

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Lleoliad:
Ystafell Bwyllgora 2 – y Senedd

Dyddiad:
Dydd Iau, 25 Medi 2014

Amser:
09.00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

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Agenda

Cyfarfod preifat cyn y prif gyfarfod (9:00 – 9:15)

1 Cyflwyniadau, ymddiheuriadau a dirprwyon

2 Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol

(Cymru): Sesiwn Dystiolaeth 4 (y trydydd sector) (9.15 – 10.30)

(Tudalennau 1 – 55)

Eleri Butler MBE, Prif Weithredwr, Cymorth i Fenywod Cymru

Mwenya Chimba, Cyfarwyddwr, Trais yn Erbyn Menywod, Black Association of Women
Step Out

Cathy Owens, Grŵp Gweithredu ar Drais yn erbyn Menywod

Egwyl (10.30 – 10.40)

3 Y Bil Trais ar sail Rhywedd, Cam–drin Domestig a Thrais Rhywiol (Cymru): Sesiwn Dystiolaeth 5 (y trydydd sector) (10.40 – 11.55)
(Tudalennau 56 – 85)

Frances Beecher, Prif Swyddog Gweithredol, Llamau

Bernie Bowen–Thomson, Dirprwy Brif Weithredwr, Cymru Ddiogelach

Gwilym Roberts, Prif Swyddog Gweithredol, Relate Cymru

Johanna Robinson, Rheolwr Datblygu Cenedlaethol Cymru, Ymddiriedolaeth Goroeswyr Cymru

4 Papurau i'w nodi (Tudalennau 86 – 96)

5 Cynnig o dan Reol Sefydlog 17.42(vi) i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes a ganlyn: Eitemau 6 a 7 ac Eitem 1 ar 1 Hydref 2014

6 Y Bil Trais ar sail Rhywedd, Cam–drin Domestig a Thrais Rhywiol (Cymru) – trafod y dystiolaeth o sesiynnau 4 a 5 (11.55 – 12.00)

7 Y Bil Safleoedd Carafannau Gwyliau (Cymru): Trafod adroddiad drafft Cyfmod 1 (12:00–12:30) (Tudalennau 97 – 152)

Mae cyfyngiadau ar y ddogfen hon

Submission to the Communities, Equality and Local Government Committee regarding the 'Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill'

1 Introduction

- 1.1 Welsh Women's Aid (WWA) would like to thank the Committee for the opportunity to provide evidence towards the inquiry into the general principles of the 'Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill' (henceforth referred to as the Bill), which we applaud as a positive initiative on behalf of the Welsh Government.
- 1.2 As the lead organisation campaigning to end violence against women (VAW) in Wales, WWA represents 26 specialist domestic abuse services providing frontline services across Wales. Our evidence for this inquiry focuses on the general principles, barriers to implementation and any unintended consequences arising from the Bill, and in particular, how this legislation will affect survivors, service users, services, and local communities, and will impact on our shared aim of preventing violence against women.

2 About Welsh Women's Aid

- 2.1 WWA is the lead national organisation in Wales, providing the voice of local services, service users and survivors to government as well as campaigning, influencing policy and practice, and innovating to end domestic abuse and violence against women across Wales and the UK. WWA is a membership organisation for 26 independent, specialist violence against women services in Wales which provide a range of support, advocacy and prevention services for women, children and families affected by domestic abuse.
- 2.2 WWA also delivers essential national and local services and projects across Wales, including the *All Wales Domestic Abuse and Sexual Violence Helpline* – a 24 hour helpline for victims, concerned others and professionals; *the Children Matter Project* – to improve support for children and young people across Wales who are affected by domestic abuse; running an *Accredited Training Centre* - WWA is an Agored Cymru centre, developing and delivering training in domestic abuse accredited qualifications for member organisations and external agencies; and delivering services for women and children in North Wales (Wrexham and Conway) by providing refuges, outreach and community advocacy and support for women and children affected by domestic abuse.

3 Violence against women in Wales

- 3.1 Wales was noted as a leader in violence against women prevention earlier this year when the UN Special Rapporteur for Violence Against Women visited Cardiff.¹ Despite progress that has been made, research studies continue to find alarming and persistently high levels of violence against women and girls in the UK in general and in Wales:
 - In Wales in 2013/14, there were **6,325** prosecutions of violence against women and girls offences, with a conviction rate of 76.7%. Of these, **5,637** were cases of domestic abuse; **257** cases of rape, and **431** cases of sexual offences.
 - Welsh Women's Aid's members supported **9,337** women in 2013/14, with **2,263** women entering refuge;

¹ 'Special Rapporteur on violence against women finalizes country mission to the United Kingdom and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services' (April 2014): http://www.welshwomenaid.org.uk/images/final_press_statement_UK_15_Apr_VAW.pdf

- The All Wales Domestic Abuse & Sexual Violence Helpline (managed by Welsh Women's Aid) supported **27,972** callers in 2013/14.

4 Welsh Women's Aid's original priorities for the Bill

- 4.1 During the white paper consultation stage for the Bill, WWA consulted extensively with our member organisations to develop the following six priorities for the Bill:
- a) Reduction in the prevalence of all forms of violence against women, and support for women who experience such violence;
 - b) Guaranteed access to adequate and sufficient services for women in Wales;
 - c) Compulsory initiatives in schools and other educational settings to prevent VAW before it starts, and for supporting pupils affected by such violence;
 - d) Appropriate and timely referrals and signposting occur as a result of improved health responses to VAW;
 - e) Employers know how to help female employees affected by VAW;
 - f) All women affected by VAW have equal access to specialist support services, regardless of their location.

5 General principles and purpose of the Bill: removal of 'violence against women'

- 5.1 The original title of this legislation proposed within the white paper consultation and other written documentation leading up to the introduction of the Bill on July 1st, was the 'Ending Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Bill'. As domestic and sexual abuse are only two of a number of violence against women crime types, WWA was initially concerned that this title listed 'domestic abuse' and 'sexual violence' separately to 'violence against women'. This is due to the fact that both forms of abuse are included within the internationally accepted understanding of what constitutes 'violence against women' along with other forms of violence and abuse which disproportionately affect women, such as female genital mutilation (FGM), forced marriage, crimes committed in the name of 'honour', human slavery, stalking and harassment.
- 5.2 The current internationally accepted definition of 'violence against women' used by the United Nations, World Health Organisation, Crown Prosecution Service, UK Government and other international governments is:

*'Any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'*¹²

This definition is particularly significant as it firmly places violence against women as a violation of women's human rights.

- 5.3 We understand that this change in wording was taken for unspecified legal reasons in order to ensure the Bill did not exclude male victims. WWA never understood this to be the intention or effect of the legislation as proposed in the white paper, but to primarily address the fact that women suffer disproportionately from these types of violence. Although 'violence against women' has been removed from the face of the Bill, this disproportionate suffering is still made

² United Nations: 'Declaration on the Elimination of Violence against Women', General Assembly
<http://www.un.org/documents/ga/res/48/a48r104.htm>



strongly throughout the Bill's supporting documentation - within the Explanatory Memorandum and guidance, but we would argue that it also needs to be returned to the face of the Bill in the form of 'violence against women' instead of 'gender-based violence'. WWA remains concerned by this shift in terminology away from the internationally accepted standard as we believe understanding and recognition of violence against women will be lost through the change in terminology to gender-based violence.

- 5.4 Although WWA can appreciate the reasoning behind the Welsh Government's decision, we strongly disagree with the legal advice in this area and would offer evidence in regards to the international examples of gender specific wording in legislation in use in India (Protection of Women From Domestic Violence Act, 2005), and Costa Rica (Criminalization of Violence Against Women Law (2007) of Costa Rica).³
- 5.5 The CPS have offered the following justification for their continued use of the term 'violence against women' in the longstanding 'Violence Against Women and Girls Crime Report' issued annually:

*'In recognising these forms of violence against women and girls, the CPS does not neglect abuse directed towards men or perpetrated by women. Male victims will receive the same access to protection and legal redress and the gender of the perpetrator does not make any difference to the CPS approach to bringing offenders to justice.'*⁴

- 5.6 Along with other bodies such as the CPS, WWA also believes that the term 'violence against women' does not exclude men and boys as it refers to a crime type rather than a particular class of victim. There is an inherent acknowledgment that they can also be victims of domestic abuse, sexual violence and other crime types, but that 'violence against women' is a specific crime type separate and encompassing of these individual crimes for which women's suffering is disproportionate.⁵ As women and girls are the overwhelming majority of victims of these types of violence and abuse, and 95% of perpetrators have been found to be men,⁶ the benefit of retaining this term within the Bill far outweighs any initial confusion that may be caused in regards to coverage.
- 5.7 With the loss of the term 'violence against women' from the title and content of the Bill, we have effectively lost the Bill's association with this international framework of understanding and evidence-base, which is founded on an understanding that the overwhelming majority of victims of these crime types are women and the vast majority of perpetrators of these crime types are men. Alongside the loss of any wide-ranging public behaviour change campaign, this is a significant barrier to achieving the aims of the Bill.
- 5.8 The consequence of this is that the Bill's implementation will be placed at risk if local services do not name violence against women crime types, understand the connections between violence against women crime types, and do not deliver a coordinated and strategic approach to preventing such crime types, whether they be experienced by men or women. Using the term 'gender-based violence' widens the scope so significantly that implementation will become confused, subject to misinterpretation, and fail to achieve the Bill's intended outcomes:

³ United Nations Women: 'Gender-Specific Language in Domestic Violence Laws'

<http://www.endvawnow.org/en/articles/1677-lenguaje-de-genero-en-las-leyes-de-violencia-domestica.html>

⁴ CPS definition of violence against women: <http://www.cps.gov.uk/publications/equality/vaw/index.html>

⁵ 'Equality and Diversity Impact Assessment on the CPS Violence Against Women Strategy and Action Plan: Analysis of evidence - April 2008' http://www.cps.gov.uk/publications/equality/vaw/vaw_eia.html

⁶ Ibid.



- All violence and its associated behaviours are inherently gender-based, e.g. violence between men who are strangers or in a group is gendered because it is associated with a particular type of masculinity. By focussing on 'gender-based violence' instead of violence against women crime types, it could conceivably be argued that violence at sports matches, in gangs or between two men in a bar, could fall under the scope of this Bill, which we believe is an unintended consequence. Defining 'gender-based violence' in the Bill as violence, threats or harassment arising from values/beliefs relating to sexuality will also introduce hate crime informed by homophobia/bi-phobia into the scope of this Bill;
- The less common or well understood forms of 'violence against women' crime types such as FGM, sexual harassment and stalking will lose priority and fail to be considered within a violence against women prevention framework.

5.9 As outlined in the written evidence presented to this enquiry by Professor Jackie Jones, University of the West of England (Sep 2014), the UN Committee on the Elimination of Discrimination against Women has criticised states that have moved to the gender-neutral approach.⁷ Professor Jones also covers the international examples that support returning violence against women to the Bill and states:

The Istanbul Convention came into force on 1 August 2014. [...] The UK signed it on 8.6.2012. Under international law, the fact the UK has signed the Convention means that it has made a commitment to do nothing in contravention of its terms. [...] The Convention does not exclude men (e.g., Preamble) but makes it clear that because of the vast numbers of victims of gender-based violence in Europe, the focus has to be women and girls. Member states are required to 'establish a comprehensive and co-ordinated policy addressing all forms of violence covered by the Istanbul Convention and offering a holistic response to violence against women.' [...] The Convention provides one of the legal bases for doing so.⁸

5.10 We also support the statement submitted in written evidence to this inquiry by our member group Safer Wales who manage the male domestic abuse service, the Dyn Project:

'Safer Wales would strongly recommend against 'gender neutral' services, which in our experience do not always meet the needs of either women or men.'

5.11 *The Equality Act (2010)* Schedule 3, part 7, paragraphs 26 & 27 delivers the legal protection for providing single-sex services as 'a proportionate means of achieving a legitimate aim' which bears comparison with the aims of this Bill.⁹

5.12 WWA calls on the Welsh Government to reconsider their amendment to the title and wording of the Bill to return to 'Violence Against Women' instead of 'Gender-based Violence, Domestic Abuse and Sexual Violence' in line with the United Nations 'Handbook for Legislation on Violence Against Women'¹⁰. WWA would also encourage the order of 'he or she' or 'him or her' used within the Bill when referring to victims of the various types of violence and abuse, to be reversed to reflect the fact that women will be the highest proportion affected. This would be a

⁷ See reports of the Committee on the Elimination of Discrimination against Women, for example, CEDAW/C/NLD/CO/4; CEDAW/C/POL/CO/6; CEDAW/C/FIN/CO/6; CEDAW/C/UK/CO/6.

⁸ Written evidence presented by Professor Jackie Jones, University of the West of England, Chair, Wales Assembly of Women, September 2014, GENDER-BASED VIOLENCE BILL.

⁹ <http://www.legislation.gov.uk/ukpga/2010/15/schedule/3>

¹⁰ United Nations 'Handbook for Legislation on Violence Against Women', p15.

<http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>



small technical change that would have a significant impact towards the aims of the Bill. Thirdly, WWA would recommend that provision for campaigning for public behaviour change also be returned to the Bill to ensure maximum impact and effectiveness.

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6 General principles and purpose of the Bill: definitions of 'abuse' and 'domestic abuse'

- 6.1 WWA believes that the definitions used in this Bill are extremely important to ensure a targeted and consistent approach to addressing its aims, and are currently very broad and missing essential elements.
- 6.2 Currently there are a number of definitions of 'domestic abuse' in use across the UK, and also within Welsh Government including in the '*Social Services and Well-being (Wales) Act*' (2014),¹¹ the '*Housing (Wales) Act*' (2014),¹² '*The Right to Be Safe Strategy*', '*10'000 Safer Lives*', and within various draft documents such as the '*Council Tax (Chargeable Dwellings) (Amendment) (Wales) Order*' (2014).¹³ For the Bill to achieve its purpose of improving prevention, protection and support for victims of these crime types, it must provide a definitive cross-portfolio definition which adequately communicates this distinct type of abuse.
- 6.3 'Abuse' - Although 'psychological' abuse is included, the definition used within the Bill does not explicitly state the recognised definition of 'coercive control' adopted by public, private and criminal justice agencies in Wales (via the Home Office definition). The use of the term 'coercive control' is particularly important as it describes the particular pattern of controlling behaviour that this covers, including emotional, financial and other psychological abuse. This insidious type of abuse is a very common feature of domestic abuse and violence against women, but is often not identified by victims with the seriousness it deserves. Inclusion in the Bill definition would help to combat this. The term 'coercive control' is also a feature of the Home Office definition of 'domestic violence' which is widely used across services in Wales including the police, CPS, other criminal justice services and the voluntary and community sector. This Home Office definition will likely soon be formalised into UK legislation with the recent announcement of a consultation on this issue.¹⁴

Coercive control must be included as its one of the major forms of abuse we see, if it's not clearly highlighted our concern is women will go back to thinking that "it's not really abuse".
– Newport Women's Aid

- 6.4 'Domestic Abuse' – This definition is very broad and does not specifically include 'coercive control', or mention of a specific age range of 16 years or over, which are both features of the current criminal justice definition, for monitoring purposes. WWA also believes that the omission of an age range is due to the intention of the definition to include all regardless of age, which is welcomed by WWA so long as this younger age group of 16-18 year olds continue to be represented on implementation. This is particularly important as there is evidence of significant perpetration of domestic abuse amongst teenage intimate partner relationships as evidence has found that many young people view violence as a normal part of intimate relationships.¹⁵ As the definition is so broad and also includes abuse between all relatives and family members, it conceivably also includes child abuse which has a different

¹¹ Definition of 'well-being' and 'abuse' within the '*Social Services and Well-being (Wales) Act*' (2014), sections 2.2 and 197.1.

¹² Definition of 'abuse' and 'sexual abuse' in the '*Housing (Wales) Act*' (2014), section 58.1.

¹³ Definition of 'refuge' in the '*Council Tax (Chargeable Dwellings) (Amendment) (Wales) Order*' (2014), section a.iv.

¹⁴ Home Office consultation: 'Strengthening the law on domestic abuse'

<https://www.gov.uk/government/consultations/strengthening-the-law-on-domestic-abuse>

¹⁵ Wood, Marsha, Barter, Christine and Berridge, David (2011) "Standing on my own two feet": disadvantaged teenagers, intimate partner violence and coercive control (London: NSPCC); available at:

http://www.nspcc.org.uk/inform/research/findings/standing_own_two_feet_wda84543.html?dm_i=674.LGWD.KIQ.CS.1QPBG.1



statutory framework. WWA is concerned this will conflate understanding and work to address 'domestic abuse' with other separate and distinct abuse such as Protection of Vulnerable Adults and child abuse. This conflation of all forms of abuse will also cause problems with monitoring arrangements and significantly increase the scope of the proposed needs assessments.

6.5 This widening of the Bill's remit to all abuse has already been a feature of some discussions involving the Committee and the Minister. WWA agree that it is indeed imperative that all victims of domestic abuse and violence against women are helped and supported appropriately at all times, but it is vital for the focus of this Bill to remain specifically on addressing the disproportionate suffering of those who experience violence against women crime types, rather than looking to include all wider forms of violence and abuse which are currently catered for in other laws and initiatives.

6.6 As stated by Professor Jackie Jones, University of the West of England to this inquiry, we contend that the current 'Domestic Abuse' definition 'is far too wide to become meaningful in law'.¹⁶

6.7 WWA calls on the Welsh Government to realign their definition of 'domestic abuse' in the Bill with the current Home Office definition to ensure the definitions for domestic abuse used within the Bill are specific enough to enable targeted action on the specific issues and concerns regarding domestic abuse and violence against women. WWA would recommend amending the definition of 'abuse' on the face of the Bill (section 21.1) to include specific mention of 'coercive control' to align with other UK policy and sector practice to ensure the Bill achieves the targeted impact desired. WWA also calls on the Welsh Government to amend the definition of 'domestic abuse' within the Bill to ensure the remit of the Bill is not widened into other forms of abuse by removing the following: 'they live or have lived in the same household (if the person normally lives with the other person as a member of his or her family, or the person might reasonably be expected to live with that other person), they are relatives'.

7 General principles and purpose of the Bill: role of the Advisor

7.1 WWA would strongly suggest that the proposed Advisor role needs to be independent of government and sufficiently resourced, in order to hold parties to account and provide strong leadership on violence against women in Wales. Partnership working that calls upon the expertise of the violence against women third sector is vital if this is to be effective. Wales has been noted at European and UK conferences as leading the way in the field of VAW; this has been due to close partnership working between the Welsh Government and specialists like WWA, alongside the Welsh Government taking the necessary bold step of proposing gender-specific legislation to tackle the forms of violence. This approach must continue for Wales to fully achieve its aspirations in this area.

7.2 Similar Welsh models for an independent advisor role include the proposed Future Generations Commissioner for Wales, the Older People's Commissioner for Wales and the Children's Commissioner for Wales. This is particularly important if the Welsh Government wants violence against women to be seen as a comparable priority to child protection, as originally proposed in the white paper for this legislation.

¹⁶ Written evidence presented by Professor Jackie Jones, University of the West of England, Chair, Wales Assembly of Women, September 2014, GENDER-BASED VIOLENCE BILL.

7.3 There are also a significant number of international comparisons that provide useful models for how this role could work in practice including:

- The State Observatory on Violence Against Women in Spain;¹⁷
- The Special Inter-Institutional Commission for Monitoring the Implementation of the Law against Domestic Violence in Honduras;¹⁸
- The Inter-Agency Council on Violence against Women and their Children in the Philippines;¹⁹ and
- The National Observatory on Violence Against Women in Denmark.²⁰

7.4 WWA calls on the Welsh Government to appoint an independent Ending Violence Against Women Commissioner, supported by a Commission to enable the role to carry out her/his functions. The Commission should include administrative staff as well as advisers and researchers with expertise in all forms of violence against women. The functions of the Commissioner should be along the same lines of the proposed functions of the Adviser, taking into account our additions and recommendations above, and with the added functions of holding the Welsh Government to account.

