



**domestic
abuse
commissioner**

Domestic Abuse Commissioner for England and Wales

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Rt Hon Ed Argar MP
Minister for Victims and Sentencing
102 Petty France
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CC:
Alex Chalk KC MP
Lord Chancellor and Secretary of State for Justice
102 Petty France
London SW1H 9AJ

7th September 2023

Dear Rt Hon Ed Argar MP,

RE: The Victims and Prisoners Bill: Data for the Duty to Collaborate

It has been a pleasure working with you, and your Department, to develop the Victims and Prisoners Bill to ensure that the Bill works for all victims and survivors of domestic abuse. I have appreciated the meaningful engagement from the Ministry of Justice and there is a clear demonstration in the recent policy changes that the input from my Office is being taken seriously. I sincerely thank you and the Department for this.

As you know, the Victims and Prisoners Bill marks a monumental opportunity to improve access to support and services for victims and survivors of domestic abuse and my office is working across the sector to create a viable proposal to ensure consistent provision of services. The mapping report published by my Office last year, [‘A Patchwork or Provision’](#) demonstrated a huge discrepancy in provision of services across England and Wales, and an acute lack of funding, particularly for ‘by and for’ services.

However, as the Bill is currently drafted, I remain significantly concerned that the Duty to Collaborate within the Victims and Prisoners Bill would not have meaningful impact, nor achieve any aims of making a sustainable sector, if there is not a duty to conduct Joint Strategic Needs Assessment (JSNAs). I encourage your Department to be ambitious and amend the Duty to Collaborate in order to ensure that we do not waste an opportunity to improve the system response. Victims and survivors deserve at very least to be seen and their needs understood, where we have this opportunity to do this, and therefore provide a more co-ordinated and targeted response, we should not hesitate in doing so.

Ahead of our next meeting in late September, I wished to write formally to you and share my reflections on the need for JSNA as well as a Duty to Produce a National Statement in order to aid our discussion.

Joint Strategic Needs Assessments

Part 4 of the Domestic Abuse Act made great strides forward by placing a duty to plan and provide accommodation-based support for victims and survivors of domestic abuse including their children. This included identifying and assessing the needs of victims and survivors for this duty. However, there is no such duty for other essential community-based services (CBSs). Community-based services such as counselling, therapeutic support, and advocacy are vital for survivors to help them find safety and cope and recover from abuse. Community-based services also support the functioning of statutory services, including criminal justice agencies.

For victims of domestic abuse accessing support, 70% of them will do so via community-based services, with the vast majority never spending time in refuge accommodation according to Safelives; Women's Aid's annual survey reported that in a single year 187,000 children and 156,000 women were supported by community-based services; and Refuge's recent 'local lifelines' Report found 95% of survivors supported by Refuge use community-based services.

In addition to this, the findings from my mapping found most victims and survivors wanted some form of CBS support, for example 83% wanted counselling and therapeutic support; 74% wanted 1:1 support (e.g. a case worker); and 65% wanted mental health care.

It is clear that there is need for a range of community-based services and the Duty to Collaborate will be a positive step forward in helping co-ordinate the response.

However, victims and survivors are diverse, and their needs are diverse. Community-based services include advocacy, therapeutic services and counselling for victims and children, access to helplines, practical advice, perpetrator interventions and support through the criminal and family courts.

But too often their needs go unmet. My mapping found a huge discrepancy in provision of services across England and Wales, and an acute lack of funding, particularly for 'by and for' services:

1. Fewer than half of survivors were able to access the community-based support that they wanted, and only 35% said accessing help was easy or straightforward.
2. Just 29% of survivors who wanted support for their children were able to access it.
3. Only 7% of survivors who wanted their perpetrator to receive support to change their behaviour were able to get it.
4. 23% of survivors who wanted help to stay in work were able to get it.
5. 27% who wanted help with money problems or debt got it.
6. Over one-quarter of domestic abuse services were forced to cease some services altogether due to lack of funding. For 'by and for' organisations, this rose to 45%.

My mapping has also highlighted how effective and critical these services are in supporting victims and survivors of domestic abuse.

The Duty to Collaborate as currently proposed will make some incremental progress in responding to this patchwork of provision by bringing together the key partners to develop a strategic response to respond to adult and child victims' and survivors' needs. I welcome this, but as you know, I do not believe this alone will bring about sufficient improvements in the provision of support, which is desperately needed.

