



Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
The Communities, Equality and Local Government
Committee

Dydd Mercher, 17 Medi 2014
Wednesday, 17 September 2014

Cynnwys
Contents

Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru): Sesiwn
Dystiolaeth 2 (Panel Mudiadau Plant)
Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill: Evidence
Session 2 (Panel of Children's Organisations)

Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru): Sesiwn
Dystiolaeth 3 (Panel Academyddion)
Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill: Evidence
Session 3 (Panel of Academics)

Papurau i'w Nodi
Papers to Note

Cynnig o dan Reol Sefydlog 17.42 (ix) i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod
Motion under Standing Order 17.42 (ix) to Resolve to Exclude the Public from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir
trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In
addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Jocelyn Davies	Plaid Cymru The Party of Wales
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Eleri Griffiths	Swyddog Datblygu ac Hyfforddiant, Plant yng Nghymru Development and Training Officer, Children in Wales
Yr Athro/Professor Jackie Jones	Athro mewn Astudiaethau Cyfreithiol Ffeministaidd, Ysgol y Gyfraith Bryste, Prifysgol Gorllewin Lloegr, Cadeirydd Cynulliad Menywod Cymru, a Llywydd Cymdeithas Menywod sy'n Gyfreithwyr Ewrop Professor of Feminist Legal Studies, Bristol Law School, University of the West of England, Chair of the Wales Assembly of Women, and President of the European Women Lawyers Association
Des Mannion	Pennaeth Cenedlaethol y Gwasanaeth, NSPCC Cymru National Head of Service, NSPCC Wales
Sara Reid	Cydgysylltydd, 'Sdim Curo Plant! Cymru Co-ordinator, Children are Unbeatable! Cymru
Yr Athro/Professor Emma Renold	Ysgol y Gwyddorau Cymdeithasol, Prifysgol Caerdydd School of Social Sciences, Cardiff University
Yr Athro/Professor Jonathan Shepherd	Grŵp Ymchwil Trais, Prifysgol Caerdydd Violence Research Group, Cardiff University
Menna Thomas	Uwch-swyddog Ymchwil a Pholisi, Barnardo's Cymru Senior Research and Policy Officer, Barnardo's Cymru

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Sarah Beasley	Clerc Clerk
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Hannah Johnson	Y Gwasanaeth Ymchwil Research Service
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 09:14.
The meeting began at 09:14.

**Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions**

[1] **Christine Chapman:** Good morning, everyone and welcome back to the National Assembly's Communities, Equality and Local Government Committee. Before I introduce our panel this morning, I just want to mention that we have received apologies from Leighton Andrews and Jenny Rathbone.

09:15

**Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru):
Sesiwn Dystiolaeth 2 (Panel Mudiadau Plant)
Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill:
Evidence Session 2 (Panel of Children's Organisations)**

[2] **Christine Chapman:** I would like to give a very warm welcome to our panel, first to Des Mannion, who is the national head of service for the National Society for the Prevention of Cruelty to Children. I also welcome Sara Reid, the co-ordinator for Children are Unbeatable! Cymru; Eleri Griffiths, the development and training officer for Children in Wales; and Menna Thomas, the senior research and policy officer for Barnardo's Cymru. Welcome to you all. We have quite a lot of questions for you this morning. We have received the papers and we have obviously read those, so, if you are happy, we will go straight into questions. May I just mention that, because time is so tight and this is a panel, you do not all have to answer every question? You can decide who you want to answer specific ones, but obviously feel free to do what you think is appropriate. We have until 10.30 a.m. before we move on to the second evidence session.

[3] I want to start off with the title and purpose of this Bill with a very broad question. I want to ask your views on the title and the scope of the Bill and how it represents the needs of children and young people. Who would like to start? Des is first.

[4] **Mr Mannion:** Despite the inclusion of children in the Bill, I think that we feel that children and young people are not prominent enough within it. We think that there needs to be more recognition of the complex ways in which domestic violence and sexual violence can have an impact on children's lives, both in the context of living within their own families but also in terms of their own relationships with other young people.

[5] **Christine Chapman:** Is there any dissent or is everyone happy with that? I see that you are happy.

[6] **Mr Mannion:** The other bit that we are kind of aware of, obviously, is the whole question of the gender-neutral title of the Bill. I imagine that that is something that you would want to have some discussion about.

[7] **Christine Chapman:** Yes.

[8] **Mr Mannion:** I think that we all have an understanding that the gender-neutral title has probably come about as a result of legal advice to the Government in terms of pushing this legislation through various other bits of legislation in terms of equality and human rights. I think that what we would like you to do is seek assurance that whatever approach we end up using in terms of the title would not preclude us from the commissioning of gender-specific or specialist services at a later stage. I think that section 12 of the legislation gives Ministers the power to do that, but I think that we would urge you as a scrutiny committee to try to get some assurance about that from your own perspective, so that you are not actually precluding

or inadvertently preventing yourselves as a Government from taking any steps further down the line in relation to more gender-specific aspects of this work. That may be something you can do under section 12 in terms of issuing further guidance to local strategies and so forth. However, I think that it is important to be absolutely clear that this first step does not actually preclude any next steps that would follow on.

[9] **Christine Chapman:** Jocelyn has a question.

[10] **Jocelyn Davies:** Do you see a tension between acknowledging the position of women in relation to domestic violence the world over and providing gender-specific services to victims, because they are two different things?

[11] **Mr Mannion:** They are two different things. What I would say is that the initial introduction and work around this Bill was very clearly about it being a piece of legislation that was about preventing violence against women, and that has now changed. So, I think that, if you are going to do that, we need to be very sure that, in having made that change in legislation, we are not then inadvertently preventing ourselves from taking appropriate steps to protect women or children who are affected by this matter. That is all I am suggesting really—

[12] **Jocelyn Davies:** A clear distinction between tackling the causes and providing services to victims—those are two different things. Right. Okay, thanks.

[13] **Christine Chapman:** Thank you. I know that we will probably come back to this again, but do you think that there is a need for this legislation? Could the aims of the Bill be achieved through policy or existing mechanisms or do you think that there is an absolute need for this Bill?

[14] **Mr Mannion:** If I start this off, perhaps we can all join in. The first thing to say is that the NSPCC has consistently campaigned for legislation in this area over a number of years. We think that it is really, really important to bring together the strands of Government work and local agency work in terms of prevention, protection and support for children who are impacted by domestic abuse. We provided in our summary statement, in our consultation response, evidence about the extent and impact of domestic abuse on children, and I think that all of our comments this morning are really about trying to improve and enhance this piece of legislation, rather than argue that it should not be taken forward. As it stands, this piece of legislation is the vehicle for achieving a lot of changes that could be very significant in terms of preventing domestic abuse, which is important for the people who experience and are victims of domestic abuse. However, from my point of view, as a children's charity, we are interested in how this impacts on children in the context of their own families and their own carers, and in terms of their own relationships around children. I am sure that my colleagues have some comments as well.

[15] **Christine Chapman:** Are there any other comments?

[16] **Ms Thomas:** We also think that it is a really important piece of legislation. I think that we have previously had strategies and action plans, and so to have some legislation around the preventative work will really strengthen the arm of services that are being delivered on the ground. From Barnardo's perspective, a lot of our services deliver a number of different policies, but with the prevention policies around poverty—such as Families First, Flying Start, Communities First—even though the outcomes of those policies are around poverty, a lot of the work that is carried out is in dealing with domestic abuse issues. It would be incredibly useful to have strategies with legislative support to feed into those and to enrich and complement the work that is carried out under those strategies.

[17] **Ms Griffiths:** I would like to reiterate the point about early intervention. I think that there is a growing body of evidence now, where the links between domestic violence and child protection issues are well known. We know that in two thirds of serious case reviews, we see domestic violence cited as a contributory factor in the background. We also know that there is a growing body of evidence—and you will hear more about it today, from Emma Renold, I believe—about the culture on the playground and how we see a normalisation of coercive behaviours, early indications of inappropriate, sometimes sexualised, behaviour in very young children that we really need to be tackling on a cultural level. In order to do that, the early intervention that could be implemented through this Bill is really crucial, and legislation is needed in order to take it to that level of status.

[18] **Christine Chapman:** I am going to move on now to look at the specifics and the details, and I am going to bring Gwyn Price in now.

[19] **Gwyn R. Price:** Good morning, everybody. Could you expand on the potential benefits of having a direct reference to the United Nations Convention on the Rights of the Child on the face of the Bill?

[20] **Ms Thomas:** We think that it is quite important to have this on the face of the Bill, and to have it expressed in a way that is similar to the way it is expressed in the Social Services and Well-being (Wales) Act 2014. So, the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Ministers, but the Social Services and Well-being (Wales) Act 2014 includes the provision that

[21] ‘a person exercising functions under this Act in relation to a child...must have due regard to Part 1 of the United Nations Convention on the Rights of the Child.’

[22] This means that organisations like local authorities and organisations that deliver also have due regard. So, we think that that is incredibly important in terms of enabling the delivery of the aims of this legislation.

[23] **Gwyn R. Price:** So, you are saying that, as it is in that legislation, you would like it to be on the face of this Bill.

[24] **Ms Thomas:** Absolutely. It really brings a focus onto children, and where children are in this Bill, which I think is extremely important at this point.

[25] **Mr Mannion:** I think that it is really important in terms of issuing statutory guidance to stakeholders. I think that it will be important in terms of informing any education or any interventions in the early years—for that to be informed by the UNCRC. Of course, we also have a view about the potential in this piece of legislation to include an amendment in relation to the equal protection aspect as well. So, I think that the UNCRC has a number of central and pivotal roles in this piece of legislation.

[26] **Gwyn R. Price:** Perhaps I could follow on then, going on to the UNCRC, and ask whether there are any international examples of the UNCRC being used as a framework for domestic abuse legislation.

[27] **Mr Mannion:** Well, we think that it is really important to try to learn from and understand any international examples. I am not an expert on the international side of this, but we have done some work on it. General Comment No. 13 by the UN Committee on the Rights of the Child, ‘The right of the child to freedom from all forms of violence’, provides a detailed analysis of article 19 and all forms of violence against children. It provides suggestions for the implementation of measures to counter violence against children, so we think that that is a useful source document that should be considered by this body. We are

also aware of a UNICEF document, 'Protecting the World's Children: Impact of the Convention on the Rights of the Child in Diverse Legal Systems'. In that document, there is an analysis of how the UNCRC has been used in Caribbean countries, notably in relation to Jamaica and children's legislation there. We are also aware of another study—I am afraid that I do not quite have the correct title here—'the United Nations Convention on the Rights of the Child: a study of legal implementation in 12 countries', which is also another useful resource.

[28] The thing that struck me in thinking about this is that there are some international examples and I think that it would be helpful for us to be informed by that in terms of thinking how to take this forward, but I guess what I would also say is that there is also academic work going on within Wales that we should be using. I am thinking of the Wales Observatory on Human Rights of Children and Young People in Swansea. It seems to me that, yes, it is very important not to be insular and it is really important to try to draw from examples globally, but it is equally important to try to draw on expertise, especially academic expertise from within Wales in our universities and our own halls of learning. So, I really recommend that we think about drawing on a number of examples from around the world, but also from our own resource in Swansea.

[29] **Christine Chapman:** There is evidence in our pack for the Members; I am sure that you will have seen this, but thank you. Did you want to say anything, Sara?

[30] **Ms Reid:** No.

[31] **Christine Chapman:** I am going to move on now then to another aspect, and this is on education. Peter, did you have some questions on this?

[32] **Peter Black:** Yes. Thanks, Chair. The White Paper included proposals to ensure that education on healthy relationships is delivered in all schools and to place a duty on local authorities to identify a regional champion to promote the issue of educational settings. However, those proposals have not been included in the Bill and there is a whole range of other prevention issues as well that have been highlighted by a number of organisations that are also not included at all in the Bill. So, the question is: can the Bill fulfil its stated aims and purpose without those aspects in it?

[33] **Mr Mannion:** Well, I think that we were disappointed to see that the White Paper proposals, in terms of compulsory education, were absent. So, we think that that is a deficit and I would agree with you that it is going to be very difficult to deliver on the strategic and generational aims of this piece of legislation unless that question of education is actually contained within this Bill.

[34] **Ms Griffiths:** We would absolutely agree with that. We know that there was a suggestion that this might be an issue dealt with under the curriculum review, but we really do not believe that it is an either/or. I think that it should definitely feature as part of the curriculum review, and they will be looking at the content of personal and social education lessons, but pigeon-holing this issue under PSE lessons only will not really bring about a change of ethos and a change of culture in the school environment that will impact young people and give them those messages in the same way that we try to do with the bullying message, giving them a whole-school message that hitting people will not be tolerated, gender-based violence and harassment will not be tolerated, domestic abuse is to be reported, and young people have a right to be supported and have services when victims of domestic abuse. We cannot really tackle those issues just through having one session in a PSE class maybe twice a year for each class. This really needs to be looked at as a broader cultural and ethos issue within the school, we believe. So, we really think that it needs to come back into this Bill in order for that to be possible.

[35] **Peter Black:** I have seen proposals where we are talking about having champions for this issue among the governors, lead teachers and stuff like that, which you cannot do in a curriculum review. Is it your view that that sort of thing should be enshrined in the Bill so that it is compulsory in every school?

09:30

[36] **Ms Thomas:** It should be part of a whole-school approach and it should also be part of the curriculum. We were really pleased to see it in the White Paper because, as Eleri said, it has been a very patchily-delivered kind of PSE over the years, and it is still quite patchily delivered, on some really important fundamental issues around the relationships that children have and get into, which end up becoming relationships within families where they are vulnerable to abuse or are in relationships where they really are at risk. So, we were very concerned that it had disappeared by the time the Bill was published. We believe that there needs to be work on the whole-school ethos approach. Estyn did a review of bullying in schools recently and identified that there was far less bullying in schools where there was a really good ethos—a strong equality and diversity ethos. We think that would be the same for this, really. However, it also needs to be in the PSE curriculum. There needs to be a core part of the PSE curriculum that young people can—. You know, that it is absolutely—that we are sure that all young people are having the right information about relationships, about what a safe relationship is and what the danger signs are. This is about preventing people from getting injured, or potentially getting killed, actually. It is a really important human rights issue, and to not have that in the Bill—. We see so many young people in our services who should not be in our services, really. Had they had had the information that they needed four or five years previously within their school history, they would have been in a position to protect themselves against getting into situations of sexual exploitation or abuse. We feel very strongly about this.

