

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 3

Meeting date: 11 January 2018

Meeting time: 10.30

For further information contact:

Naomi Stocks

Committee Clerk

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Pre-meeting (10.30 – 10.35)

- 1 Introductions, apologies, substitutions and declarations of interest**

- 2 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from items 3, 4 and 8 of the meeting**

- 3 Inquiry into rough sleeping in Wales: consideration of scope and approach**
(10.35 – 10.50) (Pages 1 – 11)

- 4 Consideration of the Legislative Consent Memorandum on the Assaults on Emergency Workers (Offences) Bill**
(10.50 – 11.00) (Pages 12 – 19)

- 5 Public Services Ombudsman (Wales) Bill: evidence session 9**
(11.00 – 12.00) (Pages 20 – 46)
Daniel Hurford, Head of Policy, (Improvement and Governance), Welsh Local Government Association
Davina Fiore, Director of Governance and Legal Services, Cardiff Council
Liz Withers, Head of Policy and Campaigns, Wales, Citizens Advice Bureau



6 Public Services Ombudsman (Wales) Bill: evidence session 10

(12.00 – 13.00)

(Pages 47 – 48)

Mark Drakeford, Cabinet Secretary for Finance

David Richards, Director of Governance, Welsh Government

Nick Howard, Lawyer, Welsh Government

7 Paper(s) to note

7.1 Additional information from the Northern Ireland Public Services Ombudsman in relation to the Public Services Ombudsman (Wales) Bill

(Pages 49 – 51)

7.2 Additional information from the Scottish Public Services Ombudsman in relation to the Public Services Ombudsman (Wales) Bill

(Pages 52 – 56)

7.3 Additional information from Healthcare Inspectorate Wales (HIW) in relation to the Public Services Ombudsman (Wales) Bill

(Pages 57 – 58)

7.4 Additional information from Hospice UK in relation to the Public Services Ombudsman (Wales) Bill

(Page 59)

7.5 Letter to the Chair of the Constitutional and Legislative Affairs Committee in relation to Human Rights in Wales

(Pages 60 – 62)

7.6 Letter to the Chair of the External Affairs and Additional Legislation Committee in relation to Human Rights in Wales

(Pages 63 – 65)

7.7 Letter to the Convener of the Equalities and Human Rights Committee in relation to Human Rights in Wales

(Pages 66 – 68)

7.8 Letter to the Chair of the Joint Committee on Human Rights in relation to Human Rights in Wales

(Pages 69 – 71)

7.9 Letter to the Chair of the Women and Equalities Committee in relation to Human Rights in Wales

(Pages 72 – 75)

7.10 Letter to the Leader of the House and Chief Whip in relation to Human Rights in Wales

(Pages 76 – 78)

7.11 Welsh Women's Aid report on State of the Sector: the state of violence against women, domestic abuse and sexual violence specialist services in Wales, 2017

(Pages 79 – 90)

8 Public Services Ombudsman (Wales) Bill: consideration of evidence received under items 5 and 6

(13.00 – 13.15)

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Agenda Item 4

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

Agenda Item 5

By virtue of paragraph(s) vi of Standing Order 17.42

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Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)–01–18 Papur 3/ Paper 3

20th December 2017

1. The Welsh Local Government Association (WLGA) welcomes the opportunity to respond to the Equality, Local Government and Communities inquiry into the general principles of the Public Services Ombudsman (Wales) Bill.
2. The WLGA represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
3. The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA also appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government.
4. The WLGA works closely with and is often advised by professional advisors and professional associations from local government, however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales.
5. The WLGA response has been informed by discussions and feedback from local government's Welsh Corporates Complaints Group.

The general principles of the Public Services Ombudsman (Wales) Bill and the need for legislation to deliver the stated policy intention

6. The WLGA is supportive of the general principles of the Bill. The policy and legislative proposals contained within the Bill have been widely consulted upon and have been the subject of previous Assembly scrutiny.
7. The WLGA provided evidence to both the Finance Committee's initial inquiry into the powers of the Public Services Ombudsman (January 2015)¹ and the Committee's consultation on Draft Public Services Ombudsman (Wales) Bill (October 2015)².

¹ <http://www.senedd.assembly.wales/mgConsultationDisplay.aspx?id=166&RPID=1509837406&cp=yes>

² <http://www.senedd.assembly.wales/documents/s48145/DB%20PSOW%2032%20Welsh%20Local%20Government%20Association%20WLGA.pdf>

8. The WLGA was broadly supportive of the Draft Bill and welcomes the amendments which have since been made and incorporated into this Bill; several comments put forward by the WLGA and other consultees have been reflected in the drafting.
9. The Ombudsman has recently established a Local Government 'Sounding Board' with a range of professional representatives to consider and discuss emerging issues and promote good practice exchange. The Ombudsman's office also meets regularly with the local authorities' Welsh Corporate Complaints Group, who were also consulted on the methodology for some aspects of the Regulatory Impact Assessment.
10. Local authorities have worked with the Ombudsman's office to improve the handling of both complaints about councillors' code of conduct and complaints about local authority services. The WLGA and local authorities worked with the Ombudsman's office in developing 'Local Resolution Protocols', whereby 'low level' complaints about councillors' conduct could be dealt with more speedily and proportionately at a local level rather than escalating matters to the Ombudsman's office. This has resulted in more responsive resolution and reduced workload for the Ombudsman.
11. Similarly, the WLGA and local authorities worked with the previous Ombudsman and the Welsh Government in developing the Model Concerns and Complaints Policy and Guidance, published in 2011³. 21 of the 22 local authorities operate the two-stage model complaints process and the remaining authority operates a one stage 'investigate once, investigate well' approach.
12. As a result of the model policy, local authority complaints handling has generally improved during the past decade, and the Ombudsman recently noted the reduced number of local authority complaints received by his office in his most recent Annual Report. Local authorities have increasingly been responsive to voluntary complaints resolution or 'quick fixes', which reduces the burden on the Ombudsman's office and results in a more speedy and satisfactory resolution for the complainant.
13. In 2010-11, the year prior to the introduction of the Model Policy, 61 complaints (or 6.3% of all local authority complaints received by the Ombudsman) were settled voluntarily or were 'fixed quickly', in 2016-17, this figure was 110 complaints (or 12.4% of all local authority complaints). Given the majority of local authority complaints made to the Ombudsman are either not investigated or are discontinued for various reasons; quick fixes therefore accounted for 83% of all the potentially investigable complaints made to the Ombudsman's office in 2016-17, compared to 38% in 2010-11.
14. The WLGA recognises however that improvements can always be made in terms of complaints handling and the 'Sounding Board' and Welsh Corporate Complaints Group are two key forums to share practice and encourage improvement. It should be noted

³ <http://www.ombudsman-wales.org.uk/en/Information%20for%20Public%20Bodies/Polisi-pryderon-a-chwynion-enghreifftiol-a-chanllawiau.aspx>

however that local authorities face increasing challenges in terms of meeting the public's expectations regarding council services during a period of ongoing austerity.

The provisions of the Bill which set out the new powers for the Ombudsman to:

- **accept oral complaints;**

15. The WLGA supports the principles and the provisions regarding accepting oral complaints. Local authorities already accept oral complaints and the Bill would improve accessibility to the Ombudsman's office.

- **undertake own initiative investigations;**

16. The WLGA is supportive of the proposed new powers; such powers are available to Ombudsman in other countries and the proposals have been subject to scrutiny during the Fourth Assembly term. The WLGA did outline concerns during previous consultation that the powers, as then drafted, risked confusion and scope for duplication and additional burdens on listed authorities.

17. The WLGA notes therefore that the Bill now includes more detailed sections regarding consultation with other 'specified bodies' or regulatory bodies prior to using such powers (S65). Following consultation with other 'specified bodies', the Ombudsman might decide that an 'own initiative investigation' may either not be warranted (if for example, he had received assurances from another regulatory body or that the matter was already under consideration by another body) or that the investigation would be better undertaken by another regulatory body.

18. Section 5 is also an improvement on the Draft Bill, as criteria for the initiation of own investigations is included on the face of the Bill rather than at the discretion of the Ombudsman. The Bill also includes a duty on the Ombudsman (S16) to consult with and 'submit the investigation proposal' to the relevant body before commencing an own initiative investigation, which is a further safeguard.

19. The WLGA has observed earlier Committee meetings where the potential for the/a future Ombudsman to exercise own investigation powers disproportionately or even inappropriately; however, the Assembly's oversight of the Ombudsman's annual budget provides a further safeguard.

20. There remains a risk however that the power will have an impact on public bodies in terms of an additional regulatory burden, the power therefore should be used proportionately and in line with agreed criteria and overwhelmingly where there is public interest and clear indication of wider systematic failures.

- **investigate private medical treatment including nursing care in a public/private health pathway;**

21. Although not a local government matter, this proposal appears appropriate.

- **undertake a role in relation to complaints handling standards and procedures.**

22. The WLGA is broadly supportive of this proposal. As noted above, local authorities have already voluntarily implemented much of the 'model complaints policy and guidance'. It is also noted that the Ombudsman must consult with 'listed authorities and other persons as the Ombudsman thinks appropriate' in advance.
23. Whilst the wider proposal around standards and data collection is a reasonable development, the WLGA and authorities would need to work closely with the Ombudsman in developing and agreeing appropriate data to be collected and reported. Local flexibility around service standards (in terms of availability, accessibility, quality and timeliness) is an essential role of local democracy and accountability and councils should be able to invest in and set standards for local services according to local needs or priorities. A clear distinction between any national complaints standards and local service standards therefore will remain critical.
24. There is inevitably likely to be some initial disruption and administrative burden should a nationally prescribed data recording and reporting framework be introduced as not all councils currently categorise the same types of complaints data and there are different approaches to analysing complaints trends. There are likely to be financial implications as a result either of additional administrative requirements or possible software changes (see financial implications below).
25. It is important however that any public complaints data or information collected and reported in future is used appropriately; the comparison of trends across service areas or approaches between organisations could lead to service improvements, however, there is a risk that simple and superficial interpretation of data by the media or other stakeholders could lead to ill-informed criticism or unnecessary concern about public services.

