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## DOMESTIC ABUSE

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### BACKGROUND

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#### What is domestic abuse?

As of April 2013, the Government has defined domestic abuse and violence as “any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality”. This can encompass: psychological; physical; sexual; financial and emotional abuse.

- Controlling behaviour is defined as a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour
- Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.<sup>1</sup>

#### What support does Victim Support provide to victims?

In 2016/17, VS offered support to 92,700 victims of domestic abuse, with 34,400 receiving at least one service.

Around 30% of victims of domestic abuse referred to VS were between the ages of 25-34. Of the victims of domestic abuse who were referred to VS 77.3% were women, with the most common ethnicities being White British (66.2%) followed by Black Caribbean (4.9%), and the most common crime type being violence with injury (51.1%) followed by violence without injury (25.3%).<sup>2</sup>

VS delivers a number of services across the country to support victims of domestic abuse. This includes IDVA (Independent Domestic Violence Adviser) services which are staffed by trained specialists. IDVAs act as a single point of contact to help victims who are at the most risk of serious injury or death to become safe, ensuring their voice is heard by statutory agencies. IDVAs provide support with safety planning, the criminal justice process, and access to counselling and other forms of help. They also represent victims at multi-agency risk assessment conferences (Maracs).

In addition, VS delivers outreach services in local communities. Working from health services, police stations, hospitals and community centres, these services offer practical and emotional support from trained specialists as well as help with coordinating the provision of support.

#### Key statistics

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<sup>1</sup> Gov.UK, [Domestic violence and abuse](#)

<sup>2</sup> VS data (cases created) with domestic abuse characteristic from September 2015 - August 2016.

The Crime Survey for England and Wales estimates that in the year ending March 2016:<sup>3</sup>

- An estimated 1.8 million adults aged 16 to 59 said they were a victim of domestic abuse in the last year.
- Adults aged 16 to 19 were the most likely to say they had experienced domestic abuse (11.9% of women, 6.9% of men).
- 1.03 million domestic abuse-related incidents were recorded by the police. This amounts to approximately 10% of all police recorded crime.
- In the year ending September 2016, violence against the person offences were the most likely to be domestic abuse-related (32%).<sup>4</sup>

## Gender

Research shows that domestic abuse is a gendered issue, affecting women more than men. According to the Crime Survey for England and Wales, in the year ending March 2016, women were significantly more likely than men to say they had experienced domestic abuse - 1.2 million women (7.7%) and 651,000 men (4.4%) in the last year and 26.3% of women and 13.6% since the age of 16. Women are also more likely to be killed by their current or former partner (44% of female victims compared with 6% of male victims).<sup>5</sup> Similarly, Women's Aid 2016 Femicide Census showed that between 1 January 2009 and 31 December 2015, 64% of women were killed by a man they knew, either a current or former partner.<sup>6</sup> Evidence also suggests that for many women abuse either starts (30%), or is experienced during (40% to 60%), pregnancy.<sup>7</sup>

## Age

According to the charity SafeLives, around 120,000 people aged 65 and over experienced at least one form of domestic abuse (psychological, physical, sexual or financial) in 2015/16. In comparison to people aged 60 and under, their research shows that those over 60 are far less likely to have attempted to leave the perpetrator (27% compared to 68%) and that, on average, the length of abuse is longer (6.5 years compared to 4 years). After receiving support, they are also more likely to still be living with the perpetrator (32% compared to 9%).<sup>8</sup>

## LGBT

Research conducted by Stonewall suggests that 25% of lesbian and bisexual women have experienced domestic abuse whilst in a relationship, with the perpetrator a women in two-thirds of instances. 81% do not report the incident to the police and many of those that do (49%) are not happy with how their case was handled. In addition, just under half

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<sup>3</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2016>

<sup>4</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingsept2016>

<sup>5</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2015/chapter2homicide>

<sup>6</sup> <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/01/The-Femicide-Census-Jan-2017.pdf>

<sup>7</sup> <https://www.rcm.org.uk/news-views-and-analysis/news/16-day-domestic-violence-campaign-launched>

<sup>8</sup> <http://safelives.org.uk/sites/default/files/resources/Safe%20Later%20Lives%20-%20Older%20people%20and%20domestic%20abuse.pdf>

(49%) of gay and bisexual men have experienced domestic abuse by a partner or family member since the age of 16.<sup>9</sup>

## CPS

CPS data shows that referrals of domestic abuse offences from the police to the CPS fell between 2014/15 and 2015/16, from 122,898 to 117,882. Of the defendants prosecuted by the CPS in 2015/16, the majority were male (92,851 out of 100,930). The majority of victims were female (71,706 out of 104,193).<sup>10</sup>

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## OVERVIEW OF TOPICS

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- Transforming the experience of domestic abuse victims in Family Courts
- Improving access to Legal Aid in Family Courts
- Increasing access to Specialist Domestic Violence Courts (SDVCs)
- Enhancing the police response to victims of domestic abuse
- Increasing use of, and compliance with, Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs)
- Removing financial burden of repatriation for forced marriage victims and increasing specialist police knowledge
- Extending the provision of specialist domestic abuse services and ensuring a whole family approach to service delivery
- Enabling access to refuges
- Addressing barriers to anonymous electoral registration
- Abolishing the Criminal Injuries Compensation Scheme (CICS) ‘1979 rule’ and ensuring that CICA (Criminal Injuries Compensation Authority) is proportionate in its approach to compensation claims

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## TRANSFORMING THE EXPERIENCE OF DOMESTIC ABUSE VICTIMS IN THE FAMILY COURT

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### Overview of the issue and how it affects victims

There are a number of issues faced by domestic abuse victims in family courts that must be addressed to ensure that the system does not facilitate the continuation of abuse. These include the cross-examination of victims by their alleged perpetrator, the limited availability of special measures and security facilities across courts, and an over-reliance on the principle of ‘contact at all costs’ in child contact cases where there is evidence of domestic abuse.

Direct cross-examination by the perpetrator or vice versa is a traumatic and daunting experience for victims of domestic abuse. Guidance for family court proceedings, in the form of Practice Direction 12J, advises that it may be more appropriate for the judge or lay justices to question victims of violence.<sup>11</sup> However, a 2015 Women’s Aid survey found that 25.3% of the women who responded had been cross-examined by the perpetrator in a family court. This means that while there is guidance in place, victims are still being exposed to questioning by their perpetrators putting them at further risk of harm. Concerns have been raised that this practice may result in an unfair hearing, breaching

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<sup>9</sup>[https://www.stonewall.org.uk/sites/default/files/Domestic\\_Abuse\\_Stonewall\\_Health\\_Briefing\\_\\_2012\\_.pdf](https://www.stonewall.org.uk/sites/default/files/Domestic_Abuse_Stonewall_Health_Briefing__2012_.pdf)

<sup>10</sup> CPS, [Violence Against Women and Girls Crime Report 2015-16](#)

<sup>11</sup> [https://www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_12j](https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j)

article 6 of the Human Rights Act. It is also in direct contrast to criminal court practice which “prohibits the cross-examination in person by defendants of complainants in sexual cases”.<sup>12</sup>

The Youth Justice and Criminal Evidence Act 1999 provides that a range of special measures can be used in criminal proceedings to assist vulnerable or intimidated individuals in giving evidence, including the use of screens to block the witness from view of the defendant and live links to allow witnesses to give evidence from outside the courtroom. Complainants of sexual offences are automatically considered ‘intimidated’ and should therefore have access to these measures in criminal courts. Victims of domestic abuse may also be considered as such.

In civil proceedings, however, there is no statutory framework governing the use of special measures.<sup>13</sup> In practice, this may explain, at least in part, why many survivors of domestic abuse (55% according to Women’s Aid<sup>14</sup>) report they did not have any special measures available to them in the family courts. Research carried out by the APPG on Domestic Violence<sup>15</sup> and the Ministry of Justice<sup>16</sup> has also found that special measures are not consistently available across family courts. For some of the judiciary, special measures are considered ‘hypothetical’ as the facilities are not available in their court and where they are available they are often seen as falling below the required standard. One judge, interviewed as part of the MoJ’s 2015 research into the cross-examination of vulnerable and intimidated witnesses described an available screen as being “so peculiar and antiquated that it [either] falls over half way through or you can see round it”.<sup>17</sup> Similar short fallings have been identified in relation to the provision of security facilities. While recognised by the judiciary as being essential to a victims’ safety and for emotional reassurance measures such as separate waiting rooms are not available in all courts. Consequently, there are occasions where the victim has to wait in the same room as the alleged perpetrator.<sup>18</sup>

We are also aware that the principle of ‘contact at all costs’ can enable perpetrators to continue inflicting harm on victims of domestic abuse in family law courts. Evidence suggests that there is an over reliance on the principle of ‘contact at all costs’ in cases of child contact arrangements even in the context of domestic abuse.<sup>19</sup> Although guidance was put in place to protect the wellbeing and ensure the safety of children in determining

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<sup>12</sup> [http://www.cps.gov.uk/legal/s\\_to\\_u/special\\_measures/](http://www.cps.gov.uk/legal/s_to_u/special_measures/)