[37] **Peter Black:** Are there any particular issues relating to the local education authorities or the councils where you think there should be duties on them in the Bill that are not there at the moment?

[38] **Ms Thomas:** Yes, absolutely. We think that this is an opportunity to ensure that a whole-school approach is something that needs to be considered very carefully. There needs to be some sort of obligation to deliver on equality and diversity within schools, ensuring that all young people have the information and the knowledge they need to go out into the adult world. Not all young people get this at home from families. Actually, a lot of perfectly ordinary families are not able to do this for their children. It is a responsibility on us to ensure, through the education system, that young people have this information.

[39] **Christine Chapman:** Sara wants to come in, and then Des.

[40] **Ms Reid:** I would add to what Menna said that there is a great deal of potential for integrating these educational aspects with education on the UNCRC and respect for each other's rights et cetera. Also, our main concern with this Bill is what is missing. When children get to school they will have already learned modes of behaviour and patterns of behaviour that may be abusive, which may be abuse occurring among adults or abuse that they have experienced—physical abuse from a parent or other family members. That is why we would urge that school is too late to be starting to correct some of the wrong messages that have been transmitted to children from the cradle, really, because of the behaviour they have experienced at home.

[41] **Christine Chapman:** Des is next. Then I know Jocelyn wants to come in with further questions.

[42] **Jocelyn Davies:** I can wait until later, actually.

[43] **Christine Chapman:** Eleri, did you want to—? Sorry, Des—

[44] **Ms Griffiths:** I just wanted to add that Children in Wales does some work on raising awareness of keeping children safe and child protection issues. We quite often have school teachers come on our courses. We know from the anecdotal evidence they present at our courses that school teachers are really struggling with some of these issues: issues like how to deal with sexting scandals within the school and the fallout that comes from that, and some of the behaviours that have been highlighted in the report I was mentioning earlier, such as how to deal with young people being bombarded with messages on social networks about their appearance and whether they are attractive enough and all of those issues. They also struggle sometimes with how to support those children in later teen years, and how to make judgments about whether they are having appropriate relationships when they do disclose information within the school. So, we definitely know that there is a need to support—to not only address the school ethos but incorporate teachers as a crucial workforce to be targeted and supported as part of the training framework mentioned in the Bill. That is also really important.

[45] **Christine Chapman:** I will bring in Des, and then Jocelyn has a series of questions.

[46] **Mr Mannion:** I would just reiterate what my colleagues have said, really, in terms of the significance of this issue. It is not an either/or issue. It does seem to me that we do need to learn from academic work in Wales and Professor Emma Renold's work—some of us were lucky enough to be at that launch event, listening to young people talking. I think that reiterates to me the significance of the UNCRC in informing any kind of whole-school approach or any kind of PSE work.

[47] I guess that it is also about how we involve young people in the design and commissioning of services and education work around that. So, I think it is about getting young people's voices into the content and nature of this work, because, actually, there was a lot to listen to when we sat in the workshops and workgroups of young people in terms of their concerns about the current state of PSE education, their lack of confidence in some of the things that would happen to them and how helpful they found some aspects of it and how fantastic—certain individuals grow and certain approaches worked for them. So, there is a lot to learn, I think, in terms of engaging the voices of young people in informing this work.

[48] **Christine Chapman:** Jocelyn is next.

[49] **Jocelyn Davies:** I was going to ask at what age you think it is appropriate to teach healthy relationships, but I guess that you would say that it is right from the word 'go' and you certainly would not leave it until secondary school, would you?

[50] **Mr Mannion:** No, absolutely not.

[51] **Jocelyn Davies:** I also want to ask you about the physical punishment of children. Do you think that this Bill would be an appropriate opportunity to ban the physical punishment of children? I do not think that I am going to be shocked by any of your answers from reading your submissions, but—

[52] **Christine Chapman:** Shall we start with Sara?

[53] **Ms Reid:** Yes, as this is the main issue that my organisation is concerned with, although I have opinions on most of the other issues in the Bill.

[54] I think that this is an entirely appropriate vehicle. It is quite clearly within the scope

of the Bill. International evidence is quite clear that the physical punishment of children is considered throughout the world as being an example of domestic violence, but in many ways we are behind in our thinking culturally. I think when people think of it in terms of human rights and the vulnerability of children, it is quite clear that the current situation in England and Wales is unacceptable. We often talk about it as being a ban on smacking or on physical punishment, but it is different, in a way, because the law as it stands makes it quite clear that it is wrong. It is wrong to assault somebody, but then there is a piece of civil legislation, not criminal legislation, which gives certain people, mainly parents, an excuse if they hit a child. It is a very, very confusing message for parents, children and young people. It is something that the Welsh Government and the National Assembly have been quite clear about supporting reform on in the past.

[55] So, this really would be an ideal opportunity, particularly given the previous Deputy Minister for Social Services's statement during the Stage 3 debate on the Social Services and Well-being (Wales) Bill, for this to be included. A lot of the really positive developments and improvements that are included in this Bill are going to be undermined if we fail to grasp the nettle and tackle this issue and say that it is never acceptable for a person to try to control another person's behaviour or to express their displeasure by hitting out or hurting them.

[56] **Jocelyn Davies:** I guess that you would all agree with that. One of the things that the Deputy Minister did say during the passage of the previous Bill, an amendment to which to this effect was defeated by the Government, was that it would not have been right to bring in that amendment without suitable consultation, which had not taken place, because, of course, it was not included in the Bill. So, how do you get over that problem? If it is not included in this Bill, how will we have suitable consultation?

[57] **Ms Reid:** Well, I think I would want to know exactly what is meant by 'appropriate consultation', because I have been working in this field for a long time and I have written loads of consultation responses. I know that the Deputy Minister herself had been involved in a lot of the work as well. In 2000, when I worked for the NSPCC, there was Protecting Children, Supporting Parents. There was a consultation conducted in Wales that showed that Wales was more positively disposed to this reform. There have been debates in the Assembly, and plenty of public attention—it is not that this has been hidden away. There has been consultation as part of the safeguarding vulnerable children review. It has been raised in every one of the Children's Commissioner for Wales's annual reports. It has been raised during the scrutiny of a legislative competence Order, which caught a lot of attention. I think that public engagement, yes—. We have always said that this reform needs to go hand in hand with public education, and really allaying any fears, because there is some scaremongering about the criminalisation of parents. It is about spreading that message, learning what we know from the other 39 countries throughout the world that have already done this, and what works.

[58] **Jocelyn Davies:** I suppose that, by including it in this Bill, it would then be subject to consultation, like the rest of the Bill.

[59] **Ms Reid:** Yes.

[60] **Jocelyn Davies:** May I ask you about the 39 countries that you mentioned there, where children now have proper protection—where hitting children is outlawed? Has there been a rise in the delinquency of children in those countries? Have they been subject to more accidents because parents have not been able to hit them? What has been the result for children? Has there been a downside to preventing people from hitting children for punishment purposes?

[61] **Ms Reid:** No, there is no evidence that there has been a downside, and a lot of the perceived negative impacts that were raised by opponents before passing the legislation have

not come to anything.

[62] **Jocelyn Davies:** They have not come to anything.

[63] **Ms Reid:** They have not come to anything. There may be, initially, a greater reporting of abuse, but that is not something that we would want to discourage. That comes partly because there is a stronger public message about the fact that violence will not be tolerated, and a stronger awareness of what to do, as well, if you witness something like that. However, there is no evidence of large numbers of parents filling the courts, and we do have—. This would operate not as a separate crime, but within the child protection system. The ‘significant harm’ threshold that professionals currently use would not be changed, and it would make social workers’ jobs a lot easier. Social workers, paediatricians, and other people working in this field, such as family support workers, are all signed up to this campaign. They want this reform, and they have been waiting for it for over 10 years.

[64] **Mr Mannion:** Just to add to the ‘significant harm’ point, I guess that the actual test is the same. It is not going to change. We are not going to see the criminalisation of parents; we have not seen the criminalisation of parents—which I think is part of the question that you are asking—in those countries that have taken this forward. However, it does seem to me that, fundamentally, the real point here is about going back to the intentions behind this legislation: if we are seeking to eradicate violence, and if we are seeking to do something different in Wales around this, then there is a real incompatibility with trying to address this issue, broadly, on a strategic basis, on a generational basis, but leaving this matter unresolved. I think that it is really important to go back to that fundamental, conceptual, almost philosophical, point about what we are trying to achieve in terms of reducing, mitigating and eliminating violence in our society, especially against children.

[65] **Jocelyn Davies:** So, the message of healthy relationships—that you do not put your hands on other people, that you respect other people, and that you respect their rights—could be undermined if we still allowed big people to hit little people.

[66] **Mr Mannion:** Yes, I think so. That is my point.

[67] **Ms Reid:** Yes.

[68] **Christine Chapman:** Eleri, did you want to come in on this?

[69] **Ms Griffiths:** Yes. In terms of the points about the consultation, and the length of time, I was questioning our chief executive yesterday, in preparation for today, on this issue, and she said that she first started campaigning on this in the early 1990s. That really made me think that this is the consultation, and the arguments have been so well rehearsed over the last 20 years, that I think that we are at a point now where leadership is needed. This is an issue that is a bit like the seatbelt issue—it might not be the most popular issue with the voters out there, but, once it is implemented, people get used to it, cultures change, and people start questioning, in five or 10 years’ time, ‘Why did it take so long to do this?’ You know, it is just—

09:45

[70] **Ms Reid:** I think that to prolong it with further, unnecessary consultation is really going to be seen as prevarication and dithering. The clear promise was made to the UN Committee on the Rights of the Child that this would happen in Wales, the last time that the UK was examined. It is also a clear promise to children and young people in Wales, which is included in the Welsh Government’s ‘Getting it Right’ action plan from 2009. So, any argument that it is not in the manifesto and that the Welsh Government does not have the

mandate for it, is extraordinary. We need to take this next step. It is easy to understand that people may have concerns that it will not be popular with the electorate or whatever, or that people will be very scared of it, but there have been so many things that the Assembly has introduced that have been for the greater good and parties have worked together, because of that, without anything near the level of consultation and engagement that has already been on this issue. For example, there have been the restrictions on smoking and the carrier bag charge; children deserve the same regard. On top of that, Welsh Ministers have a statutory duty under the Rights of Children and Young Persons (Wales) Measure 2011, which means that they must pay due regard to the convention. We had the chair of the UN Committee on the Rights of the Child here in November 2013—not 2014, as I can see that I have put in our submission—and she reiterated that the committee sees it as being necessary for state parties to the UN convention to address this issue and that all physical punishment of children in all settings needs to be prohibited.

[71] **Christine Chapman:** We need to move on to another section, but before we do, you mentioned the 39 other countries. Following on from Jocelyn's point, is there any evidence that any of those countries have reversed the legislation?

[72] **Ms Reid:** No. There are some countries, and New Zealand is probably the notable one, where there has been some opposition or reluctance from one political party to move forward with the reform. In New Zealand, when there was a change of Government, people who previously opposed the legislation made the decision, despite some organisations saying that it should be reversed, to keep it as it is. That was introduced in 2007 and it is working well.

[73] **Mr Mannion:** Just to answer your question, it is about saying that we think it is possible to introduce a legislative change to remove the defence and I think that consultation is perhaps not the word that we would want to think about. I think that we would be much more interested in—and I certainly would be—how we support parents and parenting strategies that respect legislative change so that it is not an 'either/or', but 'both/and'. If we want something to work, we have to provide some support in terms of supporting parents and professionals in understanding the implications of this legislation and I guess that that would also, again, take us back to—there is a danger that some of this becomes a bit circular, I am afraid—the requirements of our commitment to the UNCRC and that takes us back again to equal protection.

[74] **Ms Reid:** Yes and there is something slightly odd about consulting the public about a human rights obligation. It is really a case of what is right and what is wrong. It used to be culture and practice, and a lot of us here will have experienced physical punishment or may have used it with our children because we thought it was the best thing to do at the time, as it was a cultural norm. However, when you stand back and look at it rationally, things have moved on. Most parents do not smack and when they do, they are quite clear that it does not work. This final step would be the extra nudge to help support parents to move on. There is more to being a good parent than how you punish your children. It is becoming boring to be honest—having to go over and over the same stuff again.

[75] **Mr Mannion:** This is anecdotal on my part, but one of my experiences in my organisation has been that, when this matter has been the subject of debate recently, we have received correspondence and communication. I am really interested and struck by the fact that, generationally, there are younger and younger parents who increasingly, it seems to me, do not believe in the physical punishment of their children and are surprised that it is not against the law, because they thought that it was against the law. So I think that there is something about us all understanding that that is generational change and that the public may be ahead of the curve. I am not speaking about everybody; I am talking about my understanding in terms of the experiences and responses that we have and what our supporters

tell us and so forth. So, I think that there is something to consider there, when I know that, perhaps, elected politicians from all parties are thinking about, ‘How will this play with hard-pressed families?’

[76] **Christine Chapman:** Before I bring Eleri in, because you could probably answer this as well, people have said that we could achieve this without a change in the law. Could I have your views on that and any other responses that you have?

[77] **Ms Griffiths:** As you will be aware, we have achieved a lot, and I am not sure that that has come about through only the parenting action plan, which was launched some years ago, the enhanced support for parents and the heightened awareness of the positive parenting message, which is more prevalent within our society than it was 10 or 15 years ago. However, the ability of a public education campaign alone to change parenting practices is limited when there is still this defence that means that, for those parents who will continue to smack their children, whether deliberately or because of stress levels within the home, a clear legal message is probably enough to change practices more widely than just the public education campaign alone. However, I would reinforce what Des said; I believe that there need to be messages to parents about positive parenting and alternatives for parents who are feeling that they are struggling when this change in law happens. That certainly needs to coincide with the change in law.

[78] However, the reason that it is particularly important for it to be part of this Bill is because we cannot go talking to young people and children about how we should not be hitting each other and how bullying behaviour and coercive control of each other are wrong when we have already allowed some children to have the clear message that there are occasions when they deserve to be hit. So, if you have a child who has internalised as a young child the message that they do, on occasion, deserve to be hit, how do you start to tell that child later on in life, ‘Maybe that was okay when you were three by your parent, but it is not okay when your boyfriend is trying to do it when you are 14’? It is just so inconsistent; it makes it impossible to carry out early intervention work meaningfully. That is our concern from Children in Wales, and we really think that it is important that it is in this Bill.

[79] **Christine Chapman:** Are there any other responses before we move on to the next section, which is not specifically to do with this?

