

# Victims Bill briefing

## Domestic abuse

Domestic abuse has a serious impact on children's welfare, sense of security and mental health.<sup>1</sup> The Victims Bill presents an opportunity to improve the support available to young victims of domestic abuse, but our leading children's sector organisations believe that this opportunity is currently being missed. The draft Bill includes a duty on commissioners to collaborate on victim support services but no resourcing for new services, despite these being sorely needed by children who have experienced domestic abuse. Further, despite children being recognised as direct victims of domestic abuse in the Domestic Abuse Act 2021, this is not applied in the draft Victims Bill which only acknowledges "victims of domestic abuse and their children". This recognition is meaningless without support in place and undermines the significance of the Domestic Abuse Act 2021.

### Scale of the problem

- There were 160,690 risk assessments made in England in the year to 31 March 2022 which identified concerns about the child's parent/carer being the victim of domestic abuse, resulting in just under one third of all episodes with assessment factors recorded.<sup>2</sup>
- NSPCC FOI data found police in England and Wales made nearly 700 referrals to children's social services about domestic abuse in 2021 – totalling 245,000 in 2021.<sup>3</sup>
- The Domestic Abuse Commissioner has found that fewer than half of survivors are able to access the community-based support they wanted, and just 29% of survivors who wanted support for their children were able to access it.<sup>4</sup>
- Young people are the group most likely to be in an abusive relationship<sup>5</sup> yet The Children's Society FOI data found the majority (77%) of local authorities do not have a policy or protocol in place for responding to under 16s experiencing teenage relationship abuse.<sup>6</sup>

### Issues faced by young victims of domestic abuse

#### Impact of domestic abuse

It is critical that children are not treated just as witnesses or bystanders when they experience abuse. Experiencing domestic abuse as a child can undermine a child's basic need for safety and security. It can have a serious effect on their behaviour, brain development, education outcomes and overall physical and mental wellbeing. Children who are exposed to domestic abuse between two parents are also more likely to experience other forms of abuse or neglect.<sup>7</sup> Children being exposed to the child abuse of a sibling by a parent can also cause considerable trauma and lead to mental health issues like depression and anxiety. Safe Lives' data<sup>8</sup> proves that children are far from being passive bystanders. Many are caught in the crossfire with a number injured as a result of abuse of a parent or trying to intervene to stop the abuse.

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## Children recognised as victims: does this go far enough?

The Government has announced<sup>9</sup> that under the definition of a victim, the Victims Bills will now recognise children as victims of domestic abuse in their own right, as legislated in the Domestic Abuse Act 2021. While this is welcome, the Bill's current duty to collaborate on victim support services does not make explicit that the relevant authorities must have due regard to children and ensure specialist support is made available. As leading children's sector organisations, we know this will not transform the response and accessibility of support for children who experience domestic abuse. With no new funding attached and no requirement to ensure commissioners make 'specific regard' to the needs of children, children will continue to go without support.<sup>10</sup>

## Has anything changed for children since the Domestic Abuse Act 2021?

The Child Safeguarding Review Panel (Panel) sought to understand the safeguarding implications of recognised children as victims within the Domestic Abuse Act. Their analysis found that concerns for children were often categorised as 'emotional harm' or 'neglect' rather than direct abuse. Actions focused on the mother changing her parenting or protecting the children from the behaviour of the perpetrator, rather than identifying that the children were being directly harmed by the abuser and targeting attention on these concerns as a result.<sup>11</sup>

The Panel issued a survey to all local safeguarding children partnerships as part of this analysis. A survey question asked how partnerships are responding to the change in the Domestic Abuse Act 2021 to recognise children as victims. Notably, responses were varied. Some partnerships said they were waiting for further national guidance. Others said they had always considered children to be direct victims of domestic abuse, and that this shaped their whole response. This shows that there may be tension between seeing the change as both a legal issue which requires further guidance to implement – what this change in legal status means for the criminal justice process – and a cultural issue – what the change in legal status means for how practitioners understand children's experiences.<sup>12</sup> It is therefore imperative that the Victims Bill makes explicit, in primary legislation, that the relevant authorities must make specific regard to the specialist support needs of children who are victims of domestic abuse within their commissioning strategies.

## Young people experiencing domestic abuse in their own relationship are being overlooked

Young people need a different response to adults. They experience a complex transition from childhood to adulthood, which impacts on behaviour and decision making. It may impact on the way that they respond to the abuse as well as the way that they engage with services. The abuse that young people experience may also look different to the abuse that adults experience. Young people commonly experience abuse through new technologies and social media, which can be used as a monitoring or harassment tool by the perpetrator.<sup>13</sup>

Young people are the group most likely to be in an abusive relationship, but availability of support is poor, leaving this age group to fall through the gaps of children's social care and specialist adult services.<sup>14</sup> The Children's Society FOI data has found that only half (51%) of local authorities provide specialist support to 16- and 17-year-olds with issues relating to domestic abuse within their own relationships.

