to arrest and prosecution rates, but also involve inspecting police and probation involvement in multi-agency disruption work, and the outcomes being achieved by this.

All of the work outlined above requires police capacity and resources to be delivered effectively. Given the high proportion of violent crime currently due to domestic abuse, and the high levels of repeat cases, we believe that by investing in preventing and proactively responding to domestic abuse perpetrators, police time and resources can be used more efficiently.

31. Aside from anonymous registration, how else can we keep victims' addresses safe?

Lloyds Bank Foundation's work with Lloyds Banking Group to improve the Group's response to domestic abuse for colleagues and customers has highlighted a number of areas where the Bank's ability to keep address and banking information confidential is compromised by regulations. For example, small and specialist charities have highlighted the importance of not showing alternative addresses on joint online systems, and ensuring information on new accounts is not sent by post. Yet even where an individual has requested no postal information to be sent, banking regulations force banks to send some information such as rate changes by post. These regulations which affect how banks behave need to be re-assessed in light of the problems they can cause for victims and survivors of domestic abuse.

32. Before reading this consultation, were you aware of the Domestic Violence Disclosure Scheme (Clare's Law)?

Yes

35. What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?

Economic abuse can leave victims without access to the financial resources which would enable them to leave abusive situations and can create a lack of financial independence in women which would delay or entirely prevent them from leaving their abusers. It would be hugely beneficial if all front line staff in

Jobcentre Plus, Child Maintenance Service and other relevant statutory agencies receive specialist training to develop a comprehensive understanding of economic abuse and coercive control and how to identify and safely respond to survivors.

Women whose immigration status is insecure or dependent on a spouse, partner, or relative, where the expectation is of financial dependence on the sponsor, are especially vulnerable to economic abuse. Where access to household finances is being denied, a victim's situation is compounded by restrictions on their access to welfare/recourse to public funds as a route to safety. The Destitution Domestic Violence Concession (DDVC) is too restrictive to be an effective safety net, and should be widened to include more women reporting domestic abuse with varying leave conditions.

We welcome government's intention to deliver 'breathing space' from debt for survivors escaping abusive relationships and call for crisis loans and financial support to be available for all survivors escaping an abusive relationship including no recourse to public funds.

Means-tested benefits assume that income is shared equitably within a household, but this assumption has been challenged by research. Male-controlled money management systems such as giving the female partner a housekeeping allowance, means women's deprivation and poverty can remain hidden when men control finances. The introduction and roll-out of Universal Credit which entails making one payment to a couple may worsen a situation of economic abuse, and / or present a greater risk of economic dependency. We recommend split payments should be the default position - government should urgently seek advice on this. Furthermore, the benefit cap and two child tax credit limit risk increasing the barriers facing women leaving abusive relationships and threaten the financial support required to move-on from refuge and rebuild independence. These policies must be revised.

Broadly, cuts to government public expenditure have disproportionately reduced the income of women compared to men and reductions in national and local budgets for domestic violence services and financial support to access legal advice, have further compromised women's ability to leave abusive situations. Economic abuse is also not generally well-recognised by agencies. Banks, advice agencies and creditors should do more to develop helpful responses to disclosures of abuse, protect confidentiality, signpost to specialist advocacy, and provide support to survivors trying to regain control of their financial affairs. Lloyds Bank Foundation for England & Wales is working with UK Finance as part of the expert panel for the new Code on Financial Abuse which will introduce new principles for banks to follow to improve their response to domestic abuse. The Foundation is keen to see how these principles are implemented consistently across all banks so that victims and survivors can understand what they can expect from all banks. There should be a mechanism to feed back where victims and survivors are still receiving a poor experience after this Code has been

implemented as a means to feed back into practice and continue to drive up standards.

