

By email: DomesticAbuseConsultation@justice.gsi.gov.uk

Thursday 31 May 2018

ADCS response to the draft domestic abuse bill consultation

The Association of Directors of Children's Services (ADCS) welcomes the opportunity to respond to the Home Office and Ministry of Justice's consultation on transforming the response to domestic abuse. ADCS is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of professional leadership and accountability for services for children and young people in a local area, including children's social care and education.

Domestic abuse can happen to anyone of any age. Both men and women can be victims or perpetrators and it can be fatal – conservative estimates suggest around two women every week and 30 men die each year because of domestic abuse. It continues to be the most prevalent factor in children's social care assessments, this includes children themselves being the subject of domestic abuse, them being exposed to a parent being abused or concerns about another person in the household being subject to abuse. Violence results in 300,000 A&E attendances each year ([Department for Health, 2012](#)) and domestic abuse accounts for 16% of all violent crime, despite this we know that only one in five victims speak to the police meaning the true impact and scale of this issue remains unknown. It is estimated that responding to domestic abuse collectively costs the criminal justice system, civil and legal services, social care, housing and health services £3.9 billion each year (Walby, 2009), however, the human costs are incalculable.

Witnessing or experiencing inter-parental conflict and domestic abuse can have a devastating and lifelong impact on a wide range of outcomes for children and young people, from their mental health and educational attainment to interpersonal skills ([Early Intervention Foundation, 2016](#)). A collaborative, cross-government strategy for tackling domestic abuse is urgently required. This should seek to raise awareness of the issue, enable more effective identification and provision of support when and where it is required and, crucially, prevent domestic abuse taking place. Sadly, the measures outlined in the draft Bill fall short of what is required despite a range of reports and resources commissioned by various government departments in recent years clearly articulating what is required to turn the tide on this silent epidemic.

1. Promote awareness

Education is one of the best tools we have at our disposal in raising awareness of the signs and symptoms of domestic abuse amongst children and young people whilst helping them to understand what a healthy relationship looks like. Relationships and sex education (RSE) was placed on a statutory footing in the *Children and Social Work Act (2017)*, which allows for an age-appropriate curriculum to be taught in all primary and secondary schools, however, parents will maintain the right to withdraw their children from these lessons. According to recent reports in the media, the timings for introduction now appear to have slipped from 2019 to 2020. This is a worry.

It is important that the pressure schools are under is fully recognised and relevant funding and training accompanies new duties. It is likely the introduction of SRE lessons will result in pupils who are affected by the spectrum of domestic abuse making a disclosure. This will require an immediate response. The [NICE guideline](#) on domestic violence and abuse (2014) highlighted the importance of training for staff conducting routine enquiries, it would be helpful if some of the recently announced £8 million fund to support children and young people who have witnessed abuse was used to this end.

The Association of Directors of Children's Services Ltd

Piccadilly House, 49 Piccadilly, Manchester, M1 2AP
0161 826 9484 | info@adcs.org.uk | www.adcs.org.uk | [@ADCStweets](https://twitter.com/ADCStweets)

Formal support might not be available via children's social care if the necessary thresholds are not met and early help services, such as family support workers and children's centres, have been hit by significant reductions in funding for local authorities over the last eight years.

In terms of other measures aimed at promoting awareness of this issue with key professionals, the government's social work reforms are not focused on identifying and responding to domestic abuse and the Department for Education (DfE) has not yet decided if all children and family social workers will be required to go through the assessment and accreditation process. This measure does not represent decisive action.

The rolling out of further information to job centre staff, health services and Troubled Families workers to improve their ability to recognise the signs of domestic abuse are also proposed here. Funding for the Troubled Families programme is due to end in 2020 and there is little detail about the role of health practitioners yet the recent Joint Targeted Area Inspection (JTAI) on multi-agency responses to children living with domestic abuse (Ofsted et al, 2017) noted the complexity of local health services makes it hard for all children to be seen and their experiences fully considered. This complexity also presents significant barriers to partnership working resulting in children and families potentially being exposed to harm for longer periods of time. As a universal service health has a crucial role to play in both identifying and responding to abuse, the JTAI highlighted the positive contribution of midwifery services in many of the local areas visited as part of this inspection as did the NICE guideline (2014), but this is not referenced in the draft Bill.

