

Draft Domestic Abuse Bill 2019 joint scrutiny committee - Refuge evidence submission

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Introduction

Domestic abuse affects millions of women and children every year,¹ costing the UK economy £66 billion annually.² The Domestic Abuse Bill is a once in a generation opportunity to transform the collective response to domestic violence. The draft Bill and non-legislative package announced alongside it contain many measures Refuge warmly welcomes. However, if we are to bring about meaningful change, the Bill and accompanying policies must go beyond what is currently included. As it stands, the provisions in the Bill are largely focused on the criminal justice system. These measures will only impact a minority of survivors as the majority do not report the abuse they have experienced to the police. For example, only 15 per cent of the women who stayed in one of our refuges last year reported the abuse to the police.³ If the Bill and accompanying policies are to benefit more than a small number of women, it must address the most pressing issues for many survivors. These include access to housing, aspects of welfare policy that do not work for survivors, funding for specialist domestic abuse services, and the removal of barriers to accessing public funds for women with insecure immigration status.

This submission sets out Refuge’s views on existing provisions in the draft Domestic Abuse Bill including how they can be strengthened. We also make recommendations for additional policy and legislative measures that need to be included in order for the Bill and non-legislative package to be truly transformative.

We cover the following existing Bill provisions:

1. The **definition of domestic abuse**, particularly the need to separately define intimate partner violence from other forms of domestic violence and explicitly recognise that domestic abuse is a gendered phenomenon and should be recognised as such in legislation. There are dangerous practical implications of failing to ground the definition of domestic abuse in a gendered perspective
2. **Domestic Abuse Protection Orders (DAPOs)**, specifically the need for adequate training and resourcing
3. The **prohibition of cross-examination** of survivors by perpetrators, particularly the need to ensure that all survivors benefit from this provision
4. The presumption in favour of **special measures** for survivors in criminal courts and how this must be extended to include the family courts
5. The **Domestic Abuse Commissioner** and the necessity of ensuring independence and providing adequate resources

¹ ONS (2018), ‘Domestic abuse in England and Wales: year ending March 2018’.
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018#prevalence-of-domestic-abuse> November 2018.

² Oliver et al (2019) The economic and social costs of domestic abuse, Home Office

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf

³ Refuge (2018) Data from IMPACT, Refuge’s bespoke case management tool for those protecting women and children at risk

* Names of survivors have been changed

6. **Polygraph testing** for some domestic abuse perpetrators released from prison on license; the evidence for the effectiveness of polygraph testing for deception is lacking and we are particularly sceptical of how effective they would be in domestic abuse cases
7. Putting the **Domestic Violence Disclosure Scheme** (known as Clare's Law) on a statutory footing and the necessity of ensuring it is accompanied with police training and referrals to specialist services
8. Extending **extra-territorial jurisdiction** to particular domestic abuse related offences
9. Granting of **secure tenancies** to survivors of domestic abuse

Recommendations for additional measures that need to be included in the Bill and accompanying legislative package include:

1. **Adequate funding** for specialist violence against women and girls (VAWG) services; demand already far outstrips supply and we expect the Bill to drive awareness and result in more survivors seeking support. It is vital that we develop a sustainable funding system that ensures specialist services exist for all survivors that need them
2. **Access to housing**; women fleeing abuse do not automatically qualify as being in priority need for settled housing. Safe, secure accommodation is essential for survivors fleeing abuse
3. **Social security structural issues** and lack of safety net for survivors; some aspects of the social security system, such as Universal Credit default single payments, the automatic five-week delay before receiving first payment, and the two-child limit, risk undermining the Government's objective of improving the lives of survivors and reducing economic abuse
4. Survivors with **no recourse to public funds** (NRPF); women with insecure immigration status have very limited options for seeking support. Refuge supports calls to extend eligibility for the destitute domestic violence concession (DDVC) and extending the length of time for support from three to six months

Only if these recommendations are included will the Government achieve its objective of transforming this country's response to domestic abuse.

The definition of domestic abuse

Ensuring the definition of domestic abuse reflects the dynamics and prevalence of the crime is crucial. As the Government has stated, the definition is intended to influence the understanding of both the general public and the professionals tasked with identifying and responding to domestic abuse.⁴ It will also influence how data is collected and how resources are spent on preventing and responding to domestic abuse.

Economic abuse

Refuge welcomes defining domestic abuse in law for the first time and particularly welcomes the inclusion of economic abuse. This could mark a real step change in increasing awareness and understanding of this form of abuse.

Defining different forms of abuse

⁴ Stephen Hammond, 25th April 2019, Hansard, col. 870

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Refuge is concerned that the proposed definition does not separately define intimate partner violence (IPV) from other forms of violence that occur between two members of the same household. This distinction is critical. IPV is the most common form of domestic abuse, with the dynamics and impacts of IPV being very different from other forms of abuse such as child to parent abuse or abuse that occurs between siblings. Only by recognising and understanding this difference can the reality of domestic abuse be communicated and funding channelled appropriately and proportionately. For example, statistics on domestic abuse in the Crime Survey of England and Wales (CSEW) combine IPV with all other forms of abuse. This obscures the nature and prevalence of IPV and prevents local commissioners from making fully informed domestic abuse funding decisions.⁵

Additionally, Refuge's frontline staff consistently report inappropriate referrals made to its specialist VAWG services, including children abused by parents being referred to specialist refuge accommodation. The Bill presents an opportunity to embed an accurate understanding of domestic abuse amongst professionals and the public by ensuring the statutory definition is as clear as possible and by distinguishing between different forms of abuse.

Refuge recommends that the different forms of domestic abuse are clearly and separately defined. This is particularly important regarding intimate partner violence which needs to be understood as distinct from other forms of abuse that occur between two members of the same household.

Refuge is also concerned that failing to link up domestic abuse and other forms of VAWG risks undermining the wider objective of eradicating VAWG in its entirety. Refuge runs specialised services specifically for survivors of modern slavery and human trafficking. In Refuge's experience, women often initially present as victims of domestic violence, later disclosing that they are also victims of modern slavery, human trafficking, forced marriage, or another form of gender-based violence. There is a nexus between these forms of VAWG and domestic abuse, which needs to be recognised and understood if service commissioners and other relevant professionals are to respond appropriately and commission effective services. At a minimum, the interconnectedness of domestic abuse and other forms of gender-based violence should be included in the accompanying statutory guidance.

Refuge recommends the nexus and interconnection between domestic abuse and other forms of gender-based violence, such as modern slavery and forced marriage, is explicit in the statutory guidance accompanying the Bill.

A gendered definition of domestic abuse

Domestic abuse (particularly IPV) is a gendered crime, with gender inequality being both a cause and consequence of domestic abuse. Without embedding this reality in the definition, we are limiting the effectiveness of our responses to domestic abuse and letting survivors down. While we recognise and welcome that the Government have said that the gendered nature of domestic abuse will be included in the statutory guidance accompanying the Bill, we strongly believe that the statutory definition itself should be gendered. Inclusion of this in the statutory definition will be the primary driver of awareness and creating an effective response to domestic abuse.

