

The Welsh Government response to the Equality & Social Justice Committee's report on Gender based violence and the needs of migrant women.

Overview

The Equality and Social Justice Committee has undertaken an [inquiry](#) in relation to gender based violence, recognising the additional challenges faced by migrant women. The committee's [report](#) was published on 26 October 2022.

The Welsh Government is committed to supporting all victims and survivors of violence against women, domestic abuse and sexual violence (VAWDASV). This includes migrant victims and those with no recourse to public funds. We must ensure that these groups don't fall through the gaps in strategies designed to support women experiencing abuse. The Welsh Government therefore welcomes this important report.

Refugee, migrant and asylum-seeking women fleeing violence and abuse experience particular challenges and hardship, which have been exacerbated through the pandemic. These groups can often face higher levels of violence, not only in their migration journeys, but also because barriers such as age, language, isolation, insecure immigration status and poverty make it more likely they will experience violence and abuse after they reach Wales.

The Welsh Government has previously made a commitment to protect the rights of migrants and those impacted by VAWDASV and has multiple frameworks and pieces of legislation in place to do so. The Welsh Government is committed to making Wales a Nation of Sanctuary: the Nation of Sanctuary plan contains clear cross-government commitments to reducing the inequalities faced by sanctuary seekers; this includes supporting survivors of VAWDASV.

The Welsh Government has also recently published its [VAWDASV National Strategy](#), which outlines how we will continue to work with partners to tackle the gender inequality, misogyny and male violence that are both the cause and consequence of violence and abuse against women. The strategy recognises that the impact of such violence and abuse is not uniform, affecting different people in different ways. Therefore, understanding the equality impacts on an intersectional basis is vital if we are to address the problem for everyone in Wales.

While progress has been made, additional actions are necessary to meet the needs of those with No Recourse to Public Funds (NRPF), build the capacity of public bodies to support forced migrant victims of sexual and gender-based violence, and address the isolation experienced by migrant, refugee and asylum-seeking women in Wales.

The Welsh Government has considered the recommendations made by the Committee and identified how, where appropriate, additional measures can be considered or adopted. These include a cross-government approach to delivering better outcomes for migrant victims of gender-based violence.

Summary of responses to the report's recommendations

| Recommendation | Response |
|---|---------------|
| Recommendation 1 | Accept |
| The Welsh Government should set out how it intends to address the problems highlighted around language and interpretation provision to migrant women. This must include outlining the steps it will take to prevent statutory agencies using family members and / or Bawso as interpreters, unless in urgent or emergency cases. To support agencies in that regard, the Welsh Government should also consider creating a directory of recognised interpreters. | |
| Recommendation 2 | Accept |
| The Welsh Government should engage survivors of sexual and gender-based violence from migrant communities and other stakeholders such as local authorities, in the development of a community strategy on awareness raising and prevention, which can form guidance to statutory bodies. | |
| Recommendation 3 | Accept |
| The Welsh Government should establish a crisis fund that service providers can access to support migrant women who are victims or survivors of Sexual and Gender Based Violence and are subject to No Recourse to Public Funds, using the Scottish Government's 'Ending Destitution Together' strategy as an example. We expect this work be carried out within the next six months with a view to establishing a fund by July 2023. | |
| Recommendation 4 | Accept |
| The Welsh Government should publish annual updates on its No Recourse to Public Funds work, including the work of the NRPf steering group; progress with options for supporting migrant women with NRPf being considered, and discussions with the UK Government. | |
| Recommendation 5 | Accept |
| The Welsh Government should undertake a review of implementation of the Social Services and Well-being (Wales) Act 2014 to see what impact it has had on migrant women with No Recourse to Public Funds and their children. The review should be carried out within the next six months and should explore ways of ensuring the Act is implemented consistently across Wales. | |
| Recommendation 6 | Accept |
| The review should include an evaluation of the guidance provided to local authorities on implementation of the Social Services and Well-being (Wales) Act and its role in supporting migrant women and children with No Recourse to Public Funds, to ensure that it is fully reflective of the legal position. This evaluation should also consider options for effective roll out of revised guidance to ensure that it is consistently understood across Wales. | |
| Recommendation 7 | Accept |
| The Welsh Government should set out how it intends to work with the UK Government to respond to concerns around provision of legal advice on immigration status for migrant women in Wales. | |
| Recommendation 8 | Accept |
| The Welsh Government should consider how it can ensure access to good quality legal advice by working with stakeholders to look at models of best practice including JustRight Scotland and report back to this Committee by July 2023. | |
| Recommendation 9 | Accept |

