



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

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

**Dydd Iau, 25 Medi 2014  
Thursday, 25 September 2014**

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gyfer y Busnes a Ganlyn: Eitemau 6 a 7 ac Eitem 1 ar 1 Hydref 2014  
Motion under Standing Order 17.42 (vi) to Resolve to Exclude the Public from the Meeting  
for the Following Business: Items 6 and 7 and Item 1 on 1 October 2014

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir  
trawsgrifiad o'r cyfieithu ar y pryd. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir  
fersiwn derfynol ymhen pum diwrnod gwaith.

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. This is a draft version of the record. The final version will be published within five working days.

**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**

Frances Beecher	Prif Swyddog Gweithredol, Llamau Chief Executive Officer, Llamau
Bernie Bowen-Thomson	Dirprwy Brif Weithredwr, Cymru Ddiogelach Deputy Chief Executive, Safer Wales
Eleri Butler MBE	Prif Weithredwr, Cymorth i Fenywod Cymru Chief Executive, Welsh Women's Aid
Mwenya Chimba	Cyfarwyddwr, Trais yn Erbyn Menywod, Black Association of Women Step Out Director, Violence Against Women, Black Association of Women Step Out
Cathy Owens	Grŵp Gweithredu ar Drais yn erbyn Menywod Violence Against Women Action Group
Gwilym Roberts	Prif Swyddog Gweithredol, Relate Cymru Chief Executive Officer, Relate Cymru
Johanna Robinson	Rheolwr Datblygu Cenedlaethol Cymru, Ymddiriedolaeth Goroewyr Cymru Wales National Development Manager, The Survivor's Trust Wales

**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 09:15.  
The meeting began at 09:15.*

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

[1] **Christine Chapman:** Good morning, everyone, and welcome to the National Assembly's Communities, Equality and Local Government Committee. I will just make a couple of opening remarks. As you know, Alun Davies and Gwenda Thomas have been elected to this committee. They give their apologies this morning. They are elected in place of Leighton Andrews and Jenny Rathbone. I would like to thank Leighton and Jenny for their work and for their contribution to this committee, and if you are happy, we will write to them on your behalf thanking them for their contribution.

### **Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru): Sesiwn Dystiolaeth 4 (Y Trydydd Sector) Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill: Evidence Session 4 (Third Sector)**

[2] **Christine Chapman:** We have two evidence sessions this morning, and I give a very warm welcome to our first panel. This is the fourth evidence session on the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. I give a warm welcome to our panel. Could you introduce yourselves for the record?

[3] **Ms Owens:** My name is Cathy Owens and I am one of the founder members of the Wales Violence Against Women Action Group. I have been working on this topic for about six or seven years. Mwenya is actually the chair of the group, but is also here representing BAWSO.

[4] **Ms Butler:** I am Eleri Butler and I am the chief executive of Welsh Women's Aid. I am newly chief exec; I just started this week, so hello to everybody. As you probably know, Welsh Women's Aid is the lead national umbrella membership organisation in Wales; we have 26 members across Wales in terms of direct service provision, so we are representing their views and their service users' views in particular. I have been working on domestic violence and violence against women prevention for over 25 years, generally in England and in Wales.

[5] **Ms Chimba:** I am Mwenya Chimba, the violence against women director for BAWSO, which is an all-Wales charity that supports people from black and ethnic minority backgrounds. As Cathy said, I am chair of the Violence Against Women Action Group.

[6] **Christine Chapman:** Thank you for attending this morning. I know that you have sent evidence; we have had a lot of evidence to help us to deliberate on the Bill. So, if you are happy, I will go straight into questions. I wanted to start off with a very broad question. Obviously, Members want to look at specifics as well, but may I just start off with the title, scope and purpose of the Bill? I wonder whether you can give me your views on the scope of the Bill. How will this work, do you think? Cathy, do you want to start?

[7] **Ms Owens:** Thank you. On behalf of the group, we have obviously been working with the Welsh Government in this field for quite some time. We have helped to strengthen some of the policy work around national strategies and it has been quite a positive

relationship. A couple of years ago, we were so very pleased when the Welsh Government announced that it was going to bring forward a violence against women Bill to tackle this issue in Wales. It was going to be groundbreaking and very much the first of its kind in the UK in particular; there are not many examples around the world, so it was a very good idea and we are really very supportive. At the time, we came together as a group. We represent all service providers from across all forms of violence against women, so we are talking about sexual violence, issues such as female genital mutilation and forced marriage, domestic abuse and harassment—the range of violence against women—which is why it is very important that we recognise that it is broader than simply domestic abuse. At the time, we provided nearly 30 recommendations to the Welsh Government about what we thought really needed to be in the Bill in order to make a difference. When we say ‘make a difference’, that is two things: reducing the prevalence of violence against women and providing better access to services for the victims of violence against women to help them to rebuild their lives.

[8] Over the last two years, it has been clear that the Bill has been reduced somewhat and we have expressed real disappointment about what was actually finally published. The fact that it does not mention women at all is quite a serious issue. It is not just a case of saying, ‘Well, I’m sure in the content it will be covered’; it is not. The Bill does not recognise women at all. That is quite problematic for us. The bottom line issues are: will it make a significant difference and how does it bind the hands of future governments?

[9] The Bill is relatively limited now, so it has enshrined a national strategy, local strategies and a ministerial adviser—all of which do not necessarily recognise violence against women, but are gender-neutral. So, we would be concerned about that binding the hands of future governments, and that it would mean that we cannot have a violence-against-women commissioner or an advisory group on violence against women. That has already started to happen within Government, whatever the name of the Bill. So that is really why the title is important as well as the content.

[10] We would also argue that there is already a national strategy and that there are already local strategies and ministerial advisers. So, we would argue that we need to strengthen the Bill for it to really make a difference on the ground. There is some really interesting work coming through around training and other issues, but there are some major omissions from the Bill that we have been asking for consistently and if we do not tackle some of those issues, like education and prevention, challenging attitudes and the postcode lottery of services, then I think that we would be doing a disservice to the women of Wales.

[11] **Christine Chapman:** I know that Members want to delve into the specifics of this, so I will leave it at that for the moment, because I know that you have already introduced some of the points. Before I move on to Gwyn Price, could I just ask whether you feel that there is a need for this legislation or could we just achieve what the Government wants to do and what we want to do through any policy initiatives? Do you think, ‘yes’ or ‘no’, that we need a Bill in order to do this? Mwenya, do you want to comment?

[12] **Ms Chimba:** On the Bill in its current form, we are inclined to think that there is no need for it, but that is not to say that there is no need for legislation to support and protect women who are disproportionately affected by violence. However, in the form that it is, it is not so different in terms of what it is obtaining.

[13] **Christine Chapman:** Eleri, did you want to add to that?

[14] **Ms Butler:** Yes. I agree with both my colleagues here and our Welsh Women’s Aid members agree with the points that have been made. We believe that Wales does need legislation on this issue and, as Cathy and Mwenya said, it needs to be strengthened because we feel that legislation sends a really strong message at the highest level across Wales that

violence against women and girls, domestic abuse and sexual violence are unacceptable and that that should be the core business of public services. We totally agree with the scope—the prevention, protection and support. Legislation should ensure that we have that leadership in place; it should ensure, as Cathy said, that we have services available across the country that are accessible to survivors and that focus not only on refuge and outreach services, but on children’s support services for children and young people. Also if the focus and the scope are on prevention, we should also look at having effective, accredited interventions for perpetrators and look at preventing it that way as well.

[15] Our members also agree with my colleagues that because it does not have violence against women on the face of the Bill, both in the title and in the detail, it is not actually going to achieve its scope and its intent. That is one of our main concerns, namely that it will restrict the actions of future governments.

[16] **Christine Chapman:** As I say, I know that we want to delve into the specifics. I am going to bring Gwyn Price in now because he has some questions for you.

[17] **Gwyn R. Price:** Good morning, everybody. Cathy, you touched on ‘violence against women’ and that you were very disappointed that that is not there. How do you consider the gender-specific technology would affect specialist service provisions?

[18] **Ms Owens:** We have seen a number of situations over the last few years where local authorities have, for example, commissioned services that are on a gender-neutral basis. Now that makes it quite difficult for some of our member organisations to respond to those tenders, because quite a lot of services in some of the areas that we are talking about—not across the board, but in quite a lot of the areas—are, for example, women only. We also have men-only services. So, if you then tender for gender-neutral services, we have some quite serious issues with that and we have had some problems across the UK on that matter.

[19] I think that when it comes down to it we completely understand that the purpose of this Bill was not to ramp up vastly the amount of services across Wales, because it is not really in that game, but it is about highlighting the very unacceptable levels of prevalence of violence that women suffer, and trying to do something about the postcode lottery for services. So, quite a lot of specialist services need to be women only, and Mwenya can talk about some of the services that she, in particular, provides. Those specialist services, in particular, are quite patchy across Wales. If this Bill better organises, better commissions, better regionally or nationally supports those specialist services, then we might be making a difference about making sure that people can access them. However, if it just enshrines what we have now, then that is going to be quite problematic.

[20] **Gwyn R. Price:** May I ask all of you how you would respond to the concerns raised last week that the Bill does not represent the needs of children and young people?

[21] **Christine Chapman:** Eleri, would you like to answer?

[22] **Ms Butler:** I think that is one of the problems in the Bill, both in terms of the gender-specific language and the omissions that are there—one of which is children and young people. I just wanted to say something, if I could, on your previous question and link it to children, if that is okay. Our members, fundamentally, want to convey that, because violence against women is not mentioned on the face of the Bill, we think that that is a fundamental misunderstanding, as Cathy said, and we do think that it is going to impact specifically on specialist services, which include services for children and young people.

[23] Violence against women, as you probably know, is the most pervasive human rights violation that we face; that is recognised by the United Nations. ‘Violence against women’—

the phrase—when we use that, what we actually mean is violence and abusive behaviours experienced disproportionately by women, or because they are women. That is not to say that men do not experience those crime types, those behaviours, and that is not to say that men and boys should not have access to services. So, when we talk about violence against women as a framework, we are talking about strategy, policy and legislation. On the ground, specialist services and commissioning needs to happen for all victims; they need to have access to services, access to redress and also all perpetrators, male or female, need to have intervention.

[24] We feel that the lack of focus on violence against women will impact on specialist services, as you asked already, and, again, particularly in relation to children and young people. We know that children and young people are significantly affected by different forms of violence and abuse, both directly and indirectly, whether it is through female genital mutilation, sexual exploitation, child sexual abuse, witnessing domestic violence, or experiencing domestic violence in their own teenage relationships. There is a range of issues that we need to address.

[25] I listened to the children's panel last week, and I agree that there is an omission on the face of the Bill. Access to children's services—well, access to services in general, we feel—is not specifically on the face of the Bill; it is left to some guidance. Whether or not it gets into the guidance is another matter, so I think that is really important to point out. Particularly in relation to children and education, if the primary scope and intent of the Bill is around protection, prevention and support, it is a glaring omission, we feel, to not reference support services, particularly for survivors and for children. When it comes on to prevention and education, there is a whole range of prevention and education initiatives that could be on the face of the Bill that are not there. The most obvious is the schools work, and the prevention work, and work with young people and children from a very young age—nursery age upwards—looking at gendered relationships and healthy relationships, and making it mandatory to have sex and relationship education across schools as part of a whole-school and whole-education approach, which we may come on to in a bit. That is one of the significant things—to address prevention—that we need, which will significantly impact on children and young people, so we were very disappointed that that is not in there.

[26] There are other prevention things that we also wanted to see in there, as well as the perpetrator programmes and perpetrator intervention that I mentioned, which again includes work with boys and girls from a very young age, in an age-appropriate way. We do not have community education initiatives in there, and we also do not have other prevention approaches around structural inequality issues. If we are saying that violence against women is a cause and consequence of inequality, we should be looking at addressing some gender inequality issues, which again start from a very, very young age, from nursery age upwards.

[27] **Christine Chapman:** Before I bring other Members in, may I just ask Mwenya a question? Cathy mentioned that you have some examples of services that you provide; could you perhaps highlight some of the problems that you face with these?

[28] **Ms Chimba:** Yes, in fact I agree totally with what my colleagues have said. When we look at the areas that we work in, such as forced marriage and FGM, we see that those issues affect mainly children, and to be silent on them is quite—. I know that FGM is mentioned in the Bill, but FGM can happen to adults as well. There is an increase in children forced into marriage, so such things will be omitted if children are not addressed. If this Bill is about prevention, there is no way that you can do preventative work without mentioning children and young people on the face of the Bill.

09:30

[29] **Christine Chapman:** I will now move on to Jocelyn or Peter.

[30] **Peter Black:** In terms of FGM, do you think that there would be merit in saying that it should be an offence for an adult not to report an incident of FGM that they have become aware of? Would that be a useful addition to the Bill?

[31] **Ms Chimba:** Sorry, could you repeat that?

[32] **Peter Black:** If a child is subject to FGM and an adult becomes aware of it, at the moment there is no obligation on them to report that. Do you think that it should be an offence that if they do not report an incident of FGM they could be prosecuted for that?

[33] **Ms Chimba:** I think that it is an offence UK-wide; it is an offence if you look at the Female Genital Mutilation Act 2003. I do not think that adding that to this Bill is necessary, because it is in national legislation; there is legislation that covers that. It is an offence if you do not report it.

[34] **Peter Black:** Okay. I was not sure that that was the case.

[35] **Jocelyn Davies:** Is it an offence if you do not report it if you suspect that it might happen to a child?

[36] **Ms Chimba:** I think that there has been a review of it so that it is a mandatory requirement to report it if you suspect that it will take place or if it has taken place.

[37] **Peter Black:** That is helpful.

[38] Moving on to the education issues, you have already alluded to the fact that the White Paper included proposals to ensure that education on healthy relationships is delivered to all schools. It also touched on a duty on local authorities to identify a regional champion to promote the issue in educational settings and a number of other issues relating to schools. Do you think that the Bill is weaker because it does not contain those particular proposals?

[39] **Ms Owens:** It is a glaring omission in that entire section. In terms of the recommendations on which we as a group came together to provide evidence and authoritative research, yes, of course, we would very much like to see mandatory healthy relationships lessons. We think that they are vital going forward. We are not seeing a shift in attitude among young people, and we have to tackle that directly. We all know that views and understanding of issues to do with race, sexuality and other things have moved on, but this absolutely has not, and we have to tackle it.

[40] That said, we have also given seven or eight other really strong recommendations about what we could achieve, even if the curriculum review means that we could not do it in this particular Bill. So, one of the things that we think would make a real difference—. One of the strongest elements of the Bill is around training, and there is very good work going on at the moment around training professionals to have a basic understanding of some of the issues around violence against women, but we think that you need one person in every school who has that particular extra bit of training to really understand things like sexual violence and forced marriage. Not every teacher will understand what to do, how to signal, how to refer and what sort of counselling is required, and that could make a greater difference for young people in Wales than anything else in the Bill, because they will have somebody to go to talk to.

