



## Domestic Abuse Bill – Committee Stage briefing

June 2020

The Domestic Abuse Bill is a once in a generation opportunity to deliver a step change to our response to domestic abuse. We welcome this Bill, but are clear that it must be widened to truly take account of the needs of children affected by domestic abuse. The COVID-19 crisis has underlined how important this is, with levels of domestic abuse expected to rise and vital support services coming under further pressure. As leading children's charities, we have come together to highlight the areas where the Bill must be strengthened. **With as many as 1 in 5 children and young people exposed to domestic abuse during their childhood, we urge MPs to support amendments to the Bill that would address the needs and experiences of children and young people.**

### Impact of domestic abuse on children

Domestic abuse has a devastating impact on children and young people, and high numbers are affected. Analysis by the Children's Commissioner shows that 831,000 children in England are living in households that report domestic abuse. In 2018/19, more than half of all relevant children's social care assessments had domestic violence identified as a factor that contributed to a child being found to be in need.

Children who are exposed to domestic abuse being perpetrated by one adult against another can experience physical and mental health difficulties, and their development and ability to learn can also be affected. Children also face increased risks of criminal behaviour, interpersonal difficulties in future intimate relationships and friendships, and risks of experiencing sexual abuse, sexual exploitation and other forms of violence and abuse in later life. However, we know that specialist services reduce the impact of domestic abuse on children, and improve their safety and health outcomes so they can go on to have healthy and happy lives. It is therefore essential that they can access greater protections through the Domestic Abuse Bill.

As it stands, the Bill fails to fully address the needs of children affected by domestic abuse. Given that the Bill will inform the Government's approach to tackling domestic abuse, it is vital that the impact on children and their need for protection and support is fully reflected within it.

### Ensuring the proposed statutory definition includes children

**The proposed statutory definition set out in Clause 1 of the Bill does not include children. We are clear that this must change if the Bill is to transform our response to domestic abuse.** The impact on children of seeing, hearing or being otherwise exposed to domestic abuse perpetrated by one adult against another is such that they must be considered to have experienced the domestic abuse as well, and not merely to have passively witnessed it.

The Government has said it recognises the impact that domestic abuse has on children and young people. However, the Domestic Abuse Bill currently fails to acknowledge this impact, particularly in relation to coercive and controlling behaviour. Children's experiences of domestic abuse are often

connected to that of their parent or carer but are also distinct. Examples of this include being expected to defend the abused parent against physical harm or being drawn into violence or coercively controlling behaviours to further punish the adult victim. Children's experiences of disclosure can also be traumatising, leading to instability if it means leaving the family home and changing schools, as well as feelings of guilt at disclosing the abuse.

The Government has been very clear that it expects frontline practitioners and public authorities like the police to adopt the definition. If children aren't included, this could affect how they are treated by the professionals coming into contact with their families. Research has already highlighted that young people often feel they are not provided with any explanations or information from the police. They can be excluded from the discussions that take place between police officers and adults in the home following a domestic abuse incident, and they can feel their perspective on domestic abuse incidents isn't listened to. Including children more meaningfully will enable a more child focussed response from the agencies engaging with them and their families.

Initial reactions to the current crisis demonstrate that children are often a secondary consideration when it comes to domestic abuse, for example, their needs were not covered by the first iteration of Home Office guidance. This is despite a recent SafeLives survey of frontline services showing that 42% felt that they are not able to effectively support child victims of abuse at this time.

We agree with the pre-legislative committee's assertion that neglecting to include children could have a subsequent impact in terms of the level and quality of provision available to children who need specialist support.

