

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

A response from BBC Children in Need

Introduction

BBC Children in Need (CiN) is the UK's largest independent grant funder of children and young people with a current annual grant budget exceeding £50 million. Our vision is that every child and young person in the UK is safe, happy and secure and able to reach their potential. We currently fund 174 organisations in Wales, to a value of £8.5m. We have a significant track record of supporting children and young people who have been affected by violence, particularly domestic abuse, and have contributed to discussions on this issue with the Welsh Government and Assembly committees on a number of occasions. We are currently supporting 9 projects in Wales operating specifically in the field of domestic violence, physical violence and sexual abuse and our experience is further informed by our support of a further 147 such projects across the UK. Although there is variation in the specific nature of these projects our experience as a grant maker is consistent in demonstrating the need children and young people have of specialist support.

General principles

BBC Children in Need welcomes the general principles of the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill as introduced. However we feel that there is a danger that an opportunity may be missed to recognise and provide for the specific and distinct needs of children and young people who are at risk of, or are victims of violence, or who witness a family member being abused.

In order to mitigate the effects of domestic abuse and other forms of violence it is vital that services for children and young people sit at the heart of strategies to combat gender-based violence, domestic abuse and sexual violence. This is true not only to impact on the well-being of children currently in these situations, but in order that young victims do not absorb and normalise violent behaviour in a way that makes them more likely to become perpetrators later in life.

The need for specialist support can be illustrated by the quotations below, taken from some of the projects we fund, which underline the severity and the all-pervading nature of violence on children and young people:

- *“The inner turmoil suffered by our young clients can manifest via anti-social/risk-taking behaviour, truancy and/or the development of psychopathologies and concomitant mental health issues. Without support adequate to the magnitude of the crisis they may come to rely on negative coping strategies such as alcohol/drug abuse and/or self-harm.”*
- *“We often work with children who have great difficulty understanding and explaining in words what has happened to them. Many are too young to even have the vocabulary to start to explain what happened to them and how they feel. Our Children's Therapists do a unique and very specialised job in addressing their needs by utilising talking therapies and also various forms of art & play therapy.”*

- *“The anxiety results in lack of attainment at school as they are tired through lack of sleep and are unable to concentrate. This is an ongoing situation which greatly affects the child/young person's ability to form social networks, practice social skills and attain qualifications needed for future employment. In some cases this perpetuates the cycle of poverty, neglect and deprivation together with causing mental health and behavioural problems such as anger and aggression, anxiety and depression.”*
- *“Boys who have witnessed domestic abuse for a number of years may adopt some of the communication styles of the perpetrator and may become abusive and controlling through learnt behaviour. They are often disengaged or starting to disengage from their families and struggle to communicate effectively with them...Without intervention they are unlikely to break their cycle of deprivation and abuse and unlikely to reach their full potential.*

National and local strategies

We recognise that there are existing legislative frameworks designed to support children who are at risk of or are victims of abuse. However, we believe that the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill should take this opportunity to fully integrate these provisions with the planned national and local strategies so that the distinctive needs of children and young people experiencing violence are central and planned for. The National Strategy should therefore be specific in setting objectives in relation to prevention, protection and support for children and young people in Wales.

The context for such objectives can be drawn from decisions already taken by the Welsh Government. In 2008 the report of the Communities & Culture Committee into Domestic Abuse in Wales (to which BBC Children in Need contributed) made a series of important recommendations regarding children and young people. These recommendations were fully accepted by the Welsh Government at the time, but unfortunately many of them still await implementation. Their incorporation into the Bill and/or the accompanying statutory guidance would be a significant step forward and would help safeguard the provision of such services. Some of the salient recommendations are reiterated below for ease of reference:

- The Welsh Government’s domestic abuse strategy and all associated guidance should explicitly state that domestic abuse is an infringement of the rights of children and young people, and that access to help and support after experiencing domestic abuse is a right, as set out in the United Nations Convention on the Rights of the Child.
- The Welsh Government should ensure that the needs of children and young people affected by domestic abuse are met. In particular, it should ensure that:
 - All children and young people in refuges are supported by specialist workers;
 - Children and young people moving on from refuge provision continue to be supported by specialist workers;
 - All children and young people who are known by organisations to have been affected by domestic abuse, or who disclose that they have been affected by domestic abuse should have timely access to age-appropriate counselling, therapeutic, mental health, advice and advocacy services as required;
 - Provision is made for young men aged 14 to 18 to be able to stay with their mother or other carer when they need to leave the family home as a result of domestic abuse;
 - Provision is made for young women aged under 18 who are victims of domestic abuse from their own partner;

