



**UNIVERSITY OF LEEDS**

**„Access to specialised victim support services for women with disabilities who have experienced violence“**

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**National Report**  
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## 2. Abbreviations

BAMER	Black, Asian Minority Ethnic and Refugee
CAADA	Co-ordinated Action Against Domestic Abuse
CEDAW	Convention on the elimination of all forms of Discrimination against Women
CIL	Centre for Independent Living
DDA	Disability Discrimination Act
ECNI	Equality Commission for Northern Ireland
EHRC	Equality and Human Rights Commission
FGM	Female Genital Mutilation
ICCPR	International Covenant on Economic, Social and Cultural Rights
IDVA	Independent Domestic Violence Advocate
MAPPA	Multi-Agency Public Protection Arrangements
MARAC	Multi-Agency Risk Assessment Conference
NIHRC	Northern Ireland Human Rights Commission
ODI	Office for Disability Issues
OP	Optional Protocol
PA	Personal Assistant
PSED	Public Sector Equality Duty
SDV	Specialist Domestic Violence
UK	United Kingdom
UKDPC	United Kingdom Disabled People's Council
UN	United Nations
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
VAW	Violence Against Women
WAVE	Women Against Violence Europe

### 3. Executive Summary

Research shows that 1 in 4 United Kingdom (UK) women experience domestic violence during their lifetimes and on average more than two women are killed by violent partners each week.

Disabled women and women with long term health conditions constitute a third of all women accommodated in refuges in the UK. Violence towards women causes impairments; there is evidence that disabled women in the UK experience a higher incidence of violence, in a wider range of settings, and that access to support services is more problematic than for non-disabled women.

The UK government has signed up to main international treaties related to violence against women and on the rights of disabled people. Government and shadow reports are submitted regularly, as required by regulations. Recent policy has increasingly recognised a wider range of types of violence and definitions have been broadened.

Disabled women who have experienced violence fall between two policy areas: domestic violence services that are directed towards women and are often inaccessible, and disability services that often do not prioritise gender-based violence.

Government policy has emphasised criminal rather than civil routes to justice and most resources have been directed towards the most serious incidents of abuse rather than prevention.

The main difficulties concern implementation of law and policy rather than the existence of formal procedures. There are contradictory policies in place: on the one hand there is recognition of and support for services that support women who have experienced violence; on the other there are funding cuts to local services that are leading to service closures. Overall there is evidence of patchy geographical coverage, with no services at all in some locations.

A number of organisations are involved in campaigning and organising to combat disability 'hate' crime. These efforts have led to an increase in reporting of incidents to the police. However it is clear that very significant under-reporting remains the norm, especially in relation to institutional abuse, where disabled women often have very few sources of support.

There are a small number of specialised services for disabled women that provide accessible support (e.g. counselling in sign language, easy language, information in Braille etc.); however these services are few and far between.

### 4. Introduction

Evidence suggests that in the United Kingdom, disabled women are two to five times more likely than men and non-disabled women to experience sexual violence<sup>1</sup>.

Based on the British Crime Survey 2007, Jansson (2007)<sup>2</sup> contends that having an impairment or limiting illness makes women increasingly vulnerable to all types of violence. Almost

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<sup>1</sup> Balderstone, S. Victimised again? Intersectionality and Injustice in disabled women's lives after hate crime and rape. *Gendered Violence: Macro and Micro Settings*. (2013, forthcoming) *Advances in Gender Research* Vol. 18

<sup>2</sup> Jansson, K., Coleman, K., Reed, E. and Kaiza, P *Home office statistical bulletin 02/07*. London: Home Office.

50% of disabled women in the United Kingdom have experienced violence during their lives<sup>3</sup>. This is regardless of other identity statuses – race, ethnicity, age, sexuality. However inadequate resources and service provision may force disabled women to remain in abusive relationships. Given this, it is important that the particular needs of disabled women affected by violence are included in laws and policies on violence and on disability. Further adequate service provision is required, both within domestic violence and disability sectors, if the situation for disabled women is to be improved.

This report reviews the main legislation and policies specific to violence against women and to disability in the United Kingdom, highlighting those that are relevant to disabled women affected by violence. It details some of the institutions and organisations in the field before moving onto identifying some of the obstacles preventing disabled women from accessing support and escaping their abusive situation. Good practice examples in the U.K are evidenced and there are recommendations for policy and service development in the disability and domestic violence sectors.

In the UK, certain powers are devolved to Scotland, Wales and Northern Ireland. Since 1997 (Wales and Scotland) and 1998 (Northern Ireland) the Assemblies of each country have had the power to develop some law and policy independently. The Westminster Parliament generally retains the power to legislate on all matters and has retained power over foreign affairs, defence and national security, macro-economic and fiscal matters, employment and social security. Therefore policies concerning violence against women are in most instances devolved competencies. In practice however, there is some ambiguity.<sup>4</sup> Since powers were first devolved there has been increasing divergence in law and policy in some areas and a further referendum on Scottish independence is scheduled for the 18 September 2014. However, there is also evidence of continuity and commonality – in many instances laws are rather similar. For reasons of brevity not all laws for each country are discussed in this report but examples of differences are provided for illustration at some points and where there is important divergence this is indicated.

## 5. Legislation on violence against women and women with disabilities

The UK government participates in reporting processes for major United Nations (UN) treaties. The points discussed below draw on government reports on progress, shadow reports, submissions from other organisations to the reporting process and independent research.

### 5.1 Applicable international and regional standards concerning violence against women with disabilities

The **Global Platform for Action** adopted at the Fourth World Conference on Women in Beijing in 1995 provides a context for UK laws and policies against violence.

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<sup>3</sup> Magowan, P. Nowhere to run, nowhere to hide: Domestic violence and disabled women. (2003) *Safe: Domestic Abuse Quarterly* 5: 15–8.

<sup>4</sup>See for example, O’Cinneide, C. *The Place of Equal Opportunities in the Devolution Settlement: a legal analysis* (2009) [http://www.equalityhumanrights.com/uploaded\\_files/Scotland/the\\_place\\_of\\_equal\\_opportunities\\_in\\_the\\_devolution\\_settlement\\_-\\_a\\_legal\\_analysis.pdf](http://www.equalityhumanrights.com/uploaded_files/Scotland/the_place_of_equal_opportunities_in_the_devolution_settlement_-_a_legal_analysis.pdf) [27.3.13]

The UK government signed the **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW) on 22 July 1981 and ratified it on the 7 April 1986. Further to this the UK acceded the CEDAW Optional Protocol (OP) on the 17 December 2004 and it entered into force on 17 March 2005. The Ministry of Justice<sup>5</sup> has responsibility for its implementation in the UK. The Treaty has had symbolic importance in influencing the development of other laws and policies in the UK as well as allowing the government to be held to account through the relevant provisions of General Recommendations 19, 14 and 24. A number of reservations remain in place, for Articles 9, 11, 15 and 16.

Despite ratification, it was noted in 2008<sup>6</sup> that CEDAW OP procedures had been much underused. There had been only two applications to the UN committee, both of which were declared inadmissible, at least partly on the basis that domestic procedures had not been exhausted. One of these cases involved a complaint from a woman that her deportation to Pakistan would involve her return to a violent husband. Despite its limited use, however, the Equality and Human Rights Commission (EHRC)<sup>7</sup> has strongly supported the ratification of the OP for this and indeed all UN treaties.

UK laws, policies and practices are considered again in July 2013<sup>8</sup>. The UK national report<sup>9</sup>, which covers the period up to 31 May 2011, makes reference to disabled people, especially in relation to the Equality Act 2010 (see below) and the Convention on the Rights of Persons with Disabilities (CRPD). A number of documents were available at the time of writing this report, including submissions by the EHRC and the International Disability Alliance, advocating the posing of particular questions to the UK government.

**The Human Rights Act 1998**<sup>10</sup> came into force in 2000 and its effect was to bring the rights contained in the European Convention on Human Rights into UK legislation. Government ambivalence towards the Act has been apparent however and there have been calls for its repeal as well as the loosening of equality requirements more generally. Recent challenges to human rights legislation have focussed on the Equality Act 2010 also (see below).

### **The Council of Europe Convention on Action against Trafficking in**

**Human Beings** was signed by the UK on 23 March 2007, ratified on the 17 December 2008 and entered into force on 1 April 2009. A reservation in respect of Article 31 paragraph 1d and e was made, concerning measures to establish jurisdiction over criminal acts committed in other countries and against its nationals. Other measures that form a context for UK legislation include the 'Palermo Protocol', formally the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

### **The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).**

Adopted in 2006, this is the first international treaty to promote the civil rights of disabled people in all aspects of social life. With 153 signatories to date, the Convention marks a paradigm shift in how disability is understood, from a social welfare issue to a human rights issue. It pays particular attention to the situation of disabled girls and women (via Articles 6,

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<sup>5</sup> Ministry of Justice <http://www.justice.gov.uk/> [26.3.13]

<sup>6</sup> Murdoch, J. *The Optional Protocol to the United Nations Convention for the Elimination of all Forms of Violence against Women (CEDAW): the experience of the United Kingdom* (2008) <http://webarchive.nationalarchives.gov.uk/20110322191207/http://www.justice.gov.uk/publications/docs/un-optional-protocol-women.pdf> [21.3.13]

<sup>7</sup> Equality and Human Rights Commission <http://www.equalityhumanrights.com/index.html> [12.4.13]

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights *Committee on the Elimination of Discrimination Against Women, 55<sup>th</sup> Session (8-26 July)* <http://www2.ohchr.org/english/bodies/cedaw/cedaws55.htm> [21.3.13]

<sup>9</sup> United Nations Convention on the Elimination of all Forms of discrimination Against Women *Seventh Periodic Reports of States Parties: United Kingdom of Great Britain and Northern Ireland* (2013) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/648/56/PDF/N1164856.pdf?OpenElement> [21.3.13]

<sup>10</sup> Human Rights Act <http://www.legislation.gov.uk/ukpga/1998/42/contents> [26.3.13]

17 and 23). The 50 legally binding articles include: Article 6, which concerns the situation of disabled women recognised to encounter multiple discrimination and limited freedom in their pursuit of traditional gender roles. Article 23 promotes their rights to participate in family life, including marriage, relationships (sexual and platonic) and parenthood. It offers a mechanism to ensure that disabled women have the rights to make choices in relation to reproduction and parenthood. Article 17 recognises disabled women have the right to respect for their physical and mental dignity. This includes their right to retain their fertility on an equal basis to non-disabled women.

The UK government signed the UNCRPD on the 30 February 2007 and ratified it on the 8 June 2009. The Optional Protocol was signed on the 26 February 2009 and ratified on the 7 August 2009. Reservations in respect of articles 27 (equal treatment in employment and the armed forces) and 24 (the right to educate children outside their local area) were recorded but none in respect of the Articles that specifically refer to women and girls. A comprehensive review of legislation was carried out but has not been made publically available. An initial report has been published by the Office for Disability Issues (ODI)<sup>11</sup>, which acts as the focal point and has a key role in the co-ordination of activities. Disabled women are mentioned only in relation to their numbers compared with disabled men in the UK report and the specific Articles relating to the situation of women and girls are not mentioned.

With regard to the preparation of a shadow report, evidence concerning the human rights of disabled people in the UK has been gathered by Disability Rights Watch UK<sup>12</sup>. This work is a joint project of the United Kingdom Disabled People's Council (UKDPC)<sup>13</sup> and Disability Lib<sup>14</sup>, supported also by Scope<sup>15</sup>. Their report was not publically available at the time of writing; however its imminent publication was anticipated.