The Home Affairs Select Committee's [recent report](#) has also recommended that children's direct experience of domestic abuse should be recognised in the definition of domestic abuse in the Bill:

*"We agree with the Children's Commissioner and our other witnesses that children's direct experience of domestic abuse should be recognised in the definition of domestic abuse in the Domestic Abuse Bill."*

**Recommendation: The proposed statutory definition of domestic abuse must be amended to recognise the fact that children also experience domestic abuse.**

### **Ensuring all children can access the support services they need**

We know that, with the right support, children affected by domestic abuse can recover and go on to lead happy and healthy childhoods. Research shows that specialist support services for children, like Children's Independent Domestic Violence Advisors offering emotional and practical support, reduce the impact of domestic abuse, and improve children's safety and health outcomes.

This is why we are concerned that there is significant variability in the level of provision for children and young people impacted by domestic abuse both within and between local authorities across England and Wales. In an Action for Children study, children affected faced barriers to accessing support in two-thirds of the local authorities that took part. The percentage of domestic abuse services providing dedicated support to children and young people also fell from 62% in 2010 to 52% in 2017. There is currently insufficient funding allocated to provide a sustainable future for vital projects working with children.

Services now have to deal with the challenges presented by COVID-19 as well, with the ability to fundraise severely affected. 60% of the service providers that responded to the recent Women's Aid Federation of England survey on the impact of COVID-19 stated that they had needed to reduce or cancel their service provision for children. Contacts to NSPCC's Helpline about children experiencing domestic abuse also increased by 10% during the lockdown period.

The Bill includes a duty on local authorities to provide support to adult and child survivors in accommodation-based services, like refuges. This is a step in the right direction, but we are seriously concerned that introducing a duty limited to delivering accommodation-based support could have the unintended consequences of removing funding from other crucial services to support adult and child victims of domestic abuse. This is particularly worrying in light of existing serious budget concerns for community-based services.

The government must also ensure that non-accommodation-based support services are provided and funded under any new statutory duty, particularly those services for children.

If Partnership Boards are to be convened, needs assessments undertaken, and commissioning decisions taken based on these, the exclusion of community-based services, including those for perpetrators, would be a missed opportunity in ensuring a holistic and effective response to survivors. It is vital that community-based support is not overlooked if we want to ensure a proper response to domestic abuse.

***Recommendation: The Government should introduce a duty on local authorities and their partners to make available specialist support services for all adult and child victims, as well as perpetrators and children exhibiting abusive behaviours, regardless of where they live.***

#### **Teenage Relationship abuse – support for those under 16 who experience abuse or present as abusive in their own relationships**

The Domestic Abuse Bill 2020 currently defines domestic abuse as taking place between two persons above the age of 16. Yet research shows that 16 and 17 year olds experience domestic abuse for an average of 1.5 years prior to accessing support. All too often these young people are left without appropriate help or support.

The pre-legislative committee acknowledged this gap in legislative understanding and recommended a review into under 16s that experience abuse and may present as abusive, in teenage relationships. The government rejected this recommendation, citing already ongoing national work to combat teenage relationship abuse through school-based interventions on sexual violence and healthy relationships, amongst other things. Yet, The Children's Society has found that out of a survey of just under 18,000 secondary school pupils, only 51% said they could spot the signs of an abusive relationship.<sup>1</sup> Many young people went on to state whilst they could spot the signs, they didn't always feel comfortable enough to leave that relationship or tell someone.

The existence of abuse within teenage relationships is well-evidenced and has been widely recognised by agencies such as the Home Office and Ofsted. For example research by the NSPCC found that 72% of girls and 51% of boys between the ages of 13 to 17 had experienced some form of emotional partner abuse. This distinct lack of national guidance has led to a postcode lottery of specialist support services for young people experiencing teenage relationship abuse, and even more so for young people who may present as abusive in teenage relationships. Research from The Children's Society's found that the majority (77%) of local authorities who responded to their FOI do not have a policy or protocol in place for responding to under 16s experiencing teenage relationship abuse, with just 39% of local authorities providing a specialist support service for under 16s<sup>2</sup> and

<sup>1</sup> This survey was conducted by VotesforSchools as part of their regular surveys within schools and colleges in February 2020 and provided to The Children's Society, the quotes provided within this section also come from this survey. The secondary school survey sample was 17,783 students across England.

