

Joint Committee on the Draft Domestic Abuse Bill

Oral evidence: [Draft Domestic Abuse Bill](#), HC 2075

Tuesday 7 May 2019

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Members present: Mrs Maria Miller (Chair); Baroness Armstrong of Hill Top; Baroness Bertin; Lord Blair of Boughton QPM; Baroness Burt of Solihull; Lord Farmer; Lord Ponsonby of Shulbrede; Diana Johnson; Alex Norris; Liz Saville Roberts; Helen Whately.

Questions 155 - 207

Witnesses

I: Dame Glenys Stacey, HM Chief Inspector of Probation; Suzanne Jacob, OBE, Chief Executive, SafeLives; and Penelope Gibbs, Director, Transform Justice.

II: DCC Louisa Rolfe, NPCC lead on domestic abuse, National Police Chiefs' Council; Detective Superintendent Deb Smith, Police Superintendents Association; Nazir Afzal, OBE, Welsh Government advisor on Violence against Women and former chief executive of the Association of Police and Crime Commissioners; and Kate Ellis, Solicitor, Centre for Women's Justice.

Written evidence from witnesses:

- [SafeLives \(DAB0458\)](#)
- [Transform Justice \(DAB0038\)](#)

Examination of witnesses

Witnesses: **Dame Glenys Stacey**, HM Chief Inspector of Probation; **Suzanne Jacob, OBE**, Chief Executive, SafeLives; and **Penelope Gibbs**, Director, Transform Justice, gave evidence.

Q155 Chair: Good morning. Can I open by thanking our witnesses, who are with us today for this evidence session? I also welcome members of the Gallery who have joined us, and those who might be reading the transcript of this debate or watching it in another form. This is another of our evidence sessions on the Domestic Abuse Bill and we are immensely grateful to our witnesses who are taking the time to be with us today. We know how much time it takes not only to attend but to prepare for these sessions. Could I start by asking you to say your name and the organisation you are representing? Then we will start our questions. Perhaps, Penelope, you could start.

Penelope Gibbs: Penelope Gibbs, director of Transform Justice.

Suzanne Jacob: Good morning. My name is Suzanne Jacob. I am chief executive of SafeLives, which is a UK-wide domestic abuse charity. This morning I hope to bring into the room the voice of survivors who took part in our Every Story Matters work last year, as well as speaking on behalf of the organisation.

Dame Glenys Stacey: Dame Glenys Stacey, Chief Inspector of Probation and youth offending services.

Chair: Fantastic. Thank you very much. Alex is going to start our questioning this morning.

Q156 Alex Norris: Good morning. I will start with the first question regarding the definition of domestic abuse used in the draft Bill. You may have seen that it has been part of all of our discussions so far. From your perspectives, do you feel that the proposed definition is the right one? Then the very heavy question, which, again, we have considered, I think, every week, is whether that definition should or should not be gendered. Penelope, perhaps you would start.

Penelope Gibbs: I think the definition is good. I absolutely understand that a lot of domestic abuse has as its root cause misogyny and gender inequality, but I still would say that it would be better to keep it gender-neutral. I think that there is a high proportion of domestic abuse crime which is perpetrated against men and that, in terms of the services and the overall approach, it would make more sense to make it gender-neutral.

One thing I would like to say, which I did not put in my evidence, is that as chair of the Standing Committee for Youth Justice I am very concerned about the age in the definition. The UN convention on the rights of the child is incredibly clear that under-18-year-olds are children, and need to be treated completely differently by justice systems in every country that the UN convention applies to. If we take 16 as an age break, we are, in effect, putting a coach and horses through the UN convention on the rights of the child.

In other areas of law, throughout MoJ law, 18 is the age break. Below that, inevitably, abuse occurs, and there is abuse between intimate partners who are under 18, but we have a separate

youth justice system, which is specifically designed to deal with both child victims and child perpetrators. By making the age break 16, we are in danger of implying that 16 and 17-year-olds may be treated similarly to adults.

Suzanne Jacob: Women are very clearly disproportionately affected by domestic abuse, both in terms of prevalence and severity. I wanted to read two quotes from respondents to Every Story Matters, just to show the breadth of domestic abuse, which sometimes gets a little bit lost. The first is: “Please include child-to-parent abuse. Having experienced partner abuse and child-to-parent, the second is much worse.” The second quote: “My father had complete control, which is part of the culture I’m from. My first husband then violated any safety aspect. I suffered physical, mental, economic, sexual and emotional abuse. Total control over my life.”

I suppose what I am trying to show in both those quotes is that respondents to Every Story Matters, and indeed survivors more broadly, talk about a very wide range of experiences, whether they are women, whether they are children or young people who have had that experience, or whether they are men. We need to be really sure that the definitions that we use, and all the provisions in the Bill, are equally applicable to those different situations—that we are not boxing ourselves in to just one idea of what domestic abuse can look like, because it looks very different for different people.

We also have to be clear with ourselves that not everybody who is in a domestic abuse situation chooses to leave that situation, and the provisions, again, have to take account of the fact that many people, whether because they can stay or because they choose at the time not to leave, also need to be protected.

I agree with Penny that the definition also needs to make sure that other victims of domestic abuse are included. We heard from Jasna Magić last week at the Committee about same-sex relationships. Obviously, we need to make sure that nobody is left behind in terms of what happens. I think Jo Todd suggested—we definitely agree with this—that there should be different typologies of abuse written into the guidance for the Bill, explaining the broad range of how domestic abuse can actually look for all age groups.

In terms of the age group that Penny touched on—whether they should be applicable to those under 18—we had a real debate about this within SafeLives, and indeed with many survivors that we spoke to. On balance, we came out in favour of lowering the age limit, because actually the experiences that young people are having are incredibly severe in some instances, and they are domestic abuse. We need to make sure that the service provision is right for them. It will be different, but it will need to be there, and we run the risk of excluding them if we treat it as if domestic abuse cannot happen to them.

I would really like, in later answers, to come back, if I can, to children and to perpetrators, but I guess in general what we are looking for at SafeLives is making sure that that breadth of experiences is captured, that we recognise that women are disproportionately affected, and that we think about the links between family members, which are not always as simple as partner and partner, and abuse between them.

Dame Glenys Stacey: Just quickly on the gender-neutral point, we know that of the 1.9 million people who are thought to have experienced domestic abuse in the year ending March 2017—the latest figures that I have—1.2 million of those 1.9 million were women, so 0.7 million were not. It seems to me entirely sensible to have a gender-neutral definition, given

the notable proportion of individuals who are said to suffer domestic abuse who are not actually women.

As far as the age limit is concerned, it is not a matter for the Chief Inspector of Probation to have a view about that, but I note in my role inspecting youth offending services, where the cut-off point is of course 18 and not 16, how much more is done by way of excellent out-of-court disposal work rather than taking a matter through the courts. I would hope to see that opportunity exploited to the full for these sorts of cases, should the age limit be 18 and not 16.

Q157 Baroness Burt of Solihull: Would you then agree with Action for Children, which says that the proposed statutory definition should recognise children in domestic abuse households?

Penelope Gibbs: One would always want to recognise children as victims, but, in terms of the measures in the Bill that affect perpetrators, the Standing Committee for Youth Justice and Transform Justice feel that the age break should be 18.

Q158 Baroness Burt of Solihull: Sure. I have in mind the victim—to have them there in the definition in the Bill.

Penelope Gibbs: The victim should definitely be taken into account, whatever age they are.

Q159 Baroness Armstrong of Hill Top: Could I ask, Dame Glenys, is the 1.9 million figure those who have reported and gone to court?

Dame Glenys Stacey: No, that is an estimated number of 16 to 59-year-olds.

Q160 Baroness Armstrong of Hill Top: Can I ask all of you this? The problem with being gender neutral is that it often means that services then think that everybody should be treated the same. That has given rise to dangerous activity, such as saying, “You can’t have women-only sessions or refuges or hostels for the homeless.”

Suzanne Jacob: I agree.

Q161 Baroness Armstrong of Hill Top: How do you think we should deal with that? I am a bit uncomfortable with gender neutrality, because it reinforces that practice.

Suzanne Jacob: I completely agree with you. We have to be extremely careful that in the bid to be inclusive we do not try to paint a picture that everybody is having the same experience. They are not, and the response that different people need is also different. The severity and duration of experiences are different and the risk factors are different. This is not a man v. woman issue; as Jasna explored, it is also about people in same-sex relationships and, as I have talked about, it is also about child-to-parent abuse. We must ensure that we do not go down the line of, “Everything for everyone.” The whole risk-led model, which was created by SafeLives many years ago, was about ensuring that the particular risks people face are addressed and the response is right for their circumstances, right for their safety needs and the other needs they have in their life. That must be the case.

Penelope Gibbs: If you look at the rest of the criminal justice system, there are many crimes that are not at any point seen as having a particular gender attached, yet there are approaches

and sanctions used that are women-only, such as women's centres, which probation will refer their—

Q162 Baroness Armstrong of Hill Top: They are all disappearing, though.

Penelope Gibbs: Well, there are still women-only probation responses, so if the definition is gender neutral, it should absolutely be made clear at every point that services can then be gendered.

Dame Glenys Stacey: If I may say, I think that is right. We know that in probation a good number of women, for example, are convicted repeatedly of acquisitive crime—shoplifting and fairly small-scale theft—but we know they do that for reasons that are different from the reasons men do it, in the main. Probation's job is to start by assessing each individual's rationale for offending in the first place. It should be an individualised approach. We know that, in general, women will offend for different reasons and different interventions work for women compared with men. For me, it is all about the assessment of the individual; it may be a man or a woman, but the assessment should start with, "Why are you offending?"

Q163 Chair: Just for clarity, you are saying that while the law is not gendered, the response can be gendered?

Penelope Gibbs: Yes, it is.

Dame Glenys Stacey: It is very much gendered, and that is the expectation. That is what good-quality probation services look like.

