



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol
The Communities, Equality and Local Government
Committee**

**Dydd Mercher, 1 Hydref 2014
Wednesday, 1 October 2014**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.	
Aelodau'r pwyllgor yn bresennol Committee members in attendance	
Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Alun Davies	Llafur Labour
Jocelyn Davies	Plaid Cymru The Party of Wales
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Gwyn R. Price	Llafur Labour
Gwenda Thomas	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Eraill yn bresennol Others in attendance	
Naomi Alleyne	Cyfarwyddwr, Gwasanaethau Cymdeithasol a Thai, Cymdeithas Llywodraeth Leol Cymru Director, Social Services and Housing, Welsh Local Government Association
Leighton Andrews	Aelod Cynulliad, Llafur (y Gweinidog Gwasanaethau Cyhoeddus) Assembly Member, Labour (Minister for Public Services)
Simon Borja	Swyddog Datblygu Prosiect, Prosiect Dyn Cymru Ddiogelach Project Development Officer, Safer Wales Dyn Project
Mark Brooks	Cadeirydd, ManKind Chairman, ManKind
Rhys Davies	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government

Bryan Heard	Ditectif Arolygydd, Heddlu De Cymru Detective Inspector, South Wales Police
Lian Penhale	Ditectif Uwcharolygydd, Heddlu De Cymru Detective Superintendent, South Wales Police
Sarah Rhodes	Rheolwr y Bill, Llywodraeth Cymru Bill Manager, Welsh Government
Jackie Stamp	Prif Weithredwr, New Pathways Chief Executive, New Pathways
Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol National Assembly for Wales officials in attendance	
Sarah Beasley	Clerc Clerk
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Hannah Johnson	Y Gwasanaeth Ymchwil Research Service
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser
<i>Dechreuodd y cyfarfod am 09:14.</i> <i>The meeting began at 09:14.</i>	
Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions	
[1] Christine Chapman: Bore da. Welcome to the National Assembly's Communities, Equality and Local Government Committee. We have not received any apologies this morning. However, I want to welcome Gwenda Thomas and Alun Davies. They will be attending, but I think that there are some problems with traffic. However, I know that Gwenda Thomas and Alun Davies are joining our committee, so I want to welcome them. Mark Isherwood will be attending as well.	
09:15	
Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru): Sesiwn Dystiolaeth 6 (Y Gweinidog Gwasanaethau Cyhoeddus) Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill: Evidence Session 6 (The Minister for Public Services)	
[2] Christine Chapman: I give a warm welcome to Leighton Andrews, the Minister for Public Services, Sarah Rhodes, the Bill manager, and Rhys Davies, who is the lawyer. I welcome all of you. I know, Minister, that you want to make a short statement, so over to you.	
[3] The Minister for Public Services (Leighton Andrews): Thank you, Chair. It will be very short. The Welsh Government recognises that gender-based violence has a disproportionate impact on women and girls. I have spoken to the First Minister about this issue and I can confirm today that we intend to introduce a Government amendment at Stage 2 to add a new section to the Bill, which will probably be entitled 'Violence Against Women and Girls'. This section would require those exercising the functions of the Bill across the bulk of its provisions, along with all other relevant matters, to have regard to violence against women and girls. The new section would apply to local authorities, local health boards, Welsh	

Ministers and the ministerial adviser.

[4] **Christine Chapman:** Thank you, Minister, for that. I know that we will come back to some of the detail of that. I know that Members will have some questions. I want to start with a broad question, really. What difference do you think this Bill is going to make to the lives of the people of Wales? Can you say something about the timescale and give some specifics on how it is going to make a difference, because we will be passing the legislation?

[5] **Leighton Andrews:** Well, I think that there are a number of key areas where new legislative duties and powers are created, and those duties and powers will be important in the delivery not only of the national strategy but also of local strategies. So, for example, there are new duties on local authorities and health boards. There are new powers for the ministerial adviser and for Welsh Ministers. However, above all, what the Bill does is send a very important signal about how seriously these issues are taken by the Welsh Government. I think that, with the addition of the new clause to which I referred in my opening statement, there will be a very clear signal of how strongly the Welsh Government takes the issue of gender-based violence, which has a disproportionate impact, as I said, on women and girls.

[6] **Christine Chapman:** Just to follow-on from that, Minister, if you are someone who is not in Government, not in local government or an official—if you are a member of the public—how different do you think you will feel in terms of this issue? Again, on the timescale, do you have any ideas about that?

[7] **Leighton Andrews:** In terms of the timescale, there is a clear timescale set down in terms of the commencement of the Bill. We are talking about some of these things taking effect from 2016, of course. I think that the important thing here is the overall signal that is given. I think that what it allows us to do, in the creation of the national strategy, is to ensure that the local strategies—which will be where the delivery of local services is undertaken and which are therefore of most direct relevance to individual members of the community—are appropriate and that they will deliver what is needed in those local areas.

[8] **Christine Chapman:** We will move on now to Jocelyn.

[9] **Jocelyn Davies:** I very much welcome the statement you made earlier. That is half of my questions in the bin, Minister.

[10] **Leighton Andrews:** Good.

[11] **Jocelyn Davies:** I guess that the basic argument—and you would no doubt agree with me—is that violence against women, domestic abuse and sexual violence are forms of gender-based discrimination and that violence against women is a cause and consequence of women's inequality. It happens right across the world and it is about women's unequal status in society. You did not say anything there about victims, but perhaps this is an opportunity to reiterate that victims, regardless of gender, must not be pitted one against the other, because tackling the issue is different from providing for victims. I guess that you would agree with that. Perhaps you would like to expand on your statement earlier, when you said there will be a new section, and, as I say, that is very much welcome. Will there be any change in the title of the Bill?

[12] **Leighton Andrews:** May I start off by thanking you for your comments? Obviously, a number of the points that you raised were addressed by my predecessor when she gave evidence in July, and she made it very clear then, I think, that the Welsh Government understands that women and girls face a disproportionate impact in respect of gender-based violence. She referred, I know, at that time to the Council of Europe policies and the UN

convention and so on. In respect of the new section that I have announced, as I said, it would require those exercising the functions of the Bill, across the bulk of provisions, along with all other relevant matters, to have regard to violence against women and girls. That section would apply to local authorities, local health boards, Welsh Ministers and the ministerial adviser. I want to stress that. So, it would have a broad bearing across the provisions of the Bill. We have looked at drafts; we are not quite there with the final draft of an amendment yet, but that amendment will be coming forward.

[13] You ask about the title of the Bill. I have not reached any final conclusions on that yet, but I am open to suggestions, and we will look at that. You will understand that the Presiding Officer has a clear view about titles of Bills, particularly once introduced. Therefore, there may be a conversation that we would all need to have with the Presiding Officer about that, were we to seek to make any changes to the title. The title, obviously, has to reflect the content of the Bill. However, we are only at Stage 1 at the moment, so there is plenty of time, it seems to me, to consider these matters further.

[14] **Jocelyn Davies:** There is another thing that I wanted to ask you about. I was substituting for somebody else on a different committee asking about the same Bill, but in a different context, and you did say at that time that ‘gender-based violence’ is a phrase that a lot of people understand, although my interpretation of it, I think, was different from yours. Have you given any more thought to the fact that ‘gender-based violence’ might very well be interpreted, as in the example that I gave you, as broader violence problems that can often be male on male?

[15] **Leighton Andrews:** You gave the example in the Constitutional and Legislative Affairs Committee of football hooliganism, if I can crudely summarise it—

[16] **Jocelyn Davies:** I asked you if it was gender-based violence.

[17] **Leighton Andrews:** Yes, and I think that our verdict, having reflected on what you said, is that, no, it could not be captured in this Bill, except in a particular context where, if the violence between opposing football fans, for the sake of argument, was due to issues related to gender, but that would be a very narrow area.

[18] **Christine Chapman:** Peter, did you—

[19] **Leighton Andrews:** Sorry, may I add one final sentence on that? Let us bear in mind that this Bill is not about creating new offences; this Bill deals with prevention and the provision of services. So, the follow-on from any definitional issue that you have raised there would be about whether, in a local strategy, the local authority or local health board felt the need to provide a specific service with regard to the category of groups that you have referred to.

[20] **Peter Black:** Minister, you will know that, in all the evidence sessions that we have had relating to the education proposals, or lack of education proposals, in the Bill, the people coming to give evidence have, without exception, said that this Bill needs to address the sort of issues raised in the White Paper in terms of a whole-school approach to domestic violence and gender-based violence and prevention. May I ask whether you are prepared to have another look at the Bill in respect of that evidence and those views that have been expressed to us?

[21] **Leighton Andrews:** Let me start by saying that, clearly, we are already taking forward a number of the proposals in the White Paper. There are proposals, for example, for an Estyn thematic inspection of issues around healthy relationships. There are other proposals

that we have looked at that do not require legislation and can be acted on. I understand, however, the representations that have been made to this committee. I have not yet had the opportunity of a full conversation with the Minister for Education and Skills about these issues. We have had a brief corridor chat, if I may put it like that, about the Bill. As I said in answer to Jocelyn's question, this is Stage 1. You are familiar with the fact that the curriculum review is proceeding under the auspices of the Minister for Education and Skills. The Government does regard that as an appropriate route for some of these issues, but it may be that other issues may arise during the passage of the Bill that we all want to look at. However, as I say, I have not yet had the opportunity of a full conversion with the Minister for Education and Skills.

[22] **Peter Black:** The curriculum review is acknowledged, but there is concern that the review will not be applied consistently across all schools. In the evidence that we have received, people are looking for champions in each school, the mandatory inclusion of education in the curriculum, but also ensuring that schools regularly collect data and making sure that education on violence and healthy relations is available to children and young people who are not engaged in the formal education system, among many other various issues, some of which you can legislate for. I accept that a lot of this stuff can be done administratively, but then so can most of the stuff in the Bill at the moment.

[23] **Leighton Andrews:** As I said at the outset, the Bill creates new duties and powers which would not otherwise exist if we did not legislate. Let me just say in respect of what you have just put forward: we are currently working with the Department for Education and Skills in reviewing its safeguarding children in education statutory guidance. Therefore, in that context, the role of designated senior persons with child protection in schools is being considered to ensure that gender-based violence, domestic abuse and sexual violence aspects are fully reflected. That revised guidance is due to issue in 2015. As I said, we are taking forward a number of the proposals that were in the White Paper, and statutory guidance is statutory.

[24] **Christine Chapman:** Mike, you had a supplementary question.

[25] **Mike Hedges:** Would another method of dealing with it not be to ask Estyn to deal with it as part of the wellbeing portion of the common inspection framework? I know that that does not come under your direct control, but would you see that as a different way and, perhaps, a more effective way of doing it? My knowledge of schools is that, if Estyn is inspecting it, it gets a much higher priority than anything else.

[26] **Leighton Andrews:** I think that the only difficulty with that—and I need to reflect on it and talk about it with the Minister for Education and Skills—is that the nature of the Estyn inspections tends to be focused around the delivery of the curriculum. There is a commitment to a thematic inspection by Estyn in 2016-17 on the whole area of healthy relationships, which I think will be a valuable way of raising the profile of all of these issues and identifying good practice.

[27] **Mike Hedges:** Is it not true that wellbeing is one part of the current inspection framework and that Estyn looks at different areas, which I will not go into them now, within that? Could you, perhaps, have a discussion with the Minister for Education and Skills regarding whether that could be looked at as part of it?

[28] **Leighton Andrews:** I am very happy to follow through the conversation with the Minister for Education and Skills, and we can consider that as part of that discussion.

[29] **Jocelyn Davies:** Going back to the answer that you gave me earlier, I think that you

<p>accepted that violence against women is a cause and a consequence of women's inequality. Of course, if you want to bring about long-term change in this area, education was seen as an opportunity to change society's attitudes. Do you think that the measures that you have just outlined for us would achieve a change in society's attitudes?</p>	
<p>[30] Leighton Andrews: Taken as a whole, I think that they are part of that process. I do not think that, in any context, legislation necessarily, on its own, changes society's attitudes or behaviour. I think that it is an element in doing that.</p>	
<p>[31] Christine Chapman: Right. We will now move on to Rhodri Glyn Thomas, but, before I do, I would like to welcome Alun Davies and Gwenda Thomas to the committee. Welcome to you both.</p>	
<p>[32] Rhodri Glyn Thomas: Weinidog, ai'r Bil hwn yw'r cyfrwng priodol i ddileu'r amddiffyniad o gosb resymol o dan adran 58 o Ddeddf Plant 2004?</p>	<p>Rhodri Glyn Thomas: Minister, is this Bill the appropriate vehicle to remove the defence of reasonable punishment under section 58 of the Children Act 2004?</p>
<p>[33] Leighton Andrews: Not in the view of the Government.</p>	
<p>[34] Rhodri Glyn Thomas: Os felly, beth yw'r cyfrwng priodol i wneud hynny, oherwydd y mae Llywodraeth Cymru wedi rhoi ymrwymiad i'r Cynulliad y bydd yr amddiffyniad hwn yn cael ei ddileu cyn yr etholiad nesaf? A oes Bil arall yn mynd i ddod i'r wyneb cyn hynny a fydd yn galluogi'r Llywodraeth i wneud hynny?</p>	<p>Rhodri Glyn Thomas: If so, what is the appropriate vehicle to do that, because the Welsh Government has given a commitment to the Assembly that that defence will be removed before the next election? Is there another Bill that is going to come to the surface before then that will allow the Government to do that?</p>
<p>09:30</p>	
<p>[35] Leighton Andrews: I am afraid that the Member is wrong; the Government has given no such commitment.</p>	
<p>[36] Jocelyn Davies: I think that the Welsh Government has said for more than a decade, actually, that it wants to ban the physical punishment of children. Certainly, the impression given to everybody, following on from Rhodri's question, was that there would be another legislative opportunity soon in order to do that. The Rights of Children and Young Persons (Wales) Measure 2011 puts a duty on yourself, Minister—and that is a duty that you cannot delegate to any officials—to have due regard to the convention rights in everything that you do. So, can you demonstrate to us that you have done that in the case of this Bill?</p>	
<p>[37] Leighton Andrews: I think that it would be hard for me to demonstrate that I have done that in the last two and a half weeks, but I think that it is fair to say that that was a very important part of the thinking that went into the Bill by my predecessor.</p>	
<p>[38] Jocelyn Davies: The child impact assessment that you mentioned recently, I had a look at that, and it does not mention any consideration of the removal of reasonable chastisement. You will also know that the United Nations' Committee on the Rights of the Child has told the UK three times that the reasonable chastisement defence must go immediately. So, why was this Bill not seen as an opportunity to deliver those rights to children in Wales?</p>	
<p>[39] Leighton Andrews: Because the Government has never given a commitment to</p>	

make that change. I suggest that you read what the then Deputy Minister for Social Services said in the Assembly Chamber earlier this year; I think that it was in May.

[40] **Jocelyn Davies:** The Welsh Government has given a commitment for over a decade that it wants to do this. Rather than read the Record, I suggest that you watch the video of the session because the written record obviously is not the verbatim account that it claims to be, for which the video of the—

[41] **Leighton Andrews:** I am very clear on what the Government position is. The Government position is that we do not have a manifesto commitment in this area to do this. What the Deputy Minister for Social Services said in the Chamber was that there would be other legislative opportunities in the future that would be more appropriate for effecting a ban on the physical punishment of children.

[42] **Jocelyn Davies:** Well, we were present and listening, and if you watch the video, what she said was that there would be another legislative opportunity within this Assembly term. However, regardless of manifesto commitments, you have a legislative duty, a statutory duty, that cannot be delegated, to have regard for convention rights in everything that you do, in all legislative opportunities, any change of policy, or any review of policy, and to put children's rights at the heart of it. That cannot be sidestepped in this case.

[43] **Leighton Andrews:** The Government has done that. It has carried out its obligation.

[44] **Jocelyn Davies:** Oh my goodness.

