

Equality, Local Government and  
Communities Committee  
**Is the Violence against Women,  
Domestic Abuse and Sexual  
Violence (Wales) Act 2015  
working?**

**Post-legislative scrutiny**

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December 2016



**National Assembly for Wales**  
Equality, Local Government and Communities Committee

# Equality, Local Government and Communities Committee

The Committee was established on 28 June 2016 to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing (but not restricted to): local government; housing, community regeneration, cohesion and safety; tackling poverty; equality of opportunity and human rights.

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## Current Committee membership:



**John Griffiths AM (Chair)**  
Welsh Labour  
Newport East



**Gareth Bennett AM**  
UKIP Wales  
South Wales Central



**Janet Finch-Saunders AM**  
Welsh Conservative  
Aberconwy



**Siân Gwenllïan AM**  
Plaid Cymru  
Arfon



**Bethan Jenkins AM**  
Plaid Cymru  
South Wales West



**Rhianon Passmore AM**  
Welsh Labour  
Islwyn



**Jenny Rathbone AM**  
Welsh Labour  
Cardiff Central



**Joyce Watson AM**  
Welsh Labour  
Mid and West Wales

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## Chair's foreword

I am pleased to present the first report by the Equality, Local Government and Communities Committee in the Fifth Assembly. Members and stakeholders agreed that it would be useful and valuable to review the progress of the landmark Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, so we undertook a short inquiry in September and October 2016.

The Act is internationally recognised as a ground-breaking piece of legislation. If it is implemented successfully, it should lead to real improvements in the protection and support for survivors and, ultimately, the prevention of abuse. We believed that early scrutiny of the Act would contribute to better implementation, and help the Welsh Government improve its approach to the national and local strategies, delivery plan and education provisions.

We found that, while the Act will achieve improvements in the way public authorities support survivors and prevent abuse, there are some practical improvements that need to be made to ensure the Act achieves its aim of substantially improving the public sector response to violence against women, domestic abuse and sexual violence.

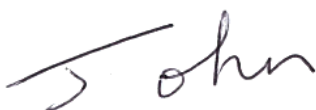
The Committee received evidence from a wide range of stakeholders and heard directly from survivors whose views played a critical role in informing the Committee's work. Without their contribution and suggestions, this report would not have been possible.

The Committee were inspired by the strength of survivors in sharing their stories and experiences. We would like to thank them, and Calan DVS, Newport Women's Aid, Rainbow Bridge and Bawso, who arranged the visits for Members.

The main findings of our inquiry were around:

- the pace and consistency of implementation, particularly around the publication of statutory guidance, resources and demand for services, and alignment of the Act's requirements with other legislation;
- concerns about the content and timing of the National Strategy;
- how teaching about healthy relationships will be delivered in schools, and further and higher education institutions; and
- the capacity, power and influence of the National Adviser.

I hope the evidence we have gathered and the recommendations made as a result will contribute to the effective implementation of this Act now and in the long term.



**John Griffiths AM**

Chair, Equality, Local Government and Communities Committee

## Recommendations

**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;
- the guidance to local authorities on the preparation of local strategies;
- 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; and
- the roll out of the National Survivor Engagement Framework.....Page 19

**Recommendation 2. The Welsh Government should provide a timescale for when the national indicators under section 11 of the Act will be published. ....Page 19**

**Recommendation 3. The Welsh Government should prioritise the publication of the statutory commissioning guidance for specialist services. .... Page 19**

**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. .... Page 19**

**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. .... Page 19**

**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. .... Page 19**



**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. .... Page 19

**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;
- outline when the delivery plan will be published, and how it will be consulted upon, and
- 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. .... Page 24

**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. .... Page 30**

**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. .... Page 30**

**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..... Page 30**

**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. .... Page 30**

**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. ....Page 30**

**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. .... Page 33**

**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. ....Page 33**

**Recommendation 16. The Welsh Government should make reference to the National Adviser, her responsibilities and annual work plan in the delivery plan and in any future national and local strategies. .... Page 33**

# 01. Introduction

1. In July 2016, the newly-established Equality, Local Government and Communities Committee (the Committee) decided to explore how well the **Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act** (the Act) was being implemented through a **short piece of post-legislative scrutiny work**.
2. The Committee chose to focus on a number of key issues, including healthy relationships education, awareness of the Act among public authorities and the work of the National Adviser on violence against women, domestic abuse and sexual violence (the National Adviser). The full terms of reference can be read [on the Committee's website](#).
3. The Committee received **36 written submissions, held 6 oral evidence sessions and visited 4 projects** to meet with service providers and survivors. Further details of these can be found at the end of this report.

## Summary of the Act

4. The overall aim of the Act is to **improve the public sector response** to violence against women, domestic abuse and sexual violence. It intends to give public authorities a strategic focus on the issue, and to ensure the **consistent provision of preventative, protective and supportive services**.
5. There are six main elements to the legislation:
  - a duty on the Welsh Ministers to prepare a **National Strategy**;
  - a duty on local authorities and local health boards to prepare **local strategies**;
  - a duty on local authorities to **report on how they are addressing violence against women, domestic abuse and sexual violence within their education institutions**, including through sex education;
  - a requirement for the Welsh Ministers to publish national indicators to measure progress towards the aims of the Act, and to publish annual progress reports;
  - the power for the Welsh Ministers to issue statutory guidance (on issues such as training, service commissioning, “Ask and Act”,<sup>1</sup> information sharing and awareness raising) and the duty to follow it; and
  - the requirement for the Welsh Ministers to appoint a National Adviser, monitor implementation of the Act and undertake research.

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<sup>1</sup> **Ask and Act** will require professionals like health visitors and housing officers to identify symptoms of abuse and to ask people if they are being abused and act on the information.

## 02. Pace and consistency of implementation

6. Witnesses raised concerns about the pace and consistency of implementation of the Act's provisions. These related to: the preparation and publication of the National Strategy (dealt with in chapter 3 of this report), awareness of the Act among public authorities, fulfilling demand for services and the publication of statutory guidance.

### Awareness and alignment with other legislation

7. Stakeholders had mixed views on whether authorities were sufficiently aware of their obligations under the Act. Some suggested that more attention had been paid to other legislation, such as the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.

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“Awareness and understanding of the Act and its requirements **remain inconsistent across the public service** in Wales.”

National Adviser<sup>2</sup>

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8. Barnardo's said that “public authorities are giving the obligations of the Act the deserved attention and priority”.<sup>3</sup> However, the Gwynedd and Anglesey Community Safety Partnership highlighted that “some **non-frontline service departments have demonstrated little awareness** of the Act, in contrast to the Well-being of Future Generations Act and the Social Services and Well-being Act”.<sup>4</sup>

9. The National Adviser echoed this:

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“The timing of the introduction of the Act alongside the Social Services and Well-Being (Wales) Act and Well-Being of Future Generations (Wales) Act presented an opportunity to integrate many of the key messages, principles and requirements of the legislation.

I feel, however, that this opportunity was missed and that there is a resultant risk that the Act will be considered in isolation rather than as part of an integrated Welsh approach to improving social, economic and cultural wellbeing.”<sup>5</sup>

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10. Welsh Women's Aid stated “there is little evidence of an integrated approach to delivery [of the Act] nationally or locally”.<sup>6</sup> In particular, they thought that **there was scope to align the population needs assessments** that local authorities are completing as part of the Social Services and Well-being (Wales) Act 2014 with the need for violence against women thematic needs assessments. They also highlighted that there was scope to coordinate the development of outcomes frameworks and training for public service professionals required by both Acts.