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| The Welsh Government should set out guidance for training on specific issues related to migrant women which can be embedded into regular training across Wales, to improve understanding and to tackle any potentially discriminatory behaviour exhibited by frontline services. This guidance should be published by July 2023. | |
| Recommendation 10 | Partially Accept |
| The Welsh Government should use the new data available through the Equality, Race and Disability Evidence Units to establish baselines to inform future monitoring and targeting of advice and services. This work should be carried out within the next six months. | |
| Recommendation 11 | Accept |
| The Welsh Government should set out how it plans to ensure that when collecting data on migrant women, they have a clear understanding of what is happening with their data, and how it will inform future decision-making. | |
| Recommendation 12 | Accept |
| The Welsh Government, in partnership with the Police and local authorities, should take steps through guidance to address concerns about the relationship between data sharing and survivors' willingness to seek support. This guidance should be shared widely with specialist organisations, community groups and the wider public and should be made available in different languages. | |
| Recommendation 13 | Accept in principle |
| The Welsh Government should establish a firewall which restricts the sharing of data between agencies on those who seek support for Sexual and Gender Based Violence. | |
| Recommendation 14 | Accept |
| The Welsh Government should include the Welsh Refugee Council on its National Partnership Board. | |
| Recommendation 15 | Accept |
| The Welsh Government should amend its Strategy on Violence against Women, Domestic Abuse and Sexual Violence for 2022-26 to include a section which deals specifically with the needs of migrant women and children and those subject to the No Recourse to Public Funds. | |

Detailed Responses to the report's recommendations are set out below:

Recommendation 1

The Committee recommends that:

The Welsh Government should set out how it intends to address the problems highlighted around language and interpretation provision to migrant women. This must include outlining the steps it will take to prevent statutory agencies using family members and / or Bawso as interpreters, unless in urgent or emergency cases. To support agencies in that regard, the Welsh Government should also consider creating a directory of recognised interpreters.

Response: Accept

The Welsh Government understand the barriers migrant women face in accessing services without the use of an interpreter and how this can make them hesitant to access services, particularly for those with insecure immigration service. The Welsh Government has recently received a report on the availability and adequacy of foreign language interpretation services as part of our Migrant Integration Wales Project. We will look at the recommendations and findings of the report alongside this recommendation and the work of our Migrant Integration Framework. Future work will consider how barriers to access can be removed, working with public and third sector organisations to enable access to enable migrant women to explain their circumstances. We will also explore new ways of working to ensure access, which could be incorporated into our communications work on the Migrant Integration Wales Project.

Financial Implications – None

Recommendation 2

The Committee recommends that:

The Welsh Government should engage survivors of sexual and gender-based violence from migrant communities and other stakeholders such as local authorities, in the development of a community strategy on awareness raising and prevention, which can form guidance to statutory bodies.

Response: Accept

The Welsh Government's VAWDASV Strategy outlines six objectives for 2022-26. A blueprint structure is being created, which sets out shared governance arrangements, with workstreams that will report back on key work and actions. Listening to the experiences of survivors will be imperative, and a Survivor Voice Scrutiny and Involvement Panel is being established, comprised of people with lived experience, including from underrepresented groups. The panel will cut across all workstreams and act as a sounding board for policy advice that has been referred to it for consideration. The Survivor Voice Scrutiny and Involvement Panel will also

have the opportunity to develop policy advice on user involvement in decision making and engagement.

Through our [Live Fear Free campaigns](#), we will continue to raise awareness of all aspects of VAWDASV. These campaigns provide practical advice for those who may be suffering abuse, as well as highlighting the support available to enable friends, family and the wider community to recognise abuse and take safe action. Historically our Live Fear Free campaigns demonstrate that both victims and perpetrators have diverse characteristics. They may identify as male, female, or non-binary, disabled or non-disabled, young or old, white, black or of any another ethnic minority, or from our LGBTQ+ community. You will see these groups represented in our materials supporting our campaigns on our social media channels and on our website. In the coming year, our national campaigns will continue to reflect more examples of domestic abuse and sexual violence experienced by underrepresented groups and those with diverse needs and within further settings such as the workplace and online.