[45] **Christine Chapman:** Minister, can I just pursue this? Obviously, some Members have talked about commitments by the Government. Do you not think then that this would be a good opportunity to give protection to children? We have taken a lot of evidence from stakeholders, and I would say that the majority of those stakeholders think that this would be a good opportunity. We have talked about prevention; we have talked about messages, and this would be a fundamental message to help make this work for all of the people that we want it to work for.

[46] **Leighton Andrews:** The Bill focuses on gender-based violence, domestic abuse and sexual violence. We would not consider that 'reasonable chastisement' falls into these categories.

[47] **Jocelyn Davies:** Well, it is nice to know who you are agreeing with.

[48] **Rhodri Glyn Thomas:** A allwn ni fod yn gwbl glir felly? Rydych wedi dweud nad y Bil hwn yw'r cyfrwng priodol. A ydych yn datgan y bore yma nad yw'n fwriad gan Lywodraeth Cymru i ddileu'r amddiffyniad yma o gosb resymol cyn etholiad y Cynulliad 2016?

Rhodri Glyn Thomas: Can we be completely clear here therefore? You said that this Bill is not the appropriate vehicle. Are you saying this morning that it is not the intention of the Welsh Government to remove the defence of reasonable punishment before the 2016 Assembly election?

[49] **Leighton Andrews:** We regard this as an issue more appropriate to manifestos in the election in 2016.

[50] **Jocelyn Davies:** That is not what was said in the Chamber.

[51] **Leighton Andrews:** Sorry, I want to be absolutely clear on what was said in the Chamber, and I will read it all out, if the Chair wants to me to do so. The Deputy Minister

said,	
[52] ‘there will be other legislative opportunities in the future that will be more appropriate for effecting a ban on the physical punishment of children... Whether, and when, a suitable legislative opportunity does arise will depend to a degree on the outcome of the current Welsh Labour consultation exercise on this issue, and indications of support for such a change in the law...there will be opportunities to examine this issue in forthcoming legislation in this Assembly.’	
[53] Well, the issue is being examined. The Government does not take the view that this is an appropriate vehicle for implementing such a change.	
[54] Christine Chapman: Is it being examined, Minister?	
[55] Leighton Andrews: Well, it is being examined here in this committee now, as we talk.	
[56] Christine Chapman: But if this is not an issue for this committee, where is it being examined?	
[57] Leighton Andrews: It is being raised in this committee, so, clearly, Members are considering it.	
[58] Christine Chapman: But, from the Government’s point of view, if you say that this is not the place to do it, and there is a commitment for the Government to look at it, where is it being looked at?	
[59] Leighton Andrews: Sorry; there is not a commitment for the Government to look at it. I think that people need to go back and see what was said by the Deputy Minister for Social Services. I think that people are confusing the phrase ‘legislative opportunities’ with the idea that the Government would bring forward an amendment.	
[60] Jocelyn Davies: I would just say that during the passage of the social services Bill—and I have recently reviewed the video—the Deputy Minister, because there was an amendment down, pleaded with Members not to support that amendment, and she said that there would be another legislative opportunity in this Assembly term. That is what she said on the day when she was asking people not to support the amendment that was down.	
[61] Leighton Andrews: But that is not a commitment from the Government to move such an amendment.	
[62] Jocelyn Davies: It was just giving the impression that there was an opportunity.	
[63] Leighton Andrews: No. A legislative opportunity is not a commitment by the Government to move an amendment. I think that people are misunderstanding the phrase ‘legislative opportunity’. If others take the view that this is a legislative opportunity, it is of course open to them to bring forward such an amendment.	
[64] Rhodri Glyn Thomas: Pan fydd gwelliant gerbron y Cynulliad sy’n galw am ddileu’r amddiffyniad hwn, ac mae’r Dirprwy Weinidog yn dweud, ‘Peidiwch â phleidleisio dros y gwelliant hwn; fe fydd cyfle arall yn y tymor yma i ystyried y mater yma’, rwyf yn	Rhodri Glyn Thomas: When there is an amendment before the Assembly that calls for the removal of this defence, and the Deputy Minister says, ‘Don’t vote for this amendment; there will be another opportunity in this term to consider this issue’, I think

<p>credu ei bod yn berffaith resymol inni ddod i'r casgliad y byddai'r Llywodraeth yn rhoi'r cyfle inni edrych ar y mater hwnnw eto, a dyna pam na wnaeth nifer o bobl bleidleisio dros y gwelliant hwnnw, ar y dybiaeth y byddai'r pwnc hwn yn cael ei godi eto gan y Llywodraeth yn nhymor presennol y Cynulliad. Mae'n glir oddi wrth yr hyn y mae'r Gweinidog yn ei ddweud nawr na fydd Llywodraeth Cymru yn cyflwyno'r cyfle hwnnw i Aelodau, ac felly, yn yr ystyr honno, mae nifer ohonom wedi cael ein camarwain ynglŷn â bwriadau Llywodraeth Cymru ar y mater hwn.</p>	<p>that it is perfectly reasonable for us to come to the conclusion that the Government will give us the opportunity to look at this issue again, and that is why many people did not vote for that amendment, on the presumption that this issue would be raised again by the Government in the current term of the Assembly. It is clear from what the Minister says now that the Government will not now present that opportunity to Members, and so, in that sense, many of us have been misled about the intentions of the Welsh Government on this issue.</p>
<p>[65] Leighton Andrews: I have to say that I totally disagree with the Member. He has been a Minister, and he knows how important it is that Ministers are precise in what they say to the Assembly.</p>	
<p>[66] Jocelyn Davies: I have been a Minister, and you cannot say that there will be another legislative opportunity because the opposition is going to table an amendment in the future. What a ridiculous thing for a Minister to say.</p>	
<p>[67] Leighton Andrews: Well, I am sorry about that, but the question of whether or not there is a legislative opportunity is not one for the Government necessarily to decide; it is one for the Assembly to decide.</p>	
<p>[68] Jocelyn Davies: But how could the Minister give a commitment that there would be one, then? They can only give commitments on behalf of the Government, surely.</p>	
<p>[69] Leighton Andrews: Well, my answer to that would be that we are currently considering the issue in this committee. You have asked me questions on it. It is open to Members to bring forward amendments. Therefore, there is a legislative opportunity. That is not the same thing as saying that the Government will itself bring forward an amendment.</p>	
<p>[70] Rhodri Glyn Thomas: Can I assure you, Minister, that an amendment will be tabled on this issue?</p>	
<p>[71] Jocelyn Davies: You are forewarned, Minister—there will be several, I imagine.</p>	
<p>[72] Leighton Andrews: I have no doubt of that.</p>	
<p>[73] Christine Chapman: Can I just ask, Minister, before we move on to another section, bearing in mind the weight of evidence that we have received in this committee from stakeholders on this very important issue, are you going to be considering this with your ministerial colleagues, bearing in mind the history and legacy of previous Governments to support this? I just wonder whether you will be looking at this with your Government colleagues.</p>	
<p>[74] Leighton Andrews: First of all, let me say that there is a convention, of course, that no Government can bind the hands of its successors. It seems to me that what the Deputy Minister for Social Services said at the time was very clear. She made reference to the current Welsh Labour consultation exercise on this issue, and, clearly, Ministers will give consideration to the evidence brought forward in that and any other evidence, but it is not the</p>	

intention of the Government to bring forward such an amendment.
[75] Christine Chapman: Right, if we can move on—sorry, Gwenda; do you want to—
[76] Gwenda Thomas: I do not know what my status is to come in on this, but there are legislative opportunities, as the Minister has said, apart from using an issue like we are dealing with now, and that is an opportunity for the committee to consider an amendment, or, indeed, any individual Member. I am also keen that this move forward, and, speaking off the top of my head, that it move forward on a cross-party basis and that individual opportunities arise there as well. I think that, when we look at legislative opportunities, it is very wise to look at the wider picture. I would think that moving forward on a cross-party basis would give this the impetus it needs.
[77] Jocelyn Davies: That is what this committee is.
[78] Christine Chapman: Yes. This is why, obviously, we are looking at a cross-party group. Okay. If we can move on now then to another section, Gwyn, would you like to come in on that one?
[79] Gwyn R. Price: Good morning, Minister. How will the national strategy improve on ‘The Right to be Safe’ strategy as it is at the moment?
[80] Leighton Andrews: Clearly, it will build on ‘The Right to be Safe’ strategy. We are very pleased with the progress that has been made through that strategy. It is important to bear in mind what we are doing within the legislation, which is to put in place a statutory framework for the development of a national strategy. There will be, obviously, opportunities within that to ensure that the local strategies developed subsequently are compatible with, build on, and supplement the national strategy.
[81] Gwyn R. Price: Yes. So, you are saying that the local strategies must be linked together because we do not want duplication, really, of the strategies. So, you are fully aware of that.
[82] Leighton Andrews: Well, in a sense, the national strategy is likely to be partly realised by the delivery of local strategies. It is also the case, I guess, that, in some areas, there are going to be some issues that will predominate and which will be less relevant in others. There may be issues relevant to urban areas that are not so relevant to rural areas, and vice versa. So, I think it is important that there is a degree of flexibility within the delivery of local strategies, but clearly we want them to adapt to and support the overall national strategy.
[83] Gwyn R. Price: Thank you. On another question, why are the perpetrator programmes omitted from the Bill?
[84] Leighton Andrews: Well, I am not sure that they are omitted, because, clearly, the Bill has a bearing on all persons affected by issues of gender-based violence, and that would, of course, include perpetrators as well. Therefore, I do not think that they are excluded.
[85] Gwyn R. Price: We have had evidence that organisations think that it has been left out.
[86] Leighton Andrews: Well, I am assured that the legal terminology means that all perpetrators are included within this, so I do not think that that is the case.
[87] Christine Chapman: Alun, do you want to ask some questions?

<p>[88] Alun Davies: Yes, thank you. In earlier evidence, Minister, you made the point that the Bill itself does not create new offences, but creates a context within which existing offences can be better dealt with. In that context, and following on from questions that you have just answered from Gwyn, in terms of local strategies I am not entirely clear how the Bill sits and fits together. Sections 4 and 5 include a provision that local authorities and health boards publish and review local strategies. We have a national strategy. How will the national strategy and local strategies fit together, and will you as a Minister have a role in agreeing each of the local strategies?</p>
<p>[89] Leighton Andrews: Okay. There is a series of questions there. I think that the Member may be aware that we have already produced statutory guidance in draft form in a number of these areas. Therefore, I think that we would have an expectation, obviously, that, in the drawing up of local strategies, local authorities, local health boards and others would have regard to what we have said as a Government. We would, obviously, have the ultimate power in the Bill to make it clear that we were not satisfied with the local strategy that had been drawn up.</p>
<p>09:45</p>
<p>[90] Alun Davies: ‘Not satisfied’—does that mean that you would need to agree a strategy before it becomes live?</p>
<p>[91] Leighton Andrews: Well, I think that there are stages to this, in the sense that I would have some minimum expectations, I think, of what a local strategy might include, and I think that that would need to be conveyed to those involved in the drafting of local strategies early on. I think that what we would expect then is for them to come forward with those strategies. If we felt that the strategy did not conform with the way that we believe that that strategy should be taken forward, then we would have a role in making that clear to those drawing up the strategy. I think that that is a sufficiently adequate process.</p>
<p>[92] Alun Davies: It might be an adequate process, but I am not sure that it is an adequate answer. What is your role? You say that you might have a role. Now, is that role for Leighton to come and have a cup of coffee with a local officer and provide friendly advice, or is it Leighton—</p>
<p>[93] Leighton Andrews: That sounds very unlikely. [<i>Laughter.</i>]</p>
<p>[94] Alun Davies: Or is it Leighton turning up at the front door with a—.</p>
<p>[95] Leighton Andrews: I think that there are a number of elements. In drawing up a local strategy, they will have to have due regard to the national strategy.</p>
<p>[96] Alun Davies: Well, let us look at that. Is it ‘due regard’ or ‘implement’?</p>
<p>[97] Leighton Andrews: Well, they have to have due regard.</p>
<p>[98] Alun Davies: So not ‘implement’? So, what is the national strategy then?</p>
<p>[99] Leighton Andrews: Well, hang on a minute, hang on a minute. The national strategy is for the Minister and the ministerial adviser to deliver—it is not for those in local health boards and local authorities to deliver. However, in drawing up their own local strategies, they must have due regard to the national strategy. The ministerial adviser, of course, will have a very key role, potentially, in also ensuring that those local strategies are appropriate.</p>

[100] Alun Davies: But the national strategy is nothing without a local strategy.
[101] Leighton Andrews: Well, I would agree with you. That is why we are legislating for both.
[102] Alun Davies: But you are not saying clearly, then—you were very clear in an earlier exchange, and it seems like clarity now—that the local strategy actually delivers the national strategy.
[103] Leighton Andrews: No, it does not deliver it—it is one element in delivering it. However, we can issue guidance on the drafting of local strategies and—
[104] Alun Davies: Who agrees the local strategy?
[105] Leighton Andrews: Well, the local strategy will need to be agreed by a number of different agencies, and it would be sensible, of course, for local authorities and local health boards to talk together, but they will also need to talk to organisations such as the police and others.
[106] Alun Davies: So, where does the buck lie?
[107] Leighton Andrews: Well, I think that that is a very fair question, in that it is often difficult, sometimes, to prove local accountability when a number of different agencies are involved. Now, clearly, what we will seek to do is to ensure that, across the whole of Wales, there are clear local strategies, with clear responsibilities, for named local organisations.
[108] Alun Davies: So, where does the buck lie?
[109] Leighton Andrews: Well, there may be an action that is the responsibility of the local authority—
[110] Alun Davies: Who owns the local strategy?
[111] Leighton Andrews: Well, that needs to be determined; I think it is at a local level. However, we will have a—
[112] Alun Davies: Is it the local authority?
[113] Leighton Andrews: It might be the local authority. However, I think that it will depend on what has been agreed locally in terms of the range of issues that are most relevant to that area. Some issues will be—. It is quite common, I think, when you are developing strategies in a number of areas of the public services, in collaboration, that one organisation is the lead organisation. The Bill, of course, places the duty jointly on local authorities and local health boards.
[114] Alun Davies: So, I presume—and I am quite new to this role, as are you, Minister—that there will be a series of performance indicators and targets and timescales within these sorts of strategies. However, who will be pressing the button if that strategy is not delivering?
[115] Leighton Andrews: I think that you need to explain to me what you mean by ‘pressing the button’.
[116] Alun Davies: Well, if we agree a strategy in January, how will we know, in

November or December, whether that strategy is succeeding or not? If it is not succeeding, who says, 'It is not succeeding, it needs to change'?

[117] **Leighton Andrews:** Well, I think that that is where I would expect the ministerial adviser to have a very significant role in identifying where local strategies are not delivering.

[118] **Alun Davies:** So, at the end of the day, it is a Minister who determines these matters—it is not locally.

[119] **Leighton Andrews:** Well, accountability does not work just in one direction, does it? Let us be clear about that. What is important is that these local strategies are owned by local authorities, by local health boards, and by other local organisations, and that representatives of the third sector in the locality and others have a feeling that they have both a role in the development of the strategy and its operation and execution. So, I would expect there to be multiple levels of accountability, if you like, but we will be keeping a close eye on it, if that is—

[120] **Alun Davies:** That sounds like no accountability at all, Minister, I have to say. *[Laughter.]*

[121] **Leighton Andrews:** Oh, come on, Alun.

[122] **Alun Davies:** I am sure that that is something that we can revisit at later stages of scrutiny.

[123] **Christine Chapman:** Before I bring in Gwenda Thomas, may I ask this, Minister? Going back to Alun Davies's question, you talked about stakeholders—a multiple level of stakeholders. Do you not agree that, sometimes, these stakeholders feel quite inhibited about scrutinising such policies, because of the relationships that they might have with local authorities? Do you think that that could be a weakness and that it could weaken this Bill?

