



Home Office

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Dear Zahida,

Following the Lords debate on the Domestic Abuse Bill on 6 July, I wanted to thank you for tabling what I thought was such a fruitful and thought provoking debate. During the debate, I committed to write to you and respond fully to some of the key points raised.

This Government is determined to transform our approach to domestic abuse, so that victims have the confidence to come forward and report their experiences, safe in the knowledge that the state and the justice system will do everything it can to support them and their children, and pursue their abuser.

The new Domestic Abuse Bill will contain a number of measures designed to protect victims and will give the justice system greater guidance and clarity about the devastating impact that domestic abuse has on families. It will establish a Domestic Abuse Commissioner to stand up for victims and survivors, raise public awareness, monitor the response of statutory agencies and local authorities and hold the justice system to account. It will also enshrine a definition of domestic abuse in law, create a new domestic abuse prevention and protection order regime, and ensure that if abusive behaviour involves a child, then the court can hand down a sentence that reflects the devastating life-long impact that abuse can have on them.

To demonstrate our commitment to the Istanbul Convention, we also intend to use the Bill to extend our extra-territorial jurisdiction over Violence Against Women & Girls (VAWG) related offences, which is a crucial step in enabling us to ratify.

We know how important it is to get this right and that is why we are committed to consulting widely with statutory and voluntary sector partners, experts and parliamentarians on the detail of the Bill. As raised in the debate by Baroness Hamwee, this will include the Sentencing Council, who we will also be keeping updated with our work so that they are able to develop guidelines.

This Government understands that legislation alone is not going to solve the problem of domestic abuse. That is why the Bill will be supported by a package of non-legislative practical action to work alongside and support its aims of protecting and supporting victims and bringing perpetrators to justice, while enabling agencies to respond in the most effective way.

Whilst the Home Secretary with the Justice Secretary will be leading this work, we will be engaging with ministers across Government to ensure health, education, social care and housing are all playing their part in developing and delivering a comprehensive strategy, which I can reassure you will put early intervention and prevention at its heart.

As was discussed in the debate, stalking and harassment are devastating crimes which cause great distress to victims. That is why we strengthened the law by creating specific stalking offences in 2012 and raising the maximum sentence for stalking and harassment to ten years through the Policing and Crime Act 2017.

Where stalking is taking place in a domestic abuse context, a range of interventions are available without a charge being brought including Domestic Violence Protection Orders, Non-Molestation Orders and Occupation Orders.

To help make sure victims get the support they need, the Home Office has also provided £50,000 a year to support the National Stalking Helpline.

The issue of a national register for serial stalkers and domestic abuse perpetrators was raised by Baroness Royall. Convicted perpetrators of these crimes are already recorded on systems such as the Police National Computer to support the police in identifying, risk-assessing and monitoring offenders. However, as we discussed, the recent report by the Inspectorate of Constabulary and the Crown Prosecution Inspectorate on the response to stalking and harassment found that the police and CPS response is not good enough. We are determined to ensure that the response is as effective as it can be and will carefully consider the report's recommendations.

The Government has made clear that it wants to take steps to improve the experience of victims of crime, including victims of domestic abuse. In our manifesto we committed to ensure that victims are supported at every stage of the criminal justice system.

We recognise that there are legitimate concerns about the operation of the Victims' Code (the Code of Practice for Victims of Crime) and that there is scope for improvement. We are currently considering how compliance might be monitored and improved and ensuring that those responsible for delivery of entitlements are held to account.

Baroness Gale raised the issue of Legal Aid, and I agree that it is vital that victims of domestic abuse have access to the help and support they need. Legal aid is available to those seeking protection from an abuser, and was granted in over 12,000 cases last year. Legal Aid is also available to domestic violence victims with family law problems where objective evidence is provided. We increased the time limit for evidence from two to five years and allowed the Legal Aid Agency to grant legal aid if they are satisfied financial abuse is demonstrated. We've seen legal aid grants in this area increase steadily over time, with 3,000 in 2013-14 increasing to 4,800 in 2015-16. We are considering the findings of a recent internal review of the evidence requirements and hope to make an announcement shortly.

