

Justice Committee

Oral evidence: [Pre-legislative scrutiny of the draft Victims Bill](#), HC 304

Tuesday 21 June 2022

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Members present: Robert Neill (Chair); Rob Butler; Angela Crawley; Maria Eagle; Paul Maynard; Dr Kieran Mullan.

Questions 76 - 160

Witnesses

[I](#): Councillor Nesil Caliskan, Chair, LGA's Safer and Stronger Communities Board, and Leader, Enfield Council; Sophie Linden, APCC Joint Lead for Victims and Deputy Mayor for Policing and Crime in London; and Mark Norris, Principal Policy Adviser on Resilience, Safety and Regulation, Local Government Association.

[II](#): Alex Mayes, External Affairs Manager, Victim Support; Suzanne Jacob OBE, Chief Executive, SafeLives; Tracy Blackwell, Director of Strategic Partnerships, Refuge; Dr Hannana Siddiqui, Head of Policy and Research, Southall Black Sisters; and Jayne Butler, Chief Executive Officer, Rape Crisis England and Wales.

Examination of witnesses

Witnesses: Councillor Caliskan, Sophie Linden and Mark Norris.

Q76 **Chair:** Welcome to this session of the Justice Committee and our continued scrutiny of the draft Victims Bill. The first set of witnesses we have are Councillor Caliskan and Sophie Linden. Could I ask each of you to tell us who you are and what your organisation is, for the record, please?

Cllr Caliskan: Good afternoon to the Committee members. My name is Councillor Nesil Caliskan. I am the leader of Enfield Council, but I am here in my capacity as the LGA chair of the Safer and Stronger Communities Board.

Q77 **Chair:** Thanks very much. Sophie.

Sophie Linden: Good afternoon. I am Sophie Linden. I am the deputy mayor for policing and crime, but I am here in my capacity as joint lead for victims for the Association of Police and Crime Commissioners.

Chair: Great, thanks very much. We will deal with our questions first of all, and then we will come back to everybody else for the next panel.

Thank you very much for coming to give evidence to us. We are particularly interested in the oversight functions, if you like. The Government are proposing to move oversight of compliance with the code from the Victims' Commissioner at a national level to the PCCs at a local level.

I am reminded to ask if there are any declarations of interest, by the way. I am a non-practising barrister. Does anybody else want to declare anything?

Maria Eagle: I am a non-practising solicitor, Chair.

Chair: Okay. Rob.

Rob Butler: Prior to my election, I was a non-executive director of HMPPS, a magistrate and a member of the Sentencing Council.

Q78 **Chair:** Anybody else? No. That shows where everybody is coming from. We will go back to where we were. So we have this idea of moving the oversight of compliance with the code from the Victims' Commissioner—a national figure—down to the PCCs at a more localised level. What do you think of that, and should there be any role—a statutory role or not—for the Victims' Commissioner to look at things from a national level, if the PCCs are looking at it locally? What do you think, from the LGA's point of view, Councillor Caliskan?

Cllr Caliskan: Broadly speaking, from the LGA's perspective, we think that some level of national oversight for the code should be retained. We think that it provides some consistency and clarity. Notwithstanding that, local oversight is important too in being able to respond to localised



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needs, if you like. That shift in power—and it is a shift in power—allows for some things, like local data collection, but that in itself is not the aim of the game. Capacity of data collection is important to consider, but we think, generally speaking, that national oversight is equally important.

Q79 Chair: Sophie, from a London point of view, you are acting on behalf of the mayor as a PCC, effectively, are you not? What is your take on it?

Sophie Linden: I am, you are right; I am effectively acting with delegated authority for the mayor as a PCC. I do not think it should be an either/or. I think it is right and I welcome the extra powers and duties in the draft Bill for police and crime commissioners, but I do not think that it should be taken away from the Victims' Commissioner to provide national scrutiny. While we can do that locally force by force, it is really important that there is a national picture and that, nationally, the various bodies are held to account. For example, the national Criminal Justice Board is obviously an important board, but police and crime commissioners do not sit on it. First, I think they should, and, secondly, I think the Victims' Commissioner has an important role to play in holding everybody nationally to account.

Q80 Chair: We talked about data collection and so on. If the PCCs have the oversight role, what are your views as to what input they should have on the type of data that is collected?

Sophie Linden: That is one of the things that needs to be set out in guidance for all the national bodies in terms of the types of data and how it is collected; and also—we might come on to this—how it is published and made accessible. There needs to be some flexibility, but there is going to have to be a basic minimum of data collected force by force so that it is nationally comparable.

In this draft Bill, not only should there be a duty as to data collection for compliance with the Bill, but the police and crime commissioners, in the way that they ask for data from forces, ought to have the power to ask for data to do with outcomes, victim services and victims' experience across the piece to give to the bodies that are part of delivering for victims. That is not in this Bill, but it should be.

Q81 Chair: Should there be an obligation on the PCCs to publish the data, obviously subject to all the usual data protection, and so on?

Sophie Linden: Yes, there should be that accountability and transparency, but it needs to go further than compliance and the publishing of data, in two ways: first, by giving police and crime commissioners a power to ask for data, which is not necessarily about code compliance but is about victim services and their experiences. Secondly, it needs to move from just compliance to looking at outcomes and the reasons for the compliance—why we are interested in the compliance. We are interested because we are interested in improving the outcomes for victims.



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Q82 **Chair:** Okay. Councillor Caliskan.

Cllr Caliskan: I do not have much more to add.

Q83 **Chair:** You would be broadly in agreement with Sophie on that.

Cllr Caliskan: Yes.

Q84 **Chair:** Okay, thanks. What about consultation of victims' organisations on what data should be collected? That is the other thing that we are interested in. Should there be an obligation or duty on the Secretary of State to consult victims' organisations on what data is collected?

Cllr Caliskan: I absolutely would agree with that. The principle that services should be shaped from a people's perspective is absolutely right, and consulting the people who it will most impact is crucial in the way that you would shape any other service. The Victims' Commissioner's views on that are critical, as are those of the victims themselves.

Q85 **Chair:** Sophie, do you agree with that? Anything else?

Sophie Linden: I do agree with that. It is important that some of the processes and structures that enable the Government to know the views of victims' organisations are put on a firmer footing, including victims reference groups and the Victims' Commissioner herself. Also, the victims reference group in terms of the Ministry of Justice needs to be a regular meeting, and there needs to be guidance around that.

Q86 **Chair:** I suppose, if you have a duty to oversee compliance, the question is: what can you do if you find that bodies are not complying? As far as you are concerned, what steps—that either are in the Bill or are not in the Bill as yet—do you think that PCCs can take if they find that a body is not complying, and what should there be?

Sophie Linden: I think that is where there are significant gaps in the Bill. You have some responsibilities around compliance and data collection, but there are no clear steps as to what happens when that compliance or data collection is not sufficient, or how that feeds into any ratings in terms of victims services and victim satisfaction. Police and crime commissioners have the power to request HMIC to inspect a force on a particular issue, and I think that they should have that power not just for forces but for those bodies that are part of this Bill, such as the CPS and other bodies whose inspectorates we ought to be able to request to look at what is happening if we are not satisfied on victims services, data compliance and compliance with the code.

Q87 **Chair:** Of course, you do not have oversight without a request.

Sophie Linden: Yes. A lot of this will be through collaboration—I understand that—and through the local criminal justice boards. First, that local criminal justice board should probably be put on a statutory footing, but, secondly, the police and crime commissioners or the local criminal justice boards ought to be able to ask for improvement plans. That is the first step in an improvement plan. The second step is, if that is not good



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enough, what happens and how does it feed into the ratings? Then we need the ability to ask the inspectorates to have a look.

At the moment—and you may well come on to this—the draft Bill lists some of the inspectorates that I would expect to be listed, but there is not complete consistency across the Bill. In one section it lists youth offending teams, but children and young persons are not listed in terms of inspections that they have from Ofsted. That is a gap. We need to make sure that it is consistent across the piece—I know the Children's Commissioner gave evidence—that we can get the right bodies for children and young people collaborating and complying, and then there will also be some consequences.

Q88 Chair: Councillor Caliskan, what is the LGA's take on it?

Cllr Caliskan: As Sophie said, collaboration is really important, so getting the framework right is critical. If we are going to talk about the duty of collaboration, it is really important to understand who those agencies are and to have them in the room. To that extent, the Bill probably could do with teasing out more of that. That is all I have to add.

Chair: Again, that is very helpful. Angela Crawley.

Q89 Angela Crawley: Thank you, Chair. Turning specifically to the funding, obviously I appreciate that there will be a degree of additional workload for PCCs, so perhaps I could ask you this, Sophie. Have the Government adequately accounted for the additional cost that PCCs will incur in response to this duty to monitor compliance with the victims code? If they have not, what would you estimate, in your earnest opinion, would be an associated cost with this?

