

Domestic Abuse Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS MEYER
BARONESS ALTMANN

Page 2, line 1, at end insert –

“() parental alienation;”

Member’s explanatory statement

This amendment and the other to Clause 1 in the name of Baroness Meyer is designed to ensure that in cases where one parent alienates a child from their other parent, which harms the child’s welfare, this is treated as a form of domestic abuse of the other parent.

Page 2, line 10, at end insert –

“() “Parental alienation” refers to the situation where A, being one parent of a child, acts in a manner or takes steps, deliberate or otherwise, so as to sever, damage, hinder, delay, harm or otherwise negatively affect the child’s relationship with B, being another parent of the child, thereby negatively impacting the child’s welfare.”

Member’s explanatory statement

This amendment and the other to Clause 1 in the name of Baroness Meyer is designed to ensure that in cases where one parent alienates a child from their other parent, which harms the child’s welfare, this is treated as a form of domestic abuse of the other parent.

Clause 55

LORD ROSSER

Page 35, line 15, leave out paragraphs (a) to (c) and insert –

“(a) assess, or make arrangements for the assessment of, the need for domestic abuse support in its area by all persons affected by domestic abuse regardless of status, duly taking into account the special situation of women and children, with reference to a national needs assessment,

Clause 55 - continued

- (b) prepare and publish a strategy for the commissioning and provision of sufficient support to meet the needs identified in its area by the assessment referred to in paragraph (a), including sufficient specialist support for all persons affected by domestic abuse regardless of status, and
 - (c) monitor and evaluate the effectiveness of the strategy and publish such evaluation in accordance with regulations issued under subsection (8).
- (1A) In preparing and adopting any strategy under subsection (1)(b), each relevant local authority must take account of any strategy to end violence against women and girls adopted by a Minister or Ministers.
- (1B) The assessment and strategy referred to in subsection (1)(a) and (b) must include, but is not limited to, the following –
- (a) the prevalence of and trends in domestic abuse and other forms of violence including that against women and girls, and the demographic of all persons in the area affected by domestic abuse and other forms of violence including violence against women and girls;
 - (b) the needs for support, protection and safety of those who are affected by domestic abuse in the local population;
 - (c) the nature and extent of the need for and provision of specialist support in respect of those persons affected by domestic abuse with presenting characteristics including sex, gender, race, colour, language, religion, national or social origin, association with a national minority, sexual orientation, gender identity, age, state of health, disability, or such other relevant status;
 - (d) the nature and extent of the need for and provision of specialist support to women who are affected by domestic abuse and their children;
 - (e) the need for and provision of refuge services in sufficient numbers to provide safe accommodation for victims, especially women and their children, regardless of status;
 - (f) how refuge services work in collaboration with a whole housing approach in the area that responds to the specific housing needs of victims of domestic abuse and provides a range of housing options for people experiencing domestic abuse that enables them or, where preferred by the victim, the person causing the abuse, to relocate.
- (1C) The relevant local authority shall allocate appropriate financial and human resources for the implementation of the strategy under subsection (1)(b), including the arrangement of such specialist support as is set out in the strategy.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Page 35, leave out lines 21 to 25 and insert –

““domestic abuse support” means specialist support, in relation to domestic abuse, provided to victims of domestic abuse or their children, who reside in relevant accommodation, by organisations whose organisational purpose is to support victims and/or children and young people impacted by domestic abuse and other forms of violence against women and girls;

“relevant accommodation” means accommodation which is safe for victims and their children of a description specified by the Secretary of State in regulations, which must include refuge services, which are provided in separate or single-sex services within the meaning given in Part 7 of Schedule 3 to the Equality Act 2010 and the address of which cannot be made publicly available or disclosed;

“status” includes a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and combined forms of such status;

“national needs assessment” means the needs assessment prepared by the national oversight group referred to in section (national oversight group).”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Page 35, line 34, leave out paragraph (c) and insert –

- “(c) any person, group or organisation providing support and services to those affected by domestic abuse and other forms of violence against women and girls in the local authority’s area, whether or not they are commissioned by the local authority, and
- (d) such other person as the relevant local authority considers appropriate to ensure equal representation and meet their equalities duties.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Page 35, line 39, at end insert –

“(5A) Before a relevant local authority alters or replaces a strategy under subsection (5)(b) they must carry out a consultation under subsection (4) and include relevant service providers in the consultation and review of the strategy.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Page 36, line 7, at end insert “and consulting on”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Page 36, line 10, at end insert “in addition to those identified in subsection (1A);”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Page 36, line 15, at end insert –

“(f) how complaints about a local authority strategy will be handled.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Page 36, line 18, at end insert –

- “() persons, groups and organisations providing support and services with those affected by domestic abuse and other forms of violence against women and girls locally, regionally and nationally,
- () organisations representing the interests of services providing specialist support for women and children affected by domestic abuse and other forms of violence, and”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. These would clarify what factors authorities must consider when assessing need and preparing a strategy, define refuge services and ensure wide consultation.