Any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them

26. The Explanatory Memorandum outlines the potential administrative burdens and potential additional costs of the Bill on public bodies. Whilst the Bill seeks to improve public services, such changes may be challenging for some organisations both culturally and financially in a climate of continued financial and service pressures.

The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 6 of Part 1 of the Explanatory Memorandum)

27. These appear appropriate, given the majority are subject to affirmative resolution procedure which would allow Assembly oversight.

Whether there are any unintended consequences arising from the Bill

28. See potential barriers and financial implications below.

The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)

29. The Regulatory Impact Assessment includes a financial impact assessment, which has been partially informed by joint work with the local government Welsh Corporate Complaints Group.
30. The Explanatory Memorandum suggests that some of the additional costs will be offset through cost-avoidance as a result of improved complaints handling by public bodies. It is inevitably difficult however to forecast the impact of legislative reform on behaviour change, both the behaviour of the public and public services; it is therefore difficult to accurately estimate the anticipated financial implications of such proposals. The WLGA notes that the Auditor General, in his response to Committee, also suggests that the Explanatory Memorandum should be 'more explicit about the 'level of uncertainty in relation to savings'.
31. The figure of £2.6m cost avoidance over 5 years therefore could be viewed as ambitious as it is not immediately apparent across which public services this cost avoidance will be achieved, whether it will be across all 66 specified bodies equally or whether it is anticipated to be within particular bodies, where the biggest improvements and therefore 'cost avoidance' could be made? Cost avoidance for the Ombudsman's office necessitates a shift of burden and costs to other public bodies (although the premise is that this would lead to speedier and more efficient complaints resolution for the public). As noted above, local authorities are already resolving an increasing proportion of all upheld complaints to the Ombudsman's office.
32. The financial impact assessment assumes a reduced workload for the Ombudsman in dealing with some complaints, however, the proposed reforms to make a more accessible complaints service, including oral complaints, could see workload further increase.
33. The Explanatory Memorandum also probably underestimates the financial impact of any changes relating the establishment of a 'Complaints Standards Authority' and in particular the anticipated changes to ensure consistency of complaints processes and/or data capture and reporting. The estimated transition cost of between only £10k and £31k across the 66 specified public bodies, is only £157 - £470 per organisation.
34. Local authorities currently use a variety of software solutions for complaint data management from spreadsheets, to bespoke internally developed applications, through to dedicated Customer Relationship Management packages; any significant changes to data collection, collation and reporting may therefore have an impact in terms of IT investment and workforce training, dependent on what reforms are introduced.



Response to The Equality, Local Government and Communities Committee inquiry into the general principles of the Public Services Ombudsman (Wales) Bill

Introduction

1. Citizens Advice Cymru welcomes the opportunity to provide evidence to the Equalities, Local Government and Communities Committee to help scrutinise the general principles of the Public Services Ombudsman (PSOW) (Wales) Bill. We would also welcome the opportunity to discuss any of the areas raised in this paper with the Committee or broader issues around the role of the Public Services Ombudsman.
2. Citizens Advice is an independent charity, founded in 1939, covering England and Wales. In Wales we have a network of 19 local Citizen Advice, all individual charities, staffed by nearly 800 dedicated volunteers and staff.
3. We provide advice on a range of everyday issues to anyone who needs it, from debt, money and welfare benefits to housing, employment, discrimination and relationships. Our financial education sessions and income maximisation programmes also help people to take control of their finances and ensure those in need are claiming all the financial support they are entitled to.
4. We remove the barriers to advice by going to places where people need us most, delivering advice from over 375 community locations in Wales, as well as offering services over the phone and online.
5. Every year across England and Wales millions of people turn to us. This gives us a unique insight into their needs and concerns. We use this knowledge to campaign on big issues, both locally and nationally. So one

way or another, we're helping everyone – not just those we support directly.

Our response

6. During 2016-2017 local Citizens Advice in Wales helped over 114,000 people with more than 436,000 problems, a number of these relate in some form to the administration of public services in Wales, including those that fall under the jurisdiction of the PSOW and those that are non-devolved. Nearly half of all clients we helped in 2016-2017 (49%) are disabled or have a long term health condition (compared to the population average of 23%). Internal analysis has also found that around two-thirds of our clients in Wales are living below the poverty line.
7. Citizens Advice Cymru recognises the essential role played by the PSOW in making sure that people in Wales can have their concerns heard and investigated by an independent body. We have previously advocated for changes to the PSOW's powers including own initiative powers; oral complaints; complaints handling across public services; a complaints handling authority; the PSOW's jurisdiction and links with the courts.
8. We believe that public authorities in Wales should welcome and recognise the value of complaints and identify where they can improve services to avoid making the same mistakes in the future.

Oral Complaints

9. Citizens Advice Cymru **fully supports amending existing legislation to allow the Ombudsman to accept oral complaints and improve accessibility** to the PSOW.
10. As the Committee will be aware, the PSOW has discretionary powers to accept oral complaints, but these are considered on a case by case basis. Allowing the Ombudsman to accept oral complaints would be in line with Equality legislation and our own evidence on how people prefer to communicate, in particular, reflecting changes to technology and digitalisation.
11. The services of the PSOW must be accessible to all and access to redress should not be discretionary. Accepting oral complaints will remove barriers and ensure those who do not feel comfortable or able to make a

complaint in writing have the same access to redress. In addition, we believe that for vulnerable groups or those that feel less able to make a complaint themselves, trusted intermediaries such as advice agencies should be able to support people to bring a complaint to the PSOW. This will remove barriers faced by some of the most vulnerable people and ensure they feel able to make a complaint.

12. Finally, we believe consideration should be given to the cost to the individual of making a complaint and recommend that costs to be kept to a very minimum. Examples include the cost of calling from mobile phones, in particular, pay as you go phones. Having to pay up front costs can be prohibitive for some people and a call back service or alternative options should be considered.

Undertake own initiative investigations

13. **We believe existing legislation should be amended to allow the PSOW to undertake own initiative investigations**, this would bring the Ombudsman in line with the majority of ombudsman schemes across Europe. The PSOW will have seen cases that appear to present a wider systemic issue, having powers to undertake own initiative investigations should mean that wider issues can be identified and rectified sooner. Citizens Advice Cymru believes it is important that the PSOW is able to undertake own initiative investigations on a broad range of scenarios, including where external organisations present evidence warranting further investigation.
14. Looking at our own experience, we are able to draw comparisons and trends from client cases. This helps us to identify possible issues, as they arise, for further investigation. This information is essential in helping us identify and improve policies and practices and provide evidence to external organisations. Where appropriate, this could include the PSOW. For example our client data on Universal Credit (UC) meant we were able to identify problems with the administration of UC and highlight these to central government before their own data was available. Using our data this way helps identify and deliver service improvements and can lead to wider changes to practice across public services.
15. We would welcome the opportunity to work with the PSOW by sharing relevant strategic information, this could include the types of issues our clients are facing and raising any specific issues in a particular place or within a certain sector.

16. If the PSOW powers are amended to include own initiative investigations, we believe the following principles should be considered:
- Clear eligibility criteria and referral routes for investigations (i.e. what can be investigated and how external organisations/individuals can suggest matters/issues for investigation)
 - Transparency around how investigations are chosen
 - Clear parameters on how to engage in an investigation, which could include calls for evidence
 - Timely communication of outcomes
17. **There is a wealth of evidence around why people do not complain and we know that for every complaint made there are many more that aren't.** Giving the Ombudsman power to undertake own initiative investigations can help address issues and concerns for those who do not make formal complaints.

Investigate private medical treatment including nursing care in a public/private health pathway

18. We **fully support extending the Ombudsman's powers to allow investigation of complaints in a public/private health service pathway.** However, it is not clear if this option excludes any particular groups or individuals. Whilst no specific groups come to mind, we would like to seek assurance that there will be ongoing monitoring to ensure this does not happen.
19. In 2016/17 local Citizens Advice in Wales saw 1,941 clients with 2,763 issues relating to health and community care. Ensuring that a complaint can be resolved seamlessly, even when it involves different sectors is crucial for the individual concerned. It can also highlight problems that may be missed by different sectors around the provision of services to an individual or groups of individuals. For example, the type of service being offered is not appropriate but due to miscommunication neither sector nor service provider is aware of this.
20. As the population ages, health and social care services aim to become more integrated. We strongly believe the complaint should follow the

individual rather than the sector as the individual will often not have a choice over the sectors providing their health and care.

Undertake a role in relation to complaints handling standards and procedures

21. **We fully support amending existing legislation to strengthen the Ombudsman's role in securing effective complaint-handling across the public sector in Wales**, in particular to include a complaints design, implementation, oversight and data collection role.
22. Citizens Advice Cymru has previously called for the PSOW to be given powers to consider and adapt the Scottish PSOW's approach to complaint handling. This model was developed collaboratively with consumer bodies in Scotland and we believe a similar approach should be developed in Wales, ensuring citizens views are taken into account as the model is developed.
23. We believe a complaints handling authority would help drive up standards on complaint handling across public authorities in Wales. Citizens Advice Cymru also believe it would improve consistency across Wales and allow for comparisons to be made.

Other

24. We believe clarity should be provided around how far the role of the PSOW extends to the tribunals listed below in so far as they relate to public services in Wales and if the remit of the PSOW does not extend to these bodies consideration should be given to include them:
 - Special Educational Needs Tribunal for Wales
 - Residential Property Tribunal Wales
 - Mental Health Review Tribunal Wales
 - Welsh Language Tribunal

Conclusion

25. We believe the Public Services Ombudsman (Wales) Bill strengthens the role of the Ombudsman service in Wales, driving up standards for complaint handling, identifying areas for further investigation and

importantly, ensuring everyone is able to make a complaint to the Ombudsman, in writing and orally.

For further information please contact:

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Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref: MA-L/MD/0882/17

John Griffiths AM
Chair
Equality and Local Government Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

20 December 2017

Dear John

I am looking forward to my evidence session on the scrutiny of the Finance Committee's Public Services Ombudsman (Wales) Bill on 11 January 2018. In advance of that session the Committee might find it helpful to know my views, and those of the Welsh Government, on key elements of the Bill.