¹⁷ The Spanish Organic Act on Integrated Protection Measures against Gender Violence (2004) provides for the creation of a State Observatory on Violence against Women, an independent body charged with providing an annual report and ongoing advice to the Government.

¹⁸ This Commission was formed following the enactment of the Law on Domestic Violence (1997). It is composed of members from the Government and civil society, and has proposed amendments to the law which were approved by Congress and have been in effect since 2006.

¹⁹ This Council was formed following the enactment of Section 39 of the Philippine Anti-Violence against Women and their Children Act (2004). The Council monitors the effectiveness of initiatives to address violence against women, and develops programmes and projects to eliminate such violence.

²⁰ This Observatory consists of experts on violence against women. The aims of the Observatory include to collect information on violence against women and to ensure that government bodies meet national and international legislative and policy commitments in tackling violence against women.



8 General principles and purpose of the Bill: omission of education and prevention

- 8.1 WWA has consulted with our member groups across Wales, colleagues working across the specialist violence against women sector in Wales and the UK, and relevant research literature to develop a number of recommendations around approaching healthy relationship education and domestic abuse in schools. This is seen by the sector and experts as vital to ensuring real change in social attitudes in order to prevent violence against women. WWA support the evidence submitted to this enquiry by Dr Emma Reynold of Cardiff University on this subject, along with the findings of her recent report 'Boys and Girls Speak Out' as well as that submitted by the Wales Violence Against Women Action Group.²¹
- 8.2 Our primary recommendation for the Bill is as follows: 'Prevent violence against women through education and support pupils affected'. We recommend this taking place through a wide range of compulsory initiatives in schools and other educational settings to prevent VAW before it starts, and for supporting pupils affected by such violence. Alongside including education on violence against women and healthy relationships within the compulsory Welsh Curriculum taught from a perspective of gender equality and human rights, WWA recommends:
- One fully-trained 'go-to' staff member in each school with expertise in violence against women and girls and the knowledge and confidence to assist pupils in seeking assistance and information;
 - Ensuring schools regularly collect data on all forms of violence against women and girls, including sexual harassment and bullying;
 - Ensuring education on violence against women and girls and healthy relationships is available to children and young people not engaged in formal education system or 'NEETS';
 - Appointing a violence against women and girls champion amongst school governors and the student council;
 - Ensuring that Estyn inspects on school responses to violence against women and girls;
 - Ensuring provision of comprehensive violence against women and girls and healthy relationships training for all related professionals.
- 8.3 WWA were disappointed to learn that the education and prevention aspects of the Bill had been omitted when introduced due to separate efforts to include lessons within the curriculum. Although reassurances have now been received by the Welsh Government that guidance on this area will now be returned to the Bill in stages 2 and 3, WWA would like to reiterate the importance of this being a comprehensive whole school approach to preventing and addressing violence against women, as outlined in point 7.2 above.
- 8.4 WWA calls on the Welsh Government to ensure that a whole school approach as outlined in section 7.2 above is included in any guidance under section 12 of the Bill, alongside any additions to the Welsh curriculum and that this guidance is rigorously implemented and enforced to ensure compliance within 100% of schools across Wales.

²¹ Renold, E. (2013) Boys and Girls Speak Out: A Qualitative Study of Children's Gender and Sexual Cultures (age 10-12). The full report is downloadable here: http://www.nspcc.org.uk/Inform/research/findings/boys-and-girls-report_wdf100416.pdf



9 General principles and purpose of the Bill: omission of employer workplace policies

- 9.1 WWA strongly supports a duty on the public sector to produce workplace policies on domestic abuse and violence against women across Wales as outlined in the original consultation on this legislation, and was disappointed by the eventual omission of this from the Bill.
- 9.2 Whilst in the UK the key projects to have been undertaken around violence against women in the workplace have been limited to domestic abuse policies, there are international examples that point towards the importance of developing a 'whole-workplace approach' to tackling violence against women, including through preventative measures and encouraging men within workplaces to challenge violence-supporting attitudes and behaviours. A good example comes from Australia, where Women's Health Victoria's 'Working Together Against Violence' project used workplaces as a setting for the primary prevention of violence against women.²² The project aimed to strengthen the organisational capacity of a male dominated workplace to promote gender equality and non-violent norms. The project comprised two phases spanning four years, from 2007 to 2011.
- 9.3 The Equality and Human Rights Commission recently updated their guidance on workplace policies to include all forms violence against women²³ and they have also worked in partnership with the Chartered Institute of Professional Development to develop guidance for the private sector.²⁴

9.4 WWA calls on the Welsh Government to amend the Bill to include a 'whole-workplace approach' to violence against women, and at the minimum a duty on public sector employers in Wales to develop a workplace policy specific to domestic abuse and violence against women.

10 Unintended consequences and financial implications: increased pressure on services

- 10.1 Recent Wales figures on the cost of just domestic abuse on the Welsh economy was a total of £826.4 million, which included £303.5m (health care, criminal justice costs, social service, housing, legal and economic) and £522.9m (human and emotional costs).²⁵
- 10.2 If, as hoped, victim reporting of violence against women is also raised by the Bill as it progresses through the National Assembly, then pressure on services is set to become ever more acute in the coming years. Currently it is our understanding that no funds dedicated to the Bill will go towards frontline services such as women's refuge or community 'floating support'.
- 10.3 The violence against women sector has suffered from cuts along with other public services in recent years. This has occurred alongside a significant year-on-year increase in demand for our member's services.²⁶ The sector as a whole is very dependent on secure long-term funding from Welsh Government to protect services for women and children fleeing domestic abuse and violence. In a CutsWatch survey of Welsh Women's Aid member groups between April and

²² Women's Health Victoria (2011). *Working Together Against Violence*. Final Project Report. Available at: <http://whv.org.au/publications-resources/publications-resources-by-topic/post/working-together-against-violence-finalproject-report/> [accessed 11th July 2012].

²³ http://www.equalityhumanrights.com/sites/default/files/publication_pdf/vaw_workplace_guide_201

²⁴ <http://www.equalityhumanrights.com/sites/default/files/documents/Wales/domesticabuseguide.pdf>



December 2013 the following information about cuts to funding for services was gathered which is representative of other feedback we have received:

- Three services had sustained cuts to Supporting People funding of between 8% and 20%, adding up to over £100,000. A further three had cuts to Supporting People funding of between 4% and 17%, totalling just over £28,000. One service also referred to an imminent cut to Tenancy Support funding;
- For children and young people's services in the sector, services were clear about funding difficulties. A service stated that in terms of funding for children and young people's services 'we do not yet know if we have continued funding for this beyond March 2014'. One response highlighted the issue that grant funders think children and young people's services are statutory therefore there are difficulties finding funding. Other respondents said 'funding at lowest level for many years' and 'funding for services to support children and young people is inadequate if non-existent' as well as stating that funding for children and young people's preventative work from Welsh Government is 'very limited'.

10.4 Therefore, increasing reporting as a result of such planned aspects of the Bill as 'Ask and Act' and public sector training will undoubtedly lead to increased pressure on these services without doing anything to address the geographical gaps in provision of services. Provision should be made within the Bill to address any increase in reporting to ensure victims and specialist services are protected and supported to allow a holistic approach to implementation.

10.5 Our member groups have stated that they are already under significant pressure and are concerned by an increase in demand without more investment to secure sufficient service levels across Wales:

'We feel this would result in adding further strain to an already busy service [in] both refuge and drop in /community.'
– CAHA Women's Aid

'Refuge is a resource that is already oversubscribed, on average we get about 3 request[s] for each room we advertise and that's on a slow day – for example today we had 6 requests for a room (which would accommodate one woman and 3 children) including women accessing our drop in service.'
– Newport Women's Aid

10.6 WWA calls on the Welsh Government to consider resourcing an increased demand for violence against women services through funding provision under the Bill to ensure that the considerable expertise of the specialist violence against women sector is protected and strengthened further for the future and ensure a holistic approach to addressing this issue.

²⁵ Gwent Domestic Abuse Pathfinder Project.

²⁶ WWA summary briefing on the CPS VAW Crime Report for 2013-14:
http://www.welshwomensaid.org.uk/images/WWA_brief_on_CPS_VAWG_Report_13-14.pdf



11 Comments on subordinate legislation

- 11.1 WWA are concerned that many of the recommendations made during the White Paper consultation have not been explicitly included in the Bill, and therefore run the risk of not be covered appropriately in subordinate legislation.
- 11.2 With regard to what is present, such as the national and local strategies, we are concerned that the balance between primary and secondary legislation is not appropriate, as it has the danger of leading to variation of service provision as well as lack of scrutiny in the commissioning process.





**Submission on the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill
to The Communities, Equality and Local Government Committee**

September, 2014

1. About Bawso

Established in 1995, Bawso is an All Wales organisation delivering specialist services to Black and Minority Ethnic (BME) Communities. It is an Accredited Support Provider for the Welsh Government with an excellent track record of managing complex and diverse services across Wales through provision of our purpose built refuges, safe houses, and an extensive Outreach, Resettlement and Floating Support, Human Trafficking, Forced Marriage and FGM Health & Safeguarding Projects. Bawso holds Investors in People award and received the Quality Mark at General Advice Level by the Legal Services Commission.

Bawso currently supports more than **4000** women, men, children and young people annually.

2. The general principles of the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill and the need for legislation to improve the Public Sector response in Wales to domestic abuse, gender-based violence and sexual violence

Bawso warmly welcomed the announcement by Welsh government to legislate to tackle violence against women. The action shown recognition and commitment to prevent violence from occurring, protect all women in Wales from violence and ensuring the provision of adequate services for those fleeing or at risk of violence. However, we are concerned that the draft Bill will not be able to achieve the intended purposes because it is gender neutral and almost silent on prevention and early intervention to challenge entrenched attitudes violence against women. In addition, the Bill has a narrow focus not integrated nor cross-departmental which will make it difficult to be effective.

2.1 Why it is important to have gender-specific legislation

We strongly believe that legislation which is not gender-specific is a missed opportunity to effect real changes for the individuals who are disproportionately affected by gender-based violence. The vast majority of these crimes are perpetrated by men and boys against women and girls. Whilst we recognise that some men also experience rape, domestic violence and

forced marriage – these are still gendered in that the majority of perpetrators are male. The Welsh Government’s own report commissioned to inform the legislative process showed disaggregated figures for Wales, that women experienced twice the levels of any domestic abuse (**11.1% women 5.1% men**) with rates of sexual assault also substantially higher than those for men (**3.2% women 0.7% men**). Stalking was also more prevalent for women (**7.8% women 3.5% men**)¹. Much confusion about the extent of male victims stems from a misunderstanding of Crime Survey data. The headline figures suggest roughly equal numbers of men and women experience domestic violence. However, this figure counts ‘any incident’ which can amount to a single push or slap. Other research evidence shows that women experience significantly higher rates of repeat victimisation, the violence and abuse that they experience is more severe and results in higher rates of physical injury, they experience violence and abuse over a longer period of time, and are significantly more likely to be murdered by the [male] perpetrator².

The need to take a gendered approach is recognized internationally. The UN recognises VAWG as a human rights abuse, both a cause and consequence of inequality. There are numerous obligations on the UK (including Beijing, CEDAW, and Istanbul Convention) to develop integrated approaches and action plans across all VAWG which recognise the gendered nature of this abuse³.

2.2 Definitions

It is important that the Bill provides definitions for the terminology used including; gender-based violence, domestic abuse and sexual violence. These definitions are likely to be used much more widely and become the standard definitions. It is therefore essential that they are fit for purpose.

However, we are concerned that definitions used in the Bill move away from existing ones which are very explicit and effective. The Council of Europe articulates an explicit definition in its 2011 *Convention on preventing and combating violence against women and domestic violence*, stating that:

“Gender-based violence refers to any harm that is perpetrated against a woman and that is both the cause and the result of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in both the private and public spheres. This type of violence is deeply rooted in the social and cultural structures,

¹ Robinson et al., the Welsh Government’s proposed ‘*Ending Violence Against Women and Domestic Abuse (Wales) Bill*’: Recommendations from the Task and Finish Group, August 2012

² For example see Hester, Marianne (2009) *Who does what to whom? Gender and domestic violence perpetrators* (Bristol: University of Bristol VAWRG).

³ http://www.coe.int/t/dghl/standardsetting/convention-violence/default_en.asp accessed 01/09/2014

norms and values that govern society, and is often perpetuated by a culture of denial and silence.”⁴

The Home Office definition of domestic abuse is more encompassing and explicitly mentions coercive control and the particular pattern of controlling behaviour that occurs in domestic abuse.

The change, from accepted use of such definitions is a huge backwards step at a time when the UK Government is consulting on specific Violence Against Women Strategies and legislation. It is a real pity because when the Bill was announced, Wales was helmed by other nations in the UK as leading the way.

2.3 Prevention in Education

We are greatly concerned about the lack of emphasis on prevention, particularly in schools and other educational settings as we regard this as of the highest priority. It would be a great opportunity lost not to generate real changes in schools through access to advice and specialist knowledge. It is a known fact that exposure to domestic abuse is linked to a wide range of trauma-related symptoms in children, which can affect their physical, psychological and social health and well-being. There is also an established link between children's exposure to domestic violence and emotional and behavioural problems as well as poor peer relationships, low academic attainment and engagement in risky health behaviours.⁵ A recent study commissioned by National Assembly for Wales found that many children were angry about having to live in a sexist peer culture and society. They were also despairing at the futility of their own individual attempts of managing and/or challenging gender and sexual stereotype.⁶

It is imperative that in order to reduce the prevalence of violence, we must focus on prevention, and that begins with informing and educating young people about healthy relationships and challenging the attitudes and behaviors that are persistent in society regarding the violence against women. Focus on school provision will also directly enhance the support available of young people who may have suffered from or are at risk of violence.

Mandatory lessons in healthy relationships would be one way to ensure that young people have access to the information they need. The current classes delivered are insufficient, patchy and focuses solely on domestic abuse, whilst teachers remain untrained in dealing

⁴ Ibid

⁵ Kitzmann, K.M., Gaylord, N.K., Holt, A.R., & Kenny, E.D. (2003). Child Witnesses to Domestic Violence: A meta-analytic review. *Journal of Consulting and Clinical Psychology, 71*, 339–352.

⁶ Renold, e. (2014) *Boys and Girls Speak Out: A Qualitative Study of Children's Gender and Sexual Cultures (age 10 – 12)*, National Assembly for Wales, Cardiff

with any disclosures made by pupils following the sessions. Though the Welsh Government has said that it will consider this as part of a future curriculum review, we remain concerned that this might not ultimately occur.

The Department for Children, Schools and Families recommends that schools should tackle violence against women and girls through a whole school approach, by developing practice on VAWG that includes creating a strong ethos of respect exemplified by staff behaviour and leadership, and is made clear throughout relevant policy and procedure⁷

We would specifically like to ensure that the following elements are included on the face of the Bill as minimum statutory requirements.

- Ensure that there is one fully-trained 'go-to' staff member in each school with expertise in violence against women and girls and the knowledge and confidence to assist pupils in seeking assistance and information;
- Include education on violence against women and girls and healthy relationships mandatory on the school curriculum in Wales; this should be taught from a perspective of gender equality and human rights;
- Ensure that schools regularly collect data on all forms of violence against women and girls, including sexual harassment and bullying;
- Ensure that education on violence against women and girls and healthy relationships is available to children and young people not engaged in formal education system or 'NEETS';
- Appoint a violence against women and girls champion amongst school governors and the student council;
- Ensure that Estyn inspects on school responses to violence against women and girls.
- Ensure provision of comprehensive violence against women and girls and healthy relationships training for all related professionals

2.4 National Strategies

We welcome national strategy to tackle gender-based violence. It is likely that it will replace the Right to be Safe Strategy which is stronger, and more gender specific. However we are concerned that as proposed in the Bill it will lack a gender focus and align to an ongoing conflation by public bodies of domestic violence with VAWG. It can be argued that gender neutral policies are ineffective as evidenced by successive domestic homicide reviews and reports by the IPCC.

⁷ Department for Children, Schools and Families, (2009) ' Violence against Women and Girls Advisory Group final report and recommendations'

In addition, this will lead to an interpretation of commissioning and open tendering which enables large scale providers with no track record, to take over services which have devastating impact on the specialist sector.

2.5 Local strategies

We strongly support the duty on local authority and Local Health Board to jointly prepare strategies specifying objectives, the periods as well as identifying actions. We are concerned however that the provision in the Bill permitting local authorities not to follow guidance in particular categories if they believe there is good reason will result in worsening the post code lottery of services across Wales. Such provision creates risk of LAs breaching the Public Sector Equality Duty to not take a gendered approach and to not integrate appropriately forms of gender-based violence disproportionately experienced by minority women such as FGM, forced marriage and honour based violence, on the premise that there are no people in the locality from affected backgrounds despite 2011 census statistics showing that there are no LAs in Wales which do not have people who describe themselves as BME.⁸ BME groups have always argued that these forms of violence should be part of an overarching VAWG strategy.

Our own experience has shown that LAs are quick to 'opt out' of their duties when there are no clear guidelines compelling them to take action. For example, it is always a challenge to secure LA support for vulnerable women fleeing domestic violence with no recourse to public funds (NRPF) that fall outside the DDV rule. Last year we supported **50** women with NRPF in refuge out of **165** referrals. **23** out of the 50 were supported under the DDV rule, **13** were funded by Bawso, **12** by Social services whilst **2** were self funded. Sometimes these women are left with the stark choice of having their children removed from them or returning to the abusive relationship. It would be more effective if the Bill required LAs to conduct assessments and put in place guidelines in case need arises.

2.6 Ministerial Advisor

The comparatively narrow remit and lack of independence from the government in the Bill will prevent the Ministerial Advisor from freely monitoring the impact of relevant law and policy, and the availability of support and assistance, on the human rights of the victims of the offences contained in the Bill. This is a missed opportunity, which fails to protect and promote the rights of GBV, DA & SV, and fails to institute a robust monitoring body to uphold protection standards for those who have suffered serious human rights abuses.

Whereas we recognize the financial constraints as advanced in the Bill's explanatory memorandum, we would argue that it still remains important that instead of a Ministerial

⁸ www.wales.gov.uk/statistics Accessed- 02.09.2014

Advisor an External/Independent Advisor is, appointed as they will have capability not only to advise the Welsh Government but to in order to scrutinise the activity of the Welsh Government and the public sector. The role of the appointed individual would be to:

- Ensure all relevant government departments are part of the integrated strategy and that the government is compliant with all EU Directives and UN treaties and obligations⁹.
- Develop minimum standards of provision across the regions and at local levels and targets for funding. These should apply to public bodies and statutory services. One of these standards should be about measurement and data collection to increase comparability. Experts in the NGO sector could be used as advisers to Commissioners to ensure that commissioning is based on needs.
- Ensure local authorities and other key public bodies develop, publish and implement GBV, DA & SV strategies in consultation with local specialists.
- To guarantee that the different experiences and needs of marginalised groups of women are understood and attended to: black and minority women; refugees and asylum seekers; younger and older women; disabled women; women with learning disabilities and mental health problems, lesbians; women living in remote areas.
- To act as a scrutiny body with the power to take evidence from Ministers, public bodies and other witnesses, publish reports, hold inquiries and thematic reviews, make policy recommendations and issue guidance.
- To have power to undertake site visits, in conjunction with other scrutiny bodies when specific concerns are raised.
- To have a clear route for regular consultation with and feedback to experts and stakeholders.
- To have the potential to take and investigate complaints from survivors about how their case has been dealt with.
- To work with the Office of National Statistics to develop a framework for a yearly digests of statistics that track prevalence, policy and practice over time.
- To address the breadth of issues around GBV, DA & SV including interventions and policies relating to perpetrators and potential perpetrators – both within specialist agencies and public sector responses.

