

Joint Committee on the Draft Domestic Abuse Bill

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

Tuesday 14 May 2019

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

Questions 208-252

Witnesses

I: Marchu Girma, Deputy Director, Women for Refugee Women; Jane Gordon, Legal Director, Sisters for Change; Lucila Granada, Director, Latin American Women's Rights Service; and Zehrah Hasan, Policy and Campaigns Assistant, Liberty.

II: Kevin Hyland OBE, former Independent Anti-Slavery Commissioner; and Tina Reece, Head of Engagement, Welsh Women's Aid.

Written evidence from witnesses:

- [Joint written submission submitted by Amnesty International, End Violence Against Women, Imkaan, Latin American Women's Rights Service, Liberty, and Sisters for Change \(DAB0522\)](#)
- [Liberty \(DAB0216\)](#)

Examination of witnesses

Witnesses: **Marchu Girma**, Deputy Director, Women for Refugee Women; **Jane Gordon**, Legal Director, Sisters for Change; Lucila Granada, Director, Latin American Women's Rights Service; and Zehrah Hasan, Policy and Campaigns Assistant, Liberty, gave evidence.

Q208 **Chair:** Thank you very much for joining us today to those in the Public Gallery, and particularly those who have joined us to give evidence in this further evidence session for the Joint Committee on the Draft Domestic Abuse Bill. We are very grateful to you for having taken the time to come before us.

This is a short, sharp evidence session. We will try to complete it in about 45 minutes, so please bear that in mind. This is quite a large panel, so please don't feel obliged to answer every single question. We are going to do the usual thing: different Members have different questions to ask, and if we are running short of time, I might intervene and try to move us along a bit. Helen Whately is going to start the questioning, but before that can we just get people to say their names and the organisations they come from?

Marchu Girma: My name is Marchu Girma. I am from Women for Refugee Women.

Jane Gordon: I am Jane Gordon, legal director of Sisters for Change.

Lucila Granada: I am Lucila Granada from the Latin American Women's Rights Service.

Zehrah Hasan: Zehrah Hasan from Liberty.

Chair: Thank you very much. Helen, over to you.

Q209 **Helen Whately:** Do you think the definition of domestic abuse in the draft Bill adequately covers the particular kinds of abuse that women of uncertain immigration status may be subject to? I don't mind where we start.

Zehrah Hasan: I can begin with that. Liberty welcomes the creation for the first time of a legislative definition of domestic abuse through this Bill. However, we believe that it must be consistent with current legal guidance and the realities of lived experience for all survivors of domestic abuse. We believe that this Bill must contain a comprehensive definition of domestic abuse; otherwise, it risks being discriminatory and leaving behind some of the most marginalised and isolated survivors of abuse in our society.

To ensure the definition is comprehensive, particularly in relation to women with insecure immigration status, we have two main recommendations. The first is to ensure that the legislative definition of domestic abuse accords with the model standards set out in family law practice direction 12J, which expressly refers to forms of abuse with cultural specificity, which are disproportionately experienced by BME women and migrant women. That includes, but is not limited to, forced marriage, so-called honour-based crimes, dowry abuse, transnational marriage abandonment and FGM. For the avoidance of doubt, and to ensure that

those culturally specific forms of abuse are recognised by statutory agencies that support survivors, we believe that the new definition of domestic abuse must mirror practice direction 12J in the Bill.

The second recommendation concerns the fact that many perpetrators of abuse often use the immigration status of migrant women as a form of coercive control, by using the threat of deportation to prevent survivors from reporting violence and in many cases by confiscating survivors' vital paperwork and immigration documentation. Inevitably, that leaves migrant survivors of domestic abuse in an impossible situation where they are forced to choose between the risk of destitution, detention or deportation, or staying in a situation of violence.

Liberty believes that such egregious threats are grounded in the reality of the hostile environment agenda, which results in state actors perpetuating those cycles of abuse by prioritising immigration enforcement over the need to protect and provide safety to survivors. Liberty believes that is in breach of the UK's human rights obligations, and of the Istanbul convention that the Bill is supposed to ratify. We believe that that issue should be remedied in three ways.

Q210 Chair: We heard this in your evidence, so could you perhaps be a bit more concise? We do not have enough time for you to read a speech.

Zehrah Hasan: Sure—I just want to outline three key recommendations. First, we want this particular type of abuse to be recognised in the Bill. The Government recognised it in their 2015 statutory guidance on coercive control, and that language should be mirrored in the Bill. We must go further than just amending the definition, and we must also end the hostile environment so that this form of abuse cannot take place any more. Those are our recommendations in that regard.

Jane Gordon: We concur, and we will try to address all the Committee's questions by ensuring that different people answer different questions.

Q211 Helen Whately: That is great—very helpful. On compliance with the Istanbul convention, do you believe that that will require a gendered definition of domestic abuse? More generally, what further things do you believe must be in the Bill to be confident that we are in compliance with that convention?

Jane Gordon: Thank you for that question. The Istanbul convention is clear that states must recognise the gendered nature of domestic abuse. Sisters for Change has a specific briefing note on compliance with the Istanbul convention, and I have brought packs for everybody to look at—there is obviously a lot more that we can say about compliance.

The convention specifically requires states to pay particular attention to women victims of gender-based violence in implementing the convention. It also goes beyond that and specifically requires state parties to ensure that any prevention, protection and support measures they pursue are based on a gendered understanding of violence against women and domestic violence, and focus on the human rights and safety of the victim.

The convention recognises that state parties may wish to take special measures to prevent and protect women from gender-based and domestic violence, and it explicitly states that such measures will not constitute discrimination. It recognises that this form of violence—domestic abuse—disproportionally impacts women, and states specifically that if special

measures are taken to recognise that form of abuse, that will not constitute discrimination. That is in the Istanbul convention, and it is in compliance with the case law of the European Court of Human Rights.

The convention is clear in requiring recognition of the gendered nature of domestic abuse, and if the Government adopt a gender-neutral definition in the Bill, they must recognise the disproportionate impact of domestic abuse on women and girls. Part of the reason for that specific focus is to ensure that the services and responses of public authorities to domestic abuse meet the need of the primary victims of domestic abuse.

Marchu Girma: I would add that not only do we need a gendered definition of domestic abuse, but we need a definition that covers all women, regardless of their immigration status. All women should be protected against violence. The Istanbul convention does not specify only women who have citizenship.

Q212 Chair: May I just ask a supplementary question? We have heard clearly from magistrates and directly from lawyers that having a gender-neutral definition is much more helpful to them, and achieving the objective of recognising the disproportionate impact on women does not need to be done through the definition; it could be done in another way—through guidance or supplementary notes. The legislation would still recognise the disproportionate impact on women but would not put an obstacle in the way of those trying to use the new law to enforce the law in the courts. How would you respond to that?

Jane Gordon: If you are going to adopt a gender-neutral definition, you have to tag on the acknowledgment on the face of the Bill of the disproportionate impact on women and girls.

Q213 Chair: You say “on the face of the Bill”—what do you mean by that?

