



Joint Committee on the Draft Domestic Abuse Bill

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

Tuesday 21 May 2019

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

Questions 253-306

Witnesses

[I](#): Councillor Simon Blackburn, Chairman of the LGA Safer and Stronger Communities Board, Local Government Association; and Hannah Gousy, Policy and Public Affairs Manager, Crisis.

[II](#): Victoria Atkins MP, Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability and Parliamentary Under Secretary of State (Minister for Women), Home Office; Edward Argar MP, Parliamentary Under Secretary of State, Ministry of Justice.

Examination of witnesses

Witnesses: **Councillor Simon Blackburn**, Chairman of the LGA Safer and Stronger Communities Board, Local Government Association; and **Hannah Gousy**, Policy and Public Affairs Manager, Crisis, gave evidence.

Chair: Good morning. Thank you so much for joining us, and for agreeing to give evidence today. We are very grateful. This is a further oral evidence session in the work we are doing as the Joint Committee on the Draft Domestic Abuse Bill. We are taking evidence this morning from Councillor Simon Blackburn, who is chairman of the Local Government Association, and Hannah Gousy, from Crisis. Thank you very much for joining us. We are going to do the usual thing of Members of the House of Lords and House of Commons asking a series of questions. We have a relatively short time slot for this, so I ask for succinctness. Welcome to the people joining us in the Gallery.

Q253 Baroness Armstrong of Hill Top: Good morning. At the moment, the Bill doesn't have a gender definition within it. There is concern out there that services sometimes approach victims in a gender-neutral way, and that that is a real problem. Particularly in public services, how do you see that and what do you think we should say about it?

Hannah Gousy: At Crisis, we do not have an organisational position on whether there should be a gendered definition of domestic abuse. However, women experiencing homelessness who are not found in priority need for settled housing often end up going down a non-statutory route, which means that they might access accommodation as part of a hostel or support in a day centre. Those services tend to be heavily dominated by men, which means that the services that are delivered are much more geared towards the experiences of men who are experiencing homelessness.

That can mean that women who are experiencing homelessness and who have fled domestic abuse are often in hostels living alongside a large number of men, so they will be the minority in that situation, which can be particularly traumatic. We also know that some support might not be provided. For example, you will not necessarily receive the therapeutic counselling that you might need if you are fleeing domestic abuse. For that reason, we very much support the need for more gender-specific homelessness services, particularly for women in that situation who are fleeing domestic abuse.

Councillor Blackburn: From the Local Government Association's point of view, we first and foremost welcome a comprehensive statutory definition of domestic abuse and domestic violence. It is extremely important and very helpful when commissioners are designing services. Of course, domestic violence is a very heavily gendered crime, and services and definitions need to reflect that.

The one thing I would not want us to lose sight of, however, is that although the overwhelming number of victims of domestic abuse are women, this is a crime that can affect anybody of any age or gender. We are also aware that certain characteristics make certain groups of women more vulnerable to domestic violence, and I would not want to lose that in a too heavily gendered response.

Q254 Baroness Armstrong of Hill Top: Are there any things about the general scope of the Bill that you would like to see implemented? In a sense, I am particularly saying this to Councillor Blackburn, because local authorities end up being the service, or you have the services that will very often be among the most important that are on offer. Is there anything that you would require, and that would really help you, to ensure that children are better looked after when you know they have been in a home where there has been domestic abuse?

Councillor Blackburn: First and foremost, as I am sure all members will agree, councils take their responsibilities towards children extremely seriously—I speak as a former children’s social worker myself. It would be helpful if Government guidance on the legislation set out more explicitly what the role of local authorities in supporting children in families should be. We know that the impact of domestic abuse on children is significant, and that those adverse childhood experiences can go on impacting on children’s lives for a considerable period of time.

However—I speak now in my personal capacity, rather than for the LGA—one of the reasons I am not a children’s social worker any more is that I felt deeply uncomfortable with social workers visiting victims of domestic violence and saying that unless they stopped letting themselves be abused, we would remove their children. I felt that there needed to be a better societal response. That is why I do not do that job any more. Rather than trying to shoehorn changes to legislation into this Bill—again, this is a personal view—the Children Act needs to be updated to reflect the threats that children face now, which are very different from the ones that are set out in the current legislation.

Q255 Chair: Councillor Blackburn, can I ask a very specific question? There has been deep concern expressed that having a gender-neutral definition in the Bill will affect the commissioning of services, and that it will not adequately reflect the reality of where the problem lies in terms of its very gendered nature—women are the group most affected by this crime. What is your response to that?

Councillor Blackburn: Again, I would reflect back our view as an organisation that this is a very heavily gendered crime, and that the legislation and subsequent guidance should reflect that. I see no widespread evidence of local authorities adopting a gender-neutral approach to this, or that that is having an impact on services for women and girls.

One of the things that we need to think about is that this cannot just be about women’s refuges. They play an important part in our response, but the amount of work that local authorities, police and crime commissioners, and others do with perpetrators bears an amount of scrutiny, as does the amount of early intervention work that is done to ensure that a woman and potentially her children do not end up being torn from the family home and placed in a refuge, which we know is incredibly disruptive to the victim and her children.

So I see no significant evidence that commissioners are acting in that way. I do, however, share the concern.

Q256 Chair: I am going to ask one final question on this, because it is an area of discussion for the Committee. If there were a gendered definition, can you see that causing any issues for your members?

Councillor Blackburn: I think all our members would continue to hold the belief that women are overwhelmingly the victims of domestic violence, but they would be alive to the fact that this is a crime that can happen to anybody in whatever set of circumstances.

Chair: So you are saying that it would not really make a difference.

Councillor Blackburn: I can't think how it would disadvantage commissioners. I don't think that there is any confusion about this.

Q257 Liz Saville Roberts: The Government have announced plans for a legal duty of care on local authorities to deliver support and secure housing for survivors of domestic abuse and their children. Two things: what difference do you think it would make to the present arrangements, and what are the main issues that the Government need to overcome in bringing it in?

Councillor Blackburn: Placing a duty on one partner in a field of public policy and action that requires many different partners to co-operate and interact will not in and of itself deliver any tangible improvements. It is incumbent upon local government now, if the duty is placed as has been announced, to persuade partners from the police, the health services, the housing agencies and others to work with us in a team around the victim and the victim's family to make sure that we have the best possible outcomes. That duty will need to be funded. I know that there were funding announcements made at the same time. On exactly how that breaks down, I am sure I am not alone in suggesting that the devil is often in the detail when it comes to central Government funding announcements. We will need to see how that works as a package, but we will need to work with partners to make sure that that is delivered. The duty being only on one part of the public sector is potentially problematic, but we will, as we always do in these circumstances, try our best to make it work.

Q258 Liz Saville Roberts: Hannah, how do you see this interacting in general, but also specifically in Wales, where housing, health, education and even local government finance are all devolved?

Hannah Gousy: In terms of the Government's plans, obviously we really welcome the announcement that was made last Monday. We think it would have an impact in terms of delivering a better multi-agency response to domestic abuse and a better consistency across local authorities in England and Wales.

The real concern that we have—this is the case in England rather than in Wales, because the legislation is slightly separate there—is that, last Monday, the legal duty was described as providing a safe home for people who were fleeing domestic abuse, but what it actually does is place a requirement on local authorities to convene domestic abuse boards that assess needs, support and accommodation-based services. What that legal duty will not do is require local authorities to provide a safe and settled home for people who are fleeing domestic abuse. Our real concern is that, in terms of the homelessness legislation in England, it is currently the case that if you are fleeing domestic abuse, you have to prove that you are significantly more vulnerable than somebody else in the same position as you. That is not somebody else in the general public, but somebody else who is also facing homelessness. As a result, the bar for vulnerability is very high.