Q164 Helen Whately: I just want to pick up on the question of child-to-parent abuse, because we are getting some different views and it is helpful to unpick that. Take for instance someone in the 16-to-18 bracket, who may be a child perpetrator of domestic abuse. Suzanne, I think your feeling is that there is a shortfall in how things are working at the moment, so it needs to be included in this Bill, but, Penelope, I understood that your view is that it should be dealt with under the youth justice system and not in this Bill. It would be helpful to hear a bit more.

Penelope Gibbs: I feel there are definitely crimes committed that you could call domestic abuse, which are perpetrated by children, maybe on family members, maybe on intimate partners. We have a youth justice system that is specially designed to deal with and assess those who commit crime under the age of 18. If we feel there is a shortfall in these particular types of crimes, we should take it away from this Bill and do it separately using the expertise of the Ministry of Justice youth justice unit, youth offending teams and those who are absolutely expert in the desistance and reducing offending of children. That does not mean to say that they have not abused a family member or somebody else. It is just that I am very worried by any Bill that smooths over the difference between children and adults. We need to deal with that perpetration by children, but can we take it out, mark that it needs to be looked at as an issue, and, if it is not being dealt with properly, get the expertise of youth justice on it?

Suzanne Jacob: I think we have to be careful that we do not assume child-to-parent abuse is committed by somebody under 18. Child-to-parent abuse might be a 40-year-old who refuses to leave the parental home and is abusive towards their increasingly elderly parents. That is still child-to-parent and it is still domestic abuse.

Q165 Helen Whately: Yes, okay, but I was particularly interested in the 16-to-18 window.

Suzanne Jacob: Our intention at SafeLives is certainly not to see the criminalisation of children. Absolutely not. That is why we debated this long and hard inside the organisation with the many people we consulted with. On balance, what we see is that those who are having a domestic abuse experience as a victim/survivor under 18 are being almost entirely ignored at the moment, and the response that they get is deeply inadequate and not suited to their needs. Therefore, on balance, we feel it is better to recognise that you can be a victim of domestic abuse at age 16, and indeed younger, than it is to have this artificial separation, but it is not about criminalising young people.

Q166 Helen Whately: So your focus is on making sure there is support for the victim who is 16 to 18, but you are not particularly making a point about what happens to perpetrators in that age bracket.

Suzanne Jacob: Where we are talking about child-to-parent in particular, there are very few parents who will ever reach for the criminalisation of their child and they are very unlikely to see through any kind of prosecution, so I think that in reality you would not see parents pursuing that, even if the police were expressly interested in it. I think the police would make a reasoned judgment, to be honest. They would apply their common sense, as they do to sharing of sexual imagery and so on around children at the moment.

Penelope Gibbs: I think that at the moment the DAPO is 16 up and I do not think that is appropriate. That is the problem with having it at 16 rather than 18.

Chair: We have to move on.

Q167 Lord Ponsonby of Shulbrede: The DVPO, which is currently in place, is also from 16 up, so we currently have a definition of domestic abuse and violence for 16 to 18-year-olds in place now.

I want to deal with policing and probation. We have heard that there is significant variation in the extent to which different police forces use different powers for dealing with domestic abuse. What impact will the new DAPOs have on the police and on victims, and how effective are the police in helping victims understand the options available to them? Dame Glenys, do you want to go first?

Dame Glenys Stacey: They are very difficult questions for the Chief Inspector of Probation. What the effect on the police will be depends on the totality of what is implemented here. The Bill is as it is, but we are not really seeing in there, understandably, what the arrangements will be for operationalising this on the ground. For example, will the operational arrangements be some sort of holistic, co-joined approach by the various agencies? We see that for some types of sexual offending, for example, under the MAPPA arrangements. If you have some systematic, co-ordinated effort across the agencies, including police and probation, we are likely to see a more effective response than if we simply think this is a matter for the police. Personally, I would say that you do need to look at this holistically and get it up the priority order locally and get some measures and targets in there to be sure that you are going to have some sort of effect.

What was your second question, sorry?

Lord Ponsonby of Shulbrede: In a way, you've answered it. How effective are the police in terms of helping victims to understand the options available to them?

Dame Glenys Stacey: I'm afraid I wouldn't be qualified to say, no.

Lord Ponsonby of Shulbrede: Suzanne?

Suzanne Jacob: I guess the first thing to say is that only one in five victim/survivors of domestic abuse ever has any contact with the police. While this is presented as a whole-of-Government ambition, it does not present as a whole-of-Government Bill. We see great strides being made by the Home Office and Ministry of Justice in the number of provisions that they put forward; we don't see the same from, for example, the Department of Health and Social Care, which I think is deeply concerning and a great big missed opportunity if it carries on that way.

That aside, for those who do call the police, we know at the moment that they are getting a very mixed experience. Some are having a very positive experience, and increasingly so, and that is really to be welcomed. However, we also know—again, I would refer to Every Story Matters—that survivors said: “Police must receive appropriate training to risk assess and charge”. Some 53% of respondents—this was hundreds of respondents—said the police would not intervene in their situation.

When we go out and train police forces—as we are doing very much at the moment at SafeLives through the Domestic Abuse Matters culture change programme—what you find is not that the police do not want to take any action, but that sometimes they are under-confident, do not have the awareness of what domestic abuse really looks like or are just overwhelmed by the job that they have in hand. Actually, we can make a real difference with that. Domestic Abuse Matters, as I say, is a culture change programme that we have now delivered to a third of police forces in England and Wales, and it is having an impact on that confidence and, we think, the competence. It has been very welcomed by those who have adopted it.

We also know from the Drive programme, which I think you heard a little bit about last week, that the relationship between different organisations—exactly as Dame Glenys just said—can be made stronger by multi-agency working, if it is done effectively. Drive has acted as a pebble in the pond, we think, in its pilot areas, creating that coalescence of multi-agency working to focus on those people who are causing harm, wrapping around that situation and taking appropriate action by each of those different agencies. That is really positive, and it is possible. We can see that through Drive, whether that is probation, the police, children's social care, or others.

To give one further example, there is a thing called the IDVA car model, which you may or may not have heard of—IDVAs being independent domestic violence advisors. They are trialling in West Yorkshire, South Wales and Hampshire the fact that a police officer, when they are going to the first incidence, will take an IDVA—a specialist domestic abuse worker—with them to that incident, and then there will be a sort of separation where the police deal mainly with the perpetrator and the IDVA, the specialist worker, will support the victim/survivor. That co-ordinated working between the different organisations does not remove the responsibility of the police to create enforcement and protect the public, but it is mutually supportive and it is much, much better for all the people involved.

In terms of the civil powers that are suggested, we would like to see a real emphasis on right to know, rather than right to ask. The state's job is to protect people; the state holds a great deal of information about our lives, and has the ability to proactively offer that information to people who may be at risk. Better that than I, as an individual, have to go out and say, "I'm a bit worried about my new partner. Who should I turn to to talk about that?"

There has been a query, I think, raised around the suggestion of a register for perpetrators. The balance of judgments on this would be that we take the learning from Soham, where we had multiple different databases at work, and then there were gaps between those different databases that led to really appalling outcomes for Holly and Jessica Chapman. We would like to see the really strengthened use of PND/PNC in existing systems, both inside the police and, as Dame Glenys just said, between different agencies.

I would like to talk a little bit more about perpetrators as I go on, but I suppose I might stop there. I would just say that we are lagging behind in terms of perpetrator responses. In terms of the congruence of powers between the different agencies, the responses of different agencies, and the inspectorate regimes that police them, we could do with a lot more co-ordination between the agencies, because it cannot be just the police or any one other agency. It has to be all of us together, with parity of esteem for specialist workers, including ours.

Q168 Lord Ponsonby: Penelope, can I ask the third question, which is directed towards Transform Justice? You say there is little evidence that DAPOs will reduce abuse or effectively protect victims. Why do you think that, and how could the scheme be amended to address your criticisms?

Penelope Gibbs: I would say that on the basis of the evidence that the Government did in the first place. They did one evaluation of the pilot, which was based on 123 match samples, and compared the effectiveness of the DVPO with no further action. They did not compare that with out-of-court disposals or even with bail conditions, which are the most parallel thing. One hundred and twenty-three match samples are not very many. It was reasonably successful, but only at the high end of the call-outs: the DAPO had the effect of reducing a perpetrator's reoffending only among people who had called out the police three or four times. The Home Office has done no research whatever to follow up on whether the DVPO works effectively to protect victims or to prevent perpetrators from reoffending in either the short, medium or long term. We are changing the name and expanding the use of something for which there is literally no solid evidence base; we have merely the evaluation of the pilot, which was based on a small sample. It may or may not work, and I know that a lot of people's responses to the consultation were positive. My concern is that policy should always be based on proper evidence. If we do not have it for the DVPO, I do not know why we are moving to a DAPO.

Suzanne Jacob: Can I just say that, as you have heard from other witnesses, it looks very uneven around the country. There are some places that have created really good practice around use of the DVPO, which is very much about a co-ordinated effort between different organisations, rather than just the police going and serving an order of some kind. There are definitely places where it is working. I guess we would all want to see the lessons learned from where it is working and learn from any gaps in our knowledge, as Penelope says.

Penelope Gibbs: I am concerned, though, that there might be good practice but we still do not know whether it works in terms of actual reoffending in the short, medium or long term, because we do not have that data.

Suzanne Jacob: That is why I think we should go to those areas and find out.

Q169 Lord Ponsonby: I'll move on. Who will be responsible for assessing the feasibility of positive requirements for DAPOs and monitoring compliance with them?

Dame Glenys Stacey: We were hoping to ask you that question, actually.

Penelope Gibbs: It's the million-dollar question, isn't it?

Lord Ponsonby: My answer to that question: it will be for the woman to bring the breach to the attention of the police, I presume.

Penelope Gibbs: I think the breach question is critical, because one of the problems with DVPOs and DAPOs is that unless the police are monitoring somebody 24 hours a day, which is not going to happen, the onus will inevitably be on the victim or the victim's neighbour to report breaches.

