

July 2018



# CLINKS' response to the Home Affairs Select Committee inquiry on domestic abuse

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## About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the CJS and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, working in prisons and community settings, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the criminal justice system and the role of the voluntary sector in rehabilitation and resettlement.

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## Introduction

Clinks welcomes the opportunity to respond to the Home Affairs Select Committee inquiry on domestic abuse.

Clinks supports a network of women's centres and specialist women's services working in the CJS and has a key role in supporting and representing organisations that work with women in contact with the CJS. As well as supporting the sector with information, resources and events, we sit on the Advisory Board for Female Offenders to share the sector's expertise with the Ministry of Justice (MoJ). We also convene the Women's Networking Forums as part of the Reducing Reoffending Third Sector Advisory Group (RR3), in partnership with Agenda. These bring together women's organisations to provide an opportunity to feedback on policy developments and foster partnership working within the voluntary sector.

Given the expertise within our membership, we have focused our response on the links between women's offending and prior historical experience of domestic abuse, coercion and violence. This vulnerable cohort of women is often overlooked in current criminal justice policy and planning. We have organised our contribution around the following priority areas identified by the Home Affairs Select Committee:

- Is the response of public authorities to domestic abuse good enough, and if not, how could it be improved?
- What else is required to ensure that there is sufficient support, protection and refuge for victims of abuse?
- How to secure the equal protection of BME and migrant women who are victims of domestic abuse.
- What national oversight framework is required to ensure that there are sufficient quality services available at a local level for victims of abuse?

## Is the response of public authorities to domestic abuse good enough, and if not, how could it be improved?

We are concerned that women who have experienced domestic violence and coercion continue to be criminalised and subjected to criminal justice sanctions.<sup>1</sup> Analysis by the MoJ reveals that 53% of women in prison have reported emotional, physical or sexual abuse, compared with 27% of men.<sup>2</sup> The organisation Women in Prison reports that 80% of the women they work with have experienced domestic violence<sup>3</sup> and over 60% of women supervised by either the National Probation Service (NPS) or Community Rehabilitation Companies (CRCs) indicate that they have experienced domestic abuse.<sup>4</sup>

We are encouraged that this link is explicitly recognised by the government in their recent consultation, Transforming the Response to Domestic Abuse, and in more detail in the Home Office Ending Violence against Women and Girls Strategy 2016 – 2020, but more work is needed to translate this policy commitment into practice:

***“We know that many victims of sexual, physical and emotional abuse can also be drawn into offending behaviour. The proportion of female prisoners that report experiencing some form of abuse during their childhood is twice as high as among male prisoners with many reporting that their offending was to support their partner or someone else’s substance misuse.”<sup>5</sup>***

Similarly, the recently published MoJ *Female Offenders Strategy* and the Welsh government’s *Framework to support positive change for those at risk of offending in Wales* both acknowledge the major part that domestic abuse can play in female offending and the different forms that abuse can take, which include coercive and controlling behaviour.

The strategy announced a £3.5 million grant funding programme which includes £2 million specifically for meeting the needs of female offenders with experience of domestic abuse. Clinks has concerns that this financial package falls considerably short of what is needed. Our preliminary estimate of the cost of providing holistic, women-centred services to all women subject to criminal justice supervision - developed alongside the Prison Reform Trust - is up to £70.7 million per annum.

Below we set out more detail on how outcomes can be improved for women in the CJS who have experienced domestic abuse. This will require a shared approach to domestic abuse across government as well as greater financial commitment.

We hope the forthcoming Domestic Abuse Bill will explicitly address and complement other relevant government strategies.

## What else is required to ensure that there is sufficient support, protection and refuge for victims of abuse?

We advocate for a distinct approach to supporting women in the CJS who disclose prior histories of domestic abuse, coercion and violence. Where possible this should be evidence-led and based upon the following principles:

### 1. Early intervention

Clinks welcomes a greater focus on identifying the needs of women earlier on in the criminal justice system and providing appropriate support to address these. In consultation with Clinks, our members have highlighted the primary importance of diversion from the CJS for women who have experienced domestic abuse. This is supported by the Corston Report, which found that prison is disproportionately damaging and inappropriate for women with past experiences of trauma who have committed non-violent offences.<sup>6</sup> More recent research by the Prison Reform Trust finds that criminalisation and particularly imprisonment compound the problems of women affected by abuse.<sup>7</sup> We therefore suggest that the use of schemes to divert women out of the CJS is essential to providing appropriate support to women who have experienced domestic abuse.

Desistance-based approaches to supporting women in contact with the CJS emphasise the importance of practitioner approaches that are sensitive to these adverse experiences of women. They highlight the need to address the impact of these experiences in order to prevent offending and re-offending. Clinks members which deliver women-centred services also point to the need for trauma-informed services and underline the risks of delivering generic services that do not effectively engage women.

