



Refuge response: Victims' Bill Consultation

Contact: Sophie Ireland, Policy and Public Affairs Officer

February 2022

About Refuge:

(1) Refuge is the largest specialist provider of gender-based violence services in the country, supporting thousands of women and children on any given day. We provide a national network of 41 refuges, community outreach programmes, child support services and independent advocacy services for those experiencing domestic, sexual, and gender-based violence. We also run specialist services for survivors of tech abuse, modern slavery, 'honour'-based violence, and female genital mutilation. Refuge runs the 24-hour National Domestic Abuse Helpline which receives hundreds of calls from women experiencing domestic abuse every day.

Summary:

(2) Refuge welcomes the opportunity to submit evidence to this consultation. Violence against women and girls (VAWG) takes many different forms, including domestic abuse, rape and other forms of sexual violence, stalking and harassment, modern slavery, forced marriage, honour-based abuse, and female genital mutilation. Domestic abuse can include physical, sexual, psychological, emotional, economic and tech abuse, and has a devastating impact on survivors. More than one in four women in England and Wales aged 16-74 experience domestic abuse at some point in their lives, and an average of two women are killed every week by their partner or ex-partner – a statistic which has not changed in decades.^{1 2}

(3) Awareness of violence against women and girls is currently high within government and amongst the public. The Covid-19 pandemic and a number of high-profile cases have tragically highlighted the scale of VAWG amongst all women, across all corners of the country. Refuge's National Domestic Abuse Helpline has seen a sustained increase in calls and contacts since the first lockdown, when opportunities to disclose abuse and access support became severely limited, and women's opportunities for brief periods of respite evaporated. The overall number of calls and contacts to the Helpline remains about 60% above pre-pandemic average.

(4) For survivors of VAWG, the criminal justice system is incredibly challenging and distressing. We know that for many victim-survivors, reporting crimes such as domestic abuse, rape, and sexual violence to the police, and pursuing their perpetrators through the criminal courts can be incredibly challenging and traumatic, and survivors tell us they encounter barriers and feel let down at every stage. In December 2021, the Ministry of Justice published the government's first set of rape scorecards, which paint a familiar picture of a broken justice system failing survivors with just 0.6% of rapes resulting

¹ ONS (2020), 'Domestic abuse prevalence and trends, England and Wales: year ending March 2020,' <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2020>

² ONS (2020), 'Homicide in England and Wales: year ending March 2019,' <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/latest#how-were-victims-and-suspects-related>

in a charge³. The Victims' Bill presents a vital opportunity to improve victim-survivors' experience of the criminal justice system and ensure survivors receive the support they need.

(5) Overall, survivors want to be treated sensitively, fairly, respectfully, and to be believed. They want criminal justice professionals to better understand trauma and provide clear and timely information on their case. They also need to be offered the best possible access to Independent Domestic Violence Advocates (IDVAs), Independent Sexual Violence Advocates (ISVAs) and other community-based support services.

(6) Refuge, as the largest specialist provider for survivors of domestic abuse and other forms of violence against women and girls, is in a unique position to represent the views and experiences of survivors. All our positions are developed in collaboration with survivors and our frontline staff and we will be responding to the areas of the consultation where we have specific expertise. To deliver a Victims' Law that meets the needs of survivor-victims of domestic abuse and other forms of VAWG, Refuge recommends the following:

- **A new statutory duty on all relevant public authorities to assess the need for and commission community-based services to ensure sustainable provision of all specialist domestic abuse services.**

80% of the victim-survivors Refuge supports rely on community-based services. Community-based services are provided to people outside of a residential setting and include, for example, outreach, floating support, and advocacy (including Independent Domestic Violence Advocates and Independent Sexual Violence Advocates), support for children and young people, and therapeutic support services. Community-based services play a significant role in early intervention and provide women and children with the support they need to keep themselves as safe as possible. Community-based services face a fragile funding landscape and consistently report caseloads that are considered to be unsafe. 23% of these services operate without any local authority funding at all⁴. It is therefore critical that these services are provided sustainable, ring-fenced funding to ensure that every woman and child receives the support and protection they need. Refuge recommends the Victims Law includes a community-based services duty with full, ring-fenced funding, estimated by Women's Aid Federation of England to be £228 million per year⁵.

Refuge warmly welcomed the part 4 statutory duty on tier one local authorities to commission accommodation-based services, introduced in the Domestic Abuse Act 2021, which has the potential to place refuge service provision on a more sustainable footing. At Refuge, we are yet to see the full impact of the duty in relation to the commissioning landscape for specialist domestic abuse services. However, we have some concerns that the funding shortfall between the £125 million allocated by government for the duty and the £181 million (Women's Aid Federation England estimates) required to meet the need for accommodation-based services could result in reduced investment in community-based services, which have seen a huge

³ Ministry of Justice (2021) <https://data.justice.gov.uk/cjs-scorecard-adult-rape>

⁴ Women's Aid Federation England (2021), 'The Domestic Abuse Report 2021: the annual audit'. <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>

⁵ Women's Aid. (2021) Funding Specialist Support Updated Estimated <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Funding-Specialist-Support-Updated-estimates-August-21.pdf>

increase in demand that they are unable to meet⁶. There is a risk that due to inevitably limited funds, only services with a statutory underpinning are commissioned. It is therefore vital that community-based services are given the same statutory underpinning and placed on a sustainable footing to safeguard against a 'two tier' system of support and ensure they can continue to provide life-saving services.

Commissioning guidelines for the duty must recognise the gendered nature of domestic abuse and explicitly define community-based services as **specialist** services whose primary purpose is to support survivor-victims, provided by expert staff with an in-depth, specialist knowledge of VAWG. It must explicitly include services delivered 'by and for' minoritised survivors including Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritised, and migrant women. The duty must cover **all** forms of community-based VAWG services including outreach, floating support, advocacy (including IDVAs and ISVAs), support for children and young people, and therapeutic support services to provide a holistic service offer that meets the needs of every survivor, no matter their background, locality or the type of abuse they have experienced.

- **Establishing a robust national oversight mechanism to improve partnership working and ensure holistic delivery of specialist domestic abuse services.** Refuge recommends that this oversight mechanism:
 - Holds responsibility for undertaking a national needs assessment to feed into a standardised local needs assessment (to ensure that there are enough refuge spaces and community-based services nationally).
 - Has the ability to effectively hold local partnerships to account for delivery (with the ability to sanction where required in cases of dangerous or inadequate practice or provision).
 - Has oversight of funding allocation for specialist 'by and for' provision.
 - Has rigorous oversight of the monitoring framework for effectiveness of local partnership arrangements, service provision, standards and outcomes, including the quality of accommodation.

- **Safeguarding the provision of gender-specific specialist domestic abuse services, including those run 'by and for' minoritised groups, including Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritized, and migrant women:**
 - More commissioning of contracts that advise bidders to price according to a full cost recovery model.
 - Establishing a national oversight mechanism to undertake national assessment of needs that feeds into a standardised local needs assessment and has oversight of funding allocation for specialist 'by and for' provision, as above.
 - Explicitly define 'by and for' services as those that support minoritised groups in the part 4 accommodation-based duty (Domestic Abuse Act 2021) and proposed community-based services duty to ensure ring-fenced funding for these specialist services.

⁶ Women's Aid. (2021) Funding Specialist Support Updated Estimated <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Funding-Specialist-Support-Updated-estimates-August-21.pdf>

- **Putting the Victims Code on a statutory footing** to help support full compliance and improve survivors' experience of the criminal justice system.
 - This must be accompanied by capturing victim data to better understand victims' experiences of the criminal justice system and how the Code is being enforced.

- **Reforming the criminal justice system to better meet the needs of victim survivors, help ensure the enforceability of the Victims Code and improve advocacy support available to victims. We recommend the following:**
 - The Victims Law must approach the victim as a statutory participant, not simply as an onlooker witness. Victims should have statutory rights to be informed, supported and to be able to make informed choices.
 - Non-means tested legal aid for survivors of domestic abuse and other forms of VAWG to help victim-survivors to understand their rights, including those set out in the Victims Code.
 - A statutory duty for all police and criminal justice practitioners who come into regular contact with survivor-victims of VAWG to undertake mandatory, trauma-informed training to ensure domestic abuse is understood as a crime and responded to appropriately.
 - This training must be comprehensive and culturally competent and include training on the specific experiences of different groups of survivors, to enable police and criminal justice practitioners to equally support and protect all survivors and challenge institutional racism, misogyny and sexism in policing.
 - It must be developed by specialist support services and cover all forms of domestic abuse, including tech abuse, to increase understanding of the dynamics and realities of domestic abuse and ensure all crimes are investigated and prosecuted fully.
 - A statutory requirement on police and criminal justice practitioners to take all reasonable steps to advise a victim on details and progress of criminal proceedings, seek a victim's views regarding modifying or discontinuing charges, and provide reasons for decisions to a victim.
 - Makes provision for all vulnerable victims of serious violent and sexual crime to have access to a dedicated IDVA or ISVA throughout their criminal justice journey and introduces new, clear and widely disseminated guidance about the role of advisors which is based upon a statutory recognition of the role of victim advisors.
 - A non-discrimination clause to prevent victims who have insecure immigration status being treated not as victims of crime but as 'suspect' immigrants first.

Chapter One: Meeting Victims' Expectations

Key recommendations:

- **Enshrining the Victims' Code in law to help support full compliance and improve survivors' experience of the criminal justice system.**
- **Non-means tested legal aid for survivors of domestic abuse and other forms of VAWG to help victim-survivors to understand their rights, including those set out in the Victims Code.**
- **A statutory duty for all police and criminal justice practitioners who come into regular contact with survivor-victims of VAWG to undertake mandatory, trauma-informed training to ensure domestic abuse is understood as a crime and responded to appropriately.**
- **Provision for all vulnerable victims of serious violent and sexual crime to have access to a dedicated IDVA or ISVA throughout their criminal justice journey.**

For Chapter One, Refuge's response outlined below addresses the consultation questions where we have specific expertise. It will cover:

- Question 1: Do you agree that the key principles set out in the consultation are the right ones? If not, do you have any other suggestions?
- Question 2: What more can government and agencies listed in the Code do to ensure that frontline professionals are aware of what is required of them under the code?
- Question 3: What more can government and agencies listed in the Code do to ensure every victim is made aware of the Code and the service they should expect to receive under it?
- Question 4: Do the current procedures around timing and method of communication between the police/CPS and victims about key decisions work for victims? Are there any changes that could be beneficial?
- Question 5: a) Should the police and CPS do more to take victims' views into account in the course of their duties, particularly around decisions to proceed with cases? b) Should there be an explicit requirement for the relevant prosecutor in a case or types of cases to have met with the victim before the charging decision, and before a case proceeds to trial? c) What changes, if any, could be made to the Code in relation to information about the Victims' Right to Review Scheme?

(7) For survivors of VAWG, the criminal justice system is incredibly challenging and distressing. We know that for many victim-survivors, reporting crimes such as domestic abuse, rape and sexual violence to the police, and pursuing their perpetrators through the criminal courts can be a traumatic process and survivors tell us they encounter barriers and feel let down at every stage.

