

Equality, Local Government and Communities Committee

Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act post-legislative scrutiny work report

Recommendations for Welsh Government and responses

Recommendation 1 - *The Welsh Government should, as part of its forthcoming delivery plan to accompany the National Strategy, set out specific, individual delivery dates for:*

- each piece of outstanding statutory guidance;*
- the guidance to local authorities on the preparation of local strategies;*
- the regulations to be made under section 29(6A) of the Education Act 1996 (as inserted by section 9 of the Act) relating to local authorities' reporting of how their educational institutions are implementing the Act; and*
- the roll out of the National Survivor Engagement Framework.*

Accept - There is not any outstanding piece of statutory guidance. The delivery framework will list all the statutory guidance we intend to publish to implement the Act.

The cross government framework, to be co-produced with key stakeholders and members of my Advisory Group will set out how we will deliver the actions within the Strategy, which organisations we will work with and our expectations of Relevant Authorities in contributing to the pursuit of the purpose of the Act.

Multi-Agency Collaboration Guidance will be considered in light of the Local Government White Paper due to be published soon and the work being undertaken in terms of regional funding approaches.

The plan for rollout of Ask and Act will be developed from July 2017 in consultation with stakeholders and Welsh Women's Aid.

The Welsh Government will establish a Task and Finish Group to consider the issues needed to be addressed in terms of commissioning services with a view, as appropriate, to consult on statutory commissioning guidance by July 2017.

Progress is being made to fulfil the obligations of Local Authorities and Local Health Boards under the Act. Section 6 requires that Local Strategies must be published by May 2018. When preparing Local Strategies, Local Authorities and LHBs must have regard to the National Strategy. Guidance will be published in relation to local strategies in July 2017.

Recommendation 2 - The Welsh Government should provide a timescale for when the national indicators under section 11 of the Act will be published.

Accept - the development of the draft National Indicators can be expected by July 2017. Formal consultation will take place after this point. Publication of the National Indicators will not be before October 2017. These must be laid before the National Assembly for Wales.

Recommendation 3 - The Welsh Government should prioritise the publication of the statutory commissioning guidance for specialist services.

Accept - the collaborative commissioning toolkit for Violence against Women, Domestic Abuse and Sexual Violence services in Wales was launched by Lloyds Bank Foundation on 16 August 2016. The toolkit supports commissioners to understand how to commission violence against women, domestic abuse and sexual violence services such as thorough needs assessment and in consultation with services users and specialist providers.

The Welsh Government will establish a Task and Finish Group to consider the issues needed to be addressed in terms of commissioning services with a view, as appropriate, to consult on statutory guidance by July 2017 to provide for a nationally consistent approach to commissioning specialist services, complementing the information in this toolkit.

The National Statement of Expectations was published by the Home Office in December 2016. Whilst the Statement is predominantly aimed at public bodies and service providers in England, this should also contribute to the development of the commissioning guidance.

Recommendation 4 - The Welsh Government should provide public authorities with guidance on how they can align training packages, needs assessments and outcomes frameworks with the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.

Accept - the training element work will be taken forward through the Lessons Learnt Workshop and the Cross-Governmental Group. Consideration by the Content Development Group Officials will further consider how training packages could better align.

Guidance on the development of Local Joint Strategies will also incorporate the issues identified. The National Indicators will also take account of the various outcomes frameworks in existence with a view where possible to align and integrate outcomes measures rather than duplicate.

We will ensure the National Indicators align and integrate with the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.

Recommendation 5 - *The Welsh Government should provide a timescale for when the Violence against Women, Domestic Abuse and Sexual Violence Advisory Board will complete its work into a sustainable funding model for the specialist sector (and when this will be communicated). It should also ensure that sufficient funding is available to the sector to cope with any increases in demand created as a result of the Act.*

Accept - the 2016-17 budget included an increase to the revenue component of the Domestic Abuse Services Grant of £400,000. This increase in funding has been allocated to move the focus of funding on implementation of the Act. The 2017-18 budget will remain static at £4.5 million.

During 2017-18 we will work with Local Authorities to fully move to a regional approach to funding, including funding currently provided to third sector organisations. It is anticipated that this will allow Local Authorities the autonomy to align as they see best to provide increased consistency and effective multi-agency collaboration for VAWDASV services. Funding will be determined on a regional basis through a regional board or group.