The Committee of the **International Covenant on Economic, Social and Cultural Rights (ICCPR)**<sup>16</sup> has pointed to the insufficient number of refuges available to women who have experienced violence. The 5<sup>th</sup> Periodic Report from the UK also notes disabled women's inadequate access to health care services, in particular reproductive services and screening. People with intellectual disabilities are poorly served by health services, especially with regard to accessible information.

**The Council of Europe Convention on Action Against Trafficking in Human Beings** was signed by the UK on the 23 March 2007 and ratified on the 17 December 2008. It entered into force on the 1 April 2009. A reservation has been recorded in relation to Article 31, paragraph 1.d and 1.e.

The UK signed the **Council of Europe Convention on preventing and combating violence against women and domestic violence (CM(2011) 49 final)** on the 8 June 2012 but has not yet ratified it. However, during the later stages of development of the Convention, the UK, together with several other countries, proposed various amendments that aimed to significantly weaken the protection and these included: deletion of the reference to armed conflict, removal of the reference to violence against women as a violation of human rights (replacing it with the description of violence as a 'serious obstacle' to human rights), deletion of the term 'right to live free from violence', removal of a requirement for 'due diligence', re-

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<sup>11</sup> Office for Disability Issues *UK Initial Report on the UN Convention on the rights of Persons with Disabilities* <http://odi.dwp.gov.uk/docs/disabled-people-and-legislation/uk-initial-report.pdf>

<sup>12</sup> Disability Rights Watch UK <http://www.disabilityrightswatchuk.org/> [18.3.13]

<sup>13</sup> United Kingdom Disabled People's Council <http://www.ukdpc.net/site/> [18.3.13]

<sup>14</sup> Disability Lib <http://www.disabilitylib.org.uk/> [18.3.13]

<sup>15</sup> Scope <http://www.scope.org.uk/> [18.3.13]

<sup>16</sup> United Nations Economic and Social Council *Fifth Periodic Reports submitted by States Parties under Articles 16 and 17 of the Covenant: United Kingdom of Great Britain and Northern Ireland* (2008) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/403/68/PDF/G0840368.pdf?OpenElement> [5.3.13]



removal of a requirement to criminalise forced marriage, and further amendments. These actions were criticised by Amnesty International<sup>17</sup> as well as many other human rights organisations.

## 5.2 National specific legislation concerning violence against women

Legal remedies are available in the UK through both civil law, which aims at protection for women experiencing violence, and criminal law, which aims at punishment of the offender.

### Civil Law

Through the **Family Law Act 1996** a woman may take out two types of injunction. There is a non-molestation order, which prevents the perpetrator from using violence, threatening violence, intimidating, harassing or pestering the survivor or their child. Secondly there is an occupation order, which can determine who may live in the home and allows the exclusion of the perpetrator from the home and surrounding area. This may be extended also to other places such as schools that children attend, work places and so on. Women who have experienced actual or threatened physical and psychological violence or stalking may apply for these civil court orders.

The **Housing Act 1996** and the **Homelessness Act 2002** also provide certain protections for women. Under Part VII of the Housing Act, a woman is recognised as being homeless if she is experiencing domestic violence and the local authority has a duty to assist her. It may be noted that this requirement on local authorities is in contradiction to immigration legislation and the requirement that women with uncertain residency status should not have recourse to public funds. Recent changes to rules (see also below) have aimed to address this anomaly; it is as yet unclear whether it has done so.

### Criminal Law

There is no specific crime of 'domestic violence' in the UK, but many acts of violence are crimes in law: these include public order offences, assault and battery, threats to kill, harassment, sexual offences, kidnap and child cruelty. Under criminal law, the **Protection from Harassment Act 1997**<sup>18</sup> allows a woman who has experienced violence to take out a restraining order that bars the perpetrator from making contact with the survivor. This law aimed at dealing with the problem of stalking, although Women's Aid reports that follow up research revealed 40% of the worst offences involved harassment by ex-partners.<sup>19</sup> In 2012 this Act was updated by the **Protection of Freedoms Act 2012**<sup>20</sup>, which made two new offences of stalking and stalking involving fear of violence or serious alarm and distress, also allowing for the police to search premises in relation to these crimes.

A large overhaul of domestic violence legislation took place with the **Domestic Violence, Crime and Victims Act 2004**<sup>21</sup>. It proceeded civil remedies in the 1970s, including the **Domestic Violence and Matrimonial Proceedings Act 1976** and the **Domestic Proceedings**

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<sup>17</sup> Amnesty International *Time to Take a Stand: Amnesty International Opposes Amendments that will Weaken the Council of Europe Treaty on Violence Against Women* (2011) <http://www.amnesty.org/en/library/asset/IOR61/004/2011/en/6c1d23c1-f37e-41f1-aded-3e7b25ce7861/ior610042011en.html> [4.4.13]

<sup>18</sup> Protection from Harassment Act 1997 <http://www.legislation.gov.uk/ukpga/1997/40/contents> [4.4.13]

<sup>19</sup> Women's Aid *Protection under Criminal Law* (2008) <http://www.womensaid.org.uk/domestic-violence-articles.asp?itemid=1401&itemTitle=Protection+under+criminal+law&section=00010001002200070001&sectionTitle=Articles%3A+criminal+law#harrass> [4.4.13]

<sup>20</sup> Protection of Freedoms Act 2012 <http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted> [29.4.12]

<sup>21</sup> Domestic Violence, Crime and Victims Act 2004 <http://www.legislation.gov.uk/ukpga/2004/28/contents> [26.3.13]

**and Magistrates Courts Act 1978.** Although the earlier legislation offered protection to married and non-married people on an equal basis, and included non-molestation and ouster orders, it was limited in scope. Moreover magistrates tended to view this solution as somewhat excessive and thus were reluctant to apply the orders. Cohabiting same-gender couples were accorded the same access to non-molestation and occupation orders as heterosexual couples, and couples who had never lived together, cohabited or been married became eligible for non-molestation and occupation orders. Common assault was added to the list of offences for which a police officer might arrest without a warrant. The Act also enabled courts to impose restraining orders when sentencing for any offence; and gave any person mentioned in a restraining order the right to make representations in court if an application was made to vary or terminate the order. However, from 1 July 2007 the Act extended protection by making violation of non-molestation orders issued under the Family Law Act 1996 a criminal rather than just civil offence, with a penalty of up to five years imprisonment, replacing the previous power of arrest.

Advantages and disadvantages of the different civil and criminal routes are described by Women's Aid.<sup>22</sup> On the one hand criminal proceedings free women from having to take forward legal action themselves, penalties may be more effective and the woman will not have to bear the costs involved. On the other hand, among other issues, control is taken out of her hands, not all women will feel easy criminalising their ex-partner and trials are more open to the public. Criminalisation may be problematic for BAMER women however.

Although primarily concerned with youth offending and the introduction of Anti-social Behaviour Orders, the **Crime and Disorder Act 1998** placed a duty on the police and local authorities to develop a Community Safety Strategy that ought to include domestic violence. This is significant for collaborative working and multi-agency domestic violence groups have been set up in most areas. The Act also specifically criminalised racially aggravated violence in relation to assault, public order, harassment and criminal damage. Extending the protection, the **Powers of Criminal Courts (Sentencing) Act 2000** requires judges to increase the sentencing in cases of any offences; not just those dealt with in the 1998 Act. **The Anti-Terrorism, Crime and Security Act 2001** made similar provision for crimes aggravated by religion.

Incitement legislation also covers race hate crime, via the **Public Order Act 1986**. Section 17 prohibits the written or verbal use of words or behaviour that is threatening, abusive or insulting with regard to race. Similar legislation is in place with regard to religious incitement (**Racial and Religious Hatred Act 2006**) and for gay and lesbian people (**Criminal Justice and Immigration Act 2008**). The **Malicious Communications Act 1998**, as amended by the **Criminal Justice and Police Act 2001** relates to the sending of offensive or indecent messages, which is threatening or contains false information that is deliberately designed to cause anxiety to the recipient.<sup>23</sup>

In 2006, the New Labour Government introduced the Equality Act. A precursor to the **Equality Act 2010**<sup>24</sup>, it was an Act of Parliament that combined all of the equality enactments in Britain (which provided comparable protections with regards to the three different equality strands at that time (race, gender, disability). It introduced the Disability Equality Duty in 2006 and Gender Equality Duty in 2007, perceived as a significant mainstreaming tool across the public sector. It also had the role of requiring all public bodies to promote equality between

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<sup>22</sup> Women's Aid *Domestic Crime and Victim's Act 2004 – advantages and disadvantages of new sections* (2007) <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200070001&itemid=1258&itemTitle=Domestic+Crime+and+Victims+Act+2004+-+advantages+and+disadvantages+of+new+sections> [5.4.13]

<sup>23</sup> Chakraborti, N. and Garland, J. *Hate Crime: impact, causes and responses* (2009) London: Sage

<sup>24</sup> Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents> [28.3.13]

women and men. The Gender Equality Duty was also utilised by the Women and Equality Unit to tackle violence against women by holding targeted stakeholder events across government departments.

Single Equality Duties for the characteristics of race, gender and disability were replaced by a unified measure in 2011, the **Public Sector Equality Duty (PSED)**,<sup>25</sup> covering the protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The duty appears in section 149 of the Equality Act 2010. The new duty states that in carrying out their functions, public sector bodies must have 'due regard' for the need to:

- Eliminate all forms of discrimination, harassment and victimisation that are prohibited by the Equality Act
- Advance equality of opportunity
- Foster good relations.

While more groups are now protected by the duty, some concerns have been expressed that the measure is weaker than the earlier single duties. Previous schemes required that public authorities publish equality plans; collect data, monitor and assess equality impact; and consult or involve stakeholders affected by their policies and activities. However the new duty just requires the publication of information and put in place one or more equality objectives at least every four years. Duties are enforced more strongly by the devolved administrations of Scotland and Wales. Case law however has established that 'due regard' includes active consideration of the likely impacts on people affected of policies and programmes. Concerns have been expressed that the English government has a tendency to view equality legislation a 'red tape' and that there are efforts to weaken the Equality Act 2010.

In March 2013 the UK Coalition government issued a call for evidence regarding the operation of the PSED in Great Britain<sup>26</sup>. This followed the launch in May 2012 of a 'Red Tape Challenge'<sup>27</sup> by the Home Secretary. At the time of writing, it is expected that the review will be completed by June 2013, with the aim of establishing whether the PSED is working as was intended.

Female Genital Mutilation (FGM) refers to a procedure that deliberately alters or injures female genital organs for non—medical reasons. It became illegal in the U.K. under the **Prohibition of Female Circumcision Act 1985**. The **Female Genital Mutilation Act**<sup>28</sup> became law for England, Wales and N. Ireland in 2003 and Scotland in 2005<sup>29</sup>. Illegal activities include aiding, abetting, counselling or procuring mutilation. It criminalised the enactment of FGM, by UK national or residents, whether at home or abroad, including in countries where it is legal.