## Need for specialist child and young person advocates

Recent Government investment in ISVAs and IDVAs comes with no assurance that any will be trained to work with children. Funding was made available for IDVAs<sup>15</sup> to help build the capacity of IDVAs to support older and disabled victims, but there has been nothing earmarked for independent advocates to work specially with children, something we know IDVAs currently struggle to do with only 21% reportedly working with children under 10.<sup>16</sup> The draft Bill makes no mention of child-specialist advisors, leaving child victims reliant on services designed for adults.

Child Independent Domestic Violence Advisors (CHIDVAs) are crucial to listen to the child's account of the abuse and meeting their needs. CHIDVAs provided tailored, one to one support for children and can explain the criminal justice system, provide guidance and advice, safety and support planning, help them to understand their experiences of the abuse and make vital referrals to other agencies such as mental health, counselling and therapeutic support.

SafeLives' annual practitioner survey<sup>17</sup> across England and Wales reveals that the commissioning of Young Person Violence Advisor (YPVA) within adult Independent Domestic Violence Advisor (IDVA) services is patchy and where services are available, they are unable to meet demand. Many areas had only one IDVA service with a specialist YPVA, and one area had none at all.

While YPVAs may be based in other local services, such as specialist children's services, there is no consistent pathway to specialist support for young people. Despite this group being brought into scope of the definition of domestic abuse within the Domestic Abuse Act 2021,<sup>18</sup> it is clear there are still gaps in the specialist services available to them.

While we welcome the Government's efforts to create statutory guidance on the important role of the IDVA and ISVA service, without explicit mention of the vital role of CHISVA and CHIDVAs, the role cannot become established as desired by the Government. To ensure children and young people receive this support in parallel to what adults can receive, we want to see an expansion in the provision of CHIDVAs and YPVAs, including a greater assurance that DVAs will receive specialist training to work with children and young people to understand their experiences of abuse and be better placed to support.

### **Limited availability in specialist support**

Young victims of domestic abuse face barriers to accessing support in two thirds of local authorities across England and Wales.<sup>19</sup> Early findings from the Domestic Abuse Commissioners mapping research of domestic abuse support services show that fewer than half of survivors were able to access the community-based support they wanted, and just 29% of survivors who wanted support for their children were able to access it.<sup>20</sup>

There is also significant siloeing and complexity in the current commissioning landscape for domestic abuse.<sup>21</sup> This includes structural differences between areas, a plethora of different multi-agency responses, short-term piecemeal commissioning for specialist services, a lack of understanding of coercive and controlling behaviour, decisions being made in isolation and information not being shared effectively.<sup>22</sup>

The cost of domestic abuse amounts to £66 billion a year according to the UK government. SafeLives estimate public investment of £2.2 billion per annum would enable the provision of specialist domestic abuse support for adults, children and perpetrators, front line professionals' training, campaigns and helpline support to 'turn the tide' on domestic abus.<sup>23</sup>

### **Barnardo's Opening Closed Doors service**

A good practice example of domestic abuse service provision for children and adolescents was Barnardo's Cymru's Opening Closed Doors service, which closed recently (31 October 2022). The service worked across four local authorities in South East Wales and was funded by the Home Office. Established in March 2019, the Opening Closed Doors programme offered

community-based, early intervention domestic abuse support for the whole family through a therapeutic service model. The programme provided community-based support to children and families who have experienced domestic abuse, helping them to recover from the trauma that they have experienced and build sustainable changes in their lives. The programme took a holistic approach, offering a whole family intervention that included: Integrated Women's Support (IWS); Safety, Trust and Respect (STAR) Programme for children and young people and; Domestic Abuse Perpetrator Programme (DAPP). An evaluation of the service found 'strong indicative evidence that the funded programme has had a positive impact on families involved with it so far'.<sup>24</sup> Home Office Funding for this Gwent-wide service came to an end in October 2022, leaving a significant gap in this vital support.

### **Need for a statutory duty to provide specialist community-based services**

The fundamental issue of a lack of central resources is why we are supportive of a funded statutory duty on relevant public authorities to commission community-based specialist domestic abuse and sexual violence support services for all victims. The Domestic Abuse Act rightfully establishes an equivalent duty for the provision of accommodation-based domestic abuse services, but this excludes services delivered in the community such as therapeutic support, CHISVAs and CHIDVAs, helplines and counselling services. We know from our own practice experience that these community-based services can deliver life-changing support for children and their families in the context of domestic abuse.<sup>25</sup>

Where support is available, the vast majority of child victims of domestic abuse access community-based rather than accommodation-based services,<sup>26</sup> so it is crucial that they receive sustainable support from central government through a funded legal duty. We are concerned that resource-limited councils may divert funding from community-based to accommodation based-services in order to fulfil their duty under the Domestic Abuse Act.

### **Limited data**

Despite this substantial evidence showing the harm to children from domestic abuse, and the increased risk of direct harm, there is a lack of detailed, up-to-date, and consistent data from children about their experiences of living with domestic abuse. The significant gap in understanding the scale of children and young people affected by domestic abuse impacts detrimentally on the ability of statutory agencies and other institutions to respond comprehensively to the level and nature of the threat.