⁵ ONS (2018), 'Domestic abuse in England and Wales: year ending March 2018' <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018#prevalence-of-domestic-abuse> November 2018.

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Statistics on the gendered nature of domestic abuse

Statistics consistently demonstrate the gendered nature of domestic abuse. One in four women will be victims of domestic abuse in their lifetime⁶ and two women a week are killed by current or former partners⁷ - a statistic which has remained consistent for decades. Women make up 73% of all domestic homicides, with four in five of these women killed by a current or former partner.⁸ The majority of perpetrators of domestic homicides are men, regardless of the gender of the victim. Only 12.5% of domestic homicide victims were killed by women, whereas the remaining 87.5% were killed by men.⁹ 60% of male victims were killed by other men.¹⁰ In 2017/18, 93% of defendants in domestic abuse cases were men.¹¹ In 2017, 468 defendants were prosecuted for coercive and controlling behaviour, of which 454 were men and only nine were women.¹²

Limitations of official statistics

Official figures clearly demonstrate that women are disproportionately victims of abuse and men are disproportionately perpetrators. However, we also know that the figures present an artificial picture of gender disparity in domestic abuse due to the methodology used in available data sets. Until January this year, the number of violent crimes published as part of the Crime Survey of England and Wales (CSEW) was capped at five per victim. This meant that even if a survivor experienced 100 incidents of criminally abusive behaviour, official data would recognise only five. This caused a huge distortion in the prevalence of domestic abuse according to official statistics, particularly repeat victimisation.¹³ This served to obscure the extent that domestic abuse is gendered as women are more likely than men to experience sustained and repeated abuse - over 80% of 'high-frequency victims' (who have experienced more than 10 domestic abuse crimes) are women.¹⁴ Academic researchers assessed that if the cap were to be removed, the number of recorded domestic abuse incidents experienced by women would increase by approximately

⁶ ONS (2018), 'Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018'. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusefindingsfromthecrimesurveyforenglandandwales/yearendingmarch2018#the-long-term-trends-in-domestic-abuse> November 2018.

⁷ Ibid.

⁸ ONS (2018), 'Domestic abuse in England and Wales: year ending March 2018'. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018#prevalence-of-domestic-abuse> November 2018.

⁹ ONS (2018), 'Domestic abuse in England and Wales: year ending March 2018'. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018#prevalence-of-domestic-abuse> November 2018.

¹⁰ ONS (2018), 'Domestic abuse in England and Wales: year ending March 2018'. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018#prevalence-of-domestic-abuse> November 2018.

¹¹ CPS (2018), 'Violence against women and girls report, 2017-18). September 2018 <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2018.pdf>

¹² Ministry of Justice (2018), 'Statistics on women and the criminal justice system 2017'. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759770/women-criminal-justice-system-2017..pdf November 2018.

¹³ ONS (2019), 'Improving victimisation estimates derived from the Crime Survey for England and Wales'. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/improvingvictimisationestimatesderivedfromthecrimesurveyforenglandandwales/2019-01-24#adults-impact-on-crime-survey-for-england-and-wales-data> January 2019.

¹⁴ Walby and Towers (2018), 'Untangling the concept of coercive control: theorizing domestic violent crime'. *Criminology and Criminal justice*, 18(1), 7-28.

* Names of survivors have been changed

70%.¹⁵ Additionally, CSEW data does not currently capture and record coercive and controlling behaviour, which again disproportionately impacts women. Research suggests that were coercive control to be included in CSEW figures, the gender difference in domestic abuse crime would again be much starker.¹⁶

Refuge welcomes the recognition from the Office for National Statistics that capping the number of incidents at five obscured the gendered nature of repeated victimisation. Refuge also cautiously welcomes the change regarding the value of the incident cap which allows for repeat victimisation to be recorded more accurately.¹⁷ However, we are still concerned that the cap still masks the extent of the gendered nature of domestic abuse, as demonstrated by the fact that if you remove the cap on domestic abuse incidents entirely, the percentage of incidents perpetrated against women increases to 84% compared to 76%.¹⁸

Impact of a gendered definition

Failure to understand the nature of domestic abuse has a clear impact on policy decisions. Without a proper understanding embedded in the thinking of policy-makers, policies will not be adequately scrutinised through the lens of domestic abuse as a form of violence against women and girls. One of the starkest examples of this is current immigration policy and its relationship to abused women who have no recourse to public funds (for further detail, see migrant women section below). In contrast, recognising the gendered nature of domestic abuse among health professionals has led to midwives routinely asking pregnant women whether they are experiencing abuse when their partners are not present.

Refuge frequently sees the lack of understanding about the distinct impact and prevalence of domestic abuse on women influencing decisions made by local commissioners regarding specialist service funding. For example, it is becoming increasingly common for local authority contracts to require inappropriate and potentially dangerous service models, such as mixed-gender refuges and services which are required to work with both survivors and perpetrators together. Refuge believes that this is driven by a fundamental misunderstanding of the power dynamics of domestic violence, particularly its prevalence and impact on women.

Refuge recommends that the statutory definition of domestic abuse, whilst applying to both men and women, is explicitly gendered, recognising that women are disproportionately the victims of domestic abuse. The Istanbul Convention acts as a template for how this can be done.¹⁹

Domestic Abuse Protection Orders

¹⁵ Walby, Towers, and Francis (2014) 'Mainstreaming domestic and gender-based violence into sociology and the criminology of violence', *The Sociological Review*, 62(S2): 187-214.

¹⁶ Myhill (2015), 'Measuring coercive control: what can we learn from national population surveys?'. *Violence against women*, 21(3), 355-375.

¹⁷ ONS (2019), 'Improving victimisation estimates derived from the Crime Survey for England and Wales'. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/improvingvictimisationestimatesderivedfromtherimesurveyforenglandandwales/2019-01-24#adults-impact-on-crime-survey-for-england-and-wales-data> January 2019.

¹⁸ ONS (2019), 'Improving victimisation estimates derived from the Crime Survey for England and Wales'. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/improvingvictimisationestimatesderivedfromtherimesurveyforenglandandwales/2019-01-24#adults-impact-on-crime-survey-for-england-and-wales-data> January 2019.

¹⁹ Council of Europe (2011), 'Council of Europe Convention on preventing and combating violence against women and domestic violence'. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210> May 2011

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The survivors Refuge work with consistently report that existing injunctions are limited in their effectiveness. Breach of some existing orders, such as Domestic Violence Protection Orders (DVPOs) and Occupation Orders, is not a criminal offence. This leaves many women feeling unprotected as there are no meaningful consequences if the perpetrator breaches an order. In Refuge's experience, breaches of orders are rarely responded to by the relevant agencies with the seriousness and urgency they deserve. On the rare occasion that a perpetrator goes to court for the breach of an order, a small fine is the most common outcome. Refuge, therefore, welcomes the provisions establishing the new consolidated Domestic Abuse Protection Order (DAPO) and that breach of a DAPO will be a criminal offence. Further, Refuge is pleased that the new DAPO can be applied for, and recognised, in both criminal and civil courts. We would welcome the Government providing guidance on how this will be achieved and how it will be monitored.