Suzanne Jacob: I will of course sound like a broken record as I say this, but it is about multi-agency working. Nobody is suggesting that the police monitor people 24 hours a day; we do not even do that for terrorist suspects, so we are not going to get into that for this category of individual. But it is not just the police who are in these people's lives, and we should be really cognisant of that. Children's social care, health services in many different guises and other organisations are involved in families' lives. This is not about the surveillance state; this is about ensuring that where somebody is perpetrating really damaging abuse against another individual, we fetter their behaviour and close down their space for action. That is what victim/survivors should expect from the state. It might have its challenges, but let's not just give up before we begin. We absolutely must create the infrastructure for that to happen. If we can do that for terrorist suspects and organised crime nominals, we should certainly be doing it for people who kill 100 women every year.

Dame Glenys Stacey: As I have understood it, there is a provision in the Bill—it is paragraph 2 of clause 32—that if there are further requirements imposed on the order, the DAPO “must specify the person who is to be responsible for supervising compliance”. I find that inherently interesting; it could be different people ordered by different courts for different reasons, unless there is some pretty tight guidance around it. But this individual perpetrator may also have a community sentence, in which case probation is looking at monitoring compliance with the terms of that community sentence. That needs teasing out a bit, or you could have a bit of a mismatch there.

Q170 Lord Ponsonby of Shulbrede: I will move on again, if that is all right. What impact will publishing statutory guidance on the domestic violence disclosures scheme have on the frequency of its use and its utility in protecting potential victims of domestic abuse? As a supplementary, would you welcome the creation of a domestic abuser register along the same lines as the sex offenders register? I know you have touched on that already.

Dame Glenys Stacey: Instinctively, I am concerned about it. It is really about the definition of a domestic abuser, how long you are on the register and the impact of that registration on

other aspects of your life. Personally, I would like to know a lot more about what was proposed there, including how and when you would get off the register. The bare notion of a register concerns me, for basic libertarian reasons.

Suzanne Jacob: Sorry, I chuckled all this in right at the beginning, didn't I? Just to return to that, I suppose we are all talking about the need for some co-ordination between these different powers and approaches. One thing that Drive has done is to create not only one-to-one intensive case working, but a multi-agency forum. That may be through the use of an existing forum such as a MARAC, which we helped to create 15 years ago, or through the creation of something else, but you need a co-ordinating forum so that agencies come to the table and have a single conversation, co-ordinating their plans around safeguarding all the people who are at risk and ensuring that they have fettered the activity of the person who is causing all the harm.

You must have that co-ordinating mechanism, and we are finding in Drive that that can be made to work. Obviously, every organisation is very stretched, so creating those forums is no less of a stretch, but these are individuals who are drawing on resources anyway, so we hope there is a clear "spend to save" argument for doing that.

Dame Glenys Stacey: I must add as well that under the multi-agency protection arrangements, co-ordination of this nature happens, and there are three levels within those arrangements. There are the best part of 100,000 people for whom we are co-ordinating their supervision in the community in that way, but it is not a public register.

Penelope Gibbs: I am opposed to a register; I feel that Clare's law gives people who might suspect their intimate partners or somebody else of domestic abuse the ability to ask the police and get that information. I read the London Assembly's submission on this, and I still failed to understand exactly what need this register fulfils and what harm is avoided by having it. As my colleagues have said, we have the police national computer, criminal records and Clare's law. Why do we need a register? If there is a great need, fine, but I cannot see that there is.

Q171 Baroness Armstrong of Hill Top: We want to look at what actually happens with what we have now established are the minority who end up in court. I will start with you, Penelope: you talk in your evidence about the provision of special measures in the criminal courts, but say that "more evidence is needed to understand what support...victims most need to prevent cases collapsing." We have seen some significant cases collapse in recent days; what do we need to do to ensure that does not happen?

Penelope Gibbs: If you look from the very beginning, from arrest and charge onward, what we call the attrition rate is incredibly high. You have to go way back to charge and look throughout the whole process. Clearly special measures such as screens and other things, separate entrances or tours around the court beforehand are all important, but at the end of the day, there is an evidence gap about quite why so many alleged victims fall by the wayside all the way through the process. Many people say that is because of fear of going through the court process, and that is definitely the case for many women, but we do not know whether it is for all. Again, I keep going back to research, but we need better research on why so many victims do not go through it, and also on what they feel would ultimately help in the court process.

Evidently, we should then maximise whatever will help, but going back to something that was in my evidence in the report, we should not put too much faith in the court process as a whole. The fact is that College of Policing meta-analysis of research says that criminal sanctions worldwide do not reduce abuse. We need to get cases into court that really need to get into court, but we should not put huge resources in getting cases to court that would be better dealt with as an out-of-court disposal, which is the case at the moment.

Q172 Baroness Armstrong of Hill Top: Suzanne, do you have any views on this from your evidence?

Suzanne Jacob: I just cannot agree that there is no evidence base. For 15 years there has been an increasing evidence base around the use of special measures. If I am going to court, I want some simple things: I want to be told what is going on, I want to feel safe and I want to feel that I am actually going to achieve justice out of that process. These things have been well known for a really long time, and there is a huge evidence base around some really simple things, such as giving me a visit to the courtroom, supporting me with the process—such as by my giving evidence via video link or from behind a screen—or not allowing somebody to cross-examine me who has abused me for many years and has abused my children and possibly other members of the family.

Those are absolutely crystal clear reasons why people just do not want to see through a court process. They will also not see through a court process if they do not think there will be any meaningful justice at the end of it. Why would they? Why would they put themselves through that process? It is just reliving the nightmare that they have already been through. I just cannot quite agree on that.

I will just read something out about the family courts in particular, because this is something that survivors talk to us about so much of the time. I would be letting them down if I did not read out some of the things they said. Some 24% of Every Story Matters respondents were afraid now of their father; this is talking particularly about the family court—where we know that most people go—and its applicability rather than the criminal court.

“My daughter went completely off the rails, attempted suicide and became violent and aggressive towards me eventually.” “My son is deaf due to being physically assaulted by his father during weekend contact.” “There are repeated occasions I wish I had put up with the abuse to save my child from the traumatic family court processes which have devastated our lives.” “The kids were suffering trauma, but the courts still forced contact. I can’t keep my son safe.”

These are really clear examples of where we have to improve the court system, whether criminal, family or civil courts. The co-ordination between them is extremely poor at the moment, so the minimum that we can do is create proper use of practice direction 12J, incorporate special measures as routine, make sure that somebody is supported by an independent domestic violence adviser through the process—they cannot be at the moment because commissioning prevents it; the ability to work with someone long term is very constrained—and stop cross-examination, and I really welcome the proposal on that. We should also be ambitious about what we do, so that it is not just about where there has been conviction, caution or charge; where we know allegations come to the family court that have not been presented in the criminal court, that has to be taken into account.

There is a huge gap between the different systems at the moment. We know that children's social care work with many families before they get to family court. A change in the way that children's social care understand domestic abuse will lead to better outcomes in the family court, so we would like to see culture change there. We are piloting some work around that. We are also working closely with CAFCASS, which are raised again and again through Every Story Matters. We know that they want to do a good job around this, and we are working with both Ofsted and CAFCASS to try to make sure that can happen.

We also need judges to listen when specialist advocates or victim/survivors themselves say: "I need special measures. Please take him out of the room before me, or allow me to arrive slightly earlier." These are really simple things. We cannot be in a position of saying that we cannot manage even that. There are also some other things across the co-ordination of the courts, and the work inside the family court in particular, that have to be better.

Q173 Baroness Armstrong of Hill Top: What about the idea of polygraph testing?

Penelope Gibbs: I was surprised by it. I'm not opposed to a pilot for it, because there is some evidence that, for sexual offenders, it can have some beneficial effect. My only feeling is that, as it is, we are sending people to prison and not giving them access to programmes. We don't know whether the programmes that they are put on actually work, and so on. So yes to polygraph, but should we not go back to basics and find out whether what exists works?

Q174 Baroness Armstrong of Hill Top: There is an anxiety, Dame Glenys, that polygraph testing will get used by probation officers as mechanised justice.

Dame Glenys Stacey: Yes, and I'm not surprised by that. In our domestic abuse thematic and our sexual abuse thematic, we mentioned the promise of polygraphic testing, and we know that a good number of probation professionals would welcome the proposed pilot. I think the pilot needs to be done carefully and well. In the three years that I have been doing this job, I haven't found that probation professionals prefer anything to be mechanistic. I would be very surprised indeed if there was a lazy resort to that. What they want is assistance to challenge legitimately what they are being told by a skilled liar. They need help with that. It is another cross-check in a way, but let's see the pilot.

Q175 Baroness Armstrong of Hill Top: Do you have any views on this, Suzanne?

Suzanne Jacob: No.

Q176 Baroness Bertin: Can we tackle measures not currently in the Bill, specifically relating to perpetrators? I want to ask Dame Glenys about the recent report that you did on the management of perpetrators of domestic abuse. It certainly threw up quite a few weaknesses and made very sobering reading. It led to the conclusion that many victims are not being protected properly. Could you let us know what the Government's response has been to that report?

Dame Glenys Stacey: Just on victims, when we were looking at the work done by probation professionals with victims, we found that in two in three cases, the work was not of a sufficient standard. They were really being overlooked. That was quite a surprise, and disconcerting to see.

We know that for the most serious offences, victims fall within the victim contact scheme, which is run pretty well across the country. There are one or two areas where it is not

satisfactory, but generally speaking I have been impressed with what I have seen. This is post-Worboys and the shake-up that we had after that. There are some things that are improving for the most serious offences, but for your average offence, our domestic abuse report showed victim treatment not to be of the right standard in the majority of cases. As you say, a lot of other things we found were wrong as well.

Our report came out in September 2018. We expect from each of the reports an action plan from the Ministry of Justice and HMPPS, usually to be agreed within about three months. This one was agreed within about six or seven weeks. It is published on our website. We have started to publish them now, and this is the first one. It is there for all to see. We had eight broad recommendations, and they were all completely accepted. There were no partial agreements; they were all entirely agreed. Sensible, if broad, proposals were made for improvement. Given the nature of the issues, we will be going back to the Ministry of Justice and HMPPS at the end of June to seek out a normal progress report on what is happening. It looks like the report has been taken seriously.