Sophie Linden: You are right: with new responsibilities come new burdens, and you need funding to do that. I do not think that the Government have adequately estimated the costs. With my other hat on as deputy mayor of London I have responded with written evidence, and we think that it is probably about double the cost that the Government are suggesting per police and crime commissioner. Clearly, we all know that the size of forces and of OPCCs varies, but there is definitely an underestimate of the cost that it will take to have the analytical capacity and the ability to convene, collaborate and to hold multiple agencies to account, especially in the larger force areas. There are 32 London boroughs and, I think, five integrated care commissions. It is a complex job in bigger forces, as well as across the country.

Q90 Angela Crawley: Okay, thank you. Obviously, the fundamental point of this is that the victims' voices should be heard in this process. I think that the root of all of this is to really ensure that victims are given a platform and a voice. Perhaps I could ask you, Councillor Caliskan, specifically on the voices of victims, will the measures that you have seen in the Bill ensure that those voices of the more marginalised victims in the community are adequately heard? Should the Government appoint a victims champion perhaps, or should each PCC, rather, appoint a victims



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champion, as is the case in some PCCs, to ensure that when they are dissatisfied there is someone there to champion those concerns?

Cllr Caliskan: I think it is good practice to have a champion, and some of the best examples that we have across the country are able to point to the fact that they have appointed a champion. That is good practice, generally speaking.

Your question could also be answered in the context of the funding, which is a problem. There is a duty to collaborate, as set out in the Bill, as far as we understand it, with the LGA. But in many ways that is less important, in our view, than having the right framework for funding and commissioning in itself—so investing in the commissioning process or the long-term funding in place for the services themselves. I mention that because, as part of long-term support, victims' views can be adequately taken into account if you have frontline services that are delivered in communities, often by smaller organisations. Those are the very organisations that have the instability and fragility of their sector by only having one-year grant settlements. The long-term funding for frontline services is really crucial. To some extent, the Bill understands that there are costs associated with collaboration, but, as far as I can see, it is really an administrative cost that it takes into account, and not the cost of additional services that fundamentally are required.

Angela Crawley: Okay, thank you. Thanks, Chair.

Chair: Thanks very much, Angela; that is very helpful. Paul Maynard.

Q91 **Paul Maynard:** We are now already blending into collaboration, which I wanted to ask about. I know the APCC has suggested that collaboration already occurs locally and works quite well in some areas—in others not. Councillor Caliskan has just pointed out that perhaps collaboration is not as important as getting the funding models right. What role do you both see for collaboration? Why does it need to be a duty rather than something that you are just allowed to get on with and do?

Cllr Caliskan: I recognise that the Bill lays down in principle the importance of collaboration, and I do not devalue that. I recognise this as an important part of the Bill. In many ways, the LGA welcomes that. The only thing that I would add is that there are good examples of collaboration happening around the country, as you say, and they are the very best examples. Collaboration alone will not provide the outcomes that the Bill is probably seeking and therefore those services.

I would add that collaboration is more possible if you have consistency and a sustainable commissioning model for those frontline services. Those small organisations and the statutory agencies are more likely to come together if they are not under pressure and being pulled apart by the day-to-day demands related to funding.

Q92 **Paul Maynard:** The Secretary of State has to issue guidance to underpin the duty of collaboration. What would sit within the guidance to deliver the outcome that you desire?



Cllr Caliskan: The guidance probably needs to be developed in partnership with various agencies, so as the LGA we would encourage the guidance to be developed with the input of the different agencies where we would expect the collaboration to happen.

Q93 **Paul Maynard:** Ms Linden.

Sophie Linden: Yes, you are right. In our written evidence we said that in many cases the collaboration exists locally already. That is not to say that we do not think that it is a good duty and that we do not welcome it. It is what flows from that collaboration that is incredibly important. There is an interesting difference between the duty of collaboration in this draft Bill and the one in the Domestic Abuse Act, which is a much more robust duty on collaboration, because it includes not only victims' needs assessments but a domestic abuse collaboration duty. It also includes the need to commission services so that there is an adequacy of services. I think there should be some aligning of those duties with this draft Victims Bill.

I also think—and I know other people who have been in front of you have said this as well—that the three main organisations that have this duty to collaborate are not sufficient. Councillor Caliskan is here. Local authorities are an important part of this landscape. As I have said before, I do not think that there is consistency across the Bill in terms of the organisations that have been listed and any organisations that have certain duties. For example, youth offending teams are listed in other parts of the Bill but are not listed via boroughs or local authorities as having a duty to collaborate. Children and young people's services and education are not part of it either, which is really important.

Again, that will also flow into funding because you can have a duty to collaborate and a duty to publish a strategy, but unless there is something behind it, it is quite a weak duty. It could just be literally, "This is what everybody is doing," and no real addressing of any significant gaps.

Q94 **Paul Maynard:** Thank you. You have anticipated some of my further questions. You listed some of the groups that the duty could extend to considering. Is there a point at which you have such a lengthy and indeed exhaustive list of groups in society that need to be covered that it becomes unwieldy? Should they really be listed on the face of the Bill or in the guidance? Is it better to have a flexible approach that varies from area to area, where differing types of groups may be more important or less important? Should the Bill be as prescriptive, or should we not just trust PCCs to do what is right? Should we not have confidence in you?

Sophie Linden: I feel duty-bound to say that of course you should trust PCCs to do what is right, but I also think that it is important—it is slightly having my cake and eating it, but—

Paul Maynard: That is very popular these days.



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Sophie Linden: It is important to have some real prescription in terms of who needs to collaborate. It is incredibly important that, when you have a duty to collaborate, that flows into strategies; it flows into priorities within each organisation. I know that, while they are collaborating locally, PCCs across the country sometimes have had difficulty knocking on the door and getting that door opened in some organisations. That has improved, but we have a duty to collaborate, and it could make a difference to the prioritisation setting within an organisation if that duty is there. There should be some flexibility locally for specific local circumstances, which could perhaps be dealt with through guidance. It would be almost like a minimum—these are the people that you should have collaborating—because we know that local authorities, for example, are incredibly important, as is health, and then of course you have the police and crime commissioner as well as the main commissioner of services.

Cllr Caliskan: I would just add that it would be helpful from a council perspective to have a bit more clarity on, for example, whether victims of modern slavery are expected to be supported through the modern slavery strategy, which is why they have not been included in this Bill, or if it is the anticipation that they will be picked up through this Bill. It is not so much anomalies, but there is some active work being conducted by councils across the country already in areas that absolutely relate to victims and this sort of Bill, and clarity would be welcome.

Chair: That is great, thank you very much. Maria Eagle.

Q95 **Maria Eagle:** Thank you, Chair. The aim of the entire Bill is to improve public awareness of and access to victims' rights, but the Government's impact assessment says that it is not expected to lead to any increase in costs. Does that ring alarm bells for you, as it does for me?

Cllr Caliskan: If I was being critical, I would say that it feels a bit like window dressing, but I recognise the spirit of the Bill, which is to improve the rights of victims and to provide support. In reality, while the Bill talks about additional funding, I do not think that funding, as I have said before, goes far enough to adequately address the necessary increase in frontline support services for victims. If you spoke to victims, they would say that, and that is the most important thing.

Sophie Linden: Yes, I agree with Councillor Caliskan. It does ring alarm bells; it feels like it has been made to be cost-neutral, because there is no additional money that will come to provide the services. Anyone who has run any campaigns or has put together services for victims knows that, before you start to talk about them and spread awareness of them, you have to have sufficient services behind them, or you raise awareness and then you disappoint people, which is the worst thing—when people will not come back. I have already talked about the underestimate in terms of the administration of it, but the cost-neutrality in terms of raising awareness of rights and of the code does not ring true for me because of everything we know about raising awareness and supporting



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victims. You are right that there is unmet demand, and we need to be really clear that this Bill needs to come with adequate funding.

Cllr Caliskan: Obviously, there is an issue with the amount of funding, but, equally, there is a question about the way that funding is allocated. I mentioned earlier that one-year or one-off grants to organisations create a real instability. It is not just about the amount of money; it is about how that money is allocated over a short-term period.

Q96 **Maria Eagle:** Right. That is a fair point. To be fair, the impact assessment says that there is a risk that raising the profile of the victims code “may” lead to increased demand for associated services, so it has been anticipated to a degree. It goes on to say, “There is a risk that this cannot be delivered with the current resource.” I wonder, therefore, to what extent any lack of money can be counteracted if the relevant agencies that have the duty to collaborate actually start to pool their budgets. I speak from some experience as a Minister in the past—even a Minister across some criminal justice agencies. My experience of that was that you only get real collaboration when you have the pooling of budgets, because that is the first time that those involved stop thinking in silos and start thinking across the system. I wonder whether that has any resonance with any of our panellists.

Cllr Caliskan: I would agree with that. The Government’s Victims Funding Strategy highlights that very problem—that victim support is often piecemeal, unco-ordinated and short term, as I said earlier. We think that the strategy and strategies should probably go further than simply addressing an alignment of funding across Government Departments—that silo thinking, if you like. There should be a commitment to streamlining the funding. In short, you can get more for your money if you come together, and in many ways the Bill tries to force that duty of collaboration, but the spirit of that needs to then apply to the way that the funding streams are applied and the commissioning is done.