Ensuring consistency, while retaining local flexibility and reducing burdens on duty holders will be critical.

Any local strategy must be based on robust evidence and an understanding of the needs of their population, and therefore I strongly recommend including requirements for a Joint Strategic Needs Assessments as part of the Duty to Collaborate. Without such a requirement, I fear any duty will fall short of what is required. I see no reason why the inconsistency in service provision exposed by my mapping research would not be replicated in the development of local strategies and am unclear about how the Government would ensure consistently effective local strategies or be confident that local strategies were evidence-based in the absence of JSNAs.

Requiring JSNAs (with clear national guidance on what evidence should be used) would ensure consistency in the use of good, robust evidence to inform local strategies. It would require local areas to collect consistent data to inform their strategies, and this information (in the JSNA) be reported back to central government. Each area will be unique, and this should be reflected in their JSNA.

This should also reduce burdens as much as possible and make use of information already available to duty holders, and many areas will not need to produce additional needs assessments. Many areas will not need to collect any new data; indeed, Serious Violence Prevention Duty holders are largely collecting data on domestic abuse as part of their needs assessment for that duty, which could be utilised. Where areas do need to collect new data, I would suggest that this is utterly necessary, and would question how duty holders could develop an effective local strategy in the absence of it. The work of my office in our national mapping should also give a good indication of what survivors want and need; the evidence is out there, it just needs to be used.

As without a clear picture of the detail contained within a JSNA we significantly risk a generic response, which misses opportunities for targeted, effective, bespoke commissioning and leaves us with a continuation of business as usual. This is critical as we often rely on non-statutory funded organisations, such as many ‘by and for’ services to provide the tailored support for those with niche needs. As I laid out above, and in my mapping report, such organisations are not enabled to become sustainable due to short term contracts and insecure income – meaning many areas have no such support, worsening the patchwork across England and Wales.

Practical improvements in commissioning at the local level

As we know, community-based services receive funding often from a combination of the PCCs, local authority (and different departments within them such as housing, community safety, public health, etc), county council, safeguarding partnerships, integrated care boards, national government funds, trust and foundations, and so on. This in itself generates burden and costs through grant identification, bidding, and reporting, in addition to insecurity by managing multiple different, often short term, grants. It is important for both community-based services and statutory agencies to have an improved and streamlined provision of funding across these bodies in order to reduce burden and increase sustainability.

Furthermore, from the perspective of the duty holders, without alignment through a JSNA it is difficult to create harmonisation and synchronization across the duty holders which means we remain with:

- Differing timescales for commissioning;
- Differing level of clarity of the funds they have available and for how long;
- Differing decision making structures and timescales for decision making;
- Continuing to inhibit sustainability in the longer term and remaining with short term, flexible funding timescales;
- A continued absence of shared understanding and vision for what to commission (i.e. the most effective perpetrator work to commission).

By including a requirement in the Duty to Collaborate for multi-agency JSNAs that read across agency boundaries and look at the population of a place as a whole, many of these issues are alleviated and can be achieved in a cost-neutral way. The implementation of JSNAs will naturally strengthen governance arrangements for multi-agency working. Furthermore, and most importantly, JSNAs are a more meaningful and strategic way to improve access to support for the people who need it most.

My Practice and Partnerships Team have identified some areas of practice where this takes place which they will share with your Department. In these cases with JSNAs we have further joined up and improved commissioning, including joint commissioning. It can be done, but it is rare and inconsistent and without direction to draw from a JSNA product we remain with a patch work of provision.

Opportunities for National Government and local accountability

A shared understanding of local need is not possible without JSNA's, or an existing product/needs assessment which fulfils the principles for a JSNA under the Duty to Collaborate. The different bodies and different need assessment products which the Ministry is currently considering for an understanding of local need for local areas to base their strategy on would be like picking apples to pears – leading to inconsistency across geographic areas or accountability when comparing areas.

It will not just make it hard to have consistency and accountability but will fundamentally let down victims and survivors who are not captured in existing products which are not designed to be encompassing of the whole system across all duty holders. Without JSNA, or principles for existing needs assessments to meet the threshold of a JSNA for the Duty to Collaborate, these local responses will be inconsistent, unaccountable, and inhibited.

