

**IN THE UK COVID-19 PUBLIC INQUIRY  
BEFORE BARONESS HEATHER HALLETT  
IN THE MATTER OF:**

**THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK**

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**SUBMISSIONS ON BEHALF OF  
SOUTHALL BLACK SISTERS AND SOLACE WOMEN'S AID  
PRELIMINARY HEARING  
31 OCTOBER 2022**

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**Introduction**

1. Southall Black Sisters (SBS) and Solace Women's Aid (SWA) are grateful for their designation as Core Participants. They are represented jointly by Public Interest Law Centre and leading and junior counsel. Their interest in the Inquiry, and specifically in Module 2, is in the disproportionate effects that the pandemic, and the government's response to it, had on those with protected characteristics under the Equality Act 2010, particularly women and girls<sup>1</sup>. They wish to make short oral submissions at the preliminary hearing on Monday 31 October.
  
2. Specifically, both organisations are concerned with:
  - a. The increase in domestic abuse, principally against women and girls, as a result of the imposition of lockdown policies;
  - b. the government's failure to identify the significant risk in violence against women and girls in a pandemic and to prepare sufficiently for this eventuality;
  - c. the lack of social housing and refuge spaces available to survivors of abuse which increased during the pandemic;
  - d. the effect on women and girls' mental health as a result of abuse in the home, isolation of lockdown with loss of vital support networks, and the health risks;

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<sup>1</sup> Whilst SBS and SWA recognise that domestic abuse affects men and women, the majority of domestic abuse is perpetrated against women and girls. Accordingly, women and girls will predominately be the focus of our submissions.

- e. the disparate outcomes experienced by black and ethnic minority women in respect of health and protection from domestic abuse during the pandemic;
- f. the disparate outcomes for women with disabilities, who are likely to have been disproportionately affected;
- g. the particular disproportionate effect that lockdown had on women who had No Recourse to Public Funds (NRPF) and were trapped and isolated in abusive relationships;
- h. the particular disproportionate response on migrant women;
- i. the government's means of communication with those at risk of domestic abuse and the manner in which they conveyed information on how they could seek help;
- j. the disproportionate impact on those women in poverty;
- k. the increased caring responsibilities on women, in particular, as a result of lockdown; and
- l. the effect of the move to remote services or lack of access to health services on women and girls, particularly those experiencing domestic abuse.

### **Southall Black Sisters**

3. SBS is a not-for-profit organisation which was established in 1979 to meet the needs of black and ethnic minority women. For more than 4 decades, it has been at the forefront of challenging domestic and gender-related violence locally and nationally and has campaigned for the provision of proper and accountable support services to enable women and their children to escape violent relationships. Whilst its focus is on the needs of black and ethnic minority women, it also assists any woman who needs emergency help. It runs an advice, advocacy and resource centre in West London, and its advice line has a national reach. It handles on average 7,500 cases and enquiries each year. It has an additional crisis fund through which it supports women with NRPF fleeing gender-based violence with emergency accommodation and support that they would not otherwise be able to access.

### **Solace Women's Aid**

4. SWA was established over 48 years ago and is one of the single largest providers of services for survivors of violence against women and girls in the UK. Its aim is to work to prevent violence and abuse, as well as providing services to meet the individual needs of survivors, predominantly women and children. It runs 22 refuges, offering 178 rooms for women and children, including a specialist refuge for women with mental health difficulties and substance abuse issues. It also runs specialist housing and support projects for particular

groups of survivors: women who are street homeless, older women, children and young people, young black and ethnic minority women, and Irish travellers. It runs the East London Advice Line and the North London Rape Crisis Centre. In 2020, it supported 10,692 survivors of domestic abuse through advice, advocacy and support and accommodated 920 women and children in refuges.

5. Both organisations have significant campaigning and public advocacy roles, including giving evidence to Parliamentary Select Committees, producing policy work, and making representations to Government and other policy-making organisations.
6. Each organisation saw a significant increase in referrals to their services following lockdown. For SBS, enquiries increased by 46% from April 2020 – March 2021 in comparison to the previous year, and cases rose by 40%. A large increase was in April 2020 (as lockdown began). There was a particular increase in the number of enquiries from migrant women with NRPF. SWA saw an increase of 117% in calls to their advice line in March 2020 compared to the previous year, and over the year 2020 – 2021 an increase of 30% in calls to its Rape Crisis Helpline. Both organisations advocated for funding so that, in May 2020, they were able to launch the Covid-19 Crisis Project, offering safe crisis accommodation to women fleeing violence across London.