In 2009, the United Kingdom Government's Forced Marriage Unit dealt with 375 cases of forced marriage, of which 1% originated from Scotland. The UK government has stated that it views forced marriage as a form of domestic abuse.<sup>30</sup> If one of the partners does not consent to the marriage, or entrance into the marriage is accompanied by physical, mental or/ and emotional coercion then the marriage is seen as *forced*. This differs from an arranged marriage where free consent is provided by both partners concerned. Evidence suggests that

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<sup>25</sup> Equality and Human Rights Commission *Public Sector Equality Duty*

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/> [26.3.13]

<sup>26</sup> UK Government *Review of Public Sector Equality Duty* <https://www.gov.uk/government/policy-advisory-groups/123> [15.4.13]

<sup>27</sup> Cabinet Office *Red Tape Challenge* <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/> [15.4.13]

<sup>28</sup> Female Genital Mutilation Act [http://www.opsi.gov.uk/acts/acts2003/ukpga\\_20030031\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030031_en_1)

<sup>29</sup> [http://www.opsi.gov.uk/legislation/scotland/acts2005/asp\\_20050008\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2005/asp_20050008_en_1)

<sup>30</sup> United Nations Convention on the Elimination of all Forms of discrimination Against Women *Seventh Periodic Reports of States Parties: United Kingdom of Great Britain and Northern Ireland* (2013) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/648/56/PDF/N1164856.pdf?OpenElement> [21.3.13]

there is a clear connection between forced marriage and violence, conceiving the act as not only violent in itself but also contributing to violence including rape, and domestic violence<sup>31</sup>. The **Forced Marriage (Civil Protection) Act 2007**<sup>32</sup> protects individuals from being forced into marriage without their free or full consent. It came into force in England and Wales on the 25 November 2008, also covering Northern Ireland, and the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011<sup>33</sup>, was passed by the Scottish Parliament on 22 March 2011. Under the provisions of the legislation, a Forced Marriage Protection Order may be issued, prohibiting that a person be taken overseas or ensuring that they are returned to this country. Local authorities may act on behalf of those affected by applying for Protection Orders. Civil courts may issue a protection order for persons who have been forced into a marriage, or where attempts have been made to do so. So, although the act of forced marriage itself is a civil offence, it has consequences that are considered which are deemed criminal under other legislation (highlighted above), including the Sexual Offences Act 2003 (see below) or **Domestic Violence, Crime and Victims Act 2004**. Forced marriages are more prevalent in cases where individuals are deemed to 'lack capacity' to consent to the act, (for example in cases of children and adults with cognitive impairments). Under English law, nobody is allowed to give consent to a marriage on behalf of any person who cannot consent his/ herself. Guidelines on forced marriage and people with cognitive impairments have been produced by the Forced Marriage Unit.<sup>34</sup>

**The Sexual Offences Act (2003)**<sup>35</sup> overhauled the legal framework for dealing with sexual offences. It was born from the government White Paper *Protecting the Public: Strengthening Protection against Sex Offenders and Reforming the Law* (2002). It completely repealed the Sexual Offences Act 1956. It includes various amendments such as including penetration of the mouth within the definition of rape. Sexual offences also include inciting a child to engage in sexual activity without consent; engaging in the activity with someone with a mental disorder; and voyeurism.

The **Legal Aid, Sentencing and Punishment of Offenders Act 2012**<sup>36</sup> removes almost all legal aid for private family law cases. Domestic Violence cases remain eligible for legal aid, but eligibility conditions have been altered (see following section). An Equality Impact Assessment was published in 2011.<sup>37</sup>

While legislation in Scotland is broadly in line with that of England, there are some differences in titles of the legislation, timing and measures involved. As well as more general legislation such as the Equality Act, relevant laws include:

Matrimonial Homes (Family Protection) Scotland Act 1981.  
Children (Scotland) Act 1995.  
Protection from Harassment Act 1997.

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<sup>31</sup> Gangoli, G., Razak, A. and McCarty, M. *Forced Marriage and Domestic Violence among South Asian Communities in North East England* (2006) Bristol: University of Bristol / Northern Rock Foundation <http://www.bris.ac.uk/sps/research/projects/completed/2006/rj4334/rj4334finalreport.pdf> [15.4.13]

<sup>32</sup> Forced Marriage (Civil Protection) Act 2007 <http://www.legislation.gov.uk/ukpga/2007/20/contents> [21.3.13]

<sup>33</sup> Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 <http://www.legislation.gov.uk/asp/2011/15/contents/enacted> [26.3.13]

<sup>34</sup> HM Government *Forced Marriage and Learning Disabilities: multi-agency practice guidelines* (2010) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/35533/fm-disability-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35533/fm-disability-guidelines.pdf) [26.3.13]

<sup>35</sup> Sexual Offences Act 2003 <http://www.legislation.gov.uk/ukpga/2003/42/contents> [26.3.13]

<sup>36</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012 <http://www.legislation.gov.uk/ukpga/2012/10/contents> [15/4/13]

<sup>37</sup> Ministry of Justice *Reform of Legal Aid in England and Wales: Equality impact assessment* (2011) <http://www.legislation.gov.uk/ukpga/2012/10/contents> [http://www.rightsnet.org.uk/?ACT=39&fid=28&aid=394\\_j1LDtyDcluaMQntMibAX&board\\_id=1](http://www.rightsnet.org.uk/?ACT=39&fid=28&aid=394_j1LDtyDcluaMQntMibAX&board_id=1) [15.4.13]

Housing (Scotland) Act 1987; Housing (Scotland) Act 2001; and Homelessness (Scotland) Act 2003.  
 Protection from Abuse (Scotland) Act 2001.  
 Sexual Offences (Procedure and Evidence) (Scotland) Act 2002.  
 Criminal Justice (Scotland) Act 2003.  
 Vulnerable Witnesses (Scotland) Act 2004.  
 Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.  
 Prohibition of Female Genital Mutilation (Scotland) Act 2005.  
 Family Law (Scotland) Act 2006.  
 Prostitution (Public Places) (Scotland) Act 2007.  
 Sexual Offences (Scotland) Act 2009.  
 Criminal Justice and Licensing Bill, introduced into the Scottish Parliament in March 2009.  
 Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

In Wales a White Paper *Consultation on Legislation to end Violence against women, domestic abuse and sexual violence*<sup>38</sup> was published in 2012, with the consultation period ending in February 2013. Priorities include the development of independent, stronger strategic leadership across public sector services in Wales, improved education and awareness for people of all ages, including the public, frontline staff and professionals and the strengthening and improvement of services.

### 5.3 Further country specific legislation relevant for violence against women with disabilities

The Equality Act 2010 amalgamated various laws, including those relevant to disabled people and women. The **Disability Discrimination Act 1995** (DDA) set out the first foundations of civil rights legislation for disabled people. According to the Act it is unlawful for any person to subject a disabled person to harassment which has the purpose/ affect of violating the disabled person's dignity, or creating a hostile, offensive, humiliating or degrading environment. This is detailed, in Part I of the Act, in accordance to public authorities, including employers, advocates and barristers. DDA 2005 amends DDA 1995. It applies to access to goods and services, including legal services. It also enables people with cancer, HIV and mental health difficulties to be treated fairly. Further it covers private clubs as well public services. Enforcement of accessibility legislation and standards are clearly particularly important in relation to access to specialised services. It may be noted however that charities are exempt from some of the requirements for building accessibility under sections 193 and 194<sup>39</sup>. These provisions allow charities to expressly provide services to a certain section of the population with the purpose of addressing an inequality.

The **Safeguarding Vulnerable Adults Act 2006**<sup>40</sup> is concerned with checking on the background of care workers. The barring aspects of the Act came into force in October 2009. Its main purpose was to restrict contact between children and vulnerable adults and those who might cause them harm. The Act has three key principles which are as follows:

- 1) unsuitable persons should be prevented from working with vulnerable people (adults or children)
- 2) employers should have simple procedures in place to check potential employees are not barred from working with vulnerable adults or children
- 3) checks for suitability should not be stand alone but on-going assessments to ensure people have not committed wrongs proceeding official checks

<sup>38</sup> Welsh Government, White Paper: *Consultation on Legislation to end Violence against women, domestic abuse and sexual violence* (2012) <http://wales.gov.uk/docs/dsjlg/consultation/121126evawdaconsultationen.pdf> [4.4.13]

<sup>39</sup> Equality Act 2010 Section 193 <http://www.legislation.gov.uk/ukpga/2010/15/section/193> [17.4.13]

<sup>40</sup> Safeguarding Vulnerable Adults Act 2006 <http://www.legislation.gov.uk/ukpga/2006/47/contents> [8.4.13]



Several aspects of this legislation proved to be controversial. Firstly, it received criticism from women who often share child care arrangements with other mothers. It appeared that checks would be needed for people taking part in these informal arrangements, until it was clarified that this was not required. Secondly, disabled people were expressly included in the Act, as 'vulnerable' people. Objections were raised by some DPOs about being categorised in this way, rather than as employers, especially as personal assistants and direct payments are expressly included.

The law on mental capacity is similar in all parts of the UK, but some aspects in England and Wales are different from Scotland, and laws in Northern Ireland have yet to be passed (intended for 2013-4). **The Mental Capacity Act 2005**<sup>41</sup> governs arrangements for people in England and Wales who are deemed unable to manage their own affairs and the **Adults with Incapacity (Scotland) Act 2000**<sup>42</sup> (amended in 2007 and 2008) applies in Scotland. The Acts seek to both empower and protect persons judged to be lacking in mental capacity, including people with learning difficulties. In England and Wales the Court of Protection has the power to decide whether a person lacks mental capacity to make their own decisions and may appoint Deputies on a person's behalf. The Public Guardian oversees Deputies appointed by the Court of Protection, has responsibility for protection from abuse and registers Lasting Power of Attorneys.<sup>43</sup> A Code of Practice<sup>44</sup> provides guidance for day to day decisions. In Scotland, separate Codes of Practice exist for power of attorney, intervention orders (for single decisions), guardianship and access to funds.<sup>45</sup>

There are some important differences between English and Scottish law however. Under the Mental Capacity Act 2005, a person in England and Wales who 'lacks capacity' refers to someone who is unable to make a particular decision or take a particular action for themselves at the time the decision or action needs to be taken. Five basic principles form the basis of the Mental Capacity Act 2005: there must be presumption of mental capacity to make decisions, a person must be given all practicable help before being treated as not being able to make decisions, an unwise decision should not be seen as indicating lack of capacity, decisions must be taken in the person's best interests and anything done for a person must be the least restrictive of their rights and freedoms.

Legal provisions in Scotland allow for a substitute decision maker and focus on their attributes (characteristics and relationship to the person they are assisting) and the situations where they may and may not decide on matters. However, the emphasis in the Mental Capacity Act (England and Wales) 2005 is on the process by which substitute decisions are made. This means that a range of people may make decisions on another's behalf, including service professionals and family members. Those immediately involved in assisting persons judged to lack capacity are expected to help with most day to day decisions, as long as they follow certain procedures. Independent Mental Capacity Advocates (IMCAs) are appointed in particular instances (see below) and specific guidance is provided in the Code of Practice.