Refuge recommends the Government provides further guidance to ensure that orders imposed in the criminal courts will be recognised equally in the criminal and family courts.

Key to the success of the DAPO will be the extent to which police use them and take breach seriously by arresting and charging the perpetrator. Currently, use of Domestic Violence Protection Notices (DVPNs) and DVPOs is fairly low and varies significantly across police forces.²⁰ Significant training and investment, as well as support from senior leadership, will be needed if DAPOs are to become a significant tool in preventing domestic abuse and protecting survivors. Without this, we would expect the use of DAPOs to be low, in line with existing orders. We are therefore concerned that at present the Government does not anticipate any significant additional costs on the police as a result of introducing DAPOs.

Refuge recommends that the introduction of Domestic Abuse Protection Orders is met with adequate training and investment to ensure all police forces are using them whenever appropriate and that perpetrators are arrested and charged when they are breached.

DAPOs also present an opportunity to protect survivors from tech abuse - a widespread, damaging form of abuse that limits survivors' ability to keep themselves safe and rebuild their lives. Refuge runs a groundbreaking tech abuse project which has shown that perpetrators are increasingly monitoring the activity and location of survivors and their children, contacting survivors online, and posting images of the survivor online in an attempt to intimidate and harass. Widely including specific tech-abuse related prohibitions in DAPOs and treating breaches as seriously as any other breach will be important in providing protection for survivors. It will also send a clear message that online harm and abuse is a serious offence that will not be tolerated.

Refuge recommends that it is explicit in the guidance accompanying the Domestic Abuse Bill, as well as DAPO training, that DAPOs can and should be used to prohibit and sanction tech abuse where appropriate. The use of tech abuse provisions in DAPOs should be monitored.

Cross-examination in the family courts and special measures

Cross-examination

²⁰ HMICFRS (2019), 'The police response to domestic abuse'. <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-police-response-to-domestic-abuse-an-update-report.pdf> February 2019.

* Names of survivors have been changed

Survivors often tell us that the experience of going through the criminal and family courts is re-traumatising, with survivors frequently disengaging from the process altogether. Refuge is therefore very pleased that the Government is taking steps to prohibit direct cross-examination of survivors by their perpetrators in the family courts, in line with the prohibition in the criminal courts. This is essential if we are to limit the ability of perpetrators to co-opt the court system to abuse and intimidate their partners or ex-partners.

Refuge is concerned that this prohibition on cross-examination as currently drafted will protect only a minority of survivors. As it stands, the prohibition will only automatically apply in cases where there is a protective injunction in force against the perpetrator or if the perpetrator has been charged, cautioned for, or convicted of a domestic abuse offence. In the remaining cases, judicial discretion would remain in place. However, in the vast majority of cases, perpetrators will not have a criminal conviction, caution or charge, or an active protective order in place. This means the majority of survivors will not automatically qualify for protection against cross-examination by their perpetrator.

Refuge recommends that the measure on cross-examination is redrafted so that all survivors are automatically protected from being directly cross-examined by their perpetrators.

Special measures

Refuge welcomes the provisions in the Bill to ensure that survivors will automatically qualify for special measures in the criminal courts, such as giving evidence via video link or behind a screen. This will limit the potential for intimidation and re-traumatisation, enabling the survivor to give their best evidence. However, we are concerned that while the arguments for automatic eligibility for special measures are the same for the family courts as the criminal courts, the Bill at present does not provide for this as well. Survivors frequently tell us that going through the family courts is traumatic and intimidating. In family courts, special measures are much more difficult to access than in criminal courts. The Government should, therefore, take the opportunity the Bill presents to introduce automatic eligibility for special measures in both the criminal and family courts.

Refuge recommends that survivors are automatically eligible for special measures in the family courts, in line with their eligibility in the criminal courts.

Domestic Abuse Commissioner

Refuge welcomes the proposal to establish the office of the Domestic Abuse Commissioner in the Bill. If properly resourced, the Commissioner could have an important role in investigating and highlighting gaps in service provision both geographically and by type (such as accommodation-based services, outreach services, and culturally specific services). The Commissioner could also promote best practice amongst relevant professionals, such as VAWG service commissioners, oversee the collection of data, and ensure minimum service quality standards are met across domestic abuse services. However, the extent of the Commissioner's impact and effectiveness will depend on the remit and powers of the role and the resources made available.

Remit

The Commissioner should be a violence against women and girls (VAWG) Commissioner, rather than solely a Domestic Abuse Commissioner. Refuge's national network of services work with survivors of many

* Names of survivors have been changed

different forms of VAWG. Many service users initially present as survivors of domestic abuse and later, once we have gained their trust, disclose that they have also been subject to other overlapping forms of gender-based violence, for example, sexual abuse, modern slavery, FGM and forced marriage. There is a deep interconnection between domestic abuse and other forms of VAWG and it is widely recognised as best practice for local authorities to develop VAWG strategies and commission services in line with such strategies.

Powers and resources

The Commissioner should have the power to intervene and require agencies to improve the response to domestic abuse. At present, the Bill requires agencies to cooperate with the Commissioner and respond to their recommendations, but we are concerned that these powers are not strong enough to effect real change for survivors and make domestic abuse 'everyone's business'. We are also concerned that the Domestic Abuse Commissioner role has been advertised as part-time and that only £1.1 million per year has been set aside for the entire office of the Commissioner.²¹ Given the prevalence of domestic abuse, with one in four women experiencing it in their lifetime and the estimated £66 billion annual cost of domestic abuse,²² this is far from sufficient.

Refuge recommends that the Commissioner is a VAWG Commissioner, that they have the power to intervene and compel agencies to take actions where necessary, and that the office of the Commissioner is adequately resourced in line with the prevalence and cost of domestic abuse.

Polygraph testing of domestic abuse offenders

Refuge is concerned about the proposed use of polygraph testing on perpetrators of abuse released on license. The explanatory notes published alongside the draft Domestic Abuse Bill suggests that the imposition of polygraph testing on domestic abuse perpetrators would assist offender managers to assess perpetrator risk. Specifically, the guidance said tests would provide offender managers with information regarding contact with survivors or the formation of any new relationships.

Refuge is concerned about the lack of evidence regarding the validity of polygraph testing results in identifying deception. If offender managers are to use polygraph test results to inform their risk assessment of the perpetrator this could put the survivor and their children at higher risk of harm given the unreliability of test results. Whilst Refuge supports the use of technology to monitor and disrupt the behaviour of perpetrators, investment and focus should be on technologies with a stronger evidence base.

Refuge recommends that polygraph testing is not used to inform risk assessments of domestic abuse perpetrators released on license.

