

Written evidence submitted by Barnardo's (VIC0044)

About Barnardo's

Barnardo's is the UK's largest national children's charity. Our ambition is to achieve better outcomes for more children by building stronger families, safer childhoods and positive futures. In 2020-21 Barnardo's supported 382,872 children, young people, parents and carers through 791 services and partnerships throughout the UK. We helped 103,057 vulnerable children and young people through Barnardo's Government funded Covid-19 response programme, See, Hear, Respond, alongside more than 80 partners. This included direct work with 5,294 children and young people through our child abuse and exploitation services and supporting thousands more through our work training professionals, providing resources for schools and raising awareness through policy and research.

We also host the Home Office-funded **Centre of Expertise on Child Sexual Abuse**¹ which reaches thousands through its training and research, as well as the **National FGM Centre**, a partnership between Barnardo's and the Local Government Association, which works with professionals and in communities to educate and prevent FGM.

Increasingly in our child criminal and sexual exploitation services, we are supporting children and young people through police investigations and court cases, and the associated trauma they bring. We also support children and young people who have broken the law, as well as those who are victims. It is crucial that these young people can access timely, specialist support. Our services tell us that having therapeutic support can in fact lead to children feeling able to support a prosecution process and similarly that a lack of support can stop a child reporting a crime to the police and therefore pursue a criminal/s.

Barnardo's has joined with other charities in the Children's Sector to call for the following key principles which we believe must be reflected in the Bill.

Principle 1: specialist support in the community to prevent abuse and intervene at the earliest opportunity

- A statutory duty on all relevant public authorities to commission community-based specialist domestic support services for all victims, including young people in their own intimate abusive relationships
- Child victims of abuse have a right to access specialist support regardless of whether they have contact with the criminal justice system
- Expansion in provision of Child Independent Sexual Violence Advisors and Child Independent Domestic Violence advisors, including specialist training to work with children

Principle 2: making sure the criminal justice system is child-centred

- Child abuse victims to have access to therapy support, including pre-trial therapy
- Access to special measures including registered intermediaries in the criminal courts
- Establishment of more child centred multi-agency approaches to support victims of child sexual abuse such as Child Houses²

¹ [wHome - CSA Centre](#)

² A Child House is a multiagency service model supporting children, young people and non-abusing parents and carers following child sexual abuse. See for e.g. https://www.london.gov.uk/sites/default/files/childhouse_jan19_report.pdf

Principle 3: whole systems approach to supporting children

- Commissioners must collaborate to consider and meet the needs of child abuse victims, as well as those young people displaying harmful behaviours
- Consequences for systems in place with regards to upholding the rights of child victims
- Better data collection around children's experience as victims of abuse

Principle 4: children who are victims of exploitation are protected

- The Victims Law must recognise the experience of and protect child victims of criminal exploitation
- Child victims of criminal exploitation must be provided with support regardless of whether they appear as a witness or defendant in criminal proceedings

1. The Draft Victim Bill's definition of 'victim'

- Children are only referred to twice in the draft Bill, and sadly only in the context of adult victims and their children, not as victims in their own right. This is particularly disappointing as after years of campaigning, children have finally been recognised as direct victims of domestic abuse in the Domestic Abuse Act 2021.
- Barnardo's welcomes the emphasis that victims are victims first even when there are criminal allegations against them.
- However, Barnardo's believes there should also be a definition of Child Criminal Exploitation (CCE) in the Victims' Bill to ensure that CCE and its victims are defined and recognised in primary legislation. We propose the following definition of CCE: *'Where another person or persons manipulate, deceive, coerce or control the person to undertake activity which constitutes a criminal offence where the person is under the age of 18'*. Child Criminal Exploitation is a form of child abuse and is an area of harm which has seen an increase in prominence and there are indications that it is a growing problem. Like all forms of child abuse, its hidden nature means it is difficult to get an accurate picture of the extent of CCE taking place in the UK. In 2019, the Children's Commissioner for England estimated there were 27,000 children at high risk of gang exploitation who had not been identified by services. The number of 'children in need' assessments that identified gangs as a factor increased by 34% in 2020.³
- In July 2021 one in four (24%) of Barnardo's frontline workers had supported a child or young person they thought was being coerced, deceived or manipulated into criminal activity and 15% thought the first lockdown led to more children and young people getting involved in serious violence and exploitation.⁴
- CCE such as county lines is a cross-cutting issue that involves drugs, violence, gangs, safeguarding, criminal and sexual exploitation, modern slavery, and missing persons. It is increasingly happening online. A recent report into subscription site *'Only Fans'* revealed links between children selling explicit videos on the site and CCE, CSE and trafficked and missing children.⁵

³ [Children will keep dying on our streets until there is a joined up public health response to gangs | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](https://www.childrenscommissioner.gov.uk/news/children-will-keep-dying-on-our-streets-until-there-is-a-joined-up-public-health-response-to-gangs/)

