

GBV 43

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill :
Stage 1

Response from: The Church in Wales

The Church in Wales

Response to:

CONSULTATION ON GENDER-BASED VIOLENCE, DOMESTIC ABUSE AND SEXUAL VIOLENCE (WALES) BILL

1 Status of Response

In February 2013 the Church in Wales submitted a response to the Stage 1 consultation on the White Paper proposing legislation on Violence Against Women, Domestic Abuse and Sexual Violence. Responses were made by both the online questionnaire, and by an additional paper reflecting the views of some members of the Church in Wales, and the Archbishop of Wales in particular, who wished to go further in raising the issue of the physical punishment of children. This was not included in the White Paper, but many feel it to be of great importance in the area of domestic and relationship-based violence.

This paper reflects a similar range of views.

2 Observations on Current Proposals

Legislation to tackle the problems of gender-based violence, domestic and sexual abuse is welcomed. The key proposals to appoint a Ministerial Adviser, to require Local Authorities and Health Boards to prepare joint strategies, and to introduce the 'Ask and Act' process to encourage and support other agencies and professionals in recognising and dealing with gender-based, domestic and sexual abuse are welcomed; but it is disappointing that some of the suggestions in the White Paper have not been taken forward.

2.1 Relationship Education and Whole-School Approach

The Explanatory Memorandum acknowledges that there was 'overwhelming support' (para 56, p17) for this proposal, and explains that 'healthy relationships' will be part of a separate review of the curriculum.

Our previous submission noted that PSE is not the only place in which attitudes to relationships, domestic and sexual abuse, potential targets of 'hate crime', personal abuse or bullying should be tackled. Unhelpful stereotypes and attitudes can be encountered and should be challenged in all areas of the curriculum – such as art, literature, current affairs, media, sport, history, overseas development, religious studies. Consigning the issue to PSE and consideration under a separate

review fails to achieve the wider impact hoped for in our earlier response, which could have brought about more thoroughgoing attitudinal change.

Supporting measures to tackle inappropriate behaviour throughout the school have been similarly diluted to the level of 'being considered' (Explanatory Memorandum para 59, p18). It is hoped that other measures – such as the Ask and Act process – will be available to schools, and that there will be an expectation that they take part. School and childcare staff are not at present included on the list of 'Relevant Professionals' in Annex 3.

2.1 Housing

Provision to deal with domestic abuse as it relates to homelessness and safety is proposed for inclusion in forthcoming housing legislation. However it is unclear how long it will be before a Bill relating to 'renting homes' (Explanatory Memorandum para 66, p19) is introduced, so the opportunity to include provision for domestic violence in rules and good practice around housing at this earlier time appears to have been missed.

2.3 Workplace Policies

It is good that workplace policies addressing domestic and gender-based violence have already been considered and updated under the Safer Lives project. However this initiative is time-limited, and its requirements are confined to the public sector. There is no indication of how this good practice should be rolled out to other employers and workplaces.

2.4 Training

Provision is made under the Ask and Act process for training public sector staff only, although we note that with the appointment of a Ministerial Adviser, other references under Ask and Act, and multi-agency fora, wider responsibilities are recognised.

It is of vital importance that non-statutory organisations and staff are given access to information and training in the same way as the statutory sector. Services are increasingly being contracted-out to the voluntary and even private sectors, and innovative services are typically introduced by the voluntary sector, usually funded by charitable trusts or other independent sources.

Professionals and organisations delivering relevant services should not be excluded because of their management and ownership arrangements. Under present proposals, non-statutory organisations delivering relevant services would not appear to be covered even by workplace policy requirements.

2.5 Resources

Finding resources to deliver these new proposals is identified as an issue. There is the strained feeling throughout the Explanatory Memorandum that new services and policies must be delivered at the lowest possible cost. Perhaps this is evidenced by the omission of the non-statutory sector in various provisions, or by the rolling-up of earlier proposals in Housing and Education into other pieces of legislation or policy.

Priorities must be taken seriously when setting budgets; and the development of this policy should include a commitment to lobby the UK Government for appropriate resources to deliver important legislation for the protection of the vulnerable, especially where it has been identified as a particular issue in this country.

3 Additional Matters

3.1 (Other) Relationship Violence

Any work to reduce and prevent interpersonal violence, such as relationship education, will be seriously undermined unless it is absolutely clear that using violence of any kind to control or punish others, whatever their age, is never acceptable.

Another phenomenon highlighted during consultation within the Church in Wales has been that of violence towards parents and carers from children. It is hoped that this too will come under the scope of the Bill; but unless steps are also taken to prevent the use of physical force or punishment against children, it seems likely that there will be a continuing impression that the use of force is an acceptable – even an ‘adult’ – means to achieve an outcome.

3.2 Violence Against Children

As in the previous submission, the Archbishop of Wales and others have particularly requested that this issue be raised.

Omitting any reference to the physical punishment of children in the home or elsewhere is another missed opportunity to improve the safety of the most vulnerable members of society. As long as hitting children remains legal, there can be no consistency of approach in either prevention or protection from violence and abuse.

The Welsh Government has a long history of support for giving children equal protection, and has in the past acknowledged that it as a human rights imperative. Including an amendment to the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill that removes the ‘reasonable punishment’ defence in relation to assaults on children is both a human rights imperative and a logical part of the Welsh Government efforts to reduce tolerance of violence and promote equality.

We hope that the Welsh Government will re-think this serious area of concern, which has many ramifications for adult, partner, and elder abuse, and ensure both legal consistency, and the protection of many children in the most vulnerable situations in Wales.