

# Agenda – Equality, Local Government and Communities Committee

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Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: 23 January 2019

Meeting time: 10.15

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Pre-meeting (10.15 – 10.30)

- 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 and 7 of the meeting**
  
- 3 Inquiry into voting rights for prisoners: consideration of the evidence received at the informal visit**  
(10.30 – 10.45) (Pages 1 – 10)
  
- 4 Inquiry into voting rights for prisoners: evidence session 1**  
(10.45 – 11.30) (Pages 11 – 51)  
Dr Robert Jones, Research Associate, Wales Governance Centre  
Dr Greg Davies, Research Associate, Wales Governance Centre
  
- 5 Inquiry into voting rights for prisoners: evidence session 2**  
(11.30 – 12.15) (Pages 52 – 56)  
Mark Day, Head of Policy and Communications, Prison Reform Trust
  
- 6 Papers to note**  
(Page 57)



**6.1 Inquiry into fire safety in high-rise buildings: Welsh Government response to the Committee's report**

(Pages 58 – 66)

**6.2 Letter from the Deputy Minister and Chief Whip in relation to the post legislative inquiry into the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015**

(Pages 67 – 125)

**7 Inquiry into voting rights for prisoners: discussion of the evidence received under items 4 and 5**

(12.15 – 12.30)

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Llywodraethiant Cymru  
Wales Governance  
Centre

**WRITTEN EVIDENCE TO THE NATIONAL ASSEMBLY FOR  
WALES EQUALITY, LOCAL GOVERNMENT AND COMMUNITIES  
COMMITTEE'S INQUIRY INTO VOTING RIGHTS FOR  
PRISONERS**

**JANUARY 2019**

## ABOUT THE AUTHORS

Dr Greg Davies is a Research Associate at the Wales Governance Centre at Cardiff University. His PhD examined the constitutional relationship between the UK courts and the European Court of Human Rights. He is currently working on the ESRC project, *Between Two Unions*, which examines the implications of Brexit for the UK's territorial constitution.

Dr Robert Jones is a Research Associate at the Wales Governance Centre at Cardiff University. He is currently working on a jointly funded project into *Justice and Jurisdiction* in Wales.

## ABOUT US

The Wales Governance Centre is a research centre that forms part of Cardiff University's School of Law and Politics undertaking innovative research into all aspects of the law, politics, government and political economy of Wales, as well the wider UK and European contexts of territorial governance. A key objective of the Centre is to facilitate and encourage informed public debate of key developments in Welsh governance not only through its research, but also through events and postgraduate teaching.

## CONTACT DETAILS

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## NOTES ON TEXT

This evidence is based largely on a previous submission to the Welsh Government's consultation on Electoral Reform in Local Government in Wales in October 2017. Changes

have been made to reflect new case law and the latest available data on imprisonment in Wales.

# **CONTENTS**

|  |           |
|--|-----------|
| <b>EXECUTIVE SUMMARY</b>                       | <b>5</b>  |
| <b>1. INTRODUCTION</b>                         | <b>7</b>  |
| <b>2. THE CASE FOR EXTENDING THE FRANCHISE</b> | <b>8</b>  |
| <b>3. TO WHOM AND HOW?</b>                     | <b>17</b> |
| <b>4. SUMMARY</b>                              | <b>23</b> |



## EXECUTIVE SUMMARY

### The Case for Extending the Franchise to Prisoners

- It is our shared view that the Welsh Government should extend the franchise for Welsh elections to *all prisoners*. We support this view with legal, reintegrative and political arguments.
- **The legal arguments.** The Welsh Government should go beyond the minimal efforts made by the UK Government to comply with the judgments of the European Court of Human Rights on this issue. It is questionable whether the kind of administrative measures adopted by the UK Government in 2017 will be sufficient in the long term to satisfy the courts that the current legislative ban on prisoner voting no longer violates the right to participate in elections under Article 3 of the First Protocol ('A3P1') of the European Convention on Human Rights ('ECHR').
- International law clearly supports prisoners' rights of democratic participation, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
- **The reintegrative arguments.** We believe that the current law fails in its stated aims to reduce crime and to act as a means of positive retributive punishment. The ban on prisoner voting is also counter-productive to the aims of prisoner reintegration.
- We believe that the decision to extend the franchise to prisoners would further facilitate the reintegration of Welsh prisoners. This decision would offer direct support to the Welsh Government's existing responsibilities for prisoner rehabilitation and resettlement.
- **The political arguments.** We believe that the extension of the franchise to prisoners would be a powerful demonstration of the Welsh Government's commitment to the promotion of human rights and democratic engagement. It would enhance the international reputation of Wales and, by extension, the UK. Incidentally, it would also undo much of the damage caused by the UK's refusal to meet its obligation in international law to comply with the adverse rulings of the ECtHR on this issue.
- We also believe that extending the vote to prisoners would be consistent with the Welsh Government's approach to international human rights law, as reflected in the

Rights of Children and Young Persons (Wales) Measure, the Welsh Language (Wales) Measure and the Well-being of Future Generations (Wales) Act.

### Operationalising the Franchise

- We believe that the custody threshold and sentence length are arbitrary measures for the loss of the vote. Under such a system, the actual loss of voting rights is, in most cases, determined by the date of sentencing, early release, the timing of elections and the location of sentencing. The latter is subject to the well-known problem of a 'sentencing lottery' whereby the commission of the same offence can result in a custodial sentence and loss of voting rights in one area but a non-custodial sentence and retention of voting rights in another.
- This position is supported by data from the Wales Governance Centre's *Sentencing and Immediate Custody in Wales* report which show that the average custody rate is higher at courts in Wales than in England. These data also reveal that Wales has the highest rate of imprisonment in Western Europe.
- In terms of implementing the extended franchise, we believe that the model based on a declaration of local interest offers a viable way forward. It will allow prisoners held in England to participate in Welsh elections and will enable the Welsh Government to draw on its experience of providing support services to Welsh prisoners held across England and Wales. It will also prevent the risk of a sudden and drastic increase in the electorates for constituencies in which Welsh prisons are located.

## I. INTRODUCTION

Our evidence will discuss two separate themes. *Firstly*, we provide a case to support the extension of the voting franchise to prisoners from Wales. This will be guided by a legal, reintegrative and political set of arguments. *Secondly*, we will discuss the ways in which Welsh prisoner voting can be operationalised within the current institutional and organisational frameworks of the England and Wales system.

## 2. THE CASE FOR EXTENDING THE FRANCHISE

The Committee's terms of reference are to consider the arguments for and against giving some or all prisoners the right to vote in Welsh elections. Our response to this question will be guided by legal, reintegrative and political arguments. These will be used to support our shared view that *all* Welsh prisoners should be given the right to register and participate in Welsh elections.

### 2.1 The legal case for the right of prisoners to vote in Welsh elections

#### 2.1.1 Article 3 of Protocol 1 ('A3PI') to the European Convention on Human Rights

A3PI of the ECHR states: 'The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature'.<sup>1</sup> This encompasses a right to vote in elections and applies equally to elections for both central and sub-state legislatures.<sup>2</sup> A3PI therefore undoubtedly applies to elections for the National Assembly for Wales.

The European Court of Human Rights ('ECtHR') has held repeatedly that the systematic exclusion of prisoners from participating in elections in the UK under the Representation of the People Act 1983<sup>3</sup> contravenes A3PI.<sup>4</sup> This position has been unanimously accepted by the UK Supreme Court.<sup>5</sup>

#### 2.1.2 The UK Government's response to the violations of A3PI ECHR

In November 2017, the UK Government unveiled plans to remedy the violation of A3PI ECHR with a package of administrative measures.<sup>6</sup> These consisted of:

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<sup>1</sup> Article 3 of the First Protocol to the European Convention on Human Rights and Fundamental Freedoms (emphasis added)

<sup>2</sup> The ECtHR has held the term to apply to the Flemish Council, the Walloon Regional Council and the French Community Council in Belgium and regional councils in Italy.<sup>2</sup> *Mathieu-Mohin and Clerfayt v Belgium* (1988) 10 EHRR; *Vito Sante Santoro v Italy* App no 36681/97 (1 July 2004)

<sup>3</sup> Representation of the People Act 1983 s.3(1)

<sup>4</sup> *Greens and MT v United Kingdom* [2010] ECHR 1826; *Hirst v United Kingdom (No 2)* (2006) 42 EHRR 41

<sup>5</sup> *R (Chester) v Secretary of State for Justice* [2014] 1 AC 271

<sup>6</sup> <https://www.gov.uk/government/speeches/secretary-of-states-oral-statement-on-sentencing>

- allowing prisoners released on temporary licence to vote
- amending the warrant of committal to prison in order that those receiving a custodial sentence are informed of their disenfranchisement at the point of sentencing
- issuing guidance to clarify that prisoners released on home detention curfew are entitled to vote

In September 2018, the Committee of Ministers of the Council of Europe accepted that these measures were sufficient to remedy the original violation of A3PI.<sup>7</sup>

### *2.1.3 Potential problems with the minimalist approach*

In our view, the Welsh Government should go beyond the UK Government's approach in relation to Welsh elections. It represents what has been termed 'minimalist compliance' with the requirements of the ECHR and in any event may not reflect a legally durable solution, for a number of reasons.

As a preliminary point, the UK Government's measures have been accepted by the Committee of Ministers – the political arm of the Council of Europe which is responsible for supervising the implementation of the Court's judgments – not by the Court itself. While this acceptance technically draws the matter to a close at the international level, the current ban on prisoner voting under the 1983 Act remains susceptible to legal challenge. It remains to be seen whether the very modest, administrative reforms introduced by the UK Government will withstand judicial scrutiny, either in the UK or in Strasbourg.

The domestic and European case law on the UK regime specifically identifies the 1983 Act as the source of the violation of the ECHR. The prohibition on prisoner voting under that legislation has been repeatedly declared 'general, automatic and indiscriminate', and therefore not a proportionate restriction on the right to vote. By its own admission, the UK Government expected the changes announced in 2017 to result in around 100 additional prisoners across the whole of the UK being able to vote at any given point in time.<sup>8</sup> By that

<sup>7</sup> [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2018\)843E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2018)843E%22%5D%7D)

<sup>8</sup> <https://www.gov.uk/government/speeches/secretary-of-states-oral-statement-on-sentencing>

estimate, these reforms would mean that only 5 additional prisoners in Wales are able to vote.<sup>9</sup> It is difficult to see how such a minor change would convince the courts that the offending legislation – which remains unchanged – no longer amounts to a general, automatic and indiscriminate restriction on the right to vote. To introduce no further changes in relation to Welsh elections would therefore carry the distinct possibility of successful legal challenges to the Welsh Government. Legislating to enfranchise some, if not all, prisoners would avoid this risk. *2.1.4 International law on prisoner voting*

In addition to avoiding the risks of minimalist compliance, legislating to extend the franchise to prisoners in Wales would be consistent with the spirit of international human rights law. The foundational document of modern human rights, the UN's Universal Declaration of Human Rights (UDHR), states: 'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives'.<sup>10</sup> Article 25 of the UN's International Covenant on Civil and Political Rights (ICCPR), another cornerstone of international human rights law, also lays down a broad right to 'take part in the conduct of public affairs, directly or through freely chosen representatives'.<sup>11</sup> The Prison Reform Trust<sup>12</sup> has pointed out how the UN Human Rights Committee, charged with interpreting the ICCPR, has found the disenfranchisement of prisoners in the UK to contravene the right of participation because it amounts to an 'additional punishment'<sup>13</sup> which 'does not contribute towards the prisoner's reformation and social rehabilitation'.<sup>14</sup> Finally, the Basic Principles for the Treatment of Prisoners set out by the UN Office of the High Commissioner on Human Rights states that '[e]xcept for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms'<sup>15</sup>

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<sup>9</sup> This figure is calculated using prison population data from each jurisdiction at the end of September 2018: England and Wales: 82,788; Northern Ireland: 1,423; Scotland: 7,771  
Total: 91,982

There were 4,771 Welsh prisoners at the end of September 2018.

<sup>10</sup> United Nations Declaration on Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) UNDHR art 21

<sup>11</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 25

<sup>12</sup> See Prisoner Reform Trust's evidence to Scottish Parliament's Equalities and Human Rights Committee: [www.parliament.scot/S5\\_Equal\\_Opps/.../EHRiC\\_public\\_papers\\_20170907.pdf](http://www.parliament.scot/S5_Equal_Opps/.../EHRiC_public_papers_20170907.pdf)

<sup>13</sup> Concluding Observations of the Human Rights Committee: United Kingdom of Great Britain and Northern Ireland (2001) UN doc CCPR/CO/73/UK, para 10

<sup>14</sup> Concluding Observations of the Human Rights Committee, United Kingdom of Great Britain and Northern Ireland (2001) UN doc CCPR/CO/73/UK, para 10

<sup>15</sup> UNCHR, Basic Principles for the Treatment of Prisoners (Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990)

set out in the UN human rights treaties. On this basis, the fact of imprisonment alone should not deprive individuals of their right to vote in elections.

## **2.2 The reintegrative case for extending the Welsh election franchise to prisoners**

### *2.2.1 Deconstructing the policy of disenfranchisement: Deterrence and Retribution*

Successive UK governments have sought to legitimate the ban on prisoner voting on the grounds that it helps to incentivise civic responsibility and adds to the punishment already faced by those sentenced to custodial imprisonment.<sup>16</sup> Attempts have also been made to forge a link between prisoner disenfranchisement and the other widely stated aims of imprisonment.<sup>17</sup>

Firstly, there is the contention that a ban on voting is likely to deter people from committing crime. The deterrence argument, however, is widely disputed. In support of existing work in this area,<sup>18</sup> we contend that it is highly unlikely that any decision made by the Welsh Government to uphold the voting ban will have any 'strong deterrent effect' on would be offenders.<sup>19</sup> For example, we have found no evidence to support the claim that the loss of voting rights plays any decisive role in the decision-making processes of individuals who choose to desist from crime. The deterrence argument is further undermined by the fact that the removal of voting rights is a far less probable deterrent than the loss of other social benefits that accompany periods of custodial imprisonment (e.g. loss of liberty, denial of privacy, removal from outside relations).

Secondly, the removal of prisoner voting rights is often justified as a form of positive retributive punishment. This view contends that offenders who have broken the law have forfeited their rights to partake in the voting franchise. While we fully accept that the removal of voting rights certainly represents a punishment for prisoners, we contend that the retributive justification is highly problematic and indeed is flawed in accordance with its own stated aims.

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<sup>16</sup> See *Hirst v United Kingdom (No 2)* (2006) 42 EHRR 41

<sup>17</sup> This includes incapacitation.

<sup>18</sup> C. Bennett, 'Penal Disenfranchisement' (2016) 10(3) *Criminal Law and Philosophy* 411

<sup>19</sup> C. Bennett, 'Penal Disenfranchisement' (2016) 10(3) *Criminal Law and Philosophy* 411, 416

The concept of retribution<sup>20</sup> (cf. ‘just deserts’) is an approach rooted in belief that there should be a ‘fit’<sup>21</sup> – or a strong element of proportionality – between the crime and the punishment. That is to say that the punishment should, in accordance with the principle of proportionality, be related to the crime that has been committed. This point raises the suggestion that only a crime of a political nature merits the removal of voting rights *alongside* a period of custodial imprisonment. This argument was put before the Scottish Parliament’s Equalities and Human Rights Committee by Professor Fergus McNeil as part of their own inquiry into extending the voting franchise to prisoners:

... the question is not the severity of the crime but the nature of the crime. Disenfranchisement is a political punishment, so the crime to which it should be applied should be a political crime, such as misconduct in a public or political office or offences against acts that seek to govern the proper conduct of elections. Those would be the sorts of things that might feasibly and logically lead to disenfranchisement as a punishment. The mere fact that the crime is serious enough to warrant a long prison sentence does not create a logic for disenfranchisement...<sup>22</sup>

It is our view that this argument strongly undermines the retributive case for maintaining the blanket ban for Welsh prisoners. Unless the Welsh Government decides to consider applying the ban to those convicted of political offences,<sup>23</sup> there is little evidence to support disenfranchisement in accordance with the retributive principles that have upheld the ban previously. As argued by Bennett:

If a retributivist defence of disenfranchisement is to be plausible, it would have to be shown, either that more crimes than previously thought have a “political” element; or that there is a respectable notion of proportionality that shows why disenfranchisement is fitting and proportional to crimes other than political

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<sup>20</sup> This is underpinned by deontological perspectives on punishment.

<sup>21</sup> C. Bennett, ‘Penal Disenfranchisement’ (2016) 10(3) *Criminal Law and Philosophy* 411, 415

<sup>22</sup> See Professor Fergus McNeil’s evidence to the Scottish Parliament’s Equalities and Human Rights Committee: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11067&mode=pdf>

<sup>23</sup> A Freedom of Information request was submitted to the Ministry of Justice in September 2017 to determine the exact number of Welsh prisoners sentenced for electoral offences. The Ministry of Justice’s response revealed that there were no prisoners from Wales serving sentences for electoral offences at the end of June 2017.



ones.<sup>24</sup>

### 2.2.2 *Disenfranchisement as inimical to reintegration*

The blanket ban on prisoner voting sustains the view that custodial imprisonment marks the ‘civic death’ of an individual. Prisoners without the vote are subsequently without citizenship status – effectively rendered ‘non-persons’. This process, therefore, results in prisoners being ‘forgotten’ and marginalised by policy makers, politicians and the public at large.<sup>25</sup>

We contend, as have others, that the ban on prisoner voting is inimical to the supposed ‘rehabilitative’ aims of custodial imprisonment. This argument is strongly supported by the view that inclusion and democratic engagement can offer offenders an important, and indeed unique, opportunity to reinvent themselves as part of the rehabilitative process. This includes helping offenders to ‘take on’ a new image of themselves ‘as responsible players in a cooperative self-governing society’.<sup>26</sup> As the new President of the UK Supreme Court, Lady Hale, has put it, if the aim of the current ban is to ‘encourage a sense of civic responsibility and respect for democratic institutions ... it could well be argued that this is more likely to be achieved by retaining the vote, as a badge of continuing citizenship, to encourage civic responsibility and reintegration in civil society in due course’.<sup>27</sup> The Welsh Government’s decision to extend such rehabilitative opportunities to Welsh prisoners through the franchise would play a central role in the reintegration and desistance process.

### 2.2.3 *Welsh Government and reintegration*

The opportunity to further facilitate the reintegration process through the extension of the franchise is particularly significant when we take into account that ‘much of the work’<sup>28</sup> already being done to help resettle and support Welsh offenders is being carried out by the Welsh

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<sup>24</sup> C. Bennett, ‘Penal Disenfranchisement’ (2016) 10(3) *Criminal Law and Philosophy* 411, 417

<sup>25</sup> S. Easton ‘The prisoner’s right to vote and civic responsibility: Reaffirming the social contract?’ (2009) 56(3) *The Journal of Community and Criminal Justice* 230

<sup>26</sup> C. Bennett, ‘Penal Disenfranchisement’ (2016) 10(3) *Criminal Law and Philosophy* 411, 416. See also S. Easton ‘The prisoner’s right to vote and civic responsibility: Reaffirming the social contract?’ (2009) 56(3) *The Journal of Community and Criminal Justice* 224

<sup>27</sup> *R (Chester) v Secretary of State for Justice* [2014] 1 AC 271 [93]

<sup>28</sup> See the written evidence of the Ministry of Justice submitted to the House of Commons Welsh Affairs Committee’s Inquiry on Prisons in Wales and the Treatment of Welsh Offenders (2014) 8

Government. Indeed, despite the fact that powers over criminal justice in Wales are reserved to the UK Government, ‘many of the mechanisms’<sup>29</sup> for supporting prisoners’ resettlement and reintegration, such as health, housing and education, are already devolved.<sup>30</sup> We argue that the end to disenfranchisement therefore represents an important, necessary, and worthwhile step in light of the Welsh Government’s existing responsibilities for the reintegration of offenders in Wales.