Financial implications – No additional financial implications as work is progressing in line with existing workplans

Recommendation 3

The Committee recommends that:

The Welsh Government should establish a crisis fund that service providers can access to support migrant women who are victims or survivors of Sexual and Gender Based Violence and are subject to No Recourse to Public Funds, using the Scottish Government's 'Ending Destitution Together' strategy as an example. We expect this work be carried out within the next six months with a view to establishing a fund by July 2023.

Response: Accept

Officials are in the process of scoping options for a fund that would aim to support migrant victims of VAWDASV with no recourse to public funds. This accords with our Nation of Sanctuary and our approach as set out in our VAWDASV National Strategy.

The Welsh Government will consider further opportunities for funding in line with the needs of the Welsh population taking account of any forthcoming decisions about the future of the UK Government Support for Migrant Victims Scheme.

Financial Implications – Officials are in the process of scoping financial implications of any such scheme.

Recommendation 4

The Committee recommends that:

The Welsh Government should publish annual updates on its No Recourse to Public Funds work, including the work of the NRPF steering group; progress with options for supporting migrant women with NRPF being considered, and discussions with the UK Government.

Response: Accept

The Welsh Government has a statutory requirement to publish an annual report under Section 12 of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. This report highlights work undertaken throughout the year in line with objectives as set out in the VAWDASV strategy. This includes policy development and engagement relating to migrant victims of VAWDASV including those with No Recourse to Public Funds.

These issues will continue to be included in all future reports, with the report for 2021-2022 due to be published by the end of 2022.

Financial Implications – None. The annual report is already delivered as part of the VAWDASV team's workplan.

Recommendation 5

The Committee recommends that:

The Welsh Government should undertake a review of implementation of the Social Services and Well-being (Wales) Act 2014 to see what impact it has had on migrant women with No Recourse to Public Funds and their children. The review should be carried out within the next six months and should explore ways of ensuring the Act is implemented consistently across Wales.

Response: Accept

As the Deputy Minister for Social Services confirmed in her oral evidence, no issues had been raised with the National or Regional Safeguarding Boards relating to concerns by migrant women about interacting with or accessing social services or concerns that their children may be at risk of being removed. Nonetheless, officials have already re-engaged Safeguarding Boards to share the Committee's findings and to secure additional evidence of any experiences or challenges in their areas. The outcomes of this work will help all Safeguarding Board partners to reflect on and consider the implications of the evidence-gathering exercise and re-assure themselves on the individual and collective responsibilities they share to respond effectively and comprehensively to anyone who may be experiencing or at risk of abuse or neglect.

Financial Implications – None

Recommendation 6

The Committee recommends that:

The review should include an evaluation of the guidance provided to local authorities on implementation of the Social Services and Well-being (Wales) Act and its role in supporting migrant women and children with No Recourse to Public Funds, to ensure that it is fully reflective of the legal position. This evaluation should also consider options for effective roll out of revised guidance to ensure that it is consistently understood across Wales.

Response: Accept

The Welsh Government will ensure that the advice provided as part of the NRPF work is updated and reviewed on a regular basis. We committed to conducting an evaluation exercise six months after its first publication date. This will be due in December 2022.

The evidence and outcomes from that evaluation exercise and the one undertaken in response to Recommendation 5 will be used as part of informing any changes required to the NRPF Guidance

Migrant Rights training has been rolled out to front line local authority and third sector staff which, following its evaluation, will also add to the information available to use.

Financial Implications – None

Recommendation 7

The Committee recommends that:

The Welsh Government should set out how it intends to work with the UK Government to respond to concerns around provision of legal advice on immigration status for migrant women in Wales.

Response: Accept

The Welsh Government is committed to Wales becoming a Nation of Sanctuary, building on our long history of supporting migrants from across the world to benefit from their skills and culture and enhance Welsh society.