Q177 Baroness Bertin: That is good news. In terms of perpetrators, do you think the measures in the draft Bill will have a big enough impact? Do you think there are some gaps there? Perhaps I could open that to all of you.

Dame Glenys Stacey: Personally, I look at this from a probation perspective. We estimate, although we don't know for certain, that almost half of the quarter of a million people subject to probation supervision each year are perpetrators of domestic abuse. The most significant thing would be if they received effective probation supervision and good quality probation services. That would include, for example, skilled delivery of accredited or other respected programmes of work.

For example, we know that Building Better Relationships is the bedrock of programme activity for probation. On the available figures, there has been a 13% drop in the orders made for those programmes by courts in the last eight years, and a 7% drop in starts in the last year. That is baffling to me: the number of offences might be staying about the same or even going up, with the number of incidents perhaps dropping a bit, but the number of programmes should not be reducing at 13%. There has been a general reduction of accredited programmes en masse; it is not just domestic abuse programmes that are suffering.

Q178 Baroness Bertin: Do you think that is a funding issue?

Dame Glenys Stacey: It is actually quite a complex issue. My own view is that courts want to sentence on the day due partly to speedy justice. You need to do some of the checks to see whether the person is suitable for a programme, or you have to go and check with children's services about their record. It is often difficult or impossible to do those checks or get the answers from the other agencies in time. Even where the order is recommended, it is not always ordered by courts, which I find troubling.

On the contractual arrangements, the majority of these cases are being dealt with by community rehabilitation companies. The arrangements would require them to offer Building Better Relationships and deliver it where a court orders it, but they are not obliged to do that in cases where the programme would suit the individual but the court has not ordered it. They are not paid to do that; they would receive no payment for that. There are a number of systemic things in speedy justice, the contractual arrangements and the delivery model for probation services that have inadvertently and unintentionally resulted in a significant

reduction in accredited programmes. Across the whole accredited programme suite—there are about 17 of them—they have reduced by about half over the period that we have had these probation arrangements. It was not the Government's intention, but it did happen.

Q179 Baroness Bertin: So can I take that as yes, there is a gap around administration?

Dame Glenys Stacey: Yes. I really think that it would be so different if half the people under probation—they receive good-quality probation—were encouraged to start programmes when they were suited to such programmes, and if they were seen through to finish those programmes. A number of people are not finishing—I think there is a 12% reduction in finishes in the last year. Part of that is delay in getting the programme started, not having enough time before the supervision period ends, or other reasons such as you do not have someone trained up to deliver it. All these things are combining to mean that not enough individuals are going through a programme that, although not yet evaluated, is at least based on sound evidence. It ought to be evaluated sensibly now, anyway.

For people who are not suited to that programme—women perpetrators, for example, because it is designed for men—there needs to be a range of other respected interventions that are evidence-based and evaluated in some way. At the moment, that is all very loose in the system and it is really quite unforgiveable. You would look at the numbers and the number of children involved as well.

Baroness Bertin: Do you have anything more to add on that?

Penelope Gibbs: I am not sure whether there is a legislative answer to this, because in theory these programmes are available. It is a practice issue with the Ministry of Justice and HMPPS. One crucial thing is to design a broader variety of programmes. At the moment there is the long perpetrator programme, which is available only to those who have a community sentence. Lord Ponsonby would know, but I think it is an 18-month community order, which is a long community order. If you do not get that, you will get a fine, a generic community sentence or whatever in court. We calculated that only 3% of those convicted of domestic abuse offences even started a programme that was designed to prevent domestic abuse. As I say, these things are theoretically available. The Bill can encourage more use of programmes and the design of shorter programmes as well as the longer ones. Beyond that, it is about finding out what is stopping them being used.

On the evaluation point, all the programmes done in prisons and on probation at the moment have no outcome evaluation, so we do not actually know whether or not they work. I would say urgently that it would be a good idea, given that people are forced to do these programmes, to find out what the outcomes are in terms of reoffending.

Q180 Baroness Bertin: We heard from witnesses last week that if you have a bad programme that is actively damaging.

Dame Glenys Stacey: We know that Building Better Relationships and other accredited programmes are at least built on a sound evidence base. They are not just completely whacky, but it is right that when they have been used enough times you would want an evaluation to see whether they are actually working. Evaluation is not straightforward in this domestic abuse arena. You have to think carefully about the way you evaluate these things. For example, there will be further abuse without us knowing. You might want to rely on victim

self-reporting, and so on. The actual design of evaluation needs to be thought through carefully, but I agree that it needs to be done.

One of the recommendations in our report last September was that HMPPS should: “Identify and disseminate an effective, integrated pathway for working with domestic abuse that takes account of the full range of domestic abuse contexts and the need to protect victims and children.” Building Better Relationships is really only about a specific sort of offender; it is a male offender as well. HMPPS committed to developing a new domestic abuse policy framework, and really set out the expectations of those working with domestic abuse perpetrators. We will be back in June to see how that is being developed.

There is great promise there. Accredited programmes are really important where the profile of the offender fits what the programme was designed for, but it is not the only thing here. There are other respectable ways in which to deal with domestic abusers, and we need to have the options—if you like, the menu—for those skilled professionals to select according to the individual and the circumstances.

Suzanne Jacob: There are many points there that I agree with. I suppose what we want to do is change both the narrative and the substance in terms of perpetrators. At the moment, we as a society are still perpetually asking, “Why doesn’t she just leave?” You can insert a different sex if that is not applicable, but we are not asking, “Why doesn’t he stop?” Again, rotate the sex if that is not the applicable situation, but most commonly we are putting the emphasis on the victim to take action and do something. We are losing sight of and almost wilfully ignoring the person who is causing the harm in the first place.

As both my colleagues have said, this is about systemic change. Where we talk about a whole-of-Government approach, I would like to see the Treasury play its role in making sure that through the comprehensive spending review we look really carefully at what it would take to create that systemic change, because we did not just create that change over the last 40 years for victim/survivors by accident and by great campaigning, although that was part of it. Some money was needed to go into the system for that to happen, and this needs to be both parts of the system. This cannot be taking money from victim/survivor services, or the very little there currently is for children. It must be “as well as”, not “instead of”.

We have to change that substance. I agree with Penny that some of this is not legislative. We called in our evidence to the original Bill consultation for a cross-Government strategy on men and boys at risk of harming themselves or each other, or indeed other people. When you look at the elephant in the room around multiple crime types that we experience in this country, we are totally ignoring, wilfully, one of the common factors, which is that they are most commonly perpetrated by boys and men. Let’s stop ignoring that. Let’s tackle it head on and find out why that is happening.

A subset of that needs to be a proper strategy around management of perpetrators. This again is where it is about more than criminal justice, though obviously that is a component part. If only one in five survivors calls the police, and for many of them the criminal justice process will or will not be the right thing, we also need other bits of the system, whether it is substance misuse, health services, children’s social care, youth crime services—

Q181 Baroness Bertin: Health is not as engaged as other Departments—that is known.

Suzanne Jacob: They are nowhere in this programme of legislation and its surrounding package at the moment, which is very disappointing because we know that perpetrators of abuse will be disproportionate users of health services, just as much as victim/survivors will. Yet at the moment there is very little work going on to work out what the role of the health service is in identifying, supporting and challenging individuals who are using harmful behaviours. They are disproportionate users of the health service, so the “spend to save” arguments are crystal clear, as is the role that various Government Departments should play, from Work and Pensions to MHCLG. A wraparound is required for people who are using harm.

I talked earlier about fettering people’s behaviour. Of the Every Story Matters participants, 48% said they were still afraid of the perpetrator. Many were talking about abuse that had happened years before, but they were still afraid. Eighty per cent. wanted a combination of criminal justice and other mechanisms of support to change, including high-quality behaviour change programmes, but only 1% are getting anything at the moment.

Q182 Chair: We are very over time—could your answers be a bit more succinct?

Suzanne Jacob: Sure. There are two quotes that I would like to give: “The people causing harm are educated and supported. There is usually a reason why they act like they do.” The second is: “I want them to be dealt with appropriately by the law, given sentences that deter them, and also behaviour change and tagging.” We need a systemic response that is about intensive one-to-one intervention, multi-agency working, legislation and the surrounding package, and is genuinely about what the whole of Government can do.

Q183 Chair: Diana wants to come in with a supplementary, but before that, could I have a clear answer to this? We have heard that there are perpetrator programmes that are very good and effective, but we have also heard that people are not getting on those programmes, either because of the way the court system works or for other reasons. Are there any incentives we could put in place for the providers of those programmes, to increase the number of perpetrators going on those good programmes?

Dame Glenys Stacey: At the moment there are just under 5,000 people each year—a reducing number—who are ordered by the court to go through a Building Better Relationships programme, which is the key programme. To put that in context, the much more common order of the court is a rehabilitation activity requirement. That is a general provision to undertake rehabilitative activities with your probation company. About the same number are in prison as are given that order each year—about 82,000 when I last looked. Just think about that for a moment—82,000 are given a general loose order where anything or nothing can happen, and 5,000 people are given a specific programme order.

Q184 Chair: How do you change that?

Dame Glenys Stacey: If you want to change that, a number of things need to happen. First of all, you need to allow time for the NPS to do the right checks before a sentence is given, to see whether the individual perpetrator is suitable for a particular programme. On occasion, that might mean an adjournment of a hearing.

Chair: So it is within the courts.

Dame Glenys Stacey: Yes, that’s right. Secondly, you need to make sure that those giving advice to court on the sentence—the NPS skilled staff dedicated to giving that advice—have

guidance that makes it entirely clear that they should order a rehabilitation activity requirement only when no accredited programme or solution fits. At the moment, the NPS has developed that guidance and it is hidden away. It needs to be brought right up to the fore, so that every person giving advice to the court knows that they will resort to what is RA—rehabilitation activity—when one of the orders is given.

Thirdly, you need to look at the contractual arrangement for probation companies. At the moment they are paid to deliver an order made by the court and they are punished if not enough people complete it, but they receive no payment for putting someone through one of those orders of their own volition. Of course, it costs money and they are strapped for cash, so generally it does not happen. When you look again at these arrangements, or a further iteration of contract or whatever is coming, you need to liberate whoever is the provider to do the right thing for the individual, whether the court has ordered the order or not. If it is ordered, it must be done, but for some people it is still suitable, so why aren't we doing it?

