

Domestic Abuse Bill: Second Reading

Wednesday 2 October 2019

1. Background

Barnardo's welcomes the Domestic Abuse Bill, which has the potential to substantially improve support for people in abusive relationships and their children.

As the UK's oldest and largest national children's charity, Barnardo's sees first-hand the devastating impact of domestic abuse on children's mental and physical health. Our services describe children as the '**hidden victims**' of a crime with serious consequences for their short and long-term outcomes.

We are calling for the Bill to be strengthened so that it more directly addresses the impact of domestic abuse on children who either:

- a) Experience the domestic abuse of a family member/carer; or
- b) Experience domestic abuse directly in their own relationship.

"There is virtually no support for families once they are out of the violence. This means children and women don't get support to process and deal with the trauma and emotions that are left once the perpetrator has left the house."

Barnardo's Practitioner

2. The scale of the problem

Vulnerable children have often experienced domestic abuse

- Domestic abuse is the most common factor amongst children considered to be 'in need' of support from local authority children's social care, featuring in **50%** of all assessments (Department for Education, 2018).
- **Three quarters** of Barnardo's frontline staff across the UK say they support children and young people who have experienced domestic abuse.

Exposure to domestic abuse is common amongst all children and young people

- 1 in 5 children and young people are exposed to domestic abuse during their childhood (NSPCC).
- Young people are the group most likely to be in an abusive relationship (Safe Lives).
- A survey of 13 to 17 year olds found that a quarter (25%) of girls and 18% of boys reported having experienced some form of physical violence from an intimate partner (Safe Lives).

Domestic abuse is often part of an intergenerational cycle

- Children who live in households where there is domestic abuse are more likely to be in abusive relationships when they are older, either as abusers or victims (ONS).

"Children are left to cope alone or with staff who don't understand the issues and are not trained to help."

Barnardo's Practitioner

3. How can the Bill be strengthened to better protect children?

i) **Statutory support for all victims of domestic abuse including children and young people.**

- The Ministry of Housing, Communities and Local Government consulted on a statutory duty to support all victims in refuges and supported accommodation - which is very welcome. (However, MCLG has not responded yet to the consultation.)
- However, the majority of victims and their children are not in this type of accommodation and some of the most vulnerable are more likely to stay at home, especially those from Black, Asian and Minority Ethnic (BAME) communities or victims with disabilities.

Any duty should therefore extend to all victims and children, regardless of their accommodation.

- A duty to provide support should also extend to **young people in abusive relationships** - with the introduction of **Young People's Violence Advisers**.
- In many cases young people displaying abusive behaviour, as well as those being abused, have a history of vulnerability including Adverse Childhood Experiences (ACEs) and trauma - including growing up in a home where domestic abuse was the norm. There is a danger that these young people are criminalised and are not given the opportunity to change their behaviour, **break the cycle of violence**, and forge a positive future.

Barnardo's case study

A 14 year old boy was referred to Barnardo's domestic abuse service in Newcastle. He had been exposed to domestic violence in the past and was now often verbally and physically aggressive to family members and to his peers at school. His memories of domestic violence caused nightmares and triggered bad behaviour. Following therapeutic support from our service, the boy and his mum said his behaviour improved and he was able to express his emotions, so his aggressive behaviour reduced.

Points to raise at Second Reading:

- In order to improve protection and outcomes for children and young people affected by domestic abuse, we need a **statutory duty** on local authorities to provide support (working with partners).
- We must avoid a 'two tier' system of support for victims - based on their type of accommodation or their age. Support for victims of domestic abuse should be **universal**.

ii) **Consistent definitions of domestic abuse across the relevant legislation**

- The Children Act 1989 is the key legislative framework for protecting vulnerable children. It is central to determining which children qualify for support from local authority children's services.
- The definition of significant harm in the Children Act 1989 was amended in 2002 to acknowledge the adverse effects of children's exposure to domestic violence. The Bill as amended defines harm to children caused by domestic abuse as:

"the impairment suffered from seeing or hearing the ill-treatment of another."