Subject to having an opportunity to study the conclusions of the Committee, the Government is happy to support the elements of the Bill which provide the Ombudsman with powers to receive oral evidence, and to investigate the private healthcare element of a patient's treatment, where this forms part of a mixed public and private healthcare pathway.

The Government reserves its position on the other two key elements of the Bill. As far as own initiative investigations are concerned I look forward to reading the Committee's assessment of the merit and de-merit of this aspect of the Bill.

It will also reserve its position on the adoption of a model complaints policy across the Welsh Public Service, based on Public Services Ombudsman for Wales guidance. I will be especially interested to study what the Committee will have heard from other commissioners and regulators, such as the Auditor General for Wales and the Health and Social Care Inspectorates have to say on this matter.

Bae Caerdydd • Cardiff Bay
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Finally I have concerns about the accuracy of the financial information set out in the Explanatory Memorandum and Regulatory Impact Assessment. In order to ensure that there is sufficient time for this aspect of the Bill to be further explored I am unlikely to table the financial resolution for the Bill immediately after the Stage 1 debate in Plenary on the general principles of the Bill.

On a separate matter I am clear the Public Services Ombudsman (Wales) Bill will not be the vehicle through which the issue of Welsh Language complaints will be dealt; that is rightly a matter for a Welsh Language Bill. This is also the view of the Ombudsman.

I will review the evidence taken by the Committee to inform the Government's view on the elements of the Bill on which it has reserved its view, and I look forward to responding to the Committee's questions on 11 January.

Yours sincerely

A handwritten signature in black ink that reads "Mark". The letters are cursive and slightly slanted to the right.

Mark Drakeford AM/AC

Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

OWN INITIATIVE – DECISION FRAMEWORK

File Number: _____ File Name: _____

Submitted by: _____ Date: _____

Review by: _____ Date: _____

Decision Framework	
Issue(s) Identification	<p>Briefly describe the issue(s):</p> <p>Briefly address the following:</p> <ul style="list-style-type: none"> • Specify body or bodies which are to be investigated. • Why has this body been included in the investigation? • Has another investigation of this matter been undertaken by NIPSO or by any other body? If so, what was the outcome? • What issues are to be investigated and why? • Will the investigation include matters that involve clinical or social care judgement? If so, will independent advice be required? • When will the investigation commence/be completed? • If the body to be investigated has more than one operational unit/site will the fieldwork involve one site or more? • What will the investigation process involve (face to face interviews/written submissions/formal evidence on oath)?
Does the investigation have possible systemic implications?	<p>Factors to consider include:</p> <ul style="list-style-type: none"> • Has there been a number or pattern of complaints about the body or the issue to be examined? • The number of complaints identified that relate to broadly similar issues. • Does the issue involve a range of policies/processes, if so, which policies? • Are a number of individuals potentially affected?
Is this a sensitive/high profile issue?	<ul style="list-style-type: none"> • Does the matter to be examined relate to a sensitive/high profile issue or subject? • Is or has the issue been debated in political or civic foras? • Has the issue the potential to be one of significant public concern reflected in debate and discussion in the media or in professional/political circles? • Has the issue been identified by a whistleblower in the media or in private to NIPSO ?
Is it in the public interest to investigate?	<p>Factors to consider:</p> <ul style="list-style-type: none"> • Is the potential injustice caused so egregious (on the face of it) that an Ombudsman investigation is considered necessary? • What other organisations are involved or potentially involved?

	<ul style="list-style-type: none"> • Are there any limitations to their investigation (ie is any aspect of the issue under investigation by another organisation)? • Has the issue been raised in other public fora? • Will the investigation be likely to result in significant recommendations if the complaint is substantiated in whole or in part? • Is it an issue before the Assembly or a Committee of the Assembly? • Is there a risk to the general public health which may affect a large number of individuals? • Does the issue raise human rights considerations? • Is there a risk of substantial damage to the environment?
Are the facts at issue and/or would the likely fact gathering process be complex or protracted?	<ul style="list-style-type: none"> • Are the facts in dispute? • Will the issue require in-depth field investigation to ascertain the facts? • Are there a large number of potential witnesses? • Are there a large number of potential documents to gather and review? • What is the sensitivity of the information to be collected? • Is more than one body involved? • Will an investigation be looking at best practices in other jurisdictions? • Are reputations or livelihood of individuals at stake?
Would the investigation be a proportionate use of NIPSO resources?	<p>Consideration must be given to the likely cost in time and other resources (financial and staff) versus the public interest benefits of any likely recommendations.</p> <p>Factors to consider:</p> <ul style="list-style-type: none"> • Location of potential witnesses; • Number of potential witnesses; • Complexity of issues; • Age of the complaints received about the issues; • Other investigations undertaken by NIPSO and/or other bodies; • Need for independent advice and projected cost; • Need for follow up review by NIPSO or regulator to ensure compliance with recommendations.
Informal resolution	Are the issues such that they will not likely be resolved informally?

Ombudsman's comments:

Ombudsman's Decision: _____ Date: _____

[ADMINISTRATIVE-JUSTICE-REPORT-AUGUST-2014.pdf](#)

<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/ofmdfm/4515.pdf>
(1 October 2014)

<http://www.niassembly.gov.uk/globalassets/documents/ad-hoc-nipso/correspondence/20141001-research-paper-update-on-estimated-costs.pdf> (22 November 2013)

18 December 2017

John Griffiths AM
Equality, Local Government and Communities Committee
The National Assembly for Wales
Cardiff Bay
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CF99 1NA

Dear Chair

**Public Services Ombudsman (Wales) Bill, Evidence Session of 7 December 2017:
CPD and Dignity and respect**

During the evidence session, I was asked for the Complaint handling Principles that underpin the SPSO's work on complaints standards. These are set out in the Appendix. The Committee may also be interested in the SPSO's submission to the Parliament in 2010, this is available at

https://www.spsso.org.uk/sites/spsso/files/communications_material/business_information/SPSO-Statement-of-Complaints-Handling-Principles-covering-submission-November-2010.pdf.

The Principles were approved by the Scottish Parliament in January 2011. This followed a period of stakeholder engagement which concluded with a full public consultation. We consulted on a model complaints handling procedure at the same time so that those responding could also comment on how the Principles would be translated into practice.

Since 2011, the Principles and model procedures have become an established part of public service throughout Scotland. As I set out for the Committee, the Principles and procedures are part of toolkit available to us (and those in our jurisdiction) that enable us to make a real difference by driving up standards to improve public services through learning from complaints.

Yours sincerely



Rosemary Agnew
Scottish Public Services Ombudsman

Appendix: SPSO Statement of Complaints Handling Principles

Available at:

<http://www.valuingcomplaints.org.uk/sites/valuingcomplaints/files/resources/principles.pdf>

SPSO Statement of Complaints Handling Principles

An effective complaints handling procedure is:

User-focused: it puts the complainant at the heart of the process.

Accessible: it is appropriately and clearly communicated, easily understood and available to all.

Simple and timely: it has as few steps as necessary within an agreed and transparent timeframe.

Thorough, proportionate and consistent: it should provide quality outcomes in all complaints through robust but proportionate investigation and the use of clear quality standards.

Objective, impartial and fair: it should be objective, evidence-based and driven by the facts and established circumstances, not assumptions, and this should be clearly demonstrated.

...and should:

Seek early resolution: it aims to resolve complaints at the earliest opportunity, to the service user's satisfaction wherever possible and appropriate.

Deliver improvement: it is driven by the search for improvement, using analysis of outcomes to support service delivery and drive service quality improvements.

User-focused

An effective complaints handling procedure puts the complainant at the heart of the process.

Service providers should recognise the different needs of individuals and be flexible and responsive to those needs where possible and appropriate.

Complainants should be listened to, respected and treated with dignity.

They should feel supported in bringing a complaint.

Confidentiality should be observed where appropriate.

Accessible

An effective complaints handling procedure is appropriately and clearly communicated, easily understood and available to all.

Complaints should be welcomed by informed and empowered staff.

A complaints procedure should be well publicised.

A complaints procedure should be easily understood without any specialist knowledge.

A complaints procedure should be designed with regard to the needs of minority and vulnerable groups. Where appropriate, service providers should make available material and support to help people access and use the procedure.

Simple and timely

An effective complaints handling procedure has as few steps as necessary within an agreed and transparent timeframe.

The process of dealing with complaints should be timely with timescales which are clear, published and adhered to.

Thoroughness of investigation should not be compromised by attempts to meet timescales and flexibility may be afforded for particularly complex cases. It is vital that, in cases where timescales cannot be met for good reason, complainants are kept informed of those reasons.

Thorough, proportionate and consistent

An effective complaints handling procedure should provide quality outcomes in all complaints through robust but proportionate investigation and the use of clear quality standards.

There should be detailed quality standards for complaints handling, that are well publicised to both service users and staff along with a clear explanation of what action will be taken if these standards are not met.

The complaints handling procedure and quality standards should be regularly reviewed.

The method of investigating and resolving the complaint should be proportionate and appropriate to the circumstances of the case.

Investigations, outcomes and redress should be consistent from one complaint to another whilst being flexible in considering the needs of the individual complainant.

Conclusions should be based on the facts and circumstances established and this should be clearly demonstrated.

Objective, impartial and fair

An effective complaints handling procedure should be objective, evidence-based and driven by the facts and established circumstances, not assumptions, and this should be clearly demonstrated.

All relevant facts should be gathered and established in an impartial manner.

Staff involved in complaints handling should be impartial, independent and accountable. As far as possible they should not be involved in investigating where they have been the subject of the complaint or involved in its handling.

Complaints handlers should act with respect towards service users. A complainant should only be treated differently to other complainants if this is justified by the individual circumstances of the case or the individual actions or behaviour of the complainant. Service providers should have policies in place to deal with such actions or behaviour.

Fairness extends to complaints handling staff and the subject of any complaint.

Seeks early resolution

An effective complaints handling procedure aims to resolve complaints at the earliest opportunity, to the service user's satisfaction wherever possible and appropriate.

Staff should be trained and empowered to resolve complaints at the earliest opportunity, starting with the first point of contact with service users.