[80] **Jocelyn Davies:** The point there then is that this is the appropriate vehicle because this is about domestic violence. What you are saying is that this is one part of tackling it overall, rather than you just seeing this as an opportunity to get your policy through, and that it actually fits in with what the Bill is trying to achieve. I think that that is what we needed to hear.

[81] **Ms Reid:** I do not want to take this back too much to personal experience, because this is really a question of principles, but having had family experience of losing somebody as a consequence of domestic violence, I was always interested in this issue and thought that smacking children was wrong. However, it is only through professional and personal experience—I worked for Women’s Aid and have my personal experience of losing my sister—that it has an impact. Psychiatrists will include in expert reports that a perpetrator’s experience of physical punishment—

[82] **Jocelyn Davies:** It makes violence normal.

[83] **Ms Reid:** Yes, and the research that we have included in our written evidence shows that it has an impact, both from the point of view that, as Eleri said, it is victim blaming and also because it can have an impact on an adult’s or an adolescent’s levels of aggression and feelings about the appropriateness of such behaviour. This Bill needs to tackle a lot of issues

around misogyny and attitudes towards women, but a lot of those issues are about hierarchical structures and patriarchal structures, and they apply as equally to children's relationships with adults as they do to men's with women and girls. It would be a big mistake, I think, not to get to grips with it now and include it in the Bill.

[84] **Christine Chapman:** Thank you. I know that Mark wants to come in. Shall I bring him in, and then perhaps you can answer? Mark, did you have a question?

[85] **Mark Isherwood:** I wonder whether you could ask the lawyers to provide guidance to Members on what the current law actually states in this area. I know that there was a change in legislation at UK level a decade ago, but if they could just give guidance, in black and white, on what is and what is not. Thank you.

[86] **Christine Chapman:** Yes, okay. We will do that, and get it in writing.

[87] **Mr Mannion:** I would echo everything that my colleagues have said and add that, in the explanatory memorandum, there is reference to the work of Walby, I think, in terms of the financial costs of doing nothing. There are massive, massive costs that we accrue as a society in terms of the cost of domestic violence and the burden that it places on public resources, as well as the human and personal costs, which are incalculable. If, at a time of austerity, we are seeking to achieve the best spend and the biggest strategic hit for our investment, then it is really important for us to ask ourselves some hard questions. If we want to get that reach and that impact, then there is a question of principle, but there is also a question of 'We need to do this', because we cannot just carry on doing what we have been doing and hoping somehow that it will work. Unless we actually think about what is happening to children now, we are not going to impact on society in the future.

[88] **Christine Chapman:** Rhodri, did you want to ask another series of questions?

[89] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Rydych chi i gyd wedi croesawu'r ffaith y bydd y strategaeth genedlaethol bellach wedi'i seilio ar ddeddfwriaeth. A allwch ddweud wrthym yn benodol sut y bydd y strategaeth genedlaethol yn gryfach ac yn fwy effeithiol oherwydd ei bod wedi'i seilio ar ddeddfwriaeth o'i chymharu â strategaethau blaenorol nad oeddent wedi'u seilio ar ddeddfwriaeth?

Rhodri Glyn Thomas: Thank you very much, Chair. You have all welcomed the fact that the national strategy will now have a legislative basis. Can you tell us specifically how the national strategy will be stronger and more effective because it is based on legislation as compared with previous strategies that were not based on legislation?

[90] **Mr Mannion:** I think that there is an opportunity here to improve on previous strategies and achieve a great focus on children and young people in terms of their needs in the context of domestic abuse. The legislation offers us the opportunity to have detailed consideration in terms of provision, and in legislation supporting guidance on the rights of children. So, if we could get the requirements that we are asking for today included in that legislation—in terms of a reference to the UNCRC, a greater reference to children, and a greater understanding of the issues around education—then we think that it would be an improvement on what we have. I think that it is helpful for there to be a requirement on Ministers to consider this matter, and to have a specific individual, be it a ministerial adviser or a commissioner, who could actually take hold of this issue at a national level and either promote work at a national and at a strategic level and/or hold Government to account. So, that is my sense about where there would be benefit.

[91] **Ms Thomas:** Yn y gorffennol, yn 2004, roedd gyda ni strategaeth *domestic* strategy on domestic violence, and a great

violence, ac roedd llawer o bethau yn y strategaeth honno yn debyg i'r pethau sy'n cael eu gofyn amdanynt yn y ddeddfwriaeth hon. Byddem yn gobeithio y byddai deddfwriaeth yn cryfhau'r strategaeth. Byddem yn gobeithio hefyd fod posibilrwydd i gynnwys llais plant a phobl ifanc yn y ddeddfwriaeth yn fwy. Roeddwn wedi darllen *evidence y children's commissioner* ac yn cytuno gyda beth oedd yn cael ei awgrymu, sef y dylai fod mwy o fanylder yn y ddeddfwriaeth o gwmpas sut y gall plant a phobl ifanc sydd wedi cael profiad o'r troseddau hyn fwydo i mewn i'r strategaethau lleol a chenedlaethol.

many things that were in that strategy were similar to the things that are being asked for in this legislation. We would hope that legislation would strengthen this strategy. We would also hope that there would be a possibility to include the voice of children and young people more in this legislation. I read the children's commissioner's evidence and I agreed with what was suggested, in that there should be greater detail in the legislation on how children and young people who have had experiences of these offences can feed into the local and national strategies.

[92] So, overall, we think that it would, hopefully, really strengthen strategies to have legislation coming behind and provide an opportunity to make sure that those strategies are improved, and that the content is more comprehensive.

[93] **Rhodri Glyn Thomas:** A gaf gydio yn y ddau bwynt sydd wedi codi? Wrth ymateb, dywedasoeh pe baech chi yn cael yr hyn yr ydych yn galw amdano heddiw wedi'i ymgorffori yn y ddeddfwriaeth, byddai hynny yn sicrhau bod y strategaeth yn gryfach ac yn fwy effeithiol. Ond, os ydych yn methu â chael hynny yn y ddeddfwriaeth, a oes dadl ei bod hi'n mynd i fod yn anoddach ichi gynnwys hynny yn y strategaeth os nad yw yn y ddeddfwriaeth ac y bydd pobl yn cyfeirio yn ôl at y ddeddfwriaeth a dweud, 'Ni allwn ei gynnwys yn y strategaeth oherwydd nid yw wedi ei gynnwys yn y Bil ei hun nac yn y Mesur'.

Rhodri Glyn Thomas: Could I just pick up on the two points that have arisen? In your response, you said that, if you were to have what you are calling for today embedded in the legislation, that would ensure that the strategy was stronger and more effective. However, if you cannot get that in legislation, is there not an argument that it could be more difficult for you to contain that in the strategy if it is not in the legislation, and that people will refer back to the legislation and say, 'We cannot include it in the strategy because it is not contained in the Bill itself or in the Measure'.

10:00

[94] **Ms Griffiths:** Byddwn yn cytuno eich bod yn gywir wrth ddweud bod yna berygl go iawn. Os nad yw'r gwelliannau yr ydym am eu gweld yn dod o dan y Ddeddf a'ch bod yn rhoi cyfarwyddiadau i gael canllawiau ar gyfer strategaethau lleol a chenedlaethol sy'n cynnwys elfennau nad ydynt yn y Ddeddf, wrth gwrs bydd y cyllid yn dilyn yr hyn sy'n orfodol o dan y Ddeddf yn hytrach, efallai, na'r gwaith ymyrraeth cynnar yr ydym yn galw amdano i fod yn rhan o'r strategaethau lleol a chenedlaethol.

Ms Griffiths: I would agree that you are correct in saying that there is a real danger. If the improvements that we want to see are not incorporated in the Act and you give directions to issue guidance for local and national strategies to include elements that are not in the legislation, of course the funding is going to follow what is compulsory under the Act, rather than some of the early intervention work, perhaps, that we are calling for to be a part of the local and national strategies.

[95] Rheswm arall pam rwy'n meddwl y dylai'r ddeddfwriaeth fod yn gryfach na'r strategaeth ar ei phen ei hun yw y dylai fod yn gyfle i gysoni gwasanaethau ar draws

Another reason why I think that the legislation should be stronger than a stand-alone strategy is that this should be an opportunity to co-ordinate services across

Cymru ac i leihau rhai o'r gwahaniaethau sy'n cael eu gweld fesul ardal ar hyn o bryd. Byddwn yn gobeithio, drwy gael deddfwriaeth gref, y byddai hynny'n gwella profiadau pawb, boed nhw'n rhai sydd wedi dioddef oherwydd trais yn y cartref, neu'n blant sydd wedi bod yn dyst i drais yn y cartref, a bod yna wasanaethau arbenigol, cysondeb a mwy o gefnogaeth i'r gweithlu sy'n gwneud hynny.

Wales and to reduce some of the variations that can be seen across regions at the moment. I would hope that having strong legislation would improve everyone's experience, be they those who have suffered as a result of domestic abuse, or children who have witnessed domestic abuse in the home, and that there would be specialist services, consistency and more support for those who work in the field.

[96] **Rhodri Glyn Thomas:** O ran y pwynt a godwyd gan Menna ynglŷn â llais pobl ifanc a phlant, a ydych yn credu bod angen cynnwys hynny yn y Ddeddf: bod gan blant a phobl ifanc le amlwg yn yr ymgynghoriad ynglŷn â strategaethau lleol, yn ogystal â'r strategaeth genedlaethol?

Rhodri Glyn Thomas: In terms of the point that Menna raised on the voice of children and young people, do you think that that needs to be included in the legislation: that children and young people should have a prominent role to play in the consultation on the local and national strategies?

[97] **Ms Thomas:** Credwn, pe baem yn cynnwys yr UNCRC yn y Ddeddf, fel y dywedais yn gynharach, byddai hynny'n llwyddo i ddatrys y broblem honno i raddau, achos mae awdurdodau lleol wedyn yn gorfod cyfeirio at yr UNCRC pan fyddant yn gweithio gyda phlant a phobl ifanc.

Ms Thomas: We believe that, if we were to include the UNCRC in the legislation, as I said earlier, that would succeed in sorting out that problem to an extent, because local authorities would then have to refer to the UNCRC in their work with children and young people.

[98] I suppose that, to a certain extent, we would hope that that would strengthen it considerably. Of course, one of the things that we think is an issue is that a lot of this is delivered through guidance, and there are actually options for local authorities to step out from delivering the guidance. That is an issue. It is quite problematic in terms of achieving consistency and achieving very fundamental things that should be delivered, really, and that should not be sidestepped. I do not think that we are entirely satisfied with that.

[99] **Rhodri Glyn Thomas:** Mae hynny, mewn gwirionedd, yn fy arwain at fy nghwestiwn olaf, sef sut yn union y byddwn yn sicrhau bod monitro digonol ar y cynnydd yn y strategaeth genedlaethol er mwyn sicrhau bod yna barhad i unrhyw arfer da sy'n datblygu ohoni?

Rhodri Glyn Thomas: That actually leads me on to my final question, which is how exactly will we ensure that there is sufficient monitoring of progress with the national strategy in order to ensure that there is continuity in any good practice that develops from it?

[100] **Ms Thomas:** With regard to outcomes and monitoring outcomes, the Social Services and Well-being (Wales) Act 2014 has a national outcomes framework, and there is a synergy that is expected across health and public health bodies, so we would expect that the outcomes framework for this would certainly have some synergy with that.

[101] With the issue of local authorities being in a position to sidestep the guidance and maybe not deliver in the way that the legislation sets out, the position that we took, really, was to look at what the scrutiny process was, and what the role of the ministerial adviser was. The options that we had in the information were the questions, 'Do you think that a ministerial adviser with these powers will be enough, or do you think that a commissioner is needed?' With those two options, we did not think that, within the context as it was presented, the ministerial adviser had enough powers, really, considering the seriousness of the issues that are expected to be addressed—quite fundamental human rights issues. So, we erred

towards the side of commissioner, while acknowledging that if we did have a commissioner there would be overlap and it might be impractical. However, really, it was about saying that we think that, if this cannot be consistently delivered—at least at a fairly fundamental level, which is suggested in the children’s commissioner’s evidence—you would need to have quite careful scrutiny, by someone who can hold Government and local authorities to account in situations where individuals are really in very difficult situations. So, that is our position on it.

[102] **Rhodri Glyn Thomas:** Diolch yn fawr. **Rhodri Glyn Thomas:** Thank you.

[103] **Ms Griffiths:** A gaf i ddod i mewn ar y pwynt hwn? Wrth gwrs, yn barod mae yna lot o gasglu tystiolaeth a monitro yn digwydd ar draws sawl ardal bolisi sy’n berthnasol i’r maes hwn yn ogystal â’r ddeddfwriaeth hon. Felly, mae’n siwr y byddech yn tynnu gwybodaeth, fel y soniodd Menna, o’r Ddeddf gwasanaethau cymdeithasol a llesiant, yn ogystal â strategaeth y Llywodraeth, ‘*Tackling Hate Crimes and Incidents*’. Bydd gwybodaeth yn codi o’r rheini a fydd yn berthnasol i’w monitro.

Ms Griffiths: May I come in on this point? There is, of course, already a great deal of evidence collected and monitoring taking place across several policy areas that are relevant to this field, as well as this particular Bill. So, you would probably be drawing information, as Menna mentioned, from the social services and well-being Act, as well as the Government’s strategy, ‘*Tackling Hate Crimes and Incidents*’. There will be information arising from those that will be relevant to the monitoring.

[104] Fodd bynnag, hoffwn ategu’r pwynt ynglŷn ag ymgynghori â phlant a phobl ifanc a’u cyfranogiad—a theuluoedd hefyd, a menywod a dynion, a sicrhau ein bod yn gwrando ar eu barn hwy, ac yn gofyn am eu profiadau hwy, a bod hynny hefyd yn rhan o fonitro llwyddiant y Bil yn gyffredinol. Mae sawl ffordd o wneud hynny, wrth gwrs. Bydd eisiau ei wneud ar lefel leol, bydd eisiau ei wneud gyda dioddefwyr trais, a bydd modd hefyd edrych ar *trends* cymdeithasol, drwy ddefnyddio *outcomes* sydd yn fwy perthnasol i’r boblogaeth gyfan, ac i grwpiau cyfan o’r boblogaeth, megis y rheini mewn ysgolion.

However, I would like to echo the point about consulting with children and young people and their participation—and families as well, and women and men, to ensure that we listen to their opinions, and ask about their experiences, and for that also to be a part of monitoring the success of this Bill in general. There are several ways of doing that, of course. It will need to be done on a local level, and with victims of violence, and it will also be possible to look at social trends, by using outcomes that are more relevant to the entire population, and to entire groups within the population, such as those in schools.