<sup>13</sup> <https://www.police.uk/news/protection-for-victims-of-domestic-violence/>  
[https://books.google.co.uk/books?id=dyOTBwAAQBAJ&pg=PA313&lpg=PA313&dq=civil+cases+no+statutory+framework+for+special+measures&source=bl&ots=-4gmCrQz4b&sig=2Q45AVFMFPE\\_uYpnP3915b1hsmg&hl=en&sa=X&ved=0ahUKEwjQnIn1yLLQAhUlr1QKHS49D04Q6AEIPTAH#v=onepage&q=civil%20cases%20no%20statutory%20framework%20for%20special%20measures&f=false](https://books.google.co.uk/books?id=dyOTBwAAQBAJ&pg=PA313&lpg=PA313&dq=civil+cases+no+statutory+framework+for+special+measures&source=bl&ots=-4gmCrQz4b&sig=2Q45AVFMFPE_uYpnP3915b1hsmg&hl=en&sa=X&ved=0ahUKEwjQnIn1yLLQAhUlr1QKHS49D04Q6AEIPTAH#v=onepage&q=civil%20cases%20no%20statutory%20framework%20for%20special%20measures&f=false)

<sup>14</sup> <http://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/11/APPG-Inquiry-report-domestic-abuse-child-contact-and-the-family-courts.pdf>

<sup>15</sup> [https://www.naccc.org.uk/downloads/NewsItems/APPG\\_Inquiry\\_report\\_Domestic\\_Abuse\\_Child\\_Contact\\_and\\_the\\_Family\\_Court.pdf](https://www.naccc.org.uk/downloads/NewsItems/APPG_Inquiry_report_Domestic_Abuse_Child_Contact_and_the_Family_Court.pdf)

<sup>16</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592873/alleged-perpetrators-of-abuse-as-litigants-in-person.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592873/alleged-perpetrators-of-abuse-as-litigants-in-person.PDF)

<sup>17</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592873/alleged-perpetrators-of-abuse-as-litigants-in-person.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592873/alleged-perpetrators-of-abuse-as-litigants-in-person.PDF)

<sup>18</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592873/alleged-perpetrators-of-abuse-as-litigants-in-person.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592873/alleged-perpetrators-of-abuse-as-litigants-in-person.PDF)

<sup>19</sup> <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2016/01/Child-First-Nineteen-Child-Homicides-Report.pdf>

child arrangements and contact orders in family proceedings in 2008,<sup>20</sup> Women's Aid argue that it has not been fully implemented.<sup>21</sup> The charity warns that the family courts are "robbing survivors of their children" as the dynamics of domestic abuse and in particular coercive and controlling behaviour are not entirely understood and recognised by the judiciary.

### Overview of Government plans or activity

On 20 January, Family High Court Judge, Stephen Cobb QC, published the findings of his review into the treatment and experiences of victims of domestic abuse in family law courts. Recognising the concerns raised by Women's Aid Nineteen Child Homicides report and the All Parliamentary Group on Domestic Violence (APPG), the review recommended that the presumption of 'contact at all costs' in cases of child contact arrangements should be scrapped. Under the reforms, courts would also be required to ensure that the court system is not being used by perpetrators as a way to continue the abuse and inflict further harm. In order to achieve this, the review acknowledges that further training for Family Court judges on the offence of controlling or coercive behaviour may be required. The High Court Judge also called for an end to the practice of unrepresented alleged abusers cross-examining their alleged victims and vice versa.<sup>22</sup>

In response to concerns about the safety of victims of domestic abuse during family proceedings, the Minister for Courts and Justice (Sir Oliver Heald) said in January 2017 that the Government continues "to invest in the court estate to improve the physical security of family courts". He recognised that further action is needed and indicated that work is already being undertaken to provide practical measures such as separate waiting rooms and screens to shield vulnerable victims across the court estate.<sup>23</sup>

On 23 February 2017, Justice Secretary Elizabeth Truss MP announced that family courts will be given "the power to put an end to domestic violence victims being quizzed by their attackers".<sup>24</sup> This follows the Government's emergency reviewed into how survivors of domestic abuse could be protected from the practice.<sup>25</sup>

The Government proposed a number of changes in the Prison and Courts Bill 2017 to implement the prohibition of cross-examination in person in specified circumstances in family proceedings. The provisions in the Bill would have the practical effect of:

- introducing a blanket ban on cross-examination in person in certain specified circumstances - for example, where the would-be questioner has been convicted of committing a violent or sexual offence against the witness;
- giving the court a discretion to prohibit such cross-examination in other specified circumstances - for example, where the court is satisfied that such cross-examination would cause significant distress to the witness;

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<sup>20</sup> [http://www.justice.gov.uk/courts/procedure-rules/family/pdf/practice\\_directions/Web\\_pd\\_part\\_12j.pdf](http://www.justice.gov.uk/courts/procedure-rules/family/pdf/practice_directions/Web_pd_part_12j.pdf)

<sup>21</sup> <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2016/01/Child-First-Nineteen-Child-Homicides-Report.pdf>

<sup>22</sup> <https://www.judiciary.gov.uk/wp-content/uploads/2017/01/PD12J-child-arrangement-domestic-violence-and-harm-report-and-revision.pdf>

<sup>23</sup> <https://hansard.parliament.uk/Commons/2017-01-09/debates/8054FB6E-0CDD-4E9B-A6C3-393558156BBD/DomesticViolenceVictimsCross-Examination#contribution-317A7AB1-49CE-4CF1-A471-F40320F6CBA1>

<sup>24</sup> <https://www.gov.uk/government/news/justice-secretary-elizabeth-truss-unveils-landmark-prisons-and-courts-bill>

<sup>25</sup> <https://www.theguardian.com/society/2017/jan/04/truss-orders-review-to-ban-abusers-tormenting-victims-in-family-courts>

- requiring the court to consider alternatives to cross-examination where a prohibition on cross-examination in person applies;
- giving the court a power in specified circumstances to appoint a funded legal representative to ask questions on behalf of a party who is prohibited from cross-examining in person; and
- making provision for the public funding of such legal representatives.<sup>26</sup>

### Victim Support's position

VS supports a ban on the practice of perpetrators directly cross-examining their victims in the family courts and the provision of legal advocates for the defendant

Our experience, like that of many other domestic abuse organisations, has shown that direct cross-examination by their abuser or vice versa is a traumatic experience. It also risks bolstering the power and control that may already be held by the perpetrator. We believe that a ban on this practice would help to improve victim safety in the family courts and prevent a continuation of the abuse. We also support the proposal in the Prison and Courts Bill to give the court a power in specified circumstances to appoint a funded legal representative to ask questions on behalf of a party who is prohibited from cross-examining in person.

When attending family court hearings, victims of domestic abuse should have access to a range of special measures that are equal to those available in the criminal courts

While the Government has said that “every family court has a system in place to support vulnerable users”,<sup>27</sup> which includes the availability of certain special measures “where appropriate”,<sup>28</sup> research suggests that in practice this is not consistently the case.<sup>29</sup> VS believes that special measures must be available across the family court estate to support the victim when giving evidence.

We support the efforts of other organisations, such as Women’s Aid and NSPCC, to protect the wellbeing and ensure the safety of children in determining child arrangements and ensure family proceedings are not used to continue the perpetration of abuse against victims.

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## IMPROVING ACCESS TO LEGAL AID IN FAMILY COURTS

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### Overview of the issue and how it affects victims

On 1 April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into force. While victims of domestic abuse are eligible for legal aid under the Act, in order to qualify they must provide evidence which meets the criteria set out in the Civil

<sup>26</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/594375/fact-sheet-vulnerable-witnesses.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/594375/fact-sheet-vulnerable-witnesses.pdf)

<sup>27</sup> [file:///C:/Users/BarkerA/Downloads/CDP-2016-0168%20\(1\).pdf](file:///C:/Users/BarkerA/Downloads/CDP-2016-0168%20(1).pdf)

<sup>28</sup> [file:///C:/Users/BarkerA/Downloads/CDP-2016-0168%20\(1\).pdf](file:///C:/Users/BarkerA/Downloads/CDP-2016-0168%20(1).pdf)

<sup>29</sup> [https://www.naccc.org.uk/downloads/NewsItems/APPG\\_Inquiry\\_report\\_Domestic\\_Abuse\\_Child\\_Contact\\_and\\_the\\_Family\\_Court.pdf](https://www.naccc.org.uk/downloads/NewsItems/APPG_Inquiry_report_Domestic_Abuse_Child_Contact_and_the_Family_Court.pdf)

Legal Aid (Procedure) Regulations 2012. Research shows that many victims of domestic abuse are consequently not able to access this help in family proceedings; 37% of women do not have the necessary evidence and 23% would be able to provide it if there was no requirement in place for it to be dated within the previous 24 months.<sup>30</sup> Other barriers to accessing legal aid are also experienced by some individuals who, due to their capital, are required to contribute towards the cost.<sup>31</sup>

As a result of difficulties in accessing legal aid, more than half of domestic abuse survivors find they have no option but to not take legal action and seek justice for the harm they have suffered.<sup>32</sup> Rights of Women report that some women are consequently left in violent relationships without the help they need while others opt to represent themselves.<sup>33</sup> The charity has found that facing their abuser in court alone can be a traumatic and humiliating experience for victims where they lack the necessary legal knowledge and understanding of the family court system.<sup>34</sup>

### Overview of Government plans or activity

In recent years, the Government has taken a number of steps to improve the experience of victims of domestic abuse in family law courts and widen access to legal aid. On 18 February 2016, the Court of Appeal declared that regulation 33, which determines the evidential requirements that must be met by victims of domestic abuse in order to qualify for legal aid, was ‘invalid’ on the grounds that:

- a) It requires verifications of domestic violence to be given within a 24 month period before any application for legal aid; and
- b) It does not cater for victims of domestic violence who have suffered from financial abuse.<sup>35</sup>

As an interim measure, the Government introduced regulations to amend these requirements which came into effect on 25 April 2016. In a statement to Parliament, Mr Shailesh Vara (the then Parliamentary Under-Secretary of State for Justice, Minister for the Courts and Legal Aid) said: “We are more than doubling the original time limit for evidence - increasing it from two to five years, and we are introducing a provision for the assessment of evidence concerning financial abuse”.<sup>36</sup> The Ministry of Justice also initiated work to gather further information on the experience of victims of domestic abuse in seeking legal aid and the barriers they face in order to provide a longer-term response.