The outcome the service user wants should be clarified at the outset and, where possible and appropriate, satisfied.

Delivers improvement

An effective complaints handling procedure is driven by the search for improvement, using analysis of outcomes to support service delivery and drive service quality improvements.

The complaints procedure should reflect and enhance the culture of good service delivery.

Complaint outcomes should be publicly available and should be used to demonstrate improvement and share best practice in service delivery.

Data from complaints should be used to measure performance, identify trends and highlight problems so that they can be solved before they have a chance to escalate, with the overall purpose of contributing to the continuous improvement of service delivery.

Approved by the Scottish Parliament, January 2011



Direct Line: 0300 062 8025
E-mail: Kathryn.Chamberlain@gov.wales

John Griffiths AM
Chair, Equality,
Local Government and Communities Committee
National Assembly for Wales

(via email: linda.heard@assembly.wales)

22 December 2017

Dear John

During my appearance before the Committee on 13 December 2017, I agreed to provide further information about Private Patient Units in Wales.

What is a Private Patient Unit?

An NHS private patient unit is a separate ward, series of rooms or side ward that is allocated for the accommodation of private patients. A patient or private medical insurance company will pay for these services, just as at a wholly private hospital, and patients are seen privately by their consultant, even if he or she also works for the NHS at the hospital.

Where are the Private Patient Units in Wales?

There are currently two private patient units in Wales:

[Bridgend Clinic](#) at the Princess of Wales hospital

A dedicated private healthcare unit located within the Princess of Wales Hospital grounds and operated by Abertawe Bro Morgannwg University Health Board (ABMU), which has inpatient beds and outpatient facilities.

[Glan Usk Suite](#) at Neville Hall hospital in Abergavenny

A private patient facility situated on the second floor of Nevill Hall Hospital in Abergavenny, part of the Aneurin Bevan Health Board, that offers private overnight only in patient stays following theatre. All private inpatient procedures that need longer than an overnight stay are transferred to the NHS specialty ward as a private patient.

Additionally, Cardiff and Vale University Health Board provide private patient services at the University Hospital of Wales and University Hospital, Llandough. They do not, however, have a separate dedicated private patient unit.

Staff employed at at Bridgend Clinic and Glan Usk Suite are NHS staff and the income generated is reinvested into the NHS.

Are Private Patient Units registered?

The Care Standards Act 2000 and the Independent Health Care (Wales) Regulations 2011 expressly exclude NHS hospitals from registration. Therefore, private patient units are not required to register with HIW under current legislation.

Complaints

If HIW were to receive a concern relating to care at a private patient unit we would direct the complainant to the Health Board complaint processes in the first instance and we have previously done so. It is HIW's understanding that if a complainant is not happy with the Health Board's response to their complaint, they would have access to the Public Service Ombudsman for Wales under the proposed new legislation.

Role of HIW in respect of Private Patient Units

HIW would direct any correspondence relating to private patient units to the Chief Executive of the health board, as responsibility for the service rests with them.

HIW would inspect a private patient unit in the same way as it inspects any ward in an NHS hospital, assessing it against the same Health and Care Standards.

HIW is also interested in the clinical governance of private patient units and follows this through its Relationship Manager roles.

The financial governance of private patient units is not within HIW's remit. However, this could be something of interest to the Auditor General for Wales.

Please do not hesitate to contact me should you require any further information.

Yours sincerely



Dr Kate Chamberlain
Chief Executive

Agenda Item 7.4

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-01-18 Papur 9 / Paper 9

Record keeping of hospices in the instance when a patient is transferred to hospital at the end of life

All hospices in Wales use CanISC to record patient information, including clinical information. CanISC is also used by Local Health Boards and NHS Trusts in Wales. This enables the recording and sharing of patient information and patient contacts across independent and statutory providers.

All activities involving the transfer of a patient from one place of care to another is recorded on CanISC. This would include the reason why a transfer has occurred. However, the timing of this recording and the responsibility for the recording will vary dependent on the nature of the transfer. For example,

- Where the hospice consultant has requested the transfer, this will usually be recorded on CanISC by the hospice within a few hours.
- When a patient is transferred to hospital following routine or emergency care from a clinician in secondary care the LHB or NHS Trust initiating the transfer will usually be responsible for recording this activity. This will usually happen within a few days, often on the same day.
- Patients transferred following an emergency admission, for example following a primary care referral or a carer's decision, will likely be recorded on CanISC within a few days. Hospices record this information as soon as they are made aware that a patient under their care has been transferred. The receiving hospital team may also record this information.

Please note there is likely to be some local variation in practice.

For further information, please contact Dr Catrin Edwards, Policy and Advocacy Manager (Wales), Hospice UK c.edwards@hospiceuk.org.

Mick Antoniw AM
Chair, Constitutional and Legislative Affairs
Committee

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-01-18 Papur 10 / Paper 10
12 December 2017

Dear Mick

Inquiry into human rights in Wales

You will be aware that the Equality, Local Government and Communities Committee is undertaking an [inquiry into human rights in Wales](#). This has included a written consultation and oral evidence. At the end of the summer term we agreed to narrow the scope of the inquiry to focus on the impact of Brexit on human rights.

At our meeting on 19 October we received briefings on the Brexit negotiations from Assembly Commission officials, and heard an external perspective from Rebecca Hilsenrath, the Chief Executive of the Equality and Human Rights Commission. We agreed a set of core principles that we consider should be adhered to during the Brexit process in relation to human rights. We will monitor progress against these principles and will be looking for opportunities to work with our counterpart parliamentary committees across the UK on these issues.

The core principles are that:

- there should be no regression in human rights and equality protections as a result of Brexit;



- Wales should establish a formal mechanism to track future developments in human rights and equality in the EU to ensure that Welsh citizens benefit from the same level of protection as EU citizens; and
- Wales should continue to be a global leader in human rights, and commit to bringing forward legislation to fill any gaps in rights and protection if the UK Government does not do so (where possible).

We are of the view that the Charter of Fundamental Rights must be preserved in some form after withdrawal from the EU. We welcome the statement made by the First Minister on [24 October](#)¹ supporting the efforts to ensure that the European Union (Withdrawal) Bill continues to respect the Charter after Brexit, which. We also welcome the UK Government's commitment to publish the analysis of how Charter rights will be protected after the UK leaves the EU.

We have also written to the following, to set out the core principles and on other matters relating to this work:

- Julie James AM, Leader of the House and Chief Whip (cc to Carwyn Jones AM, First Minister; and Mark Drakeford AM, Cabinet Secretary for Finance);
- Mrs Maria Miller, Chair, Women and Equalities Committee, Parliament;
- David Rees AM, Chair, External Affairs and Additional Legislation Committee;
- Christina McKelvie MSP, Convener, Equalities and Human Rights Committee, The Scottish Parliament;
- Rt Hon Harriet Harman QC MP, Chair, Joint Committee on Human Rights.

Yours sincerely

¹ National Assembly for Wales, Plenary, item 6, paragraph 341, 24 October 2017



John

John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



David Rees AM
Chair, External Affairs and Additional Legislation
Committee

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-01-18 Papur 11 / Paper 11

12 December 2017

Dear David

Inquiry into human rights in Wales

You will be aware that the Equality, Local Government and Communities Committee is undertaking an [inquiry into human rights in Wales](#). This has included a written consultation and oral evidence. At the end of the summer term we agreed to narrow the scope of the inquiry to focus on the impact of Brexit on human rights.

At our meeting on 19 October we received briefings on the Brexit negotiations from Assembly Commission officials, and heard an external perspective from Rebecca Hilsenrath, the Chief Executive of the Equality and Human Rights Commission. We agreed a set of core principles that we consider should be adhered to during the Brexit process in relation to human rights. We will monitor progress against these principles and will be looking for opportunities to work with our counterpart parliamentary committees across the UK on these issues.

The core principles are that:

- there should be no regression in human rights and equality protections as a result of Brexit;



- Wales should establish a formal mechanism to track future developments in human rights and equality in the EU to ensure that Welsh citizens benefit from the same level of protection as EU citizens; and
- Wales should continue to be a global leader in human rights, and commit to bringing forward legislation to fill any gaps in rights and protection if the UK Government does not do so (where possible).

We are of the view that the Charter of Fundamental Rights must be preserved in some form after withdrawal from the EU. We welcome the statement made by the First Minister on [24 October](#)¹ supporting the efforts to ensure that the European Union (Withdrawal) Bill continues to respect the Charter after Brexit, which. We also welcome the UK Government's commitment to publish the analysis of how Charter rights will be protected after the UK leaves the EU.

We have also written to the following, to set out the core principles and on other matters raised at the meeting:

- Julie James AM, Leader of the House and Chief Whip (cc to Carwyn Jones AM, First Minister; and Mark Drakeford AM, Cabinet Secretary for Finance);
- Mrs Maria Miller, Chair, Women and Equalities Committee, Parliament;
- Mick Antoniw AM, Chair, Constitutional and Legislative Affairs Committee;
- Christina McKelvie MSP, Convener, Equalities and Human Rights Committee, The Scottish Parliament;
- Rt Hon Harriet Harman QC MP, Chair, Joint Committee on Human Rights.

Yours sincerely

¹ National Assembly for Wales, Plenary, item 6, paragraph 341, 24 October 2017



John

John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Christina McKelvie MSP, Convener
Equalities and Human Rights Committee
The Scottish Parliament

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-01-18 Papur 12 / Paper 12

12 December 2017

Dear Christina

Inquiry into human rights in Wales

You will be aware that the Equality, Local Government and Communities Committee is undertaking an [inquiry into human rights in Wales](#). This has included a written consultation and oral evidence. Since beginning the inquiry, the Committee has narrowed the scope to the impact of Brexit on human rights.

As part of the inquiry the Committee recently discussed the current status of Brexit negotiations and heard from Rebecca Hilsenrath, the Chief Executive of the Equality and Human Rights Commission. At the meeting the Committee agreed a set of core principles that we consider should be adhered to during the Brexit process in relation to human rights and equality. We will monitor progress against these principles and will be looking for opportunities to work with our counterparts parliamentary committees across the UK on these issues.