- Provision is made for disabled children or the children of a disabled parent who needs to leave their home urgently.
- The Welsh Government should provide core funding for key services for children and young people affected by domestic abuse including:
 - Children and young people workers in refuges;
 - Outreach workers for children and young people who have moved on from refuge accommodation;
 - Counselling;
 - Advocacy;
 - Mental health services (CAMHS).

Local Strategies

It is similarly important that the specific needs of children and young people, together with the actions intended to achieve these objectives are explicitly expressed in local delivery strategies, and this is a duty which the Bill could place on Local Authorities and Local Health Boards.

Section 12 (2) of the Bill details a range of areas which the Welsh Government may, amongst other things, address in statutory guidance to Local Authorities in exercising their duties. Specific reference to the needs of, and outcomes achieved for, children and young people would be a welcome addition here.

National Indicators

The proposed national indicators should specifically include measures covering prevention, protection, and support for Children and Young People as victims in their own right.

Education

Our long involvement with many projects relating to violence indicates the need to address cultural change in order to end gender-based violence, domestic abuse and sexual violence. This needs an approach that goes beyond the treatment of symptoms, and must involve a strong element of education. We note that earlier proposals addressing the need for a whole school approach to healthy relationships appear absent from the Bill as currently presented. Whatever the reasons for this, it would seem to us that the Bill would be strengthened in its purpose by reinstating these provisions, and that this would complement the current review of the National Curriculum, providing a firm basis for Estyn to fulfil an enhanced and creative role in inspecting on school responses to gender-based violence.

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Bil Trais ar Sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru)

Ymateb gan BBC Plant Mewn Angen

Cyflwyniad

BBC Plant Mewn Angen yw'r dosbarthwr grantiau annibynnol ar gyfer plant a phobl ifanc mwyaf ym Mhrydain gyda chyllideb grantiau blynyddol sydd ar hyn o bryd dros £50 miliwn y flwyddyn. Mae gennym weledigaeth y dylai plant a phobl ifanc ym Mhrydain bod yn ddiogel, yn hapus a chlyd, ac â'r cyfle i wireddu eu potensial. Ar hyn o bryd yr ydym yn ariannu 174 o fudiadau yng Nghymru, gwerth tua £8.5miliwn. Mae gennym brofiad sylweddol o gefnogi plant a phobl ifanc sydd yn cael eu heffeithio gan drais, yn enwedig trais yn y cartref, ac yr ydym wedi cyfrannu at drafodaethau perthnasol gyda Llywodraeth Cymru a phwyllgorau'r Cynulliad ar sawl achlysur. Ar hyn o bryd yr ydym yn ariannu 9 prosiect yng Nghymru sydd yn gweithio'n benodol ar drais yn y cartref, trais corfforol a thrais rhywiol, ac yr ydym yn gallu tynnu ar brofiad ehangach o blith y 147 o brosiectau cyffelyb yr ydym yn eu hariannu ar draws Prydain. Er bod amrywiaeth yn natur rhain ein profiad fel dosbarthwr grantiau yw bod cysondeb clir yn yr angen i ddarparu cefnogaeth arbenigol ar gyfer plant a phobl ifanc.

Egwyddorion Cyffredinol

Mae BBC Plant Mewn Angen yn croesawu egwyddorion cyffredinol y Bil Trais ar Sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru). Er hynny teimlwn bod perygl i gyfle gael ei golli i gydnabod ac i ddarparu ar gyfer anghenion penodol a gwahanol plant a phobl ifanc sydd mewn perygl neu sydd yn ddiodefwr trais neu sydd yn dystion i drais yn y cartref.