<sup>2</sup> The Children's Society submitted an FOI in December 2019 to all local authorities in England (excluding City of London and the Isles of Scilly) regarding their strategic response to teenage relationship abuse and the availability of services to young victims and perpetrators of teenage relationship abuse, there were 98 full or partial responses generating a response rate of 66% - the full findings are due to be published shortly.

with 26 local authorities **providing no specialist support** nor any additional support for this age group.

Teenagers who experience or may present as abusive in their own relationships require a different response than that of adults, but that does not mean they should be offered no further protection within this bill. We welcome the commitment from Government that the statutory guidance will include the impact of domestic abuse on children, including those children and young people experiencing abuse in their own romantic relationships. However, we note that this guidance has not been published even in draft form. We think it is necessary for the proposed guidance to be available at the same time that parliamentarians are scrutinising the Bill.

**Recommendation: The Government need to produce separate statutory guidance on teenage relationship abuse. This guidance should cover early intervention and prevention through to referral for specialist support and disruption tactics for those that continue to cause harm.**

**Recommendation: Statutory guidance must make clear that if a child or young person is a victim of abuse in their own intimate relationships, they should be entitled to specialist support services.**

### **Migrant children and families**

Our organisations welcome the Minister's commitments within the second reading of the Domestic Abuse Bill 2020 to ensure that "*all victims of domestic abuse are treated first and foremost as victims, regardless of their immigration status*". We urge the Home Office to publish its review into the barriers that migrant survivors and their children face whilst accessing support before the committee stage of this bill commences.

Whilst the above commitments are welcome, as the bill currently stands it fails to include and deliver meaningful protection to migrant women and their children with insecure immigration status, despite the government acknowledging the multiple disadvantages faced by these survivors as they are unable to access most statutory forms of support, including specialist domestic abuse services.

Victims of domestic abuse without access to public funds (NRPF) are often trapped within a cycle of poverty, vulnerability and abuse. Without the welfare safety net, these families are often forced to turn to local authority children's services or support under Section 17 of the Children's Act 1989. Data provided to us from the NRPF Network showed that 8,117 families with at least 16,331 dependents were supported by local authorities under Children Act provision between 2015 and 2019 in England and Scotland. Even with this support, hard pressed local authorities can only provide very limited support – sometimes as little as £3 per child per day – making it impossible to meet the needs of a child. Further, of the 20 women supported by Women's Aid Federation of England's No Woman Turned Away project, social services either refused outright to fund a refuge space or provide emergency provision (14), or offered to accommodate the children but not the mother (6).

Recent analysis by The Children's Society in *A Lifeline for All* puts the estimated figure of the number of people in the UK with No Recourse to Public Funds far higher than previously thought. The Home Office Migrant journey data shows that there were over a million adults and more than 140,000 children who had leave to remain in the UK at 31<sup>st</sup> December 2016. The vast majority will have had the NRPF condition applied to their immigration status. The figure is likely to be far greater when accounting for the undocumented population meaning **hundreds of thousands of children go without vital support in times of crisis**.

The Government should ensure this bill removes the systematic barriers to migrant survivors and their children seeking safety and accessing specialist domestic abuse support. At a minimum the government need to expand current routes to securing permanent residency for all migrant victims of domestic abuse so they can access welfare support, refuge accommodation and regularise their immigration status independent of their perpetrator if they wish to do so.

***Recommendation: The Bill must be amended to provide Recourse to Public Funds to all migrant victims of domestic abuse.***

***Recommendation: The Bill must be amended to extend the eligibility under the Domestic Violence Immigration Rule to any migrant survivor of domestic abuse so they can more easily secure permanent immigration status. The DDVC should also be extended accordingly from 3 to 6 months.***

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