## **2.3 The political case for extending the Welsh election franchise to prisoners**

### *2.3.1 The international reputation of Wales*

There are strong, political reasons for the Welsh Government to extend the franchise to prisoners. First, we believe that the change would enhance the international standing of Wales and, by extension, the UK. It is widely recognised that the UK Government’s continued refusal to implement the rulings of the ECtHR on prisoner voting has undermined respect for human rights and the international rule of law, and has lent legitimacy to the systematic non-compliance with the ECHR system by Russia on this issue. As the Council of Europe’s Commissioner for Human Rights, Nils Muižnieks, has remarked, ‘the Convention system crumbles when one member state, and then the next, and then the next, cherry pick which judgments to implement’.<sup>31</sup> The Westminster Parliament’s Joint Committee on Human Rights has been forthright in its view of the damage which the UK’s non-compliance was causing:

In short, we find it unfortunate that the UK’s generally good record on implementation is undermined to a considerable extent by the very lengthy delays in implementation in those cases where the political will to make the necessary changes is lacking. ... [I]nexcusable delay in some cases undermines the claim that the Government respects the Court’s authority and takes seriously its obligation to respond fully and in good time to its judgments. It is also damaging to the UK’s

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<sup>29</sup> National Offender Management Service Cymru, Welsh Government and Youth Justice Board, *Joining Together in Wales: An Adult and Young People’s Strategy to Reduce Reoffending* (2006) 7

<sup>30</sup> See R Jones, ‘The Hybrid System: Imprisonment and Devolution in Wales’ (PhD Thesis, Cardiff University 2017)

<sup>31</sup> Nils Muižnieks, ‘Non-implementation of the Court’s judgments: our shared responsibility’ (2016). See: <http://www.coe.int/en/web/commissioner/-/non-implementation-of-the-court-s-judgments-our-shared-responsibility>

ability to take a lead in ... encouraging other States with far worse records to take their obligations under the Convention more seriously. The UK, with its strong institutional arrangements for supervising the implementation of judgments, is in a good position to lead the way out of the current crisis facing the Court, but leaders must lead by example.<sup>32</sup>

With the power to extend the franchise to prisoners in the context of Assembly and local elections, the Welsh Government has its own opportunity to lead by example. Extending the vote to prisoners would be a powerful demonstration of its commitment to the promotion of human rights and democratic engagement. It is our view that this would enhance the international reputation of Wales and, at the same time, help to mitigate the damage caused by the UK Government's refusal to comply with its legal obligation to implement adverse judgments of the ECtHR.<sup>33</sup>

### *2.3.2 The Welsh Government's approach to international human rights law*

We also believe that the extension of the Welsh election franchise to prisoners in Wales would be consistent with the Welsh Government's approach to the promotion of rights recognised in international law. The Rights of Children and Young Persons (Wales) Measure created domestic legal obligations on ministers in accordance with the rights and obligations set out in the United Nations Convention on the Rights of the Child. The Welsh Language (Wales) Measure 2011 demonstrated the Welsh Government's commitment to the international obligations set out in the European Charter for Regional or Minority Languages to promote and sustain linguistic rights. The Well-being of Future Generations (Wales) Act 2015 is a further example, reflecting a commitment to the progressive realisation of rights under the United Nations rights treaties. As the UN itself remarked of that legislation, '[w]hat Wales is doing today, the world will do tomorrow'.<sup>34</sup>

To accord prisoners the right to vote in Welsh elections would indicate a continuation of this welcome approach to the promotion of human rights in Wales. In the UK context, it would

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<sup>32</sup> Joint Committee on Human Rights, *Enhancing Parliament's Role in Relation to Human Rights Judgments* (2009-10, HL 85, HC 455) 14-15

<sup>33</sup> Article 46 of the European Convention on Human Rights and Fundamental Freedoms

<sup>34</sup> See: <http://gov.wales/newsroom/environmentandcountryside/2015/150429-future-generations-act/?lang=en>

be a radical step. However, the Welsh Government has taken such a step before, with the Rights of Children and Young Persons Measure being the first instrument of its kind in the UK. We accept that prisoners' rights are more politically uncomfortable than children's rights. However, the Welsh Government should be emboldened by wider European trends. Various countries across Europe place either few or no restrictions at all on the voting rights of any category of prisoner. The UK, on the other hand, is one of a small handful of countries out of the forty-seven in the Council of Europe which imposes a general ban on prisoner voting, along with Armenia, Bulgaria, Estonia and Russia.<sup>35</sup> Wales is now in a position to challenge that.

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<sup>35</sup> See Howard League Scotland's evidence to the Scottish Parliament's Equalities and Human Rights Committee on prisoner voting rights: <http://howardleague.scot/news/2017/september/evidence-prisoner-voting-rights-equalities-and-human-rights-committee>

### 3. TO WHOM AND HOW? OPERATIONALISING THE EXTENDED FRANCHISE

The Committee's terms of reference also consider whether distinctions can be drawn between prisoners based on sentence length and offence type. Using information obtained from the Ministry of Justice, we will reflect upon the issues of sentence length and offence type. We will also offer support to the method of 'designated local connection' as a way to extend the franchise to *all* Welsh prisoners regardless of the length of their sentence, the crime they have committed, or where they are being held across the prison estate.

#### 3.1 The custody threshold and the problem of arbitrariness

It is our view that the Welsh Government should extend the right to vote to all prisoners. This section sets out our reasons for this position.

The disenfranchisement of individuals based on particular sentence lengths can be justified in law. In the case of *Scoppola v Italy*,<sup>36</sup> the Grand Chamber of the ECtHR held that 'Contracting States may decide either to leave it to the courts to determine the proportionality of a measure restricting convicted prisoners' voting rights, or to incorporate provisions into their laws defining the circumstances in which such a measure should be applied'.<sup>37</sup> However, it reasoned that legislatures must 'avoid any general, automatic and indiscriminate restriction'.<sup>38</sup> The Italian restrictions on prisoner voting were held in that case to be compliant with A3PI ECHR because they were connected to specific categories of offence, irrespective of sentence length, and also to individuals sentenced to more than three years' imprisonment.<sup>39</sup>

However, it is clear that the imposition of a custodial sentence alone is an arbitrary measure for whether someone should lose the right to vote. As Howard League Scotland has pointed out, it is particularly arbitrary in relation to shorter prison sentences.<sup>40</sup> Whether the vote is

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<sup>36</sup> *Scoppola v Italy (No 3)* (2013) 56 EHRR 19

<sup>37</sup> *Scoppola v Italy (No 3)* (2013) 56 EHRR 19 para 102

<sup>38</sup> *Scoppola v Italy (No 3)* (2013) 56 EHRR 19 para 102

<sup>39</sup> *Scoppola v Italy (No 3)* (2013) 56 EHRR 19 paras 105-106

<sup>40</sup> See Howard League Scotland's evidence to the Scottish Parliament's Equalities and Human Rights Committee on prisoner voting rights: <http://howardleague.scot/news/2017/september/evidence-prisoner-voting-rights-equalities-and-human-rights-committee>

actually lost under those circumstances will often depend on the date of sentencing, whether the individual is released early and the timing of elections, rather than the offence committed.<sup>41</sup> The former Justice of the UK Supreme Court, Lord Clarke, has pointed out how the existing framework can therefore ‘deprive a person of a vote which is relevant to the governance of the state for a period of five years in circumstances where that person may be in prison for no more than 14 days’.<sup>42</sup> The custody threshold for the loss of the right to vote is also subject to a ‘sentencing lottery’, the problems of which have been eloquently stated by Lady Hale, now President of the UK Supreme Court:

There are many people in prison who have not committed very serious crimes, but for whom community punishments are not available, or who have committed minor crimes so frequently that the courts have run out of alternatives. ... Exactly the same crime may attract an immediate custodial sentence and disenfranchisement at one time or a suspended sentence without disenfranchisement at another. Moreover, the custody threshold has traditionally varied as between different parts of the United Kingdom ... The sentencing regimes are different in England and Wales, Scotland and Northern Ireland, but the exclusion from voting is the same.

All of this suggests an element of arbitrariness in selecting the custody threshold as a unique indicator of offending so serious as to justify exclusion from the democratic process. ... I have some sympathy for the view of the Strasbourg court that our present law is arbitrary and indiscriminate...<sup>43</sup>

### **3.2 Sentence length, offence type and the continuing problem of arbitrariness**

While the arbitrariness of the custody threshold is particularly acute for shorter sentences, we believe that basing the ban on the imposition of longer sentences would still retain many of the same problems, as the loss of the vote could still be dependent on the date of sentencing and the timing of the election. The Welsh Government might choose, for example, to extend the franchise to prisoners serving sentences of less than four years, viewing the four-year

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<sup>41</sup> See above

<sup>42</sup> *R (Chester) v Secretary of State for Justice* [2014] 1 AC 271 [109]

<sup>43</sup> *R (Chester) v Secretary of State for Justice* [2014] 1 AC 271 [96]

mark as a suitable threshold of culpability for the loss of the vote. Assuming, however, that elections are held every five years, this would mean that, for two individuals sentenced to four years imprisonment, either one, both or neither could still retain the vote at the next election. This would render the threshold meaningless. Further, a threshold based on sentence length could create odd distinctions where, for example, those serving four years would lose the vote, whereas those sentenced to anything just short of that margin would maintain it.

**Figure 3.1 - Welsh prisoners by sentence type, September 2018**

| <b>Sentence Type</b>               | <b>Count</b> |
|------------------------------------|--------------|
| Remand                             | 526          |
| Less than 12 months                | 483          |
| 12 months to less than 4 years     | 1,111        |
| 4 years or more                    | 1,745        |
| Imprisonment for Public Protection | 120          |
| Life                               | 301          |
| Recall                             | 456          |
| Non-Criminal                       | 6            |
| Unknown                            | 23           |
| <b>Total</b>                       | <b>4,771</b> |

Source: Ministry of Justice

If the Welsh Government is determined to preserve the current disenfranchisement of certain categories of prisoner in Welsh elections, the most coherent legal approach would therefore be to tie the deprivation of the vote to particular criminal offences which the Welsh Assembly deems worthy of this additional punishment. However, it must be stressed that a decision to base prisoner disenfranchisement upon the type of offence committed would also be logically problematic for the Welsh Government. Although there may well be a temptation – based upon political expediency – for the Welsh Government to extend the ban to prisoners convicted of the most violent or serious offences, any such decision would be largely divorced from the supposed aims of custodial imprisonment as a punishment. Indeed, as explained within section 3.2.3, this includes the presumed deterrent and retributive purposes of

custodial imprisonment. The only logical exception to this, as argued by McNeil,<sup>44</sup> would be a ban on voting for those who have committed offences of a political nature.<sup>45</sup>

**Figure 3.2 – Welsh prisoners by offence type, September 2018**

| <b>Offence Type</b>                  | <b>Count</b> |
|--------------------------------------|--------------|
| Violence against the person          | 1,114        |
| Sexual offences                      | 901          |
| Robbery                              | 332          |
| Theft offences                       | 659          |
| Criminal damage and arson            | 101          |
| Drug offences                        | 783          |
| Possession of weapons                | 163          |
| Public order offences                | 88           |
| Miscellaneous crimes against society | 232          |
| Fraud offences                       | 55           |
| Summary Non-Motoring                 | 307          |
| Summary motoring                     | 25           |
| Offence not recorded                 | 11           |
| <b>Total</b>                         | <b>4,771</b> |

Source: Ministry of Justice

### **3.3 Welsh prisoners across England and Wales: the issue of residence**

Having set out our arguments for extending the franchise to all prisoners, we offer some statistics on prisoner population and our thoughts on how the franchise could be realised. At the end of December 2018, there were a total of 4,534 prisoners held in Welsh prison establishments. Of this number, a significant proportion were from outside of Wales (based on home address). In September 2018, for example, a total of 1,411 prisoners from England

<sup>44</sup> See Professor Fergus McNeil's evidence to the Scottish Parliament's Equalities and Human Rights Committee: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11067&mode=pdf>

<sup>45</sup> A Freedom of Information request was submitted to the Ministry of Justice in September 2017 to determine the exact number of Welsh prisoners sentenced for electoral offences. The Ministry of Justice's response revealed that there were no prisoners from Wales serving sentences for electoral offences at the end of June 2017.



(based on home address prior to entering custody) were being held in Welsh prisons. This is expected to increase as HMP Berwyn begins to reach its full occupational capacity.<sup>46</sup>

The changes that have recently been made to the prison estate in Wales,<sup>47</sup> may serve to discourage the Welsh Government from registering all prisoners at the establishment that they are held in. Instead, the Welsh Government might decide that the most appropriate method of registering prisoners to vote is through a declaration of local interest. This system, as recently explained by the Scottish Assessors Association, allows prisoners to 'register by a declaration to an address which they were formerly resident'.<sup>48</sup> There are a number of potential benefits to this approach. One is that the Welsh Government will be able to draw upon its previous use of 'local connection' (based on home address) to deliver 'Welsh only' support services to Welsh prisoners held across Wales *and* England.<sup>49</sup>

The 'declaration of local interest' method will also enable Welsh prisoners held outside of Wales to take part in Welsh elections. This is significant when we consider the location of Welsh people across the prison estate in England and Wales. At the end of September 2018, 36.5% of all Welsh prisoners (based on home address prior to entering custody) were held in prisons across England. In total, Welsh prisoners were spread across 103 prisons in England in September 2018. Although this dispersal poses a number of challenges, the available data on Welsh prisoners, including detailed information broken down by local authority area (see Table 3.3) can help the Welsh Government to overcome these. This may well include allowing prisoners to vote by post once they have been identified and targeted using similar data produced here.

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<sup>46</sup> There were 1,282 prisoners held at HMP Berwyn at the end of December 2018. The prison will eventually have an operational capacity of 2,100 places.

<sup>47</sup> This includes the construction of a new unit at HMP Parc – this had added more than 300 additional prisoners (voters) to the constituency of Bridgend.

<sup>48</sup> Written evidence of the Scottish Assessors Association submitted to the Scottish Parliament's Equalities and Human Rights Committee's inquiry on Prisoner Voting (2017) 2

<sup>49</sup> Prior to its removal in April 2015, the Homeless Persons (Priority Need) (Wales) Order 2001 provided unintentionally homeless prison leavers with an automatic priority need for accommodation in Wales. The provision was only available to those who could establish a 'local connection' to Wales.

**Table 3.3 – The number of Welsh prisoners broken down by local authority area, September 2018**

| <b>Origin Local Authority</b> | <b>Count</b> |
|-------------------------------|--------------|
| Anglesey                      | 54           |
| Blaenau Gwent                 | 55           |
| Bridgend                      | 116          |
| Caerphilly                    | 142          |
| Cardiff                       | 1,244        |
| Carmarthenshire               | 169          |
| Ceredigion                    | 32           |
| Conwy                         | 128          |
| Denbighshire                  | 98           |
| Flintshire                    | 305          |
| Gwynedd                       | 166          |
| Merthyr Tydfil                | 267          |
| Monmouthshire                 | 28           |
| Neath Port Talbot             | 167          |
| Newport                       | 378          |
| Pembrokeshire                 | 56           |
| Powys                         | 65           |
| Rhondda                       | 237          |
| Swansea                       | 709          |
| Torfaen                       | 74           |
| Vale of Glamorgan             | 98           |
| Wrexham                       | 183          |
| <b>Total</b>                  | <b>4,771</b> |

Source: Ministry of Justice

## 4. SUMMARY

Throughout this document, we have attempted to make the case for extending the Welsh election franchise to all Welsh prisoners by drawing on a set of legal, reintegrative and political arguments which we believe support this change. We have also offered a practical route through which to implement this proposal.

From a legal point of view, we have shown how it would not be advisable for the Welsh Government to go no further than the minimalist approach of the UK Government to compliance with the judgments of the ECtHR on this issue. Legal risks aside, we have argued that giving prisoners the vote would conform to the spirit of international law on rights of democratic participation.

In terms of reintegration, we have argued that the current law patently fails in its stated aims of deterrence and retribution. The loss of the vote plays no role in deterring individuals from criminal activity and, in the vast majority of cases, bears no relation to the offence committed, contrary to very notion of retributive punishment. Worse, disenfranchisement actively hinders the process of reintegration by preventing prisoner engagement with political institutions via the democratic process.

From a political perspective, we contend that the Welsh Government has a valuable opportunity to demonstrate its commitment to the promotion of human rights and democratic engagement in Wales, and to undo some of the reputational damage caused by the UK Government's approach to this issue. To take this opportunity, we have argued, would be consistent with the Welsh Government's commendable approach to ensuring the realisation of internationally-recognised human rights.

In terms of the practical implementation of the extended franchise, we have argued that the model based on a declaration of local interest offers a viable route forward. It would allow Welsh prisoners held in England to participate while also avoiding the risk of a sudden and drastic growth in the electorate of the constituencies in which Welsh prisons are located. It will also allow the Welsh Government to utilise its experience in offering support services to Welsh prisoners using 'local connection'.

It is our sincere hope that the Welsh Government takes on board these arguments. To do so would demonstrate a bold commitment to the ideals of democratic participation, the reintegrative aims of incarceration and respect for the international rule of law.



## **Prison Reform Trust response to the Equality, Local Government and Communities Committee inquiry into voting rights for prisoners**

### **About the Prison Reform Trust**

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promoting equality and human rights in the criminal justice system

[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

The Prison Reform Trust welcomes the opportunity to respond to the Committee's inquiry into voting rights for prisoners. As a small charity, we regret that we do not have the capacity to provide a version of this submission in the Welsh language.

- **Arguments for and against giving some or all prisoners the right to vote in Welsh elections, and whether distinctions might be drawn between different categories of prisoner on the basis of sentence length, expected date of release, or types of offence;**

PRT believes all prisoners in the UK should be enfranchised and able to take part in national and local elections. Enabling prisoners to vote and participate in Welsh elections would be an important step in the right direction. We welcome the Welsh government's interest in this policy area, and note that 50% of respondents to its consultation on voting reform agreed that prisoners should be allowed to register to vote, with 48% disagreeing.<sup>1</sup> We hope that the Committee's inquiry will act as a spur to reform to bring Wales into line with international standards of human rights and democratic participation.