Putting the Domestic Violence Disclosure Scheme (known as Clare's Law) on to a statutory footing

²¹ Draft Domestic Abuse Bill Impact Assessment (2019) Home Office and Ministry of Justice
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772187/Draft_Domestic_Abuse_Bill_-_Impact_Assessment.pdf

²² Oliver et al (2019) The economic and social costs of domestic abuse, Home Office
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf

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Refuge cautiously welcomes the Government's plans to put the Domestic Violence Disclosure Scheme (DVDS) on a statutory footing. This could act to increase the number of right to ask and right to know applications and improve consistency across different police forces.

However, it is important to note that the DVDS is a very limited tool for preventing domestic abuse and protecting women. The majority of survivors do not report abuse to the police. Even when they do, it is increasingly unlikely that the perpetrator will be arrested and charged, as both arrest rates and referrals to the CPS have fallen over the last few years²³²⁴. If a woman enquires about her partner under the disclosure scheme, she may be told that he has no history of violence; she may then believe that she is safe, but this will not necessarily be the case. The DVDS should therefore only be regarded as having a very limited role in the prevention of domestic abuse.

Refuge recommends that all relevant police officers receive adequate training on the Domestic Violence Disclosure Scheme so that it is used as effectively as possible. Everyone who makes an application under the scheme must be told that domestic abuse perpetrators are not always known to the police and be given information about specialist VAWG organisations.

Extending extra-territorial jurisdiction to particular offences related to domestic abuse

Refuge welcomes the provisions extending extra-territorial jurisdiction to a range of VAWG-related offences committed by UK nationals overseas.

Granting of secure tenancies to survivors of domestic abuse

Refuge welcomes the provisions ensuring that survivors who had a lifetime tenancy for a social home, that they had to leave due to domestic abuse and are subsequently rehoused by a local authority, will be offered another lifetime tenancy.

Refuge recommends all local authority housing officers receive training on the impact of this legal change for survivors fleeing abuse.

Additional legislative and non-legislative measures

Funding

Specialist domestic abuse and VAWG services are rooted in a deep understanding of the causes and consequences of gender-based violence, providing tailored and holistic support to survivors and their children. Specialist services are the lynchpin of an effective response to domestic abuse. They not only provide quality services to keep survivors safe and help them recover and rebuild their lives, but are also essential for prevention and early intervention work through their role in multi-agency partnerships and challenging the structures and attitudes which underpin gender-based violence. As such, it is vital that the Domestic Abuse Bill is accompanied by a serious long-term commitment to funding the specialist services

²³ HMICFRS (2019) The police response to domestic abuse: an update report

<https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/the-police-response-to-domestic-abuse-an-update-report.pdf>

²⁴ CPS (2019) Violence Against Women and Girls Report <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2018.pdf>

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survivors need. This should include specialist Independent Domestic Violence Advocates (IDVAs), Independent Sexual Violence Advisers, outreach services, refuges, psychological support and a range of similar services for children. Without a sustainable funding model for the specialist services survivors need, the efforts of the Government through introducing this Bill and accompanying legislative package risk being undermined by the increasingly precarious financial position of the specialist domestic abuse sector.

Current funding picture

Specialist services are currently under significant financial strain. The funding landscape is complex and insecure, with no consistent commissioning or resourcing process and a dearth of funding. For example, specialist refuges are typically part funded through rental payments (in the majority of cases via women's entitlement to housing benefit), part through local authority contracts which provide funding for support costs, and increasingly through additional charitable fundraising. IDVAs are often funded through an insecure combination of local authority, Police and Crime Commissioner, and (occasionally) NHS funding.

In recent years the sector has experienced severe funding cuts. For example, since 2011, 80% of the services Refuge runs have had cuts to their funding. Funding for refuge services has been hit the hardest, with the funding Refuge receives for providing refuges cut by 50% on average. Refuge is far from alone in the VAWG sector in experiencing cuts of this nature. Some local authorities have ceased funding refuges and other specialist services altogether.

The impact of these cuts on already underfunded and under pressure services has been significant. Vital frontline services and posts have been lost whilst demand has soared. This has increased the pressure and demands on the staff that remain. This is dangerous for staff and survivors as frontline staff play a vital safeguarding role. Having too few trained workers for survivors to turn to risks undermining the quality of service provision and potentially the safety of women and children.

Furthermore, many of the women and children accessing specialist services are traumatised by the abuse they have suffered, so staff need time to work with them to build up trust and respond appropriately to their needs. Research conducted by Refuge and the University of Warwick found that almost a quarter of clients in Refuge's services had felt suicidal and that specialist trauma-informed services with sufficient staff ratios were needed to support them and help prevent suicide.²⁵

Temporary funding initiatives over recent years by the Home Office and Ministry for Housing Communities and Local Government (MHCLG), whilst welcome, are no substitute for sustainable funding models which meet the costs of quality specialist services.

Challenges with commissioning

A significant proportion of funding for specialist services is subject to commissioning via competitive tendering exercises by local authorities. Almost all of the services Refuge runs are subject to competitive commissioning. Overall, the commissioning system has had a negative impact on specialist services for women and girls.

²⁵ Aitken, R. and Munro, V. (2018) Domestic abuse and suicide Exploring the links with Refuge's client base and workforce. Refuge <https://www.refuge.org.uk/wp-content/uploads/2018/07/domestic-abuse-suicide-refuge-warwick-july2018.pdf>

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As the largest provider of specialist VAWG services in the country, Refuge has substantial experience in bidding for local authority contracts. Refuge also monitors and analyses all tenders for VAWG services across England and Wales. In our opinion, some of the key problems with the current system are a lack of funding overall; a lack of funding for services for children; very short-term contracts; dangerous service models; a reluctance to fund services which are accessed by non-local women; and an increase in perpetrator program funding to the detriment of victims' services.

Lack of funding and requirement to fundraise

As budgets have been cut and demand has increased, commissioners have been seeking 'more for less'. This has resulted in tenders that do not contain enough funding to deliver quality or safe services. Refuge often sees service tenders without funding for a service manager role or with staff numbers far too low to provide safe support to the number of people the local authority wants the service to serve.

In addition, it is increasingly common for service contracts to include requirements for the provider to fundraise a particular amount of money in order to win a contract and deliver the service. Refuge now has to fundraise to subsidise the cost of many of the services it runs. Whilst fundraising has an important role to play in the delivery of services, in Refuge's view this should be for added value or enhanced provision, rather than to make up the shortfall for the basic service being commissioned, as is increasingly the case.

Services for children

The lack of current provision of specialist services for children who have experienced domestic violence in their household is woefully inadequate. The Government has recognised the devastating impact of domestic abuse on children in the consultation response published alongside the draft Domestic Abuse Bill. Yet Refuge is disappointed by the lack of children specific measures and funding provided to improve services and support for children.

At any one time, around half of the people living in our refuges are children. Yet Refuge increasingly sees contracts for refuge services which include no funding for children specific services. Refuge instead has to fund children's workers through additional fundraising. We strongly believe that much greater focus and funding needs to be placed on ensuring the provision of specialist services for children who have experienced domestic abuse, both those provided by the voluntary sector and the public sector (for example children's mental health services). Sustainable funding for children's services should be an essential element of a new funding model. With specialist support, children are more likely to overcome the trauma of witnessing or experiencing domestic abuse.