The core principles are that:

- there should be no regression in human rights and equality protections as a result of Brexit;
- Wales should establish a formal mechanism to track future developments in human rights and equality in the EU to ensure that Welsh citizens benefit from the same level of protection as EU citizens; and



- Wales should continue to be a global leader in human rights, and commit to bringing forward legislation to fill any gaps in rights and protection if the UK Government does not do so (where possible).

We are of the view that the Charter of Fundamental Rights must be preserved in some form after Brexit. We welcome the statement made by Carwyn Jones AM, First Minister of Wales, on [24 October](#)¹ supporting the efforts to ensure that the European Union (Withdrawal) Bill continues to respect the Charter after Brexit. We also welcome the UK Government's commitment to publish the analysis of how Charter rights will be protected after the UK leaves the EU.

The Committee will also seek to:

- Engage with the scrutiny of the EU Withdrawal Bill;
- Consider the potential for the development of Welsh human rights law, as has been suggested in evidence taken.

As mentioned in my letter dated 9 January, and in correspondence we have had since, we are keen to discuss priorities and mutual interests with the Chairs of counterpart committees of devolved legislatures and the UK Parliament. I understand that our clerks are working to find a date that is convenient for all.

We look forward to hearing from you in due course.

Yours sincerely



John Griffiths AM
Chair

¹ National Assembly for Wales, Plenary, item 6, paragraph 341, 24 October 2017



Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Rt Hon Harriet Harman QC MP, Chair, Joint Committee
on Human Rights

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-01-18 Papur 13 / Paper 13

12 December 2017

Dear Harriet

Inquiry into human rights in Wales

I am writing in my capacity as Chair of the National Assembly for Wales' Equality, Local Government and Communities Committee.

The Committee is undertaking an [inquiry into human rights in Wales](#). Since beginning the inquiry the Committee has narrowed the scope to focus on the impact of Brexit on human rights.

As part of the inquiry the Committee recently discussed the current status of Brexit negotiations and heard from Rebecca Hilsenrath, the Chief Executive of the Equality and Human Rights Commission. At the meeting the Committee agreed a set of core principles that we consider should be adhered to during the Brexit process in relation to human rights and equality. We will monitor progress against these principles and will be looking for opportunities to work with our counterparts parliamentary committees across the UK on these issues.

The core principles are that:

- there should be no regression in human rights and equality protections as a result of Brexit;



- Wales should establish a formal mechanism to track future developments in human rights and equality in the EU to ensure that Welsh citizens benefit from the same level of protection as EU citizens; and
- Wales should continue to be a global leader in human rights, and commit to bringing forward legislation to fill any gaps in rights and protection if the UK Government does not do so (where possible).

We are of the view that the Charter of Fundamental Rights must be preserved in some form after Brexit. We welcome the statement made by Carwyn Jones AM, First Minister of Wales, on [24 October](#)¹ supporting the efforts to ensure that the European Union (Withdrawal) Bill continues to respect the Charter after Brexit. We also welcome the UK Government's commitment to publish the analysis of how Charter rights will be protected after the UK leaves the EU.

The Committee will also seek to:

- Engage with the scrutiny of the EU Withdrawal Bill;
- Consider the potential for the development of Welsh human rights law, as has been suggested in evidence taken.

As a Committee we are keen that our concerns are heard at a UK level, and would therefore welcome any opportunities for joint working with counterpart committees, including the Joint Committee on Human Rights. I understand that the clerks of the relevant equalities and human rights committees are currently seeking to find a convenient date for Chairs to meet and discuss shared interests and priorities.

Yours sincerely

¹ National Assembly for Wales, Plenary, item 6, paragraph 341, 24 October 2017



John

John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Mrs Maria Miller, Chair
Women and Equalities Committee
House of Commons
London
SW1A 0AA

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-01-18 Papur 14 / Paper 14

12 December 2017

Dear Mrs Miller

Inquiry into human rights in Wales

Thank you for your letter dated 12 October. I am writing with an update of our [inquiry into human rights in Wales](#). Since beginning the inquiry, the Committee has narrowed the scope to focus on the impact of Brexit on human rights.

At its meeting on 19 October, the Committee discussed the Brexit negotiations and heard from Rebecca Hilsenrath, the Chief Executive of the Equality and Human Rights Commission. The Committee agreed a set of core principles that we consider should be adhered to during the Brexit process in relation to human rights and equality.

We will monitor progress against these principles and will be looking for opportunities to work with our counterpart parliamentary committees across the UK on these issues.

Our core principles are that:

- there should be no regression in human rights and equality protections as a result of Brexit;



- Wales should establish a formal mechanism to track future developments in human rights and equality in the EU to ensure that Welsh citizens benefit from the same level of protection as EU citizens; and
- Wales should continue to be a global leader in human rights, and commit to bringing forward legislation to fill any gaps in rights and protection if the UK Government does not do so (where possible).

We are of the view that the Charter of Fundamental Rights must be preserved in some form after withdrawal from the EU. We welcome the statement made by the First Minister on 24 October supporting the efforts to ensure that the European Union (Withdrawal) Bill continues to respect the Charter after Brexit. We also welcome the UK Government's commitment to publish the analysis of how Charter rights will be protected after the UK leaves the EU.

We welcome your report on 'Ensuring strong equalities legislation after the EU exit', in particular your call for the Equality Act 2010 to be amended to give the rights enshrined in the Act similar protection to those in the Human Rights Act. We also support the other recommendations in this report in relation to:

- Ensuring that the loss of the framework provided by the EU does not lead to a reduction or weakening of equalities protections;
- Clarity on the status of future EU case law once the UK has left the EU;
- Ensuring that funding is available so that UK research and civil society can maintain international links; and
- Assessment of the levels of EU funding and work should then be done to identify and develop alternative sources of funding, both state and non-state sources.

We share your disappointment with the UK Government's response to the report. While we welcome the UK Government's commitment to bring forward an amendment to the EU Withdrawal Bill that will ensure Ministers have to




demonstrate that legislation relating to Brexit is compatible with the Equality Act 2010, However, we believe that this should be widened, in line with the recommendations you made, to cover all legislation, and not just that which is directly related to withdrawal from the European Union.

As a Committee we are keen that our concerns are heard at a UK level, and would welcome any opportunities for joint working with our counterpart committees, including the Women and Equalities Committee. I understand that our clerks are working to find a date that is convenient for all.

We look forward to hearing from you in due course, and would be grateful for a response by **Friday 26 January 2018**.

Yours sincerely



John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Julie James AM, Leader of the House and Chief Whip
CC Carwyn Jones AM, First Minister; and
Mark Drakeford AM, Cabinet Secretary for Finance

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-01-18 Papur 15 / Paper 15

12 December 2017

Dear Julie

Inquiry into human rights in Wales

You will be aware that the Equality, Local Government and Communities Committee is undertaking an [inquiry into human rights in Wales](#). Since beginning the inquiry, the Committee has narrowed the scope to focus on the impact of Brexit on human rights.

At its meeting on 19 October, the Committee discussed the Brexit negotiations and heard from Rebecca Hilsenrath, the Chief Executive of the Equality and Human Rights Commission. The Committee agreed a set of core principles that we consider should be adhered to during the Brexit process in relation to human rights and equality. We will monitor progress against these principles and will be looking for opportunities to work with our counterpart parliamentary committees across the UK on these issues.

The core principles are that:

- there should be no regression in human rights and equality protections as a result of Brexit;



- Wales should establish a formal mechanism to track future developments in human rights and equality in the EU to ensure that Welsh citizens benefit from the same level of protection as EU citizens; and
- Wales should continue to be a global leader in human rights, and commit to bringing forward legislation to fill any gaps in rights and protection if the UK Government does not do so (where possible).

We are of the view that the Charter of Fundamental Rights must be preserved in some form after withdrawal from the EU. We welcome the statement made by the First Minister on 24 October supporting the efforts to ensure that the European Union (Withdrawal) Bill continues to respect the Charter after Brexit. We also welcome the UK Government's commitment to publish the analysis of how Charter rights will be protected after the UK leaves the EU.

To help inform our work, we would be grateful if you could provide:

- any analysis that is available on the current levels EU funding that currently fund projects relating to human rights in Wales;
- information on the work done to date to consider alternative sources of funding for these projects;
- an update on negotiations with the UK Government, particularly relating to human rights and equality; and
- information on any discussions you have had with the EU about the protection of human rights during and after Brexit.

We have also written to the UK Government, and our counterpart committees across the UK on this matter.

We look forward to hearing from you and would be grateful for a response by **Friday 26 January 2018**.

Yours sincerely



John

John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Cymorth i Ferched Cymru
Welsh Women's Aid

Rhoi Merched a Phlant yn Gyntaf
Putting Women & Children First

State of the Sector

Report on the state of violence against
women, domestic abuse and sexual violence
specialist services in Wales, 2017



Our membership comprises of 27 third sector Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) specialist services in Wales, with whom we have national partnership agreements to ensure our work is coordinated and integrated.

As the national umbrella organisation for VAWDASV specialist services in Wales, Welsh Women's Aid would also like to sincerely thank all of the specialist services that contributed to the *Report to the National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales* (currently not available across Wales) provided to the Welsh Government.

This *State of the Sector* report summarises the findings and recommendations of that more substantive report, and also draws on additional material produced since its publication in September 2017.

Written by:
Hilary Watson
Policy and Research Officer

Published by: Welsh Women's Aid
Pendragon House, Caxton Place,
Pentwyn, Cardiff, CF23 8XE

Please cite this report as: "*State of the Sector: Report on the state of violence against women, domestic abuse and sexual violence specialist services in Wales, 2017*"

For more information about Welsh Women's Aid, please go to www.welshwomensaid.org.uk

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* All survivor names have been changed.

Introduction

This report is informed by the experience of violence against women, domestic abuse and sexual violence (VAWDASV) specialist services, and by survivors and their children in Wales.

