



Transforming the response to Domestic Abuse, 2018

The Children's Society's written submission to the Home Office on the proposed changes to the Government's approach to tackling Domestic Abuse.

About The Children's Society

The Children's Society is a national charity committed to improving the lives of thousands of children and young people every year. All too often, these are children who may be at risk of harm, may not have the resources they need to thrive and may be experiencing mental ill health or poor emotional wellbeing. In spite of this, we know that with the right support, a challenging childhood does not have to limit a child's future. Therefore, we work to address the multiple disadvantages that children and their families face.

In 2016/17 we reached over 20,000 children and young people through our projects and worked with over 13,000 young people across our Youth at Risk Services, within this total we worked directly with 9,000 young people and engaged with a further 4,000 through our outreach and awareness raising sessions.

This response is informed by learning from our direct work with these children and young people and consultation with our front line staff.

Introduction and key recommendations

We welcome this important review of the Government's Approach to Tackling Domestic Abuse. Many young people who access our services experience or witness abuse either in family settings or in peer relationships. Our response focusses primarily on adolescents' experiences of domestic abuse.

We have chosen to respond to questions in the consultation where we believe we can offer insight derived from our extensive policy and research work and direct work with children and young people at risk across England.

Key recommendations:

We welcome the proposals outlined in the consultation about the creation of the statutory definition of domestic abuse and statutory guidance, creation of the new Domestic Abuse Commissioner and changes to notices to respond to domestic abuse. However, we have concerns that even with the changes proposed, children and young people will still not be adequately protected from experiencing or witnessing violence and abuse in relationships. To ensure better protection for children we recommend the following key changes:

1. *We recommend that the government uses future legislative opportunities following this consultation to introduce legislative changes to ensure that 16 and 17 year old children who live at home are afforded the same protection as children under the age of 16 in situations where they are experiencing domestic abuse and child cruelty and that all legislation is in line with the United Nations Convention on the Rights of the Child (UNCRC) and the Children Act 1989 definition of a child as a person under the age of 18.*
2. *We recommend that the statutory guidance on domestic abuse provides clarification around how it is linked with the Working Together guidance; accordingly the Working Together guidance should be updated to ensure that there is a coordinated child protection and domestic abuse response for children.*
3. *We recommend that the definition of domestic abuse needs to be further clarified. We propose the following changes and they are shown in red below:*
 - *Consideration should be given to the development of two complimentary definitions of domestic abuse: one directed at tackling domestic abuse in domestic settings and another one focussed on abuse in 'romantic' relationships involving those aged 13 or over allowing for a range of preventative and early intervention responses.*
 - *Explanation of romantic? Explanation of 13?*
 - *Recognition that all forms of abuse can occur through the use of technology*
 - *Acknowledgment that controlling and coercive behaviour can occur through the use of legal and illegal substances*

Statutory definition of domestic **and relationship** abuse as:

*Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are aged **16** or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation **or those aged 13 to 18 who are**, or **have been in romantic relationships** regardless of gender or sexual orientation . The abuse can encompass, but is not limited to:*

- *Psychological*
- *Physical*

- Sexual
- Economic
- Emotional

All forms of abuse as above can also occur through the use of technology.

*Controlling behaviour: Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources, **vulnerabilities** and capacities for personal gain, **diminishing their capacity to** or depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.*

*Coercive behaviour: Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation, **grooming through legal and illegal substances** or other abuse that is used to harm, punish, or frighten their victim.*

4. *We would urge the Government to acknowledge irregular immigration status as a particular vulnerability used within controlling and coercive behaviour.*
5. *We recommend that the government should allocate additional funding for Local Authorities for domestic abuse early intervention services*
6. *It should be part of the commissioner's role to:*
 - *Oversee the availability of early intervention, prevention and therapeutic services to help victims recover and ensure they are consistent across England and Wales. This should include services for young women in custody and the commissioner should ensure there are services available and accessible for this group.*
 - *Ensure children and young people who have already been identified as witnessing domestic abuse, receive a multi-faceted safeguarding response which includes multi-agency working, age appropriate and trauma informed case work. This should be part of a wider trauma informed response in order to prevent a whole range of outcomes for young people.*
 - *It should be part of the commissioner's role to engage with all statutory services such as housing, health, probation to support staff to better identify and respond to domestic violence.*
 - *The commissioner should ensure housing services and social care complete a joint assessment for all young people, which considers domestic abuse risks, for young people who present as homeless.*
 - *Provide oversight of how responses to victims of domestic abuse are delivered locally and nationally through the statutory guidance on domestic abuse and Working Together guidance*
 - *The commissioner should have additional data gathering powers to co-ordinate the evidence base around domestic abuse. This will ensure that*

different agencies are capturing data on a local and national level which will drive the responses.

- *The commissioner should work with the Department of Health and NHS England to develop a model care pathway for mental health support for children and young people who experience domestic abuse and other forms of trauma. This should outline a set of expectations for commissioners and providers on how to commission and deliver flexible and trauma-informed services to help facilitate access and recovery*
- 7. *We recommended that a robust safeguarding package of support is targeted at settings that are outside the mainstream education, e.g. pupil referral units, which should include prevention of harmful behaviours, awareness and promotion of healthy relationships, multi-agency working, parent and carer support and trauma informed case work.*
- 8. *The Department for Digital, Culture, Media and Sport and the Department for Education should ensure prevention of violence and abuse in relationships is embedded within the 'online safety' aspects of the new compulsory subjects for RSE.*
- 9. *We would urge the Government to instruct the Law Commission to review the 'controlling or coercive behaviour' offence as set out in the Serious Crime Act 2015, specifically looking at how the offence is being used to protect 16 and 17 year olds, in particular the scope of the current offence which does not respond to the fact that 16 and 17 year olds can often face the problem of controlling and coercive relationships outside the family home.*
- 10. *The offence of controlling or coercive behaviour should change to include the means of control and coercion through legal and illegal substances*

Question 1. Do you agree with the proposed approach to the statutory definition?

We selected the following option:

Neither agree nor disagree

We welcome the proposal to make the definition of domestic abuse statutory and to include economic abuse within the definition. We also welcome the proposal to develop the new statutory guidance to accompany the implementation of the statutory definition and to provide clarity for all professionals in safeguarding roles on how to implement the definition and support victims of domestic abuse.