Sophie Linden: There are a couple of things there, are there not? As Councillor Caliskan says, across Government there absolutely needs to be an alignment and probably a pooling of budgets across Government for victim services, because I know that, as a police and crime commissioner, you have to go to quite a number of Government Departments in order to put together a package of services for victims within your force area. That is one thing.

Also, many police and crime commissioners—but not all, I have to say—would welcome a devolution of some of the budgets around victim services and witness services, which is not happening at the moment in every area.

Then we have some national victim services, such as the homicide service, which, from my point of view, with my London hat on, should be devolved down to MOPAC because it would be much better if we were able to put that together with the rest of our victim services.



On pooled budgets, I can see that as being a long-term goal. I would prefer to put the focus on making sure that there is adequacy of funding. Maybe I differ from you on this, but I am never completely sure that pooled budgets give you that much more money for your ability to extend your services. What they do is really good collaboration, and that is really good, but you still have the same amount of money. There is not a huge amount of administrative money in savings from that, but it can mean good collaboration.

Q97 Maria Eagle: Thanks. I wonder if there should be a legal duty on statutory agencies to provide community-based services, similar to the duty for accommodation-based services in the Domestic Abuse Act. Is there a risk that, if there is not such a duty, agencies are going to start diverting funding from community-based to accommodation-based services, because they obviously have to meet their statutory duties first and foremost out of their budgets, and so to the extent that something is not a statutory duty, or is an aspiration or something that they should collaborate on, they do not actually do it? In fact, perhaps there is an incentive to move money away that they may be using on community-based services at the moment. Is that a risk?

Sophie Linden: It is a risk, and we lobbied on it during the Domestic Abuse Bill. Of course, we welcomed the duty around safe accommodation, but we wanted also to ensure that community-based services did not become a poor relation in that, and there is the risk in this Bill.

There is another risk as well, in terms of services. Again, there needs to be a logic throughout the Bill. I can see why there is prioritisation around sexual abuse, domestic abuse and violence in the duty to collaborate, but as police and crime commissioners we commission victim services for other victims as well, such as victims of fraud and burglary, and some areas and local authorities commission services for victims of antisocial behaviour. The pinpointing of the three areas for victim services' collaboration in the Bill, in terms of commissioning and other compliance, means that there is a real risk that other victims will not get the service that they need, and their outcomes will get worse.

Cllr Caliskan: I agree exactly with what Sophie said. The Domestic Abuse Commissioner's office has already outlined the scale of domestic abuse and the impact that it has on wider communities. As to community-based services, there is ample evidence to demonstrate the value that is added and the importance of those services. Something like 70% of victims of domestic abuse who access the support do so by community-based services. Some of those victims, who find themselves even more isolated than you might find otherwise, are often active in community-based services that support them with language barriers, for example, and many need access to the higher costs of refugee accommodation. They are some of the examples.



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Also, from an LGA perspective, these are victims who are dealing with trauma. Community-based services provide a level of stability for them and minimise the disruption that might otherwise discourage them from coming forward to seek support.

Chair: Thank you. Rob Butler.

Q98 **Rob Butler:** Thank you very much indeed. I want to carry on the theme of other duties and other roles, if you like. Do you think that the duties in the Bill as it currently stands are adequately aligned with other statutory duties and other funding streams that would then enable there to be efficient and effective delivery of service to victims? Ms Linden, maybe I could start with you on that.

Sophie Linden: I think we need to unpick that. I am concerned that I cannot see exactly how it aligns. We have the duty within the Domestic Abuse Act, the serious violence duty, a community safety partnership review ongoing, and the PCC review as well. I cannot see how they all align. There is a risk of duplication, and we need to make sure that they do align. We either need that as a conversation once this draft Bill becomes the Bill, or to have those conversations in between, to make sure that they do properly align, because there is that real risk.

Q99 **Rob Butler:** Councillor.

Cllr Caliskan: Many of the Government's community safety reforms are taking place at different times with different schedules. There is a real opportunity to align them. I would describe it like that. But at the moment it does not feel as if they are entirely aligned. There will be statutory guidance that will pull out of all those legislative things that have come in the pipeline, including the Victims Bill, which will help. The statutory guidance will help, but there is some work to be done to make sure that key bits of legislation, guidance and strategies, which in many ways provide the practical support, are aligned.

Q100 **Rob Butler:** In terms of a couple of specifics, when the Government ran their consultation, some concerns were raised about the level of support available to what is known as the "by and for" sector, especially round commissioning. The Victims' Commissioner said that many specialist "by and for" organisations find the only way to compete in a competitive market for commissioning is to enter into partnership with larger, better resourced organisations. In short, they therefore struggled to navigate and compete. Is that something that you would recognise, Ms Linden first again? Councillor, go ahead.

Cllr Caliskan: I was going to say that I have my colleague Mark from the LGA, who might be able to provide a little bit more detail that is helpful to the Committee.

Rob Butler: Yes, of course.



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Mark Norris: Obviously the use of “by and for” services is an important way of providing services, particularly for groups at the fringes of larger groups. We need to invest in some of those as well. As you have highlighted in the question there, the Domestic Abuse Commissioner has identified those as a good way forward as a provision of services.

There is a degree of experience already being developed in commissioning some of those services. As we go forward, as part of the statutory guidance, we are looking to see that those examples and the practical experience are shared, so that it becomes easier for those who are less experienced at this point in time with commissioning those services to be able to pick up from the good practice that already exists to implement some of those changes that they would want to see to start to commission and make better use of “by and for” services going forward.

Q101 **Rob Butler:** Are there any specific steps that the Government could take through the Victims Bill to make sure that those smaller “by and for” service providers are not excluded, because they can often provide something that is really quite unique?

Clr Caliskan: Allowing local authorities to be able to determine or feed into who those smaller providers are, they are best placed to be able to provide that insight, not least because we directly commission them ourselves, to be honest. Localised commissioning matters in that respect.

I do not know if Mark wanted to add anything else.

Q102 **Chair:** Does Sophie want to come in first?

Sophie Linden: On this issue of “by and for”, it is a definite risk and I know that some national organisations providing services for victims of violence, women and girls have found this. Some areas are commissioning the really large organisations on the “by and for”. Smaller organisations are not getting it.

As for legislation, it is quite a difficult thing to deal with. Perhaps the legislation should have more equality of access and more on the ability to have culturally competent services. The guidance has to be really clear specifically about what they expect for police and crime commissioners as much as possible in “by and for”. The funding is also important here, not only that there is a sufficient volume and nature, but often this is about capacity building as well; there aren’t always the organisations that are able to take the commissioning or the grants. That is an important role for local authorities as well as police and crime commissioners to be able to support those much smaller organisations to be able to be commissioned or to be recipients of grants. That is about funding, because often you need to make sure that there is an element of funding that allows that to happen and then you will be able to have more of the organisations that are run “by and for” those that use them being able to complete in some of the bidding rounds.



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Again, going back to what Councillor Caliskan said, this is also about how the funding is distributed when it is distributed. When bidding is given, you are given a very short window in which to bid; it is impossible for smaller organisations to be able to do that. They are not set up; they do not have the right capacity, and it is very difficult. Short-term funding is very difficult for them as well, so there has to be a funding strategy that enables that to become a reality as well.

Q103 Rob Butler: One of the areas where “by and for” might be particularly relevant is provision for children. One of the major concerns raised last week when the Children’s Commissioner was in front of us was that she felt this entire Bill did not deal with children and children’s issues at all well. What are your views on that and possible ways of addressing it, as the legislation progresses? Ms Linden first.

Sophie Linden: I watched the Committee and I agree with the Children’s Commissioner that there is not enough in the Bill about children. Again, it goes back to those organisations. When I talked about the inspectorate, there is nothing in there regarding compliance and data for children and young people’s services or local authorities, or around even the duty to collaborate; it is very wide and there should definitely be a duty to collaborate in relation to children. We should be really clear that there would need to be different services, different abilities, different services and organisations that are delivering to victims who are children.

We have put witnesses in there, but children have to be there in their own right, not just as witnesses, in the way that the Domestic Abuse Bill does.

Q104 Rob Butler: Councillor Caliskan.

Cllr Caliskan: I entirely agree with that. It is our view too that it is critical that children’s views are taken into account.

Q105 Rob Butler: You obviously have youth offending services within your council remit. Do you think there is a role for them in this?

Cllr Caliskan: It is an interesting question. If you were to dig down into the best youth offending services across the country—I happen to have one at my local authority in Enfield—you would see some of that good practice happening. To what extent the Bill can legislate for it, I am not sure.

Does Mark want to comment on it? I may be missing something obvious, but it is a complicated arena.

Sophie Linden: We need to be clear. Youth offending teams are an important part of the picture for children’s services. It is youth offending; we have to be clear that this is a Victims Bill and we have to make sure that children who are victims, whether they are part of the youth offending team or not, or whether they are within the criminal justice system or not, are getting the right services. Yes, it is youth offending



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teams, but we need to be thinking about children's services in a much wider sense. That is children's services at local authority level and also health services, mental health services, children and adolescent mental health services. I know there is a duty to collaborate on health and we have to be very clear that this is an important aspect of what this Bill is trying to deliver.

Rob Butler: Thank you.

