



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cymunedau a Diwylliant
The Communities and Culture Committee**

**Dydd Mercher, 22 Hydref 2008
Wednesday, 22 October 2008**

Cynnwys
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cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

| | |
|------------------|---|
| Peter Black | Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats |
| Paul Davies | Ceidwadwyr Cymreig Welsh Conservatives |
| Nerys Evans | Plaid Cymru The Party of Wales |
| Janice Gregory | Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair) |
| Lesley Griffiths | Llafur Labour |
| Mark Isherwood | Ceidwadwyr Cymreig Welsh Conservatives |
| David Lloyd | Plaid Cymru The Party of Wales |
| Joyce Watson | Llafur Labour |

Eraill yn bresennol
Others in attendance

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|----------------------|--|
| Karon Eyers | Cymorth i Ddiodeffwyr Gwent Victim Support Gwent |
| Brian Gibbons | Aelod Cynulliad, Llafur (Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (The Minister for Social Justice and Local Government) |
| Anne Haynes | Cyd Gyfarwyddwr, Sea Change Domestic Violence Training and Consultancy Co-Director, Sea Change Domestic Violence Training and Consultancy |
| Julia Houlston-Clark | Cydlynnydd Cyfiawnder Adferol, Carchar Caerdydd Restorative Justice Co-ordinator, Cardiff Prison |
| Sara Kovach-Clark | Pennaeth Polisi Teuluol, Comisiwn Gwasanaethau Cyfreithiol Head of Family Policy, Legal Services Commission |
| Owain Lloyd | Pennaeth yr Uned Fusnes, Adran Cyfiawnder Cymdeithasol a Llywodraeth Leol, Llywodraeth Cynulliad Cymru Head of Business Unit, Department for Social Justice and Local Government, Welsh Assembly Government |
| Dr Emyr Roberts | Pennaeth, Adran Cyfiawnder Cymdeithasol a Llywodraeth Leol, Llywodraeth Cynulliad Cymru Head of Department, Department for Social Justice and Local Government, Welsh Assembly Government |

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

| | |
|-----------------|-------------------------------|
| Lara Date | Clerc Clerk |
| Annette Millett | Dirprwy Glerc Deputy Clerk |

*Dechreuodd y cyfarfod am 9.02 a.m.
The meeting began at 9.02 a.m.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Janice Gregory:** Good morning. Welcome to the Communities and Culture Committee. I welcome Members and those in the public gallery. Thank you for taking the time to come to this morning's meeting. We have a packed agenda, as always.

[2] I will run through the usual housekeeping issues. A fire drill is not expected this morning, so if the alarm sounds, the ushers will guide you safely out of the building. Please turn off any electronic devices such as mobile phones, BlackBerrys and pagers. As I am sure that you are aware, the National Assembly for Wales operates through the medium of Welsh and English. If you require simultaneous translation, please use the headsets that are in front of you; channel 1 is for interpretation and channel 0 is for amplification of sound.

[3] I have received apologies from Mark Isherwood and Lynne Neagle. However, Mark is now coming. There is no substitute for Lynne.

[4] One issue that I would like to raise with Members before we start the meeting proper is that of the broadcasting sub-committee. I am given to understand that the Business Committee has not agreed to a separate committee for broadcasting or communications. Therefore, if we want to make a submission to the Ofcom consultation, we will need to do so from this committee. I propose that we do that as a sub-committee. If Members are in agreement, I will ask the clerk to work out some details and to email them to you. Is everyone happy with that?

[5] **Nerys Evans:** My understanding was that the Business Committee would go back and look at it again.

[6] **Janice Gregory:** That is not my understanding. We have two choices: we can either leave it—bearing in mind that the half-term recess is looming—and come back to it on 5 November, or we can take the decision to form a sub-committee now. If the Business Committee decides to allow a formal committee, I would be happy—I am sure that Members would be happy—to see the sub-committee fall. If we do not make a decision now we cannot do it outside the committee; it must be done in formal committee. Are you happy with that? I see that you are. Thank you. I am sure that the clerk has taken that on board.

9.05 a.m.

Craffu ar Gyllideb Ddrafft Llywodraeth Cynulliad Cymru 2009-10 Scrutiny of Welsh Assembly Government Draft Budget 2009-10

[7] **Janice Gregory:** I extend a warm welcome to the Minister for Social Justice and Local Government, Dr Brian Gibbons. As you know, we are scrutinising the Assembly Government's draft budget today, as we did last week. Thank you, Minister, for making yourself available for the meeting this morning. I know that you were in London last week for a very important meeting. We quite understood the reasons why you could not attend the committee meeting last week. I also welcome Emyr Roberts, your official, who is the head of the Department for Social Justice and Local Government, and Owain Lloyd, who is the head of the department's business unit.

[8] Thank you for providing the paper, which Members have had an opportunity to look at. As you know, Minister, Members will ask you questions on that paper. I now invite you to speak to your paper.

[9] **The Minister for Social Justice and Local Government (Brian Gibbons):** Thank you for allowing me to go to London last week. I appreciate the fact that the committee was willing to accommodate that.

[10] As you can see from the paper, the overall departmental expenditure limit uplift for social justice and local government is £131.36 million in 2009-10 compared with 2008-09, and £129.47 million in 2010-11 compared with 2009-10, which is an uplift of 3 per cent and 2.9 per cent respectively. The biggest beneficiary will be the revenue support grant, with an increase of 2.9 per cent. However, additional money has been made available for other priorities in the departmental expenditure limit. For example, we will provide an extra £2 million to improve drugs and alcohol services, particularly in relation to counselling, and equally to tier 4 services, which was highlighted in the report published last year. We will also provide an extra £0.25 million for a benefit uptake campaign for children in general, but focusing in particular on disabled children.

[11] We know from the Lyons report that benefit uptake can effectively address any retrogressive element that exists in council tax. There is good evidence that a full benefit uptake scheme can make a significant contribution to tackling the extra financial penalties faced by families with a disabled child.

[12] Other activities to tackle social inclusion include the £500,000 roll-out of credit unions into secondary schools, which is important at this particular time given the constraints in the financial markets; people need to understand them better and be able to offer creative alternatives. It is a timely development. There is increased capital in the budget for the development of new sites for Gypsies and Travellers, and an extra £200,000 of revenue support for a wide range of activities that have not yet been fully specified for Gypsy/Traveller families.

[13] Finally, we also hope to re-launch the post office development fund in the new year. The consultation process on that has ended and we are looking forward to the proposals coming forward from officials. It will also roll on into next year's budget.

[14] **Janice Gregory:** Thank you, Brian. The first question is from Lesley.

[15] **Lesley Griffiths:** Minister, you mentioned money for new Gypsy/Traveller sites. How did you decide on the amount of £1.5 million to be allocated?

[16] **Brian Gibbons:** As in all of these things there is a general affordability issue. The amount of money that can go into any of these activities is constrained by the amount of money that is available. However, following the refurbishment grant, which is ongoing—I think that refurbishment grant money has been spent in Wrexham, for example—we recognise that it is also necessary to provide new sites. We think that the £1.5 million should make a significant contribution to at least providing something on the rate of about one site a year. That is a combination of need and affordability. I do not know whether Emyr wants to add to that.

9.10 a.m.

[17] **Dr Roberts:** That is right. The other thing to mention is that we are alert to possible underspends elsewhere in the expenditure group. So, if the demand for those grants exceeds the amounts that we have put into the budget, we will, in year, try to meet that. That happened

last year with the refurbishment grant, where we moved additional amounts in, because the demand was slightly higher than anticipated. However, we expect that, overall, demand for each scheme will be about £1.5 million each year.

[18] **Lesley Griffiths:** How will the hate crime strategy be funded?

[19] **Brian Gibbons:** We are in the process of developing a community cohesion strategy; I do not know what draft we are on, but we are certainly on draft 1 plus. I hope that, in the next month to six weeks, a paper will go to Cabinet, which the Cabinet will hopefully endorse. We would then hope to have a consultation on the community cohesion strategy. Hopefully, that strategy will have, as one of its themes but not exclusively, hate crime, based on race, migrants, gender, forced marriage and so on, and it will hopefully be able to pick those issues up. We have put £200,000 into this budget to develop that community cohesion strategy.

[20] **Nerys Evans:** Diolch am eich papur, ac am eich tystiolaeth. Fel y gwyddoch, yr ydym fel pwyllgor yn edrych ar strategaeth Llywodraeth y Cynulliad i ddelio â thrais yn y cartref. A ydych yn ffyddiog bod digon o arian a chapasiti yn y gyllideb i gyflwyno unrhyw ymrwymadau newydd yn y maes hwn yn sgîl argymhellion gan y pwyllgor? A ydych wedi edrych ymhellach i weld a oes cyllideb ar gael ar gyfer ariannu cynllun codi ymwybyddiaeth ynglŷn â thrais yn y cartref?

Nerys Evans: Thank you for your paper, and for your evidence. As you know, as a committee, we are looking into the Assembly Government's strategy to deal with domestic violence. Are you confident that there is adequate funding and capacity in the budget to deliver any new commitments in this area in the light of any recommendations from this committee? Have you looked further as to whether there is budget available to fund an awareness-raising campaign for domestic violence?

[21] O ran y setliad i awdurdodau lleol, pa asesiad o effaith y setliad ar gyflwyno gwasanaethau cyhoeddus yr ydych wedi ei wneud? A ydych yn hapus na fydd gormod o effaith ar wasanaethau cyhoeddus, yn enwedig yn rhywle fel Powys? Gwn eich bod wedi cynnwys llawr, ond maent yn dal i sôn am yr effaith ar wasanaethau rheng flaen.

On the local government settlement, what assessment have you made of its impact on the delivery of public services? Are you happy that it will not have too much impact on public services, particularly in areas such as Powys? I know that you have provided a floor, but they are still talking about the impact on front-line services.

[22] **Brian Gibbons:** The amount of progress that has been made in tackling domestic abuse over recent years is substantial. It is not just a case of spending money; it is also about changing the public's attitude towards domestic abuse, and indicating clearly that domestic abuse is a crime, rather than some sort of family upset—in other words, it is a public problem as well as having it private consequences. We are fairly happy with the progress that we are making there, in partnership with the UK Government.

[23] The big development over the next 12 to 18 months will be the development and the roll-out of the sexual assault referral centres. I do not have the figures on that—Owain might be able to give you those. However, we have put additional money into that, to supplement the money that is coming from the Home Office or the Ministry of Justice. I would think that the main area of spending will be through the SARCs and so on, which are not strictly devolved. However, as I say, we are putting some money in to further enhance the provision that is made available through the SARCs, the special domestic violence courts and so on.

[24] Following a meeting that we had a few months ago, last night I saw a paper from officials exploring ways in which we can highlight this problem, particularly over the Christmas holiday period. Proposals are coming forward for a programme of information, to try to highlight the increased risk of domestic abuse over the Christmas period. So, hopefully,

from the first or second week of December, a series of events will be launched, to try to create increased awareness of that. We also need to keep up the pressure at other times, such as during rugby internationals and so forth. They are also high-risk periods for domestic abuse, and we need to ensure that we maintain momentum in those areas as well.

[25] **Dr Roberts:** You have not answered on local authority services.

[26] **Brian Gibbons:** How could I forget? As I said to Lesley, we can spend only what we have. However, there is no doubt that, for everyone who is involved in public service delivery, the big challenge is not simply how much more money you can get. If people are going to take the view that everything is dependent on getting more money into the coffers and are not interested in looking at how we are delivering services, I would agree with the implicit conclusion in your question, namely that public services will not be maintained. The big challenge for all public providers is to look at how they are delivering services. They must change; we know that the harsher economic climate that we face will continue for the next four to six years. There is a new reality out there, and if organisations cannot cope with that change, there will be problems. We also recognise that the 2.9 per cent uplift will not cover every single pressure in local government, so it is imperative that it looks at how it is delivering.

[27] We are asking for efficiency savings of 1 per cent. I am aware that in England efficiency savings of 3 per cent are being asked for and delivered regularly in local government, and I understand that 3 per cent efficiency savings are being asked of the health service in Wales and are being delivered. So, we are asking for 1 per cent, and, if local authorities can emulate what is going on in other public sector areas, that can be part of the new way of working and of releasing resources to maintain and improve services.