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<sup>2</sup> Written evidence, PLVAW 35

<sup>3</sup> Written evidence, PLVAW 27

<sup>4</sup> Written evidence, PLVAW 01

<sup>5</sup> Written evidence, PLVAW 35

<sup>6</sup> Written evidence, PLVAW 28

**11.** The National Adviser also thought that “**a lack of meaningful communication and clear direction from Welsh Government** has meant that relevant authorities and partners have, in some instances, been unsure as to how to progress delivery of their own obligations and there remains uncertainty in relation to timescales for obligations within the Act”.<sup>7</sup> Neath Port Talbot Council urged that “lines of **communication between Welsh Government and local government need to be urgently clarified** so that we can develop an effective collaborative approach to securing the outcomes that the Act seeks to achieve”.<sup>8</sup>

**12.** Flintshire County Council said that there had been “**insufficient launching and promotion** of the [VAWDASV] Act nationally”, and Wrexham County Borough Council thought that “the **lack of information/direction/clarity** from the [Welsh Government’s] VAWDA team has meant delays in work progressing”.<sup>9</sup>

## Guidance

**13.** Section 15 of the Act gives the Welsh Ministers the power to issue statutory guidance. The Welsh Government consulted on a number of pieces of draft guidance in 2015, which have not yet been published in their final form.

**14.** Only one piece of guidance (the **National Training Framework**) is currently in place. **Ask and Act** guidance is currently being piloted in two areas, but has not been rolled out nationally. Other guidance includes:

- service **commissioning** guidance – not yet published;
- multi-agency working – not yet published (consulted upon in 2015); and
- guidance for working with perpetrators – not yet published (consulted on with the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Advisory Board in 2015).

## Commissioning guidance

**15.** Stakeholders repeatedly emphasised the need for a Welsh approach to commissioning guidance. The National Adviser considered that “**the publication of the statutory guidance on commissioning for specialist services is critical** to the purpose of the Act and it is therefore concerning that there is no confirmed timeline for the publication of this guidance”.<sup>10</sup>

**16.** In the absence of the statutory commissioning guidance, Lloyd’s Bank Foundation and Welsh Women’s Aid produced “**Tackling Violence against Women, Domestic Abuse and Sexual Violence; A Collaborative Commissioning Toolkit for Services in Wales**”. It is not clear how this will be considered in preparation of the statutory commissioning guidance. The UK Home Office is also due to publish and promote best practice and standards principles for local commissioning in December 2016.<sup>11</sup>

**17.** Welsh Women’s Aid said that “**the delay in publishing commissioning guidance is a concern** as commissioning processes, particularly regarding Supporting People funded services like

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<sup>7</sup> Written evidence, PLVAW 35

<sup>8</sup> Written evidence, PLVAW 29

<sup>9</sup> Written evidence, PLVAW 15 and 17

<sup>10</sup> Written evidence, PLVAW 35

<sup>11</sup> UK Government’s Violence against Women and Girls Strategy 2016 - 2020 Page 55

specialist floating support and refuges, **are already taking place in a number of local authorities without the strategic guidance** from Welsh Government having been published”.<sup>12</sup>

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“Local areas are starting to make decisions about what services they’re funding. So, **they’re making those decisions without that guidance**. Local areas need that guidance so that they’re aware of what, as a minimum, they need to be providing.”

NSPCC<sup>13</sup>

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**18.** The Committee heard that **commissioning of specialist services is already happening in Wales**, particularly services funded by the Welsh Government’s Supporting People Programme Grant. The National Adviser said that “in the absence of Welsh Government guidance and principles, **commissioning processes are inconsistent**, with different services being commissioned from different approaches”. Port Talbot Women’s Aid said that “it is essential that the Government **focuses its intention on the pending commissioning guidance**, as commissioning decisions are being made locally which affect VAW, DA and SV services”.<sup>14</sup>

### Multi-agency guidance

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**19.** The National Adviser told the Committee that “the draft Multi-Agency Collaborative Working document consulted upon in 2015 provided guidance for areas when considering governance and partnership arrangements”. However, **no final document has been published**. She stated that “guidance on effective governance arrangements is critical to delivering the obligations of the Act in terms of effective strategic leadership at a regional and local level”.<sup>15</sup>

### National Training Framework

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**20.** The **National Training Framework on violence against women, domestic abuse and sexual violence** outlines the Welsh Government’s requirements for training across public services and third sector.

**21.** The National Adviser considered that “the **impact of the National Training Framework is, at this time, minimal**”. She also outlined some initial lessons learnt from the roll-out of the National Training Framework:

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“The publication of statutory guidance relating to the National Training Framework and the piloting of Ask and Act have raised important issues including;

Alignment of the national training framework with other training requirements / frameworks e.g. Social Services and Well-Being to ensure key messages are integrated and consistent and maximise resources

Assessment of the resources required to support effective and sustainable implementation of the national training framework

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<sup>12</sup> Written evidence, PLVAW 28

<sup>13</sup> Record of Proceedings (RoP), paragraph 159, 13 October 2016 (NB: unless otherwise stated, subsequent references in this report to ‘RoP’ refer to the proceedings of the Equality, Local Government and Communities Committee)

<sup>14</sup> Written evidence, PLVAW 20

<sup>15</sup> Written evidence, PLVAW 35

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Earlier identification of individuals experiencing violence against women, domestic abuse and sexual violence resulting in an increased demand for specialist services and resource implications to support this increased demand

A mechanism for effective communication between Welsh Government and Relevant Authorities as it relates to the implementation of both the National Training Framework and Ask and Act.”<sup>16</sup>

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**22.** Gwent Police stated that “very limited numbers of staff have had any training through the National Training Framework”.<sup>17</sup>

**23.** However, there has been a different experience in Mid and West Wales Fire and Rescue Service, who said the training “has provided a standard approach for the Fire and Rescue Service and training materials to raise awareness”.<sup>18</sup>

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“We have evaluated 100 of those staff who’ve attended the training, and there was a **definite increase in their levels of confidence and knowledge** relating to violence against women, domestic abuse and sexual violence after the training [...]

We’ve actually fed back to Women’s Aid and Welsh Government that **the content does need to be reviewed**, because there is a **strong focus on domestic abuse.**”

Abertawe Bro Morgannwg University Health Board<sup>19</sup>

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**24.** Neath Port Talbot Council noted that they “are aware of the National Training Framework however, delivering the Framework is problematic as there are **no new identified resources to support [this]**”, and that it has to be balanced against training on other issues such as “counter-terrorism [...], the Well-being of Future Generations (Wales) Act 2015; the Social Services and Well-being (Wales) Act 2014; [...] the strengthening of community cohesion, e.g. Hate Crime Training; Modern Slavery Training; Gypsy Traveller Training”.<sup>20</sup>

**25.** Welsh Women’s Aid pointed out that:

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“Whilst the e-learning training has been developed and is being rolled out, there have been problems with accessing this for all ‘Group 1’ professionals. Training for Group 2 and Group 3 professionals is being delivered through ‘ask and act’ training.