Chair: Thank you. Dr Mullan.

Q106 **Dr Mullan:** Thank you. I am going to move on to ask about victims of violence, particularly those victims of sexual or domestic violence. I want to begin by asking Councillor Caliskan or Ms Linden whether you support the definition of ISVAs and IDVAs as set out in the draft Bill. Ms Linden, do you want to go first?

Sophie Linden: Everybody who has given evidence thinks it should be flexible. What is in there is not flexible enough, and, again, the IDVAs and ISVAs are an incredibly important part of the criminal justice system. However, there are other advocates who we also need to make sure of. While there is a focus on IDVAs and ISVAs, and that is to be welcomed, we have to be very careful that we are enabling other advocates as part of this Bill. It probably goes back to what the Victims' Commissioner wants, which is to have victims named as participants in the criminal justice process; that they themselves and their advocates have a statutory and incredibly important role.

Cllr Caliskan: Another area where the guidance will be really critical is that it will be useful to have the definitions and the guidance and their roles. There is a bit more work to be done, as Sophie has said.

Q107 **Dr Mullan:** Ms Linden, are you suggesting perhaps that it would be better to have an even broader definition about what a victims adviser is and then perhaps sub-categories? Is that what you mean?

Sophie Linden: That is a possible way of doing it so that you do not exclude other advocates. There are a number of other advocates; there are the modern slavery advocates; we have other advocates working in custody for victims as well. The Bill needs to be very clear about what the statutory role is of the advocate and give them access to the courts. It should not be at the discretion of the judges; these are advocates for victims. It should be consistent delivery and that needs to be consistent across the piece. This Bill should be doing that and putting it very clearly in legislation around that.

Q108 **Dr Mullan:** Councillor Caliskan, do you agree with that remark about the access to the courts, which Ms Linden says is discretionary at the moment?

Cllr Caliskan: That is absolutely right, particularly with some of the victims of crime, for example, domestic violence where it is a complicated



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picture, and advocacy is a key component in being able to support the victim. We hear from victims regularly that one of the reasons they may not come forward is because they do not think they will be served well by the court. Whether it is an accurate perception or not is irrelevant; it is about the advocacy process and the victim feeling that they are properly supported in a very transparent way.

Q109 Dr Mullan: Just to think through the Government's thinking, Ms Linden, because there is so much resource available for the ISVAs and IDVAs and that in some sense they are going to be there, perhaps they are wary of raising expectations around other types of advocates if they do not think they are necessarily going to be available and able to deliver services to people.

Sophie Linden: That may well be an issue and I absolutely welcome that there has been good funding of IDVAs and ISVAs. We have certainly benefited from that in London in the increase in numbers. However, even that said, we have two PCCs and others who can commission advocates. It needs to be clear that they have a role and they are able to go to court, for example. Even if that is the concern of the Government, if they are doing a job, especially for children, it is a job that is really crucial. The right way round is to fix the problem about the funding rather than to say, "Okay, we're just going to have IDVAs and ISVAs, however important they are."

Q110 Dr Mullan: To summarise the point you are making, and you may well have some more, while of course these are two crime areas where we know victim support is very important for delivering convictions, there may well be someone who does not fit into these categories who may have been a victim of a different type of very serious crime, and they should be just as entitled to support that meets their needs through the process.

Sophie Linden: Yes.

Q111 Dr Mullan: I want to pick up on something my colleague mentioned regarding children. The Children's Commissioner advocated for what has happened with ISVAs and IDVAs to be replicated in the Bill for children as well. Do you have a view on that, because it builds on this discussion about whether you do something for everybody or you add in other categories? Ms Linden.

Sophie Linden: I can see the need for that and it is probably important in the guidance that, whatever the definition of the advocacy role is, it is really clear that this includes children. I know there are ISVAs, for example, in London working in accident and emergency; there are ISVAs for young people and children. An ISVA does not necessarily only deal with adults, but it has to be really clear that as part of funding and part of the rights and responsibilities, and the advocacy and what the advocates are able to do for the victim, children and young people are absolutely included in this.



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Q112 **Dr Mullan:** Councillor.

Cllr Caliskan: I would just add that that is why it is really important that the definitions are drafted in collaboration with the sector.

Q113 **Dr Mullan:** Finally, we have touched on it to some extent, but when it comes to the guidance, which is, as you have said, Councillor, really important, if you were to pick a couple of things that you think were going to be absolutely vital to be part of that guidance, what would you both say? Councillor, do you want to begin?

Cllr Caliskan: Some clarity on some of the things we have spoken about: for example, the definitions which should be put together in collaboration. There needs to be an adequate amount of flexibility to pick up on areas that national legislation might not adequately think of, to be frank. There might be specialised services that are required for a particular need at any moment in time for communities; there needs to be a level of discretion that allows for that. It might not be appropriate for the guidance, but I do think there has to be acknowledgment around the framework for commissioning and the way the budgets are pooled or not pooled together that can ultimately have an impact on some of the frontline services.

There are some good examples of collaboration that exist for victims. You take, for example, the NHS working with local authorities in an A&E department when a young person turns up who has been stabbed. There is that touchpoint. You will find a social worker there; you may find an NHS worker there; you will find the police there. At that point, the system, so to speak, comes together and supports the victim. Then it is not consistent, but I would hope that the guidance would allow for more of those examples to develop across the country.

Q114 **Dr Mullan:** To pick up on that comment, you think it really should go beyond the points that are in the Bill at the moment about what it may contain, to include things like commissioning models—as you said, not dictating them but at least highlighting different ways in which commissioning might be done better and the surround rather than just the individual role.

Cllr Caliskan: I would welcome that because, for the integrity of the Bill, the guidance will be very important.

Q115 **Dr Mullan:** Thank you. Ms Linden.

Sophie Linden: We have talked about some of the issues that the guidance needs to address. In terms of other issues, and it points to what Cllr Caliskan was saying, we need to be clear what the best structures are for partnership working. We all know the geography of PCC areas—not necessarily so much coterminous with local authority areas or even health board areas. That is going to cause quite a lot of complexity and there is a real challenge of how you bring those groups together for collaboration and being able to put together a single joint strategy. There



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is going to have to be really clear guidance around governance and accountability, otherwise that is going to be difficult.

There should be very clear guidance as to who is taking the lead on this. I am here from the APCC, and the PCC, as a local area, should be taking the lead in the collaboration and a lead in this.

We also must be very clear about who is doing what; that is part of the collaboration and also the governance. What do we mean by respective support functions? Everyone has to be very clear about who has particular responsibilities for commissioning services of specific groups or areas, to make sure there are no gaps but also to make sure there is no duplication. Going back to previous questions about proven budgets, part of the guidance should be how you commission and how that is done in the most efficient and effective way possible.

Q116 Dr Mullan: That is very helpful because most of what we have heard is focused on the specifics of what somebody does for someone. You have both talked about how it fits into the bigger picture being important.

Finally, considering what we have covered already, are there any other burning points that you wanted to make in relation to the Bill that we have not covered so far?

Sophie Linden: Obviously, it is really good to see a draft Victims Bill; it really is. However, there are bits of the code that are not in the Bill. We must have real alignment. We have also talked about this, and it is so important. What are the outcomes that we are trying to get to by having a Victims Bill? Are these rights robust for victims? What difference will it make? At the moment, the Bill is not strong enough to be able to really see what difference it will make because there appear to be few consequences if you do not collaborate, you do not comply, you do not publish the data; where there is inconsistency, what can happen from a PCC level or from the Victims' Commissioner? I think there is that overarching theme: what are we trying to get to? This Bill does not get that, at the moment, as well as that there will be some gaps in the code.

I would really like to see bereaved families on the face of the Bill; they are not there at the moment. I would like to see some other bodies having responsibility, as I also wrote back on that from my role as Deputy Mayor for London.

Q117 Rob Butler: Just on that point about consequences, etc., outside of some fines or specific things, what happens? Any agency, if it has a statutory duty, would be subjected to legal action. I am not quite sure from any of the witnesses we have heard on this, what it is exactly they would want the Bill to say in terms of consequences?

Sophie Linden: Perhaps consequences is not exactly the right word, but there should be very clear processes and steps, first, for the victim, if they do not feel they have had their rights underneath the code or from the Bill adhered to; and, secondly, there need to be really clear steps and



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processes for police and crime commissioners, for example, to take if they do not feel there has been correct compliance. I have talked about the need for a specific power for police and crime commissioners to be able to request an inspection from the appropriate inspectorate, or multiple inspectors, and I really welcome that in the Bill, because there is then a look at joint collaboration.

I do not think we can go down the fine route, but there needs to be really clear processes in place when things are not appropriate.

Q118 **Rob Butler:** As the PCC at the moment, let us say you have a failing force in relation to data recording—nothing to do with the victims. How would you raise that and try to get that corrected now?

Sophie Linden: As a police and crime commissioner at the moment, if you think there is a failing in the force, clearly in terms of scrutiny and holding the force to account, before you get to this point, there are lots of steps you can take. However, if those steps do not provide what you want, the police and crime commissioner has the power to request the inspectorate to inspect a specific part of the force.

