

Kent Academic Repository

Full text document (pdf)

Citation for published version

Sanders-McDonagh, E. and Neville, L (2017) Too little, Too late: Domestic Violence Policy in the Age of Austerity. Discovery Society .

DOI

Link to record in KAR

<http://kar.kent.ac.uk/61601/>

Document Version

Author's Accepted Manuscript

Copyright & reuse

Content in the Kent Academic Repository is made available for research purposes. Unless otherwise stated all content is protected by copyright and in the absence of an open licence (eg Creative Commons), permissions for further reuse of content should be sought from the publisher, author or other copyright holder.

Versions of research

The version in the Kent Academic Repository may differ from the final published version.

Users are advised to check <http://kar.kent.ac.uk> for the status of the paper. **Users should always cite the published version of record.**

Enquiries

For any further enquiries regarding the licence status of this document, please contact:

researchsupport@kent.ac.uk

If you believe this document infringes copyright then please contact the KAR admin team with the take-down information provided at <http://kar.kent.ac.uk/contact.html>

Too little, Too late: Domestic Violence Policy in the Age of Austerity

Erin Sanders-McDonagh
Lucy Neville

The current UK Prime Minister, Theresa May has referred to domestic violence [DV] as “[a life-shattering and absolutely abhorrent crime](#)”, one which the Conservative Government is dedicated to tackling as a “key priority”. On the face of it at least, we have an administration in the UK that is ready and willing to take the steps necessary to end the decades long crisis of domestic violence – a crisis that continues to see approximately [six women a month](#) dying at the hands of their current or former partners. However, at the same time as paying lip service to ending DV, the government continue to implement austerity economics and further cut the very same public services that both directly and indirectly safeguard against it. In the past few years, under the guise of austerity politics, we have seen a rolling back of some of the progress made in the DV sphere from the Coalition Conservative and Liberal Democrats from 2010-2015, and continued with the Conservative Government over the past two years. While tackling domestic violence is clearly complex, we argue that while policy initiatives and press conferences from politicians make DV *seem* like an important issue, they are worthless without the appropriate financial resources to support policing, social care, and public health recommendations.

Certainly looking at the key developments that have shaped DV policy over the past forty years should give us a sense of optimism. Reformers have had great success in bringing women’s experience of violence out of the shadows of the private sphere and into the public realm. However, despite the public rhetoric that now claims to prioritise ending violence against women, DV remains an enduring and endemic social crisis. While many of the policy initiatives we discuss here have the potential to help DV victims, such initiatives are worth little without a sustained and substantial stream of funding to safeguard work on the ground. Moreover, such policies do little to address some of the underlying issues of gender inequality that can help perpetuate DV in the first place. While DV is not an issue that affects women – men can and do experience DV – women are [disproportionately impacted](#) and often experience more physically damaging effects than men. In this brief policy briefing we will limit our discussions to women’s experiences of domestic violence and consider policy in relation to women victims of DV.

Policy Developments since the 1970s

In the early 1970s – before the concept of ‘marital rape’ existed, and when women struggled to apply for a mortgage without the signature of a male guarantor – the activist Erin Pizzey opened a women-only space in London as part of a feminist project to provide a place where women could come together to make friends and create networks, and share experiences and stories. However, as more and more women revealed their experiences of violence in the home, it was clear that a shelter space that could offer women refuge and support to leave violent relationships was a much-needed service. Refuge

became a national NGO providing safe shelters for women, and shortly after its creation the National Women's Aid Federation (now known as Women's Aid) was founded in 1974. Both Women's Aid and Refuge worked together to campaign for legislation that would protect women living with violent partners.

Partly as a result of campaigning from these and other feminist groups, changes to the law soon followed – including the 1976 Domestic Violence and Matrimonial Proceedings Act, which granted civil protection orders for women living with violent partners; and the 1977 Housing Act which recognised women and children in violent homes as homeless and gave them priority for access to temporary housing. Not only were women's rights campaigns successful in making changes to the civil code, they also [highlighted the sheer scale of DV in the UK](#) and prompted politicians and policy makers to recognise gender-based violence as a serious social problem.