Responsibility for asylum and immigration rests with the UK Government rather than the Welsh Government. This means that some of the key levers to prevent harmful outcomes, such as timely and good asylum case decision-making and provision of legal aid, are out of our control. We will, however, work with the UK Government to highlight and, where possible, address the key issues affecting the ability of migrants in Wales to access legal advice.

Our Nation of Sanctuary Plan sets out the actions we will undertake to ensure the provision of high quality, accessible advice, information and advocacy services to

enable refugees and asylum seekers to exercise their rights and make informed choices.

The Welsh Government commits to reviewing the findings from the report received as part of the Migrant Integration Wales Project that considers the adequacy and availability of immigration legal advice for forced migrants in Wales.

Financial Implications – None

Recommendation 8

The Committee recommends that:

The Welsh Government should consider how it can ensure access to good quality legal advice by working with stakeholders to look at models of best practice including JustRight Scotland and report back to this Committee by July 2023.

Response: Accept

The Welsh Government is working to ensure that the Migrant Integration Wales Framework considers the provision of legal advice for migrant victims of gender-based violence. Through a cross-governmental approach we are also developing a process to ensure that migrant victims are included within relevant reporting arrangements.

The Welsh Government will consider the findings of the research undertaken on the adequacy and availability of legal advice for the forced migrant population as part of our Migrant Integration Wales Project. Access to legal advice will be a part of the framework and indicators of integration. We will consider how we can address the geographical gaps, explore capacity building and work with support groups to build legal literacy resources both for migrants and for professionals working in the support sector. We will work with organisations that support migrants to look at access and information relating to legal advice can be provided and will look at models of best practice.

Financial Implications – None

Recommendation 9

The Committee recommends that:

The Welsh Government should set out guidance for training on specific issues related to migrant women which can be embedded into regular training across Wales, to improve understanding and to tackle any potentially discriminatory behaviour exhibited by frontline services. This guidance should be published by July 2023.

Response: Accept

One of the key mechanisms for delivering the VAWDASV (Wales) Act 2015 is the National Training Framework (NTF). Those experiencing VAWDASV access a range of public services for many reasons such as housing, healthcare and education. These services must provide referral pathways to support for victims. The National Training Framework offers proportionate training to strengthen the response provided across Wales to those experiencing these issues. It sets out ambitious and clear expectations for training standards, outcomes and content on VAWDASV. All levels of staff within groups 1-6 identified within the National Training Framework have a responsibility to undertake training. We will be undertaking a review of the National Training Framework in 2023 and can commit to ensuring that issues relating to migrant women are considered during this process

Recognising that cases of VAWDASV have been more complex and at increased risk as a result of isolation during the pandemic, additional specialist training was commissioned during this reporting period for both relevant authority and non-relevant authority staff who come into contact with victims and perpetrators in their day-to-day roles. This additional training covered working with victims of honour-based abuse; male victims; and identifying and working with perpetrators of VAWDASV. Offering this additional specialist training to non-relevant authority staff has also resulted in a wider range of professionals being better able to identify and respond to VAWDASV.

Seeing the person and their needs before their immigration status is a fundamental aspect of the Nation of Sanctuary approach. It is crucial that local authority officers seek to identify what they can do to help someone in need, even if more common methods of help are unavailable because of the NRPF condition.

We set out some recommendations in the NRPF Guidance, one of which was for local authorities to embed this concept in their induction and training of staff.

Financial Implications – None

Recommendation 10

The Committee recommends that:

The Welsh Government should use the new data available through the Equality, Race and Disability Evidence Units to establish baselines to inform future monitoring and targeting of advice and services. This work should be carried out within the next six months.

Response: Partially Accept

The Welsh Government will aim to use robust data to inform future policy development, in line with best practice for evidence-based policy-making. Whilst the Equality, Race and Disability Evidence Units do not currently hold any new data, VAWDASV policy officials are keen to work closely with Welsh Government analysts

to understand how data already held can be developed and implemented to enhance the evidence base available across Government, in particular relating to VAWDASV.

A mapping exercise would be required to determine what data are held by services. Welsh Government may then be able to acquire such data, only if data sharing agreements can be implemented. Data sharing agreements would need to be developed where there is existing data, which will take time to develop and have in place to guarantee that all legal and moral considerations are taken into account. This is particularly challenging when there is no legislative requirement that demands particular data are to be shared with Welsh Government. This work is likely to take longer than the six-month period recommended.

