



# Home Office

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Dr Hywel Francis  
Chair  
Joint Committee on Human Rights  
House of Commons  
7 Millbank  
London  
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26 March 2015

*Dear Hywel*

### **JCHR report on violence against women and girls**

I am writing to thank you and the Committee for your recent report: Violence Against Women and Girls Sixth Report published on 19 February.

Such reports are valuable in helping us reflect on how we approach this important issue and we have considered the findings and the recommendations made in the report with interest.

Since the inquiry concluded, we have made significant further progress in ensuring that women affected by these appalling crimes have a better chance of obtaining justice and rebuilding their lives. We have created a new domestic abuse offence of coercive and controlling behaviour in intimate or family relationships. We have also expanded the offence of possessing extreme pornographic images to cover those images depicting non-consensual penetration and rape and criminalisation of the behaviour known as revenge pornography. We have strengthened our efforts to eradicate female genital mutilation (FGM) by introducing a mandatory requirement for all front line professionals to report cases of FGM, creating a new offence for failing to protect a girl from being subjected to FGM, and a new provision to grant anonymity for victims of FGM under the Serious Crime Act 2015.

Over the past five years, this Government has driven progress in tackling violence against women and girls. Our recent Progress Report published on 8 March, to coincide with International Women's Day, sets out what we have put in place to

better protect women and girls from these serious crimes. We acknowledge there is still much to do and remain committed to ending all forms of violence.

I enclose with this letter the Government's response to the Committee's recommendations and, where appropriate, what work is in train to address these.

*Yours sincerely*

A handwritten signature in black ink, appearing to read 'Theresa May', written in a cursive style.

**Rt Hon Theresa May MP**

## **Government response to the Joint Committee on Human Rights Sixth Report on Violence Against Women and Girls: Session 2014-2015**

### **HL Paper 106**

### **HC 594**

#### **Introduction**

Violence against women and girls (VAWG) is one of the most serious violations of human rights and a pervasive problem that we are committed to tackling both domestically and overseas. Latest data published from the Crime Survey for England and Wales for 2013/14 showed that an estimated 1.4 million women were victims of domestic abuse in the last year, 366,000 were victims of sexual assault and 82,000 were victims of rape. In addition, the Home Office Homicide Index showed that 85 women were killed by a partner or ex-partner.

The Coalition Government set out its vision to end VAWG in its strategy, *A Call to End Violence Against Women and Girls*, published in 2010. Our focus has been underpinned by the principles of preventing violence from happening in the first place, providing support to victims, working in partnership, and reducing the risk to women and girls and bringing perpetrators to justice. These principles are as relevant today as they were in 2010 and are echoed throughout the action plans that we have developed to drive our work and which we have published each year over the last four years.

We have made significant progress towards ending all forms of violence against women and girls. This includes ensuring ongoing stable funding in key areas. The Government ring-fenced £40 million of funding up to 2015 for specialist local services and national helplines and, more recently, announced an additional £10 million for refuges up to March 2016. We have also announced an uplift of £7million to support victims of sexual abuse over the next two years to provide a critical bedrock of support to victims.

We have introduced legislation and law enforcement tools across England and Wales including new stalking offences, criminalisation of forced marriage, creation of a new offence of coercive and controlling behaviour in relation to domestic abuse, expansion of the offence of possessing extreme pornographic images to cover those images depicting non-consensual penetration and rape, criminalisation of the behaviour known as revenge pornography (disclosing private sexual photographs and films with intent to cause distress), national roll out of Domestic Violence Disclosure Scheme (also known as Clare's Law) and Domestic Violence Protection Orders, and we are driving a step-change in the response to Female Genital Mutilation (FGM) in the UK. For the first time, we have created a mandatory requirement for all regulated healthcare, social care professionals, and teachers to report FGM to the police.

As well as new legislation and enforcement tools we are also working to reform frontline agencies' response to VAWG. For example, we are driving a culture change in the police response through Her Majesty's Inspectorate of Constabulary's review into domestic abuse, we are professionalising social care, and we have issued new guidance and training for healthcare professionals.

The Government also recognises the need to change attitudes and influence behaviour, starting with the young, including addressing myths around consent and non-violent abuse amongst young people. Our national campaign, *This is Abuse*, encourages teenagers to re-think their views about rape, consent, violence and abuse. We also developed 'In the Know' which reaches out to young men and boys to help promote positive relationships, help them identify and challenge abusive behaviour; thereby contributing to the wider cultural awareness that violence is unacceptable.

In the summer of 2014, we hosted two major events: Ending Sexual Violence in Conflict which brought together international leaders around the world to agree practical action to tackle impunity for using rape as a weapon of war and to begin to change global attitudes to these crimes. We hosted the first ever Girl Summit to rally a global movement to end Female Genital Mutilation (FGM) and forced marriage in a generation, and demonstrate this Government's commitment to tackling these issues both here and overseas. At the Summit, the UK announced an unprecedented package of measures to tackle FGM in the UK. This included a number of commitments to strengthen the law, improve the law enforcement response, support frontline professionals and work with communities to prevent abuse.

Our recent Progress Report, published on 8 March 2015, sets out what we have done over the past five years to address violence against women and girls both domestically and internationally, including our commitment to work towards ratifying the Istanbul Convention. We are proud of what we have achieved. We recognise there is still much more to do but we are determined to make the lives of women and girls free from violence not just for the current generation but for the generations to come.

We welcome the opportunity to respond to the Committee's report and have set out the Government's response to the recommendations below.

## **Response to the Committee's Recommendations**

### **Integrated policies**

#### Recommendation 1:

We commend the Government for having a violence against women and girls action strategy which appropriately links violence to gender and inequalities. We commend The Home Secretary's personal enthusiasm for it. However, we share witnesses' concerns about the effectiveness with which the Inter-Ministerial Group coordinates and secures actions across Government. (Paragraph 25)

The cross-government strategy, A Call to End Violence Against Women and Girls, was published on 25 November 2010, and has been supported by the publication of annual action plans over the past four years.

All departments agree actions and are responsible for delivering their commitments in the action plan. Annual updates have provided accountability and indications of progress. The Inter-Ministerial Group has continued to respond to emerging issues and over 250 actions have been delivered across government departments since the introduction of an action plan in 2011. In addition, the devolved administrations are members of the Inter-Ministerial Group.

The approach taken through the cross-government action plan has ensured that violence against women and girls is mainstreamed in all departments as a matter of course, rather than an agenda which is taken forward by one Minister alone.

The Welsh Government is taking a firm stand on this issue, and the National Assembly for Wales has recently passed the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill which is anticipated to receive Royal Assent in April 2015. The Bill sets out the legislative framework to ensure an improved public sector response to such abuse and will establish the post of a National Adviser to advise and assist Welsh Ministers in tackling these issues in Wales. The legislation is supported by an ambitious policy programme including implementation of a National Training Framework and measures to ensure a whole education approach to healthy relationships.