The key outcomes expected from a more regionalised approach include:

- improved alignment of funding allocation with policy direction and objectives of the Act;
- greater focus on funding to support the direct delivery of services as opposed to general co-ordination;
- greater value for money and efficiency savings with regional joint funding for services;
- reduction of duplication;
- strengthening accountability and co-operation of local and regional partnerships by encouraging areas to work together to prioritise their objectives and plan to address priority areas;
- a refocussing of the coordination of domestic abuse and sexual violence in footprint areas with a view to greater strategic management and oversight, including a key role in commissioning;
- greater flexibility for local/regional areas to utilise funding allocations to meet the specific needs identified in their areas;
- enhanced governance and improved strategic leadership with the opportunity to establish Regional Boards; and
- a more consistent approach to high risk victims across the regions e.g. IDVA provision currently varies across Local Authorities with IDVA being run by different organisations with different funding pots and different roles.

Development of a sustainable funding model is a priority to deliver the National Strategy. This work will include a review of existing Welsh Government funding that contributes to VAWDASV to ensure making the best use of the resources available. There has also been a Task & Finish Group established to drive this work forward to consider the principles of what is meant by a model for sustainable funding, scope of the work required, consider models from elsewhere in the UK and beyond

Progress will be reported to me at the Advisory Group in July 2017.

Recommendation 6 - The Welsh Government should have urgent discussions with the UK Government about the arrangements for funding of independent domestic violence advisors (IDVAs) and multi-agency risk assessment conferences (MARACs) in Wales to establish the impact of any loss in funding, and how the new transformation fund can drive forward partnership work.

Accept – discussions have taken place.

IDVA funding varies across Local Authority areas and/or regions. The majority are funded through a combination of Home Office, Welsh Government DASG funding, PCC funding and in some areas core Local Authority grant funding.

The Domestic Abuse Services Capital Grant programme was opened to invite Business Case proposals from organisations that work within the violence against women, domestic abuse and sexual violence sector which are based on identified needs in their area. The deadline for submission was 31 January 2017 and officials will assess the Business Cases against the Welsh Government's scoring criteria.

The Welsh Government has confirmed national rollout of a regional funding approach for the Domestic Abuse Services Grant (DASG) from 01 April 2018. This has already begun to be implemented across some local authority areas. 2017-2018 will be a transitional year and we will be working relevant authorities and relevant stakeholders to move to a regional funding and commissioning model.

Taking 2017-18 as a transitional year will allow further scoping and planning to be undertaken, including working through geographical issues, infrastructure needs assessment and addressing priorities outlined in the the Act and the National Strategy.

The Welsh Government does not intend on prescribing how areas should collaborate to deliver their services to support the objectives of the Act and the National Strategy, but will encourage and support Local Authorities to form partnerships to deliver services

The Act places a duty on Local Authorities and Local Health Boards to prepare and publish joint local strategies which will contribute to the pursuit of the purpose of the Act. These strategies must be published 12 months after the next elections i.e. May 2018.

Local strategies must also have regard to the most recent assessment under section 14 of the Social Services and Well-being (Wales) Act 2014; Crime and Disorder Act strategic assessment, substance misuse strategic assessment and reducing re-offending strategic assessment.

The Welsh Government has set up a task and finish group to consider development of a model for sustainable funding for the provision of specialist violence against women, domestic abuse and sexual violence services to underpin the delivery of the National Strategy. This group comprises of members from the Violence against Women, Domestic Abuse and Sexual Violence Advisory Group, officials, third sector organisations and other relevant partners.

As set out in their Violence against Women and Girls (VAWG) Strategy 2016-2020, the Home Office aims to move from a model of direct national match-funding for individual posts such as IDVA's and MARACs to one of supporting vital community-based services through funding local programmes which complement and add to existing services, encouraging better collaboration and new, joined-up approaches between PCCs, local authorities and health commissioners and with specialist VAWG service providers.

Discussions have been held with the UK Government and whilst we had pressed the Home Office to allocate a proportion of the funds to enable the Welsh Government to distribute the funding in Wales, they have not agreed to this. However, we welcome the announcement of the transformation fund and its eligibility for partnerships in Wales. This is an opportunity for the fund to support further collaboration between statutory, voluntary and the specialist VAWDASV sector and contribute to the delivery of the purpose of the Act .

Officials have written to all Local Authorities and stakeholders to ensure that they are aware of this opportunity providing encouragement to collaboratively apply for funding to support the delivery of the Act and National Strategy and work towards greater consistency and coordination of provision to meet the needs of individuals and families in Wales.

Recommendation 7 - The Welsh Government should ensure that each strategy, service, training programme and piece of guidance that is prepared or commissioned as a result of the Act:

- addresses all forms of abuse and violence covered by the Act, not just domestic abuse, and*
- uses the UN definitions for violence against women, domestic abuse and sexual violence.*

Partially Accept - the Act covers all forms of gender based violence, domestic abuse and sexual violence as defined in Section 24 of the Act.