[28] **Joyce Watson:** If I may bring you back, Minister, to the issue of domestic abuse, you are quite right to say that the Government has supported and put money into the programme—that is, the Labour-led Government, which has ensured that we have provided domestic abuse services. I am also pleased that there has been a slight shift in focus, which you have just mentioned, towards the victim rather than the perpetrator, because the focus has been skewed, in my opinion and in the opinion of commentators, the other way around.

[29] I would like to mention an example of a victim-focused approach, namely the Freedom Programme, which costs £3,000. I had a meeting yesterday with Carmarthen Women's Aid on this subject. The programme is about achieving a level of education and awareness-raising that stops victims from becoming victims again, or even from becoming victims in the first place. My request to you as Minister is, if you have any unspent money in your budget, can you please look at the £3,000 that is needed per area, so that people can be trained to deliver the Freedom Programme, which keeps women out of abusive relationships, and is therefore cost effective because we are not picking up the pieces?

[30] **Brian Gibbons:** I do not know the details of the Freedom Programme, so I would be pleased if you could send me some information so that I and officials can look at it; they may know about it, but I would be grateful to learn more. It is part of the wider strategy, however, that education about domestic abuse is included in the national curriculum in Wales. It is part of the growing changing attitude that this is not seen as something that is just behind closed doors, but that one of our modern public values is that domestic abuse is not acceptable. The fact that this is included in the curriculum is important in terms of acknowledging that.

9.20 a.m.

[31] As you said, domestic abuse is often cross-generational. I do not know what the percentage is, but a significant number are born into abusive families, which perpetuates

abusive relationships in the next generation. The only way of breaking out of that is to intervene in the family set-up. That is how the programmes that Jane Hutt is in the early stages of developing, such as the integrated family support service, form a part of this wider agenda. We cannot just wait for the crisis to happen; we need to develop policies and programmes that identify vulnerable families and that provide support and assistance to them before the worst consequences occur.

[32] **Paul Davies:** Are you confident that the money allocated in the draft budget for your portfolio will meet all of your department's commitments?

[33] **Brian Gibbons:** I meet regularly with senior officials and one of the regular items on the agenda is a list of the 'One Wales' commitments. We discuss those and indicate whether they have green, amber or red-light status. To date, we are making good progress on delivering all of them. They do not all have green-light status, but you can see that work is in progress to deliver those promises and those commitments in the 'One Wales' agreement.

[34] **Paul Davies:** Which ones are not green?

[35] **Brian Gibbons:** There are around 150 commitments; perhaps Emyr can expand on those.

[36] **Dr Roberts:** I can give you an indication. One of the issues—and as the Minister says these are not funding issues, but simply administrative issues—is the commitment to child trust funds. There are a variety of options for how it could be administered, so it is taking some time to flesh that out. The financial position and the position of certain providers is an issue. So, that is the sort of issue that we are addressing. I am confident that we will get through that and select the right option, but we are fleshing out the options at this stage. So, as I said, these are not funding issues, but more administrative-type issues.

[37] **Brian Gibbons:** The delivery plan is published on the Assembly Government website; Owain might be able to tell you precisely where on the site. There is a part that indicates what the commitments are and where we are, in terms of their having red, amber or green-light status.

[38] **Mr Lloyd:** That is updated on a quarterly basis and the second quarter update is due soon. That information is on the Assembly Government website somewhere, but if the Chair needs further details on that, we can forward them to you.

[39] **Janice Gregory:** Thank you.

[40] **Paul Davies:** I notice from the draft budget that the child poverty financial inclusion budget and expenditure line increases by more than 700 per cent. How will that funding allocation be used to tackle child poverty?

[41] **Brian Gibbons:** The most innovative element of that, and not necessarily the biggest in financial terms, is for benefit uptake for children, for which we are providing £250,000 per annum for families, as I said in my introductory remarks. If a couple has a child, the risk of facing financial difficulties increases, and if that couple has a disabled child, the risk is even greater. Having said that, there is good evidence that a significant number—possibly the majority—of families who are in poverty because of a child's disability can be lifted out of poverty by claiming their maximum level of state benefits. So, that is why we hope that, in promoting this benefit uptake programme and targeting it at disabled children, we will deal with an at-risk group within a group that is already at risk in child poverty terms. We are waiting for advice from the financial inclusion working group that we have established on how that is going to be rolled out. One of the first tasks on the group's agenda is to give us

advice on how we should develop that programme so that it will have the maximum impact, so we do not know the precise shape of the programme yet.

[42] The second big allocation is the £0.5 million for the roll-out of credit unions to every secondary school. I think that that is very important. We know that there are about 7,000 junior savers with the credit unions in Wales at the moment, which I think is impressive enough, but when you take into account the number of children who live in Wales, it is only a drop in the ocean. The roll-out of the credit unions to schools will, first, increase people's understanding of what a credit union does. Equally, I hope that it will encourage the saving habit in secondary-school students and set up a lifetime habit. People who need to use the credit union for Christmas, birthdays or even holidays will be able to access credit in instances when ordinary high street banks would not be willing to offer assistance. I think that that initiative is particularly important.

[43] Money has also been allocated to establish the Welsh financial education unit, which is very important in order to improve the level of financial literacy in Wales. We want to establish an evidence-based approach to financial literacy, and we are investing in a special unit that will provide information and feedback to develop the school curriculum in terms of financial inclusion.

[44] **Peter Black:** Minister, I noted what you said about the Labour-led Government looking at a strategy for community cohesion and I am interested in how the funding streams that you have set out are working towards that, particularly with regard to Communities First, which I notice has a 6.1 per cent increase for next year. In what way have you re-cast the Communities First programme so that you will get the value for money that you are talking about—as opposed to just throwing money at the problem—actually produce better community cohesion and social inclusion, and demonstrate results from that expenditure?

[45] **Brian Gibbons:** Anyone who travels around and meets Communities First organisations can feel the change in attitude and approach. Although the new phase of Communities First has not happened yet, you only have to talk to the organisations for 10 minutes to realise that there is a shift in priorities and attitudes—they want to know what they can be doing in real, tangible ways. There was a good example of that last week and it is probably worth mentioning it here, Chair. I visited the North Abergavenny Communities First Partnership for the launch of the credit union. That is an important development because it means that Monmouthshire now has a credit union, for the first time, which allows for universal coverage across Wales. That is something that has never happened before and, in terms of developing financial services, it is a fairly important landmark.

[46] However, in relation to Peter's question, one of the main reasons for the establishment of that credit union was the work undertaken in north Abergavenny by the Communities First organisation and Simon Davies, who was the main instigator of getting the credit union established there. Also last week, in Sandfields in Port Talbot, we saw the merger of Afan Savers and the Neath Port Talbot Credit Union. Again, one of the main facilitators of that merger was the local Communities First organisation. Wherever you go in Wales to talk to Communities First people, the change in emphasis is tangible. The next step is the development of the demonstration projects. Are the bids in yet?

9.30 a.m.

[47] **Dr Roberts:** Yes.

[48] **Brian Gibbons:** The bids are in for demonstration projects to use as exemplars of good practice for developing outcome-focused attitudes in the Communities First programme. Then, towards December or January, we will be looking for applications to the outcome fund,

which stands at £25 million without European match funding. If we can secure match funding, there will be even more money in the outcome fund, but, as things stand, it is in the order of £25 million. However, that money will be released only against clear, well defined, outcome-focused projects. That is, organisations will not get assistance from the outcome fund unless they are really project-orientated. The initiative in making those applications has to come from Communities First organisations, and not from partner organisations. Communities First organisations have to demonstrate partnership working, but the application must come from the Communities First organisations.

[49] **Peter Black:** What measures will you put in place to assess whether this money is achieving the objectives?

[50] **Brian Gibbons:** In developing their bids against the outcome fund, local organisations will have to indicate what their projects are intended to achieve. Officials in my department will monitor exactly what has been achieved against the bids to the outcome fund. As you know, in the past 24 months, every Communities First partnership had to submit annual reports, which have been moving towards a more outcome-focused approach. This approach will not therefore be a total revolution for some Communities First partnerships, but, because clear projects will be identified as part of the outcome fund—and because you have to set out clear objectives and outcomes to get money from the outcome fund—it will be much easier for officials to monitor what has been achieved.

[51] **Peter Black:** So, you are letting the communities determine the outcome, as opposed to the Assembly Government.

[52] **Brian Gibbons:** Only insofar as the Assembly Government has identified five or six key themes, which we regard as being particularly important. We expect Communities First groups to look these themes in considering their potential outcome activities. For example, child poverty is a theme. So, they could look at that or at another theme, such as maximising income and getting people into work. Another theme promotes community safety, while yet another is on sustainability. There is a list of five or six priority areas on which we are asking Communities First groups to develop ideas. However, no Communities First organisation will have to develop an idea on all of those themes. They will consider their circumstances and decide which theme or themes should have the greatest priority in their communities. It will still be a bottom-up approach, but it will be clearly consistent with the objectives of the One Wales Government.

[53] **Peter Black:** Is there any way for us to externally validate how those communities are meeting those objectives? You have talked before about the One Wales Government action and monitoring plans being on the website; will you be doing something similar for Communities First so that we can see to what extent the communities are achieving their targets?

[54] **Brian Gibbons:** I do not think that we have thought of putting that information in the public domain.

[55] **Dr Roberts:** We will be collecting it, so it is an issue of going away and thinking about how best it might be presented. However, the Minister is right that we will be expecting firm outcomes, targets and so on, and therefore we should be able to report against that in some way—perhaps through an annual report.

[56] **Peter Black:** It would be useful from a scrutiny point of view to be able to see that you are doing what you say you are doing with this money.

[57] **Brian Gibbons:** We must also be realistic. Some communities are coming out of a hell

of a deep hole, and you do not want to inflate expectations when people are struggling to get things running. We do not want to demoralise Communities First partnerships; there is no doubt that some of them are delivering outstandingly well and there are particular reasons for that. However, some Communities First partnerships working in the most disadvantaged areas are struggling, because they face massive challenges and, although we are making a substantial investment in Communities First, there are many other things happening out there that are militating against their success. Therefore, as long as people are proportionate and balanced in their assessment of what is going on, we would be happy to see whether something could be done along those lines.

[58] **Dr Roberts:** The whole intention of the outcomes fund is that it is not just about communities, but communities working with service providers. So, the scrutiny also works the other way in terms of what the service providers are bringing to this.

[59] **Peter Black:** I think that the point is that the outcomes fund is just one part of the Communities First programme.

[60] **Dr Roberts:** Yes.

[61] **Peter Black:** This outcome and results-based expenditure needs to be assessed across the whole programme and not just that one fund.

[62] **Dr Roberts:** Indeed. There will be specific activity against the fund in terms of themes. However, the core funding continues in terms of capacity-building in its usual day-to-day work.

[63] **Brian Gibbons:** I do not know whether the committee has had an opportunity to look at it, but we have published a Communities First good practice guide. If people want to get a flavour of what Communities First is doing, I would recommend that they have a look at it because it is mainly based on case studies—real examples—of what Communities First is doing for communities. I would recommend that publication to Members if they are interested in finding out what Communities First is doing.

[64] **Mark Isherwood:** On the post office development fund, pending a few appeals, the final closures in Wales have been announced. Post Office Ltd has said that the only way forward for any post offices closing would be if local funding proposals were made, possibly by the relevant local authorities. What consideration has been given to the allocation of the post office development fund for such schemes, provided that they hold water?

[65] Regarding Gypsy sites, I note your comment that there are no current plans to develop new sites; the funding has been provided thus far only for the refurbishment of existing sites. However, there are situations in parts of Wales where permanent sites have become established without planning permission and retrospective applications have been put in. My understanding is that, under human rights legislation, if a local authority has not provided an appropriate official site, the rights of the people on the site are enhanced. What efforts are you making to raise awareness among local authorities that this fund is available and to assess the need, so that we can prevent such situations—which are bad for the fixed-site community and also bad for the travelling community—occurring in future?

