

**MRS Plenary briefing**

**Wednesday 11 February 2009**

## **Debate on Debate on the Communities and Culture Committee's Report into Domestic Abuse**

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## 1. Motion for debate

Name: Janice Gregory (Ogmore)

To propose that the National Assembly for Wales:

Notes the Report of the Communities and Culture Committee: Domestic Abuse in Wales which was laid in the Table Office on 3 December 2008.

## 2. Overview

### 2.1. Background to the Domestic Abuse Inquiry

The Committee agreed the following terms of reference for an inquiry into domestic abuse in March 2008.

It is proposed that the Committee should review:

- Delivery of the Welsh Assembly Government's Strategy for tackling domestic abuse;
- Provision of support to victims of domestic abuse, including support provided to witnesses in the criminal justice system;
- Resources allocated by relevant bodies such as, the Welsh Assembly Government, Home Office, health and social services and criminal justice agencies to implement domestic abuse policies;
- Provision of compulsory and voluntary interventions aimed at perpetrators of domestic abuse, including the allocation of resources to support such interventions;
- Initiatives aimed at preventing domestic abuse; for example, school programmes and awareness raising initiatives.

The Committee will also:

- Make recommendations on actions that could be taken to tackle the problem of domestic abuse in Wales.

A written consultation exercise was undertaken between March and May 2008. In response, the Committee received over 60 written submissions reflecting a wide range of perspectives and experiences. The Committee also took oral evidence from representatives of organisations and multi-agency bodies, oral and written evidence from the Minister for Social Justice and Local Government, and the Deputy Ministers for Housing and Social Services. Members undertook 3 visits to organisations engaged in the delivery of services to victims of domestic abuse and sexual violence. One Committee Member undertook a further 4 rapporteur visits to organisations engaged in the delivery of services for victims of domestic and sexual abuse.

The Committee made 28 strategic recommendations and set out timescales for implementation.

## 2.2. Prevalence of domestic abuse

### Excerpt from the Communities and Culture Committee's Report into Domestic Abuse

Given the often hidden nature of domestic abuse, statistical estimates of its prevalence based on criminal justice agency records do not provide a true reflection of the problem. Research indicates that domestic abuse is chronically under-reported to the police and that only a small proportion of incidents reported to the police result in the conviction of a perpetrator. There is also evidence to suggest that victims are unlikely to report their experiences in face to face general crime surveys like the British Crime Survey (BCS). Prevalence rates for domestic violence derived from the 2005/06 BCS self-completion module were around five times higher for adults than those obtained from the usual face-to-face interviews. According to analysis of the British Crime Survey Self-Completion Module 2005/06 (covering England and Wales):

- Since the age of 16, 22 per cent of men and 33 per cent of women had experienced at least one instance of domestic abuse. This included non-physical abuse (emotional or financial), threats, sexual assault or stalking by a partner, former partner or family member.
- Incidence of partner and family abuse was highest in people under the age of 24, with the incidence decreasing with age.
- Women in bad health experienced a higher incidence of partner abuse than women in good health.
- Women with children have a higher incidence of partner and family abuse than women without children and men with or without children.
- Owner occupiers were less likely to experience partner abuse. Levels of partner and family abuse were higher than average for both men and women in the social renting sector.
- People who visited the pub three times or more a week were more likely to experience partner abuse. Women who visited the pub three times or more a week were more likely to experience family abuse, but in this case the same was not true for men.

Findings from the Home Office publication *Crime in England and Wales 2007-08*, which incorporates both BCS findings and police reported crime, suggest that:

- Repeat victimisation accounts for 73 per cent of all incidents of domestic violence as measured by the BCS. Over one in four (27%) victims of domestic violence were victimised three or more times. (Findings from the 2004/05 BCS modules show that within the previous year, 22 per cent of victims of partner abuse had been abused 6 times or more, with 7 per cent being abused more than 50 times).
- 33 per cent of violent incidents against women were domestic violence, compared with 4 per cent of incidents against men.
- In the majority of incidents of domestic violence the victims were women (85%)

## 2.3. The Assembly Government's response to domestic abuse

The Assembly Government published *Tackling Domestic Abuse: The All Wales National Strategy in 2005*. The strategy defines domestic abuse as follows:



### **Excerpt from Tackling Domestic Abuse: the All Wales National Strategy**

Domestic Abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship.

