

## Written evidence submitted by Action for Children (DAB39)

### Call for written evidence: Domestic Abuse Bill 2019-21

Action for Children is a leading UK children's charity. In the last year, we worked with over 387,000 children, young people and families across more than 475 services. We deliver a small number of dedicated domestic abuse services, including one offering specialist counselling to children aged four to 16. This is offered alongside the work we do in supporting survivors and their children through our more general family support services and children's centres, where we deliver such programmes as Caring Dads and Recovery Toolkit.

Action for Children welcomes the opportunity to submit written evidence. Our submission addresses the following measures in the Domestic Abuse Bill:

- the proposed statutory definition of domestic abuse;
- and the proposed duty on local authorities to deliver support to child and adult victims in accommodation-based services.

The response draws on our extensive experience in supporting children, young people and families affected by domestic abuse, and is informed by the views of front-line practitioners and service users.

#### Summary

- The impact of domestic abuse on children is devastating, and high numbers of children are affected. The Domestic Abuse Bill as it stands will not achieve its aim of transforming society's response to domestic abuse. It must take far greater account of the needs and experiences of children.
- The Domestic Abuse Bill's proposed statutory definition of domestic abuse must include children. Action for Children, alongside other organisations in both the Violence Against Women and Girls (VAWG) and children's sectors, is supporting an amendment to include children within the definition (see Annex 1). This would lead to a greater understanding, for example by public authorities and frontline practitioners like the police, that children are victims of domestic abuse too. This is essential if they are to receive the recognition and support they need to recover from their experiences.
- The Bill provides for a new statutory duty on local authorities to deliver support to victims of domestic abuse in accommodation-based services. Though welcome, this must be extended to ensure that all children affected can access the support they need, no matter where they live. This is essential as the majority of adult and child victims will never enter a refuge or other accommodation-based support.<sup>1</sup> Specialist community support services for children are vital, and yet research shows that the level of provision varies significantly across England and Wales.

#### 1. Impact of domestic abuse on children

- 1.1. As the Domestic Abuse Bill's explanatory notes emphasise, the government was elected with a manifesto commitment to 'support all victims of domestic abuse and pass the Domestic Abuse Bill'. This commitment is very welcome, but as currently drafted, the Domestic Abuse Bill is not ambitious enough for those children and young people whose lives have been devastated by domestic abuse. As our services tell us, children don't just witness abuse, they experience it. The impact is so significant, that children too must be recognised as victims.

- 1.2.** Domestic abuse has a huge effect on the children who live through it. When we talk about the impact of domestic abuse on children, we mean the effect that living in a household where one adult is being abusive and possibly violent to another adult would have on a child. However, there can also be major overlap between domestic abuse and the direct harm of children, for example, through neglect and physical or emotional abuse.<sup>2</sup>
- 1.3.** Children can suffer from depression and suicidal tendencies when they have experienced domestic abuse.<sup>3</sup> They may also show symptoms of post-traumatic stress disorder, having nightmares, flashbacks, headaches and physical pains, and becoming jumpy.<sup>4</sup> Children affected can also struggle to form healthy and loving adult relationships in later life. SafeLives found that a quarter of both boys and girls exposed to domestic abuse exhibit abusive behaviours themselves.<sup>5</sup> Recent analysis of the Crime Survey for England and Wales, year ending March 2016, showed that those who had witnessed domestic violence or abuse as a child (before the age of 16) were more likely to experience domestic abuse by a partner as an adult.<sup>6</sup>
- 1.4.** Analysis of the longitudinal Millennium Cohort Study commissioned by Action for Children shows that children whose parents reported experiencing domestic violence when children were aged three, reported 30 per cent higher than average antisocial behaviours at age 14.<sup>7</sup> This gives some insight into the trauma suffered by children who have struggled with abuse and violence between their parents at home.
- 1.5.** We also know that a large number of children are impacted by such traumatic experiences. Analysis by the Children's Commissioner shows that 831,000 children in England are living in households that report domestic abuse.<sup>8</sup> Domestic violence is also the most common additional factor of need identified at the end of children's social care assessments for children in need; it was identified in more than half (51%) of relevant assessments in 2018/19.<sup>9</sup>
- 1.6.** Worryingly, as many organisations have highlighted over recent weeks, there are fears that the current lockdown could be placing families at increased risk. Refuge reported a 700% rise in calls to its National Domestic Abuse Helpline in a single day.<sup>10</sup> The number of domestic homicides is far higher than the average rate for the time of year.<sup>11</sup> This means that more children could be experiencing domestic abuse, and, with schools closed, there are fewer opportunities to protect and safeguard children at risk. Services are also anticipating a surge in demand once lockdown measures are fully lifted and victims are more easily able to seek help.
- 1.7.** The government itself has stated that it recognises the impact of domestic abuse on children and young people. Whilst we welcome the commitment within Clause 63 to include the impact on children in the accompanying statutory guidance, and the reassurance that the Domestic Abuse Commissioner will be expected to encourage good practice in the identification of children affected by domestic abuse, as outlined in Clause 6, Action for Children would urge the government to be more ambitious for children.