(8) Survivor confidence in our criminal justice system is in sharp decline. A rising number of survivors are withdrawing their support for prosecutions and in the Victims' Commissioners' survey of rape complainants, only 1 in 7 said they felt reporting could end in justice.⁷ High-profile cases involving police misconduct, such as those of Nicole Smallman, Bibaa Henry and Sarah Everard, have seriously eroded trust in the police. After mounting pressure to explain how police will prevent violence against

⁷ Victims Commissioner Rape Survivors and the Criminal Justice System (2020) <https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2020/10/OVC-Rape-Survivors-and-the-Criminal-Justice-System.pdf>

women and girls, the recent HMICFRS report investigating the effectiveness of police engagement concluded that VAWG must be given absolutely priority by the government, equivalent to the importance placed on tackling terrorism⁸.

(9) Victim-survivors of domestic abuse face a significant number of barriers in accessing and navigating the criminal justice system. The significant backlog of criminal cases awaiting trial means that victims-survivors face huge delays in accessing justice. A recently published report by the National Audit Office stated the number of rape and sexual assault victims who have waited more than a year for a trial soared from 246 to 1,316 between March 2020 and June 2021⁹. Awaiting trial can be highly traumatic for survivors and, in many cases, causes victim-survivors to lose faith in the criminal justice system and withdraw their case. The National Audit Office found that about a quarter of victim-survivors of domestic abuse have been withdrawing from investigations and prosecutions - a figure that rises to 42% for rape¹⁰. Ultimately, this is leading to a situation whereby court delays are directly contributing to perpetrators walking free and victim-survivors being left without justice or vital closure. In our experience supporting victim-survivors, the backlog is also deterring victim-survivors from reporting crimes to the police in the first place.

(10) This lack of faith in the criminal justice system can also be explained by record low prosecution and conviction rates. The latest Home Office figures show that the number of rape prosecutions in England and Wales are at the lowest since records began in 2009, dropping by more than 50% since 2015¹¹. In December 2021, the Ministry of Justice published the government's first set of rape scorecards, which paint a familiar picture of a broken justice system failing survivors with just 0.6% of rapes resulting in a charge¹². This means that more than 98% of reported rape cases do not reach court, which is having profound consequences for survivors and their belief that reporting will result in justice. Rape is often a serial offence and therefore, through this failure to prosecute perpetrators, there is a serious risk of creating more victim-survivors. Not only this, but it also sends a profoundly dangerous message about the severity of gendered-crimes and their treatment under the law. Prosecution rates for domestic abuse decreased for the fifth year in a row to 54,525 in the year ending March 2021¹³.

(11) It is clear that real, system-wide change in the way victim-survivors of VAWG are treated and supported throughout the criminal justice system is urgently needed. The Victims Law must prioritise greater accountability from criminal justice agencies to victims and the public. Reforms need to respond to the particular needs and experiences of survivor-victims, improve their confidence in the criminal justice system and ensure they are empowered to report these crimes to the police in the knowledge that they will be taken seriously and investigated appropriately.

The Victims Code

⁸ HMICFRS (2021) <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

⁹ NAO (2021) <https://www.nao.org.uk/wp-content/uploads/2021/10/Reducing-the-backlog-in-criminal-courts.pdf>

¹⁰ NAO (2021) <https://www.nao.org.uk/wp-content/uploads/2021/10/Reducing-the-backlog-in-criminal-courts.pdf>

¹¹ NAO (2021) <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-year-to-september-2020-data-tables>

¹² Ministry of Justice (2021) <https://data.justice.gov.uk/cjs-scorecard-adult-rape>

¹³ (ONS) 2021

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseandthecriminaljusticesystemenglandandwales/november2021>

(12) In broad terms, we agree with the principles set out in the consultation – to better meet victims' expectations, improve oversight of the criminal justice system and improve advocacy support available to victims.

(13) We are supportive of the central proposal in chapter one to enshrine the Victims Code in law. It is our view that, if properly adhered to, the principles set out in the Victims Code would improve survivors' experience of the criminal justice process. This includes adherence to the guiding principle that 'victims of crime should be treated in a respectful, sensitive and professional manner without discrimination of any kind', in addition to specific guidance such as the right to be provided with information about investigation and prosecution and the right to be referred to support services tailored to individual need¹⁴. In our experience, the vast majority of the Victims Code is not currently adhered to by the police and other criminal justice practitioners and there is inconsistent awareness of the code amongst services and agencies supporting victim-survivors of domestic abuse. Ultimately, these 'rights' are simply not enforceable on their own and without the ability to effectively challenge failures to adhere to the code, victim-survivors will continue to be let down. We therefore support putting the Victims Code on a statutory footing to help support full compliance by introducing a mechanism which supports survivors when their rights are not met.

(14) In our experience, victims often do not understand the criminal justice system and their rights within it, including the principles laid out in the Victims Code. Research by the Victims' Commissioner of England and Wales has found that 4 in 5 victims had not heard of the Victims Code,¹⁵ meaning they likely do not know what support and information they are entitled to receive and when they might be able to challenge decisions. A recent HMICFRS report found that, when victims are aware of the code, they often choose not to pursue their full entitlements. One survivor said it's *"too much like a battle and there are enough battles with a domestic abuse crisis so the last thing a victim needs is one with the system as well."*¹⁶ There must be an inherent expectation that all national criminal justice agencies listed under the Victims' Code have a duty to promote the Victims' Code and to make victims and frontline professionals fully aware of what they are entitled to expect. It should be discussed at every step of victim-survivors' journey through the criminal justice process – by the police, criminal justice practitioners, witness care units and specialist services. We would like also to emphasise that efforts should be made to improve the accessibility of the Code to consider the needs of Deaf, disabled and blind victims. These groups of victims' needs are often overlooked, neglected, or addressed inadequately.

(15) To ensure that survivors' rights under the Victims Code are met and to enable them to effectively challenge criminal justice practitioners when they are not, non-means tested access to legal aid is also vital. While victim-survivors of domestic abuse are entitled to means-tested legal aid, the eligibility threshold is set much too high, meaning many survivors can neither access legal aid nor afford their own lawyer, limiting their ability to bring their perpetrators to justice. Putting the Victims Code on a statutory footing is likely to put additional strain on already stretched IDVAs as they support survivors to

¹⁴ Ministry of Justice, (2021) <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

¹⁵ Victims Commissioner Victims Law Policy Paper (2021) https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2021/02/VC-Victims-Law-policy-paper_FINAL-1.pdf

¹⁶ HMICFRS (2021) <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

understand and exercising their rights, which must be taken into consideration. IDVA services already face unmanageable referral levels and caseloads.

(16) Better compliance with the code can only be achieved through the capture of victim data to better understand victims' experiences of the criminal justice system and how the Code is being enforced. Currently, most criminal justice system agencies do not systematically collect data on victims. We therefore recommend improving the collection and monitoring of data on the service level provision of Code rights and related equalities information about victims and witnesses, disaggregated along the protected characteristics at a minimum and then made publicly available to ensure accountability. Refuge supports the Victims' Commissioner's call for a statutory obligation to be placed on public bodies named in the Code to provide access to data and information which is in a standardised, analysable format, including information on protected characteristics¹⁷.

Improving victim-survivors' experiences of the criminal justice system

(17) Whilst putting the Code on a statutory footing has potential to strengthen processes to improve victim-survivors' experiences of the criminal justice system, there are a number of other vital reforms that are required to meaningfully support victim-survivors of VAWG. Ensuring that victims are better informed of the criminal justice process, have increased access to specialist support services, and can obtain legal aid to support and advise them as an active participant in proceedings, and not as a bystander in the process, would be a huge step forward in protecting victim-survivors who seek to bring their perpetrators to justice, as well as helping to ensure enforceability of the Victims Code. **In order to achieve the consultation's stated aim of 'better meeting victims' expectations', we recommend the reforms outlined in paragraph (18) – (28) based on our experience of supporting victim-survivors through the criminal justice process.**

(18) Far too often, survivor entitlements are treated as favours rather than rights. Recognition that victims are participants, central to the process, would make the delivery of their rights a clear objective of these agencies. At present, important survivor entitlements under the Victims Code, such as regular police updates are simply not happening.

Lisa, a survivor supported by Refuge, was reluctant to report rape to the police as she was worried that it wouldn't be taken seriously. When Lisa did report the crime, she wasn't kept informed on the progress of her case and experienced lots of delays. Lisa was not informed that her perpetrator was not on bail and when she asked why the bail couldn't be renewed, she was told that there were no grounds to renew the bail because the perpetrator 'hadn't done anything for 48 hours.' She wasn't informed about the criminal compensation authority by the police officer assigned to her case and she didn't know what the perpetrator's charges were until she got to court; she thought he was up for one charge, but it was multiple. Lisa told us that the police officer assigned to her case appeared annoyed that she had made people aware that he hadn't told her about the compensation scheme.*

¹⁷ Victims Commissioner (2021) <https://victimscommissioner.org.uk/document/victims-law-policy-paper-the-victims-commissioners-proposals-for-a-victims-law/>

*All survivor names have been changed to protect their anonymity

It took several years for Lisa's case to get to court. Lisa told us that her experience had a huge impact on her and her family. She told us that it was extremely stressful, and she remembered thinking, 'this is why people don't go to the police'. She described her experience as 'soul destroying at times' and suffered health emergencies as a result of her stress. She was able to get special measures and gave her evidence remotely, however at no point during her journey was she offered an ISVA. She told us that the police need to take survivors into account individually to improve the overall system and make the process less traumatising for survivors. Lisa's perpetrator was found guilty and sentenced to prison time.

It is particularly important that survivors in domestic abuse offences, where the victim is the partner or ex-partner of the perpetrator, are given regular updates as they are relying on criminal justice professionals to provide protection during their journey through the criminal justice system, for example, through a criminal restraining order. **In line with the recommendations laid out in the Victims' Commissioner's Victims' Law Policy Paper, we are therefore calling for the Victims Law to include a reconceptualisation of the victim, not simply as an onlooker witness, but as a statutory participant, with statutory rights to be informed, supported and to be able to make informed choices¹⁸.**

(19) Victims of crime, particularly of domestic abuse, are patently not simply bystanders or witnesses to proceedings, but have an active interest in the outcome of investigations and prosecutions. The burden on victim-survivors throughout the criminal justice process is extremely high and it is unrealistic to expect survivors to navigate the process without support. For survivors of VAWG to participate effectively in the process of justice and for the Victims Code to be upheld, it is vital that they have access to legal support. While survivors of domestic abuse are entitled to means-tested legal aid, the eligibility threshold is set much too high, meaning many survivors can neither access legal aid nor afford their own lawyer. Research by the Law Society shows that individuals on incomes already 10% - 30% below the minimum income were being excluded from legal aid¹⁹. At the point of reporting to the police, many survivors will be also be suffering economic abuse from their perpetrators, which often leaves them in significant amounts of debt and unable to pay for lawyers. Economic abuse is a common form of domestic abuse. It involves an abuser restricting a person's ability to acquire, use and maintain money or other economic resources. Refuge's 'Know Economic Abuse' report found that nearly two out of five UK adults (39%) have experienced economically abusive behaviour in a current or former relationship and 85% of people who experienced economic abuse also experienced other forms of domestic abuse including physical, sexual and emotional abuse. On average, a survivor of economic abuse who found themselves in debt will owe £3,272 – however one in four survivors have debts in excess of £5,00 (24%) – this represents £14.4 billion of UK debt directly due to economic abuse²⁰. Cassie's story demonstrates the challenges faced by survivors of economic abuse when it comes to taking steps away from their perpetrators:

Cassie left her ex-partner but was left with the debt caused by economic abuse. She filed for bankruptcy a couple of years ago, as she was unable to keep up repayments on loans, including numerous payday loans. She still has debts of over £30,000 from when she was with her ex-partner and has no credit rating. She has approached her bank for help but was told

¹⁸ Victims Commissioner Policy Paper (2021) https://s3-eu-west-2.amazonaws.com/jotwpublic-prod-storage-1cxo1dnrmkg14/uploads/sites/6/2021/12/VC-Victims-Law-policy-paper_FINAL-1.pdf

¹⁹ The Pathfinder Project (2020), Pathfinder Key Findings, Report https://static1.squarespace.com/static/5ee0be2588f1e349401c832c/t/5ef35fc7d4c474437a774783/1593008073853/Pathfinder+Key+Findings+Report_Final.pdf

²⁰ Refuge (2020) <https://www.refuge.org.uk/wp-content/uploads/2020/10/Know-Economic-Abuse-Report-2020.pdf>

she didn't qualify for assistance. After leaving her ex-partner, she became homeless and had to move in with her parents.