The Prison Reform Trust has long been supportive of ending the ban on voting rights for prisoners. We believe that there is a clear and unambiguous case for reform. This rests on the conviction that voting is not a privilege. It is a basic human right. It is certainly not a reward to be granted to those whom the Government has judged morally decent. Preventing people in prison from voting achieves no purpose. It neither protects public safety, nor acts

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<sup>1</sup> <https://beta.gov.wales/electoral-reform-local-government-wales>

as an effective deterrent. It does not function as a means to correct the behaviour of offenders and does not assist in their rehabilitation. It is not articulated at the point of sentence and bears no relation to the crime committed and so is an additional and arbitrary punishment.

1. The International Covenant on Civil and Political Rights (ICCPR) gives every citizen the right to participate in the conduct of public affairs, to vote in elections which have universal suffrage and to have equal access to public service. The United Nations Human Rights Committee, which monitors compliance with the ICCPR, has expressed concern on several occasions about countries which do not allow their prisoners to vote. The Committee “fails to discern the justification for such practice in modern times, considering that it amounts to an additional punishment and that it does not contribute towards the prisoner’s reformation and social rehabilitation, contrary to Article 25 of the Covenant.”<sup>2</sup>
2. The European Court of Human Rights (ECtHR) has been critical of countries where restrictions on the right to vote are largely derived from unquestioning and passive adherence to historical tradition, which is certainly the case in the UK. It has observed that the right to vote must be acknowledged as “the indispensable foundation of a democratic system.”<sup>3</sup>
3. Successive UK Governments have justified restricting the right to vote on the grounds that it prevents crime and punishes offenders, whilst enhancing civic responsibility and respect for the law. However, the ECtHR found no evidence to support the claim that disenfranchisement deterred crime and considered that the imposition of a punishment on all prisoners regardless of their crime or individual circumstances indicated no rational link between the punishment and the offender. It judges the ban “runs counter to the rehabilitation of the offender as a law-abiding member of the community and undermines the authority of the law as derived from a legislature which the community as a whole votes into power.”<sup>4</sup>
4. In the words of the ECtHR: “Nor is there any place under the Convention system, where tolerance and broadmindedness are the acknowledged hallmarks of democratic society, for an automatic disenfranchisement based purely on what might offend public opinion.”<sup>5</sup>
5. The cross-party group of MPs and peers set up in 2012 to consider draft government legislation on prisoners voting concluded that “In a democracy the vote is a right, not a privilege: it should not be removed without good reason.” Furthermore, it found that “there are no convincing penal-policy arguments in favour of disenfranchisement”, and that “enfranchisement might assist prisoner rehabilitation by providing an incentive to re-engage with society.”<sup>6</sup>
6. The Scottish Parliament’s Equality and Human Rights Committee 2018 inquiry on prisoners voting concluded that the current ban should be lifted, and the right to vote be restored to all prisoners. The Committee’s chair Christina McKelvie MSP said: “We are acutely aware that prison is a place people go to be punished, and that there will be individual cases people find distasteful; but we need to think about rehabilitation, and not further excluding and alienating people from society.”<sup>7</sup>

PRT shares the view of the Scottish Parliament’s Equality and Human Rights Committee that the right to vote should be restored to all prisoners. We do not believe distinctions should be made between different categories of prisoner on the basis of sentence length,

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<sup>2</sup> United Nations, *Concluding Observations of the Human Rights Committee: United Kingdom of Great Britain and Northern Ireland*. CCPR/CO/73/UK; CCPR/CO/73/UKOT, 6 Dec 2001, para. 10.

<sup>3</sup> Judgment in the case of *Hirst v The United Kingdom (No. 2)*, 30 March 2008

<sup>4</sup> *Ibid.*

<sup>5</sup> [https://www.echr.coe.int/Documents/FS\\_Prisoners\\_vote\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Prisoners_vote_ENG.pdf)

<sup>6</sup> <https://publications.parliament.uk/pa/jt201314/jtselect/jtdraftvoting/103/10302.htm>

<sup>7</sup> <http://www.parliament.scot/newsandmediacentre/108523.aspx>

expected date of release, or types of offence. Many other European jurisdictions have no restrictions on prisoners voting. These include Croatia, the Czech Republic, Denmark, Finland, Ireland, Latvia, Lithuania, Macedonia, Montenegro, Serbia, Spain, Sweden, Switzerland and Ukraine. At the very least, if a ban is to be maintained for some groups of prisoners, then the Committee should consider the example of countries such as Germany and Norway, where restriction on voting rights is reserved for offences which target the state or democratic order.

The UK government's decision in 2017 to extend the franchise to prisoners on temporary release to comply with the original 2005 ECtHR judgement is only a very modest step in the right direction. In reality, it will extend the franchise to just a couple of hundred people at a time. No one in prison serving a custodial sentence who has not been granted release on temporary licence (ROTL) or home detention curfew (HDC) will be able to vote, and so the vast majority of people in prison will remain disenfranchised. This is far from being a model for compliance in the rest of Europe, where all but seven member states of the Council of Europe enable people in prison to vote. It has been described by the leading human rights lawyer Sean Humber as "a very cynical attempt" and "trying to do the bare minimum and falling short."<sup>8</sup>

- **Practical issues, such as electoral registration (including address), voting method, prisoner engagement with the political process, the provision of political and citizenship information and education;**

The Prison Reform Trust does not profess to have expertise in electoral administration. We would simply highlight that there are already mechanisms in place which allow remand prisoners to vote by post or proxy. Though prisoners cannot register at the prison address, an amendment to the Representation of the People Act (2000) enabled them to register using a declaration of local connection, allowing them to use the address where they would be living if they were not on remand or an address where they have lived in the past. A system of postal or proxy voting was set out by the Electoral Commission in its response to the Ministry of Justice's consultation on prisoner voting in 2009.<sup>9</sup> The UK Government's draft Voting Eligibility (Prisoners) Bill envisaged that any prisoners granted the right to vote would vote by post or proxy, and would "be entitled to register to vote not at the prison, but at their former address or, if they did not have a former address, the area where they had a local connection."<sup>10</sup> The Ministry of Justice's second stage consultation paper, issued in 2009, supported this method of registration.<sup>11</sup>

Engaging prisoners in the political process could contribute to the development of prisoners' sense of self and community. As with other disadvantaged groups, efforts will need to be made by politicians and statutory authorities to reach out to prisoners and engage with their concerns and provide tailored citizenship information and education. Engaging prisoners in the political process would have the advantage of forcing politicians to take account of the political views of prisoners and to actively engage with issues of penal policy. In its report, the Scottish Parliament's Equality and Human Rights Committee noted that "increased engagement with prisoners could benefit politicians and policy makers' understanding of penal policy and the lives of prisoners".<sup>12</sup>

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<sup>8</sup> <https://www.bbc.co.uk/news/uk-41803722>

<sup>9</sup> [https://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0020/80462/Voting-Rights-of-Convicted-Prisoners-Detained-within-the-United-Kingdom-SENT.pdf](https://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/80462/Voting-Rights-of-Convicted-Prisoners-Detained-within-the-United-Kingdom-SENT.pdf)

<sup>10</sup> <https://publications.parliament.uk/pa/jt201314/jtselect/jtdraftvoting/103/10302.htm>

<sup>11</sup> <https://www.leighday.co.uk/LeighDay/media/LeighDay/documents/MoJ---Voting-Rights-of-Convicted-Prisoners-Detained-within-the-United-Kingdom---Second-Consultation--Apr-09.pdf?ext=.pdf>

<sup>12</sup> <http://www.parliament.scot/newsandmediacentre/108523.aspx>

PRT has championed the benefits of “active citizenship” in prisons for many years. Our report “Time well spent”<sup>13</sup> in 2012 and most recently “A different lens”,<sup>14</sup> published in December 2017, both describe ways in which existing prisons draw on the knowledge and talent of prisoners to help create safer and more purposeful prison communities. PRT has established a prisoner policy network to provide people in prison with the opportunity to engage with and influence penal policy making. The first report of the network on incentives in prison, which draws on the contributions of an estimated 1,250 people in prison, is due to be published in February. The report’s interim findings were fed into the Ministry of Justice’s consultation on the incentives and earned privileges (IEP) scheme, and has been received extremely positively by officials.

- **Cross-border issues arising from prisoners from Wales being imprisoned in England and vice versa;**

Extending the franchise to prisoners from Wales but not other parts of the UK would raise practical considerations, given that many Welsh prisoners serve their sentences in English establishments and vice versa. We do not profess to have the knowledge or expertise to provide solutions to the cross-border issues that would arise. However, the UK and Welsh governments have experience of coordinating services in other areas where policy is devolved, for instance in health policy. While we would prefer to see the franchise extended to all prisoners in the UK, thus avoiding the cross-border issues which would arise from a separate approach by the devolved nations, we do not believe the practical problems to be insurmountable. If it is agreed as a point of principle that Welsh prisoners ought to be able to participate in Welsh national and local elections, then administrative arrangements should be devised to enable them to do so.

- **Whether special considerations apply to young offenders in custody if the franchise is extended to 16 and 17 year olds generally, and**

We do not have a view on whether the franchise ought to be extended to 16 and 17 years olds in general. However, if it is decided to extend the franchise to this age group, then this should include 16 and 17 year olds in custody. For any age group, we do not believe the franchise should be withdrawn arbitrarily on the basis of the imposition of a custodial sentence.

- **Other countries’ approaches to prisoner voting.**

We refer the Committee to page 16 of the Scottish Parliament’s Equality and Human Rights Committee’s agenda for its second meeting, 25 January 2018 (session 5)<sup>15</sup> for an update on the approaches taken by countries in the Council of Europe on prisoners voting:

Due to language barriers and a lack of literature on the subject, it is not possible to provide a fully comprehensive or up-to-date overview of each prisoner voting system in the Council of Europe. However, based on information compiled by the House of Commons Library in its Standard Note on prisoners’ voting rights (2005 to May 2015) v and more recent work carried out by the human rights organisation Liberty in 2016, and the University of Baltimore, it appears that, in addition to the UK, the only Council of Europe countries which have a blanket ban on prisoner voting are:

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<sup>13</sup>

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Time%20Well%20Spent%20report%20lo.pdf>

<sup>14</sup> <http://www.prisonreformtrust.org.uk/Portals/0/Documents/A%20Different%20Lens.pdf>

<sup>15</sup> [http://www.parliament.scot/S5\\_Equal\\_Opps/Meeting%20Papers/20180125PublicPapers.pdf](http://www.parliament.scot/S5_Equal_Opps/Meeting%20Papers/20180125PublicPapers.pdf)



- Armenia
- Bulgaria
- Estonia
- Georgia
- Hungary
- Russia

At the other end of the spectrum, many Council of Europe States have no restrictions or virtually no restrictions on prisoner voting. These include:

- Croatia, the Czech Republic, Denmark, Finland, Ireland, Latvia, Lithuania, Norway, Slovenia, Spain, Sweden and Switzerland

There is also a large group of countries which have some form of partial ban on prisoner voting. In countries operating partial bans, the ban is normally based on either:

1. the length of sentence; or
2. the type of offence committed.

For example, in Poland the ban is limited to those convicted of a serious crime with a sentence of more than three years, whereas in the Netherlands prisoners sentenced to one year or more may only have their right to vote removed by the court if they have committed a crime “affecting the foundations of the state”.<sup>vi</sup> It appears that the Dutch ban has been applied very infrequently, for example the court refused to allow it in an infamous Islamic terrorism case - the murder of the film director Theo van Gogh in 2004 . 19

Countries which have partial bans often grant the judiciary varying degrees of discretion in applying or disapplying the ban on voting. Countries following this approach include amongst others: the Netherlands, Belgium, France, Poland, Cyprus, Romania, and Poland. In other countries, such as Greece and Italy, the loss of the right to vote is mandatory for certain serious offences.

# Agenda Item 6

## Equality, Local Government and Communities Committee

23 January 2019 – papers to note cover sheet

| Paper no.                | Issue   | From                           | Action point  |
|--------------------------|---|--------------------------------|---|
| ELGC(5)-03-19<br>Paper 3 | Inquiry into fire safety in high-rise buildings   | Welsh Government               | Response to the Committee's report                        |
| ELGC(5)-03-19<br>Paper 4 | Post legislative inquiry into the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 | Deputy Minister and Chief Whip | Response to the Committee's letter dated 18 December 2018 |

# Agenda Item 6.1

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA-P-JJ-4639-18

John Griffiths AM  
Chair  
Equality, Local Government and Communities Committee

21 December 2019

Dear John,

## **Review of Fire Safety in High-Rise Buildings**

Following recent ministerial changes, I have assumed lead ministerial responsibility for Housing and Local Government. As building safety matters fall within my portfolio I am responding to the Committee's inquiry and recommendations. I would like to thank the Committee for its time and commitment in considering this complex and multi-faceted subject. I am clear, as was the former Minister for Housing and Regeneration, Rebecca Evans AM, that the necessary reform to the system must be comprehensive, considered and coherent. The Welsh Government will balance appropriate pace with the necessary reflection, thus ensuring the changes we make are practicable, make a discernible difference and are ultimately the right ones for residents and for the whole system. As Dame Judith Hackitt made clear in her report, *Independent Review of Building Regulations and Fire Safety*, change needs to rebuild public confidence in the system. We will not therefore cherry-pick the 'easy' to do at the expense of what needs to be done.

**Recommendation 1. We recommend that the Welsh Government establishes regulation of agents who manage high-rise residential buildings. In the interim, the Welsh Government should consider the feasibility of extending Rent Smart Wales' remit to cover the licensing of managing agents for high-rise residential buildings in Wales.**

### **Response: Accept**

In order to tackle the wider abuse of leasehold, last August the Welsh Government established a Task and Finish Group. The Group will provide recommendations on residential leasehold reform, with a final report scheduled and on track for summer 2019. An initial recommendation for the Welsh Government has been to adopt the Royal Institute of Chartered Surveyors (RICS)' Service Charge Residential

Management Code, 3rd Edition. My officials are engaged with RICS in adapting the Code to incorporate Welsh Legislation.

In addition to the actions the Welsh Government has taken that specifically apply in Wales, we have partnered with the UK Government on the Law Commission's review of leasehold. This project is considering enfranchisement, Right to Manage and commonhold. It is scheduled to report to both the Welsh and UK Governments in summer 2019. The report will provide advice on actions to reform the sector, including potential legislation, and regulation of managing agents.

With regard to introducing interim regulation arrangements for agents who manage leasehold high rise residential buildings into the current Rent Smart Wales scheme, we will explore the feasibility and desirability of the recommendation. I would flag, however, that the proposed interim action would require new primary legislation. Currently Part 1 of the Housing (Wales) Act 2014 imposes requirements in relation to properties let under domestic tenancies. The 2014 Act creates a licensing authority (i.e. Cardiff Council operating as Rent Smart Wales) and imposes a registration requirement on private sector landlords who let their properties under domestic tenancies and imposes a licence requirement on those agents who carry out property management work on behalf of landlords who let their properties under domestic tenancies. The registration and licensing functions are undertaken by the licensing authority. If new statutory requirements are to be imposed on those persons who manage leasehold high-rise residential buildings and the role of the licensing authority extended to accord, legislative change would be necessary. As such, it appears to us impracticable to deliver the recommendation, in the interim and short term, through Rent Smart Wales.

**Recommendation 2. We recommend that the Welsh Government gives priority to addressing safety concerns surrounding fire doors and ensuring that all fire doors provide a minimum of 30 minutes protection. This should include providing guidance to residents, leaseholders, managing agents and developers in addressing concerns and replacing any current fire doors over which there are safety concerns.**

**Response: Accept**

As the former Minister for Housing and Regeneration set out in evidence to the Committee, fire safety in any building is secured through a combination of measures. These include fire doors, fire exits and escape plans, sprinklers, and fire safety education. The failure of one protection measure, for example fire doors, should not significantly affect the overall safety of residents. In that sense, I agree with the advice of the UK Government's Expert Panel concerning fire doors, that "the additional risk to public safety remains low".

That said, the problems with composite fire doors, which are a concern, must be addressed by the sector. I am pleased to note that manufacturers are cooperating and acting responsibly. All doors known to have failed to meet the necessary standard were withdrawn from the market. Affected manufacturers were asked to contact their customers. I understand appropriately certificated doors are now returning to market, under conditions designed to ensure compliance.

As a Government, we have been appropriately proactive. The former Cabinet Secretary for Local Government and Public Services issued statutory guidance concerning fire doors in residential flats, (available [here](#)). Advice for residents is similarly available on the National Fire Chiefs Council [website](#) and can also be accessed, free of charge, from the Fire Service. Residents who remain concerned about their doors should contact their landlord or building owner.

We continue to work with the UK Government to ensure building owners have access to appropriate information and guidance as the testing regime reaches its conclusions. My officials will continue their regular liaison with their Whitehall counterparts.

**Recommendation 3. We recommend that the Welsh Government brings forward new legislation to replace the Regulatory Reform (Fire Safety) Order 2005 in the current Assembly term. We believe this should be prioritised as part of the roadmap the Building Safety Expert Group is preparing. The new legislation should include:**

- **Standards for persons undertaking fire risk assessments;**
- **A requirement for fire risk assessments to be undertaken as a minimum annually for high rise residential buildings;**
- **Clarification that fire doors which act as the front doors to flats are considered part of the communal areas and therefore covered by the legislation replacing the Fire Safety Order 2005**

**Response: Accept in Principle**

I agree with the Committee that the Fire Safety Order needs to be radically reformed or replaced. The Order was not designed for residential buildings, and therefore does not address the main risks of fire in such buildings. The Committee's suggestions will form part of our considerations.

Reform which addresses Dame Judith's (and our stakeholders') concerns will require a significant piece, or pieces, of primary legislation. This will take time and careful consideration to ensure a new system for building safety is clear, joined-up, practicable and effective. We will consider how reforms to fire safety legislation can be addressed as part of this work, and we cannot guarantee to complete this in the current Assembly term.

Ahead of any legislation being brought forward we will continue to work to clarify expectations with regards to fire doors. We will of course continue to work with landlords and responsible persons to support them in their duties under the Fire Safety Order.

**Recommendation 4. We recommend that the Welsh Government explores the feasibility of ensuring invasive level four surveys for all high-rise residential buildings. This should include the impact on fire and rescue services' capacity, levels of skills and expertise needed and the lifting of any legislative restrictions.**

**Recommendation 5. We recommend that the Welsh Government ensures that any changes in the fire safety legislation as called for in recommendation 3, provides fire and rescue services with the legislative powers to require level 4 invasive surveys.**

**Response: Accept both in Principle**

Primary responsibility for ensuring that buildings are fit for purpose rest with those who commission, design and build the project. It is the responsibility of the builder/ developer to ensure that they construct good quality buildings. The role of building control or the Fire and Rescue Service is not to stand over the shoulder of each tradesperson on site to ensure that they are doing a good job.

In her review of Building Regulations and Fire Safety, Dame Judith Hackitt identified a number of issues with the potential to impact on building safety. These include a lack of clear roles and responsibilities, and professional competence.

We need to restore trust in the system. In responding to the Hackitt review we will put in place the right combination of clear responsibility, competence, regulatory oversight and guidance that reflects risk across the range of buildings developed in Wales. We will also consider the need for invasive building surveys, and who is best placed to undertake them. If necessary we will consider how these would be implemented through legislative reforms.

