

Joint Feedback on the Draft Statutory Guidance for Part 4 of the Domestic Abuse Act

Summary of key concerns

- It is crucial for the statutory guidance to recognise the gendered nature of domestic abuse and that women are the vast majority of victims who will require safe accommodation. There must also be clarity that domestic abuse is one form of violence against women and girls to ensure there is an understanding of the interconnectedness of forms of gender-based violence, which are forms of discrimination against women.
- This guidance must align with the legal acknowledgment of children as victims in their own right in the Domestic Abuse Act. It must also explicitly acknowledge the structural barriers faced by Black and minoritised victims, Deaf and disabled victims, and LGBT+ victims, and the severe challenges facing the specialist led 'by and for' services that support them.
- We are clear that the definitions of forms of accommodation and domestic abuse support urgently need improving. The current drafting has the potential to lead to unsafe forms of temporary accommodation, which aren't designed to meet victims' needs, being funded. We are already seeing a rapid rise in unsafe accommodation providers targeting victims, and this guidance must not increase this further. The safety and expert support that specialist services deliver must be clearly distinguished from general 'accommodation', as well as clarifying that a refuge address should never be publically available or disclosed.
- The local partnerships boards must be required to take a Whole Housing Approach, which has been endorsed by the Domestic Abuse Commissioner and acknowledged as best practice in the accompanying draft statutory guidance to the Domestic Abuse Act. The Whole Housing Approach endeavours to improve the housing options and outcomes for people experiencing domestic abuse so that they can achieve stable housing, live safely and overcome their experiences of abuse.
- The guidance requires far more detail about best practice commissioning for domestic abuse services. It should link to key points about current problems with procurement for domestic abuse services, and the solutions to this, which are identified in the government's VAWG commissioning toolkit published in 2016. There must also be specific reference on the importance of commissioning recognising the social value of specialist domestic abuse services and those led 'by and for' specific communities.
- The Tier 1 Local Authority scale of needs assessment does not sufficiently address the scale of women's and children's help-seeking as many thousands cross local authority boundaries to access services due to domestic abuse¹. The guidance needs to be clarified and strengthened in terms of cross-border help-seeking to ensure that women are neither trapped within an area by lack of provision or ineligibility rules elsewhere, nor forced to relocate when specialist domestic abuse services could enable them to stay put.

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Who is the guidance for?

We would recommend this section gives more detail about how these statutory requirements specifically relate to provision of support in safe accommodation. For example, the Equality Act section should make clear that the Act allows services to be provided separately for men and women, or to be provided to one gender only (Schedule 3, part 7).

In addition, this section should specifically reference the:

¹ "Stay Put; Remain Local; Go Elsewhere: Three Strategies of Women's Domestic Violence Help Seeking." Dignity: A Journal of Analysis of Exploitation and Violence 6 (3): 4. doi:10.23860/dignity.2021.06.03.04. <https://digitalcommons.uri.edu/dignity/vol6/iss3/4/>

- Public Sector Equality Duty under s. 149 of the Equality Act, and how this requires public bodies to consider the needs of people with protected characteristics including sex, race, disability and sexual orientation. As well as cross-referencing to B5. X on pages 21-22.
- Public Services (Social Value) Act 2012, which places a duty on commissioners and procurers to consider social value within procurement. “*The authority must consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and how, in conducting the process of procurement, it might act with a view to securing that improvement*” (s. 1(3)).
- The overarching statutory guidance for the Domestic Abuse Act, the Violence Against Women and Girls Strategy and the Domestic Abuse Strategy.
- Make clearer the links between safe accommodation and the Homelessness Reduction Act 2017, in particular the relief duty.
- Istanbul Convention, the provisions of which – particularly Article 4(3) – the Government committed to reminding public authorities in the statutory guidance in their response to the Domestic Abuse Act’s pre-legislative joint committee report: “*The Government will, however, use the opportunity provided for in statutory guidance issued under clause 79 of the Bill to remind public authorities of the provisions of Article 4(3) of the Convention and the application of existing rights legislation.*”²

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Main points

We recommend that this section makes clear that women are the vast majority of victims who will require safe accommodation, as they make up the vast majority of victims who experience domestic homicide and serious injury, and when male victims do seek help they have different needs³. It would also be useful to make clear that the Domestic Abuse Act now recognises children as victims of domestic abuse in their own right.