The Welsh Government is seeking to appoint the first National Adviser on gender based violence, domestic abuse and sexual violence following Royal Assent of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

## Recommendation 2

We commend the Prime Minister for retaining the position of Minister for Women at cabinet level albeit combined with a broader portfolio. We believe the position of Minister for Women requires such seniority. Whilst we are reassured by the efforts of the Home Secretary in this policy area, we remain confused as to which Minister has overall responsibility to address the perceived shortcomings in the Action Plan and Inter-Ministerial Group. Whilst the Home Secretary is an authoritative figure within Government, we recommend that the role of Minister for Women be more focused on the Government's strategy by becoming a joint signatory of the Action Plan and that the Minister explicitly be given responsibility for co-ordinating work across Government in this area together with the Home Secretary. (Paragraph 26)

Acts of violence against women and girls are serious crimes, and therefore overall responsibility for the Government's strategy and action plan for tackling these crimes should remain within the Home Office.

Individual departments and Ministers across Government are responsible for delivering their actions under the action plan and progress is discussed at the Inter-Ministerial Group which the Home Secretary chairs. The Minister for Women and Equalities is a standing member of that Group.

In addition, the UK is signatory to the United Nations Convention on the Elimination of Discrimination against Women (CEDAW) and is firmly committed to delivering its obligations under this Human Rights Treaty.

To ensure that priority is given to gender equality, the Government appointed three Ministers for Women and Equalities who are responsible for implementing CEDAW across Government and who are accountable to Parliament on matters relating to gender equality.

The Ministers for Women and Equalities, through Government Equalities Office (GEO), have the overall lead for Government on CEDAW and lead on the co-ordination of the UK's State Report to the CEDAW Committee and the Government's response to the examination. This is of critical importance to the UK's reputation on gender equality and human rights and therefore fulfils the function of the UK's National Women's Machinery.

The Ministers for Women and Equalities have cross-cutting responsibility across Government for equality strategy and legislation, and for helping government departments and others to mainstream equality into all their work, for example through overarching equality strategies or targeted policy frameworks such as the Government's action plan to tackle violence against women and girls.

### Recommendation 3

We recommend that the work of the Inter-Ministerial Group be broadened to include questions of asylum and immigration rules and practice as well as the compliance of devolved policy with the Istanbul Convention. (Paragraph 27)

The Inter-Ministerial Group acts as a mechanism for holding other government departments to account to progress the violence against women and girls action plan. Asylum and immigration topics are not excluded from the Inter-Ministerial Group and there are a number of actions in the Government's action plan relating to these policy areas. Asylum and immigration policy falls within the remit of the Home Office, and it is therefore represented by the Home Secretary as chair of the Inter-Ministerial Group.

In addition, a separate stakeholder group is held on a quarterly basis, providing a direct line of communication between stakeholders and government departments. Stakeholders are able to add items they would like to discuss to the agenda, and asylum and immigration issues have been discussed at this group.

Work to progress the ratification of the Istanbul Convention has been taken forward via separate, dedicated meetings and consultation with the relevant departments and the devolved administrations.

#### Recommendation 4

We recommend that the Minister for Women holds departments to account for delivering against the Action Plan within Cabinet meetings, supported by the Prime Minister, to display clearer leadership around this issue. This would send a strong message to all Cabinet attendees and departments regarding the Government's commitment to delivering the plan. (Paragraph 28)

Since we published our strategy in 2010, A Call to End Violence Against Women and Girls, we have driven progress through the Inter-Ministerial Group (IMG) chaired by the Home Secretary. We have delivered over 250 actions over the last four years and continue to provide co-ordinated action as well as looking at emerging challenges through the Group.

The Home Secretary is committed to ending all forms of violence against women and girls and through chairing the IMG is able to coordinate its work with other linked national priorities, such as oversight of the work to tackle child sexual exploitation and chairmanship of the National Oversight Group to oversee the work following Her Majesty's Inspectorate of Constabulary's review of the police response to domestic abuse.

The cross-government approach means that members of the Group will be held to account and are required to set out what concerted action they are taking to deliver their part of the action plan.



## **Prevention**

### Recommendation 5

We commend the Government for the awareness-raising initiatives it has undertaken but note that evidence indicates that a lack of co-ordination across departments has reduced the potential reach, delivery and ultimately success of these initiatives. We recommend that the Inter-Ministerial Group monitor the success and effectiveness of the campaigns to ensure that future campaigns are evidence based. (Paragraph 45)

The Government welcomes the Committee's recognition of the activity aimed to prevent teenagers from becoming victims and perpetrators of abusive relationships, by encouraging them to re-think their views of violence, abuse and controlling behaviours.

All communication and campaign activity is fully evaluated in order to measure effectiveness. The Government remains committed to tackling violence against women, and will continually seek to ensure that possible future activity is informed by findings and evidence on what works in reaching this audience, to influence attitudes and behaviours before they become more entrenched in adulthood. Campaign activity has been presented to the Inter-Ministerial Group, and findings from the evaluation have been discussed at a number of these meetings.

## Recommendation 6

We also recommend that campaigns sometimes need to be targeted and specific. This would help reach communities with particular needs—for example, people with disabilities or LGB&T people. We commend the *This is Abuse* campaign for raising awareness of the issue of consent and coercive control and recommend that it be extended further to focus on LGB&T relationships. We also recommend that the Government should support the charities and organisations that could raise awareness with women within communities rather than just targeting faith and community based leaders. (Paragraph 46)

The Government welcomes the Committee's recognition of the impact of the *This Is Abuse* campaign. The campaign was developed in response to evidence that highlighted teenagers' alarmingly tolerant views on the acceptability of abuse, lack of understanding of what constituted abuse and that abuse is surprisingly prevalent in teen relationships leading to it feeling "normal". Statistics show that, in abusive relationships, it is usually the male in the relationship that is the abuser and the female the victim and therefore campaign activity needed to reflect this. We are, however, fully aware that men can be victims of abuse too as well as males and females in same sex partnerships.

The *This Is Abuse* campaign website contains information for male victims and a Q&A which acknowledges that abuse can happen within any relationship including same sex relationships. The website also signposts Broken Rainbow as a place where teenagers can get further help and advice on abuse within same sex relationships. The Home Office is working with the Government Equalities Office to update the *This is Abuse* discussion guide to include information for professionals on how to speak to young people about abuse within Lesbian, Gay, Bisexual and Transgender relationships.

Campaign materials continue to be made available to a range of charities and organisations which can utilise them when they are working with young people as a means of helping to sustain the campaigns momentum beyond advertising.

When developing awareness raising campaigns regarding manifestations of VAWG that most likely affect certain communities, we are mindful of the sensitivities of the issues amongst specific target audience. For example, we worked closely with partners to develop the campaign which aimed to raise awareness of the NSPCC Female Genital Mutilation (FGM) Helpline in July 2014. Campaign messages took account of the sensitive nature of the issue and understood the potential barriers to reporting FGM within the affected communities. We will continue to ensure that sensitive, community issue specific awareness raising campaigns are developed alongside expert community organisations in order ensure that any activity developed is appropriate for the target audience.

In order to drive culture change, the Welsh Government has funded a range of activity including the 'Making a Stand' Campaign; a radio campaign to promote the

All Wales Domestic Abuse and Sexual Violence Helpline; and a Christmas TV campaign encouraging families and friends to recognise when abuse is happening.