In a debate in the House of Commons on 15 September 2016, Dr Phillip Lee (Parliamentary Under-Secretary of State for Justice) outlined the Government’s progress in taking this work stream forward. He said: “Over the summer, we have been working collaboratively with domestic abuse support groups, legal representative bodies and colleagues across Government to gather information on the legal aid evidence requirements. We are not complacent. We know that there is room for improvement, and we are working closely

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<sup>30</sup> <http://rightsofwomen.org.uk/wp-content/uploads/2014/09/Evidencing-domestic-violence-V.pdf>

<sup>31</sup> [https://www.citizensadvice.org.uk/global/migrated\\_documents/corporate/domestic-abuse-victims---struggling-for-support-final.pdf](https://www.citizensadvice.org.uk/global/migrated_documents/corporate/domestic-abuse-victims---struggling-for-support-final.pdf)

<sup>32</sup> <http://rightsofwomen.org.uk/wp-content/uploads/2014/12/Evidencing-domestic-violence-IV.pdf>

<sup>33</sup> <https://www.theguardian.com/law/2016/feb/18/changes-to-legal-aid-for-domestic-violence-victims-ruled-invalid>

<sup>34</sup> <http://rightsofwomen.org.uk/wp-content/uploads/2014/09/Evidencing-domestic-violence-V.pdf>

<sup>35</sup> <https://www.judiciary.gov.uk/wp-content/uploads/2016/02/queen-v-sos-rights-of-women-judgment.pdf>

<sup>36</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-04-21/HCWS690/>

with the judiciary in particular to consider what additional protections may be necessary for vulnerable victims and witnesses in the family justice system”.<sup>37</sup> The Government has since set a date for its review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to be completed, April 2018.<sup>38</sup>

In March 2017, Sir Oliver Heald (Minister of State at the Ministry of Justice) re-affirmed the Government’s intention to reform legal aid regulations, specifically with regards to the five-year time limit on evidence and the range acceptable of documents that prove the applicants is or was at risk of domestic abuse. In response to a written parliamentary question asked on 28 February 2017, the Minister said “we have already announced our intention to completely remove the time limit on all forms of evidence, and to broaden the evidence types to include, for instance, letters from domestic violence support organisations and housing support officers. We will provide further details of the full extent of our proposals shortly”.<sup>39</sup>

### Victim Support’s position

All victims of domestic abuse who require it should have access to legal aid

Victim Support welcomes the changes that were introduced in April 2016 to improve the experience of victims of domestic abuse in family law courts and widen access to legal aid. However, we also recognise that for many victims of domestic abuse obtaining the evidence that is needed to qualify for legal aid can still be difficult. To ensure that victims of domestic abuse are not discouraged or prevented from taking legal action against their perpetrator on the basis of their financial situation, we believe that legal aid for family proceedings should be available to all victims of domestic abuse who require it. This could, at least in part, be achieved by extending the range of acceptable evidence that an applicant can submit to prove abuse and removing the requirement for it to be dated within five years prior to the application.

Alternatives to legal aid should be accessible to all victims of domestic abuse

To help ensure that all victims of domestic abuse have access to the level and nature of legal help they require, it is important that alternatives to legal aid, such as free advice helplines, are available. For litigants in person, we believe this support and information is critical to help them navigate the family court system, present their case and get the appropriate support they need.

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## INCREASING ACCESS TO SPECIALIST DOMESTIC VIOLENCE COURTS

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### Overview of the issue and how it affects victims

<sup>37</sup> <https://hansard.parliament.uk/Commons/2016-09-15/debates/34FB8AA3-6931-4A38-B1E2-2D5AE13B1F84/DomesticAbuseVictimsInFamilyLawCourts#contribution-46CDCA84-5A80-4863-92A7-50F8D3E29133>

<sup>38</sup> <https://hansard.parliament.uk/Commons/2017-01-09/debates/8054FB6E-0CDD-4E9B-A6C3-393558156BBD/DomesticViolenceVictimsCross-Examination#contribution-5D47B670-CF1C-486A-B10A-50E9E43917BA>

<sup>39</sup> <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-28/65872/>

The SDVC programme was introduced in 2005 to deliver a more effective approach to identifying and prosecuting cases of domestic abuse. SDVCs are existing magistrates' courts that receive accreditation. The courts provide:

- tailored support and advice for complainants from dedicated support services and organisations;
- dedicated day/time for domestic abuse cases to be heard, either via clustering or fast-tracking cases;
- specially trained magistrates, police officers and prosecutors; and,
- separate entrances, exits and waiting areas so that victims do not come into contact with defendants and/or their associates.<sup>40</sup>

An analysis of SDVCs by the Centre for Justice Innovation, published in 2013, found that the programme has resulted in positive outcomes for victims of domestic abuse. It noted that specialist caseworkers for victims of domestic abuse (IDVAs), which operate within SDVCs, were “consistently praised for assisting the prosecution with identifying relevant cases; keeping victims informed; keeping prosecutors briefed on victims’ views; and ensuring the court kept a focus on domestic violence”.<sup>41</sup>

However, research conducted by the Centre for Justice Innovation shows that some SDVC practitioners believe that only a small percentage of domestic violence cases are appropriately identified and flagged by the police as being within the remit of the specialist court. In addition they found that special measures are not consistently available across these courts in England and Wales. Where they are available, there are small indications that in some instances they are inadequate. Additional difficulties were identified in relation to the application process which is seen as lengthy and too comprehensive. In order to make the application process easier, the Centre for Justice Innovation found that a small minority of SDVC practitioners would like to see special measures available on an opt-out basis.<sup>42</sup>

### Overview of Government plans or activity

As part of the Governments ‘Ending Violence Against Women and Girls Strategy 2016-20’,<sup>43</sup> the CPS has committed to “Address ways with others in the Criminal Justice System to improve the level of support provided to victims of VAWG crimes throughout the criminal justice process including through Specialist Domestic Violence Courts” during 2020.

### Victim Support’s position

VS supports the use of Specialist Domestic Violence Courts and believes that all victims of domestic abuse should have access

By enabling a multi-agency approach to the provision of support, we believe that Specialist Domestic Violence Courts deliver a number of benefits to victims of domestic

<sup>40</sup> [https://www.cps.gov.uk/legal/d\\_to\\_g/domestic\\_abuse\\_guidelines\\_for\\_prosecutors/#a09](https://www.cps.gov.uk/legal/d_to_g/domestic_abuse_guidelines_for_prosecutors/#a09)

<sup>41</sup> <http://justiceinnovation.org/wp-content/uploads/2014/03/A-snapshot-of-domestic-violence-courts-2014.pdf>

<sup>42</sup> <http://justiceinnovation.org/wp-content/uploads/2014/03/A-snapshot-of-domestic-violence-courts-2014.pdf>

<sup>43</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

abuse, particularly as a result of the automatic access to IDVA support. We therefore support their use and believe they should be available to all domestic abuse victims.

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## ENHANCING THE POLICE RESPONSE TO VICTIMS OF DOMESTIC ABUSE

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### Overview of the issue and how it affects victims

In 2014, HMIC found that while most forces and Police and Crime Commissioners said that domestic abuse is a priority for their areas, it was not being translated into an operational reality.<sup>44</sup> A progress report published in December 2015 showed that many forces have delivered tangible improvements in the service they provide to victims of domestic abuse. However, it also found there is still cause for concern and improvements that need to be made.<sup>45</sup> The inspection found that:

- Some officers still lack the knowledge, skills and understanding to tackle domestic abuse effectively, particularly in relation to cases of coercive control (despite it featuring in 34 out of 43 police forces' training on domestic abuse).<sup>46</sup>
- There are still considerable variations in the charge rates for domestic abuse crimes between forces and a lack of understanding as to why.
- Some victims believe the response they receive from the police is more positive if they have physical injuries, compared with cases where there had been emotional abuse.
- Some forces still do not provide response officers with accessible information on local support organisations for victims.
- In a large number of forces, not all victims are being offered the opportunity to make a Victim Personal Statement at the appropriate time.