A functional test of capacity<sup>46</sup> is included in the Mental Capacity Act 2005. In relation to a particular decision, a person is judged not to be able to make a decision if they cannot: un-

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<sup>41</sup> Mental Capacity Act 2005 <http://www.legislation.gov.uk/ukpga/2005/9/contents> [13.4.13]

<sup>42</sup> Adults with Incapacity (Scotland) Act 2000 <http://www.legislation.gov.uk/asp/2000/4/contents> [13.4.13]

<sup>43</sup> Directgov, Understanding the Mental Capacity Act [http://www.direct.gov.uk/en/Governmentcitizensandrights/Mentalcapacityandthelaw/Helpingsomeoneelsewithdecisionmaking/DG\\_186479](http://www.direct.gov.uk/en/Governmentcitizensandrights/Mentalcapacityandthelaw/Helpingsomeoneelsewithdecisionmaking/DG_186479) [13.1.11]

<sup>44</sup> Mental Capacity Act 2005: Code of Practice (2007) London: The Stationery Office [http://www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@disabled/documents/digitalasset/dg\\_186484.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@disabled/documents/digitalasset/dg_186484.pdf) [13.4.13]

<sup>45</sup> Office of the Public Guardian (Scotland): <http://www.publicguardian-scotland.gov.uk/forms/codes.asp> [13.4.13]

<sup>46</sup> Mental Capacity Act, Section 3 <http://www.legislation.gov.uk/ukpga/2005/9/notes/division/6/1/2/2> [13.4.13]

derstand information relevant to the decision, retain the information, use of weigh up the information relevant to making the decision or communicate the decision.

## 5.4 Conclusions concerning legislation

From the above, it may be seen that there is a broad array of legislation in place that is relevant to the situation of disabled women. This legislation does not directly relate to disabled women as a group however; it is largely in line with established equality strands of gender and disability (as well as other strands where applicable). The effect of this is that the legislation does not always directly align with disabled women's needs. An example in point is the problem with service accessibility discussed below.

Although this legislation is in place, there are a number of policies that are weakening access to services for survivors of violence. Many of these concern austerity measures affecting women in receipt of welfare and housing benefits, which allow women to pay rent to refuges. The issues are described in more detail below.

## 6. Implementation of Legislation

### 6.1 Policies and programmes

According to Women's Aid, a major U.K domestic violence charity that works to end violence against women and children, 1 in 4 women in the U.K. experience violence over the course of their lifetimes<sup>47</sup>. Violence against women accounts for 16% or one quarter of all violent crime, as in any given year there are 13 million instances of violence or threats against women<sup>48</sup>irrespective of age, social class, disability or lifestyle. Although men do experience violence in their lives, the instances of this are significantly lower than for women. Evidence<sup>49</sup> suggests that 26% of men and 45% of women experience one instance of interpersonal violence in their lives. However in cases where abuse (sexual or domestic) is on-going, 89% of victims are women. The consequences of violence against women and girls range from denial of freedom and autonomy, unwanted pregnancies, sexually transmitted diseases, poverty, social exclusion and death. For example, VAW constitutes almost 40% of female homicide.<sup>50</sup><sup>51</sup> Further it has been identified as causing barriers to women receiving effective and equal healthcare.<sup>52</sup>

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<sup>47</sup> Women's Aid *Domestic Violence Statistics* (2007)

[http://www.womensaid.org.uk/domestic\\_violence\\_topic.asp?section=0001000100220041&sectionTitle=Domestic+violence+%28general%29](http://www.womensaid.org.uk/domestic_violence_topic.asp?section=0001000100220041&sectionTitle=Domestic+violence+%28general%29) [8.3.13]

<sup>48</sup> Home Office Violent Crime Unit *Developing Domestic Violence Strategies – A guide for Partnerships* (2004) London: Home Office

<http://webarchive.nationalarchives.gov.uk/20100418065544/crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence46.htm> [15.4.13]

<sup>49</sup> Walby, S. and Allen, J. *Domestic violence, sexual assault and stalking: Findings from the British Crime Survey* (2004) London: Home Office <http://hlsweb.dmu.ac.uk/pgcpd/eng435v2/official-documents/HomeOfficeResearchStudy276.pdf> [15.4.13]

Research, Development and Statistics Directorate)

<sup>50</sup> Povey, D. (ed.) *Crime in England and Wales 2003/2004: Supplementary Volume 1: Homicide and Gun Crime* (2005) Home Office Statistical Bulletin No. 02/05. London: Home Office

<sup>51</sup> Department of Health *Responding to domestic abuse* (2005) London: DH

<sup>52</sup> World Health Organisation (2000). Factsheet No 239 <http://www.who.int/mediacentre/factsheets/fs239/en/> [15.4.13]

As well as the individual costs of violence, resulting in an impeded quality of life as well as loss of life, violence against women has economic costs to UK society. A statistical analysis by Walby<sup>53</sup> suggested that the overall costs of violence to women was estimated to be £278 million in Greater London, and £23 billion in England and Wales. A more recent estimate by the Home Office, found that in 2010 violence against women cost the U.K. £36.7 billion.<sup>54</sup>

Following a brief discussion of the main strategy and policy documents in the four countries of the UK, this section will describe trends in the VAW sector in relation to the availability of support services.

The **English** Government action plan *Call to End Violence Against Women and Girls* (2010)<sup>55</sup>, published on 25 November 2010, introduced goals that are broadly in line with wider social policy approaches of the UK Coalition government at present, such as a greater emphasis on decision making at local levels and funding for specific programmes such as counselling, support centres, and improvements to victim and witness support services.<sup>56</sup> £28 million for a four year period was announced to fund support services, helplines and to provide education and training. Other specific measures also identified were:

- The Cross-government Communication Strategy – a plan to support a change in attitudes and behaviour towards violence and abuse, and to equip service providers with the necessary information to deal with perpetrators.
- Education and awareness-raising campaigns - to spread a wider awareness of relevant legislation, such as the Sexual Offences Act, amongst the public.
- The Forced Marriage Unit – a joint initiative between the Home Office and the Foreign Office to provide practical information, advice and support to anyone who is experiencing, or is at risk of, a forced marriage.
- Female Genital Mutilation (FGM) Forum – a government-chaired forum which works with a network of FGM organizations to eradicate FGM in the UK.

(Source: UK Home Office *A Call to End Violence Against Women and Girls: action plan 2010*)

This action plan was updated in 2012<sup>57</sup>, with note of several developing initiatives. In particular there is mention of an intention that forced marriage might be criminalised and an intention to pass the commissioning of VAW services on to the police.

In June 2009 in **Scotland** Ministers agreed the designation of two priority areas within this: tackling violence against women and tackling occupational segregation. Two reports were published in each priority area. The report focusing on violence against women<sup>58</sup> is informed by a review of research evidence, statistical data and national policies. For example, re-

<sup>53</sup> Walby, S. *The cost of domestic violence* (2004) London: Women and Equality Unit and update from 2009 <http://www.lancs.ac.uk/fass/sociology/profiles/34/> [15.4.13]

<sup>54</sup> Home Office *Call to End Violence to Women and Girls* (2010) London: Home Office. <https://www.gov.uk/government/publications/call-to-end-violence-against-women-and-girls> [15.4.13]

<sup>55</sup> UK Government, *Call to End Violence Against Women and Girls* (2010) <https://www.gov.uk/government/publications/call-to-end-violence-against-women-and-girls> [4.4.13]

<sup>56</sup> Home Office

*What the Government has done to tackle Violence against Women and Girls* (2013) <http://www.homeoffice.gov.uk/publications/crime/vawg-action-summary?view=Binary> [13.3.13]

<sup>57</sup> HM Government *Call to End Violence Against Women and Girls. Taking Action – the next chapter* (2012) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118156/action-plan-new-chapter.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118156/action-plan-new-chapter.pdf) [24.4.13]

<sup>58</sup> Reid Howie Associates and Equality Plus (2010) *Reporting on Progress Towards Equality of Opportunity for Men and Women made by Public Authorities in Scotland: Ministerial Priorities for Gender Equality – Tackling Violence Against Women*. Edinburgh: Scottish Government



search was carried out with public authorities in Scotland between November 2009 and April 2010 to identify progress in tackling these issues. The devolved government published *Safer Lives: Changed Lives - a Shared Approach to Tackling Violence Against Women in Scotland*<sup>59</sup> in June 2009. Priorities identified are based on what is termed the four 'P's: prevention, protection, provision and participation. It is stated that rather than an action plan this is a multi-agency 'shared approach' that aims to guide the work of agencies and other partners in tackling violence against women. Individual agencies participating are expected to develop their own action plans.

In **Wales**, the six year strategy *Right to be Safe*<sup>60</sup> was launched in March 2010. As in other parts of the UK, it broadens the frame of reference from one that focusses only on domestic abuse, to one that includes other aspects of violence. Major priorities include the provision of support, improving the responses of the criminal justice system and the response of Health and other services. A three year implementation plan set a target of March 2013 for completion of major targets.

The **Northern Ireland** strategy *Tackling Violence at Home*<sup>61</sup> emphasises the importance of: improving support services, high quality multi-agency response, development of awareness, education of children, young people and the public and holding perpetrators accountable for their actions. This is a gender-neutral strategy in that it is concerned with all people who experience domestic violence. Another inter-agency strategy, *Tackling Sexual Violence and Abuse – A Regional Strategy 2008 – 2013*<sup>62</sup> has the same aims in relation to sexual violence. The Northern Ireland Gender Equality Strategy 2006-2016<sup>63</sup> provides a similar framework with an additional emphasis on peace-building activities.

## **Policy Developments**

### ***Criminal Justice***

Within UK policy on Violence Against Women, there has been an increasing emphasis in recent years on criminal justice solutions and targeting of the most severe cases of violence. While this is clearly an important priority, there have also been concerns that this has diverted funding from specialised support services that provide assistance to women who experience less severe treatment.<sup>64</sup> Further, there is increasing emphasis on localism, whereby decisions about what to fund are delegated to local authorities. At the same time and as mentioned elsewhere, spending cuts and other austerity measures are leading to closure of services and placing pressure on poorer households.

As discussed above, the Equality Act 2010 prohibits discrimination in the provision of goods and services - including legal services within the criminal justice system. Furthermore, providers of legal services have a duty to provide reasonable adjustments to ensure disabled people are not at a substantial disadvantage when reporting, giving evidence etc. Failure to

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<sup>59</sup> Scottish Government *Safer Lives: Changed Lives: a shared approach to tackling violence against women in Scotland* (2009) <http://www.scotland.gov.uk/Publications/2009/06/02153519/0> [4.4.13]

<sup>60</sup> Welsh Assembly Government *The Right to be Safe* (2010) <http://wales.gov.uk/docs/dsijl/publications/commsafety/100325besafefinalenv1.pdf> [4.4.13]

<sup>61</sup> Northern Ireland Office *Tackling Violence at Home: a strategy for addressing domestic violence and abuse in northern Ireland* (2008) [http://www.dhsspsni.gov.uk/tackling\\_violence\\_strategy.pdf](http://www.dhsspsni.gov.uk/tackling_violence_strategy.pdf) [8.3.13]

<sup>62</sup> Northern Ireland Office *Tackling Sexual Violence and Abuse – A Regional Strategy 2008 – 2013* (2008) [http://www.dhsspsni.gov.uk/tackling\\_sexual\\_violence\\_and\\_abuse\\_strategy\\_.pdf](http://www.dhsspsni.gov.uk/tackling_sexual_violence_and_abuse_strategy_.pdf) [8.3.13]

<sup>63</sup> Office of the First Minister and Deputy First Minister *Gender Equality Strategy* <http://www.ofmdfmi.gov.uk/index/equality/gender-equality/gender-equality-strategy-2006-2016.htm> [23.3.13]

<sup>64</sup> House of commons Home Affairs Committee *Domestic Violence, Forced Marriage and "Honour" Based Violence: sixth report of session 2007-08* (2008) [http://refuge.org.uk/cms\\_content\\_refuge/attachments/Final%20HC%20263.pdf](http://refuge.org.uk/cms_content_refuge/attachments/Final%20HC%20263.pdf) [15.4.13]

do will make providers of legal services liable for discrimination. The Equality Act applies in England, Wales and Scotland and the Disability Discrimination Act applies in Northern Ireland.