Refuge therefore strongly recommends non-means tested legal aid for survivors of domestic abuse and other forms of VAWG.

(20) The majority of women (80%) Refuge supports do not report to the police. Research from the Victims' Commissioner into rape survivors' experiences of the criminal justice system found that the most important reason for non-reporting is a feeling that victim-survivors will not be believed and that their credibility will be tested by representatives of the criminal justice system. This research found that only about half of victim-survivors agreed that police officers treated them with sensitivity, respect and fairness at the reporting stage²¹.

Oliva, a survivor of domestic abuse, told us that she didn't report her abuse to the police as her perpetrator was wealthy and had many connections. She was worried that, if she did report the abuse to the police, she wouldn't be believed and would put herself in more danger.

At Refuge, we frequently hear that victim-survivors face insensitive or victim-blaming attitudes from the police, which can be re-traumatising.

Jane, a survivor of domestic abuse, first contacted the police about a year after she had been first subjected to abuse. She told us that it took a lot for her to step forward as abusers have a way of making you feel you are to blame. She said, 'generally, you are feeling alone, unsupported and unheard and above all, petrified. Sometimes not only for yourself.'

Jane reported her abuse to the police over the phone and they told her that they would speak to her abuser. She was later advised that they had spoken to him and asked him to no longer contact her. She told us she felt unsafe and unheard by the police. Following this, Jane's abuse got worse. She told us she feared she would soon be found dead as his regular threats continued. She said the fear was so bad that she completely isolated herself, could barely speak, and told us she contemplated suicide on many occasions.

Jane's friend then reported to the police who investigated the case and arrested her perpetrator. Jane told us that on this occasion, the police officer assigned to her case was very supportive but that she never felt safe or protected. Jane's perpetrator was sentenced to prison. Jane is still suffering from PTSD as a result of her abuse. She told us, 'I am thankful he got a sentence, but I still feel as if I was misunderstood due to my fear and left feeling as if I was partly to blame and not the victim in this.'

The Harm Panel Report details how survivors and their children face a culture of disbelief, with a lack of understanding of domestic abuse from family court professionals, as well as a pro-contact culture, with domestic abuse allegations not sufficiently considered²². In order for the state to prosecute and uphold the rule of law, it is paramount that victims have the confidence to report crimes and to testify in court. It is therefore essential that staff in the criminal justice system are trained and able to identify the signs and know how to react appropriately. **To ensure domestic abuse is understood as a crime and responded to appropriately, Refuge recommends that the Victims Law includes a statutory duty**

²¹ Victims Commissioner (2020) https://s3-eu-west-2.amazonaws.com/jotwpublic-prod-storage-1c01d9nrmkg14/uploads/sites/6/2021/12/Rape-Survivors-and-the-CJS_FINAL-v2.pdf

²² Ministry of Justice (June 2020), [Assessing Risk of Harm to Children and Parents in Private Law Children Cases](#), 49.

for all police and criminal justice practitioners who come into regular contact with survivor-victims of VAWG to undertake mandatory, trauma-informed training.

(21) Black and minoritised women are often less likely to report to the police due to lower confidence in the criminal justice system as a result of institutional racism. Often, police officers and relevant agencies have a severe knowledge gap of the specific experience of minoritised groups of survivors. Not only does this act as a deterrent to survivors reporting, but it can also put minoritised survivors at an increased risk of future harm due to unfair risk-assessment by police and relevant agencies. Police and criminal justice practitioners must have a comprehensive understanding of the diverse communities they are designated to protect and not rely on standard White-British customs as the norm. Without this, it is impossible for police officers and service providers to ensure that minoritised women are equally protected. **It is therefore vital that mandatory training is comprehensive and culturally competent, including training on the specific experiences of different groups of survivors, to enable police and criminal justice practitioners to equally support and protect all survivors and challenge institutional racism and other forms of unconscious bias in policing.**

(22) Those who do report to the police often find that the police fail to take their cases seriously or investigate fully, especially where the victim does not support a prosecution. At Refuge, we are concerned about the lack of investigation of many reports of domestic abuse. Often this can be considered procedurally unjust: for example, when evidence is not considered, avenues not pursued, or reasons for discontinuance not justified.

Cecilia, a survivor supported by Refuge, experienced domestic abuse and coercive control by her now ex-husband. She told us that she reported abuse to the police on many occasions. She said the police didn't seem to understand her situation or believe her. She told us that on two occasions, when she reported the abuse to the police, she was advised to leave the house. Cecilia told us that her perpetrator was always charming, calm and quiet when the police visited their home after she reported abuse and that he would often hold their child whilst he was talking to them.

Cecilia told us that she was told by a police officer that most domestic abuse cases are not progressed by the CPS, and that if she doesn't have physical evidence, it is more likely that her case would not progress. Based on this advice, Cecilia chose not to report the abuse on a number of occasions.

The abuse continued and Cecilia applied for a non-molestation order, which was granted. This did not deter her perpetrator from continuing the abuse. Cecilia reported this to the police, and it took them several months to investigate. She told us that the police seemed to deal with the investigation as an 'admin task'. She said she remembers a police officer saying to her 'I am sorry that you are not happy in your marriage'. On another occasion when Cecilia reported a breach of the non-molestation order, the police responded that the perpetrator 'provided a reasonable excuse' (for his actions).

Cecilia told us that she felt so frustrated with the police that she stopped reporting. She said she felt completely unsafe and like the system was broken. She told us that she felt the police often didn't believe her. Cecilia filed a complaint to the police and reported new evidence of her perpetrator's actions after she fled. The police referred her case to the CPS and her perpetrator was prosecuted. Cecilia was granted a restraining order however only after her Refuge caseworker who understood the case, the abuse, and the profile of the perpetrator proposed this to the police.

Currently, the police are more likely to assign evidential difficulty outcomes for domestic abuse violent offences than non-domestic abuse related offences (78% of cases compared to 55% of cases)²³. Data shows that Crown Prosecution Service (CPS) decisions to prosecute are declining and we are worried that stereotypes about 'un/believable' victims are impacting charging decisions with the CPS²⁴. In the year ending March 2021, referrals of suspects in domestic abuse cases from the police to the CPS decreased by 3% to 77,812, from 79,965 the previous year²⁵. As with the police, poor communication with victim-survivors is a common issue in the CPS and, for many victim-survivors, police decisions to take no further action or CPS decisions not to prosecute can be re-traumatising. The recent HMICFRS report into the police response to violence against women and girls found that most victims are dissatisfied with the quality of police communication. They told researchers that they were dissatisfied with the amount, type, and timeliness of communication from police, and the frequency and quality of contact tended to get worse as the investigation went on. They reported that this caused victims to feel unsupported and increased their anxiety and uncertainty²⁶. **We therefore recommend that police and prosecutors have a statutory requirement to take all reasonable steps to advise a victim on details and progress of criminal proceedings, seek a victim's views regarding modifying or discontinuing charges, and provide reasons for decisions to a victim in a timely manner.**

(23) These concerns about the impact of police culture on investigation and prosecution further supports our previous recommendation that criminal justice practitioners undertake training to better understand the dynamics and realities of domestic abuse and ensure that problematic and sexist attitudes do not influence charging decisions. In Refuge's experience as one of the only providers of specialist support services for survivors of tech abuse in the country, it is often even more difficult to get the police to take reports of domestic abuse seriously if it is technology-facilitated. Technology-facilitated domestic abuse, or tech abuse, is becoming increasingly prevalent, as technology provides perpetrators with further tools to control, coerce and abuse survivors. Refuge's specialist tech abuse team has supported thousands of women and children who have experienced this form of domestic abuse and our recent Unsocial Spaces research found that 1 in 3 UK women (36%) have experienced online abuse perpetrated on social media or another online platform at some point in their lives. Findings from our Unsocial Spaces report show that over half (55%) of women who reported tech abuse to the police said the police handled their report badly, and nearly a third of women (30%) responding to the survey said the police response was poor²⁷²⁸. Some survivors have been advised by the police to come offline, as a 'solution' to the abuse, and others report that the tech abuse they experienced was not investigated adequately.

²³ ONS (2020), 'Domestic abuse and the criminal justice system, England and Wales: November 2020,' <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseandthecriminaljusticesystemenglandandwales/november2020#police-responses-to-domestic-abuse>

²⁴ ONS (2020), 'Domestic abuse and the criminal justice system, England and Wales: November 2020,' <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseandthecriminaljusticesystemenglandandwales/november2020#police-responses-to-domestic-abuse>

²⁵ ONS (2021) <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2021>

²⁶ HMICFRS (2021) <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

²⁷ Refuge (2021) <https://www.refuge.org.uk/wp-content/uploads/2021/10/Unsocial-Spaces-for-web.pdf>

²⁸ The base size for data used within this section often falls below 50 respondents and should be seen as indicative only.

Laurel, a survivor of domestic abuse supported by Refuge, wanted to report the tech abuse she experienced to the police but was told by the family courts that if she did it at that time it would be seen as “malicious.”

These failures to take tech abuse seriously mean that perpetrators face few repercussions and are effectively able to continue to abuse with impunity. **It is therefore vital that this mandatory training for police and criminal justice practitioners covers all forms of domestic abuse, including tech abuse, to increase understanding of the dynamics of domestic abuse and ensure all crimes are investigated and prosecuted fully. This training should be developed by specialist VAWG services.**

(24) We are also extremely concerned by the worsening of court delays due to the Covid-19 pandemic. Refuge has heard from victim-survivors that there are delays of many months or even years to domestic abuse and sexual violence trials. Such delays heighten trauma and increase the likelihood of victims dropping out, therefore risking dangerous perpetrators walking free. Evidence from the Victims' Commissioner supports this, finding that delays in investigating cases, making charging decisions and getting cases to trial results in the disengagement of victims from the criminal justice system as an end date moves further into the distance.²⁹ There is also a risk that delays will result in falling 'evidence' quality for domestic abuse related crimes. In our experience, it is not uncommon for perpetrators to try to intimidate a victim-survivor who wants to give evidence against the perpetrator. The longer the case takes to get through court, the more chance the perpetrator has to intimidate, threaten and coerce the survivor. Convictions for both domestic abuse and rape offences have fallen during this time, partly due to delays to trials due to social distancing requirements and the widespread closure of courts towards the beginning of the first full Covid-19 lockdown^{30 31}. Whilst the emergency funding provided by the government for the Crown Courts is a positive step towards tackling the backlog, the current waitlist is so significant that additional resource is required for several years to ensure trials relating to violence against women and girls can proceed in a timely manner. **Survivors of domestic abuse must be at the forefront of recovery planning to reduce and clear court backlog and Refuge recommends that the Ministry of Justice and the CPS urgently invests the required resources to minimise court delays.**

(25) In addition to the barriers for survivor-victims to access justice as a result of court delays, specialist domestic abuse services have had to respond to a significant increase in demand during the pandemic. This has significantly impacted the ability of survivors to access justice during this period. As previously stated, for victim-survivors of VAWG, the criminal justice system can be challenging and distressing. For such victims to participate effectively in the justice process, they need informed and empathetic support from professionals, ideally an advocate or advisor who can act as a single point of contact and support them throughout their criminal justice journey. The support of support workers such as IDVAs and ISVAs has been shown to reduce attrition rates, so it is critical that these services are fully funded to meet demand³².