Although the new statutory definition will be helpful in ensuring consistency of responses to situations of domestic abuse between adults, we are concerned that the proposed definition will not be sufficient enough to address the issue of violence in lives of:

- Children aged 16 and 17 who experience or witness domestic abuse in family settings perpetrated by their carers or parents or other members of the family

- Children aged 16 and 17 who experience violence in peer relationships
- Adolescents under the age of 16 who experience violence in peer relationships

We believe that the definition needs to change further to ensure that the groups of children above are protected from abuse in domestic and personal relationships. We also believe that further changes are needed to legislation to ensure that all children under the age of 18 are protected as discussed below.

Responses to children aged 16 and 17 who experience or witness domestic abuse in family settings perpetrated by their carers of parents or other members of the family

Young people aged 16 and 17 can suffer from situations of domestic abuse in their families as much as they do in peer relationships. Young people age 16 and 17 are legally children and under the Children Act 1989 should be offered the same protections as children under the age of 16, including in situations of domestic abuse. Yet, from our practice and research we know that young people aged 16 and 17 are very often seen as young adults and not safeguarded appropriately when they are victims of violence in family relationships or when they witness violence against their parents or carer.

In addition, inconsistencies in the law mean that 16 and 17 year olds are often not covered by the legislation governing response to children and/or are not afforded the same protections as vulnerable adults. Such inconsistency in the law send conflicting messages to professionals who often see this group as less vulnerable and more able to deal with situations of abuse and cruelty and not to offer them the same response as to younger children.

Examples of where 16 and 17 year olds are seen in a different way to children under the age of 16 include: The Domestic Violence, Crime and Victims Act 2004 (as amended in 2012) offence of ‘causing or allowing a death of a child or a vulnerable adult’ and Child Cruelty Offence under Section 1 of Children and Young Persons Act 1933. The offence of ‘causing or allowing a death of a child or vulnerable adult defines a child as ‘any person under the age of 16’ and a vulnerable adult as ‘a person aged 16 or over whose ability to protect himself from violence, abuse or neglect is significantly impaired through physical or mental disability or illness, through old age or otherwise’.

Similarly the Children and Young Persons Act 1933, Section 1 (child cruelty offence which also covers emotional cruelty), only applies to children under the age of 16. This sends a strong message that those aged 16 and 17 are less likely to become victims of domestic abuse than younger children, though this does not reflect the reality for young people aged 16 and 17. It also leaves law enforcement agencies unable to prosecute perpetrators of serious violence against children age 16 and 17 year olds.

More than 90% of 16 and 17 year olds live with their parents¹. Recent increase in the age of participation in education and restrictions on accessing welfare support for 16 and 17 year olds also means they are more dependent on their parents and carers

¹ Office for National Statistics, Measuring National Wellbeing (2016)
<https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/measuringnationalwellbeing/2016>

financially. This situation is likely to be exacerbated by the introduction of Universal Credit and further welfare restrictions for 16 and 17 year olds.

This clearly increases their vulnerability to abuse and decreases their ability to exit abusive situations. Child protection statistics show that these children are very vulnerable to maltreatment by parents. In 2017, 31,173 children aged 16 to 18 were 'children in need' because of abuse and neglect.

Both boys and girls are equally affected by situations of domestic abuse. Yet, our practitioners report that boys aged 16 and 17 are often seen by professionals as being more able to 'cope' and where that abuse is of a physical nature the parent, carer or other family perpetrator of abuse may be charged with 'common assault offences' or 'grievous bodily harm' offences that can result in lesser sentences compared to a child cruelty offence. Anecdotally, we also hear examples that in situations of violence and abuse against 16 and 17 year olds, social services are not always responding in the same way as if the child was under the age of 16.

In addition to financial coercion, experience from our services and research shows that young people without a regular immigration status are also be threatened or controlled on the basis of their irregular immigration status, for example, by being threatened with deportation or immigration detention. This includes family situations where a parent may be being threatened by their British or settled partner, or in situations where children who have been separated from their parents are directly being threatened for example in trafficking cases like domestic servitude or forced criminality.

Children aged 16 and 17 who experience violence and abuse in peer relationships

Our practitioners report that the use of terms such as 'domestic abuse' and 'intimate relationships' leads to certain preconceptions about what situations of domestic abuse may look like and correspondingly impacts on how victims of domestic abuse are identified and what responses they are offered. These preconceptions do not always fit with the situations of violence and abuse in relationships experienced by 16 and 17 year olds.

For example, abuse in relationships involving 16 and 17 year olds do not always involve the victim and the perpetrator regularly sharing the same 'domestic' setting. Many young people who experience violence in relationships normally reside with their parents and carers, in care settings or live independently in supported accommodation. Young people may also not always see the relationships as 'intimate' (or may associate this term with sexual relationships alone and not willing to disclose that to professionals). This may act as a barrier in young people coming forward to seek help. Similarly, professionals' biases of what a typical intimate relationship may look like, can result in missed opportunities to identify abuse in teenage relationships and the correct response is therefore not given.

Furthermore, the definition does not take into account the link between domestic abuse and Child Sexual Exploitation (CSE). CSE can take place in many forms and can appear from the outside to be a consensual, intimate relationship between the victim and abuser. In particular, in the 'boyfriend/girlfriend model', victims often believe

that they are in a loving relationship, but this is in fact part of the grooming process and will lead to abuse and exploitation.

Often perpetrators of abuse exploit children's vulnerabilities, such as learning disabilities, mental health issues or substance dependency to coerce and control a young person. Currently the definition does not recognise that. It is important that policy makers, police, prosecutors and other professionals working with children and/or victims of domestic abuse are aware of the links and cross-over between child sexual exploitation and domestic abuse.

The proposed definition does not take into account abuse that can be perpetrated online. All forms of abuse including psychological, physical, sexual, economic, emotional can take place online and the definition needs to acknowledge this, as should the controlling and coercive behaviour definition. For example, a perpetrator constantly tracking the location of a victim via an app is psychological abuse, a perpetrator who posts images of the victim without their consent online is sexual abuse and a perpetrator who controls a victim's bank account through an online banking app is economic abuse.

We also think that the controlling behaviour definition should reference the impact of misusing substances and how this can be used as a method of control by the perpetrator. Alcohol or drugs can desensitise the 'problem' for the victim and the capacity of the victim will fluctuate as a result of the substance misuse, which may be forced by the perpetrator.

Adolescents under the age of 16 who experience abuse in peer relationships

We would also like to raise the point of the need to recognise that violence or abuse in peer relationships may start in adolescent peer relationships prior to young people reaching the age of 16. Through our practice, we recognise that there are young people under the age of 16 who can also be subject to domestic abuse in a relationship and therefore the proposed statutory definition does not protect them.