It follows Welsh Women's Aid's *Save Refuges, Save Lives* report in 2016, on the impact of funding cuts on specialist domestic abuse and sexual violence services across Wales. This highlighted stark concerns in the sector about the sustainability of funding for the majority of refuge services. That report helped inform the subsequent commitment made by Welsh Government in the *National Strategy on Violence against Women, Domestic Abuse and Sexual Violence 2016-2021*¹ to deliver sustainable funding for the national network of VAWDASV specialist services in Wales.

This year, Welsh Women's Aid also conducted a more substantial national resources mapping exercise in collaboration with the VAWDASV specialist services sector in Wales, *Report to the National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales* provided to the Welsh Government.

This collated data on the range of funding going into specialist services and the types of provision delivered as a result, the challenges services face to attain sustainability, and recommendations for Government and commissioners in Wales to inform development of Welsh Government commissioning guidance and a sustainable funding model.

This *State of the Sector* report summarises the findings and recommendations of that more substantive report, and also draws on additional material produced since its publication in September. Its purpose is to highlight trends and display the current funding climate and the challenges that still need to be overcome so that sustainable funding of the sector can safeguard the expertise and lifesaving work that these organisations provide for survivors of abuse and violence in Wales every day.

About Welsh Women's Aid

Welsh Women's Aid is the umbrella membership organisation in Wales that supports and provides national representation for 27 independent third sector VAWDASV specialist services.²

These specialist services deliver life-saving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision. Some services are small local specialist providers and others are regional and national in their scope. The support provided includes delivery of refuge-based support and community and outreach support for women, children and young people, and men across all communities in Wales, including for Black and minority ethnic (BME) communities, survivors who are lesbian, gay, bisexual and trans (LGBT), disabled, older and of many religions and beliefs.

Support is provided in the form of advice and information, practical help, advocacy, counselling and therapeutic support, individual and group support. The aim of these specialist services is to meet needs associated with domestic abuse, rape and sexual violence, forced marriage, so-called 'honour' based violence, sexual exploitation, harassment and stalking, female genital mutilation (FGM) and trafficking/modern day slavery.

Our primary purpose is to prevent domestic abuse and all forms of violence against women, and ensure high quality services for survivors that are needs-led, gender responsive and holistic. Nationally, Welsh Women's Aid provides advice, consultancy, support and training to deliver policy and service improvements across governments, public, private and third sector services and in communities, for the benefit of survivors. This includes advising and supporting commissioners and strategic leads in their development of VAWDASV needs assessments and strategic plans, promoting evidence for innovative new service models, and supporting research into the prevention of abuse. We also deliver direct services including the Welsh Government funded Live Fear Free Helpline; a National Training Service partnership; the National Quality Service Standards for domestic abuse services, and are piloting a survivor engagement project to help improve agencies' responses to abuse (Survivors Empowering and Educating Services, SEEdS).

VAWDASV in Wales

IN 2016/17:

- 14,129 women, men, children and young people were provided with refuge and community based advocacy and support by Welsh Women's Aid member services³
- 500 survivors (456 - 90% were women) were unable to be supported in refuge because of a lack of service resources or capacity^{4 5}
- 249 survivors of domestic abuse could not be accommodated by refuges in Wales because there was no space available in the service contacted when they needed help⁶
- There were 30,036 calls, webchats and emails to the Live Fear Free Helpline in Wales and 14,088 individuals were supported, including 13,505 survivors, as well as 583 friends and family members⁷
- Between 1 January - 31 December 2016, at least 13 women are known or suspected to have been killed by men. On average, this is one woman killed every 28 days⁸
- There were 251 rape prosecutions in Wales, with a conviction rate of 55.4%. This rate is below the average across England and Wales, at 57.6%.⁹ In the same year, there were 792 prosecutions for sexual assault, with a conviction rate of 79.2%, comparable to the average across England and Wales at 79.5%¹⁰
- Welsh police forces recorded a total of 58,709 domestic abuse incidents and crimes¹¹

IN ADDITION:

- An estimated 137,000 women and girls are living with the consequences of FGM in England and Wales.¹² Research suggests that while rates vary between rural and urban areas an estimated 1,270 women are currently living with FGM in Cardiff alone¹³
- The Office for National Statistics estimates that over one in four women (27%) in Wales and England, and 13% of men, experience domestic abuse in their lifetime. This amounts to around 353,080 women in Wales¹⁴

COST TO SOCIETY:

- Domestic violence costs Wales £303.5m annually: £202.6m in service costs and £100.9m to lost economic output.¹⁵ These figures do not include any element of human and emotional costs, which the research estimates costs Wales an additional £522.9m
- UK Government figures estimate that each adult rape costs society over £96,000 in its emotional and physical impact on the survivor, lost economic output due to convalescence, treatment costs to health services and cost incurred in the Criminal Justice System, with sexual violence costing society in England and Wales an estimated £8.5bn¹⁶

WHAT ARE VAWDASV SPECIALIST SERVICES?

The accepted definition of VAWDASV specialist services in Wales is:

Organisations/services that are delivered independently from the state (i.e. third sector) and whose core business it is to support survivors and/or perpetrators and/or children and young people impacted by any form of violence against women, domestic abuse and sexual violence (i.e. rape and sexual assault including child sexual abuse, domestic abuse, sexual harassment, forced marriage, FGM, sexual exploitation including through the sex industry, trafficking and modern day slavery and so-called 'honour' based violence).

VAWDASV specialist services' delivery is needs-led and gender-responsive, recognising the continuum of violence against women and ensuring interventions and prevention work connects VAWDASV to wider patterns of sex and other intersectional inequalities, including ethnicity, class, gender identity, age, ability, sexuality, religion and belief.

VAWDASV specialist services' understanding and delivery is informed by analysis of VAWDASV being gendered and a cause and consequence of inequality between women and men, which intersects with factors such as ethnicity, age, class, sexuality and disability to impact on experiences of abuse and routes to recovery.¹⁷ VAWDASV specialist services recognise that these forms of violence are entirely preventable, they happen to women and girls disproportionately because they are women and girls as a means of social control, which maintains and reproduces unequal power relations and presents an obstacle to achieving equality and human rights for women and girls.

These VAWDASV specialist services differ from 'general support' services in that the organisations/services have a gender and culturally responsive and holistic service delivery model, in accordance with the UK quality standards frameworks for such services, and are run by and for the communities they serve. In doing so they offer a uniquely empowering experience particularly to women and children and to BME communities, as the client group is reflected in staffing, management and governance structures of these organisations.

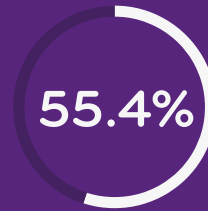
State of the Sector



27%

The Office for National Statistics estimates that over one in four women (27%) in Wales and England, and 13% of men, experience domestic abuse in their lifetime.

This amounts to around 353,080 women in Wales.



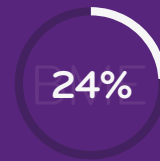
55.4% conviction rate OF RAPE PROSECUTIONS

There were 251 rape prosecutions in Wales, with a conviction rate of 55.4%



2,848 people SUPPORTED IN REFUGES

In 2016/17, 1,596 women, 1,221 children and young people and 31 men were supported in refuges last year.



24%

24% of survivors accepted into refuges identified as BME in 2016/17.



500 survivors COULD NOT BE ACCOMMODATED

500 survivors were unable to be supported in refuge because of a lack of resources or capacity.



61% WITH MENTAL HEALTH ISSUE

61% of survivors accessing refuge based support in Wales during 2016/17 identified that they had a mental health issue (such as depression, anxiety, post-traumatic stress disorder, or other mental health issues).



25% SUBSTANCE MISUSE

25% of survivors accessing refuge based support said they had substance misuse issues, which includes use of illegal drugs, prescription drugs, legal highs and alcohol misuse.



11% WITH A DISABILITY

11% of survivors accessing refuge had a physical or mental disability.

Key Findings of this Report

The funding landscape

The VAWDASV specialist sector in Wales faces continued uncertainty as it attempts to maintain year-on-year funding, facing a 'postcode lottery' dependent on whether local commissioners prioritise them, while continuing to feel the impact of accumulative funding cuts.

The Supporting People Programme is by far the largest contributor to VAWDASV specialist services¹⁸ in the third sector in Wales, and even a small reduction in this funding represents a risk to services. In September 2017 the Welsh Government made a commitment to maintain this grant at its current level for the next two years, however the recently published Welsh Government draft budget has proposed the merging of the Supporting People grant and VAWDASV Services Grant with a broad range of funding in 2019/20. This will effectively remove the ring-fence for this funding, leaving prioritisation of funding for these services at the discretion of local authorities.

It is also proposed that there will be no safeguard for the proportion of Supporting People funding received by VAWDASV services; while the overall funding for Supporting People was maintained in 2017/18, there was a 4% decrease in total funding for VAWDASV services from the Supporting People grant.¹⁹

This could further decrease in 2019/20 with the proposed integration of the Supporting People budget (£124.4m) and the local authority element of the VAWDASV Services Grant (£2.4m) proposed to be integrated into a new single grant (Early Intervention Prevention and Support grant), without any proposals to ring-fence an allocation for VAWDASV expenditure.²⁰

Last year Welsh Women's Aid's report *Save Refugees, Save Lives* highlighted that specialist services were over-stretched and under-resourced, having experienced cuts to their children, housing, counselling and refuge services in recent years.²¹ In 2017/18, funding cuts across Wales from council grants and contracts in housing/homelessness, children or Families First, community safety and a decrease in private funding and donations has contributed to further reduced capacity across the VAWDASV sector.²² Cuts lead to continued pay reductions for specialist staff, fewer support hours in refuge services, decreases in capacity across whole organisations and services being unable to take on new staff or retain the expertise of long-serving staff, forced to look for work elsewhere.

Many services have continued uncertain and unconfirmed funding beyond 2017/18, which often makes it impossible to adequately plan for the future of these services due to reliance on annual local authority funding and additional short term grants.²³

Summary of funding changes, reductions and redirections

There has been an overall loss of up to 5% of funding for the VAWDASV specialist sector in Wales.