ADCS members are clear, the widespread nature of this issue, the number of lives touched by domestic abuse and the impact it has on the workload of professionals, requires a public health style response. This approach has been tried at local and sub-regional levels so there already is learning and experiences to draw on e.g. the 'Be a lover not a fighter' campaign in Cheshire and Merseyside.

The development of a national public service campaign aimed at tackling public attitudes whilst deterring perpetrators and potential perpetrators should be the cornerstone of a public health approach to addressing domestic abuse. This is long overdue and must be promoted with the same intensity and challenge as previous campaigns against AIDS, racism and homophobia. A 2012 report by the Department of Health, 'Protecting people promoting health', supports the use of a public health response to violence prevention, stating: "A range of different interventions throughout the life course can reduce an individual's propensity for violence, lower the chances of those involved in violence being involved again and ensure that those affected by violence get the support they require." The report notes that the impact of violence on the health of individuals and the cost to the health care systems are substantial - £2.9 billion annually – and similar to those for other major public health priorities e.g. smoking and alcohol.

2. Protect and support

The consultation document references a significant variance in the quality and access of support services across the country but the reasons for this divergence are not explored. The voluntary and community sector has a key role to play in responding to abuse and helping victims which, like the public sector, has been severely impacted by year-on-year funding reductions. This has resulted in patchy provision and lengthy waiting times for interventions.

The consultation states the Ministry of Housing, Communities and Local Government (MHCLG) will undertake a service mapping exercise but it is unclear how any identified gaps in provision will be addressed. The consultation asks respondents to select priorities for central government funding yet all of the areas listed, from advocacy, therapeutic services for victims and housing to perpetrator programmes, require greater investment. Dedicated support for children and young people is missing

The Association of Directors of Children's Services Ltd
Piccadilly House, 49 Piccadilly, Manchester, M1 2AP
0161 826 9484 | info@adcs.org.uk | www.adcs.org.uk | [@ADCStweets](https://twitter.com/ADCStweets)

from this list and should be prioritised. Greater assistance with recovering from the trauma of experiencing domestic abuse, support to recognise and recover from violence in their own relationships and support for children and young people to maintain healthy relationships with their non-abusive parent or carer, is urgently required.

The valuable contribution of social work in protecting children is rightly recognised, however, inconsistencies in services will not be resolved by the recent changes to local safeguarding children boards, in part due to the permissiveness of these reforms. The JTAI underlined the vital importance of schools in identifying and preventing abuse yet they are not named as a key partner in local arrangements alongside local authorities, health and the police under the *Children and Social Work Act (2017)*. ADCS believes this is a missed opportunity. Schools are well placed to identify the early signs of family distress, by the time concerns come to the attention of local authorities via a referral to children's social care, to the police via a home call out or to health services via presentation at A&E, for example, it is likely that significant harm has already taken place.

The consultation offers an overview of several different projects and funding streams e.g. £13 million over four years to local areas via the Home Office 'Trusted Relationships Fund.' Whilst it may be true that the children and families in the areas that secure funding will benefit, the time limited nature of grant funding does not guarantee sustainability beyond the lifespan of this initiative and moreover the majority of children and families will not benefit from this investment. A comprehensive funding package is the only way to address the gaps in both the quality and reach of services across the country. In a 2016 report entitled *Safeguarding Pressures*, a number of local authorities told ADCS that domestic abuse services were reducing due to ongoing funding pressures. It is worth noting others maintained or even developed this provision due to the impact domestic abuse has on the lives of local children and families although it was acknowledged that sustaining this investment may not be possible going forward.