A similar approach should be taken in other key sectors, most notably among energy and household service providers. The Foundation's work with Lloyds Banking Group has highlighted the wide-reaching impact of businesses' services on economic abuse and a recognition that some challenges are likely to only come to light amid new scenarios which can make introducing comprehensive standards difficult. For example, in a recent example a survivor was unable to access banking services after her house was deemed a crime scene and police had confiscated all technology as part of their investigation, while she was unable to go into a branch to arrange her affairs due to being treated in hospital. Businesses need to be able to respond to new scenarios as they arise. Government should encourage businesses to take a flexible approach, and ensure these businesses are not restricted in legislation from supporting individuals affected by abuse – government should ensure regulators amend regulations to take into account businesses' responses to domestic abuse.

Flexibility to adapt businesses' response is particularly important given the challenges presented by the rise of digital technology. While digital technology brings many benefits for many customers, it can make it easier for perpetrators to exert control. As technology advances, industries need to be aware of how developments may inadvertently impact on victims and survivors of domestic abuse. Industries should be encouraged to work with domestic abuse services to understand how impacts may be felt and what steps they can take to address them.

37. How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?

Multiple reports (including DHRs, Inspectorates and IPCC investigations) find police force failures to protect people from intimate partner violence, despite their obligation under human rights law to do so. Commonly, police forces make poor risk assessments at first and subsequent points of contact, and it may be that the risk framework itself is unhelpful, being a very blunt tool which inevitably 'downgrades' some cases. It is critical that police receive in-depth and continuous training in recognising coercive and controlling behaviour as the core of intimate partner violence, and are enabled through this to make good, experience-based professional judgements when perceiving it. This makes putting coercive control at the heart of the statutory definition, and extensive awareness raising and training around this, essential.

Experience from delivering the Drive perpetrator pilot over the past two years (with funding from Lloyds Bank Foundation for England and Wales), has shown that existing tools, already available to the police, are not used as consistently and as effectively as they could be. It also shows that new interventions such as

Drive, which targets individuals to disrupt and change abusive behaviour, require an effective systemic multi-agency collaboration and response to maximise its potential at scale. The development of new legislative sanctions and new interventions/approaches must therefore be considered hand in hand with the systems, processes and skills required to maximise their potential, in practice, and increase the likelihood of success. It is national systems change in the response to perpetrators of domestic abuse that will create the space for effective coordinated multi-agency information sharing and action.

In addition, potential perpetrators need to know before abuse occurs, as well as afterwards, that they will be held accountable for and sanctioned for abusive behaviour (the current failure to respond when protection orders are breached contradicts such a message). Experience of those reporting domestic violence varies depending on where they live, and the attitude of their local police force - arrest and charging decisions vary widely. There is unreliable data on domestic violence and variation of use of DVPOs and DVDS by different forces, which points to a need for more consistent and wider data collection and national oversight of this and police response.

Evidence from Bristol University's Justice Project research on police response to women with insecure immigration status points to police often being unwilling to take action in their cases, and wrongly advising women they have to deal with regularisation of status before action can be taken. There are very poor outcomes in the criminal justice system for women who have insecure immigration status and the lack of consistent police response, the varying protocols on how to deal with reports, and the insistence by some forces to move straight to an immigration enforcement response is contributing to this failure.

55. What changes to current policies or procedures would help police and other agencies to better manage serial and repeat abusers, in particular those who are not subject to a sentence of the court. This can include how best to:

- risk assess an abuser and plan for risk reduction
- engage an abuser in order to encourage compliance with control measures

Most abusers are serial abusers, and it is likely that at any one time most of them are not subject to a criminal sanction. It is therefore essential that combating violence against women and girls is understood to be everyone's business. This means there has to be a shift in the way we talk about violence against women and girls, and how we collectively respond to it. It is essential that statutory services beyond criminal justice take a lead in responding to VAWG, and it isn't left only to the police. This means:

- Health – effective and tested interventions like IRIS in primary care and IDVAs in hospital settings are introduced across the country to ensure

women have access to the appropriate services and perpetrators can be identified and the abuse disrupted;

- Mental health – There needs to be better training of frontline staff and an understanding of their duty to protect victims of VAWG and report concerns if they think someone is a survivor of abuse or is still at risk;
- Welfare changes must be reviewed to ensure they don't undermine independence or enable economic abuse;
- Housing – rules must be enforced to ensure victims can be safe and remain in their own home.