Jane Gordon: Either as a sub-clause of the definition or within the definition. I say that because there is a very real risk in the United Kingdom that the complete insistence on gender neutrality masks how services are designed to respond effectively to victims and to the harms we are dealing with.

Q214 Chair: With respect, those are different things—the design of services and the definition in the Bill. You can still have a gender-neutral definition in the Bill and elsewhere talk about the disproportionate impact on women, to ensure that the design of services is correct.

Jane Gordon: Let’s take it as a response of public authorities. The reason for having the definition is for public authorities to be clear not only on the definition but what their duties are from that. Therefore, if there is not that focus on disproportionate impact and the gendered understanding of this form of violence, our responses across public authorities will not be adequate. That is why we think it is so crucial.

Q215 Lord Farmer: I see a tension between ratification under the Istanbul convention and the Government’s immigration policy. Ratification could be used as a Trojan horse, bringing terrorists in for instance, or as a means of watering the policy down. How do you ensure that ratification of the convention does not undermine the immigration policy we are talking about?

Jane Gordon: In terms of international legal obligations, the UK has already ratified the convention on the elimination of discrimination against women—CEDAW. CEDAW

requires state authorities to make sure they respond to violence against women without discrimination on any grounds.

We already have international legal obligations that say we should not discriminate against migrant women or those with insecure immigration status when responding to the types of violence we are talking about. The CEDAW committee raised serious concerns in the UK's last review in February—I attended Geneva—about whether the UK was compliant. I do not think it is a concern about terrorists, but about making sure we already meet our pre-existing requirements. Istanbul will reflect those.

Q216 Lord Farmer: We are talking about illegal immigrants; it is with the illegal bit where we would have a tension.

Jane Gordon: Under the Human Rights Act, if there is a risk of very serious violence or harm to anyone in the UK that the public authorities are aware of, they already have a duty to protect. Those duties are not well understood, which is why we are in this situation, but I do not think this is about concerns about watering down; it is about making sure that where people are at risk of very serious harm or death, proper action is taken in public authorities' responses.

Q217 Lord Farmer: I was concerned that it could be used for nefarious purposes.

Jane Gordon: I acknowledge that the immigration rules currently have a hierarchy of victimhood in terms of who they protect. If we comply properly with our international legal obligations or if we ratify Istanbul, there may be a question mark on how those work. We are framing around those who suffer abuse—those who have a requirement of protection and support to be able to escape abuse and to recover from abuse.

Q218 Helen Whately: To flip back to the Istanbul convention question, my understanding from your answer is that in order to be compliant, the Bill must recognise that women are the predominant victims of domestic abuse. That must be recognised in the Bill.

You also have a concern because of the need for services to be commissioned in a way that recognises the gendered nature of the crime, although there is some flexibility. As long as it is obvious in the Bill, it does not necessarily have to be absolutely in the definition; it needs to be clear in the Bill, and that would be compliant. Did I understand right?

Jane Gordon: We would say that it should be in the definition as recognition of the harm and disproportionate impact and that there is also a gendered response, so that it informs all responses to the particular abuse being defined.

As I say, it could sit in a sub-clause. If you look at the Istanbul convention, there are four sub-clauses and definitions, so it could work out that way. But I think there is a way to do it within that which links to the definition and recognises the particular people we are talking about, who are victims.

Chair: Diana, do you want to come in at this point?

Q219 Diana Johnson: On the Istanbul convention, I want to ask about the jurisdictional point around the fact that it is only covering women in England and Wales. Will the panel let

the Committee know their thoughts on women with uncertain immigration status, perhaps in Northern Ireland?

Zehrah Hasan: Absolutely, the concern at the moment is that there are many key requirements in the Istanbul convention which will not be fully complied with by the Bill. Although we have not yet ratified the convention, we are a signatory to it. The Government stated in 2017 that they would only take steps towards ratification when they were satisfied that the UK complies with all articles of the convention. Obviously, we have had repeated commitments by the Government that the Bill will ratify the convention.

We are particularly concerned about article 4(3) of the convention, which prevents discrimination on the host of a number of protected characteristics. That is not complied with by the Bill as it stands, because of the exclusion of migrant women and women in Northern Ireland. The particular grounds that I am referring to are protection on the basis of migrant or refugee status or national or social origins, so those are the two that are relevant. We would say that, absolutely, for the Bill to comply with the Istanbul convention, that article must be at the heart of the Bill.

Q220 Helen Whately: What would you need to give you confidence in that? What are you looking for? For instance, are you looking for a non-discrimination clause, or something different? It would be helpful to know what would address that concern.

Zehrah Hasan: Perhaps, Jane, you want to speak to the non-discrimination clauses.

Jane Gordon: The Equality Act, as we know, only protects nine particular characteristics; immigration status is not one of them. The Human Rights Act non-discrimination provision is not free standing, so it is dependent on engaging another article of the European convention. Article 43 of the Istanbul convention goes beyond the Equality Act and the Human Rights Act in requiring that state parties implement the convention without discrimination on any ground. That includes race, religion, national or social origin, marital status, and migrant or refugee status.

I should say, again, that the CEDAW convention has the same provisions around non-discrimination and we are already supposed to comply with that. This is not something different. It recognises the particular harms and the increased risks that particular groups of women face, particularly migrant women, refugee women and those with insecure status. There is a requirement to make sure that we recognise the specific needs of specific victims groups, which is why the Istanbul convention and the CEDAW convention talk specifically about intersectional discrimination and thinking about the different ways different victims experience harm.

Lucila Granada: Could I add something from the perspective of a specialist organisation supporting migrant women directly? I want to emphasise that when we talk about insecure immigration status, we are not only talking about undocumented women—many of whom, by the way, may have been forced to become undocumented by the perpetrator as a way of control. They are forced to commit an administrative offence and are not necessarily always migrating illegally.

We are also talking about anyone at risk of becoming undocumented. This is affecting a lot of women with regular status, including EEA family members, asylum seekers, refugees, women on spousal visas and women with applications in process.

Helen Whately: We heard from women about spousal visas yesterday in a very helpful informal session.

Q221 Diana Johnson: I would like to ask some questions about the “no recourse to public funds” issue. First, how would you extend and widen eligibility for the domestic violence rule and destitute domestic violence concession? What do you think the impact would be if one of your answers—I am assuming it will be—is to extend the length of time?

Lucila Granada: First of all, we need to remember that we are talking about emergency protection and that the public authorities already have a responsibility duty under section 17: a duty to protect women with children, whose lives are at risk. Of course, single women are still excluded from this protection.

What we would like to see is a system that penalises perpetrators and not victims. However, if victims must leave their homes to find safety, they should not be refused access to safe accommodation, regardless of their immigration status. We are calling for an exemption for survivors of domestic abuse with no recourse to public funds, to enable women to access housing benefits and safe pathways to access refuge accommodation.

Zehrah Hasan: On your question about the domestic violence rule and the destitute domestic violence concession, we believe that all migrant survivors should be eligible to apply for indefinite leave to remain under the rule and for access to associated financial support under the concession.