[105] **Mr Mannion:** I just want to add really that I do not think that there is enough detail in the supporting documentation, in terms of the accountability structure. It seems to me that there is a role to think through here about outcomes, but also to think through the role of other fora. So, it seems to me that local safeguarding boards, safeguarding adult boards, and local service boards all have a potential role here to play in scrutinising what I would urge to be a limited number of performance indicators, rather than a whole raft of measures, which set up a whole industry of just feeding the beast of information gathering.

[106] I suppose that there is a slightly more strategic point as well, which is that, actually, we have a number of pieces of legislation—and I am thinking of the Social Services and Well-being (Wales) Act 2014, and I am thinking about the future generations legislation—which all seem to me to share with this a requirement to have local population needs analyses and assessments. It seems to me that it is important that, somewhere—either within this Bill, or within regulation, or within guidance—we actually articulate what the connections between these local population needs assessments are going to be, because we seem to be talking about, potentially, the repeat gathering of lots of different sorts of data about the same

communities, all the time. I think that there should be some thought about what that is actually going to look like in a great deal of detail, because I think that actually just saying, 'We are going to do local population needs analyses', and then leaving it like that is really a recipe for just further inconsistency further on down the line.

[107] **Christine Chapman:** We are running short of time now. Janet, did you want to come in on this, and then we can go on to other parts?

[108] **Janet Finch-Saunders:** Thank you, Chair. As regards the local strategies, I think that we are all well aware that local authorities—and, in this case, local health boards—are required, as per sections 4 and 5, to actually produce these strategies. Now, the Children's Commissioner for Wales highlighted in his evidence the fact that the Bill makes provision to ensure that the strategies must be informed by the latest needs assessment under the social services and well-being Act. However, he also says that he is not clear what minimum requirements of content is required by the Bill within local strategies, and that this lack of clarity is further exacerbated by the fact that the needs assessment process, under the social services and well-being Act, has yet to be designed.

[109] Now, when we had round-table discussions with various agencies on this, there did seem to be some confusion, and almost some duplication. Then, Barnardo's has raised concerns about the barriers. Clearly, it has to be said that local government in Wales is very much up in the air at the moment—it is evolving. How are these local strategies going to work in terms of the national strategy, especially when you have local authority areas not being coterminous, and devolving cross-authority and regional working arrangements? How is it going to work?

[110] **Christine Chapman:** Who is going to start?

[111] **Mr Mannion:** That is a really good question to ask. I am going to have a go at it. I think that the devil is in the detail, and I suppose that what I was saying previously is really indicative of some of your thoughts, really, about how we are going to take this forward in a way that is effective, that is actually strategic, and that builds on different bits of legislation in a way that is consistent. So, there is that. I guess that I am aware of the fact that, whatever the potential is or is not for local government reorganisation, we are certainly aware that there are issues in relation to local safeguarding boards and adult safeguarding boards having a slightly larger footprint, possibly, than the health footprint. So, that gives us some room for maybe six or seven bodies, rather than each local authority having to develop their own ones.

[112] However, I think that the broad point for me is that we do need to be much more specific in terms of thinking through the practical implications of the strategic intent. There is a phrase that goes around, is there not, 'We've got great policies, but we're weak on implementation'? I am not sure that I always buy into that, with the greatest of respect to you as legislators, but I think that there needs to be some thought about how it is not just about producing legislation and then hoping for things suddenly to get better. A lot more detail is required in terms of the practicality of how local authorities, safeguarding boards, adult safeguarding boards and service boards are going to work with all public bodies to take this forward. In light of that, there is the whole issue of criminal justice and criminal justice agencies not being devolved and the potential for those bodies to be operating to a different definition of domestic abuse. Again, I would urge that some thought needs to be given to a consistent set of definitions, so that all agencies can be working at least to the same definition of domestic abuse.

[113] **Janet Finch-Saunders:** With that in mind, is it time to be more radical and to stop duplicating things? Is it time that we should be saying, 'No local strategies. Let's all maintain the standards of the national strategy and make it very consistent across Wales'?

[114] **Ms Griffiths:** That is an interesting thought. I am not sure that I can say, 'Let's not have local strategies', but something that I think is important to take into account, to go alongside any strategies, is professional competence and reaching out to all the professionals who work with children and families through their various training programmes and their vocational professional networks to ensure that the skills needed become integrated into the training of all teachers and social workers as needed. It is as important as the strategies of how agencies will all work together that individuals feel confident to tackle these issues and know how to deal with them. I know that the 'ask and act' proposals go some way towards this, but, obviously, they are for the people who are already employed. We also need to look at when we are employing new health professionals, social workers and so on for this to be ingrained in their training.

[115] **Ms Thomas:** Children and young people's partnerships used to be the way of linking the strategies together with regard to working with children and families. With the policies around Families First, there has been a lot of setting up of multi-agency bodies to tackle these different issues, so, with the domestic violence strategy, you would need those same multi-agency organisations around the table. With those multi-agency strategic hubs—I think that that is what they are called—that are being developed in a number of areas, there is a structure in place on the ground, potentially, where you could house the strategy, or develop the strategy. I think that that is one issue. That is very much a practical, practice, how-you-deliver-it issue.

[116] Separately, you have this wider political issue of how these local authorities and these different boards are going to pan out. They are two slightly separate things, but they are very connected, obviously. It is difficult and complex when the issue of the configuration of the local authorities is yet to be resolved, but we are hoping that there will be an endpoint to that. We do not know how long that is going to take. However, structurally, in terms of practice, there is multi-agency practice.

[117] **Janet Finch-Saunders:** So, are you relatively content that the voluntary bodies and those charged with the delivery of these strategies can do this? Also, is this Bill, as it stands currently, fit for purpose? Is it going to deliver and work to resolve a lot of the issues that you have raised? We are passing lots of legislation here, and it is our job to scrutinise, and sometimes, if things are not as they should be, is it time to pause or go back to the drawing board, or is this Bill going to help you to deliver your objectives and deal with all the concerns that you have raised this morning, because I have to say that you all seem very passionate about what you are doing and very well briefed in your own roles?

[118] **Ms Thomas:** Prior to coming along this morning, we conducted a SurveyMonkey with our services, asking them how many of them were commissioned to deliver on domestic violence and how many of them delivered on it as a secondary issue within their day-to-day practice. I think that just over half responded. Around 10% were commissioned and up to 60% of those services were delivering as secondary pieces of work day to day. They are delivering without a strategy without guidance and without training. They are delivering with what we can provide them. There is a strategy, obviously, but the training that comes with this legislation and much of the potential to develop good guidance, and hopefully to get as many local authorities as possible to opt into it, is promising, we think.

10:15

[119] **Ms Griffiths:** I would agree with that. In terms of the training framework, we definitely see that as a positive step forward. Our concerns are really about how effective early intervention and preventative work on this issue is going to be with the younger generation unless we tackle some of the issues around equal protection and education that we

have mentioned.

[120] **Christine Chapman:** Thank you. Mark, did you have a question? I am sorry, Des; did you want to come in again?

[121] **Mr Mannion:** I agree with my colleagues' views on domestic abuse. It is a massive and significant factor in its own right, but it is also a significant contributory factor in terms of child abuse, child protection and safeguarding. So, I think that all of our comments, to answer your question directly, are made in the spirit of trying to improve and enhance this particular piece of legislation. We think that it is important that the issues that I have raised, those that my colleagues have raised individually, and those that we have raised collectively are things that you should think about in terms of the scrutiny function that you have, and in terms of improving and enhancing the legislation. I think that our purpose in coming here today was really to actually suggest that this is how we think this particular piece of legislation could be improved and enhanced to achieve the strategic intent for the people who introduce this legislation and the principles that underpin it.

[122] **Janet Finch-Saunders:** Thank you, and thank you for coming along.

[123] **Christine Chapman:** I now turn to Mark.

[124] **Mark Isherwood:** With reference to section 12 in the guidance, I think that it states that the statutory guidance issued by Ministers only may address certain things such as training, information sharing and asking people suffering or at risk, and the action that would then be appropriate to take. What issues do you believe should be covered in the guidance, and should that 'may' become a 'must' in any of those areas?

[125] **Mr Mannion:** I think that 'may' should become a 'must'. I am concerned about variability between primary and secondary legislation. I think that we have heard about measures in terms of information sharing, 'ask and act', public education and prevention strategies locally. They all need to be a requirement. I suppose that our suggestion might be that the opt-out facility, if you like, is in case a local authority and other stakeholders have something better in place. I guess that section 12 might enable the Minister to say, 'Actually, I'm not satisfied with that'. However, it seems to me that if the aim is to achieve a consistent level of early intervention and prevention, it should actually be a 'must'.

[126] **Ms Griffiths:** I would agree with that.

[127] **Mark Isherwood:** Do any of the rest of you wish to comment? You referred to the opt-out clause in section 14, which allows an authority to opt out if it considers that there is good reason for it not to follow the guidance and decides on an alternative policy. Are you comfortable with that, or would you propose an alternative?

[128] **Mr Mannion:** I would just like to know what constitutes a good reason. It seems very wide to me potentially. While there may be good reason in some individual cases, those good reasons might not be very good, actually, later on. So, I would be a bit concerned about the breadth of 'good reason'. I would like to see some further definition of that. As I have said, it certainly seems to run against the general tenor of the legislation, which is about promoting a coherent and consistent approach at a local and national level. That would be my view.

[129] **Mark Isherwood:** Are there any further comments?

[130] **Ms Griffiths:** As Children in Wales, we were quite surprised to read that opt-out clause and, as Des says, we were quite intrigued as to when that would be used and why. It

seems to go against the consistent provision. That is the danger. It is a lack of understanding, really, about why that would be there.

[131] **Mark Isherwood:** What are your views regarding the sort of performance indicators that should be used to measure progress?

[132] **Ms Griffiths:** We touched on this, did we not?

[133] **Christine Chapman:** Menna, would you like to start?

[134] **Ms Thomas:** Yes, we mentioned the national outcomes framework, really. I guess that that would be the starting point in terms of addressing that.

[135] **Ms Griffiths:** Yes, it involves looking at the outcomes, as has already been mentioned, that will be relevant for the several different strategies. As this is a cross-cutting theme, we need to draw in the outcomes from the social services Act and tackling hate crime Bill and other relevant areas. As I said earlier, somehow, measuring outcomes to do with children's and young people's lived experiences and gathering those data should also inform part of evaluating the success of the strategies.

[136] **Mark Isherwood:** Right. Should the guidance refer to the need for third sector and other key stakeholder involvement in the design and delivery? I will give an example. Flintshire, as you probably know, has a children's panel set up by children's services. It is a multi-agency panel modelled on the multi-agency risk assessment conference but focused on child abuse and children witnessing abuse. Do you feel that the guidance should perhaps be addressing more broadly that sort of action?

[137] **Mr Mannion:** I think that it is really important that local initiatives are recognised and included. I also think that it is important to think about the relationship with regard to measuring performance in terms of a number of inter-agency fora, be they service boards, local safeguarding boards, adult safeguarding boards or crime and disorder partnerships, because this is truly a cross-cutting issue. Actually, it seems to me that it is important to bring that together and not invent new performance indicators but think about what data we are already collecting first of all. Bear in mind what I said earlier about a local population-needs analysis. That seems to me to be a crucial part in this, to look at the extent to which a local strategy is addressing what the data are telling us at a local and national level.

[138] **Mark Isherwood:** Thank you. This is my final question. In this section, should the guidance refer to gender specificity? I am thinking particularly of Barnardo's report, which you published about a month ago on boys and young men. There were some quite chilling findings and, I think, some important recommendations. However, given your findings in the report—and others may have a view—do you think that that guidance should be referring to specificity generally and/or specificity regarding children?

[139] **Ms Thomas:** Yes. That was research in relation to boys' and young men's experience of child sexual exploitation and the barriers that boys and young men face in terms of being able to recognise that this is happening to them and communicate to people that this is happening to them and get support. That has to do with a lot of the issues around the cultures of masculinity and the ways that the cultures of masculinity prevent boys from acknowledging these things. That sits really well with our child sexual exploitation work with girls as well. The fundamental bit for both girls and boys is having information about healthy relationships and what consent means in a relationship and understanding what abuse is in a relationship. Again, going back to the absence of the education section, we think that boys and girls would be far better positioned to be able to protect themselves from abuse if they had very good quality equality and diversity education in schools and good quality healthy

relationships education and a rights-based approach to education. All of those things go hand in hand, and we think that there is a lot of room for improvement there.

[140] Yes, I guess that we are happy with the gender-based violence title because one of the things we know about boys and CSE is that we are not actually reaching or getting to the boys we need to get to because there are too many barriers in the way, culturally. It sits very much in the remit of this Bill, really, which is about healthy relationships and the different stereotypes that boys and girls feel they have to play into and the problems that causes for them. So, yes, that is something that we think should be equally shared across the lesbian, gay, bisexual and transgender community and the issues that young LGBT boys and girls face in their relationships, which are pretty much the same sort of issues of healthy relationships—what is consent, what is right and what is wrong—as they are trying to explore and develop themselves as individuals and to grow up, very much without a map in the case of some children and young people and without a huge amount of guidance. I do not think that I have answered your question, Mark, actually. I seem to have rambled on about this.

[141] **Mark Isherwood:** Am I right that to take from your report, which identified the different cultural pressures and expectations and took responses from victims accordingly, that you think that approaches should be adjusted for male and female victims?

[142] **Ms Thomas:** We do not feel that we know enough, really, about boys' experiences. We think that we know that boys are just not—. When you work with children and young people in particular who are experiencing CSE, they are not going to say, 'I am being sexually exploited'; they do not recognise the grooming process. They get drawn into relationships and feel that they opt into those relationships and choose them. They end up in a situation where the relationships become extremely exploitative and horrendous, and then they feel guilty because they feel that they have made that choice and that they cannot back out. With regard to training and the kinds of things that maybe should be included in the national training programme and 'ask and act', people need to be aware that adolescents in those situations are not going to come up and say, 'This is happening to me'. They are not going to communicate it very clearly. In fact, they are going to be saying, 'Go right away from me; I am adolescent and I am making my own choices, thank you very much; this is my life and I have the right to do this'. So, there is a lot of information that practitioners and people on the front line need to have and we think that the educational element that is absent is really important to address some of that. However, we also think that that needs to be included in the training programmes that could potentially be delivered through this Bill.

[143] **Mark Isherwood:** Shall I jump to the next section in the absence of Jenny?