- However, this definition is **too narrow**, failing to recognise that living with domestic abuse causes significant harm to children's immediate and longer term health, wellbeing and wider outcomes.

- It also fails to recognise the broader definition of domestic abuse in recent legislation. For instance, coercive control, which in addition to harming the victim, also harms children in the wider family. (Coercive or controlling behaviour within an intimate or family relationship was established as a criminal offence in the Serious Crime Act 2015, and came into force on 29 December 2015).

Barnardo's case study

A 15 year old girl was referred to our Be Free service in Kent, after experiencing domestic violence in the family home. Her self-esteem was very low and she didn't have a strong understanding of what a healthy relationship looked like, putting her at risk of abuse or exploitation. Following support from the service, she gained a deeper understanding of her experiences, and how they are likely to have affected her. Her resilience has improved and she now has a good understanding of sexual exploitation, sexual health and consent.

Points to raise at Second Reading:

- The Children Act should be amended (through the Domestic Abuse Bill) to reference domestic abuse (by name) as a **key risk to children's health and wellbeing**.
- It should make clear that harm from exposure to domestic abuse is not limited to literally 'seeing or hearing' abuse.

iv) Changes to the Family Courts

- Barnardo's frontline practitioners say changes are needed to the family courts so they better protect vulnerable children. This is particularly true in the following areas:
 - a) We see cases where abusive parents are **granted contact, including unsupervised contact with** their children, potentially putting them at risk of harm.
 - b) Too often children experience the family court process as **traumatic** (having already experienced other trauma - such as living with domestic abuse), and are not given appropriate support.
- Barnardo's has responded to the Ministry of Justice-led review of how the family courts handle cases where there is domestic abuse. We have also worked alongside family court barristers to determine which changes are needed in law and policy.
- **We believe that both a) and b) above can be addressed (to some degree) through changes to Direction 12J.**
- We believe access to specially trained and independent court **advocates** for victims and children would improve their experience.
- Children involved in family court proceedings should also be offered specialist **counselling**.

Points to raise at Second Reading:

- Currently decisions about **contact with an abusive or potentially abusive parent** are resulting in children being put at risk.
- Victims including children are being **further traumatised** by the family court process and the lack of support available.
- Will the Government commit to amending **Practice Direction 12J** or considering other measures to improve protection for children?
- Will the Government work across Departments to ensure children involved in court proceedings have **access to counselling**?

v) Domestic abuse affecting children as an 'aggravated offence'

Consideration has been given to creating an 'aggravated offence' of domestic abuse affecting children. This has been introduced in Scotland, although it is considered too early to assess whether it has had a positive impact. **The Government should keep the creation of an 'aggravated offence' in England and Wales under review, and should consider further action depending on evidence from Scotland.**

About Barnardo's

As the UK's oldest and largest national children's charity, last year we supported around 300,000 children, young people, parents and carers through more than 1,000 services. Our goal is to achieve better outcomes for more children. To achieve this we work with partners to build stronger families, safer childhoods and positive futures.

We run 14 specialist domestic abuse services across the UK. Programmes include perpetrator group work, safety planning with victims and therapeutic work with children. We also see the impact of domestic abuse every day across the majority of our 1000+ services. Our domestic abuse services include:

Mandala therapeutic service in Somerset works with children, parents and carers affected by domestic abuse. It offers counselling, therapy and support to help them recover from trauma and promote a better understanding of their needs.

BeFree service in South East Kent & Medway works with girls aged between 11-16 who are at risk or experiencing domestic abuse and teenage pregnancy. Its aims are to educate young people about positive relationships and how to identify abusive or controlling behaviour.

Opening closed doors provides domestic abuse and coercive control training for frontline workers in Wales, including police and social workers, to improve their understanding and decision making.