### **Multi-Agency Work**

The **Domestic Violence, Crime and Victims Act 2004** led to the rapid development of specialised domestic violence courts and these have recommended that criminal justice be combined with social support. At the end of 2012 the Crown Prosecution Service reported that there were 127 courts in existence. Local Criminal Justice Boards have responsibility for the multi-agency work of the courts.

Further instruments developed to facilitate the effectiveness of VAW related legislation include Specialist Domestic Violence Courts (SDV), established by the Crown Prosecution Service; and Independent Domestic Violence Advisors. Both have played a significant part in the improvement of prosecution outcomes. For example in 2005, 71% of domestic cases tried in SDV Courts were secured, compared to 59% in non-specialist courts.<sup>65</sup> However the conviction rate remains low, at only 5%, when all reported incidents are taken into account.

Since the Criminal Justice and Court Services Act 2000 was implemented in April 2001, there has been a requirement that agencies collaborate in their work with convicted violent offenders, through making local **Multi-Agency Public Protection Arrangements**<sup>66</sup> (MAPPA). The intention is that these arrangements will provide a means for agencies to share information about violent offenders, including violent sexual offenders. The Police, Probation Service and Prison Service have a statutory duty to be involved and other organisations, such as social services, the education authority, health services, job centres, housing authorities, and home detention curfew providers have a duty to cooperate. Perpetrators are categorised according to three levels of risk: Level 1 offenders are considered to only need the attention of one agency; level 2 and 3 offenders are considered to need the intervention of two or more. For level 2 and 3 offenders the MAPPA discusses the areas of concern in formal **Multi-Agency Risk Assessment Committees** (MARAC), which meet regularly, or Multi-Agency Public Protection Panels (MAPPP) which meet as needed.

In Multi-agency risk assessment conferences (MARACs), statutory and voluntary agency representatives can share information about domestic abuse instances where women are considered to be particularly at risk. They are concerned with reducing the number of homicides of women (on average two a day in the UK). Through such multi-agency involvement, they aim to produce a co-ordinated action plan to increase the safety of survivors. About 250 are estimated to be in operation in England and Wales. Although a diverse range of agencies take part, often the Police, Probation services, Independent Domestic Violence Advisers (ID-VAs), Children's Services, health and housing services will take part.

An evaluation of the effectiveness of MARACs<sup>67</sup> by the Home Office concludes that they could generally be effective and cost-effective. Areas for development identified included improved links with services, diversity of representation and dealing with the volume of work. There are some indications that core representatives; the police and probation services, are

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<sup>65</sup> House of commons Home Affairs Committee *Domestic Violence, Forced Marriage and "Honour" Based Violence: sixth report of session 2007-08* (2008)

[http://refuge.org.uk/cms\\_content\\_refuge/attachments/Final%20HC%20263.pdf](http://refuge.org.uk/cms_content_refuge/attachments/Final%20HC%20263.pdf) [15.4.13]

<sup>66</sup> Ministry of Justice National Offender Management Programme *MAPPA Guidance 2012 Version 4* (2012)

<http://www.justice.gov.uk/downloads/offenders/mappa/mappa-guidance-2012-part1.pdf> [8.4.13]

<sup>67</sup> Steele, N., Blakeborough, L. and Nicholas, S. *Supporting High-Risk Victims of Domestic Violence: a review of Multi-Agency Risk Assessment Conferences* (2011)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/116536/horr55-summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/116536/horr55-summary.pdf) [5.4.13]

able to exercise more power in practice than agencies that are less centrally concerned with the criminal justice system.<sup>68</sup>

Local Services for Women who have Experienced Violence are primarily voluntary organisations. They are mostly charities that receive funding from local authorities, grants from various local and national funders and raise money from public donations. Services provided may include helplines, shelters, where women and their children may move for emergency accommodation, outreach services for women still living at home or another place in their communities and other forms of support such as training.

**Independent Domestic Violence Advisors (IDVAs)** are also available to some women who are in situations of high risk. The service is a government initiative that aims to reduce the number of homicides. IDVAs are funded through a range of sources that include local authorities, they work in conjunction with MARACs and they assist women who have experienced violence to plan strategies to maintain safety at times of crisis. They also help women to access and find a path through the criminal justice system, providing support at Specialist Domestic Violence Courts in instances where crimes have been committed.

**Sexual Assault Referral Centres (SARCs)**<sup>69</sup> are specialist medical and forensic services that exist to provide support to people who have experienced sexual violence. The services have been set up by the Home Office and Department of Health and provide assistance immediately after an assault, focussed on the gathering of evidence. Women who have experienced sexual assault must decide whether to report the crime to the police or not. Longer term counselling and advice is provided by Rape Crisis Centres<sup>70</sup>; in some areas the services are combined. **Independent Sexual Violence Advisor (ISVA)** services are available in some areas. These workers typically provide emotional and practical support, including support through the criminal justice system if needed. Advice may be given about options, such as reporting to the police, or accessing services and counselling. Research<sup>71</sup> has pointed out the need for these services to be independent, especially in terms of funding sources and the location of workers, who should be based in local domestic violence services. There are standards for this work<sup>72</sup> and some specialised agencies, for example for women with intellectual disability.<sup>73</sup>

The Freedom Programme<sup>74</sup> is a training and support course for women who are still living with an abusive partner. The course can be taken in person as part of a group, or online. Pattern Changing<sup>75</sup> is also a course for women who have experienced violence and it is run by various local domestic abuse services. It aims to support women by teaching them about human rights, boundary setting, healthy relationships, assertiveness and so on.

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<sup>68</sup> Reeves, C. How Multi-Agency are Multi-Agency Risk Assessment Committees? (2013) *Probation Journal* 60(1) 40-55

<sup>69</sup> A list of all SARCs in England is available at this website: <http://www.roofie.com/sexual-assault-referral-centres> [8.4.13]

<sup>70</sup> Rape Crisis England and Wales <http://www.rapecrisis.org.uk/index.php> [8.4.13]

<sup>71</sup> Robinson, A. *Evaluation of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs)* (2009) <http://www.cardiff.ac.uk/socsi/research/researchprojects/violenceadvisors.html> [8.4.13]

<sup>72</sup> National Occupational Standards *Providing Independent Sexual Violence Advice* <http://www.ukstandards.co.uk/nos-search/Pages/SearchResults.aspx?k=Providing%20Independent%20Sexual%20Violence%20Advice%20%26%20Advocacy&r=organisation%3D%22Skills%20for%20Justice%22> [8.4.13]

<sup>73</sup> See for example, Respond *The Independent Sexual Violence Advocate* <http://www.respond.org.uk/what-we-do/isva/> [8.4.13]

<sup>74</sup> Freedom Programme <http://www.freedomprogramme.co.uk/index.php> [8.4.13]

<sup>75</sup> See for example: Women's Aid *Running a Pattern Changing Course*

## **Local Services and Expenditure Cuts**

Since the economic crisis of 2008, there have been cuts to local services, implemented through a reduction in funding given to local authorities by national government. This is resulting in the closure of support services. At the same time the requirements for Local Authorities to achieve certain objectives through Local Area Agreements have been discontinued in favour of an emphasis on local decision making about priorities. In this situation cuts to local VAW support services have been reported.<sup>76</sup>

Cuts are also being made to specialist services for BAME women<sup>77</sup>, despite a ruling against this in the High Court on 18 July 2008. In this case, a BAME organisation, Southall Black Sisters took Ealing Council to court regarding its plans to remove their funding and use it instead to fund a generic domestic violence project in the borough. The court found that the council had not taken proper regard of equalities legislation, especially the Race Relations Act.<sup>78</sup>

However the welfare cuts, currently being implemented by the Westminster Conservative-Liberal Democrat Coalition Government have put significant pressure on VAW support services. The budget cuts for services are affecting specialist survivor support services in a number of ways: by reducing the number/ percentage of organisations; lowering the number of people assisted and reducing the number of staff available. Estimates by Towers and Walby (2012) show that between 2011/ 2012, 31 percent of funding to the domestic violence and sexual abuse sector was cut. Despite government support for services, there remain concerns about the overall level of provision as well as the existence of a postcode lottery. In 2009 it was reported that one in four local authorities had no provision at all, just 1 in 10 had a service for minority ethnic women, and that the east and south east of England had particularly few services.<sup>79</sup> The number of Independent Domestic Violence Advisors was also reduced in 2011. These measures place women at risk of increased abuse. Such cuts may adversely affect disabled women as services are not resourced to meet their additional needs (including providing information about laws, policies and human rights in accessible formats).

The drive to save money has had further influence policies and services for women. For example, the Women's National Commission was, together with a number of other bodies, closed down on the 31 December 2010, in a so-called 'bonfire of the quangos'<sup>80</sup>. The Women's National Commission was set up in 1969 as a way for women to get their voices heard by government, including disabled women. The Women's National Commission was active in opposing violence against women, listing 53 policy reports on the subject among its publications and had been given a prominent role in addressing the paucity of support services for women who have experienced violence.<sup>81</sup> The functions of the Commission have

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<sup>76</sup> Towers, J. and Walby, S. *Measuring the Impact of Cuts in Public Expenditure on the Provision of Services to Prevent Violence Against Women and Girls* (2012) <http://www.trustforlondon.org.uk/VAWG%20Full%20report.pdf> [15.4.13]

<sup>77</sup> ROTA BAME Women's Sector: *fighting for survival* (2011) [http://www.rota.org.uk/webfm\\_send/7](http://www.rota.org.uk/webfm_send/7) [15.4.13]

<sup>78</sup> Gill, A. and Banga, B. *Black, Minority and Ethnic Refugee Women, Domestic Violence and Access to Housing* (2008) Better Housing Briefing <http://www.housingdiversitynetwork.co.uk/userfiles/file/Factsheets/housing-9FINALweb%20-%20domestic%20violence.pdf> [15.4.13]

<sup>79</sup> Coy, M., Kelly, L., and Foord, J. *Map of Gaps: The postcode lottery of violence Against Women Support Services in Britain: the postcode lottery of violence against women services in Britain* (2009) <http://www.equalityhumanrights.com/en/publicationsandresources/Pages/MapofGaps2.aspx>. [26.3.13]

<sup>80</sup> Women's National Commission, *Closure of the Women's National Commission* <http://wnc.equalities.gov.uk/work-of-the-wnc/outreach-articles/latest-news/336-closure-of-the-womens-national-commission.html> [21.3.13]

<sup>81</sup> United Nations General Assembly Human Rights Council, *Universal Periodic Review: report of the working group on the Universal Periodic Review United Kingdom of Great Britain and Northern Ireland Addendum* (2008) <http://uhri.ohchr.org/document/index/31c9db66-251b-475a-aa92-85bf4c2719ee> [21.3.13]



now been taken on by the funder, which is the Equalities Office of the Home Office, mentioned above.