#### Recommendation 7

The Department for Education has committed itself under the Action Plan to pursue a range of channels for making suitable materials available to schools on violence against women and girls and related safeguarding issues. The Minister for Women told us that the Government has also committed the PHSE Association to producing guidance on education about consent. We have not heard evidence that the Government is pursuing channels to make materials available to schools, and the guidance on consent has not yet been published. We consider that this must be published before the UK is deemed to be fulfilling its positive obligations under the Istanbul Convention. We recommend that guidance from the Department for Education should go further than just consent and include other issues relating to violence against women and girls - for example, FGM, forced marriage, sexual exploitation and access to helplines. All forms of violence against women and girls affect school-age children directly and personally and normalisation of violence against women and girls occurs at a young age. (Paragraph 66)

#### Recommendation 8

As a matter of practice, we also consider that the UK would be in a stronger position to say that it is fulfilling the requirements of Article 14 of the Istanbul Convention if all schools were required broadly to teach the same curriculum in relation to PSHE and we believe that this national curriculum should include issues relating to violence against women and girls. We believe this would also give Ofsted clear standards by which to assess a school. (paragraph 67)

#### Recommendation 9

We also consider that higher education establishments, not student unions, should be responsible for reinforcing this education within the higher education system and therefore encourage these establishments to follow the lead of those that already have. (Paragraph 68)

The Government has made it clear in the introduction to the framework to the new national curriculum that all schools should teach PSHE, drawing on good practice. We do not want to prescribe exactly which issues schools should have to cover in PSHE or other related parts of the curriculum, as we believe it is more effective for schools to make their own judgements on this based on their knowledge of their pupils and their needs; school leaders and practitioners support this flexible approach.

The PSHE Association has produced a suggested programme of study as guidance for teachers, and continues to provide wider support by highlighting other sources of expertise. We extended grant funding to the PSHE Association up until the end of 2014-15, in order to continue its work to advise schools in curricula and staff training, and to develop and promote a set of case studies illustrating good PSHE teaching.

As part of this work the PSHE Association produced briefings for teachers on Female Genital Mutilation, forced marriage, and honour based violence. We have also set up a new expert subject group on PSHE to identify areas where teachers need further guidance and continue to look at ways to support schools to ensure the PSHE and relationships education that young people receive is appropriate and of a high standard.

Sex and relationships education (SRE) must be taught in all maintained secondary schools; we believe that most secondary academies and many primary schools also teach it. Any school teaching SRE must have regard to Secretary of State's Sex and Relationship Education Guidance (2000). The Sex and Relationships Guidance makes clear that all sex and relationship education should be age-appropriate and that schools should ensure young people develop positive values and a moral framework that will guide their decisions, judgments and behaviour. This is particularly relevant to sexual consent and the guidance makes clear that all young people should understand how the law applies to sexual relationships.

As independent and autonomous bodies, higher education institutions (HEIs) are responsible for all matters relating to the operation of their institution, including responsibility for the design and delivery of their own programmes of study and for student conduct. There is also a long-established principle that universities have a duty of care to their students.

Each institution will determine what arrangements they need to ensure the welfare of all their students. Ensuring that women on campus are not subject to harassment is already part of the duties placed on HEIs under the Equality Act 2010. Individual institutions should ensure that they have systems in a place to gather evidence to be able to inform their own processes and procedures. It is important that institutions themselves have a tailored approach, suitable to their own context.

## Recommendation 10

We welcome the requirement for judges who hear rape cases to have been trained to do so but believe that there is scope for the judiciary to educate themselves further by establishing separate training for those who deal with cases involving domestic violence. Given that family law is dealt with in the civil courts and cases involving domestic violence are heard in magistrates' courts, this training should be available to both criminal and civil judges and magistrates. (Paragraph 74)

Under the Constitutional Reform Act 2005, responsibility for judicial training rests with the Lord Chief Justice and this is exercised through the Judicial College. The judiciary are constitutionally independent from the legislature and executive and there is no ministerial oversight over judicial training.

The Judicial College has indicated that this recommendation is already fulfilled. Training materials on domestic abuse (which captures the more recent definitions, including controlling or coercive behaviour in addition to physical violence) already exist to support the judiciary at all levels and jurisdictions.

There are no special authorisations required for hearing domestic violence cases which require dedicated training. However, some extra materials were prepared to support magistrates when the network of Specialist Domestic Violence courts was established. There have been stand-alone training packages for several years but domestic violence sessions have also been successfully incorporated in to jurisdictional continuation training.

It is also worth noting that, historically, family courts have made more Part IV Family Law Act 1996 protection orders<sup>1</sup> of their own volition than have ever been applied for by the parties when domestic violence was identified by the court during the course of other proceedings<sup>2</sup>.

All Judicial College training materials are reviewed on a regular basis. However, if there is evidence that supports a perceived need for this recommendation the College would be willing to consider it.

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<sup>1</sup> This enables victims to apply for:

- non-molestation orders,
- occupation orders – sometimes called exclusion orders, -which regulate the occupation of the shared/family home.
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<sup>2</sup> Table 2.8 and 2.9, Judicial and Court Statistics 2011, <https://www.gov.uk/government/statistics/judicial-and-court-statistics-annual>

#### Recommendation 11

We were greatly disappointed that our publicly funded national broadcaster, the BBC declined all invitations to give evidence to this inquiry. (Paragraph 84)

#### Recommendation 12

The Istanbul Convention invites the media to self-regulate to help prevent violence against women and girls. Whilst current regulatory standards may be appropriate, there are clear examples where reporting of such violence has not been sensitive or appropriate. Practice is falling short. We encourage editors to take a proactive approach to educating their teams about sensitively reporting violence against women and girls. (Paragraph 86)

#### Recommendation 13

We recommend that regulators have the confidence to use their powers to sanction, where necessary, broadcasters or press who have fallen short of the Ofcom Broadcasting Code or the Editors' Code of Practice. (Paragraph 87)

#### Recommendation 14

There are currently a number of different media or press regulators. It is not easy currently for victims to understand their rights and the correct routes for redress. We recommend that community liaison officers be trained in this work so that they can explain these rights where necessary. (Paragraph 91)

The Government notes the Committee's findings. However these recommendations are a matter for editors and regulators as appropriate.

Where media reporting on cases of violence against women and girls and practice is falling short, editors need to ensure that these cases are reported with the requisite sensitivity, and that their teams are sufficiently trained to do this.

Whilst the Government welcomed the establishment of Parentport by the media regulators to protect children from potentially harmful content, and to increase awareness about standards and how to make complaints, we note the Committee's findings, and the recommendation concerning an enhanced role for community liaison officers.

#### Recommendation 15

We commend the supermarket chains, Tesco and Waitrose, for responding to a campaign to remove the images and headlines from certain newspapers from the eye-line of children and call on others to follow this lead. (Paragraph 99)

#### Recommendation 16

We also commend the Government for taking action to encourage the private sector to undertake initiatives to help promote positive role models for girls—for example, the body confidence campaign. (Paragraph 99)

We thank the Committee and welcome their recognition in particular of the body confidence campaign. The campaign is an evidence-based programme of work that aims to: respond to public concerns; support efforts to promote media literacy and resilience, particularly among young people; and develop constructive relationships with industry and other stakeholders to encourage positive action and good practice across all sectors.