Specialist sector training for Group 4 professionals has been commissioned to enable Independent Advocates and sexual violence services to access ‘free’ specialist accredited training, but the largest number of professionals in Group

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<sup>16</sup> Written evidence, PLVAW 35

<sup>17</sup> Written evidence, PLVAW 06

<sup>18</sup> Written evidence, PLVAW 08

<sup>19</sup> RoP, paragraph 469, 13 October 2016

<sup>20</sup> Written evidence, PLVAW 29

4 –frontline professionals working within refuge-based services –have not been able to access”.<sup>21</sup>

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**26.** The City of Cardiff Council and Bridgend County Borough Council<sup>22</sup> also raised concerns that **technical issues** had hampered the roll-out of the training packages. Bridgend Council said “roll-out has been problematic due to IT issues and licences”.

**27.** It went on to say that “some issues surrounding the practicalities of training all staff (as required by the legislation) are yet to be resolved and the **deadlines initially set by Welsh Government for completion of Group 1 were unachievable**. Similarly, the **learning from Group 2 (pilot sites) is unlikely to be available until January 2017**. This means the training delivery plan date of May 2017 may be unachievable”.<sup>23</sup>

### Ask and Act guidance

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**28.** The National Adviser pointed out that “Ask and Act is limited to being piloted in two early adopter sites with an evaluation planned for autumn 2016”. She went on to say that “**the potential for increased referrals to specialist services as a result of increased awareness and requirements to “Ask and Act”** requires progress towards agreeing **sustainable funding for services** to ensure that high quality, specialist provision is accessible across Wales to provide a needs-led, strengths based response to individuals and families at the earliest opportunity”.<sup>24</sup>

**29.** Bridgend Council said that it was “still awaiting **statutory guidance in respect of Ask and Act** along with the learning from pilot sites”. Wrexham Council highlighted that “the implementation of the Ask and Act policy is also **likely to increase demand of local specialist services**. Final guidance for the Ask and Act has **not been made available for services to know what the full impact of its implementation will be and therefore forward plan”**”.

**30.** This was reiterated by Port Talbot and Afan Women’s Aid, who said “there is a very real risk that Ask and Act will create a **bottleneck of vulnerable families who have been identified as at risk or need but are unable to access the support** they need. Sustainable funding/resource for specialist services must be agreed before the roll out of Ask and Act”.<sup>25</sup>

### Perpetrator guidance

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**31.** In her written submission, the National Adviser highlighted that “**survivors recommend that Welsh Government place a ‘greater focus on stopping perpetrators’ behaviours** and, where coercive control is a feature, on getting perpetrators to leave and end abusive relationships””.

**32.** The National Adviser was supportive of this:

“Statutory guidance is expected from Welsh Government in relation to working with perpetrators and this guidance needs to provide overarching principles and clear direction from Welsh Government as to the role of public authorities in challenging and holding perpetrators to account for their behaviours.

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<sup>21</sup> Written evidence, PLVAW 28

<sup>22</sup> Written evidence, PLVAW 04 and 14

<sup>23</sup> Written evidence, PLVAW 04

<sup>24</sup> Written evidence, PLVAW 35

<sup>25</sup> Written evidence, PLVAW 20



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Evidenced and accredited programmes are an important element of our responses to perpetrators and I expect the guidance to include minimum expectations for the commissioning of perpetrator interventions to ensure the safety of individuals and families are priority.”<sup>26</sup>

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## Resources and demand for services

**33.** Many organisations expressed serious concerns about how public bodies would be able to implement the Act with ever-tightening budgets. Stakeholders have repeatedly called for a “**sustainable funding model**” for the sector, meaning longer-term, ring-fenced funding for services. The Committee heard that without such a model, Wales may “**lose half the sector in Wales**” from **April 2017**.

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“In terms of Welsh Women’s Aid members, 46 per cent of services had their funding cut this year. And that followed over half of them last year having some of their funding cut. [...] ‘ask and act’ and various other initiatives under the strategy and legislation will **increase demand to specialist services**.”

Welsh Women’s Aid<sup>27</sup>

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**34.** The National Adviser echoed the concerns of other witnesses in that “the aims of both policy developments are to increase awareness and understanding of violence against women, domestic abuse and sexual violence across public authorities, [which] will **undoubtedly lead to increased referrals to specialist services**; this at a time when services are facing year on year cuts to funding”.

**35.** Welsh Women’s Aid summarised the issue:

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“[...] with the introduction of the Act, demand for services is likely to increase. It is critically important that the specialist services that support survivors of abuse have the funding and capacity to respond to any increase in demand, to ensure the services being offered are safe and meet needs.”<sup>28</sup>

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**36.** Their evidence also highlighted the findings of their recent research, which found that “one of the key concerns of survivors was knowing about availability of specialist services and being able to access them when and where they needed them”.

**37.** Atal y Fro highlighted “the importance of ensuring that national and local VAWDASV strategies have attached **ring-fenced budgets for the provision of specialist services**”.<sup>29</sup> They went on to say that “since the introduction of the Social Services and Wellbeing Act (Wales) 2014, we have seen a slow but steady **increase in the number of informal referrals** directed to our service without any local budgets allocated to ensure adequate provision”. Flintshire County Council said that “local specialist services have reported encountering **significant pressures with regard to providing services**”.

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<sup>26</sup> Written evidence, PLVAW 35

<sup>27</sup> RoP, paragraph 147, 13 October 2016

<sup>28</sup> Written evidence, PLVAW 28

<sup>29</sup> Written evidence, PLVAW 21

**38.** Neath Port Talbot County Borough Council said that “the Act is ambitious in what it seeks to deliver in outcome terms for people affected by gender based violence. However, the **resource implications of implementing the Act remains a concern**”, and it went on to highlight that:

“[...] there is an urgent need to put specific grants into base budgets to ensure that local commissioners have the degree of flexibility needed to set clear priorities and develop more responsive services to meet the needs of people affected by gender based violence.

In particular, Supporting People, Substance Misuse, Welsh Government, Home Office, Families First funding streams need to be ‘pooled’ in order that the new Partnership can exercise the new responsibilities the Act envisages. We would be very happy to pilot such an approach.”<sup>30</sup>

**39.** In addition to this, the Committee heard that the UK Home Office is **intending to stop funding independent domestic violence advisers (IDVAs) and multi-agency risk assessment conferences (MARACs)** in Wales from 2017. According to the National Adviser, the rationale is that the funding should be integrated into local and regional core funding by now. The National Adviser also identified an opportunity here, saying:

“[...] the grant fund that’s being brought in to replace [IDVA and MARAC funding] is called the transformation fund and will be applicable to England and Wales and could have real potential in Wales in terms of partnership bids to drive forward some of the work.”<sup>31</sup>

**40.** Bawso also highlighted an issue around funding for non-devolved issues being delivered by Welsh specialist services. They noted that “there was a grant of more than £3 million that came out of the UK Government [for female genital mutilation (FGM) services] and we were all asked to apply, but if you looked at the small print, it then said, ‘Only for English-based third sector to apply’”.<sup>32</sup>

### Focus on domestic abuse

**41.** Some stakeholders raised concerns that the implementation of the Act was **focusing on domestic abuse, at the expense of sexual violence and violence against women**. New Pathways highlighted that one of the problems with the delays in implementation was that local strategies were being prepared in the absence of a National Strategy.