Some concerns have been raised about rules on 'No recourse to public funds', which apply to migrants who do not have a certain residency status. This policy states that such migrants should be able to sustain themselves economically and do not have access to welfare benefit payments. This has been particularly problematic for women who are experiencing violence as they have no means to sustain themselves other than reliance on a violent spouse or partner. To deal with this problem, from the 1 April 2012 it has been possible to apply for a Destitution Domestic Violence (DDV) concession from the UK Border Agency,<sup>82</sup> which allows recourse to public funds for a three month period, during which time they may apply for leave to remain. At the time of writing this report, information about how this is working in practice was not available. It may be noted that overall rules and requirements for asylum seekers are being made more stringent, through lengthening the time needed for the establishment of residency status and increasing the requirements, for example in language tests. Finally, it may be noted that the prevention of violence against women is one of four main priorities identified in the Department for International Development's (DFID) Action Plan.<sup>83</sup>

However in addition, the UK government is also currently implementing wide-ranging cuts to welfare benefits paid to individuals. As part of these measures free legal aid, previously available to people on low incomes for legal representation is to be restricted. While domestic violence cases will still be eligible for legal aid, some doubts have been cast on whether this will in practice be accessible. Research by Women's Aid and Rights of Women<sup>84</sup> found that at least 46% of women will not be eligible for legal aid under the new provisions because more stringent criteria for the production of evidence have been set, for example that women need to have taken some form legal action in respect of the violence.

Disabled women are less likely to be in paid employment than their non-disabled counterparts and therefore more poor. According to the Labour Force Survey, in 2011, 51% of disabled women were economically active<sup>85</sup> compared with 73% of non-disabled women. Regarding employment, taking full- and part-time employment together, disabled women were more likely to have a job than disabled men – 30 percent compared with 25 percent<sup>86</sup>. However, the predominance of part-time rather than full time employment for both disabled and non-disabled women means their economic position is much weaker in relation to men. Career opportunities for disabled women are also more narrow than those for disabled men and non-disabled women. Such economic disadvantages may constrain disabled women's access to safe housing (where she needs to escape her current accommodation) due to diminished access to resources and suitable medical care, which is often tied to accommodation.

Over a period of time a large number of cuts to welfare benefits are being implemented. Changes include: reform of housing benefits that involve smaller payments, a household benefit cap, increased requirements to pay council tax, abolition of Disability Living Allowance and the introduction of Personal Independence Payments that are accompanied by the need for more frequent and stringent medical tests, replacement of Incapacity benefit by Employment and Support allowance, also accompanied by more stringent medical tests, re-

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<sup>82</sup> UK Border Agency *Victims of Domestic Violence* <http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/domesticviolence/> [26.3.13]

<sup>83</sup> Department for International Development *A New Strategic Vision for Girls and Women: stopping poverty before it starts* (2011) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/67582/strategic-vision-girls-women.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67582/strategic-vision-girls-women.pdf) [26.3.13]

<sup>84</sup> Welsh Women's Aid and Rights of Women *Evidencing Domestic Violence: the facts* (2012) [http://www.rightsofwomen.org.uk/pdfs/Policy/Evidencing\\_dv\\_the\\_facts.pdf](http://www.rightsofwomen.org.uk/pdfs/Policy/Evidencing_dv_the_facts.pdf) [9.4.13]

<sup>85</sup> The term economically active is a technical / administrative one used to refer to the aggregate of employed people and people who are officially classified as looking for work but are unemployed. People deemed to be economically inactive are those considered to be not looking for work.

<sup>86</sup> Scope <http://www.scope.org.uk/campaigns/policy-and-research/disabled-people-and-cuts> [22.5.13]

ductions in Child benefit, Tax Credit reductions and a reduction in the up-rating of benefits.<sup>87</sup> Research into the impact of these measures<sup>88</sup> has shown that the poorest parts of the UK are being affected most severely, that £19 billion will be taken out of the economy and this equates to about £470 per person in the country. However in the north of England, which is more severely affected, individuals may lose up to £900 each. Disabled people will be affected by several of the reductions as many are in receipt of more than one benefit. A cumulative impact assessment has not been carried out, only assessment of the measures singly.

Planned changes in welfare may have an adverse effect on disabled women who experience violence as it is possible that they will further their financial dependence on partners or family members who may be perpetrators of violence. This, coupled with cuts to specialist victim service provision, and legal aid may place significant restrictions on disabled women's opportunities to escape abusive situations<sup>89</sup>

## **6.2. Institutions and organisations: relevant actors in the field – the support structure**

### ***a) England (and the UK for some non-devolved matters)***

The Home Office has government responsibility for dealing with crime in England and Wales and conducts research, develops plans and implements policies in relation to violence against women and girls. Equalities legislation and policy is developed by the Government Equalities Office, which became part of the Home Office on 1 April 2011 but has been moved recently to the Department for Culture, Media and Sport.<sup>90</sup>

The Office for Disability Issues (ODI)<sup>91</sup> This organisation works to further government strategy in relation to disabled people. Although cross – departmental, it is based in the Department for Work and Pensions. Violence against women is not a priority area of work for the organisation and indeed there is little recognition of gender issues, but it is concerned with increasing the choice and control exercised by disabled people generally, both in relation to employment of personal assistants and by supporting the involvement of user-led organisations. Therefore it is concerned with increasing the choice and control that disabled people can exercise over their daily lives; something that may diminish the threat of violence from others.

The Equality and Human Rights Commission (EHRC)<sup>92</sup> has a statutory obligation under the Equality Acts 2006 and 2010 to promote and monitor human rights in England, Wales and Scotland. While the body was formed as a single entity from three previous independent commissions for disability, race and gender, separate programmes of work are developed in regard to an expanded number of protected grounds: age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and

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<sup>87</sup> See Cohen, N. *Mothers and Children Lose out in Benefit Changes* (2013) <http://www.guardian.co.uk/commentisfree/2013/apr/28/women-fight-poverty-universal-credit-cohen> [22.5.13] and Gentleman, A. *Universal Credit: the essential guide* <http://www.guardian.co.uk/society/2013/apr/26/universal-credit-the-essential-guide> [22.5.13]

<sup>88</sup> Beatty, C. and Fothergill, S. *Hitting the Poorest Places Hardest: the local and regional impact of welfare reform* (2013) Sheffield: Centre for Regional Economic and Social Research [http://www.shu.ac.uk/research/cresr/sites/shu.ac.uk/files/hitting-poorest-places-hardest\\_0.pdf](http://www.shu.ac.uk/research/cresr/sites/shu.ac.uk/files/hitting-poorest-places-hardest_0.pdf) [17.4.13]

<sup>89</sup> For example see <http://www.guardian.co.uk/society/2012/nov/19/domestic-violence-disabled-women-abuse>

<sup>90</sup> Department for Culture, Media and Sport <https://www.gov.uk/government/organisations/department-for-culture-media-sport> [22.5.13]

<sup>91</sup> Office for Disability Issues <http://odi.dwp.gov.uk/index.php> [27.3.13]

<sup>92</sup> Equality and Human Rights Commission *About Us* (undated) <http://www.equalityhumanrights.com/about-us/> [15.3.13]

gender reassignment. Offices are maintained in Wales and Scotland. In Northern Ireland there are separate organisations for Equality and Human Rights. The Equality Commission for Northern Ireland (ECNI)<sup>93</sup> operates to ensure equality under the law on the same grounds as the EHRC in England, but with the additional ground of political thought, reflecting the history of the country. Human Rights are protected by the work of the Northern Ireland Human Rights Commission (NIHRC)<sup>94</sup>. While independent bodies, the EHRC, ECNI and NIHRC are funded by the government

### **b) Scotland<sup>95</sup>**

The Scottish Government and Parliament has several bodies that have responsibilities regarding violence against women. These include: the Scottish Parliament's Equal Opportunities Committee (a mandatory standing committee), the Scottish Government Equality Unit, the National Group to Address Violence Against Women and a cross -Government group on violence against women. Local work is characterised by multi-agency co-ordination structures of a number of partner agencies, both working groups and training consortia. Some of these are located within broader structures, such as community safety bodies. Identified agencies include Community Planning Partnerships, Violence Against Women Multi-Agency Partnerships and Training Consortia as well as public bodies. In 2008-11 £44 million was said to have been spent on actions to combat violence although it is not clear whether these figures are comparable with those from England in terms of the range of activities undertaken and the levels at which the funding was allocated. A wide range of activities undertaken by both the government and partner agencies are identified. Notably in recent years there has been a broadening focus – beyond domestic violence only, towards the inclusion of issues such as violence against sex workers, genital mutilation and forced marriage.<sup>96</sup> Finally there are a number of independent, single agency organisations.

### **c) Wales**

*The Right to be Safe*<sup>97</sup> is the Welsh Assembly Government's six year strategy for tackling domestic and other forms of violence against women. A certain amount of data is available in relation to Council of Europe standards for the provision of specialised services. In 2011, the UK had five helplines: one each in England, Wales and Northern Ireland and two in Scotland. Four (one in each of the countries) operated 24 / 7 and four (again one in each country but the other of the two services in Scotland) were able to offer multilingual support. For a UK population of 62,262,000 there were reported to be 1,025 shelters offering 4,196 beds.<sup>98</sup> Given the Council of Europe minimum standard of one place per 10,000 inhabitants, this means that 1,308 places are missing, or that there are 12.665 women for each place that is actually available. Differences are apparent between various parts of the UK.

As well as the national helplines mentioned above, there are also some that offer more specialised help. Broken Rainbow offer assistance to lesbian, gay, bisexual and transgender people experiencing domestic violence, there is a National Stalking helpline and the Honour

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<sup>93</sup> Equality Commission for Northern Ireland *About Us* (undated) <http://www.equalityni.org/sections/default.asp?secid=0> [15.3.13]

<sup>94</sup> Northern Ireland Human Rights Commission *About Human Rights* (undated) <http://www.nihrc.org/index.php/about-human-rights> [15.3.13]

<sup>95</sup> The Scottish Government *Reporting on Progress Towards Equality for Women and Men made by Public Authorities in Scotland: ministerial priorities for gender equality: tackling violence against women* (2010) <http://www.scotland.gov.uk/Publications/2010/07/01091611/4> [4.4.13]

<sup>96</sup> Scottish Government *Safer Lives: Changed Lives: a shared approach to tackling violence against women in Scotland* (2009) <http://www.scotland.gov.uk/Publications/2009/06/02153519/7> [4.4.13]

<sup>97</sup> Welsh Assembly Government *The Right to be Safe* (2010) <http://wales.gov.uk/docs/dsijg/publications/commsafety/100325besafefinalenv1.pdf> [17.4.13]

<sup>98</sup> Women Against Violence Europe *Country Report 2011: European Service for Survivors of Violence: a right for protection and support?* (2011) [http://www.aof.at/cms/doc/CR\\_komplett\\_2011\\_NEU.pdf](http://www.aof.at/cms/doc/CR_komplett_2011_NEU.pdf) [4.4.13]

Network, which provides assistance to people at risk of 'honour' violence and forced marriage. A number of other helplines provide support to men who have experienced violence and to perpetrators seeking help. The charity Co-ordinated Action against Domestic Abuse (CAADA) is the HM government lead body for the Multi-Agency Risk Assessment Conferences (MARACs). It emphasises collaboration between professionals and integrated support.

## 7. Applicability of legislation to and accessibility of the support structure for women with disabilities

There is a dearth in little legislation that focuses specifically on disabled women who have experienced violence. Disabled women are mentioned in some parts of UK legislation concerning women but are more frequently absent. Research consistently shows that disabled women experience more violence than do non-disabled women and that it is more severe in nature so this omission has serious consequences for recognition of the problems.<sup>99</sup>

Data shows that disabled women experience more violence than non-disabled women and it is also experienced in more contexts. Legislation on non-disabled women's experiences of violence in the UK rightly focuses on domestic and sexual violence by men and on measures to redress the balance of power between women and men. However there are other legal measures concerned with disabled people that are also relevant to disabled women. In particular there has been an increased recognition of the problem of violence, bullying and hate crime against disabled people, including people with intellectual disabilities, in recent years. In many respects this has been the result of campaigning efforts of organisations of and for disabled people as well as publicity surrounding very serious cases such as that of Fiona Pilkington and her daughter<sup>100</sup>.