²⁹ Victims Commissioner Victims Law Policy Paper (2021) https://s3-eu-west-2.amazonaws.com/jotwpublic-prod-storage-1cxo1dnrmkg14/uploads/sites/6/2021/12/V-C-Victims-Law-policy-paper_FINAL-1.pdf

³⁰ HO (2020) <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-year-to-september-2020-data-tables>

³¹ ONS (2021)

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseandthecriminaljusticesystemenglandandwales/november2021>

³² HMICFRS (2021) <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

Cecilia, a survivor supported by Refuge, told us that her IDVA played a vital role in her decision to leave her perpetrator and provided referrals to other services when she was most in need, including support for mental health. Cecilia's IDVA followed up with the police for information on her case and challenged unfair practices. Cecilia told us that, when she moved, her IDVA was instrumental in providing a referral to other services, advising on safety measures, and getting a restraining order application from the police.

Currently, only survivor-victims deemed 'high-risk' are eligible for an advocate, leaving the vast majority of survivors without this vital one-to-one support. From our experience supporting survivor-victims, we know the dangers of a risk-based approach. Risk dynamics can shift due to ever-changing circumstances and behaviours of perpetrators, and static risk assessments are unable to adequately capture this. Additionally, we know that many victims of domestic homicides had been assessed as being at standard risk level, demonstrating the limitations of a risk-based approach. Adequate specialist advocacy support for all victim survivors is therefore essential. **At Refuge, we are therefore calling for the Victims Law to ensure all vulnerable victims of domestic abuse have access to a dedicated IDVA or ISVA throughout their criminal justice journey.**

(26) Despite overwhelming endorsement from victim-survivors, the courts and criminal justice agencies frequently seem to have a poor understanding of the role or the value of the support of professional independent advisors. For example, Refuge is aware of instances where advisors were not permitted into a court room or a video-link room. **We therefore recommend new, clear and widely disseminated guidance about the role of advisors which is based upon a statutory recognition of the role of victim advisors.**

(27) The court process can be very traumatic for survivors, as they are often required to retell their experiences multiple times or forced to interact with their perpetrators. Survivors have reported to Refuge the fear, dread, and trauma of having to give evidence in direct view of the perpetrator, having to wait for a hearing in the same waiting room as the perpetrator, and constantly being afraid that they would bump into the perpetrator when leaving or entering court. Section 28 of the Youth Justice and Criminal Evidence Act 1999 allows vulnerable and intimidated witnesses to video record their cross-examination before the trial. This forms part of a range of measures to support vulnerable or intimidated victims and witnesses to give the best-quality evidence and help reduce some of the anxiety of attending court. Survivors told us that when they were able to give evidence behind a screen or via video link, they felt far less distressed, and felt they were able to give better quality evidence than if they had to deliver their evidence when the perpetrator was in full view. In contrast, some survivors who were not granted separate entrance or exit times into court, or were not provided a separate waiting room reported being subject to harassment, intimidation, and physical attacks. During the Covid-19 pandemic there has been acceleration in the roll out of Section 28 in the Crown Court for witnesses who are considered to be especially vulnerable, particularly across the South-East of England. This has been transformative for many-victim survivors, enabling them to provide evidence in a safer environment as well as helping to reduce delays in cases coming to trial. Refuge strongly welcomes the new protections in the family and civil courts for survivors introduced in the Domestic Abuse Act 2021, including a ban on abusers from cross-examining their victims, and a guarantee that survivors can access special measures. **We are also in support of the proposal laid out in the Victims Bill consultation to work with judiciary and criminal justice agencies on a national rollout of section 28.**

(28) One significant obstacle to minoritised communities reporting crime and seeking support is the data sharing between the police and the Home Office immigration enforcement. This deters migrant survivors from reporting crimes and leads to discrimination since they are not treated first and foremost as victims with all the protections and rights that this entails. The HMICFRS, College of Policing and Independent Office for Police Conduct (IOPC) report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status found many inconsistencies in police practice and a lack of clarity in policy. Police officers are not always clear on their priorities on safeguarding victims and immigration enforcement. The report recommended that Police forces should restrict the sharing with immigration enforcement of information about vulnerable victims of crime, such as domestic abuse³³. Victim-survivors of VAWG have a right to be equally protected irrespective of their immigration status and the law should make this unequivocal. **We therefore support the Victims' Commissioner's call for a non-discrimination clause to prevent victims who have insecure immigration status being treated not as victims of crime but as 'suspect' immigrants first**³⁴.

³³ HMICFRS, College of Policing and Independent Office for Police Conduct (IOPC) (2021)

<https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint>

³⁴ Victims Commissioner Victims Law Policy Paper (2021) https://s3-eu-west-2.amazonaws.com/jotwpublic-prod-storage-1cxo1dnrmkg14/uploads/sites/6/2021/12/VIC-Victims-Law-policy-paper_FINAL-1.pdf

Chapter Two: Improving oversight and driving better performance

For Chapter Two, Refuge will address the following consultation questions, where we have specific expertise. It will cover:

- Question 10: What should the role of PCCs be in relation to the delivery of a quality service and commissioning victims' support services, and what levers could be given to PCCs to deliver this role and enhance victims' experiences of the criminal justice system at a local level?
- Question 17: What do you consider to be the best ways for ensuring that victims' voices, including those of children and young people, are heard by criminal justice agencies?
- Question 18: a) What data should criminal justice agencies collect about victims' experiences, and at what key points in the process? b) Can you provide any examples – in the UK or elsewhere – of this being done effectively?
- Question 19: How might victims provide immediate feedback on the service they receive and its quality (such as text messages, online surveys etc.)?
- Question 20: How do you think we could simplify the existing complaints processes to make them more transparent and easier for victims to use? How could we secure a swifter resolution while allowing for a more consistent approach?

Question 10: What should the role of PCCs be in relation to the delivery of a quality service and commissioning victims' support services, and what levers could be given to PCCs to deliver this role and enhance victims' experiences of the criminal justice system at a local level?

When commissioning domestic abuse support services, it is vital to recognise that not all victim-survivors of VAWG will prioritise pursuing a criminal justice outcome. The majority of women (80%) Refuge supports do not report to the police. Research from the Victims' Commissioner into rape survivors' experiences of the criminal justice system found that the most important reason for non-reporting is a feeling that victim-survivors will not be believed and that their credibility will be tested by representatives of the criminal justice system³⁵. We therefore recommend introducing a duty on commissioners, including PCCs, to commission quality, specialist community-based services for survivors of VAWG that are not tied to the criminal justice system, recognising that, to be properly trauma-informed, the service needs to be led by the needs of survivors, rather than quantitative ambitions, such as of increase in prosecutions. As detailed in paragraph (43), in some areas, PCCs commission single services to deliver generic support for victims of all crime which leaves survivors unable the access specialist support, especially those who are not assessed as high-risk.

Question 17: What do you consider to be the best ways for ensuring that victims' voices, including those of children and young people, are heard by criminal justice agencies?

(29) It is paramount that survivor voice guides decisions about the treatment of victim-survivors of domestic abuse by criminal justice agencies. In our experience, criminal justice agencies need to significantly improve their survivor engagement. Any engagement with survivors must be done in a trauma-informed way and it must address the communication barriers faced by survivors. In particular, Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritised, and migrant women. We

³⁵ Victims Commissioner (2020) <https://victimscommissioner.org.uk/document/rape-survivors-and-the-criminal-justice-system/>

recommend that any information provided to survivors as part of this engagement is produced in formats which will enable it to reach all survivors. For example:

- British Sign Language
- Community languages / languages other than English
- Large print, including documents in Word or ODT format
- Good visual contrast between text and background
- Easy read (simplified text with illustrations)
- Printed as well as electronic copies available

(30) We also advise that the CJS engages with specialist organisations 'by and for' black and minoritized women and organisations run by and for Deaf or Disabled women to get professional consultancy on how to best meet communications needs and develops a dedicated strategy, backed by robust policies, to ensure Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritised, and migrant women are able to engage fully in providing feedback on their experiences. This could include, for example, having a list of high-quality women interpreters, translators or communication support workers who are trained specifically on the dynamics and impact of VAWG.

(31) Refuge also recommends that criminal justice agencies should develop a process for working more closely with direct service providers to better understand survivor experience. Service providers frequently consult with survivors about their experiences and will have a holistic understanding of survivor experience across different localities and survivor groups. Direct service providers also have trusted relationships with survivors enabling genuine, authentic feedback. As the largest direct service provider of domestic abuse services in the UK, Refuge strongly believes that this is an effective way of ensuring victims' voices are heard by criminal justice agencies, in addition to vital direct survivor engagement. However, direct service providers are already stretched in terms of their capacity and time. Any time this consultation takes away from day-to-day delivery of services must be considered and compensated for.

(32) To ensure victims voices are heard, Refuge also recommends establishing local survivor engagement panels involving survivors and all agencies involved in a survivor's journey including criminal justice practitioners and VAWG service providers such as IDVAs and ISVAs to regularly feedback on survivor experience. We recommend that these panels frequently report their findings at a national level, to enable the feedback to be used to influence both national and local strategy. This panel must be representative and include Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritised, and migrant women, and representatives of 'by and for' organisations which provide specialist services to these survivors in the local area.

(33) As outlined in paragraph (19), the introduction of mandatory domestic abuse training for police and criminal justice agencies would have a profound impact on ensuring survivors voices are heard from the outset. Ensuring that survivors experiences of abuse are understood and taken seriously at the point of reporting, and consequently properly investigated should be the priority of any initiative aimed at ensuring survivors voices are heard.

Question 18: a) What data should criminal justice agencies collect about victims' experiences, and at what key points in the process? b) Can you provide any examples – in the UK or elsewhere – of this being done effectively?

(34) We know that there is currently insufficient data on victims' access to and experience of the criminal justice system. Comprehensive, comparable and disaggregated demographic data on VAWG must be collected across all protected characteristics to ensure it reflects the experiences of all victims and enables a greater understanding of these crimes and their impact on Black and minoritised women, deaf and disabled women, LGBTQ+ women, and women with complex needs, and how this plays out in different geographical contexts. This is vital to understanding which communities are not being served effectively and enabling other agencies to better understand the dynamics of domestic abuse as a gendered crime.

(35) We also support the introduction of formal mechanisms that measure compliance of criminal justice agencies with the Victims' Code, and the requirement for Police and Crime Commissioners to collect localised data on compliance from agencies at all levels.

Question 19: How might victims provide immediate feedback on the service they receive and its quality (such as text messages, online surveys etc.)? and Question 20: How do you think we could simplify the existing complaints processes to make them more transparent and easier for victims to use? How could we secure a swifter resolution while allowing for a more consistent approach?