In England we know that only 2% of people who were given priority need for settled housing in 2017 were given housing because they were fleeing domestic abuse, which compares to 11% in Wales, where people fleeing domestic abuse are automatically entitled to settled

housing. Crisis provides the secretariat support to the all-party parliamentary group on ending homelessness, and we held an inquiry session looking at the specific barriers at a local level for people who were fleeing domestic abuse. What we found was that it was extremely traumatic for the people fleeing domestic abuse to prove their vulnerability in that situation. Often people were asked to describe their situation to a complete stranger in a waiting room full of other people. We had one woman describe how she was asked to return back to a perpetrator and get a letter from that person to describe exactly what had happened to her to prove her vulnerability. We would really like to see the legislation on an equal footing with the legislation in Wales.

Q259 Baroness Armstrong of Hill Top: One of the issues is that if someone is fleeing from domestic violence, they move authorities or they are moved for temporary accommodation, but then have difficulty in getting anybody to agree where they should be in the long term. I want to ask both of you where you come from on this and what you think we should recommend.

Hannah Gousy: Local connection for people who are fleeing domestic abuse was another issue that came up very strongly in the inquiry session that we held with the APPG. In the homelessness code of guidance, there is a very clear instruction to local authorities that they should accept a duty to that person to provide them with settled housing even if they do not have a local connection. However, we found that, in a lot of cases, people were being referred back to the local authority where they had a local connection, even though there was evidence that they would face a threat of violence if they returned there.

We think that there is a job for the MHCLG to do there, not necessarily in terms of law change, because the law is clear on this, but in terms of providing very clear instruction to local authorities, and making sure that there is a greater level of accountability with regard to the local connection rules.

Councillor Blackburn: I agree with everything that Hannah said. The guidance to local authorities is very clear on this matter, and it is very disappointing to hear, and very difficult to hear, some of what Hannah has to say, because that absolutely should not be the experience of women who are fleeing domestic violence.

There is a broader issue about local authorities' ability to provide housing. We are currently spending over £1 billion a year on temporary accommodation. We are housing 200,000 people who are homeless, many of them children. Rough sleeping is a concern for more than 90% of our members, and there needs to be more money and flexibility in the system to allow councils to build houses.

As a very practical example, were there to be a duty upon Blackpool Council to move a victim with five children to the very top of our council housing list, unfortunately she still would not be housed, because, as it stands, I have only two houses that would be suitable for that family, and they are both currently tenanted by people in similar situations. Councils need a supply of housing in which to house people, but we do not shirk from the duty to do so.

Q260 Alex Norris: Do you think that the proposed domestic abuse commissioner is likely to have an impact on locally provided services and local commissioning, and should they have the opportunity to issue directions to local authorities, or something like that?

Councillor Blackburn: We welcome the role of the commissioner. We work very closely with the modern slavery commissioner, and I sit on the expert group that supports Sara Khan, the Commissioner for Countering Extremism. Those relationships work because they are about sharing best practice and discussing provision with local authorities.

There will invariably be differing levels and types of services provided across all 371 local councils in the country, because the picture of domestic violence varies so dramatically from one authority to another. I am a non-executive director of the Calico Group of companies, which is based in Burnley. One of our companies—SafeNet—operates a number of women’s refuges. The demands in Burnley, which is a 40-minute drive from Blackpool, are dramatically different in terms of the support for BME populations, which is not the case in Blackpool.

I would not be particularly keen on the commissioner having the power to direct local authorities. That role needs to be to share good practice and the findings of domestic homicide reviews and serious case reviews, and to make sure that local authorities understand their role and are discharging their duties. It is a fundamental change to the nature of that relationship when a commissioner fundamentally becomes an inspector and starts to direct local authorities on how local services ought to be designed.

Hannah Gousy: We obviously think that it is essential that the commissioner has a cross-departmental reach in terms of being able to ensure that domestic abuse is tackled effectively. We would expect that also to include the work that the MHCLG is doing to tackle and prevent homelessness. To do that most effectively, it will be really important, in terms of thinking about where the commissioner sits, that they have some reporting powers into No. 10 and the Cabinet Office, to ensure that they have the teeth required to have real cross-departmental impact in tackling homelessness.

Q261 Baroness Bertin: Can we talk about the measures that are not currently in the Bill? There is not a great deal about prevention or early intervention. It would be interesting to know your views on that. In addition to legislation, what non-statutory measures may also be necessary? We are short on time, so could you make it quite succinct?

Councillor Blackburn: I sit on the national oversight group on violence against women and girls, and for a number of years I have pressed Ministers, civil servants and others on the issue of early intervention. We do not, by and large, teach our children and young people about safe, healthy relationships in school.

I ran a charity for homeless young people in Blackpool for a number of years, and many of the young girls who I worked with in that time had never seen a safe, healthy relationship and were in abusive relationship after abusive relationship, without even realising it. There is a fundamental duty, when we are talking about early intervention, that starts with education. It is disappointing that there is nothing in the Bill to that effect. That is an important part of what we need to do.

I also think there needs to be more in the Bill about what we do with perpetrators. I absolutely understand that a lot of people who work in the field are uncomfortable with the idea of spending any money on these people, but unless and until we can persuade young men to alter their behaviour, it will be necessary to provide services for perpetrators. As a former social worker, I found it virtually impossible, unless a perpetrator had been to prison, to get any services to try to alter his behaviour.

Hannah Gousy: In terms of preventing domestic abuse, one thing that we would recommend, under the Homelessness Reduction Act, is the duty on public bodies to refer if they are working with somebody who is at risk of homelessness. That duty to refer currently does not extend to the police, and we would strongly recommend that it is extended—I think that can be done under secondary legislation—so that if the police are attending an incident and they come across a woman or a man who is experiencing domestic abuse, they can, with the person’s consent, make a referral into a local authority to identify that that person is at risk of homelessness. In terms of prevention, we would say that that is really important.

The other thing, in terms of prevention, is obviously—this is something that the Committee has already heard a lot about in other sessions—extending the destitute domestic violence concession to people who currently have no recourse to public funds but do not qualify for that extension under the current rules.

Q262 **Baroness Bertin:** Finally, on the multi-agency approach, we have obviously heard that that is the right way forward. Do you think the Government’s policies generally support a multi-agency approach?

Hannah Gousy: A lot of the things that we would recommend to tackle homelessness and domestic abuse rely on the supply of affordable accommodation, as Simon has already described. That includes Government efforts to boost social housing supply, and it applies to elements of welfare reform as well. One of the things that we think would be really important, in terms of that cross-departmental and multi-agency support approach, would be to invest in local housing allowance rates. We think that is really crucial in enabling local authorities to provide affordable accommodation to people who are homeless but also people who are fleeing domestic abuse.

Councillor Blackburn: On Hannah’s point, yesterday I co-chaired the Local Government Information Unit’s homelessness commission. One of our recommendations is going to be that local housing allowance rates be more flexible and set more locally. It is not an issue in my part of the world, where housing is cheap and plentiful, but in other parts of the country, especially in London, it is impossible for local authorities to house people who are dependent on the local housing allowance.