### **Counsel to the Inquiry's Note for the Preliminary Hearing**

#### **Rule 9 Requests**

7. SBS and SWA understand that CBFFJ are submitting that Rule 9 requests should be disclosed. We support that submission. It is our view that disclosure of the Rule 9 requests allows for transparency and helps to ensure that recipients adhere to the terms of the request. The Rule 9 requests themselves are unlikely to be lengthy and can be considered reasonably swiftly. Having sight of them is likely to significantly reduce any concern that may arise in the disclosure that relates directly or indirectly to the omissions in government policy. Disclosure of those requests involves very little additional administration for the Inquiry Team.
8. In addition to the organisations listed at para 40 of CTI's note, we would suggest formal requests for evidence pursuant to Rule 9 of the Inquiry Rules 2006 from the following:

- a. Ministry of Justice (responsible for victim support services)
  - b. Government Equalities Office (leading on policy relating to women, sexual orientation and transgender equality);
  - c. Domestic Abuse Commissioner (designate, whose role is an independent voice speaking on behalf of victims and survivors);<sup>2</sup>
  - d. Victims' Commissioner (an independent voice for victims and witnesses).
9. Whilst we note that Rule 9 requests will be made of the Home Office, it will be helpful to clarify this includes the following units:
- a. Forced Marriage Unit (which is a joint Foreign, Commonwealth and Development Office and Home Office unit, it leads the government's forced marriage policy, outreach and casework);
  - b. Interpersonal Abuse Unit, including the Violence against Women and Girls team; and
  - c. UK Visa and Immigration, including Immigration Enforcement.

#### Disclosure to Core Participants

10. CTI's note, para 53, states that all information and documents received will be assessed for relevance and then redacted, so as to remove sensitive material. At para 54 "it is neither necessary nor proportionate for the Inquiry to disclose every document that it receives, or every request that it makes, or every piece of correspondence."
11. SBS and SWA understand the need for proportionality. Their concerns particularly relate to omissions. The issue is that government, as a whole and through separate departments, failed to consider the impact on women and girls on lockdown, i.e., the likelihood of an increase in domestic abuse, and mental health difficulties caused by a cumulative effect of isolation, increase in caring responsibilities and risk of domestic abuse. Further, there may have been particular failures to consider those risks in relation to black and ethnic minority women, women with disabilities, migrant women and to women who were subject to NRPF.
12. The problem with omissions is that they are very hard to identify. The concern therefore is that the review, for relevance, by the Inquiry Team might inadvertently fail to spot

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<sup>2</sup> The Domestic Abuse Commissioner (designate) was appointed in 2019. Powers were given to her in 2021 following the coming into force of Domestic Abuse Act 2021. Nevertheless, she was designated as being in post throughout the period of the pandemic.

circumstances where a particular issue – relating to women and girls and the risks set out above – should have been identified but was not. Disclosure of potentially relevant documents and/or a schedule setting out an itemised list of documents would enable the CPs potentially to identify where an issue should have been, but was not, raised and considered. Alternatively, we request that the Inquiry Team is aware of the importance of considering potential omissions in documents disclosed.

13. A practical and efficient way to ensure that those omissions are properly considered and identified is to have sight of the Rule 9 requests (see para 7 above).

#### Expert material and the instruction of expert witnesses

14. SBS and SWA note the areas of likely expert evidence at para 68 of CTI’s note. We submit that, within “public policy and governance”, expert evidence will be needed on the assessment of proposed policies, decisions etc on those with protected characteristics, particularly women and girls, so as to address what would have been an appropriate Equalities Impact Assessment in the circumstance of each decision to be made.

#### Evidence at the Inquiry

15. CTI’s note sets out that disclosure will be sought from governmental bodies alone. Whilst they will provide essential information for the Inquiry, useful information about the policies and approach of the government during the material time can also be obtained from non-governmental/state bodies and organisations, whose advice the government sought. We consider that they should be given the opportunity to provide disclosure and evidence to the Inquiry.
16. Further, it is an essential part of SBS and SWA’s CP status that survivors of domestic abuse feel heard and that their experiences are considered beyond the wider listening exercise, which is likely to attract input from thousands of people. We would welcome the opportunity to provide statements which contain case studies to the Inquiry, setting out the practical realities of surviving domestic abuse during the pandemic. We do not believe that this will delay the Inquiry or present unnecessary difficulties, but, rather, it will give the Inquiry the opportunity to review how government policy (or lack of it) translated into reality, and to do so in the context of the evidence being heard.

### Listening Exercise

17. The listening exercise (whilst undoubtedly an important and necessary part of the Inquiry's work) will not be sufficient to ensure that the impact of decision making on communities is properly considered, as it will not enable participants to be provided with disclosure, to suggest lines of questioning to be pursued, and to apply to ask questions of witnesses.
  
18. If the Inquiry is to properly examine the decision making outlined in Module 2 and other Modules, it is essential that those affected by the impact of Covid are able to actively engage with the Inquiry's work. Given the impracticalities of those affected being granted Core Participant status as individuals, they will instead need to rely on organisations sufficiently able to represent them. If the Inquiry is only able to hear from and be guided by those at the helm of the decision-making process over this period, it will be unable to achieve its fundamental aims to consider the impacts on these groups.

### Commemoration

19. SBS and SWA welcome a commemorative memorial in the future hearing centre, through the Inquiry's public hearings and website.
  
20. Given the enormity of the pandemic, the number of lives lost and affected, that not all will be able to observe the Inquiry and that pen portraits will not, as a general rule, be admitted, we consider that there should also be a permanent memorial. Following other tragic deaths and Inquiries that followed, permanent memorials have been shown to be the preferred way of remembering the lives of those who died, not just by their bereaved families but by future generations.

**Liz Davies KC**

**Marina Sergides**

**Public Interest Law Centre**

**27 October 2022**

