

Ymchwiliad ôl-ddeddfwriaethol i Ddeddf Trais yn erbyn Menywod,

Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015

Post legislative inquiry into the Violence against Women,

Domestic Abuse and Sexual Violence (Wales) Act 2015

Ymateb gan: Y Gymdeithas Genedlaethol er Atal Creulondeb i blant

Response from: National Society for the Prevention of Cruelty to Children

About the NSPCC

We're leading the fight against child abuse in the UK and Channel Islands. We help children who've been abused to rebuild their lives, we protect children at risk, and we find the best ways of preventing child abuse from ever happening.

Abuse ruins childhood, but it can be prevented. That's why we're here. That's what drives all our work, and that's why – as long as there's abuse – we will fight for every childhood.

We help children rebuild their lives, and we find ways to prevent abuse from ruining any more. Learning about what works in the fight against abuse and neglect is central to what we do. We are committed to carrying out research and evaluation to make sure the approaches we're taking are the right ones and we share what we have learnt with partners.

NSPCC Cymru/Wales welcomes the opportunity to contribute to the Equality, Local Government and Communities Committee's Post legislative inquiry into the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. The Act is a landmark piece of legislation and we welcome the opportunity it provides to improve the public sector response and raise further awareness of domestic abuse and violence against women to prevent abuse and better protect and support survivors in Wales. Along with the Well-being of Future Generations (Wales) Act 2015 and the Social Services and Well-being (Wales) Act 2014, this is a key moment to break the cycle of domestic abuse and ensure that children are kept safe from abuse and neglect.

Domestic abuse, substance abuse and mental health problems are known risk factors for all forms of child abuse and neglect. These stressors often occur together, and have a cumulative effect - the more of them there are in the family, the greater the risk to the child. Reviews of cases where a

child has died or been seriously injured regularly find that some or all of these factors were present. In addition, their presence during pregnancy poses physical risks to unborn children.

Children who are abused and neglected are more likely to experience negative outcomes in adulthood including mental health problems, problems with substance use and live in households with domestic abuse. This risks the abuse and neglect to their own children.

The experience of living in a household where the parents or carers are abusive to one another *is* child abuse. Section 120 of the Adoption and Children Act 2002¹ amended the definition of harm to a child to include witnessing domestic abuse. A core priority of the NSPCC is to work with families facing adversities, including domestic abuse, and our focus is on supporting parents or carers with adversities to protect their children from abuse and neglect.

We note the draft National Strategy on Violence against Women, Domestic Abuse and Sexual Violence which is currently out for consultation. Both as an organisation and as a member of Violence Against Women Action Group we will be feeding in a range of comments and suggestions for improvement. Along with considering the implementation of the Act's provisions and its impact to date, NSPCC Cymru/Wales believes that the Committee should also take the current National Strategy consultation document into account.

We have focused our response on some key questions we feel that the Committee could focus on as part of this post-legislative inquiry.

1) A rights-based approach

NSPCC Cymru/Wales believes that situating the development of the national and local strategies under Section 16 of the Act firmly within a UNCRC-based framework is important to ensure that the specific needs and vulnerabilities of children and young people are taken into account.

¹ <http://www.legislation.gov.uk/ukpga/2002/38/section/120>

We note that a Welsh Language Impact Assessment has been completed alongside this draft Strategy and we would welcome assurances that a Children's Rights Impact Assessment (CRIA) has also been completed. We would recommend that this be made public alongside the final Strategy.

- **We ask that the Committee look into whether CRIsAs have been completed for the Strategy and the Guidance published under the Act, and whether these CRIsAs are adequate to ensure that the rights of children and young people have been considered.**

2) Definitions

NSPCC Cymru/Wales shares the concerns of Welsh Women's Aid and the Violence Against Women Action Group about the definitions used in the Strategy. These definitions will steer regional and local commissioning and monitoring, and it's therefore vital that these are correct from the start. Currently the definitions used are not consistent with the United Nations, international and UK recognised definitions of domestic abuse and violence against women. The Right to be Safe strategy of 2010 included the internationally accepted definition of violence against women, placing it clearly within an equality and human rights framework. Changing this approach, we believe, represents a step backwards, and means that Wales is not aligned with the UK Government and other devolved nations.

