

## Joint Committee on the Draft Domestic Abuse Bill: written evidence

### About Lloyds Bank Foundation for England and Wales

Lloyds Bank Foundation for England and Wales partners with small and local charities to help people overcome complex social issues. Through long-term funding, development support and influencing policy and practice, the Foundation helps those charities make life-changing impact. The Foundation is an independent charitable trust funded by the profits of Lloyds Banking Group as part of their commitment to Helping Britain Prosper.

The Foundation has supported individual local charities tackling domestic abuse for over 30 years through core funding and capacity building. In 2015 we launched a strategic national programme to help the domestic abuse sector develop new approaches and respond to the challenges facing it, investing an additional £4 million over three years.

This written evidence builds on the response submitted by the Foundation to the original consultation on the Domestic Abuse Bill, as well as the written evidence submitted to the Home Affairs Select Committee 2018 Domestic Abuse Inquiry.

The submission addresses the following points:

- The statutory definition of domestic abuse
- The role and powers of the Domestic Abuse Commissioner
- Sustainable, long-term and secure funding for specialist services
- Victims of domestic abuse with uncertain immigration status
- Prevention
- Devolved nations

### The statutory definition of domestic abuse

The Foundation welcomes the new definition of domestic abuse and the inclusion of economic abuse, which we know can have a devastating and long-lasting impact on people's lives. However, the Foundation would encourage further clarification within the definition both of the gendered nature of abuse and also that the Bill applies to all regardless of sex, race, gender, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee or any other status. The definition should apply to all, but the gendered nature of domestic abuse is critical to our understanding of the issue so should be recognised in the definition. All subsequent guidance, training and funding will draw from this definition, so it is important to ensure that the definition accurately reflects experience and evidence and does not allow for discrimination or the exclusion of support for specific groups such as migrants. It follows that services should recognise gender dynamics and be designed appropriately, with specialist services for specific needs that are funded as such.

Similarly, the definition should be inclusive of all types of domestic abuse. While we welcome the addition of economic abuse, other forms of abuse should also be recognised, either within the text or the accompanying statutory guidance, including forced marriage and 'honour based violence' which are disproportionately experienced by BME women.

## The role and powers of the Domestic Abuse Commissioner

The Foundation is pleased to see the creation of a Domestic Abuse Commissioner, a role that has the potential to have a significant impact on the provision of domestic abuse support. But in order to do so effectively, it is critical that the role has sufficient power and resource to influence change. Government have outlined that the Commissioner will have the power to hold areas to account, to share best practice and to make recommendations, but it is not clear how much impetus there will be on local areas to act on these recommendations – which will be critical. Local areas should be required to report on their progress against the Commissioner’s recommendations. Here it is helpful to consider the impact of the existing National Statement of Expectations<sup>1</sup> and Commissioning Toolkit<sup>2</sup> (published by the Home Office with support from the Foundation, Imkaan, SafeLives, Welsh Women’s Aid and Women’s Aid Federation of England). While in themselves these are helpful documents, their impact is likely to have been reduced because they are shared as best practice approaches without any accountability to ensure local areas meet their standards and follow their guidance.

Resource will also be a key issue that determines the effectiveness of the Domestic Abuse Commissioner. There needs to be adequate budget and internal capacity to enable the Commissioner to deliver on their ambitious remit. This includes ensuring the role is the equivalent of full time with a full support team that has the power to ensure standards in domestic abuse support are met. Lessons should be learned from the experience of the Children’s Commissioner and Anti-Slavery Commissioner which, from the outset at least, did not have the strength of power to influence the change that was needed.

We recommend that the Commissioner’s responsibilities explicitly include a remit to oversee responses to perpetrators, sharing best practice and setting out a blueprint for national delivery. Representative(s) from organisations that are experts in working with perpetrators should be included in the proposed Advisory Board for the Commissioner to ensure there is a comprehensive approach to domestic abuse. Challenging perpetrators and seeking to change behavior is integral to making victims safer and reducing the number of victims. A significant amount of learning about what works in challenging behavior has been gained through the Drive perpetrator pilots (part-funded by the Foundation). At a time when access to perpetrator interventions is severely limited, it is essential that the new Commissioner drives up access to and standards for perpetrator programmes alongside (and not detracting from) securing specialist services for victims and survivors.

## Sustainable, long-term and secure funding for specialist services

Ensuring specialist services have the resources to support people affected by domestic abuse is dependent on two core areas:

- 1) a sufficient quantum of funding
- 2) funding distributed in a way that secures the sustainability of specialist services. This includes taking a national approach to refuge provision and ensuring local decision-making supports specialist services.