⁴ Barnardo's Quarterly Practitioner Survey, July 2021 - (n=276)

- A recent crackdown on county lines drug dealing gangs resulted in the arrest of 1,100 people and the seizure of 292 weapons. During the week of the crackdown, 904 of these ‘cuckooed’ homes were visited by law enforcement, and 1,138 vulnerable people were safeguarded, including 573 children.⁶ Barnardo’s welcomed the public rhetoric around this operation as finally acknowledging that children involved in CCE needed to be safeguarded and not criminalised.
- Barnardo’s 2021 report *Exploited and Criminalised*⁷ used evidence from our services that showed how children were still being criminalised for the abuse and exploitation they had experienced. Often the criminal justice system focuses solely on a child identified initially as a criminal and not the organised crime gang using the child for their own financial gain. Identification of victims of CCE is inconsistent. Freedom of Information requests made by Barnardo’s found that only one police force was able to provide any data on the number of victims of Child Criminal Exploitation in their areas. Many police forces even asked us how CCE was defined.

2. The Government’s proposal to put the overarching principles of the Victims’ Code in primary legislation and set out key entitlements in secondary legislation, consulting on changes to the Code once the Bill is in force.

- Barnardo’s welcomes putting overarching principles of the Victims’ Code into primary legislation.
- Barnardo’s feels that, given the potential lifelong impact on children being victims, this could be an opportunity to make sure that child victims are given more consideration by authorities by strengthening the Victims’ Code of Practice.

3. The key changes the Government should consider making to the Victims’ Code, including consideration of those already proposed by the Government in its response to the consultation.

- The Victims’ Code of Practice in principle sets out exactly how children should be supported through their experiences. Under the code children have ‘enhanced rights’. This means they should be informed within one working day if the police decide not to investigate the case and if the suspect will be prosecuted and referred for support within two working days. Unfortunately, in practice, frontline services supporting children observe that it is often not being adhered to. For example, research by Victim Support found that in one local area the provision was only met in half of cases.⁸
- In a survey of Barnardo’s frontline practitioners, we found that:⁸
 - 81% of respondents think that children do not understand their entitlements and rights as victims of crime.
 - 22% of respondents thought that support was rarely offered to child victims of crime to in a timely way while 37% thought that support was sometimes offered to child victims of crime in a timely way.
 - 22% of respondents said advocates were rarely offered to the children they support.

⁵ [The children selling explicit videos on OnlyFans - BBC News](#)

⁶ [County lines: 1,100 people arrested in UK crackdown - BBC News](#)

⁷ [Exploited and Criminalised report.pdf \(barnardos.org.uk\)](#)

⁸ Unpublished Barnardo’s Quarterly Practitioner Survey January 2021

Q. Have you supported a child who reported a crime they were victim of to the police? Base: 47; Q. Are they being offered appropriate support in a timely way? Base: 27; Q. Are they being updated about their court case/police activity regularly? Base: 27; Q. Are they being offered support through the court process from an advocate? Base: 27;

- 37% of respondents said that police rarely kept the children and families they support updated about their case.
- Going through a police investigation and prosecution as a victim of exploitation of abuse is often described as retraumatising for children. In addition to the crimes of exploitation and abuse they have experienced, through the process of a police investigation and trial, a child or young person must re-tell the experience, often multiple times, usually in an environment which is unfamiliar, intimidating and confusing to them. This is traumatic regardless of the outcome. A large number of crimes against children go unrecorded, unreported and unprosecuted and this has been exacerbated by the lockdowns.⁹ Children and families need *“Frequent engagement from police so a child feels supported in the process and can build a relationship with a named officer.”* - Barnardo’s frontline worker
- An 18-year victim of crime who Barnardo’s consulted with said what would have helped the process was: *“Being believed, I just didn’t feel like I was believed. When I look back, I can’t understand the way that professionals were acting. I don’t understand their behaviour based on what I had experienced and the fact that given the circumstances I was the one made to feel like I was in the wrong”.*
- Issues that traditionally stop child victims getting the support they are entitled to include: not feeling that they are believed; being criminalised rather than seen as victims; experiencing prejudicial attitudes based on ethnicity, gender, family background or care experience; poorly informed professionals who lack the training and skills to engage effectively with them; and being passed from support service to support service.
- One Child Sexual Abuse (CSA) counselling practitioner told us that they had zero referrals from the police across the three services they had worked in: *“Referring a victim into a counselling service doesn't impact their work, doesn't impact their police reports, so it's not in their interest to do that.”* Clearly under the Victim’s Code, children ought to be accessing appropriate support services, of which counselling might be considered to be key, so it is worrying that the police do not routinely do this.
- An 18-year-old victim of crime supported by Barnardo’s when asked whether she had been informed of her rights, said *“Not until years later, when working with Barnardo’s, not whilst any of this was going on. Even now, I know how I was treated wasn’t right, but I still don’t fully know what my rights should have been. The goal was always to protect the institution, not me and there wasn’t any real focus on me at all, “I am a problem to everyone involved” and the goal was for services and professionals to sort me out being a problem. Despite many many meetings I was never told my rights”.*
- Another practitioner said that the most common phrases they hear from children at their assessment meetings are: *“I just don’t feel believed, I don’t feel cared for, the police don’t tell me what will happen to the perpetrator”.*
- Our services also highlighted that when a victim decides not to press charges or does not feel ready to pursue a criminal justice route, they still need access to services but too often are not being referred to them. Having skilled practitioners supporting⁹ a child can result in them feeling ready to go through the criminal justice system. Yet if children and young people are not being referred to appropriate support in the first place, this potential opportunity to help them effectively engage with