- **We suggest that the Committee ask that the definitions used within the Strategy are amended to be in line with the UN, international and UK recognised definitions.**

3) Educating the Future Generation

NSPCC Cymru/Wales believes that it's crucial to educate young people about healthy relationships if we are to break the cycle of domestic abuse. There is growing research evidence that patterns of sexual coercion and harassment are not confined to **older teens** but are also emerging in the everyday lives of **pre-teen children**.

In Wales, the 'Boys and Girls Speak Out' (2013) research carried out on behalf of the National Assembly for Wales Cross Party Group on Children's Sexuality, Sexualisation and Equalities (funded by NSPCC Cymru/Wales, Cardiff University and the Office of the Children's Commissioner for

Wales) revealed that most children age 10-12 reported either witnessing or experiencing direct or indirect incidents of sexual harassment, particularly slut-shaming and anti-gay talk (at school, in the street, and online), with gender stereotypes used by children and some staff to justify these forms of harassment. Overall the research found that children were ill-equipped to deal with sexual harassment and very few felt comfortable talking about these issues with parents or teachers.

Further evidence shows the scale of this problem:

- Data published in September 2015 revealed that 5,500 sexual offences were recorded in UK schools over a three year period, including 600 rapes.²
- In a study of young people by the NSPCC (2009), a quarter of the girls and 18 per cent of the boys experienced physical abuse; three quarters of the girls and 14 per cent of the boys experienced physical abuse, and a third of the girls and 16 per cent of the boys experienced some form of sexual partner violence.³
- Data from the NSPCC's ChildLine service reveals a culture of sexual harassment which, starting from their school relationships, extends across the spectrum of children's experiences, including online. It can leave them isolated, with many having no outlet to escape abuse.

NSPCC Cymru/Wales believes that core and mandatory curriculum on healthy relationships taught from a gender equality perspective; co-produced with children and young people and delivered by appropriately trained practitioners is needed to ensure ALL school age children and young people receive a comprehensive and inclusive sexuality and relationships education that addresses the complex ways in which inter-personal gender-based and sexual harassment impacts upon their lives.

We welcome that the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 included provisions to require local authorities to publish prescribed information to show how their education functions are being exercised to promote the purposes of the legislation. The legislation was also followed by the publication of Welsh Government Guidance on Whole School Approaches developed with Welsh Women's

² <http://www.bbc.co.uk/news/education-34138287>

³ *Barter et al (2009): School-based cross-sectional survey of 1500 young people aged 13 to 17 in England, Scotland and Wales and 80 interviews with young people (NSPCC funded);*

Aid. However we were disappointed that the Welsh Government did not introduce mandatory healthy relationships education delivered through a whole school approach. We are aware that work is ongoing in the development of the Wellbeing Area of Learning and Experience under the new curriculum for Wales and would urge that provision should become mandatory as part of this process.

We are however strongly supportive of and have contributed content and case studies to the Welsh Government's Guidance on 'Good Practice on delivering Whole Education Approaches to Preventing Violence against Women, Domestic Abuse and Sexual Violence.' However, concerns do remain around implementation.

We believe it is important to unpick the practical steps schools need to take to successfully deliver all of the different elements of a whole school approach, and understand where the prevention of sexual harassment and violence sits within this scope. It is also important to understand the needs of schools and teachers to help them embed and deliver this approach successfully, consistently and safely.

As part of this, schools also need to be supported to incorporate innovative approaches. Cardiff University (Professor Renold), NSPCC Cymru/Wales and Welsh Women's Aid, supported by the Office of the Children's Commissioner for Wales have been working in partnership over the last year on '*AGENDA: A Young People's Guide to Making Positive Relationships Matter*'. AGENDA will be launched in November 2016 at the Pierhead Building. AGENDA is intended to be a change-making toolkit for young people who wish to get involved in promoting gender well-being and gender equalities for respectful and healthy relationships. AGENDA has been designed to showcase and provide practical examples of how change-making can be embedded in the learning process. **We believe it is imperative that children and young people's views are at the forefront of the development of PSE/SRE content on healthy relationships.** We would welcome the opportunity to share further information on AGENDA with the Committee.