In the 1980s and 1990s a number of new measures were introduced to help further support female victims of domestic violence, including the Family Law Act 1996 (later updated in the Domestic Violence Crime and Victims Act 2004), which granted occupation and non-molestation orders (occupation orders temporarily excluded abusers from the house, and non-molestation orders prohibited threats, harassment, and intimidation). Shortly after followed The Protection from Harassment Act of 1997, which was both a civil and criminal remedy, and included non-harassment and restraining orders (later updated to include stalking). Then, in 2004 the Domestic Violence Crime and Victims Act was passed, which updated existing legislation to make common assault an arrestable offence, and included a number of changes to criminal and magisterial proceedings, particularly in relation to victims.

Ten years later in 2014, Domestic Violence Protection Orders were introduced in England and Wales, extending the power of the police and magistrates, who now have the authority to ban the perpetrator from the home and from having contact with the victim for up to 28 days. This gives victims time and space to access support and consider options, rather than forcing them to flee or leave their homes without support or belongings.

Commonly known as Clare's Law in memory of Clare Wood who was killed in 2009 by an ex-partner who, unknown to her, had been violent to previous partners, [The Domestic Violence Disclosure scheme](#) was passed in 2014, and gives an individual the right to ask the police to check if a partner has a history of abuse.

Defining Domestic Violence

Definitions of domestic violence have also changed over time. Previously domestic violence was defined as a single act of violence for intimate partners or family members over 18 years of age. In 2012, it was announced that the Government definition of domestic violence would widen to include those aged 16-17, as [multiple sources](#) made clear that young people are the most at-risk group of suffering violence in a relationship. The importance of coercive control,

and the understanding that a single act of violence does not capture the complexity of domestic violence, also came to the fore. This followed on from government consultations, which saw respondents call overwhelmingly for such an acknowledgment, reflecting the long-held awareness that DV is not *just* about physical violence – in fact, for many survivors the physical violence is not even the worst element of the abuse (Dobash & Dobash, 1979). Awareness of coercive control recognises that DV is "not merely a collection of mindlessly abusive acts, but a set of tactics used by batterers to take control of their partners" (Johnson, 2008:14). In 2015, [Section 76 of the Serious Crime Act](#) came into effect, which criminalises intimate partners or family members that engage in patterns of coercive or controlling behaviour, and allows for a wider range of criminal offences to apply to cases of domestic violence (e.g. threatening behaviour, rape, manslaughter, murder).

Policing DV

While [the Crime Survey of England and Wales](#) suggests a decline in the level of DV over the past decade, rates for domestic homicide have remained relatively stable. In 2014-2015 nineteen (19) men (6% of all male victim homicides) and eighty-one (81) women (49% of all female victim homicides) were killed by a current or former partner or lover, and the rate for female victims of domestic homicide has sat consistently around the 90 per year mark for the past decade.

Her Majesty's Inspectorate of Constabulary (HMIC) were commissioned by the Home Secretary in 2013 to overview police responses to domestic violence. While acknowledging progress had been made, [the report](#) made it clear that there were nevertheless endemic problems across police responses to DV England and Wales with victims often put at "unnecessary risk". It stated that while domestic abuse might be a "priority on paper" it was unfortunately not a priority "in practice" and remained a "poor relation" to acquisitive crime and serious organised crime. In particular it critiqued: the lack of visible leadership and poor supervision from senior officers; weaknesses in some core policing activity, especially the collection of evidence by officers at the scene of domestic abuse incidents; and a lack of skills and knowledge around domestic abuse and how to engage with victims. It is clear, that despite having legislation in place to help victims of domestic violence, if the police are poorly equipped, inadequately trained, or perhaps unwilling to tackle DV as a criminal issue, then the policies become moot.

Policy Implementation Under Austerity

While it is clear that drafting policy that seeks to address issues of DV is a vital first step in ensuring there is a legislative, judicial, and criminal justice framework to deal with DV, there are important economic issues that are preventing many women from accessing the help and support they need. Women's Aid suggest that since 2010 [a third of referrals to refuges have had to be turned away](#) due to lack of space, and argue that the lack of funding over the past seven years, combined with the insecurity that comes without sustained

and ring-fenced commitments to refuges, men's shelters and other services for DV victims are precariously positioned.