3. Any potential barriers to the implementation of these provisions and whether the Bill takes account of them

There will remain a continued postcode lottery of specialist services. There is no public funding to provide support for women from BME backgrounds affected by forced marriage, honour based violence and female genital mutilation. Funding for BME VAWG services is patchy and adhoc. There is only one FGM service in Wales despite estimates that there are at least 66,000 women and girls

⁹ Including CEDAW and Istanbul Convention, the EU Victims' Directive,

in England and Wales who have undergone FGM, in the main prior to arrival in the UK, with a further 33,000 girls and young women at risk.¹⁰ Women sometimes have to travel outside Wales to access support.

Em is an 18 year old A level student of African Origin. She came to the UK with her family to seek asylum when she was 10 years old. Em was circumcised at the age of 8 years in her country of origin.

When Em attained puberty, she started experiencing difficulty with menstruation and disclosed to her teacher that she required support when she could no longer cope.

Bawso was contacted by the teacher to provide support and during the process it emerged that Em had the most severe form of FGM and required health intervention. She did not want her parents to know about her intentions because she felt that she would be dishonouring them. The only option was for her to access a walk in clinic where she could see a doctor to discuss condition.

Unfortunately, in Wales there is no walk-in clinic so the closest clinic for her to access was in Bristol. The school had to make arrangements for the visit to take place during school hours so that Em's parents were not suspicious of her whereabouts.

The Bill might compel LAs to compile Gender-based Violence, Domestic abuse and Sexual violence strategies that are gender-neutral irrespective of the fact that VAW specific strategy may be required. It would be more effective if the Bill did not specifically name strategies to give LAs and future governments opportunity to determine whether VAW strategies are most appropriate based on obtaining trends and patterns at any given time.

4. Any unintended consequences arising from the Bill,

Further cuts to specialist services as by the Public Sector despite growing demand for the services.

LAs not paying due regard to the legislation because there are no clear sanctions for breaching stipulated provisions in the Bill.

5. The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)

¹⁰ BAWSO (2009). Female Genital Mutilation: Examining the Practice in Wales. Research Report.

Increasing reporting as a result of such planned aspects of the Bill as 'Ask and Act' and public sector training will lead to increased pressure on these services without doing anything to address the geographical gaps in provision of services. Provision should be made within the Bill to address any increase in reporting to ensure victims and specialist services are protected and supported to allow a holistic approach to implementation.

The loss of preventative aspects within the Bill as published, such as education on healthy relationships in schools and public behavior change campaigns will also likely lead to a lost opportunity to address the huge cost of violence against women and girls to the economy in Wales, of around .

The comparators for the position of commissioner are based on England. It would be more realistic if they were based on Commissioners in Wales.

Cost and benefit analyses from Wales should also be included to give a more accurate picture – the Pathfinder report posits data domestic abuse that would benefit the legislative process.

6. The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum).

We believe it would be more effective if key areas were addressed on the face of the Bill (primary legislation). Allowing Ministers to make subordinate legislation will further already existing inconsistencies across the board.

The Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill

Submission to the Communities, Equality and Local Government Committee

Wales Violence Against Women Action Group

September 2014

1 Introduction

1.1 The Wales Violence Against Women Action Group

The Wales VAW Action Group has successfully worked together for six years, campaigning on issues in Wales at a national level to tackle violence against women and girls. Members are drawn from women's sector organisations in Wales who work with a common purpose. Membership includes Welsh Women's Aid, Llamau, New Pathways, BAWSO, National Federation of Women's Institutes-Wales, Rape Crisis England and Wales, Deryn, NUS Wales and the Survivor's Trust.¹

The Action Group has successfully campaigned for policy change across all levels of government, public bodies, the private sector and the public sphere in order to raise awareness of the issues surrounding violence against women and girls and to shape public policy to reduce the level of violence suffered by women and girls in Wales.

It campaigns against all forms of violence against women and girls, including domestic abuse, sexual violence, harassment and stalking, forced marriage, honour-based violence and female genital mutilation. It focuses geographically in Wales as much of the public policy relating to violence against women and girls is devolved.

1.2 Violence Against Women and Girls in Wales

Research studies continue to find alarming and persistently high levels of violence against women and girls in the UK in general and Wales. These figures refer to 2011/12:

- Up to **three million** women across the UK experience rape, domestic violence, forced marriage, stalking, sexual exploitation and trafficking, female genital mutilation (FGM) or so-called 'honour'-based violence each year;ⁱ
- Violence against women and girls costs society £40 billion each year in England and Wales. Recent Wales figures on the cost of just domestic abuse on the Welsh economy was a total of **£826.4 million**;ⁱⁱ
- Every year **one million** women experience at least one incident of domestic violence – nearly **20,000** women a week, with **2** women a week killed as a result; ⁱⁱⁱ
- Every year over **300,000** women are sexually assaulted and **60,000** women are raped;^{iv}
- **33 per cent** of girls in an intimate relationship aged 13-17 have experienced some form of sexual violence from a partner;^v
- In 2011, the Forced Marriage Unit received **1468** calls to its helpline regarding suspected/potential forced marriage, **78 per cent** of whom were women;^{vi}

¹ Full list of members available at: <http://walesvawgroup.com/about-us/>

- **3.7 million** women in England and Wales have been sexually assaulted at some point since the age of 16;^{vii}
- It is estimated that of **17,000** migrant women involved in off-street prostitution in England and Wales, **2,600** have been trafficked and **9,200** are vulnerable migrants who may be further victims of trafficking;^{viii}
- **20 per cent** of women say they have experienced stalking at some point since the age of 16;^{ix}
- In Wales in 2010/11, the Police recorded **2,485** sexual offences.^x The British Crime Survey highlights that only **11 per cent** of victims report to the police;^{xi} therefore we can reasonably estimate that the actual number of women experiencing sexual offences in Wales was nearly **23,000** last year;
- In Wales in 2013/14, there were **6,325** prosecutions of violence against women and girls offences, with a conviction rate of 76.7%. Of these, **5,637** were cases of domestic abuse; **257** cases of rape, and **431** cases of sexual offences;
- Welsh Women's Aid's members supported **9,337** women in 2013/14, with **2,263** entering refuge;
- The All Wales Domestic Abuse & Sexual Violence Helpline (managed by Welsh Women's Aid) supported **27,972** callers in 2013/14.

1.3 Legislation to tackle Violence Against Women and Girls

Given that the prevalence of violence against women and girls is so unacceptably high, we were very pleased when the Welsh Government announced it would legislate to tackle the issue, and that they would publish a Violence Against Women and Girls Bill. It demonstrated a clear commitment to make difference to the lives of women in Wales by sending a strong signal to the public sector in Wales that more must be done to prevent violence against women and girls and that barriers to services for victims should reduce. It also indicated that the Welsh Government well understood the gendered-nature of the violence occurring, that the victims of these forms of violence were overwhelmingly women and that much of the violence occurred because the victims are women.

During the early consultation process in 2012, the Action Group provided 30 recommendations based on the sector-wide experience. The main areas where we recommended activity were as follows:

1. Reduction in the prevalence of all forms of violence against women and girls, and support for women and girls who experience such violence;
2. Guaranteed access to adequate and sufficient services for women in Wales;
3. Compulsory initiatives in schools and other educational settings to prevent violence against women and girls before it starts, and for supporting pupils affected by such violence;
4. Appropriate and timely interventions, referrals and signposting occur as a result of improved health responses to violence against women and girls;
5. Employers know how to help female employees affected by violence against women and girls.

We are therefore disappointed in the current content of the Bill as published, and feel very strongly that it simply will not adequately impact on the lives of women in Wales, either in reducing violence or improving access to services for victims. There has been very limited discussion with the sector about the content of the Bill since the publication of the White Paper in 2012, and we feel as an Action Group that there has not been any opportunity to justify why we called for these specific recommendations, as nearly all of them have not been included in the Bill.

2 General Principles

2.1 Gender Neutrality

The name of the Bill is hugely disappointing. Given that it is not linked to a significant increase in funding to ramp up the level of services available, we expected a Bill that would send a very strong signal about violence against women in all its forms, and that it would be based on well-understood international definitions of violence against women and girls.

The structural nature of violence against women and girls as gender-based violence is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. It is vital that a shared understanding of the links between all forms of violence against women and girls, as well as its shared causes and consequences, informs the legislation.

Instead, we have a gender neutral Bill that does not mention women, and therefore singularly fails to take account of the gendered-nature of the violence it seeks to tackle. Not only that, but it binds the hands of future governments to ensure that only gender-neutral strategies and policies will be introduced in the future, ruling out specific activity across the public sector to specifically tackle violence against women and girls.

Given that other parts of the UK and countries around the world currently have or are developing policies and strategies to tackle violence against women and girls, it would be deeply disappointing to enshrine a position that would negatively impact on women in Wales.

One of the unintended negative consequences of gender-neutral national policy in this area is that service commissioners within local authorities will seek to commission gender-neutral, non-specialist domestic abuse services, which do both male and female victims a disservice. Since the Welsh Government separated domestic abuse from violence against women and girls within the *Right to be Safe* strategy, Welsh Women's Aid has had to intervene in three separate instances in which local authorities have sought to either withdraw funding or exclude specialist women-only services from applying for new funding to deliver domestic abuse services, despite a lack of evidence of need for a mixed service, the safety risks of a mixed-sex service, and the well-established urgent need for specialist gender-specific services for women and their children.

Reasons given by local authorities have ranged from mistakenly thinking that providing a gender-specific service is breaking equalities legislation, to unproven assumptions that domestic abuse affects men just as much as women.

Our position does not preclude the provision of services to male victims of domestic abuse. The Welsh Government already has policy, strategy and services which mandate the provision of services to male victims. The reason for introducing this particular Bill is in recognition of the fact that women disproportionately experience certain forms of violence and that therefore stronger action is needed to tackle this, which only legislation can offer.

We feel very strongly that women should be recognised both in the title of the Bill, its content and its consequences.

2.2 Definitions of Violence Against Women and Girls

The current name is also disappointing as it is cumbersome, divisive and unclear. Why identify domestic abuse and sexual violence and no other specific forms of violence? Why separate domestic abuse and gender-based violence, when it has such a highly disproportionate impact on women.

Currently in Wales, there exists a lack of clarity amongst agencies and the general public regarding what is meant by the term 'violence against women and girls', as well as exactly what specific forms of violence/abuse entail – particularly those forms of violence that are not so well-known as domestic abuse, in addition to the non-physical-violence aspects of domestic abuse. This lack of clarity has led to a conceptual confusion about what exactly it is that we are trying to tackle (and how) when we talk about violence against women and girls and its various forms, which has negative ramifications for policy and practice.

Few would consider this Bill as designed to tackle forced marriage, female genital mutilation, stalking or other forms of violence disproportionately or entirely suffered by women.

The UN definition is as follows:

The term Violence Against Women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in its general recommendation on violence against women and girls No. 19 (1992) helped to ensure the recognition of gender-based violence against women and girls as a form of discrimination against women.

The United Nations General Assembly adopted a Declaration on the Elimination of Violence against Women in 1993 that laid the foundation for international action on violence against women and girls. In 1995, the Beijing Declaration and Platform for Action identified the eradication of violence against women and girls as a strategic objective among other gender-equality requirements.

In June 2012, the UK also signed the European Convention on Combating and Preventing Violence Against Women and Domestic Violence ('The Istanbul Convention'). Governments that agree to be bound by the Convention are required to take action on all forms of violence against women and girls.

The Welsh Government maintains that it is beyond its legal powers to draft legislation that mentions women. This is simply unacceptable, and at the very least, highly contestable.

By publishing legislation designed to include everyone, it singularly fails to address an issue that overwhelmingly impacts on women and hampers activity across the public sector to do so.

2.3 National Strategy

In the first instance, we would welcome a national strategy to tackle violence against women and girls. In reality, such a national strategy already exists in the form of the 'Right to Be Safe Strategy'. The Wales VAW Action Group worked with the Welsh Government to ensure that its national domestic abuse strategy was broadened to include all forms of violence against women and girls, and some real progress was made at the time and subsequently regarding better understanding the broader forms of violence. We are very concerned that this Bill represents a step backwards in this understanding.

By removing any reference to women in the Bill, we are very concerned that the new law will enshrine that future Welsh Governments must have gender-neutral national strategies, and will therefore not develop specific violence against women and girls strategies. That would be an outrageous position, particularly given the early progress made, and the way in which organisations and administrations across the UK and around the world are developing and implementing violence against women and girls strategies.

The current Right to be Safe strategy contains significant weakness, however, and we are also concerned that if we simply enshrine that we have a strategy, we cannot be sure that there will be any impact on the lives of women in Wales. The current strategy contains no measureable outcomes, and its implementation is effectively scrutinised by the civil servants who are responsible for it. We cannot be sure that a future national strategy in this form will make a difference unless there are real performance indicators and external scrutiny.

Real progress will need to be made in new and different activity to really make a difference, and simply enshrining the current activity will not be good enough.

2.4 Local Strategies

There are currently local strategies for tackling elements of violence against women, though much of the focus and activity is on domestic abuse, rather than the wider forms of violence.

In responding to the White Paper, we provided detailed recommendations about how the NHS have a key role to play, so we welcome the moves to enshrine local strategies that ensure that the Local Authorities and the Local Health Boards will need to come together to take action. We remain unconvinced at the language used in the Bill surrounding statutory duties. It does not seem that the duties as outlined in the Bill are as clear cut as those in other statutory instruments, with local authorities able to opt out of providing certain services.

One major concern is fundamentally flawed statistical information being used to evidence need or potential need. The Action Group would like to see the Bill to require changes and strong direction to the needs assessment process local authorities use.

2.4.1 Local Authorities

Local Authorities currently have local strategies that are either directly or indirectly related to violence against women and girls, but that does not mean that women and girls living in their area have been better protected from violence or have experienced better services. Implementation at a local level has been so varied as to create a postcode lottery for services, and if Bill does not include specific actions to tackle this patchy delivery, then we will again be simply enshrining current inadequate provision.

2.4.2 Health Services

The health service spends more time dealing with the impact of violence against women and children than almost any other agency.

Physical and sexual violence and abuse have direct health consequences and are risk factors for a wide range of long term health problems, including mental health problems, substance misuse, trauma, unwanted pregnancy, sexually transmitted infections and risky sexual behaviour. Violence and abuse also has major consequences in terms of depression, anxiety, and self-harm amongst women. Action to tackle the causes and consequences of violence against women and children therefore contributes to the health and well-being of the population.

Health settings often represent the one place where it is possible to talk to someone about their experience without discovery or reprisal from the perpetrator. As such, the Bill should include mechanisms for ensuring that all front-line health practitioners are able to identify and respond appropriately to women experiencing violence/abuse. There currently exists guidance within the health service, so we need to be sure that this legislation will lead to change. It will be important to ensure that this Bill leads to a step change in scrutiny and accountability to ensure that the policies are actually implemented on the ground across Wales.

The Bill should include a provision for statutory initial and ongoing professional training for GPs and other health professionals on identifying and responding appropriately to VAW. Such training should also extend to the undergraduate curriculum for medical students, and should include:

- Understanding the links between violence/abuse and other health conditions (physical and mental), to aid identification and referral;
- Identification of victims through appropriate questioning;
- Enabling and dealing with disclosure of violence/abuse;
- Referral and signposting to specialist VAW organisations;
- Addressing immediate safety concerns for women and children;
- Appropriate post-disclosure interventions;
- Identifying, responding to, and referring perpetrators.

2.5 Ministerial Adviser

We have previously identified the need for an external individual not only to advise the Welsh Government but to in order to scrutinise the activity of the Welsh Government and the public sector.

We are hugely disappointed, however, as this seems to be a civil service appointment, which would lack the independence required to ask the difficult questions.

Furthermore, in enshrining an adviser on an entirely gender-neutral platform, it rules out any future Welsh Government from appointing an adviser on violence against women and girls.

Ideally, we need a Commission on Violence Against Women and Girls who has the powers and the teeth to be able to make a real difference to the lives of women in Wales. If this Bill enshrines a situation that means this cannot happen in future, then we will be doing a disservice to the women of Wales.

3 Significant Omissions

The main elements of the Bill are a national strategy, local strategies and a ministerial adviser. These following areas are those that have been entirely omitted from the Bill – a huge disappointment given the strong political vision outlined when the Violence Against Women Bill was first announced.

3.1 Improved Service Commissioning

Although we have always recognised that this Bill would not be about a significant uplift in the resources available to commission considerably more services for the victims of violence, but we did expect that the Bill would seek to tackle the unacceptable postcode lottery of services across Wales.

Many areas of service provision are simply not available in all areas, and access to specialist services such as for victims of sexual violence, trafficking and FGM are so patchy as to render them impossible to access for women living in certain areas of Wales. This has been flagged up in UK-wide research; *Map of Gaps* stated: 'in Wales, strong domestic violence provision [...] indicates that the domestic abuse policy has had an impact. However, the lack of voluntary/ third sector sexual violence services suggest that this needs to be extended to all forms of violence against women and girls'.^{xii}

There is also a wide variation in expertise and capacity geographically across the vital public services that can prevent violence, protect women and girls and provide services for victims.

Specialist support services provided by the women's voluntary sector are absolutely vital for assisting women to overcome violence/abuse and to rebuild their lives. The availability of support depends upon the woman's location, and poses particular problems for women in rural Wales.

There has been a relatively recent shift from specialist support towards generic, non-specialist service provision (particularly for domestic abuse services), which is inferior in providing the specialist support that women so desperately need to recover from violence/abuse and to rebuild their lives, and coupled with the current economic climate, poses a real risk of a loss of the significant specialism that has been developed within the violence against women and girls third sector over the past four decades in designing and delivering services that fit women's specific needs. There remains an urgent need for highly specialised services to assist women following violence/abuse, including women-only services and services for BME women, coupled with a dangerous lack of understanding about the value of these services, perhaps particularly amongst local authority service commissioners, which is of great concern.

Statutory services, such as Specialist Domestic Violence Courts and Sexual Assault Referral Centers, usually support women who report the violence to the police or authorities. Voluntary sector services such as specialist rape and sexual violence organisations, refuges, domestic abuse outreach projects, services for ethnic minority women and trafficking services provide support to women who have experienced abuse recently, as well as in the past or as a child. They are essential lifelines that can take the form of counselling, information and advice, advocacy, shelter, self-help, and routes to employment or training. Their focus is solely to support women in overcoming the impacts of the violence they have experienced.

Black and Minority Ethnic (BME) women are disproportionately affected by different forms of VAW, including forced marriage, so-called ‘honour’-based violence, female genital mutilation (FGM) and sexual exploitation through trafficking. BME women also face specific barriers to reporting and seeking support from abuse, and therefore have specific needs which require specialised and dedicated support services.

There is only one FGM service in Wales.^{xiii} It is estimated that there are at least 66,000 women and girls in England and Wales who have undergone FGM, in the main prior to arrival in the UK, with a further 33,000 girls and young women at risk.^{xiv} There are few community-based services and significant gaps, especially with respect to girls at risk.

Research commissioned by the National Federation of Women’s Institutes (NFWI) in 2009 into violence against women and girls in rural and urban areas identified a lack of services to address the impact of violence against women and girls.^{xv} Both rural and urban women interviewed for the research said that support services which women would trust enough to use were simply not available. Respondents said that they had *least* access to perpetrator programmes, Rape Crisis Centres and women’s refuges. Both rural and urban women felt the top services for dealing with VAW in their local areas were women’s refuges followed by either Rape Crisis Centres or the police. However, services such as Rape Crisis Centres and women’s refuges that women stated they valued highly for tackling violence against women and girls were the ones they had least access to locally.

We are not convinced that the national and local strategies outlined in the Bill are significantly different from those that currently exist, and therefore we cannot expect a better way of commissioning services across Wales. We cannot expect every local authority to provide every specialist service locally, but neither can we expect from the current Bill that local authorities will work together to pool resources and provide specialist services on a more coordinated or regional level.