As the Committee highlights, the campaign works to promote positive role models, by encouraging and celebrating more diverse and realistic representations of women, men, boys and girls.



## **Protection and Support**

### Recommendation 17

The Convention requires adequate provision of refuge spaces. Local authorities have been reluctant to provide the number of places for women required partly due to a misinterpretation of the law on equality particularly in relation to gender-based services. We welcome the ring-fencing of funds for support services and we recommend that the Government issue guidance to all local authorities on the correct application of the law on equality to the services required under the Istanbul Convention. (Paragraph 113)

The Equality Act 2010 contains clear provision to allow gender-specific services where they are needed. The Equality and Human Rights Commission (EHRC) has the power under Section 13 of the Equality Act 2006 to issue advice to the public and private sector on meeting their equality duties. The EHRC provides advice on the application of the Public Sector Equality Duty to gender-specific services which is available on their website.

We have provided an additional £10 million for refuges and are doing much more to give local authorities, police and crime commissioners and health commissioners the information they need to commission services that are appropriate to meet the needs of their communities.

#### Recommendation 18

We are very concerned that the number of refuge spaces per head in local authority areas is unknown and we are unclear as to how local authorities can claim that there does not seem to have been a reduction in “the number of bed spaces available”. We recommend that the Local Government Association be given the resources to analyse and monitor the number of refuge spaces to ensure adequate provision across the country which fulfils the positive obligations of the Istanbul Convention. (Paragraph 114)

We believe local authorities are best placed to make decisions about the things that affect their local area. This Government has done much to give local areas more power so they can do this.

Decisions around the provision of accommodation for victims of domestic abuse are a local matter and it is the responsibility of the individual local authority to identify any gaps in service provision and put in place appropriate solutions to address this. We would expect local authorities to build services based on the needs of their communities, taking account of locally available data sources.

The Coalition Government has provided £6.5 billion over this spending review period for the provision of housing related support. This equates to an average annual reduction over the four years of the spending review of less than 1% in cash terms. Safeguards in the local government finance system mean that no authority needs to make large reductions in its funding for housing related support services.

The previous Government removed the Supporting People ring fence in 2009, and so councils had the freedom to spend the funding as they think best in line with their local priorities for almost two years. By rolling this funding into the main formula grant, we have given councils the maximum flexibility to best meet their local needs.

More recently we have provided £10 million over two years to stop the closure of refuges, increase the standards of service provision within refuges and also grow provision. This funding will support refuge provision in a significant number of areas and will help ensure the resilient national network continues.

## Recommendation 19

The Government argues that the localism agenda enables local authorities to determine and provide for the needs of that area. Women will however often need to seek services outside their own local authority area because they need to put distance between themselves and the source of violence or to access specialist services. We therefore recommend that the Government consider enabling local authorities to cross-charge for providing these services to non-constituents. (Paragraph 118)

Government is alert to the fact that the majority of victims fleeing domestic violence seek help and support in areas away from their home district. This is why the homelessness safety net – Part VII of the Housing Act 1996 – makes specific provision to allow victims of domestic abuse to move to other areas.

This safety net provides a consistent, national statutory framework for the provision of homelessness assistance across England and was strengthened by extending the priority need categories (that is, those categories of housing applicant who must be secured accommodation if they have become homeless through no fault of their own) to include those who are vulnerable as a result of fleeing accommodation because of violence or threats of violence likely to be carried out. It means that all local authorities must accommodate vulnerable victims of domestic abuse who have been made homeless regardless of where they once lived or worked. This ensures that a resilient nation network operates.

Recently we have provided £10 million over two years to stop the closure of refuges, alongside the funding we published new statutory guidance on domestic abuse and homelessness which makes it clear that local authorities should not provide support only to those victims from their own district. It also makes clear that all authorities need to play their part and that this support is extended to all victims who are made vulnerable as a result of fleeing domestic abuse. The new guidance sets out the standards of service provision we would expect in a refuge.

We have provided funding to Women's Aid to run UKRefugesOnline, a UK wide database of domestic violence services which supports the national 24 hour free phone domestic violence helpline. It enables those working with victims of domestic violence to identify appropriate services and potential refuge vacancies around the country so that victims can get the help they need as quickly as possible both locally and further afield.

This Government has increased spending to prevent homelessness and rough sleeping, making over £500 million available to local authorities and the voluntary sector. We have also provided £6.5 billion over this spending review period for the provision of housing related support. A proportion of this money can be used to accommodate and support victims of domestic abuse. There is a clear expectation that when this funding is used to support victims of domestic abuse it be used to support all vulnerable victims not just local those who live locally.

The legislative provisions coupled with the funding provided mean that there is no need for local authorities to cross charge.

## Recommendation 20

The new localism model for commissioning services may have had unintended consequences which have disproportionately affected the provision of refuge services for women from specific groups with very special needs. The Government should collate data on the national coverage of specialist services and take responsibility for ensuring that specialist support services remain available to all, regardless of their area. (Paragraph 125)

Decisions around the provision of accommodation for victims of domestic abuse are a local matter and it is the responsibility of the individual local authority to identify any gaps in service provision and put in place appropriate solutions to address this. We would expect local authorities to build services based on the needs of their communities, taking account of locally available data sources. New statutory homelessness guidance sets out clear standards Government expects local authorities to provide within refuges. These standards include a section on rights and access. It says that when commissioning services for victims of domestic abuse that service users with protected characteristics under the Equality Act 2010 can access dedicated specialist services addressing their particular needs.

We are keen to support effective local approaches to tackling violence against women and girls. We have provided police and crime commissioners, local authorities and healthcare commissioners with the information they need to commission services. We have delivered a series of six regional events around the country to share learning, good practice and facilitate relationship building between local commissioners and local providers of services to survivors of violence against women and girls. A top tips guide for local commissioners has also been produced to support them.

The Government ring-fenced nearly £40 million of stable funding up to 2015 for specialist local support services including independent domestic violence advisors, independent sexual violence advisors, Multi Agency Risk Assessment Conference coordinators and the national helplines. An additional £10 million of funding was announced in November 2014 to support refuges in 100 local areas up until 2016. We have also announced an uplift of £7 million additional funding to support victims of sexual abuse over the next two years to provide a critical bedrock of support to victims.

The Welsh Government's Domestic Abuse Services Grant was increased to £4 million in 2014-15 to support the delivery of effective services across Wales to those experiencing violence and domestic abuse.

In 2014-15 the Welsh Government provided over £215,000 to the sexual violence sector across Wales to respond specifically to the significant increase in demand for their services in recent years, particularly from clients of historic abuse following high profile investigations such as Operation Yewtree and at North Wales Care Homes. This funding is directly supporting many of the victims of such historical abuse

## Recommendation 21

We recommend that the Government should exclude sanctuary scheme properties from the size criteria of the Spare Room Subsidy. If the Government is unwilling to do this, we recommend that all local authorities should exclude sanctuary scheme properties in its area from the size criteria and make Discretionary Housing Payments for sanctuary scheme properties affected by the Spare Room Subsidy. (Paragraph 129)

The Government does not intend to exclude sanctuary schemes from the size criteria rules relating to the removal of the spare room subsidy (RSRS).