It would also benefit to recognise that victims will have different needs based on, for example, their type of tenure, their housing preference and other factors such as financial resource. Whilst the statutory requirements apply to victims, local authorities should note that in some cases rehousing the perpetrator is also a route to delivering safe accommodation for victims.

The phrase the ‘right support’ also requires further explanation in order to be useful – what does the right support mean? We would recommend that 3 clear definitions of the different types of support services are required in this section to underpin the rest of the document – as they are relevant for not only the definitions of support services, but also for the local partnership boards and other requirements under the duty:

- General/generic support services
- Specialist support services
- Specialist support services led ‘by and for’ victims with protected characteristic and/or those with multiple complex needs

We would recommend that MHCLG consider using a similar approach to [commissioning guidance developed in Wales](#), which clarifies the difference between specialist and non-specialist violence against women and domestic abuse services.

Background

This section would benefit from recognising that for people experiencing domestic abuse, the home is often the most dangerous place. Nowhere is this more evident than when we consider the number of victims, the majority of whom are women, who are killed inside their own homes. The Femicide Census⁴ reveals that the

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817556/CCS0619467038-001_Domestic_Abuse_Bill_Print_WEb_Accessible.pdf

³ What about the men?: <https://www.womensjourneyscapes.net/wp-content/uploads/2018/08/Womens-Journeyscapes-Briefing-paper-2-June-2018.pdf>

⁴ <https://www.femicidecensus.org/about/>

place a woman is most likely to be killed is in her own home, which she may or may not share with the perpetrator.

Domestic abuse is one of the major causes of homelessness, with one in eight homeless people reportedly fleeing from an abusive relationship and almost 7000 people becoming homeless in 2017 because of leaving an abusive perpetrator⁵. It is well documented that a lack of housing options can prevent victims from being able to escape and find safety.

For women who are not safe in their own homes, refuge services are life-saving and must underpin the housing response to domestic abuse. Over half of domestic abuse victims accessing services need support to help them stay in their own home or move on to new accommodation⁶.

Those responsible for delivering this duty should also consider the housing needs of victims residing in the three main tenure types (social housing, private rented and privately owned) and the range of domestic abuse tailored housing options and initiatives that are needed and which give victims' choice to either relocate or remain in their existing accommodation.

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Section A1: Domestic Abuse

Again, this section should reflect the government's position that domestic abuse is a form of violence against women and girls, which disproportionately impacts women. Paragraph 14 of the [Home Office's draft statutory guidance on the Domestic Abuse Act](#) should be included here.

We also recommend that, as well as referencing economic abuse, the description of the Domestic Abuse Act makes clear that the new law recognises children as victims in their own right.

A1.1

The definition in the Act doesn't specifically cover the forms of abuse that disproportionately impact Black and minoritised women – including so called 'honour based' abuse, forced marriage and FGM. However the Home Office have made clear in statutory guidance that they are commonly perpetrated in a domestic abuse context. The definitions on page 23 and 24 of the Home Office's [draft statutory guidance on the Domestic Abuse Act](#) should be included here.

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Section A2: The Duty

This section refers to local authorities assessing need and preparing strategies related to "victims [who reside] in relevant accommodation". We are concerned that this may limit the scope of assessments and strategies and, ultimately, the positive impact of the new duty. We consider that needs assessments and strategies should consider not just those who reside in relevant accommodation, but those who need to do so but are currently unable to access the accommodation - for example, because of an overall shortage of bed spaces or a lack of accommodation that meets their particular needs. This would be in line with Section 57, clause 1 of the Domestic Abuse Act, which stipulates that local authorities must "assess... the need for accommodation-based support in its area", not just the need for support within that accommodation. An equivalent amendment to the second paragraph of section B3 would also be welcome.