[144] **Christine Chapman:** Yes, okay.

[145] **Mark Isherwood:** Very briefly because time is very short, on the ministerial adviser, do you feel that the proposals will give enough independence, particularly with regard to the authority to issue sanctions?

[146] **Mr Mannion:** At the moment it is described as a ministerial adviser and I understand that it would be subject to the public appointments process, but in terms of the way that this has been couched, as I understand it, it is more about someone who is reviewing strategies, reviewing the national strategy and ensuring that things are working well. It is difficult to reconcile that with the notion of an individual or an officer in a role that is about holding Ministers and Government, including local government, to account. It seems to me that we need greater clarity about that and I would be urging us to think more about a role that is more on the 'holding to account' side than just being an adviser. Whether we call it a ministerial adviser or a commissioner—whatever title we give it—it is about what the role is and if the purpose of the legislation is to achieve an enhanced public service response, then it seems to

me that the role of the adviser—and I will call the person ‘the adviser’—should be about ensuring that that is happening and challenging when that is not happening.

[147] **Christine Chapman:** Mark, before I bring you back in, Mike wanted to ask a specific question on this role as well, and we are running a bit short of time.

[148] **Mark Isherwood:** I am happy to stop at that point, unless any of the other three witnesses would like to comment.

[149] **Christine Chapman:** I will ask Mike to come in and perhaps you could give your final response. There may be other questions that we want to ask, but because we have got another panel to see, we will not have enough time. I will invite you to make some written responses, but Mike wanted to come in first.

[150] **Mike Hedges:** I have two very brief questions. First, we have commissioners, co-ordinators and now we have ministerial advisers; is there any problem or confusion about what each one of them does?

[151] **Mr Mannion:** There is a potential for duplication of roles and that reflects the fact that some of the issues and problems that they have been brought into being to address are cross-cutting in nature. I do not live in a single-portfolio world, as it were, and I think that the children’s commissioner is correctly, it seems to me, interested in issues of domestic abuse. I think that if there is a potential for duplication, that might be the case and I suppose that it is for the Welsh Government to ensure that there is no duplication of powers and that those individual commissioners’ roles are clearly defined and are coterminous in terms of where their responsibilities stop and start. That would be my response to that question.

[152] **Mike Hedges:** Still on definitions, is there a problem or a potential problem with the definitions of abuse being different between devolved and non-devolved areas and whether the definitions used are appropriate for children and young people? If we do not get the definitions right, and we do not get some consistency—. We have enough problems is what I am trying to say.

[153] **Ms Thomas:** Yes, it is very important that you have a good, clear definition and the definition with regard to this particular Bill needs to consider that it is about preventative work. So, you would have to consider, certainly from the experience of our work, the grooming and coercion—the pre-physical attack part of the relationship or the build-up—so that certainly should be included in the definition for this particular piece.

[154] **Mr Mannion:** There needs to be some consideration of how coercive control can take place outside domestic settings. I think that we have spoken already, and I think that you will hear later this morning, about how domestic abuse can occur in terms of young people’s relationships with other young people, and that needs to be recognised in terms of any definition. I have already mentioned my concerns in relation to coterminousity.

10:30

[155] **Jocelyn Davies:** May I ask a question on financial abuse, because I guess that it would be a bit different with children than with another adult, with regard to controlling someone’s money? So, we would need to be careful about how we defined something like financial abuse, because you would apply it differently to children, I guess. It would not be considered abuse to control a child’s money, perhaps, in the same way as it might be to control your partner’s money.

[156] **Mr Mannion:** If you think about issues in terms of how elderly people might be

abused by family members potentially, there is an issue there, is there not?

[157] **Christine Chapman:** I have a very quick question from Mike, then I am going to have to finish this session because we have another panel due to arrive shortly.

[158] **Mike Hedges:** Do you have any concerns that the Bill might increase demand for services and therefore increase costs, and take money away from other areas that are equally important or that might be considered to be more important?

[159] **Mr Mannion:** I would say that we are all aware that austerity is going to have an impact on the moneys and budgets available to Government to spend. Going forward in the next few years, the financial settlement is going to get tighter, it seems to me. In thinking about that, I would refer back to the explanatory memorandum where there is quite a large exposition of the financial implications of domestic abuse, in terms of the debt and burden it places on agencies and in terms of the human and personal cost. So, in thinking about whether you are going to have increased demand, it might be worth thinking about the fact that, at worst—I am not suggesting that that is what you are implying—doing nothing or carrying on have significant cost implications in their own right. So, it seems to me that we need to think that through in terms of a cost-benefit analysis, I suppose.

[160] **Mike Hedges:** What I hoped you were going to say was that it might increase demand in one place and it might well reduce demand elsewhere. That is what I hoped you were going to say.

[161] **Mr Mannion:** I think that that is a longer-term aspiration, and it seems to me that it is a worthy one. However, that sort of investing for future generations takes some time to see the benefit.

[162] **Ms Thomas:** The statistics that we have put together from our services show that people are delivering above and beyond what they are commissioned to deliver around this at the moment. Having the benefit of extra support, training, an improved strategy and legislation would probably contribute to less cost later on.

[163] **Christine Chapman:** Are there any final questions, because I need to close this session now? I see not. Are there any final comments from Eleri or Sara before we close? Do you have any quick responses on this?

[164] **Ms Reid:** On the general issue that Children are Unbeatable! is concerned with, we would see amending this piece of legislation to include a provision to remove section 58's reasonable punishment defence as being a key way of ensuring that the preventative agenda is far more successful, and that there would be a reduced demand on services and reduced financial cost for a whole range of things—not just domestic violence, but mental health services and health services in general. So, we hope that the committee will recommend in its report that it should be included.

[165] **Christine Chapman:** Thank you very much. We will not be writing to you now because I think we have covered most things that Members wanted to ask. I thank our panel very much; I think that it has been a very interesting and very useful session. This will help in our deliberations, so thank you very much. We will send you a transcript of the meeting so that you can check it for factual accuracy.

[166] We will take a break now until 10.45 a.m. We have overrun slightly by five minutes, but we have our next panel now, so if we could all be back by 10.45 a.m.

Gohiriwyd y cyfarfod rhwng 10:34 a 10:49.

The meeting adjourned between 10:34 and 10:49.

**Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru):
Sesiwn Dystiolaeth 3 (Panel Academyddion)
Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill:
Evidence Session 3 (Panel of Academics)**

[167] **Christine Chapman:** Welcome back, everyone. This is the third evidence session on the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. I would like to give a very warm welcome to our panel: first, Professor Emma Renold from the school of social sciences at Cardiff University; secondly, Professor Jonathan Shepherd from the violence research group at Cardiff University; and also Professor Jackie Jones, professor of feminist legal studies at Bristol law school, University of the West of England, chair of the Wales Assembly of Women, and president of the European Women Lawyers Association. I welcome all of you today and thank you very much for coming.

[168] We will have read your evidence, so if you are happy, we will go straight into questions because, obviously, we have a limited amount of time, but we want to give you the opportunity to answer Members' questions on the Bill.

[169] I want to start off with a very broad question. Could I ask you about the title and scope of the Bill? What do you feel about the omission of gender-specific terminology? Who would like to start?

[170] **Professor Shepherd:** Perhaps I can start. It seems to me that it is actually helpful not to use gender-specific terms in the title of the Bill. I should also say, Chairman, that I am an NHS consultant surgeon at the university health board, so my practice includes the management and care of people who are injured in cases of gender-based violence. However, it seems to me that, also from that health point of view and taking a public health view of the outcomes of the legislation, being non-discriminatory on a gender basis is actually helpful.

[171] **Professor Jones:** I would take the opposite view, surprisingly—if you have read my submission—or not, as the case may be. I think it is extremely unhelpful not to follow the recommendations of the White Paper, and that is because, in Wales, this is a historic moment. This is a once-in-a-lifetime opportunity to do something very, very positive for the victims, women and girls, of violence against them. Not putting that on the face of the Bill sends out a very mixed message, because we are—. The Bill at the moment has three different things that it is trying to target, but, in my view, it does so in an incomplete manner. It is extremely unhelpful.

[172] **Christine Chapman:** Thank you. We will develop some of these points, but I am going to bring Emma in first, and then Jocelyn has a question.

[173] **Professor Renold:** I read Jackie's evidence as well and I was quite convinced by the fact that it does not dovetail well with all of the other international recommendations and definitions of the violence against women movement. So, for me, it seems quite confusing in terms of dovetailing and intersecting with everything else that is going on.

[174] **Christine Chapman:** May I just ask what does not dovetail? Is it this Bill?

[175] **Professor Renold:** Yes, this Bill. Taking out—. My research, as you know, is all with children, and gender and sexuality are absolutely central. Looking at gender-based bullying, which is the language of schools and children, that affects boys and girls. When you talk to boys and girls about sexual harassment and sexual bullying, it is girls who have that

experience—it impacts them more, from their perspective. That is borne out in all of the research. So, I think it is important to name what we know from research evidence. Again, the title of the Bill has been contested, I think, and there are a lot of views on this.

[176] **Christine Chapman:** I am going to bring Jocelyn in and then Mark wants to come in.

[177] **Jocelyn Davies:** I would just like to explore this a tiny bit further, because I think that up until now the Welsh Government has used ‘violence against women’ as the title for strategies to prevent it, but I do not understand why that affects the provision of services to victims regardless of gender. I think that there is a danger that we are confusing two things: the causes of domestic violence and the provision of services, which should be, of course, gender appropriate and non-discriminatory. So, I am not sure that there is a disagreement between our witnesses; it is just that the one is talking about the provision of services and somebody else is talking about tackling the issue of domestic abuse.

[178] **Christine Chapman:** Do you agree with Jocelyn’s assessment and analysis?

[179] **Jocelyn Davies:** Please do not disagree—. Well, somebody agrees with me. Jonathan, do you agree with me?

[180] **Professor Shepherd:** I think I do. [*Laughter.*] From the nature of gender-based or gender-specific violence, it is not limited to one gender or the other in my practice. So, both in terms of the circumstances and the service provision, it seems to me that being gender-specific is counter-productive, although I fully accept that all the research shows that violence directed against women and girls is more harmful and much more prevalent than violence directed against boys and men¹.

[181] **Jocelyn Davies:** There you are: you big feminist. [*Laughter.*]

[182] I think the issue is that violence against women is because they are women, and that is the big difference. It is because they are women. I think that that is—

[183] **Professor Jones:** Absolutely right.

[184] **Jocelyn Davies:** So, I do not think that there is a disagreement, actually, between our witnesses.

[185] **Christine Chapman:** Well, we will explore some of this now. I will bring Mark in on this point before we move on.

[186] **Mark Isherwood:** It is a similar point, under the umbrella of gender-based violence. Considering the evidence you have referred to and what we heard before from Barnardo’s regarding boys and young men and so on, do you need gender-specific strands within that overall umbrella, or underneath that overall umbrella, recognising the commonalities but also recognising the different experiences and the different approaches required accordingly?

[187] **Professor Renold:** What do you mean by gender-specific strands?

¹ With regard to Paragraph 180 Professor Shepherd clarifies that the violence he is talking about here is restricted to *gender-based violence*, not *all* violence. He further states that the Crime Survey for England and Wales, and national and community public health data all confirm that, overall, males are more often victims of violence than women and girls and that injury sustained in violence more frequently affects males than females.

[188] **Mark Isherwood:** There would be a male-specific and a female-specific strategy within the overall umbrella of gender-based violence.

[189] **Professor Renold:** Personally, I would not put that forward as a strategy. Again, I can only speak in terms of children and young people here. In terms of pedagogy and practice and doing this work in classrooms, say, we know that separating girls and boys sometimes really works as a practice, but I do not think that that is what you are referring to in terms of strategy. I think we need to understand gender as relational. It is the devaluing of femininity that is the issue, and that affects boys and girls. Boys and girls need to learn from each other about how that affects them in practice. So, having separate strands does not seem to hold from my perspective, in terms of how we want to understand gender power.

[190] **Mark Isherwood:** I mean a gender-specific rather than a gender-neutral approach for male victims and female victims.

[191] **Professor Renold:** When you say ‘approach’ do you mean the actual practice in terms of an intervention?

[192] **Mark Isherwood:** Well, a gender-specific strategy for males and a separate gender-specific strategy for females under an overarching gender-based approach, recognising equality and commonality applying.

[193] **Professor Renold:** I think it should be a relational approach and that you should not separate out gender strategies for girls and gender strategies for boys, because there are so many commonalities and they need to learn from each other. Separating out would send a different kind of message: it would be very much ‘boys think one thing, girls think another’. Although their experiences are very gendered and very different, there are so many commonalities, actually. It is just that they do not experience them in that way. So, I would not have separate strategies. You need to understand how masculinities and femininities and all those gender norms affect children and have a strategy to develop that, but I am not sure that separating them out would—. Strategies are not my forte, but I can talk about classroom practice and what children learn.

[194] **Christine Chapman:** I will bring Jackie in now.

[195] **Professor Jones:** Probably what I understood by your remark is that the way you talk to people about these things may be specific to a gender. Is that what you meant?

[196] **Mark Isherwood:** When, some years ago in a previous Assembly, the Welsh Government introduced its domestic abuse strategy, it took a gender-neutral approach. At that stage, Welsh Women’s Aid was saying that instead we needed male-specific and female-specific strategies within the overarching strategy. I was reflecting that, more than—.

[197] **Professor Jones:** I think it depends on whether you have perpetrators within this Bill or not—I do not think that I have read anything about perpetrators in any of the guidance; I might have missed it, but I do not remember seeing it here—or whether you are just focusing on victims. I think those approaches are different and those strategies or programmes might be different, specific to the need. Definitely, yes.

[198] **Christine Chapman:** So, it is the services we are going back to, I think, which is different—

[199] **Professor Jones:** Yes, I think so.

[200] **Christine Chapman:** We will probably come back to this. I will probably ask an easier one first. I just want to check whether you feel, first of all, that there is a need for this legislation, or whether you think the Bill could be achieved through policy or existing mechanisms.

[201] **Professor Jones:** I am happy to speak. It depends on what you are trying to achieve, really. I think, in the current format, there are various problems or it is slightly problematic. We will come back to definitions, I believe, later on, so I will leave the legalistic things aside. In section 1 it is stated that the purpose of the Act is to improve arrangements for prevention, protection, and support for people. However, I am not sure, from reading the Bill and the memorandum, how that will be serviced through this Act. I think that it is quite confusing and I am afraid that it leads back to legal definitions, et cetera.