Er mwyn lliniaru ar effeithiau can-drin domestig ac agweddau eraill ar drais mae'n hanfodol bod gwasanaethau ar gyfer plant a phobl ifanc yn eistedd wrth wraidd strategaethau i herio trais ar sail rhywedd, cam-drin domestig a thrais rhywiol. Mae hyn yn wir nid dim ond oherwydd yr effaith ar y plant hynny sydd mewn sefyllfa o'r math ar hyn o bryd, ond er mwyn sicrhau nad yw diodefwr ifanc yn normaleiddio ac yn uniaethu gydag ymddygiad treisiol mewn modd sydd yn eu gwneud yn fwy tebygol o ymddwyn yn dreisiol eu hunain wrth dyfu i fyny.

Gellir gweld yr angen am gefnogaeth arbenigol yn glir wrth ystyried y dyfyniadau isod sydd yn deillio o brosiectau yr ydym yn eu hariannu. Mae rhain yn tanlinellu pa mor ddifrifol a hollbresennol y mae trais wrth effeithio ar fywydau pobl ifanc (Cedwir at yr iaith wreiddiol wrth ddyfynnu):

- *"The inner turmoil suffered by our young clients can manifest via anti-social/risk-taking behaviour, truancy and/or the development of psychopathologies and concomitant mental health issues. Without support adequate to the magnitude of the crisis they may come to rely on negative coping strategies such as alcohol/drug abuse and/or self-harm."*
- *"We often work with children who have great difficulty understanding and explaining in words what has happened to them. Many are too young to even have the vocabulary to start to explain what happened to them and how they feel. Our Children's Therapists do a unique and very specialised job in addressing their needs by utilising talking therapies and also various forms of art & play therapy."*

- *“The anxiety results in lack of attainment at school as they are tired through lack of sleep and are unable to concentrate. This is an ongoing situation which greatly affects the child/young person's ability to form social networks, practice social skills and attain qualifications needed for future employment. In some cases this perpetuates the cycle of poverty, neglect and deprivation together with causing mental health and behavioural problems such as anger and aggression, anxiety and depression.”*
- *“Boys who have witnessed domestic abuse for a number of years may adopt some of the communication styles of the perpetrator and may become abusive and controlling through learnt behaviour. They are often disengaged or starting to disengage from their families and struggle to communicate effectively with them...Without intervention they are unlikely to break their cycle of deprivation and abuse and unlikely to reach their full potential.*

Strategaethau Cenedlaethol a Lleol

Yr ydym yn cydnabod y fframweithiau deddfwriaethol sydd eisoes yn bodoli er mwyn cefnogi plant a phobl ifanc sydd yn dioddef trais. Er hynny credwn y gallai Bil Trais ar Sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru) fod yn gyfle i integreiddio'r darpariaethau hyn yn y strategaethau cenedlaethol a lleol arfaethedig fel bod yr angen i gynllunio ar gyfer anghenion neilltuol plant a phobl ifanc yn greiddiol. Dylai'r Strategaeth Cenedlaethol, felly, osod amcanion penodol ar gyfer atal trais, ac amddiffyn a chefnogi plant a phobl ifanc yng Nghymru.

Gellir dynnu ar benderfyniadau sydd eisoes wedi eu cymryd gan Llywodraeth Cymru fel sail i'r amcanion hyn. Yn 2008 roedd Pwyllgor Cymunedau a Diwylliant y Cynulliad wedi adrodd ar Gam-Drin Domestig yng Nghymru (gan dderbyn tystiolaeth gan BBC Plant Mewn Angen) gan gyflwyno nifer o argymhellion pwysig mewn perthynas â phlan a phobl ifanc. Derbyniwyd yr argymhellion hyn yn llawn gan Lywodraeth Cymru ar y pryd, ond yn anffodus mae nifer ohonynt eto i'w gweithredu'n llawn. Byddai ymgorffori rhain o fewn y Bil a/neu'r canllawiau statudol cyfochrog yn gam sylweddol ymlaen ac yn fodd i ddiogelu gwasanaethau. Dangosir rhai o'r argymhellion perthnasol isod er hwylustod.