On the wider point about multi-agency responses, local authorities tackle child sexual exploitation, modern slavery and county lines, and we do that by working with the police and all our other partners, so we know that that partnership working is important and essential. One of the issues, however, is the fragmentation of funding that we see across domestic violence services as a whole. There is some money from local authorities and some from police and crime commissioners. There is short-term money that has to be bid for, often very quickly; that can favour larger organisations who are quicker out of the blocks when it comes to writing bids. There is not much in the way of long-term sustainable funding to build services that wrap around those families and provide the tailored support that they need.

Chair: That is wonderful. Any other questions from colleagues? That is the end of our first panel. Thank you very much. We really appreciate your time this morning.

Examination of Witnesses

Witnesses: **Victoria Atkins MP**, Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability and Parliamentary Under Secretary of State (Minister for Women), Home Office; **Edward Argar MP**, Parliamentary Under Secretary of State, Ministry of Justice, gave evidence.

Chair: Good morning, and thank you for coming before the Committee today. This is the first of two ministerial evidence sessions that the Joint Committee on the Draft Domestic Abuse Bill is holding. Today, I am pleased to welcome Victoria Atkins, Minister at the Home Office, and Edward Argar, Minister at the Ministry of Justice. We have quite a lot of ground to cover, so if you can be succinct in your answers, I would be immensely grateful.

Q263 Alex Norris: Good morning, Ministers. If the Bill as currently drafted were to pass through all its stages and become law, would the UK have met its obligations to ratify the Istanbul convention?

Victoria Atkins: If I may, I will take that. Thank you for the question. First, may I take a moment to thank every Member of the Committee for their service in scrutinising the Bill? It is a really important part of our ensuring that the Bill is in as good a shape as it can be before it meets the House of Commons on its first outing. Thank you very much for all your work.

In terms of the Istanbul convention, as the Committee may know, we produce annual reports on our compliance with the convention. The report produced in October 2018 showed that we are complying with virtually all the provisions, but a key element of the convention is making sure that ratifying states can use their national law to prosecute offences required by the convention when such offences are committed by nationals with residence overseas—extraterritorial jurisdiction. The Bill includes the necessary measures with regard to England and Wales, but analogous legislation is required in Scotland and Northern Ireland. We are in discussion with both the Scottish Government and the Northern Ireland Department of Justice as to whether to include appropriate provisions in the Bill as introduced.

In relation to Northern Ireland, article 33 of the convention requires legislation regarding psychological violence, and that would mean introducing an equivalent of the controlling or coercive behaviour offence. Again, we are discussing that with the Department of Justice in Northern Ireland. Of course, we all know that talks are ongoing in Northern Ireland to ensure that the Assembly is back up and running, and that is a factor in us making progress on that.

Q264 Alex Norris: I am grateful for that answer. The point around Northern Ireland has come up frequently in our evidence. In both written evidence and our Committee sittings, a point has been made about migrant women. One of the key tenets of the convention is that all individuals ought to have the same access to support services. At the moment, those with not good immigration status do not have access to, say, refuge provision, and there is nothing in the Bill to rectify that. Is that fair?

Victoria Atkins: We know there is this concern. We have looked and continue to look at article 4.3 of the convention very carefully. We are considering the argument for widening the cohort of individuals eligible under the concession, and we have said we will take into account the provisions of the Istanbul convention.

I suspect this point might come up elsewhere, but Minister Argar and I are very aware of the difficulties in this particular part of our overall efforts to assist victims of domestic abuse.

Only last week, we had a roundtable meeting with stakeholders to see where we can move and make improvements. We are very much open to the findings both of this Committee and of stakeholders more generally.

Q265 Alex Norris: In your thinking on both the Northern Ireland and migrant women elements, you are still open to ideas.

Victoria Atkins: Open to ideas but, in relation to Northern Ireland, we are in discussion with the Department of Justice on how to take those measures forward, particularly in relation to coercive and controlling behaviour.

I note with interest that Arlene Foster mentioned about a month ago in a public meeting that she was keen to see the introduction of a coercive controlling behaviour offence in Northern Ireland. We all hope that the discussions in Northern Ireland in relation to the Assembly are productive and successful.

Q266 Alex Norris: Moving on to the definition, what is the rationale for not having a gendered definition of domestic abuse?

Victoria Atkins: First of all, it would be a real step forward to have for the first time a definition in law about domestic abuse. Stakeholders are very keen on that. What is more, it is not confined to violence; it is reflecting the many categories that abuse can take. We considered very carefully whether to make the definition reflect the fact that the majority of victims are female.

Of the 2 million victims of domestic abuse in England and Wales last year, 695,000 were male. We came to the conclusion that we wanted the definition to reflect that men can be victims of domestic abuse as well, albeit that it is still a gendered crime. We will make that very clear in our statutory guidance, which we will publish alongside the introduction of the Bill.

Q267 Alex Norris: One of the themes of our discussions, as we talked about with our previous panel, is that law is law and guidance does not have the same statutory footing. Do you have any anxieties that relegating the gender element to statutory guidance might lead to generic commissioning? We heard from the previous panel that there are times when councils don't follow the guidance, even though they should. The shoe does not drop with that, to a certain extent. Do you have any anxieties there?

Victoria Atkins: We have been very clear. There are several ways in which commissioners can be held to account on this. Those ways will be further improved with the Bill and the introduction of the domestic abuse commissioner.

We already have a national statement of expectations. When the domestic abuse commissioner is appointed, their sole focus will be on tackling domestic abuse and helping the victims of domestic abuse. I would expect the commissioner to be not only independent but forthright in their assessment of the provision of services locally and nationally.

With the announcement last week by the MHCLG—I appreciate you are seeing Minister Wheeler tomorrow—that consultation on accommodation-based services will be really important, in terms of the overall progress of the Bill when it is introduced before the House.

Q268 Baroness Armstrong of Hill Top: Why did the Government decide that 16 was the

right age limit for both perpetrators and victims?

Victoria Atkins: In 2012, there was a consultation on whether the cross-Government definition at the time should be lowered from 18, to include 16 and 17-year-olds. The result of that consultation was that it should be lowered. That is how the age came into being, as it were.

We looked again very carefully at the issue of age when drawing up the definition. There was strong support in the consultation responses for maintaining the age of 16. In the wider context of abusive behaviour, if a victim is under the age of 16, that will be deemed to be child abuse, with all of the extra support in terms of social services. That is why there is a judgment and we have kept it at the age of 16.

I am conscious there were some respondents who were concerned about criminalising children, which is a factor we obviously had to take into account.

Q269 Baroness Armstrong of Hill Top: You have already mentioned the definition of domestic abuse. We have heard some evidence that the definition should list specific categories, rather than broad categories. You decided on the broad categories. We wondered where that had come from.

Victoria Atkins: If I may just add to my previous answer, in terms of the age limit, I know the Committee will be aware of subsection (5), which points directly to a child being used by a perpetrator as part of the abuse. We are very clear that children living in abusive households are victims of domestic abuse. We are trying to put that into the Bill in a way that meets the other obligations in relation to child abuse.

In terms of the categories of abuse, the Committee will forgive me, I hope, if I don my former wig as a barrister and say that we have deliberately gone for a category approach as opposed to specifying each manifestation of behaviour in order that, in future, lawyers cannot claim, “This manifestation doesn’t fall within the list of behaviours in the Act.”

With the best will in the world, we cannot seek to define every which way in which a perpetrator will seek to abuse. You will have heard evidence not just from stakeholders, but from victims, as to the huge array of ways in which a determined perpetrator can abuse their so-called loved ones. What we have sought to do is to say, “These are the categories of behaviour but, within that, as the statutory guidance will make clear, it can take many forms.”