11:00

[202] I also think that there are no extra resources, as far as I understand. I know that, when the Minister came and gave her evidence in July, she committed a further x amount of money. This is due to come on board in a couple of years' time, possibly, so there might be scope for some extra resources—I do not know; we can always hope. There is also an issue around an independent adviser or commissioner—I am not worried about the title, just that the person is independent and has enough powers to hold local authorities to account if there are local strategies and also to be able to be a critical friend, if you like, to a Minister, and to be able to speak openly in public.

[203] **Christine Chapman:** We will come on to that. That is a specific thing that I know some Members want to address, so perhaps we can put that one off for the moment. Is there anything else, Jackie, on whether you feel that we need the legislation?

[204] **Professor Jones:** I think that, in the current format, there are a lot of 'mays' in the Bill and I think that that is problematic from a legal point of view, of course, because you are not making things obligatory—rather, you are saying, 'Well, you can if you want to, on a Tuesday, when you stand on your head, if you like—'. I am being dramatic, obviously.

[205] **Christine Chapman:** Jonathan or Emma, do you have a comment?

[206] **Professor Shepherd:** I have thought long and hard about this and I think that there is a need for legislation here. I think that there is a need for this Bill and I say that for three reasons, really. The first reason is that the previous strategy, which took a long time to develop, and was very carefully developed, actually had very little impact, it seemed to me, on the ground and I speak as a practitioner at the coalface of the NHS and as chair of a community safety partnership. So, that is the first reason. The second reason is that, where services have been developed and strategy has been applied, it has been very patchy. So, within Wales and in health boards, it is good in some places and we have hardly seen any implementation at all in others. That is the second reason.

[207] The third reason, it seems to me, is the disinvestment by local authorities, for example, and health boards in services at the moment. So, with the cost-cutting pressures in local services it seems to me that some legislative statutory underpinning of the implementation is really important. If I may, I will take one example that affects gender-based violence. Across Wales, and across the UK more widely, there has been a disinvestment by local authorities in CCTV watchers; those people will see gender-based violence taking place. There was a horrific case in Newcastle recently where a poor girl was raped on a couple of occasions and had there been CCTV people watching those screens, they would have been able to get a police officer around the corner and down the road to intervene. So, those are the three reasons why I think that this is actually very sensible.

[208] **Christine Chapman:** Emma, would you agree that we need the legislation, or could we do it through mechanisms or—?

[209] **Professor Renold:** On the legislation as it stands, for me, from the point of looking at improving and preventing measures for children and young people, those are absent. So, that is not there in the way that it absolutely needs to be. That was quite a shock when I read it. There is no age restriction, but then children and young people are not present and most of it is very adult-centric. It is not there. So, that is how I would answer that question. It is absent from what is there and, if you want to do anything, if you want to prevent gender-based violence, sexual violence and so on for children and young people, then not making any of this mandatory and compulsory for schools means that the Bill will not achieve that aim.

[210] **Christine Chapman:** I want to move on now. I think that Gwyn Price has a number of questions.

[211] **Gwyn R. Price:** Yes. Good morning to you all. Just listening to you across the board, really, what are the main barriers that the legislation might face in fulfilling its objectives and how do you think that these things can be overcome in your view?

[212] **Christine Chapman:** Who would like to start? Jonathan, would you like to start?

[213] **Professor Shepherd:** Yes, thank you. I think that a lot of the barriers are to do with the implementation. So, it is the implementation of the strategies, both nationally and locally. These are potential barriers, of course, because of the stage that we are at, but it seems to me that one of the barriers, potentially, is that too many interventions might be included in the strategy, and I think that this needs to be focused. Too many recommendations or too many items in the strategy are likely to undermine the overall effectiveness.

[214] Another potential barrier is that the strategy, and particularly perhaps local strategies, will include non-evidence-based approaches, because of local advocacy and campaigning. So, it is important, it seems to me, that the barrier there is that the outcomes that are wanted will not be achieved because the evidence-based approach has not been really focused on. I suppose that the only other barrier that I would like to mention is that, if the legislation is not enforceable and not enforced, with the cost-cutting pressures that I mentioned beforehand, it is going to be very easy for local services and local agencies to not do what they are supposed to do.

[215] **Christine Chapman:** Jackie, do you have any responses to that?

[216] **Professor Jones:** Yes, I echo some of the things that Jonathan said, particularly his last point. However, if the purpose of the Bill is to improve, then leaving out, for example, coercive control under the domestic abuse definition is a barrier. So, when we are trying to tackle the issue of violence against women, domestic abuse or gender-based violence, however the Bill decides to define it in the end, you have to be inclusive rather than exclusive. So, that is a major barrier to the success of any Bill that should come forward or any strategy for that matter. Of course, making it statutory and obligatory to have national and/or local strategies is another barrier if you do not make it obligatory.

[217] **Christine Chapman:** Emma, did you want to come in?

[218] **Professor Renold:** I am repeating myself a little bit, but the key barrier is not putting children and young people on the face the Bill, and putting them in a children's rights perspective. Thinking about how those definitions work for children and young people, it is very difficult as you read through to see how they relate. From all of the research and

evidence, and there is a lot of it, including your own—there is a wonderful review here entitled, ‘A review of preventative work in schools and other educational settings in Wales to address domestic abuse’, and its recommendation is that domestic abuse education must be compulsory in all schools in Wales—there is a lot to suggest that unless you make it mandatory and compulsory, it does not happen. It happens in some schools. Sometimes, one-off sessions do more damage than good. So, we really need to think about how to make this compulsory. Without that, you cannot be serious about preventative measures and we are certainly failing children and young people by not making it mandatory and compulsory.

[219] **Christine Chapman:** I know that Peter has some questions on this.

[220] **Peter Black:** Is the best way to do that through the curriculum review that the Government is talking about or should it be on the face of the Bill?

[221] **Professor Renold:** It needs to be on the face of the Bill. I am absolutely unequivocal about that. The curriculum review can offer recommendations, but schools will not have a duty and, of course, we know from all of the evidence from teachers and trainers—. There are some quotes here. As one teacher said, it needs to be compulsory because schools wriggle out of it; they say, ‘We need a top-down directive’. They are quite aware that they need senior management on board and they need resources. The only thing that will convince senior management to draw on those resources is to make it statutory and to put it on the face of the Bill. I do not think that the curriculum review will do that—it does not have the powers.

[222] **Peter Black:** The previous witnesses talked about a whole-school approach. I think that some of the evidence that we have seen suggests—and I think that the Government itself is looking into having champions among teaching staff and among school governors and so on—that we will drive forward this agenda with this whole-school approach. Does that also need to be on the face of the Bill?

[223] **Professor Renold:** Absolutely and that will only work if you give it the power for someone to take that on. If you make personal and social education statutory and if you make healthy relationships statutory, that will happen—it will not happen without it in resource-stretched schools. We know that from all of the evidence of all of the domestic-abuse initiatives across Wales. Those are the recommendations. So you have that evidence in front of you.

[224] **Christine Chapman:** I will just bring Jackie in now.

[225] **Professor Jones:** I echo what Emma has said, but I will also mention Estyn. If it is within the Estyn report that they have to report back on what they have done in that regard, it would be extremely helpful.

[226] **Peter Black:** Do you have a concern that PSE is a bit overcrowded and that there are other ways of doing this?

[227] **Professor Renold:** Yes, it can be overcrowded and when staff are aware of some of the issues, they do not think about bringing in that training. One of the issues from my perspective is that children do not talk to teachers often, or to parents, about some of these issues, so some staff do not even think about it as a problem because they think that it is not happening in their school and they do not understand it. They are not drawing on those resources. To address your question, absolutely, PSE is stretched. The whole-school approach is one way forward of doing that. However, they will only garner that interest in making that whole-school approach work if it is made statutory. Otherwise, other things will come to play on that.

[228] **Professor Jones:** This is also underpinned by the gender equality approach, which is needed at the same time.

[229] **Professor Renold:** More of the research evidence suggests that the successful initiatives and interventions are run through the gender equality awareness programme, particularly for younger children as well. Gender stereotype is so linked to some of the reasons why some of these things happen.

[230] **Peter Black:** Really, we are talking about teaching them about relationships and respect for relationships as part of this as a whole process.

[231] **Professor Renold:** I am sorry; could you repeat that point?

[232] **Peter Black:** So, we are talking about respect for relationships. That is what we are really talking about in terms of teaching the kids.

[233] **Professor Renold:** Yes. Good and bad relationships, but all within the gender equality framework. If you read some of the research that I have conducted with some of the younger children, you would see that some of the reasons why they are struggling are that there are pressures around masculinity and femininity, and they are working that out through relationship cultures really early on, in terms of boyfriends and girlfriends. So, they are very embedded at a young age—more, I think, than most people realise.

[234] **Christine Chapman:** I have a supplementary question from Jocelyn, and then Mike.

[235] **Jocelyn Davies:** I was going to ask you about the age. What age would be appropriate to start teaching pupils in school about healthy relationships based on this gender equality framework?

[236] **Professor Renold:** At key stage 1.

[237] **Jocelyn Davies:** You would not leave it until the age of 11.

[238] **Professor Renold:** Good Lord, no. I have done ethnographies in nurseries. In nurseries, they are playing around with the idea of boyfriend and girlfriend. I have been in nurseries where there has been a little boy and he has his girls with him, and he has his arms around them. He will say, 'They're my girlfriends'. They are learning about what this means for them. They are learning about power relations and gender stereotypes. It is happening at a really young age, and the staff are also part of that. We really need to make this education for everyone—not just the children, but also the staff—so that we can get around those comments like, 'He's only mean to you because he likes you', and 'He's hitting you because he likes you'. That is not uncommon to hear.

[239] **Jocelyn Davies:** In very small children. So, you would include this in teacher training for everyone.

[240] **Professor Renold:** Absolutely.

[241] **Jocelyn Davies:** There would not be a separate subject; everyone would be on board.

[242] **Professor Jones:** Absolutely; if it is going to work. That is how it works best.

[243] **Christine Chapman:** I do not know whether Jonathan wants to come in on this point. I know that Jackie wants to come in.

[244] **Professor Shepherd:** It is not my area of expertise, but I will just say that, because of what we know about the effects of this at pre-school education and early family support, we fully support this early approach. It fits with early-intervention-type approaches elsewhere.

[245] **Professor Jones:** Tying it into the definition of gender-based violence that we have in the Bill here, it talks about violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation. This is exactly the point. If the Bill is to be successful, key stage 1 is the place to start, because it tackles the culture change.

[246] **Mike Hedges:** I keep hearing people say that something should be added to PSE. I can see PSE becoming the whole school curriculum. Would you not agree that, if you want it to be important, you make it part of the Estyn inspection framework and part of the wellbeing part of that?

[247] **Professor Renold:** Absolutely.

[248] **Mike Hedges:** Secondly, if you really are that keen, it needs to be one of the key performance indicators for local authorities. If it is important, it needs to be shown to be important, and not an add-on, where you say, 'Yes, it is PSE; we will throw it into the PSE curriculum along with drugs and all of the other things such as policing and dealing with society'. There are all these things. Let us make it important, and to make it important it has to be a key performance indicator for the local authority and part of the Estyn inspection framework. That would concentrate the minds of schools and local authorities no end.

[249] **Christine Chapman:** Do you all agree with that?

[250] **Professor Renold:** If that is what needs to happen, absolutely. I am fully behind that.

[251] **Christine Chapman:** I am going to move on now. Sorry, did you want to come in, Mark?

[252] **Mark Isherwood:** Recently I have chaired meetings where the issues about the need for disability equality awareness training raised some issues about training for cultural awareness, disability and deaf awareness all being squeezed into PSE, with the limited resource available. Should we not therefore be starting at a very basic level with equality awareness training, and then examining the strands and how people respond and feel when they experience intended or unintended discrimination or abuse?

11:15

[253] **Professor Renold:** That would absolutely dovetail with the equality strand. Sometimes, when equality work goes on in schools, gender gets left behind, so we need to make sure that it is there and that it is central, so this would be one way of doing that that would absolutely fit within the wider equality strand. You cannot do any of this without looking at those intersections.

[254] **Christine Chapman:** Jocelyn, did you want to come in on this section?

[255] **Jocelyn Davies:** I was going to ask you about physical punishment, because there has been a suggestion that this Bill could be used, and would be the right place, for removing the defence of the reasonable punishment of children. Did you find in the research that you did with primary school pupils that being subjected to physical punishment influenced how children behaved towards one another?

[256] **Professor Renold:** I focused very much on children's interpersonal relations, not parent-child relations, which is what that is addressing, so I cannot comment on that from the research perspective. However, it absolutely sends a mixed message if you are sanctioning one form of violence and then legislating another. It is very confusing. So, it would be very strange to have that not addressed.

[257] **Jocelyn Davies:** That was my next question to you. I was going to ask you whether this teaching of healthy relationships is going to be undermined if we still allow big people to hit little people.

[258] **Professor Renold:** Absolutely.

[259] **Jocelyn Davies:** So, you would see this Bill as the entirely appropriate place to address that.

[260] **Professor Renold:** I do not know where it would fit, but I see no reason why it could not be included in the Bill. If that is the place for it, then I would wholly support it. It would work well in terms of what is trying to be achieved here in terms of addressing and preventing violence.

[261] **Jocelyn Davies:** It sends out a strong message.

[262] **Professor Renold:** Absolutely, yes.

[263] **Jocelyn Davies:** Jackie, would you agree with that?

[264] **Professor Jones:** I agree that we should not hit children, definitely. That is definitely a step forward and various international bodies have chastised, if I may say so, Wales or the UK for still allowing that, in court cases et cetera. Whether this is the right place to do it, I am a little bit concerned, because you have to do it right and I do not think that this Bill should be a violence-against-women Bill. [*Interruption.*] Girls, absolutely, because there is a progression there, but I am not sure that—. It merits more attention than this. Children deserve more attention than this. Even though I agree with the sentiment, I am not sure that this is the right place, because it does not necessarily fit within the framework that we are trying to create here.

[265] **Christine Chapman:** Jonathan, do you want to comment on that?

[266] **Professor Shepherd:** I do not have anything to add. I agree with what has just been said.

[267] **Jocelyn Davies:** Do you think that the terms should be given rights within this Bill?

[268] **Professor Jones:** All victims, I am not sure—

[269] **Jocelyn Davies:** What about victims of domestic abuse and sexual violence? There are no specific rights within the Bill for victims.