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Section A3: Safe Accommodation

Rather than stating "*while we acknowledge the critical role of refuge in providing safety and support, particularly to those victims at high risk of serious harm*", it would be more useful to reference the

⁵ MHCLG, Live tables on homelessness: Table 774

⁶ SafeLives (2018). Safe at Home: Homelessness and domestic abuse. Available at: <https://safelives.org.uk/spotlight-5-homelessness-and-domestic-abuse>

development of refuge services. This should make clear that refuge services were the first established form of safe, communal accommodation for women and children escaping domestic abuse in the 1970s, and have developed into a network of services for women who are at high risk of serious harm. Then the guidance could go on to state that refuge services have been expanded to deliver a wider range of accommodation types to victims and their children than communal accommodation alone. Further detail is available on page 2 of the [refuge services chapter in the DAHA whole housing toolkit](#).

This section also needs to make clear that, in order to be safe for victims, accommodation needs to be gender-specific. It should refer to the established body of evidence demonstrating that only women-only accommodation can provide the physical and emotional safety that victims need. It should state clearly mixed-gender environments are often threatening for women who have experienced abuse and can be re-traumatising.

We would welcome this section clarifying that the definition of 'safe accommodation' for the purpose of the statutory duty does not affect legislation or guidance on the suitability of accommodation that local authorities provide for households under the homelessness legislation. We would also welcome the inclusion of a statement setting out that Tier Two authorities are not prohibited from providing specialist support to victims of domestic abuse and their children accommodated, under the homelessness legislation in forms of accommodation that are not considered safe accommodation. The stipulation in this guidance is simply that support for those in such accommodation may not be commissioned as part of meeting this duty.

A3.X

The introduction to 'relevant accommodation' should make clear that relevant accommodation is only relevant if it is delivered with support.

- Refuge services: this definition should make clear that refuge services provided in separate or single-sex services within the meaning given in Part 7 of Schedule 3 of the Equality Act and the address of which cannot be made publicly available or disclosed. It should also clarify that the full package of support types listed under the support section are delivered within a refuge service – eg advocacy, advice, support for children and young people, counselling and therapeutic support, prevention work, and peer support.
- Specialist safe accommodation: whilst we welcome the reference to 'by and for' here, there should be further clarity as to what 'by and for' means (i.e that they are organisations delivering the support led by and for the communities they serve) and as to whether this also includes services 'by and for' women.
- Dispersed accommodation: this section should note that refuge services provide this type of accommodation too. This definition should consider the important point that refuge accommodation can *also* provide a mixture of shared, self-contained and dispersed accommodation to reflect diverse needs and circumstances of survivors. The existing description refers to them separately, which implies that refuge accommodation is never dispersed and always communal – which is not the case. The statutory framework must effectively define refuge services as delivering this range of accommodation types to be accurate.
- Sanctuary schemes: this would benefit from linking to the Whole Housing Approach toolkit which includes a specific chapter on sanctuary schemes⁷.
- Move on: this would benefit from describing that this type of accommodation enables victims to move on from refuge to self-contained accommodation with affordable rents (usually provided by registered social landlords), with longer term stays. Specialist resettlement support is provided throughout the tenancy by specialist domestic abuse services which often includes visiting support to help women with practical tenancy sustainment, as well as ongoing support to cope, recover and move towards independence. The Move On Fund⁸ provides capital funding for developing new or refurbishing existing units.