[66] On Communities First, we have already had a discussion about outcome-based funding. You will be aware that funding of staff in Communities First areas has been reassessed based on population. I think that the only exception has been the rural Communities First areas where other factors have been brought in. However, in some cases, one urban or semi-urban Communities First area will have several small groups; some such areas have also had their staffing cut, despite the fact that there are additional costs because there are multiple centres,

multiple community houses, multiple community safety partnerships and so on. Have you given any consideration to assessing appropriate staffing needs based on local demography, local socio-economic conditions and distances travelled?

[67] On the fire and rescue service, I note that revenue funding will be reduced but transferred to capital in 2010-11.

9.40 a.m.

[68] Why is that, and what is the anticipated impact of the overall reduction in funding for the fire and rescue service? Staying with fire and rescue, the pensions funding for the service's staff has apparently been reduced. I know that it is an annually managed expenditure line, rather than an Assembly Government line, but why is that?

[69] More broadly, I welcome your commitment to the provision of inpatient detoxification and residential rehabilitation as a treatment for drug and alcohol abuse, which are obviously highlighted needs. However, I note that the increase in the substance abuse action plan fund for 2010-11 is just 0.8 per cent, after an uplift of £2.8 million in the previous year. Why is that? What consideration have you given to sustainability of delivery there?

[70] **Brian Gibbons:** There were quite a few questions there. On the post office development fund, we are looking at a scheme that will incorporate a capital element, as well as promote footfall for other services in post offices, that will not cover post office services themselves, because there are questions about whether we could legitimately do that. So, that is the broad outline. The consultation has just finished, so we are not in a position to give chapter and verse on the shape of the outcome fund, but that is broadly our approach. We are still open for business; if people have innovative ideas for services that could usefully be located in post offices that could increase footfall, we would be willing to look at those, provided that the post office development fund was a suitable vehicle to support them.

[71] There is a trial citizen consultation in Blaenau Gwent, where Post Office Ltd is offering the post office network to public sector organisations as a means of consulting with the public. It is a new scheme, so we do not know how well it is going yet, but the argument is that the post office, notwithstanding the recent cuts, is probably one of the most widely dispersed public services and offers unique opportunities for public consultation. We will wait to see how that works out, but it is an innovative idea that could promote the social usefulness of post offices and increase footfall.

[72] On Gypsy/Traveller sites, as part of the new housing assessment, local authorities have to assess housing needs in their community, and that includes the housing needs of the Gypsy/Traveller community. If they identify housing needs for that community, that must be included in the housing strategy. So, in the scenario that you outlined, if Gypsy/Traveller families were living on unapproved sites, you would expect the housing needs assessment to pick that up, and an effort would therefore be made to address that in the local authority's housing strategy. I draw the committee's attention to the change in the rules under which Gypsy/Travellers occupy sites: previously, they stayed on sites under licence, which did not give them the same rights as people who lived on other residential caravan sites. However, the law has been changed, and the security of tenure for Gypsy/Traveller families has been improved in the past 12 months, which is good.

[73] In relation to the amount of support for Communities First areas based on population, at the end of the day, it will always be a judgment call. We have said that every Communities First partnership should have one co-ordinator, one administrative support officer, and one development worker per 4,000 of population. You might say that it should be one development worker per 3,000, or 2,000, or 6,000—it is a judgment call, but our judgment

seems roughly correct to me. However, if there are areas with special needs, if I may use that phrase, that is what the outcome fund is for.

[74] If a Communities First partnership has houses in multiple occupation, for example, and if that is part of the regeneration challenges of that community, you would expect that partnership to identify that as a priority and make an application to the outcome fund, possibly working with social landlords, the police and the local authority to develop a partnership-based approach. That is why the outcome fund is much better. It focuses Communities First groups on identifying their needs, and then releases resources to allow them to get on with it. As a result of our establishing the outcome fund, there are now more resources available on the front line than was previously the case. So, there is more potential for Communities First groups to do more because of the outcome fund.

[75] I will bring Owain in to deal with Firelink. Firelink has been running since Adam was a cowboy, and it is a difficult and intractable contracting process.

[76] I will just use this opportunity to highlight the issue of pensions. I do not know whether Members will have noted it, but we issued a statement a few weeks ago highlighting the fact that the changes to the firefighters' pension arrangements that were introduced in England, where they have been a source of friction, have not been introduced in Wales. We have drawn that to the attention of fire and rescue authorities so that they are clear about the benefits that are available to firefighters in Wales. That has been warmly welcomed by the fire authorities, which have been very supportive, and by the Fire Brigades Union. I will ask Owain to speak on that.

[77] Substance misuse is a real pressure, and we must see how this extra £2 million works out and keep an open mind. As you will probably be aware, we have made a public announcement in the past two to three weeks about Health Inspectorate Wales undertaking a root-and-branch review of how drug and alcohol misuse services are delivered in Wales. That is to ensure that the delivery fits in with the objectives of our 10-year strategy. We have launched the strategy and so now we want to ensure that the tools that will be used to deliver it are fit for purpose, and HIW is reviewing the commissioning process, by looking at the care pathway from start to finish. So, there is a lot going on, and Mark's point is well made. As we become informed of the work of HIW and the roll-out of the strategy, we will come back to the issue again.

[78] **Janice Gregory:** Owain, did you want to comment on Firelink?

[79] **Mr Lloyd:** Yes, just briefly. Some of you might be aware that Firelink is a project that the UK Department of Communities and Local Government is leading on, and the Welsh Assembly Government is a partner in that. When the original contract began, it was envisaged that it would be driven by capital needs, but, as negotiations progressed with the contractor, it became apparent that, actually, additional revenue was needed. So, as the Minister rightly said, we needed to make a transfer from capital to revenue, which we did last year, I think. The contract is until 2016-17, and we envisage there being sufficient funds to cover that, from the Assembly Government's point of view.

[80] Pension contributions do decrease next year and they fluctuate on a yearly basis. As you can see, that figure goes up again in 2010. That is based on an estimate from the fire and rescue services of the cover that they will need annually in relation to pensions. So, the figures might change again in next year's budget, and that is the reason for it.

[81] **Janice Gregory:** I have two other speakers, and we are running over time for our next item.

9.50 a.m.

[82] **Nerys Evans:** Gyda'r wasgfa gredyd a'r dirwasgiad sy'n ein hwynebu, gwn fod cyfarfodydd wedi eu cynnal ar draws adrannau'r Cynulliad i weld i ba raddau y bydd modd gwarchod Cymru rhag yr effeithiau. Beth yw canlyniadau'r trafodaethau hyn yn eich adran chi? A oes unrhyw ymrwymadau wedi eu cario ymlaen ac a newidiwyd unrhyw bwyslais yn y gyllideb? Gwn eich bod wedi sôn am hyrwyddo undebau credyd ac addysg gyllidol i bobl ifanc, ond a oes unrhyw newidiadau eraill yn eich adran?

Nerys Evans: Given the credit crunch and the recession that we are faced with, I am aware that meetings have been held across Assembly departments to see the extent to which Wales can be protected from the effects. What was the outcome of these discussions in your department? Have any commitments been brought forward and has there been any shift in the budget? I know that you have talked about promoting credit unions and providing young people with financial education, but are there any other changes in your department?

[83] **Brian Gibbons:** We had a good meeting with the WLGA yesterday and a number of useful and constructive suggestions were brought to the table, which we have agreed to take away. It is a little early for a discussion on that, but I will ask Emyr for his reflections on that meeting. It is mainly to do with looking at how capital programmes within local government can be brought forward. We know that around two thirds of local authorities' reserves are nominally earmarked for projects, so we were interested in exploring the reasons for the delay in bringing them forward, to see whether the Assembly Government could provide support and assistance in allowing them to proceed, perhaps by releasing land or providing assistance to get project teams together. We had a constructive discussion on that.

[84] Another point that came up yesterday, which might be useful to highlight to the committee, was the payment of Government invoices. We know from the CBI's public statements that it sets great store by this, and it is particularly important for small businesses in local communities. The variation in performance varies between Monmouthshire, the best local authority, processing 95 per cent of its payments on time, to the worst local authority, which I will not name, processing just 35 per cent of its payments on time. The variation in performance across local government is a real issue, and is one problem that we come up against, to go back to an earlier question. However, given the global financial crisis, local authorities that are paying only 35 or 40 per cent of their bills on time are not being good corporate citizens. We highlighted a couple of action points in our meeting with the WLGA and it took those points on board, so we will work with local authorities to enable them to be better corporate citizens.

[85] **Dr Roberts:** Soniodd y Gweinidog am y trafodaethau gyda llywodraeth leol, ond o ran cyfalaf a phrosiectau cyfalaf, yr ydym am geisio dwyn rhai prosiectau yn eu blaen. Gobeithiwn gyfarfod gyda'r awdurdodau lleol yr wythnos nesaf i weld yr hyn y gallwn ei wneud o ran hynny.

Dr Roberts: The Minister has mentioned our discussions with local government, but on capital and capital projects, we want to try to bring such projects forward. We hope to meet with the local authorities next week to see what we can do on that.

[86] O ran y wasgfa gredyd yn fwy cyffredinol, yr ydym yn cadw llygad barcud ar bethau megis a oes mwy o ofyn ar wasanaethau cynghori ac a oes mwy o droseddu. Felly yr ydym yn ceisio cadw llygad ar yr hyn sy'n digwydd a byddwn yn ymateb i hynny. Yr ydym yn ymwybodol bod dimensiwn i hyn sy'n mynd y tu hwnt i'r

On the credit crunch more generally, we are keeping a close eye on things such as whether there is a greater demand for counselling services and whether there is an increase in crime. Therefore, we are trying to keep an eye on what is happening, and we will respond to that. We are aware that there is a dimension to all this that goes beyond the

economi yn unig ac sy'n effeithio ar draws cymdeithas. economy and affects the whole of society.

[87] **David Lloyd:** Yr wyf yn ymwybodol o'r amser, ond hoffwn groesawu'r arian ychwanegol a roddwyd i ganolfannau sy'n trin pobl sy'n gaeth i gyffuriau ac alcohol. Mae'r ddarpariaeth yn ardal Abertawe wedi ehangu'n syfrdanol. **David Lloyd:** I am aware of the time, but I just wanted to welcome the additional funding given to drug and alcohol misuse treatment centres. The provision in Swansea has increased significantly.

[88] Beth amser yn ôl, bu i chi gyhoeddi strategaeth mewnnoli ffoaduriaid. Mae'n bwysig ein bod yn gweithredu'r strategaeth honno gan fod pawb yn cytuno ei bod yn strategaeth wych, ond o ran y goblygiadau ariannol—a diwedd y gân yw'r geiniog, wrth gwrs—sut byddwch yn ariannu'r strategaeth? Some time ago, you announced a refugee inclusion strategy. It is important that we implement that strategy, because everyone agrees that it is excellent, but, as regards the financial implications of it—and it always has to boil down to money—how will you fund the strategy?

[89] **Brian Gibbons:** The main thing in our budget line is the £800,000 that we are making available mainly to refugee groups, to ensure that their point of view is taken on board. That will give them core funding to develop projects and ideas for refugees and asylum seekers in Wales.

[90] Other than that, the single biggest issue would be the provision of classes in English for speakers of other languages, the responsibility for which rests with the Department for Children, Education, Lifelong Learning and Skills. A review of ESOL provision has been undertaken in Wales. On the back of that review, the Minister is looking at the matter—or it may be the Deputy Minister, John Griffiths; I am not sure. Programmes such as Want 2 Work and Genesis will be of great assistance in allowing refugees, who may currently be a fair way away from the labour market, to get work.

[91] Having said that, the skills profile, particularly of refugees, is probably higher than that of the indigenous population. This is one reason why it is a key theme of the inclusion strategy to tap into the potential that refugees have. It is not only for themselves, to help them to build their lives, but also, given their skills, to enable them to contribute constructively to Welsh society. So, they would benefit and we would benefit, both directly and indirectly, by having a more welcoming and pluralistic society in Wales.

[92] **Joyce Watson:** I want to come back to delivery in local government, and the capital expenditure budget that you mentioned you might be bringing forward. My question is broad but quick, and I do not expect you to answer it today. In looking at the performance indicators for local government—and sometimes they are good, sometimes they are not so good—do we also look at the applications made in a given area for capital investments, because they will deliver our strategic objectives? If they do not even apply in the first place, in some cases, do we know about that? How do we track it, and how do we help some organisations that do not make applications, or are not successful in their applications for whatever reason? I would be happy to receive a written response to that.

