



Communities, Equality and Local Government Committee
CELG(4)-26-14 Paper 4 (Consultation response GBV64)

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill

Submission to the Communities, Equality and Local Government Committee

New Pathways, Rape Crisis and Sexual Abuse Support Services

September 2014

NEW PATHWAYS is a Rape Crisis and Sexual Abuse Support Service. This is our 21st year. We receive approximately 2500 referrals a year and provide face to face therapeutic services throughout east, south and west and mid Wales to children, young people, women and men. We also provide telephone support to clients from the whole of the UK. We have recently developed a subsidiary company, Mid Wales Rape Support Centre (see below) which provides enhanced services to Mid Wales (see below).

New Pathways' services include the management of four SARCs in Merthyr Tydfil, Swansea, Risca and Carmarthen and the provision of ISVA services. We are about to extend our SARC and ISVA services to Aberystwyth and Newtown. We provide counselling to survivors of rape and sexual abuse at each of our 6 centres and bespoke training to both statutory and voluntary sectors. We have a dedicated Children's Project which provides workshops in schools and support and training for professionals in that environment, as well as a dedicated Offender's Project for people who have been affected by rape or sexual abuse and have gone on to offend. Last year we developed a Human Trafficking Project, as a direct result of need identified from our other services.

MID WALES RAPE SUPPORT CENTRE is the new subsidiary company formed by New Pathways, and is a registered charity limited by guarantee, based in Aberystwyth which provides therapeutic services to children, young people, women and men across Mid Wales.

As well as this submission, we have also contributed to the response given by the umbrella group, The Survivor's Trust Wales (TST Wales). To avoid unnecessary duplication, I have not therefore included some of the more detailed points raised in their document and would refer you to such.

1. The General Principles of the Bill

1.1 Gender Focus

There has been much debate about the title of the Bill and in particular the so-called gender-neutral wording. New Pathways would agree that women are disproportionately affected by violence of all kinds



and as such support the view that legislation is required to address violence against women as a priority. However, coming from the sexual violence / abuse sector means that our view on gender-specific legislation is more complicated. Each year we see a large number of referrals for support from men and boys who have been victims of sexual abuse; last year 25% (n. 262) of our adult counselling referrals (for historic sexual abuse) were male and 23% (n. 63) of our child counselling referrals were male. For recent referrals of rape to our SARCs, the male numbers are slightly lower but still very significant, with 16% (n. 128) of adult referrals being from men and 19% (n. 62) from boys and young men (<16 years). With this prevalence in mind, we appreciate that using the term 'Gender-based Violence' in the Bill allows for Local Authorities, Health services and other bodies to direct their funds and services to the appropriate places, be that for women-only domestic abuse services as an example, or for services such as our own which very clearly need to provide services for both men and women.

1.2 Consideration of ALL Forms of Violence

It is vital that *all forms* of domestic violence, sexual violence and gender-based violence are represented on the face of the Bill. Our concern here is that the Bill and corresponding papers still seem to be somewhat domestic abuse centric and there needs to be a clear and unambiguous understanding that other forms of violence, specifically sexual violence, harassment and stalking, forced marriage, so-called honour-based violence and female genital mutilation are given equal consideration. As an example of the significance of this, the Explanatory Memorandum acknowledges that little consideration is given to these other forms of violence within Single Integrated Plans (p.12, point 26). Within this Memorandum, references to the prevalence, costs and previous policies illustrate the picture for domestic abuse but exclude the other forms of violence meant to be addressed in the Bill (p. 8, 9 and 10).

1.3 Definitions

Some of the definitions in the Bill are confusing and unclear. There are accepted international definitions that could be included and it is our view that the people with relevant experience in each sector should be consulted to agree specific definitions. The definition of 'sexual violence' contains a reference to 'sexual exploitation', which itself has a separate definition further into the Bill. This will cause unnecessary confusion.

1.4 Publication of National and Local Strategies

1.4.1 National Strategy: At New Pathways we would welcome an unambiguous national strategy that would set out clear duties on the Public Bodies to address domestic and sexual violence/abuse and all forms of gender-based violence. It is vital that Welsh Government build upon, rather than re-invent, the current national strategy 'The Right to be Safe' document. It is important to acknowledge the short-comings in the current strategy, particularly with regard to the lack of measurable outcomes and also the lack of emphasis on sexual violence/ abuse and other forms of gendered violence, as stated previously. Consideration should be given to either separate strategies for the different forms of violence, or at least an allowance for individual emphasis to be placed on the different forms of violence. This should help avoid the domestic abuse orientation that the current strategy has.