**42.** The organisation stated that one of the implications of this, for sexual violence in particular, is that “a lot of those plans are currently **completely domestic-abuse focused**. There is no sexual violence element. The Powys plan, for instance, is specifically domestic violence or domestic abuse”.<sup>33</sup>

### Cabinet Secretary’s evidence

**43.** The Cabinet Secretary stated that the Welsh Government has “**made significant progress**” in **its approach** to tackling violence against women, domestic abuse and sexual violence. He indicated

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<sup>30</sup> Written evidence, PLVAW 29

<sup>31</sup> RoP, paragraph 34, 19 October 2016

<sup>32</sup> RoP, paragraph 27, 13 October 2016

<sup>33</sup> RoP, paragraph 10, 13 October 2016

that he was **confident** that what the Welsh Government is doing **will improve support to survivors**.<sup>34</sup>

44. He expanded on this, saying that:

“[...] the Act is novel; it’s a new piece of legislation that introduces a very different way of working across the public sector and I think it’s an exciting opportunity. But also, it’s been challenging. [...]”

The thing that I see as challenging, finances are always challenging, but that’s because of the settlements we get; having a long-term, sustainable financial settlement for the sector is a difficult one.”<sup>35</sup>

45. He also stated that the Welsh Government “recognises **that gaps remain in the provision of specialist services** and with our specialist partners, we continue to address these gaps whilst continuing to support those that are already in place and **will target additional resources where there is greatest need to ensure the sustainability of specialist services** going forward”.<sup>36</sup>

46. However, in the draft budget for 2017-18, funding for domestic abuse and the Supporting People programme was unchanged from the previous year.<sup>37</sup>

47. The Cabinet Secretary told the Committee that the VAWDASV Advisory Board had been tasked with looking at “service provision and, hopefully, a sustainable funding model that we can all work to and agree”.<sup>38</sup> This work appears to include the pooling of funding streams, as the National Strategy includes a commitment to “review existing Welsh Government funding that contributes to violence against women, domestic abuse and sexual violence to ensure that we are making the best use of available funding”.

### Committee’s view

48. After hearing evidence from a range of witnesses, **we are concerned that the pace of implementation of the Act has, in some areas, been slow**. It is over 18 months since the Act was passed, and some key obligations remain outstanding, such as the national roll-out of Ask and Act; the publication of statutory guidance on commissioning, multi-agency working and perpetrators; the national indicators (as required by section 11 of the Act); and regulations about education (covered in chapter 3 of this report).

49. Some evidence highlighted a lack of communication and guidance from the Welsh Government which has meant that some public authorities and third sector organisations are unclear as to when the delivery plan accompanying the National Strategy and remaining statutory guidance documents will be published, making it more difficult to plan local strategies and services.

50. We believe it is important for the delivery plan to contain detailed actions and timescales, so that service providers and survivors have clarity about what to expect over the life of the National Strategy. We refer the Cabinet Secretary to the UK Government’s **Violence against Women and**

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<sup>34</sup> Written evidence, ELGC(5)-08-16 Paper 2 – Evidence from the Cabinet Secretary for Communities and Children

<sup>35</sup> RoP, paragraph 78, 19 October 2016

<sup>36</sup> Written evidence, ELGC(5)-08-16 Paper 2 – Evidence from the Cabinet Secretary for Communities and Children

<sup>37</sup> Welsh Government, Draft budget 2017-18, October 2016

<sup>38</sup> RoP, paragraph 95, 19 October 2016

Girls Strategy 2016 – 2020, which includes a detailed action plan (page 55 onward) with individual delivery dates.

**51.** In particular, we are concerned that **service commissioning is being undertaken without statutory guidance** from the Welsh Government. This risks inconsistency across different areas, which is the opposite of the Act's overall aim to improve the consistency, quality and co-ordination of service provision in Wales.

**52.** Witnesses including the National Adviser told us that **more could be done to reduce the burden of legislative requirements on local authorities (specifically training and needs assessments)**, by helping them to align the various legislative obligations of different legislation, in particular those contained in the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.

**53.** We have serious **concerns that the specialist sector in Wales may not be able to cope with the rise in demand for services as a result of the Act and other factors**. While we note the Cabinet Secretary's intention to "target additional resources where there is greatest need to ensure the sustainability of specialist services", we did not see evidence of this in the recent draft budget for 2017-18.

**54.** We were pleased to hear that the Cabinet Secretary has tasked his Advisory Board with looking at the sustainability of funding for the specialist sector in Wales, and that this issue has been included as an action in the National Strategy. However, we would like clarification on the timescales for when the Advisory Board will finish its work and how this will be communicated, so that the sector will be in a position to understand and plan for the long term sustainability of services. We would also like assurance that adequate funding will be made available to the sector to cope with any increase in demand for specialist services as a result of the Act.

**55.** In light of the UK Government's decision to end funding for non-devolved independent domestic violence advisors (IDVAs) and multi-agency risk assessment conferences (MARACs), we would like the Welsh Government to clarify what the arrangements will be in Wales after March 2017, and how the transformation fund will be utilised in Wales to ensure the best possible service delivery.

**56.** We acknowledge the concern raised by some witnesses that the National Strategy, training programmes and guidance **focus on domestic abuse, perhaps at the expense of violence against women, and sexual violence**. We consider that if the Act is to be successful, all forms of abuse and violence covered by the Act have to be addressed.

**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;
- the guidance to local authorities on the preparation of local strategies;
- 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; and
- the roll out of the National Survivor Engagement Framework.

**Recommendation 2.** The Welsh Government should provide a timescale for when the national indicators under section 11 of the Act will be published.

**Recommendation 3.** The Welsh Government should prioritise the publication of the statutory commissioning guidance for specialist services.

**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.

**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.

**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.

**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.

## 03. National and local strategies

57. The Act requires the Welsh Ministers to publish a National Strategy, and for local authorities and local health boards to collaborate to prepare local strategies.

### National Strategy

58. Under the Act, the Welsh Ministers must publish a National Strategy 6 months after the general election, which has to contain:

- **objectives** that the Welsh Ministers consider will, if achieved, contribute to the pursuit of the purpose of this Act;
- the **periods of time** within which the Welsh Ministers expect to **achieve the specified objectives**; and
- the **actions** the Welsh Ministers propose to take **to achieve the specified objectives**.

59. The Act received Royal Assent in March 2015, which means that **the Welsh Government has had 18 months to prepare, consult on and publish the National Strategy**. A consultation on a draft strategy was launched in August 2016, and closed on 10 October 2016, less than a month before the Act required it to be finalised and published.

60. A significant proportion of evidence that the Committee received raised major concerns about the draft National Strategy, including:

- the short timescale for consultation and finalisation of the strategy;
- the definitions used in the strategy;
- the lack of SMART<sup>39</sup> objectives and deadlines for achievement;
- the lack of a commitment to providing funding to enable the objectives to be fulfilled;
- the omission of ten recommendations from survivors; and
- the absence of cross-government commitments.

61. The **final National Strategy** was published by the Welsh Government on 4 November 2016. Some, but not all, of the issues identified by stakeholders were addressed in the final version. The final National Strategy took account of some concerns through:

- **adoption of the UN definitions** of violence against women, domestic abuse and sexual violence;
- the inclusion of the **ten survivor recommendations contained in the report, Are you listening and am I being heard?, in the narrative** of the National Strategy; and
- commitments to:
  - develop a **National** Communications Framework with stakeholders to ensure a more coherent, long term approach to engagement and communication;

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<sup>39</sup> Specific, Measurable, Achievable/Agreed upon, Realistic, Time-based

- explore models for sustainable funding of specialist services;
- establish a “national survivor engagement framework”;
- publish guidance to local authorities and local health boards to inform the development of local strategies;
- review existing Welsh Government funding streams for VAWDASV services;
- work with the National Adviser, Future Generations Commissioner and Public Health Wales to ensure that families identified and needing support for living with **adverse childhood experiences (ACEs)** relating to abuse and violence, have access to existing interventions delivered by specialist services.