Q119 **Rob Butler:** You would like that to be replicated across other agencies in relation to the victims code.

Sophie Linden: Yes.

Q120 **Rob Butler:** Councillor.

Cllr Caliskan: The only thing I would add, which I have said earlier, is that if the intended outcome is for better support for victims, which I think is the intended outcome of the Bill, if the duty to collaborate is the best way to do that, we have to allow for the means to do that. Yes, it speaks to the point about additional funding for frontline services. Yes, it speaks to the point about long-term funding strategies. Also, there is the point about duty to collaborate and clarity in the guidance about who ultimately that responsibility sits with and the accountability that Sophie is referring to. All of those things are really critical. It is a fine balance between having clarity and allowing some flexibility so that, locally, councils or other local agencies like the NHS or otherwise are able to respond to the particular needs of those victims in a locality.

Dr Mullan: Okay.

Chair: Thank you very much, everyone. Thank you to our first panel. I am very grateful for your time and giving evidence to us today. Many thanks and all the best.

Examination of witnesses

Witnesses: Alex Mayes, Suzanne Jacob, Tracy Blackwell, Dr Siddiqui and Jayne Butler.

Q121 **Chair:** Can we swap round to our second panel, please, some of whom



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are here in person and some of whom are appearing remotely? Welcome, everybody, on our second panel. Perhaps we can ask everyone to introduce themselves for the record. Ms Jacob, shall we start with you?

Suzanne Jacob: Thank you. My name is Suzanne Jacob. I am currently chief executive of a UK-wide domestic abuse charity called SafeLives. I am also a trustee of CrimeStoppers. Formerly I worked 10 years in the Home Office, including on victim and witness policy, and I spent seven years working at Victim Supportline.

I should also say that I bring into the room today with me many voices and stories of victims of crime, including the bereaved families of those who have lost family members to domestic abuse.

Q122 **Chair:** Thank you. Mr Mayes.

Alex Mayes: I am Alex Mayes. I am external affairs manager of the national charity Victim Support. We provide specialist services to victims and witnesses across England and Wales. We have been running for 48 years now. As part of what I have been doing over the last five years, we have been doing research into victims' needs, victims' experiences and how victims are receiving or not receiving their rights under the victims code. We have quite a wealth of experience, research and expertise in this area.

Q123 **Chair:** Thank you. Ms Blackwell.

Tracy Blackwell: I am Tracy Blackwell. I am director of strategic insight and partnerships at Refuge. Refuge is the country's largest specialist provider of domestic abuse support services for women, children and broader violence against women and girls' services. We also run the National Domestic Abuse Helpline, which receives 11,500 calls a month and supports around 23,000 women and children through our community-based services.

Q124 **Chair:** Thank you very much. Dr Siddiqui.

Dr Siddiqui: I am Hannana Siddiqui. I am head of policy of Southall Black Sisters. I have been working there for about 35 or 36 years. I have done a whole range of work within the organisation, including being a frontline advocate working with victims and bereaved victims.

Southall Black Sisters has been around over 40 years now and it specialises in the needs of black and minority women. It does local, regional as well as national work.

Q125 **Chair:** Thank you. Ms Butler.

Jayne Butler: I am Jayne Butler. I am the chief executive officer of Rape Crisis England and Wales. We are the national membership body for rape crisis centres that provide services across England and Wales. There are 39 different organisations providing services, predominantly to people



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who have experienced sexual violence, sexual abuse and rape, including those who are adult survivors of sexual abuse.

Chair: Thank you very much. Rob.

Q126 **Rob Butler:** Can I start off? Clause 1 of the Bill sets out a definition of “victim”. Is that satisfactory? Are there things that you would either add or subtract from that? Victim Support: Mr Mayes, do you want to kick off?

Alex Mayes: Thank you. The definition within the Victims Bill is broadly right, as are a lot of the measures within the Bill. There are probably two main omissions I would highlight from the definition. One is family members bereaved by homicide. Under the victims code, they are defined as victims and entitled to rights within that, but that definition is not in the Victims Bill.

The second one would be around victims of non-criminal antisocial behaviour. At the moment, they are also excluded from the victims code, in spite of the fact that we know that antisocial behaviour can have a profound and devastating impact on victims. Victims whom we have worked with face distress, trauma, have to move home, have to move jobs. We think it is right that victims of serious antisocial behaviour get some merit and consideration within the Bill.

Q127 **Chair:** Are there any other observations or additions?

Suzanne Jacob: I agree with that and I would also endorse what the Children’s Commissioner said last week. Children are victims of crime in their own right; they are not just witnesses to other people’s crime.

Q128 **Chair:** Thank you. Are there any other additions? Yes, Dr Siddiqui.

Dr Siddiqui: Obviously, we would want the definition of victims to include everyone who is a victim. That includes the women whom we serve—women and children from black minority communities, as well as those from migrant communities. A lot of migrant victims feel they cannot use the system because they think their personal data will be shared with immigration enforcement and they will be liable for deportation. A lot of them feel they cannot use the criminal justice system.

The other areas we need to include in the definition of victims are bereaved victims and witnesses. We deal a lot with cases of domestic homicide, honour killings and suicides. Families who try to use the criminal justice system to get justice and support from the system are usually very unhappy and feel that they are not being treated as victims and not given sufficient support.

Q129 **Chair:** Thank you very much. Ms Blackwell, Tracy, and then Jayne.

Tracy Blackwell: I absolutely support what others have been saying about the inclusion of children and bereaved families. The definition is



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important because it will determine who will receive support and have access to services.

The other thing we were not sure about was the definition of harm in the Bill. We were unsure if psychological harm, such as trauma, would be covered by emotional harm. We wanted to ask to extend the definition to cover psychological harm in the Bill.

Q130 **Chair:** Thank you. Ms Butler.

Jayne Butler: We would like to echo Dr Siddiqui's point about the inclusion of migrant victims within that definition, particularly because we have recently seen the Government ratify the Istanbul convention with exceptions to migrant victims, so we are particularly concerned about that area in light of that recent action.

Also, I would like to come back to the Victim Commissioner's point last week about the idea of thinking through how we change the legal status of victims/survivors in the criminal justice system. It feels like a really missed opportunity to give them a legal status within the system that would really and truly put them at the heart of it.

Q131 **Chair:** Thank you very much. Dr Siddiqui, on your point about people who might be concerned about going into the system because of data sharing and their immigration status, would that be cured by the creation of a firewall between the police and the Home Office, for example? Might that improve the situation?

Dr Siddiqui: We have been advocating for a long time with the StepUpMigrantWomen's campaign, led by the Latin American Women's Rights Service, which has been calling for a firewall to prevent the sharing of data between the police and other agencies, but primarily the police and immigration enforcement. A lot of victims of abuse from migrant communities feel that they cannot come forward and seek help or protection from the police because they could be liable for deportation by the Home Office.

A super-complaint by Liberty and Southall Black Sisters was upheld by three independent watchdogs that data sharing did not promote safeguarding but was aimed more at immigration control, and victims were being deterred from seeking help from the system.

The Government's response to that super-complaint has been to say that they will set up immigration enforcement like the victims protocol. We do not feel that that protocol is a full firewall because the data will still be shared between the police and the Home Office. We feel that this has not lived up to the watchdogs' recommendations, but also it does not protect migrant victims.

As a sector, we have disengaged from black and minority communities and have worked with migrant victims on the development of the protocol because we do not think it protects victims and it undermines their



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human rights. We are concerned that the protocol will institutionalise the sharing of data between the police and immigration enforcement and create a situation, which is quite dangerous for migrant victims, where fewer victims will come forward.

One of the cases that the Latin American Women's Rights Service has recently been pursuing is where an undocumented victim of abuse entered the country on a visitor's visa on the promise by a partner to marry her, but he did not marry her and she became undocumented. The organisation encouraged her to report it to the police in order to get protection. The police immediately informed immigration enforcement rather than giving her protection and support to escape the abuse or take any safeguarding actions. I think she received an enforcement letter within eight days. The Home Office saying that this protocol will protect victims or safeguard them is a sham; it is just not going to work.

Q132 Chair: You don't think it does; okay. Do the rest of the panel have any views on this protocol and firewalls?

Suzanne Jacob: There is a real incongruence in Government policy here. For many years now the Government have worked quite hard to produce things called special measures when people are going to court and are deemed to be vulnerable by virtue of one or other characteristic, or part of a situation. As Hannana has set out, it is very clear why migrant victims of crime are in a particularly vulnerable position. They are subject to coercion and threats by their abuser, if it is a domestic abuse case, their trafficker or other people. So, by definition, they are highly vulnerable; yet as a system we are trying to exempt them even from the baseline measures of protection—Jayne referred to the Istanbul convention—which seems very strange.

Q133 Chair: Can I move to clauses 6 to 8 where we get to the commissioning of services and the duty to collaborate? There is a duty on specified authorities to collaborate on commissioning victim support services. Do you think that will work? Do you think it is likely to lead to a more effective service for victims as currently defined, or beyond? What are your views on that?