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse's or partner's property, their isolation from friends, family or other potential sources of support, threats to others including children, control over access to money, personal items, food, transportation and the telephone, and stalking.

It can also include violence perpetrated by a son, daughter or any other person who has a close or blood relationship with the victim/survivor. It can also include violence inflicted on, or witnessed by, children. The wide adverse effects of living with domestic abuse for children must be recognised as a child protection issue. The effects can be linked to poor educational achievement, social exclusion and to juvenile crime, substance abuse, mental health problems and homelessness from running away.

Domestic abuse is not a "one-off" occurrence; it is frequent and persistent.

The strategy's primary objective is to provide a structural 'backbone' to direct domestic abuse intervention across Wales. It aims to facilitate the development and implementation of a 'joined-up' problem-solving approach which addresses domestic abuse holistically.

### **Excerpt from Tackling Domestic Abuse: the All Wales National Strategy**

#### *Strategy Principles*

The principle of equality is central to this strategy. Other principles identified as common elements that underpin this strategy include:

- Protection and support for victims
- Perpetrator accountability
- Prevention

#### *Strategy Aims*

The overall aims of the strategy are:

- To facilitate the development and implementation of a quality co-ordinated joint-agency response
  - To improve the current service provision for all victims and to particularly increase the safe choices for women and children/young people who experience domestic abuse
  - To hold abusers accountable for their behaviour
- To increase public awareness as to the issues surrounding domestic abuse

To challenge the notion that domestic abuse is acceptable

To protect children and young people in Wales from the negative impact of domestic abuse

To educate and inform children/young people to enable them to make informed choices

#### *Strategy Recommendations*

Tackling domestic abuse and its causes requires:

Individual agencies/organisations/employers to adhere to 'minimum standards'

Specific measures aimed at tackling domestic abuse to be incorporated into local Community Safety Plans

Domestic Abuse Fora to work closely with Community Safety Partnerships to assist with this work

Tackling domestic abuse and effects on children should be a key task of Area Child Protection Committees (these will be replaced by Local Safeguarding Boards in 2006)

The Assembly Government's Final Budget 2008<sup>1</sup> indicates that a budget of £3,001,000 has been allocated to the Domestic Violence Services Grant Revenue Budget Expenditure Line (BEL) and £700,000 to the Domestic Violence Services Grant Capital BEL in each of the financial years 2009-10 to 2010-11. The same sums were allocated to these BELs in 2008-09.

#### *2.4. Assembly Government response to the Committee's Report*

The Assembly Government laid its response to the Committee's Report on Domestic Abuse on 4 February 2009. The Assembly Government's response sets out the terms of acceptance for each recommendation. Recommendations 3 and 19 have been rejected. Recommendation 11 is not accepted on the basis that it is a reserved matter. Recommendations 18, 24 and 28 are 'partially accepted' and recommendation 13 is 'accepted in principle'.

The following sections of the Committee's report discuss the evidence on which these recommendations are based:

- Recommendation 3 – paragraphs 6.1.7; 6.1.11; 6.1.12 (elder abuse)
- Recommendation 19 – Section 6.6 (funding)
- Recommendation 11 – paragraph 6.3.12 (women with no recourse to public funds)
- Recommendation 18 – paragraph 6.3.17 (carers)
- Recommendation 24 – Section 6.7 (multi-agency working and strategic arrangements)

<sup>1</sup> Welsh Assembly Government (December 2008) [Final Budget Main Expenditure Group Summary](#)  
Enquiry no: 00/0407/Denise Rogers

- Recommendation 28 – paragraph 6.8.5 (robust monitoring and evaluation of domestic abuse services and interventions)

The remaining 22 recommendations are accepted, although the terms of acceptance for these recommendations vary. In some cases, the Minister for Social Justice and Local Government pledges new action, for example, recommendation 2 which relates to the reflection of the needs of older people in Assembly Government publications. In others, actions have already commenced, for example, recommendation 8 which relates to the development of an action plan which shows how the Assembly Government's domestic abuse strategy is being implemented. In some cases, the response indicates that, in the view of the Minister for Social Justice and Local Government, a recommendation, or part of a recommendation, can be met, or is being met, through existing legislation and policies.