Our practitioners report working with a young person aged 14 who was subject to physical and psychological abuse from her then 15 year old boyfriend, this was not recognised by social workers as domestic abuse and as a result the abuse continued resulting in tragic consequences for the child.

We recognise that in paragraph 2 on page 14, the reasons for not including under 16s have been explained in relation to concerns of blurring lines between domestic abuse and child protection and safeguarding procedures. However, we would argue that this shouldn't be any different between those aged 16 and 17 year olds, and those under that age, as under the UN Convention Rights of The Child, 16 and 17 year olds should be recognised as children. So that the lines do not become blurred, the domestic abuse guidance and the working together guidance should be aligned and so all children and young people under the age of 18, regardless if they are a victim of domestic abuse themselves or a witness of domestic abuse, are protected.

We believe that including all teenagers who experience violence or abuse in romantic relationships within the definition of domestic and relationship abuse would allow for early response to prevent abuse escalating, particularly where a young person is not

making a disclosure of sexual abuse but there are other signs that the relationships are abusive. We have suggested that this is from the age of 13 years old.

Recommendations:

1. *We recommend that the government uses future legislative opportunities following this consultation to introduce legislative changes to ensure that 16 and 17 year old children who live at home are afforded the same protection as children under the age of 16 in situations where they are experiencing domestic abuse and child cruelty and that all legislation is in line with the UNCRC and the Children Act 1989 definition of a child as a person under the age of 18.*
2. *We recommend that the statutory guidance on domestic abuse provides clarification around how it is linked with the Working Together guidance; accordingly the Working Together guidance should be updated to ensure that there is a coordinated child protection and domestic abuse response for children.*
3. *We recommend that the statutory guidance on domestic abuse specifies the vulnerability of boys to domestic abuse.*
4. *We recommend that the definition of domestic abuse needs to be further clarified. We propose the following changes and they are shown in red below:*
 - *Consideration should be given to the development of two complimentary definitions of domestic abuse: one directed at tackling domestic abuse in domestic settings and another one focussed on abuse in 'romantic' relationships involving those aged 13 or over allowing for a range of preventative and early intervention responses.*
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- *Psychological*
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All forms of abuse as above can also occur through the use of technology.

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*Coercive behaviour: Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation, **grooming through legal and illegal substances** or other abuse that is used to harm, punish, or frighten their victim.*

5. *We would urge the Government to acknowledge irregular immigration status as a particular vulnerability used within controlling and coercive behaviour.*

Question 4. What impact do you think the changes to the age limit in the 2012 domestic abuse definition have had? Please select one.

We selected the following option:

Positive

Although the change in statutory definition has enabled professional recognition that 16 and 17 year olds can in fact be victims of domestic abuse, a lot more needs to be done to ensure that in practice they are supported through the whole system as a victim.

In our response to question one, we focused on some of the reasons the definition of domestic abuse does not work always for 16 and 17 year olds and proposed changes that would improve response to children of this age.

In addition to the issues raised above we would like to focus on the practice response to 16 and 17 year olds who are victims of domestic abuse, in particular the use of forms for assessment of domestic abuse.

Our practitioners report that the standard Domestic Abuse Stalking and Harassment (DASH) forms are not appropriate for use with 16 and 17 year olds as they do not correspond with the behaviours and lifestyle of young people of this age. There should be more questions that consider all of the possible vulnerabilities that could be affecting a young person such as varying forms of exploitation, honour based violence and online abuse, which can happen outside as well as inside the family home. The DASH forms should include risks to siblings and wider family and not just questions on the victims own children. This is important so that at MARAC, professionals have all of the correct information to inform the safety plan of the young person.

Therefore, as well as making changes to the definition, the statutory guidance should be updated to ensure systems change, for agencies to work together and for 16 and 17 year olds to be supported appropriately. This needs to be clearly visible across all of the guidance

Further issues arise for young people aged 16 and 17 who are witnesses of domestic abuse in the familial home. Overall, our practitioners report that 16 and 17 year olds aren't seen as victims when witnessing domestic abuse in a familial setting and are

not given the same safeguarding support that a child under the age of 16 who witnesses domestic abuse, receives. Witnessing domestic abuse often acts as a 'push' factor out of the family home which through our extensive research and practice base, we know can contribute to missing episodes and risk of exploitation.

Recommendations:

6. *Young person's DASH form to be created and used consistently across all services nationally. To ensure this happens, the form and guidance on its use should become part of the statutory guidance.*
7. *16 and 17 year olds witnessing abuse in families should receive appropriate safeguarding interventions and treated as a child. Working together guidance and the proposed Domestic Abuse statutory guidance should outline the response for this age group.*

Question 6. In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?

Whole school approach

Through our extensive work in schools and colleges throughout the country, we see how much of a difference the ethos of a school can have on pupils experiences. Therefore, for Relationships and Sex Education (RSE) to have the greatest impact on children and young people, we recognise that it needs to be part of a whole school approach and embedded in the school ethos. This is particularly important if parents or carers choose to withdraw their child from RSE lessons or for those who are absent from school and miss RSE lessons, as it ensures that they will still learn about healthy relationships.

It is vital that schools understand that everyday sexist language and sexist stereotypes can be a driving force behind sexual violence and sexual harassments. Therefore, it is important for schools to take a zero tolerance approach to this type of gendered language and behaviour at a whole school level.

Young people should be educated on the meaning of consent, the role of power in a relationship, what consensual relationships and sex looks like, and recognising the signs of controlling or coercive behaviour. It is vital that young people are made aware of their body rights and where they can go to seek help and support if they feel that these rights have been, or are being, violated.

These are all key messages that should be reflected in school policies, staff training, pastoral support and safeguarding protocols to ensure a whole school approach to promoting positive relationships. As a result of schools adopting this approach they will still teach fundamental principles which pupils will absorb during their life at school. As domestic abuse can occur in many forms, it is important that these messages are also discussed as part of a wider PSHE curriculum to raise awareness of domestic abuse in the economic, psychological, physical and emotional contexts.

As part of this whole school approach, it is also important to consider the gender balance in staff support teams in the school environment. Our practitioners tell us that often, senior staff in school are more likely to be made up of male staff. However, girls

are more likely to be affected by domestic abuse and therefore it is important to consider their needs and ensure female support staff are available to them if required.