Clause 56

LORD ROSSER

Page 36, line 25, leave out subsection (2) and insert –

“(2) The purpose of the board is to establish an equitable partnership that reflects the needs of those affected by domestic abuse in the local area and to deliver quality services that meet the needs of victims in the area identified in the assessment and strategy referred to in section 55(1)(a) and (b).

- (2A) The members of the domestic abuse local partnership board must include –
- (a) a representative of the relevant local authority;

Clause 56 - continued

- (b) at least one person appearing to the authority to represent the interests of local authorities for areas within its area;
 - (c) persons appearing to the authority to represent the interests of victims of domestic abuse and their children;
 - (d) persons appearing to the authority to represent the interests of charities and other voluntary organisations whose organisational purpose is to support victims of domestic abuse and other forms of violence, including that against women and girls, including those who have protected characteristics;
 - (e) persons appearing to the authority to represent the interests of persons who provide, or have functions relating to housing, health care services, policing and criminal justice in its area.
- (2B) The domestic abuse local partnership board must establish a reference group of organisations delivering specialist support services to victims of domestic abuse and their children, including those with protected characteristics, and respond to recommendations made by the reference group in their decision making.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. This would strengthen the function of a local partnership board, and increase representation of the interests of victims, including children, and specialist services and professionals on a board.

Clause 58

LORD ROSSER

Page 37, line 15, at end insert –

“(1A) Guidance under subsection (1) must take account of any strategy to end violence against women and girls adopted by a Minister or Ministers.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. This would ensure that guidance under this section takes into account any Government strategy to end violence against women and girls.

Page 37, line 18, leave out subsections (3) to (5) and insert –

- “(3) Before issuing guidance under this section the Secretary of State must lay a draft of the guidance before both Houses of Parliament.
- (4) Guidance under this section comes into force in accordance with regulations made by the Secretary of State.
- (5) The Secretary of State may from time to time review and revise any guidance issued under this section and may re-issue it upon revision.
- (5A) Before issuing or revising guidance under this section, the Secretary of State must consult –

Clause 58 - continued

- (a) the Domestic Abuse Commissioner,
- (b) local authorities, and
- (c) persons, groups and organisations providing support and services with those affected by domestic abuse locally, regionally and nationally, and in particular those working with or providing specialist support services to affected women and children,
- (d) such other persons as the Secretary of State considers appropriate.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. This would ensure that a draft of guidance under this section is laid before parliament, and that the Secretary of State must consult with specialist services providers when issuing or revising guidance on the duty in this part.

After Clause 58

LORD ROSSER

Insert the following new Clause –

“National Oversight Group

- (1) The Secretary of State must establish a national oversight group to monitor the exercise of local authority functions under section 55.
- (2) The members of the national oversight group must include –
 - (a) the Domestic Abuse Commissioner;
 - (b) organisations representing providers of specialist support for women and children affected by domestic abuse and other forms of violence;
 - (c) organisations representing providers of specialist support for women and children affected by domestic abuse and other forms of violence with protected characteristics;
 - (d) representatives of local authorities.
- (3) The national oversight group must –
 - (a) undertake a regular national needs assessment for refuge services, including provision for victims and their children with protected characteristics;
 - (b) undertake ongoing assessment of whether local authorities and local partnership boards are effectively discharging functions under this Part, including monitoring compliance with the Public Sector Equality Duty and implementation of Equality Impact Assessments for relevant commissioning and procurement processes;
 - (c) ensure that local authorities and local partnership boards are sufficiently and equitably funding services that meet the needs of victims and their children as identified in the national needs assessment, including those with protected characteristics;

After Clause 58 - continued

- (d) provide oversight of local authorities and local partnership boards in funding services that meet quality standards developed by organisations representing providers of specialist support for women and children affected by domestic abuse and other forms of violence;
 - (e) sanction ineffective or inadequate provision and practice by local authorities and local partnership boards as required;
 - (f) assess compliance with the Council of Europe Convention on preventing and combating violence against women and domestic violence and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.
 - (g) consult with relevant monitoring bodies including, but not limited to, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence and the United Nations Special Rapporteur on Violence Against Women;
 - (h) undertake other duties as appropriate.
- (4) The Secretary of State must ensure sufficient funding is provided annually to ensure that national need identified in subsection (3)(a) can be met.”

Member’s explanatory statement

Part of a group of amendments aiming to strengthen the Government’s existing statutory duty on local authorities to fund support in accommodation-based services. This would put a national oversight mechanism on the face of the bill.

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15 January 2021