In a judgment handed down on 29 January 2015 in the case of 'A' v Secretary of State for Work and Pensions the court found in the Government's favour and held that the policy has not unlawfully discriminated against women who are victims of domestic violence and live in sanctuary scheme properties. The court was clear that:

- the effects of the policy were properly considered;
- the policy is plainly not manifestly without reasonable foundation; and
- the Government's public sector equality duty was fulfilled.

In addition the court found that the provision of extra Discretionary Housing Payment (DHP) funding and guidance on its use was a proportionate approach for the Government to use. The discretionary nature of the DHP scheme means that it is entirely appropriate for local authorities to set their own priorities for the way in which DHP funding is used in their areas to support claimants affected by Welfare Reform.

The Committee indicated that Swindon Borough Council had decided to make a DHP available to all those affected by RSRS and who are living in sanctuary scheme properties. However, it should be noted that the modifications included for sanctuary rooms are tailored to meet the needs and circumstances of the individual involved and are significantly more extensive in some cases than in others. The approach that Swindon has taken does not mean that they have decided that under-occupying claimants with a sanctuary scheme should not be affected by the RSRS, as this is not within their remit. Rather the Council has decided that these types of cases will be treated as a priority for DHPs.

The Government does not intend to enforce rules upon local authorities as to the detailed circumstances in which a DHP should be awarded, as this would fetter the broad discretion afforded to local authorities as local authorities already have a duty to act fairly, reasonably and consistently in deciding DHP applications. The Government believes that local authorities are best placed to take a flexible and holistic approach, drawing on local support services where appropriate.

## **Substantive law**

### Recommendation 22

We commend the Government for undertaking work to raise awareness of coercive behaviour as a form of abuse. If Parliament approves the Government's proposed specific criminal offence regarding controlling or coercive behaviour in an intimate or family relationship, we are not convinced that this alone will lead to a change in culture within the criminal justice system and the wider public and instead may lead to unintended consequences that work against victims of violence. We urge the Government to consider the use of an awareness-raising campaign and a review of training for the criminal justice professions to accompany any change in legislation. (Paragraph 140)

The Government is committed to ensuring the police and other frontline agencies have the tools they need to respond effectively to domestic abuse cases. That is why we announced in December 2014 the intention to create a specific offence of domestic abuse. The new offence, contained in the Serious Crime Act 2015, closes the gap in the current legal framework to capture repeated or continuous coercive and controlling behaviour, specifically where that behaviour takes place in an ongoing intimate partner or inter-familial relationship.

We agree that legislation alone is not enough and are working with the National Policing Lead for domestic abuse and the College of Policing to put in place an implementation plan to support commencement of the new offence of domestic abuse. Police and the Crown Prosecution Service will need training and guidance to operate the new offence safely and effectively, and improve the protection available to victims. The new offence will not be commenced until training has been provided.

### Recommendation 23

We welcome the provision that those who can provide evidence of domestic violence continue to have access to legal aid for civil cases because this enables access to the family and other civil courts. We have concerns, however, about the problems some women face in providing such evidence, and the feasibility of victims of coercive control or women who may find it difficult to get out of the immediate community being able to provide such evidence. We recommend that before the proposed new offence of coercive control comes into force the Ministry of Justice review the requirements for evidence of domestic violence for access to legal aid. (Paragraph 150)

The Government shares the concerns about the barriers some women face accessing justice as a result of controlling behaviour that prevents women from coming forward to report abuse. We will review the evidence before the coercive control offence comes into force.

Legal aid to assist with immediate protection through the courts, such as non-molestation orders, is available without evidence and the financial eligibility limits can be waived.

Evidence is required for private family law matters, such as financial or child arrangements, where a victim may be disadvantaged by facing their abuser in court. The Ministry of Justice keeps the list of acceptable evidence under regular review, which includes adding new domestic violence offences to the list of relevant offences. Where an ex-partner has been convicted, cautioned or is on police bail for such an offence, this will count as evidence for the purposes of applying for legal aid. In the absence of police involvement, a number of other evidence types are available that can demonstrate forms of domestic violence other than physical harm.

A report from a GP or psychologist demonstrating mental harm or other conditions consistent with domestic violence including psychological, emotional and financial abuse and control will be accepted as evidence.



#### Recommendation 24

At a time when the Home Office is keen to raise awareness of coercive control, and noting the requirement of the Istanbul Convention for coercive control to be criminalised and victims protected, we recommend the Government look again at the payment of Universal Credit to couples. (Paragraph 156)

There is flexibility for how payment of Universal Credit can be split between the household according to individual circumstances. However, we no longer have the concept of a main claimant and a partner. Couples make a joint claim for Universal Credit and both are responsible for meeting the entitlement conditions, reporting any changes in their circumstances and ensuring that all information relating to their claim is current and correct.

A couple nominate a bank account for their Universal Credit to be paid into. This can be a joint account or an individual account. A single payment of benefits enables a household to clearly see the effect of their decisions about work on total household income and enables claimants to take responsibility for managing their finances. The Government believes that people within a household are best placed to make the money management choices that are most appropriate for them.

In exceptional circumstances, if a couple do not agree on an account into which their Universal Credit is to be paid, a decision maker in the Department for Work and Pensions will nominate one on behalf of the Secretary of State. This is to ensure protection for the welfare of the family.

Where such claimants have a joint bank account, we pay the Universal Credit into that account. Otherwise, for couples with children, the payment is made to the member of the couple who is responsible for the children. For couples without children, we pay the member of the couple who is primarily responsible for paying bills and housing costs.

For a minority of claimants an Alternative Payment Arrangement may be required to protect any member of the household, for example, in cases of domestic violence. In these situations we have the ability to split the payment between partners, allowing each claimant to receive a separate payment.

#### Recommendation 25

We share Women's Aid's fears and wish to remind the Government that we expressed our concern in this area in our legislative scrutiny Report on the Welfare Reform Bill, when we said that the new payment method would 'reduce the financial autonomy of women'. In our December 2011 Report we recommended that the Welfare Reform Bill, now the 2012 Act, 'be amended to allow payments for children to be labelled as such and be paid to the main carer'. (Paragraph 157)

Couples in the same household make a joint claim for Universal Credit, which is ordinarily paid as a single sum to the household. Benefits intended for the children are included in this payment although it is worth remembering that Child Benefit continues to exist outside Universal Credit and will still be paid directly to the main carer.

The child element is awarded to the parent with whom the child normally lives . Where separated parents both share the care of a child they are expected to decide who receives the payment between themselves. Where parents are unable to come to an agreement themselves, a decision will be made on their behalf and this will be based on who is the main carer for the child. Generally this will be in line with custody arrangements.

## Recommendation 26

We do not accept the Minister's assurance that the situation is satisfactory because problems have not yet emerged during the early roll-out of Universal Credit. The roll-out has only recently been extended to couples with children, the group arguably at greatest risk. On the principle that prevention is better than cure, we do not believe that the 'wait and see' approach that the Minister recommended is a responsible one, given the concerns raised by women's organisations about the possible risk to some women. We therefore recommend that the Department for Work and Pensions use the remainder of the roll-out process to test a number of different payment methods (such as automatic split payment to each partner in varying proportions) so as to assess which best protects the financial autonomy of women in couples, thereby strengthening their position should domestic violence occur. We also recommend that all relevant Department for Work and Pension officials be given domestic violence training so that they are better placed to handle sensitively situations of known or suspected domestic violence. (Paragraph 159)

Universal Credit is a single payment direct to claimants so that claimants can see clearly the effect of their decisions about work on total household income. This will give claimants the freedom to manage their financial affairs in a manner that best reflects the demands of modern life, mirroring receipt of a monthly salary and smoothing the move into employment.