**62.** The National Strategy contains **one overall timescale** for the completion of all its objectives, which is November 2021. Although the Cabinet Secretary has made clear his intention to publish a more detailed delivery plan to complement the Strategy, it is **not clear if this will include timescales for each action.**

### Local strategies

**63.** The Act requires local strategies to be prepared, consulted upon and published by May 2018. Evidence from service providers in the Cwm Taf region noted that “most local authorities have been waiting for the publication of the National Strategy to inform their local strategies”. The National Adviser said that “although areas have started to consider needs assessment information, **only two local authority areas have, to my knowledge, begun developing their strategy** and neither of these areas have articulated as yet the impact of strategic priorities on service delivery models”.<sup>40</sup>

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“I am concerned about **how the local strategies will link with the national strategies.** There’s no clarity about that, which is why we need a strong national strategy to form the framework and provide the guidance to all the local strategies.”

NSPCC<sup>41</sup>

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**64.** Neath Port Talbot County Borough Council highlighted that “the requirement for a local [VAW] strategy **does not sit comfortably with other requirements imposed by the Social Services and Well-being (Wales) Act 2014** which is requiring an input to the development of the population assessment in a **different timetable** to the VAWDASV. This is unhelpful”.<sup>42</sup>

**65.** Witnesses suggested some ways of practically aligning other legislation with the Act at a local level, for example:

- amalgamating some training programmes related to safeguarding;
- aligning well-being and population needs assessments; and
- coordinating outcome frameworks.

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<sup>40</sup> Written evidence, PLVAW 09

<sup>41</sup> RoP, paragraph 172, 13 October 2016

<sup>42</sup> Written evidence, PLVAW 29

## Survivors' views

**66.** The National Adviser supported a consultation with survivors of abuse between January and March 2016, which was delivered by Welsh Women's Aid. The aims were to inform the National Advisory Group of survivors' recommendations on:

- Priorities for the national strategy – prevention, protection and support;
- Improving public service responses and priorities for the National Strategy; and
- Test out views on continued survivor engagement in Wales.

**67.** A report of the recommendations of survivors, **Are you listening and am I being heard?**, was published in March 2016. It contains ten key recommendations to inform the National Strategy. Witnesses told the Committee that they **did not believe these recommendations had been taken into account in the draft National Strategy.**

**68.** The ten recommendations from survivors were:

1. **Dedicated specialist services for children and young people** impacted by or experiencing domestic abuse, sexual violence, Female Genital Mutilation (FGM), forced marriage, sexual exploitation or harassment.
2. **Specialist domestic abuse and sexual violence services for survivors** that are accessible and resourced to meet the needs of specific survivor groups.
3. **Improvements in family court and CAFCASS Cymru practice and safe child contact** for children in cases of domestic abuse and sexual violence.
4. **Accessible 'refuge service' support in every area**, accompanied by safe, affordable, longer-term housing options to provide flexibility and choice.
5. **Women's groups and peer support that reduce isolation** and maximise independent spaces to increase confidence, esteem, and empowerment.
6. Equal **access to safety, support, protection and justice, and finances** to live independently, irrespective of survivors' immigration status.
7. **Counselling and therapeutic services** for survivors that is available when needed and is age-appropriate, and helps build resilience and recovery.
8. Greater focus on **stopping perpetrators' behaviour** and, where coercive control is a feature, on getting perpetrators to leave and end abusive relationships.
9. **Improved training for all services** on all aspects of violence against women, domestic abuse and sexual violence, informed by survivors' experiences.
10. Preventing violence against women from happening in the first place, through **compulsory prevention education in all schools and increasing awareness** of the issues and help available in local communities.



69. The National Adviser pointed out that:

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“If those recommendations don’t underpin our national strategy, then what message does that send to our survivors, who’ve given their time and who’ve given their recommendations, but they’re not coming out as central to our national strategy?”<sup>43</sup>

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70. In the final National Strategy, the **ten survivor recommendations were integrated into the narrative of the document**. However, the majority are not included as actions in the Strategy. The Strategy says that the recommendations are “key to **underpinning this Strategy and will further inform the development of the Delivery Framework**”, but this is not evident in the actions.

71. The National Adviser and Welsh Women’s Aid also called for “**a national survivor engagement framework**, centrally resourced by Welsh Government and independently delivered to ensure consistency and adherence to principles of good practice”. In the final National Strategy, the Welsh Government has made a commitment to developing this.

### Cabinet Secretary’s evidence

72. The Cabinet Secretary told the Committee that he **recognised the concerns around the draft strategy**. The National Strategy was published on 4 November as required by the Act, but in advance of its publication he told the Committee that:

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“It says in the Act about delivering this six months post election. I think, in hindsight, that’s far too quickly; I think [...] would be much more effective if we had more time to do that. I don’t want to put a strategy out that could be better, based on a timeframe that we are legislating for.”<sup>44</sup>

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73. He went on to commit to preparing and publishing a more detailed ‘delivery plan’ later on:

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“I believe, we can deliver a very high level overarching-principle strategy that meets the legislation requirements, but actually the detail of delivery will be in the delivery plan underneath that. I think that’s a way of getting through the legal challenge of not delivering the strategy at the appropriate time.”<sup>45</sup>

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74. Section 15 of the Act gives the power to the Welsh Ministers to issue statutory guidance to relevant authorities on how they should exercise their functions in implementing the Act. In evidence to the Committee, the Welsh Government suggested that they were considering this option for the delivery plan.

75. The Cabinet Secretary subsequently stated that “the content of the ‘Delivery Framework’ is still under development and **the legal status [is] to be decided during the development phase**”.<sup>46</sup> He explained that stakeholders and the National Adviser would be consulted on the delivery plan but provided no indication of **timescales for the consultation or the publication of the final plan**.

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<sup>43</sup> RoP, paragraph 39, 19 October 2016

<sup>44</sup> RoP, paragraph 80, 19 October 2016

<sup>45</sup> RoP, paragraph 85, 19 October 2016

<sup>46</sup> Letter from the Cabinet Secretary for Communities and Children to the Chair of the Equality, Local Government and Communities Committee, 8 November 2016

## Committee's view

**76.** We are **disappointed that the National Strategy took 18 months to produce**, and that consultation on the draft strategy was undertaken so close to the publication deadline provided for in the Act. This meant there was little time for changes to be made to the strategy based on the evidence received. We believe that, had preparatory work on the strategy been undertaken at an earlier stage, the **final Strategy may well have been more ambitious and robust**.

**77.** We are pleased to see that some of the issues raised during our inquiry, and in response to the Welsh Government's consultation, **were addressed in the final Strategy**. In particular, we welcome the commitments to developing a national survivor engagement framework and a national communications framework, and the adoption of UN definitions.

**78.** We note the Cabinet Secretary's commitment to publishing a delivery plan. However, we consider that **such a plan would be non-statutory** as there is no provision in the Act for a plan, and any additional objectives set out within it would not be enforceable by law (unlike objectives in the National Strategy). Given this, we believe that the delivery plan should be issued as statutory guidance under section 15. This would give the plan a legal basis, and relevant authorities would be required to follow it.