⁹ [Are we getting it right for young victims of crime? A review of children's entitlements in the Victims' Code - Victims Commissioner](#)

a criminal process is lost. These findings are supported by a review of children's entitlement in the Victim's Code in 2017 by the Victim's Commissioner.¹⁰

- These statistics and the qualitative feedback starkly show that the Victim's Code of Practice continues to not be implemented as set out. All too often, children are not being provided with information about the investigation and prosecution and are not being referred to services that support victims.
- Barnardo's agrees that placing the Code on a statutory footing will help to give it greater impact, but without clear sanctions on criminal justice agencies for non-compliance, it is unlikely that a statutory code in and of itself will make a huge difference.
- A 16-year-old supported by Barnardo's and consulted as part of this consultation told us: *"I feel like the whole justice system is wrong, you don't hear from them unless they need something from you and then you are expected to just do it, or you can't get justice. I now have the worry of court, again I am just waiting. It is so stressful. I don't know anything yet – will it go to court? Will he go guilty? Will I need to give evidence? Every time the answer is 'we will have to wait'. It's ridiculous. There is no real support from their side, the only support I have is from BASE (Barnardo's support service) and she can't answer questions she doesn't know the answer to. She will always find out for me but there's just more and more waiting."*

4. The Government's proposals to amend the role of the Victims' Commissioner.

- Given the specific needs of child victims, Barnardo's would urge that the opportunity be taken in the Victims' Bill to strengthen the duties of the Victims' Commissioner to monitor and report on the issues faced by child victims and witnesses and to monitor how criminal justice and victim support agencies comply with the Victims' Code in respect of child victims.

5. The Government's proposals to place a duty on the relevant criminal justice agencies (the police, the Crown Prosecution Service, HM Courts & Tribunals Service, Youth Offending Teams and HM Prison and Probation Service) to collect data and keep under review their delivery of the Code.

- Barnardo's welcomes the collection of further data. Barnardo's believes that for the Code of Practice to effectively work for child victims, there needs to be better accountability and monitoring mechanisms within the police and the CPS to ensure it is complied with.
- Many victims do not know that they have a right to complain to authorities if the Code is not upheld, which means that criminal justice organisations need to undertake regular audits to understand whether their agency is upholding it in practice.

6. The Government's proposals on the role of the inspectorates, including an improved focus on victims, and a new power for the Government to direct aspects of their work.

¹⁰ Are we getting it right for young victims of crime? A review of children's entitlements in the Victims' Code - Victims Commissioner

7. Whether the legislative steps proposed by the Government will lead to an improvement in the commissioning of support services?

- **The Victims' Bill is a unique opportunity to bring the commissioning landscape together under a statutory duty to provide support for all victims of sexual violence and domestic abuse.**
- During the passage of the Domestic Abuse Act through Parliament, we called on the Government to take a holistic approach to tackling domestic abuse by including a statutory duty on public authorities to commission community-based support services to all victims, including children of domestic abuse, as well as perpetrator programmes.¹¹ This call was supported by the Children's Commissioner, the Domestic Abuse Commissioner, the Victims' Commissioner, a group of cross-party Peers, a number of Royal Colleges, the British Association of Social Workers, 130 respondents from frontline domestic abuse services¹², and many other cross-sector organisations.
- At the time, the Government committed to consult on the need for this duty in the Victims' Bill consultation and we were disappointed that the initial consultation did not mention a specific duty. We do however, welcome the inclusion of a joint statutory duty on public bodies to collaborate when commissioning support services for victims of sexual, domestic and serious violence in the Draft Victims' Bill. This is a step forward. However, we believe this duty needs to go even further if it is to make a real difference to the lives of victims. Collaboration is not enough to ensure that all victims of domestic abuse, including children, have the same access to support, no matter where they live. This must not be another missed opportunity to safeguard and protect adult and child victims from the impact of domestic abuse.
- It is vital that domestic abuse and sexual abuse community-based services are placed on the same statutory footing as accommodation-based services in the Domestic Abuse Act 2021.
- Analysis by the Children's Commissioner, pre-COVID-19, found that 831,000 children in England are living in households that report domestic abuse.¹³ Domestic abuse remains the most common factor amongst children assessed as 'in need' by local authorities in England.¹⁴ The recent National Safeguarding Reviews of the tragic children Arthur and Star is a stark illustration of the relationship between domestic abuse and direct child abuse.¹⁵
- Children are too often 'hidden victims' of domestic abuse, which has devastating effects on their wellbeing (mental and physical), social, and educational outcomes. There is evidence from research into children who have experienced adverse childhood experiences, including domestic abuse, that shows they are more likely to become a victim of abuse in adulthood.¹⁶ While not every child will grow up adversely affected by their experiences, a significant number will be conditioned by the