The Act has its own definitions for violence against women, domestic abuse and sexual violence and these do not refer to the UN definitions.

It is not the intent of the Act or the subsequent National Strategy that Domestic Abuse is prioritised and we will work through existing mechanisms to address these concerns.

The National Strategy and its delivery over the next 5 years is informed by the global and national evidence that women and girls are disproportionately affected by domestic abuse, rape and sexual violence, sexual exploitation (including through the sex industry), modern day slavery, forced marriage, female genital mutilation, child sexual abuse, stalking and sexual harassment.

The National Strategy is clear in recognising that anyone can experience and be affected by domestic abuse, rape and sexual assault, sexual abuse, forced marriage, child sexual abuse, stalking and harassment, sexual harassment and exploitation. This can happen in any relationship regardless of sex, age, ethnicity, gender, sexuality, disability, religion or belief, income, geography or lifestyle.

Whilst it is important to acknowledge the disproportionate experience of women and girls this does not negate violence and abuse directed towards men and boys or perpetrated by women. We recognise that anyone can experience and be affected by these issues.

The National Training Framework (NTF) on Violence against Women, Domestic Abuse and Sexual Violence was published on 17 March 2016. The section 15 requirements of the guidance took effect from 1 April 2016. The aim of the NTF is to provide consistent proportionately disseminated training for relevant authorities to improve their understanding and ultimately their response to those who experience violence against women, domestic abuse and sexual violence.

The Welsh Government's Live Fear Free website provides information and advice for men and women who may be experiencing domestic abuse or sexual violence.

Recent Welsh Government publicity campaigns have covered a range of subjects, including domestic abuse, sexual violence and coercive control. All of these have been equally applicable to male and female victims, although some campaigns have been specifically geared towards male victims.

Welsh Government is committed to ensuring that organisations and individuals in Wales work together effectively to eliminate all forms of violence against women, domestic abuse and sexual violence.

The Welsh Government acknowledges protected characteristics and the need to ensure that the approach in Wales is inclusive and needs led, strengths based, gender responsive in order to respond appropriately to individual needs and identify and address barriers to accessing services.

Recommendation 8 - *As a matter of urgency, the Welsh Government should:*

- *clarify the legal status of the forthcoming delivery plan, which should preferably be issued as statutory guidance to ensure that it can be enforced;*
- *outline when the delivery plan will be published, and how it will be consulted upon, and*
- *ensure that the ten survivor recommendations contained in the report, Are you listening, am I being heard? Are fully considered during the development of the national survivor engagement framework.*

Accept - the legal status of the Delivery Framework will be considered with a Task & Finish Group, set up by the Advisory Group to develop the plan, with input from the Cross-Governmental officials Group. The Advisory Group will scrutinise the framework before being published.

Stakeholders will ensure that the delivery milestones and objectives are met on the basis that they will have had significant input into their development.

The timescale for the publication of the Framework will be determined by the Task & Finish group, with the first meeting being held in February 2017. A full consultation process will take place with Stakeholders prior to the framework being published.

As detailed within the Committee Report the development of the National Strategy was informed by survivor voices and experiences and the 10 recommendations identified within the Survivor engagement Report – “Are you listening, am I being heard” were included within the final published National Strategy. The Welsh Government will ensure survivors voices are heard and are used to inform the delivery framework, national survivor engagement framework and the longer term national communications framework whilst maintaining survivor engagement as a continuous process in developing our policies and services.

Recommendation 9 - *The Welsh Government should commit to including teaching about healthy relationships in the new curriculum under the ‘Health and Well-being’ Area of Learning and Experience (AoLE), and should ensure this is delivered in all schools.*

Partially Accept - There may be opportunities to obtain information and data on what education settings within local authorities are currently undertaking with regards to Education provision stemming from the Act from external organisations currently enhancing the delivery of Healthy Relationships in schools. Given the agreement that additional burden cannot be placed on schools to obtain information, The All Wales School Liaison Core Programme and Hafan Cymru are two Welsh Government grant funded organisations who could potentially provide this information in the short term.

Looking to the future, we are currently going through Education Reform centred around the four purposes set out in Successful Futures. The design of the new curriculum is presently being taken forward by a network of Pioneer Schools with the aim for the curriculum to be available to settings and schools from 2018 and then used to support learning and teaching from 2021.