**1.8.** Given the clear impact of domestic abuse on children, the Domestic Abuse Bill will not achieve its aim of transforming society's response to domestic abuse if it does not take the experiences and needs of children into greater account. There are two key ways for the Bill to do this: **include children in the proposed statutory definition of domestic abuse and extend the proposed accommodation-based duty on local authorities to ensure that specialist community-based support – including for children – is provided as well.**

## **2. Recognising children in the proposed statutory definition of domestic abuse (Clause 1)**

- 2.1.** As outlined above, the effect of domestic abuse on children is so severe that they must also be recognised as victims, even if the abuse was not focused on them directly. To omit them from the definition, is a failure to recognise the impact of domestic abuse on their lives. Data from Women's Aid suggests that high numbers of children are affected. According to their annual survey, 13,787 children used refuge services in 2018/19, compared to 11,489 women, and 187,403 children used community-based services, compared to 156,169 women (this does not account for children supported by community outreach services where their parent does not also receive support).<sup>12</sup> It is clear that children are also victims of domestic abuse and the Bill must reflect this.
- 2.2.** The proposed definition is partly so welcome because it recognises that domestic abuse goes beyond physical violence and covers coercive and controlling behaviours as well. We know that research suggests children are also affected by perpetrators' use of coercive control. For example, a perpetrator might, in their abuse of another adult, prevent a child from spending time with their family and friends.<sup>13</sup> Yet child victims are missed out of the definition completely. This is concerning because research from Action for Children suggests that the coercive and controlling aspects of domestic abuse are not given sufficient weight in child protection work, putting children and young people at risk.
- 2.3.** Amending the definition to include children would lead to a greater understanding, for example by public authorities and frontline practitioners like the police, that children experience domestic abuse too. We know that, currently, children's experiences of domestic abuse aren't always valued or taken into account. Research highlights that young people often feel that they are not provided with any explanations or information from the police, and that their perspective on domestic violence incidents isn't listened to.<sup>14</sup> Cross-national comparative research shows that, in those contexts where children are recognised as direct victims, they are more likely to be spoken to, and their perspective taken into account.<sup>15</sup> The Bill's notes make clear that the government expects the definition to be adopted more generally, for example by public authorities and frontline practitioners like the police. By not including children, the Bill is missing an opportunity to positively transform professionals' responses to children and young people affected by domestic abuse.
- 2.4.** As highlighted by the Joint Committee on the Draft Domestic Abuse Bill, if children's status as victims of the domestic abuse that occurs in their household isn't recognised by the Bill, this could have a negative impact on the level and quality of specialist support available to children. Research from Action for Children has shown that the level of support for children affected varies significantly across England and Wales.<sup>16</sup> The government must ensure that

provision for children becomes more consistent, not less so. The Home Affairs Select Committee also recommended that children's direct experience of domestic abuse should be recognised in the definition of domestic abuse in the Domestic Abuse Bill, following their recent inquiry into domestic abuse and other risks of harm within the home during the current Covid crisis:

*"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."<sup>17</sup>*

- 2.5. Action for Children, alongside other organisations in the Violence Against Women and Girls (VAWG) and children's sectors, including the NSPCC and Women's Aid, is supporting an amendment to include children within the definition (see Annex 1). This would ensure that children who see, hear or are otherwise exposed to domestic abuse (in other words, experience the domestic abuse themselves) perpetrated by one person aged 16 and over against another, are recognised within the proposed statutory definition of domestic abuse.
- 2.6. This amendment does not aim to lower or remove the age limit; instead the amendment inserts an additional sub-section making it clear that children who see, hear or otherwise experience the abuse of one adult by another adult are also negatively impacted by that abuse, and so should be seen as victims of the abuse as well.
- 2.7. **Recommendation: The definition of domestic abuse within Clause 1 of the Bill must be amended so that children who experience domestic abuse are recognised as victims in their own right.**

### **3. Extending the accommodation-based services duty to cover support for children in the community**

- 3.1. The Bill now includes a new statutory duty on local authorities to deliver support to victims of domestic abuse in accommodation-based services. We welcome the government's efforts to provide support to child and adult victims who will need to move out of their homes to seek safety. However, the majority of victims will not go into a refuge and yet will still require support.<sup>18</sup> For example, children affected could need specialist counselling to help them recover from their experiences of domestic abuse. It does not make sense for the duty to focus on accommodation-based support alone; it is only one part of the spectrum of support that should be available to victims and survivors of domestic abuse.
- 3.2. Specialist community-based support services for children affected by domestic abuse are vital. There is evidence that appropriate, targeted support and intervention has a positive effect on children's outcomes.<sup>19</sup> Children themselves have emphasised the psychological damage caused by living with domestic abuse, and their need for emotional support as a result of such experiences.<sup>20</sup> Domestic abuse affects children and young people in a range of different ways, and so each individual must be offered support that meets their needs. Some children might benefit from psychoeducational support, which provides a safe setting for children to learn about domestic abuse and develop coping skills; others may need therapeutic counselling. A range of interventions should be available across local areas, so that every child can receive the specialist help they need. Yet we know that, right now, not

all children receive that specialist help. The Domestic Abuse Bill offers us the chance to change that.

- 3.3.** The duty (laid out in Part 4 of the Bill) obliges local authorities to convene a domestic abuse local partnership board, comprised of people representing the interests of, as examples, policing or criminal justice, health services, and victims of domestic abuse and their children. Local authorities must ensure assessments of the need for domestic abuse support are undertaken, prepare and publish a strategy for the provision of such support (following consultation with the local partnership board), and then monitor and evaluate the effectiveness of the strategy.
- 3.4.** By restricting the scope of the duty to accommodation-based support, the government is missing a crucial opportunity to provide a holistic response to abuse and improve the provision of community-based services. The local partnership boards will already be bringing all the relevant stakeholders together; local authorities will already be expected to assess the need for support in their local area; and local authorities will be also now be obliged to put together, publish and implement domestic abuse strategies. It seems illogical – as well as a waste of resources – to miss community-based services out of this process.
- 3.5.** The Joint Committee on the Draft Domestic Abuse Bill urged the government to provide clarity on the funding of non-accommodation-based support services under the new statutory duty.<sup>21</sup> In its most recent response, the government referred to the mapping work that will be undertaken by the Domestic Abuse Commissioner’s Office. However, it is now clear that this research will not be available during the passage of the Bill, even though the Bill presents the best opportunity of addressing the challenges facing community-based provision.
- 3.6.** What’s more, existing research already shows that community-based services are struggling with many of the same issues as accommodation-based services. Action for Children’s research with the University of Stirling found significant variability in the level of provision for children and young people impacted by domestic abuse both between and within local authorities across England and Wales.<sup>22</sup> Worrying, children faced barriers to accessing support in two-thirds of the local authorities that took part in the research. Over 10 per cent of these local authorities had no specialist support services at all for children affected by domestic abuse.
- 3.7.** Children and young people experiencing abuse in their own intimate relationships also lack much needed support in many parts of the country. Research from The Children’s Society found that just 39% of the local authorities that responded to the organisation’s Freedom of Information request provide a specialist support service for under-16s, with 26 local authorities providing no specialist support for this age group.<sup>23</sup>
- 3.8.** Funding is also a key concern for community-based services for children affected by domestic abuse. In nearly two-thirds of the local authorities that took part in Action for Children’s recent research, specialist support services for children were dependent on time-limited funding.<sup>24</sup> Local authorities suggested that short-term funding and underfunding had produced a patchy service response. Many research participants reflected on services

