



GBV 38

Communities, Equality and Local Government Committee

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

Stage 1

Response from : Hafan Cymru

## **Response to the Consultation on Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill**

**Submission to the Communities, Equality and Local Government  
Committee**

### **Introduction**

**This paper outlines the response to the consultation on Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill from Hafan Cymru.**

**Hafan Cymru** is a leading provider of housing and support services across Wales for women, men and children experiencing violence against women and domestic abuse, and our mission is to work to prevent abuse and homelessness and to promote the independence of those we support through a range of individually tailored support interventions. We are a charitable Registered Social Landlord, formed in 1989, and having grown out of an initiative of the Women's Aid movement in Wales at a time when refuge was the only form of accommodation or support for women living with domestic abuse.

Over the past 25 years we have expanded from our original intent to provide long term support for women and children moving on from refuges and who have multiple, complex needs. We now have over 50 projects across 16 authorities in north, mid/west and south Wales supporting men as well as women and children, providing

refuge (including a complex needs refuge in Blaenau Gwent), safe houses, temporary supported housing and floating and outreach support. We have also developed projects for young people, having recognised the need in particular to provide single sex accommodation for very vulnerable young women, aged 16 and 17, many of whom have been subject to sexual abuse and violence.

Our in-house Moving On Project which enables our service users to access learning and work ensures we can help our service users achieve financial independence and reduce their reliance on benefits as well as enabling them to improve their literacy and numeracy skills through our Basic Skills work. Finally our well-respected schools programme, the Spectrum Project, raising awareness of domestic abuse and violence against women and educating young people about the importance of healthy relationships, has been actively delivered in schools across Wales since 2005.

Our range of other domestic abuse services includes hosting Independent Domestic Violence Advisors, working in a multi-agency approach through a number of One Stop Shops for Domestic Abuse and offering groupwork programmes, including such awareness raising programmes as Freedom for domestic abuse survivors and CBT based programmes to assist with mental health recovery.

## **1 General Principles**

The overarching objective of the Bill is to improve the Public sector response in Wales to gender based violence, domestic abuse and sexual violence. Where a difference **can** be made, is to ensure that gender specific services are provided in future for both women and men. These should be in proportionate numbers and recognise that women are and will remain the majority of victims so there should continue to be a greater preponderance of specialist services for women than for men. Specialist services should, however, exist for both.

Hafan Cymru firmly believes that in order to address domestic abuse and other forms of gender based violence appropriately, it is essential to offer gender based and separate services for women and men. As victims of domestic abuse, women and men have differing needs and as such they should be offered gender appropriate services. To do anything different would, we believe, discriminate against both sexes.

Hafan Cymru supports the Bill in its attempt to be inclusive whilst reflecting the fact that women are the majority of victims of all forms of violence against women, domestic abuse and sexual violence.

Although the explanatory memorandum identifies that women are those most affected by all forms of forms of gender based violence there is no reference for the need for gender specific services. This is an area of concern as it could result in gender neutral non specialist domestic abuse services being commissioned as a result. This would do both female and male victims a disservice. Therefore, there

should be a greater emphasis for the need for gender specific services included in the Bill and it is imperative that the National and Local Strategies reflect this.

### 1.1 National Strategy

Hafan Cymru welcomes the duty imposed by the Bill to develop a national strategy to strategically address the issues of gender based violence, domestic abuse and sexual violence across Wales and to improve the prevention, protection and support for those affected. The strategy will however need to ensure it includes performance indicators and measurable outcomes and that there is sufficient external scrutiny in order that it meets its stated objectives.

The strategy must encompass the many diverse forms of gender based violence, domestic abuse and sexual violence and continue to reflect the intention of the Bill that these will affect women and girls more significantly. In so doing the Strategy should reflect the need for gender specific services so that the needs of both women and men are addressed appropriately. It is important that the strategies –National and Local - do not become a conduit for gender neutral services.

### 1.2 Local Strategies

Hafan Cymru welcomes the duty placed on Local Authorities and Local Health Boards to prepare and publish local joint strategies for tackling gender based violence, domestic abuse and sexual violence.