For most schools, the practical guidance followed on a day to day basis will be the guidance on school behaviour policies. This guidance is heavily focussed on the schools legal powers and mechanisms for punishment. Simultaneously, the sexual harassment and offences guidance focuses on appropriate responses, including how to support both perpetrators and victims and how to promote safety and emotional well-being. The Department for Education's new publication on whole school approaches to well-being also advocates a more nuanced response to behaviour which explores how behaviours can be symptomatic of underlying mental health needs and how, in schools exhibiting best practice, poor behaviour is a trigger for a better mental health response rather than a severe punishment.

We therefore recommend that the guidance on behaviour policies is updated to reflect how to manage behaviour appropriately within a school that take a whole school approach to wellbeing. This should include how to respond to sexual offences and harassment in a robust way without failing to address underlying issues for both perpetrator and victim like mental ill-health.

Education for 'hidden' children

There are a concerning number of 'hidden' children and young people who are not in mainstream education and are therefore not accessing RSE. These include those who are home schooled, those attending Pupil Referral Units or Alternative Provisions, those missing from education and those in custody or secure units. These are some of our most vulnerable young people, and whom we see through our practice, are the children and young people who have witnessed domestic abuse at some point in their lives. It is therefore recommended that a robust safeguarding package of support is targeted at these settings which should include prevention of harmful behaviours, awareness and promotion of healthy relationships, multi-agency working, parent and carer support and trauma informed case work.

In addition, the Government's Mental Health Green Paper commits to providing significant mental health support to 16 – 18 year olds in schools and colleges. It is vital that this support includes positive relationships work including how to recognise unhealthy relationships and the impact that this has on wellbeing, and where young people can access support, should they need it.

Focus on use of technology in facilitating abuse in relationships

Access to pornography, music lyrics and videos, apps and gaming online have all been linked to normalising sexually and physically violent behaviour which leads to unrealistic attitudes and expectations of relationships. We know that more and more children and young people now have access to a smartphone, with close to half of all 5 to 15 year olds owning one according to Ofcom. Therefore, the Department for Digital, Culture, Media and Sport and the Department for Education should ensure prevention of abuse is embedded within the 'online safety' aspects of the new compulsory subjects for RSE.

Research suggests that many young perpetrators of domestic abuse have previously witnessed domestic abuse themselves, and as such, this is included as an Adverse Childhood Experience. Therefore in order to break the cycle and prevent domestic abuse, children and young people who have already been identified as witnessing

domestic abuse, should receive a multi-faceted safeguarding response which includes multi-agency working, trauma informed case work and prevention approaches at an age appropriate level. This could form part of the commissioner's role.

National campaign

The disrespect nobody campaign is effective for young people and we would like to see a national campaign targeting domestic abuse in the family setting. There needs to be a cultural movement in society, to recognise abusive relationships in others and signpost to support. A national campaign will help raise awareness and begin to build confidence of friends and family in order to do this.

Recommendations:

- 8. The guidance on 'behaviour and discipline in schools' should be updated to reflect how to manage behaviour appropriately within a school that take a whole school approach to wellbeing. This should include how to respond to sexual offences and harassment in a robust way without failing to address underlying issues for both perpetrator and victim like mental ill-health.*
- 9. We recommend that a robust safeguarding package of support is targeted at settings that are outside of mainstream education, e.g. pupil referral units, which should include prevention of harmful behaviours, awareness and promotion of healthy relationships, multi-agency working, parent and carer support and trauma informed case work.*
- 10. The Department for Digital, Culture, Media and Sport and the Department for Education should ensure prevention of violence in relationships is embedded within the 'online safety' aspects of the new compulsory subjects for RSE.*
- 11. The commissioner should ensure children and young people who have already been identified as witnessing domestic abuse, receive a multi-faceted safeguarding response which includes multi-agency working, age appropriate and trauma informed case work. This should be part of a wider trauma informed response in order to prevent a whole range of outcomes for young people.*
- 12. We recommend that there is a national campaign targeting domestic abuse in the family setting*

Question 8. In addition to improving training programmes and introducing guidance, what more can the Government do to improve statutory agencies' understanding of domestic abuse?

The Department for Education Innovation Fund projects highlighted multi-disciplinary working and co-location as good practice as it lead to mutual trust, genuine multi-professional decision-making, increased engagement of the young person or family member and linked to improved outcomes. Co-location also enabled professionals to draw on specialist knowledge and skills where needed. In the context of Domestic Abuse, specialists could be embedded within health and social care teams to improve their understanding of domestic abuse.

Within the training programmes and guidance for professionals, the safeguarding process of responding to domestic abuse needs to be clearly explained. Our practitioners tell us that there is still disparity across Local Authorities in terms of the domestic abuse response from professionals. More clarity needs to be given on the purpose of MARAC, referral processes, aims and objectives of the meetings and

outcomes. This should be bought together with the working together guidance and through powers of the commissioner to provide oversight of how responses to victims of domestic abuse are delivered locally and nationally.

The consultation recognises that victims of domestic abuse is not limited to women and girls, however in practice, males continue to be failed to be identified as victims of domestic abuse and consequently do not access relevant support. This should be acknowledged in training programmes and guidance for professionals too.

It is vital that statutory agencies understand the context to which domestic abuse occurs in a teenage relationship. Through our practice, we recognise that young people can be coerced and controlled in many ways which often interlinks into criminal and sexual exploitation. The response from professionals tends to focus on exploitation and the domestic abuse element is forgotten. Young people need protecting outside of the family home as well as within the family home, and young people must be safeguarded holistically and all vulnerabilities responded to appropriately. For this to happen, MARAC needs to communicate with other meetings such as Missing and Sexual Exploitation (MASE) meetings and Adolescent Vulnerability panels. Similarly as mentioned in the response to question four above, DASH forms for 16 and 17 year olds need to be updated and should include focus on a range of vulnerabilities.

Local authority housing services are another key agency where training and guidance on domestic abuse should be targeted. Our report, 'Getting the house in order'^[1] explored the experiences of 16 and 17 year olds who presented as homeless to their local authority. In 12% of the cases we examined domestic violence was one of the main presenting issues for young people seeking homelessness support. The report found that out of 12,000 young people who present as homeless, only 6,000 receive a formal assessment. For the remaining 6,000 young people, they may be returned home and placed at greater risk of abuse if the assessment has not taken place. It is vital that housing undertake a thorough assessment with all young people who present as homeless, and that this is undertaken jointly with Children's Social Care to ensure that domestic violence is identified and appropriate safeguarding responses are made. It should be part of the commissioner's role to engage with housing services to support officers to better identify and respond to domestic violence.