3.2 Prevention through Education

We are hugely disappointed that the Welsh Government has failed to include any adequate educational elements within the Bill. We know that in order to reduce the prevalence of violence, we must focus on prevention, and that begins with informing and educating young people about healthy relationships and challenging the attitudes and behaviors that are persistent in society regarding the violence against women and girls. Focus on school provision will also directly enhance the support available of young people who may have suffered from or are at risk of violence.

Mandatory lessons in healthy relationships would be one way to ensure that young people have access to the information they need. The current classes delivered are insufficient, patchy and focuses solely on domestic abuse, whilst teachers remain untrained in dealing with any disclosures made by pupils following the sessions. Though the Welsh Government has said that it will consider this as part of a future curriculum review, we remain concerned that this might not ultimately occur.

A shocking number of young women and girls in Wales experience violence and abuse within their own relationships, and female pupils regularly experience sexualised and gender-based bullying within our schools and other educational settings, which has a negative impact upon their safety, wellbeing, educational attainment and prospects. One-third of girls in an intimate relationship aged 13 to 17 have experienced some form of sexual violence from a partner.^{xvi}

The following figures are from a 2011 YouGov poll and weighted to be representative of 16- to 18-year-olds in the UK:^{xvii}

- Almost **one in three** girls have experienced unwanted sexual touching at school;
- **71%** of 16-18-year-olds say they have heard sexual name-calling such as “slut” or “slag” towards girls at school daily or a few times per week;
- Close to **one in four** (24%) 16-18-year-olds said that their teachers never said unwanted sexual touching, sharing of sexual pictures or sexual name calling are unacceptable;
- **40%** of 16-18-year-olds said they didn’t receive lessons or information on sexual consent, or didn’t know whether they did.

There is currently no compulsory education on violence against women and girls in schools. Compulsory lessons are only one way of tackling this issue in schools. We provided the Welsh Government with a raft of recommendations for schools and young people other than compulsory lessons, and remain concerned that all have been refused at this time.

As outlined in the Department for Children, Schools and Families' Violence against Women and Girls Advisory Group final report and recommendations (2009), schools should tackle violence against women and girls:

- Through a whole school approach, by developing practice on VAWG that includes creating a strong ethos of respect exemplified by staff behaviour and leadership, and is made clear throughout relevant policy and procedure.
- Prevent violence against girls and young women by creating an environment that challenges rather than tolerating it and teaching boys and girls to build respectful relationships. Work in schools should include working positively with young men and young women. They should also explicitly include the issue within PSE education when exploring the concept of relationships
- Support girls and young women experiencing violence, discrimination and sexual bullying by:
 - Acknowledging, identifying and intervening in violence against girls and young women
 - Engaging and working in partnership where possible with parents/carers
 - Ensuring that staff are aware of signs and symptoms and alert to them
 - Providing support for them directly through its pastoral role and securing effective referral to appropriate facilities and services, for example counselling services
 - Working in partnership with specialist support services
 - Prominently displaying information about advice services, in both public and private spaces in schools.

Our Action Group has can provide significant evidence to outline further the evidence base and suggested approaches for tackling violence against women and girls in schools. We would specifically like to ensure that the following elements are included on the face of the Bill as minimum statutory requirements:

- Ensure that there is one fully-trained 'go-to' staff member in each school with expertise in violence against women and girls and the knowledge and confidence to assist pupils in seeking assistance and information;
- Include education on violence against women and girls and healthy relationships mandatory on the school curriculum in Wales; this should be taught from a perspective of gender equality and human rights;
- Ensure that schools regularly collect data on all forms of violence against women and girls, including sexual harassment and bullying;
- Ensure that education on violence against women and girls and healthy relationships is available to children and young people not engaged in formal education system or 'NEETS';
- Appoint a violence against women and girls champion amongst school governors and the student council;
- Ensure that Estyn inspects on school responses to violence against women and girls.
- Ensure provision of comprehensive violence against women and girls and healthy relationships training for all related professionals

The first element outlined here is vital to ensure that many of the others come to fruition. We cannot expect every teacher to be highly trained in being able to support young people who may have suffered sexual violence or who are at risk of forced marriage, but there should be one specially trained staffer who can adequately deal with these complex issues and can lead on behalf of the school the wider programme to develop understanding, raise awareness and challenge poor practice.

The best way to achieve the above recommendations is for the legislation to ensure universal delivery of a whole-school approach to preventing and tackling violence against women and girls across the education system. This approach should incorporate and make statutory the initiatives suggested in the

above recommendations, at a minimum. A 'whole-school approach' addresses the needs of pupils, staff and the wider community across the Curriculum and the entire learning environment within a school. It aims to develop an ethos and environment in a school that supports learning and promotes the health, wellbeing and safety of all.

Practical steps towards building a whole-school approach should include the above recommendations at a minimum, and should also incorporate:

- Staff leadership, including placing responsibility for the work within a working group or within a senior manager's work strand;
- Positioning the work to link to school policy frameworks, including schemes of work and priority areas such as attainment, good behaviour, child protection, anti-bullying and social inclusion;
- Working directly with students through input to the curriculum, peer-led advocacy and mentoring;
- Researching and consulting with young people, staff and parents to gather data and achieve universal 'buy-in';
- Increasing awareness of the issues through staff training;
- Developing a 'shared language' within the school, which engages with human rights and gender equality.

3.3 Challenging Attitudes

The Action Group understood that the Bill as originally envisaged would also see to tackle wider societal attitudes towards violence against women and girls in order to challenge attitudes and really seek to focus on prevention. This area of activity is now omitted.

We saw between 2011 and 2013 some groundbreaking campaigning activity to challenge and to try and change attitudes towards violence against women and girls in Wales, shifting focus towards perpetrators, wider forms of violence and unacceptable behavior and away from focusing entirely on the victim.

We expected this activity to continue and to be included in the Bill so that future Welsh Governments would be obliged to carry on this vital work. At this stage, we cannot be sure how such activity will be mandated at a national or local level.

3.4 Workplace Policies

Again, this is another substantive area where we gave strong evidence to the Welsh Government and yet it was omitted from the final Bill.

We know that violence against women and girls can seriously impact on woman's ability to fulfill their job duties, and can also be targeted in the workplace – not only by harassment in the workplace but also we know that 75% of women that experience domestic abuse are targeted at work – from harassing phone calls and abusive partners arriving at the office unannounced, to physical assaults.^{xviii}

The workplace represents an excellent avenue for assisting women to safely access services and information that can ultimately save their lives – in addition to saving a significant amount of money to organisations, currently lost through absenteeism, sick leave, decreased productivity, lateness, errors and increased employee turnover.

We would want to see all employers in Wales developing a workplace policy to identify and assist female employees who are victims of violence. This Bill provides an excellent opportunity to ensure that all public sector employees benefit from such policies. It is also vital to ensure that such policies currently in existence are broadened from only focusing on domestic abuse to all forms of violence against women and girls.

Research shows that 56% of abused women arrive late for work at least five times a month, 28% leave early at least five days a month, and 53% miss at least three days of work a month.^{xix}

It is vital that training is delivered on violence against workplace policies to ensure that they make a real difference to women's lives. The Equality and Human Rights Commission's template domestic abuse policy could be expanded on to include all forms of VAW and made mandatory for both public and private

sector employers.

Consideration should be given to international examples of violence against women and girls policies that take a 'whole-workplace approach', including preventative measures and initiatives to engage men in challenging violence, e.g. *Working Together Against Violence* by Women's Health Victoria.

A key element to supporting employers in developing adequate policies and processes would be through appropriate consultation with recognised trade unions, across all sectors. It is vital that within the public sector a suitably trained "go to" person with expertise in violence against women and girls and the knowledge and confidence to assist employees in seeking assistance and information.

4 Barriers to Implementation

As mentioned above, a number of barriers to implementation of the Bill exist in its current format due to areas of omission, but particularly in regard to ensuring local strategies are fit for purpose and adequately resourced. Implementation in this regard could be significantly strengthened by increasing the powers of the proposed 'Advisor' position to include the ability to issue sanctions to Local Authorities for non-compliance.

The wording and definitions used by the Bill will also likely lead to barriers to implementation. With the loss of the term 'Violence Against Women' from the title and internal wording of the Bill, replaced by the gender-free umbrella term 'Gender-based Violence' (of which 'Violence Against Women' is one type, we have effectively lost this framework of understanding that is attached to the term as an internationally recognised shorthand for the most pervasive form of gender-based violence as a particular and significant phenomena. The Action Group is concerned that by moving to the term 'Gender-based Violence' the less common or well understood forms of 'Violence Against Women' such as FGM and stalking will lose priority and fail to be considered within the wider context of abuse which they sit. This could impact on public understanding of these types of abuse and the work undertaken around the Bill by local authorities and other statutory agencies. This framework of understanding around violence against women and girls is particularly imperative in regards to the local service needs assessments which local authorities will be obliged to undertake.

5 Unintended Consequences

The Violence against women and girls sector has suffered from cuts along with other public services in recent years. This has occurred alongside a significant year-on-year increase in demand for Violence against women and girls services. The sector as a whole is very dependent on secure long-term funding from Welsh Government to protect services for women and children fleeing domestic abuse and violence.

If, as intended, victim reporting of violence against women and girls is raised by the Bill as it progresses through the National Assembly, then pressure on services is set to become ever more acute in the coming years. Currently it is our understanding that no funds dedicated to the Bill will go towards frontline services.

Service providers across the sector have stated that they are already under significant pressure and are very concerned by an increase in demand without more investment to secure sufficient service levels across Wales.

6 Financial implications

Increasing reporting as a result of such planned aspects of the Bill as 'Ask and Act' and public sector training will lead to increased pressure on these services without doing anything to address the geographical gaps in provision of services. Provision should be made within the Bill to address any

increase in reporting to ensure victims and specialist services are protected and supported to allow a holistic approach to implementation.

The loss of preventative aspects within the Bill as published, such as education on healthy relationships in schools and public behavior change campaigns will also likely lead to a lost opportunity to address the huge cost of violence against women and girls to the economy in Wales. Recent Wales figures on the cost of just domestic abuse on the Welsh economy was a total of £826.4 million, which included £303.5m (health care, criminal justice costs, social service, housing, legal and economic) and £522.9m (human and emotional costs).^{xx}

7 Subordinate Legislation

We remain concerned that so many recommendations that we made as an Action Group are not explicitly included in the Bill, and therefore will not be tackled appropriately in subordinate legislation.

With regard to what is present, such as the national and local strategies, we are concerned that the balance between primary and secondary legislation is not appropriate, as it simply leads to too much variation of service provision as well as lack of scrutiny, and therefore may lead to minimal change.

ⁱ Coy, M., Kelly, L. and Foord, J. (2009). *Map of Gaps 2: The Postcode Lottery of Violence Against Women Support Services in Britain* (EHRC and EVAW).

ⁱⁱ Järvinen, J., Kail, A. and Miller, I. (2008). *Hard Knock Life: Violence Against Women – A Guide for Funders and Donors*.

ⁱⁱⁱ Povey, D. (ed.), Coleman, K., Kaiza, P. and Roe, S. (2008). *Homicides, firearm offences and intimate violence 2007/08, supplementary volume 2 to Crime in England & Wales 2007/08*. (London: Home Office).

^{iv} Smith, K. et al. (2012). *Homicides, Firearm Offences and Intimate Violence 2010/11*. Home Office Statistical Bulletin 02/12. (London: Home Office).

^v Barter, C., McCarry, M., Berridge, D. and Evans, K. (2009). *Partner Exploitation and Violence in Teenage Intimate Relationships*. (NSPCC and University of Bristol).

^{vi} Forced Marriage Unit statistics taken from Foreign and Commonwealth Office website, available online at: <http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/> [accessed 20th July 2012].

^{vii} Walker, A., Kershaw, C. and Nicholas, S. (2006). *Crime in England and Wales 2008/09*. Home Office Statistical Bulletin, July 2006.

^{viii} Jackson, K., Jeffery, J. and Adamson, G. (2010). *Setting the Record: The Trafficking of Migrant Women in the England and Wales Off-Street Prostitution Sector*. (ACPO Project Acumen report).

^{ix} Walker, A., Kershaw, C. and Nicholas, S. (2006).

^x Chaplin, R., Flatley, J. and Smith, K. (eds) (2011). *Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime (2nd edn)*. Home Office Statistical Bulletin 10/11.

^{xi} Povey et al. (2009). *Homicides, Firearm Offences and Intimate Violence 2007/08* (Supplementary Volume 2 to 'Crime in England and Wales 2007/8). Home Office Statistical Bulletin 02/09.

^{xii} End Violence Against Women (2007). *Map of Gaps: The Postcode Lottery of Violence Against Women Support Services* (p41).

^{xiii} BAWSO (2009). *Female Genital Mutilation: Examining the Practice in Wales*. Research Report.

^{xiv} Dorkenoo et al. (2007). *A Statistical Study to Estimate the Prevalence of Female Genital Mutilation in England and Wales*. Foundation for Women's Health, Research and Development.

^{xv} McCarry, M. and Williamson, E. (2009). *Violence Against Women in Rural and Urban Areas*. (Bristol: University of Bristol).

^{xvi} Barter et al. (2009). *Partner Exploitation and Violence in Teenage Intimate Relationships* (NSPCC)

^{xvii} End Violence Against Women and YouGov (2010). *Sexual Harassment in UK Schools Poll*.
^{xviii} <http://www.devonline.gov.uk/localcontent.htm?site=5&ref=employers-information.html>. Quoted in
EHRC (2011), *Domestic Abuse Is Your Business: Guidance for Developing a Workplace Policy*.
^{xix} <http://www.devonline.gov.uk/localcontent.htm?site=5&ref=employers-information.html>. Quoted in EHRC
(2011), *Domestic Abuse Is Your Business*.
^{xx} 'Gwent Domestic Abuse Pathfinder Project Engagement Report, March 2014.

Item 3

Communities, Equality and Local Government Committee

CELG(4)25-14 Paper 4 (Consultation response GBV 45)

Llamau Response to Welsh Government on

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill - Stage 1 Consultation

Llamau is Wales' leading homelessness charity and has built a reputation for engaging with the most challenging and socially excluded individuals, supporting them to move from vulnerability to independence.

The principle activity is to promote the wellbeing and welfare of people in need in Wales by assisting them to meet their holistic needs in the areas of accommodation, safety from abuse, advocacy, education, training, counselling and the reduction and prevention of offending.

We have 28 years' experience supporting vulnerable young people, children and women with a range of complex needs including offending issues, mental health issues, substance misuse and a variety of domestic abuse and all forms of violence against women.

We have extensive practitioner expertise in relation to gender specific services and are currently one of the largest providers of both gender specific and domestic abuse services in Wales.

We have modelled our successful gender specific services on acknowledging that a comprehensive service must be based on understanding the context and needs of women. Many women who experience violence/abuse also present with co-existing issues. This approach addresses the multifaceted problems women face, providing an integrated holistic support package, which identifies and builds on women's strengths, enabling women to lead independent, self-determined lives.

Our gender specific and domestic abuse services are focused in South Wales, but we deliver other support services to homeless young people and vulnerable women across Wales. Our range of services includes gender specific supported accommodation, refuge provision; outreach services; specialist homelessness prevention services, Freedom Programme, Recovery Toolkit provision; specialist parenting support as well as delivering from a number of Multi Agency Centres in Wales.

Last year we worked with 4,782 individuals, providing support to enable 94% positive outcomes.

Our support is flexible and tailored to individual need; underlined through the philosophies of empowerment and choice. **Llamau is a values-led organisation which puts service users first and at the heart of the organisation.**

Our response to the inquiry

Fundamentally, Llamau welcomes the Welsh Government's recognition that legislation is a key aspect of our society's response to combatting violence against women.

On its own, legislation will not solve the problem, but legislation provides the framework within which the leadership required to tackle this problem can operate.

We are also pleased that the stated policy aims of the legislation are to improve prevention measures, to improve protection arrangements and to improve the quality of support on offer to victims of violence.

However, we are concerned that as the legislation currently stands it will have difficulty in achieving its stated aims.

The general principle of the bill:

Llamau, like many other providers of services to women and men who have been victims of violence, have significant concerns about the purported evidence base on which many of the policy assumptions have been made for the Bill. Llamau cannot stress strongly enough how important it is to take a gendered approach to this bill.

As a provider of male and female services, Llamau strongly endorses the title "Ending Violence against Women." The bill as currently titled is wordy, overly specific, and unhelpfully disassociates sexual violence and domestic abuse from violence against women. The term "Violence Against Women," is a catch-all for all forms of violence against women; including (but not limited to) domestic abuse, sexual harassment, rape, forced marriage, "honour"-based violence, female genital mutilation, and trafficking.

Taking a gendered approach does not mean excluding men. It means recognising the fact that domestic abuse in our society is primarily and predominantly directed by men towards women. This is an inequality between the genders that can be, and ought to be resolved, in part, through gender-specific legislation.

Thus, Llamau endorses the view that: ***"Violence against women is an inequality that is gendered"***

Llamau cannot support any wording that gives the impression that Domestic Abuse or Sexual Violence is a gender-neutral phenomenon. There is no evidence

whatsoever to suggest anything other than women disproportionately experience domestic abuse or sexual violence purely by virtue of being women.

The Wales Violence Against Women Group, which Llamau is a supporting member of, states:

“It is clear from the research available and the experiences of service providers working with men that male victims of domestic abuse not only have a different level of need to women, but also require different kinds of services. There is broad agreement across men’s and women’s organisations that a gender-neutral approach is not helpful. It is a disservice to men to assume that male victims require the same services as existing women’s services, which have been developed over the last forty years with the specific needs and experiences of women in mind. Existing services and methodology of delivery must not be skewed in an attempt to meet men’s needs. Men’s experience of violence and abuse are different to women’s and they must be treated differently, with active efforts made to reach male victims and respond appropriately. For example, in the case of domestic abuse, men are significantly less likely to require refuge accommodation than women, and less likely to engage in the group self-help approach that works for women (but more likely to engage with informal but direct, non-social-work-driven contact). Neither are men a homogenous group; gay, bisexual and transgender men have different needs to heterosexual men.”¹

Ultimately, it is unhelpful to talk about the efforts to tackle violence against women as being somehow mutually exclusive to the efforts to tackle violence against men.

For the legislation to be effective, we need to clearly identify what the issue we are trying to tackle is exactly and to call it what it is. The Task and Finish Group that reported back to Welsh Government in August 2012 stated that the boundaries of the legislation should be delineated around violence and abuse that disproportionately affects women and children and that usually takes place within a close social setting².

There is no need for Wales to re-invent the wheel with definitions, and the non-gendered approach contradicts:

- a) how Wales has dealt with the issue in the past,
- b) both criminal justice and social policy approaches taken by the United Kingdom government,

¹ Page 23, *Priorities for the Violence Against Women (Wales) Bill*, Wales Violence Against Women Action Group.

² Page 9, Task and Finish Group Report on The Welsh Government’s proposed ‘Ending Violence Against Women and Domestic Abuse (Wales) Bill’: Recommendations from the Task and Finish Group – download from:
[http://www.cardiff.ac.uk/socsi/resources/Robinson%20et%20al%20\(2012\)%20Task%20and%20Finish%20Group%20Report.pdf](http://www.cardiff.ac.uk/socsi/resources/Robinson%20et%20al%20(2012)%20Task%20and%20Finish%20Group%20Report.pdf)

- c) international norms and definitions, such as those of the UN's committee on the Elimination of Discrimination against Women (CEDAW committee), and the Istanbul Convention (The European Convention on Combating and Preventing Violence against Women and Domestic Violence, which was signed by the United Kingdom in June 2012).
- d) The White Paper that was associated with the Bill (published in November 2012) describing the issue not as Gender-based Violence, Domestic Abuse and Sexual Violence, but as "Violence Against Women."