[124] **Leighton Andrews:** I do not think that it is a weakness, but I think that the challenge that you identify is absolutely right; it is sometimes a very difficult role for stakeholders that are service providers and may be dependent on a local authority or, indeed, a local health board for funding and operational support. However, that, I think, is where the role of the ministerial adviser, working in conjunction with those groups, can be very valuable.

[125] **Christine Chapman:** Thank you. Gwenda is next.

[126] **Gwenda Thomas:** My question hinges on that and the Minister has already touched on it. I want to ask whether you anticipate the involvement of the third sector as equal partners in the development of both the national and local strategies, being as this has proved so successful in other fields.

[127] **Leighton Andrews:** Well, given the importance of third sector organisations in this field in particular historically, I think it is inevitable—not just inevitable, but important—that they do have that role. To be honest with you, much of the best practice in this area has developed through the work of third sector organisations over a long period of time.

[128] **Christine Chapman:** Mark is next.

[129] **Mark Isherwood:** Very much developing that theme, you talk about a role in the development of strategy: should that be full and equal strategic partnership or a role after the statutory bodies have determined the direction of travel? I am thinking of the police, for

example, in north Wales. The commissioner is already developing their own new strategy in parallel. In Flintshire, for example, evidence to a previous inquiry of a predecessor committee to this showed that it has a children's cross-agency panel that normally meets weekly, I think, with all of the statutory agencies and the key local third sector agencies providing services, looking at individual cases and how it can collectively address them, but also the broader approach. Therefore, should there not be a requirement that that strategic involvement should be based on equal involvement, from inception, to ensure that that collective expertise is captured?

[130] **Leighton Andrews:** In principle, I would agree with you. I think the difficulty for us in legislating, however, is that we have to place duties on public bodies. Therefore, we are placing duties on local authorities and health boards in this area. We cannot, within the context of legislation, place duties on third sector organisations and non-governmental organisations in that way. There are also limits, of course, to what we can say in respect of organisations that are not, as it were, accountable to the National Assembly or the Welsh Government, because they are non-devolved. However, as we proceed and as we develop statutory guidance and so on, I think we can certainly try to ensure that there is a requirement on local authorities and local health boards to undertake what you have suggested.

[131] **Christine Chapman:** Thank you. Do you want to ask any other questions, Mark?

[132] **Mark Isherwood:** My own suggested questions, yes. Coming back to the paper, I will move on to guidance and performance management of specific issues. As you are aware, what has become known as the opt-out clause would allow local authorities not to follow statutory guidance if they decided on an alternative policy and if they consider that there is good reason not to follow that guidance. In what kind of situation do you envisage that being used?

[133] **Leighton Andrews:** Not many. Let me start by saying that we do not regard this as an opt-out clause. They can only depart from the guidance if they are able to propose an alternative and if they have a very good reason not to follow it. For example, they might already have—and I think this is the point that you were making—an effective multi-agency structure in place and it would be counterproductive to dismantle that to adhere to our collaboration guidance, strictly. However, we would need to be satisfied that the model would work before we would agree to it.

[134] **Mark Isherwood:** So, you have to be satisfied? My understanding is that sections 14 to 16 state that the authority must consider that there is good reason. So, you would have to be satisfied.

[135] **Leighton Andrews:** Well, there is a power in section 16 that enables the Welsh Ministers to direct authorities to follow the guidance. So, we have that power, which you can call a backstop power, if you like.

[136] **Mark Isherwood:** Okay. Witnesses to the committee have also raised issues regarding the national training framework and have suggested that it should go further than public sector employees to include wider contractors and service providers. How do you respond to that?

[137] **Leighton Andrews:** I am certainly willing to hear those representations. We have published the draft guidance on the national training framework, as you are aware, and we would therefore invite comments on that. If there are good reasons for us to respond to that, I would be happy to consider that.

[138] Mark Isherwood: So, the flexibility does exist.
[139] Leighton Andrews: I think that we have been quite upfront with the committee, as I said, in publishing the draft guidance on, among other things, the national training framework. So, there is every opportunity to make further representations if people think that there are weaknesses within it. I am told that some outside organisations have in fact already signed up voluntarily to it.
[140] Mark Isherwood: Okay. Are you aware that the language of the Bill, in the context of guidance, uses the term 'may' rather than 'shall' or 'must'? How do you respond to the concerns raised by almost every witness to this committee that that should be strengthened from the word 'may'?
[141] Leighton Andrews: We discussed this in the Constitutional and Legislative Affairs Committee meeting on Monday. I think that 'may' is the traditional way in which these issues are set down in legislation. I would certainly expect to be making that guidance. We have already, as I said, published some guidance in draft.
[142] Mark Isherwood: That guidance being the 'may' guidance.
[143] Leighton Andrews: We have published three elements of guidance in draft. We have used the word 'must' in section 14 in respect of local strategies, because we want there to be no doubt about the obligations that we expect to be there for local organisations such as local authorities and local health boards.
[144] Jocelyn Davies: On that point, in section 17, you say that Welsh Ministers 'must' appoint a person. So, you use 'must' sometimes for what Ministers should be doing.
[145] Leighton Andrews: Yes, but there is a difference, I think, when something very specific is being introduced, such as that appointment. The power in section 12, where 'may' is used, is a relatively broad power, and the exercise of that power is not limited to those specified examples. So, I think that language has to be appropriate, and I think that the language is appropriate.
[146] Mark Isherwood: Who will be involved in the design of the proposed performance indicators, and when do you envisage those being published?
[147] Leighton Andrews: Well, there would need to be a wide conversation on the development of those performance indicators, and I would welcome input on that.
[148] Mark Isherwood: Including service providers?
[149] Leighton Andrews: Oh, absolutely, Mark, yes.
[150] Christine Chapman: Thank you, Minister. We will move on now to questions from Janet Finch-Saunders.
[151] Janet Finch-Saunders: Will you reconsider the Welsh Government's position regarding the independence of the ministerial adviser? If not, how do you respond to the suggestion that there needs to be arm's-length scrutiny of the Welsh Government on this issue?
[152] Leighton Andrews: I think that the adviser is an important role, and it is important that it is close to Government in the sense that we are looking for someone of substance, with

<p>expertise in the area who can make a real contribution to the development of the national strategy and obviously have oversight of the local strategies. The role will be appointed under normal public appointment procedures; therefore, I think that people can have an expectation that the person appointed will have a clear sense of public responsibility and public duty.</p>
<p>[153] Janet Finch-Saunders: Okay. Why does the adviser's role as it currently stands not have the power to sanction authorities and conduct investigations?</p>
<p>[154] Leighton Andrews: Well, I am happy to give further thought to that issue, but, at the present time, I think that we feel that the actual powers of sanction are powers that Ministers should hold.</p>
<p>[155] Janet Finch-Saunders: I have one final question. Does the proposed appointment of a future generations commissioner suggest that the Welsh Government places a higher priority on sustainability than on gender-based violence—although you have made your statement earlier?</p>
<p>10:00</p>
<p>[156] Leighton Andrews: No, I do not. What we are trying to do here is put this right at the heart of Government, and I think that we are doing that with this Bill.</p>
<p>[157] Christine Chapman: There are a number of Members who have questions on this. Jocelyn first, then Alun and then Peter.</p>
<p>[158] Jocelyn Davies: You have said that the ministerial adviser may be a civil servant, and that you were going to give that some more thought. I guess that that is why it says that you 'must appoint a person', but then says later that you 'may pay expenses' and pensions and so on and set up an office. Are civil servants allowed to criticise the Government?</p>
<p>[159] Leighton Andrews: No, the expectation is that the ministerial adviser would not be a civil servant.</p>
<p>[160] Jocelyn Davies: In committee on Monday, you said that it could be.</p>
<p>[161] Leighton Andrews: I will have to go back and check what I said, but I will take you on your word. If I did, then I was mistaken.</p>
<p>[162] Jocelyn Davies: Okay. That is nice and clear then, because I was concerned that civil servants are not allowed to criticise Governments, and we would certainly not want to have someone in this position who, if they wanted to, was not able to criticise the Government that they were advising on this at any time in the future. Would you consider whether it might be appropriate perhaps for this adviser, because of the role, to have a structural relationship with the third sector?</p>
<p>[163] Leighton Andrews: Sorry, what do you mean by 'structural relationship'?</p>
<p>[164] Jocelyn Davies: Whether there could be something that you set up, such as a steering committee or whatever, that advises this ministerial adviser from the third sector. It does not have to be in the legislation.</p>
<p>[165] Leighton Andrews: I am certainly open to that. We have a working group that has representatives of the third sector involved within it at the present time. So, it would seem to me to be very logical to do something similar.</p>

[166] **Alun Davies:** It is the role and status of the ministerial adviser that concerns me. We had a good exchange on Monday at the constitutional affairs committee, but I am seeking absolute assurance from you, Minister, on the independence of this role and the structural independence from Government. You have assured us now on two occasions that a civil servant will not be appointed to this role, and we accept that assurance, and I think that people welcome that. However, I am concerned that, within the job description, if you like, or the structure of the role, there is independence hard-wired into that—whether it is a non-repeat appointment, or whether it is ensuring that the secretariat for this adviser is not provided by civil servants. However it is structured, I am quite agnostic on that, but my concern is that there is a significant independence from Government and that this adviser has the ability to give public advice to Government.

[167] **Leighton Andrews:** Well, I am not sure that I can give you that assurance, because I am not sure that there will be structural independence from Government, and I am not sure that that is the purpose of the role of the adviser. It is quite possible that support to the adviser might come from within Government, but I think that what we are looking for here is to appoint someone of considerable standing and expertise in the area, and someone, therefore, from whose opinions Government would be unwise to diverge unless there were very, very good reason indeed.

[168] **Alun Davies:** However, those opinions will be public, of course.

[169] **Leighton Andrews:** Well, some of them may be. In this world, nearly everything is available under freedom of information, but in practice, I am not sure that all advice would necessarily be public. Given the nature of this subject, there might be issues that you would not want to become public, one might say.

[170] **Alun Davies:** There might be issues around people, individual cases and operational issues that you would not wish to make public. I think that we are aware of that and we accept that. However, we discussed earlier where responsibility lies for local strategies. If there is going to be an adviser providing advice to Government, and if there is going to be scrutiny of Government decisions, then that advice needs to be made public, surely.

[171] **Leighton Andrews:** I am not going to give that commitment here, Chair, because I want to reflect on it. In an area as sensitive as this, I think that there could be areas that Members would well understand where there might be occasions on which advice from this adviser might be too personal and too confidential to be made public, and I would not want to be bound by a statement today around the concept of advice that might endanger that.

[172] **Alun Davies:** We all accept that there would be exceptions; however, the principle must be that advice is made public and that that advice is provided independently of Government.

[173] **Leighton Andrews:** I think that I want to reflect on that before I come forward with statements that might be unwise.

[174] **Christine Chapman:** Before I bring Peter in, Minister, I just want to follow on from Alun Davies's question. I know that you said that you will be reflecting on this, but what difference will there be between this new role and the other roles that you already have in Government? You have advisers in Government now on a whole range of issues who work within Government. Why do we need a special person when you could get this person from within the team? What difference is the role going to make, because there is money involved in this as well?

[175] **Leighton Andrews:** Well, yes, there is a series of differences, is there not? This is a statutory role, with statutory powers. Most ministerial advisers under whatever heading do not have a statutory role in that sense and they certainly do not have the powers that we are suggesting we give to this ministerial adviser. So, it is not just a budgetary question, and it is actually a very responsible position with very clear duties and powers.

[176] **Peter Black:** Is part of the problem, Minister, the title of this particular role? You have ministerial advisers and you are appointing a ministerial adviser who you yourself have said will have a much different role to those that other advisers are bringing forward. Is there going to be a problem in terms of people's perception of the role because that person is called a 'ministerial adviser'? Would you not consider maybe changing the name? We have an anti-human trafficking co-ordinator, for example. What about a national gender-based violence co-ordinator, or something along those lines, which might give people a better perception of that person's being independent and mean that they are better able to work with them?

[177] **Leighton Andrews:** I am not sure that I would like the title 'co-ordinator' for this role, but I am certainly prepared to reflect on the title. The importance, really, is the nature of the function, duties and responsibilities, but let me reflect on that. It is not set in stone. I would want to go back to work my way through some of the rationale as to why we have come to this conclusion. However, I think that people can get a bit hung up on the title, to be honest. What we are doing here is creating a real role with very significant responsibilities and, indeed, powers.

[178] **Peter Black:** I think that my concern is that people may get hung up on the title when trying to deal with this person. They will see the person as an extension of the Minister, which, to an extent, they are, without actually seeing the other role that the person is going to take.

[179] **Leighton Andrews:** What the role does is introduce transparency into this area, but I think that it is also important for it to be seen as being close to Government, because this is about putting the national strategy and the supervision of local strategies right at the heart of Government.

[180] **Christine Chapman:** Gwenda, do you want to come in?

[181] **Gwenda Thomas:** Some of the evidence to the committee has suggested that there might be an overlap between the role of this special adviser and the anti-slavery co-ordinator. I think that that is a very important issue, because the anti-slavery co-ordinator is in touch with people, and we know that the evidence is building about the possible increase in trafficking. How will you use that to ensure that there is a complementary role, rather than a conflicting role, developing between these two very important posts?

[182] **Leighton Andrews:** I think that that is a fair point. There are clearly some areas of overlap. What we will need to do is work through with both roles where that overlap exists, and who should have the lead responsibility for tackling particular issues. There may be areas where they will need to work together, and that should be understood.

[183] **Christine Chapman:** We will now move on to Mike Hedges.

[184] **Mike Hedges:** My questions are on definitions. Perhaps we could start by agreeing one thing: that definitions are critical and that they are going to become the standard understanding. It is important that definitions used by the Home Office in areas under its responsibility and the definitions used by Welsh Government in its areas of responsibility are

the same. If they are not, people are going to get confused. My understanding is that, under the Home Office, coercive control is included in its definition, but, in your set of definitions, it is not. Are you going to rectify that?

[185] **Leighton Andrews:** I certainly agree with you about the need for consistency in definitions, with those used more widely, including by the Home Office. I think that coercive control is captured within the definition of abuse, because the exercise of coercive control requires some form of physical, emotional, psychological or financial abuse. I will review the explanatory notes of the Bill in order to confirm this.

[186] **Mike Hedges:** It is not in section 21. It is not mentioned in section 21 as far as I understand.

[187] **Leighton Andrews:** I will certainly be looking at the evidence that has come to this committee, and the views of this committee, and I will review these issues in respect of the definitions as we move to Stage 2.

[188] **Mike Hedges:** On financial implications, do you think that there will be an increased demand for services? If there is, how are they going to be funded? Will there be savings in some areas? I have yet to hear about anyone who does not say that money spent will save money on health, but we have yet to see the health boards actually managing to show it anywhere. Do you see any savings in one place and additional costs in others, or do you think that it will be cost neutral? If it is going to cost money, who is going to fund it and how?

[189] **Leighton Andrews:** You are about to take me into a big debate, I think, on prevention and outcomes. Clearly, there is a very important role within the national and local strategies for preventative work. Obviously, one hopes that preventative work ultimately leads to a reduction in the need for other services. However, we also know that preventative work sometimes can help to uncover previously undiscovered issues. I think that it is a judgment that we will have to make as we move forward. We have done the required regulatory impact assessment and the financial cost assessment within that. I think that these things are difficult to judge and, at this stage, I do not want to go further than we already have within the explanatory memorandum.

[190] **Mike Hedges:** Perhaps now is not the right time but, at some stage, if it becomes law, someone will be picking up tabs and someone may well be making savings. I find it difficult to believe that it will be cost neutral for everyone. I am sure that you find it difficult to believe that it will be cost neutral for everyone. So, do you have any thoughts as to how you might deal with it, or will you come back and tell someone else something about that at a later date?

