

Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau  
Equality, Local Government and Communities Committee  
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**Post-legislative scrutiny work on the Violence against Women,  
Domestic Abuse and Sexual Violence (Wales) Act 2015**

**Paper from the Cabinet Secretary for Communities and Children  
ahead of attendance on Wednesday 19 October 2016**

**Background**

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Act) received Royal Assent on 29 April 2015 and all provisions relating to the Act have now come into force. The Act is a landmark piece of legislation, breaking new ground as the first law of its kind in the UK.

The overarching purpose of the Act is to improve the public sector response in Wales to gender-based violence, domestic abuse and sexual violence. It is intended to provide a strategic focus on these issues and ensure consistent consideration of preventative, protective and support mechanisms in the delivery of services.

The Committee's predecessor in the Fourth Assembly, the Communities, Equality and Local Government Committee, was responsible for scrutinising the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill before it was renamed and became an Act. CELG Committee reported on the Bill in November 2014 and was also responsible for undertaking consideration of Stage 2 amendments to the Bill in January 2015.

This paper provides an update on progress made in the implementation of the Act's provisions and its impact to date as identified through the terms of reference for the Committee.

**To what extent the approach to tackling violence against women,  
domestic abuse and sexual violence is improving as a result of the  
obligations in the Act?**

We have made significant progress in our approach to tackling violence against women, domestic abuse and sexual violence and are confident that what we are doing will have an impact in improving as a result of the obligations in the Act.

## National Strategy

One of the obligations under the Act is a duty to prepare, publish and review a National Strategy. The first National Strategy must be published no later than 6 months after the date on which the first general election is held following the commencement of this section. The Welsh Government is currently consulting on the Strategy which closes on 10 October, my officials will review the responses along with input received from 3 stakeholder events held across Wales during September which will be taken into account for the final strategy to be published on 4 November. Consideration to the Committee's findings in developing the final version of the Strategy will also take place.

The Strategy builds on collective progress from the Public Sector to date, and prioritises delivery in the areas of prevention, protection, and provision of support, in line with the purpose of the Act. The proposed objectives are:

- Arrangements for the **prevention** of violence against women, domestic abuse and sexual violence;
- Arrangements for the **protection** of victims of violence against women, domestic abuse and sexual violence;
- **Support** for people affected by violence against women, domestic abuse and sexual violence.

It is these three **purposes** upon which the strategy is based and upon which we expect our partners to consider and develop their own strategies and policies.

## Local Strategies

All Local Authorities and Local Health Board's must jointly prepare a local strategy for the local authority's area.

In preparing and reviewing a local strategy, a local authority and Local Health Board must have regard to—

- (a) the most recently published national strategy;
- (b) the most recent assessment for the local authority's area under section 14 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (assessment of needs for care and support, support for carers and preventative services);
- (c) the most recent strategic assessment prepared in accordance with regulations under section 6 of the Crime and Disorder Act 1998 (c.37) relating to reducing crime and disorder in the local authority area;
- (d) the most recent strategic assessment prepared in accordance with regulations under that section relating to combating substance misuse in the local authority area;
- (e) the most recent strategic assessment prepared in accordance with regulations under that section relating to the reduction of re-offending in the local authority area.

## **Domestic Abuse Services Grant Funding**

In 2015-16 £4.97m revenue funding was allocated to organisations to deliver effective Violence against Women and Domestic Abuse services to victims across Wales (£4m revenue; £0.97 capital).

In 2016-17 the revenue budget increased by £500,000 to £4.5m, making a total budget of £5.4m, enabling the allocations to be increased to Local Authorities. Three areas are being funded on a regional basis in 2016-17 – Gwent, Powys and Cwm Taf which includes Merthyr Tydfil and Rhondda Cynon Taf. The allocations have been based on the population living in each Local Authority area.