I know, for example, people are very concerned that forced marriage and so-called honour-based violence, FGM and so on, should be included or be capable of being included in the definition. To my mind, there are several of the broad categories that those behaviours would fall into. It would be open to courts or whichever forum is looking at it to interpret those broad categories accordingly.

Q270 Baroness Armstrong of Hill Top: So you are confident that you have got the broad categories sufficiently broad to include things that maybe nobody has identified so far?

Victoria Atkins: We are. Clearly, we are very open to ideas, if people feel that we have missed a category of behaviour.

I will give you an example. Ten years ago, when people were talking about domestic violence, as they would probably have called it then, they probably would not have foreseen

the way in which mobile phones can now be used to stalk, to coerce, to control and so on. It is just a practical example of how we wanted the categories to show the ways in which harm can be conducted, but not the manifestations of those categories, because we don't want to cut off ways of behaviour that perpetrators may discover.

Q271 Baroness Armstrong of Hill Top: You have already talked about children. What you said is not directly reflected in the Bill. Shouldn't it be?

Victoria Atkins: In which way?

Q272 Baroness Armstrong of Hill Top: The abuse of children who are living within a household. Even if they themselves have not been subjected to the violence, they are still part of the abuse—they are still victims of the abuse. We just wondered whether it was not important to actually acknowledge that in the Bill.

Victoria Atkins: The fact that we have, for example, clause 1(5) in there shows, I hope, the emphasis that we put on the impact that abuse can have on children. Again, I think this will be a matter for the domestic abuse commissioner, to help local commissioners to understand the impact that domestic abuse has on children.

We are also seeking to support children through a range of non-legislative measures. We have invested £8 million up to 2020 specifically on helping children who are victims of domestic abuse. We are rolling out nationally Operation Encompass, which is the very simple project whereby a teacher or a person in a school is named as the single point of contact for the local police, and they make the phone call; if there has been an incident the night before, the police ring that person before the school day starts, so that the child can be supported at school. I am very, very clear that children are as much victims of domestic abuse, if they are living in the household, as the primary target of the abusive behaviour.

The reason we have framed the definition in the way we have is that we wanted to reflect the dynamic of domestic abuse, which will tend to be that the perpetrator is directing his or her aggression, manipulation and so on towards the victim, but that the children living within the household can be victims as well.

Q273 Baroness Bertin: Going back to the role and powers of the domestic abuse commissioner, which you have touched on, I will try to précis that down to three areas: their independence; their powers and remit; and the finances. To kick off on the independence, you won't be surprised to hear that many witnesses have questioned whether the commissioner will be truly independent. That relates to things like submitting strategic plans, annual reports and reports on specific issues to the Secretary of State before publication. Can you comment on that?

Victoria Atkins: We want the commissioner to be independent. That is the reason we have set this role in the statute. The role of the commissioner will be to look at the provision of services, at both local and national level, and they will act, I expect, without fear or favour, including by criticising, where appropriate, local government and national Government. The independence of the commissioner derives not just from the legislative framework in which they operate, but from the way they will discharge their functions. It is for the commissioner to determine their own work programme and the content of their reports. The commissioner also has the final say on who is appointed, as members of staff, to their office. The Home Secretary has no right of veto in terms of the reports, the plans, or elsewhere. The reason the strategic plan is to be run past the Home Secretary is that this commissioner office, as with

other commissioner offices, will be within the remit of the Home Office, but the Home Secretary does not have the power to veto that plan.

Q274 Baroness Bertin: So you would reject the idea that many witnesses have put forward that actually the commissioner should report to other Departments as well as the Home Office, and possibly even No. 10 or a parliamentary Committee.

Victoria Atkins: Yes, because that's not how—you can look at the swathe of other commissioners. A commissioner from the Home Office will report to the Home Office, just as the Children's Commissioner, for example, reports to or sits in the DFE and the Victims' Commissioner reports to the Ministry of Justice.

We are very sensitive to the concerns that stakeholders have on this, which is why we are drawing up a charter for the commissioner and the Home Secretary or the Home Office to understand where responsibilities lie, and where functions lie. But I would like, again, to emphasise that this is an independent role. I want them to work.

Q275 Baroness Bertin: We come now to powers and remit. The Bill is currently silent on what would happen if, for example, a public authority rejected a commissioner report. What does happen then? What powers do they have to enforce something that they have put forward?

Victoria Atkins: The commissioner has the power to report and to make recommendations, and statutory agencies will be required, by law, to respond to those recommendations publicly, which will exert considerable pressure on local commissioners, the police and other agencies. Again, we have had to balance here the powers of this commissioner against local democracy. You have just heard from Simon Blackburn. Local councillors, of course, are democratically accountable, just as police and crime commissioners are, so we have had to balance that democratic accountability alongside the powers of the commissioner. It would be for a local council or a police and crime commissioner, were they to reject the explicit findings of a commissioner as to improvements that need to be made locally or criticisms of how they are running their services. That would be, I have to say, quite a bold decision by the local agency or commissioner.

Q276 Baroness Bertin: Understood. On to finances, again, some criticism has been made of the three-day week and whether there is going to be enough budgetary give for the huge role that the commissioner will have to take on board.

Victoria Atkins: In terms of the three-day week, we have looked at what other commissioners are asked to do and based it on that. Again, we remain very open to ideas and suggestions. Also, we want to get an idea from the designate commissioner as to how they are finding the role and the pressures of time on their role. That is not set in stone for the future; obviously, we have advertised it for the time being.

In terms of the budget, the office of the commissioner will have a £1 million budget, which compares well with other commissioners. That is because we absolutely want the commissioner to have the resources available to build a good team, to set about mapping services and finding subjects that they want to discuss in thematic reports, and to scrutinise the evidence that will lead to those reports.

Q277 Baroness Bertin: Finally, on a specific clause of the Bill, many organisations are listed in clause 13 that have a duty to co-operate with the commissioner, but there are

no central Government Departments in that. We are talking a lot about cross-Government working, and we feel that is important to raise with you.

Victoria Atkins: This is a statute that I hope will be passed with the Houses' approval. For a commissioner to make recommendations to central Government Departments and for central Government Departments not to react to those recommendations would, again, be bold. However, again, we are very much in listening mode.

We as the Government have set down the wish to make the Bill work and to ensure that the scrutiny of services works, so while it is not explicitly in the Bill, I can imagine that that will be the cause of discussion later on, as the Bill is further scrutinised by both Houses. We have not put it in the Bill because we think it is self-evident that central Government would have to respond to any such recommendations.

Q278 Liz Saville Roberts: The Bill refers to England and Wales. I would like to ask a couple of questions about Wales in relation to the commissioner. Of course, Wales legislated in a similar area in 2015, and it is highly significant that health, education, housing and local authorities, certainly in the sense of funding, are all devolved. There is a wider question about how you foresee planning for effective co-operation in Wales, and I would like to ask a specific question in relation to the commissioner. Do you foresee a situation where the commissioner would be reporting, in some form or other, to the Welsh Government or the Welsh Assembly? Also, on the membership of the advisory board, has any consideration been given to specific representation from Wales?

Victoria Atkins: I should pay tribute to the great work that the Welsh Government are doing on the agenda of violence against women and girls. It is very much for devolved Administrations to adopt laws and policies in devolved areas as they consider appropriate. It is inevitable, therefore, that each part of the UK will have different solutions to particular issues.