A new Domestic Abuse Protection Order (DAPO) is central to the proposed legislative package that underpins the draft Bill, however, ADCS believes elements of this require further thought e.g. the ability of families to seek an order. Whilst it is difficult to argue with the intention, this move could potentially place victims and their children in danger if a DAPO is sought without their knowledge or their consent. Again, the practical realities of a DAPO being granted with preventative measures attached, such as the completion of a drug rehabilitation programme, have not been considered. Such services are increasingly difficult to access, and, if the court mandates the completion of a programme but the perpetrator does not meet the criteria to secure a place or there is no such provision available locally, would this represent a punishable breach?

The section on online threats and the role of technology in abuse lacks detail which is surprising given the growing use of technology to exert control and further exploit or harm victims of all ages. Support for parents and carers is not covered here, more can and must be done on this front. Children are using social media at an ever-young age and the results of multiple studies and surveys, including a recent survey by the London School of Economics on behalf of the Department for Culture, Media and Sport, show that parents often do not understand frequently changing security settings or may not closely monitor online activity which could give rise to abusive situations within young people's own intimate relationships. Similarly, the risks of parents using social media in unsafe ways thus normalising these behaviours in the home is also not addressed.

Whilst the new definition of domestic abuse seeks to highlight economic abuse, the draft Bill overlooks the issue of financial abuse and vulnerability. It doesn't address the payment of benefits on a household basis, for example, and the impact this can have on victims and their dependents, particularly those with no recourse to public funds (NRPF), who may not have the means to leave an

The Association of Directors of Children's Services Ltd
Piccadilly House, 49 Piccadilly, Manchester, M1 2AP
0161 826 9484 | info@adcs.org.uk | www.adcs.org.uk | [@ADCStweets](https://twitter.com/ADCStweets)

abusive partner. Spousal visas for the UK prohibit access to public funds, including housing support, for at least two years risking prolonged suffering and harm for victims and their children and whilst the destitute concession is welcome a number of practical barriers to access exist which are not addressed in any meaningful way here.

The view of domestic abuse in the Bill is very narrow and does not actively engage with abuse of young people despite this being a stated priority. ADCS members are concerned that some of the wording used in relation to the experiences of children and young people is unhelpful – they do not passively bear witness to abuse, they experience the coercion and fear firsthand when living in a violent household. The trauma of early exposure to inter-parental conflict in the home is well documented, see [Early Intervention Foundation](#) (2016). As already stated, action (and funding) is needed to ensure children and young people can access emotional, psychological and practical support when and where it is required.

3. Pursue and deter

The consultation seeks views on the managing of serial and repeat offenders but notes only high-risk offenders qualify for programmes in prison and others serving short sentences cannot access this provision at all. This is a missed opportunity and increases the likelihood abusers will perpetuate the cycle of violence in the future. The JTAI also drew attention to the gaps in the services available for adult perpetrators of domestic abuse, particularly those who have not received a criminal conviction via the courts, noting accessible interventions available at different levels of intensity designed to reduce the number of perpetrators is not part of the system. ADCS believes a much greater emphasis must be placed on preventative measures in the final version of the Bill, however, given the scale of abuse taking place, additional funding would certainly be required – in terms of children's services local authority budgets have reduced in real terms by 49% since 2010 ([NAO](#), 2018).

Domestic abuse was a presenting factor in all cases from all categories of serious and fatal maltreatment in the latest [triennial review](#) of serious case reviews (SCRs) (DfE, 2016). Much like the JTAI, the triennial review also warned that an incident-led approach to responding to domestic abuse increases the likelihood of harm to children continuing unabated for extended periods of time and recommended a step-change in how professionals and society understand and respond to domestic abuse. Perpetrators, as well as victims, must be the focus of our efforts going forward. The guideline on domestic violence and abuse (NICE, 2014) offers an evidence informed view of the effectiveness of accepted practices and interventions and makes a persuasive case for collaborative commissioning to maximise the impact of resources and bring about change.