Short-term contracts

Short-term (one or two year) contracts are becoming increasingly common. Very short-term contracts have a range of negative impacts, including significant resource spent on re-tendering exercises, lack of job security for staff which can result in recruitment challenges and, most crucially, instability for survivors accessing support services.

Dangerous service models

* Names of survivors have been changed

Refuge is increasingly seeing tenders for domestic abuse services requiring dangerous service models. We think this is both due to a lack of understanding of the gendered nature and dynamics of domestic abuse on the part of some commissioners, as well as a lack of funding.

Types and features of inappropriate and potentially dangerous services include: mixed sex refuges; working with the survivor and perpetrator together; services run almost entirely by volunteers; and gate-keeping based on risk assessments.

Services for non-local women

In Refuge's experience, local authorities are, on the whole, poor at commissioning services for people without a local area connection, even when directed to do so under official guidance. For example, it is clearly set out under the National Statement of Expectations for VAWG and the accompanying commissioning toolkit:

*'Evidence shows that the majority of those accommodated in refuge will be from out of area - for many survivors fleeing domestic abuse, their immediate safety from harm will be dependent on access to a safe, secret space outside of the local authority where they are usually resident. Local refuges need to be linked into a national network of provision...limiting access to refuge based on locality compromises the ability of this national network to function effectively and provide support to all those who need it. Locality caps or restrictions should not be written into tenders.'*²⁶

Despite this clear direction from the Government, in Refuge's experience, local authorities are frequently reluctant to commission services which are not primarily for local people. Refuge's development team often sees tenders for refuge services which require a significant proportion of women and children to come from the local area. Other local authorities have stopped providing any funding for refuges on the grounds that they are not local services for local people. Last year 85% of women entering our refuges had fled from a different local authority area.²⁷ It is vital that a new funding model enables refuges to function and operate as a national network.

Increased spend on perpetrator programmes

Refuge has seen a substantial increase in funding for perpetrator programmes over the last few years. We are concerned funding is being diverted away from providing support services for women and children. There is no compelling evidence that supports the effectiveness of perpetrator programmes and caution should be taken before any further investment is made without evidence of their ability to change perpetrators' behaviour and offer protection to survivors.

Refuge is also concerned that there has been a shift in how the success of perpetrator programmes is measured. Rather than success being a complete end to all forms of abuse, there is now a widely held assumption that reductions in violence and positive shifts in attitudes are acceptable outcomes for perpetrator programmes, even if abuse continues. In a landscape of shrinking resources Refuge argues

²⁶ Home Office (2016) Violence Against Women and Girls: Services Supporting Local Commissioning https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/576238/VAWG_Commissioning_Toolkit.pdf, page 16

²⁷ Refuge (2018) Data from IMPACT, Refuge's bespoke case management tool for those protecting women and children at risk

* Names of survivors have been changed

that specialist services for survivors, which are proven to be effective in keeping women safe, ought to be the priority for funding.

Meeting demand

Unsurprisingly, funding specialist services in the way set out above has led to a sector which is overstretched and unable to meet demand. Women's Aid figures show that on average, 400 refuge referrals are declined each week due to a lack of capacity.²⁸ Refuge almost always receives multiple referrals for refuge spaces within an hour of them becoming available. Furthermore, funding cuts have led to decreased staff to client ratios in some services and a reduction in capacity to support women and children with complex needs in specialist services.

If the Government is to achieve the objectives of the Domestic Abuse Bill, namely an increased awareness of domestic abuse whilst changing social attitudes towards domestic abuse, more survivors will come forward for help. It is crucial that the services and support they need are there for them the moment they decide seek it. Increased funding and the development of a sustainable model are therefore essential.

A new funding model

A significant change in the approach to funding specialist services is clearly required to ensure all survivors can access the specialist services they need. Refuge welcomes the efforts of the Ministry of Housing, Communities and Local Government (MHCLG) to explore different options for the funding of specialist services. Refuge has worked closely with MHCLG and other VAWG organisations on gathering data and discussing potential options and we keenly await the publication of the consultation on the Government's preferred funding model. We think it is vital that the MHCLG consultation is published shortly so that the Government's proposal can be analysed alongside the Domestic Abuse Bill. Therefore any necessary statutory measures, which would underpin a new funding model, can be included in this legislation.

Concerns about a statutory duty

One option that has been suggested by various departments, organisations, and individuals is the possibility of creating a statutory duty to provide accommodation and support for survivors of domestic abuse. Whilst a statutory duty could reduce the postcode lottery of services for survivors which currently exists, we are concerned that there are some major risks with pursuing this model.

Rationing support

Due to the prevalence of domestic abuse and the limited budgets of local authorities, Refuge is concerned that a crude statutory duty to provide accommodation and support would lead to the rationing of services to survivors who meet particular criteria. For example, a survivor could be granted support only if they are assessed as meeting a particular risk threshold. This is a model which is already in operation for some services and interventions. For example, Multi-Agency Risk Assessment Conferences (MARACs) are generally only available to survivors who are assessed as high risk through the CAADA-DASH risk assessment tool. Refuge has long argued that this is a flawed approach, as the current risk assessment

²⁸ Women's Aid (2019), 'The Domestic Abuse Report 2019: The Annual Audit', <https://www.womensaid.org.uk/research-and-publications/the-domestic-abuse-report/>

* Names of survivors have been changed

model is an imperfect tool. Risk is dynamic and many survivors will need multi-agency support even if their immediate risk level is assessed as medium or low. Domestic Homicide Reviews demonstrate that many women who were killed by their partners or former-partners were assessed as low or medium risk prior to their deaths.

Low quality services

Refuge is concerned that a statutory duty could also have the unintended consequence of encouraging local authorities to deliver or commission very cheap, one-size-fits-all services for survivors in an effort to meet demand. This would be at the cost of specialist, holistic, individually-tailored support delivered by highly trained staff in services which focus on achieving the long-term safety and empowerment of survivors.

If local authorities respond to a statutory duty by bringing all services in-house, this would also mean independent specialist services would be lost. The independence of our services is of huge importance to many survivors, who feel unable to disclose the abuse they have experienced to state agencies. In our experience, many survivors only feel able to seek help from voluntary organisations as they trust that the information they share will be treated confidentially.

A sustainable funding model

Due to the potential unintended consequences of a statutory duty, Refuge favours a model of protected national funding, spent locally, subject to statutory requirements around quantity and quality of services.

In a time of reduced local authority budgets, specialist VAWG services have experienced significant funding cuts. Increased, protected funding from central Government is essential if specialist services are to survive and expand to meet demand. Refuge recommends that central Government funding brings together budgets from across Government departments into one central pot. The Home Office and MHCLG have traditionally provided the bulk of central government funding for services, yet the Department of Health and Social Care and Department for Education, as well as others, rely on the provision of specialist services and ought to contribute to a central funding pot. Preventing domestic abuse and supporting survivors and their children to stay safe and recover from domestic abuse has an enormous financial saving to the State, as demonstrated in the Home Office's recent assessment that domestic abuse costs the economy £66 billion a year.²⁹ Analysis of Refuge's social return on investment shows that for every £1 spent on our services, clients, their families and society-at-large reap a reward equivalent to £4.94³⁰. This needs to be reflected in the funding of specialist services.