Lastly, you need a range of other interventions from accredited programmes in the pathways we have asked to be developed.

Chair: This is a really important point, and it is clear there is a problem in the system.

Dame Glenys Stacey: Yes.

Q185 **Chair:** We have some evidence on it, but if we need further detailed evidence, other than what you have read into the record, can we come back to you?

Dame Glenys Stacey: Yes, I am certainly happy to write to you with the relevant inspection evidence that we have and the particular recommendations we have made that are pertinent to the point.

Chair: Maybe I could ask you to write to us with that.

Dame Glenys Stacey: Yes, I will.

Chair: I think something is happening in the system that needs addressing, which you have articulated really well.

Dame Glenys Stacey: Two or three things are happening that, together, are all inadvertently taking it in the direction that we do not want it to go in.

Q186 **Diana Johnson:** You mentioned the involvement of Health, Suzanne. The 10-year NHS long-term plan has just been published and there is a focus on prevention. Is there anything in that plan that might link with an involvement or investment in domestic abuse services from the health perspective?

Suzanne Jacob: We have scoured the plan, but cannot find the sections on domestic abuse that we had been looking for. We would welcome it if Health Ministers wanted to engage with this Committee and beyond.

Very briefly on the point about perpetrators, we are not being asked today about the role of the domestic abuse commissioner, but they really need access to independent, analytical support to make sure that they know what is going on with perpetrators outside the courts and criminal justice process as well as inside. As Penny noted, behaviour change programmes are available outside of court-mandated and probation processes, and we need to make sure that that independent data starts to be gathered, because it does not exist at the moment.

Chair: I think we could have gone on a lot longer, but I apologise for over-running. We will have to bring this first panel to a close. Thank you all for your time today. We have covered some really important issues and there are others that need to be followed up.

Examination of witnesses

Witnesses: **DCC Louisa Rolfe**, NPCC lead on domestic abuse, National Police Chiefs' Council; **Detective Superintendent Deb Smith**, Police Superintendents Association; **Nazir Afzal, OBE**, Welsh Government advisor on Violence against Women and former chief executive of the Association of Police and Crime Commissioners; and **Kate Ellis**, Solicitor, Centre for Women's Justice, gave evidence.

Q187 **Chair:** Thank you very much for joining us for this important evidence session. We are really grateful to you for your time and for being here. Before Helen kicks off with the first question, could I ask you to tell us your name and the organisation that you represent, starting with Kate?

Kate Ellis: My name is Kate Ellis. I am a solicitor at the Centre for Women's Justice.

Nazir Afzal: Good afternoon. I am Nazir Afzal. I was Chief Prosecutor and Chief Executive of the Association of Police and Crime Commissioners. I am currently an independent national adviser to the Welsh Government and patron of 11 NGOs that are all women-led and work in this field.

Deb Smith: Good afternoon. I am Detective Superintendent Deborah Smith. I represent the Police Superintendents Association of England and Wales.

Louisa Rolfe: Hello, I am Louisa Rolfe from West Midlands Police but I am here to represent the National Police Chiefs' Council.

Chair: I don't know whether it is just me after a bank holiday weekend, but my hearing is not great today. Could I ask everybody to project? I would be grateful. Helen is going to start with our first question.

Q188 **Helen Whately:** Have the Government got the balance right with the proposed statutory definition of domestic abuse? Could you comment specifically on whether that definition should include other types of abuse, for example that experienced by BAME and migrant women, such as coercive control in relation to immigration status, forced marriage and honour-based crimes?

Kate Ellis: I can keep my answer very brief. We are very happy with the definition in the legislation, which allows scope for the provided examples of sub-categories of abuse to be policed. I think that it is a probably a matter for guidance and training to ensure that police officers properly identify that abuse, as defined in the Bill, can take many particular forms.

Nazir Afzal: For my part, yes, it should include honour-based violence, forced marriage and spousal abandonment, which are the kinds of things on which we are failing around the country because there is such a lack of understanding. Unless those are in the definition, I am afraid that they will be missed in the way that they are currently.

Q189 **Chair:** On the face of the Bill rather than in guidance?

Nazir Afzal: On the face of the Bill, absolutely. Additionally, you asked a question about gender earlier. It should be gendered; I have no doubt in my mind. Even when there are male victims of this abuse, very often there is a male perpetrator. Unless you deal with the elephant in the room—us men—I am afraid you are just playing games. To my mind, we have to recognise that misogyny drives this. We have to recognise that power and control drives this. Otherwise, we will not make more than a little chink in the problem.

Deb Smith: My view is that the Bill has absolutely got the definition right, and I agree with Kate. As we heard earlier from the previous panel, the guidance that lies underneath should then further define different categories of victims. From the policing perspective, we have DA and how we respond to domestic abuse on a very firm footing now. I know you will struggle to find anywhere in the country a police force where domestic abuse is not held as a priority within the force. For me, the individual response is absolute. It should come down to risk and the trajectory of risk. Certainly, as we heard earlier from Suzanne from SafeLives, different categories of victim will often require a different response, depending upon that risk.

To give an example of domestic abuse in the broadest of definitions: two 20-year-old brothers having a fight over who is going to have the remote control is absolutely domestic abuse, as is honour-based abuse, where you might have a wife needing to be protected from really significant violence. The Bill as proposed would cover both those strands of domestic abuse, and it is the guidance and the shaping of the response underneath that I feel is down to police forces to respond to, but that should come from guidance rather than broadening the definition.

Q190 Chair: What would you worry about in the broader definition that Nazir was talking about?

Deb Smith: If the definition was broadened, potentially it could dilute prioritisation. It would overcomplicate what is already a fairly complex area of policing. As you all know, our police officers have to deal with the broad trajectory of crime and non-crime reports into the police. By broadening it, it could overcomplicate it for our frontline staff.

Louisa Rolfe: I have some concerns about having an exhaustive list of what constitutes domestic abuse, because there is always the risk that you might miss something. I think the definition is about right. As was said by the previous panel and by one of the panel members here, I think it is appropriate that we should call out the gendered nature of abuse. The definition should not just help us in resolving domestic abuse; it should help in raising understanding, and we do ourselves a disservice if we don't call out the gendered nature of domestic abuse and the fact that much of it is driven by people's perceptions. Particularly, perpetrators will say to the police service, "I am entitled to treat my spouse in that way because she's a woman." I think we must call out the gendered nature of abuse.

As mentioned by the previous panel, women disproportionately experience more severe and more protracted domestic abuse. We know that it happens in same-sex relationships. We know that men suffer domestic abuse at the hands of other men and at the hands of women. We know that, and the definition covers that, but also we should be really clear in our guidance and in talking about the Domestic Abuse Bill that some of the things that allow this to happen and allow it to be accepted in society are down to the gendered nature of abuse.

Q191 Diana Johnson: What impact, if any, is the proposed domestic abuse commissioner likely to have on the police response to domestic abuse and the way it works with other agencies dealing with abuse?

Louisa Rolfe: I have a day job in one police force, but there are more than 40 police forces across England and Wales. Often my job is to influence and work with other chief officers to ensure consistency and an improvement in our police response. It would be very helpful to have a commissioner also working in that space. I work with police and crime commissioners and beyond those in my own force, but commissioners are used to working with other partners. One of the great things about the British police service is that chief constables have operational independence, and it is really important that we maintain that. However, I also think that there can be something about driving and improving consistency and sharing best practice, having the scope to—as Suzanne described in the previous panel—have some analytical resource that can help us really understand and drive best practice. I find that, despite my best efforts and those of the College of Policing, although we work really well together with the Home Office to ensure that our forces are aware of best practice, there can sometimes be pockets of progression of new ideas that aren't necessarily as robustly tested as others. We work really hard to drive that consistency, so a commissioner can only help in that space.

Q192 Diana Johnson: You said that you thought police and crime commissioners were used to working with other agencies, but there would be some tension, wouldn't there? You've got a police and crime commissioner and a domestic abuse commissioner perhaps having responsibility for the same things. Do you think the tension there could be a problem?

Louisa Rolfe: I don't think police and crime commissioners currently have tension with the Victims' Commissioner. I think they see them as distinct roles, and that this is about improving the service nationally. There might be some healthy debate about priorities, but as Deb has said, every police and crime commissioner has domestic abuse as a priority in their police and crime plan already, so I think they would welcome the support and that national co-ordination.

Deb Smith: I absolutely echo what Louisa says, and it comes back to some of what the previous panel said as well. If we had a domestic abuse commissioner, I would see a key part of their role as linking in with other commissioners to really make sure all agencies across the system are held to account in their delivery of services around domestic abuse. We have heard about some of the challenges around Health, so again, I see that the domestic abuse commissioner could absolutely hold other statutory and non-statutory agencies to account in terms of that delivery.

Sometimes, from a policing perspective, it does feel—I know this isn't absolutely the case—that it is all eyes towards Justice and the justice system to try to tackle and solve the systemic problem of domestic abuse. A domestic abuse commissioner would add real value in that cross-commissioning and that join-up, whether it is with the Children's Commissioner or the Victims' Commissioner, and absolutely setting that focus directly and, importantly, holding agencies to account for lack of delivery.

Nazir Afzal: Speaking for Wales—I am not speaking for Wales; I am independent of Wales—obviously, the DV or DA commissioner will not have a role in relation to those areas

that are specifically reserved for the Welsh Assembly. That said, my concern around the domestic abuse commissioner is broader than that; I think we talked about it earlier on. My personal view is that there should be a violence against women and girls commissioner, given all the other interlinking factors. In Wales, for example, we have the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act, because we recognise the linkages across all those areas. Just focusing on domestic abuse is a massively missed opportunity.

My other concern is that if you are going to have a domestic abuse commissioner, they need to have the power to hold people to account. My experience, sadly, is that a former modern slavery commissioner tells me that he couldn't hold anybody to account; he was being frustrated. The same thing could be said of the Victims' Commissioners: they can say a lot, they can report a lot, but in reality they cannot actually deliver anything, so you have to have something in which they can hold people to account.

