

Domestic Abuse Commissioner for England and Wales
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Sent by email

Dear Co-Chairs of the Domestic Abuse Public Bill Committee,

Evidence to the Domestic Abuse Bill Public Bill Committee

Thank you for inviting me to give evidence last week, and for listening to the range of evidence from sector partners and survivors. I trust that their expert testimony and advice will support you in your role in scrutinising the Domestic Abuse Bill.

I wished to follow up in writing to add to the evidence I provided and to confirm some important points.

Firstly, one issue I wish to bring your attention to is that of the ‘rough sex defence’, which was not specifically raised during the oral evidence session. This is the reprehensible – and increasingly common – tactic used by defendants to claim that their victims consented to their own murder or serious assault as part of ‘rough sex’ or a ‘sex game gone wrong’. The Domestic Abuse Bill provides a clear opportunity to legislate against this appalling practice, which only serves the purpose of further victimising and blaming women, and makes a mockery of our justice system.

Secondly, I would like to provide an update to the Committee on my work to map domestic abuse services across England & Wales, and provide some clarity on the purpose of that work. I have commissioned a pilot to map services in four Local Authority areas, which is already underway and should be complete by early Autumn. This will then allow my team to develop a longer-term framework for mapping services across all of England & Wales, with an initial map expected in summer 2021. This will be critical in enabling me as the Commissioner to effectively oversee the provision of services and to hold local and national Government to account. However, I must be clear that this mapping is not necessary in order to evidence the need for a wider statutory duty on Local Authorities.

As I said in my oral evidence, I strongly welcome the Ministry of Housing, Communities and Local Government’s proposal to require Local Authorities to provide accommodation-based services, but it must go further. In order to address the breadth of domestic abuse services, the statutory duty must encompass those community-based services that are accessed by the majority of victims, survivors

and their children, and must also include quality provision for perpetrators. I have very real concerns about Local Authorities redistributing their funding simply to meet the statutory duty, and therefore deprioritising those critical community-based services that can intervene earlier and prevent a survivor from being forced to flee to a refuge. There is already ample evidence to support this, and while my mapping work may well add to this evidence base, it is wholly unnecessary for Parliament to wait for it to complete before considering this issue.

Reflecting on the evidence that was provided throughout the day, I would also like to express my disquiet about the National Referral Mechanism being suggested as an option for supporting victims and survivors with No Recourse to Public Funds. This is not an appropriate mechanism for supporting survivors, as it was established to help victims of modern slavery and trafficking specifically. To suggest otherwise misunderstands the nature of domestic abuse, the support that is necessary, and lumps together individuals with very different experiences purely on the basis of their immigration status. My support for migrant victims of domestic abuse remains undimmed, and much more must be done to support those with NRPF, as well as to create a firewall between the police and immigration enforcement.

Finally, I strongly welcomed your commitment to hearing directly from victims and survivors. However, there are challenges to ensuring that the survivors are able to share their best expertise in such a setting. I am happy to provide any support and advice to any future Parliamentary Committee and get involved to help support survivors directly to achieve best evidence and input.

Thank you again for your commitment to transforming our response to domestic abuse, and to making the Domestic Abuse Bill a truly landmark piece of legislation.

Yours

A handwritten signature in black ink, appearing to read 'Nicole Jacobs', with a long horizontal flourish extending to the right.

Nicole Jacobs
Domestic Abuse Commissioner for England and Wales