At the moment, under the domestic violence rule, only survivors who arrived in the UK on a spousal visa are eligible to apply for indefinite leave to remain. It is key to remember that they are not the only survivors who will be dependent on their partner—on the perpetrator—for the right to remain in the UK. Not least because the perpetrator may control her immigration documents or use the threat of deportation to prevent her from reporting crimes.

As Lucila outlined, all survivors, including those on work visas, visitor visas and so on, should be eligible to apply for an independent residency right to remain in the UK in order to establish an independent life away from violence. With the concession, similarly, it is only available to survivors who arrived in the UK on spousal visas. It goes without saying that access to state support for any survivor who has fled her home is absolutely essential in order to obtain independent residency and independence away from violence.

We are specifically also asking that, as the concession at the moment is only available for three months, we believe that this must be extended to at least six months. At present, the three-month time period bars survivors from accessing accommodation in many cases, because even though they should, in theory, have access to housing support to enable them to gain access to a refuge space, many refuges and landlords may refuse accommodation because the three-month time period leaves uncertainty as to what will happen if leave is not obtained within those three months. So even survivors who have access to the concession at the moment face the risk of homelessness.

If the purpose of the concession is to provide survivors with security, we must ensure they have enough time to gain support from specialist services, to access counselling and even to accumulate the necessary evidence to submit domestic violence rule applications. Frontline services have emphasised this.

I appreciate that in the Government's consultation response they did consider extending the time limit beyond three months. The reason given for why this was not done through the Bill is that it only takes three months to make a domestic violence rule decision in the immigration process. However, that fails to take into account the reason we are calling for the extension, which is to provide survivors with enough time to access safety, security and support. It is not about how long it takes for a decision to be made; it is about how long it takes for a survivor to access independence and safety away from violence.

Marchu Girma: I would add one thing to that, which is that we know that three women a week die because of domestic abuse in this country. We are talking about women's lives here. Not having such crucial services for women with insecure immigration status can result in loss of life. The question is: are we condemning those women with insecure status to lose their lives because they do not have the right papers? The provision of refuge should be driven by the need, not immigration status. It should be status-blind.

Q222 Diana Johnson: May I ask about the idea of widening it out from the spousal category? Has anybody got any idea about what percentage that would mean in terms of domestic abuse? Are we saying that spousal is 20% or 50% of domestic abuse? Do we have those figures?

Lucila Granada: We just finished a report, which we are launching later this month, drawing on the experiences of 61 migrant women with a range of different insecure immigration statuses, including undocumented women and women with other kinds of visas. I am not sure I can give a comparative, but I can give you some of the headlines of the findings of the report. It is from the experiences of 61 women, but also 11 BME women's organisations that are part of the Step up Migrant Women coalition.

What we found was that most of the women experienced multiple forms of abuse at home, including psychological, physical, financial and sexual violence. Yes, there is a link between the vulnerability of the women and the fact that they have insecure immigration status, and that hierarchy of rights. There seems to be a correlation with the level and range of violence that they experience. In fact, the 14 undocumented women we interviewed were the ones who showed the most diverse range of different types of abuse and level of risk. We also found that, among migrant women with insecure immigration status, most of them had experienced prolonged suffering. More than a third had experienced abuse for between one and five years. That was almost 40%.

In terms of factors, colleagues have already spoken about the factors preventing migrant women from reporting and starting the process of seeking help. Almost a quarter mentioned fear of deportation was the main reason for women not to report. More than half felt that the police would not believe them and that the police or the Home Office would support the perpetrator over them. That is justifiable, because if you look at the freedom of information requests that were conducted last year by an independent journalist, 60% of police forces have a policy of sharing information about victims with the Home Office for immigration purposes. Also, in the Government's response to the consultation on the draft Bill, you can read that "the victim of domestic abuse may be best served by returning to their country of origin", echoing the words that the perpetrators are telling these women all the time.

In terms of experiences of abuse and domestic abuse in general, we also looked at the experiences of reporting. Bear in mind that most of the women who were involved in the

study were supported by frontline services to do that reporting. In spite of that, a quarter had negative experiences when reporting to the police, including 46% being denied support, 36% not being believed, and women not being allowed an interpreter or being discriminated against in terms of race. We also had more than a quarter who were questioned about their immigration status by the police, and four of the women were detained themselves. I hope that illustrates the kind of experiences that migrant women have.

Chair: Diana, was your question a bit more about the proportion of women?

Q223 Diana Johnson: It was, yes. I was trying to understand what would happen if we widened this concession. Are we saying that, at the moment, the concession only deals with spousal visas, and that widening that would mean there would be a threefold or fourfold increase in the number of people who would be affected? I was trying to understand that.

Jane Gordon: The difficulty with trying to give you a statistic is that, at the moment, the only people who are eligible to engage in this are women who have status with spousal visas. Therefore, to ask us to give you a statistic for those who do not come forward because they know they have no entitlement—that is very difficult.

Certainly, we know from the work that we have been doing in the last four years with the frontline by-and-for services that they are trying to provide support to those who fall outside the system. That is an increasing demand, but it is quite difficult to give you a statistic on non-entitlement. That creates a problem for us.

Zehrah Hasan: Definitely. I think what Lucila's research emphasises is the need that is there to regularise survivors' immigration status.

Marchu Girma: We can build on the picture of the extent of domestic abuse experienced by women with insecure immigration status. I can say a bit more about what I see at work. We run a drop-in on Mondays that more than 100 women come to. They are at all different stages of the immigration process, from those seeking asylum to those who have been refused and are in the process of gathering new evidence—what you would call women with insecure status.

To give some context, many of the women I work with came to the UK to seek safety and sanctuary and have fled gender-based violence in their home countries and on their routes here. Many of these women are disbelieved by the Home Office and are therefore refused, which takes them down a rabbit hole of appeals, destitution and detention. Being refused makes women more vulnerable to abuse.

Q224 Chair: I think we understand that. I think what Diana is trying to get to is quantifying the numbers involved. If you are asking the Government to broaden the definition, they will ask what that means. We cannot provide the funding and the services without knowing the quantity of what we are committing to. Has nobody done the work on that? I would be surprised if there was no information on that.

Jane Gordon: There are many reports on the decimation of the specialist services and on what types of work and support the specialist services provide. There is also emerging evidence that local authorities are now having to extend the statistics around BME and migrant women who are destitute and homeless, and who are therefore receiving some kind of local authority response. That is becoming much clearer. For instance, we have been doing

work in Manchester, and there is a direct correlation. There is already a cost negative here, so to extend something that will make sure that those most vulnerable will be protected—

Q225 Chair: I was not questioning whether you should fund it. I was questioning the size of the issue. We do not need to talk about the—

Marchu Girma: We may not have numbers. However, we have recently been doing scoping work on how destitution affects women, with focus groups in London, Manchester, Coventry and Birmingham. Nearly all the women we speak to say they remain in abusive relationships because they are afraid of being on the streets or having nowhere to go. We know that the problem is there.

