

GBV 79

Communities, Equality and Local Government Committee

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

Response from: The British Psychological Society



The British
Psychological Society

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

British Psychological Society response to the National Assembly for Wales's Health and Social Care Committee consultation

September 2014

About the Society

The British Psychological Society, incorporated by Royal Charter, is the learned and professional body for psychologists in the United Kingdom. We are a registered charity with a total membership of just over 50,000.

Under its Royal Charter, the objective of the British Psychological Society is "to promote the advancement and diffusion of the knowledge of psychology pure and applied and especially to promote the efficiency and usefulness of members by setting up a high standard of professional education and knowledge". We are committed to providing and disseminating evidence-based expertise and advice, engaging with policy and decision makers, and promoting the highest standards in learning and teaching, professional practice and research.

The British Psychological Society is an examining body granting certificates and diplomas in specialist areas of professional applied psychology.

Publication and Queries

We are content for our response, as well as our name and address, to be made public. We are also content for the Assembly to contact us in the future in relation to this consultation response. Please direct all queries to:-

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About this Response

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We hope you find our comments useful.



David J Murphy CPsychol
Chair, Professional Practice Board



Mary Clare O'Connell
Chair, Welsh Branch

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

British Psychological Society response to the National Assembly for Wales consultation

	<p><u>The terms of reference for the inquiry are:</u> To consider—</p> <p>1. The general principles of the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill and the need for legislation to improve the Public Sector response in Wales to domestic abuse, gender-based violence and sexual violence, including:</p> <ul style="list-style-type: none">• The publication of national and local strategies and• The appointment of a Ministerial Adviser on Gender-based Violence, Domestic Abuse and Sexual Violence.
	<p>Comments:</p> <p>The Society welcomes efforts to address, reduce and prevent gender based violence; domestic abuse and sexual violence. We also welcome the intention to develop and publish national and local strategies. Addressing such issues is complex and frequently requires cross agency working (NICE, 2014). This is particularly the case where children are exposed to gender based violence; domestic abuse and sexual violence. If there is violence in households where children are present, it is likely that they are being harmed physically, emotionally or sexually (Øverlien, 2010).</p> <p>We welcome the non-gendered definition of domestic abuse and the extent to which this is reflected in the document (e.g. s.12(2)). The requirement of the ministerial advisor to undertake research in relation to inequality relevant to the implementation of the act (s.18(1)(c)), is especially welcomed (given the complexities created by individuals working within different conceptualisations of domestic violence) (Langhinrichsen-Rohling, 2010).</p> <p>The Society has some concerns that in s.21(1) the definition of gender based violence (GBV) includes to violence relating to sexual orientation. This is an unusual definition of GBV (see for example Council of Europe, 2011) and may give cause to confusion. We recommend that definition is clarified so that it is clear why the Bill does not solely consider GBV to be violence related to gender.</p> <p>In s. 21(2)(i) it is not clear why the bill refers to “each” person being a parent or having (had) parental responsibility. Children should be considered victims of domestic abuse when the perpetrator is in an intimate relationship with their parent or caregiver, irrespective of the extent to which the perpetrator has parental responsibility. This issue is pertinent as having unrelated children in a household has been shown to increase risk of domestic abuse, particularly severe abuse (Campbell, Webster & Glass, 2009).</p> <p>In s. 21(5) we are concerned that the definition of harassment does not include any reference to victim perception. When individuals have been the victim of</p>

domestic violence (especially that associated with controlling and coercive behaviours) their assessment of risk should be considered an important contribution to the assessment of risk. This is especially the case when their assessment of risk is higher than those of others (Bowen, 2011)

We also recommend that the bill is amended to include domestic abuse in which the children are the perpetrators, and a parent is the victim. Parental abuse by adolescents is increasingly recognised as an area of concern (in terms of prevalence and impact) but one in which clear policy and guidance is lacking (Holt, 2013).

References

Bowen, E. (2011). An overview of partner violence risk assessment and the potential role of female victim risk appraisals. *Aggression and Violent Behavior*, **16**, 214-226. <http://dx.doi.org/10.1016/j.avb.2011.02.007>

Campbell, J. C., Webster, D. W., & Glass, N. (2009). The danger assessment validation of a lethality risk assessment instrument for intimate partner femicide. *Journal of Interpersonal Violence*, **24**, 653-674. <http://dx.doi.org/10.1177/0886260508317180>

Council of Europe (2011). *Council of Europe Convention on preventing and combating violence against women and domestic violence*. <http://www.conventions.coe.int/Treaty/EN/treaties/html/210.htm>

Holt, A. (2013). *Adolescent-to-parent abuse: current understandings in research, policy and practice*. Bristol: Policy Press.

