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Home Office

Policy paper

Domestic Abuse Commissioner factsheet

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What are we going to do?

- establish the Domestic Abuse Commissioner as a statutory office holder
- place duties on specified public bodies and Government Ministers to cooperate and respond to the Commissioner's recommendations

Designate Domestic Abuse Commissioner, Nicole Jacobs:

“ Those subjected to domestic abuse have long awaited the changes outlined in the Domestic Abuse Bill. Now is the time to focus our efforts and to maintain our highest ambition to ensure safety for survivors of domestic abuse.”

How are we going to do it?

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The Bill will establish the office of the Domestic Abuse Commissioner in law, to provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales.

The Commissioner will be tasked with encouraging good practice in preventing domestic abuse; identifying victims and survivors, and perpetrators of domestic abuse, as well as children affected by domestic abuse; and improving the protection and provision of support to people affected by domestic abuse.

To do this, we expect the Commissioner to map and monitor provision of services, make recommendations to public bodies about their response, carry out research, work jointly with public authorities and voluntary organisations, and raise public awareness of domestic abuse. The Commissioner will consider both specialist domestic abuse services such as refuges or specialist victim services, as well as how mainstream services identify and respond to victims and survivors.

The Commissioner will have the power to publish reports and lay them before Parliament; these reports will hold local commissioners, statutory agencies and national government to account and make recommendations on how they can improve their response.

Specified public bodies will be under a duty to cooperate with the Commissioner, and they and government ministers will be required to respond to each recommendation made to them within 56 days.

To safeguard and secure the Commissioner's independence, we will publish a statutory framework document agreed with the Commissioner, which will set out in greater detail how the Home Secretary will work with the Commissioner and will address, in particular, issues of governance, funding and staffing.

Background

Many of those affected by domestic abuse access services and support that have been commissioned locally, mainly by local authorities, police forces, Police and Crime Commissioners or NHS bodies who are best placed to determine local needs in their area. While this provides flexibility to respond to the particular needs of a local area, it can mean that the quantity and quality of services can vary nationally.

Domestic abuse also remains largely hidden, and given its prevalence, we know that more needs to be done to embed government guidance, such as the National Statement of Expectations, share best practice and challenge local areas where provision is insufficient. There is also the need for greater awareness raising with the public as well as with mainstream statutory services to enhance early identification and support for victims and their families

Why can't the government carry out these functions itself?

We consider that an independent Commissioner is the most effective model for carrying out these functions. They will be able to make challenging and robust recommendations, as well as being able to make recommendations directly to central government itself and hold it to account.

The Commissioner will also be able to play an important role in providing independent and objective advice which can be relied upon by statutory agencies and the voluntary sector alike.

Who will be the Domestic Abuse Commissioner?

On 18 September 2019, Nicole Jacobs was appointed as the Designate Domestic Abuse Commissioner. This appointment will ensure that the crucial work of the Commissioner can now begin without needing to wait for the Bill to reach Royal Assent.

This is also an opportunity to test the model before it is codified in law and provides opportunities for the government and parliamentarians to make changes during the Bill's passage, if necessary. If the role changes significantly during the passage of the Bill, there would need to be a new public appointment process to ensure that the office holder remained the best qualified individual for the role.

How will you know if the commissioner is effective?

We will review the remit and functioning of the Domestic Abuse Commissioner within 3 years of commencement and will review the part-time nature of the role within 6 months of the appointment of the Designate Commissioner (that is, in spring 2020).

Will the Commissioner be able to direct public bodies or government departments?

No. The Commissioner will have the power to publish reports and make recommendations, and statutory agencies and Government Ministers will be required by law to respond to those recommendations publicly.

We believe that this will exert considerable pressure to effect change, while maintaining local accountability and independence. Local Authorities and PCCs are directly elected by the local electorate, and any power of direction from a non-elected Commissioner could undermine this important democratic principle.

Will the Commissioner consider wider forms of Violence Against Women and Girls?

We believe that there is merit in introducing a Domestic Abuse Commissioner specifically to focus on the issues affecting victims of Domestic Abuse. However, we know that a large proportion of sexual violence occurs within a domestic context, and the Commissioner will play an important role in raising awareness and standards of service provision across all forms of Violence Against Women and Girls.

How will the Commissioner work in Wales?

The Commissioner will operate in England and Wales, but will consider only reserved matters in Wales, such as criminal justice. We do, however, expect them to work closely with the National Advisers for Violence Against Women, Gender-based Violence, Domestic Abuse and Sexual Violence in Wales, and the statutory framework document will also cover the Commissioner's relationship to the UK Parliament and the National Assembly for Wales insofar as the activities of the Commissioner relate to devolved matters in Wales.

Key facts

The Commissioner will be established as an independent statutory office holder and will be staffed with an office of civil servants.

The Commissioner will be provided with a budget of £1 million per annum. This can be spent on staff costs, as well as a programme budget to support other events or projects.

The Home Office will be the sponsoring department, providing financial oversight and ensuring that the Commissioner carries out their functions as set out in law.

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