Suzanne Jacob: We would like to see the duty to go up and in to the people who are drafting this Bill as well as down and in to the people who will be on the receiving end of it. That means Whitehall Departments and their Welsh counterparts also being subject to a duty to collaborate. We think that would make a very significant and material change to what happens.

As other panel members have said, there needs to be a duty to fund attached to a duty to collaborate. We also think there should be a duty for better operational collaboration, because at the moment sometimes there are gaps, even conflict, in the system between the needs and requirements of one agency in their performance measures and what is good for victims, with somebody else in a different agency pulling in a



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different direction. At an operational level we need a duty to collaborate that overcomes some of the problems with current safeguarding measures, which can be in conflict with each other around different family members or different types of crime.

Q134 **Chair:** Ms Butler, you wanted to come in.

Jayne Butler: We welcome the collaboration, but there is a real danger here that we end up in a situation where there is lots of busyness and work going on with very little impact on frontline services and victims themselves.

The previous panellists talked a lot about the funding and how that links into it, particularly specialist services that might be excluded from these pathways. When so much effort has to go into collaboration in particular ways without funding attached to it, the temptation is to commission large contracts that are, broadly speaking, inaccessible to many small specialist services, which are the ones who know most about what the most vulnerable and those with protective characteristics know and need. We would be particularly concerned about that. It does not really meet the long-term needs of survivors and victims in the system.

Q135 **Chair:** Ms Blackwell.

Tracy Blackwell: We broadly support the duty to collaborate, but we feel quite strongly that without a mechanism for addressing any shortfall it will not be effective. We were quite disappointed because we had asked to have a requirement in the Bill for a ringfenced funding pot to go alongside this duty. Without that, as mentioned in the previous session, you will raise awareness that victims have rights but they will not be able to access services because those services are already working at full capacity.

When we talk about commissioning practice, it is important to consult the sector around what that looks like. We will, hopefully, come on to the definition of an IDVA, but support in communities is much broader than just criminal justice support of an IDVA. It has a much broader remit around housing and emotional support. We would want to ensure that was taken into consideration. I think that ringfenced funding is critical to the success of this. We were calling for £226 million per year, which is a small amount when you consider the cost of domestic abuse to the country at the moment.

Q136 **Chair:** What about things like education and children's services? Should they be in the duty to co-operate?

Tracy Blackwell: Absolutely, yes.

Q137 **Chair:** There seems to be general agreement on that. Dr Siddiqui.

Dr Siddiqui: I think the duty to collaborate has to deal with inbuilt discrimination—sexual discrimination that often occurs when decisions are made about funding. I repeat the point about specialist “by and for”



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organisations, particularly those from black and minority communities or those who are dealing with specialist needs, such as the deaf and disabled communities. Their issues are never really addressed properly locally and they are not properly funded. I think that any kind of duty to collaborate will be pulled in the direction of the priorities of the main funders, and you might find they do not want to fund specialist “by and for” organisations, which are already finding it very difficult to get funding under the current regimes. I think some of the discrimination might be reproduced.

What we are calling for is ringfenced funding for black and minority women’s services, which is centrally funded and then goes directly to those organisations and does not depend on local commissioning. Certainly, there should be guidance for local commissioners for their services to be funded, but that guidance has not really been working; it is variable and patchy, and those services are not getting sufficient funding.

Q138 Chair: Mr Mayes, perhaps you can also pick up whether other victims should be included who currently are not in the definition, and so on.

Alex Mayes: Yes, absolutely. Broadly speaking, I agree with the other witnesses that it is a good step in the right direction, and hopefully it will lead to some more consistency in commissioning practice.

Touching on Dr Siddiqui’s point about the guidance, a lot of the detail will be in that, and hopefully we want to drive improvements in commissioning practices as well, not just commissioning structures. In particular, one of the things we want to see in the guidance is an assurance that all victims have access to independent services. Over the past few years we have seen victim services increasingly being taken out of the hands of specialist, independent voluntary sector providers and taken in-house by the police, or by police and crime commissioners. We have a number of concerns about this, not least about accessibility.

About 41% of crimes are reported to the police, according to the crime survey. The majority of crimes go unreported. Victims of particular communities obviously face specific barriers to engaging with the police and the criminal justice process. Victims want independent services. A YouGov poll found that 71% of the population want services that are independent of the police, and that rises to 87% when we include victims of domestic abuse and/or sexual violence. The need is there and we must ensure that victims have access to independent services.

On your question about other victims of crime, that is a really good and pertinent one. We know that victims of other crimes outside domestic abuse—sexual violence and serious violence—want and need support services. If you look at Victim Support, about 30% of the cases we support would fall outside those crime categories. Certainly, when you look at crime survey data and police recorded crime data, so-called volume crime is called that for a reason. There are lots of victims of crimes outside those three crime categories.



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In particular, I know that this Committee is looking at fraud, which is the most prevalent crime. You have heard in great detail about the impact that has on victims. We have to ensure that those support services are there and that there is focus on them and on the funding and commissioning of those support services.

That is not to detract in any way from the duty to collaborate around sexual violence, domestic abuse and serious violence, but somehow we need to marry up everything within the Bill. The Bill says that all victims have the right to access services; the victims code says that all victims should be referred to services within a certain period; and PCCs have obligations to commission services for all victims of crime. I think that either within the Bill or outside the infrastructure around the Bill we need to bring all of that together to ensure that commissioners still focus on all crimes as well, because all victims of all crimes need that specialist, independent support.

Q139 **Chair:** Thank you very much. Let us turn quickly to Tracy and then we will move on.

Tracy Blackwell: I want to ask that the duty recognises, with domestic abuse in particular, the gendered nature of domestic abuse and how women are disproportionately impacted by that. I will stop at that point. I will go on to the other point when we come to the definition of IDVA.

Q140 **Maria Eagle:** I think I already know what people will say about this, but I want to give all of you a chance to say it anyway. I was talking about funding a little earlier and the way in which there is an assumption that more money will not be needed. To what extent is there sufficient funding available to support the ambitions of the Bill with regard to victim support services?

Chair: Is there anything you want to add to what you have already said?

Suzanne Jacob: It is absolutely clear that there is not enough funding at the frontline. There was a slightly odd moment in the previous session when somebody said there had been all this great funding for ISVAs and IDVAs, but Jayne, Tracy and others will know from their services that they are under huge amounts of pressure. For example, the case load for an IDVA should be only a maximum of 30 cases at any one time. Anybody who an IDVA is supporting is by definition at high risk of homicide. These are people who are at risk of very serious harm, yet we know there are many IDVA services all around the country where the caseworkers are trying to hold 100 cases at a time. These are not realistic forms of support. It cannot be meaningful support when we get to that level.

I absolutely understand and support the idea of broadening out the understanding of the spectrum of provision that is needed. We have only 800 of the absolute minimum number of 1,200 IDVAs we would need in England and Wales at the moment. That is why they are carrying this



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incredibly high case load and all of this risk, not least on behalf of other services.

That is replicated across all types of different services. Tracy mentioned helplines; it is true also of outreach workers and specialist workers. There is fragmented and fractional care for children specialist workers. I do not see how it will be possible, even if we do things like pooling funding, which was recommended by the previous panel and which I support. That gives greater visibility to the existing budgets, which sometimes is very poor at the moment, but without more money in the system to provide the caseworkers and all sorts of independent specialists that Alex touched on, it is not possible to live up to the ambitions of the Bill.

Chair: I think we have the point. Dr Mullan, do you want to come in on IDVAs and ISVAs?

Q141 **Dr Mullan:** I want to ask some questions related to independent domestic and sexual violence advisers. To start with, do you agree that they should be defined in the law in the way that they are going to be? Do you agree with the definition it uses, and do you think it sufficiently covers the wide range of services that people provide?

Suzanne Jacob: IDVAs play a fundamentally important role in responding to domestic abuse. As others have said, they sit within a spectrum of provision. That spectrum of provision is needed because people have different needs at different times and want to go to a different kind of service. Their risk level changes over time, so they want to be able to have access to different kinds of care.

The really important thing—Alex touched on this—is independence. It is important that, even if IDVAs or other specialists in the sector are funded from a particular source, or are even located in a particular building or statutory agency, for example, they retain their independence and they are advocates only for the clients for whom they work. They are not trying to get a particular criminal justice outcome for the system; they are there to act on behalf of that victim of crime; that is their sole purpose. They should advocate fiercely and without fear or favour in the system to ensure that that person's needs are met.

Alex Mayes: I agree with all of the points Suzanne makes, in particular that the "I" in "IDVA" stands for "independence" and putting this role in statute. I think we have just over 150 IDVAs and ISVAs in Victim Support. There is a lot of support for this approach in the Bill. There is a hope that it will lead to greater consistency that improves the standing of IDVAs and ISVAs, and I think that is quite a likely outcome.

Alongside that consistency, we know that at the moment some Crown courts allow IDVAs and ISVAs to accompany their clients to court; other Crown courts do not. That postcode lottery and inconsistency needs to be ironed out.



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As others have touched upon, we need to recognise that a broad spectrum of community-based services exists outside IDVAs and ISVAs. In particular, there is quite a big funding discrepancy. If you look at funding that is available for services for, say, domestic abuse outside those IDVA and ISVA roles, there is quite a big difference in funding.