Similar concerns regarding the police response to domestic abuse, particularly in relation to controlling and coercive behaviour, have been highlighted by other studies. Data obtained through freedom of information requests by law firm Simpson Millar showed that between December 2015 and June 2016, the law on controlling or coercive behaviour in intimate or familial relationships had only been used 62 times by the police. 22 police forces across England and Wales did not use it once during this period.<sup>47</sup>

In addition, the College of Policing, Cardiff University and University College London's Department of Security and Crime Science published their research into police response in September 2016. It found that a tendency to "focus on physical violence and what has occurred at the current incident can result in them missing abuse which is characterised not by physical violence and injury but by continuous coercion and control in other forms".<sup>48</sup> This is despite their obligation under the Victims' Code to provide services to

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<sup>44</sup> <http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf>

<sup>45</sup> <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/increasingly-everyones-business-domestic-abuse-progress-report.pdf>

<sup>46</sup> In March 2015, a new offence of controlling or coercive behaviour in intimate or familial relationships was created. Under Section 76 of the Serious Crime Act 2015, a person is guilty of this offence if they were personally connected to the victim (ie they live together or were in an intimate relationship) and their behaviour has a "serious effect" (ie causes fear on two or more occasions) on another person.

<sup>47</sup> <https://www.theguardian.com/society/2016/aug/31/police-failing-to-use-new-law-against-coercive-domestic-abuse>

<sup>48</sup> [http://whatworks.college.police.uk/Research/Documents/Risk-led\\_policing\\_and\\_DASH\\_risk\\_model.pdf](http://whatworks.college.police.uk/Research/Documents/Risk-led_policing_and_DASH_risk_model.pdf)

persons who suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence.<sup>49</sup>

This suggests that many victims of domestic abuse are currently not receiving the service they are entitled to from the police.<sup>50</sup> This not only puts at risk their ability to seek justice but also their safety if valuable opportunities to put in place the necessary protection measures are missed. Research indicates that the consequences for victims can be serious and lasting. HMICs 2015 progress report found that where the police act in an insensitive and judgemental manner, victims of domestic abuse lose confidence in the police and are discouraged from reporting future incidents, thereby potentially prolonging the length of time they may suffer harm.<sup>51</sup> This is particularly concerning given the impact that controlling and coercive behaviour, one of the key areas where the response provided by the police has been proven to fall short, has on a victim. A study by Avon and Refuge, published on 6 March 2017, found that almost half of adults (49%) aged between 16 and 21, who have experienced this behaviour report feeling intimidated, humiliated or worthless.<sup>52</sup>

### **Overview of criminal justice agencies' and Government plans or activity**

Following the publication of HMICs 2014 report, the College of Policing published new guidance on handling domestic abuse incidents in September 2015. For the first time, it included guidance for first response officers who are expected to take steps to safeguard the victim and identify criminal offences. The guidance emphasised the need for officers to recognise any signs of controlling and coercive behaviour when conducting a risk assessment and consider whether this may be a contributing factor if the victim appears reluctant to engage.<sup>53</sup> At the same time, the College of Policing published a toolkit which consists of a number of checklists to support first responders to domestic abuse incidents.

In 2015, in the absence of national training for police officers on recognising the signs of controlling or coercive behaviour, the College of Policing, in partnership with SafeLives, developed a voluntary training programme to address a number of the issues identified by HMICs 2014 inspection. Domestic Abuse Matters is designed to improve first responders' ability to identify victims of coercive control, their understanding of the complexities of the offence and the dynamics of domestic abuse. A 2016 evaluation of the programme found that it had a 'medium positive impact' on their knowledge of coercive control but no impact on their understanding of potential risk factors beyond physical violence, their understanding of why victims may not want to engage with the police or general attitudes towards domestic abuse. The evaluation recommended that future iterations of the

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<sup>49</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

<sup>50</sup> Under the Victims' Code, victims are entitled to receive the following from the police (this is not an exhaustive list and victims of the most serious crimes, persistently targeted, vulnerable or intimidated, including domestic abuse, are entitled to an enhanced service): a written acknowledgement that you have reported a crime including the basic details of the offence; a clear explanation of what to expect from the criminal justice system when you report a crime or are contacted as a victim in the course of investigations; an assessment of whether you want support, and if so what help or support you may need; information on what to expect from the criminal justice system and to be informed how often you will receive updates on the status of the case following discussion with the police.

<sup>51</sup> <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/increasingly-everyones-business-domestic-abuse-progress-report.pdf>

<sup>52</sup> <http://www.refuge.org.uk/2017/03/06/more-than-half-of-young-people-experiencing-controlling-behaviour-in-relationships/>

<sup>53</sup> <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/first-response/>

training should include more interactive and self-reflective learning.<sup>54</sup> The training has since been adapted to take into account the findings of the evaluation.

Further work is also underway to improve the police response to vulnerable victims, including victims of child sexual exploitation and domestic abuse. In November 2016, the Home Secretary, Amber Rudd MP, announced that £1.9 million would be awarded to the College of Policing from the Police Transformation Fund to pilot a license to practice approach for officers working in high risk roles. The pilot is aimed to ensure that officers who support vulnerable victims have received the necessary level of training to perform their roles to a high standard. Those who have not could be prevented, the College has suggested, from undertaking certain roles. In addition, the College of Policing plans to publish new guidance in 2017 for police officers and staff who undertake work that can cause psychological stress.<sup>55</sup>

### Victim Support's position

All front line police officers should undertake training on domestic abuse, including on coercive controlling behaviour, delivered by specialists to ensure it is of a high standard

VS agrees with recommendations set out in the 2016 evaluation of Domestic Abuse Matters. We believe that interactive training for police officers and determining their baseline knowledge of domestic abuse will help to improve the outcomes of the programme and evaluate its effectiveness in changing attitudes and behaviours. To ensure that all police staff who come into contact with victims of domestic abuse are able to consistently deliver a high standard of support, all frontline police officers should undertake training on domestic abuse delivered by specialists. VS recognises that the Domestic Abuse Matters training has been adapted following the 2016 evaluation to reflect the findings. As such, we believe that a high standard of training could be achieved through a roll out of this programme across all 43 police forces.

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## INCREASING THE USE OF, AND COMPLIANCE WITH, DOMESTIC VIOLENCE PROTECTION NOTICES AND DOMESTIC VIOLENCE PROTECTION ORDERS

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### Overview of the issue and how it affects victims

DVPNs are used by police officers to provide victims with immediate short-term protection. They can be issued at the scene of an incident and require the alleged perpetrator to leave the premises and have no contact with the victim for 28 days. Sufficient evidence to charge a perpetrator is not needed in order for a DVPN to be issued. Once issued, an application for a DVPO must be made by the police to the Magistrates court within 48 hours. Where the court decides that further protection is needed, a DVPO will be granted and lasts between 14 and 28 days.

In 2011-12, DVPOs were piloted in three police force areas and in March 2014 a national rollout began. A 2016 assessment of the use of DVPOs by the Home Office found that while they are seen by police forces as positive for victims of domestic abuse, officers who were not regularly using them had lower levels of awareness.<sup>56</sup> Rights of Women and Women's

<sup>54</sup> [http://www.college.police.uk/News/College-news/Documents/Domestic\\_Abuse\\_Matters.pdf](http://www.college.police.uk/News/College-news/Documents/Domestic_Abuse_Matters.pdf)

<sup>55</sup> [http://www.college.police.uk/News/archive/November\\_2016/Pages/vulnerability\\_for\\_policing.aspx](http://www.college.police.uk/News/archive/November_2016/Pages/vulnerability_for_policing.aspx)

<sup>56</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506148/2016-03-08\\_DVPO\\_report\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506148/2016-03-08_DVPO_report_for_publication.pdf)

Aid have both raised concerns about the extent to which DVPOs are being used. Rights of Women argue that they will only be effective if police officers are provided with additional training to ensure they are able to identify when a DVPN may be appropriate.<sup>57</sup> While Women's Aid data shows that only a very small percentage (2.5%) of women who use domestic violence services and report to the police are granted a DVPO.<sup>58</sup>

In December 2015, HMIC published a follow up report to their 2014 assessment of the police response to domestic abuse, 'Increasingly everyone's business'. It found that "the majority of forces introduced DVPOs in mid-2014 and the use has been extremely varied. Forces are not using DVPOs as widely as they could and opportunities to use them are being missed".<sup>59</sup>

Further, breach of a DVPO is not a criminal offence. Under the Magistrates' Court Act 1980, if a DVPO is disobeyed, the court can order a maximum payment of £5,000 or commit the person to custody for a period no more than 2 months. Women's Aid has called for breach of a DVPO to be criminalised, arguing that the current consequences leave victims at risk of continued abuse. Home Office data shows that 18% of the DVPOs issued by magistrates between March and December 2014 had been breached.<sup>60</sup> The HMIC 2015 report also found evidence that action is not being taken when a DVPO is breached which had "a detrimental effect on these victims and their confidence in the police and criminal justice process".<sup>61</sup>

### Overview of Government plans or activity

As a next step to their assessment of the national roll out of DVPOs, the Home Office has said that it will consider holding a consultation on making breach of a DVPO a criminal offence.