The size of the central Government funding pot for specialist services should be sufficient to meet demand and achieve the ambition of 'no woman or child turned away'. The Council of Europe has produced guidelines for how many services per head of the population are needed, which should be taken into account when sizing the pot of funding. Further, central Government funding should be protected, possibly through a ring-fence, to ensure sustainable, long-term provision of services.

²⁹ Oliver et al (2019) The economic and social costs of domestic abuse, Home Office
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf

³⁰ NEF Consulting (2016) Refuge: A Social Return on Investment Evaluation
June 2016 <http://www.refuge.org.uk/files/Refuge-SROI-2016.pdf>

* Names of survivors have been changed

Local authorities should retain a role in determining which services are available in each area. It is crucial that specialist VAWG services are embedded in their local communities. However, much more stringent criteria should be placed on how local authorities spend these funds. This is particularly important to ensure that refuges can operate and are funded as a national network. Refuge would welcome the exploration of whether statutory guidance is needed to achieve this. To create a sustainable system of specialist services which can meet demand, local authorities and any other commissioning agency should be required to:

- conduct a thorough needs assessment
- commission services based on that needs assessment
- commission according to minimum quality criteria
- report annually to central Government on the services it commissions
- ensure that no local connection criteria are placed on VAWG services, in recognition that survivors will often flee their local area to be safe

Refuge recommends that the Government should consult upon and implement a sustainable funding model for specialist services alongside its work to bring about the Domestic Abuse Bill. This model should include increased central Government funding, with stricter controls on how this money is spent at a local level, including measures to ensure refuges are funded and can operate as a national network. A new sustainable funding model must include funding for specialist services for children.

Survivors' access to housing

For women and children fleeing abuse, access to safe, settled accommodation is essential. Without a place to go, survivors are often left with limited options. In some cases, women feel that they have no choice but to stay with or return to the perpetrator. Others find themselves street homeless and at risk of further abuse. Housing is, therefore, a crucial part of the response to domestic abuse. It plays an important role in preventing further abuse and enabling survivors to recover and rebuild their lives free from violence. Furthermore, making it easier for survivors who are ready to leave refuge to do so free up beds for those who need them. Refuge supports the work led by the All Party Parliamentary Group on Ending Homelessness in respect to extending priority need for settled housing to all survivors.³¹

Official statistics on homelessness show that in England in 2017, 6,850 people cited the breakdown of a relationship with an abusive partner as the primary reason for their homelessness.³² This doesn't include people who were either not eligible for settled housing or otherwise unable to make an application. Additionally, research from the homelessness charity, Crisis, shows that 61% of women and 16% of men who were homeless had been subject to domestic abuse,³³ whilst 20% of women who have experienced

³¹ APPG on Ending Homelessness, A safe home for every survivor <https://www.crisis.org.uk/media/240051/appgeh-domestic-abuse-campaign-briefing.pdf>

³² MHCLG, 2018 'Live tables on homelessness: table 774'. <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

³³ Mackie and Thomas (2014), 'Nations apart? Experiences of single homeless people across Great Britain'. <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/types-of-homelessness/nations-apart-experiences-of-single-homeless-people-across-great-britain-2014/>

* Names of survivors have been changed

severe sexual and physical violence were homeless at some point in their lives. Similarly, a third of St Mungo's female clients said that domestic violence had contributed to their homelessness.³⁴

Despite statistics indicating that domestic violence is the primary driver of women's homelessness in a large proportion of cases, women fleeing domestic violence have no guarantee they will be offered settled housing from the local authority. Only individuals who are pregnant, are aged 16-17 or 18-20 if they are care leavers, have dependent children, or are homeless or threatened with homelessness due to a natural disaster, automatically qualify as being in priority need for housing.³⁵ Otherwise, an individual must be 'vulnerable' due to, for example, mental illness, disability, or indeed domestic violence or threatened domestic violence. As such, unless a person experiencing domestic abuse can prove that they are more vulnerable than an 'ordinary' person if they were to become homeless, they will not be considered in priority need for housing.

Refuge frontline staff consistently tell us that domestic abuse alone is almost never enough to qualify the women we work with as being in priority need and that the threshold for being deemed additionally vulnerable is extremely high. This means that in practice, survivors without children very rarely receive priority need assistance when made homeless due to domestic abuse. For example:

Louise,* fled to a refuge following domestic violence. Louise was vulnerable and traumatised following the abuse. She does not have dependent children. She was supported by her refuge worker to make a homelessness application to her local authority. The housing officer refused to accept the woman was in priority need, saying that her vulnerabilities did not qualify her for priority need. The refuge worker challenged this, but the local authority refused to accept the woman was in priority need for housing.

In practice, due to the low housing stock in the majority of the country, unless you qualify as being in priority need for housing, you will not be offered housing from the local authority. For women such as Louise, without changing the legal definition of what it means to be in priority need, they will struggle to access safe, secure, affordable accommodation away from their perpetrator. In our experience, all homeless survivors of abuse are highly vulnerable and State support ought to be provided through automatic priority need status.

Refuge recommends that the Housing Act 1996 and other related legislation is amended such that all survivors of domestic abuse automatically qualify as being in priority need, removing the requirement to demonstrate an 'additional vulnerability'.

Other parts of the UK have acted to extend priority housing need in order to protect survivors. For example, in Wales, individuals fleeing domestic abuse are considered in priority need following the Housing Act (Wales) 2014. Latest statistics show that 11% of households in priority need were in priority need due to domestic abuse.³⁶ In England, 12% of households said domestic abuse was the primary reason for their homelessness, but only 2% were accepted as being in priority need because of this domestic abuse.

³⁴ St Mungo's (2014). 'Rebuilding shattered lives, the final report: getting the right help at the right time to women who are homeless or at risk'. <https://www.mungos.org/publication/rebuilding-shattered-lives-final-report/> November 2014.

³⁵ Housing Act (1996), section 189.

³⁶ Ahmed, Wilding, Rogers, Jones, Gibbones, McAndrew, Maddoc-Jones (2017), 'Post-implementation evaluation of the homelessness legislation (part 2 of the Housing Act (Wales) 2014) interim report. <http://usir.salford.ac.uk/id/eprint/48393/> August 2017

* Names of survivors have been changed

Therefore the remaining 10% would have qualified as being in priority need for other reasons such as being pregnant or having dependent children.³⁷ Following the introduction of the Housing Act (Wales) 2014, there was a slight increase in the number of single person households qualifying as being in priority need due to domestic abuse. As such, the data from Wales supports the position that a change in the homelessness law is needed for all women who flee a violent partner and do not automatically qualify as being in priority need. The evidence suggests that amending housing law in this way would generate some additional demand for housing but that this would not be overwhelming.