There is a general issue around data reliability and data validity within the group of public sector and third sector bodies that deal with violence against women. There is more discussion about this further on the response, but we would question the usefulness in this context of placing single-time incidences of verbal abuse in a domestic setting in the same category as multiple incidences of serious physical abuse. Data reliability and underreporting remain issues that are not adequately accounted for in the explanatory memorandum that accompanies the Bill, and the use of British Crime Survey figures which suggest a less pronounced difference between the genders, provide an evidence base which could allow for a non-gendered approach. The 5-crime cap in the British Crime Survey will blunt the reporting of the worst impacts of violence within the home, and it does not grade the impact of abuse.

- **Publication of national and local strategies**

The process of gathering evidence and assessing needs on a national and a local basis will be fundamental to whether the relevant authorities covered under this legislation are able to make a real change to the way that they work to combat this issue.

While we commend a legislative approach that encourages innovation and creativity in dealing with this issue at the local level, we are concerned that the relatively free hand given to local authorities and local health boards in determining how local strategies are developed may result in vastly different approaches and outcomes for victims. The process of issuing statutory guidance is most likely to be enacted if a local strategy is submitted to the Welsh Ministers and it is not good enough, although the process of evaluating the threshold for that is unclear. There is an opportunity to guide the process more firmly at this stage in order to make sure that local strategies that are created are effective from the beginning.

Currently, the evidence which informs much of our public policy around domestic abuse has indicators which often get reported on selectively, or are misinterpreted or decontextualized.

For example, we are often told that one third of domestic abuse victims are male, but that is correct *if* we consider an incident without regard to:

- a) the severity of the abuse;
- b) whether or not it is repeated;
- c) whether or not there are other overlapping forms of abuse; or
- d) the context of the abuse.

However distressing a one-off verbal incident within a relationship may be (and without negating the more serious violence that some men experience), this legislation can only be expected to address public bodies' responses to more serious forms of violence that result in murder, serious injury or extreme psychological abuse. This expectation is in line with the Task and Finish Group's approach.

It would be very easy to misuse the one-third statistic above for example, to argue on a local level that one third of domestic abuse provision should be reserved for men. Simply because a woman **can** be violent towards a male partner, and (we have seen) is often condoned by both men and women alike as being "less serious" than a man attacking a woman, does not mean that it **happens** on an equal basis, and that services ought to be provided that cater to both men and women on an equal basis.

From its experiences of providing refuge accommodation, Llamau knows that men and women access services differently, and have different needs during the different stages of the process. This is in line with Women's Aid's approach to the issue. This must be accurately reflected as part of a rigorous needs assessment and to make sure that where appropriate, provision for men is delivered in a way that is best suited for them.

Indeed, the Equality and Human Rights Commission has stated "The public sector equality duty does not mean that single sex services should be cut, have funding withdrawn or that any new services should not be funded. Neither does it mean that service should necessarily be provided on the same scale for both men and women. For example, because women make up the majority of victims of domestic violence and rape, it may not be appropriate for a local council to fund or provide refuge services on an equal basis for men and for women."³

While the legislation specifically covers the need for strategies to have objectives and actions, it is unclear whether that the legislation may encourage a redesign of the current funding provision through which domestic abuse support services are delivered (i.e., the Regional Collaborative Committees (RCCs) overview of SPPG). With a duty now placed on local authorities and local health boards, it is conceivable that a more strategic approach will involve an expanded process of commissioning for specialist services.

³ Equality and Human Rights Commission, <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/faqs-on-the-equality-duty/>

We have watched the English experience of commissioning of services at a local authority level for women and children who are experiencing violence or abuse. The wide variations in approach have caused many extremely well established refuges to close as they have been left behind in the commissioning process. Some areas have decided on arbitrary rules, such as only allowing women local to an area to use a local refuge, or have misinterpreted the Equalities Act and inappropriately required equal provision within refuges. Arguably in England, the fine balance between preventative and responsive services has tipped to an over-focus on the prevention side of work, which naturally leads to a reduction in funding for essential refuge services. Llamau is a proponent of good commissioning at the local area, with good quality best-practice guidelines for local service commissioners to follow when considering assessment of needs.

- **Appointment of a ministerial advisor**

Llamau is not concerned by the title of the role, nor of the (potential) trappings of office, but we would argue that the role as it stands in legislation is not independent enough to provide the proper oversight that the fight against violence against women requires. This could be rectified by allowing the adviser to oversee the national strategy and all local strategies, for example, with the ability to conduct an investigation when serious failings in a multi-agency public service response occur and deal with complaints about statutory services, in the manner of a commissioner. The task and finish group report recommends a commissioner⁴ and has a longer list of similar focus areas that the commissioner could have within their remit. This approach has the potential to make real change.

In its response to the White Paper, Llamau envisaged that role would be more of a Commissioner, possibly along the same lines as the Children's Commissioner. This approach has been discounted by Lesley Griffiths, Minister for Local Government and Government Business, as being too expensive, (the cost of maintaining offices and staff for a Commissioner could run to the £1m mark) and the adviser role has been created in order to be cost-effective and to simply provide advice to the minister and the department. It is unclear why this downgraded role needs to be legislated for as Welsh Ministers can appoint advisers already. We believe that the independence of this role is crucial to making a positive difference. We believe that there may be cost savings that could be made to allow a Commissioner role to more affordable.

In its consultation response to the White Paper, Llamau argued that the adviser's function would be extensive and a lot of influence would be placed in the successful candidate's hands. In and of itself, this is not a concern as long as the candidate appointed has a significant amount of expertise in all forms of violence against women.

⁴ Page 21, Task and Finish Group Report on The Welsh Government's proposed 'Ending Violence Against Women and Domestic Abuse (Wales) Bill': Recommendations from the Task and Finish Group

There still remains clarification about the exact role the adviser will take within government, which ought to be addressed as a matter of urgency. Questions around the independence of the role and its ability to challenge government decisions remain, and the answers presented to the Stage One Scrutiny Committee by the Minister have made the issue less clear.

Any potential barriers to the implementation of the bill and whether the bill takes account of them?

We are not aware of any impediments, legal or otherwise, that would stop the bill from being implemented.

However, the explanatory memorandum sets out how it imagines the local strategies will be implemented in practice. Llamau considers the Bill an opportunity to change the “business as usual” approach to tackling violence against women and to make it truly transformational. Part of this is about properly holding relevant authorities to account at the local level and to make sure that the outcomes that they are seeking to achieve at a local level have a connection with practical activities.

On pages 12 and 13 of the Explanatory Memorandum published alongside the Bill, it makes it clear that the duty to produce local strategies will be satisfied by being housed with the Single Integrated Plans (SIP), and this may be mandated by statutory guidance.

We have concerns around the capacity of local authorities to integrate local strategies into their SIPs, SIPs have many demands placed upon them, and each local authority’s SIP has been developed independently, within a very loose framework of guidance. Interim research⁵ has demonstrated the general lack of consistency of SIP development and local authority / local service board approach.

The research also shows that the “response analyses” (i.e., the path identified within SIPs to achieve specific outcomes) to particular issues do not have sufficient academic underpinning to demonstrate a cause and effect relationship between an intervention and an outcome. It is therefore important that LSBs, when considering revisions to their latest SIPs, have detailed guidance to ensure that issues connected to violence against women are considered in a uniform fashion across local authorities. It is also vital that appropriate approaches at the local level to deal with these issues are not restricted to an operational or process-based response (i.e., a new way of working), but is connected to a *relevant* population outcome indicator, and a clear understanding of how the intervention will help achieve the outcome.

The placement of a local strategy within the Single Integrated Planning Process raises additional questions around who has ownership of a local strategy and who would be ultimately responsible for the delivery of the strategy. While the legislation

⁵ <http://wales.gov.uk/docs/caecd/research/130919-single-integrated-plans-interim-evaluation-en.pdf>

is clear that it is the responsibility of a local authority and a local health board, the intended operationalization of the legislation makes this less clear.

Llamau would advocate for a learning process from the RCCs, which were set up to oversee SPPG, to understand how local responses have developed and local strategies have been delivered through commissioned services. The make-up of the RCCs is diverse and involves both commissioned service providers, local council representation, and some statutory service providers. The combined approach of co-commissioning with service providers, overview of SPPG spending in any given area and statutory responsibility to deliver service may prove fruitful in the long run.

Unintended consequences of the Bill

We are not aware of any unintended consequences of the Bill.

Financial implications

We do not have any comment on the processes used in the explanatory memorandum to estimate the financial costs of the various legislative options.

While the financial implications for not introducing the bill are extremely difficult to model, it is clear bill are clear. An estimate based on Sylvia Walby's methodology (the standard approach used by government to estimate the cost of domestic abuse) conservatively places the cost of just domestic violence in Wales at £826.4 million⁶.

As the explanatory memorandum states on page 62, the additional costs of the bill on top of current spending are between £1.1 million and £2 million per annum. Whilst it is difficult to quantify the benefits in financial terms, that is often not the point when making law in this area; and while we need to be realistic about how much money we have to spend, often this is about better utilising resources that already exist. An improved response to violence against women will ultimately make our society stronger and more equal.

Appropriateness of power of Welsh Ministers to make subordinate legislation

We believe that the power for the Welsh Ministers to make subordinate legislation through various means is appropriate. However, we believe that it would be appropriate for whatever guise the Ministerial Advisor may take in the future to be more involved and named specifically as part of the procedure of oversight of both the national and local strategies.

⁶ Puckett, D., (2014) *Gwent Domestic Abuse Pathfinder Project – 2013/14 Final Report*, pp15-16

Safer Wales

1 Introduction

1.1. Safer Wales would like to thank the Committee for the opportunity to provide evidence towards scrutiny of the 'Gender –based Violence, Domestic Abuse and Sexual Violence (Wales) Bill', which we applaud as a step forward for victims in Wales.

1.2. Safer Wales has over 17 years experience in developing and delivering evidence-based services for victims of Domestic Abuse, Sexual Violence, Women and Girls exploited through street based prostitution and Women offenders.

2 About Safer Wales

2.1 Safer Wales manages Women's Safety Unit which provides a fully qualified team of CAADA qualified Independent Domestic and Sexual Violence advocates to support women who are high risk victims of domestic abuse and sexual violence; developing the MARAC, Specialist Domestic Violence Court (SDVC) and the IDVA service.

2.2 Safer Wales developed the Safer Wales Dyn project, launched 2006. Safer Wales Dyn project is the lead project working with men experiencing domestic abuse and sexual violence. Dyn Wales Helpline and training to support services across Wales and the UK.

2.3 Safer Wales develops and delivers services to reduce violence, exploitation and slavery. Safer Wales StreetLife project works with women at risk of violence and exploitation, particularly women exploited through street-based prostitution. Safer Wales StreetLife provides outreach and intensive support and case management to improve personal and community safety reducing violence and abuse. Safer Wales StreetLife developed the Sex Workers Operational Team (SWOT): Safer Wales targeted prevention service for young girls reduces risks of child sexual exploitation through positive engagement, increased disclosure and access to learning.

Safer Wales is a member of the Violence Against Women Action Group and Welsh Women's Aid and we fully support their written evidence submissions in particular:

3 General Principles and purpose of the Bill: removal of Violence Against Women'

3.1. Safer Wales is disappointed with the loss of the term 'Violence Against Women' from the title of the Bill. Safer Wales feels its replacement with 'Gender Based Violence' has presented a gender neutral response to Domestic Abuse, Sexual violence, FGM,



Forced Marriage, crimes committed in the name of honour, slavery, stalking and harassment. All of which are crimes that disproportionately effect women and girls. *In Wales in 2013/14, there were **6,325** prosecutions for offences of violence against women and girls , with a conviction rate of 76.7%. Of these, **5,637** were cases of domestic abuse; **257** cases of rape, and **431** cases of sexual offences.*

3.2. Both domestic abuse and sexual violence are included within the internationally accepted understanding of what constitutes ‘violence against women’ along with other forms of violence and abuse which disproportionately affect women, such as female genital mutilation (FGM), women and girls exploited through street based prostitution, forced marriage, crimes committed in the name of ‘honour’, human slavery, stalking and harassment.

The current internationally accepted definition of ‘violence against women’ used by the United Nations, World Health Organisation, Crown Prosecution Service, UK Government and international governments is:

‘Any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’¹

This definition is particularly significant as it firmly places violence against women as a violation of women’s human rights and reflects international understanding of this. Safer Wales is proud of Wales taking a lead in this area, as recognised by the UN Rapporteur, however, we are concerned that the dilution of the title of the Bill may weaken the potential positive and pro-active international and local impact of eradicating violence against women and girls.

Safer Wales developed the Dyn project to support men who experience domestic abuse. Men and Boys will continue to experience domestic abuse and sexual violence and Safer Wales is strongly supportive of the principle that all victims should have access to effective, appropriate support services. Safer Wales recognition of all victims including children as victims is important to combat the harmful impact of such violence.

¹ United Nations: ‘Declaration on the Elimination of Violence against Women’, General Assembly <http://www.un.org/documents/ga/res/48/a48r104.htm>



Safer Wales feels that the inclusion of the term ending violence against women and girls does not detract from appropriate and effective victim services.

3.3. Safer Wales is concerned that the gender neutral term will mislead the public commissioners, and victims who access services across Wales. The success of the Womens Safety Unit and the Dyn project are that they are gender-informed; designed for women and men. Safer Wales believes that a gender neutral response will not engage with victims, or recognise the differences in women's and men's services.

3.4. The Safer Wales Dyn project developed an assessment tool, based on research, This assessment ensures that we are able to offer appropriate support to all victims based upon risk of harm, identification of primary victim, increasing safety and provide appropriate support for cases where counter allegations exist. Safer Wales' frontline delivery experience supports a direct difference of approach is required for men and women to maximise service effectiveness.

4 General principles and purpose of the Bill: role of the Advisor

4.1 Safer Wales welcomes the Advisor role and would strongly suggest that the proposed Advisor role has the authority to hold parties to account, with scope to issue sanctions should public authorities not comply. Safer Wales would suggest the setting up of an independent advisory group from specialist third sector organisations to inform and support the Advisor.

5 General principles and purpose of the Bill: omission of education and prevention

5.1 Safer Wales request that the Welsh Government ensure that prevention is at the forefront to prevent future victims of violence against women. Safer Wales recognises that the current curriculum review will consider domestic violence. However, Safer Wales supports embedding the prevention agenda at every level across the education system, incorporating a whole school approach. Safer Wales believes prevention needs to be set in statute, which will serve to support the curriculum review.

5.2 Safer Wales request that more work be done with boys to break the cycle of violence against women and girls including boys who have witnessed violence against women. Safer Wales recommend that the Welsh Government take the lead to do more work to ensure that boys are engaged with and specific programmes developed and



evaluated. Safer Wales recommends that more work be done, to challenge the root causes of violence against women which include; sexism and lad culture.

6 The financial implications of the Bill –Increased pressure on services

6.1 Increase in people accessing services due to increased public sector awareness through 'Ask and Act' and Welsh Government campaigns e.g. live fear free will put pressure on frontline services, particularly IDVA services. Safer Wales recognises that domestic abuse is costly to the Welsh economy. (Recent Wales figures on the cost of just domestic abuse on the Welsh economy was a total of £826.4 million, which included £303.5m [health care, criminal justice costs, social service, housing, legal and economic] and £522.9m [human and emotional costs]).² However, Safer Wales believes these costs will be mitigated in the long-term, by appropriate identification and response, beneficial for future generations. Safer Wales recommends compulsory audit of demand for services, relevant costs and where evidenced savings across public sector service areas.

6.2 Safer Wales would recommend that the Welsh Government reference the CAADA review of Domestic Abuse services in South Wales to support the influencing of commissioning of services in other areas across Wales.

6.3 Safer Wales would recommend that evidence based services be protected e.g. IDVA services and that the standards are maintained across the sector e.g. formal CAADA qualifications maintained and funded. Safer Wales would recommend that commissioners recognise an IDVA particular role and qualifications to ensure that consistency for victims across Wales is maintained. Safer Wales recognises that there will be an unlikely increase in funding, however it is vital that evidence based interventions are protected.

6.4 Safer Wales recommends that funding is sustained for evidenced based services for longer periods e.g. three to five years

Relate Cymru response to the draft Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill.

relate Cymru
y bobl perthynas
the relationship people

5th September 2014

Gwilym Roberts, CEO Relate Cymru.

About Relate Cymru

Relate Cymru is a national charity specialising in relationship support for individuals, couples and families. We work to promote health, respect and justice in couple and family relationships. Our vision is of a future in which healthy relationships are actively promoted as the basis of a thriving society in Wales.

Our aims are to enable people to engage in positive relationships for the benefit of themselves, their family and society by:

- Supporting individuals, their partners and families to make relationships work better;
- Delivering inclusive, high quality services that are relevant at every stage of life;
- Helping the public and policymakers understand what makes relationships flourish and why this is important for adults and the children and young people who live with them.

We work to enhance the health and wellbeing of adults and children by the promotion and provision of relationship support to improve the quality and resilience of couple, parental and family relationships and limit the damage caused by relationship breakdown.

We are submitting this response because we provide a unique menu of relationship support services that work with victims and perpetrators of domestic violence in alternative and complimentary ways to traditional domestic violence services.

Range of services

Relate Cymru works throughout Wales to build stronger relationships, limit the damage of relationship breakdown and help parents maintain appropriate relationships with their children following separation. Last year we supported over 4,000 families in Wales.

Relationship Counselling & Sex Therapy

- We work face to face, by phone and on-line with individuals, couples and families to help them explore their relationship problems and the reasons behind them. This includes relationship counselling for those affected by cancer (in partnership with Macmillan Cancer Support) where there is a disproportionate incidence of domestic abuse disclosed.
- For every £1 spent on relationship counselling there is a longer-term saving to the tax-payer of £11.40 (Department for Education (2014) *Relationship Support Interventions Evaluation*, Crown).
- Only 4% of relationship counselling clients report domestic violence or abuse on intake, after assessment we identify 33%.

Relate Cymru response to the draft Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill.

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- We provide brief intervention through our 'Responsive Model' to domestic abuse. This approach has received the British Association for Counselling and Psychotherapy (BACP) award for excellence.
- We work with families often before they recognise domestic abuse is present and before they access any other domestic violence specialist service. We are an open access, early intervention, preventative and front-line service.

Choose 2 Change perpetrator programme

- Our key priority is to increase the safety of women and children who are or have been experiencing domestic abuse.
- We deliver group and one2one perpetrator programmes with integrated partner support services in a variety of locations across Wales, aiming to assist perpetrators to change their behaviour and to support their partners/ex-partners and children throughout the process, making them safer.
- 90% of partner or ex partners report reduction in abuse.
- Perpetrator programmes reduce the cost upon the police, courts system, social services and domestic violence services.
- There are very few programmes for non-convicted perpetrators available throughout Wales.
- We offer the only fully Respect accredited programmes in Wales.

Training and Education

- We provide training courses to professionals and the public,
- Our offer includes parenting information programmes for separating parents delivered under contract with CAFCASS Cymru.
- A popular range of courses enables professionals to identify and tackle abusive behaviour of children and young people towards other young people or adults.
- We also deliver training and on-going supervision for organisations wishing to establish perpetrator programmes.

Family Mediation

- We work throughout north Wales with separating couples dealing with disputes relating to children, property and/or finance. We have a contract with the Legal Services Commission to provide publicly funded mediation and the service is also available to fee-paying clients.
- Mediation is quicker and cheaper for parents than court battles and in the long-term reduces the cost upon the court system and is better for children.
- 40% of Family Mediation clients have named domestic violence as one of the contributing factors to the relationship breakdown.
- Many of our mediation clients do not access perpetrator or victim services elsewhere.

Child Contact Services

- We deliver Supervised and Supported Contact services in north Wales that ensure safe access to parents for children.

- We assist families to maintain relationships where one or more parent has been assessed as a risk to the child.
- On average, 70% of supervised contact clients have reported domestic violence within the co-parent relationship.

Our expertise and the focus of our submission

Relate Cymru does not tend to work with clients experiencing forced marriage, female genital mutilation or 'honour-based' violence so we will not comment on these issues. We would note that childhood sexual abuse is commonly reported by our clients and often leads to relationship and sexual problems as adults. The focus of our submission will be domestic violence and abuse (DVA). We will outline some themes that we think are important to this Bill. It is our intention that this will help the committee understand some of the complexities of tackling DVA.