### Victim Support's position

Frontline police officers should have access to additional training opportunities on the use and purpose of DVPNs and DVPOs

To improve police understanding of the purpose of DVPNs and DVPOs and increase their use in appropriate situations, we believe that frontline police officers should have access to additional training opportunities. Our experience has shown that not all officers know that DVPNs are available to use, fully understand how they work or know what point in the investigation they can be used.

Breach of a DVPO should be made a criminal offence

In order to deter perpetrators from breaching a DVPO and provide victims with better protection, we believe that it should be made a criminal offence.

<sup>57</sup> <http://www.familylawweek.co.uk/site.aspx?i=ed132420>

<sup>58</sup> [http://www.huffingtonpost.co.uk/polly-neate/domestic-violence-protection-orders\\_b\\_6953342.html](http://www.huffingtonpost.co.uk/polly-neate/domestic-violence-protection-orders_b_6953342.html)

<sup>59</sup> <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/increasingly-everyones-business-domestic-abuse-progress-report.pdf>

<sup>60</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506148/2016-03-08\\_DVPO\\_report\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506148/2016-03-08_DVPO_report_for_publication.pdf)

<sup>61</sup> <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/increasingly-everyones-business-domestic-abuse-progress-report.pdf>

The police should monitor perpetrator compliance with DVPOs throughout the duration of the order

Victim Support is aware of instances where there has been a delay between the application of a DVPO and police activity to monitor the perpetrators compliance. While College of Policing guidelines recommend that the focus of police officers should be on ‘monitoring compliance and proactive policing of breaches’<sup>62</sup> after a DVPO hearing, it does not instruct when this should begin. In order to protect the victim, we believe it is vital for compliance with the order to be monitored throughout its full length.

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## REMOVING FINANCIAL BURDEN OF REPATRIATION FOR FORCED MARRIAGE VICTIMS AND INCREASING SPECIALIST POLICE KNOWLEDGE

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### Overview of the issue and how it affects victims

In the UK, a forced marriage is considered to be a form of domestic and child abuse. It is a marriage in which “one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used”. The abuse may be physical, sexual, psychological or financial.<sup>63</sup> In June 2014, forced marriages and breach of a Forced Marriage Protection Order were criminalised under the Anti-Social Behaviour, Crime and Policing Act 2014.

In 2016, the Forced Marriage Unit (FMU), set up by the Foreign and Commonwealth Office (FCO) and Home Office in 2005 to provide advice and support to victims,<sup>64</sup> dealt with 1,428 possible forced marriage cases. In the majority of cases, the victims were female (80%) and young (26% under the age of 18 and 34% aged 18-25). Though most of the cases handled by the FMU involve countries in the Asia, the Middle East and Africa, a small proportion (11% in 2016) originate from the UK, many of which come from London (21%).<sup>65</sup> The FMU, however, recognises that “forced marriage is a hidden practice” and as a result their figures “may not reflect the full scale of the abuse”.<sup>66</sup>

FCO policy dictates that victims of forced marriages are required to cover the financial cost of being repatriated back to the UK. In instances where the victim, a member of his or her family or friend is unable to pay for the travel, the FCO may provide a loan which must be repaid on return to the UK.<sup>67</sup> The Muslim Women’s Network UK helpline has called for a change in the policy for the reason that it is likely to discourage or potentially prevent victims from seeking help due to financial constraints.

Shortfalls in the police response to so-called honour-based violence, such as forced marriage, have also been identified. A 2015 HMIC inspection found “a very mixed picture

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<sup>62</sup> <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/arrest-and-other-positive-approaches/domestic-violence-protection-notices-and-domestic-violence-protection-orders/>

<sup>63</sup> <https://www.gov.uk/guidance/forced-marriage>

<sup>64</sup> The FMU considers the term ‘victim’ to include “people thought to be at potential risk of future forced marriage, those currently going through a forced marriage, and those who have already been forced to marry”

<sup>65</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597869/Forced\\_Marriage\\_Unit\\_statistics-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597869/Forced_Marriage_Unit_statistics-2016.pdf)

<sup>66</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/505827/Forced\\_Marriage\\_Unit\\_statistics\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/505827/Forced_Marriage_Unit_statistics_2015.pdf)

<sup>67</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/149854/FM\\_Survivors6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/149854/FM_Survivors6.pdf)

in terms of police preparedness and effectiveness in responding to honour-based violence". While "pockets of good practice were identified", the inspectorate suggested that valuable opportunities to identify and offer support to victims are likely being missed as a result of gaps in the specialist knowledge of frontline police staff. Out of 43 forces, only 4 were considered equipped to investigate honour-based violence incidents and prepared to work with other agencies to identify and manage individuals who present a risk to victims.<sup>68</sup>

### Overview of criminal justice agencies' plans or activity

In January 2017, the FCO announced that its policy regarding paying repatriation costs would be reviewed. In a letter to the Chair of the Muslim Women's Network UK, Shaista Gohir, an FCO official said: "we will be reviewing our policy on issuing emergency loans in early 2017, including the age at which emergency loans are given to British nationals". In response, Shaista Gohir welcomed the review however she raised concern that it could result in the FCO ending the practice of providing loans to people under the age of 18.<sup>69</sup>

On 14 December 2016, in response to a recommendation made by HMIC, the Crown Prosecution Service and the National Police Chiefs' Council (NPCC) published the first joint protocol on the handling of so-called honour-based violence/abuse and forced marriage offences. The protocol sets out the steps that should be taken by the CPS and the police in each case to improve the service provided to victims and the way in which these incidents are investigated and prosecuted.<sup>70</sup> In December 2016, the NPCC published its honour-based abuse policing strategy (which includes forced marriage) which outlines in greater detail the role of the police service in tackling these crimes. The strategy includes a number of commitments to improve partnership working between agencies, investigation standards and the support available to victims and survivors. It also recognises that there is a need to improve the knowledge of police staff. The NPCC says it will do this by "working with victims, survivors, communities and NGOs through a sustainable engagement network".<sup>71</sup>

### Victim Support's position

Victims of forced marriages should not be required to pay for the costs of repatriation back to the UK

By requiring victims of forced marriages to pay for the costs of repatriation back to the UK, VS believes that it may be deterring or even preventing them from seeking help and support.

All police forces should periodically review the effectiveness of training provided to their staff on so-called honour-based violence. Where gaps in the knowledge of staff are identified, they should be required to undertake further training to improve their understanding of, and response to, so-called honour-based violence, including forced marriage.

<sup>68</sup> <https://www.justiceinspectors.gov.uk/hmic/wp-content/uploads/the-depths-of-dishonour.pdf>

<sup>69</sup> <https://www.theguardian.com/society/2017/jan/11/fco-foreign-office-reviews-policy-of-making-forced-marriage-victims-pay-for-flights-loan>

<sup>70</sup> [http://www.cps.gov.uk/Publications/agencies/HBV\\_and\\_FM\\_Protocol.pdf](http://www.cps.gov.uk/Publications/agencies/HBV_and_FM_Protocol.pdf)

<sup>71</sup> <http://www.npcc.police.uk/Publication/Final%20NPCC%20HBA%20strategy%202015%202018December%202015.pdf>

As highlighted by the findings of HMIC in December 2015, many police forces are not fully equipped to respond effectively to cases of honour-based violence. VS has concerns that this is leaving some victims without the help and support they require. While we welcome the commitments that have been made since the publication of ‘The depths of dishonour’, to ensure that all forces consistently provide the necessary level of support and are adequately prepared to respond to cases of HBV, we believe that all police forces should periodically review the effectiveness of training provided to their staff on so-called honour-based violence. Where gaps in the knowledge of staff are identified, they should be required to undertake further training to improve their understanding of, and response to, so-called honour-based violence, including forced marriage.

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## EXTENDING THE PROVISION OF SPECIALIST DOMESTIC ABUSE SERVICES AND ENSURING A WHOLE FAMILY APPROACH TO SERVICE DELIVERY

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### Overview of the issue and how it affects victims

Victims of domestic and sexual abuse are not always able to access the specialist help and support they need to cope and recover from the impact of the crime, including that from Independent Domestic Violence Advisors (IDVAs).

IDVAs are trained specialists who act as a single point of contact to help victims of domestic abuse who are at the most risk of serious injury or death to become safe, ensuring their voice is heard by statutory agencies. IDVAs provide support with safety planning, the criminal justice process, and access to counselling and other forms of help. They also represent victims at multi-agency risk assessment conferences (Maracs).