**Recommendation 6. We recommend that the Welsh Government commit to the establishment of a new regulatory framework that follows the JCA model outlined in the Hackitt Review.**

**Response: Accept in Principle**

Appropriate consideration of scrutiny levels, control oversight and scale of higher risk buildings is critical. Dame Judith Hackitt proposes the best way to provide this is through a 'Joint Competent Authority'. As part of our response we will consider the appropriateness of a JCA in Wales, or if an alternative mechanism for ensuring robust scrutiny is more appropriate in a Welsh setting. It is one of the areas that my Building Safety Expert Group is considering. We will also reflect on the UK Government's response to this proposal and any consequent or possible cross-border issues.

**Recommendation 7. We recommend that the Welsh Government consider how the planning and building regulation process can be revised to ensure the Fire and Rescue Services are included much earlier in the process so that their fire safety expertise can be utilised to ensure high-rise residential buildings can adequately resist fire.**

**Response: Accept**

Fire safety in buildings is currently regulated by Building Control (either local authority or approved inspectors) in respect of building construction or alteration, and Fire and Rescue Authorities in terms of the ongoing occupation of buildings which are subject to the Regulatory Reform (Fire Safety) Order 2005.

There are requirements on Building Control Bodies to consult the Fire and Rescue Service where a building is going to be subject to the Fire and Safety Order. The Building Regulations and Fire Safety Procedural Guidance sets out how the two regulatory systems are intended to operate.

Evidence from Fire and Rescue Authorities is that good relations have existed for many years. They also reported issues concerning a lack of FRS involvement in discussions until after buildings have started construction. In worse scenarios they are consulted only once buildings are about to be occupied. This is unacceptable and we would look to see how the regulatory system might address the issue.

I recognise the value of early identification of high risk buildings and early engagement with the Fire and Rescue Service. We have started to identify options to involve Fire and Rescue Authorities more formally in the planning process. For example whether it may be possible to make them mandatory consultees on certain types of planning applications and the fire safety advice they might provide at the development planning stage such as proximity to forestry, water supply and access for appliances.

In responding to issues emerging from the Grenfell investigation we have already been bringing together parties including a range of Welsh and Local Government officials and the Fire and Rescue Service. This is an early prototype of the type of engagement, structure, information-sharing and activity that Hackitt describes in a JCA. It will be helpful in identifying issues and learn lessons about joint engagement as we develop options. My Building Safety Expert Group will consider these issues further.

**Recommendation 8. We recommend that the Welsh Government assesses the effectiveness of quality assurance of building works, and considers whether best practice can be mandated through regulation.**

**Response: Accept**

As I set out earlier, the primary responsibility for ensuring that buildings are fit for purpose rests, and will remain with those who commission, design and build projects. It is the responsibility of the builder/ developer to ensure that they are constructing good quality buildings.

Responding to the findings of the Hackitt review will require a combination of government intervention and industry up-skilling. We will work with the UK Government and Industry to identify an appropriate balance between regulation and behaviour change and promoting best practice.

**Recommendation 9. We recommend that the Welsh Government brings forward changes to the building regulation system for high-rise residential buildings which provides for more regular on-site inspections during the construction stage by Local Authority Building Control.**

**Response: Accept in Principle**

The main function of building control is to ensure that the requirements of the building regulations are met. Generally, they examine plans, specifications and other documents submitted for approval and undertake site inspections as the work proceeds. Most building control surveyors are actively involved at design stage for many schemes and are acknowledged to provide valuable input at all stages of development.

Currently, local authorities are notified at certain stages e.g. commencement of operations and prior to cover up of excavations, foundations, slab and drainage. Local Authorities then determine, on the basis of risk assessment, the extent of site inspection. It is acknowledged that the notification stages are in need of review as they no longer reflect the complexity of buildings or requirements of building regulations.

More targeted and risk-based inspections will contribute to improving quality. Redefining a clearer set of responsibilities, supported by improved competence and reporting, and reassessment of changes made during the construction period, will make a still greater contribution.

My Building Safety Expert Group will consider the extent to which current inspection arrangements adequately reflect risk and where improvements might be made.

**Recommendation 10. We recommend that the Welsh Government urgently change the regulatory framework to only allow local authority building control to act as the regulator for high-rise residential buildings of seven storeys or higher. However, in changing the framework, LABCs should be able to appoint approved inspectors to undertake the work on their behalf.**

**Response: Reject (at this time)**

The Hackitt Review identified a perceived conflict of interest between the private sector's commercial interest and its role in vetting designs to ensure compliance with the building regulations.

There are a number of differences between Approved Inspectors and Local Authority Building Control. Neither system is 'bad' per se, and in fact there are some additional requirements of Approved Inspectors that are not replicated in the LABC environment. For example, Approved Inspectors must demonstrate and maintain relevant qualifications and experience. They are also required to comply with a code of conduct and are subject to audit by an independent body, whereas there is currently no such framework for Local Authority Building Control inspectors.

That said, there are some real advantages to consistency. We will take account of the relevant capacity and specialist competence issues as we develop proposals for the future role for both Local Authority and private sector Approved Inspector building control bodies. In so doing, we will of course pay due attention to the conclusions of my Building Safety Expert Group.

**Recommendation 11. We recommend that the Welsh Government updates the Committee in six months' time on capacity in the UK for testing material and**



**any impact that has had on fire safety in high-rise residential buildings in Wales.**

**Response: Accept**

We will endeavour in our discussions with the UK Government to understand whether current reported problems in arranging tests have any long-term implications.

**Recommendation 12. We recommend that the Welsh Government outline what actions it is taking to encourage or incentivise the retrofitting of sprinklers in the private sector.**

**Response: Accept**

Sprinklers are widely recognised as a key contributory factor in effective fire safety measures. Installing sprinklers in new housing and as part of refurbishment programmes will go a long way towards minimising the risk of death and injury from fire.

The Domestic Fire Safety (Wales) Measure 2011 has been implemented through the Building Regulations 2010. From 30 April 2014 fire suppression systems (sprinklers) are required in new and converted:

- care homes;
- children's residential homes;
- boarding houses;
- halls of residences; and
- hostels (other than hostels intended for temporary accommodation for leisure purposes).

The Welsh Government produced a 'Householders Guide to Sprinklers' in 2015. From 1 January 2016, sprinklers are required in new and converted houses and flats. This legislation now seems even more important.

In Wales, of the 38 social high-rise blocks, 21 are known to have fitted or are in the process of retro fitting sprinklers.

Within the private sector, retrofitting sprinklers in existing buildings remains a matter for the responsible person to ensure fire safety in the building. It is for building owners to seek professional advice and decide whether to fit sprinklers, on the basis of their assessment of the particular risk faced in their building(s).

We cannot currently require retrofitting in any dwelling. There is more that private sector landlords could do. I am pleased that some are taking steps to retrofit these important fire safety measures.

As part of our programme to improve building safety we will consider how else we could encourage or even incentivise more retrofitting in multiple occupancy buildings.

**Recommendation 13. We recommend that the Welsh Government liaises with the UK Government to identify any common approaches that can be taken in**

**relation to addressing concerns about the cost of remedial work and leaseholders being held liable.**

**Response: Accept**

Welsh Government officials have developed close working relationships with their counterparts in UK Government following the events at Grenfell Tower. My officials will continue to engage with their counterparts in the Ministry for Housing Communities and Local Government on a regular basis and in relation to the full range of emerging issues.

The evolving and expanded scope of devolution – which has extended the Welsh Government’s competence in recent years – does not alter the need for strong ties between the Welsh Government, the other devolved administrations, and UK Government.

Whilst we will work with UK and other administrations to understand the implications of Dame Judith’s final report, actions taken here will be judged against what is best for Wales. In the short time that we have been responsible for building regulations, we have already demonstrated a desire pursue our own agenda. The same will be true of fire safety. We will not however be different for the sake of difference.

In respect of your comments on liability for remediation costs, I am pleased to report that the completed and planned removal and replacement of Aluminium Composite Material cladding in Wales has been, and is being, funded by developers or building owners, rather than by individual leaseholders.

**Recommendation 14. We recommend that the Welsh Government explore with the Building Safety Expert Group and the Leasehold Reform Group as to how the use of personal evacuation plans can be encouraged and supported in private sector high rise buildings.**

**Response: Accept**

Individuals with long term conditions or mobility issues who are resident in the social housing sector, or in other settings such as care homes, are likely to have Personal Emergency Evacuation Plans (PEEPs).

For those living in private residences, there is no legal requirement to have a PEEP, or for the landlord to take any steps to ensure their evacuation. This is an illustration of the complexity and ambiguity of the Fire Safety Order, which only applies to the common areas of buildings and not individual dwellings.

That said, those living with long term conditions are able to work with their managing agent or building owner to develop appropriate escape plans.

It is not possible, or appropriate, to legislate for requiring an individual to have a PEEP. However, that is not to say that residents, whether in the public or private sector, should not be made aware of the benefits of PEEP, and have the ability to access one if they request it. This is something that we can explore as we consider further the reform of fire safety legislation.

I welcome the Committee's careful analysis of these issues. Whilst it is clear we need to change the system, we also need to change the culture, and inevitably that will take time. The Welsh Government will strive to bring forward proposals which take account both of the system and the underlying culture. I look forward to working with the Committee as we bring forward change.

Yours sincerely,



**Julie James AC/AM**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

## **Post Legislative Work of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act**

This paper sets out the individual responses to each of the questions raised in the letter from John Griffiths AM, Chair of the Equality, Local Government and Communities (ELGC) Committee dated 18 December requesting further information following the Post-legislative scrutiny - Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 that took place on 7 November 2018.

**1. A copy of the document listing information on the various strategies, frameworks and funding associated with the Act;**

**1.1 Response:** The document that the former Leader of the House and Chief Whip referred to in the meeting is attached at Annex 1. This document is the Progress on the Implementation of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (The Act) . It lists all relevant strategies, guidance and frameworks.

**1.2** At Annex 2 is a table of each relevant published strategy, guidance document and framework.

**1.3** Annex 3 provides details of the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) funding.

**2. A commentary on the progress of implementation of the recommendations from the Committee's 2016 post-legislative scrutiny report;**

**2.1 Response:** We have published two annual reports since the introduction of the Act. These reports provide details on the progress made to date, much of which is also detailed within this paper. These reports can be accessed here:

- April 2015 – March 2015

<http://www.assembly.wales/laid%20documents/gen-ld11358/gen-ld11358-e.pdf>

- April 2017 – March 2018

<http://www.assembly.wales/laid%20documents/gen-ld11618/gen-ld11618-e.pdf>

**2.2** The next progress report is due to be laid before Assembly and published in May 2019 and will cover the period of April 2018 – March 2019.

**2.3 2016 post-legislative scrutiny report: recommendation 1:** The Welsh Government should, as part of its forthcoming delivery plan to accompany the National Strategy, set out specific, individual delivery dates for:

- Each piece of outstanding statutory guidance:

- 2.3.1 **Response:** Statutory Guidance on The National Training Framework was published in March 2016.
- 2.3.2 Draft Statutory Guidance on 'Ask and Act' training was published in November 2017. This was published as draft guidance in order to allow early implementers to feedback their experiences of implementing the guidance. We have recently re-let the contract to deliver 'Ask and Act' training, which includes the requirement to revise the training in light of this feedback
- 2.3.3 Statutory Regional Commissioning Guidance will be published in February 2019.
- 2.3.4 No other guidance is outstanding.
- The guidance to local authorities on the preparation of local strategies:
- 2.3.5 **Response:** Statutory Guidance on The National Training Framework was published in March 2016.
- The regulations to be made under section 29(6A) of the Education Act 1996 (as inserted by section 9 of the Act) relating to local authorities' reporting of how their educational institutions are implementing the Act:
- 2.3.6 **Response:** The Act confers powers on the Welsh Ministers to issue regulations, rather than place a duty on them to issue regulations. At this time, the Welsh Ministers have decided not to publish guidance on how educational institutions are implementing the Act pending the outcome of the curriculum review. This matter will be kept under review.
- The roll out of the National Survivor Engagement Framework:
- 2.3.7 **Response:** We have consulted on a National Survivor Engagement Framework. Response rates were disappointing so we will undertake further work this year. This includes further research on how to engage with hard to reach groups and those with protected characteristics. We will take the findings of the study to pilot a National Survivor Engagement panel and ways of supporting regional groups to engage with the National Panel.
- 2.3.8 We have run workshops with stakeholders and survivors as part of this work and interim findings from the study are expected shortly.
- 2.4 **2016 post-legislative scrutiny report: recommendation 2:** The Welsh Government should provide a timescale for when the national indicators under section 11 of the Act will be published:
- 2.4.1 **Response:** The formal consultation on the National Violence against Women, Domestic Abuse and Sexual Violence Indicators as required under section 11 of the Act was launched on 2 January 2018 and is due to close on 29 March 2019.

- 2.4.2 The draft National Indicators will be updated to incorporate the feedback received during the consultation with a view to producing a final set of National Indicators by May 2019.
- 2.4.3 There will be additional work undertaken to look at the additional data sources that can be employed to measure the National Indicators. It is not possible at this stage, however, to identify a timeframe for this as it will depend on the feedback received as part of the consultation exercise. An update on the developments and timescales in this area will be built into the progress updates requested by the Committee under paragraph 15 of this paper.
- 2.5 **2016 post-legislative scrutiny report recommendation 3:** The Welsh Government should prioritise the publication of the statutory commissioning guidance for specialist services:
- 2.5.1 **Response:** We have revised our draft Regional Commissioning Guidance following consultation with stakeholders and intend to publish these in February 2019, with the aim of making them statutory from 1 April 2019. Further details can be found at paragraph 9 of this paper.
- 2.6 **2016 post-legislative scrutiny report recommendation 4.** The Welsh Government should provide public authorities with guidance on how they can align training packages, needs assessments and outcomes frameworks with the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015:
- 2.6.1 **Response:** ‘Ask and Act’ Guidance (paragraph 2.3.2), Local Strategy Guidance (paragraph 2.3.5), and the Commissioning Guidance (paragraph 2.3.3 and paragraph 10) are designed to assist public authorities in aligning their training packages, needs assessments and outcomes frameworks with the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.
- 2.6.2 During 2019 officials and the National Advisers will be supporting the further development of the Local Strategies. If it becomes apparent that further guidance is required on this area, officials will action accordingly.
- 2.7 **2016 post-legislative scrutiny report recommendation 5:** The Welsh Government should provide a timescale for when the Violence Against Women, Domestic Abuse and Sexual Violence Advisory Board will complete its work into a sustainable funding model for the specialist sector (and when this will be communicated). It should also ensure that sufficient funding is available to the sector to cope with any increases in demand created as a result of the Act:
- 2.7.1 **Response:** A Task and Finish Group of key stakeholders was convened to develop a sustainable funding model. Having agreed a definition of sustainable funding, the group concentrated its efforts in supporting the development of regional commissioning guidance as a vehicle for sustainability. The group was suspended while the guidance was finalised

and consulted upon and has recently been reconvened with new terms of reference under the chair of Yasmin Khan, one of the two National Advisers. It has agreed funding principles as part of its work. Further detail is provided in response to paragraph 8.

- 2.7.2 The budget for VAWDASV has increased by £0.5 million to £5 million. Funding for accommodation-based services amounts to £9.2 million (as referenced in paragraph 3.2).
- 2.8 **2016 post-legislative scrutiny report recommendation 6:** The Welsh Government should have urgent discussions with the UK Government about the arrangements for funding of independent domestic violence advisors (IDVAs) and multi-agency risk assessment conferences (MARACs) in Wales to establish the impact of any loss in funding, and how the new transformation fund can drive forward partnership work:
- 2.8.1 **Response:** Discussions took place with UK Government. The Welsh Government implemented regional funding of the VAWDASV revenue grant in April 2018. This grant is utilised by the regions to fund Independent Domestic Abuse Advisors (IDVAs). Multi-Agency Risk Assessment Conferences (MARACs) are funded by the Police or by the Police and Crime Commissioners (PCCs). The PCCs are represented on regional VAWDASV Boards.
- 2.9 **2016 post-legislative scrutiny report recommendation 7.** The Welsh Government should ensure that each strategy, service, training programme and piece of guidance that is prepared or commissioned as a result of the Act:
- addresses all forms of abuse and violence covered by the Act, not just domestic abuse, and
  - uses the UN definitions for violence against women, domestic abuse and sexual violence.
- 2.9.1 **Response:** The Act covers all forms of gender based violence, domestic abuse and sexual violence, these are further defined in section 24 of the Act.
- 2.9.2 The Act has its own definitions for violence against women, domestic abuse and sexual violence and these do not refer to the UN definitions.
- 2.10 **2016 post-legislative scrutiny report recommendation 8. As a matter of urgency, the Welsh Government should:**
- clarify the legal status of the forthcoming delivery plan, which should preferably be issued as statutory guidance to ensure that it can be enforced:
- 2.10.1 **Response:** The cross-government delivery framework is an action plan rather than guidance, and describes how Welsh Government, working across policy areas with partners and stakeholders, will deliver its commitments in the

National Strategy. It is therefore not appropriate to issue it as statutory guidance.

- Outline when the delivery plan will be published, and how it will be consulted upon:

2.10.2 **Response:** The VAWDASV cross-government delivery framework was developed with key stakeholders from across Welsh Government and external organisations and was published in July 2018. As this is a 'living' document, officials will be working with stakeholders on future updates. Further details on this can be found at paragraph 11.

<https://gov.wales/docs/ds/jlg/publications/commsafety/181716-vawdasv-delivery-framework-en.pdf>

- Ensure that the ten survivor recommendations contained in the report, "Are you listening, am I being heard?" are fully considered during the development of the national survivor engagement framework:

2.10.3 **Response:** The ten survivor recommendations are featured in the National Strategy on Violence Against Women, Domestic Abuse and Sexual Violence 2016-2021. They provided the foundation for the consultation on the National Engagement Framework and inform our ongoing work. Survivors are represented on our working groups and have been particularly active in the development of our communications campaigns.

2.11 **2016 post-legislative scrutiny report recommendation 9.** The Welsh Government should commit to including teaching about healthy relationships in the new curriculum under the 'Health and Well-being' Area of Learning and Experience (AoLE), and should ensure this is delivered in all schools.

2.11.1 **Response:** Sexuality and Healthy Relationships is included under the 'Health and Wellbeing' Area of Learning and Experience (AoLE). Further detail on this can be found at paragraph 5.

2.12 **2016 post-legislative scrutiny report recommendation 10.** The Welsh Government should ensure that all schools (and in particular the network of Pioneer Schools) are using the Good Practice Guide developed by Welsh Women's Aid, and put in place monitoring arrangements on the effectiveness of the Guide. Following an evaluation of the Guide, the Welsh Government should consider making it a piece of statutory guidance.

2.12.1 **Response:** Welsh Government promotes the use and benefits of utilising the Good Practice Guide. VAWDASV policy leads also ensure that the guidance is built into all relevant education publications and guidance produced by Welsh Government.

2.12.2 VAWDASV policy leads are also members of the Sexuality and Relationships Group that has been established to ensure join up across Welsh Government. Issues, including those listed above, will be discussed at these meetings.



