

Crime and Policing Bill: Commons Report Stage

Briefing from the Domestic Abuse Commissioner

About the Domestic Abuse Commissioner

The Domestic Abuse Act 2021 established the Office of the Domestic Abuse Commissioner (DAC), to provide public leadership on domestic abuse issues, play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales and promote best practice, including in multi-agency working.

The role of the Commissioner is to encourage good practice in: preventing domestic abuse; identifying victims and survivors, and perpetrators of domestic abuse, as well as children affected by domestic abuse; and improving the protection and provision of support to people affected by domestic abuse from agencies and government.

Domestic abuse and the Crime and Policing Bill

As identified in the Commissioner's recent report on the criminal justice response to domestic abuse, [*Shifting the scales*](#), victims and survivors of domestic abuse are being failed by the criminal justice system at every stage – from police to probation. Although the police receive a domestic abuse-related call every 30 seconds, only 5% of all police-recorded offences reach a conviction – and the vast majority of victims don't feel confident to report to police in the first place.

The Crime and Policing Bill will begin Report Stage in the House of Commons on 17 June 2025. The Bill has an opportunity to significantly improve the criminal justice response to domestic abuse, including within policing's own ranks. The Commissioner welcomes the Bill's provisions to improve the criminal justice response to stalking and to strengthen the IOPC's role in the police misconduct process.

However, as it is currently drafted, the Bill falls short of making the change the Commissioner believes is needed. This not only risks missing a key legislative

opportunity in the Government's ambition to halve VAWG in a decade, but also risks letting down the millions of victims of domestic abuse who deserve a robust criminal justice response, no matter who they are or where they live.

In particular, the Commissioner maintains concerns regarding the drafting of key provisions such as the duty to report child sexual abuse, as well as significant gaps in safeguarding migrant victims of domestic abuse.

Summary of recommendations

The Commissioner therefore recommends that:

In relation to migrant survivors of domestic abuse –

- The introduction of a complete data-sharing firewall between statutory services and Immigration Enforcement, to ensure victims and survivors feel safe to report and to hold perpetrators to account.

In relation to the duty to report child sexual abuse –

- Exemptions are strengthened, to ensure that the confidentiality of services is protected and the basic forms of support – such as listening to a victim and fostering a sense of choice – remain.
- Specialist services are adequately invested in to ensure all children who report can access the support they need.
- A nuanced approach to criminal sanctions for failure to report is taken, with criminal sanctions only in place where there are clear abuses of power or where a report has been obstructed.
- Training and resourcing are implemented to ensure that staff subject to the Duty are trained in trauma-informed practice, are confident in responding to a disclosure or signs of child sexual abuse, and know how to act in the best interests of the victim in order to keep them safe.
- Non-recent cases are exempt from the Duty, unless it is the wish of the survivor that it is reported or there is a safeguarding need to refer to an authority.

These issues are explored in further detail below.

Migrant survivors of domestic abuse

The Commissioner has been clear through her series of *Safety Before Status* Reports that perpetrators utilise victims and survivors' immigration status to retain control and inflict further abuse – known as immigration abuse.¹ This includes threats of deportation and separation from their children if they report abuse. This is corroborated by data from Imkaan which shows that more than 90% of abused women with insecure immigration status had their abusers use the threat of their removal from the UK to dissuade them from reporting their abuse.²

Despite these significant risks, public services can share information about a victim with insecure immigration status with the Home Office, which may result in immigration enforcement action. Data shared with the Commissioner in 2023 revealed that every police force across England and Wales referred victims of domestic abuse to Immigration Enforcement in the three-year period from April 2020 to March 2023.³ As such, survivors with insecure immigration status are not only fearful of reporting to police and other statutory services due to fears of deportation, but this fear is used as a tool by perpetrators to continue offending, with them often destroying documentation or purposely causing a survivor's status to become insecure.

The Commissioner welcomed the cross-party support shown for the introduction of a firewall between immigration enforcement and statutory services in the Lords during debate on the Victims and Prisoners Bill last year, and would strongly welcome the resumption of support for this critical issue.