**79.** While we welcome the commitment included in the National Strategy to produce guidance to local authorities and local health boards to inform the development of local strategies, we note that authorities will begin to develop local strategies before the detailed delivery plan and guidance is published. This could potentially lead to inconsistencies in approach. However, **we expect any guidance published to address this**.

**80.** We **note that the ten survivor recommendations have not been fully embedded in the National Strategy's actions, such as recommendation 3 relating to improvements in family court and CAFCASS Cymru practice**. We welcome the commitment to develop a **national survivor engagement framework** and are pleased that the Welsh Government has taken on board suggestions from the National Adviser and Welsh Women's Aid on this issue.

**81.** We would like to see the survivor recommendations fully considered in the process of the development of the national survivor engagement framework.

**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;
- outline when the delivery plan will be published, and how it will be consulted upon, and
- 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.

## 04. Education

**82.** Education was a contentious issue during the passage of the Act. The initial **White Paper on the legislation from 2012** proposed that the Bill would ensure that **education on ‘healthy relationships’ was mandatorily delivered in all schools.**

**83.** However, this proposal was not included in the draft Bill. According to the then Minister for Public Services (who was the Member in charge of the Bill), healthy relationships education was instead being considered as part of the **curriculum review led by Professor Graham Donaldson**, which would include a review of the basic curriculum including Personal and Social Education (PSE).<sup>47</sup>

**84.** Following recommendations from the previous Committee and pressure from stakeholders, the final Act placed a duty **on local authorities to report on how they are addressing gender-based violence, domestic abuse and sexual violence within their education institutions**, including through sex education.

**85.** The provisions within the Act relating to education are:

- **Section 9**, which gives the Welsh Ministers the power, by regulations, to require local authorities to publish information about whether and how local education functions are being exercised to promote the purpose of the Act; and
- **Section 10**, which gives:
  - the Welsh Ministers the power to issue guidance to the governing bodies of institutions in Wales within the further education sector, and
  - the Higher Education Funding Council for Wales (HEFCW) the power to issue guidance to the governing bodies of institutions in Wales within the higher education sector.

**86.** Both the Cabinet Secretary for Communities and Children and the Cabinet Secretary for Education told the Committee that the regulations under section 9 would be developed in early 2017.<sup>48</sup> It is not clear when local authorities will be required to start reporting. The National Adviser was **not aware of the “proposed content or timescale** for publishing either the regulations or guidance”.

### Consistency

**87.** Many stakeholders raised concerns about the **non-compulsory nature** of healthy relationships education, and there seemed to be confusion about what support schools, colleges and universities would receive to fully embed healthy relationships into learning.

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“When you’ve left school, you’ve **ingrained a lot of these societal problems and a lot of these unhealthy** attitudes towards sex and relationships, and by then it’s too late to give sex and relationships education that’s inclusive and expect that to change everything.

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<sup>47</sup> Further information about this is available in the Fourth Assembly’s Communities, Equality and Local Government Committee’s **Stage 1 report on the Bill**

<sup>48</sup> **Correspondence between Cabinet Secretary for Education and Chair**, 9 and 18 October 2016

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So, what we need is education that is targeted at changing societal attitudes”.

NUS Wales”<sup>49</sup>

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**88.** Many stakeholders were of the opinion that this was leading to inconsistent approaches across different schools:

- Barnardo’s “remain concerned that some schools **will not fully embrace a whole school approach in the absence of any statutory requirement to do so**”. The City and Council of Swansea had similar concerns, that “without there being a statutory duty placed on schools, **they still have the option of non-engagement** in healthy relationship sessions”.<sup>50</sup>
- Welsh Women’s Aid stated that “we are **yet to see a clear plan as to how and when schools and other education establishments will be implementing [...] guidance**, and there is little current evidence of this being implemented consistently across Welsh schools and other educational settings”.<sup>51</sup>
- Gwent Police said that “a **ready to deliver, age appropriate curriculum** (to be integrated into the National Curriculum) **has far more chance of being used and support[ing] a successful adoption of a whole school approach** throughout all schools”.<sup>52</sup>

## Curriculum review

**89.** Professor Donaldson’s report on the curriculum and assessment arrangements in Wales sets out four purposes of the curriculum in Wales, which are that all our children and young people develop as:

- **ambitious, capable learners**, ready to learn throughout their lives;
- **enterprising, creative** contributors, ready to play a full part in life and work;
- **ethical, informed** citizens of Wales and the world;
- **healthy, confident** individuals, ready to lead fulfilling lives as valued members of society.

**90.** The report recommended that the curriculum is organised around **six ‘Areas of Learning and Experience’ (AoLEs) rather than separate, narrow subjects as at present**. The areas of learning recommended are:

- Expressive Arts;
- Health and Well-being;
- Humanities;
- Languages, Literacy and Communication;
- Mathematics and Numeracy;
- Science and Technology.

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<sup>49</sup> RoP, paragraph 202, 13 October 2016

<sup>50</sup> Written evidence, PLVAW 27

<sup>51</sup> Written evidence, PLVAW 28

<sup>52</sup> Written evidence, PLVAW 06

91. A network of 120 **'Pioneer Schools'** across Wales has been charged with developing the new curriculum, but it is understood that not all Pioneer Schools will address all six AoLEs.

92. The National Adviser believed "it is **imperative that the curriculum includes compulsory age appropriate, preventative programmes** regarding all forms of violence against women, domestic abuse and sexual violence grounded in a gender equality and human rights framework".<sup>53</sup>

93. She thought that "the **role of education is crucial if Wales is to successfully implement and realise the potential of the Act.** This highlights, once again the necessity for a truly integrated National Strategy requiring leadership, commitment and resources from across Government to deliver lasting change".<sup>54</sup>

94. In oral evidence, she outlined her concerns about the potential flexibility of the curriculum, even if education on healthy relationships was included:

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"my [...] understanding is that those areas of learning and experience need to be flexible and that they can be optional for schools in terms of which of those they will adopt in terms of their approach to the curriculum.

I think it's in that flexibility and optional approach that the potential may not be realised, because that is the approach that we have at the moment in terms of our Spectrum programme, which is the Welsh Government-funded programme in schools, as well as the STAR programme that is delivered in Wales. But they are optional, so therefore, that's very much down to the leadership of individual schools as to whether they recognise this as a priority and whether it should be delivered within the schools."<sup>55</sup>

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95. The Committee wrote to the Cabinet Secretary for Education to request further information on how these elements of the Act are being implemented by her department. She told the Committee that:

- she expected, but was unable to confirm, that **teaching about healthy relationships will be included in the 'Health and Well-being' Area of Learning and Experience (AoLE)** as proposed by Professor Donaldson;
- the Good Practice Guide developed by Welsh Women's Aid **will form part of the information and good practice resource that will support the Pioneer Schools** that are charged with developing the new curriculum;
- the regulations under section 9 of the Act will be **developed in early 2017**, which will place a duty on local authorities to publish information annually on the action they are taking, including within schools, to promote the purposes of the Act; and
- officials are **reviewing how higher education institutions can best be supported to address these issues.**<sup>56</sup>

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<sup>53</sup> Written evidence, PLVAW 35

<sup>54</sup> Written evidence, PLVAW 35

<sup>55</sup> RoP, paragraph 52, 19 October 2016

<sup>56</sup> Correspondence between Cabinet Secretary for Education and Chair, 9 and 18 October 2016

## Good Practice Guide

96. **A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence – A Good Practice Guide (the Guide)**, commissioned by the Welsh Government and prepared by Welsh Women’s Aid, was published in October 2015. It is described on the [Welsh Government’s website](#) as “a **handy tool** to help integrate these issues and approaches into existing teaching and management practices”. It **does not form part of the statutory guidance** made under the Act.