All statutory services must learn from the findings of Domestic Homicide Reviews (DHRs) and in particular Standing Together's 'review of the reviews' which highlighted systemic failures to identify risk and protect victims. In particular the review found that "... a lack of fundamental understanding of coercive control, a lack of focus on the perpetrator and the need for more professional curiosity in thinking beyond basic policy and procedure." As discussed in earlier answers above, better professional training on understanding and responding to coercive control should lead to better judgement in relation to individual cases and less reliance on 'mechanical' risk assessment which is often poor.

It is also essential that all statutory authorities are implementing findings from now multiple inspectorate reports - especially where there are findings which reveal women and children are at risk of serious harm. The November 2016 HMIC report into the Metropolitan Police's response to child sexual exploitation and abuse found a critical lack of leadership, a lack of training of officers who have major responsibility for child protection, unacceptable delays, poor handling of data and, frighteningly – a huge proportion of cases examined by the inspectorate had to be flagged up again to the Met Police because it was possible a child was at ongoing risk. The report is also unclear about strategy and failings on FGM and forced marriage.

Currently a significant proportion of police time is taken in investigating repeat domestic abuse incidents. Yet, there is a limited coordinated effort to intervene with these perpetrators to prevent future abusive behaviour. As a result there is a high level of repeat victimisation. In line with the Policing Vision 2025, there should be a shift to a more preventative model in tackling domestic abuse, realigning existing resources to deliver greater efficiency.

Based on the experience gained through the Drive perpetrator pilot, a more efficient and effective response can be achieved via the establishment of a forum, in each police force area, to coordinate a multi-agency response to high-risk, high-harm perpetrators. The precise form this forum takes should be decided at the local level, what matters is that it fulfils the following functions:

- Enables police identification of priority perpetrators using a referral criteria (such as the Recency, Frequency, Gravity assessment (RFG) or the Priority Perpetrator Identification Tool (PPIT)) and onwards referral to a multi-agency forum coordinating the response to these perpetrators.
- Is not restricted to only hearing cases identified by the police and criminal justice system, but includes cases that may be deemed to be high-risk by safeguarding agencies and processes such as MARAC or MASH
- Works in close coordination with MARAC and local specialist victim services, so judgements about risk and response are informed by the safety of the victim and any other relevant family members
- Provides a systematic method for multi-agency sharing of known information about high-risk high-harm perpetrators with information flowing both from and to the police. The Drive experience is that Drive intelligence gathered through a one-to-one intensive case management process adds to information held by police building a fuller picture, increasing awareness of offending profiles and often increasing risk priority and space for action from a police perspective.
- Capacity and priority placed on “disruption” work, which is work designed to prevent future abuse. For example, this could be the arrest or recall of a perpetrator for breach of restraining order or bail conditions, completing a house call and welfare checks, or placing flags on the perpetrator’s vehicle. In order to disrupt perpetration of abuse, the knowledge of the perpetrator’s whereabouts, activity and risk factors are absolutely crucial and the information that can be shared by the police with other agencies is key to facilitating this activity.
- Has access to, and provides a referral pathway into, the provision of intensive 1-2-1 case management which targets the most complex and hard to engage serial and repeat cases that require additional time, focus and persistence to achieve change through coordinated disruption and/or motivational and behaviour change interventions.

56. What more could be done to work with perpetrators in prisons, particularly offenders who receive a sentence of less than 12 months and do not have sufficient time to complete a domestic abuse programme in custody? We are interested to hear of particular examples of practice which have been successful.

We wish to endorse the response of Respect to this question, and we urge national Government to require Respect accredited practice as minimum standard in delivery of work with perpetrators. In addition, there should be an urgent review of the duty, and exactly whose duty it is, to inform victims of domestic

violence and all forms of violence against women and girls when a convicted person is due for release, no matter what sentence was given (currently there is only a limited obligation to notify and only for crimes sentenced above this limit).