In order to properly support victims of domestic abuse, a cross-departmental strategy is required which builds upon desistance theory and research. This should emphasise the need for women in contact with the CJS to have access to services and practitioners that provide a holistic, flexible and person-centred approach, as offered through the voluntary sector's women-centred services. This principle should also be reflected across any government strategies for addressing domestic abuse, in recognition of the relationship between experiences of domestic abuse and involvement in the CJS.

### 2. A whole system approach

Clinks supports the development of a whole system approach for women in contact with the CJS. The MoJ has taken a proactive role in raising awareness around and supporting the development of this approach, which it describes as "a multi-agency approach to address the often complex needs of the most vulnerable and disadvantaged women in society."<sup>8</sup>

Cross-governmental collaboration and high-level strategic engagement with voluntary sector organisations is vital to developing early intervention that can avoid contact with the CJS altogether - to address needs before the point of offending and prevent the hefty public (and human) costs associated with involvement in the CJS.

For all women in contact with the CJS, particularly those who have experienced domestic abuse, access to women-centred services - focused primarily on the needs of the individual rather than their offending behaviour - is essential. Research has found that there are a number of reasons why women often do not disclose experiences of domestic abuse. These

include women not recognising their own experiences as abuse, fears that they will not be supported, and concerns about their children being taken into care.<sup>9</sup> It is vital that women have access to voluntary sector services with the expertise to identify histories of domestic abuse and provide specialist support to help women escape abusive situations, as well as to address the impact of abuse. Women's centres are a key part of the whole system approach - they have expertise in the needs of vulnerable women and what works to support them, and their gender-specific community services can support prevention and diversion.

Investing in the sustainability of women's centres is essential to ensuring that women who experience domestic abuse do not experience criminalisation due to the impact of abuse and are able to access holistic support services.

### 3. Signposting to appropriate services

Liaison and Diversion schemes have been developed across England and Wales over the past two years and have played an important role in improving support to people in contact with the CJS who have mental health needs. These schemes could be a useful avenue for earlier identification of women who have experienced domestic abuse and it is therefore important that these services are able to respond to the specific needs of women in the CJS.

Currently, some generic Liaison and Diversion schemes have low engagement rates for women. In some areas this has led police, health services and voluntary organisations to develop gender-specific pathways within Liaison and Diversion services to proactively address the specific and multiple needs of women. These services tend to focus on needs rather than offending histories, meaning that Liaison and Diversion practitioners will assess each woman coming into contact with the CJS rather than requiring a referral from a custody sergeant. Many Liaison and Diversion schemes automatically refer those with experience of domestic abuse to support services. However, this is not yet standardised. Clinks welcomes the work being done by the national Liaison and Diversion scheme to develop pathways into services for those who have experienced domestic abuse.

It is important to note that many women who have offended will not come into contact with the police. Women who have committed debt offences, for example, will often come into contact with the CJS at the court stage. Debt and fraud offences can often be indicators of domestic abuse for women and it is therefore important that Liaison and Diversion schemes are expanded beyond police forces to courts in order to ensure that all women coming into contact with the CJS have their needs assessed and appropriate support offered.

## How to secure the equal protection of BME and migrant women who are victims of domestic abuse

Clinks recommends that the government strategy to address domestic abuse should consider and proactively address the needs of women with additional protected characteristics under The Equality Act 2010.

Black, Asian and minority ethnic (BAME) women are strongly over-represented in the CJS. For example, black and mixed ethnic women are more than twice as likely as white women to be arrested, BAME women are more likely to be committed to Crown Court than non-BAME women and black women are 25% more likely than white women to be sentenced to

custody at Crown Court.<sup>10</sup> Due to the extent of this disproportionality and the strong evidence base available on this topic, this section of our response is focused on BAME women.

A recent report by Women in Prison and Agenda highlights the discrimination and additional barriers experienced by BAME women in the CJS. It finds that at all levels of the CJS many BAME women have experienced overt racism from CJS staff, have reported being treated differently to their non-BAME counterparts and finds that their specific needs have not been met.<sup>11</sup> This is supported by evidence from the Lammy Review which demonstrates disproportionality and poorer outcomes for BAME women at arrest stage, in sentencing and relating to experiences in prison.<sup>12</sup>

It suggests that additional training for staff may be necessary to overcome obstacles, such as cultural stigma associated with CJS involvement, and that women should have access to culturally and religiously sensitive support in prison and in the community. This is essential to ensure that BAME women who have experienced domestic abuse are able to disclose this experience and to access appropriate support services to prevent further involvement in the CJS.

Research by Imkaan shows that BAME women who have experienced domestic and sexual violence are more likely to access the support provided by specialist BAME organisations and report feeling safer to speak about their experiences of violence in an environment where staff have the knowledge and expertise in providing specialist support to vulnerable BAME women. Their report notes that a large number of specialist organisations for BAME women with experience of domestic or sexual violence have closed or been absorbed by larger providers.

