

Written evidence submitted by Joint submission from 18 children's, domestic abuse and VAWG sector organisations and experts (DAB44)

Call for written evidence: Domestic Abuse Bill 2019-21

The children's sector, the domestic abuse sector and the violence against women and girls' sectors have come together to submit joint written evidence to highlight areas where we would like to see the Domestic Abuse Bill strengthened to support children affected by domestic abuse. This submission is sent on behalf of:

Action for Children
Women's Aid Federation England
Against Violence and Abuse (AVA)
Agenda
Barnardo's
Drive
End Violence Against Women (EVAW)
Hestia
NCB (National Children's Bureau)
NSPCC
Respect
Safe & Together Institute
SafeLives
The Children's Society
Trevi House
UK SAYS NO MORE
Jane Callaghan, Professor of Child Wellbeing and Protection, University of Stirling
Dr Emma Katz, Senior Lecturer in Childhood and Youth, Liverpool Hope University

This submission focusses on the impact of domestic abuse on children and young people and the need to amend the proposed statutory definition of domestic abuse within the Bill. The response draws on our extensive research and 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

- Domestic abuse can have a devastating impact on children and young people, resulting in emotional, social, psychological and behavioural difficulties with short and long-term implications.
- To make a difference to their lives, the Bill needs to drive a cultural shift to make domestic abuse "everyone's business" – no longer tackled solely as a criminal justice issue, but in a co-ordinated approach across health and social care, housing, children's services and welfare. As it stands, the Bill will not achieve its aim of transforming society's response to domestic abuse.
- To have such a transformative impact, the Bill must take far greater account of the needs and experiences of children. The current definition of domestic abuse within the Bill is too narrow and excludes children. It must recognise them as survivors in their own right.

- The definition will guide the responses of agencies and statutory services. 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 are victims of domestic abuse too. This is essential if children are to receive the recognition and support they need to recover from their experiences.
- We are therefore proposing that Clause 1 should be amended to include children, and supporting amendment 50, set out in full in annex 1.
- **With as many as 1 in 5 children and young people exposed to domestic abuse during their childhood, the Bill's statutory definition must be amended to ensure children are recognised as victims of domestic abuse too.ⁱ**

1. Impact of domestic abuse on children

- 1.1 Domestic abuse has a devastating impact on children and young people, and high numbers are affected. Analysis by the Children's Commissioner shows that 831,000 children in England are living in households that report domestic abuse.ⁱⁱ It is the most common additional factor of need identified at the end of children's social care assessments for children in need, identified in more than half (51%) of relevant assessments in 2018/19.ⁱⁱⁱ According to Women's Aid's 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).^{iv}
- 1.2 There are fears that the current lockdown could be placing children at increased risk. Refuge reported a 700% rise in calls to its National Domestic Abuse Helpline in a single day.^v The number of domestic homicides is far higher than the average rate for the time of year.^{vi} Contacts to NSPCC's Helpline about children experiencing domestic abuse also increased by 10% during the lockdown period.^{vii}
- 1.3 Domestic abuse has a huge effect on the children who experience 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 - including psychological abuse, physical abuse, sexual abuse and coercive and controlling behaviour - to another adult would have on a child. However, there can also be major overlap between domestic abuse and the direct and indirect harm of children, for example, through neglect and physical or emotional abuse.^{viii}
- 1.4 Children's experiences of domestic abuse are often connected to that of their parent or carer but are also distinct. Examples of this include being expected to defend the abused parent against physical harm or being drawn into violence or coercive and controlling behaviours to further punish the adult victim.^{ix} Children in migrant families where there is domestic abuse but a parent cannot access welfare benefits due to their immigration status can experience a number of impacts, including child poverty, additional barriers to accessing safe accommodation and support, and due to language barriers sometimes having to act as translators for a parent / carer describing abuse to authorities.^x Children's experiences of disclosure can also be traumatising, leading to instability if it means leaving the family home and changing schools, as well as feelings of guilt at disclosing the abuse.