Welfare reform

Research by the Co-Operative Bank and Refuge in 2015 found that one in five women in the UK have experienced economic abuse. It also found that economic abuse is rarely perpetrated in isolation, with the majority of survivors also experiencing other forms of abuse, including physical, sexual and psychological abuse.³⁸ Refuge welcomes the inclusion of economic abuse within the proposed definition of domestic abuse for the first time. However, Refuge is concerned that some of the current welfare policies only serve to facilitate and exacerbate the economic abuse a woman fleeing her partner experiences. This is explored in more detail below. Refuge recommends that the Government reforms elements of the social security system so that it works for survivors, particularly Universal Credit, through the Domestic Abuse Bill.

The social security system has undergone significant change since 2010. In 2018, Refuge surveyed 65 expert frontline workers and conducted eight in-depth interviews with survivors accessing its services about their experiences of recent welfare reforms. It found that recent reforms have negatively impacted on survivors of domestic abuse: when women are in a relationship with their abuser; when attempting to separate from their abuser; and when rebuilding their lives following domestic abuse.

Separate payments by default

At present Universal Credit payments are, by default, paid monthly, via one single payment into one bank account, following a built-in five-week delay. Universal Credit single household payments, by design, facilitate and exacerbate economic abuse and coercive control, further limiting the ability of survivors to leave abusers.

Refuge frontline staff have encountered numerous cases where the perpetrator has had the Universal Credit payment paid directly into their bank account and has used the money as a tool for coercive control.

One Refuge worker said: “Universal Credit payments going to one person in the household have meant clients have found it very difficult to put any money aside in order to flee – sometimes not even enough to travel to a refuge.”

Another worker explained: “where the housing element of Universal Credit has gone to the perpetrator, many don’t pay the rent and instead spend the money, yet our clients are jointly responsible for the rent arrears – which if they do flee and move on, could have a significant impact on their ability to access future housing.”

³⁷ MHCLG, 2018 ‘Live tables on homelessness: table 773 and 774’. <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

³⁸ The Co-Operative Bank and Refuge (2015), Money Matters <https://www.refuge.org.uk/files/Money-Matters.pdf>

* Names of survivors have been changed

Case study

Ruth* came to one of our refuges in October 2018 with her child after fleeing her abusive husband. She suffered physical, verbal and emotional abuse. The Universal Credit payments Ruth was meant to receive were paid to her perpetrator and Ruth was not able to access any of the money. Ruth and her son suffered severe financial hardship. After Ruth left her ex-partner she had to deal with the stress of having no money and the process of making a new claim, alongside managing the impact domestic abuse has had on her and her child. Ruth was referred to the Community Mental Health Team as her mental health suffered due to the extreme pressure and stress that she was under.

Refuge acknowledges that it is possible to request split payments in cases of domestic abuse. However, in our experience, this is not fit for purpose and is highly likely to put survivors at greater risk of further abuse. Perpetrators discover any request to split the payment as they receive a notification of the request on the survivor and perpetrator's shared online Universal Credit account (although the reason for the request will not be disclosed). The monthly income received by the perpetrator will also decrease. The overwhelming majority of the women Refuge supports would not request a split payment as they fear it would lead to further abuse. This argument is supported by Department for Work and Pensions (DWP) data which shows that only 20 split payments were granted in 2018.³⁹

In January 2019, the Secretary of State for Work and Pensions announced plans to pay Universal Credit to the main carer by default. Refuge welcomes this step forward. However, we are concerned that this does not dismantle the single-payment model, which can be easily controlled by abusers and does not assist survivors without children. Separate payments by default are the safest option for survivors and ought to be implemented for all couples.

Refuge recommends that the Government should legislate to make separate payments the default for all couples who apply for Universal Credit. This is the only way to significantly improve safety for survivors of abuse and help prevent economic abuse.

Delay in Universal Credit payments

The long delay between application and receipt of Universal Credit payments is also causing enormous problems for survivors. Under Universal Credit, applicants must wait a minimum period of five weeks before they receive a payment.⁴⁰ This delay is particularly challenging for women fleeing domestic violence. They often flee with very little or no money, frequently due to economic abuse, and are unable to take more than a few items with them before they leave. Therefore, women will need to replace essential items for themselves and their children during that period of crisis, as well as cope with the traumatic effects of abuse. The extreme poverty many women are forced into by Universal Credit and the in-built delay in receiving the first payment means that women are reliant on food banks or other charities providing donations after they have fled. Some women question their decision to flee and return to their abusers.

³⁹ Justin Tomlinson, 10th October 2018, Hansard, Col. 147WH

⁴⁰ Since April 2018 existing housing benefit is paid for two weeks after a Universal Credit application, therefore claimants have three weeks without housing costs and five for all other types of benefit.

* Names of survivors have been changed

For example, one worker said:

“the changeover to Universal Credit has caused a significant delay in accessing benefits when women arrive at the refuge. The five-week waiting time means women have to survive with their children with no income, and only a few food bank vouchers. This means that many struggle with whether they've made the right decision to leave if they can't even feed their children on their own.”

Another frontline worker said:

“women I have supported who have had to make a new Universal Credit claim at the point of move-on have experienced very real difficulties in relation to having no income for a significant period of time at the point when they need to furnish a new home, get to know a new area, and make their children feel secure in a new home. Move-on from refuge should be a positive experience.”

A survivor, Amy*, said:

“I don't know if they understand the impact that it has when you have to wait so long. Especially in that period when you're fleeing. I think if they understood the additional stress that it causes you, for something mundane when you're trying to cope with all these massive issues, I think if they realised the additional pressure that it puts on women who are fleeing, I think maybe they would try and do something to try and quicken the process, or something to help access funds quicker in that first space of time.”

We recognise that survivors are able to apply for advanced advance payments while they are waiting for their first Universal Credit payment. However, these have to be repaid from the first full benefit payment. Survivors who flee domestic abuse frequently flee with very little money and very few possessions. As such survivors commonly have very few resources to replace essential items over the months they are rebuilding their lives. Repayments on advances can, therefore, impoverish survivors at the time they and their children are most in need of financial support.

Refuge recommends existing benefits should continue to be paid whilst Universal Credit applicants are waiting for their first payment, and that survivors should be exempt from repaying any benefit advances.

The two-child limit

The two-child limit forces survivors and their children into poverty and increases financial dependence on perpetrators. This, in turn, can make it harder for women to leave their abusers and can act as a deterrent for women who do want to leave, as they fear they will be unable to support themselves and their children. Refuge found that its frontline staff are concerned the two-child limit enables perpetrators to increase financial control over women:

- One of our workers said: *“victim feels unable to support three children financially as a single mother”*
- Another said: *“the two-child cap means that some women will be pressured into having more children and becoming financially reliant on the partners for support”*

* Names of survivors have been changed

In addition to the serious consequences of the two-child limit for survivors, the non-consensual conception exemption to the policy, which applies to third or subsequent children born of rape, re-traumatizes survivors who are forced to disclose an emotionally painful experience to DWP staff. Additionally, in order for survivors to invoke the non-consensual conception exemption, they must not be living with the perpetrator. This does not take into account the dynamics of domestic abuse, whereby a survivor may return to their abuser before leaving again. It also fails to acknowledge the severe danger a survivor is exposed to when leaving the abuser – the overwhelming majority of domestic homicides (roughly three quarters) occur around the time of a survivor fleeing.