Chair: But we don't quite know the magnitude.

Q226 Baroness Burt of Solihull: I would like to ask about specialist services and refuge provision. I have to declare an interest as a patron of a refuge in Birmingham. It has been suggested that there is a crisis of funding for refuges and domestic abuse services, particularly specialist services for BAME women and migrant women. Part of my question is on the extent of the problem—we might have a bit of a challenge with that—and perhaps also your solutions to address it.

Jane Gordon: Thank you very much for the question. First of all, the crisis in refuge provision has been recognised in the Government, and emergency responses have been taken. As to what that should look like in terms of long-term sustainability, that is for further discussion.

In terms of specialist services run by and for BME women, we actually do know the extent of the problem; there is a considerable amount of evidence. I refer you to a November 2017 Sisters for Change report—I will leave some copies of that as well—which specifically focused on working with frontline by-and-for services across England, from Northumbria to Coventry, Leicester, Sheffield and Rotherham, and in London, looking at the commissioning and funding of specialist services and the particular support that they were providing.

To put it in context, obviously localism and devolution have restructured responsibilities for commissioning services. As we all know, there have been massive local authority budget cuts, which has led to a drive towards generic lower-cost service provision for domestic abuse and violence against women services generally. Those are often delivered through larger consortia or housing organisations that do not have any specialist knowledge. Both of those core impacts have resulted in discrimination against smaller, specialist BME-violence-against service providers. The statistics, certainly in our report and in Imkaan's report of December 2018, mirror that. While in 2014 perhaps around 30% of local authority funding went to BME specialist buy-in for organisations, by 2016 that was close to zero per cent. At the moment, the Big Lottery Fund is effectively providing the support for the BME specialist sector. That is not sustainable, because it is in a three-year funding cycle.

In contrast to that, you have very clear evidence that 60%-plus of referrals to BME specialist organisations are still by local public authorities—by health services, police services, and children and young people's services. You have a scenario in which they say, "We're not going to fund you, but we are going to refer 60% of cases to you."

Add to that the fact that all no recourse to public funds cases—the most complex cases, which require benefit and welfare expertise, housing expertise, immigration expertise and support to pursue civil protection orders and criminal cases—are now dealt with almost exclusively by the specialist sector, because local authorities are not taking responsibility for them. That might now be 50% of the core work of the BME specialist sector.

The extent of the problem is really clear. To address that, one of the recommendations we make in our report is that there should be ring-fenced funding for specialist services. That would reflect the needs of the communities they are working in and have been working in for decades.

Q227 Chair: How much money does the lottery give to specialist services?

Jane Gordon: We know there are 50-plus organisations across the United Kingdom. I can give you examples of ones we have been working with. I could not give you a total figure, but I am sure we could find that for you. We would be very happy to submit that.

Q228 Chair: In the absence of anything else, that would be quite useful.

Jane Gordon: What we would say is that the £300,000 that is being provided through the Bill, which it is suggested will somehow strengthen the sector, is completely and woefully inadequate.

Lucila Granada: Could I illustrate what this crisis means for us as a “led by and for” organisation? First, we should note that this is happening while there are cuts to other services and restrictions on women’s access to legal aid. Women with increasingly complex cases and multiple needs are increasingly coming to us for support while we have this crisis. We mentioned the context of the hostile environment increasing the vulnerability of migrant women. That is the operating environment for migrant support services.

In terms of commissioning, we see the prioritisation of larger contracts, which organisations such as LAWRS are not able to access independently. When we do, in joint bids and partnerships, we have very little say in the design of those commissioned services when they do not come predesigned. I want to give you a few examples of the particular challenges.

Q229 Baroness Burt of Solihull: Quickly, if you would, because I want to go on to talk about funding models. We know what the problems are, but we want to know your idea of where the money is coming from.

Lucila Granada: One of the big issues—I will summarise really quickly—is that existing commissioning models do not allow organisations to cover the specific needs of migrant women. We are talking about language barriers. We over-rely on volunteers. We are talking about the fact that women migrate on their own, and when they are being abused, they are in isolation. Commissioning does not really fund specific areas of the work that we need to support ourselves, and that puts us under huge pressure. Ring-fencing funding for specialist BME organisations is key.

Jane Gordon: To back that up, if we look at the experiences and needs of BME and migrant women victims, for all the reasons we have set out, including language barriers and the need to assist somebody to set up an independent life, when they have not been able to do that because of the circumstances they have been in, the emergency response of eight to 12 weeks of funding and then off you go does not reflect their needs. Again, that has been carefully

documented in many reports, and it goes to the fact that local authorities have legal duties to conduct proper needs assessments to make sure that their services are appropriate for all victims of domestic abuse.

Q230 Baroness Burt of Solihull: If they haven't got the money, what can they do? Sorry to cut across you. You talk about ring-fencing, but what about something that is completely separate—a fund that local authorities could access separately? You have the postcode lottery problem in the inequality of funding that is given to local authorities, and you have talked about the stress that is on them, which we all know about. Is there a funding model that would actually address the postcode lottery and the lack of funding overall?

Jane Gordon: There are two things. There is a tension, in that, obviously, we want all local authorities to prioritise and to take this particularly seriously to make sure that all the victims of domestic abuse actually receive the support they need.

What we know is that if there is a separate fund, and if it is a national fund, which has happened in the past, the difficulty at the moment, and the transformation funds have borne it out, is that those who have very active local commissioners—I cite Vera Baird as the Northumbria police and crime commissioner—will access and be very successful in securing that, but those who are more lethargic, who are not particularly as focused or aware of their particular duties, may not do that.

Again, the danger is that that makes more invisible the smaller specialist organisations. We would have to think that through. The ring-fenced approach says that all local authorities should conduct needs assessments and should make sure that they have particular specialist provision within their areas.

Q231 Baroness Burt of Solihull: Maybe you need a kind of Ofsted for local authority performance then, where they are measured by how effectively they are helping in these specific areas.

Jane Gordon: Well, there are a raft of legal duties that local authorities have at the moment, and perhaps they need to be tested more. Hopefully one of the responsibilities that the Commissioner would have would be to look at what is good practice and what is failing practice.

Chair: You have given me a very good lead into our next set of questions.

Q232 Baroness Armstrong of Hill Top: We want to move on to the proposal about the Commissioner. We want to know what you think about the expressed role and duties of the Commissioner. Do you think they are adequate? What do you think the impact will be and where would you like it to be?

Jane Gordon: Again, I am leading on this question, because Sisters for Change has produced a briefing note on the Commissioner—I refer you to that. We are delighted that you will be hearing from Kevin Hyland, the former Modern Slavery Commissioner. First, I think the whole sector has made it clear that we are very disappointed that the Commissioner is not the Violence Against Women and Domestic Abuse Commissioner. We would support the recommendation of the Home Affairs Committee in relation to that.