The total budget has been allocated as follows:

- £1,937,730 allocated to Local Authorities
- £1,979,820 allocated directly to Third Sector organisations to provide support to all victims of violence against women, domestic abuse and sexual violence, including male victims. The funding also covers the provision of the Live Fear Free Helpline.
- £582,450 is allocated to implement the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 which includes the implementation of the National Training Framework, statutory guidance on a number of issues; the funding of the National Advisor and Publicity.

Significant capital investment has been made over the last five years - £5.3 million - by developing the network of 21 One Stop Shops across Wales which offer services to women, men and children.

## **National Training Framework**

The National Training Framework (NTF) on violence against women, domestic abuse and sexual violence was published on 17 March 2016 and came into force on 1 April 2016. The NTF Statutory Guidance outlines a series of different requirements for training across the public service and specialist third sector depending on job role.

Section 4 of the NTF is statutory guidance issued under section 15 of the Act and came into effect on 1 April 2016; all statutory requirements of the NTF which are date specific must comply with this date. The remaining sections of the guidance are good practice issued under section 60 of the Government of Wales Act 2006.

The NTF is aimed at all Public Service Professionals in Wales, particularly those involved in learning and development, those working in the field of Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) and Public Service Leaders.

A key element of the implementation of the NTF is raising the awareness of Relevant Authorities of their duties and responsibilities under the NTF and to provide clarity on who is expected to do what. To that end my officials issued a package of information at the beginning of October for Relevant Authorities which included a list of their duties and a training plan template.

As part of the NTF the Welsh Government is piloting “Ask and Act” which is a process of targeted enquiry across public services for violence against women, domestic abuse, and sexual violence. This will give professionals the confidence to ‘Ask’ where they see the signs of abuse and ‘Act’ appropriately to ensure that where a victim discloses that they receive the appropriate care. We are currently working in partnership with two pilot areas (the five Gwent Local Authorities and Abertawe Bro Morgannwg University Local Health Board) to test both a ‘train the trainer’ approach to deliver Ask and Act training and the development of regional governance for Ask and Act. Following an evaluation of this approach early next year we will finalise the Ask and Act Guidance and roll out nationally across Wales from 2017 onwards.

The NTF it is still very much in the early stages of making a difference and will take a number of years to fully embed within the workforce of relevant authorities and beyond. Early indications are positive and it is clear that it is very much welcomed in raising awareness amongst the public sector workforce although it is acknowledged that regular communication is essential and the Welsh Government will monitor the impact of the NTF closely going forward.

### **Violence against Women, Domestic Abuse and Sexual Violence Advisory Group**

The purpose of this Group has been to provide a strategic perspective in respect of the sector and for stakeholders to provide expert advice to support the implementation of the Act as well as supporting policy and programmes.

The current arrangements, focus and membership of this Group have recently been revised as it is clear that the Welsh Government needs to ensure the voices and experiences of the whole sector, including survivors are heard

The advisory group plays an important role in ensuring perspectives from across the sector but it also needs to provide me with strategic advice. The group will be asked to provide significant strategic input over the coming months, including for example on the National Strategy, survivor engagement, National Indicators and future regionalisation arrangements. .

### **Female Genital Mutilation**

The UK Government introduced The Serious Crime Act 2015 which introduced provisions to protect and support victims and those at risk of

FGM. Welsh Government has been working with Ministry of Justice and Home Office on a number of pieces of statutory guidance relating to the introduction of mandatory reporting, FGM protection orders and the broader multi agency guidelines.

Mandatory Reporting of FGM came into force on the 31<sup>st</sup> October 2015, the duty requires regulated health and social care professionals and teachers in England and Wales to report known cases of FGM in under 18-year-olds to the police.

The Home Office issued revised Multi-Agency Practice Guidelines on Female Genital Mutilation for all persons exercising public functions on the 1<sup>st</sup> April 2016. These guidelines are statutory guidelines under the Serious Crime Act 2015. The guideline sets out the responsibilities of chief executives, directors and senior managers within agencies involved with safeguarding and supporting women and girls affected by FGM.