¹¹ [Domestic violence perpetrator programmes - What Works for Children's Social Care \(whatworks-csc.org.uk\)](https://whatworks-csc.org.uk)

¹² SafeLives (2020), *Letter from community-based domestic abuse services to Government*, Available at: <https://safelives.org.uk/sites/default/files/resources/Letter%20from%20community%20based%20domestic%20abuse%20services%20to%20Government%20FINAL.pdf>

¹³ Office of the Children's Commissioner for England (2019), *Childhood vulnerability in numbers*. Available at: <https://www.childrenscommissioner.gov.uk/publication/childhood-vulnerability-in-england-2019/>

¹⁴ Department for Education (2020), *Characteristics of children in need: 2019 to 2020, England*. Available at: <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2019-to-2020>

¹⁵ [National review into the murders of Arthur Labinjo-Hughes and Star Hobson - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

¹⁶ ONS (2017), *People who were abused as children are more likely to be abused as an adult*. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/peoplewhowereabusedaschildrenaremorelikelytobeabusedasanadult/2017-09-27>

behaviours they have seen within adult relationships which can make it difficult for them to recognise abusive behaviour.

- We welcomed the Government's amendment to the Domestic Abuse Act in July 2020 to recognise children under the age of 18 as victims of domestic abuse in their own right. It is an important step forward in ensuring that children are seen as victims and the impact it has on their lives is recognised by professionals.
- However, without a duty on local areas to provide community-based support, only a limited number of child victims of domestic abuse will be able to access the support they need.
- We know access to specialist support services for children, such as Young People's Violence Advisor (YPVA) Services, reduces the impact of domestic abuse and improves children's safety and health outcomes.¹⁷ However, there is already existing evidence of a lack of provision of services for children affected by domestic abuse. Action for Children found that children faced barriers to accessing support in two-thirds of the local authorities in England and Wales which took part in the research, and over 10% of these had no specialist support services available for children at all.¹⁸
- For services that do exist, the COVID-19 pandemic has placed additional pressure on them. A SafeLives' survey of frontline domestic abuse services at the start of the first lockdown found that 42% were not able to effectively support child victims of domestic abuse at this time.¹⁹ At the same time, the risk to children has increased significantly. During the first national lockdown, 57% of Barnardo's frontline staff were concerned about an increase in family conflict and stress, while 45% reported a decrease in referrals due to families having less contact with services. There is a serious risk that children living in abusive households are going unrecognised and unsupported, and the numbers are growing.
- Children continue to experience mental and physical health problems as a result of exposure to domestic abuse both throughout their childhood and into adulthood. School-aged children experience poor self-esteem and low confidence and are more likely to experience guilt and shame about the abuse. One study found that over half of children (52%) had developed behavioural problems, over a third (39%) had difficulties adjusting at school and nearly two thirds (60%) felt responsible or to blame for negative events.²⁰
- Studies also show that in adolescence, children and young people who have been exposed to domestic abuse can experience higher rates of interpersonal problems with other family members, and have an increased rate of dangerous and anti-social behaviour, such as school truancy, early sexual activity, substance misuse, and delinquency. Over 90% of Barnardo's service practitioners who responded to a survey about domestic abuse in 2018 reported that living with domestic abuse impacts children's mental health.
- Barnardo's report *Not Just Collateral Damage*²¹ details the impact of domestic abuse on a child in their later lives – they are more likely to be in abusive relationships and to sexually harm other

¹⁷ SafeLives (2017), *Safe Young Lives: Young people and domestic abuse*. Available at:

<https://safelives.org.uk/sites/default/files/resources/Safe%20Young%20Lives%20web.pdf>

¹⁸ Action for Children (2021), *The Domestic Abuse Bill: importance of community-based support – including for children – finally recognised*. Available at: <https://www.actionforchildren.org.uk/blog/domestic-abuse-bill-community-based-support/>

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https://safelives.org.uk/sites/default/files/resources/SafeLives%20survey%20of%20frontline%20domestic%20abuse%20organisations%20for%20COVID-19%2030.03.20_0.pdf

²⁰ <https://safelives.org.uk/sites/default/files/resources/Final%20policy%20report%20In%20plain%20sight%20-%20effective%20help%20for%20children%20exposed%20to%20domestic%20abuse.pdf>

²¹ Barnardo's (2020), *Not just collateral damage: The hidden impact of domestic abuse on children*. Available at:

https://www.barnardos.org.uk/sites/default/files/uploads/%27Not%20just%20collateral%20damage%27%20Barnardo%27s%20Report_0.pdf

children. There is also a significant number of child victims of domestic abuse in youth offending institutions, so much so that in Polmont Youth Offending Institution, they have set up a specialist specific domestic abuse support service for the children within the YOI²².