[191] **Leighton Andrews:** The previous Minister, obviously, has increased the budget in this area marginally in advance of the Bill. I think that these are genuinely difficult issues to calculate, to be honest with you, and I do not think that I have anything further to add on that point. I think that the reality of this is that, at this stage, quite a lot of what you are suggesting is speculation and what others are suggesting is speculation. We know that there are services in the community currently being provided by local authorities, by third sector organisations, by health organisations and so on. I cannot tell you at this stage whether the Bill is going to lead to an increase in the use of those services, or whether prevention is going to lead to a reduction. I think that it would be premature to make those assessments.

[192] **Mike Hedges:** When you produce a Bill, do you not have to come up with cost—

[193] **Leighton Andrews:** We have. That is what I am saying. I do not wish to go beyond what we have already put to the committee.

[194] Mike Hedges: Okay. Perhaps, in another committee, we may well want to go into it in greater detail.
[195] Gwenda Thomas: In regard to the financial implications—and I have become aware of the ‘ask and act’ guidance that I was not aware of, and the opportunities that that would bring, and that coupled, I think, with what we hope will be the increased awareness of gender-based violence, both through this Bill and this procedure, and a wider public knowledge—what assessment have you made of the possibility of an increased demand for services?
[196] Leighton Andrews: I think that the evidence that we have is that we would expect, in the short term, that the ‘ask and act’ guidance might well prompt an increase in demand for specialist services, and we will expect to see local needs assessments and local strategies to take account of that as service provision is planned. We are therefore reviewing our current funding strategy to identify the most appropriate model going forward to support this. Clearly, there are already services in place, but we think that that guidance might lead to an increase in service use.
10:15
[197] Christine Chapman: Are there any further questions?
[198] Gwenda Thomas: Yes. On 17 July, the former Minister told this committee that she was looking to increase the budget for gender-based violence. Have you been successful in that?
[199] Leighton Andrews: Yes, the budget has been increased, as I said, marginally, from I think around £4 million to around £4.1 million.
[200] Ms Rhodes: There has been a capital increase.
[201] Leighton Andrews: Thank you—the capital has increased from £300,000 to £900,000.
[202] Gwenda Thomas: On the obligations of the Bill, do you think that they might divert resources away from the front-line services?
[203] Leighton Andrews: Sorry, the obligations—. Oh, I see what you mean. I think that, if there is proper planning in terms of the strategies at the beginning, I do not see that that should be the case. What is important, I think, is that, in drawing up the strategies, people utilise the skills and expertise that exist locally, particularly from service users in drawing up those strategies.
[204] Christine Chapman: Mark, you have some questions.
[205] Mark Isherwood: Yes. I think that you have just stated that you expect the local strategies to assess demand in designing the services provided. There is already a framework of service provision, some of which is cross-border and some of which is Wales only. There are pre-custodial perpetrator programmes, which we have taken evidence on, such as the SARCs, the IDVAs and ISVAs—sexual assault referral centres, independent domestic violence advisers and independent sexual violence advisers—and so on. To what extent do you believe that this legislation should directly acknowledge the existence of those frameworks of service supply and require their integration into the strategies?

[206] **Leighton Andrews:** I am not sure that the legislation needs to do that. I would expect that to be within the guidance. I think that everything we have said, including the question of whether we would allow local authorities and health boards to diverge at all from the national strategy in the way they develop their local strategies, means that account will be taken of existing arrangements.

[207] **Mark Isherwood:** Is there not a danger or risk that if we do not specify, for instance, refuges, which is another example, within the requirements of the strategy that, at a time of squeezed budgets, those could be stepped around and that the joining-up might therefore be missed?

[208] **Leighton Andrews:** Again, I think that it is a matter to deal with in guidance. However, certainly, I would expect the needs assessment to pick up existing service provision and gaps or opportunities within it.

[209] **Mark Isherwood:** Okay, thank you.

[210] **Christine Chapman:** I do not think that there are any other questions, Minister. So, I thank you and your officials for attending today. It has been a very interesting session. We will send you a transcript of the meeting to check for factual accuracy. Thank you very much.

[211] **Leighton Andrews:** Thank you.

[212] **Christine Chapman:** We are ahead of time. We are trying to contact the next panel of witnesses. They may be able to come earlier. So, I am going to suggest that we take a short break now until 10.35 a.m. I know that some members of the panel are already here, but we need to wait for the others as well.

[213] **Jocelyn Davies:** If they are not here, we can discuss the evidence we heard earlier, because that will save a bit of time later.

[214] **Christine Chapman:** That is fine. We will do that.

*Gohiriwyd y cyfarfod rhwng 10:19 a 10:39.
The meeting adjourned between 10:19 and 10:39.*

**Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru):
Sesiwn Dystiolaeth 7 (Y Trydydd Sector)
Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill:
Evidence Session 7 (Third Sector)**

[215] **Christine Chapman:** I welcome our panel this morning, First of all, may I welcome Simon Borja, project development officer at the Safer Wales Dyn Project, and Mark Brooks, chairman of the ManKind Initiative? Welcome to you both. The Members will have read the evidence that you have already sent in, so, if you are happy, we will go straight into questions. I see that you are. Thank you very much.

[216] I want to start off with a broad question about the scope and purpose of the Bill. Could you give me your views on the purpose and scope of this Bill? Who would like to start?

[217] **Mr Borja:** I will start. I think that it is a welcome Bill. It has a lot of scope and a lot of purpose. I think that there are issues around the name and the terminology, which I am sure

that we will come to. However, in principle, there is a lot of scope in the Bill.

[218] **Mr Brooks:** We also recognise and fully support the intentions of the Bill. For us, we think that it is a real step forward in ensuring that there is full service provision and recognition for male victims of domestic abuse and it puts them on an equal footing to the services and support for female victims. We greatly welcome this Bill.

[219] **Christine Chapman:** Do you think that there is a need for this legislation or could the aims of the Bill simply be achieved through policy and existing mechanisms? Is there a need for the legislation?

[220] **Mr Borja:** I would say ‘definitely’. It needs to be driven from Government. The issue has been held in the third sector with organisations like ours. We need to be driven.

[221] **Mr Brooks:** I would fully echo what Simon said.

[222] **Christine Chapman:** I am going to bring Jocelyn in. I do not know whether you know that the Minister made an initial statement regarding the title and the slight change in scope. Jocelyn, do you want to come in on this?

[223] **Jocelyn Davies:** Yes. I do not know whether you were able to see the session—I know that you say that you did—but the Minister made an announcement this morning that there will be a new section in the Bill on violence against women. We do not know yet whether that means that the title of the Bill will change. Obviously, I very much welcome that. Do you think that all victims of gender-based violence, domestic abuse and sexual violence are adequately represented by the Bill, bearing in mind that there will be a change that acknowledges the issue of violence against women? Have you got anything in particular to say about children, young people, men and boys? Simon, do you want to answer?

[224] **Mr Borja:** For us in Safer Wales, to put this in the Wales context, Wales has always recognised the issue of male domestic abuse, with the setting up and the continued funding of the Dyn project. We are quite far ahead with this issue. I strongly believe that the term ‘violence against women’ does not exclude boys and men, because this disproportionately affects many more women than men—that is a fact. That is not something to minimise or degrade men’s experiences; that is really important. We are very practical. We are an operational project, so we do this every day. We support men, so we know that this is real.

[225] **Mr Brooks:** In terms of our view, we take a different view to Simon and some of the submissions that have been put forward. It obviously depends on the detail in terms of what the Minister has put forward. We feel that if you include the title ‘women’ in the name of the Bill and in a particular section, it is quite catastrophic for male victims in Wales, and that is not just men in heterosexual relationships, but same-sex relationships, and also their sons and, importantly, their daughters. The reason that that is important is that we do not want to create second-class victims in Wales or anywhere in the UK. A victim of domestic abuse or sexual violence is a victim of domestic abuse or sexual violence. Their gender, race and ethnicity are important factors, but are very much secondary. Any emphasis on female victims, and not a parallel emphasis on male victims, means that male victims in Wales would be second-class victims. What that means in reality is that when statutory bodies are looking to apply this Bill and to put it into practice, as the Bill sets out in the strategies, if there is a focus mainly on women, they naturally will not include men as equals to women in their strategies, their commissioning services and their awareness campaigns. That is a real concern. So, there is the theory and ideology, but it is the practice on the ground. Wales is the best place in the UK for male victims. There are more services and more refuge places per member of the population in Wales than anywhere in the UK, but it still is not enough. We see 2,500 men

every year going to the four Welsh police forces as victims. So, if you include women in the name of the Bill, and a specific section, you are marginalising male victims.

10:45

[226] If you look at the Homelessness Act 2002, in Wales—remembering that 90% of homeless people in Wales, and in the UK, are men—that Act is just called the Homelessness Act, because it means that it applies to the 90% men and also the 10% women. Now, why would you therefore insert a clause or a name into a Bill that applies to both female victims and male victims in the same way? The Welsh Government and Assembly did not do that for the Homelessness Act, so why would it do for this Act? It is the same principle. That would be the challenge, I would say, to all of you in your report, but also to the Minister: you did not put a gendered term in the Homelessness Act, so why would you do that now?

[227] **Jocelyn Davies:** You mentioned that things are much better in Wales in terms of services and men being prepared to come forward, and I think that we have heard evidence that Wales is internationally recognised as being progressive in relation to this issue of violence against women, and that has been the focus of that over many years, for many people. Do you think that that progression has been an advantage to male victims as well? Otherwise, how do you account for things being better in Wales?

[228] **Mr Brooks:** In terms of being better in Wales, I think that it is down to the individual organisations, rather than the Government or statutory authorities actually being progressive. Lots of those organisations have set up services themselves, because they have seen the local need, rather than actually being prompted or asked to do so by local authorities. I am not so sure on the Safer Wales initiative, in terms of the Dyn project, but, certainly, on some of the refuge provision, Montgomery family crisis service is a case in point, where it actually set up a refuge itself. Also, in north Wales, we had an organisation that used to be part of Women's Aid—which does a brilliant job in Wales—that decided, off its own back, to open its doors to male victims, and also to change its name, to make sure that any service user in north Wales, as well as the police, and all the wraparound services, know full well that that service, in north Wales, is actually for female victims, rightly, and also for male victims. So, this has been driven from the grass roots, not by Government policy.

[229] **Jocelyn Davies:** Okay.

[230] **Christine Chapman:** Simon, do you want to come in now?

[231] **Mr Borja:** Yes, just to put a Safer Wales perspective. Our strapline is 'Everyone has the right to be safe'. So, I could stand up here and say, 'Any victim of domestic abuse, you come to us for help, whoever you are—whether you are male, female, LGBT, you come to us, because we will help you'. However, we have specific services: we have the women's safety unit for women, and we have the Dyn project for men. Now, I would argue to consider that the success of the Dyn project is because it is specifically for men—it is not for women—and the women's safety unit is for women. That is the rationale.

[232] Two years ago, we received 531 referrals from Cardiff domestic abuse unit. That says that the work on the ground has worked, because there is a specific service. Practically, in the women's safety unit, we used to have a female advocate, who worked for the women's safety unit, who used to attend multi-agency risk assessment conferences, and who used to work with men. We then decided to put a full-time advocate in, who happens to be male, and now referrals have increased, because everybody knows—multi-agencies know—that that is the project that works for men. I am not saying that it is a one size fits all, but that definitely works for us.

[233] Jocelyn Davies: May I ask whether you would have preferred to have seen the Bill have a rights-based approach, perhaps rights for victims, within it?
[234] Mr Borja: A rights-based approach. I would say that the scope that the Bill has is that any victim can receive help, so—
[235] Jocelyn Davies: But, it does not give anybody rights to help.
[236] Mr Borja: Um—
[237] Jocelyn Davies: Okay, perhaps you can think about that, and send us a note.
[238] Mr Borja: Let me think about it, and I will send you a note. Thank you.
[239] Jocelyn Davies: Mark, do you think that it should have had a rights-based approach?
[240] Mr Brooks: Yes, I do actually, in terms of the people our charity supports. The reason for that is that not only would it raise awareness of the fact that there is support out there for male victims, but it would also drive commissioning strategies, which I think are absolutely vital, and service provision and awareness campaigns. It would also reiterate that all victims of domestic abuse have rights under homelessness Acts and that they also have rights under the Equality Act 2010. Therefore, bringing all of those particular issues together and actually having a rights-based approach would, I think, be really useful, because male victims—obviously, this applies to female victims as well—do not know what their rights are. When they go to the police, when they go to the local council for emergency housing support, and whenever they ring our helpline or the Dyn project, they do not know what their rights are, and they do not think that domestic abuse services and sexual violence services are necessarily for them. So, if those rights were actually brought through, I believe that it would be a real sea change for both female victims and male victims.
[241] Christine Chapman: I have a number of Members now who want to come in. Mark is first, then Alun, and Gwenda.
[242] Mark Isherwood: I know that you referred to the north Wales organisation. I visited it again in the summer and would point out that it is run by women with decades of experience. I would urge you to look at their evidence, because I think it is key. It is about what is really happening in practice.
[243] Turning to the questions, when the Welsh Government's original domestic abuse strategy was brought in, it was on a gender-neutral basis. At that stage, Welsh Women's Aid was saying that it should be gender specific, but specific for both genders. That is, the strategy should incorporate a gender-specific women's approach and a gender-specific men's approach, although there were cross-cutting issues. How do you respond to that?
[244] In terms of Simon's comment about the third sector needing to be driven by Government, is it not more the case that we need the two drivers working in sync, so that both can go forward together?
[245] Mr Borja: I cannot really add much to that. I would agree with that. I think that, even using the 'violence against women' term in local strategies and national strategies, there is still space for men and boys. I do not think that it is ever going to be left out. How that happens on the ground is a different issue. We are working together—and we do work together.

[246] **Mr Brooks:** With regard to the Welsh Women's Aid submission, as I said, they do a grand job in Wales, as they do across the country. The way that I interpreted their submission was that parallel services are fine, and also services that amalgamate support for men and women are fine; it is what is appropriate on the ground. Our concern as a charity is that there are services. I am not worried who provides them or how they are provided, as long as they are provided. My interpretation of the Women's Aid submission was that it was still pushing that the focus of the Bill and the Act and support services in Wales should be very predominantly on female victims. My concern—I come back to the point that I made—is about creating two tiers of victims. There is only one tier of victims: the victims of domestic abuse or sexual violence. I think that the agenda that Welsh Women's Aid has been pushing is to marginalise male victims, I am afraid—and it knows my views on that.

[247] **Mr Borja:** We work very closely with Welsh Women's Aid, particularly with the all-Wales helpline, which is gender neutral. All the helpline staff there have been trained to work with men. We would not exist without working with women's groups, including Welsh Women's Aid and the Women's Safety Unit, Cardiff Women's Aid, Torfaen Women's Aid, et cetera. So, we do work with them, and we are firmly placed within the sector. This 'them over there and us over here' kind of line that we are treading—[*Interruption.*]

[248] **Christine Chapman:** No, sorry. Carry on, Simon.

[249] **Mr Borja:** We are treading this line in which we do not like each other and we just disagree, but we do agree on this being a gendered issue—you know, it does affect men and women, but it affects many more women. That is what we have to keep reminding ourselves.

[250] **Mr Brooks:** I would just add, Chair, that we work with Women's Aid at the national corporate level, and also at local level. Our issue is just the way in which it is driving public policy to be very much focused on women and not all victims. So, I just want to clarify that. We get on very well with them and work well with them. It is just their emphasis on the direction of public policy on which we have a disagreement with them, not local service delivery.

[251] **Christine Chapman:** I still have a number of Members who want to come in. First Alun, then Gwenda and Jocelyn.

[252] **Alun Davies:** Thank you for your evidence. Mark, I listened to what you said in reply to a question a few minutes ago about the gender-specific terms and gender-neutral terms used within the legislation. I accept what you say, but is it not the hard reality that this is about violence against women and girls and that, while there are clearly male victims and there is an issue of violence against men within different relationships—we accept and understand that—absolutely, primarily, this is about violence against women? As legislators and the Welsh Government, when looking at creating legislation and strategies and the work that will flow from that, we clearly need to have recognition that both genders will be affected by that and recognise how that happens in reality, but to argue that this is anything except an enormous issue for women and not for men is, in some ways, not to fully appreciate perhaps where we are as a society.