An approach to only have a shared understanding of local need and not clear guidance to formulate a JSNA, or improve an existing product/needs assessment to meet the threshold of a JSNA for the Duty to Collaborate, will lead to inconsistency and therefore a lack of accountability in the following ways:

- 1) Each local collaboration partnership could have vastly different data pictures from each period of refreshing the strategy locally depending on what data is available to hand. For example, they may change which data sets they use the next time they refresh the Duty. It is important that the goals posts are not shifted during each review by hopping to different data sets, but instead are pinned down from the start and added to with additional data when identified to improve the picture.
- 2) JSNAs also ensure that duty holders are all working to one shared understanding of local need, which will aid collaboration further. A JSNA assists in drawing all partners

in to collaborate and power share due to the joint responsibility, a common product to draw direction from, and being a key part of the response for victims and survivors.

- 3) Linked closely point 2, the **JSNAs also holds all duty holders to the same picture, encouraging collaboration**. Due to the shared JSNA which all duty holders are accountable to, there would be **improved co-operation to pool resources** and stronger cases for unlocking of financial resources across the duty holders. Financial officers within each duty holder will be naturally resistant on approving new spend on data which their body has not examined or brought into. The JSNA will provide a clear case of need and ties each duty holder to it.
- 4) Further, the JSNA's public accountability enables the local electorate to hold their duty holders to account for their provision of domestic abuse services and the impact that they have had. The public will struggle to hold their local commissioners to account as the baseline data sources will vary across geographic areas and they won't have a clear and robust evidence base of need to review in order to see if local strategies speak to this picture effectively. Making it difficult to understand how effective the duty is being implemented or be able to compare to other geographic areas.
- 5) Not only for local accountability, but for ensuring that the local response truly speaks to local need we must ensure duty holders are strategically bringing data together from a range of sources, with a consistent basis, to deconflict, analyse, and all collectively agree to a joint understanding of need in detail to ensure that there is not a generic response, but a specialised one.
- 6) JSNAs also provide national government (as well as regulatory bodies or public appointees like the DAC or Children's Commissioner) with the ability to **monitor consistently the impact of commissioned activity and value for money**. The success of this duty relies on making **strategic investments that are impactful**. The JSNA's will **improve evaluation of success of the strategy** by having a consistent baseline of data, as well as enabling more tailored commissioning that responds to the diverse needs of any local area. Enabling a strong understating of the best value for money for future investment by reviewing commissioned activities impact on the baseline data.

Without having clear thresholds and a requirement to combine, examine, and analyse the data, we risk considerable inconsistency in the quality of local strategies, and thus the provision of support. This inhibits measuring success; evaporates local accountability for the public, and also other duty holders; and allows for an incoherent duty which commissions on available data, rather than sustainably through robust evidence.

National monitoring, effectiveness, and value for money

Local inconsistency across geographic areas also presents an issue for national government. It will prevent a national picture being drawn together to monitor the support victims and survivors receive. This means:

- a. **It is difficult for national government to measure and compare success of the duty** in response across local areas, stopping the identification of best practice, or identifying consistent systemic or structural failings.
- b. **Consistent data being captured across geographic areas is incredibly valuable in monitoring the success and impact of national policies** in responding to domestic abuse and sexual violence.

- c. **It will make it extremely difficult to draw data from local areas to inform future spending reviews and strategic investment from national government.** Absence of some data sets may present gaps in some areas which don't capture relevant data, meaning they wrongly get investment compared to areas which do appropriately gather such data. Some community's needs will also be missed.
- d. **We know some minoritized communities will obtain support through independent community-based services, but not touch statutory bodies. Where such data beyond the statutory bodies existing data on their engagement and provision is not appropriately sought and gathered, the needs of such communities become invisible. Again inhibiting national strategic investment which may be seeking to respond to such communities' needs.**
- e. **It will allow duty holders to flex their funding across them to meet need.** Funding through and with statutory bodies can often be ringfenced to specific activity, reducing the ability to be flexible to local need. A JSNA, with all partners invested, can allow them to think creatively across funding streams as well as streamline grants to local services – preventing multiple small grants across the duty holders which currently reduces service delivery capacity due to multiple grant bidding and compliance. Such agile funding approaches, also allows new and emerging gaps to be plugged quicker when they arise across the duty holder.