Specifically, Lloyds Bank Foundation is funding an evaluation of the Drive perpetrator programme which has found that Drive one-to-one case workers are in a unique position to challenge the perpetrator and also encourage behaviour change through 1) high levels of information sharing, especially via the IDVA and Marac, 2) persistence on the part of the case managers, combined with the length of the intervention. Their work requires nuance and skill to balance engaging service users with a desire for support, explore vulnerability and at the same time to challenge problematic attitudes and beliefs. Disruption, denial focused work, risk management, engagement and motivation interventions all work in combination to create moments and opportunities to create cognitive dissonance and opportunities for motivating behaviour change that looks different from a structured behaviour change intervention.

Work with this cohort who are resistant to change is new and innovative, and Drive case workers have been developing a suite of materials, drawing on Respect approved one-to-one behaviour change programmes. Drive is currently in the process of consolidating and refining this material into a manual that meets Respect standards and can be used as a best practice tool to deliver one-to-one behaviour change work with this cohort.

Drive's experience is that this work can be successfully carried out in prison with offenders in custody for less than 12 months. This might be to begin an intervention that can then continue outside the prison gates, but it also has the potential to effectively disrupt ongoing coercion and control being carried out whilst the perpetrator is remanded in custody.

57. What more could be done to work with perpetrators in the community (convicted or non-convicted) to change their behaviour? We are interested to hear of particular examples of practice which have been successful.

Lloyds Bank Foundation for England & Wales is the largest independent funder supporting the Drive perpetrator pilot programme in Essex, South Wales and West Sussex. As outlined earlier, experience from Drive has highlighted the value of forums, in each police force area, to coordinate a multi-agency response to high-risk, high-harm perpetrators. The precise form this forum takes should be decided at the local level, what matters is that it fulfils the following functions:

- Enables police identification of priority perpetrators using a referral criteria (such as the Recency, Frequency, Gravity assessment (RFG) or the Priority Perpetrator Identification Tool (PPIT)) and onwards referral to a multi-agency forum coordinating the response to these perpetrators.

- Is not restricted to only hearing cases identified by the police and criminal justice system, but includes cases that may be deemed to be high-risk by safeguarding agencies and processes such as MARAC or MASH
- Works in close coordination with MARAC and local specialist victim services, so judgements about risk and response are informed by the safety of the victim and any other relevant family members
- Provides a systematic method for multi-agency sharing of known information about high-risk high-harm perpetrators with information flowing both from and to the police. The Drive experience is that Drive intelligence gathered through a one-to-one intensive case management process adds to information held by police building a fuller picture, increasing awareness of offending profiles and often increasing risk priority and space for action from a police perspective.
- Capacity and priority placed on “disruption” work, which is work designed to prevent future abuse. For example, this could be the arrest or recall of a perpetrator for breach of restraining order or bail conditions, completing a house call and welfare checks, or placing flags on the perpetrator’s vehicle. In order to disrupt perpetration of abuse, the knowledge of the perpetrator’s whereabouts, activity and risk factors are absolutely crucial and the information that can be shared by the police with other agencies is key to facilitating this activity.
- Has access to, and provides a referral pathway into, the provision of intensive 1-2-1 case management which targets the most complex and hard to engage serial and repeat cases that require additional time, focus and persistence to achieve change through coordinated disruption and/or motivational and behaviour change interventions.

Furthermore, it is essential that any community-based programme for perpetrators meets the highest standards of safety and efficacy, with clear commitment to victim safety at the centre (as to programmes which address the perpetrator in isolation). The Respect Standard is the only way to ensure programmes are safe, and, as more programmes are rolled out, meeting the Respect Standard should be a requirement. Beyond direct work with perpetrators, it is essential that broader, strategic and resourced work takes place in all communities to proactively name, tackle and aim to prevent violence against women and girls. Such work would help ensure an unambiguous message to perpetrators that abuse will not be tolerated. This includes ensuring that victims of abuse are supported to stay in their homes, and are given access to legal advocacy and specialist support to ensure they are safe; and community and national media campaigns including a zero tolerance message.