[253] **Mr Brooks:** In response to that, in terms of services on the ground, we would argue that it is about proportionate services. So, we would not say in Cardiff, for example, that the same level of service provision should be available for male victims as for female victims; what we would say is that the escape routes for male victims and female victims should be available based on need and not on their gender.

[254] I understand the statistics: 20% of victims who go to the police in Wales are men. The Crime Survey for England and Wales statistics show that 4% of Welsh men each year suffer from partner abuse and nearly 5% of female victims suffer from partner abuse. Those figures are produced by the Home Office. My issue is that, if you insert the term ‘women’ in the name of the Bill, and if you have specific sections for female victims, but not specific sections for male victims in parallel, you relegate male victims to being second-class victims. That is absolutely important.

[255] I come back to the British constitution, for all laws and legislation regarding support for individuals, if you challenge the name of the Bill and focus primarily on female victims, then all victims of domestic abuse, I am afraid, when it comes to the reality of the application of this, will not be treated equally.

[256] **Alun Davies:** I do not buy that, I must say; I just do not buy it. I do not accept that. It is a matter for the implementation of legislation how individuals are treated, and each individual should be treated equally. I do not think that there is any question of that. However, this is, at its heart, an issue of violence that is perpetrated against women by men. That is the hard reality of what we are talking about and the experience of people in Wales—and, I presume, elsewhere—today. If this legislation is—not to relegate men to second place; I am not arguing that. What I am saying is that, if it is to take seriously the reality of what this violence is, then, in my view, it needs to have the words ‘women and girls’ in the legislation, not just there as words, as vocabulary, as titles, but within the legislation to create structures that make a reality of trying to tackle these matters. I do not think that that treats men in a second-class way; I think that it recognises the reality of what we are facing in society today.

[257] **Christine Chapman:** Mark, you do not need to respond to that, as, obviously, it is a comment. Simon, do you want to respond?

[258] **Mr Borja:** Just to say that I think that, in Wales, we have moved down the line quite a bit. I know that this Bill is coming in and this debate is happening, which is important, but I think that we are quite far down the line with this issue and this debate. To give you an example, I was invited to speak to year 7 in Maesteg Comprehensive School, which was doing a domestic violence project. They found out that this might happen to men, so they found out about the Dyn project and invited me there to talk. I have to talk about the wider issue, which is violence against women. I have to look at a room of boys and girls and recognise that the girls are more likely to be victims of domestic abuse than the boys. That is our headline figure—that is what we have to deal with.

11:00

[259] **Christine Chapman:** Thank you. I have Gwenda next, then Jocelyn.

[260] **Gwenda Thomas:** Thank you. My question is for Mark. I am a bit concerned with regard to your reference to public policy and the constitution. I wonder whether you are aware of the rights-based approach of the Social Services and Well-being (Wales) Act 2014, which had Royal Assent on 1 May of this year, and which will be implemented from April 2016. This Act, for the first time ever, introduces a legislative base to adult protection, and that does not differentiate between men and women, and there are no age barriers. Child protection is also on the same basis. I am saying this in the hope that it might help with your work and that you become aware of what I think is a radical Act, which should improve protection. Some of these victims, of course, would be the same victims as those we are talking about this morning.

[261] **Mr Brooks:** Thank you very much and I will make sure that our team and our

helpline are well aware of that, so that, if they get calls from Welshmen, they provide them with that information. In many respects, when we get a male victim from Wales contacting us, we signpost them to the Dyn project, to be fair.

[262] **Christine Chapman:** Jocelyn is next.

[263] **Jocelyn Davies:** I am just trying to separate out two different things, and that is that the issue that this Bill is trying to address is violence against women, and violence against women is, of course, in consequence of them being women, and victims, and no victim should be downgraded due to their gender—absolutely not. I think that we need to separate the two things out in our minds. The statistics really convince me. I was looking at the Equality and Human Rights Commission’s consultation response to the White Paper, I think, and not to the Bill, which argued very strongly that the Bill should focus on violence against women. It mentioned there that the research shows that one in nine women report having experienced severe force from a partner, compared with one in 20 men. In 2008-09, domestic abuse accounted for 68% of female homicides and 15% of male homicides. Women were more at risk of serious sexual assault—one in 20, compared with one in 331 men. The ‘How fair is Wales?’ report of the same period said that 90% of known rapes in Wales were committed against females. So, we should not downgrade the experience of individual victims, but I think that we need to separate out the two things—victims, services for victims, and the issue that we are trying to address, which is violence against women based on inequality that exists in our society and in most societies all around the world. I am sorry—that was not really a question.

[264] **Christine Chapman:** I will move on to another Member, then. Peter has some questions now, I think, on another section.

[265] **Peter Black:** Yes. Thank you. The White Paper included proposals to ensure that education on healthy relationships is delivered in all schools, and to place a duty on local authorities to identify a regional champion to promote the issue in educational settings. However, these proposals have not been included in the Bill. Can the Bill fulfil its stated aims and purpose without those proposals?

[266] **Christine Chapman:** Simon, do you want to start?

[267] **Mr Borja:** I think that education is really important, and it is disappointing that it is not in the Bill. It is an opportunity missed. We would recommend a whole-school approach in order to include men and boys within that, but also to engage men and boys as well maybe in specific programmes. So, yes, we are disappointed that it is not in the Bill. Particularly for prevention and attitude change, it is a loss.

[268] **Mr Brooks:** I have nothing else to add to that.

[269] **Christine Chapman:** Mike, did you want to ask a supplementary question?

[270] **Mike Hedges:** Yes. In the common inspection framework 2010, section 1.2.1 talks about relationships in that area. Would it not be easier for it to be dealt with as part of Estyn’s inspection regime, which would mean that it would concentrate the minds of schools dramatically?

[271] **Mr Brooks:** I do not have the expertise to answer that question, I am afraid.

[272] **Mr Borja:** I think that I might have to get back to you on that. Sorry.

[273] Mike Hedges: It is 1.2.1 of the common inspection framework.	
[274] Christine Chapman: It is basically that schools, if they are inspected—	
[275] Mike Hedges: They are being inspected on the wellbeing of children and part of it is about relationships and so on. My question is whether, as part of that inspection, they could do this as well. I think that that would have a greater effect on what they are supposed to do than actually having it in the legislation.	
[276] Mr Brooks: Yes, I would agree with that.	
[277] Christine Chapman: Rhodri Glyn is next.	
[278] Rhodri Glyn Thomas: Diolch, Gadeirydd. Mae adran 58 o Ddeddf Plant 2004 yn caniatáu i rieni weithredu cosb resymol ar blant. A ydych yn meddwl bod cysylltiad o gwbl rhwng yr hawl hwnnw i gosbi plant yn gorfforol a chamdriniaeth gyffredinol?	Rhodri Glyn Thomas: Thank you, Chair. Section 58 of the Children Act 2004 allows parents to apply reasonable punishment to children. Do you think that there is a link at all between that right to punish children physically and abuse in general?
[279] Christine Chapman: Would anyone like to start? Simon.	
[280] Mr Borja: I think that the process of this Bill has always been about violence against women or gender-based violence. That is my experience and what we do. We work on intimate partner relationships, violence and abuse. I do not feel that I have the expertise to comment. I do not really know this area. So, I am just going to say that. We could perhaps provide a note or something in writing to give you a Safer Wales response, but, personally, I do not know where to start with this.	
[281] Mr Brooks: It would be the same for us, I am afraid. Sorry.	
[282] Rhodri Glyn Thomas: Hwyrach, pe baech yn anfon nodyn atom, y gallech ystyried y mater yng nghyd-destun addysg a sut yr ydym yn paratoi ein plant a'n pobl ifanc ar gyfer dinasyddiaeth ac a oes cysylltiad rhwng yr hawl hon i'w cosbi'n gorfforol a'r math o feddylfryd y byddant yn ei ddatblygu fel oedolion.	Rhodri Glyn Thomas: Perhaps, if you send us a note, you could consider the issue in the context of education and how we prepare our children and young people for citizenship and whether there is a link between the right to punish them physically and the kind of mentality that they will develop as adults.
[283] Mr Brooks: Yes, we will respond and we will also look for some academic evidence on that for you.	
[284] Christine Chapman: Thank you very much. I would like to move on now to another area. Gwyn has a question.	
[285] Gwyn R. Price: Good morning to you both. On national strategies, how should the new statutory national strategy improve on previous strategies?	
[286] Mr Borja: I think it is an obvious thing to say, but the implementation of it, that it is reviewed, that if, I suppose, for men—. The issue of domestic abuse predominantly will affect women. Men may be left off that, or men accessing services or the development of services. That should be questioned and it should not just go along with, 'Well, men do not engage',	

but ask the question ‘why?’ and allow some seed funding or development time for services to happen within those strategies, rather than it becoming a tick-box exercise for men and boys. That is probably my comment on the strategy.

[287] **Mr Brooks:** I would just add that some of the questions in the previous session were around funding, and I think that to make the strategy work for men and boys and daughters of fathers we need to make sure that there is not only delivery on the ground, but some additional funding to support that delivery on the ground without taking one single penny away from any services that are available to support female victims. There is not enough money in the system for female victims and certainly we would not want any money taken away from female victims and transferred to providing services for male victims. That means extra funding. So, in terms of your question, the key thing is what actually happens on the ground, that it is not a tick-box exercise and that the people who we represent are not seen as a footnote in an overall strategy. That is what my concern has been in the past and that is what I hope this will address.

[288] **Gwyn R. Price:** How should needs assessments be carried out, and using what evidence? How do you think that they should be carried out?

[289] **Mr Borja:** I think, going back to the Dyn project when we started, we had to spend a lot of time doing agency awareness and raising the profile of the project, particularly with the police et cetera, to even get the men to come through and that takes time. I think that, with any needs assessment, the risk is that if we look at maybe police data, or MARAC data, there will not be sufficient numbers of men and boys within that, for all sorts of reasons.

[290] **Alun Davies:** That is not what he just said. We have been told that something like 4% or 5% of all victims are male. We were told that in the previous answer.

[291] **Mr Borja:** Okay. Whatever the number is—

[292] **Alun Davies:** I am not sure that I would accept that, but, you know, that is—

[293] **Mr Borja:** Okay. If we just comment on what I know of Cardiff, there are many more referrals for women than there are for men. We know that from our work with the women’s safety unit. What I am saying is that, if you are doing a needs assessment, the figures might not show, locally, that they are that high. That does not mean to say that men are not experiencing domestic abuse. I think that it is important that, when we are talking about men, we are talking about men. We are talking about different issues, particularly in rural Wales, for gay, bisexual and transgender men, and a term that we use is ‘men who have sex with other men’. Heterosexual men are very much at risk of abusive relationships. The power and control is different and it is increased via homophobia. So, the needs assessment should ask why and what you are going to do about it, rather than just accept that it is not happening. That would be my concern.

[294] **Mr Brooks:** Local authorities and all statutory authorities have a duty under the Equality Act 2010 to make sure that they provide proportionate and due regard to victims of disadvantaged groups, or protected groups. Certainly, men are a protected group, as part of being a gender. How that applies to victims of domestic abuse is that statutory agencies, in terms of the needs, just need to spend some time looking for the information. I mentioned the police figures—2,554 men in Wales in 2011 reported to the four Welsh police forces that they were victims of domestic abuse. I got those figures from a freedom of information request. Those figures are out there.

[295] We also recommend that, if local authorities are looking to provide a wraparound

service, or to get together with agencies in the health service and with the police, they should ask local GPs, and not for specific information about particular individuals. They should contact local solicitors to ask whether they have male victims coming to them for injunctions, just as they rightly would for female victims. We ask them to speak to the police and to sit down with the police force to try to get details and patterns about the men who are reporting to them as victims and, for example, conduct surveys with A&E and homelessness charities. We know that many men who suffer domestic abuse become homeless because of a relationship breakdown—that is the most common reason why men become homeless. Also, they should run awareness campaigns. If you run awareness campaigns, and try to persuade men who are victims of domestic abuse to come forward, then you will get men coming forward to seek help. Often, you will also get mothers and sisters and female friends of male victims trying to get help for them—20% of the calls to our helpline are from mothers, sisters and female friends trying to get help for a male victim, because he will not pick up the phone and look for those escape routes.

[296] So, the information and evidence is out there. Statutory authorities have a legal responsibility, under the Equality Act 2010, to get that information and produce strategies and services on the back of that. We just need to ask them and force them to do that. I think that this legislation will help that and I also believe that that adviser position will also help to push that through.

11:15

[297] **Christine Chapman:** I remind Members and witnesses that we have a quarter of an hour at most left for this session, because we have another panel coming in. Alun, do you have any questions?

[298] **Alun Davies:** Yes, but I will not take too much time, given that very gentle warning. In terms of the delivery of this legislation, I presume that your organisations see themselves as being part of the delivery as well as part of the advice giving and policy making. To what extent do you think that local strategies adopted under this legislation should lead to a national strategy, or should the national strategy be a collection of local strategies?

[299] **Mr Brooks:** Sorry, could you repeat the question?

[300] **Alun Davies:** What is the role of the local strategies? Do you see them leading the national strategy or do you see that they would simply implement a central strategy? Where do you see that balance?

[301] **Mr Brooks:** I would see it as a national strategy and a national framework that should be delivered locally with a local flavour. So, to really address this problem for all victims, I think that it has to be driven from the centre at the current time. If, in five to 10 years' time, we have strategies, programmes and service provision that are hugely successful at a local level, then we could switch it. However, I think that a national framework with national standards is really important at the present time to tackle this problem.

[302] **Mr Borja:** I agree with Mark on the national strategy. Working across Wales—. We are a small country so good practice and good strategies can be shared and replicated, rather than for the 22 local authorities to be doing their own thing.

[303] **Alun Davies:** Do you see yourselves as being a part of that?

[304] **Mr Borja:** Definitely.

[305]	Alun Davies: Putting aside the number at that local authority level—
[306]	Mr Borja: In Cardiff, we would.
[307]	Alun Davies: I represent Blaenau Gwent. What about the people in my constituency?
[308]	Mr Borja: If we did Blaenau Gwent, we would have to do every local authority. We do not have the capacity, I do not think, to do that. It would have to be national for us.
[309]	Alun Davies: Okay. Where does the buck stop in terms of delivering these local strategies? Who do you think should be ultimately responsible?
[310]	Mr Borja: The adviser, if we are going to—
[311]	Alun Davies: The adviser? If you do not have—
[312]	Mr Borja: If there is a strategy, looking at how it has worked in other parts of the UK, particularly in England, where they seem to be quite far ahead with commissioning the services, then, when those services are commissioned, they are responsible for it.
[313]	Alun Davies: Who are ‘they’?
[314]	Mr Borja: The commissioning bodies.
[315]	Alun Davies: Who are they?
[316]	Mr Borja: The local authority, for example.
[317]	Alun Davies: Are you suggesting—. If you do not have a view on this, please say.
[318]	Christine Chapman: You do not have to answer every question.
[319]	Alun Davies: My experience tells me that, if you want to deliver something, somebody has to be accountable at the end of the day for its delivery—whether it is a strategy or whatever else it happens to be. There has to be a person who receives the letter that says, ‘This isn’t working for me’. Who should that person be? Should it be the Minister sitting in Cardiff bay? Should it be local authority leaders or the police?
[320]	Mr Brooks: I think that it would be the Minister. This is legislation that is being put forward by the Government, so it is the Minister’s responsibility. The buck has to stop with him to actually make sure that it is delivered. That position has the authority to put pressure on local police forces and local authorities to make sure that that happens. If a particular local authority or NHS body is not delivering on that, then he has the power to make it public that they are not delivering their part of the bargain. So, the accountability has to be with the Minister.
[321]	In terms of the question on male services, we would not run the male services in Wales. There are excellent charities here; we just need to get together and fill the gaps, for example, in your constituency.
[322]	Alun Davies: I understand. So, that is the Gaullist point of view. Do you agree with that?
[323]	Mr Borja: I do not think that I can answer that. I just have to run my brain through it.