2.12.3 VAWDASV policy leads also attend the Personal and Social Education Group, which includes Pioneer Schools and specifically discuss issues around Sexuality and Relationship provision in schools and the development of the new AoLE, where confirmation was given that schools do utilise the Good Practice Guide.

2.13 **2016 post-legislative scrutiny report recommendation 11.** The Welsh Government should expedite the preparation of regulations under section 29(6A) of the Education Act 1996 relating to the publication of information by local authorities on how they are exercising their functions to promote the purpose of the Act. It should also commit to requiring local authorities to begin reporting by the start of the 2017/18 academic year:

2.13.1 **Response:** This has been covered under paragraph 2.3.6 in response to recommendation 1.

2.14 **2016 post-legislative scrutiny report recommendation 12.** The Welsh Government should publish the toolkit of resources and materials compiled by Welsh Women's Aid and AVA (Against Violence and Abuse) for use alongside the Good Practice Guide.

2.14.1 **Response:** The toolkit has been published on the Live Fear Free Website:

<https://livefearfree.gov.wales/policies-and-guidance/violence-teaching-resources?lang=en>

2.15 **2016 post-legislative scrutiny report recommendation 13.** The Welsh Government should outline how healthy relationships and consent education will be addressed by further and higher education institutions, including arranging for the publication of guidance by the Welsh Government and the Higher Education Funding Council for Wales under section 10 of the Act.

2.15.1 **Response:** Officials are working with the Higher Education Funding Council for Wales (HEFCW) to develop a good practice guide that will be similar to the Whole Educational approach and the Good Practice Guide for Governors, but specifically designed for the Higher Education setting.

2.15.2 The need for the development of the guidance has been captured within the HEFCW funding remit letter for 2019-2020 and is expected to be published for consultation by the end of this year.

2.16 **2016 post-legislative scrutiny report recommendation 14.** The Welsh Government should review the capacity of the National Adviser's role, and consider allocating additional resources to it for research and to support the development of local strategies.

2.16.1 **Response:** The National Adviser's role was increased to full time and is currently filled on a job share basis by Nazir Afzal and Yasmin Khan. This

has allowed a wider range of skills and experiences to be brought to the role than would be the case if one person filled the post.

2.16.2 The National Advisers are supported by Welsh Government officials including those in Knowledge and Analytical Services. An additional post is currently being recruited to provide more dedicated support.

2.17 **2016 post-legislative scrutiny report recommendation 15.** The Welsh Government should clarify what sanctions are available to the Welsh Ministers if the requirements of the Act are not fulfilled by public authorities:

2.17.1 **Response:** Section 19 of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 provides for action taken in relation to statutory guidance. A relevant authority must issue a policy statement if it has a good reason not to follow statutory guidance and proposes an alternative. Welsh Ministers may direct a relevant authority to take any appropriate action if, in the opinion of the Welsh Ministers, the policy statement is not likely to contribute to the pursuit of the Act.

3. **A list of budget lines and funds that supports projects and initiatives resulting from the Act;**

3.1 **Response:** A list of the budget lines for 2018 – 2019 which support the Act are in Annex 2. The budget allocation for 2019 – 2020 has yet to be finalised.

3.2 As well as the VAWDASV budget, there are a further two budgets that support the delivery of VAWDASV policy:

- £9.2m from Supporting People Funding for accommodation-based services such as refuge accommodation.
- £187,000 from Health funding of Sexual Abuse Referral Centres.

3.3 There are other funding sources across Welsh Government that support VAWDASV issues, however this is often as part of a package of support and therefore it is not possible to identify an actual amount that specifically supports this area. Some such examples of this are:

- All Wales School Liaison Project, that operates within schools across Wales and is funded from the Substance Misuse budget. The overall budget is approximately £2m per year. However tackling VAWDASV issues is only one element in the overall package of provision on offer.
- Parents, Childcare and Employment (PaCE) European Funded Project, that predominantly focuses on employability and skills of parents, but does also touch on VAWDASV issues as one of the barriers for participants. The overall value of this project is £13.5m with £5m allocated directly from Welsh Government funds. Like the All Wales Schools Liaison project, tackling VAWDASV issues is only one element in the overall package of provision on offer.

3.4 Whilst it may not be always be possible to translate the provision and support offered across various funding streams within Welsh Government to a financial investment, we do ensure that we collaborate and discuss issues across Welsh Government. The National Advisers will be establishing a cross-departmental policy group as part of the actions identified within the 2019-2020 Annual Plan. This will bring together all policy leads who provide support and provision to tackle VAWDASV issues.

4. **Details on the number of children who have accessed Hafan Cymru's services;**

4.1 **Response:** The number of children engaged with Hafan Cymru's Spectrum Project from April 2017 to March 2018: **25,886** children from Foundation Phase to Key Stage 4.

4.2 The number of children engaged with Hafan Cymru's Spectrum Project from April 2018 to September 2018: **14,084** children from Foundation Phase to Key Stage 4.

4.3 The number of sessions delivered to children and school staff from April 2018 to September 2018: **1,090** individual sessions across Wales. This data has only been requested since April 2018 and therefore there is no earlier data available.

4.4 The next quarter report covering September 2018 to December 2018 is due to be submitted by the end of January 2019.

5. **Details on the progress of implementing Relationships and Sexuality Education (RSE) as a statutory part of the curriculum, following correspondence with the Cabinet Secretary for Education;**

5.1 **Response:** Schools are required to deliver sex education within the national curriculum. The current Relationship and Sexuality Education guidance is being updated following the review and recommendations. The updated guide is currently out to public consultation, which will come to an end in March 2019.

5.2 It is a statutory requirement to deliver Relationship and Sexuality Education during the roll out period of the new curriculum; therefore schools will follow the current curriculum until such a time as they either feel able to deliver the new curriculum or it becomes statutory.

5.3 VAWDASV officials sit on the Relationships and Sexuality Education group and assist in shaping the content of the new curriculum and also ensure that guidance to support the delivery of the current curriculum is up to date and relevant.

- 5.4 Following consultation, the final curriculum will be agreed and ready to implement from April 2022. The timeline of implementation (when the new curriculum will become statutory) is as follows:
- April 2022: Primary Schools (Foundation Phase, Key Stage 1, Key Stage 2 and Year 7 of Key stage 3)
  - April 2023: Year 8
  - April 2024: Year 9
  - April 2025: Year 10
  - April 2026: Year 11
- 5.5 The new curriculum offers the opportunity to deliver in a completely different way to traditional sex education so will take time to embed, review, amend and reflect to ensure that the new approach is appropriate and is working.
6. **Details on the number of people that have accessed the “Ask and Act” training;**
- 6.1 **Response:** Around 135,000,000 people in Wales have accessed training under the National Training Framework since it was introduced in 2016. The “Ask and Act” working draft guidance was formally launched in November 2017. The programme is currently being piloted in five sites, and will be rolled out across Wales by 2021.
- 6.2 By the end of March 2018, 127,103 workers in relevant authorities had been trained via e-learning (group 1).
- 6.3 1,800 workers have been trained to “Ask and Act” (group 2 and 3) and 4,000 professionals are forecast to be trained in 2019-2020.
- 6.4 Strengthening leadership films aimed at public sector strategic leaders have been viewed over 6,500 times (group 6).

### **Going forward**

- 6.5 Priority areas for 2019-2020 for the roll out of “Ask and Act” (group 2 and 3) are North, Mid and West Wales and, thereafter Western Bay: Swansea, Neath Port Talbot, and Bridgend. This will be delivered by Welsh Women’s Aid.
- 6.6 A consortium of Safelives and Hafan Cymru will deliver training for specialist providers’ frontline staff and their managers (group 4 and 5). The first cohort of both groups will be trained by March 2019.
- 6.7 Welsh Women’s Aid is contracted to deliver training for public sector leadership and a conference is planned for March 2019.
7. **Links to each of the published local strategies;**
- 7.1 **Response:** Links to all the Local Strategies have been included below as requested. Three out of the eight Strategies have been developed as Local

Strategies and cover a 1-year period. The remaining five have been developed following a regional approach and are therefore Strategies covering up to a 5-year period.

- **Local: Neath Port Talbot CBC, Abertawe Bro Morgannwg University Health Board**

<http://www.safernpt.org/1123>

- **Local: City & County of Swansea**  
City & County of Swansea and Abertawe Bro Morgannwg University Health Board

<https://democracy.swansea.gov.uk/ielssueDetails.aspx?Ild=26249&PlanId=0&Opt=3#AI22192&LLL=0>

- **Local: Bridgend** – please note work is on-going with Bridgend and Cwm Taf to join up from 2019 onwards.

<https://www.bridgend.gov.uk/media/3973/bridgend-violence-against-women-domestic-abuse-and-sexual-violence-strategy-2018-2019.pdf>

- **Regional: Cwm Taf Region**  
Cwm Taf Health Board, Merthyr Tydfil CBC, Rhondda Cynon Taf CBC

<http://www.ourcwmtaf.wales/SharedFiles/Download.aspx?pageid=286&mid=613&fileid=214>

- **Regional: North Wales Region**  
Betsi Cadwallader University Health Board, Conwy CBC, Denbighshire CC, Flintshire CC, Gwynedd CC, Yns Mon, Wrexham CBC

<http://www.conwy.gov.uk/en/Council/Strategies-Plans-and-Policies/Strategies/assets-strategies/documents/North-Wales-Violence-Against-Women-Domestic-Abuse-and-Sexual-Violence-Strategy-2018-2023.pdf>

- **Regional: Mid and West Wales Region**  
Hywel Dda Health Board and Powys Teaching Health Board, Carmarthenshire CC, Ceredigion CC, Pembrokeshire CC, Powys CC

<https://www.carmarthenshire.gov.wales/media/1213738/safer-lives-healthier-families-final-draft-mww-vawdasv-strategy-march-2018.pdf>

- **Regional: Gwent Region**  
Aneurin Bevan Health Board, Blaenau Gwent CBC, Caerphilly CBC, Monmouthshire CC, Newport CC, Torfaen CBC

<http://www.sewsc.org.uk/index.php?id=95>

- **Regional: Cardiff & Vale of Glamorgan**

Cardiff & Vale University Health Board, Cardiff CC, Vale of Glamorgan CC:

<https://cardiff.moderngov.co.uk/ieDecisionDetails.aspx?AllId=11259>

8. **Details on the timescales for establishing the sustainable funding model.**

8.1 **Response:** The Sustainable Funding Group was reconstituted in October 2018 and has agreed funding principles. Funding for VAWDASV, however, is derived from a wide variety of sources, many of which are not devolved, including Home Office and Ministry of Justice and often from charitable trusts and grant making bodies. Priorities and timescales for these vary considerable and change over time. For this reason, it has been agreed that the Sustainable Funding Group should act as a standing group, rather than a task and finish group, working to the agreed funding principles. This section links to the information provided at 2.7.1 and 2.7.2 of this paper.

9. **Commissioning guidance**

9.1 **Response:** The final version of the commissioning guidance which incorporated the feedback received from the consultation process was presented to the Sustainable Funding Group on 06 December 2018. It is intended that the guidance will be formally issued in April 2019. It is currently being prepared for laying before the Assembly and will be published in February 2019.

9.2 Officials are working with stakeholders to ensure that they are ready to implement the guidance in April 2019 and the Sustainable Funding Group will support this work.

10. **Details of any future legal consequences in the event that local strategies are not published by deadlines as prescribed in the Act. In the statement made by the then Leader of the House and Chief Whip in Plenary on 27 November, it was mentioned that legal consequences “wasn't a proportionate response in this instance”, for strategies that weren't published in their final form this year, but that it would be possible “if, in further iterations, the timescale isn't met”.**

10.1 **Response:** Officials will seek advice from Legal Services to identify the consequences for the relevant authorities should they not publish their local strategies in line with sections 5, 6, 7 and 8 of the Act and update the committee in due course

10.2 All local strategies have been published as highlighted at section 7 of this paper. Some are in draft format, some have also been developed as local strategies, whilst others have been developed as regional strategies.

- 10.3 Part of the reason that the strategies have not been published as final versions is due to the desire to ensure that the final VAWDASV National Indicators are reflected within the proposed actions and measures.
- 10.4 Officials and the National Advisers will be working with the relevant authorities during 2019 to build in the final National Indicators and strengthen the local strategies. A deadline date for the publication of final local strategies will be agreed between Welsh Government and relevant authorities.

**11. An update on the timescales for the delivery framework**

- 11.1 **Response:** The National Strategy on Violence against Women, Domestic Abuse and Sexual Violence: Cross-Government Delivery Framework 2018-2021 will be updated by June 2019.

**12. A draft of the data that will be collected as part of the National Indicators.**

- 12.1 **Response:** The formal consultation on the National Violence against Women, Domestic Abuse and Sexual Violence Indicators as required under section 11 of the Act was launched on 2 January 2018. Below is the link to the consultation and the consultation document is attached at Annex 4.

<https://beta.gov.wales/draft-national-violence-against-women-domestic-abuse-and-sexual-violence-indicators>

**13. In light of the First Minister's recent announcement about the review of refuge provision, when will the task and finish group considering the review alongside the sustainable funding model complete its work?**

- 13.1 **Response:** The First Minister commissioned the Wales Centre for Public Policy (WCPP) to conduct the review. Officials have met with the WCPP to begin scoping the work with an expectation that the review of refuge provision will be completed in 3 to 6 months. The scope of the review on sexual violence services is being finalised, this is far more complex.

- 13.2 The work of the Sustainable Funding group is separate to this work but will, as part of its ongoing work, consider the findings of the WCPP reviews.

**14. The Committee also wishes to receive information about the interim arrangements for services while they await outstanding pieces of work (for example, the commissioning guidance, the roll-out of healthy relationships education, the national indicators, and the sustainable funding model).**

- 14.1 **Response:** The Welsh Government asked Lloyds Foundation to draft a version of its commissioning guidance for use in Wales to take into account the different circumstances in Wales. This it did with Welsh Women's Aid and the guidance forms the basis of the Regional Commissioning Guidance which

VAWDASV Regional Boards have been utilising since its publication. The Commissioning guidance layers onto this a regional aspect which will have statutory obligations. VAWDASV regions have reported that they would have struggled to meet these obligations with earlier implementation. We are providing them with a small grant to support them to become commissioning ready.

- 14.2 All maintained secondary schools are required to deliver sex education. Primary schools are not required to deliver sex education but may do so, and all schools are required to have a written policy on provision of sex education.
- 14.3 The Welsh Government has issued guidance for schools on sex and relationships education, as well as supplementary materials. The Welsh Government also funds Hafan Cymru to deliver its Spectrum project to teach healthy relationships in schools. Additional funding is provided for police liaison work in schools to deliver education in schools, which includes substance misuse and healthy relationships.
- 14.4 Welsh Government has encouraged relevant authorities to work collaboratively to commission and fund VAWDASV services. This approach was piloted in Gwent in 2015 following the introduction of the Act. Since then 6 regions have been established, based on the local health boards footprint, with the exception of Bridgend, which continued to collaborate with Western Bay, Cwm Taf and Cardiff and the Vale Health Boards. From April 2019 it is expected that Bridgend will join the Cwm Taf region. The VAWDASV grant is paid regionally on the same basis. These regions also mirror the Regional Collaborative Committees set up under Supporting People. The Supporting People grant is a major funder of VAWDASV services.
- 14.5 The object of regionalisation was to provide a more strategic approach to funding and commissioning services to improve sustainability. This has been supported through the Lloyds Foundation commissioning framework and through the steer of the Sustainable Funding Group.
- 14.6 Part of the work of the regions is to undertake a needs-analysis to facilitate commissioning. In the absence of the National Indicators, these have supported regional measurement of progress.
15. **Finally, the Committee would like to seek periodic updates every three months from the National Advisers, to provide reassurance on the pace of implementation of the Act.**
- 15.1 **Response:** The National Advisers propose that they will provide periodic updates as requested as follows:
  - March 2019
  - June 2019
  - September 2019
  - December 2019



## Annex 1

# Progress on Implementation of the Act – November 2018

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## 1. National Advisers

**July 2015** – First National Adviser, Rhian Bowen-Davies appointed. Rhian stepped down in the autumn of 2017.

**April 2016** – **Published** National Advisor's Annual Plan 2016-17.

<https://documents.hf.wales.gov.uk/id:A24823174/document/versions/published>

**May 2016** – **Published** National Adviser's First Annual Report The first six months: September 2015 – March 31st 2016.

<https://documents.hf.wales.gov.uk/id:A15368282/document/versions/published>

**January 2018** – National Adviser's post extended to full time and Nazir Afzal and Yasmin Khan appointed on a job share basis.

**September 2018** – **Published** New National Advisers' First Annual Report 2018 – 2019.

<http://www.assembly.wales/laid%20documents/gen-ld11746/gen-ld11746-e.pdf>

**November 2018 - In Preparation** National Advisers' Annual Plan 2019 -2020 - the National Advisers submitted their annual plan Under section 22 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 ('the Act'). The Plan will be published and shared with Assembly Members in January 2019.

## 2. National Strategy and Delivery Framework

**November 2016** – First five-year National Strategy (2016-21) published with six objectives to align with the Istanbul Convention principles.

<http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/?lang=en>

**July 2018** – **Published** VAWDASV Cross-Government Delivery Framework that sets out how we will work across Government to deliver each of the objectives in our National Strategy.

<https://gov.wales/docs/dsjlg/publications/commsafety/181716-vawdasv-delivery-framework-en.pdf>

### 3. Training

**June 2015** – Ask and Act piloted in two sites with 1,300 employees.

**September 2015** – VAWDASV E-Learning launched. By the end of March 2018 over 127,000 workers in Wales (including those who do not work within the VAWDASV sector) had completed the VAWDASV e-Learning or equivalent training.

**March 2016** – The National Training Framework Statutory Guidance published. This set standards, with targets for relevant authorities and bursaries for specialist providers. 135,000 public sector staff trained to date, with new contract let.

**April 2017** – Relevant authorities submit their training plans to Welsh Ministers as required by the statutory guidance. The reports are used to monitor activity against the national and regional aims of the National Training Framework

**September 2017** – Phase 2 of National roll out of Ask and Act. Five sites now engaged. The last region in Wales (Dyfed Powys) will join the programme in 2019-2020. Over 1800 practitioners have already been trained to “Ask and Act” and a further 4000 professionals are forecast to be trained during 2018-2019.

**May 2018** – Relevant Authorities submit their first annual reports on training as required by statutory guidance

<http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/national-training-framework/?lang=en>

<http://livefearfree.gov.wales/policies-and-guidance/ask-and-act?lang=en>

### 4. Guidance

**October 2015**- “Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales” showcases the excellent practice which exists across Wales. The Guide will help to support and encourage those schools we know need to do more.

<http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/good-practice-guide-a-whole-education-approach/?lang=en>

**March 2016** - National Training Framework Statutory Guidance - This guidance sets out a series of requirements to be made on the relevant authorities under the 2015 Act in relation to the delivery and standards of training in relation to these issues.

<http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/national-training-framework/?lang=en>

**March 2016** - Awareness raising guidance for school governors - The guide contains a number of actions which governors can take to make their school safer.