- 1.5 Children who are exposed to domestic abuse being perpetrated by one adult against another can experience physical and mental health difficulties, and their development and ability to learn can also be affected.^{xi} Some children even endure the unimaginable loss of a much-loved parent through domestic homicide.^{xii} Children face increased risks of criminal behaviour, interpersonal difficulties in future intimate relationships and friendships, and risks of experiencing sexual abuse, sexual exploitation and other forms of violence and abuse in later life.^{xiii}
- 1.6 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.^{xiv} This gives some insight into the trauma suffered by children who have struggled with abuse and violence between their parents at home.
- 1.7 However, research demonstrates that specialist domestic abuse services for children reduce the impact of domestic abuse and improve children's safety and health outcomes.^{xv} With the right support, including support for the child and non-abusive parent together, children can recover and go on to have healthy and happy lives.

2. Importance of including children in the statutory definition of domestic abuse, Clause 1

- 2.1 Despite the recognised impact of domestic abuse outlined above, the proposed statutory definition set out in Clause 1 of the Bill does not include children. We are clear that this must change if the Bill is to be the landmark piece of legislation it sets out to be. Without this change, there is a real concern that children and young people will continue to be seen by some as passive witnesses rather than victims and survivors in their own right. Although the government has said it recognises the impact that domestic abuse has on children and young people, which is welcome, the Bill's definition of abuse currently fails to acknowledge 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.^{xvi} Yet child victims are missed out of the definition completely. This is concerning because research suggests that the coercive and controlling behaviour is not given sufficient weight in child protection work, putting children and young people at risk.
- 2.3 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. If children aren't included, this could affect how they are treated by the professionals coming into contact with their families. The recent Joint Targeted Area Inspection report by inspectorates for children's social care, health professionals, the police and probation, found that across the six areas inspected, there were instances where children were forgotten about, missed, not spoken to or simply not considered.^{xvii}

- 2.4 Research has already highlighted that young people often feel they are not provided with any explanations or information from the police.^{xviii} They can be excluded from the discussions that take place between police officers and adults in the home following a domestic abuse incident, and they can feel their perspective on domestic abuse incidents isn't listened to. Including children more meaningfully will enable a more child focussed response from the agencies engaging with them and their families. Indeed, 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.^{xix}
- 2.5 Without clarity in the definition, we are also concerned that inconsistent responses to child victims will continue and children will continue to be treated as merely 'witnesses' to domestic abuse by the criminal justice system and in family courts. Research suggests professionals in the family justice system differentiate between children's 'direct' and 'indirect' experiences of domestic abuse and this results in harm to children being seriously underestimated.^{xx} The Victims' Commissioner has recommended that children and young people who experience domestic abuse should be recognised as victims in the Domestic Abuse Bill.^{xxi}
- 2.6 Initial reactions to the current Covid-19 crisis demonstrate that children are often a secondary consideration when it comes to domestic abuse, for example, their needs were not covered by the first iteration of Home Office's *Coronavirus (Covid-19): Support for victims of domestic abuse* guidance.^{xxii} The crisis has also illustrated the precarious nature of support for children within specialist domestic abuse services which continue to face a funding crisis. A recent SafeLives survey of frontline services found that 42% felt that they are not able to effectively support child victims of abuse at this time.^{xxiii} 60% of the service providers that responded to the recent Women's Aid Federation of England survey on the impact of Covid-19 stated that they had needed to reduce or cancel their service provision for children.^{xxiv}
- 2.7 The Joint Committee on the Draft Domestic Abuse Bill highlighted that if children's status as victims of the domestic abuse that occurs in their household is not recognised by the Bill, this could have a negative impact on the level and quality of specialist support available to children.^{xxv} Research from Action for Children has shown that the level of support for children affected varies significantly across England and Wales.^{xxvi} Children affected faced barriers to accessing support in two-thirds of the local authorities that took part in the study.
- 2.8 The government must ensure that the response to and provision for children becomes more consistent, not less so. The Home Affairs Select Committee recently recommended that children's direct experience of domestic abuse should be recognised in the definition of domestic abuse in the Bill, following their recent inquiry into domestic abuse and other risks of harm within the home during the current Covid-19 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.”^{xxvii}

- 2.9 We are supporting an amendment to the Bill (set out in full in annex 1) that 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.
- 2.10 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.
- 2.11 We welcome the government’s commitment to including the impact of domestic abuse on children in the accompanying statutory guidance. However, this is not sufficient. It crucial that the definition itself accurately reflects children’s experiences if we want to transform our response to domestic abuse and ensure children have the recognition and support they deserve.
- 2.12 **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.**

Annex 1: Amendment to Clause 1 to include children in the definition of domestic abuse

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

Clause 1, page 2, line 7, 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.