4. Improve performance

The establishment of a new domestic abuse commissioner sits at the heart of plans to improve performance. The commissioner's role would include monitoring the provision of services in England and Wales, quality assuring domestic homicide reviews (DHRs) and disseminating relevant learning as well as raising awareness of this issue and advocating on behalf of victims.

On the matter of DHRs, this process lacks transparency and takes too long, ADCS would welcome a review of accepted approaches and a discussion about more holistic methods of learning, both within and between local partnerships e.g. a peer review process. Given the ongoing reforms to multiagency safeguarding arrangements in children's services, including changes to the serious case review process and the creation of a national learning panel, this might be a timely juncture to review whether greater synergies can be achieved in bringing SCRs and DHRs closer together to further learning opportunities going forward.

Given the pervasive nature of domestic abuse and the number of government departments, agencies, charities and groups involved in responding to this issue, it is unlikely one individual will have sufficient resources nor the influence to affect meaningful change. This role is simply too large for one individual to fulfil. A collaborative, cross government strategy, underpinned by evidence, is the only sensible way forward. This should also seek to marshal the wealth of knowledge and experience in local safeguarding partnerships and the voluntary sector too. The responsibility for sharing the learning from DHRs could easily sit within the Home Office, for example, and each department has a role to play in raising awareness of domestic abuse, ideally as part of a comprehensive public health approach to tackling this issue.

The ability of partners to pull together all the relevant information in a timely and efficient manner was one of the most commonly identified barriers in the JTAI so it is disappointing to see that the draft Bill does not address this issue. The provision of effective support is only possible if the systems and processes surrounding professionals are a help, not a hinderance: "Inspectors found variability in systems and processes, this is an area the government could make significant headway rather than each local area attempting to develop a local, bespoke solution." A common way of working would help local partnerships to identify emerging patterns of behaviours and would assist in identifying high risk children and families who move frequently. ADCS would welcome a discussion with the relevant government departments about progressing this proposal as a matter of urgency.

Existing prevalence data are largely adult focused meaning we do not have a clear picture of how many children and young people live with the effects of domestic abuse. Whilst improvements on this front would be helpful, this in itself will not keep children and families safe, nor will a new definition of domestic abuse. ADCS would be keen to explore if there are better ways to bring together existing data without adding further burdens on already stretched public services.

There is little reference to the evaluation of interventions nor the commissioning of research to inform the design and commissioning of services in the draft Bill. The NICE guideline on domestic violence and abuse (2014) highlighted gaps in evidence, including in intimate partner violence between adolescents, violence directed at parents or carers by children and young people as well as whole-family interventions. ADCS believes this is an area the government could add real value and we are keen to understand how the work of the government's 'what works centres' in early intervention, crime reduction, education, information sharing and children's social care can be brought together to further the collective understanding of this issue. This would allow increasingly scarce public funds to be deployed in the most effective way and crucially, prevent more families from reaching crisis point.

5. Conclusion

Whilst ADCS welcomes the renewed focus on domestic abuse by the government and the opportunity to comment on draft plans via this consultation, the lack of meaningful legislative reforms or a funding package that fully reflects the scale, reach and severity of this pervasive issue, is disappointing. One of the stated intentions of the draft Bill is to increase reporting of this issue but the necessary support services for perpetrators, victims and their families are lacking or absent. The £20 million allocated in the spring budget in 2017 is wholly inadequate considering upwards of two million men and women aged 16 – 59, and an unknown number of children and young people, experience domestic abuse. Too many of the proposed reforms are reactive rather than preventative and the drivers of abusive behaviours, including worklessness or substance misuse, the stresses and strains of welfare reforms, the national shortage of affordable housing, the impact of austerity etc are overlooked.

Members of ADCS would welcome engagement with representatives from the Department of Justice and the Home Office in relation to the points raised in this response via the Association's national policy committees. Please contact katy.block@adcs.org.uk in the first instance.

The Association of Directors of Children's Services Ltd
Piccadilly House, 49 Piccadilly, Manchester, M1 2AP
0161 826 9484 | info@adcs.org.uk | www.adcs.org.uk | @ADCStweets