[41] We have also given really strong recommendations around a whole-school approach, and that is around having the school council dealing with it, a champion at governor level dealing with the matter, and considering how we look at those not in education, employment

or training, who are not in school, and how we help them as well. So, we think that there is a comprehensive package of recommendations there. We understand that the Government is looking at it again; there is some movement there. So, we are hoping—. We are going to be talking again to the Government about it, and we are talking to it about the training. It is very important.

[42] The other thing is about the local strategies and some of those specialist services, particularly the ones that Mwenya knows all about, where you might have smaller black minority ethnic communities in some parts of Wales, and therefore the issue is not looked at at all. If young women are at risk of forced marriage in Aberystwyth or wherever, they need somebody to be able to talk to about it.

[43] **Peter Black:** To be clear, the previous Minister said that she was going to rely on the curriculum review to deliver all of this. Your view is that that is not sufficient and the Bill cannot achieve its purposes without those additional measures being put in it.

[44] **Ms Owens:** Absolutely.

[45] **Ms Butler:** I want to reinforce that point, because while reviewing the curriculum is welcome, we do not think that it will be mandatory, even if it does end up as a recommendation, to have a whole-school approach. However, it is not just the whole school; as Cathy said, we need to look at children and young people not in education or training and also at colleges and universities.

[46] There is a significant amount of awareness now in universities and colleges about levels of sexual violence on campus. We need to look at the whole education process, as well as community education, and, whether or not it is an offence, for example, to report a suspected forced marriage or FGM, we need to be looking at community-led initiatives led by specialist services in these areas, and community-led outreach work and prevention work that the communities are involved with themselves, so that they are leading that kind of approach.

[47] The other thing that we mentioned in our response is that we feel there should be a duty on schools and education establishments to collect data and information. We do not actually know how common violence and abuse are in our schools and in the education system generally. There are no significant data unless a piece of research is done. So, we need more information on that. That also translates into a whole workforce and workplace approach; I know that there is some work going on in relation to workplace policies and training. If we are talking about prevention, it is not just about having a schools pack, or about having classes or lessons, or just a whole-school approach. It is a whole community education programme and prevention programme for adults and children, and that is significantly missing.

[48] **Peter Black:** Are there any international examples that we can look at of that approach or a partial approach along the lines of what you are outlining?

[49] **Ms Butler:** The Council of Europe Istanbul Convention lists a whole raft of evidence-based examples around prevention. Our specialist services such as BAWSO and other member services are specifically piloting and working with schools, education systems and communities to do this. However, it is very short-term funded and it is very piecemeal and patchy. It depends on champions in schools at the moment—once they leave, the initiative ends and so on. It needs to be a legal requirement and a statutory duty.

[50] **Peter Black:** I understand that, but it is useful to have those examples so that we can see how effective they are.



[51] **Ms Butler:** There are examples there. We do not need to reinvent the wheel; there is a lot of evidence out there to make sure that that happens.

[52] **Christine Chapman:** Cathy, did you want to say something?

[53] **Ms Owens:** There is very good practice in Wales, actually. There are a couple of good schools that already have champions in this area and which do marvellous work without having to have mandatory healthy relationships lessons, because they are happy anyway, as the champion is making sure that the lessons are happening. What we need to do is to embed that across Wales and perhaps not just in schools. The local strategies, on the face of it, look like they impact only on local authorities and health boards, so that does not include FE, HEIs or lots of other areas where we really need the public sector to have champions at board level to be able to make a difference here.

[54] **Ms Chimba:** I think that an element of community education is very key, because a lot of people in the community do not understand or are not even aware that what they are doing is actually not acceptable. They do not understand that it is a forced marriage. So, there is an assumption that, because they belong to practising communities, they know. A lot of people do not know. If you are going to prevent it from happening, there is that aspect of education as well—raising awareness and getting people on board. A lot of people will argue that having their child cut is actually a good thing because they are performing something that is a parental obligation, because they want their child to get married. If they do not know otherwise, they do not know the bigger picture that it is a human rights violation and a lot of other things, and they are not going to change. So, it is not going to end there. Education and a whole-school approach, as well as community education and raising awareness, is very key. It is quite silent, and, as Cathy said, when you look at the population in Wales now, according to the last census, you will see that there are BME people everywhere. The fact that they might be in small numbers in places such as Anglesey does not suggest that forced marriage, FGM or other things do not take place. However, there is a tendency to think that, because the population is quite small, it is not an issue at all.

[55] **Christine Chapman:** Eleri, did you have a comment?

[56] **Ms Butler:** To follow up on that, one of the points—. Specifically in the Bill, and in some of the guidance suggested, there is talk of needs assessments and local strategies; we may move on to strategies in a minute. Crime and disorder partnerships have been doing strategic assessments and needs assessments for quite a while. There is a needs assessments reference in the Social Services and Well-being (Wales) Act 2014 that has just been passed, and that has been happening for 10 plus years, particularly in the criminal justice system. However, it has not picked up violence against women crime types; it has not picked up FGM, forced marriage or so-called gender-based violence, or on the needs in communities, let alone sexual violence, rape and sexual assault. Domestic violence is probably most picked up, and that is because domestic violence and domestic abuse was specified in the Crime and Disorder Act 1998. If we do not specify that local areas, as well as the national strategy, should focus on violence against women and abusive behaviours of the range that we are talking about, not only nationally but also locally, it will not get picked up in the needs assessment necessarily. So, unless they do thematic needs assessments around violence against women, it will not necessarily be picked up in the general needs assessments. We just wanted to flag that because that should feature in the guidance.

[57] **Christine Chapman:** I know that Mike had a supplementary question, and Jocelyn wanted to ask a quick question.

[58] **Mike Hedges:** My supplementary question is quite straightforward. What interests schools much more than legislation is Estyn inspections. If this were added by Estyn to the

wellbeing part of its inspection, I guarantee that this would become a very high priority in every school and college being inspected. Have you asked for that, and do you think that that would work?

[59] **Ms Owens:** We have absolutely asked for that in our recommendations. It has to be reported by Estyn. We are not quite sure what happened with all of the education provisions. Perhaps the Welsh Government decided that if it could not do the healthy relationships aspect, it would not do anything at all. It is just not acceptable, because we gave it some very strong recommendations on that.

[60] **Mike Hedges:** The Estyn thing could be done just by the Minister giving advice to Estyn. It would put it in its common inspection framework, like it did with school attendance, which has now become highly important and has concentrated the mind of every school that I know.

[61] **Ms Butler:** I think that once it becomes an inspection feature and there are sanctions if schools are not doing it, it then raises the priority on a local level, definitely.

[62] **Ms Owens:** We have had lots of delightful examples of best practice, lovely guidance and all that sort of thing, but it does not actually happen. It is very patchy. Sometimes it is only about one element. No-one knows whether it has made any difference or not.

[63] **Mike Hedges:** I just think that if you were to say, 'If you do not do it you cannot get a "good"', it would concentrate minds far more than anything else that you could do. Would you agree?

[64] **Ms Owens:** Yes, Mike.

[65] **Christine Chapman:** Jocelyn, did you have some questions?

[66] **Jocelyn Davies:** It seems to me that, as it stands, without the elements that you argue are vital, the Bill is not worth having. However, I think that you would agree that the White Paper was very promising. I imagine that you have been watching our deliberations here. Last week we heard from Jackie Jones who has a career as an international feminist lawyer. She told us that, in the past, she has cited Wales as an example. When she lectures around the world, she has cited Wales as an example of progressive thought in relation to this issue. She said that this Bill brings Wales's reputation to an end. I would like to know how you feel about that.

[67] **Ms Owens:** For my part, it is quite tricky. There has been a direction of travel, and we have moved from just having some basic guidance on domestic abuse to a national strategy that includes violence against women. With a bit of a fanfare, it was announced a couple of years ago that we were to have this violence against women Bill, which really would be groundbreaking. We then all showed off about it for a good six to eight months afterwards, and we were seen as a beacon across the UK. Yes, it is really disappointing that we have taken those two steps back. What is more disappointing is this issue around enshrining that position. Everyone else now has a violence against women and girls—or violence against women—action plan, strategy, or perhaps an independent adviser. We potentially might get a violence against women commissioner at a UK level, who will likely have some powers in Wales.

[68] What we are saying is that, with this Bill, we are taking a bit of a step back, really, as it is saying, 'We don't think that it is quite important enough to identify women in particular, separate from these types of violence at this level of prevalence. We'll just do it for everyone'. I can sort of understand that. There is an issue around, 'Well, we'll just treat

everyone equally’, but that sort of misses the point about the high-90 percentages of people who will suffer from elements of this domestic abuse. We feel quite comfortable about saying this because there are some excellent services for men in Wales. This is not really about substantively ramping up services for women either; it is about putting it on the agenda and saying to the public sector, ‘You have to do something to tackle this because it is outrageous’. So, yes, we have been very much at the forefront in the past couple of years, and this is why we were so shocked and disappointed by the current Bill. That said, we have had discussions with the Welsh Government since the Bill was published, and I think that there is a good opportunity for us to be able to work with the Welsh Government and the committee to be able to put some of the core elements back in. We have made it clear, I think, what they should be in our written evidence.

09:45

[69] **Jocelyn Davies:** I can certainly put on the record that, when we have had visitors from abroad here, one of the things they have asked me about is ‘The Right to be Safe’ strategy, which they found very exciting, because it was—. It seems to me that the prevalence of violence against women, because they are women, is indicative of the inequalities that exist in society. That is something that women and girls face the world over. Of course, this is instilled in very young children by society’s attitude. So, if you are going to be radical about violence against women and change the attitude of very young people, small children, to create this healthy environment, it will take a while for that to work through, but it is the first step in terms of changing society’s attitude. I do not think you would disagree with that. I think that we need to separate the two things out: provision and the right to services from tackling violence against women—and I think that there has sometimes been a confusion—and wanting equality for services for victims. One of the things that is missing from the Bill, of course, is the enshrining of victims’ rights. Do you think that victims’ rights should be in the Bill? I understand that there need to be specialised services and there need to be gender-appropriate services, but do you think that victims should have their rights embedded in this Bill, because nobody has said that that is an omission in the Bill?

[70] **Christine Chapman:** Eleri, do you want to respond? Or Mwenya?

[71] **Ms Butler:** I think that, if the Bill was framed around the elimination of discrimination against women and the rights of the child it would be more helpful. We have the fact that the UK ratified the Istanbul protocol—

[72] **Jocelyn Davies:** The UK is a signatory to that.

[73] **Ms Butler:** Yes. That has just recently come in. There is information in that and other European directives around victims’ rights that we could lead on. Linking that to your other question, it would be such a shame if Wales—just because of, I think, probably misinformation or misunderstanding—did not follow the White Paper recommendations through into the legislation. We could lead the way on this in the UK.

[74] **Jocelyn Davies:** It is my understanding, and you probably know better than me, that the response to the White Paper was very positive.

[75] **Ms Butler:** Absolutely. Our members supported a lot of what was in the White Paper. We certainly would not say that the Bill is not worth having. It is important to have a legal statutory duty to have strategies and national indicators and guidance and annual reports and so on. However, actually, that is not very ambitious. It needs to be a whole lot more if you are actually talking about prevention and protection and support.

[76] **Jocelyn Davies:** The other thing I wondered about was the curriculum review. I do

not understand why a curriculum review prevents education from being included in the legislation. I would imagine that, if you do a piece of legislation like this and it is groundbreaking, it lasts a long time, whereas curriculum reviews might come and go—

[77] **Mike Hedges:** Might. [*Laughter.*]

[78] **Jocelyn Davies:** Well, no Government has to take any notice of a curriculum review—

[79] **Ms Butler:** It is not mandatory.

[80] **Jocelyn Davies:** It is not mandatory. I will leave it there, if that is okay with you, Chair.

[81] **Christine Chapman:** Are there any other responses? Mwenya, do you want to comment?

[82] **Ms Chimba:** I just wanted to say that you talk about the curriculum review, but I think that it is a general pitfall of the legislation as it stands that it is not quite integrated. There has not been a lot of involvement of other ministerial departments. What we have come up with reflects that. If there had been that engagement with education, and not necessarily around the curriculum review, I think that we would have seen more in there and more commitment. If it is not that integrated and not cross-departmental and there has not been a lot of work like that done, there are going to be problems. I think that, when you talk about the rights of the victim, as Eleri said, if the Bill has not taken a human rights approach, then, of course, the rights of the victim are going to be omitted. I think that the starting point to some extent has shifted and therefore has influenced the rest of the content of the Bill. Yes, we do need legislation, but we need it to be a little bit stronger and a lot more all-encompassing—

[83] **Jocelyn Davies:** Would you prefer to see a rights-based approach to this subject matter?

[84] **Ms Chimba:** Yes.

[85] **Jocelyn Davies:** Amending a Bill that does not start from that point is difficult, but—

[86] **Christine Chapman:** We will move on now. I think that you have some questions, Rhodri Glyn.

[87] **Rhodri Glyn Thomas:** Diolch yn fawr, Gadeirydd. Hoffwn ddilyn y trywydd yr oedd Jocelyn Davies yn ei godi gyda chi, mewn gwirionedd. Mae'n ymddangos i mi, o wrando ar y dystiolaeth y bore yma, eich bod yn wynebu dilema—rydych yn anhapus gyda'r hyn sydd ar wyneb y Bil a chyda'r hyn sydd yng nghorff y Bil. A oes perygl gwirioneddol y byddai cyflwyno'r Bil hwn fel y mae yn gwanhau'r sefyllfa, yn hytrach na'i chryfhau, oherwydd, yn y sector cyhoeddus, byddai sefydliadau'n edrych tuag at eu cyfrifoldebau statudol, ac yn mynd at y rheini, a fyddai, hwyrach, yn lleihau'r gwasanaethau sydd ar gael ar hyn o bryd?

**Rhodri Glyn Thomas:** Thank you very much, Chair. I would like to pursue this line of questioning that Jocelyn Davies raised with you. It appears to me, from listening to the evidence this morning, that you are facing a dilemma—you are not content with what is on the face of the Bill or with what is incorporated in the body of the Bill. Is there a genuine danger that putting forward this Bill as it stands would weaken the situation, rather than strengthen it, because, in the public sector, bodies would be looking to their statutory duties, and turning to those, which would, perhaps, decrease the level of service that is available at present?

[88] **Ms Owens:** I think that that has been a general concern for us since we saw the actual text. I think it would be very difficult for us, because there are some strong elements in there, to say that we should not have this Bill. However, we knew right at the beginning that, if we could not change some of the language in the Bill, it could be quite problematic for us. It would mean that we would never be able to have a violence against women strategy, and we would never be able to have an independent adviser on violence against women. That we absolutely have to change. I think that we are confident enough that some of those elements will be changed in terms of the general nature of the Bill, but we still need to make sure that women are recognised.