<http://gov.wales/docs/livefearfree/160316-governor-guide-en.pdf>

**June 2016** - Review of existing healthy relationship and violence against women, domestic abuse and sexual violence related teaching resources. As part of the package of education measures developed to support the implementation of the Act, Welsh Women's Aid in partnership with AVA (Against Violence and Abuse) were commissioned to research and compile a package of recommended best practice materials on VAWDASV which were published to provide information and guidance to primary, secondary and further education providers.

<https://livefearfree.gov.wales/policies-and-guidance/violence-teaching-resources?lang=en>

**August 2016** – Lloyds Foundation Toolkit - Commissioning Guidance for violence against women, domestic abuse and sexual violence services - The Lloyds Bank Foundation, in collaboration with specialist services, published a collaborative commissioning toolkit for Wales in recognition of the changes being brought about by the implementation of the VAWDASV Act. Officials disseminated this to VAWDASV networks across Wales and it has helped inform the regional commissioning guidance.

[https://www.lloydsbankfoundation.org.uk/Domestic%20Abuse%20Toolkit\\_Wales\\_welsh.pdf](https://www.lloydsbankfoundation.org.uk/Domestic%20Abuse%20Toolkit_Wales_welsh.pdf)

**June 2017** - "Information and Guidance on Domestic Abuse: Safeguarding Older People in Wales" - The Guidance offers practical advice to professionals, and will improve recognition and understanding of domestic abuse experienced by older people.

<https://gov.wales/docs/dsijg/publications/commsafety/170622-safeguarding-older-people-en.pdf>

**November 2017** – Statutory Guidance for Relevant Authorities on Ask and Act - This guidance will assist practitioners and managers in implementing 'Ask and Act' in their relevant authority.

<https://livefearfree.gov.wales/policies-and-guidance/ask-and-act?lang=en>

**February 2018** – Statutory Guidance on Local Strategies - The Guidance has been produced to inform the development of local strategies required under the Act

<https://gov.wales/docs/dsijg/publications/commsafety/180317-guidance-for-local-strategies-en.pdf>

**March 2018** – Draft Regional Commissioning Guidance issued for consultation - Date of issue: 29 March 2018 closed on 22 June 2018

<https://beta.gov.wales/draft-guidance-commissioning-violence-against-women-domestic-abuse-and-sexual-violence-services>

**June 2018 – In development-** Regional Commissioning Guidance has been revised following the consultation with publication by February 2019. It will become Statutory in April 2019.

## **5. Supporting Needs-led Planning and Delivery**

**December 2017** – Regional Plans submitted for roll out of regionalisation - Regions are currently working with stakeholders to conduct a needs and gap analysis to inform their 2019-2020 annual Delivery Plans for the VAWDASV revenue grant.

**May 2018** – First local authority and local health board local strategies submitted as regional plans. Links to each strategy can be found at section 7 of the main paper.

## **6. Children and Young People**

**September 2015** – Youth participation project tackling issues of harmful cultural practices

**December 2015** - National Education Conference - Keeping Learners Safe – Everybody's Business

**June 2016** - Estyn was commissioned to carry out a review of existing healthy relationship education within schools

**February 2017** - Sex and Relationships Expert Panel - The expert panel was established to help inform the development of the future Sex and Relationships curriculum as part of the Health and Wellbeing Area of Learning and Experience, and identify issues and opportunities which could inform decisions around supporting the teaching profession deliver high quality SRE in schools more effectively.

**June 2017** - A review of healthy relationships education” published by Estyn.

**January 2018** – Report and recommendations by the Sex and Relationships Expert Panel

<https://gov.wales/newsroom/educationandskills/2018/kirsty-williams-announces-focus-on-healthy-relationships-in-major-reforms-to-relationships-and-sexuality-education/?lang=en>

## **7. Perpetrators**

**January 2018** – Gwent pathfinder project mapping perpetrator services

**January 2018** – Integrated Offender Management Board approved project initiation document for the VAWDASV workstream of the Framework to support positive change for those at risk of reoffending.

**April 2018** – Perpetrator Services Network launched to share good practice and issues

**December 2018** – Launch of the National Guidance for Perpetrator Services. These Standards are intended to be used by both **commissioners** and **services** when making decisions regarding the development, delivery, evaluation and commissioning (or decommissioning) of VAWDASV perpetrator services in Wales.

<https://gov.wales/docs/ds/jlg/publications/commsafety/181206-vawda-perpetrator-service-standards-en.pdf>

## **8. Survivor Engagement**

**March 2018** – National Survivor Engagement Framework issued for consultation.

<https://livefearfree.gov.wales/policies-and-guidance/national-survivor-engagement-framework?skip=1&lang=en>

**September 2018** – Following the consultation a project has been running to deliver two main activities:

- improving representation of future survivor engagement by undertaking primary research with those survivor groups who are under-represented in the findings from previous survivor engagement work; and
- a small scale pilot for a national survivor engagement panel.

The pilot will run until March 2019 and will make recommendations for longer term practice following assessment of the findings. I look forward to sharing the outcomes in due course.

**2019** In Development:

- National Survivor Panel and commission will be developed further.
- Two workshops are taking place in January and February this year with stakeholders and survivors which will inform the pilot and development of the data collection tools and outcomes framework

An emerging findings report will be shared with the VAWDASV policy team in summer 2019. The final research report will be published in Winter 2019. It will make recommendations with regards to the development of indicators and processes for the collection and application of National Survivor Framework baseline and outcome data in future.

## **9. National Indicators**

**May 2017** – Development work internally and externally on identifying data sources to inform measures.

**September 2018** – Draft National Indicators produce and discussed at an internal workshop with cross-government input.

**October 2018** – Draft National Indicators discussed and amended at an external workshop with Key stakeholders before finalising ready for the open consultation.

**January 2019** – Launch of the Consultation on VAWDASV National Indicators. This is the first step in identifying a full and robust set of national indicators.

<https://beta.gov.wales/draft-national-violence-against-women-domestic-abuse-and-sexual-violence-indicators>

## **10. Domestic Homicide Reviews**

**June 2018** – Report completed on Domestic Homicide Reviews with recommendations for greater integration with other death reviews. Officials have reviewed the report and recommendations in order to advise Ministers and to seek agreement on the next steps. The report will be submitted to Ministers for consideration by February 2019, together with the recommendations for the next steps.

## **11. Communications and Awareness Raising**

**September 2015** – Youth Participation project to raise awareness of harmful cultural practices

**March 2017** – Stakeholder communications group, including survivor representation, set up to inform development of communications campaigns

**January 2018** – Launch of “This is Me” campaign to tackle gender stereotyping - The “This is Me” campaign led to an increased use of the Live Fear Free website by over 6,000%. We reached 7 million impressions through TV and radio advertisements and saw significant increases across use of our social media channels.

**April 2018** – “Don’t be a Bystander” campaign launched which highlights the powerful impact of a positive intervention for victims and survivors of VAWDSV.

**Annex 2: Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) Key Documents (not in chronological order)**

| Title  | Web link (if available)   | Description  |
|--|---|--|
| Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015                          | <a href="https://www.legislation.gov.uk/anaw/2015/3/contents">https://www.legislation.gov.uk/anaw/2015/3/contents</a>   | The ground-breaking Welsh legislation aimed at improving the public sector response to violence against women, domestic abuse and sexual violence.   |
| National Strategy on Violence Against Women Domestic Abuse and Sexual Violence                       | <a href="http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/?lang=en">http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/?lang=en</a>   | Sets out how the VAWDASV Act will be implemented.  |
| National Strategy: VAWDASV Cross-Government Delivery Framework                                       | <a href="https://gov.wales/docs/dsilg/publications/comm_safety/181716-vawdasv-delivery-framework-en.pdf">https://gov.wales/docs/dsilg/publications/comm_safety/181716-vawdasv-delivery-framework-en.pdf</a>   | Linked to the Strategy, the Delivery Framework sets out the key milestones for implementing the VAWDASV Act.   |
| The National Training Framework (NTF) on violence against women, domestic abuse and sexual violence: | <a href="http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/national-training-framework/?lang=en">http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/national-training-framework/?lang=en</a> | The NTF is statutory guidance that sets out a series of requirements to be made on the relevant authorities under the Act in relation to the delivery of training and standards of training in relation to these issues. |

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|---|---|---|
| Ask and Act Guidance  | <a href="http://livefearfree.gov.wales/policies-and-guidance/ask-and-act?lang=en">http://livefearfree.gov.wales/policies-and-guidance/ask-and-act?lang=en</a>   | <p>Guidance for practitioners and managers on how to implement 'Ask and Act' (Groups 2 and 3 of the NTF).</p> <p>Draft Guidance currently published; statutory guidance to follow by the end of the 19/20 financial year.</p> |
| <p>Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales</p> | <a href="http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/good-practice-guide-a-whole-education-approach/?lang=en">http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/good-practice-guide-a-whole-education-approach/?lang=en</a> | <p>This guide recognises the importance of education settings as environments where positive attitudes towards gender equality and healthy respectful relationships can be fostered through a rights based approach.</p>      |
| <p>National Indicators on VAWDASV</p>   | <a href="https://beta.gov.wales/draft-national-violence-against-women-domestic-abuse-and-sexual-violence-indicators">https://beta.gov.wales/draft-national-violence-against-women-domestic-abuse-and-sexual-violence-indicators</a>   | <p>The Welsh Government is in the process of producing national indicators to assess progress of the implementation of the Act to date.</p>   |
| VAWDASV Toolkit for schools delivering educational resources  | <a href="https://livefearfree.gov.wales/policies-and-guidance/violence-teaching-resources?lang=en">https://livefearfree.gov.wales/policies-and-guidance/violence-teaching-resources?lang=en</a>   | <p>This toolkit, information and guidance provides primary, secondary and further education providers with a range of best practice materials to utilise within their education settings.</p>                                 |



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|--|--|---|
| <p>National Adviser's First Annual Report The first six months: September 2015 – March 31st 2016.</p>  | <p><a href="https://documents.hf.wales.gov.uk/id:A24854892/document/versions/published">https://documents.hf.wales.gov.uk/id:A24854892/document/versions/published</a></p> | <p>Rhian Bowen-Davies Annual Report for 2015 - 2016 Financial Year</p>  |
| <p>ANNUAL PLAN<br/>National Adviser for tackling Violence against Women, other forms of Gender based Violence, Domestic Abuse and Sexual Violence<br/>April 1st 2016 – March 31st 2017</p> | <p><a href="https://documents.hf.wales.gov.uk/id:A24823174/document/versions/published">https://documents.hf.wales.gov.uk/id:A24823174/document/versions/published</a></p> | <p>Rhian Bowen-Davies Annual Plan for 2016 - 2017 Financial Year - this sets out the priorities and objectives for the National Adviser</p> |
| <p>NATIONAL ADVISORS ANNUAL REPORT 2018<br/>VIOLENCE AGAINST WOMEN DOMESTIC ABUSE AND SEXUAL VIOLENCE<br/>Translating a National Framework into Sustainable Solutions</p>                  | <p><a href="http://www.assembly.wales/laid%20documents/gen-ld11746/gen-ld11746-e.pdf">http://www.assembly.wales/laid%20documents/gen-ld11746/gen-ld11746-e.pdf</a></p>     | <p>Nazir Afzal and Yasmin Khan's Annual Report for first 6 months of taking up the post - January 2018 - June 2018</p>                      |

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|---|--|---|
| <p>Violence Against Women, Domestic Abuse and Sexual Violence<br/>Guidance for School Governors</p> | <p><a href="http://gov.wales/docs/livefearfree/160316-governor-guide-en.pdf">http://gov.wales/docs/livefearfree/160316-governor-guide-en.pdf</a></p>   | <p>A Guide to inform school governors of the issues surrounding violence against women, domestic abuse and sexual violence, and the need to have an appropriate policy in place to help staff to recognise the signs of abuse and how to get help for themselves, to assist their colleagues and the young people in their school.</p>  |
| <p>VAWDASV Toolkit for schools delivering educational resources and materials</p>                   | <p><a href="https://livefearfree.gov.wales/policies-and-guidance/violence-teaching-resources?lang=en">https://livefearfree.gov.wales/policies-and-guidance/violence-teaching-resources?lang=en</a></p> | <p>Review of existing healthy relationship and violence against women, domestic abuse and sexual violence related teaching resources. As part of the package of education measures developed to support the implementation of the Act, Welsh Women's Aid in partnership with AVA (Against Violence and Abuse) were commissioned to research and compile a package of recommended best practice materials on VAWDASV which were published to provide information and guidance to primary, secondary and further education providers.</p> |

Pack Page 89

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|--|--|--|
| <p>Tackling Violence Against Women, Domestic Abuse and Sexual Violence: A Collaborative Commissioning Toolkit (Lloydsbankfoundation Toolkit)</p> | <p><a href="https://www.lloydsbankfoundation.org.uk/Domestic%20Abuse%20Toolkit_Wales_web.pdf">https://www.lloydsbankfoundation.org.uk/Domestic%20Abuse%20Toolkit_Wales_web.pdf</a></p>                                   | <p>This toolkit has been produced by Lloyds Bank Foundation for England &amp; Wales in association with specialist UK violence against women charities. It aims to help agencies in Wales to work together to provide an effective commissioning approach to ensure the future well-being of all those affected by violence against women, domestic abuse and sexual violence.</p> |
| <p>Information and guidance on domestic abuse:<br/>Safeguarding older people in Wales</p>  | <p><a href="https://gov.wales/docs/dsilg/publications/comm_safety/170622-safeguarding-older-people-en.pdf">https://gov.wales/docs/dsilg/publications/comm_safety/170622-safeguarding-older-people-en.pdf</a></p>         | <p>This guidance focuses primarily on the experience of domestic abuse by older people.</p>  |
| <p>VAWDASV Guidance for Local Strategies</p>   | <p><a href="https://gov.wales/docs/dsilg/publications/comm_safety/180317-guidance-for-local-strategies-en.pdf">https://gov.wales/docs/dsilg/publications/comm_safety/180317-guidance-for-local-strategies-en.pdf</a></p> | <p>The purpose of this guidance is to assist local authorities, Local Health Boards and their partners to develop local strategies that comply with the requirements and purposes of the Act. This guidance should be used to inform the design, development and review of local strategies required by the Act.</p>   |

|   |  |   |
|---|--|---|
| <p>Draft guidance for the commissioning of violence against women, domestic abuse and sexual violence services in Wales</p> | <p><a href="https://beta.gov.wales/draft-guidance-commissioning-violence-against-women-domestic-abuse-and-sexual-violence-services">https://beta.gov.wales/draft-guidance-commissioning-violence-against-women-domestic-abuse-and-sexual-violence-services</a></p>   | <p>The guidance will promote high quality collaborative commissioning that delivers more consistent and effective services to prevent VAWDASV and protect and support victims of VAWDASV in Wales. The final version will be published in February 2019</p> |
| <p>Report and recommendations by the Sex and Relationships Expert Panel</p>   | <p><a href="https://gov.wales/newsroom/educationandskills/2018/kirsty-williams-announces-focus-on-healthy-relationships-in-major-reforms-to-relationships-and-sexuality-education/?lang=en">https://gov.wales/newsroom/educationandskills/2018/kirsty-williams-announces-focus-on-healthy-relationships-in-major-reforms-to-relationships-and-sexuality-education/?lang=en</a></p> | <p>Report and recommendations to be considered during the SRE Curriculum development</p>  |
| <p>Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Perpetrator Service Standards</p>                   | <p><a href="https://gov.wales/docs/dsilg/publications/comm_safety/181206-vawda-perpetrator-service-standards-en.pdf">https://gov.wales/docs/dsilg/publications/comm_safety/181206-vawda-perpetrator-service-standards-en.pdf</a></p>   | <p>These Standards are intended to be used by both <b>commissioners</b> and <b>services</b> when making decisions regarding the development, delivery, evaluation and commissioning (or decommissioning) of VAWDASV perpetrator services in Wales.</p>      |

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|--|---|---|
| National Survivor Engagement Framework   | <a href="https://livefearfree.gov.wales/policies-and-guidance/national-survivor-engagement-framework?skip=1&amp;lang=en">https://livefearfree.gov.wales/policies-and-guidance/national-survivor-engagement-framework?skip=1&amp;lang=en</a> | The purpose of a National Survivor Engagement Framework is to ensure that the needs and experiences of survivors of violence against women, domestic abuse and sexual violence, including the most marginalised survivors, those who face multiple disadvantage in accessing help and support, are understood. It is also important that those for whom policy is made, are able to influence and guide that policy and share what works for them.  |
| Draft national violence against women, domestic abuse and sexual violence indicators | <a href="https://beta.gov.wales/draft-national-violence-against-women-domestic-abuse-and-sexual-violence-indicators">https://beta.gov.wales/draft-national-violence-against-women-domestic-abuse-and-sexual-violence-indicators</a>         | If we are to collectively achieve these objectives we need a way of measuring progress so that we can all see if, for Wales as a whole, things are getting better. That is why the Act places a legal requirement on the Welsh Ministers to set national indicators. These indicators must “be applied for the purpose of measuring progress towards the achievement of the purpose of this Act”. This document sets out the proposed set of National Indicators and is currently out to consultation |

### Annex 3: VAWDASV Budget and Funding

| Funding Line  | Brief description  | Total             |
|---|--|-------------------|
| <b>Central Services and Administration MEG<br/>Violence Against Women, Domestic Abuse and Sexual Violence</b> |  |                   |
| <b>Local Authority</b>  | Funding to be allocated to VAWDASV Regional Boards to support frontline delivery of VAWDASV services.  | <b>£1,937,730</b> |
| <b>Third Sector</b>   |  |                   |
| <ul style="list-style-type: none"> <li>Welsh Women's Aid</li> </ul>   | Support VAWDASV agenda across Wales, including the Children Matters Project;   | <b>£564,538</b>   |
| <ul style="list-style-type: none"> <li>BAWSO</li> </ul>   | Activity to support discussions, training, support and awareness-raising on Female Genital Mutilation; honour-based violence; Forced Marriage; and modern slavery;   | <b>£446,000</b>   |
| <ul style="list-style-type: none"> <li>Hafan Cymru Spectrum Project</li> </ul>                                | Project delivered in schools throughout Wales to teach children about healthy relationships, about abuse, its consequences and where to seek help;   | <b>£376,282</b>   |
| <ul style="list-style-type: none"> <li>Safer Wales Dyn Project</li> </ul>                                     | Provision of the Dyn Wales helpline to support male victims across Wales, and a dedicated IDVA for men who live in South Wales; and  | <b>£65,000</b>    |
| <ul style="list-style-type: none"> <li>New Pathways</li> </ul>  | Support for professionals who work with people affected by sexual violence or at risk. Working with sexual violence and human trafficking and children and young people counselling across South, Mid and West Wales.  | <b>£73,000.00</b> |
| <b>Staffing</b>   | <p><b>The Anti-Slavery Co-ordinator</b><br/>Post is continuing to work to create greater private sector engagement and sponsorship of actions to tackle slavery in Wales.</p> <p><b>FGM, HBV and FM Lead</b><br/>Covers the non- devolved issues of FGM, HBV and FM, to maintain</p> | <b>£222,199</b>   |