[270] **Professor Jones:** There is an EU directive that the UK may or may not implement that is due to come on-stream in March next year, I think, which is a victims rights charter, if I can describe it in that way. So, there are quite a lot of international rights-based approaches there already. When you then want to put in rights for victims, which I think is a very broad agenda, this has to be re-drafted, I would suggest, because there are other kinds of considerations that have to be put in place: who are you targeting? What are you targeting it for? What legislation? What kind of strategies or primary legislation do you really want to use

here? How would you define the term ‘victim’? Is it just about victims or are perpetrators also in there? So, that is a whole other ball game and, obviously, I am going to say that victims have to have rights. However, if you are talking about—. I am also totally in favour of making this a human-rights-based Bill—all legislation should be human-rights based—but I think that that is a separate piece of work. Within the strategy, there will be certain things. For example, in the Istanbul convention there are a lot of victim-rights provisions and we cannot go against that convention, even though we have not ratified it yet. So, we have to be conscious of the other obligations that are already out there that require a minimum set of rights for victims.

[271] **Christine Chapman:** Jocelyn, do you want to move on to the next section?

[272] **Jocelyn Davies:** No, because I think that somebody else was covering strategies.

[273] **Christine Chapman:** Oh, right, okay. Janet is next.

[274] **Janet Finch-Saunders:** On local strategies versus national strategies, I think that it is fair to say that we all have experiences of local authorities being very committed to writing up strategies, but then it is about how those are embodied in policy decisions and what have you. We have seen evidence that has come forward that there are mixed views on this. Do you feel that the national strategy could be the all-encompassing one, or do you think that it needs to be a little bit more diverse than that and still have the local strategies? What are your views on this?

[275] **Christine Chapman:** Shall we start with Jonathan?

[276] **Professor Shepherd:** It seems to me, especially with the experience of the way that the domestic violence strategy was developed previously, that a strong national strategy is the key, and that any variation of that locally should be on the basis of consultation and quality checks that what is being added or subtracted locally is consistent with the evidence and fully consistent with the specific strategy. Perhaps you would expect me to say this, but as a practitioner, strategies it seems to me have only limited value. I have been associated with the development of many strategies, and the way that those feed into the implementation of what works is often poor and patchy. For me, there is too much strategy and not enough tactics to put it in policing and crime reduction-type terms. Certainly, there needs to be really strong oversight of the development of local strategies to make sure that they do not vary from the national ways forward. The timetable that is articulated in the draft Bill is really important, because that can slip so easily, and similarly locally. However, it is all down to implementation, it seems to me. We will probably come on to performance indicators later, will we, or should I mention those now?

[277] **Janet Finch-Saunders:** Yes, mention them now because that all forms part of that.

[278] **Professor Shepherd:** So, with the delivery of the strategy locally, it seems to me that the performance indicators need to concentrate on the auditing of the faithful implementation of things that we know are effective. So, it is not so much reinventing the wheel and showing whether something works or not, as saying, ‘We’ve got these six interventions that we want to be delivering’, and it is then incumbent on regulators and the inspectorates that are going to be involved in making sure that this statute plays out to audit the implementation of that. That is so that we can be reassured and the Welsh Government can be assured that the things that are working are being effective, rather than trying to demonstrate for the first time that some approach or other works when, actually, the strategy ought to include things that we know work and that we are not doubtful about.

[279] **Janet Finch-Saunders:** Do you think that the Bill in its current form will absolutely

guarantee that any future strategies written up will actually be implemented and delivered?

[280] **Professor Shepherd:** For me, I may have missed it, but the sections on inspectorate arrangements, the regulation, the local auditing and the penalties associated with not complying seem a bit short to me. I would lean towards the view that the national strategy is right and proper but that then the local responsibility ought not to be to develop yet another strategy but rather to implement, with Welsh Government, the national strategy, although, okay, there will be variations in service arrangements as population and the nature of the area direct.

[281] **Janet Finch-Saunders:** Finally on that, the various other pieces of legislation that have come through, like the Social Services and Well-being (Wales) Act 2014 and things like that and others on domestic abuse, when I attended the workshop, it was almost like it is all very much cross-cutting, but so much so that there is duplication and confusion out there. How will this Bill help to eradicate some of those issues of concern? I do not know whether Jackie has an opinion on that one.

[282] **Professor Jones:** Do you want me to answer the last question rather than the first one? It is a very good question, I have to say. When I was watching the video of the Minister giving evidence here on 17 July, I did not realise that ‘The Right to be Safe’ strategy would still be in place, so we have a framework there and then there will be a national strategy and maybe local strategies. I did not understand—and I do not think that it was necessarily explained, unless I missed it—how they would interact with each other to provide a holistic approach. I think that that is kind of, not to put it mildly, dangerous, because it could go through the cracks.

[283] One of the ways to ensure that that does not happen is to, you know, refresh the page: let us see what has been done, what is out there and then move on. I think that the ministerial adviser or commissioner, whoever it might be, has a key role to play—if they have the right powers, of course—to effect that. However, it is also key to have local buy-in, so you must involve the local community as well as civil society, so not just health boards, but the police, fire and ambulance, and all those people. I know that it is a large group, but this is a large problem.

[284] **Christine Chapman:** I have Jocelyn with a quick supplementary question. I will bring Janet back then.

[285] **Jocelyn Davies:** Jonathan, you said that strategies, in your experience of delivering services, are often poorly delivered. Why do Governments rely on strategies if they are generally poorly delivered? I am not asking you to defend the use of strategies, but it does seem that if you had a performance indicator of what is successful, strategies would not be the way forward, would they?

[286] **Professor Shepherd:** No. As an example, it took about three years to develop the existing domestic violence strategy in the Welsh Government. Did that affect me as a consultant surgeon in the NHS who looks after people who have been injured in violence? I had not even heard of it.

[287] **Jocelyn Davies:** Was that ‘The Right to be Safe’ strategy—the previous one, or the one that is going to continue to exist? So, you did not even hear of that, even though you were a deliverer of—

[288] **Professor Shepherd:** I had come across it only in the context of being a part of the group that developed the strategy. I have to say that, locally—and this probably does not reflect the strategy or ‘The Right to be Safe’ issues at all—my own health board disinvested

in a domestic violence nurse in our accident and emergency department, which undermined almost all the domestic violence reduction work that was going on in the health board. So, to assume that a national strategy works its way through to local practitioners is a very dangerous assumption.

[289] **Christine Chapman:** Emma, did you have a response, before I bring Janet back in?

[290] **Professor Renold:** It is not my area of expertise, but I would like to see children and young people being absolutely central in developing these strategies. If we are looking at the field of education, they have to be there. We have to fulfil the UNCRC aims there, and that is absolutely vital. We know that that is how they work best. So, have a national strategy, absolutely, but it needs to have the powers, as Mike over there was talking about, if those things need to happen. That seems to be the only way that these strategies will hit the floor, if you like, of the staff room and reach those people making decisions. However, young people have to be a part of that, for sure, because the peer-led work is quite amazing when it is done well. We have some amazing practice in Wales, and we are just not reaching our potential here.

[291] **Christine Chapman:** Jackie, did you have a comment before I bring Janet back in?

[292] **Professor Jones:** I just wanted to say, in general, that just because Jonathan, in his capacity as a very eminent surgeon in Wales, has not heard about 'The Right to be Safe' strategy does not necessarily mean that it has failed. If it is mainstreamed, then he may not have heard of it. He does not necessarily have to hear about it, as long as the provisions are there and it is implemented.

11:30

[293] **Professor Shepherd:** Chair, may I just clarify? I think that local practitioners would expect that their practice would change in some, even tiny, way as a result of the implementation. That is what I am talking about. So, as far as I was concerned, as a consultant in my own health board, there were no requests for my practice to change. The practice to do with safeguarding or 'The Right to be Safe' was not audited, there were no communications from the top of the office in the health board about how that should affect my work or that of my colleagues. That is the point that I am making.

[294] **Professor Jones:** I am glad that you clarified that.

[295] **Christine Chapman:** Janet, do you have any final questions?

[296] **Janet Finch-Saunders:** Yes. I have a concern. At the moment, there is talk of local government reorganisation, but there is also talk of social services working more closely together with health. Even here, I am not sure that they know quite how that will pan out or in which direction that will go. There are two separate agendas going on there. How do you feel that that will affect the effectiveness of this Bill going forward, when you have that kind of confusion?

[297] **Professor Jones:** I think that you have hit the nail on the head: there is confusion. It is impossible to say, sitting here. I know that that may not be a satisfactory answer for you.

[298] **Janet Finch-Saunders:** It is an honest answer.

[299] **Professor Jones:** Yes, it is an honest answer. We just do not know. That is a real worry, because we have one chance to get this right, and it is too important not to get it right for those victims, I think.

[300] **Christine Chapman:** Emma, do you have any thoughts on that?

[301] **Professor Renold:** No, I do not. However, the fact that children and young people are absent from the Bill is, for me, one of the biggest hurdles and problems. It is a Bill for adults as it stands, and we really need to think seriously about that.

[302] **Christine Chapman:** Jonathan, do you have any response for Janet, or do you want to leave it?

[303] **Professor Shepherd:** No.

[304] **Janet Finch-Saunders:** So, can I come back to this? With that in mind, is this Bill fit for purpose as it stands?

[305] **Professor Renold:** No, not for children and young people, absolutely not.

[306] **Professor Shepherd:** I think that the national strategy and the development of that is the key and, in that sense, it is fit for purpose. I am not sure. As I have said—and I do not want to repeat what I have said before, so forgive me—unless the arrangements are there to ensure that the strategy is worked through, the practical difficulties and barriers are identified, and arrangements made to overcome them, then it would be weak and perhaps not fit for purpose.

[307] **Christine Chapman:** We will move on to another issue now. Mark, you had a series of questions on the ministerial adviser and guidance, I think.

[308] **Mark Isherwood:** Yes, thank you. What issues do you believe the statutory guidance issued by the Welsh Ministers should cover, particularly regarding training, information sharing, asking people whether they are suffering or are at risk of abuse, the action that should follow, and multi-agency working?

[309] **Christine Chapman:** Jonathan, would you like to start?

[310] **Professor Shepherd:** I am sure that it is important that the guidance includes and specifies a brief number of effective interventions. Information sharing for violence prevention is something that emanated from Wales actually, and it seems to me that, while this may be slightly off the point, there is real merit in auditing that across agencies—local authorities, health boards and the police across Wales. There was a determined effort by the previous director of community safety, Gillian Baranski, to introduce that, but the current uptake is not entirely clear and there may be some agencies that are not doing this. In fact, I am sure that there are at least one or two.

[311] I was a bit surprised that the face of the Bill did not include some more specific interventions, actually. It seems to me that the state of knowledge is such that that could have happened, for example, with regard to the multi-agency risk assessment conferences. At the moment, the face of the Bill does not include any real specifics. Just to take a parallel, the Crime and Disorder Act 1998 introduced statutory community safety partnerships. That was really important legislation, but the face of this Bill is not as specific as that. It just says that there is a duty to make a strategy. So, for me, it is not quite specific enough, and it could be more specific.

[312] **Mark Isherwood:** Before the other witnesses respond, could you also perhaps indicate whether the ‘may’ word that I think you referred to—that is, ‘may’ do these things—should be replaced with ‘must’?

[313] **Professor Jones:** ‘Shall’.

[314] **Mark Isherwood:** Or ‘shall’. Fine. [*Laughter.*]

[315] **Christine Chapman:** Jackie, do you want to respond to Mark?

[316] **Professor Jones:** Sure. I think the Data Protection Act 1998 is probably the most quoted Act that I have ever heard of, but the most misquoted Act, in the whole world. There is absolutely nothing wrong with information sharing according to the Data Protection Act; it is actually essential. So, in theory, there is no problem at all about information sharing, and it is key. The guidance that has come down with the Bill covers some of the training in the ‘ask and act’ and information-sharing provisions. To a large extent, they are quite specific and quite lengthy, so I will leave that to others who will come for other evidence to provide more information about that. With regard to specific interventions being on the face of the Bill, I think that, as long as it is in the regulations that come with the Bill and, of course, that they cover violence against women and girls, that should be okay.

[317] On multi-agency risk assessment conferences, et cetera, I travel the world talking about them at major international conferences, at the United Nations, at European Union level, et cetera. I am not boasting; it is just a fact that I go around talking about these issues, because we are world leaders here. We have to keep that in mind: that we are setting the bar here for the world, and the world is watching. I want to come back to that at the very end, if you will allow me.

[318] On the wording, as a lawyer I would say that ‘shall’ or ‘must’ should definitely be in the wording. I said that in the stakeholder meeting as well as in my submission. Definitely.

[319] **Christine Chapman:** Emma, did you have any response to this?

[320] **Professor Renold:** Again, I am a bit out of my depth in terms of the roles, but I would like to see some co-ordination with the office of the children’s commissioner. Where is the children’s and young people champion for some of this? How would that work? Again, because it is missing from the Bill, it is hard to comment all the time, because it is not there. I was trying to work out where education would sit there and in children’s lives in terms of addressing these issues.

[321] **Christine Chapman:** Mark, did you have any further questions?

[322] **Mark Isherwood:** Flintshire has a children’s panel modelled on MARAC, which might be worth looking at. Do you consider the opt-out clause for local authorities to choose not to follow ministerial guidance, if they feel they have a better plan, to be appropriate?

[323] **Christine Chapman:** Jackie, would you start?

[324] **Professor Jones:** What is a good reason? You do not feel like it?

[325] **Mike Hedges:** It may be cheaper.

[326] **Professor Jones:** Well, for example, we know that there are court cases where the Court of Appeal has turned around in the last year or so and said, ‘That’s not a good reason’. So, you have to be very careful when you legislate in these terms, because cost alone will not, any longer, be a good enough reason—so the courts have said. The Court of Appeal has spoken about that. I could think of many good reasons, but would they be sufficient? I mean, what is the point of the Bill if you can opt out with a good reason? Also, it is not really

defined. Is it defined anywhere? Did I miss it?

[327] **Mike Hedges:** No.

[328] **Professor Jones:** So, if you are going to leave this kind of language within a Bill, it has to be extremely narrowly defined.

[329] **Peter Black:** Also, who decides what is ‘a good reason’?

[330] **Professor Jones:** Exactly.

[331] **Jocelyn Davies:** It sounds like it would be the courts.

[332] **Peter Black:** Yes.

[333] **Christine Chapman:** Jonathan or Emma, do you agree with that or do you want to add anything?