[93] **Brian Gibbons:** Performance has to be the top agenda item for local government, along with resource. That is the priority. Every local authority should have an asset management plan, which has to be at the heart of how they do business. Emyr has just passed me a note, and he would probably be the best person to answer that, but I realise that time is an issue, so could we drop you a line on that?

[94] **Janice Gregory:** That would be great. Thank you all for your attendance this morning.

We appreciate it. We will also be scrutinising you in the near future on your portfolio, Minister. I do not think that there are any more questions left to ask you this morning.

[95] **Brian Gibbons:** I would be happy not to have to answer any more. [*Laughter.*]

[96] **Janice Gregory:** We are a nice committee, and you like us really. Thank you, all.

[97] Given that the Minister had to go to a meeting in London last week, the clerk will now write the report following this meeting, so we will have to clear it by correspondence. Members, if you see an e-mail from Lara, please ensure that you open it straight away.

[98] **David Lloyd:** I always do, Chair.

[99] **Janice Gregory:** Of course you do, Dai. Fancy my saying that. [*Laughter.*] This has to go to the Finance Committee tomorrow, so that is how quickly the report has to be turned around. However, there were extenuating circumstances, of course.

10.00 a.m.

Tystiolaeth ar gyfer Ymchwiliad y Pwyllgor i Gam-drin Domestig Evidence for Committee Inquiry into Domestic Abuse

[100] **Janice Gregory:** We now continue our evidence gathering for our inquiry into domestic abuse. I welcome to the table Julia Houlston-Clark, the restorative justice co-ordinator for Cardiff prison, and Karen Eyers, from Victim Support Gwent. I hope that I have pronounced your surnames correctly. Please forgive me if I have not. I thank you for taking the time to come to committee. I am sure that you realise that our current inquiry is very important. I thank you for your paper, which Members have had a chance to look at. I do not know whether you know how the committee works, but I would like you to speak on your paper, and Members will then ask a series of questions. Please do not worry, there are no trick questions; it is an attempt for us to drill down as far as we can into the paper that you have provided and we are all very interested in what you have to say. Two Members are out of the room at the moment, but they will be back as soon as possible. If you are happy, you can start, Julia. I understand that you are going to speak on the paper.

[101] **Ms Houlston-Clark:** Thank you very much for the privilege of being here. It is really very exciting and scary to be here. [*Laughter.*]

[102] **Janice Gregory:** It is not scary; we are very nice people.

[103] **Ms Houlston-Clark:** Thank you very much; it really is a privilege. We are aware that you are pressed for time, so we will condense what we had planned—Karen has a bit to add—because I understand that you have lots of questions. So, we will leave a huge amount of time for questions.

[104] Restorative justice is a proven and powerful tool to help to address the harm caused after an offence. A useful working definition, particularly for domestic abuse, is that restorative justice seeks to balance the concerns of the victim and the community with the need to reintegrate the offender into society. So, it assists the recovery of the victim—it is victim-centred—and enables all parties with a stake in the justice process to participate fruitfully in it.

[105] The primary goal of restorative justice is to try to repair, whenever possible, some of the emotional and physical harm. Safety and doing no more harm are fundamental principles, which we apply all the way through all of the Supporting Offenders through Restoration

Inside processes. SORI is a range of restorative justice interventions and processes, based at HMP Cardiff, and based on best practice. It is multi-agency work. I will not go into a wider exploration of restorative justice, but I would welcome questions on that at the end.

[106] In summary, work in the United Kingdom on domestic abuse and restorative justice is very rare. In the past, perpetrator programmes have almost always focused not on restorative justice, but on the integrated domestic abuse programme. I know that you have already received submissions on that. The UK Government believes that direct restorative justice work, face-to-face work, is contra-indicated in restorative justice. There is contention around the use of restorative justice because of the risks, which we absolutely accept. We do not want to re-victimise anyone. However, restorative justice programmes have run successfully in the United Kingdom, and they are often routinely available in the criminal justice system in other countries across Europe—and in this country. There are two programmes, including the Dove programme—the designer of which I have spoken with recently—and they are very successful in reducing risk, reducing re-offending, and addressing the fact that many cases do not get formally into the criminal justice process. So, it can be a support or an alternative where cases fall down, there is not enough evidence, or the victim is too fearful to go through the criminal justice process. It identifies and responds to a gap in provision.

[107] The successful programmes in Europe and in this country have key features that we are trying to replicate in the SORI pilot, which we are about to do using the Home Office grant that we have received. We are concerned about safeguards for victims and procedures for checking voluntarism—it must be voluntary for all parties; there must be no coercion. There needs to be a multi-agency approach—and we are looking at the multi-agency risk assessment conferences model, because it has been successful. Support services need to be available before and after any restorative intervention. Sufficient staff resources are required to ensure safety, and there needs to be rigorous training and supervision. I am essentially perpetrator-based. We have experts from across the restorative system and women's agencies—not all of them, as some do not want to be involved because they consider it to be too controversial, which is their right—that want to be involved and are involved in the planning and design of our pilot focusing on domestic violence.

[108] Most of the written information about existing programmes focuses on direct work; in terms of SORI and the pilot that we are about to run in December, it is indirect work. We have never done direct, face-to-face restorative work, and we never will until we are properly resourced, because it is too risky without adequate resources. So, we are not talking about direct, face-to-face work; for our pilot, we will be working on the basis of successes that we had in other SORI crime interventions and it will be indirect. Long-term survivors of domestic abuse are helping us to design the pilot and to deliver it. They have the authority of experience, the safety of distance from their own experience of being a victim, and they can offer something that we cannot offer. In the other crime-specific interventions that we have done already, it is the power of that voice that changes the offender, and Karon will talk briefly about what it does for the victim involved in the process. It is hard to believe what a victim could gain from it, but there are huge beneficial outcomes for the victims.

[109] Finally, the only reason that we are able to focus on domestic violence safely—because we had not been able to on SORI until last year—is that we cannot screen it out. I mentioned that in our paper. It happens anyway; it is the elephant in the room whether we like it or not and it is better to deal with it safely than pretend that it is not happening. We are very grateful because we could resource this safely only as a result of a grant from the Home Office crime team for Wales, which we were given last year to enable further research and the initial development in this area. It would be wonderful if a Welsh initiative helped to shape and inform a UK-wide restorative justice strategy. There is not a national strategy for restorative justice in the United Kingdom and there is not a conclusion, although the gap was recognised, to research domestic abuse and restorative justice. We could help to inform the UK-wide

strategy and it would be wonderful if we could work on the Welsh model more here. Karon is now going to refer briefly to the benefits for victims.

[110] **Ms Eyers:** Thank you. I echo what Julia said and thank you for the opportunity to be here. I would also welcome questions afterwards. I have experience of supporting victims through the SORI programme—they were initially victims of not domestic violence, but perhaps burglary, for example. They have gone through the SORI programme and it has been very successful. However, on occasions, I have taken victims of domestic violence into the prison to attend the SORI programme and the power imbalance that I witness is amazing—it is not just emotional, but physical too.

[111] Basically, victims go into the prison and they have an opportunity to challenge offenders about their behaviour. It is highlighted in the SORI programme, in the training, that the offenders are actually ‘helped’, if that is the right term, to understand the aftermath of their actions. In my professional opinion, that is sometimes a vital occurrence that the victim is wanting. It helps the offenders to take responsibility for their actions and to be held accountable for what they have done to many people—not just to an individual, but perhaps to that lady’s family and her children too. There is a huge increase in victim satisfaction. These victims have been wronged by individuals, by society and sometimes by institutions. It reduces the fear of crime, not just of crime perpetrated by an individual offender, but crime perpetrated by men in general. You can see the difference when the victim comes away from the programme, particularly as it is set within a Victorian prison. I have seen the difference in the very stance of an individual when they are leaving the programme—it changes physically and dramatically. That reduction in fear is huge and visible.

[112] With regards to prevention, I think that it assists prevention as well. I know of victims of domestic violence who have come away from the prison and the feedback that I have had is that they hope, in some way, that he does not offend again. I think that that is very important. They have heard ‘sorry’ before—they have heard it a 100 times before—and the statistics show that if somebody has gone to the police to report an incident, it is probably about the thirtieth time that an incident has occurred. They have heard ‘sorry’ before, but it is a process that they have become involved in and they hope, now that they have been given a voice, that there is an element of prevention too. It increases victim satisfaction and reduces the fear of crime felt by that individual, but not only by the individual, because it is taken out into society and I think that children agree with these sorts of things. It also provides closure.

10.10 a.m.

[113] Yesterday, I was thinking about what I was going to say today, and I thought that the best thing I could do was to contact one of the victims on the SORI programme who has attended the prison and done the full programme. I contacted one of the ladies that I have supported, who has done the freedom programme and been involved in IDAP; she now works with Women’s Aid. I asked her to give me one statement from her point of view as a victim of crime, whom I had supported through the SORI programme, that I could bring to the committee to say what it had given to her. She gave me one word—‘closure’—which was huge. She said that she was a better person, a better mother and a better member of society because she would not accept the treatment that she had received. It gave her confidence and the understanding of what she had been told by the freedom programme, Women’s Aid, family members and so on—that it was not her fault: it took a perpetrator to get her to believe that. I thought that that was immense; that is what makes it real, and that is what I am bringing to the table today.

[114] **Janice Gregory:** Thank you very much. A number of questions will now be put to you. Joyce Watson will start.

[115] **Joyce Watson:** Good morning. I read your paper with interest, and I am particularly interested in your programme, but I must say that you will have to convince me that it is a good thing. What evidence do you have that the use of the restorative justice process in domestic abuse cases is effective? Who benefits from this work? Can you say a bit more about the funding that you have received from the Home Office crime team for Wales?

[116] **Ms Houlston-Clark:** The evidence that we have received already from the SORI programme came from the fact that, although we said at the beginning that we would not work on domestic abuse, we could not refuse because perpetrators came forward whose crimes included domestic abuse, regardless of whether they were charged for it. Victims who presented as burglary victims said ‘By the way, I am also a victim of domestic abuse.’, although that was not the area in which they were interested. We were able to look at the pre-course and post-course interviews and the psychometric tests that were done on those particular people, and they showed the same benefits as for any other crime. There was an increase in the motivation to change, so perpetrators were more engaged and self-referred themselves to other programmes to look at their drugs, anger and alcohol issues. It reinforced the work that they were doing already, and they were less resistant to talking about their offending. So, those are the benefits for the perpetrators in terms of the SORI programme.

[117] From a victim’s point of view, victims asked to come back and I was quite astonished, because I had always thought that it was too risky and that we should not be doing anything to re-victimise. However, because we were working with Victim Support, we were able to do post-course interviews with them and the same theme emerged, in that it put ghosts to bed. By facing their demons—I cannot think of a better phrase—they were able to safely be given the power back that they did not have before, and to ask questions about offending that they could not ask within their own relationship. We have never worked with anyone who is in an actively abusive relationship because of risk, so there was no issue about displacement in that regard. What we are getting from victims in the post-course interviews in the SORI programme is the sense of empowerment. It is a tiny number of people, but we knew that there was a demand and a need. Similarly, Victim Support was having to refuse victims who wanted to come into the programme who said that they were victims of domestic abuse because we said that it was too risky. So, a need had been identified on the ground.

[118] In terms of the national and international evidence, there is a big report, which a researcher has, that I could not disseminate more widely because we do not have final approval from the Home Office as part of this grant. However, I am sure that it would be all right for the researcher to share it with you, although it cannot be disseminated until next April because of the conditions of the grant. The research has shown that, in the restorative justice interventions in countries such as Finland, Austria and Germany, there can be a reduction in re-offending that is as good as, and usually much better than, other interventions. It is usually post-guilty plea, so the offender must accept responsibility first; it is highly facilitated and mediated; there is support before, during and after the process; it is multi-agency work all of the time; and there was a ridiculously high reduction in re-offending rates where it was adequately resourced. That was direct, not indirect, work. There is not much research on indirect work, but what it can do is respond to fears in terms of safety because you are not working with someone who is in an active relationship where there may be a displacement.