Currently access to perpetrator programmes is far too low and more support is needed to ensure domestic abuse can be tackled at source. While a focus on raising awareness of domestic abuse is important, it is critical that sufficient attention is paid to the behaviour of perpetrators with guidance for how to respond. Lloyds Bank Foundation's work with Lloyds Banking Group to raise awareness of domestic abuse and improve the response for colleagues and customers has to date focused on victims and survivors. Yet we know that work needs to be done to address perpetrator behaviour too – in any business employing tens of thousands of people, statistically speaking there will be a number of perpetrators working in the business which presents a significant challenge to businesses. If employers are to improve their response to domestic abuse, more guidance and support needs to be provided to employers about what to do. For example:

- What should employers do if they become aware that an employee is a perpetrator, whether or not the victim / survivor instigates criminal procedures?
- What should employers do if both a perpetrator and victim / survivor work in the same company?
- What role does the employer have where incidents take place outside of work?
- What level of evidence does an employer need if someone is accused of being a domestic abuse perpetrator?

Government needs to work with specialist charities and employers to develop guidance and best practice to aid employers' response.

59. Do you agree with the proposed model for a Domestic Abuse Commissioner outlined above? Please select one.

We welcome the creation of a new commissioner in this area, in particular one which is a permanent and independent mechanism for scrutinising policy and practice. It is important that the new Commissioner takes into account the broader violence against women and girls agenda as these issues are intrinsically linked together.

The Commissioner role requires robust powers and duties, clear reporting mechanisms and adequate resourcing. We call for the Commissioner's remit to include:

- Monitoring and assessing compliance with the National Statement of Expectations for VAWG services, ensuring local areas provide services that meet needs and deliver safe and appropriate responses to victims,

survivors and perpetrators

- Work with independent funders to help understand the wider funding context for services
- A specific focus on reviewing the response to BME women, LGBT women, disabled women, older women, women with NRPF and other groups experiencing intersecting forms of oppression.
- Ensuring data collection is effective and comprehensive, mapping prevalence and response across England for all types of VAWG
- A requirement to maintain an open relationship with the VAWG sector, and VAWG specialists and survivors to be included in the Commissioners' working groups or boards.
- Making recommendations to both national and local government, compelling statutory agencies and public bodies to cooperate with requests where required.
- Improving learning from, and implementation of, recommendations from domestic homicide reviews, serious case reviews, and other data sources on fatal domestic abuse.
- Ensuring the criminal justice system is able to respond lawfully to rape and sexual violence in a way which offers justice for victims
- Ensuring the response to VAWG is reflective of women's lives and services meet their needs; this means being alert to the need for specialist support services including BME and LGBT specialist services which are an essential element of the response to VAWG.
- Ensuring the ambitions within the VAWG strategy are met, including taking an overview of public services' response to VAWG, and analysing the potential impact of policies which could have a negative impact on some women. This may include, for example, analysing any new immigration legislation for disproportionate impact on women who've experienced VAWG, highlighting possible unintended consequences of welfare changes which could enable economic abuse by reducing independence, or exploring housing policy to create greater protections for women and children who experience abuse to remain in their homes.

Furthermore, the creation of a Domestic Abuse Commissioner provides the opportunity to harness the oversight of a national approach to perpetrators of domestic abuse including funding and commissioning approaches that create a pathway and differentiated range of interventions matched to the needs of

different perpetrator cohorts. We would therefore welcome a review of commissioning models with an aim towards shifting from current models, which tend to be inconsistent and short term, towards a more systematic longer term sustained approach underpinned by core statutory support.

60. Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner? Please choose up to 3.