We are committed to making sure that victims get the support they need to cope with and, as far as possible, recover from the effects of crime. To help achieve this, we are allocating funding of around £96m in 2017/18 to fund crucial support services for victims: an increase from c£51m in 2010/11.

The issue of funding for Independent Domestic Violence Advisors (IDVAs) and Independent Sexual Violence Advisors (ISVAs) also came up in the debate. Last year we announced that IDVAs and ISVAs will no longer be funded from the Home Office core budget, in line with our ambition to move from direct national match-funding to locally-led programmes that encourage new approaches. Since their introduction IDVAs and ISVAs have shown their worth so we expect local commissioners to continue funding these services as business as usual.

Indeed it is heartening to see that some of the 41 successful VAWG Service Transformation Fund bids announced on 5 July include plans to further develop the role of IDVAs and ISVAs, such as embedding them in health settings. I am also pleased to report that funded projects include amongst them elements that support victims and survivors with learning difficulties, mental ill health and physical disabilities, and that work with female offenders. Meanwhile, through the Tampon Tax Fund, we are supporting projects for older women who have experienced or are experiencing domestic abuse.

As part of the Bill, the Government will be strengthening its response to physical, psychological and financial abuse against anyone in the domestic context, including older people who are victims of domestic abuse.

In addition, we are looking at the evidence on abuse of older people specifically to inform how we can increase identification and reporting of older victims, taking into account the specific difficulties they can experience when reporting.

In February 2016 the Home Secretary set up the Joint Fraud Taskforce, a partnership between banks, law enforcement and Government. This includes a sub-group on Victims and Susceptibility who are working with both industry and the voluntary sector improve the service that victims of fraud receive and the protections offered to those who may be more vulnerable to financial crime, including older people.

Although prevalence of domestic abuse has seen a general downward trend in recent years, there is still much more to do. As you noted, the domestic abuse statistics based on the Crime Survey for England and Wales use the self-completion module, which had capped respondents at age 59. In April of this year, the Office for National Statistics increased the age limit for this self-completion module, so that it now covers respondents aged 16-74.

Baroness Brinton raised the issue of mandatory reporting of Child Sexual Abuse. The previous Government launched a consultation on reporting and acting on child abuse and neglect on 21 July 2016, which sought views on the introduction of possible new measures including a mandatory reporting duty or a duty to act. The consultation closed on 13 October 2016. The Government has reviewed the consultation responses and will publish its response in due course.

You also mentioned the issue of modern slavery, in relation to incorporating or linking Section 54, which relates to supply chains and subcontractors under the Modern Slavery Act, into UK company law. Businesses can already link their transparency statements under the Modern Slavery Act to wider non-financial reporting under the Companies Act, by including their 'slavery and human trafficking statement' in their annual reports and accounts, as long as the statement is clearly marked.

We do not think this should be mandatory though, because we want to retain flexibility for businesses to publish these statements in the most appropriate and least burdensome way for them. We have also had representations from some businesses that making it mandatory to link them could have unintended consequences. Annual reports carry different legal risks, and so could encourage very minimal disclosures, which is not what we want.

The Companies Act requires publicly listed companies to disclose a range of non-financial information, including human rights issues associated with their business. The Modern Slavery Act goes further by requiring a much wider range of companies to set out the specific steps they have taken to ensure modern slavery is not taking place in their business and supply chains. We do not want to merge the requirements and dilute this ambitious focus on modern slavery.

I believe that the Domestic Abuse Bill presents to us a once in a lifetime opportunity. And I am determined that we should grasp it; to build momentum, to drive further reform in a way that will make a real and lasting difference to victims, and to make sure that nobody is in any doubt – domestic abuse will not be tolerated in our society. I look forward to working together with the sector, with communities, and with you, as we seek to create a Bill that will do exactly that.

As you know, the debate was a very wide-ranging one with a number of topics raised. Hopefully I have managed to address the key issues above, but will of course be more than happy to come back to you on any additional points.

I am copying this letter to all Peers who spoke in the debate and am placing a copy in the House Library.

A handwritten signature in cursive script, appearing to read 'Susan', written in black ink.

Baroness Williams of Trafford