[119] The benefit—where a victim leads the process and is re-empowered through that and an offender is held accountable—is that it removes the secrecy and the shame. You can involve more stakeholders, such as grandparents and other carers who know that something is going on, but it is being kept behind closed doors. It brings it out into the open. So that is the other benefit that has been measured—the victim, who is usually a woman, feels empowered to speak about it rather than think it is her fault or that she is to blame. The onus for change is not just on her shoulders, because it is shared, and there are other consequences. If an

offender does not comply with conditions that the victim wants, punitive action will be taken in any case or it can be done alongside custody. It is not just an alternative, because it is also done alongside custody. So, the benefits have been measured and in the research paper you will see the statistics.

[120] The Domestic Violence Dove programme, which is mostly run in Basingstoke, Hampshire, has been running for four years. It is partly funded by the police and partly by the NHS, and it takes a multi-agency approach. It has had good initial results. Referrals can come through the police or through the community, and the reduction in the reports of formal and informal crime is amazingly successful. I think that the reason for that is that all of the stakeholders are involved and that there is transparency about the offending, rather than secrecy. It is hugely empowering, victim-centred work. Although we do not do direct work, successful work must be multi-agency work based on safety.

[121] **Janice Gregory:** I think that you answered the second part of Joyce's question in your original introduction. I do not normally do this, but I am conscious of the time and, although we need to drill down, there are a substantial number of questions on your paper.

[122] **Lesley Griffiths:** You made reference in your written evidence and your presentation to the fact that some women's organisations do not believe that restorative justice is applicable for cases of domestic abuse. Is that because they believe that domestic abuse could become a secret again? When should restorative justice be used and when should it not be used in domestic abuse cases?

[123] **Ms Houlston-Clark:** The history of Women's Aid's perspective is that, because it took so long to stop it from being a private offence, it does not want to see it become private again. My response to that would be to use restorative justice transparently within the criminal justice system with the agencies involved. As long as there is openness and transparency, it stops the privatisation of the crime. That was the main concern of Women's Aid, in that it took so long to campaign for it to be illegal, and there is still no offence of domestic violence. I have huge sympathy for that perspective.

[124] I spoke to the DOVE project manager yesterday, who said that the reality is that, in the spectrum of perpetrating, you have high-risk offenders, some of whom will never change—they will always be violent. I would say that it would not work with them, because they are probably denying that they are even perpetrators. You cannot do victim work with them if they deny that they have victims. There is probably a high risk of reoffending within their relationship in the future. Having said that, it has been done, and has been done safely.

[125] Within the middle of the spectrum of perpetrating, there is a whole range of different offenders—I mostly meet them in prison—who, if they are willing to change in some way, admit that they have a problem and are ashamed of it. The other experience within them is their level of victimhood—they were probably brought up in a violent home and they know what it feels like to be a victim. Restorative justice can point that towards victim empathy, as long as it does not revictimise their victim through displacement. Those people are coming forward and saying, 'I need help but I do not know what to do'. There is potential among such perpetrators, but they need to be risk-assessed, because there is always a danger that there is a revictimisation of their direct victim.

[126] At the lower end of the spectrum—we also meet these people in prison—are those who are persistently violent in the rest of their chaotic lives and backgrounds, but within their intimate relationships it may be the first, second or third time that they have hit their partner and they do not feel good about it, or about the impact that it has on their child. They say 'I have never done this before, I do not like the way that I am going and I need help'. It is the voluntary side of presenting as needing help that we can work with. We can help. It is not

high-risk, unless there is a particular element to it.

10.20 a.m.

[127] The other aspect of this is that our work can be indirect, which can resolve some complex problems. Sometimes, a letter that is shuttled between trained facilitators can resolve an issue around childcare or splitting housing after the breakdown of a relationship. There are a range of approaches, not just one, and problem-solving happens right across that spectrum. Everything needs to be risk-assessed.

[128] **Ms Eyers:** Following on from what Julia said, about when it should and should not be used, I feel that it is safe to use when a victim is no longer a victim and becomes a survivor. I work for Victim Support and I have read statistics and stories about people returning to violent relationships and so on, but when does a victim become a survivor? There is no specific timing; I have taken in victims who are two years out of a relationship with a violent partner and those who are eight years out of such a relationship, so there is no specific timing. They need to be a survivor going into this, rather than a victim going into this; there is a big difference.

[129] **David Lloyd:** Mae fy nghwestiwn yn eithaf tebyg i'r cwestiwn sydd newydd ei ofyn, felly bydd gennych gyfle i ehangu ar eich ateb. **David Lloyd:** My question is quite similar to the last question, so you will have an opportunity to expand on your answer.

[130] Yr oedd rhai ohonom yn bresennol ychydig flynyddoedd yn ôl pan wnaethoch gyflwyniad arbennig o bwerau yn y Cynulliad ynglŷn â'r rhaglen SORI, ac mae rhai ohonom wedi penderfynu ers y diwrnod hwnnw mai dyma'r ffordd ymlaen o ran cyfiawnder adferol. Yr ydych wedi gwneud y pwynt ynglŷn â gweithredu cyfiawnder adferol yng nghyd-destun cam-drin yn y cartref, ond pwy ddylai ariannu eich gwaith? A few of us were present a few years ago when you made a particularly powerful presentation to the Assembly on the SORI programme, and many of us decided, on that day, that that is the way forward with regard to restorative justice. You have made the point about implementing restorative justice with regard to domestic abuse, but who should fund your work?

[131] **Ms Houlston-Clark:** Thank you for asking that question, Dai. Our problem is that there are no key performance targets in prisons. We are doing community justice that happens to be located in a prison—we were the people who initially identified the gap for perpetrators five years ago—so we are always struggling for external funding. I am a chaplain in Cardiff prison, so I am employed and have other people in the team, and our funding is ring-fenced, but a huge amount of our funding comes from community safety partnerships—particularly from Cardiff, which has been very supportive—because of their targets in reducing the fear of crime, preventing offending and community participation. Our other source of funding has been the south Wales criminal justice board, which has been very helpful, and we can also help towards its targets on victims and victim satisfaction. I did not answer that question properly.

[132] The Wales crime team identified a research need, so we lope from grant to grant and from underspend to underspend, but it would be wonderful if we could get core funding. What makes it a complex issue is that the Welsh Assembly Government does not routinely have powers in prisons—it would be great if it did. However, this is community justice, although we happen to be in the prison when we are doing it, but it could be done in the community, and we would love to see it delivered through the probation service as well.

[133] **Nerys Evans:** Diolch yn fawr am eich **Nerys Evans:** Thank you for your evidence

tystiolaeth ac am eich papur, sy'n and for your paper, which is very useful.
ddefnyddiol iawn.

[134] Yr ydych yn sôn bod Cymorth i Ddioddefwyr wedi bod yn bartner allweddol ers y dechrau. Pa asiantaethau a phartneriaethau eraill sydd gennych yn eich gwaith? Beth ddylai Llywodraeth y Cynulliad ei wneud i ysgogi ac i gefnogi gweithio mewn partneriaeth i sicrhau arfer da? You mentioned that Victim Support has been a key partner since the beginning. Which other agencies and partnerships are involved? What should the Assembly Government do to promote and support partnership working to secure good practice?

[135] **Ms Eyers:** There are a number of different partners from Women's Aid, women's safety partnerships, and Victim Support—obviously, it is the right people speaking for the right people. I cannot tell you how important multi-partnership working and a multi-agency approach is on this. That is the way forward.

[136] What was the second part of the question?

[137] **Nerys Evans:** Beth yw rôl Llywodraeth y Cynulliad wrth ysgogi arfer da ac i sicrhau bod partneriaid yn gweithio gyda'i gilydd? **Nerys Evans:** What is the role of the Assembly Government in promoting good practice and ensuring that partnerships work together?

[138] **Ms Eyres:** With regard to the victims who are involved at present, as long as they are supported by some organisation to suit their individual needs, it is encouraging to see all these partners working together. With the design, implementation and running of the SORI programme, we found that multi-agency working was essential. With regard to the Welsh Assembly Government, it is a way to move forward. I have forgotten what I was going to say.

[139] **Ms Houlston-Clark:** Victim liaison units in Gwent are good partners, as well as the independent domestic violence advisers, who are on the steering group for the pilot scheme as well. Then there are freedom programme tutors, and the youth offending teams—we work closely with the team in Cardiff. Their trainers, nurses specialising in domestic violence, and tutors have been involved in other programmes. Interestingly, many of the volunteers have been victims themselves, but are also criminal justice agency staff, so they have a safety blanket.

[140] **Paul Davies:** I have a question for Karon. In your written evidence, you say that service provision for victims of domestic abuse is important. Why is it important, from the point of view of victims, to ensure that funding is available for restorative intervention? In other words, how important is this funding for the victims?

[141] **Ms Eyers:** It is vital. More and more victims and survivors are becoming aware of restorative justice. I know that it has been treading water for a long time, but more people are becoming aware, and want to come on board. The funding is essential, as is the support; the process would not exist without support, whether from Victim Support or any other organisation. Support is required before, during and after the process.

[142] At the end of the day, people who want to become involved in restorative justice have a choice, and it needs to be an informed choice. They cannot make such a choice without information and support—in my experience, it has been imperative.

[143] **Peter Black:** As with all other offenders, admission of some degree of guilt and responsibility for creating victims is a prerequisite for your restorative programme. However, minimisation and denial are especially common in domestic abuse perpetrators. How does the

selection process ensure that resources are not wasted on men who are in denial? What capacity is there to refer between the integrated domestic abuse programme and SORI, both inside and outside prison?

[144] **Ms Houlston-Clark:** Those are good questions. The interview process is vital for all offences, but doubly so with domestic violence. We will get some information when an offender volunteers—we work through self-referral, and we have a waiting list that we cannot keep up with, because the word on the wing is that this is a good course. So, we get a volunteer, and before they come for the interview day—we spend a whole day on interviews—we find out what their previous offences are. One problem with domestic violence is that it may not be registered as such—it could be listed as actual bodily harm, or grievous bodily harm, and we have to unpack that. There are then three one-to-one interviews with the offender. The case record tells us what they have admitted to, and one interesting aspect of being a chaplaincy-based course is that offenders will often disclose new information to us, because they trust us. We do not collude—we will always share information—but the experience is confidential. So, they might say that they were never charged with domestic abuse, but it was a problem in their previous relationships. We will know that.

[145] The other aspect is that we measure the degree to which they accept that they have victims. When we have not been able to work with an offender, because they have said, ‘It was just a slap’, or, ‘She was not really hurt’, alarm bells sound. We then go back to the records, and see that there was a huge amount of damage; those perpetrators are in such a degree of denial that we cannot work with them.

[146] Similarly, we get perpetrators who say, ‘Yes, I did it. I was not charged with it. I am ashamed, and I need to address it’. They are the best ones that we can work with. If someone is really off the spectrum, then everything—the lists of people proposed—gets shared with colleagues in psychology, probation, mental health, offender management units and so on. Everyone in the prison assesses whether a volunteer is suitable, and they can add information if the volunteer has not disclosed something to us. Again, alarm bells ring.

[147] Having said that, denial can sometimes be an opportunity, because we can go back to the perpetrator, show them what they said to us, compare it with the case records, and ask them to talk to us. So, we can get more information directly from the perpetrator. When we have refused offenders, because they would not accept responsibility, the offender management system means that the probation service and prisons work together, so that that offender will be flagged up, even if they were not before, they will be flagged up as domestic abuse perpetrators—which we probably knew anyway.

10.30 a.m.

[148] The first roll out of an IDAP programme in a prison in south Wales happened only recently in Cardiff. It was successful, but, before that, one of the problems was that there was nothing for us to refer them to inside, and there is a huge waiting list outside, which is why we did it inside. We have recommendations from the pilot already, one of which is that, in future, we work with IDAP to reinforce the victim work—of which there is not much in IDAP. Perhaps a post-IDAP referral would be to SORI, or SORI would flag up the need to do IDAP inside or outside. Hopefully, following the success of IDAP in HMP Cardiff, it will be rolled out across south Wales in prisons, where appropriate and safe. That would be fantastic joined-up working; that would be the dream. Within the SORI programme, there are huge sessions looking at distortion and minimisation, and we address those and challenge them, so it is a very appropriate programme. A huge part of the pilot in December will be to challenge the areas where there is minimisation.