We take the view, however, that the commissioner is the commissioner of England and Wales. Given that I have just been asked about the independence of the commissioner, I would not wish at this stage to bind the commissioner by saying, "Yes, of course they must have representation from Wales", but let us put it this way: it has been raised in Committee, and I suspect that would be a strong hint to the designate commissioner as to the things they need to bear in mind when drawing up their advisory board.

Q279 Liz Saville Roberts: The Bill mentions a lot about England already, but as it stands there is no mention of Wales in relation to the commissioner.

Edward Argar: I might just touch on Wales more broadly, given that in the MOJ, I have responsibility for the relationship with the Welsh Government in terms of the devolution of justice. We are very much aware of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, and I regularly meet Jane Hutt, my opposite number in the Welsh Government. In those conversations, while there may be broader questions within the devolution framework or settlement that are discussed at levels far more senior than ours, one of the key aims, and what we seek to do, is to work closely on not only sharing best practice, but operational effectiveness and maximising the opportunities for a distinctive Welsh approach within the devolution framework. Later this week, we should be announcing the next steps of the blueprints around other aspects of criminal justice. There are those dialogues, and I would envisage a very close relationship with the Welsh Government.

Q280 Liz Saville Roberts: Do you anticipate any new money in relation to this sort of legislation?

Edward Argar: In the context of?

Liz Saville Roberts: To Wales. We have been talking about accommodation, domestic abuse and initiatives in that respect, and about directions of local authority actions in Wales arising from this. That would otherwise be devolved via the Barnett formula, but there are new requirements here.

Victoria Atkins: You asked about exactly this point after the statement that the Secretary of State made. I will leave that to Minister Wheeler to answer, if I may. We are very conscious of the budgetary point you made during the statement, and I know that the Secretary of State was giving it active consideration.

I am grateful for the assistance from behind me. To the extent that the commissioner will be involved in matters in Wales, we would expect a line of accountability to the Welsh Government and the Assembly.

Q281 Chair: Before we move on to the next set of questions, I have a final question on the commissioner role. The former anti-slavery commissioner gave evidence to this Committee and has been quite vocal about his concerns for the independence of that role. Those comments and others have been forwarded to the Home Secretary by the modern slavery review, of which I was part. The response of the Government to that review has not yet been made public, though there have been some indications of the Home Secretary being sympathetic to some of the issues raised. Will you give some confidence to the Committee that you will ensure that any learnings that come out of that review are applied to this role as well?

Victoria Atkins: Very much so. It might be that there will be a response to that very shortly, but we have very much taken it on. As we have been going through this process, I have been asking my officials to look not just at IASC but at the other commissioners to compare and contrast. We absolutely acknowledge that to have the investment and support of not just victims but charities and statutory agents, the commissioner has to have their trust that it is independent.

Q282 Helen Whately: We have heard that the proposed domestic abuse protection orders might provide only limited, if any, additional protection for domestic abuse victims. Will you tell me first what the Government's understanding is of how well existing protective measures work, and then about the barriers that victims face in obtaining them?

Victoria Atkins: I am sorry to hear that people think that that might be the case. If I may, I will set out the ways in which they are a significant improvement on the civil orders already available.

A host of civil orders are available—non-molestation orders, injunctions and so on—but we were very clear from feedback in the consultation, and from work before it, of course, that it can be incredibly difficult to navigate the civil order scene. That goes not just for victims, but for professionals such as police officers and so on. What we want to achieve with DAPOs and notices is that this will be the go-to protective order, not just for the police, but for

victims and other interested parties. For the first time, they will protect victims from all forms of domestic abuse.

The current order—domestic violence—relates only to physical violence. This relates to many categories of abusive behaviour. We want them to provide longer-term protection for victims. At the moment, a domestic violence protection order has a maximum duration of 28 days, which, as anyone who works with victims will know, particularly if there are accommodation problems, is not long enough. DAPOs have no maximum duration. They are set by the court, which will of course consider what is necessary and proportionate. That means that the new orders can be flexible in duration and provide victims with much longer-term protection.

They also have more flexible application routes. The police can apply to the magistrates court, but equally, the police, interested parties and victims can apply to family and civil courts. Judges can impose DAPOs in proceedings, either in family and civil court or in sentencing. There are many more ways in which those orders can be used, either in family and civil courts or, if they can, to support a prosecution, to reflect the many experiences that victims have.

There are many more flexible requirements. People on whom an order is placed will be required to notify the police of their name, address and any changes. The courts can also impose negative requirements—for example, “You are not to go within x metres of the victim’s address,” “You are not to hang around outside the schools gates,” or “You are not to visit her GP.”

Equally, for the first time, we can have positive requirements. If someone needs—or if the court feels that the perpetrator would benefit from—a perpetrator programme, the court can order that as part of the order. We also have provision for electronic tagging in there. Again, we have tried to future-proof this, because the technology of electronic tagging is developing in certain areas—for example, in relation to sobriety tagging. We have tried to future-proof it to make those options available to the courts in future. These orders can also be varied over time, so that they can respond to changes in the perpetrator’s abusive behaviour and the level of risk that they pose.

Finally, if a perpetrator breaches the order, that breach can be a criminal offence. We hope that will help in situations where a victim is very concerned that the perpetrator will break the terms of the order. We believe that having that as the ultimate penalty for breaching the order will make the perpetrator take it seriously.

Q283 Helen Whately: Thank you. In essence, you see DAPOs as better than the current options. I want to pick up on the existing DVPOs, which have seen relatively low uptake by police. One suggestion is that that might be because of the fees that police have to pay the courts. Will similar fees be required for DAPOs?

Victoria Atkins: We will be announcing the fees in due course through regulations, but we are very clear that victims who report domestic abuse and apply for orders in and of their own right will not pay a fee.

Q284 Helen Whately: And the police?

Victoria Atkins: That will have to be part of the regulations. The argument that we will deploy is that if you have a serial perpetrator, there are significant advantages—economic and

moral, and for health and emotional wellbeing—to the police in intervening at a much earlier stage, before the threshold for prosecution is met. Fees still have to be decided, but we will argue very strongly that the orders should be viewed as preventive measures.

Q285 Helen Whately: To pick up on something that you said earlier about DAPOs including positive requirements from perpetrators, what agency or agencies would make sure that those positive requirements were carried out? We heard about perpetrators who were meant to be sent on perpetrator programmes, but did not turn up. How would you ensure that things actually happened?

Victoria Atkins: The fact that someone will be named, because it is on the face of the statute, is a really significant step in ensuring responsibility for compliance with the positive requirement. For example, in the case of a perpetrator programme, a person within the service provider will be named; it may well be that the service provider is named instead of an individual. Responsibility will be placed very much on the person or body offering that service.

Q286 Helen Whately: So the body offering the service would be the one ensuring that the person turned up?

Victoria Atkins: Yes.

Q287 Helen Whately: I think there is a slight sense of discomfort with how you would actually ensure that. What if they just said, “Yes, they turned up—thanks very much”?

Victoria Atkins: I don’t want to speculate, but in those circumstances, if someone were called before the court to talk about the compliance of the person receiving their services, I would imagine that they would be very aware of their duties to the court. I take the point about that needing to be set out more clearly—it may well be. That is a matter for the guidance, as opposed to the face of the Bill.

Q288 Helen Whately: On the positive requirement, how confident are the Government that where a DAPO is imposed and the respondent is not in receipt of legal advice, there will not be a breach of the respondent’s right to privacy and liberty under the European Convention on Human Rights?