[89] Our concern is that the Bill enshrines what we have—which is good, so let us achieve that—in terms of national and local strategies, but it does not really do much more than that. So, what difference would it make to the lives of women—young, old or whatever—in Wales? There are also concerns around some strange language of opt-outs from the local strategies. Does that mean that Gwynedd could decide that it is going to opt out of delivering anything on trafficking because it does not think it happens there? That is quite problematic. So, it would be difficult for us to say that there should not be any legislation here, just as long as it does not bind the hands of any future Government, because it is quite important.

[90] **Jocelyn Davies:** It just seems to me that, if you had a local assessment and switched to prevention, why would you not just switch this money to perpetrator programmes? You could lose services for victims because of a local assessment. I think you accept that, do you not, especially as there are no more resources coming with the Bill?

[91] **Ms Owens:** Sure. What we were looking for, knowing that there were no more resources—. It would have been delightful to have a right to a service, but we thought, 'If there is no more money coming, let's commission better, let's organise it better and let's tackle the postcode lottery.' So many women and girls cannot access specialist services, because they are so patchy across Wales, when they need them. So, let us enshrine some sort of mechanism that solves that problem, so that it does enhance access to services, even if it does not necessarily ramp up the number of services. That is not tackled in here appropriately.

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

[93] **Ms Butler:** Yes, on both those points, because I think the questions take the debate one stage further in terms of implementation. I think it is important, and I appreciate what you are asking in terms of, 'Well, if you're not happy with what is in the Bill, where do we go next?' We are not saying 'scrap the Bill', from our perspective. It is important to have a statutory duty and a requirement to have strategies and so on, because that introduces accountability—it introduces legislative accountability mechanisms, which is really important. However, as Cathy was saying, with any strategy development, we need to have the full consultation with specialist services, and while we have depended so far in a range of areas—whether it is offender management, substance misuse strategies or crime reduction strategies—on local strategic assessments, they have not picked up issues like—. They do not even address perpetrator reduction or interventions. Also, it is not just about programmes for perpetrators. It is about what public services are doing in their day-to-day job. Any organisation that works for the public is working on violence against women, domestic abuse and sexual violence, but they are not doing so properly. One of the things that the Bill will strengthen is that accountability and that requirement, so that they have those mechanisms in place—the guidance around 'ask and act' and so on. However, if it is not focused specifically on the violence against women crime types—all of the behaviours and abuses that we have talked about—there is a big risk of misinterpretation of the guidance, of decommissioning services or commissioning gender-neutral services. Gender-neutral services are far more dangerous than no service at all, in my view. We need to have gender-responsive services,

trauma-informed services and separate safe provision for men and women. That includes work with perpetrators; it does not have to be a programme, necessarily. A GP will know—perpetrators often disclose to their GP, for example, that they are being abusive. There are individual responses that the public sector can make to address perpetrator behaviour and to reduce it. So, it is about having that accountability in place.

[94] **Christine Chapman:** Mwenya, did you want to come in?

[95] **Ms Chimba:** Yes. I just wanted to say that we see the so-called opt-out option in the local strategies as being a very big problem, because we mainly support migrant women who have no recourse to public funds. Currently, when these women flee from domestic abuse, social services do not want to touch them because, although they are vulnerable, they have no recourse to public funds. However, when you look at the non-recourse to public funds rules, they state somewhere that, if it is domestic violence plus something else, they are eligible for help. However, it is very easy to opt out. It is already happening, and we envisage that that would get worse if we had local authorities opting out. It is easy for them to do it then, because there is that opt-out option. Somehow, there is misinterpretation of what that opt-out really means and what the grounds are for opting out. We support a lot of women who do not qualify under the destitution domestic violence rule, but they are fleeing and they are at high risk. However, social services will not take them; they would rather take their children away. So, women remain in those violent situations, which is not what we would like to happen.

[96] **Christine Chapman:** Rhodri, did you have any further questions?

[97] **Rhodri Glyn Thomas:** O dderbyn, felly, mai eich gobaith yw y gallwch gryfhau y Bil hwn cyn iddo gael ei sefydlu mewn deddfwriaeth, bod gwerth mewn cael gofynion statudol a bod elfen o atebolrwydd yn dilyn deddfwriaeth nad yw yno ar hyn o bryd, sut y byddech yn gweld y broses o fonitro'r ddeddfwriaeth hon a'i sgrwtineiddio? Mae'n amlwg, o ran eich pryderon, ei bod hi'n bwysig fod y broses honno'n broses gref iawn i sicrhau bod yr hyn sydd yn werthfawr yn y ddeddfwriaeth yn cael ei ddatblygu.

**Rhodri Glyn Thomas:** Accepting that your hope is that you can strengthen this Bill before it is enshrined in law, that there is value in having statutory requirements and that there is an element of accountability following legislation that does not exist at present, how do you see the monitoring process in terms of this legislation and scrutinising it? It is clear, from your concerns, that it is important that that process is robust to ensure that what is valuable in the legislation is developed further.

[98] **Ms Owens:** Mae hynny'n dod yn ôl i'r pwynt ynglŷn â'r cynghorwr. Byddwn wedi gofyn am gynghorwr sydd yn annibynnol ar y Llywodraeth. Ar hyn o bryd yn y Bil, dim ond cynghorwr tu fewn i'r Llywodraeth fydd, ac mae swyddogion yn awr sydd yn rhoi'r cyngor hwnnw. Felly, ni fydd atebolrwydd annibynnol i fonitro'r hyn sydd yn digwydd a sut mae'r gwasanaethau yn newid ar lawr gwlad. Nid oes unrhyw sialens i'r hyn sy'n digwydd ar lefel genedlaethol. Rydym wedi gofyn am gynghorwr sydd tu fas i'r Llywodraeth, gan fod hynny'n bwysig iawn i wneud gwir wahaniaeth i'r merched hyn yng Nghymru.

**Ms Owens:** That comes back to the point about the adviser. We have asked for an adviser independent of the Government. At the moment in the Bill, there will only be an adviser within the Government, and there are officials now who give that advice. So, there will be no independent accountability to monitor what is happening and how those services are changing at grass-roots level. There is no challenge to what happens at a national level. We have asked for an adviser outside of Government, as that is very important to making a real difference for these women in Wales.

[99] **Christine Chapman:** Eleri, did you have a response?

[100] **Ms Butler:** Yes. As well as supporting everything that Cathy said in relation to the adviser needing to be independent, and having much more powers available—we had a lot more detail in our submission about what that should look like—I think that the accountability and monitoring issue is really important. One of the other ways of doing that is to have a national outcomes framework that looks at what the outcomes should be for prevention, for protection and for provision of support across every part of Wales. That is more than what is suggested in the Bill and the guidance, which is a national indicator set. At the moment, we have national indicators that look particularly at outputs. There are some outcomes in there, but I think we need to be more ambitious in the outcomes framework that we develop in Wales. That needs to be done through consultation with specialist services, service users and also with those people who are not using services at the moment, that is, survivors in local communities. That is something that Welsh Women’s Aid can help with as part of that process. However, until you have an outcomes framework that measures the positive change that we are creating, not only for survivors but also for perpetrators, children and young people and local communities, we are not going to know where we are going and where we have ended up. We need to measure that performance and that improvement in that way. Obviously, the adviser or commissioner role would help in that process. However, without the national leadership and steer on that, every area will be doing things very differently.

10:00

[101] **Christine Chapman:** Janet, have you got some questions?

[102] **Janet Finch-Saunders:** Yes. Good morning. On strategies—we are all too familiar with strategies—and local strategies versus national strategies, is there a need for both? As you rightly pointed out, different areas across Wales have different problems. Should we be looking at something stronger than a strategy in terms of an outcomes framework? Where should we be going with this, because there is a duty, is there not, for the strategies to be in place and are we forever reinventing the wheel instead of trying to be a bit more radical and parking some of these strategies, or even bringing some of them back in, and then formulating a useful tool that means that what we say we are going to do gets fully implemented?

[103] **Ms Owens:** I suppose that that was initially part of the disappointment, namely that we are basically looking at what we already have. We already have a national strategy and we already have local strategies. The national strategy that we have at the moment tackles violence against women head-on, because we made sure that it did, but it does not necessarily have any outcomes or targets, so there is no independent scrutiny of whether it has in any way, either reduced violence or enhanced services. So, yes, they are very important to have, but by themselves, they are not going to achieve anything, which is why we made all the other recommendations, which were very specific, about what we need to do to reduce violence. It is just not enough, we would argue. Some of the balance there is probably a bit out as well, in terms of service provision and the postcode lottery. If we have 22 local strategies, depending on what happens in the future, we can guarantee that they will all be very different and, unless we have some very strong scrutiny, we cannot be sure that they will be up to the mark.

[104] **Janet Finch-Saunders:** So, do you agree with the children’s—

[105] **Christine Chapman:** May I just bring Eleri in first?

[106] **Ms Butler:** I just wanted to add to that that I sympathise with the question about having too many strategies. I have worked with violence against women strategies for many years in England, in particular, but also have been a commissioner of violence against women and girls services in a previous life, and I think that it is really important to make sure that

strategies work on the ground, because we have too many that do not address the things that we are trying to focus on in terms of trying to prevent it. In terms of a framework or strategies, I think that it is both; it is not an either/or. We need a legal requirement to have a strategic framework nationally, but, locally, communities need to be part of the solution. They need to be part of informing the needs assessment and the strategic framework in which local services are commissioned and in which various interventions are developed. One of the things that I wanted to flag up is that it would be really important to have guidance on doing these assessments and commissioning around violence against women in particular, domestic abuse, sexual violence and all the other abuses that we are talking about, because there is a big misconception that, to get it right, specialist services and survivors should not be involved in that process. Actually, they should. The only bit that they should not be involved in is the procurement or buying in of services. They should be central to all the rest of the process around strategy development, commissioning, review, needs assessment and outcomes development and so on, otherwise, none of it will work. So, I do think that it is important. As well as being in place, you need it to be right.

[107] **Janet Finch-Saunders:** When we had the round-table discussion, there was a strong feeling that—. We have the Social Services and Well-being (Wales) Act 2014, but there are so many strategies that some cross over and it has become a mess with strategies. The children's commissioner has made mention that he would like to see a minimum of these requirements for local strategies, thinking about the consistency. What you are really saying is that you want something much stronger than a strategy, but the Bill makes mention that we have to have these strategies, so it is flawed there, is it not?

[108] **Ms Owens:** Very much so.

[109] **Janet Finch-Saunders:** Thank you.

[110] **Christine Chapman:** Mark, did you want to come in with any questions?

[111] **Mark Isherwood:** Yes, thank you. First of all, may I ask a more general one? At the time when a previous Assembly was discussing the original domestic abuse strategy, Welsh Women's Aid was arguing that that strategy, which was gender neutral, should incorporate gender-specific strands for men and women. I know that a number of Welsh Women's Aid members choose to provide services for male victims of domestic abuse and violence as well as women victims of domestic abuse and violence. Why, therefore, should whatever comes out of this—and, if it is adopted, a gender-specific approach—not address the specificity needs of both genders?

[112] **Ms Butler:** There are a lot of points to answer in response to that question. In relation to the strategy, I think that there is sometimes confusion on a national and a local level between what is in a strategy and a strategic framework and then what services are delivered on the ground, or what commissioners, trusts and foundations are funding on the ground. So, if you have a strategic framework that addresses violence against women and you are talking about violence against women, abusive behaviours and crime types—so, female genital mutilation, stalking, harassment, domestic abuse, sexual violence and so on—then that is the framework. The strategy is there and it is needed because you need to make the connections between survivors' experiences and public sector responses, otherwise you are duplicating a lot of the work, if you do not recognise that women experience multiple types of violence and abuse in their lifetime, for example. So, it is about having the strategic framework there to deliver. Everything else is a planning tool.

[113] The services on the ground need to be gender specific. So, you are talking about having safe, separate provision for male and female victims, for example, and about having different approaches to offender management if you are working with male offenders,



compared with female offenders. However, one does not preclude the other. So, you can have a violence against women strategy, legislation, a framework and a commissioning plan, and that still means that you can commission safe, separate provision that is gender responsive and trauma informed. When I say ‘gender responsive’, I mean that it takes into account the information that we know about the different risks that male and female perpetrators display when they are being abusive, for example. The different risks, the different needs and the safe separate provisions meet women’s needs very differently to what men want from specialist services.

[114] We are not talking about a one-size-fits-all approach, nor are we talking about providing a gender-neutral service that offers the same service to everybody. That distinction needs to be made. The strategy is the framework, but the operational delivery is the practice, and one needs to draw from the other. However, it is not necessarily the case that having a violence against women framework will not address men’s needs, because I have seen that happen and it can address men’s needs, but you can also commission and address lesbian, gay, bisexual and transgender community and black and minority ethnic community needs, and various other protected characteristics. It is about having the strategic framework to make the connections between the violence and abuse that women suffer disproportionately and which women suffer much more.

[115] **Christine Chapman:** May I just check what you are saying, Eleri? Are you saying that, if the Bill went back to its original intentions, you could still include the focus on male victims? Is that what you are saying? There is no risk that, even if you stick with the original intention, you would rule out the male victims. Therefore, you would not have to have a separate Bill or anything for that.

[116] **Ms Butler:** No, there is lots of experience of having violence against women commissioning plans and strategies—I have been a commissioner myself, working within that framework—where you can commission specific LGBT services or specific services for BME communities, or specific services for male victims and for female victims. It all has to be proportionate, based on the needs assessments, because we know that women and girls experience far more violence and abuse and different forms of abuse across their lifetime and it is much more serious and significant for them in terms of the impact. We know the statistics: some two women are killed every week. That service provision and strategy needs to reflect that, but it does not preclude providing services and support for all victims and redress for victims, and intervention for perpetrators. That is the other thing that people tend to forget: we are not only saying, in a violence against women strategic framework, that we hold only male offenders to account. If a woman is an offender, we hold her to account as well, because there is a framework for doing that. However, there is a distinction between the strategy and the service delivery.

[117] **Christine Chapman:** I will bring Cathy in and then I will come back to Mark. Cathy, did you want to respond?

[118] **Ms Owens:** The original purpose of the Bill is absolutely not about reducing services for men. In fact, we have very good services for men here. However, neither is it about necessarily ramping up services for women. It is about how we ensure that the public sector understands that this is a real issue that needs to be tackled. This Bill is not just about saying ‘Isn’t violence bad?’, nor is it a Bill about knife crime or gang violence. It is not just a general Bill about the things that we do not like to have. The purpose of this Bill was specifically to recognise that violence against women and girls is such a prevalent issue in this country that we have to do something very specific to deal with it. If we deal with it in a way that treats everybody the same, and does not even recognise women—it takes some doing to write a violence against women Bill without the word ‘woman’ in it—then we are going to ignore what the real problem is and we are not going to tackle the real problem around gender

inequality and why it is that women suffer such disproportionate levels of prevalence.

