

Refuge's priorities for domestic abuse legislation

May 2018

The Domestic Abuse Bill has the potential to be a once in a generation opportunity to radically improve the response to domestic abuse and make a concerted effort to challenge the gender inequality and attitudes which make domestic abuse pervasive in our society. Refuge welcomes the Government's focus on domestic abuse.

Refuge has 47 years' experience of providing frontline services to survivors of gender-based violence. During this time the charity has campaigned against the causes of abuse and the systemic problems which prevent survivors accessing the safety, help and support they need.

For the Domestic Abuse Bill to meet its objectives and have a meaningful positive impact for survivors it is vital that it address the following issues:

It must be a Violence Against Women and Girls Bill. The cross-Government strategy for ending violence against women and girls (VAWG) has been a positive step forward and the new legislation should build upon this. Attempting to separate domestic abuse from other forms of gender-based violence is artificial and will lessen the impact of the legislation. Gender-based violence, of which domestic abuse is a part, is interlinked and the best responses and services are those which are coordinated for all survivors of VAWG. For example, Refuge works with many women who come into its services to escape intimate-partner violence, it is only later, once expert staff have gained their trust that they disclose that they are survivors of, for example, modern slavery and we can then provide appropriate support. A VAWG Bill is needed to tackle all gender-based violence and to ensure that the right services are available. If the Government is unwilling to expand the remit of the Domestic Abuse Bill to include all forms of VAWG, it should bring forward separate VAWG legislation as soon as possible.

The current definition of domestic abuse is too broad, conflating a wide range of abuses, many of which are more accurately defined as 'familial abuse'. Refuge recommends the distinct forms of abuse are clearly and separately defined in order to reduce misunderstanding and ensure appropriate responses and services for survivors of each form of abuse. In particular, intimate partner violence or 'woman abuse' should be clearly and separately defined from abuse amongst family members such as sibling abuse or child-parent abuse. The definition of intimate partner violence should centre on coercive control and be explicitly defined as a gendered phenomenon. Without this type of explicit acknowledgement within the definition, the violence and abuse experienced by women and girls will be lost amongst the other forms of abuse which can occur between those who are known to each other and no group will receive the understanding and support they require to overcome the harms of abuse.

The legislation must be met with significant investment in specialist services for survivors of VAWG. If the legislation succeeds in meeting its objectives, more survivors of violence and abuse will come forward and seek support. It is essential that the services survivors need are available the moment they need them. The specialist VAWG sector has experienced dramatic budget cuts in recent years, many services have closed and others have been reduced significantly in size. The proposed reforms to short-term supported housing funding risk decimating the national network of life-saving refuges, which are an essential and central part of the response to survivors. If the proposed changes to refuge funding changes go ahead, the aims of the legislation will be undermined as women will have nowhere to turn and lives will be lost. **The current proposals for refuge funding must be taken off the table and sustainable funding for a full range of specialist services, including refuges, for survivors must be committed to by Government.**

If the legislation is to achieve its aim to transform the response to domestic abuse it needs to be for all women, including those with no recourse to public funds. Women who are not eligible for state support due to their immigration status currently face the devastating and life-threatening choice of either staying with an abusive man or homelessness and destitution. This legislation must ensure that all women, regardless of immigration status, can access the services they need to escape abuse, including access to refuges. **Eligibility for the Destitute Domestic Violence Concession must be expanded to all survivors, regardless of immigration status or visa type. The Government should create a 'firewall' between essential public services and immigration enforcement to ensure survivors of VAWG do not fear accessing the services they need in case they are refused help and are instead investigated as offenders.**

The legislation must go beyond the criminal justice system. An improved justice response is needed, but in order to transform the response to domestic abuse urgent reform of the family courts, access to housing and the impact of the welfare system are required.

Family courts

Everyday Refuge works with survivors who are traumatised by their experience of the family courts. **The legislation must prohibit the common practice of the cross examination of survivors by perpetrators and alleged perpetrators in the civil and family courts.** Women are frequently forced to face perpetrators in the family courts without legal representation due to restrictions on legal aid, including the means test which denies women legal aid if they own property or other assets with the perpetrator, even if survivors have no way of accessing those assets. **The capital means test for legal aid for survivors of domestic violence should be removed.** Refuge has long been concerned by the frequency with which family courts order contact between perpetrators and children, even when the perpetrator has been convicted in the criminal courts. **Clear guidance and extensive training should be developed on the impact of domestic abuse on children, alongside an understanding that in domestic abuse situations it will often not be in the best interests of the children to have contact with the perpetrator.** Further, obtaining the wishes and feelings of all children and young people on the subject of contact with the perpetrator, is an essential component of any decision making process about proposed contact and residence. The legislation should also prohibit unsupervised contact between perpetrators of abuse and their children whilst investigations and criminal proceedings are ongoing.

Housing

The housing system is not working for survivors of domestic abuse. Many survivors have to leave their homes to be safe and it is essential that they are able to access a stable home in which to rebuild their lives. In many areas, survivors are not qualifying for priority need for housing, despite the inherent vulnerability of women who are fleeing abuse. Lack of access to housing is delaying women leaving refuges and forcing them to move multiple times between inappropriate forms of temporary accommodation. **The legislation should clarify in law that survivors of gender-based violence qualify as a priority need for long-term housing.** A fund should also be established to assist survivors with the essential items needed to start a new life.

Welfare reform

Economic abuse is a form of gender-based violence which affects huge numbers of survivors. Research by Refuge and the Cooperative Bank found that economic abuse rarely exists in isolation, with the majority of survivors also experiencing physical, sexual or psychological abuse. Protecting and facilitating women having independent income is crucial to tackling economic abuse. Recent changes to the benefit system, particularly the single monthly household payment under Universal Credit, simply facilitates and accentuates economic abuse. As the Government brings forward the Domestic Abuse Bill **it must make split Universal Credit payments for all couples by default.**

The lack of support and services available for children affected by domestic abuse are nothing short of scandalous. Too often children are forgotten, despite the potentially lifelong negative impact on children who live with domestic abuse. Many local authorities do not fund any services for children in domestic violence services, despite children making up around half of the residents in refuges at any one time. Organisations like Refuge are instead required to rely on donations and voluntary sources of funding to provide services and support to children. **Refuge calls on the Government to commit to a clear strategy and sustainable funding to provide services for children of all ages impacted by domestic abuse.** At a minimum this must include a requirement for specialist, highly-trained children's support workers to be included in all relevant services and fast-track access to therapeutic and mental health services.

The legislation must improve the response to abuse perpetrated through technology. The increasing sophistication and ubiquitousness of technology facilitates abuse against women and girls. Tech abuse not only causes extreme distress and harm, but can force survivors offline, compounding their isolation and making daily life more difficult. The new legislation and supporting non-legislative proposals must tackle this by: expediting the Law Commission's review of whether the current laws can respond adequately to online harms; ensuring the criminal justice measures in the Domestic Abuse Bill are fit to tackle tech abuse; and facilitating working between Government, media companies and specialist VAWG organisations to develop tools, security features and robust reporting mechanisms to keep survivors safe and prevent tech abuse.

Refuge is committed to working with the Government to ensure the opportunity to prevent abuse and improve the lives of survivors of abuse is not lost.