⁷ https://www.dahalliance.org.uk/media/10661/15_-wha-sanctuary-scheme.pdf

⁸ <https://www.gov.uk/government/publications/move-on-fund>

- Other forms of domestic abuse safe accommodation – this definition remains very unclear. In particular the reference to the “whole housing approach” is very confused – the whole housing approach covers everything from economic abuse, the private rented sector to social housing, so this doesn’t provide a clear example of what ‘other forms of domestic abuse emergency accommodation means’. This definition needs to be more specific and provide clear examples of what would fit under this category. This is crucial as we are highly concerned that there appears to be an increasing number of exempt accommodation providers establishing supported housing for ‘vulnerable women’ in England with no history, experience or stated intention or interest in developing expertise, in domestic abuse or VAWG at all. It appears that the providers are largely delivering this by claiming enhanced Housing Benefit for exempt accommodation, and in some cases private property companies are establishing CICs to do so with the purpose of delivering financial return to investors, rather than supporting victims.
- Case study examples would be helpful to illustrate the differences between different forms of relevant accommodation.

We welcome the clarification that generic Bed and Breakfast accommodation and homeless hostels are not considered safe accommodation for victims. We do however believe that further clarity is needed to ensure local authority homelessness teams don’t offer this to victims as emergency accommodation.

We welcome the acknowledgment that support can be given in temporary accommodation provided under homelessness duties, provided it meets the descriptions of ‘relevant accommodation’. However victims who have been placed in refuges or other specialist safe accommodation should always be advised of the fact that they can make a homeless application alongside the support they are receiving under the duty, and of the benefits and any disadvantages of doing so.

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Section A4: Support

As set out above, the current definition of support as “domestic abuse support includes the expert help provided to victims and their children by the specialist staff in domestic abuse support services” is very unclear. We welcome the acknowledgement that “The support should be delivered by knowledgeable and/or experienced specialist providers, charities, and other voluntary organisations whose purpose is to provide support to victims of domestic abuse”, however there still needed to be clearer definitions of:

- General/generic support services
- Specialist support services
- Specialist support services led ‘by and for’ victims with protected characteristics
- Specialist support services for those with multiple complex needs

If the guidance doesn’t make these distinctions clear, we are concerned that it will not align with the Istanbul Convention, which requires states to provide specialist services to meet the specific needs of victims and children, including specialist refuge provision. Article 22 of the Convention makes clear that specialist support is best ensured by women’s organisations and by support services that have specialised and experienced staff with in-depth knowledge of gender-based violence.

Establishing the difference between general support services, and specialist support services, is critical for this section. Would recommend that MHCLG look at definitions used in 2.7 of the [Welsh Commissioning Guidance](#) in this regard.

This section also needs to talk about the importance of gender-specific support services for victims of domestic abuse, and the fact that women victims of domestic abuse require women-only support. It should

also make clear that victims with protected characteristics need services led 'by and for' them – as these services are uniquely able to meet their specific support needs.⁹

This section could benefit from further clarity about support for those who have accessed a Sanctuary Scheme. Whilst the draft guidance acknowledges that support provided to survivors who remain in their own homes may look different to that provided in refuges, and outreach support is specified, this type of support is not referenced in the subsequent list of domestic abuse support within relevant accommodation. Although the nature of the support provided by an outreach service is covered in the list, it may help to state this clearly to minimise confusion, particularly as it is not immediately obvious that “support within relevant accommodation” may refer to that provided by community-based services. We recommend that the guidance explicitly states that this support may be provided by community-based specialist domestic abuse services.

Expanding on the type of support that can be provided to survivors remaining in their homes with enhanced security measures would be also useful. Some local authorities may have long-standing relationships with services who provide support to women in the community who have accessed a Sanctuary Scheme, such as Independent Domestic Violence Advocates/Advisers (IDVAs) or other specialist support workers, as an alternative to outreach provision, and all these services provide vital support as listed in this section. This section should refer to the Whole Housing Approach which includes mobile advocacy, co-located IDVA provision and the specialist support provided through the Housing First model as examples of best practice for supporting survivors living in the community.

A4.X

- Children’s support - this should cover children and young people and would recommend that it cover a broader range of support types than only play therapy and child advocacy – e.g. supporting children to access and maintain education, therapeutic interventions, support for mother and children together, counselling, and support for young people experiencing abuse in their own relationships, delivered by specialist children’s workers.
- Advice services – would recommend that this covers key work, information, advice, education and training.
- Housing-related support – this should include mobile advocacy and co-located support as well.