Evidence obtained by the APPG on Domestic and Sexual Violence found that women and children are now facing increased barriers to accessing support as a result of the number of services that have been forced to close.<sup>72</sup> This is supported by evidence from the Government’s review of domestic abuse services in 2015,<sup>73</sup> which found that:

- Too many areas fall short in terms of the provision of services for victims of domestic abuse
- There is increased pressure on all victims services including specialist services, for example those supporting BME, disabled and LGB&T victims of violence and abuse
- Victims with the most complex needs find it particularly difficult to access appropriate support, further intensifying the risks they face

The organisation SafeLives have calculated that just over 1000 IDVAs are required to support the current number of known victims at risk of the most severe forms of domestic abuse, but that there are only approximately 67% of that number currently working across England and Wales.<sup>74,75</sup> In addition, 15 out of 43 police forces are estimated to have less

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<sup>72</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>73</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>74</sup> <http://www.safelives.org.uk/sites/default/files/resources/Prospective%20PCC%20Idva%20fact%20sheet.pdf>

<sup>75</sup> <http://safelives.org.uk/sites/default/files/resources/SafeLives%20Idva%20survey%20report%202016.pdf>

than half the number of IDVAs needed to support victims.<sup>76</sup> The Home Office currently grant funds<sup>77</sup> 10% of IDVA services and from April 2017 it will cease to provide this. It will be the responsibility of Police and Crime Commissioners and local authorities to commission IDVA services through available funds such as the VAWG Service Transformation Fund in an effort to “encourage new approaches”.<sup>78,79</sup> SafeLives has warned that the new funding arrangements risk leaving the funding gap untouched if local commissioners fail to act.

VS’s experience has demonstrated the value of IDVAs to the handling of domestic abuse cases and the support provided to victims. Our frontline staff report that the training for police officers on domestic abuse can be limited and, as such, some are not aware of the appropriate actions to take in order to assess the level of risk to the victim and the steps to take to manage this. We also know that the response from the police can vary depending on the individual officer’s knowledge of services and support that is available locally.

The APPG on Domestic and Sexual Violence pin much of the responsibility for lack of adequate specialist provision on commissioners, stating that funders have “been focused on reducing cost through competitive tenders without first understanding women’s needs”<sup>80</sup> and that “the provision of domestic violence and sexual violence services can be at the mercy of a local commissioner’s personal opinions and attitudes”.<sup>81</sup> They conclude that “the current model for funding specialist domestic and sexual violence services is not fit for purpose”.<sup>82</sup> This issue was also highlighted by the Government 2015 review of domestic abuse services which found that many areas are struggling with disparate local funding streams, short-term funding and disjointed local commissioning practices.<sup>83</sup>

Research also suggests that domestic abuse services are focussed on high-risk cases and delivering crisis interventions. As a result, victims who are identified as being at ‘medium’ or ‘standard’ risk are not considered a priority until “they have escalated to crisis point”.<sup>84</sup> This is concerning given that such cases can quickly escalate and missed opportunities to intervene and implement preventative measures could increase the risk of harm to the victim and their family. Along similar lines, SafeLives argues that, while significant steps have been taken to set out a clear and effective pathway of support for high-risk victims of domestic abuse, this has not been mirrored in the approach to standard and medium risk victims.<sup>85</sup>

## Overview of Government plans or activity

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<sup>76</sup><http://safelives.org.uk/sites/default/files/resources/SafeLives%20Idva%20survey%20report%202016.pdf>

<sup>77</sup> The Ministry of Justice defines a grant as providing “funds to be used at the discretion of the recipient organisation for its designated objectives”

<sup>78</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>79</sup> <https://www.theyworkforyou.com/wrans/?id=2016-12-20.58622.h>

<sup>80</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>81</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>82</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>83</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>84</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>85</sup><http://www.safelives.org.uk/sites/default/files/resources/Getting%20it%20right%20first%20time%20-%20complete%20report.pdf>

Although the Government acknowledges the problems that local commissioning has caused the sector, it maintains that “local areas are best placed to assess local need, to design comprehensive and good quality interventions, and to be held to account through improved local democratic accountability”.<sup>86</sup> However, in order to address some of the issues of poor provision the Government published a ‘National Statement of Expectations (NSE)’ in December 2016 along with a set of resources. These “make clear to local partnerships what good commissioning and service provision looks like” while “giving them the freedom to respond to ... local needs”. Commissioners are expected to ensure sufficient provision of local specialist support, including that which is designed specifically around the needs of marginalised groups.<sup>87</sup> However, the Government has recognised concerns regarding the implications of the new funding arrangements on the provision of IDVA services and said it will continue to monitor the level.<sup>88</sup> Funding is available to local commissioners through the VAWG Service Transformation Fund which offers £15 million to support, promote and embed best local practice as well as encourage new approaches.<sup>89</sup>

To help improve the provision of specialist support in London, the Mayor of London (Sadiq Khan) announced on 13 December 2016 investment of £72 million (a tranche of the London Crime Prevention Fund) over the next four years to tackle crime across London. This includes investment in services to support victims of domestic and sexual violence. The fund will be awarded “according to the greatest need across London’s boroughs”.<sup>90</sup>

The Government has also recognised the importance of identifying every family member affected by domestic abuse, not just the victim, to reduce harm and prevent escalation. In the VAWG 2016-20 strategy, the Government committed to scaling up programmes that can deliver this.

### Victim Support’s position

IDVA services should co-locate with police services and be based across health settings in England and Wales so that victims get quicker access to support

While we recognise that not all victims of domestic abuse report to, or wish to come into contact with, the police research suggests that for those that do co-locating IDVA services and police staff helps to ensure they receive the appropriate support. In 2015, HMIC’s progress report on the police response to domestic abuse found that it resulted in “quicker and better information sharing, risk assessing and safety planning”. Similarly Victim Support’s own experience has shown that this approach is beneficial to both officers and victims. For police staff, it means guidance and support is on hand for complex cases, risk assessments can be conducted by a domestic abuse specialist and close collaborative relationships with IDVAs can be established. In turn, we know that victims trust and confidence in the police improves over time.

We also recognise that many people affected by domestic abuse will access health services and not necessarily for a reason connected. SafeLives estimates that around 55% have

<sup>86</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>87</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/574665/VAWG\\_National\\_Statement\\_of\\_Expectations\\_-\\_FINAL.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574665/VAWG_National_Statement_of_Expectations_-_FINAL.PDF)

<sup>88</sup><https://www.theyworkforyou.com/wrans/?id=2016-12-20.58622.h>

<sup>89</sup><https://www.gov.uk/government/publications/violence-against-women-and-girls-service-transformation-fund>

<sup>90</sup><https://www.london.gov.uk/press-releases/mayoral/mayor-tackles-crime-across-londons-boroughs>

visited their GP an average of 4.9 times.<sup>91</sup> Consequently, the importance of identifying signs of domestic abuse in health settings and providing the appropriate response is recognised by both the third sector<sup>92,93</sup> and health professionals.<sup>94</sup> Research conducted by SafeLives demonstrated that access to IDVA support in hospitals, for example, can “significantly improve health and wellbeing outcomes for victims of domestic abuse”.<sup>95</sup> It also showed that these IDVAs are more likely than services based in the community to have contact with, and therefore able to offer support to, some of the most vulnerable victims, including those who are still living with the perpetrator and experiencing severe abuse.<sup>96</sup> VS therefore supports calls for IDVAs to be based in more health setting across England and Wales. We believe this will help to ensure the early identification of, and provision of support to, victims of domestic abuse.

VS supports calls for a whole family approach to domestic abuse

VS is concerned that opportunities to intervene and implement preventative measures in ‘medium’ and ‘standard risk’ cases are being missed and as a result the victim and their family are unnecessarily at risk of harm. VS therefore supports calls of organisations such as SafeLives<sup>97</sup> for a ‘whole family’ approach to domestic abuse whereby identifying and responding to the victims and other individuals in their family is embedded in the day-to-day practice of statutory agencies. We believe this is necessary to ensure that all members of a family who have been affected by domestic abuse are identified at the earliest possible opportunity and steps are taken to protect their well-being and safety.

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## ENABLING ACCESS TO REFUGES

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### Overview of the issue and how it affects victims

Refuges provide emergency accommodation for women and men fleeing abuse. As well as accommodation they usually provide a range of services, such as emotional support, help finding permanent housing, safety planning and legal advice. They can also help with and accessing benefits, health services, training, and finding nurseries and schools. As VS IDVAs are accountable for ongoing risk assessments and developing individualised safety and support plans to promote the safety of services users and their children, they play a key role in helping victims to access emergency housing.