Given that currently, PSE (and a comprehensive healthy relationships education programme) is not mandatory and as such, provision is at the discretion of each individual school, many teachers may find both time and resources for training hard to negotiate. Mandatory and regular training for all staff on by experts in the field of gender and sexuality education, violence against girls and women, and LGBTQ+ and transgender+ is imperative for the implementation of any education

approach and the whole-school approaches described above. There also needs to be clear guidance on how to create safe spaces for children to talk about and challenge everyday sexism and sexual harassment.

A fully resourced and regularly evaluated approach will be vital to achieving the prevention ambitions of the Act. We believe having a core mandatory curriculum, independently evaluated and inspected by Estyn (Wales) with evidenced based learning outcomes and resources is an essential part of ensuring consistency and quality.

We would also like to draw attention to our response to the Committee's Inquiry on its priorities, in which we suggested that the **Committee consider a joint inquiry with the Children and Young People's Committee into the impact of sexual harassment/violence on children and young people in Wales.** We believe this inquiry would be a timely means of assessing what needs to be in place to support this approach.

We would suggest the Committee should:

- **Examine what progress is being made at a local level to implement the requirements of the Act and what arrangements around training, monitoring, evaluation and inspection are being made to support schools and teachers to implement the Act.**
- **We would also suggest that the Committee could gather evidence by directly asking teachers and schools about their awareness of the Whole Education Approach Guidance and if so what they need to implement the provisions of the Act and what challenges there are in putting the Guidance into practice.**

4) Powers of the National Adviser

NSPCC Cymru/Wales is looking forward to working with the National Adviser to ensure implementation of the Act. However, as of yet it feels like early days to be able to comment on whether the National Adviser has sufficient powers and independence from the Welsh Government to do this. We would however welcome further scrutiny around what role the National Adviser will have in ensuring scrutiny of local strategies by Local Authorities and Local Health Boards and how they will be supported by Welsh Government to fulfil this role. The National Strategy consultation document does not currently mention the National Adviser which is concerning. As such it is difficult to understand the role the Advisor will

play in supporting relevant authorities to deliver on the requirements of the Act. We would also welcome further clarity about the role the National Advisor has played in the development of the National Strategy document. This leads to a further more general question about governance and accountability. Who is accountable for the delivery of the local strategies and how will local delivery be scrutinised?

- **We would suggest that the Committee consider asking how the National Adviser will play a role in ensuring that there is adequate scrutiny and consistency across the Local Strategies.**
- **We believe the Committee should seek evidence from the National Advisor on how far her powers are supporting her in her role as established by the legislation.**

5) Guidance

NSPCC Cymru/Wales welcomed the opportunity to comment on the draft guidance that has been published to accompany the Act: the National Training Framework, Ask and Act and Multi Agency Collaboration and the Perpetrators Guidance. However we have concerns about the impact of the delays in publishing these pieces of guidance, especially as the National and Local Strategies that are required by the Act should have regard to this guidance. We are particularly concerned that Commissioning Guidance has not been published which should aim to ensure that no matter where a victim lives, there is a strong public and specialist service ready to help. Without specific guidance for local commissioners to support their commissioning of specialist services under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, we believe there is a risk that services for children and young people will not be given the adequate and consistent attention across all areas of Wales that they need. We also believe that such guidance is vital to support a holistic approach at a local level that combines to create a strategically joined-up and consistent approach to service users across Wales.

- **We suggest that the Committee look into timescales for publication of the range of guidance and assess the potential impact of the delays on the implementation of the Act.**

6) Services

We welcome the inclusion of Support as a priority in the National Strategy consultation document. We know that the impact of abuse can include

mental health problems such as anxiety, depression, substance misuse, eating disorders, self-harm, anger and aggression, sexual symptoms and age inappropriate sexual behaviour.⁴ Receiving the right support at the right time can mean the difference between overcoming their trauma, or a life shaped by the horror of their experiences. However, we remain concerned that there remains a severe lack of evidence about 'what works' for children who are abused due to witnessing or experiencing domestic abuse. Support can take many forms and it's important that those who are commissioning services take a holistic approach. It also remains the case that children are rarely given opportunities to express their views about what they feel is effective and become involved in decisions about the type of services they need.⁵

- **We would suggest that the Committee ask what services are available to children across Wales and assesses the need for a further gaps analysis and guidance on the evidence there is about 'what works' for children.**

We welcome that the National Strategy document and forthcoming Perpetrators Guidance recognises that working with perpetrators of VAWDASV has to be a key plank of any strategic approach to prevent violence against women and domestic abuse. However we would suggest that Guidance is necessary to ensure this is understood as part of a holistic approach. We believe that relevant authorities need stronger guidance on the minimum standards for service provision.