[149] **Mark Isherwood:** The Assembly Government's domestic abuse strategy focuses on things such as children's safety and preventative work with young people. What, if any, benefits do you think that there would be in developing more specific principles in areas such as sex crimes or youth justice work?

[150] **Ms Houlston-Clark:** I will come back to sex crimes as that is a huge hornets' nest.

[151] On preventative work among people, perhaps Karon would like to speak about a study that has been undertaken.

[152] **Ms Eyers:** In preparing for today, one of the studies that I was particularly concerned about showed that youngsters today find it acceptable to be in a violent relationship provided that they have been with the person for around six months or more or that a bit of money has been spent on them. It is an unacceptable and inappropriate position for a young person to be in. That this has been highlighted as common practice among youngsters is not just scary, but dangerous. I know that, as a parent and as a victim supporter, I would not want my child to see that as being acceptable behaviour for a female. This attitude is confirmed by the victims who approach Victim Support. I am finding that more and more young people are becoming victims not only of violence, but some kind of abuse, including sexual abuse. Again, this is even more scary and dangerous than among adults, because, if they think that it is acceptable behaviour, we are going down a really steep slope.

[153] **Ms Houlston-Clark:** A model that we have used relating to drugs awareness with the youth offending teams—and we are looking at a model with Cardiff youth offending team— involves ex-offenders and victims of drug-related crime talking about their experience of being either a victim or a perpetrator as a preventative, restorative intervention with young people, particularly at the high end, with youngsters who are at risk of custody. We have done two youth pilots in Cardiff. It would be great to see whether work on domestic abuse could be tied in with what is being done within the youth offending team. We have done youth pilots in Cardiff with 20 young people over two years, where the young people undertook a victim awareness course while being mentored by adult offenders. Only two out of 20 have re-offended, and these were prolific, persistent young offenders. So, early intervention works, but we need far more resources to go down that route. However, partnerships have already been set up, particularly with the Cardiff youth offending team, and these seem to be effective in breaking cycles. So, we need to break that cycle of re-offending, and I would be up to thinking about it.

[154] The imbalance of power in cases of domestic violence makes it a unique area. In the case of sexual offences, there are people—particularly in mainland Europe—who undertake direct mediation work with victims. We do not do it in Cardiff because we do not hold sex offenders routinely. It is hugely sensitive; the danger of re-victimisation is very great. However, where it is done successfully, it can contribute to licence conditions, where the victim says, 'This is what I want to happen.'. Adult survivors of incest, for example, who are away from the offence, have addressed their father or grandfather and asked them, 'Did you know what you did to me when I was younger?'. Again, the victim is empowered and there is closure. They might never see them again, but they feel that they have put something to bed. We do not do that; we would need more training. However, in terms of young people and prevention, it would make sense, if done safely.

[155] **Ms Eyers:** I have supported victims through the SORI programme. Initially, when we started the process, it was to address violence—it is difficult to screen out domestic violence. However, to give an example of one case, it became clear that she had been a victim of rape. In this situation, she saw her attacker as a monster, but on leaving the prison, after taking part in the SORI programme, she felt that he was just another guy; she did not see the monster, but was of the opinion that it had reduced her fear of crime and enabled her to get on with her life.

It was a situation where the criminal justice system had let her down, but the restorative justice process had not.

[156] **Janice Gregory:** Thank you. We have come to the final question, which is from me. As you know, once the inquiry is finished, we will submit a report and a series of recommendations to the Welsh Assembly Government. You helpfully put a number of recommendations in yours, all of which are worthy. However, we need to ask what would be your No. 1 recommendation to be included in our report to the Government?

[157] **Ms Houlston-Clark:** We have identified the need for funding to undertake more research. One year was not long enough because, by undertaking the research, we have raised more issues. So, more multi-agency research is needed into what is possible, based on the good reduction in re-offending rates achieved, particularly through the Dove programme. The family group conferencing model is contentious, but it seems to be embedded in the criminal justice system elsewhere and it is working, so I make particular reference to the family group conferencing.

[158] **Janice Gregory:** That is great; thank you. You will be sent a transcript of your evidence. We would like you to check it for factual accuracy. I say to all of our presenters that you cannot take out something that you said—as much as you might want to. [*Laughter.*] We often want to take out something that we have said. Please let the clerk know if anything needs to be changed. Thank you for coming here this morning and for putting some flesh on the bones of the SORI programme about which we have heard quite a lot.

[159] **Ms Houlston-Clark:** You are welcome to visit us.

[160] **Janice Gregory:** Thank you; I am sure that we can arrange that.

[161] We will now move on to the next witness who has kindly agreed to give evidence to our inquiry. From the Legal Services Commission, I welcome Sara Kovach-Clark—I hope that I got that right; my clerk is putting me through the mill today with people's surnames. I apologise if I did not pronounce that correctly. Thank you for coming to committee this morning and for your paper, which Members have had an opportunity to read. I do not know whether you got a chance to see the previous presenters, but I will invite you to make a brief oral presentation on your paper and Members will then put to you a series of questions. There are no trick questions; this is all a serious attempt to drill down into what you have outlined in your paper and to draw out some of the key issues that we wish to form our report to the Welsh Assembly Government.

[162] **Ms Kovach-Clark:** Thank you for inviting me here today. I want to start by giving you a brief outline of the Legal Services Commission's work. It is a Government agency with statutory responsibility in England and Wales for commissioning legal aid services for people who are eligible for legal aid, so it is for those who are generally in the benefits system who cannot afford their own legal representation.

[163] I am head of family policy development in the commission and as such I lead a small team to develop policies with respect to ensuring that children and families gain access to legal aid so that we can maximise the resources that we are given by Government to prioritise services for the most vulnerable.

10.40 a.m.

[164] People who are experiencing relationship breakdown and specifically domestic abuse are top priorities at the Legal Services Commission. When she arrived in September 2006, our chief executive, Carolyn Regan, instigated a cross-organisation working group to look at how

we could improve services for people experiencing domestic abuse. So far, we have spent just under £1 million in 2006-07 specifically in Wales on representation in proceedings where the client was seeking an injunction in relation to domestic abuse. We fund many more cases, such as child contact or ancillary relief cases where there is dispute about financial matters and relationship breakdown that also have an element of domestic abuse in them, which is obviously a complicating element for the solicitors and clients involved.

[165] One of our priorities has been to try to understand the client's experience of legal aid. We have worked quite closely with a group of domestic abuse survivors in the north east who have formed into, effectively, a self-help group. They have been giving us some very useful feedback on the process of seeking legal aid—how they are treated by their solicitors, by the court service and by the police and other people within the criminal and family justice system. We hope to replicate the success of that group in Wales, and, therefore, we have provided them with some support funding, because we feel that, in terms of representation or access to services, Wales is an area that we want to focus on, simply because of the large number of rural areas. There are concerns about how to get access for people to legal aid services in that way.

[166] In the past, we have increased, as far as possible, financial eligibility for legal aid clients experiencing domestic abuse. We have removed the upper limit of our eligibility requirements so that anyone can access legal aid. It does not matter how much you earn, although you will have to pay a contribution above a certain amount, but we have tried to increase the number of people who are able to get legal aid. Across England and Wales, in the past year, we have seen an increase of 300 people who previously would not have been able to get legal aid. It is not a lot, but it is a start.

[167] One of our biggest obstacles to improving services for this client group is getting information across to clients with regard to their eligibility for legal aid. So, we have targeted our website and we have started working with other agencies within the family justice system, particularly with Refuge and Women's Aid, to try to get the information out through those groups to potential clients that they can access legal aid advice and that they are not prevented from doing so. At the moment, the work that we are focusing on in particular is our work with Refuge and Women's Aid on trying to get more legal advice into refuges or places where women would go when they are fleeing domestic abuse situations. That is particularly with respect to women with no recourse to public funds, which means many refugees and women from black and minority ethnic communities.

[168] In Cardiff, we are working with Women's Aid and with the Black Association of Women Step Out to see what we can do to ensure that legal aid services are available in places where clients want to access them, rather than where solicitors want to offer them. That is not a criticism of solicitors; quite reasonably, they set up high street practices, but that is not always somewhere where people would want to go or would want to be seen to go to.

[169] We are also launching a telephone helpline next year, which will focus on family legal aid. A pilot scheme has been running over the past 12 months, since October 2007, which has proved particularly effective for people who want to seek advice about domestic abuse. It is confidential, it is easy and you do not have to be seen to be going anywhere, because you can find somewhere so that you can get advice over the phone. The pilot helpline has also been able to provide support to women to seek their own injunctions in emergency situations. We hope to link that with a representation service next year, so that people phoning for domestic abuse advice who need to seek an injunction will be able to get advice over the telephone and will have someone representing them in the area where they live. So, that is a national service that we are looking to roll out from July next year.

[170] **Janice Gregory:** Thank you very much for that. I am sure that we will get into more

detail on what you do throughout Wales through our questions, which are, in fact, quite searching questions.

[171] **Nerys Evans:** Diolch am eich papur ac am eich tystiolaeth. Beth yw'r rhwystredigaethau o ran mynediad i wasanaethau cymorth cyfreithiol i bobl sydd wedi dioddef trais yn y cartref? Pa mor dda yw Llywodraeth y Cynulliad a'i bartneriaid o ran edrych ar y rhwystredigaethau hyn? Yn ogystal, a oes unrhyw dargedau corfforaethol gennych fel mudiad i weithio yn fwy effeithiol gyda phobl sydd wedi dioddef trais yn y cartref?

Nerys Evans: Thank you for your paper on the evidence that you have provided. What are the barriers to access to legal aid services for victims of domestic violence? How well is the Assembly Government and its partners addressing these barriers? In addition, do you have any corporate targets as an organisation to work more effectively with victims of domestic violence?

[172] **Ms Kovach-Clark:** First, the obstacles are those that I mentioned before in terms of getting access to information. The services exist, but sometimes people do not know that, and they need to know that and that they can access them. That is what we are trying to focus upon in trying to overcome that. That is across England and Wales; it is common to everyone. It is more prominent in rural areas, because there are fewer obvious services, and, if you are in a smaller community, more people will know what you are doing or there is the risk that more people will know what you are doing.

[173] In terms of how well the Welsh Assembly Government is working, that is difficult for me to answer. The most positive thing is that you are holding this inquiry. I have not been invited to give evidence to anyone in England about this, and I feel that it is positive that you have seen the contribution that legal aid and legal advice can make. There is a wide family justice system across England and Wales, and, often, legal aid is not seen as a contributing factor until it is time for someone to pay the bills. So, holding this inquiry in the first place is an important step.

[174] At the moment, we are looking to have a corporate target for the number of cases that are started for women who are in refuges or who are in hard-to-reach communities. We want to be able to set ourselves a target that we have a chance of meeting and that we can positively influence. We are thinking of using the project that we are doing with Refuge and Women's Aid as part of that. We also have a whole-system reform target or whole-system initiative target; we have family regional leads across all of England and we have family leads in Wales as well, whose job is to link up with all the other agencies in the family justice system to say: 'This is what legal aid is doing. What are you doing? What are your clients' experiences? Do we have common experiences and is there work that we can do together?'. That is a corporate target, but we are hoping to focus it specifically on domestic abuse next year.

[175] **Paul Davies:** You mentioned in your written evidence that currently victims:

[176] 'with disposable income of £290 per month or above are liable to pay a monthly contribution of a proportion of the excess over £285'.

[177] How is the additional spend on legal aid cases relating to domestic abuse being funded? Has future funding been secured?

[178] **Ms Kovach-Clark:** That is a really good question. The overall legal aid budget is £2.1 billion, and that is to be spread over the criminal justice system and civil work. We do not have a ring-fenced budget for family work and no ring-fenced budget for domestic abuse work. We try to anticipate on the basis of historical trends, what has happened in the past,

what we think will happen in the future to say, ‘Over the next five years, we think that we will spend this amount of money on family, and it will break down into these particular areas’. So, we have factored in an increase in expenditure on domestic abuse work. We have a strategy, which we published in March last year, which identifies domestic abuse as one of our top priorities. So, if we ever found ourselves in a circumstance where we were coming close to spending the £2.1 billion, and could not spend any more money—we have yet to be in that situation—the domestic abuse services would receive priority and, if we had to cut services, which we do not want to do, we would look to cut other lower-priority services. However, in family work it is difficult to find a lower-priority service, because the work impacts so much on people’s life chances across the board.