In January 2019, the Secretary of State for Work and Pensions announced that the planned extension of the two-child limit to include all children born before April 2017, (in addition to those born after this time who will still be subject to the two-child limit), would be cancelled. Refuge warmly welcomed this announcement. However, children born after this date will still be affected by the two-child limit. Given the impact on survivors of domestic abuse, while the cancellation is welcome, we urge the Government to go further and reverse the two-child limit for all families.

Refuge recommends that the two-child limit is reversed.

Migrant women

As it stands, only some survivors of abuse have access to meaningful support. Some migrant women have 'no recourse to public funds' (NRPF) due to their immigration status, meaning they are prevented from accessing the support necessary to flee abuse, such as alternative accommodation and financial support in the form of social security payments. Migrant women are often forced into destitution as a result of fleeing gender-based violence and are often reliant on charities to avoid sleeping rough and being found by perpetrators. In some cases, survivors have no choice to remain with their abuser(s).

This also enables perpetrators of abuse to weaponise the immigration status of the women they abuse, where some survivors are told that if they tell anyone about the abuse, or try to leave, they will have nowhere to go, their children will be removed from them, and they could be deported. There is evidence that the police report migrant women who approach them due to the abuse they are experiencing to immigration enforcement. Therefore migrant women are further deterred from reporting abuse.

The Destitute Domestic Violence Concession (DDVC) means that women on a spousal visa, who would normally have NRPF but have fled domestic violence, are entitled to State support for three months while they apply for leave to remain. However, the DDVC is only available to those who entered the UK with spousal visas. All migrant women who entered the UK on other visa types, such as student or working visas, and those who have overstayed on their original visas, are not eligible to apply for the DDVC. This arbitrarily bars some migrant women from accessing life-saving support.

For women with no recourse to public funds who are pregnant or have children, social services have a responsibility to support them. However, our frontline staff report numerous problems with securing this support, which is often flatly refused. Social services have been known to offer support to the children by taking them into care, but not the mother, thereby separating the family.

* Names of survivors have been changed

Refuge runs a specialist Eastern European service, which supports a significant number of women with no recourse. We have recently supported a migrant woman who fled her abuser with her young children and was on the streets, terrified the perpetrator was going to find her. Refuge staff advocated for the survivor, however, social services and the housing team in the local authority refused to provide her with a place for the night. They advised her to go back to the perpetrator and call the police if he were to do anything. With the help of Refuge she has found some temporary accommodation, but her options remain limited.

We welcome the Government's commitment, outlined in the non-legislative package of measures, to consider arguments for widening the cohort of individuals eligible under the DDVC. However, Refuge urges the Government to act quickly and bring forward extra protection for migrant women through the Domestic Abuse Bill. All women must be eligible to access the support they need to keep them safe from perpetrators of abuse, regardless of immigration status. Refuge supports the work and recommendations of Southall Black Sisters and the Step Up for Migrant Women Campaign on this issue.⁴¹

Refuge recommends that all women are eligible for the DDVC, regardless of immigration status/visa type.

Additionally, even for those women who are eligible to apply for the DDVC, they are only eligible for support for three months. During this time, it is expected that survivors will gather all the evidence needed for their leave to remain application and progress it to completion. In our experience and in the experience of other expert organisations, such as Southall Black Sisters, three months is not a sufficient amount of time to ensure survivors are supported to access legal advice and representation. This is in part due to the lack of legal aid immigration lawyers in parts of England and Wales.

Refuge recommends that the duration of the DDVC is extended from three months to a minimum of six months.

Conclusion

The Domestic Abuse Bill is an opportunity to transform this country's response to domestic abuse; an opportunity which must be maximised. Refuge welcomes the measures set out in the draft Domestic Abuse Bill, but alone they do not go far enough to make a significant difference to the lives of survivors and prevent domestic abuse. In order to strengthen the Bill, Refuge urges the Joint Committee on the Draft Domestic Abuse Bill to recommend the following:

Existing measures:

- The statutory definition of domestic abuse, whilst applying to both men and women, is explicitly gendered, recognising that women are disproportionately the victims of domestic abuse
- That in the statutory definition of domestic abuse, the different forms of domestic abuse (in particular Intimate Partner Violence) are clearly and separately defined
- The nexus and interconnection between domestic abuse and other forms of gender-based violence, such as modern slavery, FGM and forced marriage, is explicit in the statutory guidance accompanying the Bill

⁴¹ Southall Black Sisters (2019) Domestic Abuse Bill and Migrant Women <https://southallblacksisters.org.uk/news/support-amendments-to-da-bill/#1545593866965-1bf27069-5ce715460930592411553086013718>

* Names of survivors have been changed

- The introduction of Domestic Abuse Protection Orders is met with adequate training and investment to ensure all police forces are using them whenever appropriate
- The Government provides further guidance to ensure that Domestic Abuse Protection Orders imposed in the criminal courts will be recognised equally in the family courts and vice versa
- That it is explicit in the guidance accompanying the Domestic Abuse Bill, as well as in Domestic Abuse Protection Order training, that Domestic Abuse Protection Orders can and should be used to prohibit tech abuse where appropriate
- The measure on cross-examination is redrafted so that all survivors are automatically protected from being directly cross-examined by their perpetrators
- That survivors are automatically eligible for special measures in the family courts, in line with their eligibility in the criminal courts
- The Commissioner is a VAWG Commissioner and has the power to intervene and compel agencies to take actions where necessary and that the office of the Commissioner is adequately resourced in line with the prevalence and cost of domestic abuse
- That polygraph testing is not used to inform risk assessments of domestic abuse perpetrators released on license
- All relevant police officers receive training on the Domestic Violence Disclosure Scheme, including the importance of informing women who have made applications about the limitations of the scheme and specialist VAWG services

Additional measures:

- The Government should consult upon and implement a sustainable funding model for specialist services alongside the Domestic Abuse Bill. This model should couple increased central Government funding with stricter controls on how this money is spent at a local level, including measures to ensure refuges are funded and can operate as a national network. A new sustainable funding model must include funding for specialist services for children
- The Government should amend the Housing Act 1996 and other related legislation such that all survivors of domestic abuse automatically qualify as in priority need, removing the requirement to demonstrate an 'additional vulnerability'
- The Government should legislate to make separate payments the default for all couples who apply for Universal Credit
- Survivors fleeing abuse should continue to receive existing benefits while they wait for the first Universal Credit payment
- The Government should bring forward proposals to exempt survivors fleeing abuse from repaying benefit advances
- The Government should reverse the two-child limit
- The Government should expand eligibility for the Destitute Domestic Violence Concession to all survivors with no recourse to public funds
- The Government should extend the duration of the Destitute Domestic Violence Concession from three to a minimum of six months