The experiences of the charities funded by the Foundation show that demand for services is going up and is becoming more complex, at a time when funding is increasingly difficult to secure. Part of the aim of the Domestic Violence and Abuse Bill is to raise awareness of the issue and in doing so, domestic abuse services are likely to see a further increase in demand for their services. It is imperative that funding follows to allow these specialist services to respond to growing needs.

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<sup>1</sup> [Violence against women and girls: national statement of expectations](#), Home Office

<sup>2</sup> [Violence against women and girls: commissioning toolkit](#), Home Office

Government should make funding available and also analyse the ongoing impact of the Bill on service demand, with a clear plan and resources available to respond.

The Foundation encourages Government to continue working with the domestic abuse sector to develop a sustainable funding model which includes ensuring national funding is secured for specific specialist services of national significance such as those for BAME women, disabled women and LGBT+ groups. While the Foundation welcomes funding for these sectors to support capacity building within the sector, it has to be supported by funding for the delivery of direct services by specialist organisations.

Alongside funding for victims and survivors, Government needs to improve funding to challenge perpetrator behaviour. Funding for perpetrator work should not be sourced from victim service funding, but instead needs dedicated funding across the UK which is tied to appropriate training and adherence to safety standards. Research from Government shows that domestic abuse costs £66bn per year<sup>3</sup>. These costs could be reduced significantly if perpetrator behaviour was challenged, preventing harm to the further victims – but in order to enable access to quality services, there must be significant and strategic funding alongside funding for services.

In terms of funding decisions at a local level, the Foundation has undertaken in-depth work to examine the challenge of commissioning for small and local charities and has identified six areas that could support improved commissioning of domestic abuse services:

- a) placing co-production at the heart of shaping local provision
- b) use of grant-based approach instead of competitive tendering
- c) use of longer-term funding arrangements
- d) ensuring commissioners and procurement officials recognise the importance of specialist services and understand the importance of protecting domestic abuse budgets
- e) investing in specialist domestic abuse services to help build capacity and expertise
- f) measuring quality and performance.

The challenges of commissioning can be overcome with simple steps, and the Foundation has worked with the sector and Government to produce toolkits for commissioners in England ([Violence Against Women and Girls Commissioning Toolkit](#)) and Wales ([A Collaborative Commissioning Toolkit for VAWDASV Services in Wales](#)). As has been introduced in Wales, statutory guidance should be developed in England which compels commissioners to meet the standards set out in these toolkits, recognising the importance of engaging with specialist services and providing services which respond to needs.

Alongside vital funding for services, it is important for Government to consider how else it can ensure victims and survivors can access the support they need. Not least, the Bill should ensure that all survivors have access to a safe home. This could be achieved by ensuring that everyone fleeing domestic abuse who is homeless is automatically considered in priority need for settled housing, rather than being subject to the vulnerability test to determine whether they qualify. All those who experience domestic abuse are, by definition, vulnerable and therefore should be placed in the automatic priority needs category for housing. No one should have to provide ‘proof’ of the abuse they have endured to access housing, yet Women’s Aid’s 2018 report highlighted that 53% of survivors (52 out of 97) supported by the Women’s

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<sup>3</sup> The economic and social costs of domestic abuse, Home Office, 2019

Aid's No Woman Turned Away project, which provides additional support to women struggling to access refuge places, were prevented from making a valid homelessness application by their local authority.<sup>4</sup> Nearly one quarter (23.1%) of these women were prevented from making a homeless application because they were told that they would not be in priority need. This cannot remain the case at a time when Government is actively seeking to drive up responses to domestic abuse.

### **Victims of domestic abuse with uncertain immigration status**

The Foundation has grave concerns for victims with uncertain immigration status and believe further work is needed within the Bill to improve this response. The Step Up Migrant Women<sup>5</sup> campaign, led by Latin American Women's Rights Service and funded by the Foundation, is calling for safe reporting of domestic abuse to statutory services by victims. It is critical that a firewall between public services and immigration enforcement is introduced. It is deeply concerning that the current Government response states that *"In some cases, the victim of domestic abuse may be best served by returning to their country of origin"*.

As a result of this approach and data sharing between public services and immigration enforcement, survivors of abuse with insecure immigration status are barred from accessing the services they need, as they fear reporting crimes due to the real risk of detention or deportation. Much of the Bill is written from a criminal justice perspective, indicating Government's focus on recording domestic abuse crimes and taking action. Failing to introduce a firewall between immigration and reporting means that fewer incidents of domestic abuse will be reported, leaving perpetrators unchallenged and able to continue abuse, whether with the same or a new victim, or both, further driving up the costs of domestic abuse both economically, physically and emotionally.