that had previously been on offer to children and young people in their local area, but that had now closed due to a lack of funding. Between 2010/11 and 2018/19, central government funding for children and young people's services fell by £2.2 billion.<sup>25</sup> Funding for the domestic abuse and sexual violence sectors has also been drastically reduced.<sup>26</sup> Women's Aid estimate that the costs of sustainable funding for refuge support is £173 million, far less than the £90 million promised by the Government to go alongside the new duty.<sup>27</sup> We are therefore seriously concerned that the duty to provide accommodation-based support could have the unintended consequence of removing funding from other crucial services that are there to protect and support child and adult victims of domestic abuse.

**3.9.** The current crisis lends even more urgency to the need for a duty to provide community-based services for children impacted by domestic abuse. A Women's Aid Federation of England survey on the impact of COVID-19 found that 60% of the service providers that responded had needed to reduce or cancel their service provision for children.<sup>28</sup> SafeLives' survey of frontline domestic abuse services had similar findings. They found that whilst just under a quarter of (22%) of the services that responded said they are not able to effectively support adult victims of abuse at the moment, a far higher proportion – 42% – said they are not able to effectively support child victims of abuse.<sup>29</sup> Of the three-quarters of respondents who said they had had to reduce service delivery due to COVID-19, 18% had cancelled children's services.

**3.10.** The government must widen the proposed duty to ensure that dedicated community-based services for children affected by domestic abuse are provided consistently across the country. Crucially, the local authorities that participated in Action for Children's research reported that policy and best practice guidance on domestic abuse was insufficient, and suggested that this was a barrier to the commissioning of consistent and appropriate services for children and young people affected.<sup>30</sup> Most felt that a statutory duty – adequately funded – to provide services would support them in the planning, delivery and commissioning of such services.

**3.11. Recommendation: The accommodation-based duty in Clause 53 of the Bill must be extended to include community-based support services for children.**

## Annex 1: Amendment to the definition of Domestic Abuse Bill to include children

### Amendment to Clause 1, Part 1 (Definition of “domestic abuse”)

*Amendment in bold and green below.*

#### **1 Definition of “domestic abuse”**

- (1) This section defines “domestic abuse” for the purposes of this Act.
- (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
  - (a) A and B are each aged 16 or over and are personally connected to each other, and
  - (b) the behaviour is abusive.
- (3) Behaviour is “abusive” if it consists of any of the following—
  - (a) physical or sexual abuse;
  - (b) violent or threatening behaviour;
  - (c) controlling or coercive behaviour;
  - (d) economic abuse (see subsection (4));
  - (e) psychological, emotional or other abuse;and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—
  - (a) acquire, use or maintain money or other property, or
  - (b) obtain goods or services.
- (5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (5a) For the purposes of this Act, people affected by domestic abuse may include any child (such as a child in relation to whom A or B has a parental relationship) who sees, hears or is otherwise exposed to domestic abuse within the meaning of this section.**
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section.
- (7) For the meaning of “personally connected”, see section 2.