- Young people are the group most likely to be in an abusive relationship. A survey of 13- to 17-year-olds found that 25% of girls and 18% of boys reported having experienced some form of physical violence from an intimate partner.²³ However, The Children's Society found the majority (77%) of local authorities, who responded to their FOI, do not have a policy or protocol in place for responding to under 16s experiencing teenage relationship abuse, with just 39% of local authorities providing a specialist support service for under 16s and 26 local authorities providing no specialist support nor any additional support for this age group.²⁴
- Community-based support services are crucial to longer term recovery, resilience, self-esteem and therapeutic work with survivors of domestic abuse. The need for community-based services has been starkly highlighted during the pandemic. We are concerned that the signal sent by Government that the only way victims can access domestic abuse support is by fleeing their homes, leaving behind possessions and community connections. Instead, we believe the onus should be on ensuring the perpetrator is expected to leave, so that victims (both adults and children) can recover in the safety of their own home; a stance shared by the Home Secretary, Priti Patel: *"I'm clear about this – perpetrators should be the ones who have to leave the family home, not the supposed loved ones whom they torment and abuse"*. Community-based services support victims to stay within their own home or access accommodation where they can live independently with ongoing specialist support where needed, alongside acting as a vital referral point for those victims who need to access safe accommodation options such as refuge.
- In Women's Aid's annual survey 187,403 children and 156,169 women were supported by community-based services.²⁵ In addition, more than 70,000 adults and 85,000 children at the highest risk of serious harm or murder were supported in the last year through IDVAs based in community-based services.
- We want to see services which meet the needs of the whole family, and commissioning which looks across the piece to assess and address these through a broad framework which includes commitments to support small specialist services as well as larger services, to ensure the needs of all victims, including people with protected characteristics, are fully met.
- Adult victims who are migrants, disabled or Deaf, older, Black, Asian or racially minoritised or LGBT+ may face additional barriers to accessing safe accommodation and need to be able to access services in the community.
- 1 in 7 **disabled** people aged 16-59 in England and Wales experience domestic abuse.²¹ Their abuse is often linked to their impairments and perpetrated by individuals they are dependent on for care; and they are more likely to experience abuse for a longer period before accessing support.²² However, it is estimated that less than 2% of refuges are wheelchair accessible - meaning that even where services do exist, they are not accessible.²³

²²Barnardo's (2020), *Not just collateral damage: The hidden impact of domestic abuse on children*. Available at: https://www.barnardos.org.uk/sites/default/files/uploads/%27Not%20just%20collateral%20damage%27%20Barnardo%27s%20Report_0.pdf

²³ SafeLives (2017), *Safe Young Lives: Young people and domestic abuse*. Available at:

<https://safelives.org.uk/sites/default/files/resources/Safe%20Young%20Lives%20web.pdf>

²⁴ The Children's Society (2020), *Missing the mark Why young people experiencing teenage relationship abuse are being left without the support that they need*. Available at: <https://www.childrensociety.org.uk/sites/default/files/2021-05/missing-the-mark-teenage-relationship-abuse-report.pdf>

²⁵ Women's Aid (2020), *The Domestic Abuse Report 2020: The Annual Audit*. Available at: <https://www.womensaid.org.uk/wp-content/uploads/2020/01/The-Domestic-Abuse-Report-2020-The-Annual-Audit.pdf>