(36) Current complaints systems for victim-survivors are not easily accessible or straight forward. In our experience, when survivors do submit complaints to police regarding their experience of the criminal justice system, these complaints are not always dealt with sensitively or result in any action being taken. Often, survivors will be unwilling to engage in providing feedback as their experience of the criminal justice system has been so traumatic that they do not wish to continue to engage with the system.

(37) In designing any new mechanisms for providing feedback, we strongly recommend that every aspect of the survivor's safety be thoroughly reviewed. For example, text messages sent directly to survivors' phones may not be an inappropriate means of requesting feedback as it could put the individual in danger should a perpetrator view the message. Technology-facilitated domestic abuse, or tech abuse, is becoming increasingly prevalent, as technology provides perpetrators with further tools to control survivors. Any new mechanisms for providing feedback must therefore safeguard against revealing information that could put a survivor at increased risk.

(38) If complaints processes require facilitation or direct input from direct service providers, there needs to be recognition of the additional work this will create for an already over-stretched VAWG sector. To allow meaningful responses, enough time and advanced warning is required.

(39) Complaints processes should also record disaggregated demographic data to support a better understanding of any trends in (a) general experiences of different survivor groups and (b) the types of complaints different survivor groups are reporting. For example, black and minoritised women often have lower confidence in the criminal justice system as a result of institutional racism. Survivors experiencing tech abuse also tell us that they feel that their reports are not given due priority when reporting to the police. It is important that complaints processes record this data to support improvements to victim-survivors' experiences of the criminal justice system. In addition to recording quantitative, outcomes-based data, Refuge also recommends that complaints processes build in time for reflection for survivors and allow them to provide holistic, in-depth feedback on how they felt throughout the process.

Chapter Three: Supporting Victims of Crime

From Refuge's experience as the UK's largest direct service provider and the insights of our frontline staff and survivors, we have several key recommendations for how the current commissioning landscape for specialist domestic abuse support services can be improved. Key recommendations include:

- **A new statutory duty on all relevant public authorities to assess the need for and commission community-based services to ensure sustainable provision of all specialist domestic abuse services.**

80% of the victim-survivors Refuge supports rely on community-based services. Community-based services are provided to people outside of a residential setting and include, for example, outreach, floating support, and advocacy (including IDVAs and ISVAs), support for children and young people, and therapeutic support services. Community-based services play a significant role in early intervention and provide women and children with the support they need to keep themselves as safe as possible. Community-based services face a fragile funding landscape and consistently report caseloads that are considered to be unsafe. 23% of these services operate without any local authority funding at all³⁶. It is therefore critical that these services are provided sustainable, ring-fenced funding to ensure that every woman and child receives the support and protection they need. Refuge recommends the Victims Law includes a community-based services duty with full, ring-fenced funding, estimated by Women's Aid Federation of England to be £228 million per year³⁷.

Refuge warmly welcomed the part 4 statutory duty on tier one local authorities to commission accommodation-based services, introduced in the Domestic Abuse Act 2021, which has the potential to place refuge service provision on a more sustainable footing. At Refuge, we are yet to see the full impact of the duty in relation to the commissioning landscape for specialist domestic abuse services. However, we have some concerns that the funding shortfall between the £125 million allocated by government for the duty and the £181 million (Women's Aid Federation England estimates) required to meet the need for accommodation-based services could result in reduced investment in community-based services, which have seen a huge increase in demand that they are unable to meet³⁸. There is a risk that due to inevitably limited funds, only services with a statutory underpinning are commissioned. It is therefore vital that community-based services are given the same statutory underpinning and placed on a sustainable footing to safeguard against a 'two tier' system of support and ensure they can continue to provide life-saving services.

Commissioning guidelines for the duty must recognise the gendered nature of domestic abuse and explicitly define community-based services as **specialist** services whose primary purpose is to support survivor-victims, provided by expert staff with an in-depth, specialist knowledge of VAWG. It must explicitly include services delivered 'by and for' minoritised survivors including Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritised, and migrant women. The

³⁶ Women's Aid Federation England (2021), 'The Domestic Abuse Report 2021: the annual audit'. <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>

³⁷ Women's Aid. (2021) Funding Specialist Support Updated Estimated <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Funding-Specialist-Support-Updated-estimates-August-21.pdf>

³⁸ Women's Aid. (2021) Funding Specialist Support Updated Estimated <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Funding-Specialist-Support-Updated-estimates-August-21.pdf>

duty most cover **all** forms of community-based VAWG services including outreach, floating support, advocacy (including IDVAS and ISVAs), support for children and young people, and therapeutic support services to provide a holistic service offer that meets the needs of every survivor, no matter their background, locality or the type of abuse they have experienced.

- **Establishing a robust national oversight mechanism to improve partnership working and ensure holistic delivery of specialist domestic abuse services.** Refuge recommends that this oversight mechanism:
 - holds responsibility for undertaking a national needs assessment to feed into a standardised local needs assessment (to ensure that there are enough refuge spaces and community-based services nationally).
 - has the ability to effectively hold local partnerships to account for delivery (with ability to sanction where required in cases of dangerous or inadequate practice or provision).
 - has oversight of funding allocation for specialist 'by and for' provision.
 - Has rigorous oversight of the monitoring framework for effectiveness of local partnership arrangements, service provision, standards and outcomes, including the quality of accommodation.

- **Safeguarding the provision of gender-specific specialist domestic abuse services, including those run 'by and for' minoritised groups, including Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritized, and migrant women:**
 - Greater commissioning of contracts that advise bidders to price according to a full cost recovery model.
 - Establishing a national oversight mechanism to undertake national assessment of needs that feeds into a standardised local needs assessment and has oversight of funding allocation for specialist 'by and for' provision, as above.
 - Explicitly define 'by and for' services as those that support minoritized groups in the part 4 accommodation-based duty (Domestic Abuse Act 2021) and proposed community-based services duty to ensure ring-fenced funding to these types of services.

The following section responds to the following consultation questions in relation to support services for survivor-victims of domestic abuse and other gender-based violence:

- Question 24: What works in terms of the current commissioning landscape, both nationally and locally, for support services for victims of: a) domestic abuse b) sexual violence (including child sexual abuse) c) other serious violence?
- Question 25: How could the commissioning landscape be better brought together to encourage and improve partnership working and holistic delivery of victim services for: a) all victims of domestic abuse b) all victims of sexual violence c) all victims of other serious violence d) children and young people who are victims of these crimes?
- Question 26: a) What can the Government do to ensure that commissioners are adequately responding to and implementing the expertise of smaller, 'by and for' organisations in line with local need? b) Should national commissioning play a role in the commissioning framework for smaller, 'by and for' organisations? • Yes – please explain why • No – please explain why

- Question 27: What can local commissioners (local authorities and PCCs) do to improve the commissioning of specialist 'by and for' services for their area?

Sustainable funding for specialist VAWG services

(40) **Domestic abuse and VAWG services are broadly categorised as either accommodation-based or community-based services.** Accommodation-based support is delivered to victims and survivors in a residential setting which is specifically designed to meet the needs of that group. This could include for example refuge accommodation. Community-based services are provided to people outside of a residential setting and include for example specialist advocacy support, welfare and immigration advice and mental health support. There is often a high level of overlap between these two services, with, for example, community-based services making referrals for survivors into refuge accommodation.

(41) **The sustainable funding of all specialist VAWG services, both accommodation and community-based, is fundamental to the successful prevention and response to VAWG.** The primary purpose of specialist services is to support and empower survivors, including children, affected by VAWG. Specialist services are distinct from general support services that can provide support to survivors or perpetrators of crime more generally. They are delivered 'by and for' their users – for example, by women for women, by expert staff who have an in-depth knowledge of the gendered nature and dynamics of domestic abuse. Only one in five of the women Refuge supports will ever report to the police, but a large number turn to specialist domestic abuse services for support. The majority of these survivors (80%) rely on community-based services, which demonstrates the need to put all specialist VAWG services on a sustainable footing. Within this definition, it is also vital that specialist services developed 'by and for' minoritised groups, including Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritized, and migrant women are provided with ring-fenced funding to ensure every survivor has access to the specialist support they need.

(42) **Specialist VAWG services also provide value for money for society** - recent analysis has shown that for every £1 invested in Refuge, £8.24 of social value is generated through savings, for example, to health and housing services and to the criminal justice system³⁹. According to government estimates, domestic abuse costs society a staggering £66 billion a year. Investment in specialist services therefore also makes economic sense, by providing long-term savings to the state⁴⁰.

(43) **Commissioning of support services for victims works best when commissioners, such as PCCs, have an accurate understanding of need.** This requires commissioners to ensure that there are robust mechanisms in place to support with the collection of data for needs assessments. In conducting needs assessments, commissioners should demonstrate an understanding of the ecology of domestic abuse services. Critically, this requires local authorities to engage with both commissioned and non-commissioned services. This ensures that victims who face increased barriers to seeking support are represented in the assessment of need, and ultimately, increases access to support for all victims. Commissioning should not be done in silos, and local authorities that work together with health providers and PCCs to pool funding and identify need are more likely to deliver services that meet the

³⁹ New Economics Foundation (2021), "Refuge: Social Return on Investment"

⁴⁰ Home Office (2019), 'The economic and social costs of domestic abuse,' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918897/horr107.pdf

needs of victims in the area. It is also important to note that local commissioning is strengthened when there is clear and explicit guidance at a national level. Victims of domestic abuse also need to be confident in the availability of support whilst cases progress through the criminal justice system. There must be adequate, sustainable funding made available for full the provision of the national network of services.

(44) **The competitive and short-term commissioning landscape is very challenging for the VAWG sector.** It places services in an insecure funding position, leaving them unable to plan longer-term and diverting resource from frontline services to bid for tenders and fundraise to continue service provision. The uncertainty created by re-tendering processes often results in difficulty retaining staff due to precarious short-term contracts. Stop-start funding for example short-term one-year funding pots, are simply not cost effective. During the pandemic, there was a significant slow-down of commissioning activity with contracts being rolled over, and we are now seeing a steady increase in the commissioning of longer, 5-year initial contracts. Longer contracts enable a service to embed into the local area and community, which allows for increased referrals, particularly from minoritised communities. Refuge strongly advocates for a return to long-term ring-fenced grant funding for service provision. Such a model would allow services to focus on providing support to survivors.

(45) **The current commissioning landscape continues to be dominated by short-term (2–3-year contracts) that benefit non-specialist, generalist services who deliver lower-quality services at a lower initial cost.** In our experience, this commissioning model often results in gender ‘blind’ contracts that do not recognise the gendered nature of domestic abuse. We are also seeing an increased spend on perpetrator programmes at the expense of survivor-victim support services. A recent report from Comic Relief, that has considerable experience in commissioning specialist domestic abuse services, found several key blockages to accessing funding. These included partnership and power dynamics at the local level and the cost-focused competitive tendering processes⁴¹. The Home Office’s VAWG Commissioning Toolkit recognises this, stating that “commissioners need to make sure that a larger tender hasn’t accidentally skewed the playing field for bidders by indirectly (or indeed directly) favouring bids from larger, generic providers.”⁴² Given the disproportionate impact of domestic abuse on women, it is vital that the commissioning landscape is refocused to prioritise commissioning specialist services. It is also essential that the full range of specialist VAWG services is sustainably funded to ensure appropriate support is available to all victim/survivors.