Duty to report child sexual abuse (Mandatory Reporting)

The Commissioner supports Mandatory Reporting, recognising the value of the work of the Independent Inquiry into Child Sexual Abuse (IICSA) and the input of the survivors who gave their testimonies as part of the Inquiry. The Commissioner is pleased to see that in this draft of the proposed Duty, Government has listened to and alleviated many of the previous concerns of survivors and organisations providing support. However, the Commissioner still has some concerns with the current drafting of the Duty in the Bill

¹ <https://domesticabusecommissioner.uk/wp-content/uploads/2022/12/Safety-before-status-The-Solutions.pdf>.

² <https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/61e6a6236285992a0aca6f0c/1642505778651/2012+-+Imkaan+-+Vital+Statistics+Two+%28Low+res%29.pdf>.

³ https://domesticabusecommissioner.uk/wp-content/uploads/2023/11/FINAL-DOC_Firewall-Report_2023_V2.pdf.

and is clear that changes must be made to ensure Mandatory Reporting does not have serious unintended consequences for victims and survivors of sexual abuse.

Confidentiality of specialist services

A Mandatory Reporting Duty must not have the unintended consequence of silencing victims, out of fear of repercussions from authorities. Any introduction of Mandatory Reporting must maximise disclosures, rather than inhibit disclosures and this must be done by protecting the confidentiality of specialist services.

For many victims, the independence of services provides a less daunting arena to disclose, unlike approaching statutory services such as the police, those in educational settings or social care. Moreover, research from my recent mapping exercise found that confidentiality and the independence of services from the state was of critical importance to victims and survivors of domestic abuse. Helplines like Rape Crisis provide a safe, confidential space for victims to talk about their experiences, but do not mandate victims to share personal details which may identify them, thereby creating a trusting professional relationship where personal details can be obtained at a later point.

These services also report that children disclose abuse iteratively and want to establish trust before making a full disclosure, which is why confidential services are necessary. For these services to operate, it is always made clear to the child at the outset that if there is a concern for their safety, and that reporting the abuse to an authority is in their best interests, that they are obliged to make the report, as per current safeguarding duties. It is this individual judgement and assessment of safeguarding risks that are at the centre of practitioner and child relationships that foster a trusting environment.

With the introduction of Mandatory Reporting, the landscape of confidential specialist support would change, as the choice and consent of a victim would be deprioritised, as would the principle of professional discretion to determine the best course of action for the victim. Instead, it may be the case that services like Rape Crisis have to enforce the sharing of personal details at the outset, in order to make an immediate report. This is highly likely to deter victims from referring to the service or making any disclosure.

This is evidenced from conversations with young people. IICSA's own research, with 56 children and young people who were victims of CSA, has shown that the majority of young victims and survivors said they thought the introduction of a mandatory reporting scheme would prevent children and young people from disclosing abuse, out

of fearing a loss of control over the situation, loss of confidentiality and a resulting fear of rejection by family and friends because of reporting the abuse. This is concerning.

A Mandatory Reporting Duty may deter victims from accessing support and have the perverse effect of fewer cases being brought to justice, due to fears of disclosing. Children may be left holding experiences of abuse on their own, feeling unable to disclose due to fear of being disbelieved, losing choice and control due to automatic reporting, or being subject to further abuse if a perpetrator is made aware of the disclosure and report. If a Mandatory Reporting Duty is to be implemented, the confidentiality of services must be protected and the basic forms of support – such as listening to a victim and fostering a sense of choice must remain.

Role and availability of specialist support

If Mandatory Reporting is brought in alongside the current landscape of support that is in place for child victims of abuse, this will be extremely detrimental to the wellbeing and safeguarding of these children and there will be no meaningful positive impact.

For Mandatory Reporting to work, it must be supported by a strong multi-agency response whereby victims receive appropriate support, action is taken and perpetrators are held to account and brought to justice. It can be incredibly retraumatizing for a victim to go through the Criminal Justice System, especially considering the shocking attrition rates for child sexual abuse cases and successful charges in just 10% of CSA cases. It is therefore absolutely vital that there is appropriate support for victims at every step of the journey post disclosure and report.

However, the current landscape of support for sexual abuse services does not reflect the capacity that will be required post implementation of the Duty. Professionals want to act in the best interests of the victim, and through experience working in this sector will understand the fear of police involvement for victims, and the lifeline that support services can offer.

In order for professionals to feel confident in the Duty and that making a report is in the best interests of the victim, there must be an increase in capacity of services to support the victim for as long as they need it, in a way which best suits their needs. For those working in the child protection sector, there are already high caseloads, increasing responsibilities and a lack of funding.