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- ⁱ Radford, L. et al (2011). *Child abuse and neglect in the UK today*. London: NSPCC. Available at: <https://learning.nspcc.org.uk/media/1042/child-abuse-neglect-uk-today-research-report.pdf>
- ⁱⁱ Office of the Children’s Commissioner for England (2019). *Childhood vulnerability in numbers*. Available at: <https://www.childrenscommissioner.gov.uk/publication/childhood-vulnerability-in-england-2019/>
- ⁱⁱⁱ Department for Education (2019). *Characteristics of children in need: 2018 to 2019*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843046/Characteristics_of_children_in_need_2018_to_2019_main_text.pdf
- ^{iv} 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>
- ^v 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>
- ^{vi} 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>
- ^{vii} Data from analysis of contacts to NSPCC’s Helpline about children experiencing domestic abuse
- ^{viii} 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
- ^{ix} Katz, Emma, Anna Nikupeteri and Merja Laitinen (2020). When Coercive Control Continues to Harm Children: Post-Separation Fathering, Stalking, and Domestic Violence. *Child Abuse Review*. EarlyView. Available at: <https://onlinelibrary.wiley.com/doi/epdf/10.1002/car.2611>
- ^x King’s College London and the Latin American Women’s Rights Service (2019). *The Right to be Believed, Migrant Women facing VAWG*. Available at: <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>
- ^{xi} 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>; UNICEF (2006). *Behind Closed Doors: The Impact of Domestic Violence on Children*. Available at: <https://www.unicef.org/media/files/BehindClosedDoors.pdf>
- ^{xii} There were 366 domestic homicides in the year ending March 2019, of these 270, over 70%, were female victims. See Office for National Statistics (2019). *Domestic Abuse prevalence and trends England and Wales, year end March 2019*. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsendlandandwales/yearendingmarch2019>
- ^{xiii} Office for National Statistics (2017). ‘People who were abused as children are more likely to be abused as an adult: Exploring the impact of what can sometimes be hidden crimes’. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/peoplehowereabusedaschildrenaremorelikelytobeabusedasanadult/2017-09-27>
- ^{xiv} 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>
- ^{xv} 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).
- ^{xvi} 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.

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- ^{xvii} Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (2017). *The multi-agency response to children living with domestic abuse: Prevent, protect and repair*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680671/JTAI_domestic_abuse_18_Sept_2017.pdf
- ^{xviii} 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
- ^{xix} McPhedran, S. et al (2017). 'A cross-national comparison of police attitudes about domestic violence: a focus on gender', *Policing* 40, pp. 214–227.
- ^{xx} Thiara, R and Harrison, C (2016). *Safe not Sorry - supporting the campaign for safer child contact: Key issues raised by research on child contact and domestic violence*, Centre for the Study of Safety and Well-being, University of Warwick
- ^{xxi} Victims' Commissioner (2020). *Sowing the seeds: Children's experiences of domestic abuse and criminality*. Available at: <https://victimscommissioner.org.uk/published-reviews/sowing-the-seeds-childrens-experience-of-domestic-abuse-and-criminality/>
- ^{xxii} Home Office (2020). *Guidance: Coronavirus (covid-19) and domestic abuse*. Available at: <https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse>
- ^{xxiii} SafeLives (2020). *Domestic abuse frontline service COVID-19 survey results*. Available online at: https://safelives.org.uk/sites/default/files/resources/SafeLives%20survey%20of%20frontline%20domestic%20abuse%20organisations%20for%20COVID-19%2030.03.20_0.pdf
- ^{xxiv} 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.
- ^{xxv} 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>
- ^{xxvi} Action for Children (2019). *Patchy, piecemeal and precarious. f*
- ^{xxvii} 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-coronavirus/publications/>