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Section B1: Local Partnership Boards

We recommend that the introduction to this section refers to the overall aims of partnership boards – which should establish an equitable partnership that reflects the needs of those impacted by domestic abuse in the local area, and works to deliver quality services that meet victim’s needs. Imkaan’s *Uncivil Partnerships* briefing makes clear why this aim needs to be clearly stated.¹⁰

This section must also reference the Whole Housing Approach, which endeavours to improve the housing options and outcomes for people experiencing domestic abuse so that they can achieve stable housing, live safely and overcome their experiences of abuse¹¹. It offers a framework for the domestic abuse and housing sectors to work together to address the immediate and longer-term housing needs of victims. This approach has been endorsed by the Domestic Abuse Commissioner.

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B1.X

⁹ Women’s Resource Centre, *Why Women Only- The Value & Benefits of By Women, for Women Services*, 2006

¹⁰ Imkaan, 2017, *Uncivil partnerships? reflections on collaborative working in the ending violence against women and girls sector*, London. Imkaan

¹¹ https://www.dahalliance.org.uk/media/10647/1_-wha-toolkit-introduction.pdf

There needs to be stronger directive given to local authorities for who to include including Tier Two authorities, including specialist services and representation from housing and homelessness services to sit on the Local Partnership Board.

C

Reference is needed to ensuring that any victim represented on the Board, or a dedicated forum for hearing victims' voices, receives specialist support throughout the process. Reference is also needed to ensure that appropriate resources are delivered to support their engagement – eg covering travel costs, childcare, and meeting any access needs.

D

The phrase 'children of domestic abuse victims' doesn't align with the Act's recognition that children are victims in their own right.

E

Again this section needs to make a clear distinction between specialist and general support services that work with victims of domestic abuse. When referencing local services, it should be made clear that this must include services led 'by and for' women and children with protected characteristics. It would also be good to make clear that they have unique understanding and established presence within the local community.

We would also recommend that this section guides local authorities to set up provider reference groups of specialist services, and ensure their views and recommendations are responded to in the board's decision making – although the structure may need to differ depending on the context and size of the local area.

Page 14

B1. X

- Report on progress – the Domestic Abuse Commissioner's office to also be included.
- The requirement that "Tier One authorities should work collaboratively with, as a minimum, neighbouring authorities" is insufficient detail on collaboration. We encourage the Department to make more explicit the steps Tier One authorities should take to ensure the duty is effective in increasing consistency across different areas of the country, specifically so that those fleeing one area to another are better able to access suitable provision.

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Section B2.X

- Needs assessments – this should make clear that needs assessments should be delivered in conjunction with local specialist providers and timed to ensure it fits in with relevant grant making or commissioning rounds.
- In reference to local partnership boards taking steps to understand the barriers victims face, it would be useful to provide examples here – particularly to reference that as the majority of victims do not report to the police, using CJS statistics to assess need for DA support will never be enough. The extent of women's cross-border help-seeking is likely to be underestimated by local needs assessments, and it is especially minoritised women who would be missed in such a way¹². In addition, women's homelessness is largely hidden in needs assessments, and working with specialist services is essential to understanding a true picture of need. In particular, victims who face discrimination on the basis of race, sexuality, gender identity, and immigration status face significant barriers to reporting/accessing help – which means they are the most hidden in assessments of need.

¹² "Stay Put; Remain Local; Go Elsewhere: Three Strategies of Women's Domestic Violence Help Seeking." *Dignity: A Journal of Analysis of Exploitation and Violence* 6 (3): 4. doi:10.23860/dignity.2021.06.03.04. <https://digitalcommons.uri.edu/dignity/vol6/iss3/4/>