Is DVA a 'relationship problem'?

Many clients seeking relationship support, especially couple counselling, bring issues of (what we would identify as) DVA. The majority of the population do not approach DVA with an awareness of feminist theories of power and control but instead use the language of relationship problems; 'he gets angry' or 'she never listens'. The majority of DVA presented at counselling is coercive control.

Although Relate's services, particularly couple counselling and perpetrator programmes are underpinned by feminist theory, we need to accommodate the common language of the general population in order to provide an accessible service to all whilst being mindful of ensuring the safety of all concerned. Our priorities for clients are to:

- Increase the safety of victim/survivors and their children.
- Prevent DVA occurring/re-occurring.
- Help abusers to be accountable for their abusive behaviour.

Gender based violence

We note the change in terminology from 'violence against women & girls' to 'gender based violence'. We hope that this change in emphasis does not lead to a 'one-size-fits-all' approach when planning services and that it does not result in a reduction of funding to specialist services for women fleeing violent relationships. The data around DVA is well known and we would hope that any guidance to Local Authorities acknowledges violence against women is the most prevalent form of gender-based violence.

We work with clients presenting with DVA, both perpetrators and victims (sometimes clients presenting as both); in same sex relationships, between family members, men who are abused by women as well as women abused by men. Our services help clients deal with their DVA in later life and whilst living with cancer. We know that characteristics such as age, ethnicity, sexual orientation and class have little influence on how likely we are to experience DVA.

Relate Cymru response to the draft Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill.

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We know that, as a general rule, men and women require different approaches to support. Relate have worked with the Men's Health Forum to highlight the barriers men face when seeking relationship support. Although this is not specifically in the context of DVA, it nevertheless helps us to identify the best ways in attracting men and women to access support. One key finding was that men have a tendency to want to "solve problems" whilst women want to discuss change and understand why things have happened. This desire to "solve problems" can often result in unrealistic expectations of counselling by men.

Men often wait to access support for their relationship until there is a trigger or crisis in their relationship or permission has been conferred by friends or family whilst women tend to notice strains in the relationship earlier. We have started to address this difference in need through our site www.wheresyourhead.org.uk and the report, 'Try to see it my way', which explores men's attitudes to help-seeking in general and more specifically about relationship support. <http://www.relate.org.uk/policy-campaigns/publications/try-see-it-my-way-improving-relationship-support-men>

There are opportunities for (Welsh and English language) on-line resources which will help to deal with the significant increased interest in getting help following the introduction of routine questioning as outlined in this Bill.

Early intervention & those currently at 'low risk'

We believe that early intervention is key to reducing the longer-term societal and financial costs of DVA. Early interventions should include Relationships Education in schools and we note that this is not included in the Bill. We have submitted evidence to the Curriculum Review and hope that colleagues work closely to ensure a joined-up approach. Work-place interventions provide another way to access high numbers of people in order to raise awareness.

Both our counselling services and perpetrator programmes attract clients early in their DVA journey. It will be important to identify a range of services in Wales that a high proportion of 'low-risk' clients access in order to deliver appropriate early interventions. Offering support to perpetrators and victims early, in ways that they 'buy-in' to is vital.

One challenge for all organisations is how to use the right language to attract the right clients at the best time. To label a service as being for 'Domestic Violence' may not appeal to clients who do not initially consider their situation abusive. We continue to identify the best messages to encourage people to access support, 'helping with relationship problems' seems to be an effective way of attracting clients earlier (before crisis point).

Relationship counselling is a service attracting about 50/50 men and women and a service that is likely to be accessed by 'lower-risk' victims and perpetrators (including those in same-sex relationships). These are clients who would be unlikely to access DVA crisis services. Once it is identified, however, it is important to provide a joined-up, safety-focussed service.

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An important outcome of our approach to DVA in relationship counselling has been in helping clients identify that the behaviour of their current or past partner has been abusive. It is common for clients to view physical violence as unfortunate and emotional abuse/financial abuse/coercive control as being normal.

Relate Cymru will only work with couples/families when it is safe to do so. For couple counselling, our 'Individual structured interview' process assesses whether we can work with couples where DVA has been disclosed or suspected. Clients have an opportunity to talk to the counsellor one-to-one and we identify the types of abuse, if it is current or historical and if the more powerful person is taking responsibility for their actions.

For our Choose2Change programmes, the partners we have supported have often been those who were unlikely to have been in contact with other support services for victims. The majority report that they appreciate the whole-family approach. These programmes therefore help to extend the reach of the local coordinated community response to victims as well as perpetrators.

The benefit of non-court-sanctioned perpetrator work is that clients are more likely to stay with the programme and more likely to reduce their abusive behaviour than those referred to programmes post-conviction.

Accredited approaches

We believe that in order to ensure a consistent approach throughout Wales which works, services should conform to quality standards and, where possible, they should be accredited.

Better protected children

The majority of Relate Cymru clients presenting with DVA are parents. The negative effects of living with DVA on children are well documented. We suggest that a range of approaches to tackling DVA with new parents needs to be a strategic priority in Wales.

Choose2Change receives referrals from Cafcass (England) in relation to cases involved in private proceedings where the perpetrator lives in Wales. Where Cafcass have agreed to pay for their client to attend, Respect Accreditation has been essential. Cases being dealt with by Cafcass Cymru are currently not able to access a service unless they can self fund. We believe that this needs to be addressed.

We would suggest that this Bill could be used to remove the 'reasonable punishment' defense for physical punishment of children in Wales. Government have made a commitment to look further at the issue of banning physical punishment during this Assembly term, ideally on a cross-party basis. This Bill provides an excellent opportunity to achieve a positive change in legislation. We believe that while hitting children remains legal there can be no consistency of approach in either prevention or protection from violence and abuse.

Funding & Pooling resources

We welcome the intention to improve the joined-up approach to tackling DVA in Wales. Like many other policy areas, a challenge for Wales (and organisations that work throughout Wales) is to allow planning and commissioning to happen on a regional basis whilst at the same time ensuring consistency of access to good quality services for people throughout the country.

A challenge for national and local decision makers will be to identify how much DVA costs them (housing, A&E, loss of earnings etc) and to pool resources between diverse departments in order to ensure that crisis demand is reduced in the longer-term.

One of the biggest challenges to third sector providers is the short-term funding available. Our hope is that this challenge is addressed in the National and Local guidance proposed in the Bill. Relate Cymru deal with issues that are cross-cutting, eg. mental health, children & families, older people, poverty, criminal justice. There is currently no specific thinking in Wales about the importance of relationships as a theme and relationship-specific funding is difficult to identify. Relate Cymru have experienced a 70% cut in state funding over the last 3 years and as a result, clients are less able to access relationship support in Wales. Local Authorities appear unwilling to fund perpetrator work but we are hopeful that Police & Crime Commissioners will do so. It is our hope that a consistent approach to commissioning services at national and local levels will be outlined in the guidance.

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**Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill:
Stage 1**

Response from: The Survivors Trust Cymru

**INQUIRY INTO THE GENERAL PRINCIPLES OF THE GENDER-BASED VIOLENCE,
DOMESTIC ABUSE AND SEXUAL VIOLENCE (WALES) BILL**

**SUBMISSION BY THE SURVIVORS TRUST CYMRU AND FULL MEMBERS IN
WALES**

The Survivors Trust is a confederation of over 130 voluntary and charitable organisations in the United Kingdom and EIRE, all of whom provide comprehensive counselling, emotional support/help, information and advice to victims/survivors of rape and sexual abuse, including childhood sexual abuse. It is the largest network of agencies delivering rape and sexual abuse support services within the UK.

The five specialist voluntary sector organisations in Wales who provide counselling, help and support to victims/survivors of rape and sexual abuse are full Members of The Survivors Trust. A sixth organisation which provides ISVA Services to victims/survivors in Torfaen is a guest member of The Survivors Trust.

These organisations are as follows:

Full Members: New Pathways, Mid Wales Rape Support Centre, North Wales RASASC, Stepping Stones and SEREN.

Guest Member: Torfaen Women's Aid.

The Survivors Trust operates in Wales as Survivors Trust Cymru.

In Wales, Survivors Trust Cymru is represented on the following:

- Wales Government SARC Planning Group
- Wales Government Content Development Group
- All Wales SARC Group
- pan Gwent Domestic/Sexual Violence Forum

- pan Gwent Sexual Violence Strategy Task and Finish Group
- pan West/Mid Wales Regional Domestic Violence Forum
- pan North Wales Domestic/Sexual Violence Forum
- Merthyr Tydfil Domestic/Sexual Violence Forum
- Swansea DV Forum
- Powys DV/SV Forum
- Merthyr/RCT Sexual Violence Strategy Working Group
- Gwent Police Rape Steering Group
- All Wales Violence against Women and Girls Action Group
- Community Justice Cymru
- South Wales Domestic Abuse and Sexual Violence Strategic Group and associated Working Groups

SECTION 1: MISCELLANEOUS MATTERS OF CONCERN TO SURVIVORS TRUST CYMRU

1. Definition of Sexual Violence

We feel that the definition “Sexual Violence” is confusing and could be improved.

We suggest that the existing definition is replaced with the following definition:

“Sexual violence” means rape and sexual assault, sexual abuse, sexual exploitation, sexual harassment, grooming or threats of violence of a sexual nature.

If our new definition of “Sexual Violence” is accepted, we further suggest that the following definitions are introduced/also amended:

“rape and sexual abuse” means something which is done to or in respect of a person which:

- (a) involves the commission of an offence under Part 1 of the Sexual Offences Act 2003 (c.42), as it has an effect in England and Wales, or
- (b) would involve the commission of such an offence if it were done in England and Wales

“Sexual exploitation” means any actual or attempted abuse of a position of vulnerability,

differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

“Sexual harassment” means any unwelcome physical, verbal or non-verbal conduct of a sexual nature (whether directly or by implication) and includes but is not limited to physical conduct and advances, a demand or request for sexual favours, sexually orientated remarks or showing or displaying pornography.

“Grooming” means actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in order to sexually abuse the child.

Please note that the term “sexual harassment” and “grooming” whilst used in the current definition of “sexual violence” are not specifically defined in the Act.

2. Equal Consideration of Domestic Abuse, Gender Based Violence and Sexual Violence

We still have some concerns that the Bill and its functions remains too Domestic Abuse orientated and consider that there needs to be a clearer understanding and appreciation of the other categories covered by the Bill, Gender Based Violence and Sexual Violence in all its forms. Some of our concerns in this regard are detailed below.

In page 12 of the Explanatory Memorandum point 26 refers to the Single Integrated Plans and states “The consideration is usually confined to domestic abuse, with little consideration of wider issues of Gender Based Violence and Sexual Violence”.

When looking through examples throughout the supporting documentation to the Bill, such as pages 8, 9 and 10 of the Explanatory Memorandum, which refers to prevalence, costs and previous policies, they predominantly illustrates the situation for Domestic Abuse and excludes Gender Based Violence and Sexual Violence.

We hope that, particularly in terms of the National Strategy, Local/Regional Strategies, National Indicators, Training and “Ask and Act” that gender based violence and sexual violence will receive equal attention and prominence when viewed against and in relation to domestic abuse.

We would also ask that our concerns in relation to the appointment of a single, Ministerial Adviser (see 3. Below) are given due consideration.

3. Purpose and Intention of Bill (Section 33 of Explanatory Memorandum)

Section 33 of the Explanatory Memorandum states that *“The Welsh Government’s principal policy aim in this area is to reduce the rates of gender-based violence, domestic abuse and sexual violence in Wales”*.

We fully support this aim.

However, we believe that gender-based violence, domestic abuse and sexual violence will never be fully eradicated and it is likely that each form of violence will affect many thousands of women, men, girls and boys in Wales for the foreseeable future.

Our member agencies report that referrals have increased by 50% over the past 2 years and that there has been ~~in~~ a sustained increase in people seeking counselling, help and support. The Bill should support actions to ensure appropriate services are available to victims/survivors of sexual violence.

This being the case, it is fundamentally important that we strive to ensure that consistent, quality and joined-up services are available to all victims/survivors of gender-based violence, domestic abuse and sexual violence, when they need them and close to where they live.

We would therefore wish the aim to *“improve the availability, consistency and quality of services available throughout Wales for victims/survivors of gender-based violence, domestic abuse and sexual violence”* to be added as a second principal policy aim.

4. Joint Preparation and Publication of Strategies (Section 35 of Explanatory Memorandum) and Establishment of Forums and similar bodies to address gender based violence

The specialist voluntary sector in Wales plays a unique role in providing counselling, help and support to victims/survivors of rape and sexual abuse. In fact, it is fair to say that victims/survivors of rape and sexual abuse, as a matter of course, look to the specialist voluntary sector in Wales to provide the counselling, help and support that they need.

The unique role that the specialist voluntary sector in Wales plays in providing services to victims/survivors of rape and sexual abuse is arguably not properly understood by the Public Sector in Wales. It follows that the availability of services and the detailed needs of victims/survivors of rape and sexual abuse is also not properly understood by the Public Sector in Wales. We believe this situation is compounded by the poor reporting rate amongst survivors of sexual violence which results in a misleading problem profile for service provision.

We believe that it is fundamentally important to ensure that the specialist sexual violence voluntary sector operating in Wales is consulted by the Wales Government, Local Authorities and Health Boards to enable an appropriate understanding to be gained of the prevalence of rape and sexual abuse in Wales, the type of services that are available and where services are provided. This will help ensure that an appropriate level of knowledge and awareness of prevalence and need is gained which can then be used when developing national, regional and local strategies.

In our view, it is fundamentally important:

- When local/regional strategies which, in whole or in part, deal with matters relating to rape and sexual abuse are initially discussed, planned and then introduced that the specialist sexual violence voluntary sector in Wales is fully consulted and involved and invited to be a full member of any forums or groups established for that purpose;
- When Local and Regional Forums are established to consider and plan responses to rape and sexual abuse that the specialist sexual violence voluntary sector in Wales should be afforded full membership of and be allowed to play a full part in the Local/Regional Forum or similar body established. More effective outcomes will be achieved if membership of Local/Regional Forums is extended to include specialist sector services who have detailed and specific information about the prevalence of rape and sexual abuse and the service needs of victims/survivors in the area to work alongside senior public officials.

The National Strategy to be created pursuant to the Bill should impose clear and appropriate mandatory duties on the Public Sector to, as outlined above:

- Fully involve the specialist rape and sexual abuse voluntary sector in Wales in the planning and implementation of local/regional strategies; and
- Ensure that members of the specialist rape and sexual abuse voluntary sector in Wales are included as full Members of local and regional Forum and similar groups/bodies established.

5. National Indicators

We very much welcome the plans to introduce National Indicators.

We hope that the National Indicators introduced will afford equal priority to gender based violence, domestic abuse and sexual violence.

We also hope that when the National Indicators are considered, planned and drafted, that the specialist rape and sexual abuse voluntary sector in Wales will be fully consulted and allowed to be fully involved.

It is very important that Local Authorities and Local Health Boards can be scrutinised in their achievement or otherwise of the national indicators. The independence and authority of the Ministerial Advisor is key to this.

6. **Children** – There are no age restrictions/limitations placed within the Bill or supporting guidance. However, the only explicit reference to children in point 41 (page15) of the Explanatory Memorandum states that “The Bill and any guidance will seek to support and complement existing safeguarding procedures concerning children under the age of 18, it will not replace them.

Pages 26 and 27 of the supporting guidance refer to safeguarding children, interventions

and young people in abusive relationships. This is heavily domestic abuse focused and does not go far enough to 'support and complement existing policies for safeguarding children'.

Given the number of adults in Wales (over 500,000) that we estimate have experienced sexual abuse in their lifetime and the constant flow of current cases being exposed there is a good case for explicit reinforcement of the expectations and responsibilities with regards to children and sexual violence.

We would like wording within the Bill and supporting documents to explicitly state that child abuse includes rape, sexual exploitation, ritual abuse and all offences under the Sexual Offences Act 2003 are issues that need to be responded to as a child protection issue. All professionals that suspect child abuse should employ the safeguarding procedures available. The Survivors Trust along with other agencies in the UK is asking for mandatory reporting of known and suspected child abuse in Regulated Activities. Mandatory reporting (also known as Daniel's Law) has the support of Shadow Ministers in the UK government. This needs to be included in the Bill.

A hugely important area that we also feel is necessary to highlight within the Bill and guidance is that children ages between 16-18 also need to be responded to with Safeguarding procedures. This is a group that is often seen to sit outside children's services and adults services remits. However, it is an age group that is at particular risk for all forms of violence and abuse and as such needs to have protection and support.

7. Section 1 (1) (a) – no details of prevention measures yet provided in the Bill or Explanatory Memorandum. Education a key element of prevention is also obvious by its absence.

TST Cymru supports the development of 'A Whole Schools Approach' throughout primary and secondary education in Wales. This includes a School's Champion and a school's specific policy which ensures that each the school can manage in an appropriate and professional manner issues relating to sexual abuse, gender based violence and domestic abuse either in young people's relationships, in the home or externally such as sexual exploitation. In addition, 'Healthy Relationships' should be a compulsory part of the curriculum throughout a child's school life. Individual schools in Wales have developed this approach with Ysgol Gymraeg Plas Mawr being an excellent example of best practice.

We would like to see the Bill impose a clear and mandatory duty on all Local Authorities in Wales to introduce and develop the measures we have outlined above.

SECTION 2: SPECIFIC MATTERS FOR COMMENT SPECIFIED BY THE COMMUNITIES, EQUALITY AND LOCAL GOVERNMENT COMMITTEE

1. THE PUBLICATION OF NATIONAL AND LOCAL STRATEGIES

We very much welcome the proposals to introduce a National Strategy.

We hope, to ensure clarity and to ensure that gender based violence, domestic abuse and sexual violence each receive the attention they deserve and are treated equally and fairly, that the National Strategy will contain sections which deal with gender based violence, domestic abuse and sexual violence separately and individually.

We also hope that the National Strategy will impose a clear and unambiguous mandatory duty on Public Bodies in respect of the Local/Regional Strategies that they will introduce to either:

- Introduce a Strategy that contains sections which deal with gender based violence, domestic abuse and sexual violence separately and individually; or
- Introduce separate strategies for gender based violence, domestic abuse and sexual violence.

In our experience to date, the task of formulating such Local Strategies has fallen upon the local Domestic Violence Co-ordinator. Local Domestic Violence Co-ordinators, generally speaking and quite understandably, have a far greater knowledge of domestic violence than of say sexual violence. This greater knowledge of domestic violence tends sometimes to be evidenced quite reasonably in the local strategies that are produced with the result that matters relating to sexual violence are not dealt with or addressed as arguably they should be.

There is a real danger that this problem will be evidenced in the National Strategy and the local/regional strategies produced pursuant to the National Strategy unless the National Strategy contains sections which deal with gender based violence, domestic abuse and sexual violence separately and individually and the local/regional strategies produced: (i) contain sections which deal with gender based violence, domestic abuse and sexual violence separately and individually; or (ii) have separate strategies for gender based violence, domestic abuse and sexual violence.

Given that there is under-reporting and issues with disclosure for many of the issues covered by the Bill and that the strategies will be informed by needs assessments there needs to be a duty placed on Local Authorities and Local Health Boards to ensure a pathway for care and support for victims and survivors of abuse, violence and intimidation at some point in their lives regardless of where they live, their gender or age.

2. THE APPOINTMENT OF A MINISTERIAL ADVISER ON GENDER-BASED VIOLENCE, DOMESTIC ABUSE AND SEXUAL VIOLENCE.

We are pleased that a position which has a statutory advisory role will be created by way of the appointment of a Ministerial Adviser.