Finally, without detracting from IDVAs and ISVAs at all—because it is so important we focus on them—I also urge Government and commissioners to focus a little bit of attention on funding on advocate models outside domestic abuse and sexual violence. If you look at, say, the independent victim advocate model, which is operated across the country, Victim Support is rolling that out. That aims to help victims to cope, recover and feel safer, but there is also a real focus on advocacy, empowering victims to know that they have rights to challenge criminal justice agencies where they fall short. Alongside this but not detracting from it, I also want to ensure that we focus on and invest in those victim advocate models for crime types outside of domestic abuse and sexual violence as well.

Q142 Dr Mullan: Do you think it was a mistake for the Government to supercharge one particular element, even if it is an element that we understand does have a big impact on convictions? Would you rather there was a more steady approach across the board?

Alex Mayes: I certainly do not think it is a mistake; it is a welcome step in the right direction. I just do not want an accidental outcome of this to be that all focus is pooled in one particular area at the expense of others. It is absolutely right that we pool focus on these areas, but we must also recognise that there is a vibrant range of community-based services as well that need funding and support that drive outcomes for victims.

Q143 Dr Mullan: Dr Siddiqui, in your work perhaps you represent people who are not victims of domestic violence or sexual violence but they still struggle as victims and are in need of advocacy for other reasons.

Dr Siddiqui: Yes. A lot of our focus is on violence against women and girls, and that includes things like honour-based abuse, forced marriage, dowry-related abuse, as well as those experiencing racial harassment and abuse. A lot of the women we deal with do not use the criminal justice system for a number of reasons. They may be deterred from seeking help because of their migrant status, or they are turned away in the name of cultural or religious sensitivity, or they have had a bad experience around racism and feel that they cannot approach those services for support.

We pioneered independent advocates over 40 years ago. These have evolved over the years. We go outside the normal model that I think has been superpowered by the Ministry of Justice, which is around focusing on the criminal justice system and only on high risk cases. We deal with all cases with a range of different risks, because we often find that the risks change quite rapidly. Sometimes a medium risk suddenly becomes high risk. A lot of women want IDVAs, representation and practical help



to deal with other legal systems, like the family law system. They also want to access the welfare system and housing; they want help with their immigration cases when they have no recourse to public funds; they want to gain access to financial support. All of these areas that we deal with as advocates, as IDVAs, are not recognised in the standard model. That has to be reflected in any definition of an IDVA and ISVA. IDVAs and ISVAs within our own communities are poorly funded.

We would also argue that these organisations should be located within holistic frameworks of support and holistic specialist “by and for” services. They need to be independent. Sometimes they are co-located in a police station. A lot of women will not go to a police station. Sometimes they are co-located or run by the local authority. Sometimes I think their independence is questioned by victims. They have to have community-based, independent services, which give holistic provision and complementary support, such as counselling, support groups and peer groups, as we do, because IDVAs cannot operate totally on their own; they need to give them the confidence and trust in the criminal justice system, if we are talking about that particularly here, to access the system. They need a lot of support around them to do that.

They are poorly funded. They see a larger number of cases than women in refuges, for example. Although we welcome the duty to fund accommodation and refuges, we think that community-based services which are frontline and see a lot more victims are poorly funded. Therefore, I think there should be a duty on funding community-based services.

Q144 Dr Mullan: On that point, you must have some sympathy for the fact that a lot of the things you talk about are wider public goods that very many people might want to get better access to. There is a cost attached to all of that. There must be some circumscription about what you get given because you happen to be a victim, as opposed to lots of people who might want extra help with housing, benefits advice or other things. It cannot just be a gateway to everything that people would like to have but do not always get.

Dr Siddiqui: Migrant women do not have rights so they need help from an IDVA in order to access the little rights that they have. If you have no recourse to public funds, you need help to find some financial support.

Q145 Dr Mullan: To narrow that point down, is that not a very good example of it? There are many migrants who might be struggling with some of these issues. Because one migrant happens to be a victim of crime, all of a sudden those gateways are opened and things are given to them that other migrants do not get because they do not happen to be a victim.

Dr Siddiqui: I think all migrants should have access to support, not just victims of crime, but we are dealing with victims of crime here. I think those victims of crime are particularly vulnerable if they are migrants because they cannot access the same types of services or legal support



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they may need from the police or elsewhere because they do not have the same rights as people who are non-migrant. That makes them particularly vulnerable to abuse and being locked in abusive relationships. Therefore, as victims, they need to be able to access the criminal justice system and other support and services in order to escape. That does mean some investment in terms of funding to meet their particular complex needs.

Q146 **Dr Mullan:** Does anyone else wish to add anything?

Jayne Butler: To return to the idea of ISVAs, we feel that this standardisation around the definition of the ISVA role would not be appropriate and would probably not promote the kind of excellence and quality of service that we want to see. We need to make sure that those roles stay independent because of all that has been discussed already around people's fear of going to the police. We need to make sure that there is some accountability in community services being able to hold police services to account when they need to.

When we look at what we want for victims, we need to make sure we do not see the justice system as being the only route to justice and recovery. The fact that you might get a prosecution at the end of it does not mean that you have recovered as a victim; it does not take away from the trauma you have experienced. We need to be careful that by overstating the role of ISVAs and IDVAs, which are hugely important, we do not forget that other support is also needed to make sure that some recovery is achieved for people. How we fund that is important.

Tracy Blackwell: Any definition should ensure that IDVAs are understood and respected by the criminal justice system. They do a fantastic job, but sometimes they are not even allowed in a courtroom, which cannot be right. They are trying to help a woman navigate her way through the criminal justice system, so that would be a positive aspect of it.

I want to go back to the risk-based element. When you have a risk-based model, as IDVAs are, you end up getting a threshold. That threshold can be very high and prevent access. You might be slightly under the threshold for receiving support from an IDVA; yet you cannot get the criminal justice support you need. It goes back to funding for services to ensure that they are not rationed and time-limited because those services are not effective for women.

Q147 **Paul Maynard:** My question is primarily for Dr Siddiqui but I welcome other thoughts. Like every other questioner here, I know what the answer is going to be. Maybe you can amplify it and predict where I might take it.

We have heard already that providers of "by and for" services struggle to navigate and compete in the commissioning marketplace. Assuming you recognise that narrative, what steps do you think the Government could



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take to ensure that they are not excluded from the commissioning of these support services?

Dr Siddiqui: I would like to have ringfenced funding for “by and for” services.

Q148 **Paul Maynard:** You want to ringfence a ringfence.

Dr Siddiqui: Yes, ringfenced but also central Government—

Q149 **Paul Maynard:** It is a lot of ringfencing.

Dr Siddiqui: The ringfence is so that the money is dedicated to particular services, which are “by and for” specialist services. In my work, that would mean services for black and minority women and children and migrant women and children who are facing abuse. At the moment that funding is not available, certainly not on an equal basis and not in very large quantities.

We also think that this sector has been historically underfunded. I think central Government need to have a central Government funding stream to help build capacity in the sector and maintain and support it.

Imkaan is a membership organisation that represents many black and minority women’s organisations. It estimates that you need at least £97 million per year to help the “by and for” sector that is dealing with black and minority victims of abuse. We should start there. That money should be available in order to support that service.

I also think that the system of commissioning and the way it is being done has to change. It is too competitive. A lot of the “by and for” sector is small organisations that cannot compete with larger providers and cannot deal with complex commissioning processes. We would argue that there is a need to have a grant-based system, as opposed to a commissioning system, which has much fairer criteria and simpler mechanisms in applying for funding that will also support the sector.

Q150 **Paul Maynard:** Thank you for that clear and very helpful answer. Are there any other takers?

Suzanne Jacob: I agree with all of that. I would add three things to what Dr Siddiqui said. One is around culture change, which touches a little bit on how the commissioning process currently works. At the moment what we find sometimes—Sophie Linden and other colleagues touched on this in the previous panel—is that commissioners do not understand in detail some of the community needs. One of the calls that people will have seen is for Valerie’s Law, which is that there should be cultural competency training around responding particularly to black victims of domestic abuse. This call is being made by Sistah Space, a specialist charity that started in east London and is now working across all of east London. It helps people to understand why it is that black victims of domestic abuse need particular responses and have particular requirements.



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The second thing is a commissioning framework which the Domestic Abuse Commissioner's Office has signalled could be attached to the guidance in the Bill. That would give some very specific teeth to what has always been missing from the national statement of expectations to understand what it is that "by and for" organisations do and what they need in how commissioning works.

On the third thing around funding, I would just add that, yes, we absolutely need that central pot as well as localised provision. We have to understand that if you are living in rural Wiltshire you are very unlikely to be able to access a service which meets your particular needs—for example, if you are gay, black or come from a minoritised community for some other reason. Therefore, we also need regional structures which mean that, if you do live in deepest Wiltshire, you can still access the kind of support that is right for you, even if it is not right there on your doorstep because that is just not practical. Therefore, different levels of that funding and those structural arrangements need to be put in place.