- There should be an explicit acknowledgment of the severe barriers victims with insecure immigration status face when attempting to access safe accommodation. Local authorities should therefore be required to specifically consider and plan to meet their needs.
- When assessing need for victims outside of a local area, the guidance should make clear that around two thirds of women accessing refuge services are from a different local authority area, and should not be prevented from doing so by service eligibility criteria.¹³
- The section which states Tier One authorities should work with local specialist services to assess need should also explicitly include working with organisations that support marginalised groups who face severe barriers to accessing support – for example women with insecure immigration status and Traveller women.
- We would recommend this section “*where possible, the Board should ensure personal data of victims does not form part of the local needs assessments. Where data that could risk identifying a victim and/ or a member of their family is collected, the Board must set out clearly how the data is intended to be used*”, is rephrased as follows: “*The Board should always ensure that personal data that could identify a victim and/or a member of their family should never be shared. This should be carefully considered to go beyond obviously identifiable information. For example it should include demographic characteristics which when combined could lead to identifying an individual within a particular geographical area.*’ De-identified data will clearly be important for local needs assessment - but there is a lack of clarity about what ‘personal data’ would be. Many interpret personal data as things that obviously identify someone (phone number, email, address etc), however it also includes other info such as demographics, where combined.
- We also recommend that needs assessments include Equalities Impact Assessments, in line with the Equality Act.
- We would welcome further clarity on listening to the voices of victims to ensure engagement responds to their needs and feedback is given to the local partnership board to improve on any gaps identified.

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Section B3: Strategies

The introduction should set out that the strategy should include a section on purpose, overall aims and priorities for the strategy - and that this must recognise the gendered nature of domestic abuse, which is a form of VAWG. See further detail on strategies in [Imkaan & Women’s Aid, Successful Commissioning Guide, 2014](#). It should also reference the Whole Housing Approach and importance of considering the unique needs of victims in the different tenure types while bringing together the housing options available under one umbrella.

- Needs identified: when talking about Black and minoritised victims and LGBT+ victims, it would be useful to reference disabled victims. There is also inconsistency with how LGBT+ victims are referred to throughout the document – in some cases LGBT is used and in others it’s LGBTQ.
- Addressing the needs: again, this section needs to clearly define the importance of local authorities meeting the needs of victims through the provision of specialist support services.
- “How the support needs of children within safe accommodation will be adequately met” must include older male children to recognise the additional barrier victims face.
- We do not feel that the bullet point covering accommodation for victims from different local areas is sufficiently robust to prevent the continued inconsistencies we see with local authorities’ adherence to guidance, including the statutory guidance on social housing allocations, on this issue.” The guidance should be crystal clear that local authorities must never apply local connection restrictions to victims of domestic abuse accessing any form of safe accommodation – including refuge services, move-on and long term housing.
- Funding: the strategy should set out a breakdown of the funding, rather than an overall sum, which should be evidenced against the needs identified in the needs assessment. We would also recommend explicitly referencing capacity/resilience building and clinical supervision in ‘overall

¹³ Women’s Aid (2018) Survival and Beyond: The Domestic Abuse Report 2017

management' costs. The breakdown must also include recovery and step down, and funding should be ring-fenced to facilitate survivor engagement.

- Awareness: as well as a focus on public awareness we recommend that strategies should work to prevent domestic abuse in local communities.
- Review and feedback: this bullet point should make clear that the timeframe for consultation and feedback should be sufficient and manageable for victims and specialist domestic abuse services.

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Section B4: Giving Effect to Strategies

Overall, far more detail is needed within this section about best practice commissioning for domestic abuse services. It should link to key points about current problems with procurement for domestic abuse services, and the solutions to this, which are identified in the government's [VAWG commissioning toolkit](#) published in 2016.