Victoria Atkins: I think I may ask the Justice Minister.

Edward Argar: We have looked at this. It is not a simple area of law. You are absolutely right to highlight it. There is always an opportunity for challenge. We believe that we have struck an appropriate balance, which will keep us in line with the ECHR requirements. However, as I have discovered in my year in this post, there are often ways that very smart lawyers can challenge, under ECHR, particular decisions. There is always a balance on these things, and we believe that we have struck the right balance that keeps on the right side of our ECHR obligations to individuals, particularly around the right to privacy.

Helen Whately: Thank you.

Q289 Lord Blair: I am extremely glad to hear the Minister recognising that 28 days is not long enough for a domestic violence protection order to be effective. Another piece of legislation mentions 28 days, namely the Policing and Crime Act.



I will ask questions about bail, if I may. We have heard consistent evidence that the restriction on police bail to 28 days in the first instance has led to a significant, nationwide reduction in bail being imposed by the police in cases of domestic violence. Presumably the Government are aware of that. This seems to be a perfect example of the road to hell being paved with good intentions. We are assuming that the Government will be taking steps in some way to make a presumption against release without bail in domestic violence cases, and for a longer period than 28 days. Is that right?

Victoria Atkins: Thank you, Lord Blair. I say this as someone who has prosecuted fraud cases in which people would be on bail for a very long time. These reforms were made in an effort to ensure that people were not spending inordinate amounts of time on bail before charge. I think most people understood, as you said, the good intentions behind that.

Pre-charge bail, including with conditions, is available where it is necessary and proportionate. While the reforms do not limit the length of time that people can be under investigation, it is for police forces to manage those investigations in an effective and efficient manner, but we are very aware of the concerns held by the police and others about the balancing act that is happening as a result of the newish legislation.

The National Police Chiefs Council is developing operational guidance for officers to help them and provide reassurance about the reforms. That document will reiterate that pre-charge bail is still a legitimate investigative and safeguarding tool that officers can use where that is necessary and proportionate. It will also set out best practice for those released under investigation. We deal with this as part of our national oversight group, which meets regularly with the Home Secretary and has stakeholders around the table. I have asked for this issue to come back on to the agenda at the next meeting, which is in a few weeks' time, so that what is going on and what the National Police Chiefs Council is doing to improve it can be explained.

Q290 Lord Blair of Boughton: We can produce guidance and good practice, but as you say yourself, 28 days is a very short period of time, and victims' confidence appears, from the evidence from the victims and the police themselves, to be being very adversely affected by this legislation. Fraud cases and the occasional extremely high-profile historical child abuse case are very different. This is day in, day out. I would have thought that the Government might want to think very hard about whether you stay with this particular restriction in the specific circumstances of domestic abuse.

Victoria Atkins: That is why the NPCC guidance is so important. Giving operational guidance to officers will help to give them confidence. As I say, we are very aware of this, and I anticipate that it will feature in the Committee's report. Pre-charge bail is still available. It is almost as though the pendulum has swung the other way, and we need to get it back in the middle by ensuring that for cases where it is appropriate to go beyond 28 days, people are being released on pre-charge bail with conditions as necessary and proportionate. I inadvertently gave the impression that the guidance had not been published yet. It was published in January this year. That is why we are looking at it at the national oversight group in a couple of weeks' time.

Q291 Lord Blair of Boughton: Let me change the subject slightly to the domestic violence disclosure scheme, otherwise known as Clare's law. There are two stages to this. There seems to be a suggestion from the Government that Clare's law will be put on a

statutory basis. The Committee in general can see wisdom in that, because it will make sure there is not a lottery about which police forces engage in the scheme. There has also been conflicting advice about whether there should be a duty on the police to inform people that their new partner has a history of domestic violence. There seem to be a number of concerns about whether that is a realistic duty that could be placed. I just wondered what your views on that are.

Victoria Atkins: I think Clare's law—the domestic violence disclosure scheme—is a really important tool in our armoury as a society to tackle domestic abuse. Taking a step back and being realistic, people who are in the first few months of a new relationship, unless they have already experienced domestic abuse, are probably not thinking that the partner they are falling in love with could behave in that way. It is a really delicate balancing act.

There are two tranches two it: there is the right to ask, so people who have probably been victims of domestic abuse can ask about the perpetrator, or if they begin to sense that something is not right; and the right to know. We are seeing an increase in both forms of application, but particularly the right to know application. I fully acknowledge that it is a very difficult area for the police. Of course, it is not for the police to police relationships unless they feel it is necessary and proportionate under the guidance, but we want to put it on a statutory footing so that it is there in law to ensure, we hope, consistency of approach between forces. We want to make it clear that this is the guidance and it's on a statutory footing, to ensure that police forces are abiding by it where appropriate. However, it is very difficult, and again this is something that we will read with interest, should it form part of the Committee's report.

Q292 Baroness Burt of Solihull: Some justice questions now. First, on cross-examination of victims, because only a small percentage of domestic abuse cases result in a criminal conviction, most victims of domestic abuse are only going to be covered by the discretionary ban on cross-examination in the family courts. I am just wondering how the legislation as it stands will guard against inconsistency in the court's application of the discretion. Wouldn't it maybe be better to have an automatic ban on cross-examination where there are allegations of domestic abuse?

Edward Argar: Thank you, Lady Burt. You are absolutely right to highlight the importance of this measure. One thing that we looked at explicitly when I was drafting the victims strategy last year was issues around the court process and the way in which, in some cases, it can quite dramatically re-traumatise a victim in the nature of what they have to go through to secure a justice outcome.

In response to your specific questions, our intention is that the provisions prohibiting cross-examination in person of a victim by their abuser will protect every victim of abuse who is a party to family proceedings. We do recognise that many victims, as you rightly say, choose not to pursue their abuser through the criminal courts—the criminal justice system—and therefore these victims may not benefit from the absolute prohibition. That is why the provisions also provide for the courts themselves to be able to prohibit cross-examination in person where the threshold for automatic prohibition is not met, so there is that judicial safeguard, in a sense, in there.

The court's power is framed from the potential impact on the party involved, in order that the court can make directions as appropriate for those most in need of protection. Our expectation is that this power will actually be widely used, and that every victim of domestic

abuse should benefit from the provisions against cross-examination in person. We will be producing statutory guidance to sit alongside the Bill, in which we will clearly set out guidance on how that power should be exercised in practice, and we will work very closely with the judiciary to ensure it is being used properly.

To your final point in your question, Lady Burt, we did consider the option in this context of extending the automatic ban on cross-examination in person to cover all instances where there are allegations of domestic abuse. However, given the wide definition of domestic abuse being introduced in this Bill, we felt that a blanket, automatic prohibition against cross-examination in person where domestic abuse is alleged could risk extending the provision further than where it is necessary. We are, of course, open to reflecting on any comments from the Committee in this respect.

Can I—not directly going to your point, but again relating to family court proceedings—also highlight another measure, which relates to this tangentially but which we announced this morning in a written statement? We have announced the establishment of an expert panel to gather evidence on outcomes for children and parent victims in contact cases and other private law children's proceedings, in particular any harm caused during or following such proceedings where there are allegations or other evidence of domestic abuse or other related crimes. This is, in essence, what is known as practice direction 12J; I know a number of Members of both Houses have been calling on the Government for a review of it. As I say, we have today announced that we will set up a panel to do just that, and to gather evidence.