97. Welsh Women’s Aid noted that “**we are yet to see a clear plan as to how and when schools and other education establishments will be implementing this guidance**, and there is **little current evidence of this being implemented consistently** across Welsh schools and other educational settings”.<sup>57</sup>

98. The National Adviser stated that **she does not know how the Guide is being used, distributed or monitored**, or even how many schools are using it. She also stated that she is “unsure what resources have been considered locally, regionally or nationally to support and enable the schools to drive forward this cultural change”.<sup>58</sup>

99. She also said that:

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“I fear that without clear direction from Welsh Government as to the expectation for implementation and mechanisms for data collection and monitoring there is a real risk that the commitments made by the former Minister will fail to deliver change within our education settings.”<sup>59</sup>

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100. Alongside the Guide, **a toolkit of resources and materials** for use within primary, secondary and further education settings to complement the good practice guide has also been researched and compiled by Welsh Women’s Aid and AVA (Against Violence and Abuse). As noted by Women’s Aid,<sup>60</sup> this toolkit was submitted to the Government in early 2016 but **has not yet been published**.

101. **A thematic review will be undertaken by Estyn through the 2016/17 academic year** to examine the existing healthy relationship provisions across Wales. Estyn told the Committee that it will gather evidence “during November and December 2016 with a view to **reporting in July 2017**”.<sup>61</sup>

## Cabinet Secretary’s evidence

102. The Cabinet Secretary told the Committee that he had asked the Cabinet Secretary for Education “to keep [his] team informed in terms of information around Donaldson and what the curriculum may or [may] not look like for the future”.<sup>62</sup>

103. He assured the Committee that he was in “agreement [that] **early intervention and education being critical to start building healthy relationships**”. He noted that “we already have some programmes in place. **I’m really keen to get consistency**”.<sup>63</sup>

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<sup>57</sup> Written evidence, PLVAW 28

<sup>58</sup> Written evidence, PLVAW 35

<sup>59</sup> Written evidence, PLVAW 35

<sup>60</sup> Written evidence, PLVAW 28

<sup>61</sup> [Correspondence between Estyn and Chair](#), October 2016

<sup>62</sup> RoP, paragraph 164, 19 October 2016

<sup>63</sup> RoP, paragraph 164, 19 October 2016

**104.** The Cabinet Secretary for Education told the Committee that **Pioneer Schools are currently considering the strategic design and core principles** of the curriculum. She said that:

“It is not envisaged that all Pioneer Schools will be involved in developing all six AoLEs. Each Pioneer School will know which AoLE they are focussing on in the near future and will be tasked with gathering evidence to help inform the high level AoLE design during the first period of development.

This will be taken further during 2017 with a view to the new curriculum being available to schools from 2018 and fully available to support learning and teaching by 2021.

My officials will continue to work with the National Adviser for VAWDA to ensure suitable evidence is provided during the design and development phase.”<sup>64</sup>

### Committee’s view

**105.** After receiving extensive and largely consensual evidence around the importance of teaching children and young people about healthy relationships, **we believe that compulsory education is key to preventing violence against women, domestic abuse and sexual violence in the first place.** We are pleased that the Cabinet Secretary agrees that early intervention and education are critical to ending abuse.

**106.** However, we have not received sufficient assurance that this critical issue will be included in the new curriculum, and that if it is, schools will not be able to “opt out” of tackling these issues. This is despite overwhelming calls in favour of such teaching being compulsory in all schools.

**107.** We are concerned that without a **statutory requirement for schools to deliver healthy relationships** teaching, while some schools will continue to address this issue effectively, others will opt out, as is currently the case. We consider this kind of variation to be in direct conflict with the Act’s ultimate aim of consistency. In order to prevent abuse and violence from happening, the Welsh Government must ensure that promoting healthy relationships at a young age is a statutory duty.

**108.** The Good Practice Guide, developed by Welsh Women’s Aid and commissioned by the Welsh Government, was distributed to schools in October 2015. We are concerned that **no measures have been put in place to monitor its usage or effectiveness.** Neither the Cabinet Secretary for Communities and Children nor the Cabinet Secretary for Education could provide the Committee with an estimate of how many schools are currently using the guide. Many witnesses praised the document, but without evidence to demonstrate its use and effectiveness, it is difficult to judge if it is having a positive influence in schools.

**109.** We also heard that the **toolkit of materials for use alongside the Guide** has not yet been published. We are concerned that without access to such resources, schools may not be able to deliver the most effective teaching on this issue.

**110.** The Cabinet Secretary for Education told us that regulations under section 29(6A) of the Education Act 1996 (as inserted by section 9 of the Act) **requiring local authorities to report on**

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<sup>64</sup> [Correspondence between Cabinet Secretary for Education and Chair](#), 9 and 18 October 2016

**how their educational institutions are implementing the aims of the Act** would be published in 2017, and we believe that the Welsh Government should commit to requiring local authorities to report from the start of the 2017/18 academic year.

**111.** We are also concerned that there are **no actions in the final National Strategy regarding the delivery of healthy relationships education in further and higher education institutions.**

While we acknowledge the Cabinet Secretary for Education's evidence that work is underway in this area, we would like to see guidance issued under section 10 of the Act.

**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.

**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.

**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.

**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.

**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.



## 05. National Adviser

**112.** The evidence the Committee received was very positive about the National Adviser, who was appointed last summer. Stakeholders said that she had been proactive in meeting local authorities, and her commitment and enthusiasm to the Act was commendable. Respondents largely felt that **previous concerns about the National Adviser’s lack of independence from government had not been realised.**

### Capacity and influence

**113.** Many stakeholders were concerned that **the National Adviser’s role was part-time**, with one part-time member of staff to support her. Bawso said that “[the] **role would be more effective if it was full time** and there was a staff team working collaboratively to ensure that they gather data to inform the strategy on an ongoing basis other than relying on focus groups”.<sup>65</sup> Gwent Police considered that **“the National Adviser’s power is limited by capacity. [...] If we look at what she needs to achieve, the accountability and monitoring responsibilities and consider what work is required to enable this it becomes clear that more capacity is required”**.