Funding for refuges is often short-term and uncertain, and there is evidence that current refuge provision falls below demand. The Women’s Aid Annual Survey 2015 report<sup>98</sup> (published May 2016) found that on just one day, 92 women and 75 children were turned away from a refuge. For nearly half of these women (45.65%), it was because there was

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<sup>91</sup> SafeLives (unpublished), Insights Outreach Dataset 2014/15

<sup>92</sup>[http://www.safelives.org.uk/sites/default/files/resources/SAFJ4993\\_Themis\\_report\\_WEBcorrect.pdf](http://www.safelives.org.uk/sites/default/files/resources/SAFJ4993_Themis_report_WEBcorrect.pdf)

<sup>93</sup><http://respect.uk.net/wp-content/uploads/2014/04/The-importance-of-Health-settings-in-identification-of-domestic-abuse-victims.pdf>

<sup>94</sup>[http://www.domesticviolencelondon.nhs.uk/uploads/downloads/DV-A\\_briefing\\_for%20Healthcare\\_Professionals.pdf](http://www.domesticviolencelondon.nhs.uk/uploads/downloads/DV-A_briefing_for%20Healthcare_Professionals.pdf)

<sup>95</sup>[http://www.safelives.org.uk/sites/default/files/resources/SAFJ4993\\_Themis\\_report\\_WEBcorrect.pdf](http://www.safelives.org.uk/sites/default/files/resources/SAFJ4993_Themis_report_WEBcorrect.pdf)

<sup>96</sup>[http://www.safelives.org.uk/sites/default/files/resources/SAFJ4993\\_Themis\\_report\\_WEBcorrect.pdf](http://www.safelives.org.uk/sites/default/files/resources/SAFJ4993_Themis_report_WEBcorrect.pdf)

<sup>97</sup><http://www.safelives.org.uk/sites/default/files/resources/Getting%20it%20right%20first%20time%20-%20complete%20report.pdf>

<sup>98</sup><https://www.womensaid.org.uk/womens-aid-releases-annual-survey-2015-statistics/>

not enough space for them. Further, the survey found that in 2014/15 over two thirds (66.1%) of the referrals to refuges were declined (nearly a quarter because of a lack of available bed space) and only a third (33.9%) were accepted. Concerns have also been raised regarding the lack of refuge provision in London for male victims. For individuals based in the capital, the domestic violence charity Respect report that the closest emergency housing is in Leicester, Poole and Worcestershire and, at present, the only support available to them in London is advice.<sup>99</sup>

The problem of inadequate provision has been compounded over recent years by a series of budget reductions that have forced many services to close. In November 2016, Refuge stated that “over the last few years refuges across the country have experienced severe funding cuts; their very existence has been put at risk. In some local authority areas, refuges have been totally lost”.<sup>100</sup> Since 2011, the charity reports that it has experienced funding cuts to 80% of its services.<sup>101</sup> Similarly, Women’s Aid have seen a 17% decrease in the numbers of specialist refuges since 2010.<sup>102</sup>

The way domestic and sexual abuse provision is funded has changed over recent years, with commissioning now being the responsibility of local commissioners including local authorities, Police and Crime Commissioners (PCCs) and the health service.<sup>103</sup> Specialist providers have complained that commissioners often lack the knowledge and expertise to commission appropriate services, and cite a growing trend of local authorities believing that “refuge accommodation is obsolete or can be replaced by cheaper, less specialist services”.<sup>104</sup> They also raise concerns that “the provision of domestic violence and sexual violence services can be at the mercy of a local commissioner’s personal opinions and attitudes”.<sup>105</sup> Organisations such as Refuge have called on the Government to “develop a sustainable funding strategy for refuge provision”.<sup>106</sup> In the absence of adequate long-term funding for refuge services, there is a risk that victims of domestic abuse, many of whom have complex needs, will continue to be turned away from the help and support they need.

## Overview of Government plans or activity

In March 2016, the Government published its ‘Ending Violence Against Women and Girls Strategy 2016-2020’.<sup>107</sup> As part of the strategy it committed to providing £80 million of funding to “provide core support for refuges and other accommodation-based services, helping local areas ensure that no woman is turned away from the support she needs”. The strategy conceded that too many areas fell short of the level of domestic abuse provision required and that “many areas [are] struggling with disparate local funding streams, short term funding and disjointed local commissioning practices”.<sup>108</sup> In order to address this concern the Government set out its National Statement of Expectations for violence against women and girls services in December 2016. To help commissioners

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<sup>99</sup> <http://www.bbc.co.uk/news/uk-england-london-38986336>

<sup>100</sup> <http://www.refuge.org.uk/2016/11/03/refuge-welcomes-20m-funding-for-specialist-refuges/>

<sup>101</sup> <http://www.refuge.org.uk/2016/11/03/refuge-welcomes-20m-funding-for-specialist-refuges/>

<sup>102</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>103</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>104</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>105</sup> [http://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](http://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf)

<sup>106</sup> <http://www.refuge.org.uk/2016/11/03/refuge-welcomes-20m-funding-for-specialist-refuges/>

<sup>107</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>108</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

deliver on these expectations, a package of support was announced which included a two-year fund for refuges.<sup>109</sup>

Whilst the Government has provided additional funding and has set out what is expected of local areas, it does not compel local areas to provide adequate refuge provision and neither does it collect or hold data centrally on the number of domestic violence refuges in England and Wales.<sup>110</sup> Marcus Jones MP, Parliamentary Under-Secretary of State at the Department for Communities and Local Government, said in answer to a written question in September 2016 that the Government “expect local areas to assess the need for domestic abuse services and to make decisions on the provision of specialist safe accommodation, including refuges”.<sup>111</sup> It is questionable whether this expectation alone is enough. In response to the Government’s Strategy, Refuge welcomed the additional funding, but stated that it was not enough to “meet the gap”, adding that it hoped the Government would develop a sustainable funding strategy for refuge provision.<sup>112</sup>

In November 2016, the Department for Communities and Local Government and the Department for Work and Pensions launched a consultation on a new funding model for supported housing, including refuges. Under the new model, which will come into effect in April 2019, local authorities in England will be responsible for commissioning these services. Core rent and service charges “will be funded through Universal Credit (or Housing Benefit for pensioners and where Universal Credit has yet to be fully rolled out) up to the level of the applicable LHA rate”. DCLG and DWP have, however, recognised that this model may not be as suitable for certain types of accommodation, such as refuges and hostels. They have therefore committed to working “with the sector to develop further options to ensure that providers of shorter term accommodation continue to receive appropriate funding for their important work”.<sup>113</sup>

### Victim Support’s position

All victims, male and female, who require the support and protection provided by a refuge service should have access to it

While we welcome the two-year funding announced in November 2016, in order to ensure that all victims of domestic abuse have access to this vital provision long term, we believe that the Government should set out a sustainable funding strategy. We support efforts to consult providers to ensure the model is fit for purpose.

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## ADDRESSING BARRIERS TO ANONYMOUS ELECTORAL REGISTRATION

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### Overview of the issue and how it affects victims

In the UK it is possible for people to register anonymously to vote, if they have concerns that having their name and address appearing on the electoral register could affect their

<sup>109</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/574665/VAWG\\_National\\_Statement\\_of\\_Expectations\\_-\\_FINAL.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574665/VAWG_National_Statement_of_Expectations_-_FINAL.PDF)

<sup>110</sup> <https://www.theyworkforyou.com/wrans/?id=2016-09-07.45415.h&s=refuges+2016-04-01..2016-11-18+section%3Awrans>

<sup>111</sup> <https://www.theyworkforyou.com/wrans/?id=2016-09-07.45415.h&s=refuges+2016-04-01..2016-11-18+section%3Awrans>

<sup>112</sup> <http://www.refuge.org.uk/2016/11/03/refuge-welcomes-20m-funding-for-specialist-refuges/>

<sup>113</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/571013/16112\\_1\\_-\\_Supported\\_housing\\_consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571013/16112_1_-_Supported_housing_consultation.pdf)

safety, or the safety of someone in the same household. This means that these details do not appear on the electoral register or any registration forms sent to their address.

However, our experience shows that the evidential requirements, as set out under Regulations 31I and 31J of the Representation of the People Regulations 2001, can make it difficult for survivors of domestic abuse to make an application to register anonymously. This can mean that some victims might choose not to register and are therefore denied their freedom to participate in the democratic electoral process.

Women's Aid argue that the evidential requirements are too narrow and reliant only on the criminal justice system when victims of domestic abuse often do not report to the police, particularly in face-to-face interviews.<sup>114</sup> According to the Crime Survey, only 1 in 5 victims of partner abuse (covers any non-physical abuse, threats, force, sexual assault or stalking where the perpetrator is a partner or ex-partner) reports to the police.<sup>115</sup>

Similarly, our caseworkers have raised concerns that the system is over reliant on the individual having a court order or injunction to evidence that their safety would be put at risk. It does not take into account and recognise the other forms of evidence that a survivor could provide such as a Domestic Violence Protection Notice and Domestic Violence Protection Order.

As well as a court order or injunction, victims can obtain an attestation from a qualifying officer to demonstrate that their safety would be at risk without it. A 'qualifying officer' includes police officers of or above the rank of Superintendent, the Director General of the National Crime Agency and Directors of Social Services across the UK. These are difficult for victims to make contact with and therefore present a challenge to obtaining the evidence needed to support their application.<sup>116</sup>

Currently, anonymous electoral registration last for 12 months. After this time, the applicant must re-submit the registration form with the required evidence thereby going through the same potentially arduous process in order to maintain their anonymity and personal safety.