- **We would suggest that the Committee look into the availability and effectiveness of programmes that work with perpetrators to address their behaviour.**

7) FGM

NSPCC Cymru/Wales remains concerned about the lack of clarity over how Female Genital Mutilation (FGM) fits under both the Act and the draft Strategy. The relevant authorities covered by the Act need better guidance on what can be done to prevent FGM and support those affected by it. Although there is reference to FGM in the draft National document

⁴ Lanktree, C. B, Gilbert, A. M, Briere, J, Taylor, N, Chen, K, Maida, C. A and Saltzman, W. R (2008) Multi-informant assessment of maltreated children: convergent and discriminant validity of the TSCC and TSCYC. *Child Abuse Neglect* 32 (6) pp. 621-625

⁵ Radford, L., Aitkin, R., Miller, P., Ellis, J., Roberts, J., and Kirkc, A. (2011). *Meeting the Needs of Children living with domestic abuse in London*. London: Refuge/NSPCC research project, funded by the City Bridge Trust.

under the Prevention strand, we believe that more work needs to be done to mainstream its inclusion across the whole document. The Welsh Government, with the establishment of the Wales National Strategic HBV Leadership Group and delivery plan has instigated a strategic approach to attempting to tackle HBV/FGM in Wales and the document should be more reflective of this. There is also key work in data collection and Health that could be better reflected and should be better communicated from a National to Local level. We would recommend that the Committee seeks formal input from the Strategic Leadership Group (SLG). Part of the work by the SLG work includes funding and support for the Voices over Silence project, which saw NSPCC Cymru/Wales and Bawso work with a group of 16 young women during a 6 month period to upskill them as youth ambassadors on FGM and co-create resources which aim to spark conversations about FGM in schools and communities across Wales.

- **We suggest that the Committee to consider whether there is sufficient guidance on HBV under the Act and the draft Strategy for bodies to be able to engage with strategic action needed to prevent HBV/FGM and adequately support those affected by it.**
- **We would suggest that the Committee seeks evidence from the Wales HBV Strategic Leadership Group.**

8) Sexual Violence

NSPCC Cymru/Wales is concerned that the main focus of the draft Strategy is on Domestic Abuse, meaning that Sexual Violence and Violence against Women are not as adequately incorporated into the document. We also note that Child Sexual Abuse is mentioned in the Strategy (on page 10), however there is lack of clarity around how this fits under the Strategy.

- **We suggest that the Committee seek clarity on whether Child Sexual Abuse falls under Sexual Violence as covered by the Act.**

9) Survivors' Voices

We welcome the fact that the draft strategy has been informed by the recommendations and priorities of Welsh adult survivor voices. We want to emphasise how important it is that the voices of children and young

people are taken into account as part of this process. It remains the case that children are rarely given opportunities to express their views about what they feel is effective and become involved in decisions about the type of services they need.⁶ NSPCC has recently engaged with a Young Experts group (young people with experience of abuse) who have developed a set of child-centred principles that should underpin future services to support children and young people who have been abused.⁷ NSPCC Cymru/Wales are also in the process of consulting with children and young people to find out what they want from services with a view to developing a set of Listening Standards. These will be available in early 2017. We would be happy to share our learning with the Committee.

- **We would suggest that the Committee consider how the voices and experiences of children and young people can meaningfully inform the implementation of the Strategy and Guidance under the Act.**

We would be pleased to discuss any of the areas we have outlined in our response in further detail if that would be of help to the Committee.

⁶ Radford, L., Aitkin, R., Miller, P., Ellis, J., Roberts, J., and Kirkc, A. (2011). *Meeting the Needs of Children living with domestic abuse in London*. London: Refuge/NSPCC research project, funded by the City Bridge Trust.

⁷ <https://www.nspcc.org.uk/globalassets/documents/research-reports/its-time-campaign-report.pdf>