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|  | <p>working relationships across Welsh Government, and externally with Whitehall Departments and key third sector organisations.</p> <p><b>National Advisers</b><br/>In accordance with the VAWDASV Act the National Adviser for Violence Against Women and other forms of Gender-based Violence, Domestic Abuse and Sexual Violence is a statutory role which works alongside officials to advise and assist the Welsh Ministers in tackling these issues.</p>                                     |                 |
| <b>Publicity</b>                         | <p>Contract for a full service agency for three years from July 2017. Specialist skills such as media planning and buying, consumer PR, animation, television advertising and digital targeting are only available via a full-service agency.</p> <p>Support activity to mark the International Day for the Elimination of Violence Against Women and White Ribbon day on the 25th November 2018 and to support community-led work to take forward the THIS IS ME and the Bystanders campaign.</p> | <b>£180,000</b> |
| <b>National Training Framework (NTF)</b> | <p><b><u>NTF</u></b></p> <p>The funding has been granted on a 5 year indicative basis – one year for early adoption in 2015-16, followed by 2-4 years to 2019-20 for continuation and national delivery.</p> <p><b><u>NTF Groups 4, 5 &amp; 6</u></b></p> <p>Training over a period of eighteen months with the option of an extension for a further twelve months. The contract was awarded in October 2018 with a final end date of March 2021</p>   | <b>£270,000</b> |
| <b>Live Fear Free Contract</b>           | <p>Funds the Live Fear Free website and helpline to provide 24 hour confidential support, information and advice to women, men and children experiencing abuse, concerned others</p>   | <b>£455,000</b> |

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|  | and professionals;   |                 |
| <b>Live Fear Free Evaluation</b>   | To ensure the outcomes of the future helpline service can be evidenced and its impact assessed.  | <b>15,000</b>   |
| <b>Secondments- Stalking, Harassment &amp; Domestic Homicide Reviews (DHRs) in Wales Secondment/ collaborative agreement</b> | Assistant Chief Constable for Dyfed Powys Police, Liane James, was seconded to the Welsh Government in October 2017 for a 12 month period. Welsh Government and Dyfed Powys Police agreed to share the cost of the 12 month secondment. The secondment ended in September 2018.  | <b>£45,733</b>  |
| <b>Sexual Violence</b>   | One-off support which will provide enhanced services until the end of this year aimed at reducing long-standing waiting.   | <b>£150,000</b> |
| <b>Perpetrator Support Work</b>  | <ul style="list-style-type: none"> <li>• Families Centric Intervention<br/><br/>A match funding opportunity with the South-Wales Police and Crime Commissioner (PCC). The grant will fund a family intervention project that will work with whole families where domestic abuse has been identified and the family remains together. This is a partnership opportunity with the PCC and Her Majesty's Prison Probation Service (HMPPS) in Wales which will facilitate the intervention assessment to run in HMP Swansea and HMP Cardiff.</li> <li>• <i>Any Man Can</i><br/><br/>To deliver an early intervention/preventative approach that explores emotional intelligence and provides a forum for men to understand their emotions and linked behaviours. The programme is not specifically for perpetrators of violence, but for all men: <ul style="list-style-type: none"> <li>• whose attitudes and beliefs are being noticed by others and are concerning;</li> <li>• who may have been</li> </ul> </li> </ul> | <b>£57,518</b>  |



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|                             | <p>involved in violence outside of the home;</p> <ul style="list-style-type: none"> <li>• who may be sexist or have strong beliefs about gender;</li> <li>• who may be abusive at times;</li> <li>• who are not ready to acknowledge the extent of the abuse or violence at home or risk they pose; or</li> <li>• who may deny they are perpetrators but may want to be better fathers or partners.</li> </ul> <p>• Launch of the VAWDASV Perpetrator Service Standards at an event on 6<sup>th</sup> December 2018</p>   |                |
| <b>Survivor Engagement</b>  | <p>Small scale research study to better understand the views and needs of those survivor groups whom the engagement activities and consultation have not effectively reached to date.</p> <p>It is intended that the findings from this qualitative study, will complement the development of a National Survivor Engagement Framework and inform the future design of a national approach engaging survivors in policy development.</p> <p>This work will entail</p> <ul style="list-style-type: none"> <li>• Primary research with those survivor groups who are under-represented in the findings from previous survivor engagement work ; and</li> <li>• The development and testing of data collection tools and an outcomes framework and measures to evaluate a pilot of a National Survivor Panel.</li> </ul> | <b>£45,000</b> |
| <b>Regional Development</b> | To support collaborative regional commissioning and to meet the   | <b>£95,000</b> |

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|   | requirements of the statutory commissioning guidance in 2019   |                |
| <b>Capital Investment reports</b>   | The Welsh Government estate team advised commissioning an investment analysis of two high value capital grant applications for refurbishment to ascertain the value before and after the renovations are undertaken. This will allow us to establish whether the investments are worthwhile. | <b>£2,000</b>  |
| <b>Health and Social Services MEG<br/>Sexual Abuse Referral Centres Funding</b> |  |                |
| <b>Aneurin Bevan University Health Board</b>                                    |  | <b>£35,000</b> |
| <b>Abertawe Bro Morgannwg University Health Board</b>                           |  | <b>£32,000</b> |
| <b>Cardiff and the Vale University Health Board</b>                             |  | <b>£29,000</b> |
| <b>Cwm Taf University Health Board</b>  |  | <b>£18,000</b> |
| <b>Powys</b>  |  | <b>£8,000</b>  |
| <b>Hwyl Dda</b>   |  | <b>£23,000</b> |
| <b>Betsi Cadwallader</b>  |  | <b>£42,000</b> |

**Annex 4**

**Number: WG36722**



Welsh Government  
Consultation Document

## **Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV)**

Draft National VAWDASV Indicators

## Overview

We want to improve the economic, social, environmental and cultural well-being of Wales to achieve a prosperous, resilient, cohesive, healthier and more equal nation and society. This can only be achieved if individuals and groups within our communities are able to live free from violence and abuse.

On 29 April 2015, the Violence against Women, Domestic Abuse and Sexual Violence (Wales) 2015 Act (the Act) was brought into force. The legislation aims to improve the Public Sector response in Wales, to such abuse and violence and was subject to rigorous scrutiny through the legislative process.

During 2018, Welsh Government, with the assistance of the National Advisers for Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) and the VAWDASV Specialist Sector external stakeholders, has been developing a set of National Indicators for Wales that will measure progress against the purpose of the Act.

This work built upon the early development work that was undertaken as part of the National Indicator Task and Finish Group in 2016, under the leadership of the previous National Adviser.

This document sets out our draft proposals for a list of VAWDASV national indicators and how you can feed in your views. This is the first step in identifying a full, inclusive and robust set of National indicators.

What can be included in the National Indicators is limited by the availability of data against which to measure them. Part of our consultation on the indicators, therefore, will be to identify if there are further data sources that we have not yet identified, or if we are able to develop new data sources to include in the National Indicators in future.

## How to respond

This is a written, electronic consultation. Questions are at the end of this document. Questions have been summarised in a Questionnaire that can be found at Annex A.

If you are proposing replacement or amended indicators please use the form that can be found at Annex B

Responses can be e-mailed or posted to the contact details below:

Contact Details:

Violence Against Women and Domestic Abuse team

Communities Division  
Welsh Government  
Merthyr Tydfil Office  
Rhydycar  
Merthyr Tydfil  
CF48 1UZ  
e-mail: [VAWDASV.LlywodraethCymru-  
WelshGovernment@gov.wales](mailto:VAWDASV.LlywodraethCymru-WelshGovernment@gov.wales)

**Further  
information and  
related documents**

**Large print, Braille and alternative language versions of  
this document are available on request.**

**Violence against Women, Domestic Abuse and  
Sexual Violence (Wales) Act 2015:**  
<http://www.legislation.gov.uk/anaw/2015/3/contents/enacted>

**Violence Against Women, Domestic Abuse and  
Sexual Violence National Strategy:**  
[https://gov.wales/docs/dsjlg/publications/commsafety/161104-  
national-strategy-en.pdf](https://gov.wales/docs/dsjlg/publications/commsafety/161104-national-strategy-en.pdf)

**Violence against Women, Domestic Abuse and  
Sexual Violence Delivery Framework:**  
[https://gov.wales/docs/dsjlg/publications/commsafety/181716-  
vawdasv-delivery-framework-en.pdf](https://gov.wales/docs/dsjlg/publications/commsafety/181716-vawdasv-delivery-framework-en.pdf)

**Contact details**

For further information please contact:

email: [VAWDASV.LlywodraethCymru-  
WelshGovernment@gov.wales](mailto:VAWDASV.LlywodraethCymru-WelshGovernment@gov.wales)

## **General Data Protection Regulation (GDPR)**

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:  
Data Protection Officer:  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ

e-mail:

[Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or  
0303 123 1113

Website: <https://ico.org.uk/>

# 1. What is this consultation about?

## Background

Much progress has been made to improve the way we work with people affected by violence against women, domestic abuse and sexual violence (VAWDASV) since the introduction of the Act. Multi agency working is commonplace and a strong, professionalised specialist third sector works alongside the public sector to deliver essential services across Wales.

The VAWDASV National Strategy, which fulfils the requirement in section 3 of the Act, was published in 2016 and builds on our collective progress to date, and prioritises delivery in the areas of prevention, protection, and provision of support, in line with the purpose of the Act.

The Act places a duty on local authorities and local health boards to prepare and publish joint local strategies for tackling violence against women, domestic abuse and sexual violence.

The VAWDASV National Strategy outlines the six key objectives that Welsh Ministers expect to achieve by November 2021 and are aligned to deliver against the purpose of the Act which is to improve:

### Arrangements for the **Prevention** of violence against women, domestic abuse and sexual violence

**Objective 1:** Increase awareness and challenge attitudes of violence against women, domestic abuse and sexual violence across the Welsh Population

**Objective 2:** Increased awareness in children and young people of the importance of safe, equal and healthy relationships and that abusive behaviour is always wrong

**Objective 3:** Increased focus on holding perpetrators to account and provide opportunities to change their behaviour based around victim safety.

**Objective 4:** Make early intervention and prevention a priority

### Arrangements for the **Protection** of victims of violence against women, domestic abuse and sexual violence;

**Objective 5:** Relevant professionals are trained to provide effective, timely and appropriate responses to victims and survivors

### **Support** for people affected by violence against women, domestic abuse and sexual violence.

**Objective 6:** Provide victims with equal access to appropriately resourced, high quality, needs led, strength based, gender responsive services across Wales.

If we are to collectively achieve these objectives we need a way of measuring progress so that we can all see if, for Wales as a whole, things are getting better. That is why the Act places a legal requirement on the Welsh Ministers to set national indicators. These indicators must “be applied for the purpose of measuring progress towards the achievement of the purpose of this Act”.

They can be expressed as a value or characteristic that can be measured quantitatively (e.g. a number) or qualitatively (e.g. the quality of something) against a particular outcome. They may also be measurable in relation to Wales or any part of Wales.

The indicators are set by Welsh Ministers, reflect the whole of Wales and will enable us to understand the contribution made by all. This document sets out the draft proposals for VAWDASV national indicators for Wales, the criteria we have worked on to identify potential indicators (these can be found in Section 3 of this document) and how you can get involved.

The consultation also provides an opportunity to suggest improvements to the proposed indicators and/or measures and how to suggest alternative indicators and/or measures.

If you wish to put forward an additional indicator we have provided a template for you to complete. You will need to explain clearly the reasons why the proposed indicator best measures the Act and why it would replace or improve upon an existing proposed indicator. This will help us ensure that the final indicator set is limited in number, coherent and useable by public bodies. Keeping the number manageable (i.e. at least one but no more than three indicators per objective) will help in engaging the general public in understanding whether the 6 objectives are being achieved. You are strongly encouraged to refer to the development principles set out in Section 2 and the development criteria set out in Section 3.

## **1.1 How will the indicators be used?**

The indicators have an important role in helping to measure the progress made towards achieving the purpose of the Act throughout Wales as a whole. There will be a report published every year by the Welsh Government on progress made in Wales in achieving the 6 objectives, using the national indicators. This is called the 'Annual VAWDASV Report', the first will be published in the financial year following the publishing of the national indicators. It is planned that this report will be published under the Code of Practice for Official Statistics.

## **2. National Indicator Development Principles**

A key principle for the development of the national indicators is that they align with, and complement the Well-being Indicators issued under the Well-being of Future Generations (Wales) Act 2015. In order to develop a coherent and consistent set of indicators, it was agreed that guiding principles would underpin the development work. The following principles are based upon, but do not completely replicate, the work that was undertaken on behalf of Welsh Ministers during the development of the Well-being Indicators by the Public Policy Institute for Wales (PPIW). Their work drew on international evidence which highlighted the challenge for designing effective indicators.

### **2.1 Principles for measuring the right thing**

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| The indicators should measure outcomes.   |
| The outcomes should resonate with and matter to the public.   |
| There should be a limited number of Outcomes and Indicators: no more than 6 headline outcomes with no more than 4 indicators per outcome. |



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| The indicators should form a coherent set which can be justified by a rationale and a narrative for what it means for Wales.   |
| Outcomes need to align to relevant national outcome frameworks/Indicators.   |
| The indicators cover all forms of violence against women, gender-based violence, domestic abuse and sexual violence as defined in the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. |

## 2.2 Principles for measuring the right way

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| Effective Communications | What the indicators measure should be capable of being summed up briefly in a way that will be immediately grasped by the public.  |
|                          | The indicators should allow comparisons to be made over time. Comparisons should remain valid even as policies or data collection methods change, there should be secure sources of data and the value of the indicator should be capable of change over time. |
|                          | All audiences need to believe that the indicator really does measure the outcomes effectively and reliably, and the indicator should be understood in the same way by different groups. It may be measurable in relation to Wales or any part of Wales.        |
|                          | Indicators must provide up-to-date information and with sufficient frequency to allow judgements about progress and stimulate appropriate action.  |
|                          | Indicators must be selected and designed to avoid encouraging actions that improve the indicator at the expense of wider outcomes.   |
| Accuracy                 | Where survey data are used, it should be shown that the respondents give consistent answers to the questions on different occasions.   |
|                          | The indicators should not be based on sample sizes that statisticians judge to be too small to justify conclusions about the outcome measured.   |
|                          | Where possible, the indicators should incorporate existing Official Statistics, or at least have been tested and found appropriate for analytical purposes.  |
|                          | The data sources may change to ensure the most accurate data is available over the lifetime of these indicators.   |
| Balance                  | The whole set should contain subjective as well as objective indicators.   |
|                          | The set as a whole can contain indicators based on qualitative as well as quantitative data.   |
| Feasibility              | It is preferable for the data to exist but not essential. New data-collections will be considered if existing data is insufficient in scope and/or inconsistent.   |

### 3. National Indicator Development Criteria

We have used the above principles to design and use the following criteria that underpin all the development of our national indicators in relation to the Act.

#### 3.1 Identify a small number of relevant indicators

We want to ensure we are measuring the most important aspects which will enable us to better understand and articulate the progress that is being made in Wales.

#### 3.2 Measures which are meaningful

The indicators should bring complex data together into a format that is meaningful for people working in the field, policy makers and the general public. The indicators should inform and influence national, regional and local strategic, policy and service delivery decisions in pursuant of the purpose of the Act and will be based upon the 3 pillars contained therein;

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| <b>Prevention</b><br>is<br>and<br><b>Protection</b><br><br>abuse<br><b>Support</b><br><br>high | Violence against women, domestic abuse and sexual violence prevented and wherever possible there is early identification intervention to limit harm to victims and survivors.<br>Suitable and effective processes are in place to protect all individuals experiencing violence against women, domestic and sexual violence.<br>Individuals experiencing any form of violence against women, domestic abuse and sexual violence can access appropriate, quality support wherever they are in Wales. |
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#### 3.3 They should be coherent and fit together

The indicators should be consistent, coherent and, as well as supporting each other, should demonstrate contribution to the wider Well-being Goals contained with the Well-Being of Future Generations (Wales) Act 2015 and apply the sustainable development principle (five ways of working). In considering whether the indicators are consistent with that principle we should consider:

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| <b>Integration</b><br>pillar,   | Indicators help to measure progress against more than one ideally across more than one performance framework or policy area and support integrated working across public bodies   |
| <b>Prevention</b><br>the<br>Abuse<br><b>Long Term</b><br>influence<br>their     | Does the indicator help us to identify whether we are tackling underlying causes of Violence against Women, Domestic and Sexual Violence?<br>The indicator will be relevant for the next 5 years and will influence policy makers, commissioners and service providers in their decision making to help reduce domestic violence over the long term |
| <b>Collaboration</b><br>partners leading to<br>addressing the underlying issue. | The Indicators need to generate discussion with collaborative approaches in   |
| <b>Involvement</b><br>have  | The Indicators need to measure all forms of VAWDASV and been developed with key stakeholders. This consultation will  |

parties across ensure full that we engage and involve all interested Wales in the development of the Indicators

### **3.4 Administrative and survey data**

The indicators should contain both administrative and survey data. Administrative data should be gathered during the routine function of all agencies / services that assist victims of gender based violence e.g. Public Services, Criminal Justice and specialist support services. Administrative data should be used to develop knowledge relating to individual needs, service improvements and the impact of provision.

Survey data provides regular, comparable and representative information which is key to capturing data for the majority of individuals who do not seek assistance or report their experiences. Survey data provides a reliable way of knowing whether the rate of violence is increasing or decreasing and can also provide information relating to help seeking and non-reporting behaviours, consequences, risks and furthermore, inform work relating to costs of violence against women, domestic abuse and sexual violence.

For comparable and robust data it is essential for all sources of administrative and survey data to work from the same, consistent definitions and measurement units for violence against women, domestic abuse and sexual violence.

## **4. Proposal**

From the work to date and the key criteria set out in section 3 we have proposed a list of 10 national VAWDASV indicators for Wales. In developing the proposed list some indicators have been included which, if agreed, would require further development. We have taken this approach in order not to be constrained by existing data sources. Following the consultation, the development and potential cost of indicators will be considered against other criterion, including feedback from the consultation, to determine their viability.

### **4.1 The detailed list**

On the following pages you will find the details of each of the 10 indicators and associated potential measures on which we would like your views. Each indicator has been assigned a number (1-10) and this document provides you with information on

- What is being measured;
- How it will be measured;
- The source of the data we propose to use;
- The rationale and reasoning behind the selection of the indicator.

For the purposes of the consultation it should be noted that all indicators are treated equally, with the numbers included for ease of reference only.