- Dylai strategaeth cam-drin domestig Llywodraeth Cymru, a'r holl ganllawiau perthnasol ddatgan yn eglur bod cam-drin domestig yn tramgwyddo hawliau plant a phobl ifanc a bod mynediad i gymorth a chefnogaeth ar ôl profi cam-driniaeth domestig yn hawl yn unol â Chonfensiwn y Cenhedloedd Unedig ar Hawliau Plant.
- Dylai Llywodraeth Cymru sicrhau bod darpariaeth i gwrdd ag anghenion plant a phobl ifanc sydd yn cael eu heffeithio gan gam-driniaeth domestig. Yn benodol dylai sicrhau bod:
 - Holl plant a phobl ifanc mewn llochesi yn cael eu cefnogi gan weithwyr arbenigol;
 - Bod parhad i'r gefnogaeth arbenigol wrth i blant a phobl ifanc symud ymlaen o ddarpariaeth mewn lloches;
 - Bod gwasanaethau cwnsela, therapi, iechyd meddwl, cyngor ac eiriolaeth priodol ar gyfer eu hoedran ar gael ar gyfer yr holl blant a phobl ifanc y gwyddys amdanynt gan sefydliadau priodol, neu sydd wedi datgelu eu bod wedi'u heffeithio gan gamdriniaeth domestig;
 - Bod darpariaeth ar gael ar gyfer dynion ifanc 14 – 18 oed er mwyn iddynt allu aros gyda'u mam neu ofalwyr arall pan fydd rhaid iddynt adael y cartref teuluol oherwydd cam-driniaeth domestig;
 - Bod darpariaeth ar gael ar gyfer merched ifanc dan 18 oed sydd yn dioddef oherwydd trais gan eu partneriaid;

- Bod darpariaeth ar gyfer plant anabl neu blant i riant anabl sydd yn gorfod gael y cartref teuluol ar frys.
- Dylai llywodraeth Cymru ddarparu cyllid craidd ar gyfer gwasanaethau allweddol ar gyfer plant a phobl ifanc a effeithir gan gam-driniaeth domestig, gan gynnwys:
 - Plant a phobl ifanc mewn llochesi;
 - Gweithwyr allanol ar gyfer plant a phobl ifanc sydd wedi symud ymlaen o fod mewn lloches.
 - Cwnsela;
 - Eiriolaeth;
 - Gwasanaethau Iechyd Meddwl (CAMHS).

Strategaethau Lleol

Mae yr un mor bwysig bod anghenion neilltuol plant a phobl ifanc, ynghyd â'r camau sydd angen eu cymryd er mwyn cyrraedd y nod, yn cael eu mynegi'r eglur mewn strategaethau gweithredu lleol, a gallai'r Bil osod y dyletswydd yma ar Awdurdodau Lleol a Byrddau Iechyd Lleol.

Mae Adran 12 (2) o'r Bil yn amlinellu ystod o feysydd y gall Llywodraeth Cymru ymdrin â nhw mewn canllawiau statudol i Awdurdodau Lleol wrth weithredu eu dyletswyddau. Byddai'n beth da i ychwanegu yma cyfeiriadau penodol at anghenion pobl ifanc a'r deilliannau ar eu cyfer.

Dangosyddion Cenedlaethol

Dylai'r dangosyddion cenedlaethol arfaethedig gynnwys mesuryddion ar gyfer atal trais ac ar gyfer diogelu a chefnogi plant a phobl ifanc fel dioddefwyr ynddynt eu hunain.

Addysg

Mae ein profiad hir o gydweithio gyda nifer sylweddol o brosiectau sydd yn canolbwyntio ar effeithiau trais yn dangos yn glir bod angen trawsnewidiad diwylliannol er mwyn atal trais ar sail rhywedd, cam-drin domestig a thrais rhywiol. Mae hyn yn galw am gamau sydd yn mynd y tu hwnt i ymdrin â symptomau, ac mae'n amlwg bod addysg yn chwarae rhan allweddol yn hyn. Nodwn bod cynigion cynnar ar gyfer trafod cydberthnasau iach ar sail ysgol gyfan yn absennol o'r Bil presennol. Beth bynnag yw'r rhesymau dros hyn ymddengys i ni y byddai'r Bil yn cael ei gryfhau yn ei bwrpas wrth ail-gyflwyno'r darpariaeth yma. Byddai hyn yn cydfynd â'r adolygiad presennol o'r Cwricwlwm Cenedlaethol gan roi sail cryf i Estyn gyflawni rôl creadigol ehangach wrth archwilio ymatebion ysgolion i drais ar sail rhywedd.

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