(46) **The current commissioning landscape for specialist VAWG services faces chronic underfunding, resulting in women being turned away daily at the point of need.** An insecure funding landscape and historic funding cuts across the sector mean survivors face a postcode lottery in access to support. Since 2011, Refuge has experienced cuts to 80% of its services, with our refuge service funding cut by an average of 50%. In 2021, 57.2% of all refuge referrals were declined due to a lack of capacity, leaving victim-survivors without emergency support at the point of need⁴³. Although the number of refuge bed spaces has increased in recent years (to 4,277 in 2021), it remains well below the minimum number of bedspaces recommended by the Council of Europe. London and the West Midlands are the only two areas with service provision exceeding the recommended bedspaces, which

⁴¹ University of Suffolk (2020), Mapping the VAWG funding ecosystem in England and Wales <https://www.uos.ac.uk/sites/www.uos.ac.uk/files/Mapping%20VAWG%20funding%20ecosystemFINAL.pdf>

⁴² Victims Commissioner Victims Law Policy Paper (2021)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/576238/VAWG_Commissioning_Toolkit.pdf

⁴³ Womens Aid (2021) <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>

clearly evidences the postcode lottery that victim-survivors face in accessing support⁴⁴. Over the past 10 years there has been a significant decline in the amount of statutory funding available for specialist domestic abuse services at a local level. London Councils found that refuges led 'by and for' Black and minoritised women lost around half of their annual council funding between 2009 and 2016, which demonstrates the additional barriers faced by some groups of survivors.⁴⁵

(47) **In our experience as the largest direct service provider of specialist domestic abuse support services, in most cases, commissioning contracts do not allow for enough provision to cope with demand.** In 2020, Women's Aid Federation England reported that service providers cited the ongoing funding crisis as the biggest issue facing the domestic abuse sector⁴⁶. Among the contributing factors for this were uncertainty over future funding, funding not covering the full costs of delivery, and running an area of work with no dedicated funding at all. For example, at the time of reporting, 23% of all community-based services were operating without any local authority funding.⁴⁷ Women's Aid also found that, in 2020, more than one in five refuge services (60 out of 269 refuge services) were not commissioned by the local authority and were funded through emergency government funding pots, charitable grants, trusts and other fundraising activities.⁴⁸ The same report found that non-commissioned services ran 57.5% of all refuge spaces in specialist 'by and for' services, highlighting the particular challenges specialist 'by and for' services encounter. Service providers with no dedicated funding are often forced to rely on insecure, fundraised income to run core parts of the service. For the financial year 2020/21, more than half (56.62%) of Refuge's own income was generated from such income sources. In our experience, contract values often remain static for many years and do not take into consideration inflation and the rising cost of living, which increases providers overall costs. In some cases, when services are recommissioned they are done so at a reduced rate, yet commissioners demand the same level of service, if not more. This results in specialist organisations providing a substantial subsidy from their own voluntary income. Given the prevalence of domestic abuse crimes, it is unacceptable that such vital services should rely on insecure income. As Refuge and the wider VAWG sector strongly advocated during the passage of the Domestic Abuse Bill, it is absolutely vital that **all** specialist domestic abuse services, both accommodation and community-based, are put on a sustainable footing in line with current demand.

(48) **The need to sustainably fund specialist support services is all the more urgent in light of the apparent increase in survivors of violence against women and girls reaching out for support during the Covid-19 pandemic.** The pandemic exposed the precariousness of survivors' position and safety. Under lockdown restrictions they were forced into close confinement with their abusers and the typical windows of time that provided much needed relief - such as dropping the children off at school or meeting friend or family member for coffee - largely disappeared. Many women had limited access to their support network, and opportunities to access statutory and public services, such as mental health services, were further restricted. A report by Women's Aid Federation England

⁴⁴ ONS (2021)

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2021#main-points>

⁴⁵ The Guardian (March 2018), "Council funding for women's refuges cut by nearly £7m since 2010"

<https://www.theguardian.com/society/2018/mar/23/council-funding-womens-refuges-cut-since-2010-england-wales-scotland>

⁴⁶ Women's Aid Federation England (2021), 'The Domestic Abuse Report 2021: the annual audit'. <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>

⁴⁷ Women's Aid Federation England (2021), 'The Domestic Abuse Report 2021: the annual audit'. <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>

⁴⁸ Women's Aid. (2021) Fragile funding landscape: the extent of local authority commissioning in the domestic abuse refuge sector in England 2020. Bristol: Women's Aid. <https://www.womensaid.org.uk/wpcontent/uploads/2021/02/Fragile-funding-landscape-the-extent-of-local-authority-commissioning-in-the-domestic-abuse-refuge-sector-in-England-2020.pdf>

found that 91% of women currently experiencing domestic abuse said the pandemic had negatively impacted them in some way. Of those women living with their abuser during lockdown, 61% said the abuse had worsened⁴⁹. The increase in demand for support from victims has been sharpest in 'by and for' services for the most marginalised survivors, where specialist services have experienced up to a 49% rise in demand⁵⁰. During the first national lockdown, activity on the National Domestic Abuse Helpline, which is provided by Refuge, drastically increased; between April 2020 and February 2021, the number of calls and contacts logged on our database per month was 61% above the January-March 2020 baseline. This trend has continued over the course of 2021 and shows no signs of slowing down. Refuge welcomed the much needed additional £28 million in emergency funding for the specialist domestic abuse sector announced by the Chancellor as part of the Government's response to Covid in 2020. We also welcomed the additional £2 million provided by the Home Office for domestic abuse helplines which enabled Refuge to expand capacity on the National Domestic Abuse Helpline. However, emergency, short-term funding simply isn't sufficient to meet the demand for domestic abuse service, meaning that longer-term sustainable funding remains an urgent and pressing concern.

(49) **The introduction in the Domestic Abuse Act 2021 of the part 4 legal duty on local authorities to assess need for and commission domestic abuse safe accommodation has the potential to place refuge service provision on a more sustainable footing.** In 2021, Women's Aid assessed that £393 million of investment was needed to effectively resource the specialist domestic abuse sector for women and their children across England, which necessitated at least £181 million made available for the duty on accommodation-based services and an additional £228 million for community-based services⁵¹. The £125 million allocated by government to fund the part 4 duty falls short of this. Refuge is concerned that this funding shortfall, instead of leading to the much-needed increase in refuge provision, may instead incentivise the increased commissioning of poorer quality generic services⁵². In addition, community-based services do not currently have the same statutory underpinning and must be placed on a sustainable footing to ensure they can continue to provide life-saving services. During the final stages of the passage of the Domestic Abuse Bill, the government introduced a duty on local areas to report on the impact of the part 4 provisions on wider domestic abuse support. At Refuge, we are yet to see the full impact of the duty in relation to the commissioning landscape for specialist domestic abuse services, however we are seeing an initial increase in the commissioning of refuges, therapeutic services and services for children, which is welcomed. It is vital that the national implementation of the part 4 duty is closely monitored to ensure it is being delivered effectively and results in an increase in specialist refuge bed spaces.

A community-based services duty

(50) **To ensure sustainable provision of all specialist domestic abuse and VAWG services, Refuge advocates for the creation of a new statutory duty on all relevant public authorities to assess the need for and commission community-based services.** Community-based services are provided to people outside of a residential setting and include, for example, outreach, floating support,

⁴⁹ Women's Aid (2020), A Perfect Storm, <https://www.womensaid.org.uk/wp-content/uploads/2020/08/A-Perfect-StormAugust-2020-1.pdf>

⁵⁰ Imkaan unpublished research

⁵¹ Women's Aid. (2021) Funding Specialist Support Updated Estimates <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Funding-Specialist-Support-Updated-estimates-August-21.pdf>

⁵² Women's Aid. (2021) Funding Specialist Support Updated Estimates <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Funding-Specialist-Support-Updated-estimates-August-21.pdf>

and advocacy (including IDVAs and ISVAs), support for children and young people, and therapeutic support services. Community-based services play a significant role in early intervention, as well as managing the far higher costs that would be incurred by Government if a survivor moves into refuge accommodation. They provide women and children with the support they need to keep themselves as safe as possible and to rebuild their lives. The vast majority (80%) of women Refuge supports rely on community-based services yet they remain chronically underfunded. The National Domestic Abuse Helpline is the gateway to all services across the country and receives a high number of calls from women unable to access the services they need due to a lack of availability of CBS in their local area. In recent years, community-based services have faced a fragile funding landscape as refuge and consistently report caseloads that are considered to be unsafe. 23% of these services operate without any local authority funding at all⁵³. It is therefore critical that these services are provided sustainable, ring-fenced funding to ensure that every woman and child receives the support and protection they need.

Delia is a survivor of physical, sexual and emotional abuse and coercive control. She was referred to an outreach worker after disclosing to Refuge that her husband married her to use her documents to legalise his residency in the UK, and that he subject her to economic abuse. Delia's outreach worker completed safety planning for Delia staying at the property and supported her to apply for subsistence, which was granted. Delia has also been supported with food vouchers. Delia's learning disability means that she needs additional support and her outreach worker showed her how to get to the food bank by taking her on the exact route and showing her the stops on the walk. Delia's outreach worker provides regular emotional support and helps her to understand what having NRPF means for her situation. Delia's outreach worker supports her with filling out forms and documents, even for things not related to her experience of abuse, as there is no other support available to her.

Natalie was assigned an (Independent Gender Violence Advocate (IGVA) who supported her through the process. Natalie told us that if she didn't have the IGVA's support, that she would have dropped the case. Natalia was worried about how she would be perceived for taking her perpetrator to court and the IGVA provided emotional support, assuring her that she shouldn't feel guilty. She told us that the IGVA explained the court process and what she could expect.

(51) **To safeguard against creating a 'two tier' system of support, Refuge recommends that the proposed duty on community-based services is given full, ring-fenced funding to enable a holistic service offer at levels that meet need, estimated by Women's Aid to be £228 million per year⁵⁴.** Without sufficient funding, there is a risk of services being selectively commissioned and consequently leaving certain groups of survivors without the support they need. At present, advocacy support, such as services provided by IDVAs and ISVAs, is only available to women who are deemed to be 'high-risk'. At Refuge, we know how dangerous this approach can be, as static risk assessments have difficulty capturing the dynamic nature of risk, which constantly changes. Domestic abuse takes many different forms, including emotional, economic and tech abuse and all survivors have different needs and experiences. For many survivors, seeking justice through the criminal justice system or fleeing to refuge are neither viable nor desirable options and it is therefore vital that survivors are able to

⁵³ Women's Aid Federation England (2021), 'The Domestic Abuse Report 2021: the annual audit'. <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>

⁵⁴ Women's Aid. (2020) Fragile funding landscape: the extent of local authority commissioning in the domestic abuse refuge sector in England 2020, Bristol: Women's Aid. Commissioned funding for refuge services in England (womensaid.org.uk)

access a full range of services tailored to their specific needs. Refuge therefore recommends that the duty covers all community-based services which will require full, ring-fenced funding.

