



GBV 76

Communities, Equality and Local Government Committee

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

Stage 1

Response from: Tai Pawb

## Tai Pawb

### **Response to Communities, Equality and Local Government Committee call for evidence on the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill**

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Tai Pawb welcomes the publication of the Bill and the opportunity to provide written evidence to the Communities, Equality and Local Government Committee. We support the main proposals of the Bill and our evidence is to suggest ways to better enable the Bill to meet its stated aims.

We also welcome the change of name from the proposed name of the “Ending Violence against Women and Domestic Abuse (EVAWDA) Bill” to the “Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill”.

While we recognise that women are (by a significant margin) more likely to be victims of domestic abuse and sexual violence, it is vital that this Bill includes all individuals regardless of their gender. The NHS estimates that 25% of domestic abuse victims are men<sup>1</sup> and it is important to note that domestic abuse also impacts on individuals in same sex relationships, where both the victim and perpetrator are female, or neither are. Therefore this name change makes the Bill more inclusive and better supports diverse communities and victims.

We are however disappointed to see the provisions relating to education that were included within the White Paper removed, as education could have been used to improve understanding of domestic abuse in diverse relationships.

This would have been particularly important given statistics from the NSPCC which show that:

- 7.9% of 11-17s reported some form of intimate partner abuse in their lifetime<sup>2</sup>
- 13.4% of 18-24s reported some form of intimate partner abuse before they were 17<sup>3</sup>

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<sup>1</sup> NHS Choices, *Domestic Violence Against Men*, <http://www.nhs.uk/Livewell/abuse/Pages/domestic-violence-against-men.aspx>

<sup>2</sup> Radford et al, NSPCC, *Child abuse and neglect in the UK today*, 2011

<sup>3</sup> Ibid.

- 25% of girls and 18% of boys aged 13 – 18 reported some form of physical partner violence<sup>4</sup>

Education can play an important role in developing healthy relationships, highlighting what is unacceptable behaviour and helping young people identify the signs that they are or could in future experience domestic abuse and where to go for help.

**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, including:**

- **the publication of national and local strategies and**
- **the appointment of a Ministerial Adviser on Gender-based Violence, Domestic Abuse and Sexual Violence.**

Tai Pawb welcomes the general principles of this Bill and the specific proposals contained within it.

When preparing a local strategy, Tai Pawb believes that it is important that local authorities and Local Health Boards consult with the wider community on their strategy. At the moment, there is no requirement to do this contained within the legislation.

We believe that it is particularly important that local Registered Social Landlords and groups representing individuals with protected characteristics are included within this consultation.

Consulting with groups representing individuals with protected characteristics will be vital as there will be differences in how individuals experience both domestic abuse and the support services that are either already in place or are put in place as a result of a local strategy. There is also a lack of services available to support individuals with certain protected characteristics that could be picked up on as part of a consultation and lead to improvements in services.

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<sup>4</sup> Barter et al, NSPCC, *Partner exploitation and violence in teenage intimate relationships*, 2009

Research for the Welsh Government by NatCen Social Research has found that service provision on domestic abuse remains targeted at heterosexual, cis women and there is a lack of knowledge of the needs of Lesbian, Gay, Bisexual and Trans (LGBT) people's support needs<sup>5</sup>. LGBT people are under-represented in referrals to the All Wales Domestic Abuse & Sexual Violence Helpline and Multi-Agency Risk Assessment Conferences (MARACs) across Wales<sup>6</sup>. This is despite the evidence suggesting that they experience domestic and sexual abuse at a similar rate to heterosexual, cis women<sup>7</sup>.

The research also highlighted that there may be specific barriers, such as trans-women being excluded from women-only services due to their gender history<sup>8</sup> or different experiences and barriers for younger or Black and Minority Ethnic LGBT people<sup>9</sup>.

Research has also shown that there are specific barriers faced by disabled women who are victims of domestic abuse. There is a lack of emergency accommodation and housing that meet the access requirements of disabled women<sup>10</sup> and information on services is not always available in accessible formats<sup>11</sup>.

For example, the research by Welsh Women's Aid and Disability Wales found that for example only one refuge in Wales accommodate a guide dog and only three can accommodate carers<sup>12</sup>.

Evidence provided to the Communities and Culture Committee in 2008 also highlighted the needs of Black and Minority Ethnic women, noting that services are not always able to publicise support in different languages and that leaving a partner may mean leaving their wider family and community support network<sup>13</sup>. There was also evidence on the challenges faced by women with no recourse to public funds, who may face additional barriers. There are also

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<sup>5</sup> NatCen Social Research, *Barriers faced by Lesbian, Gay, Bisexual and Transgender People in Accessing Domestic Abuse, Stalking, Harassment and Sexual Violence Services*, Welsh Government, 2014

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Welsh Women's Aid, *Domestic Abuse of Disabled Women in Wales - DADW research report*, December 2011

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> National Assembly for Wales, *Domestic Abuse in Wales*, Communities and Culture Committee, 2008

potential issues around trafficked women and those who may be at risk of honour based violence<sup>14</sup>.