The Government, in its response to the Home Affairs Committee, has said that “a key function for the new Commissioner must be to establish a robust accountability mechanism”. At the moment, the way the powers are drafted, that is virtually impossible. Definitely, the powers for the Commissioner have to be strengthened. We think, given the fact that the Commissioner will be looking at public authority responses to specific harms—so, to the protection of human rights to prevent discrimination—that looking at the powers and functions of the Equality and Human Rights Commission is quite a useful place to start, given the similar mandate.

Real thought should be given to enforcement powers for the Commissioner, to make sure that where we do identify systemic failings around public authority responses, which may be criminal justice responses, housing authority responses, or education or health responses, that not just the Commissioner “may” decide to make recommendations and public authorities may or may not respond to them, but there is actually an ability, where there are really concerns about failures, to investigate and be able to ensure some level of compliance. That is the only way that we are going to establish the robust accountability mechanism that the Government says it is committed to.

Marchu Girma: To add to that, holding authorities accountable should include holding the Home Office accountable. We have been working with women in detention for many years, and recently in particular with Chinese women. We have a case study of one Chinese woman who was picked up by a police raid on a brothel and just chucked in detention. That particular woman was a trafficked victim who continued to be abused in this country. That shows a complete failure by the authorities that are supposed to protect women. That shows a complete failure by the authorities that are supposed to protect women. We feel that protection should come first, before status, and there should be some way for the Commissioner to listen to the voices of those women with insecure immigration status. There should be some form of, “How do we listen to those women who are survivors?”

Q233 Chair: Just on that case study, is it not a prima facie example of modern-day slavery? Why did that legislation not protect that particular individual and put them into the national referral mechanism? That is a slightly different issue, is it not?

Marchu Girma: It kind of links to the Istanbul convention and the violence against women that is covered by that convention.

Jane Gordon: People often do not disclose their trafficked status until they are already being dealt with in a particular manner—that may come to light later. Also, because of concerns around the particular system on trafficking, many choose not to engage with that system given that it has a very limited form of support. That is why a number of women choose not to go down that route.

Many victims who we might define as trafficked would not define themselves in that way. I am thinking of a British Indian national, a man, who goes to India and makes promises that his wife can go to college and have a job and will live in a house on her own, and they will live happily ever after. She then comes and ends up working 12 hours a day in a family shop and then cooks and cleans for the entire family, and is not allowed out or allowed to go anywhere.

That is absolutely a form of trafficking under the definition, but would that be recognised? Police officers do not think their response officers would recognise that, and certainly I do

not think the victims would put themselves in that category, so there is perhaps a complexity there.

Zehrah Hasan: I would just like to add that the protections and the accountability mechanism of the Commissioner and ensuring that there is adequate access to refuges are crucial, but we must ensure that that does not leave society's most marginalised and isolated survivors of abuse behind. Migrant survivors with no recourse to public funds may not have access to those vital services. As it stands, migrant survivors with no recourse, without access to vital housing support, cannot even gain access to refuge accommodation. The vast majority of women with no recourse to public funds will be routinely turned away from refuge accommodation.

That is why the exemption to the no recourse to public funds rule for survivors is so important. In fact, 10 years ago 107 cross-party MPs signed an early-day motion—Baroness Burt was a proponent of it at the time—supporting an exemption to the no recourse for public funds rule for survivors of domestic abuse, citing the Government's human rights obligations to ensure that survivors do not end up in situations of destitution. We think that now is the time, 10 years on, to put these recommendations into practice and to legislate for that exemption through this Bill.

Chair: That is the end of the first panel; thank you very much for your time. We really appreciate it. If you could exit stage left and our second panel can seamlessly come in, we can swiftly move on. Thank you very much.

Examination of witnesses

Witnesses: **Kevin Hyland OBE**, former Independent Anti-Slavery Commissioner; and **Tina Reece**, Head of Engagement, Welsh Women's Aid, gave evidence.

Q234 **Chair:** Good morning, and thank you very much for joining us for the second panel today. We are very grateful for the time you have taken to be here and I am sure it will be a really useful session. As usual, we have a whole list of questions to ask you, and we will take it in turn to do that, but perhaps before we start with the first questions you could say who you are and what organisation you represent.

Kevin Hyland: I am the former UK independent anti-slavery commissioner.

Tina Reece: I am head of engagement at Welsh Women's Aid.

Q235 **Lord Ponsonby of Shulbrede:** I am going to ask the first couple of questions about the independence of the domestic abuse Commissioner. First, it is proposed that the new Commissioner should report to the Home Office. How might this affect the independence of the Commissioner's office? The second question is: what changes to the proposed role,

powers and reporting arrangements of the Commissioner would help to strengthen the independence of the office? Perhaps Kevin could go first.

Kevin Hyland: Starting very clearly with the issue of reporting to the Home Office, if I was to sum that up in a few words, I would say that I think it is a terrible idea. What you have is an office holder whose role is to step outside and look at this independently, engage with whoever needs to be engaged with in order to protect victims and pursue those who commit these crimes, and create policies and strategies that are not influenced by the current Government or officials, who may have competing demands on their time or their policies.

As many of you—certainly the Chair—will know, I raised a number of issues about the role of independence as the anti-slavery commissioner. The way the legislation is drafted almost puts the issues that I challenged into legislation. For example, item 4 in part 2 says “may make payments” as the Secretary of State considers appropriate. In that section, “may” is mentioned twice. That means that it is at the discretion of the Secretary of State. Therefore, there is a lot of influence around the payment.

When I was commissioner, the legislation that was argued for in Parliament by the parliamentarians and legislators specifically asked that my budget be set by a certain date, which was obviously 31 March. That never happened, despite me arguing for it and discussing it. Of course, that means that you are not in control of your budget, and the person who has the control is the person who is ultimately stepping in and taking the reporting role on you. As I put it to the Prime Minister when I was leaving, you have the worst pupil in the class, based on their performance on modern slavery—the Home Office—judging the headteacher. That wasn’t working. The way it is written, particularly on payments, clearly says that.

The next bit is about staff. It was argued under the Modern Slavery Act—it is specifically in the legislation—that the commissioner can appoint their own staff. That is something that I had a battle with from day one. Just going back to the funding, when the legislation was drafted, it was said that I would be given £500,000. In the first conversation I had with the Home Office, I was told that I would be given £400,000. I had to dig out what was said in Parliament and go through all these arguments in the first week of being commissioner.

Then it came to staff. Of course, Parliament said that I should be allowed to appoint my own staff, because you do not want it to be done purely by civil servants, those who are working for the Government or whoever it may be. You need to allow the Commissioner to pick and choose staff from a wide background. I needed staff from law enforcement, staff from NGOs, staff who had immigration experience, and obviously people who could do public relations and communications.

The legislation allowed me to select staff, but the process was unbelievable. Sometimes I would select staff, and seven months later they had not arrived, or when they did arrive they sometimes waited two or three months for pay. In my 30 years in the police, I never, ever saw that happen once.