The guidance must highlight that current procurement processes create an uneven playing field for specialist domestic abuse support services – as they favour larger organisations and contracts, and disadvantage smaller charities and specialist providers in the following ways:

- Charitable organisations have limited capacity and resources to take part in time-consuming and costly tendering processes, which are an acute challenge for smaller organisations.
- There can be unrealistically short timescales in which to complete tenders, which stops small charitable and specialist organisations from bidding.
- Larger organisations have personnel who are trained in writing bids, whereas smaller organisations do not have these resources - putting them at significant disadvantage.
- The scale of contracts across large geographical areas, or onerous contract terms, can bar smaller-scale organisations from taking part at all.¹⁴

It should reference the following statement in the VAWG commissioning toolkit: *“commissioning specialist support services doesn't just mean procurement and commissioners should seek to identify the most appropriate method – for example, grant based funding, co-production and preferred provider partnerships. In particular it is vital to recognise that grant giving is a legitimate commissioning technique (...) Grant regimes are typically more responsive and allow greater flexibility in meeting complex outcomes (...) Grant based funding is particularly appropriate when commissioning specialist organisations that are difficult to replicate and cannot simply be relocated to another provider e.g. BME-led provision, LGBT provision, women's provision and organisations working on substance misuse or mental health”*

Specific reference is required on the importance of commissioning recognising the social value of specialist domestic abuse services and those led 'by and for' specific communities.

It should also make clear that, as over half of refuge spaces in refuges run by & for Black and minoritised women are currently non-commissioned¹⁵, local authorities must take active steps in reaching out to and including non-commissioned services when delivering the duty.

Other comments on this section:

- A specific point is needed within this section about the importance of commissioning covering the full costs of service delivery.
- The reference to 'de-commissioning' is also unclear and requires further explanation if it's going to be included.

¹⁴ Lloyds Bank Foundation, 'Commissioning in Crisis: How current contracting and procurement processes threaten the survival of small charities', 2016

¹⁵ 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

- The reference to the Equality Act is helpful but it would be useful to provide more clarity on what this means in practice - Paragraph 27 of Schedule 3 of the Equality Act 2010 enables the provision of separate services for men and women, or to provide services to only men or only women in certain circumstances.
- The phrase 'particular needs' is inconsistent with previous language – when referencing Black and minoritised, disabled and LGBT+ victims we'd recommend that 'structural barriers' or 'structural inequalities' is used.
- When referencing long-term funding, it would be helpful to clearly state that grant funding is a legitimate commissioning option and so funding should not be limited to large tendered contracts.
- The section on pooled funding this should align with the government's [VAWG commissioning toolkit](#) which states: "*there is a trend towards larger geographical areas as commissioning groups come together to look for greater consistency of provision and to make the most of pooled budgets. While these are desirable outcomes, 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 large, generic providers. For example, tenders where there is a specific request for a single, large provider, insufficient time for the delicate work of consortia/partnership forming, or a small number of extremely high-value lots requiring bidders to be in a very strong financial position will limit the ability of local specialist services to put in a bid.*"
- We welcome the reference to Women's Aid's National Quality Standards and Imkaan's Accredited Quality Standards, and would also suggest that Respect's Standards for Male Victims are included here too.

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Section B5: Supporting All Victims and their Children

- The title section of B5 must recognise that children are now legally acknowledged as victims in their own right, and should instead read "Supporting All Adult and Child Victims".
- The list of protected characteristics and 'multiple/complex needs' is confused – we'd recommend that protected characteristics as defined by the Equality Act 2010 is listed separately from victims with 'additional needs', victims who face 'structural barriers', or victims whose needs 'are currently unmet'. There are also a number of terms within this list which require revision:
 - Deaf and disabled victims should be listed separately.
 - Male is not a protected characteristic – the protected characteristic is 'sex'.
 - This list should be separated out into separate categories: people with an offending history Those presenting with complex needs (including those with mental health and/or substance misuse needs and those facing multiple forms of abuse within the family such as honour based violence and forced marriage)
 - Whilst an adult victim with child victims, large families and adolescent boys face significant barriers to accessing a refuge space, single women with no children also face barriers which should be noted.

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- The section on requiring local authorities to have a clear approach to meeting the needs of all victims should also reference the severe challenges that face specialist services led 'by and for' Black and minoritised women, LGBT+ victims and Deaf and disabled victims in the current funding landscape – and how this increases the barriers that victims with protected characteristics face in accessing support. These services are often the smallest, most likely to be non-commissioned¹⁶, and are unable to meet demand for support from the victims that need them.