- **LGBT+** victims and survivors present with higher levels of risk and complex needs by the time they access support such as mental health problems.²⁴ LGBT+ specialist domestic abuse services are largely unavailable within most local authority areas in England and Wales.²⁵
- On average, **older** victims experience abuse for twice as long as other victims aged under 61 before seeking help and nearly half have a disability.²⁶ Yet older clients are hugely underrepresented among domestic abuse services.²⁷ According to SafeLives' Insights datasets, only four percent of clients accessing IDVA services were aged 61 or above in 2019/20. One IDVA said, ““when we look back over our records, we could see that once people hit fifty or sixty, there are hardly any Marac referrals.” They are much more ‘hidden’, less likely to receive support and are more likely to be living with their perpetrator and less likely to want to move home.²⁸
- Research and data have shown **Black, Asian and racially minoritised and migrant women** are more likely to report multiple perpetrators, experience domestic violence for longer,²⁹ the violence is more likely to escalate to a much more serious level before they seek help and are much less likely to disclose compared to the general population.³⁰ They can face a higher risk of homelessness, and a greater financial impact of abuse, because of an inability to work on account of their immigration status. Additionally, migrant women are unable to stay in most refuge accommodation due to no recourse to public funds (NRPF). Only 5% of refuge spaces listed in 2019 were available to migrant women,³¹ in specialist Black and Minority Ethnic refuges. Moreover, there is very limited specialist refuge provision for Black and minoritised women across England and Wales (approx. 30 in total)³² and these are mainly concentrated in London, over-subscribed and precariously funded.
- The current system of support for domestic abuse victims is fragmented, complicated and inconsistent. For example, SafeLives' One Front Door pilot from 2016-2019 provided valuable evidence of some of the problems which exist in multi-agency working. This included: structural differences between areas; a plethora of different multi-agency responses ranging from Marac, MASH, MAPPA and VRUs, with the same exhausted professionals going to multiple meetings; short-term, piecemeal commissioning for specialist services; lack of understanding of coercive and controlling behaviour; cases not managed collaboratively so no one joins the dots for families; services are siloed, with poor knowledge of one another's expertise; triage seen as child safeguarding process primarily; making decisions in isolation and only at a high threshold, and information not shared cumulatively.³³
- The pilot showed improvements in multi-agency working including:
 - Multi-agency work became more collaborative and effective;
 - There was an increase in parity of esteem between specialist agencies (often voluntary) and large statutory partners which deepened engagement between them;

²⁶ Independent Age (2018), *Experiencing domestic abuse in later life*. Available at: <https://www.independentage.org/ageism-plus/ageism-plus-blog/news-media/suffering-domestic-abuse-later-life>

²⁷ SafeLives (2016). *Safe Later Lives: Older people and domestic abuse*. Available at: <https://safelives.org.uk/spotlight-1-olderpeople-and-domestic-abuse>

²⁸ SafeLives (2016). *Safe Later Lives: Older people and domestic abuse*. Available at: <https://safelives.org.uk/spotlight-1-olderpeople-and-domestic-abuse>

²⁹ 18 per cent of respondents had been in a violent relationship for between five and ten years, and 26 per cent of respondents had been in a violent relationship for ten years or more. Imkaan (2012), *Vital Statistics 2*

³⁰ SafeLives, (2021) *SafeLives' Marac data – Key findings January 2020-December 2020*. Available from: <https://safelives.org.uk/practice-support/resources-marac-meetings/latest-marac-data>

³¹ Women's Aid (2020), *Funding crisis for domestic abuse sector with 64% of refuge referrals declined*. Available at: <https://www.womensaid.org.uk/funding-crisis-for-domestic-abuse-sector-with-64-of-refuge-referrals-declined/>

³² Southall Black Sisters, 2021. *Domestic Abuse Bill and Migrant Women: Briefing Paper 2*

³³ SafeLives (2021), *SafeLives' Response to the Violence Against Women and Girls Strategy call for evidence 2021*. Available at: <https://safelives.org.uk/sites/default/files/resources/SafeLives-Response-VAWG-Strategy-2021.pdf>

- There was a shift from multi-agency teams administering information to them bringing specialist expertise and meaningful analysis to bear on all information.³⁴
- In order to properly tackle domestic abuse, all parts of the issue need to be tackled, addressing the needs of the individual and the whole family, with a public health approach. The public health approach uses evidence on the nature and underlying causes of a problem to target interventions to address it. This entails:
 - seeing and responding to the whole person, understanding linked adverse experiences and individual characteristics and situations;
 - wrapping around all family members involved, so the responses provided are coordinated and sustainable;
 - ensuring appropriate roles are taken on by the community, and society as a whole;
 - acting at each opportunity for change and intervention, from before harm happens to after the most imminently dangerous moments have passed and people are trying to rebuild.³⁵
- **Commissioning should include intensive family support which allows for longer-term interventions with families, including step-up and step-down support.** We would like this policy to build on learning from the Supporting Families programme (formerly Troubled Families). Support should take a more flexible approach, recognising that families will have spectrum of needs at different times. As a minimum it should involve: a commitment to long-term funding; built-in ‘follow-on’ help for families who no longer require intensive intervention; and the ability to reinstate support to families quickly if the need arises. Charities and community-based organisations are often more able to take a whole family approach to support. Our independence and knowledge of communities means we can often reach and support children and families who may not feel they can trust or have their needs met by statutory services. The key factor in improving the current system of family support is to build effective multi-agency partnerships, so that organisations across the community can work together to deliver effective support to a family.
- A holistic approach to tackling domestic abuse is the most effective way of building stronger families and sustainable safety. Effective community-based domestic abuse services who work with the whole-family - child, adult victim, perpetrator - already exist and we encourage the Government and commissioners to promote and replicate such models.
- The new duty to collaborate will not, in itself, necessarily increase the provision of specialist children’s services but will have an impact on better join-up and potentially the victim journey. The proposal for the new duty to publish local strategies and needs assessments, which will include the needs of children, is welcome. It is also critical that the new National Oversight Board includes representation from organisation(s) representing the needs of children.
- We recommend that the Victims’ Bill places a duty on all relevant public authorities to **commission** specialist domestic abuse and sexual violence support services for all persons affected by domestic abuse and sexual violence. This would:
 - Provide support to all victims and survivors, including children, no matter where they live and regardless of their status, through community-based services alongside accommodation-based services, including ‘by-and-for’ services. This would enable support for prevention, early intervention and crisis intervention.
 - Provide programmes to challenge perpetrator behaviour and prevent repeat victimisation.