*June 2020*

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- <sup>1</sup> Women's Aid (2020). *The Domestic Abuse Report 2020: The Annual Audit*. Available at: <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/The-Domestic-Abuse-Report-2020-The-Annual-Audit.pdf>
- <sup>2</sup> SafeLives [formerly Caada] (2014). *In plain sight: the evidence from children exposed to domestic abuse*. Available at: [http://www.safelives.org.uk/sites/default/files/resources/In\\_plain\\_sight\\_the\\_evidence\\_from\\_children\\_exposed\\_to\\_domestic\\_abuse.pdf](http://www.safelives.org.uk/sites/default/files/resources/In_plain_sight_the_evidence_from_children_exposed_to_domestic_abuse.pdf)
- <sup>3</sup> UNICEF (2006). *Behind Closed Doors: The Impact of Domestic Violence on Children*. Available at: <https://www.unicef.org/media/files/BehindClosedDoors.pdf>
- <sup>4</sup> Royal College of Psychiatrists (2017). 'Domestic violence and abuse – the impact on children and adolescents.' Available at: <https://www.rcpsych.ac.uk/mental-health/parents-and-young-people/information-for-parents-and-carers/domestic-violence-and-abuse-effects-on-children>
- <sup>5</sup> SafeLives [formerly Caada] (2014). *In plain sight: Effective help for children exposed to domestic abuse*.
- <sup>6</sup> Office for National Statistics (2017). Impact of child abuse on later life, Crime Survey for England and Wales, year ending March 2016 [Online] Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/007527impactofchildabusenlaterlifecrimesurveyforenglandandwalesyearendingmarch2016>
- <sup>7</sup> Action for Children (2019). *Patchy, piecemeal and precarious: support for children affected by domestic abuse*. Available at: <https://www.actionforchildren.org.uk/media/12382/patchy-piecemeal-and-precarious-support-for-children-affected-by-domestic-abuse.pdf>
- <sup>8</sup> Office of the Children's Commissioner for England (2019). Childhood vulnerability in numbers: Latest data on the overall levels of vulnerability and need among children and young people in England. Available at: <https://www.childrenscommissioner.gov.uk/vulnerability-in-numbers/groups/children-in-households-that-report-domestic-abuse/>
- <sup>9</sup> Department for Education (2019). *Characteristics of children in need: 2018 to 2019: England*. Available at: <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019>
- <sup>10</sup> The Observer (Sun 12 Apr 2020). 'Revealed: surge in domestic violence during Covid-19'. Available at: <https://www.theguardian.com/society/2020/apr/12/domestic-violence-surges-seven-hundred-per-cent-uk-coronavirus>
- <sup>11</sup> The Guardian (Wed 15 Apr 2020). 'Domestic abuse killings "more than double" amid Covid-19 lockdown'. Available at: <https://www.theguardian.com/society/2020/apr/15/domestic-abuse-killings-more-than-double-amid-covid-19-lockdown>
- <sup>12</sup> Women's Aid (2020). *The Domestic Abuse Report 2020: The Annual Audit*.
- <sup>13</sup> Katz, E. (2015). 'Beyond the Physical Incident Model: How Children Living with Domestic Violence are Harmed By and Resist Regimes of Coercive Control', *Child Abuse Review* 25(1), pp. 46-59.
- <sup>14</sup> Stanley, N. et al (2010). *Children and families experiencing domestic violence: Police and children's social services' responses*. London: NSPCC. Available at: [http://clock.uclan.ac.uk/2947/1/children\\_experiencing\\_domestic\\_violence\\_report\\_wdf70355.pdf](http://clock.uclan.ac.uk/2947/1/children_experiencing_domestic_violence_report_wdf70355.pdf)
- <sup>15</sup> McPhedran, S. et al (2017) 'A cross-national comparison of police attitudes about domestic violence: a focus on gender', *Policing* 40, pp. 214–227.
- <sup>16</sup> Action for Children, *Patchy, piecemeal and precarious*
- <sup>17</sup> The Home Affairs Committee (2020). *Second Report - Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home*. Available at: <https://committees.parliament.uk/work/184/home-office-preparedness-for-covid19-oronavirus/publications/>
- <sup>18</sup> Women's Aid, *The Domestic Abuse Report 2020*
- <sup>19</sup> Callaghan, J. et al (2018). 'Promoting Resilience and Agency in Children and Young People Who Have Experienced Domestic Violence and Abuse: the "MPOWER" Intervention', *Journal of Family Violence* 34(6), pp. 521–537; Fellin, L. et al (2018). 'Empowering young people who experienced domestic violence and abuse: The development of a group therapy intervention', *Clinical Child Psychology and Psychiatry* 24(1), pp. 170-189; MacMillan, H. et al. (2016). 'IMPRoving Outcomes for children exposed to domestic Violence (IMPROVE): an evidence synthesis', *Public Health Research*, 4(10).
- <sup>20</sup> Refuge, NSPCC and City Bridge Trust (2011). *Meeting the needs of children living with domestic violence in London*. Available at: [http://www.refuge.org.uk/files/onlineDVLondon1.pdf?sm\\_au=iVVW6LTGTTngNtsc](http://www.refuge.org.uk/files/onlineDVLondon1.pdf?sm_au=iVVW6LTGTTngNtsc)
- <sup>21</sup> Joint Committee on the Draft Domestic Abuse Bill (2019). *Draft Domestic Abuse Bill*. Available at: <https://publications.parliament.uk/pa/jt201719/jtselect/jtddab/2075/2075.pdf>
- <sup>22</sup> Action for Children (2019), *Patchy, piecemeal and precarious*