[119] **Christine Chapman:** Mark, did you have a further question?

[120] **Mark Isherwood:** Yes. The question was really focused not on the need for women to be mentioned and the need for specificity, which is what Welsh Women's Aid has always consistently called for, but on whether the wraparound legislation should recognise the need for those gender-specific approaches for both genders, then enabling the flexibility that you describe for services to be delivered to meet a whole range of needs in the communities and local authority areas. That was really where I was focused.

[121] **Ms Butler:** Yes; absolutely. The Act, when it becomes an Act, needs to specify and get the definitions right around what we mean by violence against women—it is not about a particular class of victims; it is about a range of abusive behaviours and crime types. We need to get the guidance right and the commissioning plans then follow from that, rather than letting local areas misinterpret their understanding of that. As Cathy said, at the moment, the definition of gender-based violence in there refers to all kinds of gender violence and abuse that could be nothing to do with the crime types that we are talking about. There is masculinity associated with different kinds of violence, which local areas could choose to identify in their needs assessment and commission around. That is not the intention of this Bill. We need to get the scope and the definition right and what you are talking about will then follow.

[122] **Mark Isherwood:** Last week, we heard evidence from Barnardo's about its recent research on growing abuse against boys and young men, which presumably you would want to see addressed, but it was keen that that might be incorporated within whatever comes out of this process. You mentioned guidance. We have also already heard from Mwenya about the concern about the opt-out clause. I understand that the local authority would be required to follow the statutory guidance unless there is 'good reason' not to and it has an alternative policy. Do Eleri and Cathy have views on this that they would like to share with us as well?

[123] **Ms Butler:** Yes. I share Mwenya's concerns. I think that a good reason for opt-out would be if they have a fantastic response that way exceeds anything in the Bill, legislation and guidance. That would be great and we could learn from that experience. However, in terms of having very general opt-out clauses, I think that there is a risk there, unless you have the accountability mechanisms in place, and unless you have the really strong, independent, holding-to-account adviser, commissioner or whatever we call that role that makes it not very easy for people to opt-out unless they have good reason to, which should be that they have excellent innovative ideas, practice and so on and that they are doing way over and above the minimum required in the guidance and legislation. That would be my concern—that it becomes very reactive to local issues and misinterpretation. So, if a needs assessment, for example, does not highlight that there is an issue or problem with forced marriage or FGM locally, or so-called gender-based violence or sexual exploitation, there could be an application to opt-out, for example, because they do not want to do parts of the guidance or parts of the legislation, and that should not be the case.

[124] **Ms Owens:** There are a couple of things here. It just gives you the immediate impression that some areas will say 'We just don't have that sort of problem around here'. That has happened. I remember when we first did some work on trafficking, Dyfed-Powys Police said, 'That doesn't happen around here'; of course, it does—quite a lot actually. Also, the language in this Bill seems to be quite different from the language in other Bills around statutory services. I am not a legal expert, but it does seem a little bit weaker in terms of what we are statutorily mandating local services to deliver. We would also say that, at the moment, those local strategies are only for local authorities and local health boards, and we do not think that that is enough either.

[125] **Mark Isherwood:** So, it is guidance plus, yes, but guidance opt-out, no.

[126] **Ms Owens:** Yes.

[127] **Ms Butler:** Also, I will just make a final point on that. Unless I have missed something in the Bill, there is nothing in there to say that consultation should happen around the strategy development. It talks about consultation around other areas of the work that is suggested, but the strategy development is one of the key areas, if that goes through, that absolutely needs to be subject to consultation nationally and locally, and also with communities and the survivors.

10:15

[128] **Mark Isherwood:** You have already mentioned the need for performance indicators and the need to consult on what those should be, but do you have views now on what those performance indicators should include? If so, what are they?

[129] **Ms Butler:** I think that it is difficult to identify what the key performance indicators are without knowing what the outcomes framework is, because the outcomes framework needs to be determined and then the performance indicators fall from that. I think that there is a danger of the indicators focusing only on what we know that we can measure. So, they could, for example, in the violence against women piece of legislation, focus only on domestic abuse because, historically, or certainly over the last 10 years or so, most areas have been collecting data on the usage of services or how many cases are referred to a MARAC, or how many are using local services, calling the helpline and so on and so forth. Those are not really useful indicators at all, in my view. They do not necessarily show that positive change is being created for communities or survivors, or perpetrators, or families. What we need to have is a significant consultation—it does not have to be long, but it has to be a meaningful consultation—and an outcomes framework. If you get the outcomes framework right, so if the outcomes are focused on or clustered around prevention, provision and support, and around the protection areas that the scope of the Bill determines, then the indicators should fall quite naturally from that. I think that some of the indicators suggested in the guidance, and the indicators that we have got at the moment in the national strategy do not really show a very helpful way of creating positive change. It is not expansive enough. I think that it needs to be more developed. I can give you a wish list outside of this meeting, if you would like.

[130] **Mark Isherwood:** Anything should be shared with the committee.

[131] **Christine Chapman:** If you could make that available, that would be great.

[132] **Ms Butler:** Yes, that is fine.

[133] **Christine Chapman:** Jocelyn, did you have a supplementary question on that?

[134] **Jocelyn Davies:** Yes, on the performance indicators, because you could be doing the very right thing and the requirement for services goes up or the calls to helplines could go up, and so you have to be very careful indeed when you develop anything that you can just count, but I guess that there has got to be something that people can see, so these have got to be very sophisticated, have they not?

[135] **Ms Butler:** Yes, and they have to apply particularly to the public sector, because when we talk about outcomes and performance indicators, what people usually mean is monitoring the voluntary sector, and the voluntary sector, particularly the domestic violence and sexual violence sectors, are monitored way more than any public service that I know—in

relation to these crime types at the moment. So, it does need to apply across the board. Certainly, if the 'Ask and Act' guidance works well, then we should be identifying more and different forms of violence and abuse and providing effective responses in referring on. It does not necessarily mean, as Cathy was saying, that we need more specialist services. We get the public sector to do what they are supposed to be doing—to do their job and to provide intervention and support around violence against women crime types, because they are working with the public. If they are not dealing with those issues, then they are not identifying that actual need and being responsive.

[136] **Christine Chapman:** Mark, do you have any further questions?

[137] **Mark Isherwood:** Yes. It is about 'designing backwards'—that much-vaunted phrase—and of putting outcomes before processes. The danger is that this could become entirely process driven, as I see it, as it is currently drafted. Given that the task and finish group recommended the need for an independent commissioner with independent powers to conduct investigations, contribute to funding decisions and issue sanctions, do you think that the ministerial adviser, as proposed, would have enough independence to carry out those functions?

[138] **Ms Owens:** The short answer to that is 'no'. We have got some good examples of that already. We currently have officials who advise the Minister on these issues, and so this would not necessarily change that. We have had some appointments around co-ordinators for things like trafficking, but they have been entirely internal appointments in that regard, so there is not necessarily any public challenge to any of the public authorities or to the Welsh Government for that matter. So, what difference would it make? Not a great deal. It is absolutely vital—and this is the one really strong element that has been missing from what we have been doing for the last few years, even with the good work that has been happening around guidance and strategies—that there is an independent voice to say, 'Well actually you have not really achieved what you have been trying to achieve through that', or, 'Look at the local authorities: there are 22 different ways of dealing with women with no recourse to public funding.' So, that is absolutely vital, and we would not want to enshrine a position that might mean that we would be worse off than other parts of the UK in the future. That would be really very disappointing.

[139] **Christine Chapman:** Do any other witnesses want to respond?

[140] **Ms Chimba:** I agree totally with Cathy's point of view that the adviser has to be independent. They are advisers, but it is about that independence. I think that sometimes when you talk about an adviser, it is as though it is just to advise Government, but it is for the entire sector. Sometimes, that is missing, and if they are a ministerial adviser in this context, as is being proposed, they are part of this system and they lose that independence to look at and question certain things. Even on the part of the third sector, where some organisations are funded by Government, sometimes it muddles a lot of the contractual things and commissioning, because people do not feel independent enough to discuss or engage on issues. If there was an independent person, there would be better engagement and scrutiny, I think, than is being proposed at the moment. That independence is the key. I know that there is concern about the cost of doing that, but we should not give up that independence for the sake of cutting costs.

[141] **Christine Chapman:** I apologise, but I need to move on. We have about nine minutes left, because we have another panel to come. I will move on to Mike's questions.

[142] **Mike Hedges:** I will ask about definitions and money. On the definitions, I am sure that you heard that, last week, Professor Jackie Jones contended that the current domestic abuse definition is far too wide to become meaningful in law. Would you agree with that?

[143] **Ms Butler:** There is a lot of detail about definitions in our submission, so I will not go through the detail, but I will highlight just a couple of points. I think that there is confusion. I think that the definitions both of gender-based violence and domestic abuse, as they stand and as drafted in the current Bill, will cause more confusion and lack of understanding about what we are actually talking about. It would help if we framed it all in a violence against women and girls framework and defined all of those, and did not just focus on the definition of domestic abuse. One of the things that is obviously missing, and one of the things that is happening, as there is a consultation with the Home Office at the moment, is dealing with the issue of coercive control. There is a need to look at what we are talking about when we talk about domestic violence: it is not just incidents, but a pattern of abusive behaviour. Coercive control, particularly for women victims, is significantly impacting on their day-to-day lives, in terms of their freedom to live a life, to engage in the community, and their space to act or do any decision making at all. So, it is important that we get the definitions right.

[144] **Mike Hedges:** I think that definitions will probably be the most important part of it. You stated the advantages of the use of the term, 'violence against women', but are there any disadvantages of using that term?

[145] **Ms Butler:** No, not if we explain what it means, we get it right, and people cannot misinterpret it.

[146] **Mike Hedges:** Is that the view of everybody? I see that it is.

[147] **Ms Owens:** There are quite strong disadvantages if we do not manage to include women in this Bill. We have seen that in practice already, in terms of how future policy documents are written, and we now have an advisory board with the same strange name.

[148] One of the issues that we have always had is the separation of 'domestic abuse' from 'violence against women'. That is one of the most gendered versions, in terms of the disproportionate level of suffering. So, it is important, not only because it will bind the hands of future Governments, in terms of what they can do for violence against women, but because everything else will flow from it. If everything else flows from it, and we simply do not even recognise women in the title of what we do, we definitely will not be dealing with the issue at hand.

[149] **Ms Chimba:** Since there are already definitions out there that define these things very clearly, this legislation will not do anything totally different and there will not be any offences; it raises the question of why we are moving away from those definitions to coin different ones. It might seem good for people to say, 'Yes, FGM and forced marriage is included', but you are limiting the scope as well by doing that, because people will be focusing on FGM and forced marriage, but there are other issues. So, there are those widely accepted definitions, and if we are going to coin definitions, they should be in line with what is out there and what is accepted. They are not perfect, but they work.

[150] **Christine Chapman:** Mike, do you have any further questions? We have five minutes.

[151] **Mike Hedges:** Yes, I have one on finance. Are there any concerns that the Bill may increase demand for services without any further increase in resources, putting greater pressure on both voluntary and public bodies?

[152] **Christine Chapman:** Eleri, would you like to start?

[153] **Ms Butler:** Yes. I understand why you are asking that question. Of course, if the public sector is actually doing, asking, acting and identifying properly, it is likely to get to know more about what it is working with. However, it is working with a lot of those people already, probably in a lot of cases; it just does not know what issues it is dealing with. I think that we need to have an invest-to-save approach here. We need to invest and reinvest in a resource pool on a local level as well as on a national level to make sure that not only are we dealing with and responding to high-risk survivors and situations and crisis situations, but that we have a proper preventative approach and an early help approach, because that will show in the long term that there are cost savings. I will not repeat them here, because of the time, but we all know the cost of domestic abuse to Wales—not only the human and emotional cost, but the cost to public services, which is in our submission and in various documents.

[154] The mistake that local areas tend to make with commissioning is to do a cash cost-benefit analysis. What we actually need to do is look at the social value as well and at the cost of pooling resources and commissioning more strategically and more intelligently, which will actually save money in areas like mental health, homelessness, criminal justice and offender management and so on.

[155] **Mike Hedges:** I apologise if you were the person who said this, but one of the things that I have read—and there are an awful lot of them and they tend to merge, unfortunately, in my head—was talking about a windfall benefit for some organisations and a cost to other organisations, not necessarily the windfall. The people who get the windfall are happy and they just take the saving, and the people with additional costs have to try to meet them.

[156] **Ms Butler:** We did not say that. I am not sure that—

[157] **Mike Hedges:** No. Somebody said it somewhere.

[158] **Ms Owens:** Not a windfall. On the economic point, as well as the economic impact of suffering violence against women, one of the other initiatives in the Bill was around workplace policies. Given the number of public sector employers in this country, we thought that that was a bit disappointing, because we were expecting to see board-level champions to not only tackle and challenge attitudes towards violence against women, but to have a better understanding of how it impacts on staff. If staff in the health service suffer violence against women at the same rate as other people, then that is very problematic.

[159] **Mike Hedges:** I know that we are coming to the end, but can I just agree with that? Again, as with inspection, if you make it a part of something on which you have to check bodies, be they local authorities or in the health service, as a key performance indicator, then that concentrates minds. Do you agree with that? If it is important, every organisation needs to be made aware that it is important and that it will be monitored as such,

[160] **Ms Owens:** That was the purpose of the Bill in a nutshell: to make sure that the public sector could see how important it was and that it was taken very seriously at a very high level.

[161] **Christine Chapman:** Eleri is next.

[162] **Ms Butler:** As a final point—well, my own final point, anyway—I think that it is important to redistribute funding as well and to look at funding elsewhere and at how we can cost save. It is not necessarily about new money; it is about looking at doing things differently. So, if we embed violence against women outcomes into mainstream commissioning arrangements, that would address the issue across a range of different funding streams, and it would not just be looking at separate pots of money for additional services. However, I have to say on behalf of our member services, obviously, the voluntary and

community sector, the violence against women sector, domestic abuse, rape crisis, specialist BME services and a range of other services, they really are cash strapped. There is a massive under-resource in the voluntary sector and they are the specialists in the sector. So, we do need to recognise that, actually, the demand on those services will increase as a result of improved public sector responses. However, by commissioning more strategically and intelligently, that should be able to be addressed.

[163] **Christine Chapman:** Mwenya, do you have any further comments?