³⁴ Ibid

³⁵ SafeLives (Undated), *SafeLives’ public health approach to ending domestic abuse*. Available at: <https://safelives.org.uk/public-health-approach>

- Apply to all relevant public authorities in line with the current commissioning landscape, including PCCs, Local Authorities and NHS bodies, for example, Integrated Care Boards.

8. Whether the steps outlined by the Government will lead to increased awareness and effectiveness of ISVAs and IDVAs?

- In the draft Bill there is no reference to the need for Child IDVAs or ISVAs, only a statutory definition and guidance for IDVAs and ISVAs who mainly work (and are trained to work) with adult victims predominantly.
- There are a number of different forms of support and advocacy which can be available to children across England and Wales, including Child Independent Sexual Violence Advisers (CHISVAs), Child Independent Domestic Violence Advisers (CHIDVAs), Young People’s Violence Advisers (YPVAs), and registered intermediaries. However, these roles are not commissioned as part of a framework of quality standards and neither do all the roles have dedicated accredited training.
- In many areas child victims are unable to access advocacy support. Research by domestic abuse charity SafeLives has shown that specialist support for child victims of domestic abuse can lead to improved outcomes. The report *In Plain Sight*³⁶, found that following contact with specialist services, children’s safety and health outcomes significantly improved across all key indicators. In addition to significant improvements in health, safety, wellbeing and achievement, abusive behaviour in children exposed to domestic abuse dropped from 25% to 7% following support from the service. They argue that specialist children’s services have a “particularly effective role in early intervention and early help to combat the impacts of domestic abuse”.
- Despite the improvements for children affected by domestic abuse, the provision of specialist support remains a postcode lottery, as found in *Action for Children’s Report Patchy, Piecemeal and Precarious*.³⁷ While there is evidence for the effectiveness of specialist children’s services, there is a lack of evaluated research looking specifically at the interventions of Child ISVAs and Child IDVAs. The body of evidence³⁸ for effectiveness for IDVAs who are trained to support adults, alongside a national qualification framework is established³⁹. But no such research or training framework exists for Child IDVAs. Young People’s Violence Advisers do have a specialist qualification provided by SafeLives⁴⁰ - it is important that Child IDVA roles receive the same attention given the number of Police and Crime Commissioners who are now funding these roles.
- There is also a lack of agreement around the role that advocates should play in advocating on behalf of a child victim, and the more distinctive role played by a CHISVA or CHIDVA. Some argue that advocates should be able to support a child through their trauma and help signpost the child to further support services, while others suggest that an advocate should only help a child to navigate the complicated criminal justice system. While an ISVA may not advocate on behalf of an adult victim, in practice they are more likely to do so on behalf of a child. Meanwhile, IDVAs do often advocate on behalf of adult victims, particularly those at high-risk referred into Multi-Agency

³⁶ <https://safelives.org.uk/sites/default/files/resources/Final%20policy%20report%20In%20plain%20sight%20-%20effective%20help%20for%20children%20exposed%20to%20domestic%20abuse.pdf>

³⁷ <https://media.actionforchildren.org.uk/documents/patchy-piecemeal-and-precarious-support-for-children-affected-by-domestic-abuse.pdf>

³⁸ <https://safelives.org.uk/sites/default/files/resources/Safety in Numbers full report.pdf>

³⁹ <https://safelives.org.uk/training/if-you-work-idva/idva-training>

⁴⁰ <https://safelives.org.uk/training/idvas-and-frontline-professionals/responding-young-people>

Risk Assessment Conferences, but Child IDVAs do not have a defined role. While we agree that these child-specific roles are invaluable, they need to be underpinned by a comprehensive programme of evaluation, training and quality standards.