(52) It is also vital that commissioning guidelines for the proposed community-based services duty recognise the gendered nature of domestic abuse and the importance of gender specific services. Women are disproportionately represented amongst victim-survivors of domestic abuse, with more than 1 in 4 (27.5%) women experiencing domestic abuse at some point in their lives, compared to 13.8% of men.⁵⁵ When commissioning community-based services, commissioners often rely on police data which misrepresents the prevalence of male-victim survivors due to underreporting from women or malicious counter-allegations from men. In our experience, the majority of commissioning for community-based services is for non-specialist services that support both men and women. Women make up the vast majority of victim-survivors who require community-based services and this must be reflected in commissioning guidelines. There must also be clarity that domestic abuse is one form of VAWG to ensure there is an understanding of the interconnectedness of forms of gender-based violence against women. For example, it is common for survivors of modern slavery and sexual exploitation to experience this at the hands of their partner and/or family members. It would make no sense to the survivor to artificially separate aspects of her experience, naming some elements as domestic abuse and others as modern slavery, prompting different responses, support, rights, and entitlements. Interventions such as the provision of support services must be holistic and survivor-led, with her needs forming the bedrock to future interventions.

(53) In recognising the gendered nature of domestic abuse, it is essential that specialist services are explicitly defined within the proposed duty. Specialist VAWG organisations are those whose primary purpose it is to support survivors, including children and young people, affected by any form of VAWG. These services are unique and different from general support services that may provide support or interventions for survivors or perpetrators of not only VAWG, but other crimes as well. They are delivered by and for the users they aim to serve – for example, by women, for women – by organisations whose primary purpose is to tackle VAWG and provided by expert staff with an in-depth specialist knowledge of VAWG. In the current commissioning landscape, gender ‘blind’ contracts that expect services to support both men and women are commonplace. In order for victim-survivors to recover from the trauma and abuse they have experienced, they need high-quality, comprehensive specialist support.

(54) The following definition of specialist services is from the Statutory Guidance for the Commissioning of VAWDASV Services in Wales,^{iv} and is generally pointed to by the Violence Against Women and Girls (VAWG) sector as the best definition of specialist VAWG service provider.

Support for people experiencing VAWDASV may come from a range of services, not just those delivered by VAWDASV specialist services. These could be community or third sector organisations providing welfare support, legal advice, financial, immigration and/or housing advice as well as interventions to support survivors and challenge perpetrators being provided across statutory provision like local authorities (housing, children and family services, education services), health services (primary care, mental health, maternity, dental services, urgent treatment services) and justice system services (police, offender management, courts, legal advisors).

⁵⁵ ONS (2020), ‘Domestic abuse prevalence and trends, England and Wales: year ending March 2020’. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2020>

VAWDASV specialist services are distinguished from generic services that provide support or interventions for survivors or perpetrators in the third and/or public sector. These services are provided by specialised staff with in-depth knowledge of VAWDASV and have a gendered and intersectional understanding of VAWDASV. In Wales, VAWDASV specialist services are defined as organisations whose:

- services are delivered independently from the state (i.e. third sector) and whose core business it is to support survivors and/or perpetrators and/or children and young people impacted by any form of VAWDASV (i.e. rape and sexual assault including child sexual abuse, non-recent child sexual abuse, domestic abuse, sexual harassment, forced marriage, FGM, sexual exploitation including through the sex industry, trafficking and modern day slavery and so-called 'honour' based violence); and
- delivery is needs-led and gender-responsive, recognising the continuum of violence against women and ensuring interventions and prevention work connects VAWDASV to wider patterns of sex and other intersectional inequalities, including ethnicity, class, gender identity, age, ability, sexuality, religion and belief; and understanding and service delivery is informed by analysis of VAWDASV being gendered and a cause and consequence of inequality between women and men, which intersects with factors such as ethnicity, age, class, sexuality and disability to impact on experiences of abuse and routes to recovery. VAWDASV specialist services recognise that these forms of violence are entirely preventable, they happen to women and girls disproportionately because they are women and girls as a means of social control, which maintains and reproduces unequal power relations and presents an obstacle to achieving equality and human rights for women and girls; and
- specialist services differ from 'general support' services in that the organisations/ services have a gender and culturally responsive and holistic service delivery model, in accordance with the UK quality standards frameworks for such services, and are run by and for the communities they serve. In doing so they offer a uniquely empowering experience particularly to women and children and to BME communities, as the client group is reflected in staffing, management and governance structures of these organisations.

This distinction between specialist and generic services is supported by the Convention on Preventing and Combating Violence Against Women and Domestic Violence (The Istanbul Convention) and distinguishes specialist services from generic services on the grounds that they are underpinned by a gendered understanding; they are rights-based and safety-focused; they avoid repeat victimisation; they can provide, where possible, a range of services on the same premises; their approaches are integrated, recognising the relationships between victims/survivors, perpetrators and their environment; and they address the specific needs of women, children and young people who are victims and survivors (Council of Europe, 2012)." (Section 2.7 VAWDASV Specialist Services, Statutory Guidance for the Commissioning of VAWDASV Services in Wales).

(55) **It is also vital that specialist 'by and for' services are explicitly defined within the duty to ensure that services supporting survivors with complex needs, such as Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritised, and migrant women are included.** Specialist support led 'by and for' Deaf and disabled, LGBTQ+, Black, Asian, and minoritised, and migrant women is essential in responding to the additional barriers such groups face and meeting their specific needs.

Due to the traditional commissioning landscape, smaller 'by and for' organisations face additional barriers in participating, often leading to the under-commissioning of these services.

A national oversight mechanism

(56) **The current commissioning landscape would be better brought together to enable a holistic delivery of survivor-victim services by establishing a stronger national oversight mechanism.** Whilst recognition of the prevalence of violence against women and girls is greater than ever before, support services have developed unevenly, both geographically and in terms of which forms of VAWG and/or service groups they work with. The majority (75%) of women and children staying in our refuges flee from another local authority to the authority the refuge is based in, mainly for safety reasons. Therefore, to work most efficiently, refuge-based accommodation services must be able to operate as part of a national network. In addition, specialist 'by and for' services for survivors with complex needs, such as Deaf and disabled survivors, LGBTQ+, Black, Asian and minoritized, and migrant women make up just 11.2% of all refuge spaces in England, and just over half of these are located in London.⁵⁶ A national assessment would help ensure demand for refuge spaces and community-based support, and particularly the needs of survivors from minoritised groups, who are often left out of local commissioning practices, are met. The part 4 legal duty and proposed duty on community-based services should therefore be accompanied by a robust national oversight mechanism to ensure that a joint national needs assessment of both community and accommodation based services is conducted. This will ensure that all survivors can access the right support at the point of need. Refuge recommends that this infrastructure should:

- hold the responsibility for undertaking a national needs assessment to feed into a standardised local needs assessment (to ensure that there are enough refuge spaces and community-based services nationally).
- have the ability to effectively hold local partnerships to account for delivery (with ability to sanction where required in cases of dangerous or inadequate practice or provision).
- have oversight of funding allocation for specialist 'by and for' provision.
- have rigorous oversight of the monitoring framework for effectiveness of local partnership arrangements, service provision, standards and outcomes, including the quality of accommodation.

Safeguarding the provision of 'by and for' specialist services for minoritised groups

(57) **When it comes to commissioning, funding challenges are particularly acute for the smaller specialist 'by and for' sector for minoritised survivors, and urgent investment and coordination is required by government to build capacity and provide access to the most marginalised and minoritised groups.** Specialist 'by and for' services for minoritised survivors provide highly tailored support often for those who experience the highest levels of exclusion from mainstream services. This includes LGBTQ+, Deaf, disabled and Black and minoritised victims and survivors of domestic abuse as well as migrant women. These services will be rooted in the communities that they serve and provide wrap-around holistic recovery and support that addresses a victim's full range of needs. Although official statistics rarely disaggregate data for multiple characteristics, we do know that Black and minoritised women are more likely to experience domestic abuse, and that disabled women

⁵⁶ Womens Aid (2021) <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>

are twice as likely to experience it⁵⁷. Ensuring sufficient provision of services specifically designed to support these survivor groups is therefore vital. Being part of these groups can increase the barriers to disclosure and support faced by victims and survivors. However, it is important to recognise that one person can present as part of a number of these groups, and their experience of VAWG and of domestic abuse cannot be separated out on the basis of different elements of their identity.

(58) **At Refuge, we are seeing greater recognition of the importance of domestic abuse services ‘by and for’ minoritised survivors reflected in London commissioning processes, however this type of service provision remains a postcode lottery.** Women’s Aid Federation England found that specialist services ‘by and for’ minoritised groups are far less likely to receive statutory funding than other providers of support⁵⁸. The report found that non-commissioned services ran 57.5% of all refuge spaces in specialist services ‘by and for’ minoritised groups, compared to the overall 18.5% of all non-commissioned refuge spaces. A 2016 report from Imkaan reported that in the space of a year, 50% of Black and minoritised women’s specialist refuges were forced to close or were taken over by a larger provider due to lack of funding over the last decade, while others continue to operate without any local government support.

(59) **Specialist services ‘by and for’ minoritised women are often disproportionately disadvantaged by the local commissioning and funding process.** Too often local commissioners lack the understanding and capacity to commission multiple specialist services required to meet the needs of a diverse population, with many favouring fewer, more generic providers who deliver larger, cheaper contracts, but are unable to deliver the same level of tailored support. When there is a lack of a crucial mass of service users within a defined geographical area, the commissioning structure often discourages specialist services from applying.⁵⁹ In addition, specialist ‘by and for’ services are often smaller and therefore have limited resources to (a) engage with the commissioning process to the same extent as larger providers and (b) subsidise contracts offered at lower provision to known demand. To address these difficulties, Refuge recommends:

- Greater commissioning of contracts that advise bidders to price according to a full cost recovery model.
- Establishing a national oversight mechanism to undertake national assessment of needs, as defined in paragraph 56, that feeds into a standardised local needs assessment and has oversight of funding allocation for specialist ‘by and for’ provision.
- Explicitly define ‘by and for’ services as those that support minoritized groups in the part 4 accommodation-based duty (Domestic Abuse Act 2021) and proposed community-based services duty to ensure ring-fenced funding to these types of services.

⁵⁷ ONS (2020), ‘Domestic abuse victim characteristics, England and Wales: year ending March 2020,’ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020#ethnicity>

⁵⁸ Women’s Aid. (2021) Fragile funding landscape: the extent of local authority commissioning in the domestic abuse refuge sector in England 2020, Bristol: Women’s Aid. <https://www.womensaid.org.uk/wp-content/uploads/2021/02/Fragile-fundinglandscape-the-extent-of-local-authority-commissioning-in-the-domestic-abuse-refuge-sector-in-England-2020.pdf>

⁵⁹ University of Suffolk (2020), Mapping the VAWG funding ecosystem in England and Wales <https://www.uos.ac.uk/sites/www.uos.ac.uk/files/Mapping%20VAWG%20funding%20ecosystemFINAL.pdf>

Chapter 4: Improving advocacy support

For Chapter Four, we are limiting our comments to IDVA provision and defer to colleagues in specialist services that provide ISVA services for further insight on other advocacy services:

This following section refers to: Question 31) How do IDVAs fit into the wider network of support services available for victims of domestic abuse? and Question 32) How might defining the IDVA role impact services, other sector workers and IDVAs themselves?

(60) Independent Domestic Violence Advocates (IDVAs) aim to address the safety of survivor victims at high risk of harm from intimate partners, ex-partners or family members to secure their safety and the safety of their children. Serving as a victim's primary point of contact, IDVAs normally work with their clients from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans. This can include supporting survivors to pursue justice through the criminal justice system. IDVAs are highly valued by victims and have a significant impact on the victims' journey.