It is not just a reduction in funding for shelters that adds to the precarity of this position. [Our London-wide evaluation](#) of a psycho-educational programme for children who had witnessed domestic violence (which ran a concurrent programme for mothers who were victims of DV), had positive impacts on both children, in terms of helping them come to terms with the violence they experienced, and mothers, in terms of helping them to relate to their children in positive ways. The biggest problem across every borough we spoke to was related to funding – while the funding of refuges and shelters is vital, they are not the only services that need sustained and assured funding; after all, the aftermath of violence continues long after leaving a shelter. Not only is further emotional and psychological support often required, but long-term housing solutions also need to be reached. [Welfare reforms that place caps on housing benefits](#) make it much harder for women to find safe accommodation for themselves (and for their children). While women staying in shelters are ([currently](#)) exempt from these housing benefit caps, once women leave they are in an immediately unstable position, increasing their vulnerability at a time when they need more support and security.

While addressing DV as a criminal issue, one that police and the judiciary should take seriously, domestic violence is also an issue for health and social care services. [The National Institute for Clinical Excellence](#) published a worrying report in 2014, which highlighted significant gaps in health and social care provision for victims of DV, as well as a lack of appropriate services for perpetrators of DV. Our own research on domestic violence provisions [in London](#) and [in the West Midlands](#) suggests that the key issue facing all service providers – from health, to social care, to policing – is a lack of access to sufficient funding.

While much of the work on domestic violence has focused on introducing legislation and working on policing tactics, [our work](#) on domestic violence homicides in and around Birmingham also noted that GPs were important points of contact for people who were afraid of partners or family members and wanted to seek advice, and in some cases for men who were worried about their violence towards partners. However, GPs – [already stretched by the growing patient lists and funding cuts](#) - did not always have the time or capacity to work with patients to address these issues appropriately, or lacked the training to identify domestic violence. This meant they failed to make referrals or made inappropriate referrals (such as referring perpetrators to anger management – often [wholly inappropriate for DV perpetrators](#)). Ensuring that GPs are adequately resourced and trained to deal with both victims and perpetrators is another important way of helping prevent domestic violence, as is ensuring that mental health services are well funded and available – however, like many other services, [the NHS is also in crisis](#).

While putting money towards victims and victim-centred approaches is important, it is also important that we also look at ways of addressing men who

commit intimate violence. As [Marian Duggan](#) has argued, it is not enough to simply focus on victims, if we as a society want to prevent domestic violence focusing on addressing violent behaviour from men is key. A lack of perpetrator programmes across the West Midlands emerged as a central issue in [our research](#), and this is not a geographically unique issue. [Research from Kelly and Westmarland](#) (2015) suggests that accredited perpetrator programmes can make significant differences for the perpetrator (in terms of being able to make positive behavioural changes), for the victims (in terms of feeling safer and being less likely to experience physical or sexual abuse), and for children (who felt safer with their fathers). However, appropriate programmes for perpetrators are not widely available in most areas, leaving some men who want to alter their violent behaviours without proper support to facilitate positive changes.

Finally, a lack of financial resources is often the key contributor to the failure of Multi Agency Risk Assessment Conference (MARACs) that have identified women and children who are at risk of escalating DV. MARACs bring together professionals from a wide range of statutory and voluntary agencies to share information about victims assessed as high risk (by the risk identification tool developed by the charity Co-ordinated Action Against Domestic Abuse (CAADA) and the [Domestic Abuse, Stalking and Honour Based Violence \(DASH\)](#)). While multi agency working is important in helping women and children who are living in a situation of violence, the process must move beyond simply assessing risk, to implementing action plans and ensuring that stakeholders have the capacity to follow up on these plans. Equally, ensuring that there are sufficient resources available to actually assist women (and children) experiencing DV is vital. This goes beyond providing funding for shelters or other services, to ensuring that frontline staff, including social workers, mental health professionals, and child protection officers are well-trained, well-managed, and that the positions are filled by competent and qualified people. Take, for example [evidence presented to the Parliamentary Select Committee on Social Work](#) that highlighted serious concerns about vacancies in child protection services, noting unreasonable pressure placed on social workers to deal with ever-growing workloads with little support. New staff are described as “cannon fodder”, with an expected shelf life of six months before they “burn out”. It is abundantly clear that the systems and services that should be supporting those most at risk are failing, not due to a lack of care or concern, but due to systematic issues endemic in social care, most of which ultimately come down to a lack of funding that would help ensure social workers – who deal with trauma, violence, and abuse on a daily basis – [are both properly compensated for the work that they do, and managed appropriately](#).

Where we are now

On the 2nd of November 2016, Theresa May announced that [£20 million pounds](#) would be given to boost funding for domestic violence (DV) refuges for women. The funding is the first tranche of money promised in the 2015 spending review - £40 million has been made available to tackle domestic violence from 2015-2019. While this might seem like a considerable amount of money to put towards DV, it does very little to tackle the underlying issues that most impact DV victims.