## 4.2 Summary of Indicators

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| <b>OBJECTIVE 1: Increase awareness and challenge attitudes of violence against women, domestic abuse and sexual violence across the Welsh Population</b>                   |
| <b>Indicator 1:</b> Increase in reporting of all forms of Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV)   |
| <b>Indicator 2:</b> Increased awareness across all sections of society that violence against women, domestic abuse and sexual violence is unacceptable.                    |
| <b>OBJECTIVE 2: Increased awareness in children and young people of the importance of safe, equal and healthy relationships and that abusive behaviour is always wrong</b> |
| <b>Indicator 3:</b> Increased awareness amongst children and young people in Wales of the importance of safe, equal and healthy relationships                              |
| <b>Indicator 4:</b> Increased awareness amongst children and young people that that abuse is always wrong.   |
| <b>OBJECTIVE 3: Increased focus on holding perpetrators to account and provide opportunities to change their behaviour based around victim safety</b>                      |
| <b>Indicator 5:</b> Increase in VAWDASV related incidents resulting in an arrest, prosecution and conviction.  |
| <b>Indicator 6:</b> Perpetrators are able to receive appropriate intervention  |
| <b>OBJECTIVE 4: Make early intervention and prevention a priority</b>  |
| <b>Indicator 7:</b> Enabling equal access to & availability of effective, evidence based early interventions.  |
| <b>OBJECTIVE 5: Relevant professionals are trained to provide effective, timely and appropriate responses to victims and survivors</b>                                     |
| <b>Indicator 8 :</b> Those in relevant job roles trained to recognise and appropriately responded to VAWDASV   |
| <b>OBJECTIVE 6: Provide victims with equal access to appropriately resourced, high quality, needs led, strength based, gender responsive services across Wales</b>         |
| <b>Indicator 9:</b> Ensuring that victims receive appropriate support  |
| <b>Indicator 10:</b> Increased victim confidence and access to justice   |

## 5. Detailed National VAWDASV Indicators, Measure and Data Source

| <b>OBJECTIVE 1: Increase awareness and challenge attitudes of violence against women, domestic abuse and sexual violence across the Welsh Population</b>     |  |
|--|--|
| <b>Indicator 1:</b> Increase in reporting of all forms of Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV)                               |  |
| <b>Measure 1.1:</b> Numbers of rape / sexual assault crimes recorded by the police   |  |
| <b>Measure 1.2:</b> Number of domestic abuse incidents and crimes recorded by police   |  |
| <b>Measure 1.3:</b> Number of Honour Based Violence incidents and crimes reported by the police  |  |
| <b>Data Source</b>   | Police Recorded Crime Data   |
| <b>Rationale</b>   | <p>We will continue to challenge attitudes in order to prevent violence against women, domestic abuse and sexual violence happening in the first place. Ultimately, we intend to build a society which does not tolerate violence against women, domestic abuse and sexual violence.</p> <p>The increased awareness raising campaigns across the Welsh Population and the roll out of targeted training provision for front line services, such as Police, Fire and Rescue, Education and Health professionals, are expected to lead to an increased awareness to identify incidents of VAWDASV and an increase confidence by victims to report these incidents.</p> |
| <b>Issues to Consider</b>  | <p>It is not possible to measure the extent an increase in reporting is as a result of better awareness across the Welsh population and/or training of front line staff/support staff or whether it is due to an increase in the actual number of incidents.</p> <p>Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure increased awareness, including any relevant data sources.</p>  |
| <b>Indicator 2:</b> Increased awareness across all sections of society that violence against women, domestic abuse and sexual violence is unacceptable.      |  |
| <b>Measure 2.1:</b> Percentage of people who think that it is always unacceptable to hit or slap their partner   |  |
| <b>Measure 2.2:</b> Percentage of people who are aware of Welsh Government initiatives to reduce violence against women, domestic abuse and sexual violence. |  |
| <b>Data Source</b>   | Crime Survey England and Wales   |
| <b>Rationale</b>   | The indicators proposed will measure (as much as practically possible) both awareness of Welsh Government initiatives and attitudes to VAWDASV.  |
| <b>Issues to Consider</b>  | There are 3 questions in the Crime Survey England and Wales which ask whether hitting a partner is acceptable in response to the partner i) constantly nagging or moaning ii) flirting with other people or iii) having an affair or cheating.   |

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|  | <p>We may need to consider further wider one off research/survey into awareness across the population that VAWDASV is unacceptable in order to ensure we can assess views across different groups.</p> <p>Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure increased awareness, including any relevant data sources.</p> |
|--|---|

**OBJECTIVE 2: Increased awareness in children and young people of the importance of safe, equal and healthy relationships and that abusive behaviour is always wrong**

**Indicator 3:** Increased awareness amongst children and young people in Wales of the importance of safe, equal and healthy relationships

**Measure 3.1:** Percentage/number of school children and young people in Wales attending awareness sessions (via Spectrum or other providers)

|                           |   |
|---------------------------|---|
| <b>Data Source</b>        | Spectrum data / PLASC /Welsh Women's Aid  |
| <b>Rationale</b>          | <p>Violence against women, domestic abuse and sexual violence can have a huge impact on children and young people. It can affect their safety, health and wellbeing, educational attainment, family and peer relationships, and their ability to enjoy healthy, happy, respectful relationships in the future.</p> <p>Raising awareness of children and young people about equality, respect, and consent is critical if we are to end violence against women, domestic abuse and sexual violence.</p>  |
| <b>Issues to Consider</b> | <p>This indicator is aimed at children and young people, however the largest and most reliable data sources are for school children.</p> <p>Views are being sought from respondents on the appropriateness of the measures and whether or not there are other data sources that can and should be used to report on all children and young people in Wales.</p> <p><b>Children</b> definition for the indicator would be up to 16 years<br/> <b>Young people</b> definition for the indicator purposes would be over 16 years to 24 years</p> |

**Indicator 4:** Increased awareness amongst children and young people that that abuse is always wrong.

**Measure 4.1:** Percentage of young people who think that it is always unacceptable to hit or slap their partner

|                    |   |
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| <b>Data Source</b> | Crime Survey England and Wales  |
| <b>Rationale</b>   | Violence against women, domestic abuse and sexual violence can have a huge impact on children and young people. It can affect their safety, health and wellbeing, |

|                           |  |
|---------------------------|--|
|                           | <p>educational attainment, family and peer relationships, and their ability to enjoy healthy, happy, respectful relationships in the future.</p> <p>Raising awareness of children and young people that abuse is always is critical if we are to end violence against women, domestic abuse and sexual violence.</p>   |
| <b>Issues to Consider</b> | <p>This indicator is aimed at children and young people, however the data source will only report on young people as defined below.</p> <p>Views are sought from respondents on the appropriateness of the measures and whether or not there are other data sources that can and should be used to report on all children and young people in Wales.</p> <p><b>Children</b> definition for the indicator would be up to 16 years<br/> <b>Young people</b> definition for the indicator purposes would be over 16 years to 24 years</p> |

**OBJECTIVE 3: Increased focus on holding perpetrators to account and provide opportunities to change their behaviour based around victim safety**

**Indicator 5:** Increase in VAWDASV related incidents resulting in an arrest, prosecution and conviction.

**Measure 5.1:** Percentage of domestic abuse related prosecutions resulting in a conviction.

**Measure 5.2:** Arrests per 100 domestic abuse related crimes

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|---------------------------|--|
| <b>Data Source</b>        | Crown Prosecution Service Data<br>Her Majesty's Inspectorate of Constabulary and Fire and Rescue   |
| <b>Rationale</b>          | <p>We cannot tackle violence against women, domestic abuse and sexual violence effectively without working to prevent perpetrators from abusing in the first place or holding them to account when they do.</p> <p>If raising awareness leads to an increase in reporting, particularly in early reporting, as well as better understanding of violence against women, domestic abuse and sexual violence, it follows that there should be an increase in prosecutions.</p> <p>By measuring the number of prosecutions we aim to demonstrate that we are holding perpetrators to account for their actions.</p>  |
| <b>Issues to Consider</b> | <p>Justice is a non-devolved area in Wales and therefore is outside the scope of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (The Act). However, it is envisaged that by working in partnership with the Ministry of Justice, the Home Office, the Crown Prosecution Service and the four Welsh Police Forces to raise awareness and provide targeted training it would lead to a greater number of arrests, prosecutions and convictions.</p> <p>It will not be entirely possible to evidence that this is a direct result of the introduction of The Act.</p> <p>Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure increased focus on holding perpetrators to account.</p> |



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|---|---|
| <b>Indicator 6:</b> Perpetrators are able to receive appropriate intervention |   |
| <b>Measure 6.1:</b> Perpetrators are able to receive appropriate intervention |   |
| <b>Measure 6.2:</b> Percentage of perpetrators accessing intervention         |   |
| <b>Data Source</b>  | Rates of re-offending<br>Data source required for measure 6.2.  |
| <b>Rationale</b>  | We recognise that we cannot tackle violence against women, domestic abuse and sexual violence effectively without working to prevent perpetrators from abusing in the first place and this is an area of work that Welsh Government is committed to develop.  |
| <b>Issues to Consider</b>   | Evidenced and accredited programmes are an important element of prevention and we need to collate the data from these programmes to inform the reporting against this indicator.<br><br>Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure increased focus on holding perpetrators to account. |

#### **OBJECTIVE 4: Make early intervention and prevention a priority**

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| <b>Indicator 7:</b> Enabling equal access to & availability of effective, evidence based early interventions.           |  |
| <b>Measure 7.1:</b> Number of cases discussed at Multi Agency Risk Assessment Conferences (MARACs) in Wales             |  |
| <b>Measure 7.2:</b> Number of cases referred to Independent Domestic Violence Advisors (referrals and repeat referrals) |  |
| <b>Measure 7.3:</b> Number of Forced Marriage Protection Orders   |  |
| <b>Measure 7.4:</b> Number of Female Genital Mutilation Protection Orders   |  |
| <b>Measure 7.5:</b> Number of safeguarding referrals for those at risk of Female Genital Mutilation                     |  |
| <b>Data Source</b>  | Safelives Data<br>Ministry of Justice Data<br>Public Health Wales Data<br>Safeguarding Data<br>Multi-Agency Support Hub Data   |
| <b>Rationale</b>  | Intervening early is vital to stopping violence from escalating and reducing the harm to victims and their children. Identifying violence against women, domestic abuse and sexual violence at the earliest opportunity and providing an appropriate response to minimise impact and harm is critical to achieving the prevention, protection and support purposes of the National Strategy. |
| <b>Issues to Consider</b>   | Measure 7.1 may not be an appropriate measure for early intervention because a case reaching MARACs is generally an indication of high risk to the victim.   |

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|  | Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure the proposed indicator. |
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**OBJECTIVE 5: Relevant professionals are trained to provide effective, timely and appropriate responses to victims and survivors**

**Indicator 8** : Those in relevant job roles trained to recognise and appropriately responded to VAWDASV

**Measure 8.1:** Number of professionals completing relevant groups of the National Training Framework.

**Measure 8.2:** Number and percentage of professionals completing relevant training

**Data Source** National Training Framework

**Rationale**

We need to evidence that professionals across all relevant authorities (local health board, local authorities, NHS trusts and Fire and Rescue Services) are supported to increase their understanding and knowledge of violence against women, domestic abuse and sexual violence, resulting in improved responses to disclosures, The National Training Framework has been designed and implemented to do just that.

There are also a number of other relevant and appropriate training courses that have been developed and implemented across the VAWDASV specialist sector that also need to be reported against.

We expect the inclusion of this indicator to ensure that we can not only report against the implementation of the National Training Framework but also all other relevant training.

**Issues to Consider**

Whilst we have identified the relevant data source for measure 8.1, we are yet to identify a data source for 8.2.

Many Specialist VAWDASV services will collate data on training that they provide, however we need to ensure that we are not double counting this data, if that training also forms part of the National Training Framework and therefore will be captured under Measure 8.1.

Any recommended data sources put forward will need to evidence that it is outside of the National training Framework.

Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure the proposed indicator.

**OBJECTIVE 6: Provide victims with equal access to appropriately resourced, high quality, needs led, strength based, gender responsive services across Wales**

**Indicator 9:** Ensuring that victims receive appropriate support

**Measure 9.1:** Number of referrals to refuges or other community services

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|--------------------|--------------------------|
| <b>Data Source</b> | Data source to be agreed |
|--------------------|--------------------------|

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|------------------|---|
| <b>Rationale</b> | <p>Providing support for people affected by violence against women, domestic abuse and sexual violence can be complex, as people’s experiences and needs can be very different. We need to promote a supportive culture, underpinned by a range of services that are best placed to respond to the needs of individuals and families.</p> <p>Public services, community and voluntary organisations and independent specialist violence against women, domestic abuse and sexual violence services all have a key role to play in the provision of a range of support options. A collaborative approach will ensure greater focus on the delivery of services and will facilitate greater value for money and flexibility of funded services to meet local need.</p> <p>The purpose of this indicator is to capture the support offered, provided and offered across Wales.</p> |
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| <b>Issues to Consider</b> | <p>This indicator and/or measure may be updated once the recently announced Wales Centre for Public Policy Reviews into refuges and SARCs have been concluded.</p> <p>Any recommended data sources put forward will need to evidence that it is outside of the National training Framework.</p> <p>We need to identify a consistent way to capture, measure and report the views of the survivors when accessing support.</p> <p>Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure the proposed indicator.</p> |
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**Indicator 10:** Increased victim confidence and access to justice

**Measure 10.1:** Percentage of victims of partner abuse who felt very or fairly satisfied with the outcome following their experience with the police and the Crown Prosecution Service.

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|--------------------|--------------------------------|
| <b>Data Source</b> | Crime Survey England and Wales |
|--------------------|--------------------------------|

|                  |   |
|------------------|---|
| <b>Rationale</b> | <p>Providing support for people affected by violence against women, domestic abuse and sexual violence can be complex, as people’s experiences and needs can be very different. We need to promote a supportive culture, underpinned by a range of services that are best placed to respond to the needs of individuals and families.</p> |
|------------------|---|

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|                           | <p>We know that how services are delivered is as important as what is delivered. Timely responses which respond to multiple needs without judgement are needed. We need to support survivors to navigate an often complex route to services and support them to develop positive coping strategies, and enable empowerment and self-protection.</p> <p>This indicator will allow us to measure survivor satisfaction.</p>  |
| <b>Issues to Consider</b> | <p>This question is only asked every three years (asked in 2018 and previously in 2015) and the sample sizes may be small. Consideration should be given as to whether there is a different data source that can be used to capture this.</p> <p>We need to identify a consistent way to capture, measure and report the views of the survivors when accessing support.</p> <p>Views are being sought from respondents on the appropriateness of the indicators and measures, including whether or not there are other more appropriate indicators that will measure the proposed indicator.</p> |

## 5.1 Identified limitations

What can be included in the national indicators is limited by the availability of data against which to measure them. Part of our consultation on the indicators, therefore, will be to identify if there are further data sources that we have not yet identified, or if we are able to develop new data sources to include in the national indicators in future.

## 5.2 Specific Consultation Questions

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|-------------------|---|--|
| <b>Question 1</b> | <p>Do you agree or disagree that the proposed set of indicators, as a whole, fully assess whether progress is being made in achieving the Objectives outlined within the VAWDASV National Strategy?</p> <p>Please provide an explanation for your response.</p> | <p>Strongly Agree<br/>Agree<br/>Disagree<br/>Strongly Disagree</p> |
| <b>Question 2</b> | <p>Are there any indicators proposed that you think can be improved?</p> <p>If yes, please list those you think can be improved and outline what your suggested improvements would be.</p>  | <p>Yes/No</p>  |

|                   |   |          |
|-------------------|---|----------|
|                   | You must consider the criteria identified in Section 3 when proposing an improvement.   |          |
| <b>Question 3</b> | <p>Are there any indicators proposed that you think should be excluded?</p> <p>If yes, please list those you think should be excluded and outline why</p> <p>You must consider the criteria identified in Section 3 when proposing the deletion of an indicator.</p>  | Yes / No |
| <b>Question 4</b> | <p>Are there any other indicators that you think should be included?</p> <p>If yes, please complete the template provided.</p> <p>You must consider the criteria identified in Section 3 when proposing a new indicator.</p>  | Yes / No |
| <b>Question 5</b> | How do you think we should communicate the national VAWDASV indicators with the people and communities of Wales?  |          |
| <b>Question 6</b> | <p>Are the proposed measures appropriate for reporting against the proposed national VAWDASV indicators?</p> <p>If no, please list those you think are inappropriate and outline what your suggested measures and data sources would be.</p> <p>You must consider the criteria identified in Section 3 when proposing a new measure</p> | Yes / No |
| <b>Question 7</b> | <p>Are there any known data gaps?</p> <p>If Yes, please outline what these gaps are</p>   | Yes / No |
| <b>Question 8</b> | <p>Are there any areas that would benefit from additional research (i.e. outside the scope of this indicator framework)?</p> <p>If Yes, please outline what areas should be investigated</p>  | Yes / No |
| <b>Question 9</b> | We would like to know your views on the effects that Draft National Indicators would have on the Welsh language, specifically on  |          |

|                    |  |  |
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|                    | <p>opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.</p> <p>What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</p>   |  |
| <b>Question 10</b> | <p>Please also explain how you believe the proposed Draft National Indicators could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.</p> |  |
| <b>Question 11</b> | <p>We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:</p>  |  |

## Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

|                   |  |
|-------------------|--|
| <b>Question 1</b> | Do you agree or disagree that the proposed set of indicators, as a whole, fully assess whether progress is being made in achieving the Objectives outlined within the VAWDASV National Strategy? |
| <b>Question 2</b> | Are there any indicators proposed that you think can be improved?<br>Please confirm you have used the template provided at Annex B   |
| <b>Question 3</b> | Are there any indicators proposed that you think should be excluded?   |
| <b>Question 4</b> | Are there any other indicators that you think should be included?<br>Please confirm you have used the template provided at Annex B   |
| <b>Question 5</b> | How do you think we should communicate the national VAWDASV indicators with the people and communities of Wales?   |
| <b>Question 6</b> | Are the proposed measures appropriate for reporting against the proposed National VAWDASV indicators? Yes / No   |

|                    |   |
|--------------------|---|
|                    |   |
| <b>Question 7</b>  | Are there any known 'data gaps'?  |
| <b>Question 8</b>  | Are there any areas that would benefit from additional, research (ie. outside the scope of this indicator framework)?   |
| <b>Question 9</b>  | <p>We would like to know your views on the effects that Draft National Indicators would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.</p> <p>What effects do you think there would be?</p> <p>How could positive effects be increased, or negative effects be mitigated?</p>  |
| <b>Question 10</b> | Please also explain how you believe the proposed Draft National Indicators could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language. |
| <b>Question 11</b> | <p>We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:</p> <p>Please enter here:</p>   |



|  |  |
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Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

**Annex B:** Please use this template if you wish to amend a proposed indicator, if you wish to replace one of the proposed indicators or propose an additional indicator. (complete one form per indicator)

|  |
|--|
| Is the proposed indicator a replacement indicator or an improvement to an existing indicator? Please tick one box:<br><br>Replacement <input type="checkbox"/> *Improvement <input type="checkbox"/> New <input type="checkbox"/><br>*Improvement can include changes to proposed measures or additional/changes to data sources |
| Which indicator does this proposed indicator improve upon or replace?  |
| What is the name of replacement or new indicator?  |
| What is the proposed measure(s) for the replacement indicator?   |
| What is the data source for this Measure?  |
| Which one of the 6 VAWDASV National Strategy Objectives does the proposed replacement, improvement or new indicator report against?  |

Please provide an explanation for why this indicator best measures the Objective of the Violence against Women, Domestic Abuse and Sexual Violence National Strategy in line with the criteria identified in Section 3.