## Real life story

Jess grew up in a small rural village with her mum, younger brother James\* and her biological father. He subjected the family to years of serious and sustained domestic abuse before a final attack which prompted Jess' mum to relocate the family to a refuge. Lee was later jailed for attempted murder on his new partner after Jess and her mum gave evidence in court.

### Jess' story

It's only now, looking back, that I can see just how controlled we all were by Lee. It wasn't until I remembered an incident where Lee told us he was going to work but I spotted him watching me from a crawl space in the ceiling that I realised the true reason for the holes in the walls. He wanted to know where we were and what we were doing every second of the day. We were all under surveillance and living in a state of constant fear that had no conceivable end.

But all this changed one night when I was 12. I remember it was their wedding anniversary; I woke up in the middle of the night because I heard screaming and I went to see what was happening. I saw Lee

raping mum. Mum told me to get out. Lee said I had to stay and watch. He blamed mum for all of it. I didn't know what to do. I think I was in shock. Eventually I ran away even though I knew he'd probably get me for it.

Lee would do anything and everything from holding a knife to my throat to forcing me watch horror movies just to see me squirm. I know he encouraged the boys to watch sadistic pornography- I think he did this to reinforce to them that the way he treated women was normal, telling them that they should do it too.

Witnessing so much domestic abuse for so long has had a serious long-term impact. I worry I should have done something sooner – but I was only a child. I have anxiety now and can't watch horror films or be in noisy environments.

I want to tell my story to turn this negative experience into a positive one. I want to raise awareness of domestic abuse and how it can affect children as well as adults. Talking about my story helps me to make sense of it all so I want to speak out about it now.

\*name has been changed

## What the Victims Bill needs to do

- Apply the definition of children as direct victims of domestic established in the Domestic Abuse Act 2021
- Ensure there is sustainable support from central government through a funded legal duty to provide child-specialist domestic abuse services, including provision for young people in abusive relationships
- Establish a funded statutory duty on public bodies to commission community-based specialist DA services for all victims, that is designed based on analysis of need. This duty must be supported with sustainable, long-term funding for these services
- Secure resourcing for CHIDVAs and YPVAs alongside specialist training for IDVAs to work directly with children and young people

## What you can do

We would be keen to meet with you to discuss these issues in more depth. We can also provide additional materials if helpful. Contact [Ellie.Pirrie@NSPCC.org.uk](mailto:Ellie.Pirrie@NSPCC.org.uk)

## Notes

- 1 NSPCC Learning, [The impact of domestic abuse on children](#), 2022
- 2 Department for Education, [Characteristics of children in need](#), 2022
- 3 NSPCC, [Record numbers of children affected by domestic abuse](#), 2022
- 4 Domestic Abuse Commissioner, [Mapping of Domestic Abuse Services across England and Wales](#), 2022
- 5 The Children's Society, [Missing the mark](#), p.2, 2020
- 6 The Children's Society, [Missing the mark](#), May 2020
- 7 Safe Lives, [In plain sight: The evidence from children exposed to domestic abuse](#), p.8, 2014
- 8 Ibid
- 9 [Pre-legislative scrutiny of the draft Victims Bill: Government response to the Committees second report](#), p.1, 2023
- 10 Domestic Abuse Commissioner, [Mapping of Domestic Abuse Services across England and Wales](#), 2022
- 11 The Child Safeguarding Practice Review Panel, [Multi-agency safeguarding and domestic abuse](#), p.10, 2022
- 12 Ibid
- 13 Safe Lives, [Safe Young Lives: Young People and domestic abuse](#), 2017
- 14 Home Office, [Tackling Domestic Abuse Plan](#), 2022
- 15 Treasury, [Spending Review 2021](#), p.102, 2021
- 16 King's College London; LimeCulture, [An audit of ISVAs in England and Wales](#), p.14, 2022
- 17 Safe Lives, [Survey of Domestic Abuse Practitioners in England and Wales](#), 2020/1
- 18 [Domestic Abuse Act](#), Part 1 (a), 2021
- 19 Action for Children, [Support for child victims of domestic abuse: patchy, piecemeal and precarious](#), 2019
- 20 Domestic Abuse Commissioner, [Mapping of Domestic Abuse Services across England and Wales](#), 2022
- 21 SafeLives, [Seeing the Whole Picture: An evaluation of SafeLives' One Front Door](#)
- 22 SafeLives *op cit*
- 23 SafeLives, [A Safe Fund: costing domestic abuse provision for the whole family](#), 2020
- 24 Oxford Brookes University (February 2020) Opening Closed Doors Programme Evaluation, Final Report, p.3
- 25 NSPCC Learning, [Domestic Abuse, Recovering Together \(DART™\) service](#). An evaluation of DART found that it increased mothers' self-esteem and confidence in parenting and affection towards their children and reduced children's emotional and behavioural difficulties.
- 26 148,852 children were supported by community-based services compared to 11,890 children in refuges: Women's Aid, [The Domestic Abuse Report 2022: Early Release](#), 2022