We can put it in a note or—.
[324] Christine Chapman: Yes, that will be fine.
[325] Jocelyn Davies: Do you think that the Bill ought to say who is accountable for the delivery of local strategy?
[326] Christine Chapman: Yes, the specifics of it, really. Would you agree with that?
[327] Mr Borja: In principle, yes.
[328] Mr Brooks: Yes, absolutely, but as long as the Minister is the one person.
[329] Christine Chapman: We are going to move on now. Mark, you have some questions.
[330] Mark Isherwood: Yes, just a couple of questions. What are your views on what has become known as the ‘opt-out clause’, which allows local authorities to choose not to accept ministerial guidance if they feel that they have a better alternative?
[331] Mr Brooks: I have a concern about opt-out clauses in this Bill. Local authorities, for example, because of funding pressures, may be driven, in terms of opting out, by those sorts of pressures rather than pressures in delivering these services. They may well wrap it up in different language, but if there is an opt-out, it gives organisations and statutory authorities excuses not to deliver. That would be a real concern for us. Whatever reason and justification they may give, I think that it sets an unwelcome precedent.
[332] Mr Borja: I do not think that there should be an opt-out there; I think that it would be quite worrying that local authorities could decide that they did not want to do something. I think that, particularly for men and boys, not to address that is not helpful.
[333] Mark Isherwood: It should be a minimum; clearly, they can add to it, but they should not be able to—.
[334] Mr Borja: Yes. There should be just a ‘you’re going to do this’ type of wording.
[335] Mark Isherwood: In terms of performance indicators to measure progress, do you have views on what those should be and how we should engage other agencies—statutory and third sector agencies—in that?
[336] Mr Borja: We are used to providing a lot of information about what we do, but I think that, with performance indicators—. I know that Cardiff has got Cardiff University involved, to look at the way that we all collect data and how valuable they are. I think that there is a bit of confusion on the ground on how we measure our performance and what our purpose is, particularly with impact, criminal justice, measurement of risk et cetera.
[337] Mr Brooks: In terms of an outcome-based approach, for us it would be on the number of women and, obviously, the number of men who escaped from the situation that they faced when they first engaged with an agency. So, for male victims of forced marriage, for example, sexual violence and domestic abuse, it would be whether they escaped from that relationship and the support that they were given by a particular agency to make that happen. Performance indicators would certainly be important in terms of measuring how many female and male victims approached the agencies and then what the outcomes were, as I said, on the escape routes.

[338] Also, performance indicators, especially from a male perspective, would include, for example, the number of awareness campaigns that a particular organisation or a group of agencies together had run, and a look at whether they were being proactive in collecting that information in their local community. So, I think that performance indicators are vital for all services, but particularly for male victims, to make sure that, whatever ends up in the Bill and its name, there are performance outcomes and indicators for male victims to make sure that the support for male victims is actually happening. We can argue about the name of the Bill, but if there are performance indicators for male victims, that would provide a level of reassurance.

[339] **Mark Isherwood:** What, if any, test should exist for those presenting as victims, of violence and/or abuse possibly to establish whether they are themselves also perpetrators or the actual perpetrators?

[340] **Mr Brooks:** I think that services such as awareness or screening services have to be made available, but at the appropriate level. We certainly would encourage it, and we know that the refuge and safe-house provision in Wales, when it comes to male victims, does establish whether the man is the perpetrator or the victim, and we think that that is important. However, we are circumspect, and certainly not happy, when it comes to helplines that screen victims, because it is very difficult to establish whether someone calling or ringing as a victim is actually the perpetrator or the victim at that stage. However, when it comes to front-line service provision, we would expect the police to establish, not only when they attend an incident but also when somebody reports to them, whether that person is the perpetrator or the victim. That applies to men approaching them as well as women, and we would expect that safe-house or refuge provision. We have to do that, but I am concerned when it comes to trying to do that over an anonymous helpline.

[341] **Mark Isherwood:** So, it is about gender neutrality in that context.

[342] **Mr Brooks:** Yes, absolutely.

[343] **Christine Chapman:** We are really running short of time and we have got a problem because another panel is coming. So, I suggest that Janet ask her questions now and then, if other Members are content, we will put the remaining questions in writing to our witnesses so that we do not lose the time for the next panel. Thanks for that, anyway. So, Janet, do you want to take your section?

[344] **Janet Finch-Saunders:** As it currently stands, do you think that the ministerial adviser will have sufficient powers and authority, particularly regarding the power to issue sanctions?

[345] **Mr Borja:** I think that the adviser is a positive move and is something that we do not have, but probably the adviser needs to be independent as well and not a civil servant. It needs to be someone who can be quite critical and can work with the third sector and the Government, but someone who is independent. That would be our view.

[346] **Mr Brooks:** When it comes to the sanctions, I cannot answer on the detail but, for me, one of the sanctions that I always find to be extremely powerful is the reputational sanction. So, if organisations that are expected to deliver this are not delivering it, then I would expect those organisations to be publicly shown not to be delivering. There are the actual sanctions, but reputational sanctions, I think, are really important as well, and I would use both.

[347] Janet Finch-Saunders: Do you have any concerns about the duplication of the powers of the ministerial adviser, the children's commissioner, the anti-slavery co-ordinator and other offices?
[348] Christine Chapman: Simon, do you want to start?
[349] Mr Borja: That is a long question. My focus would be on this adviser, but this adviser would have a specific role. I think that it would work alongside other co-ordinators, but this role should have a focus. I do not think that there would be duplication.
[350] Mr Brooks: I suppose that the important thing is to make sure that the remit is very distinct from the remits of the other commissioners you mentioned. However, there should be clear partnership working in terms of making sure that the efforts of those commissioners are co-ordinated—that they are all on one plan, if you like—and also that their clear roles are delineated. In addition, make sure that there are no internal politics et cetera, which often can be the most damaging issue when it comes to commissioners working together. I have seen it elsewhere where they start to worry about their own position et cetera, and forget the service users or clients and their needs. So, I would expect the people in this room to make sure that that did not happen.
11:30
[351] Janet Finch-Saunders: Okay, thank you.
[352] Christine Chapman: Right. Thank you very much. If you are happy, we will send you some remaining questions that Members had. We will send them to you so that you can respond in writing. I thank you both for attending this morning. We will send you a transcript of the meeting so that you can check it for factual accuracy. Thank you. We will invite the next panel in now.
[353] Mr Brooks: Thank you very much.
11:32
Y Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru): Sesiwn Dystiolaeth 8 (Y Sector Cyhoeddus) Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill: Evidence Session 8 (Public Sector)
[354] Christine Chapman: I will just introduce the panel. First of all, this is our final evidence session on the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. So, I give a warm welcome to our panel. Today, we have Naomi Alleyne, the director of social services and housing for the Welsh Local Government Association. We also have Jackie Stamp, chief executive of New Pathways; detective superintendent Lian Penhale from South Wales Police; and detective inspector Bryan Heard from South Wales Police. I welcome you all. If you are happy, we will go straight into questions. I know that Members have a number of questions regarding the different aspects of the Bill. I will start off. Every one of you does not have to come in on everything. First, do you think that we need this legislation, or could the aims of the Bill be achieved through changes to policy and existing mechanisms? Who would like to start? Jackie is first.
[355] Ms Stamp: Absolutely, I think that there is a need for legislation. There are already a lot of strategies and plans. There is a lot of documentation that relates to this subject area, but I think that we need this legislation to have the teeth to make sure that it is effective. So, for

me, the answer is, ‘Yes, absolutely’.
[356] Christine Chapman: Do you all agree with that?
[357] Ms Penhale: Yes, I agree with what Jackie has said. The Bill will place responsibilities on local authorities, and that is welcome. As we know, we have the Crime and Disorder Act 1998. However, this places additional responsibility on other authorities, like the NHS and social housing. We have a positive working relationship as a non-devolved sector with our partners in Wales. However, we feel that there are gaps in this area of business. We have safeguarding in place for children and adults, and we feel that this is a gap in terms of domestic violence and sexual violence.
[358] Christine Chapman: Naomi, do you want to say something?
[359] Ms Alleyne: Just to add to that quickly, I certainly agree with everything that has been said, but it also just demonstrates that leadership and commitment at governmental levels to drive forward and address domestic abuse. In particular, the long title of the Bill around the preventative approach and improving support to victims gives the right focus.
[360] Christine Chapman: Alun, did you want to come in?
[361] Alun Davies: Yes. Jackie, I was very taken with your reply to that question. You said ‘teeth’. Where do you think the teeth lie in this legislation? Do you think that the legislation has sufficient teeth? Do you think that it needs more teeth? What do you think is the key part of the legislation?
[362] Ms Stamp: Actually, the ministerial adviser could well be the key to the teeth, as I called them. Sorry for using that terminology.
[363] Alun Davies: No, I liked it.
[364] Ms Stamp: I think that it depends on the powers that that position has, in order not just to advise all parties—and I am not just talking about the Government; I do not want it just to be able to scrutinise Government—but also all public bodies and the third sector, and I include my own sector in that. I think that it depends on the sanctions and the duty that we can impose then for non-compliance with any of the legislation.
[365] Alun Davies: Do you think that there is anything missing from the Bill?
[366] Ms Stamp: Yes, for me, there are some obvious things missing. For me, education is a very key point. I think that when we are looking at the strand of prevention, which I think we all agree is a vital part of addressing these issues, I am not sure that we can fully do that without—. I know that there is a curriculum review, and I understand that Professor Donaldson is undertaking that review, and I welcome that. I guess, just being forward, that curriculum reviews maybe come and go, and I think that, if we have legislation, and if it is linked with legislation in the Government, then it will have a lasting change. So, education is missing.
[367] Also, for me, I am sure that we will come onto the gendered aspect of the Bill, but I think that detailing the people whom this is meant to affect is missing. I think that the generic wording is meant to apply to everyone—to all groups: to men, women, children, sexual abuse victims and domestic abuse victims—but I think that that needs to be more specific.
[368] Alun Davies: Do you think that there should be reference to women and girls on the

face of the Bill?

[369] **Ms Stamp:** And boys and men.

[370] **Christine Chapman:** I will move on now to Jocelyn. Obviously, I know that some of the themes that Jackie has mentioned come up in the questions that Members have.

[371] **Jocelyn Davies:** I do not know whether you are aware, but we have had news today from the Minister that there will be a new section in the Bill relating to violence against women, which will fit nicely in with your strategy on tackling violence against women and girls. Obviously, we do not know what that section is going to say yet, but I did not get the impression that it was going to relate to victims or services for victims. I think that it was about tackling the general issue of violence against women because of the inequalities that are there. Taking from what you said, you think that perhaps men and boys are missing from this Bill—can I assume that from what you have just said?

[372] **Ms Stamp:** Yes, and also women. I think that the point that I am trying to make is that we need to be specific on the face of the Bill. Without doubt, I welcome the news that you just gave us about the Minister this morning, because we cannot deny the prevalence of violence against women, and it is important that that is recognised within this Bill. What I would be really concerned about is if there was not also recognition of, and therefore provision made for, other groups of people who are affected by violence. One might be disproportionately affected, but others are affected, too. Obviously, my own background is in sexual violence, and that is where my knowledge comes from. For us, one in four of our client group is male. That is huge. That is not the very small percentage that we keep hearing about. So, if we are to cover all forms of violence, including sexual violence, we do need to make provision for men and boys as well as women and girls.

[373] **Jocelyn Davies:** I wonder whether any of the others have a view on that. Do you think that all victims are represented here, or could it be better? I suppose that you would welcome the addition of a section on violence against women.

[374] **Mr Heard:** Women and girls are disproportionately represented in relation to being victims. That is a fact, but we treat every victim on their own individual merits, on each individual perspective. We welcome the fact of the addition to the Bill this morning.

[375] **Ms Alleyne:** From our point of view, it is important that there is an inclusive approach to tackling these issues, and I think that the gender-based approach is trying to achieve that. I do not know whether that is clear enough in taking that forward, or whether there is that general understanding by the public that that is the approach. I think that there are specific issues, identified within the information, which affect women more, but I think that the concern is that the issues that affect men and boys do not have the profile that they need. Therefore, if we are going to take an inclusive approach, you do need to ensure that all victims, if you like, are covered by that. However, I am not sure that that is clear and flows down throughout the Bill.

[376] **Jocelyn Davies:** Do you have anything to add, or do you just agree with—

[377] **Ms Penhale:** Yes, I agree. I think that the Bill needs to reflect the needs of all victims, and that needs to be clearer in the Bill.

[378] **Jocelyn Davies:** This is something that I have been asking other people who have come to give us evidence: would you have liked to have seen a rights-based approach to the legislation, perhaps giving victims certain rights within it?

[379] Ms Stamp: I feel not fully qualified to answer the question fully, but I would say that I am aware that there is a rights-based approach already within existing legislation, such as safeguarding legislation, for example, and I think that we certainly must make sure that all victims are aware of their rights as victims. It may be the actions that we take in this Bill that reinforce their rights. Does that answer the question?
[380] Jocelyn Davies: Yes.
[381] Ms Penhale: I think that we would concur with that. We are aware of the social services Bill and the legislative basis for the rights of all victims, but this is an opportunity as well, within this Bill, to ensure that the rights of all victims are met.
[382] Christine Chapman: Peter, I think that you had some questions.
[383] Peter Black: Yes, on education. The White Paper included proposals to ensure that education on healthy relationships is delivered in all schools, and to place a duty on local authorities to identify a regional champion to promote the issue in educational settings. However, those proposals have not been included in the Bill. The question is: can the Bill fulfil its stated aims and purpose without them being in there?
[384] Ms Penhale: Do you want me to start?
[385] Christine Chapman: Yes.
[386] Ms Penhale: I believe that this is an opportunity for us here to ensure that that is placed on a formal basis. Our operational experience tells us that informal education and the all-Wales school curriculum and personal and social education do have an impact. While we have that in place—and we work well with Welsh Government and with the all-Wales schools programme—the take-up is around 50%; it is not mandatory. So, we feel that this is an opportunity to include it within the Bill, because it will make a difference.
[387] Peter Black: Does it go beyond the curriculum, though? Is it about having champions and people promoting this across all lessons in a school?
[388] Ms Penhale: I think that this is something on which South Wales Police would be committed to working with partners in relation to how we progress this through the schools. Yes.
[389] Ms Alleyne: From our point of view, we do not support education being within the detail of the Bill. We think that the curriculum review can help to deliver the outcomes that are achieved. I think that we would be concerned that, if it was within the Bill, it might reduce flexibility, because, obviously, it is not so easy to change legislation. However, there is a range of actions that need to be taken forward. We fully accept that education is a key aspect of prevention, moving forward. I think that there are opportunities through using the Bill and the requirements. You could, for example, have a national objective that is set within the national strategy, which, obviously, would need to be reported back on a regular basis. So, we are not supportive of the idea of education being on the face of the Bill, but using the Bill to ensure that education has that profile within it.
[390] Peter Black: I can understand that in terms of the curriculum, because, obviously, the curriculum needs to be more flexible, but in terms of creating champions in a whole-school approach or local authority champions, would you consider having those in the Bill, as outlined in the White Paper?