I am of course aware that your Department receives data from PCCs, and other departments will be receiving data from other duty holders. However, this data does not include services which do not receive statutory funding, which disproportionately affects more specialist 'by and for' services. Nor does this data de-conflict across the statutory bodies and present collective and complete pictures of need and diversity of survivors at local levels. This leads to many of the issues already discussed and prevents government's responsibility to resolve gaps identified across the nation.

To further stress, JSNA enable the local tailoring of the response from the Duty to Collaborate, because it provides the local picture. But also allows a consistent measurement of success, like government already does across a range of issues, such as for ambulance waiting times, in order to support government to inquire and assist.

Bringing domestic abuse to the same level of priority as serious violence

All of the above points demonstrate why the needs assessments are a critical backbone of any sustainable and evidence-based local multi-agency strategy for supporting victims and survivors of domestic abuse. The Government already accepts this principle on other priority issues.

For example, they are a key element of the Serious Violence Duty. As the Home Office states, it helps local partners to identify people and groups who are most vulnerable to being or becoming victims or perpetrators of violence. It also increases the understanding of the types, distribution and extent of violence in the local area. The findings are used by local partners to collectively form a strategy containing specific recommendations for action. It is quite likely much of the data and analysis for the serious violence elements of the Duty to Collaborate can be captured and drawn from the Serious Violence Duty.

However, we should be mindful that the Serious Violence Duty in the local area may not include the optional elements of domestic abuse and sexual violence in their definition of serious violence – meaning some areas may draw this data where it is included. However, the data may not be of detail or depth compared to the serious violence for domestic abuse and sexual violence. But for areas where domestic abuse and sexual violence data is not captured in the Serious Violence Duty's need assessment – without a JSNA in the Duty to Collaborate and without clear principles around the baseline of data expected, there will be differing quality and detail of data across areas.

It is a shame to see the importance of needs assessments recognised in the Serious Violence Duty, but not for supporting victims and survivors of domestic abuse.

My worry is that we continue to prioritise the public sphere (such as through the Serious Violence Prevention Duty) over more frequent crimes which take place primarily in private, such as domestic abuse, sexual violence and child sexual abuse. This is despite a recognition that domestic abuse costs a now estimated £74bn a year. Historically, crimes that take place in private (as well as crimes that predominantly affect more marginalised people) have been minimised and overlooked. It is time their devastating impact was truly recognised, and that victims deserve to be supported and on the same footing as if they had been a victim of crime in a public place. I would not want the Duty to Collaborate in the Victims Bill to be another example of this – where a public space Serious Violence Prevention Duty, which through its intervention and prevention approach will provide some support for victims of serious violence already, is backed up by strategic needs assessments whereas the Duty to Collaborate that requires consideration for victims of domestic abuse and sexual violence is lacking.

Bringing domestic abuse to the same level of serious violence has positive cultural impacts at the local level as well, including aiding when cases are recognised and then directed appropriately in MARAC's or specialist courts.

Drawing from existing data

I am also keen to discuss how the data and products can be streamlined across duties to reduce burdens on local duty holders. Particularly being mindful of the products/needs assessments produced from both Part 4 and the Serious Violence Duty, the latter will have data on victims and perpetrators across the board for serious violence, and likely for many areas domestic abuse, although it is optional – such data, or existing needs assessment products, would be sensible to feed into the JSNA, or to build on to develop a product that fulfils the criteria laid out, as well as assessment from Health and Wellbeing Boards and Community Safety Partnerships. Where data pre-exists, the duty should draw from those existing sources. We of course should look to synthesise such work and maximise the utility of any product across the existing work taking place at the local level. I wish for us to take an approach which prevents duplication, or multiple resources being used to harness the same information, alignment across duties and reduction in resource demands and cost is the optimal approach.

However, there must be a consistent baseline of expectations for duty holders, and where they do not have the data, they must set up the right structures to obtain it in order to deliver a JSNA for the duty or building on an existing product/needs assessment to meet the standard of a JSNA. This also must include reaching out to services which do not receive statutory

funding, and private and third sector funders, to help build a more detailed and holistic picture of need and provision. Duty holder must also pull together the data, and de-conflict and analyse to ensure there is a collective picture of evidence of scale, need, cohorts, and gaps in provision rather than multiple sources of data unhelpfully mashed together.