Baroness Burt of Solihull: That is great news. In fact, we were talking about that a little earlier.

Edward Argar: I'm sorry; I strayed slightly further, but I thought it might be relevant.

Q293 Baroness Burt of Solihull: That's all right—stray away! You are most welcome to do so. Just to go back to my question, don't you think that, given that courts operate very differently, there will be inconsistency between different courts in whether or not that is applied at cross-examination?

Edward Argar: In terms of your push for a consistent, automatic prohibition, there are different rules for the different proceedings, be they criminal, civil or family, and a different approach is adopted in those cases. I believe that what we are proposing here is the right approach for the family courts. As I say, the judicial discretion, for want of a better way of putting it, is the appropriate way to go, but I suspect that the Committee might reflect on that a little more fully when it reports back to us. We are open to looking at what the Committee says in that respect.

Q294 Baroness Burt of Solihull: That's good. Do you recognise the Law Society's comments that the issue of perpetrators using the family justice processes to further abuse victims goes beyond simply cross-examination, and includes things such as perpetrators making repeat applications and dragging the process out? Do you recognise that, and what do you think could be done to address that?

Edward Argar: Yes, I do recognise that. I have actually enjoyed getting into the detail of this Bill with my colleague, and also reading your voluminous transcripts of evidence sessions thus far. We are determined that the family courts should never be used to further or perpetuate abuse. As I mentioned this morning, we announced the launch of the panel that

will review how family courts protect children in cases that relate to domestic abuse and other serious offences. In a sense, that goes to the heart of your question. We recognise the challenge that the courts can still be used to further victimise a victim of domestic abuse. That is one of the steps we are taking to address it.

The panel will be chaired by the MOJ and advised by experts, including senior members of the judiciary, academics and, importantly, charities. We will launch an imminent public call for evidence on that. In a sense, 12J is at the heart of that, but the panel will look broadly at how effectively the family court system protects children and victims. I think it was Lady Armstrong who made the valid point that we will often talk about children in households where domestic abuse takes place as witnesses. They are also victims of what has happened, and it has an impact on them. I have done a lot of work with campaigners on this particular issue. We recognise the concerns about abusive parents submitting repeat applications to the family courts for the sole purpose of re-victimising their original victims. As part of the panel, we will be looking to examine the courts' application of barring orders in this context—they prevent repeat and vexatious applications.

Q295 Baroness Burt of Solihull: Thank you. In its response to the Home Affairs Committee report on domestic abuse, the Government recognised that family court proceedings can be incredibly difficult for victims. In some cases, victims have found that it re-traumatises them. Witnesses have suggested to us that the special measures provision in the draft Bill should be extended to victims of domestic abuse in family and other civil proceedings. Do you agree?

Edward Argar: Special measures are already available to victims of abuse in both family and civil proceedings. In the family system, in-court protections are provided for by mandatory provisions in practice direction 3AA that supplement the family procedure rules. These provisions require judges to follow the procedure that is set out in the practice direction whenever there are any concerns about vulnerable parties in a given proceeding. This places a duty on the court to consider whether a party's application in the proceedings is likely to be diminished by reason of vulnerability—including if they are a victim of domestic abuse—and to consider whether any in-court protections are needed, which can then be ordered by the judge. The measures the court can take in the context of the practice direction could include—these are just some examples—preventing a party or witness from seeing another party or witness, or allowing a party or witness to give evidence by live link.

In civil courts, as the Committee will be aware, there is already a wide power for the court to make directions for special measures. Again, they are provided for by the civil procedure rules and supplemented by relevant case law. The general rule in civil courts is that witnesses must give their evidence orally and in public. However, the court's general powers of case management do include a very wide discretion for the sitting judge to take any other step or make any other order for the purpose of managing that case effectively. That can include allowing witnesses to give evidence via a video link or by any other means deemed appropriate by the judge in that context.

We have not seen any evidence at present to suggest that there is an issue with special measures and their effectiveness in the civil court. As ever, we are very happy to hear views from the Committee or any evidence the Committee has heard that it feels it would be useful for us to reflect on.

Q296 Baroness Burt of Solihull: There is a wide range of types of family courts, some

better practically provided for than others. Do you think there will be any practical problems in implementing this?

Edward Argar: I don't. There is obviously the challenge, which the Committee will be aware of, about physical infrastructure, for want of a better way of putting it. I think that is what the noble Baroness is getting at there, in terms of the physical layout of courts, ability to pre-record and video link. That is something we are investing in with the court reform programme.

In the victims strategy, we set out our intention with new court buildings, or when there is renovation, to have that specifically in mind. That applies more broadly than just to domestic abuse cases—for example, separate waiting areas, so that an accused does not come into contact with their victim.

In terms of being able to use video links and video technology, last week I signed the commencement order—it comes into force this week—on a further roll-out of the use of those, and that technology, in a larger number of courts. The judiciary have said they are content with the technology now, that it works and that it is effective, so we are rolling that out.

You are right to highlight that there is inevitably a scale issue here. If we are starting from here, there is a lot of work to do, but we are determined to do what is necessary to ensure that the court estate and system can give the judge that flexibility.

Q297 Baroness Burt of Solihull: My last question is a late submission from the Prison Reform Trust on the idea of having a new clause creating a statutory defence for offenders whose offence is driven by their experience of domestic abuse. Have you heard of that and do you have any thoughts about it?

Edward Argar: It is not something that has been put to us in the course of the work we have done in preparing for this. Both Minister Atkins and I have had extensive one-on-one and roundtable meetings and visits. It is not something that has been particularly mooted with us. If that were submitted in written or oral evidence, I would be happy to look at and reflect on that. I hope the noble Baroness will forgive me for not commenting on the stump, as it were, having not read the submission.

Q298 Baroness Burt of Solihull: No, indeed; that was quite a thing to spring on you.

Edward Argar: It's part of the job.

Baroness Burt of Solihull: That only came in last week. I wanted to raise it because I wondered what your views were.

Q299 Lord Farmer: On perpetrator management programmes, we have heard, particularly from Dame Glenys Stacey, that they should be tailored to a particular type or group of perpetrator, and may require the involvement of different agencies. There is currently a shortage of different types of programmes. A significant and stable funding stream will be required to address that. How are you going to tackle that? Coupled with that, what changes are necessary to increase the number of perpetrators given court orders to attend perpetrator programmes? We heard statistics that they have fallen over the past eight years, even though the number of domestic abuse incidents has increased.

Edward Argar: If I may start on that one, Victoria might want to chip in. Our aim is to ensure that people receive the right intervention at the right time. I know that a number of your witnesses have quite rightly emphasised, in that context, the need for accredited perpetrator programmes. I think one said that no programme is better than a bad programme. It is important that we get them right.

We know this is about effective assessment, sentence planning and the delivery of evidence-informed interventions. You will have seen that we have made a number of non-legislative commitments in the overall package sitting with this draft Bill, to ensure that it happens. A key element of this, as you allude to, is sentencer confidence and awareness, and the ability to access these programmes. There is also the ability of the probation service effectively to deliver and monitor them. As part of the reforms to the probation service that were set out by the Secretary of State last week, and that have been in train for some time, we are committed to measures to improve the assessment and identification of people convicted of a domestic abuse offence who are eligible for the Building Better Relationships accredited programme in this context. I am aware that there are a number of other programmes that different witnesses have cited—both to support victims and to support perpetrators.