Again, in Wales, we are about to launch national indicators—probably the first of their kind in the UK. The idea is that these are things that the Government's response will be measured on, and therefore people can see what progress, if any, is being made. Currently in the UK Parliament, in this particular Bill, that will not be happening.

Kate Ellis: I would echo what Nazir has said. It is a missed opportunity not to have a violence against women and girls commissioner, and indeed to have this Act framed as an Act that will create new powers in relation to violence against women and girls. Lacking that gendered aspect does allow for a lot of things to be missed.

There is already a problem, we think, with police frontline workers missing opportunities to connect different kinds of violence against women and girls offending. One perpetrator may have a history of sexual offending. Forms of misogynistic behaviour towards women must be properly connected, and by focusing in on domestic abuse—no matter how broad the definition—it is concerning that this Act has created a commissioner who is only going to be looking at domestic abuse.

I think there would be a clearer framework for forces to be held to account if, first of all, the commissioner was empowered to hold agencies to account. Secondly, if it was a violence against women and girls commissioner role, then you would have a clearer framework. You have the Istanbul convention and you have that legal framework that relates to the state's obligations with regard to violence against women and girls, which would really give some force to this.

Q193 Diana Johnson: May I ask one last question? The plan is for the domestic abuse commissioner to be two to three days a week in post. In the light of everything that has been said and the amount of work that could come under the remit of the commissioner, do you think that is realistic?

Nazir Afzal: It just reflects where we are, doesn't it? We know that domestic abuse costs some £66 billion a year in GDP, but we are not prepared to pay another £20,000 a year for somebody to work on this full time. It is nonsense.

Kate Ellis: It is not quite an answer to your question, but it does relate to it—later on, I think we will come to financial limitations on forces and the problems that causes in terms of

protective measures being enforced. I am slightly concerned about funding being allocated to a commissioner when sufficient funding does not seem to be available for frontline workers.

I am not saying that does not mean that the commissioner does not have a role to play, but I wonder if consideration has been given to properly resourcing frontline workers, so that they can use the powers that are already available to them, rather than putting everything on a commissioner in a kind of untested role.

Deb Smith: I would echo that. I know that the voice of the service is absolutely welcoming of having a commissioner, so long as that does translate into an increase in commissioned services, with a focus on prevention and early intervention; and, as Nazir has just said, that accountability is absolutely key. Otherwise, the question is then turned around: what, therefore, is the value added of a commissioner, if we do not see that translate into practice on the frontline?

Chair: Just before we move on, we have a supplementary question.

Q194 Liz Saville Roberts: I apologise for being way later than I had hoped to be.

Thank you very much, Mr Afzal, for raising the Welsh piece of legislation from 2015. We will receive more information on that, but it is important to me that this Committee is aware that there is this divergence between England and Wales with the legislation. You have touched on one point—the indicators. If there are any other particularly important points, I would be very grateful if you mentioned them now, although I appreciate that we do not want an extensive evaluation for everybody.

Very briefly, what I would like to touch upon is this. How do you think that we, as a legislative Committee here in Westminster, should approach the fact that we now have diverging legislation and strategies between England and Wales? Could we start with Mr Afzal?

Nazir Afzal: Credit to the Welsh Assembly and the Welsh Government; they see themselves as an incubator for great practice, not just good practice. So you have not only the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, or the VAWDASV Act, but you have the Well-being of Future Generations (Wales) Act 2015, which talks about long-term thinking, involvement and prevention, et cetera.

You have got the “ask and act” training, which is currently being delivered to 135,000 professionals and practitioners, and you have got the national stakeholder forums, which include every Government Department. We talked earlier about this, saying that training needs to be holistic and across Government; it cannot just be a policing issue, or a health issue, or an education issue. We have got that in place.

There is the national training framework, as I mentioned earlier, there are national survivor engagement forums, and there are the national indicators, which I touched on earlier. The Welsh Government, the Welsh Assembly and the NGOs particularly—I am so pleased you mentioned NGOs, Deb. Their funding across the board, across the country and across the UK, is dire, and they pick up everything that Government fail to do. The Welsh Government have put an extra 11% or something this year into NGOs, but that is nowhere near enough, given the scale of the issues that we face.

However, in terms of structure, leadership and having the issue on people's agendas, there is a significant difference between what is happening in Wales and Scotland—it is also happening in Scotland, by the way—and what is not happening in England. And living in England, I feel depressed about the fact that victims in England are not getting the level of attention that victims in the other devolved jurisdictions are getting.

Louisa Rolfe: From a policing perspective, I work very closely with representatives from Welsh and Scottish police, and even with representatives from the Police Service of Northern Ireland. They are part of a stakeholder group that I hold regularly. And I watch with some envy some of the changes happening, and it is probably less about the legislation and more about the practical things I am seeing.

Certainly there is a focus on a very multi-agency integrated approach. To my great frustration, the police service makes overwhelmingly the most referrals into multi-agency forums, including multi-agency risk conferences, and multi-agency safeguarding arrangements regarding children and families that are suffering domestic abuse. It feels as if we are more responsive than some of our partner agencies, and we would like to work with them more. I sometimes watch with envy when I see what is happening in Wales, because I can see that it is some way ahead on this.

Deb Smith: I would echo that. If there is any best practice or good learning that could be shared, we should hone in on that and look to improve our service. If there are differences in legislation or policy and practice, that can get confusing. Although we are 43 different police forces, nationally our training is very much centralised, through the College of Policing. Police forces work cross-border, and I would worry for the border forces around Wales if there were intricate differences. That said, it very much sounds as if we can learn a lot from what is happening in Wales, and across England and Wales I would like us to hone in on what works and that evidence base, and look to implement that across all 43 forces.

Q195 Lord Blair of Boughton: Good afternoon. I will come back to multi-agency working and best practice, but I specifically want to ask a question about bail. The End Violence Against Women Coalition has reported that the police are reluctant to place bail conditions on offenders, and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services found a 65% drop in the use of bail by police in the first three months of this year. Louisa, what is the connection between that and the passing of the Policing and Crime Act 2017?

Louisa Rolfe: The reduction in the use of bail is not consistent across all forces nationally and there is some variation. In summary, I think there were concerns before the change in legislation that the police were using bail too much, particularly in some high-profile, very protracted and complex investigations. Legislation changed, and there was a clear policy direction to policing to use less bail, and policing is using less bail. Having said that, we are going through a significant recalibration now, and there is a lot of effort in the National Police Chiefs Council, and between myself and other relevant leads in the criminal justice system, to ensure that bail is used appropriately. The CPS is quick to identify that in cases that appear in court where bail conditions would be appropriate, if the police have not used bail at an earlier stage, it is often difficult to convince the judge that it is necessary at a later stage. It is a really serious issue. In my force in the West Midlands, bail has not dropped significantly, but it varies. A number of forces have turned things around and are using bail more.

There are a number of drivers behind this issue. The police service is definitely stretched. Look at the volume of domestic abuse cases that we are now dealing with, and overlay that with the fact that 999 call demand has gone up by about 5% nationally. In my force, that means an additional 35,000 emergency calls every year. Although 101 demand is dropping slightly, every emergency call carries more risk and invariably more vulnerability, and requires an additional policing response. It disproportionately increases the complexity of what we deal with.

There has also been an increase in complex cases, including child abuse, child sexual exploitation, county lines drug dealing, modern-day slavery, and honour-based abuse. Some of those things have always been there, but we are better at understanding them, and we are getting better at recording them accurately and investigating them.

There is an increase in serious violence and knife crime, and an increase and a bit of an uptick in more traditional crime, such as burglary or vehicle theft, some of which is driven by organised crime. That is at a time when the police service has, on average across the UK, about 20% to 25% less resource. That is then complicated by the HMICFRS view that is sometimes a little bit idealistically skewed towards the best response for every incident. If domestic abuse increased by nearly 25% each year since 2014 and we must apply the same excellent response to all of that, something is going to give. I think bail is in that, as is the reduction of referrals for charge.

There is something about stretch on the service. If you look at the forces that are most stretched, you can overlay that with data around poverty, deprivation and reduction in other services. It is a really complex picture, and I worry. There is not a simple solution to domestic abuse. We must walk with others with others.

Q196 Lord Blair of Boughton: I accept all, but I am really interested in whether you think there should be some kind of exceptionality about domestic abuse and bail. Stalking has its own special legislation around it. Somehow, the fact that the man—usually a man—is on bail, with conditions attached to it, seems to be a very important issue for the confidence of the victim. I am just asking whether you think we need to go back and look at what appears to be good intentions paving a way to somewhere else.

Louisa Rolfe: I think a presumption of bail would be appropriate in domestic abuse cases. Although domestic abuse covers a vast range of incidents, often when we make an arrest, those are the cases we are concerned about. It may not be appropriate in every case. In some cases, where out-of-court disposals and rehabilitative, preventive work with other agencies is appropriate, bail may not be appropriate. Certainly, we should build some gatekeeping into those decisions, and ensure that bail is the presumption in cases of domestic abuse where we have made an arrest.

Lord Blair of Boughton: Thank you. Deb?

Deb Smith: I would absolutely support that assertion, not just for domestic abuse, but for any crime where there is a significant safeguarding issue, such as child abuse or exploitation. Operationally, our officers are doing what the legislation requires them to do. They are starting with the presumption of not bailing; they are going through the built-in mechanisms to seek authority for bail; and they are doing that absolutely when that is appropriate, alongside applying for DVPAs, DVPNs and DVPOs.

I would welcome—as would the service—a review of that legislation, because culturally officers are trying to adhere to legislation. As Louisa said, there is a mismatch: there are forces where there have not been significant drop-offs, and other forces where there have. If we reassessed, so that where there were significant safeguarding issues, the presumption was that we did bail, that would really help.

There is another challenge with the introduction of released under investigation, which obviously came in at the same time. To get a charge on a domestic abuse case, there clearly has to be a significant amount of evidence gathered. That is almost always going to be nigh-on impossible in the first 28 days, even if somebody is released on bail. Then obviously we go to superintendent's extension for the three months, and even that is a challenging timeframe in which to get all the evidence required to satisfy a charge—third-party material, mobile phone records and so on.