We particularly welcome the inclusion of Local Health Boards in the development of the Local Strategies and believe that action to tackle the causes and consequences of gender based violence, domestic abuse and sexual violence contributes to the health and well-being of the population as a whole. Physical and sexual violence and abuse have direct health consequences and are risk factors for a wide range of long term health problems, including mental health problems, substance misuse, unwanted pregnancy, sexually transmitted infections and risky sexual behaviour. In addition violence and abuse also has major consequences in terms of depression, anxiety, and self-harm particularly amongst women. As health settings often represent the one place where it is possible to talk to someone about their experience without discovery or reprisal from a perpetrator it is important that front line health practitioners are able to respond appropriately and have received robust training in this area.

Hafan Cymru is, however, concerned that the sections in the Bill surrounding the duty to follow statutory guidance, provides opportunities for local authorities to be able to opt of following the guidance, and ultimately enabling them to opt out of providing certain services. We are concerned that this is likely to result in the continuation of a postcode lottery for services across Wales, further enshrining the current inadequate provision, and would also impact negatively on the provision of gender specific services, resulting in generic and non -specialist services being disproportionately developed across Wales.

### 1.3 Ministerial Adviser

Whilst we welcome the appointment of an Adviser under the terms of the Bill we feel that this role would need to be sufficiently independent of Government in order to

effectively scrutinise the activity of both Welsh Government and the public sector, as well as those providing frontline services, enabling a robust approach to be taken to any failure to provide services at local level or to any breaches in practice.

It is therefore disappointing that this appointment appears to be a civil service appointment which would we feel lack the independence required. Our preferred option would have been the creation of an independent Commissioner with the powers and teeth to make a real difference and one who would also enable a meaningful dialogue with survivors and victims to take place.

## **2 Significant Omissions**

The main elements of the Bill are a national strategy, local strategies and a ministerial adviser, however there are some which we feel have been omitted from the Bill.

### **2.1 Improved Service Commissioning**

Although Hafan Cymru recognises that this Bill would not be about a significant uplift in the resources available to commission considerably more services for the victims of gender based violence, domestic abuse and sexual violence we did hope that the Bill would seek to tackle the unacceptable postcode lottery of services across Wales.

There is a wide variation in expertise and capacity geographically across the vital public services that can prevent violence, protect victims and provide them with appropriate services. Specialist and gender specific support services are vital for assisting those affected to overcome violence/abuse and to rebuild their lives. The availability of support depends upon location, and poses particular problems for those living in rural Wales.

The increasing trend in Wales for domestic abuse services being awarded to generalist providers, who are felt to be able to provide a cheaper service, is very worrying and will lead to an increase in repeat presentations and potentially an increase in incidences of domestic abuse as victims return to perpetrators. Specialist support, particularly for women recovering from violence /abuse is key to enabling them to rebuild their lives and there is a lack of understanding about the value of these services amongst some Local Authority commissioners.

Hopefully the National and Local strategies outlined in the Bill will address some of these concerns, ensuring there is a commitment to the need for gender specific and specialist services and providing a better way of commissioning services across Wales.

### **2.2 Prevention through Education**

Like many others, we are disappointed that education has not been included within the remit of this Bill. Hafan Cymru feels strongly that unless we focus on future prevention and changing children's and young people's attitudes at all ages, we will never eradicate gender based violence, domestic abuse or sexual violence.

As an organisation, our mission of 'preventing abuse, promoting independence' underpins the way that we deliver all our services and is at the heart of all we do. In order to reduce the prevalence of violence, we must focus on prevention, and that begins with informing and educating young people about healthy relationships and challenging the attitudes and behaviours that are persistent in society regarding gender based violence.

However we do acknowledge that there is a clear intention by the Government to ensure that awareness of these key issues be raised with young people at the earliest ages and that the increase in funding to Hafan Cymru's Spectrum Schools Project by the Minister in July indicated this intention.

Hafan Cymru has been delivering its Spectrum Schools Project, educating young people on healthy relationships, since 2005 after securing funding from Comic Relief and the Welsh Government. Welsh Government have continued to support the project which educated **20,768** young people and **1,176** adults last year. With the additional funding, Hafan Cymru are able to expand their work in schools to include both secondary and primary schools in 6 key areas, identified by the Minister, during the coming year and expanding to cover the whole of Wales in the following academic year.