Recommendations:

- 13. The proposed statutory guidance on domestic abuse should ensure clarity on the purpose and process of MARAC, referral processes, safety plans and child protection measures. It should be bought together with the working together guidance and through powers of the commissioner to provide oversight of how responses to victims of domestic abuse are delivered locally and nationally.*

^[1] The Children's Society, Getting the house in order (2015)
https://www.childrensociety.org.uk/sites/default/files/getting-the-house-in-order_PCR025aHousing_Report_LR_final_6_web.pdf

14. *Training and guidance for statutory agencies should include how to identify domestic abuse directed at males and how support should be tailored to boys and men.*
15. *Housing services and social care should complete a joint assessment for all young people, which considers domestic abuse risks, for young people who present as homeless. It should be part of the commissioner's role to engage with housing services to support officers to better identify and respond to domestic violence.*

Question 10. We are in the process of identifying priority areas for central Government funding on domestic abuse. Which of the following areas do you think the UK Government should prioritise? Please select up to 3.

We selected the following options:

- Advocacy for victims to enable them to stay safely in their own home (Independent Domestic Violence Advisors or their equivalent)
- Therapeutic services to help victims of domestic recover from their experience
- Perpetrator programmes which aim to change offenders' behaviour and stop reoffending

We would also like to suggest focusing on prevention of domestic abuse in peer relationships as another area to be prioritised.

Trauma is a key factor in the development of Harmful Sexual Behaviour (HSB)² work, Hackett et al, suggests that two thirds of young people displaying HSB had experienced some kind of abuse or trauma, such as domestic abuse. We also know there is an increase in peer on peer abuse³, and so to prevent young people displaying harmful sexual behaviour and from potentially becoming a perpetrator of abuse, age appropriate, gender and trauma informed interventions, need to be provided.

It is important to acknowledge the impact that witnessing and experiencing domestic abuse has on mental health. We see through our research and practice that mental health problems that may arise from experiencing trauma, may not fit within the clinical categories required to access support through Child and Adolescent Mental Health Services (CAMHS). This could mean young people end up without any support to meet their needs. Our report 'Access Denied'⁴, examines how vulnerable groups of young people such as victims of abuse access CAMHS. We sent freedom of information requests to CAMHS providers and found that only 44% of providers list domestic abuse as a 'vulnerable group' on their referral and initial assessment forms. Therefore, young people experiencing trauma as a result of witnessing or experiencing domestic abuse are less likely to be identified and less likely to access CAMHS support.

² Hackett et al., (2013) Individual, Family and Abuse Characteristics of 700 British Child and Adolescent Sexual Abusers <https://onlinelibrary.wiley.com/doi/full/10.1002/car.2246>

³ <https://contextualsafeguarding.org.uk/assets/documents/Extract-5-Towards-a-Contextual-Response-to-Peer-on-Peer-Abuse.pdf>

⁴ The Children's Society, 2015; Access Denied

https://www.childrensociety.org.uk/sites/default/files/AccessDenied_final.pdf

In addition, it is well documented that behavioural responses to traumatic experiences often get misunderstood as negative behaviour which often leads to punitive response rather than a therapeutic and safeguarding response.

We recommend that The Department of Health and NHS England should develop a model care pathway for mental health support for children and young people who experience domestic abuse and other forms of trauma. This should outline a set of expectations for commissioners and providers on how to commission and deliver flexible and trauma-informed services to help facilitate access and recovery.

Currently, responses to domestic abuse come at a time when there is a crisis situation in the family. Our report, 'Turning the Tide'⁵, jointly produced alongside Action for Children and National Children's Bureau, found that there have been cuts of £2.4 billion to funding for local children's services, forcing local council to make reductions to early help services by 40% over five years. Therefore, there is limited opportunity to intervene earlier and prevent abuse. It is important that the response to domestic abuse nationally is considered in the context of dwindling financial resources and additional resources are provided to local authorities for early intervention services.

Recommendations:

- 16. The government should allocate additional funding for domestic abuse early intervention services for local authorities*
- 17. It should be part of the commissioner's role to oversee both the availability of early intervention, prevention and the therapeutic services to help victims recover and ensure they are consistent across England and Wales.*
- 18. The Department of Health and NHS England should develop a model care pathway for mental health support for children and young people who experience domestic abuse and other forms of trauma. This should outline a set of expectations for commissioners and providers on how to commission and deliver flexible and trauma-informed services to help facilitate access and recovery*

Question 13. How can we work better with female offenders and vulnerable women at risk of offending to identify their domestic abuse earlier? Please select top 3:

We selected the following options:

- Criminal justice agencies to adopt appropriate enquiries into history of abuse at each stage of the criminal justice process
- Encourage the use of schemes which divert vulnerable women out of the criminal justice system (where appropriate) and into services
- Improve availability of support for domestic abuse victims in prisons

⁵ The Children's Society, 2017; Turning the Tide <https://www.childrenssociety.org.uk/what-we-do/resources-and-publications/turning-the-tide>

It is vital that all professionals who come into contact with vulnerable women know how to identify them as a victim of domestic abuse and know which processes to follow to appropriately safeguard them.

Our Fresh Step programme, funded through the tampon tax fund, supports vulnerable girls and young women, aged 15-25 who are leaving care or custody and who have experienced or are at risk of sexual exploitation. This service delivers 1-1 work consisting of intensive relationships based support using both gender and trauma-informed approaches. Although the referrals for the young women are for sexual exploitation, many of the young women we work with are also victims of domestic abuse. This service ensures that the support addresses all of the needs and responds all vulnerabilities together as opposed to treating them in silo.

It is vital that support services such as Fresh Step identify domestic abuse at an early stage, build positive relationships and support networks, raise self-esteem, confidence and resilience, and ultimately improve emotional and mental health of vulnerable girls and young women in order for them to live safely free of abuse.

Through our practice, we have worked with young women who are in an abusive relationship whereby the perpetrator has forced the victims to be a 'reliable witness' and lie in court, to assist them in being acquitted of the offence. This can lead to the victim being charged of perverting the course of justice and puts them at greater risk of offending in the future. It is vital that witnesses have access to legal support at this stage and offered relevant protection so that they do not feel under duress and threat.

Our practitioners report a challenge of getting access to provide support to vulnerable girls and young women in the prisons. Support for young women in prisons who may have been victims or perpetrators of domestic abuse should be an area where the Commissioner can provide a national oversight and ensures that services are available and accessible for this group.