- Provide recommendations to both national and local government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations
- Publish findings in reports, which will be laid before Parliament
- Require local statutory agencies to cooperate and provide information
- Other (please state other functions the commissioner should fulfil)

Again, we object to this question being put as a ‘top 3’ ranking of prescribed options, several of which are quite limited in nature and would not help create an impactful commissioner. The Children’s Commissioner, on the other hand, has a wide remit with real influencing powers because of her focus on children’s rights, enabling her to reach across statutory systems. This commissioner’s powers should not be limited to specific areas of investigation (specialist courts and DHRs) but rather be based on the needs and rights of all victims of gender based violence, with powers to investigate across public, private and voluntary sectors, powers to commission and gather data, and powers to require a response from those to whom she/he takes questions or complaints. This role could then become a critical part of our society’s commitment to ending gender based violence.

62. One proposal is that the Domestic Abuse Commissioner could routinely collate, quality assure and share lessons learnt from DHRs. What more could be done to increase awareness of the learning from DHRs?

We support the recommendations made in the Standing Together analysis of DHRs which found that authorities are not addressing the systematic failures exposed by individual DHRs. It is vital that the lessons learned are applied across authorities and with urgency. We would like a new VAWG commissioner to also introduce:

- 1) a duty on public authorities to absorb relevant lessons from DHR;
- 2) an annual report reviewing the DHRs, ensuring lessons are not left at a local level and move to national lessons learned;
- 3) a regular report into progress for public authorities on implementing learning from DHRs.

64. How can the government better share and promote effective practice on domestic abuse across all public services both in regard to commissioning and delivery of services?

This Bill must go further than small changes to criminal sanctions and sentencing if it is truly to meet the needs of all victims of gender-based violence. If we understand that domestic and sexual violence are part of what stop women living free and equal lives, then this and any government can't hide behind localism and its devolved decision-making: there has to be a national strategy for meeting the demand for specialist support services and truly eradicating abuse. It can't be left to local public sector commissioners to pick and choose priorities and providers; they should be instructed to carry out effective needs assessments as a condition of devolved funding, and these assessments should be central to tendering processes so they can be shown to meet local need. It also means that the health service, schools and the welfare and housing systems as well as the police, play their part.

Support services in many communities are at crisis point, but this proposed Bill, whose stated aim is to increase the numbers of women coming forward, is virtually cost free and makes barely any commitment to advocacy, crisis and long-term support (which faithful ratification of the Istanbul Convention requires). A survivor of domestic or sexual abuse may well be unable to access counselling and will face big hurdles when seeking justice. Changes to the way refuges are funded means they are turning women and children away every day, and some of the most marginalised women have no access to support. Women with complex needs including mental health problems face severe difficulties getting help and systems at present can further traumatise them. Women with insecure immigration status are often appallingly treated as immigration offenders before victims of abuse.

Small and specialist charities know that domestic violence is linked to sexual violence, to stalking and harassment, to abuse online, to forced marriages and more. Any new measures and independent Commissioner in this area must be able to work across these different forms of abuse if they are to be effective.

Proposals on "programmes" for offenders must include the requirement that they meet the highest standard (the Respect Standard) and put women's safety at its heart, as Respect accreditation requires. In the related area of criminalised sex offences, the Government should openly recognise that recent research has shown that programmes designed to address and help change their behaviour cannot be shown to work. Everyone with responsibility for arrest, detention, 'risk assessment, probation management and more of sex offenders (who include domestic violence offenders) should work with this knowledge.

65. What role should local areas play in sharing good practice?

Local areas have a role to play in sharing best practice and what works, but the government can't expect the change which is needed to be delivered by 'localism'. We need a national strategy which genuinely ensures national coverage of support services, and a joined up approach by all the statutory agencies. There is too much risk in letting every area design their own provision or in letting every police force, school, clinical commissioning group and others to decide how much resource or attention to give to these very high harm crimes. The violence we are talking about is systemic, gendered and a consequence of inequality. It is also preventable, but that requires change and a commitment at every level of society and government. This is not something which can be undertaken in a piecemeal and local way.