[164] **Ms Chimba:** I totally agree on the commissioning. I think that commissioning is the key, and trying to commission more smartly. The reality is that there is no money, but again, people need to be supported. So, how do you commission these services so that money is saved and reinvested again to support people who require it?

[165] **Christine Chapman:** On that point, I thank all three of you for attending. It has been a really good session today and very useful. I know that it has given us, as Members, lots of food for thought for when we deliberate on this Bill. As I have said many times, this is about trying to shape the best piece of legislation we can, which will stand the test of time. So, I thank you very much for attending. We will send you a transcript of the meeting so that you can check it for any factual inaccuracies. On that note, I thank you.

[166] The committee will now take a break until 10.40 a.m., when we will have another panel of witnesses in. We will have a short break now. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:30 a 10:44*  
*The meeting adjourned between 10:30 and 10:44*

**Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru):  
Sesiwn Dystiolaeth 5 (Y Trydydd Sector)  
Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill:  
Evidence Session 5 (Third Sector)**

[167] **Christine Chapman:** I welcome you all back to the committee. We are now on the fifth evidence session on the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. I give a warm welcome to our panel. Could you introduce yourselves and your organisations for the record? I will start with Frances.

[168] **Ms Beecher:** Hello. Thank you very much for inviting us. My name is Frances Beecher and I am chief executive of Llamau.

[169] **Ms Robinson:** I am Johanna Robinson and I am from Survivors Trust Cymru.

[170] **Ms Bowen-Thomson:** I am Bernie Bowen-Thomson and I am from Safer Wales.

10:45

[171] **Mr Roberts:** I am Gwilym Roberts, and I am the chief executive of Relate Cymru.

[172] **Christine Chapman:** Welcome to you all. Obviously, you have sent in written evidence, and Members will have read that evidence very carefully, so I suggest that we go straight into questions. I want to start off with a very broad question, but we want to develop some of the specifics as we carry on with the evidence taking. Could you outline what you feel about the purpose and scope of this Bill, first of all? I will tag on another part to the question. Do we need this legislation, or do you think that the aims of the Bill could be

achieved through policy and existing mechanisms? Shall we start with you, Frances?

[173] **Ms Beecher:** Yes, certainly. I think that it is absolutely essential that we have the Bill. It is very important to remember that this Bill was written under the parameters of violence against women, and my organisation is very concerned that that has changed, as has the scope of the Bill. However, it is absolutely essential that we have this Bill. I do not think that we can achieve what was intended in the White Paper without the Bill. My concern with regard to this Bill is that what is written at the moment really embeds what we currently have in terms of strategies and intent, and I personally do not think that that is strong enough.

[174] **Mr Roberts:** Relate believes that it is important to have a co-ordinated, all-Wales approach to preventing and working with domestic violence, sexual abuse and gender-based violence. We, too, are disappointed in the dropping of the ‘violence against women’ label for the Bill.

[175] **Ms Bowen-Thomson:** We definitely do need some legislation on ending violence against women, and I welcome the fact that Wales is looking at the Bill, as does Safer Wales. One of the concerns that has already been expressed by colleagues here is that the dropping of the label of ending violence against women, which is significant.

[176] You asked about the need for this or whether the existing policies and strategies are sufficient. We already know that there are good strategies out there and good work is being done in relation to ending violence against women, but this Bill is an opportunity to make sure that that is embedded, as Fran said, but also extended so that we can make sure that we prevent, protect and support. So, yes, I do think that we need it, but we need it with ‘violence against women’ firmly embedded in the name of the Bill.

[177] **Ms Robinson:** I would say that we absolutely need this legislation. It is a national shame that we continue to have the levels of abuse in the areas that are covered by this Bill. It is a duty of this Bill and the Government to address the needs of the Welsh population and people who come to Wales. Without this legislation, how will we do it? There has been a lot of discussion—I have heard other evidence sessions—and all of our submissions talk about existing strategies and policies, but it is still going on. So, we need a Bill that reassures everyone that this is really going to change, and outlines how it will change.

[178] The scope of the Bill talks about prevention, protection and support for people, but is that really what is contained within the Bill? I would argue that there is not enough to bring that to fruition and we will not see it with the Bill as it stands. It has an excellent ambition, and we need to recognise that. That ambition was present in the White Paper and has continued. Everybody is behind this, but we need to make it a reality and we need it to be a practicable Bill and for the guidance that sits around it to be the same. I am approaching this from a sexual violence perspective, and that aspect needs to be considered within this. We have an absolute duty in that regard. To think that it is just in Rotherham, Oxford and Derby that there are serious cases of child sexual exploitation is an absolutely ridiculous presumption. It is everywhere, and we need to accept that. We would talk about it in epidemic terms, and that goes on then to adulthood. So, we really need to embrace those things within this.

[179] **Jocelyn Davies:** May I ask a question on that point? You have all said that we need the Bill, but do we need this Bill? You have all said, ‘Oh, we loved the White Paper, but we don’t like this Bill; but, we need a Bill’.

[180] **Ms Beecher:** I think that we do need this Bill. As I said, what we are trying to show very strongly are our concerns that, perhaps, as the Bill has been written away from the White Paper, it has, from my perspective and my organisation’s perspective, become a little bit too



broad. It is seeking to encompass everything. I can understand that, I really can, because we cannot forget, and must not forget, male victims of domestic abuse. I think that there was an intention to ensure that we were going to be gender neutral, so that we would not lose that important aspect. I think that what has happened is that it has become a little bit too process driven, so that the ambition has been lost a little. So, I personally feel that a little bit more strengthening of this current Bill, looking back at the White Paper and seeing the fundamental stance, could put Wales back where it needs to be. The point that I would like to make is that Wales has always been a very fair and just society and, for hundreds of years, it has stood up for the needs of women and accepted that women have the right to be in society. Many other societies have looked at Wales over many, many years as being at the forefront. I am a bit disappointed that we have made a little bit of an apology for standing up, knowing that violence against women encompasses absolutely everything, including men.

[181] **Christine Chapman:** Bernie, do you want to comment?

[182] **Ms Bowen-Thomson:** I certainly think that there is a need for a Bill. I think that there is a lot in this Bill that is of huge strength. I agree completely with Fran that where it falls down is, in a sense, the vision—what we want to see our nation being for the future and what we want to achieve. If what we want to achieve is an end to violence against women in all its forms, and if what we want to achieve is a nation founded on equalities and human rights principles, which Wales has expressed about itself, then the Bill needs to be stronger in sending that message out. That includes a number of aspects, including how the definitions are formed and what is contained in them. We need to make sure that the definitions can be understood, not just within this Bill, but also across nations when we are working collaboratively that way.

[183] The other reason why I think that we need the Bill, but why we need key changes is that there seems to have been a shift from the White Paper, which was very clear about ending violence against women. It did not ignore the fact that victims need support regardless of who those victims are. Certainly, that is a really important factor that needs to be there in the Bill. My fear is that what we have done is to water down all of that. Certainly, taking out some of the areas of prevention has done that. If we want a long-term approach, we also need to include prevention, and the key to that is education for our children.

[184] **Christine Chapman:** Before I bring Gwilym and Johanna in, I know that Gwyn Price had some questions that I think are part of this. I know that he wanted to talk in more detail about education. Gwyn, do you want to put your questions to the panel?

[185] **Gwyn R. Price:** Yes, thank you, Chair. Good morning, everybody. Would you consider that all victims of gender-based violence, domestic abuse and sexual violence are represented by the Bill, particularly children and young people and men and boys?

[186] **Mr Roberts:** I am disappointed that perpetrators are not really mentioned in this Bill, because they are, generally speaking, the cause of this problem. So, we think that it is very important that specific mention and instructions are included in this Bill on working with perpetrators. I would like to see more strength to working with people experiencing domestic abuse in same-sex relationships, older people and the effect of living with domestic abuse on children and young people.

[187] **Ms Robinson:** It links to the previous point, really, that the lack of specificity in this Bill is part of its weakness. We need to know who exactly it is for and those people need to be identified, so that the responsibility is therefore laid within it and the language of how you describe that clearly states that, both for the victim and for the people providing the services or who have the obligation otherwise. So, yes, children are lacking from the Bill, from the current descriptions. We need to make sure that we are talking about all victims, as everybody

has already said. Without considering children within this Bill, the issue is going to carry on. Again, going back to sexual violence, a huge percentage of people who are victims of sexual violence are victims of childhood sexual abuse. That is particularly the case with men as 80% of men coming through services are doing so after childhood sexual abuse. So, unless you are looking at children within this, how are you going to change it? That is also going to be the cross-cutting part of it if you are going to look at it in purely economic terms. Without educating children and without supporting children, the issues are going to continue for decades and decades.

[188] **Ms Beecher:** I think that early intervention and prevention are absolutely essential here, and the expectation that it can already happen by just adding this to PSE in schools is really limited. I would like to make the point that my organisation works predominantly with young people who have not been in school from the age of 12 or 13. There is a huge NEET agenda. Research has shown that young people who have left care early, have had their care terminated or have left school early are far more at risk of unhealthy relationships or being perpetrators. I have been working in the field of domestic abuse since the age of 17 and I have seen a huge change backwards for young people of 16 who now seem to accept that all forms of violence against women and young girls are acceptable, including the girls. I really think that we have to acknowledge this, particularly with the most disadvantaged, and acknowledge the research that is being shown. I think that this is a fundamental gap in this Bill.

[189] **Christine Chapman:** I will ask Gwyn to come in, because I know that you had one more question. I will then bring Bernie in.

[190] **Gwyn R. Price:** What are the advantages and drawbacks of using the term ‘violence against women’ in the title of the Bill? We know that you want it back in there; are there any disadvantages or drawbacks for any of you?

[191] **Ms Beecher:** I do not think that there any disadvantages, because what we are trying to show is that this is an equality issue and that, fundamentally, violence against women is embedded within society and within societies not just across the UK, but across the world. By tackling inequality you are tackling inequality for males and boys. I think that ‘violence against women’ actually states what it is: that fundamentally women are more at risk for reasons that are embedded within society. So, it is an equality issue. I think that definitions can make it very clear that that does not, in any shape or way, take away services from men or boys because men and boys are part of the solution as well as being victims. So, I personally do not see any difficulty. I think that the Bill, within the White Paper, made it very clear that this was about tackling inequality in Wales.

[192] **Ms Bowen-Thomson:** Setting legislation is very much about trying to get across exactly what we are trying to do and what we are trying to make happen. With the White Paper, it was very clear that we were trying to create transformative change. To do that you need to look at systemic change, which is what it was doing by putting it into the context of violence against women. You were asking about the disadvantages of that. The disadvantages of that would only be if we ignored victims within that; there has certainly been no intent in the Bill, in its current or previous form, to ignore any victims in that. I would say that using language like ‘gender-based violence’ on the front of the Bill could potentially exclude some victims, because what may happen in its implementation at a local level is that certain types of victims may not be recognised in local strategies.

[193] I am thinking here of our experience in Safer Wales of working with people who experience sexual violence who are involved in sex work. Sometimes their voices can be difficult to hear, so they may not come to the forefront of statistics. Similarly, over the years, we have worked a lot in communities where women are at risk of female genital mutilation. Again, these are not hidden; they are very much under the radar. As the explanatory notes

recognise with regard to Amanda Robinson's work, a lot of this is under the radar; so, if we start to look at it in terms of a 'gender-based violence' title, they may remain under the radar and we may not actually put an end to violence against women, which I think should be our aspiration for Wales.

[194] **Christine Chapman:** Did you wish to come in, Gwilym?

[195] **Mr Roberts:** I would rather practically be thinking, 'How can we get the most effect in Wales for minimum resource?', and also, 'How can we get people to understand and act on what we require them to do?' For that reason, it is a simpler model to use 'violence against women' as a theme to hang our activities around.

[196] **Ms Robinson:** I think that the reasoning or the thought processes behind any of this is on the need to follow through. Again, it is the same point as the points raised earlier that this all needs to be set out in a strategic framework. What does this actually look like? At the moment, we need more information on how it is going to address all of these issues. We have international obligations; we have the UN Convention on the Rights of the Child, we have the Istanbul Convention and the EU directive for victims, so we need to consider those in relation to the vision of this Bill. We have already said that the vision of this Bill is a great one, but what are the obligations within it, how do we make all of that realistic but also how do we fulfil our obligations internationally as well?

11:00

[197] **Ms Bowen-Thomson:** If I could just add as well that one of the things that strikes me about why it is so important that the name of the Bill is right and that the definitions used are powerful and correct is because there is other legislation in place—for example, the Crime and Disorder Act 1998 looks at strategies to reduce crime and disorder. That is in its broad sense. It took a long time to get domestic violence into those strategies, and they still do not recognise wholeheartedly violence against women. So, if we want to go further than that and really put an emphasis on what we are trying to achieve, then that name, that intent and that purpose is crucial and I do not think that it is at the expense of victims. We deliver services to male victims through the Dyn project and, certainly, we get a lot of people engaging with men, engaging with Dyn and accessing the service.

[198] **Christine Chapman:** Peter, you had some questions.

[199] **Peter Black:** I come back to the answer that Gwilym gave. I understand that Relate is running perpetrator programmes. How successful are those and do they have the impact that is claimed for them?

[200] **Mr Roberts:** Relate Cymru currently operates what you could call a 'voluntary perpetrator' programme. It is probably more accurately termed 'community-sanctioned' perpetrator programme, as opposed to being court-sanctioned, so this is pre-conviction. We have run that programme in north Wales for the last eight years. We also have a pilot project going on in Cardiff at the moment and, to my knowledge, the perpetrator programmes that we run are the only fully accredited programmes. Other programmes operate but they are not accredited. That is not to say that they are not very good; it is just that I think it is important, and it is another point that I was going to raise earlier, that if services are going to be commissioned—although it has been quite difficult to get our services commissioned by local authorities, and in fact, we rely on grant funding—then the taxpayer needs to be assured that what is being commissioned is of a consistent and predictable quality.

[201] To answer your question about their effectiveness, it is easy to forget that the reason for doing perpetrator programmes—. By the way, the ones that we run in groups are only for

men in relationships with women where the man is a perpetrator. The practical reason for that is that there are more of those around, so you can form a group. We are experimenting with one-to-one perpetrator work, and, of course, we can do that with anyone. So, that is useful for people with English as an additional language, people with learning disabilities, people in same-sex relationships and women, and anyone else who is referred to the perpetrator programme. We are even doing them by phone now; we are working with one chap in—actually, for confidentiality I will not say where he lives—a different country on the other side of the world, but his partner lives in Cardiff. The point of the perpetrator programmes that we run is to increase safety for women and children. We are very clear about that. So, if we are looking at that as a success, then 90% of the partners that we question some time after the end of the programme say that there has been a complete stop in violence and intimidation by their partner.