Louisa made reference to the stretch on the system. While officers have cases in their inbox on which they still have inquiries to do, they have more crimes coming in for allocation. There is then that question: how does prioritisation work? What bail provision gives is a timeframe by which they are working to that next deadline. Released under investigation doesn't automatically give that.

Nazir Afzal: I endorse everything that has been said. I agree entirely with Deb that it goes beyond domestic abuse. For anything where there is a safeguarding issue, there should be the presumption of bail, rather than released under investigation.

There is evidence now coming. You used language like “stretched”; 21,000 fewer police officers makes you really stretched. It means you can't do the jobs you should be doing. It means that when you have specialists, they are multitasking specialists who happen to be specialists. They are doing 10 different things, which means you can't do it in the timeframe you've been given, particularly under the current regime. So, yes, exempt domestic abuse and safeguarding from the current release under investigation issue.

Lord Blair, you are absolutely right: if you do not work in a timely fashion with victims, they will be put under tremendous pressure to withdraw, either from the perpetrator or the family, or simply from life itself. That is why speed is of the essence. One of the things you and I did back in the day was to expedite domestic abuse cases—so much so that we had videolink cases. I remember one in particular where the person allegedly committed the act at 11 am—well, he did it—and then appeared at 1 pm on videolink from the police station to the court, where he admitted the offence. He was sentenced at 3 pm. At 5 pm, the victim walked into a police station to try to withdraw the allegation. Now, because we worked at pace, that did not happen. But if you bail people off, or release them for weeks or months on end, guess what's going to happen?

Lord Blair of Boughton: You will remember that she was so pleased when she found he was already in jail.

Nazir Afzal: Absolutely. She was put under pressure.

Q197 **Lord Blair of Boughton:** Under pressure by the family, yes. Kate, is there anything you want to say on that?

Kate Ellis: I definitely support the presumption of bail where it is necessary and proportionate for the protection of the complainant, which is likely to be the case in domestic abuse cases.

Going back to Deb's point about the difficulty of getting an exemption after the 28 days, it is a real problem that in the legislation one of the conditions for getting an extension is that the police must have acted diligently and expeditiously within 28 days. In the course of criminal investigations, 28 days is not a long time, especially when you have stretched police forces, but in general anyway. What is happening is the police are either applying and being rejected or looking at what they have got and saying, "We haven't yet done forensics," or "We haven't yet got to this stage. Therefore, there is no point applying." That is a real problem.

Resources, training and understanding are both causes of the problem. We submitted a super-complaint, which I am sure the Committee has seen, to HMICFRS, in which we asked them to look at the problems around the use of four protected measures, including bail. We consulted 11 frontline organisations, and broadly speaking they identified three causes of the problem of police forces not imposing bail, and then the underlying causes of that.

In some instances, police were not even arresting suspects, with suspects being invited to voluntary interview, because it removes all the bureaucracy and allows police to arrange interviews with suspects by appointment, which was seen as much less resource-intensive. Of course, in a voluntary interview, you do not have the power to impose bail, which again I think is one of the incentives, because it removes the bureaucracy of even having to think about whether bail is necessary and proportionate. That was a problem.

Where that was not happening, sometimes suspects were being arrested and then released under investigation, and extensions were not being applied for after 28 days, either because it was thought not to be necessary, or because, in the majority of cases, the investigation had not been able to progress that far. That was the data.

On the qualitative data underlying it, anecdotally, independent domestic violence advocates have been hearing from police officers, "We just don't have the resources to do this." Some IDVAs and their service users—some victims—had been told by the police, "We don't use bail anymore." That was how extreme it was in some parts of the country.

Q198 Lord Blair of Boughton: Just one more from me. Going back to the earlier questions, we know that there is really good practice in some parts of the police service. We also know that somehow that does not necessarily spread to other places. That is not a new problem—I accept that—but is there anything more that the police service thinks it can do to get the best practice known by officers throughout the land?

Louisa Rolfe: Having grappled with this since 2013 or 2014, from my perspective, I think it is about commitment to things that we know work, such as proper academic evaluation of things like training programmes. Suzanne on the previous panel mentioned DA Matters, which is delivered by her charity but licensed by the College of Policing. It was developed by the College of Policing with a number of universities. It has been properly academically evaluated, and is demonstrated to increase understanding of domestic abuse among first responders and their supervisors—those who might be guiding and influencing them. It has also been shown to increase use of appropriate measures to protect victims, so we know it works. Sometimes, it is grappling with that, but it also requires quite a commitment.

Often, my work is less about the business and practitioner leads in forces, and more about making sure that their chief constables are not pushing them to deliver a quicker fix. There is a lot of HMIC and Government interest in this, and we all want to improve, but sometimes we need to commit to what works, and not seek faster solutions.

You will be aware of all the different drivers in police forces now, whether those are police authorities, police and crime commissioners or Mayors. Often people will want things to happen fast, but we have to commit to what works. There is the work we have done on the domestic abuse risk assessment, which is being developed with the support of Cardiff Women's Safety Unit. The current DASH process is one of the most contentious, but it is also relied on and works effectively with partners, so we have been working to develop a tool that works better for first responders and elevates that understanding of coercion and control and the most dangerous aspects of domestic abuse.

We have staged a roll-out across forces, but getting it right takes time. That is what I often have to grapple with. I think a victims commissioner can help in that space. I work very closely with Zoë Billingham from HMICFRS to ensure that there is also an understanding from the inspectorate that sometimes forces need to commit to the longer game to really work effectively with others to improve practice.

Q199 Lord Blair of Boughton: Anything else you want to add before I move on to another question?

Deb Smith: I would just absolutely agree. We often hear the phrase in policing, “We cannot arrest our way out of this problem.” I absolutely agree with everything Louise has just said, in particular about what works—what works around early intervention, what works around prevention and what works around breaking those perpetrator cycles—because with the budgets we have, that is the only way we are going to have a significant impact on demand reduction and safeguarding our victims. We can't just keep arresting those repeat perpetrators, as we have done for years and years.

Lord Blair of Boughton: Okay. I will leave it there.

Q200 Lord Farmer: I want to come on to the subject of migrant women. End Violence Against Women told us that women with insecure immigration status are among the most vulnerable to abuse, and the least able to access support services or justice. First, would you agree with that? Secondly, if you do agree, what would you recommend be done about it? We have heard before on the Committee about the whole area of reporting to the police about a domestic abuse incident. More than 50% advised the Home Office of problematic immigration status as one problem. Another problem is insufficient funding available to these very vulnerable women.

Could I ask you, Kate, to start off?

Kate Ellis: I can be brief, because in our response to the consultation, we endorsed the perspective of End Violence Against Women, and the submission that they had made on the basis of the data that they had collected.

Obviously, where you have language difficulties, a potential cultural difference, a lack of a support system in the UK, and, on top of that, potentially no access to benefits or legal aid, you are really in the most vulnerable position you can possibly be. Even where someone has

access to legal aid, they may well not know that. It is worth saying that access to an IDVA or to a lawyer is extremely difficult for victims at the best of times. If you have language difficulties or you don't know where to look, you may well not know what you are entitled to, or may end up on the Rights of Women helpline, during the two-hour slot in which they can afford to help women, and then have nowhere to go after that. Anecdotally, I think they are in the most difficult possible position.

Q201 Lord Farmer: So what should be done about it?

Kate Ellis: I think submissions were made about extending legal aid and implementing safeguards for migrant women, and a wall that allows women who are concerned about their insecure immigration status to know that that will not be dealt with as a criminal matter if they come forward and report domestic abuse. That is something I have not seen addressed in the Bill and it is something that is still a concern.

Q202 Lord Farmer: Perhaps I can ask Deb how a firewall would work between the police and the Home Office.

Deb Smith: This comes back to some of the earlier discussions around that inter-agency and inter-departmental join-up. Within policing, we will always start with the position that the victim must be at the heart of our response. We know we have an issue with confidence and migrant women coming forward to report any crime, but particularly domestic abuse. My view is that, if we as a police service are focusing on protecting that victim and her family, making her safe and then potentially moving toward a justice outcome, but the immigration priority is a quick-fix deportation or doing something differently, we are rubbing heads and we are not joined up. That is the challenge.

Going back to a domestic abuse commissioner, potentially they could have some influence over that inter-agency, inter-departmental role. The firewalls are there for a reason and, if used effectively, they will work, but it absolutely has to have the buy-in from each agency, otherwise they will just go in opposite directions and it will not ultimately safeguard the vulnerable victims sitting in the middle of it all.

Louisa Rolfe: From a police perspective, many officers are already working with victims with uncertain immigration status, and a lot of the time of our specialist domestic abuse investigators is spent resolving their particular concerns, because manipulative perpetrators will use that uncertainty. Particularly if they are migrant women who are unaware of the support that may be available to them or can be influenced to have a perception of the way they might be dealt with by the police or any other statutory agency, manipulative perpetrators will exploit that.

I am a little bit concerned if we decide there is a firewall and we do not speak with Immigration Enforcement. I have been doing some work with Immigration Enforcement services to say, "What does a good policy look like?" We are very clear in policing across our MPCC portfolios—whether that is dealing with modern-day slavery, honour-based abuse, child abuse and sexual exploitation or domestic abuse—that we will deal with victims as victims and we will not engage in conversations with other agencies about uncertain immigration status unless it is necessary to resolve that to support them effectively, which sometimes it is. Having a complete firewall could be counterproductive, because many officers already work with Immigration Enforcement services to resolve the uncertainty,

support the victim effectively and almost remove the perpetrator's ability to control or manipulate them because of that status.

It is a complex issue; the challenge we have is that you can have the right policy from both agencies, but if in practice it is at all unclear, or if doing the right thing is very complex, but doing the wrong thing could be simplistic and within policy and guidance, there could be a tendency for practitioners to do that, unless we are really clear that it is not about just saying the right thing, but checking that we are doing the right thing in every case. I still hear of too many cases where we get it wrong.