Recommendations:

- 19. Witnesses in court cases of domestic abuse should have access to legal support and offered relevant protection so that they do not feel under duress and threat. And it is important to ensure that this support does not stop when the court case ends but is provided until the needs of the victim are met.*
- 20. The Domestic Abuse Commissioner should provide a national oversight of services available to young women in custody who have experienced abuse and ensure that services are available and accessible for this group.*

Question 15. In addition to reviewing who may be eligible for the destitute Domestic Violence Concession, what other considerations could the government make in respect of protecting domestic abuse victims with no recourse to public funds.

Who is affected by no recourse to public funds?

Children within families subject to no recourse to public funds fall into two categories, those whose parents have leave to remain in the UK, and a no recourse to public funds

condition has been applied to their leave, and those whose parents have unresolved immigration status in the UK. Children's access to public funds is dictated by their parent's eligibility, even if the children are British nationals, or have secure status in the UK.

As they are unable to access mainstream welfare support, families often have to rely upon their local authority's children's services department for support under Section 17 of the Children Act. This legislation places a duty upon local authorities to provide services for children and their families, where it is necessary to safeguard and promote the welfare of the children.⁶ Research has shown that 89% of families with NRPF receiving support under Section 17, over a period of a year, were single-parent families, mainly headed by mothers.⁷ Home Office caseworker accounts also demonstrate that single women with children formed the overwhelming number of applications to have the NRPF condition lifted from their leave to remain, likely after a relationship breakdown.⁸ Data that has been extracted from the NRPF Network's 'NRPF Connect' database⁹ also reveals a similar demographic accessing local authority support, with single mothers, some of whom have disclosed that they have fled domestic abuse, being supported by local authority Children's Services teams under the Section 17 duty. Our own services that support families with NRPF echo a similar trend, with most of these families headed by single mothers. This may be because it is more common for children to remain with their mother when a relationship breaks down. Practitioners in our services also report that female single parents may have previously been stay-at-home mothers, who are then required to work as a result of family breakdown following domestic abuse.

The Children's Society's research has found that children in families subject to NRPF are more likely to be living in poverty and facing safeguarding risks because of the circumstances arising out of living with NRPF¹⁰. The Children's Society has also contributed to an increasing body of research finding explicit links between living in poverty and the detrimental impact on the mental health and wellbeing of children¹¹. NRPF can create grave risks for children, especially those that have already been exposed to harm due to domestic abuse in the home.

Local authority support for families that are facing domestic violence

Individuals with NRPF can face acute vulnerabilities following domestic abuse, due to most public support services being inaccessible to them. Families that are destitute and have no recourse to public funds (NRPF) are usually not able to access mainstream welfare support, if a family breakdown has occurred due to domestic abuse. Parents without recourse to public funds cannot access housing benefit to fund their stay in a domestic violence refuge; they are also not eligible to access local

⁶ Legislation.gov.uk, Children Act 1989, <https://www.legislation.gov.uk/ukpga/1989/41/section/17>

⁷ Price, J. and Spencer, S. (2015) Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds' <https://www.compas.ox.ac.uk/project/local-governmentwelfare-responses-to-children-and-families-who-have-norecourse>

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421397/NRPF9_PES.pdf page 9

⁹ <http://www.nrpfnetwork.org.uk/nrpfconnect/Pages/default.aspx>

¹⁰ The Children's Society, Making Life Impossible (2016) <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf>

¹¹ The Children's Society, The Damage of Debt (2016) <https://www.childrenssociety.org.uk/sites/default/files/the-damage-of-debt-2016.pdf>

authority housing and can struggle to cover the cost of privately renting accommodation without access to welfare benefits. Without access to support that others may rely on, these families turn to local authorities for Section 17 support.

In our practice supporting families with NRPF that are fleeing domestic abuse, we have encountered families facing a number of difficulties when approaching local authorities for Section 17 support. This includes social workers assessing that it is safe for children to be placed with the abusive parent, as they have access to secure accommodation and income, even in cases where that parent has previously posed a safeguarding risk following violence towards the children. We have also encountered local authorities threatening to take children into statutory care rather than support a destitute parent without leave to remain fleeing abuse along with their children, even when the parent has not been identified as posing any safeguarding risks to their children. We have experienced local authority practice where Section 17 support is refused to a destitute family fleeing domestic abuse, on the basis that they do not have a pending application. Although we recognise the pressures on local authorities, in some cases these varying tactics amount to 'gatekeeping' preventing vulnerable young people and families from accessing vital support, creating a culture of fear where families in dangerous circumstances are too afraid to approach local authorities for support, due to a looming risk that their family will be separated. Although we always attempt to exhaust advocacy routes first, in many cases it is only following legal intervention that families are able to get the support they desperately need.

NRPF status can make it difficult for a parent to leave an abusive relationship, as they do not have access to any of the network of support that a survivor of domestic abuse might ordinarily be eligible to access. The negative impact on young people that witness domestic abuse is well documented¹² and more accessible system of support for parents with NRPF that are fleeing domestic violence would help to mitigate the lasting harm on young people in these families.

Irregular immigration status as a contributing factor for abuse and coercion

Our services report a high level of vulnerability and risk of abuse experienced by families with NRPF, particularly if the family does not have a regular immigration status. The inability of one parent to access public funds or support from the local authority is often a driver for abusive relationships continuing, as parents with NRPF are aware of how little support would be available for them if they were to leave. In addition, their irregular immigration status is used as a means of control; their precarious status makes them vulnerable to exploitation on this basis. For example, we know of parents whose abusive partners use threats of reporting them to the Home Office and other authorities as a control tactic, when that parent has no leave to remain and cannot access most public funds. Our practitioners tell us that parents are often afraid of going to the police for fear of detention, forced removal or that their children will be taken away by the authorities.

We have supported mothers who did not know their current immigration status because it had been tied to their abusive partners and they were kept uninformed of

¹² NSPCC, 'Domestic abuse' <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/domestic-abuse/>

this. The NRPF condition – and particularly an irregular or undocumented immigration status – leads to a high level of vulnerability for parents and puts children at risk of domestic abuse. As one practitioner stated in our research: *'A lot of the time, we have people coming to us saying my partner said if you leave, you'll get deported. If you leave, they'll take your children away. You can't leave because you're here illegally...that is really common, we hear that time and time again.'*¹³

In addition, young people who have been separated from their families but are in households in an abusive context – for example as domestic servants – may also experience this type of coercive behaviour. For our 'Still at Risk' research on trafficked children commissioned by the Home Office, many of the young people we interviewed expressed a fear of the consequences if they attempted to escape their traffickers. Though not all of these young people had been exploited as domestic servants, many had been threatened with physical violence, told to not trust the police or strangers as they would do them harm, and told they would be sent back to their countries of origin if they revealed their situation to anybody. As one young person told us: *'There are so many people out there who are still going through the same situation like the way I was before. They need help but they can't get it, they don't know how to explain to people. Some of them are scared, even me when I see the police I am always running. Most especially with their uniform, it's just hard for me to go in front of them and tell them things that have happened to me. So the trust wasn't there. That's why.'*¹⁴

The NRPF status, as well as a young person's or family's precarious immigration status, in effect help to keep victims of domestic violence trapped in abusive relationships and circumstances. The Home Office must rectify its policies to ensure that these do not continue to contribute towards abuse and destitution, and that young people and families get the right support to regularise their status as soon as possible.