Research from the leading national domestic violence charity Women's Aid suggests that [17% of specialist women's refuges](#) have closed since 2010 and [Sunderland](#) is about to become the first UK city without a single DV refuge. All this despite the professed 'commitment' from the government to tackle this issue.

In February of this year the Government committed itself to creating a new [Domestic Violence and Abuse Act](#), with the aim of making the law work better for victims; increasing the number of prosecutions for domestic violence and removing the 'postcode lottery' which has meant victims in some parts of the country have received far more support than victims in others. While an attempt to tackle inconsistencies in the way laws and measures are applied is to be welcomed, it is not yet clear what a commitment to doing this will look like in real terms. Perhaps it would look something like the [2011 Istanbul Convention](#), which the government has thus far refused to ratify. This would bind it to train professionals who work closely with victims, regularly run awareness raising campaigns, take steps to teach gender equality and healthy relationships in schools, set up perpetrator programmes for DV and sex offenders, work closely with NGOs, and involve the media in eradicating gender stereotypes and creating mutual respect. While the UK signed the Convention in 2012, the continued refusal to ratify it - despite recent debates on the [issue in Parliament](#), and continued pressure from women's groups - speaks volumes. While [Theresa May](#) and her predecessor [David Cameron](#) have made clear their intentions to address the issue of DV, until we ensure that GPs and related health services have sustained funding to work with victims or perpetrators in health settings, that we have qualified social workers in place, that refuges and front-line services have ring-fenced and guaranteed funding that will allow multi-agency working, and that police are properly trained in identifying and helping victims, domestic violence will always be a 'crisis' issue.

We need only look to [the recent decriminalisation of DV in Russia](#), or the election of a man who [openly boasts about sexually assaulting women](#) in the US, to realise that women's rights are under threat. The Government needs to do significantly more than apply a plaster to what has become a blistering, infected wound over the past seven years. While the increase of dedicated funding being made available to support violence against women initiatives is welcome, it does not undo the damage caused by seven years of gross neglect that saw an entire sector of dedicated, specialist services decimated by austerity measures that [even the International Monetary Fund](#) suggest cause more harm than good. Women's groups have been fighting difficult battles for over forty years to try to eradicate DV; and have had much success. However, 'progressive' policies that nevertheless do not include dedicated funding to deal with wider issues of gender inequality, that do not pay attention to the feminisation of poverty, that do not make provisions for specialist services available for anyone who experiences DV, are not worth the paper on which they are written.

Luc de Clapiers, the Marquis de Vauvenargues and a French writer from the 18th century once wrote that 'one promises much to avoid giving little'. The financial promises made by Theresa May to address violence against women are little

comfort for the hundreds of women that have died over the past seven years at the hands of violent partners while austerity measures closed specialist services, or the women who were turned away from refuges due to lack of space, or the children who witnessed violence in their home without support from a dedicated and appropriately resourced social worker. Austerity measures, when considered in this way, are forms of state violence that punish the most vulnerable. Despite her financial promises to help, Theresa May's measures are in danger of being too little, and too late.

Bibliography

Dobash, R.E. & Dobash, R. (1979) *Violence against wives: A case against the patriarchy*. New York: Free Press.

Johnson, M.P. (2008) *A typology of domestic violence: Intimate terrorism, violent resistance, and situational couple violence*. Lebanon, New Hampshire: University Press of New England.

[Erin Sanders-McDonagh](#) (@liminologist) is a Lecturer in Criminology at the University of Kent. She is a feminist public scholar with a commitment to radical and engaged pedagogic practices. Her research explores inequality in different forms, and she has worked with a range of marginalised groups in recent research projects. She has a strong commitment to working with scholars from across disciplinary boundaries (i.e. she's interdisciplinary as fuck) and to moving research findings into the public arena.

[Lucy Neville](#) (@blue_stocking) is a Senior Lecturer in Criminology at Middlesex University. She is a feminist and activist, and one of the founding members of the FemGenSex network of feminist scholars interested in investigating areas around women, gender, and sexuality. Her research interests relate to understanding women's engagement with pornography, sex, and sex work; sex work policy in the UK and internationally; violence towards women; domestic violence; violent crime; and the impacts of austerity on responses to violent crime.