Nazir Afzal: There are two main things. First, the Government are very keen on ratifying the Istanbul convention, and article 4.3 says that migrant women must receive equal protection. The Government is going to get an awakening, because if they think it is just about extraterritorial jurisdiction, they are wrong. It has to also be about ensuring that migrant women get the same level of support, and additionally widespread support for those from the most vulnerable communities. We cannot ratify the convention unless that is done.

Secondly, I mentioned earlier that I am a patron of several women-led NGOs working in this field. Disproportionately, the cuts have had an impact on those who work with minority women. I do not know why that is, but that is wrong. I can point to the JAN Trust here in London and the Halo Project in Middlesbrough, both of which work with migrant women and women from minorities, and have taken enormous cuts. Why? What does that tell you about what is going on? We will not be able to ratify the Istanbul convention unless we deal with that.

Kate Ellis: Briefly, in many cases migrant women may well be the ones most likely to look like an unco-operative or unsure complainant. That is often what that vulnerability looks like in practice in a domestic abuse case, because the woman has no support network or is afraid of dealing with the authorities for a number of reasons. She might come forward with a complaint and immediately withdraw it, or be uncertain about offering consent to an application for a domestic abuse protection order, and so on. That is where the Bill proposes new protective measures to enable the police to take some of the onus off victims, implementing interim measures that will afford those women protection while a criminal investigation is ongoing. Police forces are not adequately resourced or trained to identify when it is necessary to apply for a domestic abuse protection order, and we understand from a lot of frontline service that individual police officers might not always know that they do not need a victim's consent to apply for such measures. We may come to it at a later point in the discussion, when we talk about DAPOs and DAPNs, but that is something to raise, because if you are thinking about protecting the vulnerable, you have to think about all the ways in which their vulnerability will make them most likely not to enjoy the benefit of the protective measures available.

Q203 Baroness Burt of Solihull: It is my job to sweep up with anything either within the policies surrounding the Bill or in the Bill itself that you feel is missing. Is there anything, in particular in relation to early intervention, that it might be helpful to add? We are well over time already, so if you could keep your responses as succinct as possible, that would be helpful.

Chair: May I be impertinent and, as part of this, ask a couple of specific questions, particularly of the two police reps, about DAPOs and their use? Will they add significantly to

your ability to protect survivors? How will they fit into your little suite of measures, given that they are an add-on, not a replacement for an existing piece of legislation?

Deb Smith: We have actually discussed this previously. We know that there is not yet a sound evidence base for the impact of DVPNs and DVPOs. That is probably the starting point. We have heard today about some of the challenges around how well they are used up and down the country, nationally. The DAPO is a fantastic principle, and the fact that it can add requirements as well as preventive measures is a positive, but my concern and the challenge will be how they are policed, whose responsibility it is to police them, and around reporting breaches. We already know that many of the victims that the DAPOs are there to protect will be concerned and will not raise breaches, so we will rely on communities, the public and potentially other agencies to flag when they have been breached. Then it comes back to the current policing challenge around the resource to be able to police breaches of those DAPOs effectively. While DAPOs will be seen as an absolutely positive measure in that suite available to protect victims, if victims quickly learn or believe that they will not adequately protect them, that will undermine the principle of why they have been introduced. Potentially, that could undermine the wider Bill. Also, when looking at any criminal sanction for any breach, all the time I hear officers saying about DVPNs and DVPOs, for example, “Well, it costs us x amount to pursue an order”—to take it to court, for the right reasons, to protect the victim—“but when we get to court, they get a £50 sanction and off they go.” The focus on what that sanction will look like—that the measures are absolutely put on a confidential footing, so that our victims have confidence that they will protect them—is really important.

Chair: So, nice in theory, but the practice might be tricky.

Louisa Rolfe: Yes, I think that the principle behind them is sound. I worry, or have lots of questions, about the feasibility, logistics and what the guidance will say about how they will be used. At the moment, we are bringing non-molestation orders and restraint orders, which are currently used extensively in family court proceedings but not in criminal, into the DAPO. The police service have very little enforcement activity around those orders at the moment, and I am not sure there is much gatekeeping around the issuing of them so that we can move to a position where they are all wrapped up into one. Can we be really clear about the expectations on the police service, because there is a danger that we can raise expectations substantially?

This goes back to the principle that the last panel talked about. Domestic abuse is really complex, and at the heart of it are human relationships. When you distil it down into evidence and points to prove, and squeeze it through a justice system, you often end up with more people dissatisfied than problems resolved. We should use justice really effectively in domestic abuses cases where it is needed, but that is not all 1.9 million incidents every year because we are not built to deliver that effectively. We need to be really clear about how and where we use it. It offers us a great opportunity, but there needs to be a lot of working through to understand how and where we use it most effectively.

Q204 **Chair:** Can we now go back to the more general points?

Nazir Afzal: Baroness Burt, I think we need to go back to some basic principles. When you talk about DAPOs and the various measures that are available, they all rest entirely on the victim’s shoulders. She—invariably she—has to pursue them, support them and pay for them, if she is not legally aided in any way, shape or form. If they are breached, she has to come forward. We don’t do that for some other things.

Going back to the earlier question about where accountability lies, it lies with the professionals. The professionals should take these burdens from them. When we talk about refuges, we are talking about more refuge spaces. We are not saying, “Maybe the victim should stay in her home, and he should be kicked out.” That should be the basic principle that we follow. That is a good place to start.

Then we talk about where it hurts them. Very often, with a perpetrator, it hurts them financially. We talk about power and control when it comes to domestic abuse and violence against women generally. How do we challenge that differential? Invariably, the home is in the name of the perpetrator—it is owned by the perpetrator. That is one of the reasons why he remains there and she gets kicked out. Well, we can confiscate proceeds. We don’t use confiscation or compensation as much as we could or should do in order to put her in a position where she gets some power and control, which currently is lacking.

The biggest issue when we talk about everything else we have talked about today is prevention. Currently, I am doing some work for Birmingham City Council and parents in relation to schools and sex and relationship education in Birmingham. That’s where it starts. We should be talking about domestic abuse awareness, sexual violence awareness, et cetera, as early as primary school and before. In Wales, we now have a commitment—more than a commitment—that we will have sex and relationship education in every school in two years’ time. We are trying to mainstream it, so it is in geography and maths—

Chair: We are not talking about sex and relationship education today. I really want to keep to the subject.

Nazir Afzal: My point is that we need to educate people and talk about domestic abuse awareness as early as possible.

Q205 **Chair:** Any more responses to Baroness Burt?

Kate Ellis: Can I just refer anyone who hasn’t seen it to the report that we submitted to HMICFRS about the failures around protective measures? That report looked at failures to apply for DVPNs and DVPOs when they were available, failures to police non-molestation orders, failures to apply for restraining orders after criminal proceedings and failures to use bail measures. I won’t repeat too much of what it says.

In terms of an evidence base about how useful DVPNs and DVPOs have been, I come back to the fact that they don’t seem to be being used at all. We have evidence from frontline services, and HMICFRS’s progress reports have been looking at whether they are being used. In 2017, the Metropolitan Police Service didn’t apply for a single DVPO, despite mass reporting around domestic abuse. The image that we get is really stark.

We have had reports from frontline services that, even after a MARAC, where a case is identified as high risk and a recommendation is made to the police to issue a DVPN, they are not being issued. It may be a matter of sanctions for police officers who do not respond when it is that clear-cut or of properly resourcing police departments. The DAPO and the DOPNs are brilliant substitutes for the DVPOs and allow the possibility of third parties to get involved and take the onus off the victim; our real concern is that if the police aren’t making use of them and are pushing them back to the victim or the victim’s family and saying, “You are going to have to apply for this. We haven’t got the resources to do it,” they are not going to be effective measures.

Q206 Chair: Louisa, why are they not using them?

Louisa Rolfe: There is variety, and there are a number of reasons nationally. I think some of it is around stretch. The police service has applied for them in court and presented the case since they came in on the back of the pilots we have heard about, so there has been increased use of them. There are some criteria that must be met before you can apply for one.

Most forces have invested in additional lawyers; at a time when we are losing officers, we have new lawyers who can present these applications for court. In some cases, officers have become disheartened, because they apply for and secure the order at court, the perpetrator breaches it and they put them back before the court, and I heard of one case where they had a £5 fine. You are talking about a serious breach, so I think some officers have lost confidence in the measure.

However, some forces use them effectively, and there is local variation. The HMICFRS inspection reports identify that and that often drives improvements on the back of recommendations. Since 2014, those reports have suggested improvements in the use of protective measures, safeguarding, investigation and the prosecution of cases, and they clearly call out in more recent reports the evidence of stretch, and the fact that more is coming into the service, which has a smaller resource to try to respond effectively to it. Something has to give.

Kate Ellis: Could I just come back on that very quickly? The HMIC progress reports, looking specifically at DVPOs, identified that more than half of police forces between 2015 and 2017 had reported a decrease in the number of DVPOs applied for. I absolutely accept that that may be because officers have lost confidence or feel unable to apply for them for a number of reasons, but that is a concerning trend.

Q207 Lord Farmer: A quick one on prevention. The Government strategy on prevention is, as you say, all about human relationships and is extremely complex. To deal with the perpetrators, Hull, for instance, had its “Strength to Change” programme, for which there were posters around the town talking to men about domestic violence. That actually pricked their conscience; you are starting to hold them to account. Do you think that the Government should pursue policies like that, which would help you right at the beginning of this?

Louisa Rolfe: Joint targeted area inspections that looked from the perspective of all agencies’ response to domestic abuse concluded that a public health approach to reducing domestic abuse was much needed, picking up issues around the education of young people and having more discussion of domestic abuse and intolerance—there needs to be an intolerance of abuse. I do not think it is as easy as a marketing campaign and posters and then everyone getting it, but I think there is an awful lot to be said for ensuring that we look at addressing all those things that almost allow it to happen. Campaigns such as the White Ribbon Campaign, which focused on men talking about abuse and ensuring that they are intolerant of it happening among their peers, are as important.

Chair: I am so sorry, but we are horrendously over-running. Thank you so much to our panellists for taking the time to be with us today. That is the end of this panel session. Apologies to colleagues for messing up your diaries.