[179] **Peter Black:** How important is legal aid in increasing the number of domestic abuse offences that are brought to justice and in improving the safety of women and children?

10.50 a.m.

[180] **Ms Kovach-Clark:** I think that legal aid for civil injunctions is important to provide a sense of protection for women and children, so I still think that it has a vital role. In an ideal world, the criminal justice system would work perfectly and all perpetrators would be appropriately prosecuted and they would not offend again. There is a school of thought that questions why we fund civil injunctions when the police are getting much more effective at prosecuting these offences, but my answer to that would be that they are not always effective consistently across the country and, secondly, and probably more importantly, many women would prefer not to see their partners prosecuted—they just want to be safe. They want to be able to stay in their homes in safety and stay in relationships safely, so they are both important.

[181] **Lesley Griffiths:** Does the eligibility waiver for domestic abuse victims apply to men and to people in same-sex relationships?

[182] **Ms Kovach-Clark:** Yes, it does. It is not just for women.

[183] **Nerys Evans:** Ynglŷn â’r **Nerys Evans:** On the orders under the gorchmynion o dan Ddeddf Cyfiawnder Family Law Act 1996, what percentages of Teulu 1996, beth yw’r canran o achosion o domestic violence cases come under both drais yn y cartref sy’n dod o dan y ddau fath types of order? Is there any difference in the o orchymyn? A oes unrhyw wahaniaeth yn y pattern in England and Wales? patrwm hwn yng Nghymru ac yn Lloegr?

[184] **Ms Kovach-Clark:** To be honest, I have not done that analysis. We have not looked to see whether there is a significant difference between England and Wales, so I could not really answer that question. I think that it is a good question and that analysis is possibly something that we should do. I do not know whether you take supplementary evidence, after the session, but we would be quite happy to do that for you.

[185] **Janice Gregory:** That would be great; thank you very much.

[186] **Joyce Watson:** How successful do you think that injunctions are when it comes to protecting victims? What happens to abusers who break the terms of the court order?

[187] **Ms Kovach-Clark:** In terms of success, it really depends on, if you like, how brave the perpetrator is, in terms of saying, ‘Do I care? What does a civil injunction mean to me?’. It can have some success and can give some courage and certainty to the victims. I think that the further sections of the Domestic Violence, Crime and Victims Act 2004 that came into force last year, allowing the breach of an injunction to be a criminal offence that can be prosecuted,

are a very important thing. That sends a very positive message that says, ‘This is not just a private family matter; simply because you have a civil injunction does not mean that you are going to get away with it’. I think that that is very important. I think that it is important to have a dual approach.

[188] **Peter Black:** What provision is available to the court to make orders preventing forced marriages? Are victims applying for court orders to protect them from being forced into marriage eligible for legal aid?

[189] **Ms Kovach-Clark:** Yes, they are. Forced marriage is as much of a priority as domestic abuse. We see the two things as being very much intertwined, and they often are.

[190] **Mark Isherwood:** What is your view on using restorative approaches with domestic abusers as an alternative to prosecution? Are you working on any specific initiatives in that area?

[191] **Ms Kovach-Clark:** No, we are not working on any specific initiatives. It is not something that I personally feel qualified to comment on. In another incarnation, I am a trained mediator, so I have done some work with families and young people. I would never say ‘never’ regarding a role for restorative justice, but I would have some significant caveats—this is just my personal opinion; not that of the Legal Services Commission. I think that it is very easy for the restorative justice process to be manipulated by a clever perpetrator and that would be my concern. However, that is just a personal view. At the moment, we do not have any restorative justice initiatives at the commission.

[192] **Nerys Evans:** Pa waith ydych yn ei wneud ar lefel Brydeinig ac ar lefel Cymru i wella’r bartneriaeth rhyngoch chi, y system llysoedd, grwpiau cefnogi pobl sydd wedi dioddef trais yn y cartref a Gwasanaeth Erlyn y Goron? **Nerys Evans:** What work are you doing on a British level and a Wales level to improve the partnership working between you, the court system, support groups for people who have suffered domestic violence and the Crown Prosecution Service?

[193] **Ms Kovach-Clark:** The CPS is one of the organisations that we are targeting in terms of our whole-system reform work. I mentioned corporate targets earlier. Our family leads in each area have responsibility for making contact with the local CPS, the local court service and the local police, if they can, and, obviously, their local courts and victim support organisations. There is no barrier to whom we would want to talk to. We want to try to talk to as many people as possible and, so, that is the work that we are doing as part of that corporate target.

[194] **Mark Isherwood:** Your evidence refers to schemes for improving access to justice for victims of domestic abuse. What research have you undertaken or what feedback have you obtained from clients on their experience of accessing information?

[195] **Ms Kovach-Clark:** We work quite closely with a group that I mentioned earlier which is based in the north-east—it calls itself the domestic abuse survivors group. We have visited the group twice formally as a big group, and on several other occasions on an individual basis, to say, ‘Tell us what it is like—what was your experience?’ As I mentioned earlier, the common themes were a lack of information and lack of support. You may get legal aid or legal advice, but it can sometimes be unsympathetic and scanty. It can often also be a question of ‘I have given you some legal advice—now go away, I have done my bit’. So, as result of that, we have encouraged people to use complaints procedures. We are thinking of introducing a fixed fee for domestic violence cases—specifically for domestic violence—to say, ‘This is the work that should be done and this is the amount of money that it will cost’, so that clients are aware of how much it will cost, because some people have come back and

said, 'I received legal aid but then I received a bill subsequently and no-one explained to me what that was for'. So, there is some abuse of some very vulnerable people out there.

[196] Another issue is a lack of support when people get to court, which is frustrating for us to hear, because we know that Victim Support is present at court and that the courts service staff are committed to ensuring that the court experience is as pleasant as it possibly can be. However, people have often told us that they have been left on their own or they have seen the person who has attacked them nearby with his or her family, and that it has been an unpleasant and frightening experience for them. So, all we can do is to relay those experiences and try to work together with others to make sure that it does not happen again.

[197] **Nerys Evans:** A allwch ein diweddaru ar beth yw amserlen gweithredu'r cynlluniau newydd yr oeddech yn sôn amdanynt? Sut y byddwch yn asesu pa mor effeithiol fydd y cynlluniau newydd? **Nerys Evans:** Can you provide an update on the timescale for implementing the new initiatives that you have mentioned? How will you assess the effectiveness of those new initiatives?

[198] **Ms Kovach-Clark:** We have just finished an evaluation of the telephone helpline, so we hope to publish that in December, shortly before we publish the tender for the full service. It will be published in England and Wales, and it evaluates clients' experiences. We are looking at that not just from a client perspective but also from a quality, cost and access perspective. We will evaluate the work that we are doing with Refuge and Women's Aid on a more informal basis, so we will assess how many cases there are from clients in those situations and evaluate what the client experience was and whether or not it was better than what they had experienced before. We do not propose to publish a formal evaluation of that, but we will see how that progresses and work with partners and if there is something we can work together on and publish we will do so, because if it works we want to say so and publicise it.

[199] **Janice Gregory:** Thank you very much. We have come to the final question. When we have concluded our inquiry we will submit a report to the Welsh Assembly Government, which will include a series of recommendations. Do you have one recommendation that you wish to see in that report? I stress 'one', because some people have asked for five recommendations, but we can only take one. If you cannot think of anything now and do not want to be on record, feel free to e-mail the clerk or me with a recommendation.

[200] **Ms Kovach-Clark:** My recommendation would be for a national information strategy that says, 'If you are experiencing this, here are your options and this is where you can go to get advice', including all of the relevant telephone numbers and website. I would like it to be a myth-busting campaign that says, 'Here are some myths and here is the reality—you do not have to experience this and you do not have to be left alone'. That is what I would like to see.

[201] **Janice Gregory:** Thank you very much, and thank you again for taking the time to come to committee this morning. I do not know whether I have already said it, so please forgive me—it is a Wednesday morning—but you will be sent a transcript of your evidence. You cannot take out something that you wish you had not said, but please check the transcript for factual accuracy and make sure that you are happy with it. We would be most grateful for that.

11.00 a.m.

[202] We move to the last set of witnesses for this item. We will take evidence from the Sea Change Domestic Violence Training and Consultancy. I welcome to the table Anne Haynes, the co-director of Sea Change. Thank you for taking the time to come to committee this morning, and for submitting a paper for committee members to look at in advance of this

meeting. You sat in on Sara's evidence, so you have an idea as to how we operate, and you can see that we are a friendly group. I ask you to make a brief presentation on your paper, if you are comfortable with that, and then we will ask you a series of questions.

[203] **Ms Haynes:** Thank you. I find that I can hear better with the headset on.

[204] **Janice Gregory:** Whatever you are comfortable with—some people prefer to wear the headset, and others do not.

[205] **Ms Haynes:** Thank you for inviting me. I will begin by telling you a little about Sea Change, which is a small organisation, and how we came to work independently. My own background is within the criminal justice system, as a practitioner and manager in the probation service; that is the context for the comments that I will make about perpetrator programmes. In that role, my focus was on working with high-risk offenders, particularly sex offenders and perpetrators of domestic violence. I was fortunate, if you like, to be a member of the group that developed the integrated domestic abuse programme, or IDAP, which is run in Wales, as well as one other programme that is run elsewhere. Together with another member of Sea Change, I wrote the national training materials, which have been rolled out to all probation service staff involved in delivering that programme. Sea Change has just three trainers and consultants, and an associate, who lives and works in Wales and manages the perpetrator programme. So, the training was rolled out nationally, and, last week, we started delivering the women's safety workers' training as part of a national roll-out, as independent consultants. Next week, we are beginning the roll-out of the advanced facilitator training, which I am proud to say that Sea Change has been asked to develop.

[206] We get various inquiries nationally about how to implement this work in the community for unconvicted perpetrators of abuse and we have detailed knowledge of how to do that. It is far more complex than people imagine, and that is how we came to be independent, in a sense—if you are working for the probation service, or a similar organisation, it is difficult to go off and help people to introduce general services around domestic violence, so that is why the three of us became independent. When we are invited to an area, we try to break the issues down into small chunks so that we can look at all the possibilities for that area. The first paper shows how we would help an area that wanted to introduce a perpetrator programme for unconvicted male abusers. I will address that in a little more detail, if that is helpful.

[207] **Janice Gregory:** There are a number of questions that we will put to you, but if you want to give us a brief overview, that is fine.

[208] **Ms Haynes:** To be brief, I will refer to the slides that you have in the printout of the presentation. Towards the back of the pack, there is one headed 'Towards Working with Perpetrators'. There are four bullet-points there that I want to bring to your attention, because when you deliver a perpetrator programme in the community, there are four aspects to your work. The most important element is to take a co-ordinated community approach, and there are some examples of good practice that have been nationally praised and widely used. That includes the multi-agency risk assessment conference, and multi-agency public protection arrangements—MARACs and MAPPAs—and the people at the top who support those programmes. It is dangerous to implement a programme without that knowledge, strength and funding—because that is where it comes from. The second part of the programme is the risk assessment process. I think that you have probably heard from other speakers today that the issue of risk assessment is absolutely fundamental. So, those processes must be in place first.

[209] The third important issue is the women's safety work. As you probably know, the probation service has women's safety workers across the whole country. That is the service that is provided to the men's partners. In terms of our evaluation results, some of the most

positive feedback is coming from women who have had access to a women's safety worker, who now feel less isolated and more in touch with community police and the health service. So, that is one of the strongest indicators of the programme's strength.

[210] When you have those three things in place, you begin to change the culture, if you like. In the past, the culture has been that not much will happen to you if you do this, but when you begin to change the culture and when the community says, 'This is not acceptable; you cannot do this and this will happen to you', then you can put your curriculum, or your programme, in place. That is the safe way to do it, with all the other structures being in place first. Unfortunately, sometimes, people want to put the programme in place first and then build the other stuff, but, in my experience—this is what would be nationally recommended through various bodies—the other stuff must be in place first. When that is in place, you have a safe situation in which to do this work.