A definition of monitored hate crime was agreed in 2007 by the Home Office, Crown Prosecution service and prison service (National Offender Management Service). This states that hate crime is:

...any criminal offence committed against a person or property that is motivated by hostility towards someone based on their disability, race, religion, gender identity or sexual orientation.<sup>101</sup>

Therefore it is the perspective of the person experiencing violence that is essential in defining the action as a hate crime. A hate crime is one that the person experiencing violence deems to be motivated by their characteristics. Studies<sup>102</sup> have consistently reported high levels of violence against disabled people, including: being called names and being insulted, harassment, assaults, including verbal, physical and sexual attacks, cyber bullying via mobile

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<sup>99</sup> See for example: Thiara, R.K., Hague, G., Ellis, B., Bashall, R. and Mullender, A. *Disabled Women and Domestic Violence: Responding to the Experiences of Survivors* (2012) , Jessica Kingsley Publishers

<sup>100</sup> Independent Police Complaints Commission (2011) *IPCC report into the contact between Fiona Pilkington and Leicestershire Constabulary 2004-2007 IPCC Reference: 2009/016872*  
[http://www.ipcc.gov.uk/en/Pages/inv\\_reports\\_central\\_region.aspx](http://www.ipcc.gov.uk/en/Pages/inv_reports_central_region.aspx)

<sup>101</sup> Crown Prosecution Service *Fact Sheet: Hate Crime*  
<http://www.leeds.gov.uk/docs/Crown%20Prosecution%20Service%20Fact%20Sheets.pdf> [07.08.13]

<sup>102</sup> See for example Woodin, S. *Evaluation of the CHANGE project: living our lives in safety 2009-2012* (2013) Leeds: CHANGE / University of Leeds



phones, social networking sites and email, robbery: stealing money and possessions, neglect, emotional abuse, attacks on houses and homicide.

The **Criminal Justice Act 2003**<sup>103</sup> recognises disability hate crime in section 146. However a new offense of disability hate crime was not created by the Act, which merely requires the judge to take aggravating factors into account and to increase the sentence where a crime is judged to be caused by this hostility.

The Association of Chief Police Officers (ACPO) has reported that the number of hate crimes in England, Wales and Northern Ireland fell from 51,920 crimes in 2009 to 48,127 in 2010. Total recorded hate crimes for England and Wales in 2011-12 were 43,748.<sup>104</sup> The majority of hate crimes concern race, with a much smaller number, 1,744 (4%) attributed to disability. Although the total number of these crimes has been decreasing, the rates of crimes attributed to disability and sexual orientation has been rising. Recorded disability hate crimes in West Yorkshire, for example, rose from 25 in 2009, to 55 in 2010<sup>105</sup> and 137 in 2011-12<sup>106</sup>. The numbers are small but this represents a steep increase. This increase is due to greater reporting of incidents rather than an increase in instances of violence, and other research backs this up. There is consistent evidence of widespread and regular harassment, bullying violence and crime against disabled people, indicating very high levels of non-reporting.<sup>107</sup><sup>108</sup><sup>109</sup> There are many reasons why criminal behaviour is not reported. These include survivors not being aware that behaviour was illegal or realising there was recourse to help, fear of the police and thinking they would not be believed by them, thinking that the police would not be able to do anything and fear of reprisals from perpetrators for reporting.<sup>110</sup>

As has been noted by Roulstone et al.<sup>111</sup> disabled people are often constructed as 'vulnerable' by public authorities and this can result in a drive to overprotect and remove disabled people from communities, rather than prosecute the perpetrators. Participants in research by Thiara et al.<sup>112</sup> also describe disabled women's objections to attempts by service workers to institutionalise them when a refuge place was not available. (see Recommendations section, below).

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<sup>103</sup> Criminal Justice Act 2003 <http://www.legislation.gov.uk/ukpga/2003/44/contents> [9.4.13]

<sup>104</sup> Association of Chief Police Officers (2012) *Total of recorded hate crime from police forces in England, Wales and Northern Ireland during the calendar year 2011* [http://www.report-it.org.uk/files/final\\_acpo\\_hate\\_crime\\_data\\_2011\\_\(revised\\_oct\\_2011\)\\_1.pdf](http://www.report-it.org.uk/files/final_acpo_hate_crime_data_2011_(revised_oct_2011)_1.pdf) [9.4.13]

<sup>105</sup> Association of Chief Police Officers (2012) *Total of recorded hate crime from regional forces in England, Wales and Northern Ireland during the calendar year 2010* [http://www.report-it.org.uk/files/acpo\\_hate\\_crime\\_data\\_for\\_2010.pdf](http://www.report-it.org.uk/files/acpo_hate_crime_data_for_2010.pdf) [16.11.12]

<sup>106</sup> Home Office (2012) *Table HC.01 Hate crimes in England and Wales by police force area, 2011/12* <http://www.homeoffice.gov.uk/crime/hate-crime/> [16.11.12]

<sup>107</sup> EHRC (2011), *Hidden in Plain Sight: Inquiry into Disability-related Harassment* London: Equality and Human Rights Commission.

<sup>108</sup> Quarmby, K. *Scapegoat: how we are failing disabled people* (2011) London: Portobello

<sup>109</sup> Roulstone, A. and Mason – Bish, H *Disability Hate Crime and Violence*, (2013) London: Routledge

<sup>110</sup> Joint Committee on Human Rights *A Life Like Any Other? Human Rights of Adults with Learning Disabilities*, Seventh Report of Session 2007-08 Vol. 1, (2008) London: House of Commons/ House of Lords.

<sup>111</sup> Roulstone, A., Thomas, P. and Balderstone, S. *Between Hate and Vulnerability: unpacking the British criminal justice system's construction of disablist hate crime*, (2011) *Disability and Society* 26(3) 351-354

<sup>112</sup> Thiara, R.K., Hague, G., Ellis, B., Bashall, R. and Mullender, A. *Disabled Women and Domestic Violence: Responding to the Experiences of Survivors* (2012) , Jessica Kingsley Publishers

## ***Independent Living***

It has been established that people living in institutions experience a high level of violence and that disabled people are at greater risk of being institutionalised.<sup>113</sup> Disabled people are also more at risk where they do not have control over the nature of assistance that they receive. While most large institutions have now closed, smaller ones remain in existence. With this problem in mind there have been several attempts to enshrine a right to live independently in the community into UK Law. While these efforts to get a law on the statute book have not been successful to date, it is probable that Article 19 of the CRPD and ratification of the Optional Protocol by the UK does extend this right. Nevertheless, local authorities in the UK are not obliged to provide services that are greater than their budgets so there are ambiguities in this regard.

The extent of abuse in institutions is not known, at least in part because institutional residents are not included in the Crime Survey for England and Wales<sup>114</sup>, which is the largest self-reporting survey in the UK. The views of disabled people living in institutions are not often sought in research. Residential care services account for 44% of expenditure by National Health Service (NHS) and Social Service Departments in England, down from 46% in 2006-7.<sup>115</sup> Direct payments are increasing: from 2% of expenditure in 2006-7 to 6% in 2011-12. However, clearly there is still a balance towards institutional care in terms of expenditure. Of the £17.2 billion spent on adult social care services in England, (£17.0 in 2010-11; but a decrease of 1% in real terms) 30% is spent on people with intellectual disabilities aged 18-64 and 9% on people with physical impairments aged 18-64. In the past year the average amount spent per person to support them in their own homes or in care homes has declined by 2% in cash terms and 5% in real terms, from £623 in 2010 –11 to £603 in 2011-12.<sup>116</sup> These trends reflect decreased budget allocations to local authorities by central government, which is aiming to save money.

It is established that there are major problems with violence in institutions and that disabled people may also be abused by assistants. Since the 1960s there has been a steady stream of scandals about abuse of people in institutions; some very serious and amounting to torture.<sup>117</sup>

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<sup>113</sup> Health and Social Care Information Centre *Abuse of Vulnerable Adults in England* (2013) <https://catalogue.ic.nhs.uk/publications/social-care/vulnerable-adults/abus-vunr-adul-eng-11-12-final/abus-vunr-adul-eng-11-12-fin-rep.pdf> [26.3.13]

<sup>114</sup> Crime Survey for England and Wales <http://www.crimesurvey.co.uk/index.html> [9.4.13]

<sup>115</sup> NHS Information Centre *Personal Social Services: Expenditure and Unit Costs 2011-12 – Provisional release* <https://catalogue.ic.nhs.uk/publications/social-care/expenditure/pss-exp-eng-2011-12-prov/pss-exp-eng-2011-12-prov-report.pdf> [9.4.13]

<sup>116</sup> NHS Information Centre *Personal Social Services: Expenditure and Unit Costs 2011-12 – Provisional release* <https://catalogue.ic.nhs.uk/publications/social-care/expenditure/pss-exp-eng-2011-12-prov/pss-exp-eng-2011-12-prov-report.pdf> [9.4.13]

<sup>117</sup> Flynn, M. *Winterbourne View Hospital: a serious case review* <http://hosted.southglos.gov.uk/wv/report.pdf> [24.4.13]

## 8. Conclusions

### 8.1 Identified obstacles

A major problem for disabled women in the UK who have experienced violence is the availability and accessibility of support services. They may be prevented from seeking help and intervention due to the following: physical inaccessibility of the premises; lack of accessible communication tools (e.g. BSL interpretation); lack of knowledge about available support services; inappropriate skills and attitudes towards disabled women, stemming from wider societal prejudice. For example, Women's Aid<sup>118</sup> has reported that in 2007 only 38% of organisations were able to offer specialist support services to disabled women, while 60% were not (the remaining 2% not answering the question).

Disabled women may encounter disbelief and attitudinal prejudice among service providers and family which makes it difficult for them to access external help. For example, a survey conducted in 2008 by Glasgow's Wise Women, as part of the Daisie Project<sup>119</sup>, revealed that the problems disabled women experience in accessing support includes poor attitudes, impatience, an unwillingness to accept someone would harm a disabled woman and judgemental attitudes around disabled women's sexuality. This behaviour from service providers reduces self-confidence and prevents disabled women from seeking future help.

Women may require access to Personal Assistant support, but specialist care packages may be lost if they need to move to a refuge, and the majority of refuges do not offer such support. Further lack of accessible accommodation, transport, and assistive technology/equipment may also impede disabled women's take up of specialist services. Overprotection, constant surveillance and inadequate sex education may also be obstacles to disabled women seeking help, if they are not able to distinguish between what is right and wrong sexual behaviour.

Disabled women may have internalised the societal devaluation of women and of disabled people, thus believe they deserve what they get and do not attempt to seek help<sup>120</sup>. Further, as noted above, very few refuges provide specialist support staff for disabled women. This, coupled with the physical layout of buildings causes problems for women with mobility impairments. Lack of accessibility is attributed to the use of old buildings as refuges and also to lack of understanding and awareness of disabling factors by refuge personnel.<sup>121</sup>

As also noted by Thiara et al,<sup>122</sup> disabled women who have experienced violence frequently do not receive responsive assistance from statutory agencies. Their research found that in almost all cases disabled women did not receive assistance from even one agency that they contacted.