As a result of the “Tackling FGM in the UK – Intercollegiate recommendations for identifying, recording and reporting” report published by The Royal College of Midwives, Welsh Government & NHS Wales developed a FGM Health work stream.

Following the HMIC inspection looking at Police Forces response to HBV, FGM & FM the decision was made to bring together the Honour Based Violence and Forced Marriage Leadership Group and the Strategic FGM Leadership Group. The first meeting of the renewed Strategic Honour based Violence Leadership Group took place on the 15 March 2016, and the group are currently finalising the 2016-2017 Action plan, which hence forth will be encompassing female genital mutilation, honour based violence and forced marriages.

Officials continue to work closely with the Home Office FGM Unit in order to mitigate the potential risk of inconsistency with any guidance issued under the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Act 2015 and the Social Services and Well-being (Wales) Act 2014 to ensure that the structure and organisation of devolved services is being taken in account.

**What are the most effective methods of capturing the views and experiences of survivors? Are arrangements in place to capture these experiences and to what extent is this information being used to help inform the implementation of the Act’s provisions?**

#### **Survivor Engagement Report**

The Welsh Government recognises the importance of listening to survivors and using what they tell us to help shape policy. My predecessor, the Minister for Public Services, commissioned the National Adviser and Welsh Women’s Aid to produce a report into survivors’ experiences. This report, ‘**Are you listening and am I being heard?**’ provides insight into the views

and experiences of survivors of violence against women, domestic abuse and sexual violence in Wales.

The recommendations from the report were considered as part of the development of the National Strategy. Many of the recommendations will feature in the delivery plan which will be published following the publication of the Strategy. The principles outlined in the report have been woven into the Strategy, particularly around improving the support, accessibility and signposting of specialist services for the victim, survivor and their families.

As detailed above following a review of the governance and membership of Violence against women, domestic abuse and Sexual Violence Advisory Group, the membership now includes a survivor representative to ensure the voices and experiences of survivors are heard

**Whether survivors of abuse are beginning to experience better responses from public authorities as a result of the Act, particularly those needing specialist services?**

I believe survivors are beginning to experience better responses from public authorities and we are striving to do better. We continue to develop better mechanisms for survivors to report their experiences and to ensure there is a strong public and specialist service ready to help.

We recognise that gaps remain in the provision of specialist services and with our specialist partners, we continue to address these gaps whilst continuing to support those that are already in place and will target additional resources where there is greatest need to ensure the sustainability of specialist services going forward.

**“Ask and Act”**

“Ask and Act” requires professionals to ask clients if they are being abused and are required to offer referrals, interventions or specialist support depending on what they need.

As detailed above the Welsh Government is currently piloting “Ask and Act” which is a process of targeted enquiry across public services for violence against women, domestic abuse, and sexual violence. This will give professionals the confidence to ‘Ask’ where they see the signs of abuse and ‘Act’ appropriately to ensure that where a victim discloses that they receive the appropriate care.

The Welsh Government is planning to commission an evaluation of the test approaches to implementation of ‘Ask and Act’. The proposed aims of the research are:

- Aim 1 - To understand whether and how the two early adopter approaches to “Ask and Act” can change patterns or impact of

identification, referral and service uptake for those experiencing violence against women, domestic abuse and sexual violence.

- Aim 2 - To undertake a cost benefit analysis of the Ask and Act Approach.
- Aim 3. To understand the key lessons emerging from each of the early adopter sites to inform national roll out.

The evaluation was originally intended to run from autumn 2016 to spring 2017. However, each of the Adopter sites is taking a different approach to training and the collection of data. Issues with data collection need to be addressed in order to evaluate the project effectively.

This is a five year programme and once rolled out during late 2017 all public sector employees of relevant authorities with either a public facing role (e.g. a midwife or Local Authority Housing Officer) or those working in a role where the experience of VAWDASV would complicate and impact on the nature of their clients engagement with them in their role (e.g. a Social Worker or Mental Health professional) will be trained in Ask and Act.