[211] **Janice Gregory:** Thank you very much for addressing your paper. Lesley Griffiths will ask the first questions.

[212] **Lesley Griffiths:** Thank you for your paper and your presentation, Anne. In your written evidence, you mentioned the fact that sexual violence is seen as something separate to domestic abuse. You highlighted the importance of integrating the sexual violence agenda into the related work on domestic violence. Are you confident that this would not impact adversely on current practices to tackle domestic violence across Wales, and do you think that there needs to be a strategic lead for sexual violence in particular?

[213] **Ms Haynes:** In my experience of doing the work, sexual violence is always part of domestic violence because when someone within a relationship is coerced into doing things, the issue of consent becomes blurred. So, if we leave out sexual violence, we are not addressing the risks that exist within such relationships. I think that sometimes we leave out sexual violence because it is too difficult to talk about. We get around that by always talking about sexual violence so that it becomes culturally acceptable to talk about it, but it has to be done sensitively. The processes are in place, but it is a question of education and information regarding how to integrate this. We must address sexual violence in all perpetrator programmes. If we have it in the programme, we can build it into the training and awareness. It is useful to have a lead on that, but I do not think that we need to be scared of some big, new information scheme; we need to have a lead to show how the knowledge is integrated through all the other parts of the programme. I think that that is quite possible.

[214] **Lesley Griffiths:** You stated in your written evidence that agencies need to work together, and in your presentation you emphasised that it is really important to establish a co-ordinated community response. Can you provide us with an explanation as to how this is necessary for the effective delivery of domestic abuse interventions? What should agencies do to ensure that domestic abuse issues remain high on the agenda?

[215] **Ms Haynes:** No one agency alone can assess risk. If you have several different agencies, such as social services, housing and probation, sitting around a table, they all have completely different perspectives on what is going on in a relationship because they all have different objectives for their working targets. So, you might get a little piece of information, and that is what is risky. When you add all of the information together, you probably still do not get a whole picture; you get three-quarters of a picture.

11.10 a.m.

[216] It is the strength of that information when it is held together that helps us in our risk assessment. Without that, we will be asking someone, such as the victim, to do something that she cannot do. It is the organisations that cannot do it, however, not the victim, so we need to

make the shift to the organisations taking responsibility thereby beginning to change our culture. We will take the responsibility away from the victim and place it onto the organisations, which have not been quite as affirmative in risk assessments in the past as they should have been. We are beginning to do that work. We are frightened about data protection issues in relation to health and social services. However, if you read that work carefully, you will see that data protection is about how to share information safely. I do not know of any statutory organisation that has been prosecuted for sharing information. Recent legislation tells us that we will be accountable if we do not share information in these cases. That is another thing that is perfectly possible to do. It is about trusting each others' aims as organisations rather than worrying about what they are up to.

[217] **Paul Davies:** You touched upon women's safety workers in your introduction. How important is the role of women's safety workers in the delivery of domestic abuse intervention?

[218] **Ms Haynes:** It is absolutely crucial and one area that is sometimes excluded. If you set up an intervention, particularly with a perpetrator programme, the hope is that the person will change first their thinking and, following a long process of addressing their thinking, their behaviour. You cannot change behaviour before you change thinking. If he goes home and begins to change his behaviour, she will wonder what is going on. We must ensure that a lot of information goes to the woman about what will happen to him and what the changes will be, otherwise the risk increases. That is what the women's safety worker does. The women's safety worker is also able to feed back what is really happening at home. That is rolled out and trained in such a way that we are beginning to find ways of doing that safely, so that we are not just listening to the perpetrator's version of how he wants to change; we are hearing what is really going on. First, the woman needs to know what the intervention is doing for him. Then, we need to know about risk. We cannot make risk assessments without hearing what is happening to the victim. The only way that we can do that is through the women's safety worker. Those workers are generally extremely committed and hard-working people who really put themselves out to provide a safe service. The women's safety worker also promotes a co-ordinated community approach by providing that link. She can also talk about child protection issues that are going on at home. It is an absolutely crucial role. As regards the overall evaluation in probation, there has not been any equivalent evaluation of programmes run in the community for unconvicted perpetrators. There has been in the past, but not currently. The probation programmes for convicted people show that the women's safety worker role has a very positive effect. Women are saying that they feel much less isolated and more in touch. I think that I covered some of that in my presentation. It is a vital role, which is rapidly developing at the moment.

[219] **Nerys Evans:** A ydych yn cytuno bod angen i raglenni ar gyfer y sawl sy'n troseddu ddilyn isafswm lefel safonau neu arfer da, er enghraifft, maint y grŵp neu hyd y rhaglen? A ydych yn gweld rôl i Lywodraeth y Cynulliad i sicrhau bod y safonau hyn yn cael eu dilyn?

Nerys Evans: Would you agree that perpetrator programmes should adhere to minimum standards and good practice guidelines, covering matters such as the size of the group or the length of the programme? Do you see a role for the Assembly Government in ensuring that these standards are adhered to?

[220] **Ms Haynes:** I am absolutely sure that any work done with perpetrators—whether group or individual work—should adhere to national standards. Where community perpetrator programmes are run, there are people who are committed to that. Sometimes they find that their funding does not allow them to run the programme as they know that they should. I am not saying that those who run the programmes are not adhering to the standards. There are two sets of minimum standards, as I am sure you know. One is issued by Respect, which was mentioned by your first presenters, and issues minimum standards for running perpetrator

programmes. They are very good and expansive. We should adhere to those.

[221] The probation service does not follow Respect's minimum standards; it has its own national management manual. It would not be that difficult to get hold of it, as it is not a secret document. So, that is how it is managed in the probation service. It does not count towards your targets if you are not running the programme according to those very strict criteria. Unfortunately, it is a complex thing to do and, if you do not run it for the right length of time, with the right number of people, or with accredited staff, it becomes dangerous because people begin to do their own thing. We need to be doing things for which there is evidence that we are doing them in the best way. The minimum standards provide that foundation for running a programme.

[222] **Nerys Evans:** Beth yw'r risgiau o **Nerys Evans:** What are the risks of weithredu'r rhaglenni hyn yn y gymuned? implementing these programmes in the community?

[223] **Ms Haynes:** One risk is that we might allow programmes to drift if we are not running them according to stringent enough criteria, which we have already talked about. Another risk is that people might run them without women's safety workers, so we would not know what was going on at home or whether a woman's partner was telling us the truth. In fact, we probably know that what he is telling us is not true, and we have to work with that. So, that is another reason why we have women's safety workers.

[224] Following the work that I have already talked about, it can also be risky if we do not carry out risk assessments on public protection, because we would not be keeping track of whether there is an escalation of violence within individual relationships. So, it is most important that we monitor the risks that exist and take a co-ordinated approach. If we can see when things are beginning to escalate, we can put more safety checks in place, and the community will know what is going on with the multi-agency public protection arrangements and the multi-agency risk assessment conferences. The risks are that we run a programme in isolation rather than in an integrated way. We all need to focus on risk and begin to change how we think about some of these issues. I hope that that answers your question.

[225] **Joyce Watson:** It has answered part of my next question. What are the relative advantages, if any, or disadvantages of having a probation or prison service perpetrator programme instead of having such a programme in the voluntary sector?

[226] **Ms Haynes:** One advantage of running a programme within the prison or probation service is that the funding is more consistent than it is in the voluntary sector. In addition, you have built-in measures, because you have experience of running programmes anyway within the service. So, you would have built in what we call in the business 'responsivity and integrity measures', which ensure that a programme is being run as it should be and that you have a waiting list, as there is probably a long stream of people waiting. If you are running a programme in the community, I think that this is just as important, but we do not have a national system that states, 'This organisation is in charge of domestic violence', and that is why these programmes very often fail in the community. There is no one organisation that is in charge of domestic violence in the community and, therefore, you get little groups like ours going around implementing programmes in the community for unconvicted perpetrators. It is much more difficult to assess someone's risk if you are not part of the criminal justice system, so you must work in partnership. The worst thing on a community programme is to get people who are much more risky than you think they are, but, in the criminal justice system, we are used to dealing with risky people. So, that has to be done properly, and it is perfectly possible to do that. There are many people around who have worked in the criminal justice system to do that.

[227] It is also terribly difficult to maintain funding if you are not a charity. You need a good three years of funding into the future so that you can begin to plan your numbers. Getting organisations to refer the right people in the community is also far more difficult in the voluntary sector than it is in the probation service, where people are trained to assess people.

[228] **Paul Davies:** Perpetrator programmes can be controversial for a number of reasons, including the lack of conclusive evidence of their success. Have you conducted any evaluations on the effectiveness of perpetrator programmes, and do you have any evidence to demonstrate their success rates?

11.20 a.m.

[229] **Ms Haynes:** I personally do not have the evidence, but everyone in the probation service plays a part in that, through the evidence that we collect. Two projects have gathered evidence from the evaluation of perpetrator programmes: Dobash and Dobash, and Gondolf. Gondolf's evidence showed that perpetrator programmes do have a positive effect. However, it was also very clear that the safest way to run them is by taking this co-ordinated community approach in tandem with the perpetrator programme. The community in which you live saying that it is not acceptable is as much of a deterrent and is as important a factor—along with a women's safety worker—as the work done in the programme. So, evidence is coming through, but we have to run these things for a long time before we begin to get change. There is evidence from the probation programmes that men do change their attitudes, but I do not think that we have enough community programmes for unconvicted abusers. That evidence is currently being collected. There is evidence that it works as a whole approach rather than just the work that is done in the group room. The evidence in the probation service must be fairly positive, or it would not be spreading things out and running a programme in the prison here. This is the first prison to run an integrated domestic abuse programme, so we are looking at that with great interest.

[230] **Mark Isherwood:** How confident are you that adult perpetrator programmes, such as IDAP, if delivered in schools, would help to prevent domestic violence tendencies from developing among boys?

[231] **Ms Haynes:** If the work were to be done in schools, I am confident that it would have a positive effect. However, the programme is for adult perpetrators, and the work would have to be adjusted and all of the exercises would have to be changed to make them suitable for children. However, the fundamental principles are the cognitive behavioural approach and the educative part. IDAP is an educative programme, so it seeks to tackle the range of attitudes and beliefs that underpin domestic violence and change them all. It is a big task, but I would be hopeful that it would work in schools. I have run a small project in a school, and I have found that it is adults who are afraid to talk about these things; young people love to talk about these things and they love to look at things in a different way. In the little experience that I have had of working with young people at the age of 14, the boys said that they had not realised that they were being disrespectful to girls and, now that it had been explained, they had a much better idea. They really enjoyed talking about it, and the girls said that they found that they were already in relationships that were abusive and controlling, and said that the project was useful and helpful to them. They absolutely loved talking about it, provided that you use the right people and the right exercises. So, I feel confident about supporting that type of work.

[232] **Janice Gregory:** Thank you. We have come to the final question, which I have asked all of our other presenters. If you could suggest one key recommendation to be included in the report that will go to the Welsh Assembly Government, what would it be?

[233] **Ms Haynes:** All the local stuff that you already have in place is amazing, but my

understanding is that you do not have a community perpetrator programme here for the unconvicted. With the strength of the stuff that we already hear about under the 'Cardiff model', perhaps it would be beneficial to do a programme that is run by people who are properly trained, and is properly funded within that model, with the women's safety workers. I would very much like to see that, and I hope that that will happen one day.

[234] **Janice Gregory:** Thank you very much, Anne, for coming to committee this morning and submitting your evidence. You will be sent a copy of the transcript of your evidence this morning to check for factual accuracy. As you heard me say earlier, unfortunately, you cannot take out something that you wish you had not said. However, it would be most helpful if you could check it for factual accuracy. Once again, thank you very much indeed for coming to committee this morning.

[235] Before I close the meeting, I remind everyone that, on 5 November, we will scrutinise the Minister for Social Justice and Local Government on his portfolio. We can continue this morning's scrutiny session. We will also consider the key issues for the report. With that, I declare the meeting closed. Thank you for your attendance.

*Daeth y cyfarfod i ben am 11.25 a.m.
The meeting ended at 11.25 a.m.*