The Spectrum Project aims to educate about healthy relationships, thus informing and raising the awareness of children, young people and teachers/other school staff about the issues of gender based violence, domestic abuse, and sexual violence

Its specific aims are :

- To help prevent domestic abuse, sexual violence and gender based violence by raising awareness and changing attitudes.
- To raise awareness amongst children and young people throughout Wales of what constitutes a healthy relationship and understand the effects of gender based violence, domestic abuse and sexual violence and to assist in changing their attitudes.
- To enable young people to recognize and avoid abusive relationships and to help foster respect between individuals.
- To enable children and young people to know how and where to seek support and help if they or someone in their home are experiencing domestic abuse.
- To assist teachers and all other school staff to understand what constitutes domestic abuse, sexual violence, and gender based violence and embrace a whole school response to domestic abuse.
- To work with the Welsh Government, teachers, PSE Co-coordinators and Domestic Abuse Co-coordinators amongst others to ensure that the work of the Project delivers the strategies relevant to Domestic Abuse, Sexual violence and Gender Based violence and the PSE curriculum.

Whilst the reference to a whole school approach to developing healthy relationships and to preventing abuse in all its forms has been excluded from the Bill the Welsh Government has said that it will consider this as part of a future curriculum review. Hafan Cymru remains hopeful that this curriculum review will include consideration of this much needed approach in the prevention of gender based violence domestic abuse and sexual violence.

### **3 Barriers to Implementation**

One of the barriers to implementation is in relation to ensuring local strategies are fit for purpose and adequately resourced. Implementation here could be significantly strengthened by increasing the powers of the proposed 'Adviser' position to include the ability to issue sanctions to Local Authorities for non-compliance. It is key that there is 'teeth' to this legislation and that sanctions need to be available to apply to those who do not comply with the law.

The definitions used by the Bill may also lead to barriers to implementation. There needs to be clear understanding around the definitions and particularly in order to ensure that local service needs assessments, which local authorities will be obliged to undertake, take into account all forms of gender based violence domestic abuse and sexual violence. Without clear definitions from the start, services will not be appropriately developed.

### **4 Unintended Consequences**

Hafan Cymru along with other specialist 3<sup>rd</sup> sector agencies supporting gender based violence, domestic abuse and sexual violence have suffered significant cuts, along with other public services, in recent years and yet the demand for services continues to grow. The sector as a whole is very dependent on secure long-term funding from Welsh Government to protect specialist services and in particular those specifically for women and children fleeing domestic abuse and violence.

If victim reporting of violence is raised by the Bill as it progresses through the National Assembly, then pressure on services is set to become ever more acute in the coming years. Currently it is Hafan Cymru's understanding that no funds dedicated to the Bill will go towards frontline services. Any increase in demand without more investment to secure sufficient service levels across Wales will place organisations under significant pressure.

It is clear that if the Bill does indeed lead to increased disclosures there is a pressing need for additional resources to enable the needs of these victims to be met appropriately by specialist providers like Hafan Cymru and not by generalist providers who do not understand their specific needs. As already mentioned the increasing number of tenders in Wales for domestic abuse services being awarded to generalist providers who are felt to be able to provide a cheaper service is very worrying and will lead to an increase in repeat presentations and potentially an increase in incidences of domestic abuse as victims return to perpetrators.

### **5 Financial implications**

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

In addition, the current issue around cuts to Supporting People funding generally, as well as through re-distribution of that funding, will adversely affect the ability to prevent, protect and support those who have experienced gender based violence domestic abuse and sexual violence. The level of funding available for domestic abuse and violence against women services, like those provided by specialist providers like Hafan Cymru, is inadequate at present but future cuts threaten to undermine even the existing services which struggle to provide an adequate and holistic service that is needed by victims of domestic abuse. Even as recently as this month, September 2014, a Local Authority has requested that Hafan Cymru accepts a 16.5% cut in our SPPG funding for our refuge and safe house provision.

## **6 Subordinate Legislation**

There is always the potential that the balance between primary and secondary legislation will not be appropriate. In relation to National and Local Strategies this could lead to variation of service provision as well as lack of scrutiny and therefore may result in minimal change.