We are however concerned that the scope of the functions to be performed by the Ministerial Adviser and the wide-ranging work which is anticipated will be undertaken by the Ministerial Adviser will result in unreasonable demands being made of one person, particularly if they are to work without staff or offices, and they will be expected to work directly with Welsh Ministers, the whole of the Public Sector in Wales and the whole of the Voluntary Sector in Wales to ensure ownership at a strategic level by Local Authorities, Local Health Boards and other key stakeholders throughout Wales of the important matters identified in the Bill relating to gender based violence, domestic abuse and sexual violence.

We are also concerned that one person could not reasonably be expected to have an extensive knowledge of gender based violence and domestic abuse and sexual violence. It is likely that the person appointed to the position of Ministerial Adviser will have significant knowledge and experience of one of the key areas and a little knowledge of the other two. This, in turn, could well lead to the person appointed as Ministerial Adviser, intentionally or unintentionally, favouring the key area of which she/he had considerable knowledge and experience. This could lead to for example to domestic abuse being preferred to gender based violence and sexual violence and the aims and ambitions of the Bill only being truly promoted and attained in respect of one of the three key areas.

We believe that our concerns as detailed in the 2 preceding paragraphs highlight serious potential issues which merit serious consideration at an early stage.

In order to maximise the chances of the appointment of a Ministerial Adviser achieving the outcomes anticipated by the Bill, we feel that it is highly desirable that an appropriate underlying structure which is robust and appropriate is introduced to provide advice, support and assistance to the Ministerial Adviser.

In this context, we would advocate that the Ministerial Adviser is supported by three national specialist Deputy Advisors. We recommend that the three national specialist Deputy Advisors should report to the Ministerial Adviser. We envisage that one Deputy Advisor would have a speciality in domestic abuse, another Deputy Advisor would have a speciality in rape, sexual abuse and other forms of sexual violence, whilst the remaining Deputy Advisor would have a speciality in other forms of gender based violence.

Furthermore if the responsibility for ensuring the effectiveness of the national and local strategies and the measure and evidencing of attainment of the national indicators is to be within the responsibility for the Adviser then the role needs to be independent. A commissioner would be better placed to achieve this or at the very least an external advisor.

3. POTENTIAL BARRIERS TO THE IMPLEMENTATION OF THESE PROVISIONS AND WHETHER

THE BILL TAKES ACCOUNT OF THEM

- As previously mentioned it is of vital importance that the implementation of the Bill is supported by expert knowledge and understanding of gender based violence, sexual violence and domestic abuse. Without this informed understanding the strategies, indicators and other provisions of the Bill are at risk of being ineffective and therefore not achieving the principle aims of the Bill. It is key to the successful development of the provisions of the Bill that there is a duty to consult with and involve expertise that lies outside the Public Sector and within the voluntary sector.
- We welcome the prominence given to “Ask and Act” in the Bill. We also support the recognition of the importance of training for staff to enable them to undertake this intervention with skill and confidence.

We are however concerned that monies might be unavailable to enable a public body or the voluntary sector to “Act” when “Asking” reveals abuse and a victim/survivor needs help and support. This might be a particular concern in relation to sexual violence where victims/survivors who reveal that they need counselling, help and support will inevitably be referred to the specialist voluntary sector operating in Wales. Currently there are waiting lists of 4 months to 2 years for counselling among the specialist sexual violence providers in Wales. It is to be expected and welcomed that successful ask and act interventions will increase the numbers of people coming forward. There needs to be confidence for staff asking the question and people being asked that they will receive support in a short space of time. Without this we risk re-victimising people through secondary traumatisation and placing them in the position of having to again try and cope with issues that they have developed coping mechanisms (to some extent) for.

The proposed multi-agency care pathway appears to be a very good idea. However, it will only work if all appropriate agencies (public sector and voluntary sector) are involved in the planning and ongoing implementation of the different care pathways that will need to be devised and introduced to meet the needs of victims of various and differing forms of Gender Based Violence, Domestic Abuse and Sexual Violence and if all those involved co-operate with each other.

4. WHETHER THERE ARE ANY UNINTENDED CONSEQUENCES ARISING FROM THE BILL

- A delay in implementation of National Strategy;
The national strategy will be published ‘no later than 6 months after the date on which the first general election is held’. This suggests a significant amount of time may elapse before the Strategy will be published and then implemented and acted upon. The National Strategy is the key element of the Bill and it seems that not very much will happen until it is published. It is therefore concerning that the likely delay in publishing the Strategy will inevitably have a detrimental impact on the momentum, motivation and expectations that have been established and may lead to a period of inertia, disappointment and frustration, particularly amongst service providers.

- Delay in LA's attempting to draft and implement Local Strategies;
The Local Strategies need to be published 'no later than one year after the date on which the first ordinary election is held' The reorganisation of Local Authorities will also have an impact. In reality this means that the strategies will be implemented several years from now. Victims and survivors need and are deserving of the necessary changes sooner.
- There are clear concerns that the Bill and its implementation at a national, regional and local level may favour or be more informed by an understanding of one but arguably not two or of all three of the three forms of violence identified or mentioned in the title of the Bill. If our concerns are justified, this will clearly have a detrimental impact on victims of the one or two forms of violence that are perhaps less well understood and treated and also on those voluntary sector organisations that serve them.

Our concerns in this context, if they prove to be well founded, may lead to one or two of the forms of violence identified or mentioned in the Bill being less well favoured in national, regional or local strategies. This could lead to an unfortunate and confusing situation arising and to it being generally accepted that all three forms of violence are being catered for and addressed when in fact this is not the case. The consequences of this happening would be serious for the victims/survivors of those forms of violence that were disadvantaged and those voluntary sector organisations that support them. It is therefore fundamentally important ~~key~~ that a clear and mandatory duty is placed on Local Authorities and Local Health Boards to have effective pathways and policies in place for all forms of violence and that the National and Local Strategies are informed by consultation with those who have expertise on each form of violence.

5. FINANCIAL IMPLICATIONS OF THE BILL (AS SET OUT IN PART 2 OF THE EXPLANATORY MEMOR

As previously mentioned we are concerned about the limited monies available to increase resources and the subsequent strain on the limited resources that are available by the introduction of "Ask and Act". The increase that has occurred in demand for specialist violence services in the last 2 years has been, to a large extent, for counselling which in most parts of Wales is provided by the specialist voluntary sector. Currently there are waiting lists of 4 months to 2 years for counselling among the specialist sexual violence providers in Wales. It is to be expected and welcomed that successful ask and act interventions will increase the numbers of people coming forward. There needs to be confidence for staff asking the question and people being asked that they will receive support in a short space of time. Without this we risk re-victimising people through secondary traumatisation and raising issues that they have developed coping mechanisms (to some extent) for.

The Bill itself and the campaigns by Welsh Government such as 'Making a Stand' will, as is the intention, generate an increased awareness. This will also increase demand for services from victims/survivors. We would hope that the Welsh Government will issue guidance to commissioners who provide or commission services and that the guidance issued will be

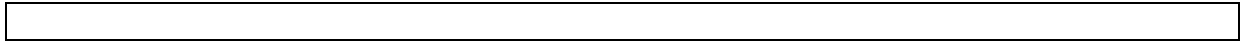
based on a credible understanding of unmet need for services to victims/survivors. This concept should also be included in any guidance issued by the Wales Government in relation to the development of the Local Strategies.

It is widely acknowledged that victims and survivors of all forms of abuse and trauma will look for support in other services unaware or reluctant to disclose their real needs and seek specialist support. Guidance also needs to be provided to primary health care services, substance misuse services and others to provide appropriate support/ commissioning appropriate services for victims and survivors accessing these services. This will also, in the long term, lead to cost savings for services. For example, The World Health Organisation estimates that up to 60% of women in the UK mental health service population have been sexually abused in their lifetimes and 20% of victims/survivors of sexual violence will use health services in the first year but by the second year, 50% are “heavily embedded” in the health system. The mental health issues range from anxiety and depression to serious self-harm and suicide. This inevitably has a cost for the health service. The Cross-Government Action Plan on Sexual Violence and Abuse reported that the cost of sexual violence to society was £8.5 billion in 2003-4 alone. If people are able to get appropriate specialist support and to get that support earlier money will be saved.

6. THE APPROPRIATENESS OF THE POWERS IN THE BILL FOR WELSH MINISTERS TO MAKE SUBORDINATE LEGISLATION (AS SET OUT IN CHAPTER 5 OF PART 1 OF THE EXPLANATORY MEMORANDUM)

Our views are as follows:

- (a) Sections 5(3)(b) to 5(5) of the Bill refer. These sections seem to indicate that the Wales Government may direct a Local Authority/Local Health Board to “review their local strategy” but cannot insist that they do so. If an event occurs that is serious enough to warrant the Wales Government insisting that a Local Authority/Local Health Board reviews its local strategy, it seems that it would also be appropriate for the Wales Government to have the power be able to insist that a local strategy is amended by a Local Authority/Local Health Board as required by the Wales Government.
- (b) It would be helpful if the scope of the statutory guidance that can be issued by the Wales Government pursuant to Section 12(1) of the Bill, as outlined in Section 12(2) of the Bill, could be extended to enable such statutory guidance to require a Local Authority/Local Health Board to have or to gain an appropriate understanding of the prevalence of gender based violence, domestic abuse and sexual violence in the area of the relevant authority, the adequacy of services available to victims/survivors and where services are available to victims/survivors.
- (c) In terms of Section 6(1) of the Bill, we feel that it is important that when considering and in producing a local strategy that a Local Authority and a Local Health Board must be placed under a duty to gain and have a clear understanding of the prevalence of gender based violence, domestic abuse and sexual violence in the area of the relevant authorities, the adequacy of services available to victims/survivors and where services are available to victims/survivors. We consider this to be fundamentally important



Eitem 4

25 Medi 2014 – Papurau i'w nodi

| Rhif papur: | Mater | Oddi wrth | Cam gweithredu |
|-----------------------------------|---|---|---|
| Papurau cyhoeddus i'w nodi | | | |
| 8 | Bil Trais ar Sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru) | Gweinidog Llywodraeth Leol a Busnes y Llywodraeth | Ymateb i gais y Pwyllgor Cyllid am eglurhad pellach ar oblygiadau ariannol y Bil. |
| 9 | Bil Trais ar Sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru) | NSPCC Cymru | Rhagor o wybodaeth am enghreifftiau lle mae Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn wedi cael ei ddefnyddio ar gyfer deddfwriaeth cam-drin domestig. |

Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LF/LG/0800/14

Jocelyn Davies AC
Cadeirydd, y Pwyllgor Cyllid
Cynulliad Cenedlaethol Cymru
Caerdydd, CF99 1NA

29 Awst 2014

Annwyl Jocelyn,

**BIL TRAIS AR SAIL RHYWEDD, TRAIS DOMESTIG A THRAIS RHYWIOL (CYMRU) – Y
PWYLLGOR CYLLID – CAIS AM WYBODAETH BELLACH**

Diolch am eich llythyr dyddiedig 29 Gorffennaf 2014 yn gofyn am eglurhad pellach ar oblygiadau ariannol Bil Trais ar sail Rhywedd, Trais Domestig a Thrais Rhywiol (Cymru) ("y Bil"), sy'n destun gwaith craffu gan y Pwyllgor Cyllid ar hyn o bryd. Mae fy safbwyntiau mewn ymateb i bob un o'ch pwyntiau i'w gweld yn Atodiad A.

Fy ngweledigaeth ar gyfer y Bil hwn yw, yn y dyfodol, na fydd dioddefwyr trais ar sail rhywedd, trais domestig a thrais rhywiol bellach yn gorfod mynd ar hyd llwybrau gofal anodd ac y byddant yn gallu dod o hyd i wasanaeth a all eu helpu. Bydd dioddefwyr hefyd yn gallu cael gwasanaethau gan weithlu medrus ac ymwybodol, a fydd yn ymateb yn effeithiol ac yn rhoi cymorth arbenigol yn gyflym. Rwyf hefyd eisiau bod dioddefwyr yn cael gwasanaethau arbenigol sydd o'r un ansawdd waeth ble y maent yn cael eu darparu, ac y bydd y gwasanaethau hyn yn rhan o bartneriaeth gydweithredol o weithwyr proffesiynol a all ymdrin â holl anghenion dioddefwyr.

Hyderaf y bydd yr wybodaeth hon yn helpu'r Aelodau i graffu ar y Bil, ond mae croeso i chi gysylltu â mi os bydd gennych unrhyw ymholiadau pellach neu os bydd angen gwybodaeth bellach arnoch am unrhyw agwedd ar hyn.

Rwyf hefyd yn anfon copi o'r llythyr hwn at Christine Chapman AC, Cadeirydd y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol.

Yn gywir

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AC / AM

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business

Atodiad A

Pwynt 1 – Cyllid ychwanegol yng nghyllideb Llywodraeth Cymru

O ystyried bod y costau ychwanegol i Lywodraeth Cymru ar gyfer bob blwyddyn o 2015-16 i 2017-18 yn amrywio rhwng £0.4 miliwn a £0.5 miliwn, byddai'n ddefnyddiol cael eglurder ynghylch a yw'r cyllid ychwanegol a ddyrannwyd yn ddigonol i fodloni gofynion y ddeddfwriaeth, yn enwedig o gofio y rhagwelir y bydd y broses o weithredu'r Ddeddf yn arwain at gynnydd pellach yn nifer y cleientiaid sy'n cael mynediad at wasanaethau cyhoeddus ac arbenigol, a chostau ychwanegol posibl y tu hwnt i'r rhai sydd wedi'u cynnwys yn yr Asesiad Effaith Rheoleiddiol.

Cynyddais gyllideb 2014-15 i £4 miliwn, sef cynnydd o £0.33 miliwn. Hefyd rwyf wedi darparu cyllid cyfalaf o £500,000 eleni i adeiladu'r seilwaith angenrheidiol a chefnogi darparwyr gwasanaethau. Er bod hyn yn destun proses y gyllideb ddrafft o hyd, rwy'n gobeithio o leiaf cynnal y gyllideb eto yn y flwyddyn ariannol nesaf, os nad ei chynyddu.

Mae'r gyllideb bresennol eisoes yn cyfrif am gostau cyflwyno'r Fframwaith Hyfforddi Cenedlaethol a'r rhaglen Perthynas Iach, felly nid costau newydd yw'r rhain. Cost ychwanegol o £92,500 fydd ar gyfer y Cynghorydd Gweinidogol yn 2015-16, ac £81,000 y flwyddyn wedi hynny, fel y nodir yn yr Asesiad Effaith Rheoleiddiol (tudalen 47). Rwy'n chwilio am adnoddau ychwanegol ar gyfer hyn.

Yn fwy cyffredinol, rwy'n ymwybodol iawn ei bod yn debygol y bydd y Bil yn arwain at gynnydd mewn atgyfeiriadau. Gallai cynnydd mewn atgyfeiriadau ac ymyriadau arwain at gynnydd mewn galw ac felly cost i wasanaethau cyhoeddus. Fodd bynnag, mae'r gost gynyddol hon yn llawer llai na'r gostyngiad yng nghost colli allbwn economaidd a gostyngiad yng nghostau dynol ac emosiynol y materion.¹ Mae datblygu a'r defnydd cynyddol o wasanaethau cyhoeddus hefyd yn cyfrif (yn rhannol) am ostyngiad mewn trais domestig.

Mae ymchwil flaenorol yn dangos y dylai gweithio'n well gyda'r Gwasanaeth Cyhoeddus arwain at ostyngiad yng nghost trais domestig dros gyfnod cymharol fyr, a fydd yn fwy na chostau cynnydd mewn datgeliadau. Roedd diweddariad Walby² yn 2009 (o ymchwil 2004) yn dangos bod cyfanswm cost trais domestig wedi gostwng £23 biliwn i oddeutu £16 biliwn y flwyddyn, a bod y gostyngiad hwn wedi digwydd yn rhannol yn sgil datblygu a'r defnydd cynyddol o wasanaethau cyhoeddus. Daeth i'r casgliad fod buddsoddiad mewn gwasanaethau cyhoeddus i leihau trais domestig yn effeithiol o ran cost.

Rwy'n adolygu'r strwythur cyllido presennol i nodi'r model mwyaf priodol o ail hanner 2015-16 ymlaen. Y flaenoriaeth bennaf i mi yw sicrhau bod adnoddau'n cael eu cyfeirio yn y ffordd fwyaf briodol i sicrhau bod gwasanaethau effeithiol yn cael eu cefnogi a'u bod ar gael i'r rheini sydd eu hangen, ar yr adeg iawn ac yn y lle iawn.

Pwynt 2 – Costau sy'n gysylltiedig ag ad-drefnu Llywodraeth Leol

Byddai'n fuddiol gwybod a fyddai'n ofynnol i awdurdodau lleol sydd newydd uno gynhyrchu strategaethau newydd, a pha asesiad o'r costau hyn cyn 2017-18 sydd wedi'i wneud.

Bydd y Pwyllgor yn deall, adeg cyhoeddi'r Bil a'r Asesiad Effaith Rheoleiddiol fel rhan o'r Memorandwm Esboniadol, nad oeddem wedi cyhoeddi'r Papur Gwyn 'Diwygio Llywodraeth

¹ Mae hefyd yn debygol bod y gostyngiad hwn yn amcangyfrif rhy isel gan ei fod yn cyfeirio at drais domestig yn unig ac nid at fathau eraill o drais ar sail rhywedd fel trais rhywiol, priodas dan orfod neu anffurfio organau cenedlu benywod.

² Walby, S., *The Cost of Domestic Violence: Up-date 2009*.

Leol'. Mae'r Papur Gwyn yn destun ymgynghoriad 12 wythnos ar hyn o bryd a fydd yn dod i ben ar 1 Hydref ac a fydd yn arwain at Fil i roi'r pwerau y mae eu hangen i uno awdurdodau mewn ffordd gydlynus a threfnus, i'w cyflwyno ym mis Ionawr 2015.

Mae felly'n rhy gynnar i wneud amcan o'r costau ar gyfer strwythur awdurdod lleol nad yw'n bodoli eto. Mae'r costau yn yr Asesiad Effaith Rheoleiddiol yn seiliedig, ac ond yn gallu bod yn seiliedig, ar y 22 o awdurdodau lleol presennol. Fodd bynnag, fel y tynnoch sylw ato'n briodol yn eich llythyr, gallai cyfanswm cost datblygu strategaethau lleol fod yn is, a hynny os, fel sy'n debygol, y bydd llai o awdurdodau unigol yn ennyn costau. Byddai hyn yn debygol o arbed arian yn y tymor hwy.

Hefyd, amcangyfrif yr Asesiad Effaith Rheoleiddiol ar gyfer datblygu strategaeth leol oedd £8,300, wedi'i rannu rhwng yr awdurdod lleol a'r bwrdd iechyd lleol. Nid yw'r costau hyn yn debygol o newid waeth beth fydd strwythur awdurdodau lleol yng Nghymru.

Fel y nodir yn y Papur Gwyn, nid oes bwriad cyflwyno deddfwriaeth i uno a diwygio awdurdodau cyn mis Mai 2016. Fodd bynnag, rwy'n bwriadu cyflwyno Bil drafft ar gyfer ymgynghoriad yn hydref 2015 yn esbonio sut y bydd uno yn digwydd, gan gynnwys darpariaethau er mwyn galluogi'r diwygio ehangach rwyf eisoes wedi'i amlinellu.

Rwy'n cydnabod, yng ngoleuni hyn, y bydd angen ystyried ymhellach y gofyniad i awdurdodau lleol a byrddau iechyd lleol gyhoeddi eu strategaethau lleol cyntaf ymhen blwyddyn ar y mwyaf ar ôl dyddiad yr etholiadau llywodraeth leol cyntaf ar ôl cychwyn. Byddaf yn sicrhau bod y Pwyllgor yn cael y diweddaraf am hyn wrth i'r Bil fynd drwy'r cyfnod craffu.

Pwynt 3 – Canllawiau statudol

Byddai'n ddefnyddiol deall a yw Llywodraeth Cymru yn gallu rhoi'r wybodaeth ddiweddaraf i'r Pwyllgor ar y meysydd y mae'n bwriadu cyhoeddi canllawiau arnynt, ac a fydd unrhyw gostau ychwanegol yn gysylltiedig â hyn.