- While Home Office guidance exists for ISVAs supporting adults⁴¹, it only covers support to be offered to families of children rather than children themselves. IDVAs do not have a similar definition at Government level. Currently there appear to be different standards and caseloads for advocates depending on which area they cover. There must be accredited quality standards so victims and public authorities know exactly what an advocate is for and who can have them as well as specialist, accredited, child-centred and trauma-informed training and guidance for these professionals.
- This needs to be conducted alongside a thorough assessment of advocates for children and young people who are victims of crime, which should include reviewing existing support options and should culminate in the recommendation of a support model to better meet the identified needs of children and young people. Barnardo's services also report that advocates are on occasion undertaking emergency counselling which could be problematic as they are not trained to carry out this support.
- What is needed across all advocate roles is a system underpinned by a quality assurance framework but not to the exclusion of other support services such as counselling and therapeutic support. When there is additional Government funding for victim support, the focus is often on increasing and developing advocates sometimes to the detriment of other essential support. There cannot be a hierarchy of support provision as both advocates and counselling are essential to a victim's recovery. Any extension therefore of Child ISVA or Child IDVA roles must be accompanied by a recognition of and funding for other child specialist roles.

9. What implementation, resourcing and accountability challenges exist with respect to the Victims Bill?

- Fundamentally, without a long-term package of funding to support children who are victims of crime, much of the aspiration of the Victims Bill will be unachievable in practice. This is why we continue to call for a statutory duty to commission specialist community-based domestic abuse and sexual violence services.

10. Whether there any relevant international examples the Committee should consider?

N/A

11. Whether the provisions of the Bill could have any implications for due process?

N/A

12. Whether there should be any further measures included in the Bill?

⁴¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647112/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf

We recommend that a full child impact assessment of the Bill is undertaken at the earliest opportunity. This should include looking at under-identified groups of children.

Below is a list of further measures that we believe should be in the Bill:

- 1) Statutory duty to commission specialist community-based services
 - As already set out in the response above, in order to properly support victims of crime, the Bill needs to include a statutory duty for commissioning specialist community-based services for domestic abuse and sexual violence.

- 2) Statutory definition of child IDVA and ISVA roles
 - As above child IDVA and ISVA roles need to be more clearly defined and need to be underpinned by a comprehensive programme of evaluation, training and quality standards.

- 3) Reform the Criminal Injuries Compensation Scheme.

We are pleased that the Government have recently launched the Criminal Injuries Compensation Scheme Review: supplementary consultation on unspent convictions.

- Children who have minor convictions should still be entitled to compensation under the Criminal Injuries Compensation Scheme. Since 2012 victims of violent crime are not entitled to compensation under the Scheme if they have an unspent conviction that resulted in:
 - a sentence excluded from rehabilitation;
 - detention or imprisonment, including in a young offenders' institution or other youth custody
 - a sentence of service detention;
 - removal from Her Majesty's service;
 - a community order;
 - a youth rehabilitation order; or
 - a sentence equivalent to a sentence described above, imposed under the law of Northern Ireland or a member state of the European Union, or such a sentence properly imposed in a country outside of the European Union
- This means that people with unspent convictions who are themselves the victim of a crime, are effectively denied their status as victims by the state. People affected by this rule have included victims of sexual abuse and other serious crimes, whose own offending can be clearly linked to the crimes committed against them and the trauma they have experienced.⁵⁵
- In 2017 we launched a campaign highlighting the failures of the Criminal Injuries Compensation Scheme.⁵⁶ This stemmed from our concerns that victims of sexual exploitation in our services were being denied, or getting reduced, compensation because they had minor convictions as detailed above, as well as some being denied compensation because they had 'consented' to their abuse. There were cases where compensation was not awarded due to there being multiple offenders, offenders who were under ten and when victims lived under the same roof as the abuser.

- The ‘consent rule’ was revised under the Criminal Injuries Compensation Scheme Review 2020, and the ‘same roof rule’ was also overturned, but the ‘unspent convictions’ rule is still in place. This is despite the terms of reference for the review clearly stating that it will consider “the eligibility rules including, inter alia, concerns about ... unspent convictions”, and the government’s 2018 Victims’ Strategy making clear that it will explore the recommendations made by IICSA, one of which relates to this specific rule.
 - As stated, currently the rule on unspent convictions unfairly penalises some victims of serious violent crime and disproportionately affects the most vulnerable victims, such as victims of child sexual abuse. Often they may have been forced to commit crimes as part of their exploitation and abuse, or their vulnerabilities that led to their abuse have resulted in them breaking the law. This should not mean that they are punished again for this by withholding the compensation.
 - This scheme must be amended to ensure that all victims receive the compensation they deserve and we will be responding to the consultation to express this.
- 4) Children’s access to pre trial therapy
- Children and young people need a right access to pre-trial therapy and guidance currently in development should be urgently released to ensure multi-agency partners do not prevent them from receiving vital support. All children affected by crimes should be given a right to access counselling with access determined by need rather than age.
- 5) Statutory Definition of CCE
- As discussed within the response, there must be a legal definition of Child Criminal Exploitation in primary legislation to ensure that professionals working with victims and perpetrators fully understand this type of abuse.

June 2022