[202] **Peter Black:** That is really helpful; thank you. I will move on to my other questions now. I am going to ask about education; we have already touched on education and the whole-school approach. To what extent can the Bill fulfil its stated aims and purpose without the education proposals from the White Paper and other proposals that have come forward as part of the consultation?

[203] **Christine Chapman:** I will start with Frances and then we will just go along.

[204] **Ms Beecher:** Without early intervention and prevention in schools, I do not think that the Bill, as it stands, can fulfil its potential, although I know that it is ambitious. To think that it can just be part of the healthy relationships aspect of PSE is really missing a huge opportunity here. Every school has a safeguarding lead. What we are looking for is that, in every school, there can be a champion on violence against women. As Women's Aid and lots of organisations work very closely with schools, we discuss this with various education consortia leaders and they think that it is workable to have the safeguarding lead, with additional training and responsibility. So, it goes fundamentally right the way through the classroom.

[205] However, it also has to go into the community, because there is a vast majority, as I said earlier, of young people who are not in school. There is a huge prevalence of sexual abuse and sexual violence in further education and in universities, so we have to reach out to the whole community and we have to look at the prevention agenda. So, we have got to take it from as young as nursery age all the way through. To do that, we have to have a very broad strategic aim that violence against women in Wales is unacceptable.

[206] **Peter Black:** So, how do we legislate in terms of those NEETs who have left school at 12 and those in the community? We can legislate in respect of schools and we can insist that schools have champions and that local education authorities have particular strategies and things, but how do you do it in terms of those who are outside the system?

[207] **Ms Beecher:** A lot of the NEET young people are leaving care and they are all supposed to have a responsible key worker or pathway adviser, so there is a way to legislate for it in that way. Local authorities have responsibility for homeless young people. This is a key area where the third sector can play a really important part, because engagement with NEETs tends to be done by the third sector. Most local authorities also have strategies for NEETs, but unless we join all of this up together—. This is why this Bill is so important, because it hits so many different policy areas, such as education, health and so on, that the ambition, as outlined in the White Paper, could fundamentally change an approach.

[208] **Peter Black:** So, practically, what you are suggesting is that local authorities that have strategies in relation to looked-after children, to homelessness and to NEETs should be mandated to commission services along these lines as part of those strategies.

[209] **Ms Beecher:** We are going to go on to talk about the national and local strategies, but as I say, there is a requirement that local authorities dovetail all of their strategies together and look at these sorts of equality issues across all of the different strategies, and this could be done in the same way in my view. I am not going to say who should commission what, because I would be talking about vested interests and that is not for me to say, but there is a way to dovetail.

[210] **Peter Black:** So, that could be done through guidance.

[211] **Ms Beecher:** Yes.

[212] **Christine Chapman:** I want to bring Johanna in on these questions.

[213] **Ms Robinson:** Education is key to making sure that this Bill is effective and that it works for young people and their families. Echoing what Frances has said, that needs to start from the beginning. We know that abuse happens from the beginning, so why should education around the abuse not happen from the beginning, whether that is witnessing it or being direct victims of it? We need to claim that within the education system and in how we talk to and work with children. They could be a victim within their family or they could be a victim from without; their parents could be hurting each other and they could be hurting them or it could be their neighbour. It needs to embrace all of those things and those children need to be empowered to be able to say that. Simply having a 'healthy schools' part of the curriculum is not going to do that, and it is not going to do it if you aim it at teenagers just around intimate relationships; that is limiting it in itself. We need to be honest about where this happens. It is not nice; I am not saying that it is a nice thing—it is not; of course it is not, but that is where harm occurs. One in 20 children is abused and the majority of those will be abused by somebody they know.

[214] We also need to set them up for life because we are talking about adult behaviours here, and a lot of children will have their socialisation process through the school. That is a responsibility of the school. If it does not happen at home, then the school needs to step in and take that place and it needs to be provided in those alternative fora, if that is what they are going to be interacting with as well. We have examples of the whole-school approach; we have a very good one, from my understanding, in Ysgol Plasmawr. That can be replicated and that needs to be looked at in terms of how it can be brought down to early years' education as well. From my understanding, there is an intention to have the spectrum programme, and they are looking at having a principal officer in the school to be in charge of things. We are looking at the curriculum review, so let us join it together and let us say what it is: it is a whole-school approach, and let us do it properly. That is how we will protect the children and that is how we will set them up to be responsible adults who will stop this. We are talking about attitudinal change and how you make that happen.

[215] **Ms Bowen-Thomson:** May I say that I agree fully with what Johanna just said, unsurprisingly. One reason why it is so important to have a whole-school approach—and to go beyond that, to our young people who are not engaged currently in education or training—is to create a strong ethos of respect. It is about healthy relationships, but also about respect. That way, not only are we protecting our victims, helping to prevent further abuse for them and making sure that they have the support, but helping to protect people who perhaps need time to learn, so that they are able to look at behaviour and start to understand some of the behaviours that they may already be starting to show because of what they have seen. From a learning point of view, that is what teaching and education is about. You asked about specific work that could be done with NEET young people. I agree fully with Frances, but also I wanted to stress that we already know what section 17 of the Crime and Disorder Act 1998 says about mainstreaming crime and disorder reduction in all of our functions, so we know

that there are some mechanisms there to do that. This is a real opportunity—if we can get this right and put a whole-school approach back into the Bill, which extends beyond that into looked-after children provisions, into youth service provisions, where they still exist, and commissioned services—to demonstrate that they have considered it, that they have a duty to consider what they are going to do for that, as opposed to giving choices and opting in and opting out. It is part of the legislation to consider that.

[216] **Christine Chapman:** Gwilym, do you have anything to add?

[217] **Mr Roberts:** We are concerned with the dropping of the requirement for school activities from the Bill. Relate has done a lot of thinking about relationships and sex education, and I agree that a whole-school approach is going to be necessary. The latest thing to come out, only two weeks ago, was a report that we did with a think tank—I cannot remember the name—into children, relationships and pornography, and what we are finding is that young people growing up these days have a very different attitude, generally speaking, from previous generations, in terms of what they expect from relationships. The effect of more readily accessible pornography, just as one small example in the whole big picture, is skewing, or changing, the way that we approach power control or dynamics in relationships when we come to form them and, in Relate's view, not in a good way.

[218] **Christine Chapman:** Do you have a question Jocelyn?

[219] **Jocelyn Davies:** I have a question for Relate. I noticed in your evidence that you mention that this Bill would have been an opportunity to remove the reasonable punishment defence; you specifically mention it. Would you like to expand on that? It is on page 70 of our packs, you say that you believe

[220] 'that while hitting children remains legal there can be no consistency of approach in either prevention or protection'.

[221] **Mr Roberts:** Yes, I will note a couple of things that are relevant to that. One is that it seemed like a good opportunity, and we could not think of any other opportunity, to introduce that in Wales. Secondly, we know that parents set the weather in families. We know, from the work we do—both in terms of counselling and perpetrator work and, for that matter, in terms of post-separation contact services and mediation—that living in an environment where violence in its broadest sense is commonplace affects what children then go on to do when they are grown-ups. So, this is a good opportunity to introduce those sorts of specific laws.

[222] **Jocelyn Davies:** Do you think that you could send us a copy of the research that you mentioned that you commissioned, because we have not seen—

[223] **Mr Roberts:** About sex and pornography? It only came out last week. I only saw it for the first time last week, but yes, absolutely.

[224] **Jocelyn Davies:** Was that commissioned by Relate?

[225] **Mr Roberts:** Yes, with the Institute for Public Policy Research think tank.

[226] **Jocelyn Davies:** Perhaps you could send us a copy.

[227] **Christine Chapman:** Yes, if you could.

[228] **Jocelyn Davies:** Did you have any comments on the reasonable punishment defence, Frances?

11:15

[229] **Ms Beecher:** While I absolutely agree with what is being said, I am a little bit concerned. I can understand that it was a good opportunity to put it into this Bill, but I feel that the problem with the Bill is that there has been an opportunity to try to cover all ills. By doing that, sometimes, you dilute the message. While I completely and utterly agree with absolutely everything that has been said, I am not sure that that is right for this Bill. I feel that it could take it off on a tangent. Some of the concerns that I have are that it has become a process and we are confusing gender-specific, gender-neutral and now physical punishment of children. While none of us disagree with what is being said, there needs to be clarity and a focus and a really clear statement across Wales: this is what we mean and this is what happens. As I said, while I do not disagree, I am not quite sure that I agree that this is the right place for it.

[230] **Ms Robinson:** I would absolutely echo what Frances said. Of course we stand against it and of course we understand that the environment in which a child grows up is fundamental, but I do not know whether that would be given justice within this Bill or whether it would weaken the Bill. To both strengthen the understanding within our communities and the understanding of the parents that do smack their children that they need to stop, , we need to give this the force that it needs. I do not think that you would do either justice by keeping it in.

[231] **Ms Bowen-Thomson:** I agree. I mentioned earlier very clear definitions and clear purpose and intent. In trying to address issues that relate to violence in a slightly broader sense, it could dilute the whole aspect we are trying to achieve. It needs more consideration. If that is going to be in the Bill, it needs full consideration and exploration by all parties and consultation again. It concerns me that it will create a delay when it will not necessarily give an advantage, because it may need to be looked at separately in its own right within safeguarding.

[232] **Jocelyn Davies:** If it was in the Bill, it would be consulted on now, because that is what we are doing. If we are saying that this Bill is an opportunity to change the ethos of how young, little people regard themselves and each other, do you think that missing the opportunity to say, ‘You cannot put your hands on each other, you have to respect each other, but big people can still hit you’, would iconically send that message about violence against women?

[233] **Ms Bowen-Thomson:** At the moment, as it stands in the Bill, with regard to prevention around education, it is not there. I do not think that it does that. What it may do—. There is still safeguarding. If a child is at risk, you safeguard; that still exists. In terms of young people understanding the dynamics of relationships and being very clear about that, it will start highlighting the issue more instead of it becoming hidden. It may be something that could be looked at in the future through another route, which may be better. That is why I think that this is not the right time to include it in the Bill. We need very clear direction that this Bill is about ending violence against women—domestic violence, sexual violence, female genital mutilation. What we do not want to do is dilute it too much so that it ends up being spread too thinly and not really addressing the change that we want. I understand what you are saying, but I am just not sure whether this is the right place to have it. It forms part of the prevent agenda, which will give more evidence of need and how best to respond to that and allow that debate to happen.

[234] **Jocelyn Davies:** I thought that this Bill was about changing society’s attitude towards violence to women and violence to each other. If the education aspect is key and a missed opportunity, surely this would go hand in hand, especially if the education was in there?

[235] **Ms Beecher:** I would like the Bill to just try to say—. What we are trying to say, or certainly what I am trying to say, is that violence against women is an inequality issue. It is a fundamental human right. Women are abused and are subject to all forms of abuse and sexual violence, simply because they are women. It is, as I say, a fundamental human right issue. While I completely agree with what you are saying, the reasons parents or guardians physically punish their children are not always routed in inequality. I feel that having very clear parameters, saying, ‘This is an equality issue’, and standing up to say, ‘This is what is unacceptable in Wales’, you can change society in a step way. On the whole physical punishment issue, while I completely agree with what you are saying and what Gwilym was saying, what I do not want to do is try to solve all ills. We cannot try to solve all ills. What we need is clarity of purpose. I worry—and I am not saying that I am right—that that could dilute the message of what we are saying when we get into the whole anti-smacking and parental rights furor. I think that it is absolutely unacceptable, but I am not sure that this Bill is the right place for it.

[236] **Jocelyn Davies:** Would you prefer the Bill to have taken a rights-based approach? If you think that it does, surely, children’s rights would sit there.

[237] **Ms Beecher:** I do not think that the Bill takes a rights approach; I think that it takes an equalities approach. The White Paper certainly took an equality approach, which I think was the right approach.

[238] **Jocelyn Davies:** Do you not think that it should take a rights-based approach?

[239] **Ms Beecher:** As it stands, I think that it is standing up for rights, but that does not mean that we should try to solve every single ill. I do not think that you can do that, because if we are going to achieve grass-roots change by strong, strategic, overarching intent, we have to be clear about certain parameters, and I think that it is about recognising what will achieve the most. I think that the White Paper had pretty serious ambitions on that line.

[240] **Jocelyn Davies:** Maybe, because it is not in there, you have not thought about this. Perhaps you would like to think about that, unless you would like to answer now. Should it take a rights-based approach, and if it does, should not children’s rights be there with human rights?

[241] **Ms Bowen-Thomson:** The fear for me is that if it becomes too all-encompassing, we will not create a change in the long term, because focus will become too spread.

[242] **Christine Chapman:** Why are you saying that focus will become too spread?

[243] **Ms Bowen-Thomson:** I am sorry, I am not being very—

[244] **Christine Chapman:** I am just curious. Why would you think that it would be diluted because of this?

[245] **Ms Bowen-Thomson:** It is about being very clear about what we mean. We have already seen within the Bill that, when it talks about sexual violence, sexual exploitation is brought in, and they are very different. They are connected at times, but they are also slightly different in different definitions. So, the more that we bring in, the more chance there is of, sometimes, what we are trying to achieve getting lost. It is not that I do not agree with what you are saying about smacking, but it feels as though we may be trying to do too much with this Bill. At the moment, we do not have clear definitions of things around, for example, gender-based violence. The definition is different to the UN definition, for example. So, I think that we need to make sure that we get this right, tight and meaningful.



[246] I believe that this is about inequalities, and systemic change was mentioned in the context of it being required in order to have this transformative change, and that is about addressing some of the inequalities, fundamentally, that women who have experienced violence often face. Although it is important, I am concerned that there are still areas of the Bill, as we see it at the moment, that really need tightening up so that there is clarity around what it means, and that is in relation to how gender-based violence is considered.

[247] **Ms Beecher:** Some of my concern as well is—. Obviously, the outcomes need to be measured and, as I said, it is very important that we show that we are achieving systemic change and that we are making a difference in Wales. It is about how you would measure that and how you could put any sort of responsibility on the third sector or local authorities—the public sector—to measure, within the home—

[248] **Jocelyn Davies:** I think that you have completely missed the point, because this would take away the defence that people who are facing charges and going to appear in court now have: that the assault that they have committed on their child was a reasonable chastisement. This is not about the issue that you are raising. I think that you have missed the point. I do not think that I am going to agree with—.

[249] **Christine Chapman:** No, okay.

[250] **Jocelyn Davies:** To be honest, I am a bit surprised that organisations that campaign against violence within the home do not see that as an opportunity to take away that defence that parents are using all the time for assaulting their children. I just find it amazing.