**114.** Gwent Violence Against Women, Domestic Abuse and Sexual Violence Regional Team also noted that the National Adviser “has limited resources from the Welsh Government to fully ensure implementation of the Act”, and **“should be able to replicate all [good practice] relating to violence against women, domestic abuse and sexual violence nationally”**.<sup>66</sup>

**115.** The National Federation of Women’s Institutes said they have “concern over the expectations required of the National Adviser in a **part-time role and without a team of support staff**. Ideally the role should have been set up under a similar structure to the current Commissioners”. Safer Wales were also “concerned that this post is part-time and does not have sufficient power and resources in terms of **holding Welsh Government and other public bodies accountable** to their obligations within the Act”.<sup>67</sup>

**116.** The Welsh Local Government Association (WLGA) agreed with this, saying that it was “a very challenging role for one person with limited support. I think, within that, she is having a considerable amount of influence and reach, but I think that could be widened, with developing that role and strengthening that role”.<sup>68</sup>

### Power

**117.** The other primary concern about the National Adviser was the lack of **power to sanction authorities that do not fulfil obligations under the Act.**

**118.** The National Adviser was clear that “within this advisory capacity the role has no powers to hold Ministers, Welsh Government or public services to account in relation to the implementation of the Act and as such, there are ‘no teeth’ to the role”.<sup>69</sup>

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<sup>65</sup> Written evidence, PLVAW 19

<sup>66</sup> Written evidence, PLVAW 07

<sup>67</sup> Written evidence, PLVAW 13

<sup>68</sup> RoP, paragraph 399, 13 October 2016

<sup>69</sup> Written evidence, PLVAW 35

**119.** She expanded on this, saying “this raises further questions in relation to **what sanctions can be imposed if the legal obligations mandated by the Act are not implemented**. There is currently a lack of detail as to **any sanction options** relating to the requirements of the Act or any statutory guidance. If it is not the National Adviser who holds public authorities to account in relation to the Act **where does the accountability sit?**”<sup>70</sup>

**120.** Dyfed Powys Police noted that the National Adviser “can only advise and do[es] not carry the authority to ensure implementation of the Act”.<sup>71</sup>

**121.** In their written evidence, Welsh Women’s Aid acknowledged the National Adviser’s power to provide advice and undertake monitoring, but stated “**it remains unclear what the remit is if the role needs to advise Ministers or challenge Welsh Government or other public bodies** about not fulfilling their statutory duties”. They went on to say that “**sanctions are absolutely vital if the legislation is to ‘have teeth’**”. Bawso, Bridgend Council and Cardiff Council echoed this sentiment.

**122.** Port Talbot and Afan Women’s Aid believed that the National Adviser should have “**powers to audit and seek clarification on commissioning** of VAW, DA and SV services”.

### Cabinet Secretary’s evidence

**123.** The Cabinet Secretary said that the National Adviser had **not discussed issues about capacity with him**. On the issue of resources and power, he told the Committee that “the Act is very clear about the role of the adviser. The job specification and finance allocated to that is very specific, too”.

**124.** On the issue of sanctions, he said:

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“[...] the sanctions available aren’t through the adviser’s office, but they are available through the local government Minister’s office. So, again, I think we have to be with full knowledge and understanding that the job advertised, the job of the Act, was about being an adviser, not a commissioner.”<sup>72</sup>

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### Committee’s view

**125.** We acknowledge stakeholders’ concerns about the capacity of the National Adviser as a part-time position. We would like the Cabinet Secretary to review the capacity and communication lines of the National Adviser, particularly her ability to conduct research, and support local authorities and health boards to prepare their local strategies.

**126.** The Act requires the National Adviser to produce an annual plan and annual report, but these are **not mentioned or reflected in the Welsh Government’s National Strategy**. We believe that there should be more alignment between the National Strategy and the National Adviser’s work plan.

**127.** We **remain unclear about the sanctions available to the Welsh Ministers** if public authorities do not comply with the Act, for example, if a local authority does not publish a local strategy or train its staff.

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<sup>70</sup> Written evidence, PLVAW 35

<sup>71</sup> Written evidence, PLVAW 03

<sup>72</sup> RoP, paragraph 200, 19 October 2016

**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.

**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.

**Recommendation 16.** The Welsh Government should make reference to the National Adviser, her responsibilities and annual work plan in the delivery plan and in any future national and local strategies.

# Annex A: evidence received

## Oral evidence

The following witnesses provided oral evidence to the Committee. Transcripts of all oral evidence sessions can be viewed on [the Committee's website](#).

### 13 October 2016

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<b>Name</b>	<b>Organisation</b>
Eleri Butler	Welsh Women's Aid
Frances Beecher	Llamau
Jackie Stamp	New Pathways
Mutale Merrill	BAWSO
Fflur Elin	National Union of Students Wales (NUSW)
Claire O'Shea	National Union of Students Wales (NUSW)
Vivienne Laing	National Society for the Prevention of Cruelty to Children (NSPCC)
Sian Morris	Neath Port Talbot County Borough Council
Joy Williams	Welsh Local Government Association
Lin Slater	Aneurin Bevan University Health Board
Chris Overs	Aneurin Bevan University Health Board
Wendy Sunderland-Evans	Abertawe Bro Morgannwg University Health Board
Aideen Naughton	Public Health Wales

### 19 October 2016

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<b>Name</b>	<b>Organisation</b>
Rhian Bowen-Davies	National Adviser
Carl Sargeant AM	Cabinet Secretary for Communities and Children
Martin Swain	Welsh Government

## Written evidence

The following people and organisations provided written evidence to the Committee between August 2016 and September 2016. All consultation responses can be viewed **on the Committee's website**.

<b>Organisation</b>	<b>Reference</b>
Gwynedd and Anglesey Community Safety Partnership	PLVAW 01
South Wales Fire and Rescue Service	PLVAW 02
Dyfed-Powys Police	PLVAW 03
Bridgend County Borough Council	PLVAW 04
Pathways	PLVAW 05
Gwent Police	PLVAW 06
Gwent Violence Against Women, Domestic Abuse and Sexual Violence Regional Team	PLVAW 07
Mid and West Wales Fire and Rescue Service	PLVAW 08
Service providers within the Cwm Taf region	PLVAW 09
The Survivors Trust	PLVAW 10
Aneurin Bevan University Health Board	PLVAW 11
Association of School and College Leaders (Cymru) (ASCL)	PLVAW 12
National Federation of Women's Institutes Wales	PLVAW 13
City of Cardiff Council	PLVAW 14
Flintshire County Council	PLVAW 15
Older People's Commissioner	PLVAW 16
Wrexham County Borough Council	PLVAW 17
Both Parents Matter	PLVAW 18
Bawso	PLVAW 19
Port Talbot & Afan Women's Aid	PLVAW 20
Atal y Fro	PLVAW 21
Abertawe Bro Morgannwg University Health Board	PLVAW 22
Community Housing Cymru	PLVAW 23
National Union of Students	PLVAW 24

City and County of Swansea	PLVAW 25
Hywel Dda Health Board	PLVAW 26
Barnardo's Cymru	PLVAW 27
Welsh Women's Aid	PLVAW 28
Neath Port Talbot County Borough Council	PLVAW 29
Safer Wales	PLVAW 30
National Society for the Prevention of Cruelty to Children	PLVAW 31
Wales Violence Against Women Action Group	PLVAW 32
NAHT Cymru	PLVAW 33
Gwent Police & Crime Commissioner	PLVAW 34
National Adviser for Violence Against Women and other forms of Gender-based Violence, Domestic Abuse and Sexual Violence	PLVAW 35
Estyn	PLVAW 36
<u>Correspondence between Cabinet Secretary for Education and the Chair</u>	October 2016
<u>Correspondence between Estyn and the Chair</u>	October 2016
<u>Correspondence between Cabinet Secretary for Communities and Children and the Chair</u>	November 2016

## Outreach visits

As part of this inquiry, members of the Committee undertook visits to projects around Wales to enhance Members' understanding of the issues facing service users and providers in Wales.

Organisation	Date
Rainbow Bridge	5 October 2016
Calan DVS	5 October 2016
Newport Women's Aid	5 October 2016
Bawso	6 October 2016