Changes to funding include:

- Across Wales services have seen a 14% reduction in funding from local authority children's services and Families First grant programmes. Some specialist providers do not receive any funding specifically for support for children²⁴
- Specialist services in the last year alone have suffered the loss of 30% of funding from Housing and Homeless prevention grants from local authorities²⁵
- 20% of National Offender Management Service Cymru / Integrated Offender Management Cymru Board funding has been redirected²⁶

- Home Office funding previously available for IDVA and ISVA²⁷ services has been redirected into the Home Office VAWG Service Transformation Fund. The shortfall in provision has not always been met by other funders as was anticipated
- The level of donations & other income generation for specialist services has reduced by 6%²⁸
- No funding was received by specialist VAWDASV services from Public Health Wales in 2016/17, while a very small amount was received the year before (amounting to just £1,500)²⁹

Funding from council grants and contracts has reduced significantly for 2017/18, with the largest reduction from councils being seen in funding from Community Safety Partnerships at a 55% reduction.³⁰ The reductions to overall funding levels between 2016/17 and 2017/18 are a cause for grave concern for VAWDASV specialist services.

Concerns for the future

In 2018/19, the *Full Flexibility Pathfinder*³¹ project proposes to remove the VAWDASV Services Grant and Supporting People ring-fence – this means that this funding is not guaranteed to be spent on VAWDASV issues or on Supporting People related priorities in these areas: Bridgend, Cardiff, Conwy, Newport, Merthyr Tydfil, Rhondda Cynon Taf and Torfaen. In 2019/20, the lack of a distinct budget line for VAWDASV and Supporting People grants to local authorities gives no assurances that the funding will be protected to be spent in these areas from 2019/20.

This removal of the ring-fence for these grants could have devastating consequences for VAWDASV specialist services across Wales. For example, since the removal of the ring-fence of the Supporting People grant in England in 2009, which has accompanied a period of parallel austerity measures, between 2010-14 England lost 17% of specialist refuges and a third of all referrals to refuges were turned away, normally due to a lack of available space.³² Specialist services that support survivors of sexual violence and those led by and for Black and minority ethnic (BME) women are particularly at risk³³, and reports in November 2017 suggest council spending on domestic violence refuges across 33 local authorities in one region of England has fallen by up to 75% since 2010.³⁴

The proposed loss of ring-fenced funding for VAWDASV services in Wales comes at a time when Wales-based specialist services have already experienced incremental funding cuts year on year, whilst it is expected that demand for services will continue to rise.^{35 36}

By removing this ring-fence, the Welsh Government hands over control of the money formerly dedicated to the Supporting People grant to local authorities to meet a wider range of priorities, which could feasibly see some of the Supporting People fund absorbed into other priority areas at the expense of the 60,000 most vulnerable people in Wales who currently benefit from it. Supporting People currently provides at least 36.5% of the total VAWDASV specialist services funding for domestic violence services in Wales.³⁷

The Welsh Government has stated that with a larger single grant, individual smaller grant constraints could be lifted and funds could be used to meet locally determined needs in a way that makes sense at a local level.³⁸

However, Welsh Women's Aid examined all 19 Public Service Board draft Assessments of Local Well-Being published in 2017 and found concerns in relation to their understanding and recognition of VAWDASV.³⁹

Removal of ring-fencing of these grants not only means that the funds might be spent on other work areas, it also means we may not clearly know how much is being spent on VAWDASV work, or on homelessness and housing related support services in Wales.

Further to these changes, the UK Government has recently announced plans to entirely remove short-term supported housing cost funding from the welfare system.⁴⁰ This means refuges will be funded on a provision basis, rather than funding them via the housing benefits system attached to the individual accessing the service (as in the past). The proposed funding for short-term accommodation will cover all housing costs – both rent and eligible service charges – that were previously met from housing benefits.

The UK Government have also announced that they will devolve funding for this to the Welsh Government, who will determine the model of funding for Wales for implementation from April 2020 onwards. The UK Government will provide the Welsh Government with the level of funding in 2020/21 equivalent to that which would otherwise have been available through the welfare system. This raises concerns that the funding will be set at current projections and not be flexible to actual need.

The new model will also have to work in conjunction with other funding mechanisms for refuge in Wales, namely the administration of the Supporting People and VAWDASV funds mentioned above. The proposal to merge Supporting People and part of the VAWDASV Services Grant into a new single grant, without any proposals to ring-fence this for VAWDASV expenditure in 2019/20, could also impact on how a new model could be administered.

The risk is that, as the Welsh Government devolves all Supporting People and VAWDASV funds to local areas and loses the ring-fence on this, the allocation of funding for supported housing from the previous housing benefit pot in Wales will also go into a local non-ring-fenced pot. If this is the case, refuges in Wales would be at risk of losing all their funding, not just the support element.

Trends and Implications on Provision

The following areas have been identified as significant trends in the data analysed for 2016/17:

Sexual violence provision

Sexual violence services have received a significant reduction in funding levels between 2016/17 and 2017/18, while demand has continued to increase. One sexual violence specialist service in Wales has seen an increase in demand of 78% for one service area over a three year period.⁴¹

"I was totally isolated – he broke me with mental and sexual abuse, I'm left with no self-esteem, no self-worth, no confidence."

Debora*

Welsh Women's Aid's survey of specialist services for this period showed a reduction of 20.2% of funding with the loss of Home Office funds, which was not picked up by local commissioners (as had been expected by the Home Office). Further reductions in contracts with the Welsh Government from the Department of Health and Social Services also impacted these services, with a 60% funding reduction from all departments combined.⁴²

Services by and for BME women

From the data provided by the VAWDASV sector in Wales, 24% of survivors accepted into refuge identified as BME in 2016/17.⁴⁵

In 2016/17, 21 survivors were referred to VAWDASV community/outreach services in Wales who, because of their insecure immigration status, had 'no recourse to public funds' (NRTPF); of these, 16 survivors (76%) without recourse to public funds were supported.⁴⁶

Specialist BME VAWDASV services largely rely on funding at a national level for their core management and infrastructure costs, as well as for some project delivery in the regions.⁴⁷ Only around 50% of their funding from March 2018 is likely to continue beyond this date.⁴⁸ When coupled with a lack of effective regional needs assessments that highlight the needs of VAWDASV survivors from BME communities, and the already inconsistent availability of specialist BME VAWDASV services, there is a significant risk to the continuation of these services from 2018.

Sexual violence specialist services funding is reducing. In particular, the loss of Home Office funding has contributed to a 49% reduction in funding allocated to ISVA⁴³ (see footnote 27 for IDVA and ISVA definitions) services in the third sector.

LUCY'S⁴⁴ STORY

Lucy's experience of sexual violence happened when she was a child. The impact of this sexual violence, combined with domestic abuse, mental health issues and teenage years spent mainly in foster care. Lucy needs specific support for the anxiety she experiences. She has lived with close family members who have mental health issues and has witnessed, as well as been subject to, domestic abuse.

Through counselling, Lucy started to concentrate on separating out her survival and coping behaviours necessary to survive domestic abuse and sexual violence, and when they would be helpful, or not, in her daily life. She has reported how useful she finds it to know that once a week there is someone she can work with who she doesn't feel judged by and isn't easily shocked. In her last few sessions in counselling, Lucy worked solely on her self-esteem, challenging her belief that she is unlovable and helping to build her confidence in herself.

"Women survive violence then have to survive on peanuts, we have nothing, no furniture, no food, no recourse to public funds, we need money to live on, otherwise we are either destitute or die. The 'no recourse' and immigration rules don't help... Does the Government in Wales understand that we are living on nothing?"

Priya⁴⁹

The smallest proportion of designated funding for service types is to female genital mutilation (FGM) service provision (0.18%) and forced marriage (0.20%). Not only is there only 0.38% of funding directed towards forced marriage and so-called 'honour' based violence services and FGM services, but data also shows these services are currently not available across all of Wales.⁵⁰ There has been a reduction in funding allocated to women and girls at risk of FGM. This is a service area only available in South Wales, but we know this is an issue across Wales.⁵¹

“Without them I don’t think I would be here, that’s the honest truth. It was a godsend, it meant everything to me – they gave me my life back, it changed every aspect of my life.”

Linda*

Domestic abuse provision

Refuge offers physical and emotional safety and a place of recovery through accommodation-based support for survivors of domestic abuse and other forms of violence against women. Refuge services form part of a national and UK network of provision that enable families to have 24-hour access to refuges and move between them if needed.

The service is led by the needs of survivors and their children and is delivered by support workers (including dedicated support workers for children and young people) trained and experienced in VAWDASV in an environment which empowers women and children and promotes their autonomy and self-determination.

In 2016/17, 54% of adult survivors referred were accommodated and supported in refuges. However, 796 women and 51 men were turned away from accessing refuge-based support, while a further 311 women turned down the refuge-based support that they were offered, in 44% of cases this was due to the survivor changing her mind.⁵²

Of those who were turned away, one third of survivors – 249 adults – were turned away because the refuge-based support they wanted to access was full at the time they needed it. Looking at this separately for women and men, 213 women and 36 men were turned away due to refuges being full. 13% of women were turned away due to risks around the location of refuges or perpetrator behaviour, for example that the perpetrator knew their location. 12% of women were turned away because the service was at maximum capacity for high/complex needs and the staff available to support them – so could not safely accommodate them.⁵³

The turn-away rate highlights that 2016/17 provision of specialist services was not adequate in meeting demands, and with increased awareness and referrals predicted as a direct result of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, investment into a sustainable specialist sector is gravely needed.

There are also concerns that commissioning practices may not match the standards for VAWDASV specialist support set out in the Istanbul Convention, which strongly advocates for specialist services over generic provision to ensure appropriate support.⁴¹

In some areas of Wales, there has been a move to this more generic commissioning of services, which can come at the expense of local specialist services, risking the loss of decades of experience to one generic provider delivering all services (for example a non-specialist housing provider delivering a VAWDASV refuge).⁵⁴ VAWDASV specialist services are concerned about the impact this could have:

“Specialist services should refer to those services that offer a focused intervention with identified quality standards by suitably qualified staff that cannot be provided by frontline statutory services or by services that offer ‘general support’.”⁵⁵

Finding space for new referrals can also be difficult due to the lack of appropriate move-on housing available to those leaving refuge. This can be exacerbated for survivors aged between 18-21 years old, who under new benefit changes, are no longer eligible for access to the housing element of Universal Credit unless they “prove” that they were abused. This means that the pressure is once again being placed on the survivor not the perpetrator. The housing benefit cap placed on under 35 year olds at rates that allow for renting in shared accommodation is also likely to be inappropriate for the recovery of survivors of abuse and certainly places restrictions on their freedoms and process of regaining independence.