### **Live Fear Free Helpline**

The Welsh Government re-tendered the All Wales Domestic Abuse and Sexual Violence Helpline contract which has been renamed Live Fear Free (LFF) website. Welsh Women's Aid was the successful provider and the new contract was awarded in October 2015.

The LFF website has been significantly restructured to provide a comprehensive resource for victims and survivors, families and friends and professionals. The new site has been designed to be the main source of information on violence against women, domestic abuse and sexual violence in Wales and supports the work of the Helpline in providing advice and signposting.

In 2014-15 the Helpline received 199 calls from men compared to 4,754 calls from women who required support and advice. For 2015-16 the figures were 232 calls from men and 5,161 calls from women.

### **Project Dyn**

Project Dyn provides frontline advocacy support for men, as well as telephone and web-based support and signposting to local services. The Project also delivers training and works to raise awareness across Wales about the issue and how best to support men in these circumstances.

The Welsh Government has provided funding for Project Dyn in 2016-17.

**Whether the National Adviser has sufficient power and independence from the Welsh Government to ensure implementation of the Act?**

The National Adviser provides an independent, expert perspective to the work being taken forward in Wales; advising, shaping and informing legislative, strategy and policy developments and driving forward improvements in the prevention, protection and support for all individuals affected by violence against women, domestic abuse and sexual violence.

The role is a statutory advisory role, independent of Government, and its functions are detailed in section 21 of the Act;

- a) to advise the Welsh Ministers about pursuing the purpose of this Act or tackling related matters (see subsection (2));
- (b) to give other assistance to the Welsh Ministers in their pursuit of the purpose of this Act or tackling related matters;
- (c) to undertake research relating to pursuing the purpose of this Act, tackling related matters or examining whether abuse of any kind is related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation;
- (d) to advise and give other assistance, with the agreement of the Welsh Ministers, to any person on matters relating to pursuing the purpose of this Act or tackling related matters;
- (e) produce reports on any matter relating to the purpose of this Act or tackling related matters.

The National Advisor, Rhian Bowen-Davies took up her post on 28 September 2015 and is fully independent with administrative support from the VAWDA Team for the exercise of her functions.

The Adviser engages fully with the Public Service, with specialist third sector organisations and with victims and survivors.

The Act requires the National Adviser to draft an Annual Plan. The Annual Plan must set out how she proposes to exercise the functions of the role during the following financial year. Section 22(2) states that an Annual Plan must:

- a) *State the Ministerial Adviser's objectives and priorities for the financial year covered by the report*
- b) *State any matters on which the Ministerial Adviser proposes to report during that year*
- c) *State any other activities the National Adviser proposes to undertake during that year in the exercise of the National Adviser's functions.*

The National Advisor's first Annual Plan was published in April 2016 and first Annual Report, which relates to the six month period from September 2015 to March 2016, has recently been published.

The overall aim of the first Annual Report was to learn about people's experiences in Wales, what was important to them and what they wanted the Advisor to focus on.

During the first 6 months in order for the National Advisor to establish legitimacy and credibility three objectives were set: Listening and Communicating Understanding, the Current and Potential Service User and Perspective Participating & Influencing

**To what extent the good practice guide to healthy relationships is successfully influencing the development of a whole school approach to challenging violence against women, domestic abuse and sexual violence?**

The extent of the influence is not yet known. Estyn will be conducting a thematic review of existing healthy relationship provision during 2016-2017 academic year, by which point the current reforms we are undertaking, including in respect of the National Training Framework, will have had an opportunity to settle firmly into place.

A review of healthy relationship teaching resources has been commissioned and Welsh Government has continued to fund Hafan Cymru's Spectrum Project and Welsh Women's Aid's Children Matter Project in support of the prevention element of the Act.

Funding for the Spectrum Project will continue in 2016-17, as will support for children in the community through the Welsh Women's Aid's Children Matter Project.