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<sup>118</sup> Hague, G., Thiara, R. and Magowan, P. (2007) *Disabled Women and Domestic Violence: making the links An interim report for the Women's Aid Federation of England* (2007) <http://www.womensaid.org.uk/domestic-violence-articles.asp?itemid=2864&itemTitle=Urgent+call+to+action++due+to+proposed+changes+to+housing+benefit+and+universal+credit&section=00010001002200210002&sectionTitle=Articles%3A+refuges> [22.5.13]

<sup>120</sup> Nosak M. A., Howard C. A., and Hughs R. B. The investigation of Abuse and Women with Disabilities: Going Beyond Assumptions. *Violence Against Women* (2001) 7. 477-499

<sup>121</sup> Thiara, R.K., Hague, G., Ellis, B., Bashall, R. and Mullender, A. *Disabled Women and Domestic Violence: Responding to the Experiences of Survivors* (2012) , Jessica Kingsley Publishers

<sup>122</sup> Thiara, R.K., Hague, G., Ellis, B., Bashall, R. and Mullender, A. *Disabled Women and Domestic Violence: Responding to the Experiences of Survivors* (2012), Jessica Kingsley Publishers

## 8.2 Good practice examples

There are a small number of services that are specifically designed to support disabled women; however as mentioned above they are few and far between. In addition a few mainstream services are accessible to the needs of some disabled women. The following organisations are some that aim to provide accessible support. It should be noted that at this point in the research process a systematic investigation of all support services has not been carried out. Therefore the organisations mentioned below are examples only.

**Deafhope UK**<sup>123</sup> – A service for deaf women and children who are experiencing, or survivors of domestic violence. It was established by the health charity for Deaf people, SignHealth, but is aiming to become an independent charity in the future. Deaf Hope is the only specialist domestic violence service for Deaf people (with congenital and acquired deafness) in England, to the authors' knowledge. It is predominately focused around London and Greater London, and works with various minority ethnic groups.

**CHANGE**<sup>124</sup> is a national human rights organisation led by disabled people. They work for the human rights and inclusion of all people with intellectual disabilities. A co-working model is used, whereby people with and without intellectual disabilities work alongside one another on an equal basis. There is an emphasis on accessible information and they produce a picture bank of symbols, photographs and drawings to express complex issues in easy read form. Past projects have included training on hate crime, and rape crisis support for women with intellectual disabilities.

**Wise Women**<sup>125</sup> was originally set up in 1994 as a women's support centre, with funding from Glasgow City Council. They provide courses and workshops for various marginalised groups of women with experience of violence. They have run a 2 year Scottish Government funded initiative focussing specifically on violence against disabled women, making the links between different and additional forms of violence and discrimination that disabled Women specifically experience. This work aimed to:

- Increase the visibility of the causes, extent and impact of male violence and crime against disabled women,
- Highlight disabled women's various and additional experiences of violence abuse,
- Address the impact on women's physical, mental, emotional and social wellbeing.
- Carry out a survey with disabled women for inclusion in a report with the aim of raising awareness and ultimately breaking the silence that surrounds violence against disabled women.

A full report<sup>126</sup> from their work focuses on: fears of crime, abuse, violence and impact, a section on violence against disabled women (direct experiences) and on discrimination and barriers (beyond physical barriers) <http://www.wisewomen.com> Wise Women have also established the Deaf Women Against Violence Group. The group produced an information pack, a BSL DVD and a website accessible for Deaf women.

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<sup>123</sup> Deafhope UK <http://www.signhealth.org.uk/index.php?pageID=152> [9.4.13]

<sup>124</sup> CHANGE <http://www.changepeople.co.uk/index.php> [9.4.13]

<sup>125</sup> Wise Women <http://www.wisewomen.org.uk/> [24.4.13]

<sup>126</sup> Daisie Project – Violence Against Disabled Women Survey (2008). <http://www.wisewomen.org.uk/docs/Daisie%20Report%20PDF.pdf> [23.4.13]

Leeds Inter-Agency Project (LIAP) 127 - In the past LIAP developed good practice, enabling disabled women in receipt of care packages to keep these in instances where they have had to escape from violent partners. Because local authorities are responsible for the provision of support services, typically women moving to a different area have to relinquish the funding they received from the previous authority and go through the assessment process again in the new authority. Lack of portability is a major factor limiting the free movement of disabled people as there is no guarantee that the new authority will provide equivalent services. It is important to note however, that at the time of writing this report, Leeds City Council was not able to confirm that this provision has remained in place. It should therefore be thought of as a desirable rather than actual measure.

## 9. Recommendations

From the above, it is clear that there is need for more responsive services to assist disabled women. The points made below are some of the main issues that arise from research studies that are in the public domain. This is a rather brief list and readers are advised to read the original studies for more detailed recommendations.

- 1. Policy and legislation** - Effective legislation and policies must be put in place, including women- focused legislation and policies that include disability, to ensure that instances of exploitation, violence and abuse against disabled women are identified, investigated and, where appropriate, prosecuted.
- 2. Access to mainstream women’s support services.** Finances have been identified as a major obstacle to making services accessible, whether by making adjustments to buildings, the provision of trained assistance, accessible information or other means. It is also clear that in an age of austerity, the position of domestic violence services is likely to worsen due to policy developments on a number of fronts. Finances are important; however there is also a need for raising awareness among refuge and other support staff in relation to disability equality and accessibility. These issues are highlighted by Thiara et al<sup>128</sup> and they list recommendations made by disabled women who participated in their study as follows:

- Be informed about disabled women’s needs.
- Take advice from, and consult with, disabled women.
- Develop accessible services.
- Provide accessible well-publicised domestic violence services (including refuge accommodation) that disabled women know about.
- Do not threaten disabled women with institutionalisation if no refuge space is available.
- Develop good accessible alternative accommodation, both temporary and permanent, plus support to use it.

<sup>127</sup> Thiara, R.K., Hague, G., Ellis, B., Bashall, R. and Mullender, A. *Disabled Women and Domestic Violence: Responding to the Experiences of Survivors* (2012) , Jessica Kingsley Publishers

<sup>128</sup> Thiara, R.K., Hague, G., Ellis, B., Bashall, R. and Mullender, A. *Disabled Women and Domestic Violence: Responding to the Experiences of Survivors* (2012) , Jessica Kingsley Publishers

Develop disability equality schemes and reviews with input from disabled women.

Take disabled women seriously and avoid being patronising

3. **Access to Justice** – include a disability component in programmes designed to strengthen the justice sector. This would include ensuring venues and physically accessible and that materials are in different accessible formats
4. **Consultation and Involvement** disabled women who have experienced violence need to be fully involved and consulted in the development of responsive support and services. Information about existing accessible services needs to be publicised and easily available to disabled women.
5. **Developing Specialist Support Services.** At the same time as there is a need for developing mainstream services, specialist support needs to be strengthened. The authors of this report were only able to identify a few specialist services providing support to disabled women and data from the 2011 WAVE national report, described above, illustrates the paucity of this provision. This might take the form of specialist disability roles in women's support services and specialist women's support roles in disability organisation.
6. **Within the DPO sector** there is scope for developing the role of Centres for Independent Living (CILs) and similar organisations in this area, especially in relation to violence by support staff. Many already provide assistance to disabled people to employ personal assistants, including training and advice. Asking CILs to take a more proactive stance in this regard should be accompanied by targeted funding to support the work.
7. **Access to Support Services and Accessible Housing.** Where disabled people receive support services from local authorities, moving can involve the loss of these services. Where women must move to a new area to escape a violent partner she usually will have to be reassessed by the new authority and there is no guarantee of the same level of assistance. The existence of this 'postcode lottery' may mean that the woman feels she has no choice but to remain with the violent partner.
8. **Data and Monitoring.** Research points to a lack of data and monitoring overall, both by domestic violence services and by statutory authorities. This makes progress difficult to measure and reflects and contributes to a lack of awareness of the problems faced by disabled women who experience violence.
9. **Hate Crime.** Reporting of disability hate crime is slowly improving and this is resulting in an increase in the recorded crime rate.<sup>129</sup> It is important that initiatives on this work are maintained and strengthened, both in terms of the allocation of police resources and the input of other statutory and voluntary organisations.
10. **User – controlled support.** There is a need for continued support for Independent Living measures that bring assistance under the control of disabled women and that prevent institutionalisation. Where there is no space in a refuge or it is not accessible, disabled women must not be forced into an institution.
11. **Austerity Measures** represent an area for considerable concern. Disabled women are being affected in multiple ways by a combination of reductions in welfare benefits

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<sup>129</sup> Association of Chief Police Officers *Total of recorded hate crime from police forces in England, Wales and Northern Ireland during the calendar year 2011* (2012) [http://www.report-it.org.uk/files/final\\_acpo\\_hate\\_crime\\_data\\_2011\\_\(revised\\_oct\\_2011\)\\_1.pdf](http://www.report-it.org.uk/files/final_acpo_hate_crime_data_2011_(revised_oct_2011)_1.pdf) [8.4.13]



(where they are eligible), housing support and provision of support services. At the same time already inaccessible services are being severely affected by funding reductions<sup>130</sup>. However the costs of violence are high. Overall, for example, New Philanthropy Capital estimates that for all women in the UK domestic violence costs £20.1 billion per annum and sexual violence £25.7 billion per annum.<sup>131</sup> Overall, the costs of domestic violence in 2008 have been estimated for all women in the UK to be £15,730 million..<sup>132</sup>

- 12. Poverty and Welfare Payments** It is well established that a disproportionate number of disabled people are living in poverty and so are more likely to claim benefits. The Universal Credit<sup>133</sup>, a new benefit that is replacing a range of others, will be paid monthly into one bank account per household. This may increase disabled women's financial dependence on abusive partners, making it harder for them to leave. It is important for disabled women to have independent income.
- 13. National and Local Policies** Cuts to local authority budgets and the localism agenda mean that there is pressure towards cutting smaller specialised services and towards 'economies of scale'. This means that important services for women who face particular discrimination, including disabled women and BAMER women are losing out. It is important to reverse this trend and to ensure equity in the provision of services across all parts of the UK.
- 14. Education and Training.** There is a need for increased education and training across the 'divide' of disability and women's services, to increase knowledge, understanding and responsiveness to the issue of violence against disabled women. A possible strategy could include public education campaigns using a range of media to address different audiences. Further a network could be developed to share best practice.
- 15. Joined-up/ Multi-Agency Working** is very important in order to address the issue of violence against all women, and to ensure disabled and non-disabled women experiencing abuse are supported.

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<sup>130</sup> Towers, J. and Walby, S. *Measuring the Impact of Cuts in Public Expenditure on the Provision of Services to Prevent Violence against Women and Girls* (2012) Trust for London/Northern Rock Foundation <http://www.trustforlondon.org.uk/VAWG%20Full%20report.pdf> [8.4.13]

<sup>131</sup> Järvinen, J., Kail, A. and Miller, I. *Hard Knock Life. Violence Against Women: a guide for donors and funders* New Philanthropy Capital <http://www.thinknpc.org/publications/hard-knock-life/> [8.4.13]

<sup>132</sup> Walby, S. *The Cost of Domestic Violence: up-date 2009* <http://www.lancs.ac.uk/fass/sociology/profiles/34/> (2009)

<sup>133</sup> Department for Work and Pensions *Universal Credit* <http://www.dwp.gov.uk/policy/welfare-reform/universal-credit/> [8.4.13]

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