LINDA'S*⁵⁶ STORY

Linda was 55 when she entered a refuge, after a decade of emotional and financial abuse in which she was not allowed to work or access money and was cut off from her friends and family. At first, Linda was extremely reluctant to visit the refuge, let alone stay, because of the associated stigma. On her first visit, however, she did not want to leave.

For Linda, refuge changed her life completely. Staff helped her to set up a bank account, pay bills and sort the debt that had been accrued in her name. From the safe base of the refuge, they helped build her confidence so that she finally felt comfortable going out on her own. They helped her to meet with housing services and apply for rehousing, and they provided accompanied viewings for every property that was offered until Linda found a suitable flat that she moved into after eight months of support from staff and other survivors in the refuge. Without refuge-based support, Linda does not think she would have accessed services such as health or housing, or be living an independent, happy life now.

“Everyone needs to have the same chance. We were the children. That wasn’t our fault. If we didn’t get to the specialist support we wouldn’t know that.”

Ava*, Young Survivor

Services for children and young people

Tackling Adverse Childhood Experiences (ACEs) is a Welsh Government priority, yet current provision and instability of funding has left children and young people affected by adversity, such as domestic abuse, at the mercy of a ‘postcode lottery’.

In order to fully mitigate the effects of adverse childhood experiences, reliable funding needs to be ring-fenced for vulnerable children and adults to receive appropriate, therapeutic, specialist support wherever they live in Wales.

- On average, 47% of survivors residing in refuge had children. Of those, 68% of children were in refuge with their parents and 32% were staying somewhere else. In 2016/17, 1,221 children or young people were supported in refuge, however, not all children who were accommodated in refuge received dedicated support as a result of the lack of Children and Young People workers due to reduced funding⁵⁷
- 3,113 children or young people were supported by VAWDASV community/outreach services.⁵⁸ Just 5.6% of all funding for VAWDASV specialist services in Wales is allocated to domestic abuse outreach, advocacy and support for children and young people in the community⁵⁹

Services for disabled survivors

Evidence suggests that disabled women are more likely to experience domestic abuse (which includes physical, psychological, sexual or financial abuse), compared to the wider population, as they are perceived by perpetrators as less capable and an easier target.⁶¹

Disabled women experiencing domestic abuse may be more likely to require multi-disciplinary care packages and face multiple barriers when trying to access support.

- 10.9% of women and 16.0% men accessing refuge had a physical or mental disability⁶²
- 11 women were turned away from refuge support due to no disabled facilities being available⁶³

CHANGING ATTITUDES TOGETHER (CHAT) PROJECT, SWANSEA WOMEN'S AID JODIE'S*⁶⁰ STORY

The CHAT project offers support to young people aged 11-18 who have been affected by domestic abuse and are using unhealthy behaviours in their relationships. Jodie* was referred to the CHAT project because her mother was unable to enforce any boundaries and was fearful of her daughter’s abusive outbursts. Jodie would smash up her bedroom and physically assault her mother if she tried to stop her from leaving the family home. Jodie blamed her mother for the abuse the family experienced.

Jodie learned the difference between healthy and unhealthy relationships, was made aware of the different types of domestic abuse, and what prevents victims from leaving, helping her to empathise with her mother. Jodie was able to talk about her feelings and learned different coping strategies to use when she was feeling sad or angry. Jodie is now able to communicate her feelings calmly to her mother. Both mother and daughter have reported that incidences of abuse and control have reduced.

It is paramount that a wide range of information for survivors with mental and physical disabilities is available in a variety of formats, and that if help is sought, specialist services have the resources to accommodate the needs of each survivor.

“I’m older, I’m vulnerable, I suffer from ill health and I’m disabled, but I don’t even have a social worker. The outreach health clinic had to stop coming around my house because he’s so dangerous. But they expect me to live there, and expect me to turn him away when he shows up at my door.”

Mary*⁶⁴

Provision for survivors experiencing severe & multiple disadvantage

Almost two-thirds of women in refuge-based support in Wales last year had mental health issues, while a quarter experience substance misuse and almost a third identified financial difficulties.⁶⁵

However, each year many survivors are turned away from refuge and the second most common reason is that services were unable to meet their specific needs or had no further capacity to support survivors with assessed complex or multiple needs. This was the case for 208 survivors in Wales last year.⁶⁶

The impacts of austerity measures on statutory and generic service provision such as mental health, substance misuse, and sexual health services are impacting on survivors' access to relevant and timely support. This has led to reports from VAWDASV specialist services that they are picking up additional and often complex support needs caused by gaps in public services.⁶⁷

Survivors are accessing specialist services with increasingly high-levels of support needs as a result of their experience of abuse, which intersects with living with severe and multiple disadvantage. Many services do not always have sufficient resources or capacity to deliver the level of sustained intensive support needed in these cases.

"I was diagnosed with PTSD [post-traumatic stress disorder] and depression and I've got really bad anxiety. But their waiting list is long... it's been a year since I've been told that and nothing... I've been taking medication and it's had such a bad effect on me... there are some days I can't leave the house, I think if I had better help from mental health services I could be a better mum."

Elwen*⁶⁸

61.5% of women and 47.6% of men accessing refuge-based support in Wales during 2016/17 identified that they had a mental health issue (such as depression, anxiety, post-traumatic stress disorder, or other mental health issues).⁶⁹

Recent research into services for women experiencing multiple disadvantage identified support specifically for women experiencing mental distress in only five Welsh local authorities.⁷⁰

Across Wales and England, 55.1% of services specifically for women are mental health midwives; perinatal mental health services and mother and baby units - unfortunately this is the only area where Health defines women-specific services as being necessary.⁷¹

"Having a women-only space in the drugs service means we're more likely to get the help we need, and more likely to open up and share what we've been through"

Julie*⁷²

Much of the VAWDASV specialist service provision enables positive impacts on health and well-being of adults and children who face adverse experiences in childhood, or as adults. However, VAWDASV specialist services in Wales do not benefit from health service/health commissioner investment nationally or regionally, compared with other services in the UK.⁷³

Specialist therapeutic support for survivors is paramount to recovery, as it puts into context the experiences of survivors and the behaviour of abusers.⁷⁴ It can break down the shame and patterns of self-blame that survivors often feel about the abuse they've endured, by offering support in an informed, holistic way, which empowers each survivor and meets their individual needs and those of their children.

"I was in hospital having taken alcohol and drugs because of the abuse; it was because of the way my husband abused me yet they took my children into care while I was in hospital. I was told by social services I was an addict, which I wasn't... It was all emotional abuse and control."

Jessica*⁷⁵

VAWDASV specialist services across Wales have raised concerns that specific therapeutic support is often not directly funded, despite being essential for women and children accessing their services. There is a 'postcode lottery' in terms of this therapeutic support across Wales, and it is particularly acute for BME women and survivors accessing sexual violence services. There is also increased pressure on specialist services to compete for grants, putting local services into competition with larger generic providers, with funders often looking to support innovation rather than evidenced and established life-changing counselling and group work.

25.6% of women and 17.5% of men accessing refuge said they had substance misuse issues, which includes use of illegal drugs, prescription drugs, legal highs and alcohol misuse.⁷⁶

Research into services for women experiencing multiple disadvantage identified five local authorities in Wales who report substance misuse support specifically for women. It also found that in Wales, the most common form of support specifically for women is a substance misuse midwife.⁷⁷ Survivors with substance misuse issues have told us that they want women-only provision for general substance misuse services, not just those linked with pregnancy.

Conclusion

For forty years the VAWDASV specialist sector has offered holistic, needs-led and trauma informed support that has saved the lives of thousands of survivors of violence and abuse.

The evidence from VAWDASV specialist services in Wales is that there is a lot of uncertainty of the funding landscape moving forward, with proposed changes to Supporting People and other VAWDASV grants from the Welsh Government, and continuing competition for ever more limited funding pots. This is all occurring in a context of increasing need for specialist support for survivors of sexual violence and domestic abuse, as well as other forms of violence against women. A corresponding increase in the presentation of complex needs and multiple disadvantage means some specialist services are struggling under the strain of a lack of capacity. For specialist BME, children and young people and disability services, this adds an extra level of pressure to their services to ensure need is properly evidenced and accepted for these groups.

Two and a half years since the implementation of the landmark Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, now is the time for the specialist VAWDASV sector and the Welsh Government to work together to achieve a model for sustainable funding for the specialist sector, as outlined by Welsh Government in their National Strategy, and in order to realise the objectives of the ground-breaking piece of legislation.

Women-only specialist services offer survivors of VAWDASV safe spaces for themselves and for their children to begin to mitigate the effects of their experiences of violence and abuse and to begin their recoveries, and these need to be protected and prioritised by commissioners. Violence against women, domestic abuse and sexual violence is everyone's business: from the wide-scale human and economic cost to the personal relationships that we have with those around us every day.

Welsh Women's Aid would once again like to acknowledge the work of all VAWDASV specialist services in Wales, survivors, children and young people who contributed to this report. It is the responsibility of all public services to protect survivors, both financing adequate public services and working in partnership with specialist VAWDASV services to offer adequate referral pathways and to encourage increased understanding, prevention and early intervention. Fundamental inequalities within our institutions and across society need to be addressed and remedied across Wales in order for a more equal Wales where violence against women can be prevented and ultimately eradicated.

“Women’s drop-in sessions are simple but invaluable, if the building and environment feels safe, you can take another woman along with you for a coffee, and you don’t always have to see a support worker, it’s just having that space to get out, see others who understand, and it helps you grow in confidence. Women’s drop-ins and women’s centres are really helpful”.

Gwyneth*78

PLEASE REFER TO WELSH WOMEN'S AID'S WEBSITE FOR THE FOOTNOTES.

welshwomensaid.org.uk

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