### **Overview of Government plans or activity**

In September 2016, the Minister for the Constitution, Chris Skidmore MP, said that ensuring anonymous voter registration is an option for anyone whose safety is at risk is a priority for the Government.<sup>117</sup> In a speech in October 2016 on electoral reform he added: "The fact that the current system of anonymous registration prevents many, if not most, of these women [survivors of domestic violence] from registering to vote in the first place by simply setting the bar for registration too high, means that they are not just being denied the chance to vote, they are being denied the chance to express their freedom".<sup>118</sup>

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<sup>114</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2016/domesticabusesexualassaultandstalking>

<sup>115</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2016/domesticabusesexualassaultandstalking>

<sup>116</sup> [http://www.huffingtonpost.co.uk/polly-neate/domestic-abuse-can-deny-women-their-vote\\_b\\_7094942.html](http://www.huffingtonpost.co.uk/polly-neate/domestic-abuse-can-deny-women-their-vote_b_7094942.html)

<sup>117</sup> <https://hansard.parliament.uk/commons/2016-09-07/debates/16090720000003/OralAnswersToQuestions>

<sup>118</sup> <https://www.gov.uk/government/speeches/a-democracy-that-works-for-everyone-chris-skidmore-speech>

The Government is currently reviewing all aspects of the policy in order to reform anonymous voter registration. However, the Minister has warned that changes to the regulations will not be straightforward as it will require amendments to the Political Parties, Elections and Referendums Act 2000.<sup>119</sup>

On 3 March 2017, the Government announced proposals to make it easier for victims of domestic abuse to register anonymously. The plans include measures to update the list of evidence that can be accepted as part of an application. Under the proposals, victims would be able to use DVPNs, DVPOs and Female Genital Mutilation protection orders to evidence a risk to their safety. Other forms of evidence are also being considered including:

- relevant unspent court convictions for a domestic abuse-related offence;
- criminal proceedings or evidence of bail for a domestic abuse-related offence;
- court undertakings relating to domestic abuse;
- court findings of fact that domestic abuse has taken place;
- relevant police cautions for domestic abuse;
- evidence that someone has been granted indefinite leave to remain in the UK as a victim of domestic violence; and
- evidence that someone has been granted legal aid in private family proceedings on domestic violence grounds

The Government has also proposed to lower the level of seniority required of qualified attestors so that letters can be provided by police officers of the rank of Inspector and above as well as social workers. However, it is recognised that additional professionals could be added to this list such as health professionals, IDVAs, Multi-Agency Risk Assessment Conference chairs and domestic abuse refuge managers. In addition, the Government is reviewing the current requirement for applicants to re-submit an application for anonymous registration after 12 months with the aim of reducing the burden on victims.<sup>120</sup> A consultation on the proposals has been launched with feedback requested by 26 May 2017.

### Victim Support's position

The current list of professionals able to provide a letter of attestation to support an application for anonymous voter registration should be expanded

VS support's the Government's proposal to expand the list of professionals able to provide a letter of attestation. However, in order to truly reflect the range of organisations that a survivor has had, or continues to have, contact with, we recommend that the list also includes IDVAs, support services such as Refuge, VS and Citizens Advice, legal representatives, health practitioners, housing practitioners and professionals who work in education. We recognise that some of these are currently being considered by the Government as part of its consultation.

We believe this to be important as the organisations and professionals listed may be the only place where, or person to whom, the survivor has disclosed the abuse and are therefore comfortable approaching about anonymous electoral registration. We believe

<sup>119</sup> <https://hansard.parliament.uk/Commons/2016-09-07/debates/16090720000016/AnonymousVoterRegistrationDomesticViolenceVictims>

<sup>120</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596185/Anonymous\\_Registration\\_Policy\\_Statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596185/Anonymous_Registration_Policy_Statement.pdf)

that if, through the nature of the support they have offered, the professional is able to demonstrate, with the consent of the individual, that there is a risk to their safety we believe this should be considered acceptable evidence.

The evidential requirements for anonymous voter registration should be broadened to include additional forms of evidence available to survivors of domestic abuse

We know that the journey for each individual victim is different and not all will go through the criminal justice system. Consequently, evidencing a risk to their safety through an injunction or court order will simply not be an option for many survivors. We therefore support the Government's proposals to extend the forms of evidence that can be accepted as part of an application for anonymous voter registration to include DVPOs, DVPNs and Female Genital Mutilation (FGM) protection orders.

Anonymous electoral registration should last indefinitely

VS welcomes the Government's review of the length of time that anonymous registration lasts before an applicant must reapply (this is currently 12 months). We believe it would be beneficial for victims of domestic abuse if anonymous registration were to continue indefinitely to reflect the potential continued risk of harm.

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## CRIMINAL INJURIES COMPENSATION

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### Overview of issue and how it affects victims

Since 1964 British victims of crime have been able to access state funded compensation through the Criminal Injuries Compensation Scheme (CICS). VS believes that compensation makes a vital contribution to a victim's recovery, both in practical terms and as a formal recognition of the wrong that they have suffered. However, the current system is not working for all victims of crime, particularly those who fall victim to serious offences.

There are two main issues that VS has concerns with. First, the CICS dictates that awards will be withheld from victims or reduced if they have unspent criminal convictions (where insufficient time, 'the rehabilitation period', has passed since the date of conviction). In practice we find that this rule disproportionately affects the most vulnerable victims, including victims of domestic abuse, as evidence suggests a link between offending and experiencing abuse (particularly among women).<sup>121,122,123</sup> Consequently, a victim of domestic abuse could be denied compensation as a result of an unrelated minor offence.

Second, VS is concerned that as a result of the '1979 rule' or 'same roof rule' decisions over who is entitled to compensation are being made arbitrarily. The 1979 rule prevents any victim who was living with their attacker as a member of the same family at the time of the assault from claiming compensation if the offence took place before 1st October 1979. The reason for this is that it was on this date that such claims became possible at

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<sup>121</sup><http://www.prisonreformtrust.org.uk/Portals/0/Documents/Brighter%20Futures%2025314web.pdf>

<sup>122</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457922/Better\\_Outcomes\\_for\\_Women\\_Offenders\\_September\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457922/Better_Outcomes_for_Women_Offenders_September_2015.pdf)

<sup>123</sup>[file:///C:/Users/BarkerA/Downloads/Mentoring%20Resource%20Supporting%20women%20who%20have%20experienced%20domestic%20abuse%20\(1\).pdf](file:///C:/Users/BarkerA/Downloads/Mentoring%20Resource%20Supporting%20women%20who%20have%20experienced%20domestic%20abuse%20(1).pdf)

all; prior to this, no victim who had lived with their attacker was eligible under any circumstances. Figures obtained by VS show that 1,484 compensation claims have been rejected over the past ten years due to the '1979 rule'.<sup>124</sup> This rule has resulted in people from the same family, living in the same household and who have been abused by the same perpetrator being treated differently based on this arbitrary cut-off date.

VS staff and volunteers often report that victims feel that they have undergone secondary victimisation as a result of these rules and are "left devastated by the decision of CICA [Criminal Injuries Compensation Authority]".

### **What are the government and criminal justice agencies doing?**

The government reformed the CICS in 2012 as part of its changes to victim and witness policy set out in 'getting it right for victims and witnesses'.<sup>125</sup> Among the changes made were the removal less serious injuries from the scheme and the altering of the guidelines so that the convictions of the deceased were no longer taken into account, except in exceptional circumstances. VS raised a number of our concerns during the consultation period and while these were noted they were not addressed.

As of 14 November 2016, the Independent Inquiry into Child Sexual Abuse (IICSA) is examining the adequacy of awards made by CICA.<sup>126</sup> While this focuses on victims and survivors of child sexual abuse, a number of the issues that have been identified by stakeholders during this process also relate more broadly to the challenges experienced by other victims including of domestic abuse in accessing compensation. VS responded to their consultation in September 2016 outlining our concerns and has been invited to attend an IICSA seminar on the subject in early 2017.

There have been attempts to have the '1979 rule' declared unlawful, however these have proven unsuccessful. A Teeside law firm unsuccessfully took the case to an Upper Appeals Tribunal in 2015 where it was deemed that the rule "constituted a legitimate aim and that the retention of the rule was proportionate to that aim".<sup>127</sup>

### **Victim Support's position**

Unrelated unspent convictions for all but the most serious crimes should not be taken into account by the Scheme when dictating awards

The CICS should be proportionate in its approach to compensation claims to prevent victims from being denied compensation due to convictions for offences such as failing to pay their TV License fee. We believe the scheme should not take unspent criminal convictions into account when determining a compensation award unless the offence was for a serious crime as defined in the Code of Practice for Victims of Crime. The Code defines a serious crime as domestic violence, hate crime, terrorism, sexual offences,

<sup>124</sup> FOI request received 8/12/2016

<sup>125</sup> <https://consult.justice.gov.uk/digital-communications/victims-witnesses/>

<sup>126</sup> <https://www.iicsa.org.uk/investigations/reparations-for-victims-and-survivors-of-child-sexual-abuse>

<sup>127</sup> <http://www.bailii.org/cgi-bin/markup.cgi?doc=/uk/cases/UKUT/AAC/2015/478.html&query=JT+and+v+and+CICA&method=boolean>

human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.<sup>128</sup>

The CICS '1979 rule' should be abolished to reflect the true needs and rights of victims of non-recent abuse

The '1979 rule' is damaging to victims and contrary to CICS's own statement of purpose to provide compensation to those suffering violent crime. Victims of abuse who were living with their attacker as part of the same family prior to 1979 should have the same rights to compensation as those who experienced abuse after this arbitrary date.

For more information please contact [policy.team2@victimsupport.org.uk](mailto:policy.team2@victimsupport.org.uk)

Date: 18 April 2017

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<sup>128</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)