***“Where this has taken place, these ‘culturally specific services’ lose their autonomy, become part of a suite of services offered by a large, single provider and become delinked from the specialist BME [black and minority ethnic] women’s sector (and movement).”<sup>13</sup>***

Voluntary organisations are particularly concerned about punitive immigration regulation and enforcement being used disproportionately against women from refugee and migrant communities, and that statutory CJS agencies view these women as offenders rather than victims. This has been confirmed by reports of the Metropolitan Police reporting victims of crime, including victims of domestic abuse and sexual violence, to the Home Office for potential immigration breaches.<sup>14, 15</sup> This punitive approach to women from refugee and migrant communities hinders strategies to address domestic abuse, sexual violence and trafficking by preventing women from accessing the CJS as victims and making them more likely to be caught up in the CJS unnecessarily.

We warmly welcome the recognition in the *Female Offender Strategy* that BAME women face unique challenges, and its commitment to work with voluntary sector organisations with specialist expertise and knowledge to develop responses to this. In order to meet the needs of BAME women in or at risk of involvement with the CJS, it is vital that specialist services with expertise in the specific needs and experiences of BAME communities exist and are sufficiently resourced to provide support to all women who may wish to access a specialist service. This is increasingly important given that Clinks’ most recent State of the sector survey highlights that 30% of specialist BAME organisations report they are at risk of closure, compared to 5% of non-specialist organisations.<sup>16</sup>

## **What national oversight framework is required to ensure that there are sufficient quality services available at a local level for victims of abuse?**

Clinks supports an oversight framework that is cross-departmental and places considerable emphasis upon ongoing consultation with service users and the voluntary sector.

Women-centred services led by the voluntary sector are flexible, holistic and focus on the needs of each service user. This presents opportunities for partnership work with statutory services and other voluntary organisations, as well as for co-location of services. However, the needs of individuals and local systems can vary widely, creating differing opportunities and barriers for collaboration in every locality. It is therefore important that specific developments around partnership work and the co-location of voluntary and statutory services are not prescribed by national government but led by local stakeholders to ensure they meet the needs of the local population.

### **1. Cross-departmental strategy for the sustainability of holistic women's services**

The government should develop a strong cross-departmental strategy for the long-term financial sustainability of holistic services provided by women's centres, with leadership for this located in one department. Without a clear location of responsibility for the development of this work, it is possible that agencies both within and outside of the CJS will continue to focus on the delivery of their statutory duties over preventative strategies and holistic approaches that take wellbeing, including factors such as domestic abuse, into account.

The biggest issues currently facing women's centres are access to sustainable funding, and commissioning processes that hinder multi-agency partnership work. Women's centres receive funding from a range of different sources to support their approach. Volatility in funding from voluntary sources coupled with reductions in funding from local authorities, often creates difficulties in creating sustainable services.

Clinks' State of the sector reports<sup>17</sup> have demonstrated that shifting from grant funding to contractual funding is frequently problematic for small and medium voluntary organisations due to the resource-intensive nature of the bidding process, the need to evidence contractual outcomes and the difficulties in securing full cost recovery. Contractual funding can be particularly challenging for women's centres due to the holistic nature of their work.

### **2. Engagement with voluntary organisations delivering women-centred services**

The voluntary sector has led the way in developing and delivering women-specific services in safe women-only environments. Organisations delivering women-centred services have a wealth of expertise on what works to support women in contact with the criminal justice system, how to prevent and address domestic abuse and how government can best foster and support this work. It is essential that the government engages in ongoing strategic consultation with voluntary organisations which deliver women-centred services.

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CJS and has a key role in supporting and representing organisations that work with women in contact with the CJS. We also convene the Women's Networking Forums as part of the Reducing Reoffending Third Sector Advisory Group (RR3), in partnership with Agenda. These bring together women's organisations to provide an opportunity to feedback on policy developments and foster partnership working within the sector. Clinks recommends that government departments utilise Clinks to engage in early and ongoing consultation with voluntary organisations which deliver women-centred services on government responses to domestic abuse.

### **3. Involving service users**

It is important to recognise the value of service user involvement in developing effective, evidence-based policy at all levels of the CJS. Any government strategy or policy to address domestic abuse should include an ongoing commitment to the strategic engagement of women with lived experience of the CJS and with experience of domestic abuse, as well as an outline of how this will be achieved.

The voluntary sector has a strong track record of involving service users in both strategy development and service delivery, which demonstrates the value of service users' expertise in designing services that reflect and meet the needs of those who use them. Clinks' and Revolving Doors Agency's guide to service user involvement and co-production provides more information about how to embed service user involvement through an organisation or decision-making process. Organisations such as User Voice support organisations and agencies such as government bodies to engage service users in their decision-making processes in order to improve their services as well as their links with the communities affected by their decisions. Government departments should engage with these organisations in order to hear the views of service users on any strategy to address domestic abuse.





**Clinks supports, represents and advocates for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.**

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### End notes

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