[251] **Ms Bowen-Thomson:** I am not condoning assaulting children and I am not defending that. What I am saying is: let us be really clear about what we are trying to achieve. At the moment, even with the definitions, I do not think that there is enough clarity. Education being taken out is a huge loss, and what I would not want to see—. For example, without the education there, if other aspects were brought into the Bill, what would end up happening is that people and children would be less likely to speak up out of fear, because there would not be the opportunities for them to do so. So, that is why I am saying that it is about the timing. You can always make changes and additions. It might be that, actually, by making sure that we get the education in and that we get the support structures correct and that we have trained, professional staff who understand what to do when disclosures are made and understand how to respond to that safely, that will increase our knowledge of what is happening and increase our evidence base, which will then allow us to make changes in statute appropriately.

[252] So, it is not about slowing it down and it is certainly not about disagreeing with the principle that, actually, abuse against children is in some way tolerated. It is very different from that. So, if that is what has come across, that is certainly not the intent. It is about making sure that this is clear and that we have good, robust information in order to then make sure that what we lay down in statute is there for the long term and will not be subject to lots of changes and alterations, because we have not given sufficient time.

[253] **Ms Beecher:** I just need to make it very clear—

[254] **Christine Chapman:** I will have to move on, though—

[255] **Ms Beecher:** I do need to make it clear that Llamau does not endorse any kind of violence and it is part of our parenting programme—working with young parents—that we are very much against any form of physical chastisement. So, that is not what we are saying.

[256] **Ms Robinson:** I echo that. The Survivor's Trust Wales does not endorse that either.

Of course we stand against this. What we are talking about is the background to this, the information that this Bill will support, strengthening our knowledge of the issue and pushing it forward. We also stand up for Mandate Now, which is about mandatory reporting and regulated activities, which would also increase the responsibilities of people to support children. That is what we would want to see, before we move on to consider what is the best place for preventing this issue.

[257] **Christine Chapman:** If Jocelyn has finished, I have a supplementary question from Janet and then—

[258] **Janet Finch-Saunders:** It is just a quick one, really.

[259] **Christine Chapman:** I want to move on to the next section.

[260] **Janet Finch-Saunders:** It is just about drawing definitive lines, really. There is a difference between parental and reasonable chastisement and actual abuse that children get caught up in. If there is a domestic abuse situation going on, children can sometimes take sides and get caught up in that and then get abused themselves. Will this Bill protect children under those kinds of circumstances?

[261] **Ms Robinson:** It has to. We need to look at more joined-up strategies and policies about how we work with families as a whole unit. So, we do not just go in singularly protecting an individual or working with a singular perpetrator. We need to look at the whole family unit and that is what this Bill needs to do, to bring together existing, you know—. It has constantly been about adult policy and adult legislation and child legislation is kept separate. Of course we cannot always bring it together, but there are points: domestic abuse increases the risk of sexual abuse, and we need to be aware of all of those things and how they interconnect. That needs to be brought to life within the strategies and all of the other guidance, et cetera, that fits around this Bill.

11:30

[262] **Ms Beecher:** That is why the early intervention and prevention element is absolutely essential, because it creates awareness for children about what is happening within their own family and their own dynamics. Very often, what goes on in a family stays in the family and we do not talk about it. Having these sorts of early intervention and prevention programmes and champions in schools allows children to actually start talking about things and realise that there is something wrong—that they have been drawn into something that is quite pervasive.

[263] **Christine Chapman:** Bernie, briefly.

[264] **Ms Bowen-Thomson:** It is just a short point. Having a duty to do something with regard to this—with regard to children who witness domestic violence and children who experience domestic violence—to actually consider what we can do to build into a strategy, is going to be vital: not only is that within education in schools, but also wider than that in terms of support. What I want to echo is the importance of—. The prevention aspect around education is so vital because it provides the window for a child to disclose. If we do not have that we cannot protect those children because there may not be the opportunities for them to disclose, or those opportunities may be missed because professionals will not have access to training or will have limited access to training. So, to protect children and families it is about making sure that we create and sustain those opportunities for children to disclose and for people to act on it.

[265] **Christine Chapman:** Gwilym, did you want to add anything?

[266] **Mr Roberts:** We know the strong links between domestic violence in a household and child sexual abuse and, for that matter, pet abuse. There are strong links with all of those things. The devil is in the detail, really, is it not? It is all going to be about what the guidance to local authorities is going to be and how strongly it is worded, to make sure that things happen.

[267] **Christine Chapman:** I am going to move on now to Rhodri Glyn. Did you have some questions?

[268] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Hoffwn ddychwelyd at y pwynt a wnaeth Gwilym ar y mater o guro plant: os nad yw'n cael ei godi yn y Bil hwn, ble yn union bydd yn cael ei godi? Cawsom addewid gan y cyn-Weinidog Gwasanaethau Cymdeithasol y byddai Llywodraeth Cymru yn deddfu ar hyn yn ystod y tymor hwn. Nid oes unrhyw ddeddfwriaeth arall lle gellid cynnwys hyn yn mynd i godi yn ystod y 18 mis nesaf. Felly, yn y cyd-destun hwnnw, a fydddech chi eisiau ailystyried y ffaith bod rhai ohonoch yn gwrthwynebu ei gynnwys yn y ddeddfwriaeth hon? Os nad yw'n cael ei gynnwys yma, ni fydd yn digwydd. Ar ôl yr etholiad nesaf, yn 2016, mae'n bosibl y bydd yna Weinidogion gwahanol a Llywodraeth wahanol, a bydd yr addewid wedi cael ei golli.

**Rhodri Glyn Thomas:** Thank you, Chair. I would like to return to the point that Gwilym made on the issue of smacking children: if it is not raised in this Bill, where exactly will it be raised? We had a pledge from the previous Minister for Social Services that the Welsh Government would legislate on this this term. No other legislation where this could be included will arise during the next 18 months. So, in that context, would you like to reconsider the fact that some of you oppose including it in this legislation? If it is not contained in this legislation, it will not happen. After the next election, in 2016, it is possible that there will be different Ministers and a different Government, and the pledge will have been missed.

[269] **Christine Chapman:** Perhaps you could be quite brief, because we have obviously had a discussion on this. I do not know whether anyone wants to add anything. Gwilym, do you—?

[270] **Mr Roberts:** I can see that we are getting into a bit of a pickle here, and I think I understand why. I was hedging my bets in my response because, as it stands, the definition is so broad that we can include smacking—for that matter, we can include guys beating each other up outside pubs on a Friday night, which is gender-based violence, because it is most likely to be men doing it. So, that, to agree with colleagues here, is one of the problems with the Bill, because it is so broad. I can see the pickle; I can see the problem.

[271] **Christine Chapman:** May I just say this? Obviously, we have had quite a long discussion on this. Committees exist to test evidence. We can help to shape the Bill. So, as I said, obviously the Government has put the outline of the Bill, but we are here to make contributions with your help to try to help shape the best piece of legislation that we can, and to test—. We do need to consider that anyway. This is the opportunity now.

[272] **Ms Robinson:** I just want to ask a question. I am not a legal expert, so that is not where I am coming from at all, but can it not be something on its own? Is it not deserving of being something that stands on its own?

[273] **Janet Finch-Saunders:** I would agree with that. It is fair to say that, even in the Assembly, the views are—. There is a division, really, between those who believe in natural parental chastisement as opposed to actual abuse, because that is covered now anyway. If you assault a child, parent or otherwise, you will face very serious consequences, but where do you draw that line between parental chastisement, sometimes in the interests of the child, and

I speak as a mother of three—?

[274] **Ms Robinson:** I am just asking the question: can it not be something that is taken forward on its own as a stand-alone issue?

[275] **Jocelyn Davies:** I think the point—

[276] **Christine Chapman:** We are going to have to move on now, because we have some other really important issues—

[277] **Jocelyn Davies:** —from the evidence, as we all know, is that it says, ‘within this Assembly term’. We are running out of time and there has been no announcement that there is going to be a Bill about this. So, obviously, something has to start and finish its passage within the next year or so. So, we are running out of time, are we not? As Rhodri Glyn just said, a new Government might not keep that promise and then it would be another decade before we did anything about it, while we are teaching kids that they have to respect each other.

[278] **Christine Chapman:** I am going to move on now. Sorry, do you want to come in, Bernie?

[279] **Ms Bowen-Thomson:** Just to reiterate that I think making sure that education and prevention is brought back in will keep that information and that pressure on exactly what is going on, what the dynamics are and where we need to make statute changes in the future. So, hopefully, there will be some pressure, but, yes, it is—.

[280] **Christine Chapman:** I am going to move on now. Rhodri, did you have any other questions?

[281] **Rhodri Glyn Thomas:** Gwnaf fynd yn ôl at y cwestiynau yr oeddwn i fod i’w gofyn, Gadeirydd. Rwy’n credu bod y pwynt yn un pwysig o ran ein *scrutiny* o’r ddeddfwriaeth arbennig hon ar sail yr addewid a gafwyd. Rydych i gyd wedi pwysleisio’r pwysigrwydd o gael strategaeth genedlaethol sydd wedi ei seilio ar ddeddfwriaeth, er bod gennych amheuon ynglŷn â chynnwys y Bil fel y mae a’r hyn sydd ar wyneb y Bil. A ydych chi’n meddwl bod unrhyw berygl o gael gofynion statudol a allai leihau’r ddarpariaeth yn hytrach na’i gynyddu, oherwydd mewn cyfnod o bwysau ariannol, mae perygl y gallai cyrff cyhoeddus fynd yn ôl at yr isafswm statudol y mae’n rhaid iddynt ei gyflawni?

**Rhodri Glyn Thomas:** I will go back to the questions that I was supposed to ask, Chair. I think that the point is an important one in terms of our scrutiny of this specific legislation on the basis of the pledge that we received. You have all emphasised the importance of getting a national strategy that is based on legislation, although you have doubts about the content of the Bill as it is and what is on the face of the Bill. Do you think that there is any danger of having statutory requirements that could decrease the provision rather than increase it, because, at a time of financial pressure, there is a danger that public bodies could go back to the minimum statutory requirement that they have to achieve?

[282] **Christine Chapman:** Johanna, do you want to start?

[283] **Ms Robinson:** I think that the minimum standard that needs to be set needs to be a very good one and not really thought of as a minimum standard. It needs to be a standard that comes from a victim’s perspective and a victim’s rights point of view and what the obligations of the nation are for that.

[284] The national strategy needs to be the vision; it needs to set the standard by which we

all need to operate. The local strategies need to bring that to life in reality. The national strategy needs to set that any victim should receive a service and it is the obligation of the locality to decide how that happens and how that is practicable, so that no victim—. We know that there will be avoidance and a ‘This doesn’t happen here’ attitude, as previous colleagues have said. There will be needs assessments, but the national strategy needs to identify the responsibility of the locality to say, ‘There needs to be a strategy and a victim pathway for FGM’, and the local authority needs to agree a whole-school approach on that. It is about all of those things. So, for me, it is about setting the bar and saying what the direction is and the local strategies fitting in within that in how they bring that in for an area.

[285] **Christine Chapman:** Does anyone else want to come in?

[286] **Ms Beecher:** I just completely agree. We have to set the bar very high.

[287] **Ms Bowen-Thomson:** I think that the strategy is really important to do that, so I fully agree. I also think that the statute is very important to do that—making sure that the language in the legislation includes words like ‘to do’ rather than ‘may do’ and making it much stronger in terms of that. I know that I mentioned the Crime and Disorder Act 1998 earlier and there are strategies there for reducing crime and disorder. I think the national strategy needs to be really explicit in what it means when it looks at what it wants to see for Wales. One of the things we know—. That will need strong leadership and, as Jo said, there will need to be referencing to particular strands that may be forgotten or too hidden at the moment, which could easily be not considered at a local level.

[288] I do not think that the national strategy can be separated from the local one, because, actually, how that influences local delivery is really important. What I have seen in the explanatory notes, when you look at how data are looked at, is that prevalence through the British crime survey is talked about, which does not give any further exploration of severity or how long someone suffered abuse. So, actually, it is really about setting the context of what we are looking at. So, for me, that would be setting it within a violence-against-women context as well, and a victim-focused and victim-driven context, so that what you do get are very practical strategies on the ground at a local level as well, where you do not get inconsistency between local authority areas.

[289] **Christine Chapman:** Are there any other questions?

[290] **Rhodri Glyn Thomas:** Na, mae’r **Rhodri Glyn Thomas:** No, the question cwestiwn ynglŷn ag asesïadau wedi cael ei about assessments has been answered now, ateb yn awr, felly rwy’n hapus. so I am happy.

[291] **Christine Chapman:** Gwilym, did you want to say something? I interrupted you.

[292] **Mr Roberts:** The question was: is there a risk that the quality of services will go down? The answer is that of course there is. There is a risk. I am an optimist, so I would see it as your job to make sure that that does not happen, which, hopefully, you will do admirably. There is this phrase ‘postcode lottery’, so the quality of, and access to, services for people in various parts of Wales varies greatly currently. So, it would be lovely if, as an end result of this process, we could guarantee good-quality, consistent access to everybody in Wales—at a time when costs are being cut.

[293] **Ms Bowen-Thomson:** I think that it is worth also stressing that people are obviously considering the cost, but by tackling this, we will reduce costs longer term, so, yes, that is really important. If we do not have prevention, we will be constantly tackling this, because we are not looking at prevention and education for our young people. So, actually, this is something that, over time, will reduce costs. It may be that the national strategy looks at that

and, where it can do, makes sure that all the devolved areas do have a duty to consider. If you match that with the Crime and Disorder Act 1998, that can bring in some of the non-devolved areas to consider as well, because they sit on those very partnerships where they can make that a priority.

[294] **Rhodri Glyn Thomas:** It would be very nice if public bodies did take that route, but I would not hold out too much hope.

[295] **Ms Bowen-Thomas:** I am an idealist. We are aspirational in Wales.

[296] **Ms Robinson:** However, if you change some of the language to be about having a 'duty' and if the national strategy also sets that, that is where it comes through, and that is how it needs to be framed.

[297] **Ms Beecher:** I think that this can actually help to empower, because if you have a clear, strong national strategy, it shows someone that they can say, 'I have the right to this, so I can expect this. This is what I can expect.' So, it helps people to push for what they need.

[298] **Christine Chapman:** We are getting a bit short of time, but I know that some Members have not had the opportunity to ask questions. Janet, did you want to ask a question?

[299] **Janet Finch-Saunders:** Yes, thanks, Chair. I think that I am going to become a cynic now about strategies. We are having mixed messages a little bit. There are lots of strategies. I think that we could build a room this size and fill it with the strategies that have come through the Welsh Government over the years. There are some concerns that a strategy becomes a document that just gathers dust on a shelf, and there has even been a suggestion that it is not really strategies that are important, it is more about the framework and outcomes and how you implement those strategies. Then, of course, we have the local versus the national. Is there a need for both? Also, if that is the case, to what extent are you all convinced that voluntary bodies and the third sector and all the organisations that help in this regard will be consulted and will be able to feed into those local strategies and the national strategy?