1.4.2 Local Strategies: Again, there are many examples of local strategies in place, but most focus primarily on domestic abuse. Some strategies have been changed to reflect the inclusion of sexual violence



and in some cases, other forms of gendered violence, but in the main this is a change in wording only and is not reflected in the implementation of the strategies. It is paramount that strategies are written, implemented and measured to ensure that they actually make a difference in the lives of people who have suffered abuse. Legislation in the form of this Bill could be the way to ensure that a duty is put upon Public Bodies to not only have a document written, but to ensure that they are effective.

In short, any strategies need to have teeth and we see legislation as a way of ensuring this.

1.5 The Appointment of a Ministerial Adviser

New Pathways have advocated for a Special Advisor or Commissioner for some time. We therefore welcome, in principle, this potential appointment. However, we feel strongly that the Advisor needs to be independent from Welsh Government and civil servants if he / she is to be able to fulfil the duties to be placed upon them. If the Advisor is to scrutinise all parties with a duty to respond to this legislation, including Welsh Government and Public Bodies, then surely independence from those parties would be necessary.

Whilst acknowledging the limited means to provide this appointment, we would advocate for the Advisor to be supported by staff that have specific knowledge in the areas addressed in the Bill; domestic abuse, sexual violence and all other forms of gendered violence. The services that address these varied forms of violence are diverse by necessity and as such it would be almost impossible for one person to hold the knowledge and have the capacity to ensure that varied national indicators are met. For example, the indicators of success in a domestic abuse refuge would be completely different from the indicators that are relevant to a Sexual Assault Referral Centre (SARC).

2. Potential Barriers to the Implementation

2.1 Consultation with Third Sector: Successful implementation of this Bill will require collaboration and consultation with the Third Sector, who currently undertake most of the service provision in this field. The expertise in dealing with the extreme trauma that can result from sexual or domestic violence, including all forms of gendered violence, lies primarily in this sector and utilising this expertise will be key to achieving the aims of the legislation.

2.2 Ability to Impose Sanctions: In order to achieve full 'buy in' from all Public Bodies, it will in our opinion be necessary to ensure that sanctions can be imposed on Local Authorities for non-compliance with the agreed strategies.

2.3 Lack of Funds: Another potential barrier to the full implementation of the aims of the Bill will of course be lack of extra funds, detailed below.

2.4 Lack of Knowledge of Gender-based Violence: There remains a lack of knowledge and understanding, in particular within Public Bodies, about terminology used in the Bill. Gender-based violence is violence which is perpetrated against a person *because* of their gender. Therefore some types of violence that this legislation seeks to address, in particular female genital mutilation, forced marriage, honour-based violence and most domestic abuse, are specifically suffered by women. There are, however, differences when we look at sexual violence, where a much higher percentage of victims are male. This is



not usually perceived to be gendered violence, as it is assumed that most men are not sexually abused *because* they are men. Much more research needs to be done into this aspect of abuse and until then it is possible that lack of understanding of sexual abuse of men and boys will lead to further marginalisation of them and a lack of funding aimed at services for them. This is further compounded by the fact that statistics do not in any way indicate prevalence of abuse for men and boys, This is, in a large part, due to the fact that men and boys are less likely to report the sexual abuse they have suffered and there are, in fact, many fewer places for them to go to report or receive support. From our own experience we can see that the referral rate for young men drops quite dramatically when they reach adolescence.

3. Unintended Consequences of the Bill

3.1 Unequal Consideration of All Forms of Violence: Whilst we welcome the aim within the Bill to address all forms of domestic, sexual and gendered violence, we feel there is a danger that some forms of gendered violence may have less prominence, in particular so-called honour-based violence, FGM and stalking and harassment. Possibly this can be addressed by ensuring that staff appointed to support the Advisor have specific knowledge in these fields.

3.2 Longer Waiting Lists: New Pathways welcomes the prominence given to 'Ask and Act' within the Bill. The aim of this is obviously to raise awareness of the help and support that people can access when they report being abused. An unintended consequence is likely to be that many more people will report abuse and this will of course impact on services that are already stretched to, and often beyond, capacity. Waiting lists will therefore grow further and people will not receive the support they are promised. In some areas, services for victims of sexual abuse and violence are very scarce and waiting lists can be over 3 years long. This *must* be considered when assessing the likely impact of this important legislation.