It says that the staff will be appointed by the Secretary of State as the Secretary of State considers necessary. They will be identified, and then there is a consultation. It is actually the Secretary of State and the Home Office who decide what staff the Commissioner for this role will have, and then there is a negotiating process. However, ultimately, because of the funding control and the selection process—as I said, it says “may” twice, and then it says “as

the Secretary of State sees fit”—when you read it, this is not an independent role, but a role that consults on every stage of the decision making with the Secretary of State.

It says that the Commissioner can give advice on assistance and then charge for it. I cannot think of a public body that gives advice and assistance in this sort of area and would then charge for it. As anti-slavery commissioner, I cannot think of an occasion when I would be comfortable saying, “Come and buy my wares”. You create a competing argument, because if you cannot get your staff or you are limited on your staff, but you can get funding over there, will you go down that route? Then it starts to sway the independence of the Commissioner and the opportunities that the Commissioner can take.

The next thing I see is an advisory board. I created an advisory board as commissioner. The Home Secretary at the time I was appointed was very much in support of that. I am not sure it had that support later on. But that advisory board, from the beginning, although it had no statutory footing and two of them were Members of the House of Lords, were having meetings with members of the Home Office and asking, “Where is the commissioner’s funding? Why is taking so long for staff to be appointed? Where is the budget? Can you set a budget?”

Chair: We will come on to some of these very specific issues in a moment.

Kevin Hyland: The other thing I would raise is the advisory board. When I look at the legislation, it does not have any statutory footing or any role. It is just mentioned as something to help the Commissioner, but I think it should be more statutory.

Tina Reece: Could I just give a brief example of learning from Wales? We have the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. I was part of a sector group campaigning for a commissioner-style role to come in through that piece of legislation. For various reasons we did not win that argument and we were given an adviser post. I think you have spoken to Nazir Afzal, who is one of our current advisers.

There are some issues with that role—some of the things have been mentioned here as well—around the independence of the role. There was post-legislative scrutiny of the Act last year. The former adviser—the first adviser—Rhian Bowen-Davies, gave evidence to that committee, in which she pointed out a number of concerns that she had around the independence of the role, mostly linked to the fact that there was not a specific budget. She did not have enough resources. She was physically located within the Welsh Government office with the civil servants and she had a Welsh Government email address. She was quite critical of that. I think she found that that had consequences for how independent she could be. That is not something that has been completely addressed either. That is partly because the resource was not put behind that role. I think that may be relevant.

Q236 Diana Johnson: You have set out very clearly the problems with the way that your role was set up. Is there an example that you can see of a Commissioner where it does work, and there is accountability and independence? I am particularly thinking about the Children’s Commissioner. I don’t know if you think that that is a good model to follow.

Kevin Hyland: I used to meet regularly with the Children’s Commissioner, but there were the same challenges. Setting up a website took 12 applications, as it did for me. Regarding independence, whereas the Children’s Commissioner sits in a Government building, at least I was sharing the offices of HMIC, so it was somewhat detached. We need things that are independent. Of course there needs to be accountability and it needs to report somewhere.

But being under one Government Department, particularly controlling budgets and all the rest of it, takes away that independence.

When you look at chief constables, they really protect their independence, yet they are more accountable than perhaps any other role or position. With all the different checks and balances, we don't worry that they will run off and do something that is out of control. We do have structures, such as the police and the fire service, which are independent bodies that report but run the organisation that they are there to represent.

Q237 Liz Saville Roberts: Having given us some very specific warnings from your experience, what should we be saying—in the sense of our role here—about the Commissioner's role in relation to this legislation?

Kevin Hyland: Firstly, if you go back to what the legislator said when the Minister spoke about this Act, she said this was a role that should act without fear or favour. She would expect it to criticise the Government. However, I was responsible for the whole of the United Kingdom. In Northern Ireland, the legislation required the Department of Justice to report to me.

In Scotland, they put it in their strategy that they would hold themselves accountable. But in England and Wales, there is no accountability of the Home Office or the Government to the commissioner role, and that would just flip it. What needs to happen is that reappointment process. Initially, my annual assessment was carried out by the Home Secretary, who was Mrs May. That changed without any explanation. The reappointment process involved things such as criticising the fact that a particular Committee had asked me to give evidence: "Why did you engage with questions there?" It was actually at odds with an independent role, what the legislation said and what the legislators and Government said.

It is about setting out that and then creating somewhere where this role reports—perhaps the Public Accounts Committee. By reporting to a Committee, it can actually express those issues openly to something that is not a Government Department.

Q238 Liz Saville Roberts: Shall I go on to my specific Welsh Woman's Aid question, or would you prefer it at the end?

Chair: Yes, go on.

Q239 Liz Saville Roberts: What was really interesting there, Kevin, is that you expressed that there are differences between the nations of the United Kingdom. There is a different approach in Scotland and Northern Ireland from that which is happening in England and Wales. That shifts me now to Tina, because I would very much like to refer to the evidence that Welsh Women's Aid presented with a number of other organisations. I am afraid that we won't all have it with us, unless people brought their previous papers. You mentioned the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, and I understand that you and Welsh Women's Aid were very involved in initiating that and in the progress of the Act. However, there are a number of issues with reserved and devolved matters in Wales that need to be fully considered in the Bill to ensure equivalency of services and that there is no conflict with existing Welsh Government legislation. You raised the particular issue of priority need in your paper, and I think elsewhere you have raised a gendered definition in Wales. Again, there is a sense that different things are happening in the different nations of the United Kingdom. How can you explain this in relation to Wales?

Tina Reece: The legislation in Wales came about by taking advantage of the powers that the National Assembly has. It was focused on local authorities and social, public responses. The legislation is formed around that; it does not have a criminal justice element to it. There are a lot of really important and exciting things that have happened because of that. I think the most important—it is something that is not actually part of this legislation—is the focus on prevention and the duty on prevention on the “authorities under the Act”, including local authorities, fire and rescue, health boards and health trusts, primarily. That is the thing we have found the most useful in this legislation: to have that duty on prevention as part of your strategies and part of your thinking—everything that you do in organisations—has been a real driver for change.

The considerations around the differences between how these pieces of legislation are going to interact will be a complicated picture. What we do not want to end up with is a two-tier system in which there are massive changes or complications where things get lost between the two nations. There are things in this Bill that will raise issues in Wales; there are other things in Wales that are maybe ahead in other areas, especially on the prevention element.

The particular thing that we are looking at is on family courts and CAFCASS Cymru. CAFCASS Cymru is a devolved agency, whereas the family courts are a non-devolved area. There will be a really complicated interaction there between how these are going to work. I think it can be resolved by really close working between the Commissioner and the advisers, and by making sure that Wales is represented on advisory boards and scrutiny boards. In Wales, we are often missed out. Sometimes we have felt that we fit within the wider remit of the UK and can be spoken for by others, but, particularly in this case and with these two pieces of legislation, it will be really important that we are represented and that our voice comes across.

Q240 Liz Saville Roberts: One final question. You mentioned advisory boards. Could you be a little more specific about where you anticipate those might be?