Tina, a survivor of domestic abuse supported by Refuge, told us that the IDVA she was appointed when her perpetrator was arrested was 'without a doubt the reason I was able to get help with all aspects of my violent relationship'. Tina told us that her experience with the system was extremely negative. She was forbidden from talking to some of her family members about any aspect of the legal proceedings as they were made prosecution witnesses. Tina told us that this made her feel very isolated and alone and meant the support from her IDVA was even more vital. Tina has PTSD and depression and anxiety, which made her experience of the system especially challenging. Her IDVA attended meetings with her and accompanied her to court. Tina told us that without her IDVA, she wouldn't have had support from other specialist support services, she wouldn't have had the debt which her ex-partner accrued in her name cleared and would have missed incredibly important information that could have been detrimental in her legal proceedings and life.

(61) IDVA roles must be viewed within the context of broader support services and the role they perform outside the criminal justice system. Whilst IDVA provision is one form of community-based support that survivors rely on, as outlined in Chapter Three, outreach, floating support, peer support and other forms of community-based services are also critical. 80% of survivors Refuge supports do not choose to report their crimes to the police and it is therefore vital that the proposed duty on community-based services, as put forward in paragraph (50), covers a holistic community-based service offer with ring-fenced funding for **all** specialist community-based services. See Chapter Three for further details on Refuge's views on provision of community-based services.

(62) We agree that the IDVA roles should be defined. This will ensure that the roles are identifiable, recognised and respected by other agencies. However, this definition must be flexible enough to recognise the varied services these roles deliver, particularly within the 'by and for' sector. Research by the Victims' Commissioner⁶⁰ has highlighted that the core functions of the advocate as a professional who can speak on behalf of the victim, if need be, articulating their needs and preferences throughout the criminal justice journey. Advocates will also assist victims to make informed choices and seek to ensure that they receive their entitlements under the Victims' Code as well as challenging other agencies and speaking on behalf of the victim. Any definition of the role must balance the key functions

⁶⁰ Victims Commissioner (2019) <https://s3-eu-west-2.amazonaws.com/jotwpublic-prod-storage-1cxa01dnrmkg14/uploads/sites/6/2021/12/VC-Victim-Advocates-Review-2019.pdf>

of the advocate role with the varied demands and specialisms IDVAs deliver and ensure that the roles provided by 'by and for' and specialist services are encapsulated within the definition and are not excluded.

Question 35: What are the challenges in accessing advocate services, and how can the Government support advocates to reach victims in all communities?

(63) **Survivors face barriers in accessing advocate services due to the risk-based model which means that only survivors who are considered 'high-risk' are eligible for an IDVA.** Please see paragraphs (25) and (51) for additional context. As outlined in paragraph (25), Refuge is therefore calling for the Victims Law to ensure all vulnerable victims of serious violent and sexual crime have access to a dedicated IDVA or ISVA throughout their criminal justice journey.

(64) **Due to chronic underfunding of community-based services, as outlined in Chapter Three, survivors currently face a postcode lottery when it comes to accessing advocate services.** There is also a risk that the underfunding of the part 4 duty on accommodation-based services introduced in the Domestic Abuse Act 2021 could result in the decommissioning of community-based services (see paragraph 48). To safeguard against creating a 'two tier' system of support, Refuge recommends that the proposed duty on community-based services is given full, ring-fenced funding to enable a holistic service offer at levels that meet need, estimated by Women's Aid to be £228 million per year and ensure all survivors have access to advocate services at the point of need⁶¹.

(65) **Survivors from minority groups face additional barriers in accessing advocacy services.** Survivors usually receive their referral to advocacy services from the police or other statutory agencies. There are a number of barriers in place for marginalised survivors which means that they are less likely to reach statutory agencies for that referral. For example, information sharing between the police and Home Office often deters migrant women with no recourse to public funds from reporting their abuse. Marginalised communities are also less likely to be deemed high-risk, and therefore able to access an IDVA, as securing this status requires (a) the police and other statutory agencies to be culturally competent (see paragraph 16) and (b) survivors to be in a position to explain their experiences, creating barriers for women for whom English is not a first language. See paragraphs (57) – (59) for additional context and recommendations.

Question 36: What other advocacy roles exist that support victims of hidden crimes, such as forms of other serious violence? Please outline the functions these roles perform. To what extent are the challenges faced similar to those experienced by ISVAs and IDVAs? Are there specific barriers?

(66) Please see paragraph (50) for details on other advocacy roles and their functions.

(67) Please see paragraphs (44)- (49) for challenges faced by advocacy services.

(68) Please see paragraphs (57) – (59) for the specific challenges faced by advocacy services delivered 'by and for' minoritized groups.

Question 37: How useful is existing guidance, and how can this guidance be strengthened?

⁶¹ Women's Aid. (2021) Funding Specialist Support Updated Estimated <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Funding-Specialist-Support-Updated-estimates-August-21.pdf>

(69) New, clear and widely disseminated guidance about the role and its parameters would help deal with common misunderstandings. It would ensure IDVAs do not face unwarranted barriers in doing their job, victims/survivors have appropriate support and the courts and judiciary can have trust in the role. Guidance for the commissioning of IDVA services can be strengthened in three key ways. Firstly, eligibility for IDVA services should be extended to include all survivors of domestic abuse, rather than just those survivors deemed to be 'high-risk' (see paragraphs 25 and 51).

(70) Secondly, commissioning standards for IDVA services should be tightened to ensure they are delivered independently from local authorities to prevent survivors being deterred from accessing the services (see paragraph 72).

(71) Those practitioners who are accredited to offer vulnerable victims with practical and emotional support be recognised as such by the courts, relied upon as trusted professionals and entitled to support such victims when they are required to give evidence in court (see paragraph 26).

Question 39: Is more action needed to define standards for IDVAs and to ensure they are met? If yes, who is best placed to take this action?

(72) Refuge recommends that commissioning standards for IDVA services are tightened to ensure they are delivered independently from local authorities. Hackney, Camden and Oldham are a few examples of local authorities that have in-house IDVA services. In our experience, IDVA services that are linked to local authorities can result in survivors being deterred from accessing the services for fear of the consequences. For example, the involvement of social services, being pressured into taking legal action against a partner or fear of being deported for women with no recourse to public funds.

(73) As outlined in paragraph (56), Refuge recommends that a national oversight mechanism for specialist domestic abuse services be established to hold the responsibility for undertaking a national needs assessment to feed into a standardised local needs assessment and have the ability to effectively hold local partnerships to account for delivery (with ability to sanction where required in cases of dangerous or inadequate practice or provision).

Question 40: What are the advantages and disadvantages of the current qualifications and accreditation structures? Are there any changes that could improve it?

(74) Current accreditation structures come at huge cost to already stretched domestic abuse services. There are often huge waiting lists which mean it can be challenging for advocates to be accepted on to the course within a reasonable time frame. It is important to have a consistent framework for advocate accreditation and the training is generally of a high standard, delivered by experts in the subject matter. However, there is a monopoly of provision and not enough flexibility for advocates undertaking the training. Often this means advocates are required to travel significant distances to undertake the course, which comes with additional costs to the services (accommodation/food/time away from vital frontline services). Involving a skills-based element to the accreditation would be a useful addition.

(75) Any standards and accreditation for advocates and victims' services must deliver quality assurance. This is crucial both for commissioners and for victims. Any standards must be easy for

victims to understand. There must also be clear routes for victims to complain when standards have not been met.

Question 41: How can we ensure that all non-criminal justice agencies (such as schools, doctors, emergency services) are victim aware, and what support do these agencies need in order to interact effectively with IDVAs, ISVAs or other support services?

(76) VAWG affects every aspect of women's lives, and so the response must be holistic and 'everyone's business'. As such, Refuge is clear that whilst the police and wider criminal justice system have a key role to play in addressing violence against women and girls, not least a duty on the police to protect women subject to violence and abuse, the solution to VAWG can never solely be limited to criminal justice initiatives. Only one in five of the women Refuge supports will ever report to the police. Critical change is therefore needed across all systems including schools, communities, health, welfare immigration and social services. It is therefore also important that all government departments and public bodies play their part in tackling VAWG and ensuring all non-criminal agencies are victim aware and equipped to respond to VAWG. The HMICFRS report on the police response to violence against women and girls also advocates for a whole-system approach, highlighting the need for wrap-around support for the victim and effective joint working between relevant organisations at a local level, which needs to be supported by the right interventions at national level to elevate its priority and ensure that the right capacity and capabilities are in place⁶².

(77) Refuge recommends the Coordinated Community Response (CCR) model to domestic violence, pioneered by the Standing Together Against Domestic Abuse Alliance (STADA)⁶³. The CCR acknowledges that women can only be truly safe when relevant agencies work together effectively. The CCR ensures a systemic response to survivor safety, holding abusers to account and domestic abuse prevention. It also challenges agencies to demonstrate best practice in responding to domestic abuse. It is recognised that, "working in a multi-agency partnership is the most effective way to approach the issue [of domestic abuse] at both an operational and strategic level", but non-criminal justice professionals often do not feel equipped to respond to survivors' disclosures of domestic abuse. For example, health professionals, despite their critical role in identifying and responding to domestic abuse (the NHS is often the first or only point of contact for victim-survivors), often lack confidence in asking about domestic abuse and responding appropriately. DHRs and NHS Confidential Enquiries repeatedly highlight the need for systemic change across the health system and better training for healthcare staff in understanding, identifying and appropriately responding to domestic abuse. A well-established CCR ensures that partner professionals can access training to raise their awareness of domestic abuse; equipping them to respond effectively and ensures a 'no wrong door' approach in opening up pathways to support for survivors.

Question 49 Have we correctly identified the range and extent of the equalities impacts under this consultation in the equality statement? Please give reasons and supply evidence of further equalities impacts that are not covered as appropriate

⁶²HMICFRS (2021) <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

⁶³ STADA (2021) <https://blog.insidegovernment.co.uk/criminal-justice/the-coordinated-community-response-to-domestic-abuse#:~:text=Standing%20Together%20Against%20Domestic%20Abuse.prevent%2C%20and%20respond%20to%20it.>

(78) We have referenced the specific needs of Black and minoritised victims throughout our response to this consultation and would like to reinforce that this includes Deaf and disabled victims, LGBT+ victims, older victims and child victims.

(79) In particular, the Government need to consider migrant victims. There are women whose immigration status means they are more vulnerable to abuse and less likely to access support, advocacy, and criminal justice measures. Migrant women are disproportionately at risk from gendered violence including domestic violence, sexual violence, so-called 'honour-based' violence, forced marriage, female genital mutilation (FGM) and trafficking⁶⁴. Ethnic minority and migrant women in England experience higher rates of domestic homicide and need specialist support⁶⁵. Successive immigration policies and the 'hostile environment' exacerbate this risk, and is exploited by perpetrators, creating a context in which women are more vulnerable to violence, while at the same time making them less able to access specialist support, public services or justice. The Istanbul Convention requires that victims of violence against women and girls (VAWG) are protected regardless of their immigration status. For this to happen it is essential immigration policies are designed so they can't be used as a weapon by abusers or as an excuse by authorities not to help women or take action. There is an urgent need to consider how to increase support and protection for migrant women, including safe reporting mechanisms.

⁶⁴ HMIC (2015) PEEL: Police effectiveness 2015 (vulnerability) - A national overview

⁶⁵ EHRC (2018) Women's rights and gender equality in 2018: update report