In very exceptional circumstances payment of Universal Credit can be divided between two members of the household. This is known as a Split Payment. Split Payments are to prevent hardship to the claimant and their family and should only be considered in certain specific situations e.g. domestic violence cases or where financial abuse occurs and one partner mismanages the Universal Credit payment. Unlike appointee action, the claimant keeps full responsibility for their claim.

This approach is largely based on the process previously used for Income Support and Job Seekers Allowance claimants and as such was refined over a much longer period.

As part of the Universal Credit 'Test and Learn' strategy, however, we will continue to review any relevant policies and procedures based on our experiences throughout the deployment phase.

Jobcentre Plus advisers/ work coaches all receive training to equip them with the skills and knowledge to deal with the full range of claimants, this allows them to offer a personalised approach to claimants based on their individual needs, rather than a service based on particular claimant groups or individual benefits.

Universal Credit Regulations provide for circumstances where work related requirements must not be applied to certain claimants. Included are claimants who have recently been victims of domestic violence or abuse. They will not have any work-related requirement set for the first four weeks after they inform us and

following the provision of relevant evidence, this can be extended to 13 weeks for all claimants and 26 weeks for those with children.

#### Recommendation 27

We welcome the stance of the Government in tackling these crimes and attitudes. We believe it is right that a multi-cultural society in the UK should still respect equally the need for adherence to the law of the UK. We agree with our witnesses that it is essential that these attitudes are tackled, at an early age and across communities, within schools, (Paragraph 166)

Education has an important role to play in encouraging young people to build healthy relationships, and to identify those relationships which are unhealthy. Good quality relationship education is an important part of preparing young people for life in modern Britain. That is why we are committed to working with schools and other experts to ensure that young people are receiving age appropriate information that allows them to make informed choices and stay safe.

In Wales Hafan Cymru began the delivery of the National Spectrum Programme on healthy relationships in late summer 2014, funded by the Welsh Government. By March 2015, 102 schools will have been reached.

Work is underway across the Welsh Government to ensure a whole school approach. This includes strengthening the role of key school staff through the revised Keeping Learners Safe statutory guidance; training school staff as part of the National Training Framework; and Estyn undertaking a thematic review during the 2016-17 academic year. The Minister for Public Services has also signalled his intention to publish a Whole School Approach Good Practice Guide ahead of the 2015-16 academic year.

## Recommendation 28

We recommend that the issue regarding the role of women, and equality between the sexes, across many cultures in the UK today needs further investigation. We have concerns about the status and treatment of women in deeply patriarchal, structured communities. We believe women in these communities face barriers to accessing help which can include language, community pressure, gender inequality, the teaching of beliefs which may challenge Convention rights, or coercive control. We do not believe the Government has succeeded in reaching these women or tackling the cultures which do not treat women as equal to men. We recommend that a standalone inquiry into these issues is necessary. (Paragraph 167)

The Government wholly recognises the challenges of supporting women in deeply patriarchal societies and recognises the barriers to accessing help. Our focus on doing more to support women in such communities is illustrated by our extensive package of reforms to eradicate Female Genital Mutilation (FGM) and forced marriage.

For example, FGM is a deeply embedded cultural practice and requires sustained changes in the beliefs and practices where FGM is practiced to keep girls safe. We have provided funding for projects that are being run by local people to carry out the work to help change these beliefs about FGM.

During the Girl Summit in July 2014 we launched a declaration condemning FGM, signed by over 350 faith leaders from all major faiths. The faith leaders have declared FGM is not required by their religion and is a form of child abuse that all religions should work together to end. This religious declaration offers a model to faith leaders to similarly come together to speak out about ending impunity. We also announced an unprecedented package of measures to tackle FGM and forced marriage in the UK. This included a number of commitments to strengthen the law, improve the law enforcement response, support frontline professionals and work with communities to prevent abuse.

The Government has also provided funding of £270K for 15 community prevention projects and three community champions' projects to tackle FGM along with other forms of honour based violence. We have also provided funding of £100K to support the work of the Forced Marriage Unit, including their community engagement programmes. More recently on 3 March the Government also set up a £250k fund to support innovative projects that will help give women, especially in hard to reach groups, the confidence to challenge abuse, including sexual abuse wherever it occurs.

The Welsh Government is also taking a leading role in the area in addressing FGM and Forced Marriage providing, in partnership with third sector partners, awareness raising, training and prevention initiatives.

We are supporting people to learn English through our community-based English language programme, as part of creating integrated communities where people feel they belong. It is a core part of the Department for Communities and Local Government approach to Integration.

The projects will reach over 24,000 adults with the lowest levels of English and who are most isolated because of it - largely Bangladeshi, Pakistani and Somali women. At the end of November 2014 over 8,000 people had improved their English through the programme, two thirds of which are women, and the numbers keep growing.

In addition to this, HMIC will be carrying out an inspection on honour based violence and we are supporting women through the Women's Empowerment Fund to help women in hard to reach communities to challenge abuse and empower them through innovative projects. Our women's engagement programme, which included regional events around the UK, between October 2014 and February 2015, has been designed to reach a diverse audience, including women from ethnic minority backgrounds.

## **Investigation, protection, procedural law and protective measures**

### Recommendation 29

We believe that the evidence we received during this inquiry demonstrates a lack of cultural literacy amongst some frontline police officers in responding to domestic violence cases. This is one of the areas where guidance is good yet practice and delivery of training is not. Chief Constables need to do more to educate frontline staff and training needs to include all types of abuse, including financial or coercive control. Chief Constables should also urgently address concerns that specialised units are not adequately resourced. (Paragraph 175)

Following HM Inspectorate of Constabulary's (HMIC) review of the police response to domestic abuse, their report exposed significant failings in the way police responded to victims of domestic violence. The report highlighted that poor management and supervision failed to reinforce the right behaviours, attitudes and actions of officers. It also highlighted that some officers lacked the skills and knowledge necessary to engage confidently and competently with victims of domestic abuse.

The report also made a number of recommendations and to ensure that change happens quickly we have taken swift action to drive progress. We established a national oversight group to oversee this work and representatives including police and crime commissioners, national policing leads, the Crown Prosecution Service and members from the third sector are all members of the group.

All police forces across England and Wales have published and submitted action plans to HMIC to address specific and individual findings from the review. We are encouraged to see that police forces are working with commendable pace and commitment to make a difference. In addition, the College of Policing is rolling out new guidance and training on domestic abuse to ensure the police response is as good as it can be.