### 2.5. The legislative framework

The legislative framework which supports action to tackle domestic abuse is broad ranging and complex, incorporating laws made in Europe and by the UK parliament and National Assembly for Wales. The criminal and civil legal systems for dealing with domestic abuse are essentially non-devolved. Welsh Ministers do have secondary law-making powers in a number of relevant areas, including health, social care, education and housing. For example, section 6(2) of the *Crime and Disorder Act 1998 Act* would enable Welsh Ministers and the Secretary of State to make regulations specifying objectives and targets to be set and reports to be prepared by Community Safety Partnerships. The *Homeless Persons (Priority Need) (Wales) Order 2001* is an example of regulations made under the *Housing Act 1996*.

There is no "Domestic Abuse" field under Schedule 5 of the *Government of Wales Act 2006*. However, Schedule 5 does include a number of fields under which related measure making powers could be sought, e.g.; field 9 – health and health services; field 12 – local government; and field 15 - social welfare.

### Key documents / information NB: underlined text denotes hyperlink to document

- Communities and Culture Committee (December 2008) [Domestic Abuse in Wales](#)
- Communities and Culture Committee Inquiry into 'Domestic Abuse in Wales': [Response by the Welsh Assembly Government](#)
- Welsh Assembly Government (March 2005) [Tackling Domestic Abuse: The All Wales National Strategy](#)
- Welsh Assembly Government [Domestic Abuse Webpages](#)
- End Violence Against Women (January 2009) [Map of Gaps 2: The postcode lottery of Violence Against Women support services in Britain](#)
- Equality and Human Rights Commission Press Release (30 January 2009) [New report finds serious gaps in services for women who have experienced violence in Wales](#)

**Excerpts from EHRC press release (30 January 2009) *New report finds serious gaps in services for women who have experienced violence in Wales***

A new report by the Commission and the End Violence Against Women Coalition (EVAW) has highlighted serious gaps in the services available to women in Wales who have experienced violence. Map of Gaps 2 is a follow-up to the first report in 2007, which identified areas of concern and pointed to areas where improvements needed to be made.

The Welsh Assembly Government's Tackling Domestic Abuse: The All Wales National Strategy (2005) has resulted in significant progress in tackling domestic abuse, and every local authority area in Wales is served by a specialised domestic abuse service. However, the new report finds that there has been not nearly as much progress in tackling other forms of violence and abuse towards women, including sexual assault, rape, and harassment.

In particular, the findings point to an alarming lack of services for women who choose, or feel unable, to report incidents of violence or abuse to the police. This is because many of the new services are linked to the criminal justice system. The findings suggest a lot more emphasis needs to be placed on the prevention of violence or abuse towards women.

Key headlines in Wales are:

- All local authority areas in Wales are served by a specialised service for women who have experienced domestic abuse or violence (In England, over a quarter of local authorities have no specialised services at all). However,
- There are seven local authority areas whose only specialised support service provision is for women who have experienced domestic violence or abuse. These are Blaenau Gwent, Ceredigion, Conwy, Denbighshire, Isle of Anglesey, Monmouthshire and Newport.

Other key findings in Wales

- There is only one rape crisis centre in Wales (compared to 13 in Scotland)
- There are five statutory funded sexual assault referral centres in Wales.
- Eighteen local authorities in Wales do not have a specialised voluntary sexual violence service.
- There is only one prostitution, trafficking and sexual exploitation service in Wales. (It is in Cardiff).

**Paula Hardy, Chief Executive, Welsh Women's Aid, who are a member of the End Violence Against Women Coalition, said:**

'Map of Gaps 2 demonstrates that recent investment has been linked to the criminal justice system. Whilst this is welcomed, it is clear that women need both specialist voluntary services as well as statutory services. Both types of service provision are important as they meet the different needs of women who have suffered violence and are important components of the full collection of support that victims require.'

[...]

**Welsh services - comparisons between 2007 and 2009**



<b>Number of violence against women support services</b>	<b>2007</b>	<b>2009</b>
Total number of violence against women support services	52	60
Domestic violence services	38	38
BME services including FGM services	2	2
Specialist Domestic violence courts	8	11
Rape Crisis Centre	1	1
Sexual Assault Referral Centre	3	5
Prostitution, trafficking and sexual exploitation support services	1	1

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