Impact of changes to the Family Migration rules in 2012

Even for parents that have leave to remain but have had the NRPF condition applied to their leave to remain, the process for having this condition removed can be arduous and create barriers for parents that are seeking to flee abuse and support their parents independently.

Since July 2012, as part of the government's reforms of the family and private life rules, the Home Office has imposed the no recourse to public funds (NRPF) condition on parents who are granted leave to remain in the UK on a 10- year route to settlement. Typically, these are families with a British child, or a child who has lived in the UK for seven years or more. Most of the families with limited leave to remain, in our experience, are working households. The parent will often need to afford rent and childcare, especially if they are left without a network of support following domestic

¹³ The Children's Society (2016) Making Life Impossible:

<https://www.childrensociety.org.uk/sites/default/files/making-life-impossible.pdf>

¹⁴ Refugee Council and The Children's Society (2013) 'Still at Risk':

https://www.childrensociety.org.uk/sites/default/files/still_at_risk_-_full_report_-_refugee_council_the_childrens_society.pdf

abuse, but they are unable to access housing benefit, tax credits and child benefits, making it increasingly difficult for them to make ends meet.

Families that are granted leave to remain under the family migration rules are often granted leave to remain with no recourse to public funds immediately imposed. Our practitioners then support the families to apply for a change of conditions of leave to allow access to public funds, which can be a laborious process and it can take many months to hear back about if they are successful. These parents have to demonstrate that they are destitute and in need, which can make it difficult for them to apply to remove the NRPf condition from their leave to remain prior to fleeing the home, as the Home Office will often contend that they are financially supported by an abusive partner. If they apply after leaving the abusive home, families can often wait months to hear if they have been successful in removing the NRPf condition. In this time, families are left in limbo, having to rely on piecemeal support from friends, or approach a local authority for Section 17 support and face potential gatekeeping in the process.

If the family is successful, then they will still need to reapply to have the NRPf condition lifted from their leave a few years later, when they next apply to extend their leave to remain in the UK under the family migration rules. At this point, the fact that they have been eligible for welfare benefits and been able to financially sustain themselves can count against the family and they can be refused access to public funds, which again forces them back into a spiral of destitution and precarity.

The Children's Society research has found that, between 2013 and 2015, over 50,000 individuals with dependents were granted leave to remain in the UK along with a 'no recourse to public funds' condition, which means they have no access to mainstream welfare support. NRPf Network data shows that, in 2016-2017, a quarter of all families that approached 45 local authorities for assistance with living costs were families granted leave to remain with NRPf and, currently, 11% of families receiving support have this immigration status.¹⁵ As part of this research, we also calculated that there are approximately 144,000 undocumented children living in England and Wales, with a significant proportion of these born in the UK.¹⁶ This suggests that thousands of these children are eligible to register as British citizens. Even if these children are able to register as British citizens or have an automatic right to British citizenship, they will be cut out from accessing vital mainstream welfare support as a result of the NRPf condition on their family.

Where a parent is unable to work, or their income from employment is not sufficient to fund their family's housing and living costs, they face destitution and increased vulnerability. The changes introduced by the Home Office in 2012 make it even harder for the most vulnerable families to access the support that they need, leaving them in

¹⁵ Data from the NRPf Connect database, used by local authorities to share information with the Home Office <http://www.nrpfnetwork.org.uk/nrpfconnect/Pages/default.aspx>

¹⁶ The Children's Society, Making Life Impossible (2016) <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf> page 10

limbo for months at a time. Reversing this policy would help to ensure that these families are supported as they deserve.

Case Study from 'Making Life Impossible' (2016)

Ruth and her four year old son were living with her British partner. There was serious domestic abuse between her and her partner which escalated – she was badly beaten up and the police were called. The case was put on record. Ruth desperately wanted to leave the property; a referral was made to social services and then the allocated social worker did an assessment and said the family needed alternative accommodation as it was not safe and the child was at risk. When the case was sent over to the NRPF team, there was no response for months and the team still haven't done anything about the case. The mother has limited leave to remain so can work full-time but on minimum wage with NRPF, so she can't earn enough money to raise a deposit and find somewhere to live for her and her son. They are being forced to stay living with her partner in the property.

Legal aid and Home Office application fees

When a parent has fled domestic violence, it is vital that they are able to regularise their and their children's immigration status (where necessary) to ensure that they secure their rights in this country. However, this has increasingly become difficult due to changes in legal aid and Home Office application fees.

Families on a 10-year route to permanent settlement have to pay thousands of pounds in fees to the Home Office, to be paid every few years until the 10-year period has been completed¹⁷. Even if the family's circumstances are unchanged in the period between separate applications, they are required to pay the full cost of renewing their leave to remain. For parents that have fled domestic abuse, this can be an impossible feat even if they are working and able to access welfare support after applying to have the NRPF condition removed from their leave to remain.

Following the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act in 2012, it is now not possible for those applying for leave to remain under the family migration rules to fund their application through legal aid. Therefore, when parents are required to pay high costs to renew their leave to remain every few years, they are also having to find the money to cover the costs of legal representation. Without high quality legal representation, they risk their applications being refused and losing the money that they have paid to apply.

¹⁷ Gov.uk, Home Office Immigration & Nationality Charges (2017)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607212/Fees_table_April_2017.pdf

Recommendations:

21. *The government must work with local authorities to review their policies on support for families fleeing domestic abuse, so that immigration control does not take precedence over protecting vulnerable families.*
22. *We urge the Government to acknowledge irregular immigration status as a particular vulnerability used within controlling and coercive behaviour.*
23. *The government must remove the NRPF condition from leave to remain of all families with dependents under the age of 18.*
24. *The government is in the process of reviewing the current legal aid system and it is vital that it considers the impact of this system on destitute migrant children and families that are fleeing domestic violence.*

Question 45. Do you think there is further action the government could take to strengthen the effectiveness of the controlling or coercive behaviour offence?