### Recommendation 30

Immediate response and risk assessment and management are the responsibilities of the Chief Constables. We look forward to the publication of a best practice toolkit. Recent developments in case-law suggest that the courts are increasingly willing to award compensation for serious harm where police investigations have been deficient. In view of these legal developments, claims against the police for compensation for negligence might be more likely to succeed in the Courts if the police's response to requests to deal with an allegation of domestic violence, rape or other serious allegations of violence against women does not sufficiently improve. (Paragraph 182)

This is a matter for the police and the College of Policing, our response under Recommendation 29 sets out the wider work the Government is doing following the HM Inspectorate of Constabulary's review of the police response to domestic abuse.

As part of this work the College of Policing is considering the current approach to risk assessment to assess the sufficiency of the tools that frontline officers are given to do this, and the training they receive in connection with risk assessment.

The College of Policing has also set up a group to consider current risk assessment techniques and to provide practical advice on how to get the best from them. This group includes academics, and voluntary sector representatives. The findings of this group will inform the College's longer term work to evaluate risk assessment models for domestic abuse.

### Recommendation 31

We recommend that judicial training for judges who participate in violence against women cases should include the application of Section 41 of the Youth Justice and Criminal Evidence Act 1999, which protects complainants in proceedings involving sexual offences by restricting evidence or questions about their previous sexual history, subject to exceptions. (Paragraph 187)

The Judicial College has indicated that this recommendation is already fulfilled.

Under the Constitutional Reform Act 2005, responsibility for judicial training rests with the Lord Chief Justice and this is exercised through the Judicial College. The judiciary are constitutionally independent from the legislature and executive and there is no ministerial oversight over judicial training.

Judicial College training materials deal extensively with the application of section 41 of the Youth Justice and Criminal Evidence Act 1999, notably in the Serious Sexual Offences Seminar which all authorised judges are required to attend at least once every three years.

All Judicial College training materials are reviewed on a regular basis. However, if there is evidence that supports a perceived need for this recommendation the College would be willing to consider it.

### Recommendation 32

Failure of the police competently to carry out the initial response following a report of violence against women and girls means that the Crown Prosecution Service could be left unable to proceed with evidence-led prosecutions, as required by the Istanbul Convention. We recommend that, if the pilot proves successful, the use of body worn video cameras by frontline officers in responding to domestic violence cases should quickly be extended to all police forces with national guidance on their appropriate use. (Paragraph 193)

This is a matter for the police and the College of Policing as it relates to operational policing. The HMIC review did identify unacceptable weaknesses in some core policing activity, in particular the collection of evidence by officers at the scene of domestic abuse incidents. The Government is supportive of first response police officers using body-worn cameras to capture evidence for cases of violence where there has been physical injury.

The College of Policing has also conducted a randomised-control trial for the use of body-worn cameras and has published its findings to support operational decisions on their deployment.

Through the Police Innovation Fund the Home Office has provided £1.4 million for body-worn cameras to help officers gather evidence at the scene.

## **Immigration and Asylum**

### Recommendation 33

We are concerned that, during the time it takes for a spouse suffering from violence to regularise their immigration status, they are very often left facing destitution or having to remain in a violent relationship. We find it worrying that current Home Office policies leave people destitute during the asylum and immigration process and that this in itself leads to women being at a greater risk of being a victim of violence. This is in contrast to funding being provided by the Department for International Development to post-disaster zones which looks specifically to address such survival strategies used by women. We believe that this demonstrates the need for better coordinated domestic and international policies across Government department on asylum and immigration processes. (Paragraph 201)

We do not agree that Home Office policies leave people destitute during the asylum and immigration process.

Victims of domestic violence with no immigration status in the UK, or temporary leave dependent on that of their spouse/partner, are encouraged to regularise their immigration status as soon as possible. The Immigration Rules contain provisions which enable victims of domestic violence with leave to enter or remain as the spouse/partner of a British citizen or someone settled in the UK to apply for indefinite leave to remain immediately, without waiting for the end of the normal probationary period. Applications for leave under the domestic violence provisions are dealt with by a specialist team who are trained in domestic violence issues. The target turn-around time is 20 days from the date that biometrics are enrolled and the application deemed valid.

Under the destitute domestic violence concession, spouses/partners who have suffered domestic violence and who are destitute can be granted a short period of leave with access to public funds whilst an application for indefinite leave to remain under the domestic violence rules is made or decided.

Destitute asylum seekers and their dependants are provided with accommodation and a weekly cash allowance. The level of the allowance is reviewed each year to ensure that it is sufficient to cover essential living needs. Persons receiving asylum support who suffer domestic violence can be moved to alternative accommodation to ensure their safety.

The Home Office is working hard to decide straightforward claims made before 1 April 2014 by the end of March 2015 and to decide straightforward claims made after 1 April 2014 within six months of their being submitted. Asylum seekers can remain on support while their claim is being processed and recognised refugees have the right to work, access to benefits and can apply for housing.

As set out under Recommendation 3, activity to tackle violence against women and girls is co-ordinated across government departments and is overseen by the VAWG

Inter-Ministerial Group chaired by the Home Secretary. This includes activity to make the asylum system as gender sensitive as possible and to support women asylum seekers who may have been victims of sexual violence. We believe these policies are consistent with the wider VAWG agenda and do not agree that there is a need for better co-ordinated policies on asylum and immigration processes.

#### Recommendation 34

We also recommend that the Government address the issue of who bears responsibility for providing refuge space for women and girls who are victims yet may not be entitled to benefits. We also recommend that the Government ensures that sufficient financial provision is given to supporting these victims. (Paragraph 201)

Housing Benefit can be paid to claimants living in refuge accommodation, but this depends on the claimant's immigration status. Individuals who are in the UK as a spouse/partner and who are eligible to apply for indefinite leave to remain on the basis of domestic violence, but who currently have conditions on their leave preventing access to public funds, can apply for leave with access to public funds for a period of three months under the Destitute Domestic Violence (DDV) concession while their application for indefinite leave to remain is made or decided. If the application under the DDV concession is granted, the claimant will be able to claim Housing Benefit to cover accommodation costs in respect of refuge accommodation.

#### Recommendation 35

Despite the Minister's assurances, we are disturbed by the evidence we received that the routine use of male interpreters, the operation of fast-track detention system and the reported culture of disbelief within the Home Office all result in victims suffering further trauma whilst seeking asylum or immigration to the UK. We find this unacceptable. (Paragraph 220)

#### Recommendation 36

Given the nature of the concerns raised during our inquiry by NGOs and the medical profession regarding the detention of victims, we are concerned that those who allege that they are victims of violence against women and girls are being detained through the fast-track process and recommend a review of the screening process for this as a matter of urgency. (Paragraph 221)

The Government does not accept that there is a 'culture of disbelief' within the Home Office. This view was supported in the Independent Chief Inspector's report on Unaccompanied Asylum Seeking Children, who praised staff for their diligence, compassion and professionalism in age dispute cases. While the Government recognises this report focused on a sub set of cases, these are often some of the most difficult and complex ones, and we believe the principle holds true.

All cases are carefully considered on their individual merits in light of country information reports (which are drawn from a wide range of published sources, including the media and non-governmental sources such as Amnesty International, Human Rights Watch, the United Nations and its agencies and the Foreign and Commonwealth Office) and case law. As set out in the Minister's letter of 18 December 2014, many, if not most, asylum claims hinge on credibility. It is right in these circumstances that caseworkers should apply a degree of rigour when testing claims, whilst always respecting the dignity of the claimant. Asylum is granted in approximately 37% of cases and of those which are refused and subsequently appealed, the Government wins approximately 70%.