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<sup>23</sup> The Children's Society (2020). *Missing the mark: Why young people experiencing teenage relationship abuse are being left without the support that they need*. Available online at:

<https://www.childrenssociety.org.uk/sites/default/files/missing-the-mark-teenage-relationship-abuse-report-by-the-childrens-society-1.pdf>

<sup>24</sup> Action for Children (2019), *Patchy, piecemeal and precarious*

<sup>25</sup> Action for Children, Barnardo's, National Children's Bureau, NSPCC and The Children's Society (2020). *Children and young people's services: Funding and spending 2010/11 to 2018/19*. Available at:

<https://www.actionforchildren.org.uk/media/13023/childrens-and-young-peoples-services-funding-and-spending-report-2018-19-002.pdf>

<sup>26</sup> APPG for Domestic and Sexual Violence (2015). *The Changing Landscape of Domestic and Sexual Violence Services: All-Party Parliamentary Group on Domestic and Sexual Violence Inquiry*. Available at:

[https://rapecrisis.org.uk/pdfs/2308\\_appg-changing-landscape-report-2015.pdf](https://rapecrisis.org.uk/pdfs/2308_appg-changing-landscape-report-2015.pdf).

<sup>27</sup> Women's Aid (2019). *Funding specialist support for domestic abuse services*. Available at:

<https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2019/12/Funding-Specialist-Support-Full-Report.pdf>

<sup>28</sup> Women's Aid surveyed domestic abuse providers listed on Routes to Support, the UK violence against women and girls directory of services and refuge vacancies, run in partnership by Scottish Women's Aid, Welsh Women's Aid, Women's Aid Federation of England and Women's Aid Federation of Northern Ireland.

<sup>29</sup> SafeLives (2020). *Domestic abuse frontline service COVID-19 survey results*. Available at:

[https://safelives.org.uk/sites/default/files/resources/SafeLives%20survey%20of%20frontline%20domestic%20abuse%20organisations%20for%20COVID-19%2030.03.20\\_0.pdf](https://safelives.org.uk/sites/default/files/resources/SafeLives%20survey%20of%20frontline%20domestic%20abuse%20organisations%20for%20COVID-19%2030.03.20_0.pdf)

<sup>30</sup> Action for Children, *Patchy, piecemeal and precarious*.