We are promoting the use of evidence-based interventions for convicted perpetrators that meet the accreditation standards set by the CSAAP, which is a panel of independent experts who assess a programme against a set of evidence-based principles. It is our aim that accredited programmes will be the intervention of choice for all eligible offenders.

In that context, HMPPS offers four accredited offending behaviour programmes, designed for individuals convicted of an offence involving domestic abuse or intimate partner violence. These programmes support participants to develop the optimism and skills to strengthen their prosocial identity and move away from their offending behaviours. As part of that accreditation process, the programme developer must also demonstrate that delivery will be responsive and relevant to individual needs and characteristics, such as gender, sexual orientation and so on.

A number of non-accredited programmes for domestic abuse are also offered by CRCs and third sector providers at present. As part of the probation report on performance, it is our intention to ensure that accredited interventions are available that will meet the most frequently occurring needs across the country within the probation case load. HMPPS is currently developing and piloting new toolkits for staff working in this area who are unable at the moment to access an accredited programme.

Our plans are to see an increase in the use of these programmes. Probation reforms will utilise innovation partners to do this. We believe that the vehicle we have of reforms to probation is the right way to drive greater consistency, proper accreditation and greater availability of these programmes. As you will have seen in the Secretary of State's announcement, there is funding that will follow those probation reforms as well.

Q300 Lord Farmer: Do you see an increased usage of the pre-sentence report being available to the courts in their decision making about probation management?

Edward Argar: The pre-sentence report is a hugely important tool for the courts. I know that in other work that you, Lord Farmer, for example around female offenders and others—and I have also been working on youth justice, in particularly—I cannot overstate the importance of the court having all the possible available information before it for the sentencer to know

what is the most appropriate sentence. A sentencer will do their very best to sentence appropriately, including with treatment programmes, but they can only do that with the information they have at their disposal. The PSR is an important element of that and I do recognise the value.

Q301 Lord Farmer: I think you have answered some of this. The chief inspector of probation had grave concerns about some of the probation work intended to protect victims of domestic abuse and has described the current CRC delivery programme as “irredeemably flawed”. You mentioned the changes coming from CRCs going to the probation services that the Government announced. What are you doing to improve the quality of perpetrator interventions and to protect the victims of abuse?

Edward Argar: You are absolutely right to highlight this. I think that Dame Glenys Stacey touched on this in her evidence. The report was prepared in September 2018, I think, in which she highlighted eight key recommendations and highlighted her concerns.

As she set out in her evidence, we take this extremely seriously. The normal turnaround time for a response to one of these reports is about three months. The Ministry of Justice responded within six weeks, accepting without demur all eight of those recommendations, each of which are now being worked through with an action plan—I think it is eight, but it may be seven. There is an action plan against all of those.

We are showing progress. CRCs, even within the existing probation framework, are developing new frameworks to evidence their approach to managing the risk of harm posed by domestic abuse perpetrators, and have put in place a review of their public protection policy. They are continuing to improve and add to their safeguarding training. As I think the chief inspector set out, we will be submitting a further progress report on that towards the end of next month, including what we are doing against each of those recommendations and where progress has got to.

More broadly, the package of practical steps accompanying the draft Bill includes, as I alluded to in my previous answer, the use of programmes that meet recognised standards. For programmes delivered by HM Prison and Probation Service, the standards are set by the correctional services accreditation and advice panel, and we have also committed to evaluating the accredited moderate and high-intensity perpetrator programmes. I hope that the Committee is in no doubt as to how seriously we take that report by Dame Glenys and our determination to address each of her recommendations with a robust action plan and concrete results flowing from that.

Lord Farmer: Thank you.

Chair: I think we have a couple more questions. Alex, I think you have covered question 33, so we will go to question 34.

Q302 Lord Farmer: We also touched on support for women of uncertain immigration status who are fleeing abusive relationships. The lack of support may contravene the non-discrimination clause of the Istanbul convention. What work have the Government done to ensure that this very vulnerable group of women, who have no access to help, and their children receive the same support available to other domestic abuse survivors?

Victoria Atkins: As you have stated, Lord Farmer, we are very conscious of the particular sensitivities around this group of very vulnerable women. We are looking at the destitute domestic violence concession to consider the argument for widening the cohort of individuals eligible under that concession. As I have said already, as part of that consideration we met significant stakeholders last week with Caroline Nokes, the Immigration Minister, to try to map paths through for this. We are clear that victims of domestic abuse deserve protection, and we want to ensure that we are supporting migrant women as best we can. We will be very much taking into account the provisions of the convention as part of that.

We are continuing alongside that to try to find ways of improving the service provided to these very vulnerable people, and that includes funding of the Southall Black Sisters. We committed more than £1 million to Southall Black Sisters in March to fund safe accommodation, subsistence and help, including counselling, therapy, immigration advice and community awareness raising for domestic abuse victims in London, the north-east and Manchester. That will play an important part in our approach to this very vulnerable group.

With MHCLG publishing its priorities for domestic abuse services in 2016 and updating those in 2018, we have made it clear that local authorities should respond to the needs of all domestic abuse victims, including from isolated and marginalised communities. The consultation that is now ongoing will of course play an important part in that consideration as the Bill makes its journey to introduction.

Q303 Lord Farmer: There is the problem with the firewall for these women who want to report abuse, but are then worried about the Home Office finding out about their immigration status. That makes them very vulnerable, because they are unlikely to report the abuse.

Victoria Atkins: We are very sensitive to that. We are committed to ensuring that all victims of domestic abuse or crime are treated first and foremost as victims, regardless of their immigration status, but immigration enforcement is engaged with the National Police Chiefs Council to ensure that the police and immigration work collaboratively to recognise victims quickly and to ensure that immigration status is not used by perpetrators to coerce and control their victims. The police and the investigation inspectorate will share information and intelligence, but will not take enforcement action if the police are investigating a crime. We are very conscious of the sensitivities, which is precisely why last week the Immigration Minister was an important part of the meeting we had.

Q304 Lord Farmer: As time is marching on, I shall ask just one more question. In the domestic abuse consultation response, the Government said that they would not extend the DVC beyond three months, because that was sufficient for an immigration decision to be made. We have heard about the difficulties that such a short period presents in terms of finding accommodation in particular. Will the Government reconsider their decision not to extend the domestic violence concession?

Victoria Atkins: As I say, we will look very carefully at the evidence of the Committee's report and we will continue to discuss this with stakeholders. I am, as I say, conscious of the pressures of the three-month time limit, but we have to do this, step by step. I think looking at the cohort as well is really important.

Q305 Chair: May I ask for a point of clarification, Minister Atkins? You have said that local authorities should support all victims of domestic abuse, but how do they fund



that? I know you are going to be looking at that in the future, but you are saying that here and now.

Victoria Atkins: Yes, the national statement of expectation sets out what we expect of local authorities. One of the reasons we are holding this consultation is that we accept that we need to do better, particularly in the provision of accommodation-based services.

Q306 **Chair:** So you acknowledge that now the situation is less than satisfactory?

Victoria Atkins: I think it is, particularly for cohorts of victims who have particular sensitivities in addition to the fact of the domestic abuse. I am thinking of, for example, migrant women, male victims and LGBT victims. Part of the reason for having this consultation is to look at how services are provided nationally, because we want to ensure that there are specific, tailored, bespoke services for people and that they are not inadvertently facing difficulties because of their particular circumstances.

Chair: Thank you very much. Ministers, may I, on behalf of the whole Committee, thank you for your time today? We know that you are very busy people, and you have answered the questions put to you. We are very grateful to you for that.