Tina Reece: I see it as being a similar system to that for the Children’s Commissioner, with a sector stakeholder advisory board for the Commissioner, and perhaps a survivor advisory board as well for that office. As part of the legislation in Wales, meetings take place regularly across the country that involve different public sector boards, the specialist sector, and representatives from survivor groups. There is a structure of ensuring that a conversation and co-production takes place and feeds down from the strategies, which are a recommendation and requirement of the Act. We need something similar to that for the advisory board.

Q241 Lord Farmer: I think I know your answer to this first question as you have touched on it already: how much is the Commissioner likely to achieve within the proposed two to three-day-a-week role, and the £1 million a year budget? If that is not sufficient, what would you recommend?

Kevin Hyland: I think the role has to be full time. This a major task and requires a person’s commitment on a full-time basis. On funding, I ran on £560,000 a year to cover the whole United Kingdom. That was quite a limited budget, although we still got lots done. I think this is for the Commissioner to be able to present, which is why it would be good for it to report to some other element of Parliament, or a Committee, and work out what that budget should be and what functions the Commissioner needs to achieve the role. Setting the conditions, as

in my case, before we have even started to plan a strategy, is really putting the cart before the horse.

Tina Reece: We had the same situation in Wales with the advisors. It was originally a part-time post, but once the original advisor stepped down—partly for some of the reasons I explained earlier—it became a full-time post and a job share. Arguably, that is a smaller remit because it does not involve criminal justice.

Q242 Lord Farmer: On the problem of cross-departmental co-operation—you mentioned the Home Office, but there is DCLG, Health and Social Care, and other Departments, including the Ministry of Justice and so on. How can the Commissioner tackle that multi-agency cross-departmental co-operation approach? To what extent would they be able to influence Departments outside the Home Office and the MOJ?

Kevin Hyland: Some elements that I was dealing with involved the Foreign Office, or the Department of Health and the Department for Education and so on. Working with the Cabinet Office, and with the taskforce that the Prime Minister formed, created a good position where the relevant Ministers would come together with other parties—police chiefs, and other relevant people, depending on what subject was being discussed—so that it could be considered a cross-Government strategy, and not just looking at one part of the Government.

That had enormous benefits. You would have people in the room who perhaps you would not normally have—police chiefs with the Foreign Office, for example, taking about organised crime. That meant that the Cabinet Office started to look at the data, which obviously involved national security and other things, and at what was available to tackle organised crime. That was very productive.

Q243 Lord Farmer: So a Cabinet member would be chairing that committee?

Kevin Hyland: On that it was the Prime Minister.

Q244 Lord Farmer: And so you would be reporting to that committee?

Kevin Hyland: The Prime Minister allocated a senior responsible person in the Cabinet Office who was the lead for the issue across the Government. The Home Office still held overall responsibility for modern slavery, but they also held the role for the commissioner, and that then became a problem. I would get called in by other parts of Government—particularly the Cabinet Office or No. 10—to help design models such as the national referral mechanism, and how we could improve it. Then I was in between, but coming out with what was needed, and we did secure it. An excellent model of an NRM was agreed in October 2017, but sadly it has still not been delivered.

Q245 Lord Blair: Hello Kevin.

Kevin Hyland: Hello.

Q246 Lord Blair: It is a tricky business being a commissioner working for the Home Office. One of the things that you have said is that the two issues that seemed to affect you most were limitations on independence—let's put it that way—and not having actual powers to compel something to happen. It has been suggested to us that the domestic violence Commissioner needs to be able to compel action and intervene when things are going wrong,

such as local commissioning practices that are damaging. Do you think that that is missing from the Bill?

Kevin Hyland: I do, and that was something when I went into the role. You kind of expect that most people will play nicely, and many do, but then you have challenges, even coming from a policing career. You may be challenging police and crime commissioners or chief constables. Although the role gave me the position to do that, and they had to co-operate, you ended up with the default position whereby at reappointment time—I was reappointed—their views were sought. So it became that you were actually not the power of it—it was defaulting elsewhere.

The piece in the Bill about recommendations having to be reported on, and then a reply having to come, is one step forward from where the modern slavery commissioner role was, because there was no compelling of a reply. That is very important, but there are issues on which there needs to be a power to intervene. There will have to be checks and balances on that, and on what the intervention does, what it compels an organisation to do and to whom that should be made public, but the powers in that sense are so important.

Q247 Lord Blair: You were sitting in an office next to the inspectorate of constabulary, which has those powers.

Kevin Hyland: Yes, exactly, and we worked very closely together. When we came out with all the recommendations for policing, which we worked on together, I was of course the knowledge and the base directing it, but the other office had all the powers to make it happen.

Q248 Lord Blair: This is also relevant to your experience: how would a domestic abuse Commissioner best incorporate the voice of survivors of domestic abuse in their work?

Kevin Hyland: I had an informal group of victims, and I used to meet with them regularly—in fact, some of them used to come and speak publicly with me. The idea of creating a panel of survivors is essential. In the US, there is legislation where a group of survivors of modern slavery report directly to the President annually. That shows how seriously that is taken.

I think that survivors should not just be on a board or a panel to the Commissioner, but should report somewhere into Parliament, so the voice is not just in one office, but is there for the public and Parliament to hear openly. If the US can do it to the level of the President for trafficking, perhaps in the UK it needs to be to the level of the Prime Minister.

Q249 Lord Blair: Lastly, from your experience, what do you think the key factors will be for this new kind of Commissioner in establishing effective working relationships with local authorities, police forces and other public authorities? What is your experience of that?

Kevin Hyland: My experience was very much going to the various meetings that they currently have. One of the things that I was keen to do was to integrate the human trafficking and modern slavery agenda into current services, because what has happened with human trafficking and modern slavery is a load of bolt-ons. That does not mean that at 3 o'clock in the morning, if you are in Cumbria or Penzance, you can get a response. I often say that you could phone those same two police forces at 3 o'clock in the morning and report a whole raft of crimes—whether rape, domestic violence or terrorism—and the machine will kick in, and all the different agencies will get involved. With human trafficking it would not work like

that. It is about those relationships and those partnerships, and making sure that you are in them.

I wrote to and met every chief constable and then designed manuals and guidance alongside local authorities, working very much with the Local Government Association and understanding what they do, but ultimately maintaining that independence and being very clear that, when there are failings, it is not a personal issue but is about professionalism. It was very often lost that it was not about individual police forces or agencies or organisations.

That is why I think the Commissioner needs to report into something that sits within this House, because then those can be expressed in a clear way, not just in a report that goes through a Government Department and is then actually heavily modified and negotiated. When I wrote an annual report, while it says it can be written by the commissioner, that process took weeks and weeks. It had to go through different administrations, and it was not clearly what I said.

There was a time when I was critical of the National Crime Agency and its responses. Thousands of victims were missing, and I identified that thousands of victims had not been reported in crime reports. It was kind of like, “You are asking too much”, but this was basic policing; basic processes and procedures were not being done. Making sure that a Commissioner is given that top cover by somewhere like this is essential to allowing the Commissioner to do those things, without being personal, but making sure that they are doing their job.