Langhinrichsen-Rohling, J. (2010). Controversies Involving Gender and Intimate Partner Violence in the United States. *Sex Roles*, **62**:179–19. <http://dx.doi.org/10.1007/s11199-009-9628-2>

NICE (2014). *Domestic violence and abuse: How health services, social care and the organisations they work with can respond effectively*. Nice Guidelines PH50. <http://www.nice.org.uk/guidance/ph50>

Øverlien, C. (2010). Children exposed to Domestic Violence: Conclusions from the literature and challenges ahead. *Journal of social work*, **10**, 80-97. <http://dx.doi.org/10.1177/1468017309350663>

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

Comments:

The Society believes that it is important when implementing programmes that deal with violence and abuse to put in provisions for the police, social workers and others involved in dealing with these cases. The incidence of secondary trauma relating to dealing with this kind of work is well recognised and it is important that the Bill includes provisions for the support of these professionals. Ideally this should involve psychological surveillance and support (Fischman, 2008; Slattery & Goodman, 2009).

We would also recommend that s.12(2)(d) includes reference to support so that the Bill states that “training **and support** for the members and staff of a relevant authority” may be considered. This will reflect recognition of the incidence of secondary trauma associated with this type of violence (Fischman, 2008). It will also reflect the challenges that recognising and intervening in cases of gender based violence; domestic abuse or sexual violence presents to practitioners (e.g. Regan, Kelly, Morris & Dibb, 2007).

References

Fischman, Y. (2008). Secondary trauma in the legal professions, a clinical perspective. *Torture*, **18**, 107-115. <http://www.irct.org/media-and-resources/library/torture-journal/archive/volume-18--no.-2--2008.aspx>

Regan, L., Kelly, L., Morris, A., & Dibb, R. (2007). *If only we'd known*: An exploratory study of seven intimate partner homicides in Engleshire. London: *Child & Women Abuse Studies Unit, London Metropolitan University*.

Slattery, S. M., & Goodman, L. A. (2009). Secondary traumatic stress among domestic violence advocates: Workplace risk and protective factors. *Violence against women*, **15**, 1358-1379. <http://dx.doi.org/10.1177/1077801209347469>

3. Whether there are any unintended consequences arising from the Bill

Comments:

The Society would like to highlight the extent to which gender symmetry (i.e. does domestic violence perpetrated against women by men have the same meaning and impact as other forms of domestic abuse) is vigorously debated (Langhinrichsen-Rohling, 2010). The Bill makes it clear in the body of the text that any individual can become a victim of domestic or sexual violence. However, the title may be misinterpreted. Renaming the legislation as Gender Based Violence and Domestic Abuse and Sexual Violence (Wales) Bill would provide clarity of intent. This would also help to ensure that individuals who would benefit significantly from the Bill, and who are not victims of GBV (such as male victims of sexual violence), are not overlooked when relevant policies are being developed (Bullock & Beckson, 2011).

The bill refers to “gender based violence, domestic abuse **and** sexual violence” (e.g. s.12(2)). While these types of offences frequently co-occur, this is not exclusively the case (Office for National Statistics, 2014). We would recommend rewording the bill to include reference to “gender based violence, domestic abuse **and/or** sexual violence” to ensure that all of these forms of violence are considered within policy and practice.

References

Bullock, C. M., & Beckson, M. (2011). Male victims of sexual assault: phenomenology, psychology, physiology. *Journal of the American*

	<p><i>Academy of Psychiatry and the Law Online</i>, 39, 197-205. http://www.jaapl.org/content/39/2/197.short</p> <p>Office for National Statistics (2014). <i>Crime Statistics, Focus on Violent Crime and Sexual Offences, 2012/13</i>. London: ONC. http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/index.html</p>
	<p>4. The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)</p>
	<p>Comments:</p> <p>The Society has no comment to make.</p>
	<p>5. The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum).</p>
	<p>Comments:</p> <p>The Society has no comment to make.</p>

End.