Q151 Paul Maynard: Okay, thank you. We are all going to violently agree, I am sure, that children's needs have not been adequately covered in the Bill. Does anyone disagree? Shock, horror, no. How do you think the Bill can be amended to address that particular concern? Are there any takers on children's services? Don't be shy. You have not been shy so far.

Chair: Does anybody want to offer a view on children's services?

Suzanne Jacob: There are some very simple things such as recognising that children are victims in their own right and also codifying the kinds of support that work for children rather than for adults or adolescents.

Q152 Paul Maynard: If we do not all put it on the record, we cannot then put it in our report that you have said it. That is how it works.

Suzanne Jacob: I have said it.

Paul Maynard: You have said it, so thank you.

Q153 Chair: That is brilliant. Dr Siddiqui wanted to come in as well on children's services.

Dr Siddiqui: I just want to add that we work with a lot of young women and girls who are facing problems of abuse within the family such as forced marriage and honour-based abuse. You need to have more dedicated services for young women from black and minority communities in order to access the criminal justice system but also more generally other forms of support.

Q154 Chair: Thanks very much. That is very helpful. Alex.

Alex Mayes: I echo those comments about children being victims in their own right. Perhaps with the infrastructure that accompanies the Bill, we need to look at those referral pathways. In particular, after the Domestic Abuse Act came in and recognised children as victims when they see,



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hear or experience domestic abuse, there was a real inconsistency across the country in how children, as victims, were then delivered their rights under the code. In particular, their right to be referred to services was very patchy across the country; how police forces dealt with that; how they referred services; what services they referred to; whether they referred them on to adult services; whether they were adult services that had a bolt-on for children's services or children's services in particular. That is something perhaps that could be looked at as part of the wider work around the Bill to ensure that, essentially, there is consistency in those referral pathways.

Chair: Thank you very much. That is very helpful. Maria.

Maria Eagle: Tracy Blackwell wanted to come in there.

Q155 **Chair:** Sorry, Tracy. You want to come in on that point.

Tracy Blackwell: I just wanted to add that it is great that children are now victims in their own right with the Domestic Abuse Act, but there never has been any funding for children's services. They do not really exist. Yes, we have some children and young people's IDVAs, but they are very few and far between. I think there is a lot of work to do to put an infrastructure in place to support children in this Bill.

Chair: Right, thanks.

Q156 **Maria Eagle:** I just saw a hand waving there, so I thought I would give you a chance to get in. I want to move on to the mechanics of the Bill and how it is working. I sometimes feel like we are all dancing on the head of a pin, but that may just be me. The Government have taken the approach of setting out four key, overarching principles of the code in the primary legislation, and they are going to deal with putting detailed entitlements in secondary legislation.

Do you all agree that that is the right approach? Please just have in your minds the real question I have, which is that, once this Bill is enacted, what actual difference will it make to an individual who is a victim who is seeking some help? That is how I approach this. Do you think that that mechanism of putting the overarching principles, vague though they may be, into the primary legislation and having SIs for the specific rights is the right one? I can see that Jayne has her hand up.

Jayne Butler: The short answer is no, we do not think it is the right approach, but we do think that the victims code needs to be consulted on at the same time as the Bill so that we can see that detail. You made the point about what is happening, what the real impact is and what difference victims see as a result of this work. That is the real question here. Throughout the code in particular, there are a lot of obligations to provide pathways for things to happen for victims, but not a lot of imperative for them to be able to access those either through funded services or particular duties to ensure that they get advice in order to access those.



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Taking rape victims as an example, who are my primary concern in this space, two things that come up time and time again for rape victims when they report into the criminal justice system are disproportionate disclosure requests and wanting to invoke the victim's right to review. In both of those cases, the code vaguely references the idea that they should have the ability to challenge, but there is no ability through the change of status with the justice system or through access to legal advice for victims themselves to enable them to bring those challenges to those decisions.

I do not think it is enough for us to create pathways to challenge and not give victims the advice and the tools they need to make the challenge and know where it is appropriate, and be able to hold those criminal justice agencies to account in delivering that.

Q157 **Chair:** Suzanne.

Suzanne Jacob: Thank you for the question. Vera Baird said last week that we need to fundamentally change the status of victims in the system, and I absolutely fundamentally agree with that. All the time that I have worked with victims of crime, they have felt like bystanders in the system. Talking to Jebena Islam, who is one of Sabina Nessa's surviving siblings, they were constantly called to court at times when the defendant would not come. That is not justice. They had written a victim impact statement, which he refused to listen to and the judge would not insist that he listen to. That is not justice. That family has only had partial justice in the system.

Until this Bill recognises those experiences and the experiences of other victims who find out that their ex-partner has been released from prison but nobody thought to tell them because this is a relationship between the defendant and the state rather than the victim who is still at risk from that dangerous individual—until we change those structural, systemic and operational issues—there isn't any justice in the system and the Bill cannot succeed.

I absolutely agree with you that we can be much more ambitious than this. The Bill is okay. There is some really good stuff in here, but we can go much further so that Sabina Nessa's family and the many families whom all of us talk to all the time feel safer, feel that those different forms of justice have been achieved and that they are central to the system rather than there being all these exemptions that allow the defendant to say, "I don't really fancy listening to the victim impact statement." That is not justice. He should not be allowed to say he is not going to hear it.

There is an exemption in the compliance regulations around the victims code that says that the judiciary cannot be held to account for compliance with the victims code. That is not justice. I understand that there needs to be judicial independence, but there has to be some middle ground somewhere. Because that person holds such power in a courtroom, they



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may be the person on whom a family or an individual victim is dependent to achieve the justice that they are looking for. I am not really sure how that can be an exemption that then upholds the principles of the Bill. I agree with Jayne's point that the more we bring on to the face of the Bill rather than amending statutory instruments the better.

Q158 **Maria Eagle:** Does anybody else want to comment on that?

Dr Siddiqui: I would like to see the whole firewall included in the primary legislation.

Chair: Yes, I think we got that.

Q159 **Maria Eagle:** Thank you. Alex.

Alex Mayes: I agree with the points that have been made, and, in particular, Jayne's point around consulting on the code at the same time as the Bill would be really helpful.

There is something small that I would like to raise about consultation in the Bill, which says that small changes can be made to the victims code without consultation. I am a little bit concerned about that because sometimes changes that can be seen to be very minor could have a big impact.

If you look, say, at the right to be referred to victims services, which is something that is very pertinent and important to everyone in this room, the tiniest of changes done with the best of intentions can have a big impact on those services. I would suggest that there is always consultation when these changes are made.

The wider point about the victims code is that it is actually quite a good document. It is not perfect and it does not cover everything, but what is in there, on the whole, if put into practice, could make a difference to victims of crime.

Your question, which is absolutely the right one, is that we should always focus on how this can result in tangible changes for victims on the ground. One of the ways that can be done is if what is in the code exists in reality. We did some research—and others have done research as well—that basically shows that those entitlements that exist on paper do not always exist in reality.

There are a few reasons for that. One is that the code and victims' rights and entitlements have always been seen as a "nice to have" as opposed to something that is essential. We hope that through the Bill that does not just drive the specific changes in the Bill but drives a kind of cultural change as well that victims' rights are seen as rights that have to be delivered.

Secondly, it is around that monitoring and enforcement. Monitoring has not been in place and then it has sort of been in place but not really



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worked. Where the Bill works quite well is putting that monitoring in place and compelling criminal justice agencies to collect this data—we know that many do not—to co-operate and work with this. That is a really positive step forward. Where there is a little bit of work, there is potentially a little bit of a gap in that enforcement and accountability.

Q160 Maria Eagle: We quite like the code as it currently is. We would quite like to see the draft of the new code being consulted on. The principles as set out in the Bill are much vaguer than the code, are they not, which is the point that the Victims' Commissioner made to us at the last evidence session? Is that too vague to be in the Bill? I think Mr Mayes would prefer to have the code in the Bill, but is that a general view? Everybody is nodding.

Alex Mayes: The code is a long document, but there are 12 key rights that quite succinctly sum up where they are, and that is now down to four in the Bill.

Suzanne Jacob: Can I make two really small points?

Chair: Be very quick—

Suzanne Jacob: I will be really quick, I promise.

Chair: —because we are about to lose the quorum and we need to conclude the meeting very shortly.

Suzanne Jacob: The Victims' Commissioner should still have the national picture of adherence to the code as well as Ministers; it does not have to be instead of. That is really important. There was a point in the earlier session about independent scrutiny if the code is not adhered to. Sophie Linden talked about the inspectorates. That is right, but I would also say that there are many victims, witnesses and survivors of crime in the local area who would be brilliant people to come in and provide independent scrutiny of adherence to the code. Their active involvement—SafeLives pioneers and others do this work—would be really welcome.

Chair: Okay, thanks very much. We are getting to a stage where we will not have a quorum to continue, I am afraid, so that is it for today, unfortunately. We will follow up with some of the remaining questions in writing if that is okay.

Paul Maynard: I did stay 10 minutes longer than I should have done.

Chair: Absolutely right. There is the issue of the rail strikes and getting people in. Thank you very much for your time and for your evidence. It has been very helpful. We will follow up with the remaining questions. The session is concluded.