Financial Implications – None

Recommendation 11

The Committee recommends that:

The Welsh Government should set out how it plans to ensure that when collecting data on migrant women, they have a clear understanding of what is happening with their data, and how it will inform future decision-making.

Response: Accept

The Welsh Government analysts and policy officials will be working with a range of stakeholder groups to build trust and involve people throughout both the data collection and decision-making processes.

The Welsh Government will ensure that data collected by its funded services are compliant with [General Data Protection Regulation \(UK GDPR\)](#) and ensure those services issue privacy notices to inform people who access their services to understand the use of their personal and special category data. As part of [UK GDPR](#), data controlled by the Welsh Government must be accompanied with Privacy Notices that cover both what is happening with an individual's data and how their data will inform future decision making. When providing migrant women with Privacy Notices within our services and evidence, officials will ensure that any Welsh Government Privacy Notices are in an appropriate language to ensure a clear understanding.

Financial Implications – None

Recommendation 12

The Committee recommends that:

The Welsh Government, in partnership with the Police and local authorities, should take steps through guidance to address concerns about the relationship between data sharing and survivors' willingness to seek support. This guidance should be

shared widely with specialist organisations, community groups and the wider public and should be made available in different languages.

Response: Accept

Policing and Immigration are non-devolved services in Wales. Within the limitations this imposes, the Welsh Government will work with both devolved and non-devolved partners to understand the issues around data sharing and the impact on migrant victims. These points will be explored as part of the ongoing collaborative work to tackle VAWDASV in Wales, with the aim of agreeing and implementing appropriate action to increase survivors' confidence to seek support.

Financial Implications – None

Recommendation 13

The Committee recommends that:

The Welsh Government should establish a firewall which restricts the sharing of data between agencies on those who seek support for Sexual and Gender Based Violence.

Response: Accept in principle

We understand the importance of sometimes sharing data between governmental departments and public services to deliver better outcomes for people. However, it is also clear that in some cases pertaining to VAWDASV, data sharing can be a barrier to people accessing services and support. As many organisations that hold data are not devolved, Welsh Government cannot independently set out a data firewall. However, building on recommendation 12 we will work with partners to establish opportunities to improve current processes. All agencies, including police forces, are governed by [UK GDPR](#), with the Information Commissioner quick to raise and deal with any breaches of data security.

In line with Recommendation 12, Welsh Government will work with both devolved and non-devolved partners to understand the issues around data sharing, the impact on migrant victims and consider options for a firewall to restrict the sharing of data between agencies. **Financial Implications – None**

Recommendation 14

The Committee recommends that:

The Welsh Government should include the Welsh Refugee Council on its National Partnership Board.

Response: Accept

The Ministerial-led National Partnership Board will lead the governance for the blueprint approach to delivering the objectives set out in the VAWDASV National

Strategy 2022-26. Officials will invite the Welsh Refugee Council to appoint a representative to join the board, to ensure the needs of migrant women are embedded across the objectives.

Financial Implications – None

Recommendation 15

The Committee recommends that:

The Welsh Government should amend its Strategy on Violence against Women, Domestic Abuse and Sexual Violence for 2022-26 to include a section which deals specifically with the needs of migrant women and children and those subject to the No Recourse to Public Funds.

Response: Accept

The Welsh Government published its five-year [VAWDASV National Strategy](#) on 24th May which was developed alongside a group of key partner organisations including the police, specialist sector and survivors. The Strategy sets out the overarching objectives that the Welsh Government will deliver in partnership with stakeholders to progress the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

Supporting migrant victims of VAWDASV, including those with NRPF, is already addressed in the strategy as a key priority deliverable within our delivery plan, which highlights how Welsh Government will “*Continue to work with UK Government and other partners to find appropriate solutions to meet the needs of survivors of VAWDASV with no recourse to public funds due to immigration status in line with Welsh Government’s Nation of Sanctuary Action Plan*”. This will continue to be a key policy focus over the next four years and any changes to the Strategy will be considered as part of the Strategy Workstream Considerations.