Currently Montgomeryshire Family Crisis Centre (<http://familycrisis.co.uk/>) run the only male refuge/safe house in Wales with other services to men experiencing domestic abuse restricted to floating support.

These pieces of research and evidence are examples, and there will be other barriers faced by other specific groups (such as BME LGBT people or disabled men) which there may not be a great deal of evidence available for. This is why engaging and consulting with communities and those who represent those with protected characteristics will be vital in understanding and overcoming these barriers when a strategy is being created.

It is also vital that housing providers are included within this, including RSLs (in all cases) and private sector landlords where possible.

Housing providers have an important role to play in helping to prevent and combat domestic abuse from occurring and helping to protect victims from further abuse. Helping a victim to move to new accommodation urgently, removing a perpetrator from a tenancy and hardening a target to protect victims all require a housing based response, regardless of the sector or tenure of the individual.

Understanding the capacity of the housing sector to respond to and assist with problems around domestic abuse will be vital to ensuring that a strategy is based on evidence and meets the needs of victims living within a local area. This will also mean understanding how it fits in with the other functions and roles of housing providers, such as allocations, antisocial behaviour, accessible housing, extra care schemes and issues around welfare reform and rent arrears. There will also need to be an understanding of local support provided by supporting people services.

The Minister for Housing and Regeneration has also asked all social housing providers to put in place policies for tackling domestic abuse for their tenants (as well as staff). It would be sensible that these are considered as part of the

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<sup>14</sup> Ibid.

strategy, but also that housing providers are enabled to take these into account when reviewing their own policies.

It is also important that the role of private rented sector landlords is considered as part of the proposals. Private rented sector housing now provides the same level of housing as the social rented sector (ca. 200,000 tenants in Wales), yet there is a risk that victims of domestic abuse living in the PRS will have less access to support and assistance than those living in social rented sector. There may also be other problems encountered by those who are owner occupiers, such as the risk of defaulting on a mortgage as a result of a partner leaving the property, or having left the property but remaining on a joint mortgage with a partner who can no longer afford the property. This may result in financial exclusion and difficulty accessing other credit products. This may lead individuals to feel pressured to remain in relationships to continue to afford to meet financial commitments.

We would therefore suggest adding consultation with local equality groups, and local housing providers (including RSLs and landlord forums or similar) when local strategies are being drafted. We would also suggest that the guidance issued by Welsh Government looks at areas where there will be a need for multi-agency working that includes housing providers and equality organisations as well to ensure the needs of individuals are met.

For the same reasons, we would suggest that the Welsh Government follow a similar consultation process on a national level, consulting with national housing and equality organisations to ensure that there is not a disconnect between local and national strategies as a result, and that the needs of all individuals are included at a national level.

We welcome the inclusion of national indicators and hope that the Welsh Government includes equality indicators within this when they publish, to ensure that individuals with all protected characteristics have an equal level of access to services that meet their needs and equal outcomes.

We welcome the creation of the Ministerial Adviser, and particularly welcome the function of undertaking research on whether abuse is related to inequality between people of a different gender, gender identity or sexual orientation.

However, we would suggest that the research function of the Adviser should be slightly wider and include the experiences and needs of individuals with different protected characteristics under the Equality Act who are victims of domestic abuse. This would enable the Adviser to look in more detail at the needs of BME people, disabled people, older people, younger people, men as well as women, LGBT people or people of different religious beliefs (or combinations of more than one of these characteristics) to be looked at as well.

### **Any potential barriers to the implementation of these provisions and whether the Bill takes account of them**

The only barriers to implementation of these provisions that we envisage would be through not including consultation and engagement with housing providers and equality groups during the drafting of local and national strategies. This would create a barrier of a lack of understanding of the services available and needs of different groups and service providers.

It is also important that both local and national strategies consider unintended consequences of any changes brought in by strategies. Changes to priorities are likely to mean changes to services on the ground, but often there can be unintended negative consequences as a result. An example of this can be found in England, where a move to better services to men has put the sustainability of some services for women into jeopardy<sup>15</sup>. Other problems have included changes to a competitive tendering process making it harder for charities to compete with larger housing associations and businesses<sup>16</sup>.

### **Whether there are any unintended consequences arising from the Bill**

Tai Pawb is not aware of any unintended consequences that may occur as a result of this Bill apart from the possibility of inequitable outcomes for some groups, should the local strategies focus on majority communities only.

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

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<sup>15</sup> The Guardian, *Domestic violence refuge provision at crisis point, warn charities*, 3<sup>rd</sup> August 2014, <http://www.theguardian.com/society/2014/aug/03/domestic-violence-refuge-crisis-women-closure-safe-houses>

<sup>16</sup> Ibid.

Tai Pawb no views on the financial implications of the Bill, other than the need to be aware of unintended consequences for the delivery of services created by changes brought in by national or local strategies.

**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).**

Tai Pawb believes these powers are appropriate.