Work on the development of the Health and Wellbeing AoLE will include consideration on approaches to the delivery of Healthy relationships and therefore there is potential that this can be considered as part of the overall work being undertaken.

Recommendation 10 - *The Welsh Government should ensure that all schools (and in particular the network of Pioneer Schools) are using the Good Practice Guide developed by Welsh Women's Aid, and put in place monitoring arrangements on the effectiveness of the Guide. Following an evaluation of the Guide, the Welsh Government should consider making it a piece of statutory guidance.*

Accept - This will be taken forward by Estyn's thematic review of existing healthy relationship provision that is taking place during the 2016-2017 academic year which will cover a selection of schools. Following the recent announcement that Pioneer schools will be taking forward specific Areas of Learning experiences, discussions are currently taking place with Estyn to ascertain if more schools, in particular Pioneer Schools, can be visited as part of this review.

The Good Practice Guide, resources and the thematic review together will inform the Statutory Guidance and the regulations. The reporting requirements placed on Local Authorities will assist the monitoring arrangements for approaches and practices being adopted across Wales.

The Estyn report will provide:

- An outline state of the nation survey on the extent to which healthy relationships education is being delivered to pupils in schools across Wales
- Case studies of best practice to promote improvements in teaching and learning
- Evidence of whether current structures around safeguarding are used to support schools to deal with issues around violence against women, domestic abuse and sexual violence (VAWDASV)
- Evidence of how leadership by headteachers and governors can impact on the delivery of positive healthy relationships education
- Evidence of how teachers use resources and external organisations to support the delivery of positive healthy relationships education
- Feedback and practical recommendations on how practice might be improved.

Recommendation 11 - *The Welsh Government should expedite the preparation of regulations under section 29(6A) of the Education Act 1996 relating to the publication of information by local authorities on how they are exercising their functions to promote the purpose of the Act. It should also commit to requiring local authorities to begin reporting by the start of the 2017/18 academic year.*

Partially Accept - There may be opportunities to obtain information and data on what education settings within local authorities are currently undertaking with regards to Education provision stemming from the Act from external organisations currently enhancing the delivery of Healthy Relationships in schools. Given the agreement that additional burden cannot be placed on schools to obtain information, The All Wales School Liaison Core Programme and Hafan Cymru are two Welsh Government grant funded organisations who could potentially provide this information in the short term.

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Work on the development of the Health and Wellbeing AoLE will include consideration on approaches to the delivery of Healthy relationships and therefore there is potential that this can be considered as part of the overall work being undertaken.

Recommendation 12 - *The Welsh Government should publish the toolkit of resources and materials compiled by Welsh Women's Aid and AVA (Against Violence and Abuse) for use alongside the Good Practice Guide.*

Accept - this toolkit was published December 2016.

Recommendation 13 - *The Welsh Government should outline how healthy relationships and consent education will be addressed by further and higher education institutions, including arranging for the publication of guidance by the Welsh Government and the Higher Education Funding Council for Wales under section 10 of the Act.*

Accept - this will be considered with Higher Education colleagues whilst drawing from projects already in place within Further & Higher Education.

Recommendation 14 - *The Welsh Government should review the capacity of the National Adviser's role, and consider allocating additional resources to it for research and to support the development of local strategies.*

Accept - this has been discussed and considered with the National Adviser and we have agreed to keep under review.

Recommendation 15 - *The Welsh Government should clarify what sanctions are available to the Welsh Ministers if the requirements of the Act are not fulfilled by public authorities.*

Accept - Relevant authorities must follow any section 15 guidance that is issued by the Welsh Ministers. However, a relevant authority is not under such a duty if the authority has a good reason not to follow the guidance, decides to follow a different policy and issues a policy statement. The Welsh Ministers may direct a relevant authority to take any appropriate action, if, in the opinion of the Welsh Ministers; the policy statement is not likely to contribute to the pursuit of the Act. A relevant authority must comply with such a Direction.

Local Authorities and Local Health Boards, NHS Trusts and Fire and Rescue Services are defined as “relevant authorities” under the Act and are subject to the above duties.

Welsh Government encourages collaboration and trust between Local and central government and we will assist Local Authorities in adhering to their duties if appropriate. Any potential issues would then be addressed early and relevant authorities supported by Welsh Government to address potential issues so that situations of non compliance do not become an issue.

Recommendation 16 - *The Welsh Government should make reference to the National Adviser, her responsibilities and annual work plan in the delivery plan and in any future national and local strategies.*

Accept - As stated above, the framework is being developed by a T&F group but officials will ensure that the Group is made aware of this recommendation.