I recognise that for many local areas this ask would not be complete quickly, nor at low cost. It is important that the Government provide adequate funding to duty holders to ensure successful delivery on high quality JSNAs.

Costs

To reflect on the costs of new needs assessments, we can look at Part 4 of the Domestic Abuse Act and also the Serious Violence Duty (SVD).

Although my Office does not have the exact administrative costs of the Part 4 Duty, which relates to the provision of support to victims and their children within safe accommodation. What I can compare is that no tier 1 local authority received less than £63k in 2021-22 for administrative costs of Part 4, (the cost of the minimum FTE required to fulfil the statutory duties). If we multiply against all Tier 1 Local Authorities in England we receive **a minimum estimate of £8.064m for administrative costs for Part 4 at Tier 1 level**. This does not include the provision to Tier 2 authorities, nor that fact that £64k was the minimum bar. As this is local authorities alone – without looking at the requirements that the new duty to collaborate would place on PCCs, ICSs, and other commissioners. We may expect that the administrative costs of an effective Duty to Collaborate to be higher.

However, as another form of comparison, the administrative costs of the SVD, which was based on Violence Reduction Unit data, and held a similar scope of inclusion in terms of partners, needs assessment, and strategy, estimated £121.5k in labour costs per PCC. If we multiply that by all forces in England we get **an estimate administrative cost of £4.738m for the SVD**.

Of course, these figures should not be the direct basis of the MOJ's costings for the Duty to Collaborate, however, they highlight a costings range for consideration. **However, if we look to build on existing needs assessments, such as these two duties, and work to sequence and harmonise them in timings and production, the additional cost would be an initial injection to establish this. The money previously and currently within the system would be more impactful and we would expect to prevent, or potentially even reduce, burned and therefore costs.**

Through this, we must also be mindful there will be costs on the sector in providing data to inform JSNAs. Such costs must be included in the funding to deliver JSNAs.

This investment is critical and will save money long term. An improved understanding as already stressed leads to more strategic and impactful commissioning, which achieves the best value for money in terms of investment. But furthermore, the stronger the response to domestic abuse, the more we save in social and state costs. As Women's Aid Federation England found in their report earlier this year, every £1 spent will provide a saving of £9 for the public purse.

National Statement

I was pleased to hear during the Committee Stage of the Bill that there will be a national oversight group to monitor the implementation of the Duty. Your officials have kindly offered to engage with my Office on how this oversight group may be structured in order to maximise the outcomes of the Duty and my Office will ensure we share lessons from wider duties which have been implemented in recent years, such as Part 4, including how this Duty could have more robust accountability measures.

However, I would like to take this opportunity to strongly encourage you to consider a Duty on National Government to conduct a National Statement. As you mentioned in at Committee Stage, the MOJ receives data from PCCs. However, this does not include data from other duty holders, nor does it bring up data from services which don't receive statutory funding, meaning you miss a large portion of the picture and therefore miss great opportunities.

A National Statement which is produced in a routine cycle, the year after local JSNAs and Strategies are published would:

- Develop a national picture, based on robust and consistent evidence, to identify volume, trends, needs, and gaps to inform future government policy.
- Without clear and consistent data feeding into the national statement, we will not be able to create a clear picture of need of the most minoritized in society, seriously inhibiting national government's ability to respond to gaps in provision.
- Assist government in providing strategic long-term investment based on this evidence, reducing short term identification of issues. This product would provide the evidence needed to make resourcing decisions at a national level, and inform value for money considerations during spending rounds.
- Identify best practice to highlight and share, while also identifying thematic issues for duty holders to learn from and poor practice to avoid.
- Increase assurance of appropriate delivery of the Duty due to reviewing JSNA and Strategies produced by local duty holders.

A National Statement would truly embed a requirement to future governments to take domestic abuse seriously as a national priority. It would ensure routine conversation on how we are progressing in our response to domestic abuse, at appropriate intervals - when we can ensure there has been enough time to see impacts from investment and activity.

The resourcing for the national statement would naturally sit across any oversight group, and the data would be readily available through JSNAs and Strategies provided by local areas, and could cover the totality of the duty.

I look forward our meeting and for what I am sure will be an engaging and fruitful discussion. It continues to be a pleasure to work closely with you and I value your efforts to ensure that victims and survivors are supported through every opportunity.

Yours sincerely,

Nicole Jacobs



Domestic Abuse Commissioner for England and Wales