Tina Reece: Can I just make a quick point on the question around the Commissioner’s engagement with survivors? This needs to be done in partnership with the specialist sector. A lot of engagement happens, and a lot has happened in the past, and sometimes we find that the actions on that engagement do not always happen. We would not want a tokenistic engagement. We need to make sure that there is an action and a follow-up, and that it is done in a sensitive way as well. Survivor stories are often quite traumatic, and it can be traumatic to relive them, so we need consideration of that and to do it in an intelligent way. Also, making sure that we compensate survivors for giving up their time is something that is often not covered.

Kevin Hyland: I fully support all of that.

Q250 Baroness Burt of Solihull: My job is to sweep up, really, and to ask you, looking at the Bill as it is at the moment—excluding the things you have already mentioned: what is missing?

Tina Reece: The big one—I have already mentioned it but I will mention it again—is the duty for prevention, because we have seen such positive results from that in Wales. It should have something solid like that.

The other big thing, which I am surprised I have not mentioned yet, is that there is not a focus on violence against women and girls, which we have in Wales; we have gender-based violence in the definition. We have an interesting title to the Act and definition in Wales, which came about because of lobbying and pressure from the sector, similar to what is happening here. They originally wanted to keep it as domestic abuse-focused, but we won the argument somewhat about widening it out.

A lot of that was about doing things differently and taking the opportunity to look at the reasons why abuse happens and what we can do that is innovative and that will have a real impact and cause real change, and also about bringing into focus wider things around health, equality and all these other areas. Even if it cannot be brought into the definition—I heard you talking about magistrates and the various legal reasons—having the title and the name of the commissioner as “the Violence against Women and Girls Commissioner” would give real focus about what the role is doing.

All the violence against women crime types that the CPS records against in its annual reports would still cover men and boys and non-binary people. Domestic abuse and sexual violence—all that would fall underneath it. I do not think you would lose anything by doing that, but you would make a statement about what is important and where the focus of this role will be, which I think would be really good.

Kevin Hyland: On the question of being gender-specific, modern slavery originated from the Palermo protocol. In its introduction, it talks about human trafficking and says that there should be a special consideration of the trafficking of women and girls, because they represent 72% of all trafficking and 96% of those who are trafficked for sexual exploitation. I think it is useful to have that mentioned in there.

There is a part of the Modern Slavery Act that requires the Government to create a process for dealing with victims and to create that policy. That is the only part of the Act that has not been enacted. I think it was a crucial part for the Government to say what they are going to do and to commit to supporting victims. It has been kicked around too much. That is something that needs to be specifically said and written down.

There are a couple of very technical things in the Bill. Where it says “a senior police officer”, there is no reference to the fact that, once an order is given on a domestic abuse protection notice, the police force where the person resides or may go to should be informed. That is specific in the Modern Slavery Act prevention risk orders, because you may get the order in one place and they are living in another part of the country. We know that intelligence doesn’t always flow.

There are also mentions of the armed forces, but it doesn’t mention service police. It mentions a commanding officer; if it is the commanding officer’s boss who is in trouble or the commanding officer’s second-in-command, then it needs to be with the service police. These are technical matters.

It also needs to empower the authorities. It doesn’t mention who the police can tell about a domestic abuse protection notice. Should it be an employer? Should it be a school, if it is related to a child? Who can they inform about this, without having to worry about some sort of complaint or civil action later?

One thing I notice that is missing across this legislation—it is something we very often miss when we are drafting legislation, particularly when it is victim crime and it has to be focusing on the protection of victims—is that these perpetrators create a lot of cost to the state. Somewhere in this, if somebody is part of a protection or abuse order, or whatever it may be, the costs that they are incurring against the state and are making happen, particularly when they breach those orders, should be the subject of a confiscation order—as part of the process, not waiting until later.

This will never fit into a proceeds of crime or a lifestyle offence, but we need to turn this back on because, even with offenders like this, hitting them in the pocket really hurts; it makes them think every day that they are going have to pay. We are always squeezing budgets, so let's get some of the money back from those who are causing the problems.

Q251 Lord Farmer: You mentioned costs and hitting the perpetrator. I would like to ask Tina about that, because Wales, Welsh Women's Aid and Atal y Fro are at the forefront of preventive measures; you mentioned that. Could you elaborate on the work of the community in schools and give some detail of what you are doing? An area of the Bill that seems to be missing is how to stop the men doing it in the beginning, which would save everybody the cost.

Tina Reece: There is investment in perpetrator programmes; we are looking at safe, Respect-accredited programmes. There is also a focus on healthy relationships education in schools. We helped the Welsh Government to draft a whole-school approach to addressing these issues, including going in and looking at staff policies and at what the children are learning about in lessons like history or mathematics, and trying to incorporate messages about gender equality, domestic abuse and healthy relationships into those.

We are looking at the wider community as well, and at their understanding of this, and addressing issues such as street harassment. We are looking at the wider system of things that impact on ideas of power and control and gender, and the reason why women and girls suffer disproportionately from these types of abuse. We are trying to get in at the base or at the bottom, and change some the ideas that perhaps become damaging to some people.

Another part of it, which I haven't mentioned yet, is the national training framework, which is issued as statutory guidance under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015; we call it the VAWDA SV Act for short. That is really innovative and exciting. It is around different tiers and levels of training—everything from public sector leaders, who maybe have small videos that they watch, which keep them up to speed and up to date on what is happening, right down to people on the front line, who are coming across people who might disclose to them, so giving them an awareness of domestic abuse coercive control.

We have a programme called “Ask and Act”, and are training the trainers for that. It is across health services and the authorities under the Act. They are then trained to bring team members up to a good level of understanding. They can also then act as a champion for this knowledge within their organisation.

What we have found already is that this is probably the biggest thing—it is making people's understanding and awareness part of their vocabulary, to think about this in the back of their mind. It is not just something that they have to do to tick a box; they are actually understanding the reasons behind it. We know that it is a complicated issue, and sometimes takes a long time to explain. When people first come to it they often have a few assumptions that can lead them to incorrect ideas about the reasons behind it. That national training framework is a really exciting part of this.

The other part in Wales is the strategies. The strategies are being done at a local level, but the authorities under the Act are all putting together strategies as well. There has been a lot of involvement with the specialist sector giving and sharing data from local organisations—our 22 members across Wales—and also with us advising on things. This sharing of information

and knowledge is encouraging; it is done through a system. It would be nice to do it without the legislation, but it takes that impetus for them to do it under already stretched budgets and timelines.

Q252 Lord Farmer: Do you find that it is a good thing?

Tina Reece: Yes. Progress has not been as fast as we would have liked. There was a progress report that the Welsh Government issued last year, but progress has been slow. A lot of that is down to resourcing—the amount of money that has been put behind it. The ambitions are really high, so the amount of money to do it quickly would be quite helpful, but it is not there. But there has definitely been progress.

Chair: Thank you so much for your time this morning and afternoon. We really appreciate it. That is the end of our second panel, and the close of the meeting.