¹⁶ 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

- Increased recognition of the barriers victims face due to economic abuse. The impacts of economic abuse and the costs associated with leaving a perpetrator and starting over can limit a victim's choices, potentially leaving them with no choice but to remain with the perpetrator. Moreover, many of those who are not receiving benefits have to pay for their refuge space, which presents a major barrier to leaving a perpetrator. Maintaining existing or accessing new housing is even more challenging where a perpetrator has interfered with rental, mortgage or utility payments or has caused damage to the property.
- Flexible Funding aims to provide a more equitable and accessible solution to financial crises that may otherwise spiral into homelessness or leave a victim trapped with their perpetrator.
- The reference to 'training for services' needs to be expanded – consideration needs to be given to what training can be done with mainstream services, what needs to be done in partnership with specialist 'by and for' services, and what has to be delivered directly by specialist 'by and for' services.
- Whilst this section references gaps in provision of support, this must also link to gaps in accommodation provision in recognition that the physical accommodation can often be a barrier to a victim accessing or choosing to access it.

Section C1: Monitoring and Evaluating

- The section on monitoring and evaluating should make clear that monitoring and evaluation must focus on the outcomes that matter to victims, and local authorities should work in partnership with local services to use existing data and systems to minimise the burden of reporting requirements. In particular, we'd recommend the guidance refer to Imkaan and Women's Aid shared outcomes framework, which was developed in consultation with victims, specialist services and academics, and underpins relevant case management systems – Synthesis and On Track.
- In requiring local authorities to capture whether victims are unable to access support, the guidance should make clear that LAs would need to work in partnership with specialist domestic abuse services in order to understand experiences of victims who are unable to access the support they need and the barriers that need to be tackled to ensure they can.
- We would also recommend that monitoring and evaluation include Equalities Impact Assessments, in line with the Equality Act.

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Section C2: Reporting

The section on reporting evidence that local strategies are in place and working effectively requires much more detail in order to accurately evidence that a local strategy is working effectively – at a minimum it would need to include:

- How many victims and children were supported, and for how long;
- The demographics and support needs of victims (as that gives context to the outcomes);
- What outcomes were recorded for victims using the support services commissioned under the strategy;
- How many victims were turned away by support services delivering safe accommodation in the local area, and the reasons that they were turned away. This should include a disaggregated breakdown.
- Whether there were any needs outstanding and not addressed.

We also recommend that local authorities report on the outcomes of equalities impact assessments conducted as part of the needs assessments and monitoring and evaluation. Finally, all reports should also be shared with the Domestic Abuse Commissioner.

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Section C4: Oversight and National Steering Group

In addition to referencing the Domestic Abuse Commissioner, this section should make clear that national organisations representing specialist domestic abuse and VAWG providers should be included on the group.

It would be helpful to include further detail on the 'standing agenda item' which will consider whether the support needs for all victims in safe accommodation are being met – including what data and evidence the group will consider in this regard. This would need to include, for example, data from non-commissioned services, and the experiences and outcomes of victims turned away from safe accommodation.

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Annex A

We would recommend that the following sentence "*the Board will work together to support, advise and work in partnership with [enter Local Authority] to ensure victims of domestic abuse have access to adequate and appropriate support within safe accommodation services*" is rephrased as "*The Board will establish an equitable partnership that reflects the needs of those impacted by domestic abuse in the local area, and works to ensure victims of domestic abuse have access to appropriate and specialist support within safe accommodation services.*"

In roles and responsibilities for the board, we would like to see the following included: "*ensuring that the needs of marginalised victims and victims with protected characteristics are represented and met through the strategy.*"

We would also recommend that the following are standing agenda items for the partnership board:

- Equalities
- The voices and needs of victims

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Annexe B

We would recommend setting out how MHCLG's Quality Standards relate to any other standards applicable to particular types of accommodation and providers. This should include their relationship with the National Statement of Expectation for supported accommodation.