Mae'r pŵer i wneud canllawiau yn adran 12 y Bil yn fwriadol eang – gellir cyhoeddi canllawiau mewn perthynas ag unrhyw swyddogaeth sy'n cael ei arfer gan awdurdod perthnasol a allai gyfrannu at gyflawni diben y Ddeddf.

Fel yr esboniais i'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol ar 17 Gorffennaf, o ystyried natur eang y pŵer, nid yw'n bosibl – nac yn ddoeth – rhestru pa ganllawiau y bydd eu hangen neu na fydd eu hangen dros y blynyddoedd i ddod. Drafftwyd y Bil i sicrhau y gall unrhyw Lywodraeth yn y dyfodol ymateb yn briodol ac yn rhagweithiol i anghenion, newidiadau deddfwriaethol ac arferion sy'n codi drwy gyhoeddi canllawiau priodol.

Yn hytrach na chyfyngu'r canllawiau posibl drwy geisio rhestru'r materion yn hollgynhwysfawr ar wyneb y Bil, bydd fy null gweithredu'n rhoi mwy o le am hyblygrwydd a'r cyfle i ymateb i anghenion dioddefwyr trais ar sail rhywedd, trais domestig a thrais rhywiol, gyda pholisi synhwyrol, canllawiau gweithredu manwl, egwyddorion ymarferol a chanlyniadau clir.

Rhoddais dair enghraifft i'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol o'r mathau o ganllawiau rydym yn bwriadu eu cyhoeddi o dan adran 12, sef Cydweithredu Aml-asiantaeth, y Fframwaith Hyfforddi Cenedlaethol a Gofyn a Gweithredu. Fel y gwyddoch, drafftiau cynnar yw'r rhain i helpu gydag ystyried y Bil. Bydd y broses ymgysylltu ac ymgynghori arferol yn cael ei chynnal cyn cyhoeddi unrhyw ganllawiau o dan adran 12.

Mae'r cynlluniau uniongyrchol ar gyfer canllawiau ychwanegol yn ymdrin â rhannu gwybodaeth a chomisiynu effeithiol ar gyfer gwasanaethau arbenigol. Mae fy swyddogion yn cynllunio'r gwaith hwn nawr ac yn gweithio gyda rhanddeiliaid arbenigol. Rwy'n gobeithio y bydd drafftiau ar gael i ymgynghori arnynt yn gynnar yn 2015. Wedi hynny, ac os bydd angen, gellid cyhoeddi canllawiau ar godi ymwybyddiaeth er enghraifft i lywio newid diwylliannol hollbwysig ar y materion hyn, a'r dull ysgol gyfan, i sicrhau bod ein pobl ifanc yn deall pwysigrwydd perthynas iach.

Bydd angen adnoddau i ryw raddau ar gyfer unrhyw ganllawiau ychwanegol. Drafftiwyd cryn dipyn o'r canllawiau a roddwyd i'r Pwyllgor gan Lywodraeth Cymru, gyda mewnbwn gan arbenigwyr penodedig. Bydd adnoddau pellach yn cael eu targedu adeg creu'r canllawiau comisiynu a rhannu gwybodaeth, gan gynnwys arbenigwyr pwnc ac arbenigwyr cyfreithiol. Rwy'n disgwyl y bydd costau'r canllawiau comisiynu yn rhai untro o oddeutu £7,000. Rwy'n disgwyl y bydd y canllawiau rhannu gwybodaeth yn gofyn am fewnbwn mwy dwys gan wahanol asiantaethau ac arbenigwyr, ac felly gallai'r costau fod yn uwch. Fy nghyllideb bresennol fydd yn talu'r costau hyn.

Pwynt 4 – Costau cyfle y Fframwaith Hyfforddi Cenedlaethol a'r elfen Gofyn a Gweithredu

Er mwyn asesu gwerth am arian y rhan hon o'r Bil, byddai o gymorth canfod a oes unrhyw asesiad wedi'i wneud yn y meysydd hyn, ac a yw Llywodraeth Cymru yn credu bod manteision yr hyfforddiant hwn yn gorbwyso'r costau cyfle.

Mae'r costau cyfle yn ymwneud ag ymrwymiad amser y gweithwyr proffesiynol, fel yr amlinellir yn yr Asesiad Effaith Rheoleiddiol, i gwblhau lefel berthnasol y Fframwaith Hyfforddi Cenedlaethol (tudalen 39 yr Asesiad Effaith Rheoleiddiol). Mae hyn yn cynnwys lefel 2, sef darparu hyfforddiant Gofyn a Gweithredu (fel sydd wedi'i grynhoi ar dudalen 42 yr Asesiad Effaith Rheoleiddiol).

Rwy'n argyhoeddedig bod manteision yr hyfforddiant hwn yn fwy na'r costau cyfle. Mae'r disgwyliadau am effeithiolrwydd cost y model yn cynnwys arbedion ychwanegol yn gysylltiedig â chostau llai i'r system cyfiawnder troseddol, yr economi ac mewn perthynas ag ansawdd bywyd gwell i'r rheini sy'n dioddef yn sgil trais a cham-drin o'r fath.

Mae'r amcangyfrifon ar sail poblogaeth sy'n berthnasol i adroddiad Walby (y cyfeiriais ato uchod) yn awgrymu bod trais domestig ei hun yn costio tua £303.5m y flwyddyn i Gymru – £202.6m mewn costau gwasanaeth a £100.9m yn sgil colli allbwn economaidd. Nid yw'r ffigurau hyn yn cynnwys unrhyw elfen o gostau dynol ac emosiynol, sydd yn ôl amcangyfrifon yr ymchwil yn costio £522.9m ychwanegol i Gymru. Y cyfanswm felly yw £826.4m. Nid yw'r ffigurau hyn yn cynnwys mathau eraill o drais ar sail rhywedd a thrais rhywiol, sydd hefyd yn arwain at gostau dynol, emosiynol ac ariannol sylweddol i gymdeithas. Ar sail costau ariannol sylweddol cam-drin domestig i'r economi, mae Walby yn dadlau bod buddsoddiad ychwanegol mewn gwasanaethau cyhoeddus i leihau trais domestig yn effeithiol o ran cost.

Amcangyfrifir bod costau ychwanegol y Bil hwn rhwng £1.1m a £2m y flwyddyn (fel yr amlinellir ar dudalen 60 yr Asesiad Effaith Rheoleiddiol) yn ystod y pedair blynedd ariannol nesaf (2015-16 i 2018-19). Mae hyn yn gyfran o gostau cyffredinol trais ar sail rhywedd, cam-drin domestig a thrais rhywiol i'r wlad. Er nad yw wedi bod yn bosibl mesur yn llawn y manteision sy'n gysylltiedig â'r cynigion hyn (mae prinder data penodol i Gymru am gostau'r materion hyn, gyda'r mwyafrif o'r gwaith hwn yn berthnasol i Gymru a Lloegr gyda'i gilydd), mae'n dilyn y byddai angen effaith fach yn unig ar nifer a/neu ddifrifoldeb y fath achosion o drais a cham-drin er mwyn i fanteision y cynigion fod yn fwy na'r costau ychwanegol.

Er mwyn rhoi rhywfaint o gyd-destun i'r ffigurau hyn, mae'n bosibl cyfuno data costau Walby gyda rhywfaint o ddata ynghylch nifer yr achosion Cymru i lunio rhai amcangyfrifon am gostau i rannau o wasanaeth cyhoeddus Cymru yn sgil ymddygiadau penodol. Rwyf wedi rhoi rhai enghreifftiau yma; mae modd allosod yn yr un modd mewn perthynas â llawer o fathau eraill o drais ar sail rhywedd, cam-drin domestig a thrais rhywiol.

- Gan ystyried y 140,000 o bobl rydym yn credu sy'n dioddef cam-drin domestig bob blwyddyn yng Nghymru, a chymryd yr amcangyfrifon isaf o adroddiadau cam-drin domestig i'r heddlu (23%) a chyfradd gyhuddiadau Gwasanaeth Erllyn y Goron o 65% (yn 2012-2013), a chan gymhwyso costau erlyn i'r cyhuddiad ymosodiad lefel isaf yn unig (adran 39 Deddf Cyfiawnder Troseddol 1988), mae amcangyfrifon costau Walby yn nodi bod hyn yn unig yn costio tua £4.5 miliwn y flwyddyn i Gymru.*
- Mae enghraifft eraill yn ymwneud ag achosion o drais rhywiol: derbyniwyd 940 o atgyfeiriadau aciwt oherwydd treisio i Ganolfannau Atgyfeirio Ymosodiadau Rhywiol y llynedd. Mae'r rhain yn debygol o fod wedi costio £640,000 i wasanaethau ysbytai ac ambiwlans yng Nghymru.
- O ran tai, roedd 22% o'r ceisiadau digartrefedd a dderbyniwyd yng Nghymru y llynedd (ar sail sefyllfaoedd bregus) oherwydd cam-drin domestig. Mae data Walby, ar sail dim ond y gost i dimau tai awdurdodau lleol, yn nodi bod costau hyn oddeutu £5.5 miliwn.
- Amcangyfrif y Swyddfa Gartref yw bod llofruddiaeth ddomestig yn costio dros filiwn o bunnoedd: cyfanswm o £1,097,330 am un farwolaeth. Yn ôl ACPO Cymru, roedd 4 llofruddiaeth ddomestig yng Nghymru yn 2013, sy'n gyfwerth â £4.3 miliwn.³

Nid oes modd gwybod pa gyfran o'r costau hyn sy'n ymwneud â'r un bobl, ac nid yw'r amcangyfrifon yn cynnwys amcangyfrifon o gostau cyfreithiol sifil, costau amddiffyn plant na'r costau i'n gwasanaeth iechyd meddwl a chyffuriau ac alcohol. Fodd bynnag, rwy'n siŵr y byddwch yn cytuno bod yr ychydig enghreifftiau hyn o gostau uniongyrchol i wasanaethau penodol yn dangos y byddai gostyngiad bach yn unig yn cyfiawnhau costau'r Bil. Yn wir, byddai atal dwy farwolaeth a achosir gan gam-drin a thrais o'r fath hefyd yn gyfwerth ag uchafswm cost flynyddol y Bil. Hefyd, ni ellir gorbwysleisio'r costau dynol o ran lleihau'r nifer sylweddol o bobl sy'n dioddef yn sgil y materion hyn neu'n cael eu cam-drin yn rheolaidd.

Mae'r diffyg fframwaith hyfforddi cynhwysfawr a chyson ym maes trais ar sail rhywedd, cam-drin domestig a thrais rhywiol yn golygu bod gweithwyr proffesiynol wedi troi at yr amryw gyrsiau hyfforddi niferus sydd ar gael mewn gwahanol rannau o Gymru, ar sail diddordeb unigol yn y gwaith hwn, yn hytrach nag yn ôl cyfarwyddyd gan arweinwyr i wella sgiliau staff. Nid oes cwmpas cenedlaethol a chyson ar yr hyfforddiant ar y materion hyn; mae strwythur y cyrsiau yn anghydweddol ac mae'r cynnwys a'r ansawdd yn amrywio.

Mae amrywiaeth y cyrsiau sydd ar gael yn achosi anhawster o ran pennu ar lefel genedlaethol yr ymrwymiad amser y mae gweithwyr proffesiynol perthnasol yn ei roi ar gyfartaledd ar hyn o bryd i ddatblygu proffesiynol ym maes trais ar sail rhywedd, cam-drin domestig a thrais rhywiol. Fodd bynnag, bydd cyfran o'r staff perthnasol eisoes yn ymrwymo amser i ddatblygu proffesiynol yn y maes hwn ac felly'n ennyn rhai o'r costau cyfle.

³ Mae'r ffigurau hyn yn cymryd y lefel isaf o adroddiadau a'r drosedd isaf bosibl lle mae data costau ar gael. Amcangyfrifon yw'r rhain sy'n defnyddio data penodol i Gymru sydd ar gael drwy'r Adolygiad o Wasanaethau sydd newydd ei gyhoeddi (UCLAN) a Stats Cymru. Daw'r data ar achosion o dreisio o ddata atgyfeiriadau aciwt gan Ynys Saff a Llwybrau Newydd, a diolch iddynt am hynny. Mae'n bwysig nodi bod dioddefwyr benywaidd sydd wedi dioddef cam-drin domestig difrifol mewn 18 o achosion fel cyfartaledd cymedrig, a chyfartaledd o 6 o achosion i ddiodefwyr gwrywaidd cam-drin domestig. (Walby 2004 –ar sail ystadegau Arolwg Troseddu Prydain)

Ar hyn o bryd nid oes trefn ar gyfer alinio'n ffurfiol na sicrhau ansawdd y cyrsiau lleol hyn, ac nid ydynt ychwaith bob amser yn gysylltiedig â seilwaith cenedlaethol neu leol. Bydd creu'r Fframwaith Hyfforddi Cenedlaethol yn safoni ac yn sicrhau ansawdd yr hyfforddiant ar y pynciau hyn sydd ar gael yng Nghymru, a bydd hefyd yn gosod yr hyfforddiant hwn yng nghyd-destun y polisi cenedlaethol sy'n cefnogi'r Bil.

Bydd modd i weithwyr proffesiynol weithredu'n gyflym ac yn effeithlon drwy lwybrau gofal syml a hygyrch. Y canlyniad yw y bydd yr effeithlonrwydd o ran adnabod dioddefwyr, cynnig cymorth iddynt a'u hatgyfeirio yn gwrthbwysu'r amser ar gyfer cwblhau'r hyfforddiant. Bydd gwella cysondeb mewn arferion gwaith, a fydd â gofynion clir mewn perthynas â'r cymorth y mae ei angen ar ddioddefwyr, yn gwella perfformiad lleol a chenedlaethol.

Wrth gwrs, nid manteision ariannol yn unig sydd i'r hyfforddiant. Mae angen ymateb cryf a chyson gan ystod o asiantaethau i wella canfyddiad y rheini sy'n dioddef trais ar sail rhywedd, cam-drin domestig a thrais rhywiol o effeithiolrwydd gwasanaethau. Mae hyn yn glir yng ngwerthusiadau prosesau aml-asiantaeth (Robinson 2005) a thrwy adborth defnyddwyr gwasanaeth y prosiect 10,000 o Fywydau Mwy Diogel. Drwy gynnig gwasanaeth cyson ar draws y gwasanaeth cyhoeddus, gyda negeseuon a llwybrau gofal cyson, yn codi hyder cleientiaid.

Pwynt 5 – Is-ddeddfwriaeth

Felly, ymddengys yn debygol y bydd y costau sy'n gysylltiedig â'r pum pŵer i wneud is-ddeddfwriaeth yn y Bil yn cael eu cwmpasu gan y maes hwn; fodd bynnag, byddai'n ddefnyddiol cael cadarnhad o hyn.

Dylwn egluro fod dau ddarn o is-ddeddfwriaeth ar gyfer gwneud pwerau yn y Bil – rheoliadau o dan adran 6 a gorchmynion cychwyn o dan adran 22. Nid yw cyfarwyddiadau a wneir gan Weinidogion Cymru a chanllawiau a gyhoeddir o dan adran 12 yn is-ddeddfwriaeth.

Gallaf gadarnhau mai Llywodraeth Cymru fydd yn talu'r costau gweinyddu sy'n gysylltiedig â defnyddio'r pwerau is-ddeddfwriaeth yn y Bil (ac a amlinellir yn y datganiadau o Fwriad y Polisi) drwy'r costau a ddarperir i helpu i roi'r Strategaeth Genedlaethol ar waith yn yr Asesiad Effaith Rheoleiddiol.



Cymdeithas Genedlaethol er Atal
Creulondeb i Blant

National Society for the Prevention
of Cruelty to Children

19th September 2014

Dear Christine

NSPCC Cymru/Wales was grateful for the opportunity to provide oral evidence on the Gender-based Violence, Domestic Abuse and Sexual Violence Bill on Wednesday 17th September as part of the Communities, Equalities and Local Government Committee's Stage One scrutiny inquiry.

I am aware that we provided a fairly technical response to the question asked by Gwyn Price AM, Labour Assembly Member for Islwyn about international examples where the UNCRC has been used for legislation on domestic abuse. I would therefore like to provide full references for the reports and documents cited in order to support the CELG Committee team in any further research to underpin Committee's Stage One report.

NSPCC Cymru/Wales believes that the due regard duty under the Rights of Children and Young Persons (Wales) Measure, means that it is incumbent on Welsh Government to continually monitor and draw on international learning and experience on the incorporation of the CRC into domestic legislation. We believe this needs to be an ongoing process to underpin the Child's Rights Impact Assessments (CRIA) and should inform the development of policy and legislation at every stage.

During our evidence session we highlighted several examples that we would recommend should inform the development of this Legislation and subsequent Guidance in order to ensure a child right's approach.

Firstly, **UNCRC General Comment No. 13 (2011) 'The Right of the Child to Freedom from all forms of Violence – CRC/C/GC13** provides a detailed analysis of UNCRC Article 19 on the 'right to protection from violence, abuse and neglect' that is highly pertinent to this Bill. It provides a comprehensive range of suggestions for the implementation of measures to counter all forms of violence against children in accordance with Article 19. We would recommend that this General Comment would be an important starting point for a child rights approach under this Bill. General Comment 13 is available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2f5F0vFKtnY3RFBX0eVOrGEVYulm9CsHNwh1HrjED9fVmGn%2baZ1TGy6vH1lek6kukGyB%2fFCGBbSOP0uwpKf24vcxkEnv>

Noddur: Ei Maurthydi y Frenhines

Syllafonodd 1884. Cofreodwyd trwy Statwr Brenhinol. Mae ChildLine yn wasanaeth a ddarperir gan yr NSPCC, rhifau cofrestru'r clonau 216401 a SC033717. Mae cwmni i chi cywilio gadael yn Gymraeg neu'n Saesneg.

Patron: Her Majesty The Queen

Founded in 1884. Incorporated by Royal Charter. ChildLine is a service provided by the NSPCC, registered charity numbers 216401 and SC033717. You are welcome to communicate with us in Welsh or English. NS/332



Furthermore, a **UNICEF report 'Protecting the World's Children: Impact of the Convention on the Rights of the Child in Diverse Legal Systems'** published in 2008 has been specifically developed as a reference for legal reformers, public officials and child-rights advocates. It demonstrates how the CRC can be implemented in different country contexts in an effort to achieve children's rights uniformly across widely divergent legal traditions. The book proposes a framework for enhancing compatibility of national legislation with human rights instruments and with the CRC in particular. Chapter one provides a useful analysis of the journey of Commonwealth Caribbean Countries in implementing the CRC, in particular Jamaica's 2004 Child Care and Protection Act. More details about the volume can be accessed at:

<http://www.cambridge.org/asia/catalogue/catalogue.asp?isbn=9780521875134&ss=fro>

The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries (UNICEF UK and Queens University, Belfast 2012) is also a useful resource both in terms of the General Measures of Implementation and implementation in various policy areas/sectors. The report is available at:

http://www.unicef.org.uk/Documents/Publications/UNICEFUK_2012CRCimplentationreport.pdf

Finally, as mentioned during our evidence, we would urge the Welsh Government to seek expert input on the incorporation of the CRC into domestic legislation on issues such Gender-based Violence, Domestic Abuse and Sexual Violence from global experts such as UNICEF. We would however also underline that Wales possesses sector-leading academic expertise on these issues in the form of Swansea University's Wales Observatory on Human Rights of Children and Young People. We are aware that the Observatory have submitted evidence on to the Committee but we would recommend that the National Assembly and Welsh Government make use of this expertise to ensure that the opportunity to ensure that the measures in this Bill that apply to children are delivered in a child right's focused way.

I trust this information is useful.

Yours sincerely



Des Mannion

NSPCC National Head of Service - Wales

Mae cyfyngiadau ar y ddogfen hon