[391] Ms Alleyne: From our point of view, there is a range of champions that already exist within local authorities, which do not necessarily have statutory—
[392] Peter Black: Is that consistently, across the piece?
[393] Ms Alleyne: Yes. There are. Older people's champions have played a real role in driving that forward. More recently, armed forces champions and poverty champions, without a legislative basis underpinning the roles, champion those issues and drive them forward. Therefore, we would probably question whether you need that legislative underpinning for some of those structures.
[394] Jocelyn Davies: May I ask a supplementary question on that particular point?
[395] Christine Chapman: Yes.
[396] Jocelyn Davies: How often are those reviews held? If you say that it is more flexible to review the curriculum than it is to bring in legislation, how often do they come about?
[397] Ms Alleyne: I do not know, but I can find out and let you know.
[398] Jocelyn Davies: I think that it is around once every 10 years.
[399] Peter Black: It is every 10 years, is it not?
[400] Jocelyn Davies: I think that legislation is a bit more frequent, actually.
[401] Peter Black: Exactly.
[402] Jocelyn Davies: That was just a flippant point, Chair.
[403] Christine Chapman: That is fine.
[404] Ms Stamp: I want to reiterate the point that you made about having champions. Certainly, we work with colleagues in the sector to advocate for champions at all levels throughout the whole school, from primary right through—right up as far as governor level, with champions at governor level. Our view is that, unless there is legislation to make that happen, some schools—. Ysgol Gyfun Gymraeg Plasmawr, for instance, does it extremely well; others do not do it at all. Therein lies the challenge of legislating to get conformity throughout.
11:45
[405] I would certainly welcome a national training framework, when you are talking about education. A national training framework to train professionals is something that we would definitely support within the Bill. However, I am not sure that that goes far enough.
[406] Christine Chapman: Are there any other comments?
[407] Mr Heard: I think that it is an ideal opportunity for education to be on the same footing in relation to prevention in terms of vulnerable adults and the safeguarding of children. Raising awareness is an ideal opportunity in the Bill.
[408] Christine Chapman: Do you have any other questions, Peter? No. Rhodri has a

question.	
[409] Rhodri Glyn Thomas: Mae nifer o'r tystion sydd wedi dod ger ein bron wedi awgrymu y byddai'r Bil hwn yn gyfrwng priodol i ddileu'r hawl dan adran 58 o Ddeddf Plant 2004 i ganiatáu cosb resymol. A fydddech yn cytuno bod y Bil hwn yn gyfrwng priodol i wneud hynny?	Rhodri Glyn Thomas: A number of the witnesses who have appeared before us have suggested that this Bill would be an appropriate vehicle to remove the right under section 58 of the Children Act 2004 to allow reasonable punishment. Would you agree that this Bill is an appropriate vehicle for that?
[410] Christine Chapman: Who would like to start?	
[411] Ms Stamp: We have consulted extensively within the sector and within our service user group on the suggestions and proposals in the White Paper and then, consequently, in the Bill. As this was not something that we consulted on, I can only give you a personal opinion, which is that, for me, the physical punishment of children is abhorrent and is covered under safeguarding law. I also think that it is a very contentious issue and my concern would be, if it were to be included within this Bill, that it would overtake some of the other issues. That is not to understate its importance, but I think that, at this stage, it would be difficult to put it into this Bill.	
[412] Christine Chapman: Are there any other comments?	
[413] Ms Alleyne: I agree with Jackie, because, obviously, there is no proposal. We were talking about this before, and I was talking with colleagues yesterday about whether the smacking of children within the home could fall within the definition as set out in the Bill. Does that go far enough? Does that provide the protection that is required? Probably not, in terms of the issues that have been raised previously. The WLGA does not have a formal position on this at the moment, because there was no proposal on the table in the White Paper or in the Bill. However, certainly, I am aware that this is an issue that you will be considering, and we might need to come back to it at a later stage.	
[414] Ms Penhale: Our view is that the Bill should focus on its original purpose of violence against women, domestic abuse and sexual offences. From an operational policing perspective, we take seriously all allegations of abuse of any children, and we would obviously investigate those appropriately.	
[415] Christine Chapman: You have a different view to Gwent Police, then, which supports an amendment.	
[416] Ms Penhale: Yes.	
[417] Ms Heard: I would echo that. We treat every incident of assault on its own individual merit and investigate it as such.	
[418] Christine Chapman: Perhaps I should rephrase what I said. Obviously, we do not have an amendment yet, but if it does happen—. I know the view of Gwent Police on this issue, so I just wanted to clarify that.	
[419] Mark Isherwood: Just to clarify, am I right that this defence can only be used in civil law?	
[420] Ms Roberts: Yes, the defence is set out in section 58(2) and it cannot be utilised—. Basically, it is a common law defence of reasonable punishment—things like wounding and	

causing grievous bodily harm, actual bodily harm and cruelty to persons under the age of 16. It does not include the lesser offence of common assault and battery. That is how it remains possible, basically, for parents or those in loco parentis who have responsibility for children to smack a child as a disciplinary measure, as long as their actions do not cause actual bodily harm. The smacking may cause a temporary reddening of the skin, for example, but not result in injury such as a bruise or a scratch.

[421] **Mark Isherwood:** So, given that the Children Act 2004 removed the defence in almost every case, do you believe that we should have—. If we were to consider including this, we would need to find time to have detailed scrutiny of the impact, effect and outcomes of that legislation in order to decide what needs may still exist.

[422] **Christine Chapman:** Would anybody like to comment?

[423] **Ms Stamp:** I can really only reiterate that this is not something that I have consulted on at all, so if it is a proposal that we need to consult on, I would be happy to do so.

[424] **Christine Chapman:** Are there any other questions on that point? No. We will move on now to national strategies. Gwyn, do you have a question?

[425] **Gwyn R. Price:** Yes. Good morning to you all. How can the new statutory national strategy improve upon previous strategies, in your opinion?

[426] **Ms Alleyne:** Some of the previous national strategies have been successful, but this one will be underpinned by legislation. It will have very clear objectives and priorities at a national level, and actions to be taken by Welsh Government and its Ministers, and there will be expectations with regard to public services. I am not sure that we have had that statutory underpinning of a national strategy previously. Obviously, it will be reported against by Welsh Ministers, so it will have a much more visible approach to setting what those national strategies are. The strategy is only one part of the whole legislation, but it definitely plays a part and enables that to be taken forward so that there are clear national indicators as well. So, it will be different. What I was not clear about from the legislation was the level of consultation and whether that needs to be specified—although it probably does not—and the importance of it being evidence based. Where it talks about Ministers being able to amend that national strategy, once again, what is not clear in the legislation is that the rationale for amending that and the process to be followed have been consulted upon and approved. So, a national strategy underpinned by legislation will be different, building on previous work that has been done, because there have been successes as well.

[427] **Gwyn R. Price:** So, in your opinion, you want to make it clearer.

[428] **Ms Alleyne:** Not just clearer; it is clearer because it has the legislative backing. I am sorry if I am not making sense.

[429] **Gwyn R. Price:** Your paper said that it is necessary to provide clearer priorities for the actions.

[430] **Ms Alleyne:** Yes, which once again sets the vision of taking forward that legislation. It is similar to the strategic equality plan that the Welsh Government set for itself and how public bodies responded to that in terms of ensuring that they were reflecting the national priorities at the local level as well.

[431] **Christine Chapman:** Are there any other comments?

[432] **Ms Stamp:** I think some of the national strategies to date have been very successful. If you look at 'The Right to be Safe' strategy, there has been a lot of influence on the ground as a result of that strategy. I hope that this legislation can build on that.

[433] In terms of clarity, I agree with Naomi; for me, that clarity is around the inclusivity of those strategies. I think that the Bill will have a duty to make that clear. To explain what I mean, 'The Right to be Safe' strategy, for instance, concentrates on domestic abuse, with women as a priority. Once again, we go back to the same argument about prevalence. I will give you an example from our own organisation. We work throughout Wales, but we have trouble directly accessing funds because of the priority being given to domestic abuse and women's services. Services for males are very hard to fund, as is the case with sexual violence. So, national strategies have a direct impact on what happens on the ground. The challenge with this piece of legislation is to make it inclusive and clear.

[434] **Ms Penhale:** I can echo what Jackie and Naomi have said. It will provide clarity. It should be providing direction and accountability for the local strategies to feed into. So, yes, we welcome that and see it as a positive. As a non-devolved organisation, this does impact on us. In terms of ensuring that there is consistent provision out there for all victims, we need a national strategy that shows leadership focus, awareness and accountability. We welcome that.

[435] **Christine Chapman:** Gwenda, do you have some questions?

[436] **Gwenda Thomas:** Yes. Are local strategies necessary, then, or should there just be a duty to implement the national strategy?

[437] **Ms Stamp:** Certainly, I do not think that this would work. Having a national strategy without local strategies would not take into account local need and local differences, which we all acknowledge are there. What I would not want to see with a local strategy would be the ability to opt out because a needs assessment has not clearly identified local need. A needs assessment says that there is not a problem, and we still hear, 'We do not have that issue here'. If we talk about FGM, and very often with childhood violence and childhood sexual abuse, I still hear, at local area level, people saying, 'Well, actually, that's not really relevant here'. So, I think that if a local strategy is taking forward the aim and the vision of the national strategy, if a local needs assessment does not identify a need for something, there has to at least be an identified pathway where people in that local area can go to get the help that they need. So, I think that it links directly from a national strategy to take it to the ground level.

[438] **Gwenda Thomas:** So, should there be—.

[439] **Christine Chapman:** Sorry, Gwenda, before you come in, we will let Naomi come in and then you can come back.

[440] **Ms Alleyne:** We certainly support the opportunity to link the need to develop a local strategy with single integrated plans and other relevant plans. The concern would be around duplication of some of the activity that needs to be taken forward in addressing some of these issues. In our evidence, we highlighted 14, but it is actually 17 out of the 22 local authorities that have a specific objective around domestic abuse within their strategic equality plans, which demonstrates that commitment. Obviously, the local strategies would build on some of those existing actions already taking place, while making sure that they are reflective across the piece. So, I think that that integrated approach to the development of strategies, so that it links up with other work being undertaken, with health bodies or community safety, or in relation to HR and development, gives that opportunity of bringing it together in that strategy,

but integrating it with other activity at the local level. So, yes, I support that.
[441] Christine Chapman: Are there any other comments?
[442] Ms Penhale: I support the views that have already been given. There needs to be that local delivery and local accountability feeding into the national strategy. It needs to be based on the delivery of what the needs assessment is for that particular area, and provision may be different depending on that needs assessment. At the moment, there is inconsistent provision across the piece and I think that local strategies are integral to driving that forward. There will be key themes, such as prevention. There will be key themes throughout all of the local strategies, but how that is actually delivered locally will depend on the needs assessment of that particular area.
[443] Gwenda Thomas: Both of those answers have anticipated my questions, but I will ask just a little one. Do you think that there should be minimum standards within a requirement for the local strategy, to try to eliminate what you feel would be inconsistencies?
[444] Ms Alleyne: Do you mean minimum standards of services or minimum standards—.
[445] Gwenda Thomas: Minimum requirements within the local strategies.
[446] Ms Alleyne: If it is linked to the needs assessment about what needs to be looked at in terms of the evidence, I think that that would be useful in terms of the guidance. As Lian said, there are different priorities across different localities, which I know leads to concern sometimes that you do not have that consistency. However, if they are based on evidence that has been identified within that needs assessment, then you have a good rationale as to those priorities being taken forward in that locality. So, I think that the importance is the evidence-based approach to undertaking needs assessments as well.
[447] Christine Chapman: Is there anything else to add? I see that there is not. We will move now to Janet.
[448] Janet Finch-Saunders: Do you think that the opt-out clause in section 14(2), which allows local authorities to choose not to follow the ministerial guidance, is appropriate?
[449] Ms Stamp: The short answer would be ‘no’. I do not think that the opt-out clause is appropriate. I do not want to talk at too basic a level, but, for me, if a local authority were able to opt out, it should be because it has discovered something that is fantastic and has a plan that is so amazing that it can show the rest of us what a piece of best practice would look like. If people do opt out, the monitoring would, obviously, be key afterwards in terms of what they are achieving from their alternative plan.
[450] Janet Finch-Saunders: To South Wales Police, can you expand on your suggestion in written evidence about placing responsibilities on agencies that support the multi-agency risk assessment conference model?
12:00
[451] Christine Chapman: I am sorry, but before you answer that question, South Wales Police, could I bring Naomi in on the first question and then we can come back to that?
[452] Ms Alleyne: The short answer would be ‘yes’; we would support that opt-out. The requirement to follow the statutory guidance does not always clearly reflect local circumstances, but we are also aware that there is the need and the wish to develop more

consistency. The concern that I have is whether the guidance would be so inflexible as to not allow the opportunity to innovate, because, very often, new ways of working develop from people innovating different things—sometimes getting it wrong and sometimes getting it right, but certainly learning from that.

[453] I can understand the concerns that exist, and a suggestion might be that there should be a very clear process to be followed by anybody who did want to opt out, for example, by setting out the rationale as to why they think what they were doing would lead to different and better outcomes. It could potentially be a role for the ministerial adviser to give a view on whether that request for an opt-out is suitable or not. So, I think there are probably safeguards that could be put in place to ensure that anybody who wants to opt out is actually doing better or more in that way and so that the Welsh Ministers are satisfied with that as well.

[454] **Christine Chapman:** Jocelyn has a supplementary question on this, before Janet comes back in.

[455] **Jocelyn Davies:** My question is on this point. The data on which you are basing decisions have to be really good, do they not, if you are going to opt out of something? I certainly know from past experience that you have had local authorities claiming that they had no homelessness because, on the rough sleeper count, they had counted no rough sleepers. That was the evidence and, therefore, there was no homelessness. We heard earlier from the ManKind Initiative that some of this might be under-reported and, therefore, people think that it does not exist. So, I suppose that you would all welcome the development of really good data if you are going to make decisions and certainly in terms of opting out.

[456] **Ms Stamp:** May I add a little point? I think that there is some need to strengthen the words of the clause that you mentioned. The word ‘may’ is used and we would certainly advocate for that to be changed to ‘must’. I think there has to be a clear duty because, as you say, a needs assessment does not always give the answer, because some of these issues, such as FGM and sexual violence, are so under-reported that a needs assessment does not give the answer. However, we know that consultation with the people who do this work will show you that the need is much greater than we are aware of.

[457] **Christine Chapman:** Lian and Bryan, do you want Janet to repeat the question?

[458] **Mr Heard:** Yes, please.

[459] **Christine Chapman:** Yes, okay. It is the second part of your question, Janet.

[460] **Janet Finch-Saunders:** Right; yes. Can you expand on your suggestion in written evidence about placing responsibilities on agencies that support the MARAC model?

[461] **Mr Heard:** As I said earlier, it is really important that the national strategy also places domestic abuse on the same footing as the safeguarding of children and the protection of vulnerable adults. So, on that basis, it is important that it places responsibility on all agencies to be involved in the MARAC process.

[462] **Janet Finch-Saunders:** Okay, thank you. Do you think that the ministerial adviser proposed in the Bill—this question is to everybody, now—will have sufficient powers and authority, particularly regarding the power to issue sanctions?

[463] **Christine Chapman:** Naomi, do you want to start?

[464] **Ms Alleyne:** I think one of the issues that we probably raised in our evidence was the

importance of the independence of the ministerial adviser, so that those decisions are transparent and are seen to be independent, as well. However, I am not sure whether that is actually the intention, if you read through the powers of the adviser, or the role of the adviser. It is very much more about advising Ministers as opposed to being an independent voice around that. So, the one issue that I really would pick up on—and I am sure that others will, too—is under section 19(3). It says that the ministerial adviser ‘may’ consult any person in preparing an annual report and, like Jackie, we would say that it should be ‘must’ rather than ‘may’. So, I am not sure where the independence would come in there.

[465] **Ms Stamp:** I would certainly echo the need for the independence of any post that is commissioned. Certainly, in terms of the role, I would see them as advising all parties and all sectors, including the Government, the third sector and public bodies. We talked about the teeth for the legislation, and if they are to be the mechanism by which we hold people to account, I am not sure how we would do that unless there is some independence there. I am talking not just about holding the Government to account; it is for all of us, but it does have to be independent of all of the other sectors. I would certainly advocate consultation with all sectors involved, which would be key. As Naomi said, if this adviser is going to be producing the reports that give us the evidence to show whether or not this legislation is working, there has to be real consultation with all sectors to do that.