[300] **Christine Chapman:** I will take Gwilym as a starting point.

[301] **Janet Finch-Saunders:** There were about three or four questions in there, so I do apologise, but we have had so many mixed messages about strategies. I am a little bit of a cynic, because I have seen them gather dust on a shelf. You could pull one out from 2001 and pull out the current version of the same one and you would see very few actions that have happened in the meantime, and they could almost be the same document.

[302] **Mr Roberts:** As a fellow cynic, I share your feelings. I, frankly, do not care what they call it. It could be a policy, strategy or whatever. I mostly care about practicalities—

[303] **Janet Finch-Saunders:** Delivery.

[304] **Mr Roberts:** Yes, and access. Real-life people are experiencing whatever we want to call it—domestic abuse, sexual violence. Do they know that if they want what is happening to them to stop, they can get some help? I think that for the vast majority of Wales, the answer to that question is 'no' currently. In a sense, it is no-one's fault. Relate, often, in our counselling work, takes a systemic view of families, so we treat families as systems.

11:45

[305] If we treat Wales as a system, there are all sorts of points that we can explore and

relationships between different elements in our system that will have an effect on the whole system. So, girls growing up feeling like second-class citizens and not having confidence is vastly important. I mentioned earlier children's and young people's earlier exposure to pornography. That has a huge influence. However, there are many, many elements. I have even forgotten what the original question was.

[306] **Janet Finch-Saunders:** Basically, it was about strategies and how you make those into a deliverable—

[307] **Mr Roberts:** Well, as has been said before, so I will say it again, I think that it is important to have an overall view of what we want to do in Wales. The current structure that we have in Wales is that we tend to allow local authorities or health boards to make more local decisions based on their needs. So, if I am planning services in Powys, I will have a different attitude to the one I would have if I were planning services in Cardiff. So, we need to allow decision makers on the ground to be able to still make those individual decisions but at the same time ensure that the end result of those decisions that they are making is that they achieve the overall view that we have.

[308] **Christine Chapman:** We have 10 minutes left, so I am going to ask you all for a response to this. Then, I know that Mark wants to come in. Bernie, what is your response?

[309] **Ms Bowen-Thomson:** I think that there is an opportunity with the adviser role to really be able to look to see whether delivery is happening. You mentioned third sector and voluntary sector engagement. There is also an opportunity there for the third sector and voluntary sector, namely the people who are delivering services or who are commissioned to deliver services, to provide information to the adviser for that. Making strong links there would help. I agree with what Gwilym said, so I will not repeat that, but I think that it would be an additional advantage to really firm up that role and look at how we can interact with that role on what is happening.

[310] **Christine Chapman:** Johanna is next.

[311] **Ms Robinson:** It is all really important. We are talking about a massive number of issues here, as we have said. From what I can hear, we would all like it to be as specific as possible. So, that needs to be laid out very clearly, and you do that through a staged process that includes a national strategy, follows on to local strategies and looks at outcomes frameworks and then has the indicators and the scrutiny that enable you to guide how that is going. The guidance that Ministers will then be able to provide will also encourage the success. So, what we are talking about is making this really effective, and I think that we need all of those things to do that. We also need third sector involvement in it. With regard to sexual violence, the majority of the work happens in the third sector, as it does for the other areas covered within this Bill. So, there has to be a duty for consultation with the third sector in these strategies to bring them to life.

[312] **Christine Chapman:** Frances is next.

[313] **Ms Beecher:** Yes, I agree with everything. I will do this very quickly. I completely share your cynicism, but the reality is that local authorities work on local strategies. That is how they work. If we are going to insist on this, we have to have a national strategy. It is essential. And then we have to have local authority strategies that are built on consultation and the third sector. I would like to think of a new way, but they do not work any other way.

[314] **Janet Finch-Saunders:** That is the point that I was waiting for at the end there. Yes, thank you.

[315] **Ms Robinson:** The only thing is that there does need to be recognition of where they cross over, though. That does need to be laid out—

[316] **Janet Finch Saunders:** Yes, that has come across loud and clear.

[317] **Ms Robinson:** So, that reinforces it. ‘You have an obligation, not just under this but in another area as well’ and that reinforces the message of how important this is. This weaves it together and pulls it through.

[318] **Ms Bowen-Thomson:** Very briefly, just to reiterate the point about information. If the local strategies are based on local information and there is information that is not easily obtained, that is where the national strategy can really play a role in making sure that areas are not forgotten or that groups of victims are not left unheard in the local delivery of services. That is why it is really important that the national strategy lays down a ‘duty to consider’—so there is an expectation to consider, because it is a strategy.

[319] **Ms Beecher:** May I just add: please, no opt-out clause, unless their strategies are so brilliant that we can all learn from them as best practice.

[320] **Christine Chapman:** Thank you. Mark, you have some questions.

[321] **Mark Isherwood:** I will put them into one because of the time limit.

[322] **Christine Chapman:** Absolutely.

[323] **Mark Isherwood:** It is likely that local authorities will ration provision to that which is specified in whatever law results. How do you respond to the proposal for an opt-out clause for good reason by local authorities? What performance indicators do you believe there should be to monitor progress? Should there be a ministerial adviser or an independent commissioner? Finally, looking to Gwilym here, I do not think that we have drilled down enough into the benefits of perpetrator programmes—the pre-custodial perpetrator programmes. Could you comment on the savings that they can generate for service providers, in terms of future housing, social services, health, education and other costs that arise if this is not dealt with?

[324] **Christine Chapman:** I think that there were four questions, were there not, Mark? [*Laughter.*] That is fine. Who would like to start?

[325] **Mr Roberts:** Shall I answer those in reverse order?

[326] **Christine Chapman:** Yes, that would be brilliant.

[327] **Mr Roberts:** I know that Respect, which is the national accrediting body of perpetrator programmes, has submitted written evidence, and it also has some excellent documents about the cost savings. I am sometimes viewed as a bit cut-throat in that, yes, okay, I am in a carey-sharey industry, but my default view of the world is one of financial return on investment. We know that domestic abuse is very expensive for the taxpayer. Perpetrator work, pre-conviction, saves a lot more money than it costs to deliver. Quite honestly, I cannot remember the figures at the moment, but it offers significant savings.

[328] One of the challenges, though, is to persuade the people who are ultimately saving to stump up the cash to pay for them in the first place. It is not just about perpetrator work or domestic abuse, it is about any issue. In fact, I cannot think of a single example of someone who runs, say, a health body saying, ‘Oh, yes, well, in five years’ time, what you are doing is going to save me £1 million, so I’m going to invest £1 million in what you are doing now’.



The world does not work like that. However, it would be really great if the guidance and strategies that come out of this process would nudge people in that direction. You are much cleverer at this than I am, so if you can find ways to do that, I would be very happy.

[329] In Wales, I think that we are still a bit reluctant to focus on perpetrators, because it feels like we are letting them off and doing them a favour. Somehow, we have not made that strong connection between working with guys who are abusive in their relationships and the specific work to increase the safety of victims, which is what it is. I do not know whether that answers your question.

[330] **Mark Isherwood:** In the time we have, it has definitely answered it.

[331] **Mr Roberts:** The ministerial adviser would need teeth, but I guess that everybody has said that. I would hope that they would be independent in order to have those teeth.

[332] **Christine Chapman:** Does anyone else from the panel have anything extra to add to the points that have been made, or could you say whether you disagree? Bernie, would you like to start?

[333] **Ms Bowen-Thomson:** I would like to add something briefly in relation to women offenders. A disproportionate number of women offenders in our criminal justice system have experienced domestic and sexual violence. If you look at the prison population, you see that the percentage is around 85%. When you are asking the question about savings and talking about perpetrator programmes, it is necessary to look at what is happening to the people who are within our criminal justice system now. I recognise that a lot of that is not devolved, but we are also considering that this is a Bill for statute, so we have to think about what is going to stand the test of time. Those women who are in prison are coming back to Wales, and are coming back to Wales with all the social justice needs that were there, quite often, before they were in prison. So, in terms of savings, we have to consider work with perpetrators both as victims and offenders. Often, they are treated as if they are two separate entities, but often that is not the case. That will offer huge cost savings. There is different evidence, from the Home Office through to organisations such as Women's Breakout, that can show the cost savings that result from putting in more support targeted to those needs.

[334] **Ms Robinson:** The opt-out clause needs to be so rare that it does not happen. That is my feeling. We know that the it-doesn't-happen-here mentality is still, sadly, in existence. The performance indicators work is a huge piece of work that requires consultation, and I am happy to provide our version of what performance indicators need to be specifically for that work.

[335] **Christine Chapman:** Could you do that? It would be useful.

[336] **Ms Robinson:** Yes. Are we mentioning costs now, because that is another huge issue?

[337] **Christine Chapman:** No, I will leave the costs, because I know that Mike Hedges had a question on that.

[338] **Ms Robinson:** On the ministerial adviser, that does relate to costs. I think that this person needs to have teeth, as people have said, and have power and be independent. It is also about whether the work is more than one person can do. Yes, it is. So, again, it is about the practicalities of this. Is that person going to be able to do the task set for them? I would argue that a commissioner would be far better in that place; I understand that there are costs in that, but that needs to be looked at a bit further, I think, before a decision is made.

[339] **Ms Beecher:** I agree with absolutely everything everyone has said, so I will not take more of your time.

[340] **Christine Chapman:** We have just a few questions from Mike, so if you could roll them into one, Mike, that would be helpful.

[341] **Mike Hedges:** That is a bit difficult because they are on two different things. [*Laughter.*] I will do the costs one first. Is there not a difference between bankable and non-bankable costs? So, although you could actually reduce the number of people going to A&E by 200, that cost will not be bankable; it will improve the service, but it will not actually generate money. The question I am coming into is—

[342] **Christine Chapman:** Is that a second question that you are coming on to?

[343] **Mike Hedges:** The second question is about the extent to which you as witnesses are concerned that the Bill may lead to an increase in demand for services without the money to meet it.

[344] **Christine Chapman:** I will start with Frances this time and we will go down the other way.

[345] **Ms Beecher:** As I say, I am not so sure about the bankable and non-bankable issue. The reality is that we do know that you have to invest to save. The reality is that when you take all the costs of all forms of violence against women and look at them, it is not just the public money that is spent, but the social value as well, and I think we have to consider that as well, which is really, really strong. On the increased demand, I think, initially, yes; if the Bill is working in the way that we want it to, we may well see more demand as we actually see the extent of the problem, but again we have to say that it will lead to savings, and savings along a huge raft of different policy areas. Even with education, as I say, with children who are not in school and, for example, the education welfare officers, they are not in school because of abuse that is going on at home. So, there is a whole raft right the way across from health, mental health and all the way across to A&E that I think we should have to take account of.

[346] **Ms Robinson:** It is going to increase demand; it should increase demand because what we are talking about is not something that is going to be created by this Bill; this issue exists and there are costs already existing. In terms of bankable or not, I am not sure of the terminology, but if we are talking about people whose lives are so damaged that they actually cannot contribute to society, then there is an output there that is missing because they will not be paying taxes or bringing money into their homes, so there will have to be the reinforcement for that. That goes from the protection of children right up to adults. When we look at costs, I think that the NSPCC did something around estimating the costs of child sexual abuse; we are talking about £3.2 billion, and on sexual violence, we are talking about £8.5 billion. That is why I think, within this Bill, that there needs to be the duty placed on where money is already spent. We know that, for women who are involved in mental health services, 60% of them are likely to have suffered sexual abuse, and you can add figures on top of that for domestic abuse as well and other forms of violence.

[347] So, we absolutely have to look at this as a cost saving as well in the long term. The education element, if this is brought in, will also reduce the cost, and if we look at what services actually do reduce in terms of social return on investment and things like that, which I think is the current terminology, we have members who have done that work, and for £1 spent on a service, you are going to save £177, which translates to £137,000 per person. We are talking of significant figures here, so we need to look at it, when we are looking at costs, in that broad terminology as well.

[348] **Mr Bowen-Thomson:** I think that there are definitely cost savings to be made. There are some immediate cost savings to be made, if it is recognised, concerning things like those that I mentioned earlier about women who are returning from prison and the whole issue around housing and what happens then and the cost of that. Now, if some of the causes are linked to domestic violence—we are talking short-term imprisonment here; a few days sometimes—and that then disrupts everything that relates to their housing, supporting them in that situation straight away is a cost saving to the public purse directly.

12:00

[349] However, I think that this Bill is about much more than that; it is about what will happen in future generations and years to come. I do not want Safer Wales to still be having to deliver services as it is doing now because we have not tackled or tried to change what is happening in the prevention area, and not tried to prevent further crime from happening. However, to do that may need upfront investment and, as Fran said, you invest to save in the long term. We know that Sylvia Walby identified that £826.4 million was the cost of domestic violence alone for Wales. If you then look at some of the other forms of violence against women, that cost is significantly more. So, certainly, I think it will be something that creates financial savings for us in the long run, but also we should not forget that there are still some very immediate gains if we can get some of these strategies right and targeted effectively.

[350] **Mr Roberts:** If as the result of a father attending a perpetrator programme for 26 weeks his child is not taken into care, it has more than paid for the cost of that perpetrator programme for up to 10 men. We can say with confidence that for every £1 spent on relationship counselling, there is an £11.40 saving to the taxpayer. Interestingly, out of that £1, only 8p is usually invested by the state, but the vast majority of that £11.40 saving is experienced by the state. So, thank you very much; you are welcome. I would say that in terms of the increased demand—let us put it that way—and as a result of this routine questioning—and I am all for routine questioning, such as, ‘Are you feeling safe going home this evening?’ and that sort of thing—we really have to think about how we are going to deal with it because there will be an awful lot of people along the whole spectrum of risk wanting to talk to someone or to have some interaction. I pointed towards [www.wheresyourhead.org](http://www.wheresyourhead.org) as a potentially good way of dealing with blokes that Relate is experimenting with. We know that there is a gender difference in terms of the support requirement for people.

[351] **Christine Chapman:** Thank you very much. I think that we need to draw this session to a close. May I thank you all very much? I think that it was a very good session and we will send you a transcript of the meeting, so that you can check it for factual accuracy.

12:02

### **Papurau i’w Nodi Papers to Note**

[352] **Christine Chapman:** Before we close the public session, we have some papers to note.

### **Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o’r Cyfarfod ar gyfer y Busnes a Ganlyn: Eitemau 6 a 7 ac Eitem 1 ar 1 Hydref 2014 Motion under Standing Order 17.42 (vi) to Resolve to Exclude the Public from the Meeting for the Following Business: Items 6 and 7 and Item 1 on 1 October 2014**

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

*the committee resolves to exclude the public from items 6 and 7 and item 1 on 1 October 2014 in accordance with Standing Order 17.42(vi).*

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

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12:03.  
The public part of the meeting ended at 12:03.*