4. Financial Implications of the Bill

4.1 Increased Cost for Service Provision: The duty to 'Ask and Act' in the Bill, along with awareness-raising campaigns such as the Welsh Government's 'Making a Stand' will all lead to increased demand on specialist services. Please refer to 3.2 above, which details the need to support not only existing sexual violence services, but also recognise and meet the need to increase funding to specialised service providers to expand services, if any attempt is to be made to meet the almost certain increase in demand this legislation will facilitate.

4.2. Investment in Specialist Services: With acknowledgment that there is huge financial strain on all public services right now, it is vital that we recognise the savings that are made to Public Bodies, including Health services, by the Third Sector. It is widely acknowledged that victims and survivors of all forms of abuse and trauma will look for support in other services unaware or reluctant to disclose their real needs and seek specialist support. Guidance needs to be provided to primary health care services, substance misuse services and others to provide appropriate support/ commissioning appropriate services for victims and survivors accessing these services. This will, in the long term, lead to cost savings for services. For example, The World Health Organisation estimates that up to 60% of women in the UK mental health



service population have been sexually abused in their lifetimes and 20% of victims/survivors of sexual violence will use health services in the first year but by the second year, 50% are “heavily embedded” in the health system. The mental health issues range from anxiety and depression to serious self-harm and suicide. This inevitably has a cost for the health service. The Cross-Government Action Plan on Sexual Violence and Abuse reported that the cost of sexual violence to society was £8.5 billion in 2003-4 alone. If people are able to get appropriate specialist support and to get that support earlier, money will be saved.

5. Subordinate Legislation

Our concerns are centred on the wording of Sections 5 and 12 of the Bill. They would appear to indicate that Welsh Government may direct a Local Authority or Health Board to review their strategy or may issue guidance on how the authority should exercise its functions with a view to contributing to the purpose of the Act. The Bill does not seem to give Ministers the power to insist on amendments or implementation of the strategies. In our opinion, this Bill needs to have ‘teeth’ to be effective and therefore we would hope to see the Bill mandate Ministers the power not just to impose a duty on Local Authorities and Health Boards, but also the power to impose sanctions for non-compliance.

6. Omissions from the Bill

6.1 Education: We were disappointed to see that Education, and therefore vital prevention provision, is missing from the Bill. With other partner organisations, New Pathways have advocated for a whole-school approach, specifically advising that healthy relationship lessons delivered by specialist providers would be a major contribution to the aim of keeping children safe. We note that a review of the Basic Curriculum is currently being done by Prof. Graham Donaldson and that this will include a review of the PSE structure, but we think that cross- government work on this important topic is vital and we would have liked to have a duty placed on Local Authorities to develop a Whole Schools Approach, to include named Champions in each primary and secondary school, as well as a duty to develop and implement policies ensuring each school can effectively and sensitively handle disclosures of sexual, domestic and gender-based abuse.

6.2 Post Code Lottery: A lot of work has been done to map the domestic abuse services in Wales and to establish a consistent, accessible and fair service for any victims of domestic abuse. New Pathways has 21 years of experience of running sexual violence services in Wales and therefore are well placed to identify gaps in services. It is fair to say that there still exists a post code lottery for people looking for support after rape or sexual abuse. The *Map of Gaps* research (End Violence Against Women (2007)) stated: ‘[...] the lack of voluntary / third sector sexual violence services suggest that this needs to be extended to all forms of violence against women’. We think that a duty placed on Local Authorities to have local strategies in place may be one way to try to address this issue, but much more will need to be done, some through legislation, some by other means. A duty imposed on Local Authorities and Health Boards to implement strategies will certainly go some way to help this issue, but there is no way around the need for extra funding to be made available to increase specialised services in areas where there are identified gaps. One example of a clear gap in services is the capital, Cardiff, where there is very little service provision for people who have suffered historic child sexual abuse.



6.3 Workplace Policies: We believe that this legislation gives the Welsh Government the chance to place a duty on all Public Bodies, not only to have a Domestic Abuse Policy in place, but to have policies which relate to all forms of domestic, sexual and other gendered violence. New Pathways think that all organisations should have policies in place that set out the way in which any person who has suffered any of the listed forms of violence can expect to be treated in the workplace and the help that they are able to access. Training and awareness raising would be key to the implementation of these policies and therefore have an obvious cost implication, but the cost of not implementing them would be far higher in the run long, both on the health of the individual, the effective working of the organisation and the cost on the various health services.