The Commissioner's mapping revealed that for victims and survivors of domestic abuse, just 29% of those who wanted it were able to access support for their child. More recently, [*Victims in their own right?*](#) found that just one-in-five services for children had secure funding arrangements, with the majority facing significant funding precarity.

When asked if they had stop delivering a domestic abuse support service for children in the last five years, twenty-nine per cent of organisations reported that they had to cease a specialist domestic abuse service that they had previously offered to children. A similar proportion (27%) said that they had to absorb some or all of the costs of the service to continue to deliver the service.

This funding precarity has significant impacts on the support that children will receive:

- Over half of the services surveyed said they'd had to place children on waiting lists due to the number of referrals they were receiving. The research found that forty-five per cent of children have to wait over a month – which for a child in crisis may feel unimaginably long, and they may not understand why.
- Over a quarter of services said that they have to turn away referrals entirely
- Over a quarter of services surveyed had to make a difficult decision to stop providing specialist support to children due to resource constraints.

Through the introduction of Mandatory Reporting, there will be a notable increase in referrals to both specialist services and statutory services, which will have wider impacts such as higher caseloads and staff burnout. All of this combined will mean that with no further resource, contact attempts and disclosures made directly from victims may be missed. Should Mandatory Reporting be brought in, we can expect to see a spike in referrals concerning suspected child sexual abuse which are unfounded, due to fears of organisational and/or individual criminalisation from not reporting.

If Mandatory Reporting is brought in without significant investment into support services, children will be propelled into a system without access to specialist support, where there are extensive waiting lists due to a systemic lack of funding.

Criminal sanctions in cases of not reporting

It is the Commissioner's view that it would only be appropriate for custodial sentences or fines to be used when there are clear abuses of power, and where a report has been obstructed and this was clearly not in the best interests of the victim. Similarly, where there has been deliberate concealment or cover up from an institution or individual, this is a case for criminal sanction.

However, there must also be protective measures for reporters in these cases, and a thorough, independent investigation must take place to establish the facts and ensure that organisations are not attempting to blame an individual for cover up or concealment, where there are wider and more deep-rooted issues.

Similarly, it is the Commissioner's view that it is wholly not appropriate to enforce any kind of criminal sanction where a report has not been made, due to:

- a) The reporter facing threats of, or abuse from, the same perpetrator or people known to the perpetrator if they make a report;
- b) The report not being made as this was not what was most protective for the victim;
- c) The report not being made due to capacity or resourcing issues within the organisation;
- d) The report not being made as they did not spot signs of child sexual abuse.

Training for professionals in scope of the Duty

If a Mandatory Reporting Duty is to be implemented, it is absolutely imperative that it is backed up with the necessary level of training and resourcing to ensure that staff are trained in trauma-informed practice, are confident in responding to a disclosure or signs of child sexual abuse, and how to act in the best interests of the victim which keeps them safe.

Identifying and appropriately responding to child sexual abuse is difficult and not all those who work in statutory and non-statutory services have the competence to do so, as a result of a lack of effective training and heavy caseload. In order to deal effectively with disclosures, there must be appropriate resources and training on trauma-informed practice readily available.

This training would also need to be backed up by agreed multi-agency referral pathways in cases where there has been a disclosure, supportive cultures around reporting for staff and robust supervision.

Without the right level of training or lead-in time for implementation, we can expect that there would be a spike in reporting, as fears of not reporting and a potential criminal sanction may lead to early reporting. As a result of a higher number of reports, without the capacity in place to meet demand, more serious cases may be missed and

harmful myths about false allegations may be reinforced if some reports lead to no outcome.

Non-recent child sexual abuse

It is unclear from the proposals as to whether non-recent reports of child sexual abuse, made by adult survivors, will be subject to the Duty. The Commissioner is clear that such reporting decisions should be subject to professional discretion. If domestic abuse services are subject to the Duty, and non-recent reports are included, this creates a difficult and undesirable situation whereby a victim of domestic abuse in adulthood may disclose experiencing child sexual abuse, as a way of giving context to their experience, but is then forced into a criminal investigation about their previous traumatic experiences.

Further information

The Office of the Domestic Abuse Commissioner would be pleased to discuss these recommendations in further detail. If you are interested in doing so, please contact the Commissioner's policy team on

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