[466] **Christine Chapman:** Bryan or Lian, would you like to comment?

[467] **Mr Heard:** I would echo that in relation to the independence and in relation to all aspects being evidence based, and a new real needs assessment being carried out to evidence different actions that are carried forward.

[468] **Janet Finch-Saunders:** Okay. Do you have any concerns about duplication of powers between the ministerial adviser, the children’s commissioner, the anti-slavery co-ordinator and other officers? May I add to that—because, previously, I have asked questions about strategies and the confusion with them, as we have a lot of strategies and that they cross over—and ask whether you think that, generally, there is a lot of duplication going on out there in terms of commissioners and advisers and in relation to strategy? So, it is a double-edged sword question.

[469] **Christine Chapman:** I will start with Lian first.

[470] **Ms Penhale:** To make a last point on the previous supplementary question, in terms of the independence of the ministerial adviser, I agree with what has been echoed already. Also, on the degree of expertise in that field, that individual needs to provide real scrutiny and leadership and it is about holding not just the Government to account, but the other agencies involved as well. I just wanted to make that point. That needs to be driven.

[471] In relation to this question, my understanding is that the crossovers between the different strategies, for example, the human trafficking—

[472] **Janet Finch-Saunders:** Yes, and then, of course, the ones responsible for driving it.

[473] **Ms Penhale:** Yes. I think that there are crossovers here with some of the definitions and terminology used in the Bill in relation to what gender-based violence entails. There is a bit of confusion around the definitions, particularly for the police and what we work to from the Home Office definitions. So, there are a lot of crossovers. I think that there could be more integration and more working together. There are plans out there, as we have already spoken about, in relation to the safeguarding of children and vulnerable adults and human trafficking. I really think that this is not about reinventing the wheel. This is about making sure that it is

fully integrated, which will save duplication, because some of the demand is the same. Some of our victims of honour-based violence and human trafficking are the same victims of domestic abuse and sexual violence. So, there are some opportunities here to make our processes more aligned.

[474] **Gwenda Thomas:** May I ask Naomi about that very point? It is a requirement to assess the needs of the local community now, under the social services Act. Do you anticipate any duplication here, because we will be talking about the same people? Do we need to look at any duplication that might arise there?

[475] **Ms Alleyne:** I think that there is potential, shall we say, for duplication? That could happen in terms of not only the needs assessment under the social services Act, but the needs assessments that are undertaken for Supporting People, or the needs assessments that are undertaken in relation to housing. Nonetheless, what we need to do is utilise the evidence that we are gathering and use it as a whole. What we have found previously is that it has not been joined up as much as we would like it to be, even in terms of local authorities. It is done in silos. So, that has to be joined up, and I think that there is an opportunity under the Well-being of Future Generations (Wales) Bill, which, again, is a few years off, but a lot of this will come together.

[476] I would pick up on the point and the word that Lian used, which is that although there is the potential for duplication between the roles that the commissioners or the groups undertake, it is the expertise that people bring about the service and the specific issue that sometimes is lacking. We are fortunate that, to date, there has been a lot of joint working between some of those commissions around those joint agendas. So, I suppose that the question is whether something needs to be said in the Bill—I cannot think of the exact wording—that puts a duty on the adviser to ensure that they are engaging with others in undertaking that role. What is difficult is guidance that comes out to public services that picks up on the same issues but comes from different departments with a slightly different take on it. So, I think that there is potential for duplication, but I think that there are benefits to keeping some of these separate as well. However, more joint working on that is certainly needed.

[477] **Christine Chapman:** Are there any other responses to Gwenda's and Janet's questions?

[478] **Ms Stamp:** Yes. I would echo what everyone has already said on the potential for duplication. There is duplication now—

[479] **Janet Finch-Saunders:** May I stop you there? I am more concerned really—. I know that the question was related to duplication, but when you get crossover and duplication you can ultimately get confusion, so people do not quite know what strategy they are working to and whose guidance they are following. That is what I am really looking for. How are you going to work around it?

[480] **Ms Stamp:** Our organisation would advocate for a commissioner rather than an adviser, for a start, because I think that the area of work that we are aiming to legislate for here is huge. There are also huge differences within the types of abuse that we are legislating for here. So, the range of knowledge needed—. There will need to be a team of people with direct knowledge. So, there is crossover, but I would like to see clear links so that when joint guidance is issued—. There is no reason why commissioners, for instance, cannot issue joint guidance. I would totally support that. On the ground, it is very confusing to know what you are working to. So, I would echo your concern; I share that concern. However, I think that it is vital that there is a separate and independent adviser or commissioner for this particular

piece of legislation because it is so wide-ranging and groundbreaking.

[481] **Mr Heard:** Domestic abuse is extremely multifaceted and, as a result of that, it will overarch into different areas as a result of what people see initially or hear or understand as domestic abuse. That can also be echoed in relation to human trafficking as well, for example. So, there is a need for all different advisers—and they should be experts in their fields—to work with other agencies and other areas. So, if another commissioner—. I am very proud of the fact that many of the excellent pieces of work that are seen as national best practice emanate from Wales, and the fact that that is an evolving process—although they may have started in the human trafficking or domestic abuse fields, they are actually shared and implemented across those areas.

[482] **Christine Chapman:** Are there any other responses? As there are not, we will move on. Mike, you have some questions.

[483] **Mike Hedges:** Yes, I have questions on definitions. Definitions are critical. I have just read Jackie's paper, which said:

[484] 'Some of the definitions in the Bill are confusing and unclear.'

[485] I am also aware that the Home Office definition of domestic abuse includes coercive control, but that this Bill does not. Do you agree that it is important that we have exactly the same definitions for everybody to work to and that all the definitions are clear by the time the Bill has become law?

[486] **Ms Stamp:** That would certainly be the aim we should have. I think that it would be very difficult to have a set of very clear, precise definitions that were the same for all areas of work. There are accepted definitions. There is the United Nations definition of violence against women, for instance, that in my opinion should be included in this legislation but it is not. The definitions of sexual violence are very confusing at the moment. We are actually working with Welsh Government on looking at the sexual violence definitions. It is difficult to get internationally accepted and agreed-upon definitions, but there are some there. I think that some more work needs to be done specifically around the term 'gender-based violence' if we are using that, because it allows for interpretation of violence that is perpetrated against a person because of their gender, and it allows for work with women and work with men, but it is a term that is not generally used. I think that there needs to be some very in-depth work done on defining that so that there is no confusion, because once that is interpreted incorrectly, particularly at local levels, it will have an impact on services on the ground.

[487] **Ms Alleyne:** I think that there are issues with some of the definitions. We were discussing this previously when looking at the definition of sexual violence. I asked the question, 'What about actual sexual violence?' It talks about threats of sexual violence, but not the committing of the act. Is it me not understanding that or is it not clear there? One of the issues we raised in our evidence was whether the abuse of older people within the home—elder abuse—would also be encapsulated within this Bill. When we looked through it, certainly to my mind, we found that it would catch it if it was a family member, but what if it was a carer who was looking after someone in the home?

12:15

[488] So, I think that there is probably a need to re-look at some of these and to have that broader discussion—this comes back to the first question that we had—about what exactly is covered by the Bill and what is not, because there are just a few things that need to be looked at. Another one that was not clear to me—again, I may be wrong, but it is just about

checking—was whether anybody who was going through gender reassignment was also caught by parts of this Bill. So, I think that there is a need for just some more debate and discussion over that so that we get the definitions right and fully agreed.
[489] Christine Chapman: I will call Lian and Bryan first, and then I will bring Gwenda in.
[490] Ms Penhale: There is confusion over the definitions. I think that we all accept that. We need to work towards a common understanding of the definitions in Wales.
[491] Mr Heard: I would echo that ambition and the complexity of understanding what domestic abuse is. That gives us the very reason why we are here today. On that basis, a clear definition would help all in understanding what domestic abuse is.
[492] Christine Chapman: Thank you. I call Gwenda. Hang on a minute; I think I will take Mike, to finish, and then Gwenda and Jocelyn.
[493] Mike Hedges: Is there not a problem if the definition in this Bill is different to the Home Office definition?
[494] Ms Penhale: I would not say ‘problem’. However, it would not be, perhaps, as—. It could frustrate us. I would not say that it was a problem because it would not stop us working with partners and other authorities in relation to this agenda, but it would be, obviously, more positive if we had the same definition.
[495] Mike Hedges: That is a very nice way of not using the word ‘problem’. [<i>Laughter.</i>]
[496] Ms Stamp: Could I just add to that?
[497] Christine Chapman: Could I bring Bryan in first, and then I will call Jackie?
[498] Mr Heard: I think that there is a good point to make here. Currently, Wales has some of the best services and recognised best practice, and recognised by a co-ordinator that acts against domestic abuse. Bearing in mind that there is a difference currently in relation to the definition, and that policing is not devolved, we are still able to see national best practice emanating from Wales.
[499] Christine Chapman: Thank you. I call Jackie.
[500] Ms Stamp: This is a small point: just to say that, obviously, Home Office definitions, based on criminal justice proceedings, will not cover the whole range of the work that we are trying to meet here.
[501] Mike Hedges: I accept that; it is just that if everybody agrees with the definition, it should make life easier.
[502] Christine Chapman: I will call Gwenda, and then Jocelyn.
[503] Gwenda Thomas: I think that Naomi raises a very interesting point about carers. I have not thought about this, really, but under the social services Act, carers would have a right to an assessment of their needs. You think that that might imply their need for protection within a domestic situation as well, which I think is very interesting.
[504] Christine Chapman: Thank you, Gwenda. Jocelyn, did you want to come in?

<p>[505] Jocelyn Davies: It was on this point about the definitions. I can see the attraction for having the same definitions, but I come back to Jackie's point: this is not about the criminal law; this is broader than the criminal law. So, surely, the definitions that we have need to be broader. Otherwise, it is only if something is a crime that this legislation would attach itself to it. Surely, we are talking about broader behaviour.</p>
<p>[506] Ms Stamp: I would agree.</p>
<p>[507] Jocelyn Davies: I know that Jackie agrees because she just said so. Maybe it is something that we can all think about when we think that clarity would be good, but are we losing something?</p>
<p>[508] Christine Chapman: Yes, okay. Gwenda, you have some questions, I think.</p>
<p>[509] Gwenda Thomas: Yes. Do you think that resources could be diverted away from front-line services because of the introduction of the Bill?</p>
<p>[510] Ms Stamp: I think that there is a real danger that resources could be diverted away from front-line services. It is no surprise for me to say that, at the moment, obviously those services are currently overstretched and resourcing is very difficult. I think that there are a lot of ways around that, and there are a lot of savings that are naturally to be made if we actually approach it a lot more carefully. To give you an example, I took aggregate data around our own services: about 34% or 35% of our adult clients are already engaged with other public services, such as mental health—they have behavioural issues and substance misuse issues et cetera. In fact, if you look at our offenders project, where work is done with people who are victims of sexual violence, but who have gone on to offend themselves, 87% of those are already engaged with other public services, where money is already going into tackling the issues that come out, but they are not looking at their core issues. So, if funding is carefully placed at the core of the problem, if we are actually addressing the abuse that this legislation is covering—the domestic abuse and sexual violence—and putting money into those front-line services, we know that we can make a saving to the public purse in the long run.</p>
<p>[511] There have been a number of studies. I know that one of the sexual violence agencies in England has done work with Zurich Community Trust looking at savings, and their research indicated that for every £1 that goes into those front-line specialised services around domestic and sexual violence, and other forms of gender-based violence, it saves £177 to the public purse. That is huge. So, I think that it is almost inevitable that we will divert money away. We have to be very careful how we commission those services, and very smart.</p>
<p>[512] Gwenda Thomas: So, do you think that we should be commissioning services in a different way?</p>
<p>[513] Ms Stamp: I think that we could commission them smarter according to evidence-based needs. Looking at things holistically, we were talking about the crossover of strategies and duties, but there is already a lot of crossover of work streams, and I think that if we looked at how the—. We know most of the work that we are aiming to legislate for here is done in the third sector. If we look carefully at the benefits of that and the benefits for the public purse, I think that we can save money.</p>
<p>[514] Christine Chapman: We had two questions from Gwenda, I will bring in Bryan and Lian first and then Naomi to answer those questions.</p>
<p>[515] Ms Penhale: I will come in on the last point, if I may, just to highlight that the</p>

commissioner for South Wales Police has commissioned a review of services in south Wales, and he would be happy to share that. The findings have revealed over 140 different funding streams for domestic abuse services. Most are not sustainable, and the funding is not aligned to risk or prevalence. It is a postcode lottery; it is inconsistent. So, we are happy to share that with the committee, if you so wish.

[516] **Mr Heard:** Coming from a MARAC chair's perspective as well, it is in relation to the risk and in relation to the highest risk that would attend in relation to MARAC. You can see that there are many overlapping issues that dovetail into what people see as domestic abuse, but, actually, they are symptoms. They may receive mental health services or drug and alcohol services, but the cause may actually be domestic abuse, which is at the very heart of it.

[517] **Ms Alleyne:** May I just reiterate the work that has been undertaken by the Police and Crime Commissioner for South Wales's office, because I think that there will be some learning that comes out of that about how the money that is available across the South Wales Police area can be better utilised? It is a very difficult discussion to take forward, but, nonetheless, there seems to be commitment from partners to try to make it work, because I think that we are all aware of the period of austerity that we are going through. There is also concern that the changes would lead to an increased call on services, so there would be even more concern if some of those are not receiving the funding that they would like to. The financial implications part of the explanatory memorandum seems quite robust, but, nonetheless, there is nothing around the commitment post 2016, so, again, there is not that longer term commitment for funding. Again, longer term funding for projects would be helpful, as is always the case, because year-on-year funding does not make it easy, particularly for some third sector organisations, to innovate or to try different ways of working, taking a long-term approach.

[518] **Gwenda Thomas:** So, should there be consideration of regional commissioning for some specialist services?

[519] **Ms Alleyne:** I think that, through Supporting People services, some of that consideration is already taking place, because they come together to look at the needs and cover domestic abuse. However, specifically, the work being undertaken by the commissioner's office will give us some information and a potential model for moving forward, and the opportunities that that would bring.

[520] **Ms Stamp:** May I come in on that to say that in terms of regional commissioning, I think that there has to be a regional overview in order to divide duplication, et cetera, and to ensure best practice? There is also a danger that when there are large amounts of money being put out for commission that non-specialist, large organisations come in and you dilute your specialism at a local level. That is a real danger with regional commissioning, so I think that regional overview is really important.

[521] The work that the Police and Crime Commissioner for South Wales has done in terms of domestic abuse is excellent, but I would just maybe make a plea for that to be by specialist organisations that know that particular sector. Even within the scope of this Bill, we are looking at very different types of abuse: sexual abuse, domestic abuse, so-called honour-based violence, FGM. They are very different types of abuse, and I think that it is very important that, if we are to review them, they are reviewed appropriately, and, if there is a regional view to be taken, that commissioning can still happen locally.

[522] **Christine Chapman:** Anything to add, Lian or Bryan? No. Well, I think that we have come to the end of our questions, so I thank the panel for coming today and for answering the

questions. We will send you a transcript of the meeting so that you can check its factual accuracy. Thank you very much.
12:26
Papurau i'w Nodi Papers to Note
[523] Christine Chapman: I invite the committee to note the papers.
Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting
[524] Christine Chapman: Before we actually close, I would like to invite the committee to move into private session for about five minutes to discuss the evidence that we have heard today. I move that
<i>the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).</i>
[525] Do Members agree? I see that you do. Thank you.
<i>Derbyniwyd y cynnig. Motion agreed.</i>
<i>Daeth rhan gyhoeddus y cyfarfod i ben am 12:26. The public part of the meeting ended at 12:26.</i>