Firewalls/ safe reporting have a strong legal basis, having been supported and recommended by international human rights bodies such as the UN Office of the High Commissioner for Human Rights, Committees on Economic, Social and Cultural Rights and the Protection of the Rights of All Migrant Workers and Members of their Families and the European Commission against Racism and Intolerance. As recommended by Latin American Women's Rights Service, we support the call to insert an amendment to the Bill that public bodies, including the police, have a statutory duty to respect individual human rights of all survivors as a priority over any consideration of their immigration status. This amendment would seek to bar data-sharing by trusted public services with the Home Office for the purposes of immigration enforcement. There are many models for safe reporting in other jurisdictions and the Foundation encourages Government to work with Latin American Women's Rights Service to further understand such alternative approaches.

The Foundation also supports the call to extend the Domestic Violence Rule and Destitution Domestic Violence Concession to all migrant women experiencing or at risk of abuse, rather than only to those on spousal visas. The rule should also be extended from three months to at least six months with the right to appeal where it has been denied. Domestic abuse and its consequences are complex – as we see through the many domestic abuse charities we fund. These cannot be overcome in a matter of weeks and survivors need to be allowed the time and support to move on, irrespective of where they were born.

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<sup>4</sup> Miles, C & Smith, K (2018), *Nowhere to turn, 2018, findings from the second year of the No Women Turned Away project*. Bristol: Women's Aid. The analysis in this report is based on case work data from 264 women.

Ensuring those with uncertain immigration status can access the support they need is dependent upon abolishing the No Recourse to Public Funds Rule for victims/survivors of domestic abuse. Not least, this could enable migrant women to access vital refuge accommodation through access to housing benefit and welfare benefits at the earliest opportunity. Too many victims are forced to make a choice between further abuse and destitution. Abolishing the No Recourse to Public Funds Rule for victims / survivors would instead ensure support could be accessed and lives rebuilt. We recognise that Government has pledged £500,000 to a crisis support system for survivors with no recourse to public funds, but the scale of the problem is much greater. Funding needs to be proportionate to the scale of the issue, with a long term, sustainable solution rather than a small one-off fund.

## **Prevention**

Prevention is two-fold: preventing domestic abuse from ever happening; and preventing the continuing cycle of abuse. Both are important and need their own response.

While education about healthy relationships has a clear role, the importance of broader factors should not be overlooked. For example, challenges around Universal Credit have been widely recognised, with the single payment presenting a significant threat to those experiencing abuse. Government's response has outlined raising awareness of split payments but this approach fails to recognise that in asking for a split payment, a victim is exerting control and may be prompting further abuse as a result. Introducing split payments by default could overcome this challenge and could help victims to have more control over their finances without putting themselves in further danger. To fail to introduce split payments by default at the same time as recognising economic abuse as a form of domestic abuse in law undermines the government's commitment to tackling this issue.

As outlined previously, preventing abuse also requires perpetrators' behaviour to be challenged. Since 2015 Lloyds Bank Foundation for England and Wales has been the main independent funder supporting Drive, a pilot approach to working with domestic abuse perpetrators that is led by Respect, Safelives and Social Finance. The Foundation supports Drive's submission to the Joint Committee and encourages Government to learn from the experience of developing the approach over the last four years.

## **Devolved nations**

The Foundation encourages Government to learn from the experience in Wales following the introduction of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. This applies both to the legislation and accompanying guidance. Welsh Government recently published statutory commissioning guidance for VAWDASV commissioners which draws heavily on the Commissioning Toolkit published by the Foundation and developed with Welsh Women's Aid, Imkaan, Safelives and Women's Aid Federation of England. It clearly recognises the importance of specialist services and encourages the use of grants. Any accompanying guidance to the Bill in England should place similar emphasis on specialist services and grant funding.

## **Non-legislative measures**

The effectiveness of non-legislative measures will be critical to the impact of the legislation. A core aspect of this will be the funding made available to implement change in practice. For example, training for relevant agencies is referenced. This training needs to be properly resourced on an ongoing basis – it cannot be funded as a one-off piece of work. Similarly, critical multi-agency work and coordination takes both time and resource. Agencies and specialist services need to have sufficient core

funding to be able to engage in these activities, as has been evidenced through the Drive perpetrator programme which includes resource for service delivery and coordination.

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