We selected the following option:

Yes

We welcomed changes made through the Serious Crime Act 2015 to create an offence of controlling or coercive behaviour in intimate and family relationships to protect vulnerable individuals in situation of domestic abuse. We specifically welcomed that the offence can protect child victims aged 16 and 17 who are in situation of violence of relationships. From our direct work and research, we know that young people of that age who are sexually exploited or abused often believe that they are in relationships with the perpetrator.

We have recently sent Freedom of Information (FOI) requests to police forces in England and Wales to ascertain to what extent the new offence is used to protect victims of this age. FOI responses from 31 police forces show that from the time the offence was introduced in December 2015 and until the end of March 2018, the offence of controlling or coercive behaviour was recorded 10,526 times and in 365 cases the victim's age was recorded as 16 or 17. This number appears quite low in light of evidence that young people of this age are often groomed and coerced into sexual abuse as our report *Old enough to know better report?*¹⁸ showed. The number of offences that result in charges or summons is even lower. Only around 17% of offences recorded where the victims age was 16 or 17 resulted in charges and in more than 40% of instances the case was closed due to the victim not supporting the police investigation.

We believe that these numbers indicate that there is a need to review how the offence of controlling or coercive behaviour works to protect the victims aged 16 and 17. We believe that changes are needed that reflect the reality of control and coercion experienced by young people. Many 16 and 17 year olds who are coerced into sexual

¹⁸ The Childrens Society, 2015; *Old Enough to know better?*

<https://www.childrensociety.org.uk/what-we-do/resources-and-publications/old-enough-to-know-better-why-sexually-exploited-teenagers-are>

or criminal exploitation are coerced to submit to sexual or criminal acts through fear, imbalance of power or long-term use of drugs and alcohol and so their capacity to consent is impaired. Even though the law is clear that sale and consumption of alcohol from licenced premises and from licenced vendors, as far as all under 18s are concerned is prohibited, the law does not specifically address that 16 and 17 year olds, particularly vulnerable 16 and 17 year olds, can be coerced to submit to their own abuse through adults supplying them with alcohol on private premises.

In our Old enough to know better? report, out of 30 cases of young people reviewed, 19 demonstrated the link between sexual offences and substance misuse. A recent report from Public Health England¹⁹ states that 12% of females aged 9 to 17 who access drug and alcohol specialist services report being affected by child sexual exploitation. Young people aged 15 to 17 represent the highest numbers of those affected. However, many young people believe that their use of drug and alcohol and sexual abuse are not related and that they are able to exercise control in both instances. These are recognised features of research into young people's responses to the trauma of sexual abuse as the victim may normalise the experience and develop a belief that it is their choice.

Responses to our freedom of information requests to police also showed that in a number of cases where charges are made, they are charges of alternative offences, rather than controlling or coercive behaviour offence. There is a need to review why this is the case and whether alternative charges mean that consequentially the perpetrator will not be seen as a domestic abuse perpetrator (and disclosure won't be made under the Claire's law) and that the victim may not be seen as a victim of domestic abuse and not able to access relevant support services.

The responses to the freedom of information requests, show that 40% of offences have an outcome of 'evidential difficulties' due to a witness not supporting the police investigation. This is a high number which suggests that there is a need to improve how police work with victims of domestic abuse and how they are supported through court cases and beyond. Providing evidence about a traumatic event may trigger flashbacks, panic attacks or a period of disassociation and so it is important that police and judiciary understand the impact of trauma on witness testimony and how best to support and engage the victim in this process. In addition, police and other safeguarding agencies need to recognise the impact of legal and illegal substances as a means of coercion and control and build evidence that does not rely on a disclosure from a young person. This will enable more cases to reach the prosecution stage.

Additionally, from our practice, we know that in some cases, perpetrators may control and coerce a victim through friends and family and through the use of technology during the investigation and even post-conviction. Therefore it is important that the

¹⁹ Public Health England, 2015; Young people's statistics from the National Drug Treatment Monitoring System <http://www.nta.nhs.uk/uploads/young-peoples-statistics-from-the-national-drug-treatment-monitoring-system-2014-2015.pdf>

victim is adequately supported from the very beginning an offence is reported through to post-conviction or when the case is closed to prevent repeat revictimisation. It is important that the forthcoming guidance recognises and provides information on how this should be done.

Recommendations:

25. *We would urge the Government to instruct the Law Commission to review the 'controlling or coercive behaviour' offence as set out in the Serious Crime Act 2015, specifically looking at how the offence is being used to protect 16 and 17 year olds, in particular the scope of the current offence which does not respond to the fact that 16 and 17 year olds can often face the problem of coercive relationships outside the family home.*
26. *The offence of controlling or coercive behaviour should change to include the means of control and coercion through legal and illegal substances*
27. *Training on trauma and trauma informed approaches on dealing with victims of domestic abuse should be provided for police and judiciary*

Question 60: Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner? Please choose up to 3.

We have prioritised the following 3 options:

- Map and monitor provision of domestic abuse services against the National Statement of Expectations, and publish this information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected
- Provide recommendations to both national and local government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations
- Require local statutory agencies to cooperate and provide information

In addition, we believe there are additional roles for the commissioner, as expressed throughout this document. These include the below recommendations:

- *The commissioner should oversee the availability of early intervention, prevention and therapeutic services to help victims recover and ensure they are consistent across England and Wales. This should include services for young women in custody and the commissioner should ensure there are services available and accessible for this group.*
- *The commissioner should ensure children and young people who have already been identified as witnessing domestic abuse, receive a multi-faceted safeguarding response which includes multi-agency working, age appropriate*

and trauma informed case work. This should be part of a wider trauma informed response in order to prevent a whole range of outcomes for young people.

- *It should be part of the commissioner's role to engage with all statutory services such as housing, health, probation to support staff to better identify and respond to domestic violence.*
- *The commissioner should ensure housing services and social care complete a joint assessment for all young people, which considers domestic abuse risks, for young people who present as homeless.*
- *The commissioner should provide oversight of how responses to victims of domestic abuse are delivered locally and nationally through the statutory guidance on domestic abuse and Working Together guidance*
- *The commissioner should have additional data gathering powers to co-ordinate the evidence base around domestic abuse. This will ensure that different agencies are capturing data on a local and national level which will drive the responses.*
- *The commissioner should work with the Department of Health and NHS England to develop a model care pathway for mental health support for children and young people who experience domestic abuse and other forms of trauma. This should outline a set of expectations for commissioners and providers on how to commission and deliver flexible and trauma-informed services to help facilitate access and recovery*

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