[334] **Professor Shepherd:** I agree. I can imagine regarding ‘ask and act’ that the reason might be ‘We haven’t got time in our A&E department to do all that; we haven’t got the staff’. It has to be ‘shall’ or ‘must’. I think, on the scope for local variation, if there is any variation at all, it should be very much in collaboration with and with the permission of national Government.

[335] **Christine Chapman:** Thank you. Do you have any further questions, Mark?

[336] **Mark Isherwood:** Finally, what sort of performance indicators do you believe should be used to measure progress? I know that Jonathan has commented on the need to avoid revising for the sake of it.

[337] **Professor Shepherd:** I will just expand on that a bit. With regard to the violence and society research group at Cardiff University, which I chair, one of the problems—. Performance indicators are good, and what I said about making sure these indicators include careful and repeated audits of implementation is important, but, actually, varying the performance indicators is really confusing because, in Cardiff, for example, there is a Home Office family of 13 similar cities and, if indicators change every five minutes, it means that you do not know where you are in terms of performance against other similar cities. So, I think that that is the point that I am making here with regard to changing them. Elsewhere, it would be very helpful if the crime survey for England and Wales were beefed up to the extent that we could know reliably what is happening with crime in Wales. At the moment, the number of interviews that are carried out by the crime survey does not mean that you can disaggregate Wales from what is happening in England. So, I think that it would be helpful if the crime survey gave us, or was capable of giving us, a reliable indicator about violence with and without injury happening in Wales. So, I think that that would be important. I will leave it there.

[338] **Christine Chapman:** Are there any other comments?

[339] **Professor Jones:** Yes, if we have time. What are you trying to measure? If it is the reduction in violence and threats of violence or harassment arising directly or indirectly from values, beliefs or customs, how are you going to measure that? I do not quite understand how that would be done; maybe I have misinterpreted it. As to the number of incidences of female genital mutilation going down, or of forcing a person into a religious or civil marriage, maybe you could number-crunch those. However, I think that more valuable would be measurable outcomes that affect the culture in a positive way and that show an increase in the

understanding of healthy relationships et cetera. What are the sanctions for non-compliance of these indicators, for example, or partial compliance? It is all wrapped up in the same sort of thing. If the sanctions are too heavy, then will you get co-operation and local buy-in? So, it is an extremely difficult area. It is not my area of expertise, but that is what I would say about that.

[340] **Christine Chapman:** Emma, do you want to add anything?

[341] **Professor Renold:** [*Inaudible.*]—particularly involving children and young people in those performance indicators and including them in the evaluation of how you measure reduction in violent incidents or cultural change. An ongoing programme can do that and there are examples of where that is done very, very well. However, one of the issues, as you can imagine, is how you access that information. All of the children whom I spoke to would not talk to anyone else about these issues, so you have to think creatively about how you would do that. Some schools are very good at that by having anonymous wellbeing questionnaires, or older children talk to younger children—there are ways of finding out their level of understanding and when things can change and how change happens. I think that children and young people are central to that. I know that you are talking about different kinds of performance indicators in terms of a link to national strategies, but, in terms of local schools, again involving children and young people is central, because most of this is hidden and silenced and we have to think about how you measure something that people do not actually want to share.

[342] **Mark Isherwood:** Do you think that specific reference should be made to sexual assault referral centres, independent domestic violence advisers and independent sexual violence advisers, because, obviously, they are not only providing services, but also collecting data?

[343] **Professor Renold:** Sure. I am aware of that body of literature, but my area of expertise is that every day, sexual harassment happens to a third of girls and they do not hit those kinds of centres—they do not talk about them—so I am also interested in changing everyday cultural practices and everyday sexism and sexual harassment and violence between girls and boys, within girl groups and within boy groups. It is pervasive and I hope that the Bill can address some of that and not just focus on, as it rightly should, some of the more extreme forms of sexual exploitation and violence and harassment.

[344] **Mark Isherwood:** My final questions relate to the ministerial adviser. Will that person have enough power to act independently or do you feel that there could be a better role for an independent person to fulfil?

11:45

[345] **Professor Jones:** I listened to what the Minister said about costs with attention. Luckily, I am not in a position to have to worry about costs. However, I would suggest that it is absolutely crucial to have someone who is independent. I say that also because I was involved in writing the report on human trafficking that Joyce Watson did back in 2010—I was doing the research for that. The recommendations that I initially put forward as legal advice are on the University of the West of England website. They include an independent adviser for trafficking as well as a hub—another place where people can come to talk to the adviser about the kinds of things that are necessary and have privacy to do so.

[346] I would not be in favour, personally, of an adviser who sits within Government. I understand that civil servants would be there to support an adviser, who would then have direct access, I presume, to the Minister—whoever that might be. There is some value in that, and some places around the world do that. However, in the circumstances where we have

commissioners for older people, for younger people and for sustainable development—and Wales can be, and is, the world leader in this kind of area, and is the UK leader when it comes to the human trafficking co-ordinator—then I cannot, with a good heart, sit in front of you here and say, ‘Women deserve less than that’.

[347] **Mark Isherwood:** Are there risks of duplication with those other roles?

[348] **Professor Jones:** I think that we can work together. I think that partnership working is something that we really are good at in Wales. I do not say that lightly, of course. Human trafficking is part of violence against women and part of domestic abuse—it can be. We also need to work with children—the children’s commissioner. It is all holistic. I do not know whether there is one place that can house all of the commissioners; I do not know whether that is feasible or not; I leave that to others to decide. However, I certainly do not know whether you need 10 people who would advise, as the Minister suggested in her evidence, to be part of a commissioning office.

[349] Certainly, I think that any adviser that is proposed should have sufficient powers to be able to challenge, not in an aggressive way, but as a critical friend, local authorities, even police—talking to the police, at least—Ministers and maybe even Assembly Members, and be able to come here and give an accurate picture. It depends on what you want to do with this Bill. What does Wales want to do? Does it actually want to tackle the violence, or does it want to be seen to be doing that? I think that that is the key question, and it is a political question, really.

[350] **Christine Chapman:** I want to bring Emma and Jonathan in on this. I am conscious that we are running very short of time. I know that there is another section that we would like to cover, so I ask Members and witnesses—*[Interruption.]*

[351] **Professor Jones:** Sorry.

[352] **Christine Chapman:** No, do not worry; it is a shame that the time is going, but I ask that we have some very concise questions and answers, if possible. I turn to Emma first, and then Jonathan, about the ministerial adviser and whether it is a good idea.

[353] **Professor Renold:** I am wholly in agreement with Jackie. That was quick, was it not? *[Laughter.]*

[354] **Professor Shepherd:** An adviser seems slightly weak to me. I do not want to repeat the three points that I made, but to have powers to initiate local reviews and put local agencies into special measures in respect of lack of compliance seems to be potentially valuable. I think that the adviser or commissioner—whatever we call it—should have strong links with existing regulatory machinery and the relevant inspectorates. As I have said, I am not sure at all whether the adviser should undertake research. It seems to me that there are other ways in which that can be done—existing machinery through which research can be carried out, which is funded for that, so that might help with the funding, too. I think that it is important that research and development is linked to this work, but perhaps it is not something for the adviser.

[355] **Christine Chapman:** Thank you. Mike, you have some questions.

[356] **Mike Hedges:** Is there potential for confusion, given the different definitions used by different devolved and non-devolved agencies?

[357] **Professor Jones:** ‘Yes’ is the short answer. I think that you have quite a lengthy submission from me about legal definitions. Given that you are not creating any new criminal

offences here, which you may or may not want to consider, why change the definition? It is pretty tight, or exclusionary rather than inclusive, so I think that there will be quite a lot of overlap. There is a domestic abuse consultation happening at the moment in the UK Government, so that has to be taken into account as well. Otherwise, the victims will lose out.

[358] **Christine Chapman:** Would you agree with that, Jonathan and Emma?

[359] **Professor Shepherd:** The only thing that I would say on this is that the Department of Health in Whitehall is auditing information sharing between agencies in England, but there is no similar audit in Wales. It is not a definitional thing, but it is an example of how things are different on each side of the border.

[360] **Mike Hedges:** Is gender-based violence an appropriate definition to use in the Bill?

[361] **Professor Jones:** Not as it stands at the moment, because it leaves out an awful lot of things. You can look at the definitions that I have provided in my evidence. It is a closed list, it is not an open list, which is a fundamental disagreement, if you like, with any of the international and even UK-based definitions that we have, I would say. So it is not very helpful. Why target female genital mutilation and forced marriage and exclude other aspects? You can see that in my submission, so I will not go through the list, but it is quite a long list.

[362] **Professor Renold:** I agree with Jackie. She has provided very comprehensive evidence in terms of that and I think that you should take it seriously.

[363] **Professor Shepherd:** I have nothing to add, thank you.

[364] **Mike Hedges:** On the financial side of it, do you think that the Bill is going to move resources from one area to another? Do you see potential savings within the Bill, which could be used to provide resources in another area? My question, quite simply, is: how do you see the Bill working financially?

[365] **Professor Renold:** I am not entirely sure, because education has been taken out; if it was put back in, I might have a different response. If it was put back in and these things were made mandatory in schools, it would have a knock-on effect, in a good way, and it might start to do things that you had not even intended to do. We know that from some of the evidence, in terms of raising achievement levels, attendance—all sorts of things. So, you may find that putting resources into this frees up, or at least connects with, other initiatives that are going on in schools.

[366] **Professor Shepherd:** The costs, for me, would depend upon the interventions that the strategy includes, which could be individually costed. It is a case of ensuring the greatest good for the greatest number; it is about being cost-effective in that way. Secondly, it would depend on which agency is delivering the interventions or the strategy locally. If it is a third sector organisation, then the costs are likely to be less than for a statutory agency. The only other thing is, of course, the human costs—and they have been monetised—for victims who would otherwise not be victims, which are considerable. I do not think that we ought to let the costs of implementing this detract from the very substantial cost savings that there would be in terms of violence reduction.

[367] **Professor Jones:** I would echo the last comment, definitely. If you are trying to achieve the improvement of prevention and protection, there would hopefully be a knock-on effect—a decrease—in the criminal justice system. We know that prosecutions cost a heck of a lot of money. The effect on legal aid et cetera is also significant in family-based cases—so there is a big issue. Those legal aid implications also impact on this. If you are trying to support people, that probably has a cost. There are an awful lot of support mechanisms

already out there, so I am not sure to what extent a violence against women Bill—I would have to say—will increase the costs in terms of support. I will leave that to Welsh Women's Aid, which is more able to give that submission.

[368] **Christine Chapman:** I do not think that there are any other questions from Members, but as we have a minute, do you have any other comments that you would like to make, as a panel?

[369] **Professor Shepherd:** I would like to make a comment, if I may, on the unintended consequences part of my written submission. It is a very positive unintended consequence, because this Bill and the implementation of it may well, it seems to me, reduce violence in other categories of violence. Take information sharing: if information sharing is implemented to a high quality in the context of this Bill, that is likely to improve information sharing for other categories of violence, which could only be helpful.

[370] **Professor Jones:** I am largely here because of the international work that I do, although I live in Cardiff and have done so since 1985—it is a fantastic city. I want to draw the committee's attention to the fact that I am not exaggerating when I say the world is watching. We had the visit of the UN special rapporteur this year. We have a process going on at the moment at UN level called Beijing+20, looking at gender equality progress in the last 20 years. The UK Government has submitted its report and there are Welsh sections within that. It clearly states that there is going to be a violence against women Bill within that. I just wanted to tell you that. However, the second point is that I am currently drafting the first draft of the UK non-governmental organisation response to the UK report. Unfortunately, and it fills me with sadness, I cannot say that. I will have to say that that is not the case and that we are actually regressing rather than progressing with this agenda. There will be statements made in Geneva in November about this. I will be one of the people who will be there for that review. The world is literally watching and there will be a 2015 report of the UN special rapporteur who will probably see this legislation and might comment on it. No pressure.

[371] **Christine Chapman:** I think that it is fair to say that I speak for all Members when I say that we are here as Members to help the Government shape the Bill and we want to make this the best piece of legislation. We do not get these opportunities all the time. We are here and we take that role very seriously, but thank you for those comments. I will bring Emma in and then Jocelyn.

[372] **Professor Renold:** Quickly, I would like to echo that in terms of the work that we do in Wales in relation to children and young people—hearing their voices and experiences, consulting with them, taking them seriously and letting them inform and shape policy. This area is unheard of almost. We really are being showcased around the world every day on sex and sexual harassment and violence in schools from a gender equalities perspective. Not to have them on the face of the Bill is saddening to me, having to go back to talk to those schools about why they were not listened to. I work a lot around the UK with children and young people on equality and gender equality issues. We are running all sorts of groups in schools. Wales is the leader here. I would like to make that point. Let us get gender equalities and children and young people back on the face of the Bill from a rights perspective. It has to be there.

[373] **Professor Jones:** There is nothing in law that says it cannot be gender specific, as far as I know.

[374] **Jocelyn Davies:** I have a question for Jackie. You have been here, as you say, since 1985. I always had the impression that Wales had been very progressive in terms of championing these things. Certainly, we are on children's rights with the children's

commissioner and so on and other things. How have we, up until this point, measured up in relation to the rest of the world?

[375] **Professor Jones:** Absolutely, that is a good measure. That is why I go around the world literally talking about Wales at every conference and in every submission. I have just come back from Vilnius where the EU gender institute is based. I have input into the EU report on Beijing+20. They have asked us—two academics. I mention Wales at every turn, but I cannot on this. This would regress, I am afraid, the violence against women agenda. I am sorry.

[376] **Jocelyn Davies:** I feel a bit ashamed now.

[377] **Christine Chapman:** Thank you very much. If I can speak for the other Members as well, I think that it has been a fascinating session this morning. It has been a very interesting session and it will help us with our deliberations. It will take a few months of this. As I said, we are here—the Government has outlined the Bill—to help the Government to make the best piece of legislation we can, which will have a long-standing impact. So, thank you for your comments. We will send you a transcript of the meeting so that you can check for factual accuracy. Thank you very much for attending.

[378] **Professor Jones:** Thank you for the invitation.

12:00

**Papurau i'w Nodi
Papers to Note**

[379] **Christine Chapman:** We have some papers to note; there are quite a lot of them. Are you happy to note those papers? I see that you are.

**Cynnig o dan Reol Sefydlog 17.42 (ix) i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**

**Motion under Standing Order 17.42 (ix) to Resolve to Exclude the Public from
the Meeting**

[380] **Christine Chapman:** I move that

the committee resolves to exclude the public from the meeting in accordance with Standing Order 17.42(ix).

[381] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12:00.
The public part of the meeting ended at 12:00.*