The Home Office has recently published new credibility guidance, which was produced following extensive consultation with external partners through the National Asylum Stakeholders Forum (NASF). New credibility training, which includes case studies and examples of cases involving gender-based violence, will be rolled out soon to all asylum decision makers.

The Home Office actively recruits interpreters across a range of languages in order to increase the availability of female interpreters from minority languages and dialects. Applicants and their legal representatives are able to request gender specific interviewers and interpreters, and every attempt is made to honour that request. With some minority languages and dialects it is not always possible, simply

due to the number of interpreters registered and security cleared for that specific language.

The Government is also reviewing the arrangements for interpreters, including considering utilising video conferencing for interviews, which will remove the need for interpreters to be present in the same room and increase the geographical coverage of female interpreters from minority languages and dialects. The Home Office has stringent recruitment criteria in place to ensure that interpreters meet requirements in terms of quality/qualifications and security clearance before they are recruited. Interpreters also receive training to ensure they are sensitive to vulnerable claimants, particularly those who may have suffered gender-based violence.

In line with the comments in the Minister's letter of 18 December 2014, the Government does not consider that those who are, or who claim to be, victims of gender-based violence are inherently unsuitable for the detained fast track (DFT), according to either national or international obligations. Entry to DFT is a case-by-case consideration and where one of the published exclusion categories is met, or where a quick decision cannot be taken within DFT timescales, the published policy is clear that the claim will be regarded as unsuitable for the DFT process. This includes some gender-based violence claims which will overlap with the published exclusion categories. The Government is not sufficiently persuaded by the evidence seen that it should exempt all women claiming to be victims of violence, and as such has no plans at present to review its policy.

Suitability for the Detained Fast Track process is not a one-off consideration at the point of entry. Applicants entering detention for the first time are seen by healthcare within two hours of entering DFT and a GP within 24 hours, and regular detention reviews are undertaken. In some cases it is only after entry to the process that information emerges – or can be accepted as reliable – which demonstrates the applicant is not suitable for the process. Where an individual ceases to be suitable for the process, they will be released and, where necessary, alternative accommodation found.

The screening interview and broader screening process is used to extract information to inform the decision on a particular individual's suitability for the DFT process. Where no explicit exclusion is already in place, intake to DFT would be considered on a case by case basis, based on the available evidence. Sustainability of the decision to route a detainee into DFT is a key criterion for entry to the process. In August 2014, the screening interview form was amended to gather additional information in regard to those who may be particularly vulnerable or unsuitable for detention.

The Asylum Casework Directorate 'Front End' (which includes Asylum Screening Unit, National Asylum Allocation Unit, National Asylum Intake Unit, Midlands Intake Unit, Kent Intake Unit, Consistent Regional Screening Team, and the screening elements of asylum in Glasgow and Belfast), achieved Customer Service Excellence accreditation in October 2014. Of the 57 elements, they were fully compliant in 56, and achieved compliance plus in one element, for making particular efforts to identify



hard to reach and disadvantaged groups and individuals, and developing their services in response to specific needs.

The Home Office meets regularly with partners from the National Asylum Stakeholders Forum who have a particular interest in the screening process to discuss further improvements.

### Recommendation 37

We recommend the Government amends the guidance for interviews to raise the importance of making female interpreters available for cases of violence against women and girls. The current state of using them when 'operationally possible' is not satisfactory and means that their provision is not high enough a priority. The Government should also amend the guidance to make the responsible authorities have a responsibility to provide crèche type childcare at venues where screening takes place. Through the Inter-Ministerial Group, the Government should monitor the training, the number of reversals of decisions made, and the extent to which the guidance for immigration officials is properly followed to ensure a change of culture. (Paragraph 222)

Claimants are asked at the screening interview if they would like a male or female interviewer and they may also make such a request subsequently. Every effort is made to meet such requests and if it cannot be met on the scheduled day, the interview should normally be re-arranged. This applies to the interpreter also, as far as practically possible.

On the issue of childcare at screening, the Asylum Screening Unit in Lunar House was redesigned to provide better provision for families. The family interview rooms have a privacy screened area to allow parents to speak privately but still be able to see their children, and vice versa. Facilities at the Kent Intake Unit are more limited than in Croydon, though there is a separate waiting area for families with children. In addition, a detention custody officer is available to look after children whilst their parents are being screened, though the majority of parents opt to keep their children with them. Where both parents are present for screening they are not interviewed together but separately so one parent can look after the children while the other is being screened.

However, we recognise the importance of childcare provision during asylum interviews to give people the space they need to be able to tell their story. The Home Office is currently considering how it can provide those facilities at all of its main interviewing locations.

On the issue of monitoring, local managers monitor caseworkers to ensure that they are adhering to training and guidelines. This also applies to the allowed appeal rate in female cases.

Internal reviews of Home Office asylum interviews and decisions are conducted to monitor quality and promote improvement. This includes thematic reviews on gender related persecution. The last review was carried out in June 2014, the third since June 2011, and assessed fifty randomly selected cases (forty nine interviews and fifty decisions). It was also a follow-up to a similar review conducted in October 2013 based on data from twenty cases from the period April 2013 to September 2013, and 30 cases for the period October 2013 to March 2014.

There will be a re-run of the key findings analysis carried out in June 2014 on a larger sample of cases that have been audited as part of ongoing Business As Usual since April 2014.

#### Recommendation 38

We are concerned by the Government's lack of engagement with devolved administrations regarding the ratification of the Istanbul Convention because they are responsible for implementing the same positive obligations in their territories. This strengthens our earlier recommendation that the work of the Inter-Ministerial Group should be broadened to include questions of compliance of devolved policy with the Istanbul Convention. (Paragraph 229)

#### Recommendation 39

We are concerned that the delay in ratifying the Istanbul Convention could harm the UK's international reputation as a world leader in combating violence against women and girls. We acknowledge that, if the devolved administrations need to take further legislative steps, there may be a delay in ratifying the Istanbul Convention. We recommend, however, that the Government bring forward the necessary primary legislation regarding jurisdiction before the end of this Parliament, and that the devolved administrations also bring forward any legislative measures that they consider to be necessary, so that the goal of ratifying the Istanbul Convention can be given the priority it deserves. (Paragraph 230)

This Government is committed to ratifying the Istanbul Convention.

The UK has some of the most robust laws in the world against violence towards women and girls and as the Committee has acknowledged, we already comply with the vast majority of the articles in the Convention. The Government takes its international commitments very seriously and will only commit to such ratification when we are absolutely satisfied that we comply with all articles.

As the Committee has recognised, the Convention applies to the whole of the UK and the devolved administrations are responsible for implementing the positive obligations of the Convention in their territories.

The Government has liaised with the devolved administrations about ratification of the Istanbul Convention, including the further legislative steps necessary on extra-territorial jurisdiction, and will continue to do so through consultation and the Inter-Ministerial Group, of which the devolved administrations are members.

It is not feasible to bring forward the necessary legislative changes on extra-territorial jurisdiction in England and Wales in the limited time that remains of this Parliament.