

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

SUBMISSIONS SOUTHALL BLACK SISTERS & SOLACE WOMEN'S AID

1. These submissions are on behalf of Southall Black Sisters (SBS) and Solace Women's Aid (SWA, represented pro bono by their legal team). Domestic abuse is experienced predominantly by women rather than men, therefore we refer to "*women and girls*" as well as "*victims*" and "*survivors*". We seek to take an intersectional approach which recognises that women's experiences need to be understood as a whole taking into account how their ethnicity, gender identity, disability, sexuality and age can impact on their experience of abuse, how they seek support and their experience of being supported. We recognise that women's experience of abuse and misogyny can be exacerbated due to discrimination they face due to other protected characteristics. These written submissions have been prepared without having had sight of the former Home Secretary's (Priti Patel) witness statement.

Introduction and summary

2. Coronavirus was not a leveller and we were not all in it together. The coronavirus pandemic, the actions taken by government to combat it, and the effects on certain communities must be seen in the context of the previous ten years of austerity and cuts to public service.
3. Women were disproportionately affected by coronavirus, in that they were, and are, more likely to be key workers, employed in public services (particularly in NHS and social care) and thus to be exposed to the virus. They were, and are, more likely to provide informal unpaid care at home, or elsewhere, to family or friends. They are lower paid than men and employed in more insecure jobs. They are more likely to receive welfare benefits and to experience the cuts to benefits as a result of austerity (see Wenham, *Expert Report for the UK Covid-19 Public Inquiry, Module 2: Structural Inequalities and Gender*, 22 September 2023, "*Wenham*").
4. Crucially, women and girls are more likely to experience domestic abuse than men are (for every three victims, two are female and one is male: *Wenham* § 49). Amongst victims of domestic abuse, women experience higher rates of repeated victimisation and are more likely to be seriously hurt than men are (ONS, *Domestic abuse prevalence and victim characteristics* (ons.gov.uk, Dataset, 25 November 2022): Tables 3a for year ending March 2019 edition and March 2020 edition; Table 8 for year ending March 2021 edition; and Table 1 for year ending March 2022 edition, showing that women experienced threats or force or violence against the person in high proportions than men did). Women are also more likely to die than male victims of domestic abuse are, whether as victims of homicide or domestic-abuse related suicides (ONS, *Homicide year ending March 2022* (ons.gov.uk, Release, 9 February 2023): Table 32 *Domestic and non-domestic homicides by sex of principal suspect and victim*, from 2011 to 2022, women victims are double those of men).
5. It was inevitable that domestic abuse increased as a result of lockdown and the pandemic. The government knew that before and in the early days of lockdown. For women for whom home was not a safe place, lockdown exacerbated violence, abuse and control. SWA's publication analysing the effects of lockdown was aptly titled: "*When I needed you to protect me, you gave him more powers instead: Covid-19 Lockdown & Domestic Abuse*", March 2021 (exhibit RG/3).

6. As a result, significant numbers of women and girls experienced a dual pandemic: the epidemic or pandemic of domestic abuse (declared as a global health problem of epidemic proportions by the UN in 2013) and the coronavirus pandemic. Some migrant women, particularly those with No Recourse to Public Funds (NRPF), experienced a triple threat of domestic abuse, the pandemic and lockdown, and of being trapped due to destitution and fear of being deported or removed from the UK.
7. The Violence Against Women and Girls (VAWG) sector, in which SBS and SWA are significant participants, struggled to meet the rapid increase in demands for their services from March 2020 onwards. They were forced to lobby for more resources, at a time when their resources were already depleted as a result of austerity, and historical under-funding (especially of minority women's 'by and for' VAWG sector, see [34] – [38] below). They were providing support to more women, with more complex needs, whilst also dealing with the implications of the pandemic and lockdown for their staff, see [65] – [71] below.
8. SBS and SWA submit that the increase in domestic abuse was entirely foreseeable and (to a large extent) preventable. They submit that the government's response on support for the sector and as regards messaging was too little, too late. The right course of action would have been for government to consult the VAWG sector, including the Domestic Abuse Commissioner and Victims' Commissioner, early on, as soon as social isolation or lockdown were contemplated.
9. Had the government consulted early, it would have worked with the VAWG sector, prior to lockdown, during it and subsequently to:
 - a. understand how better to identify victims of domestic abuse given that the access to public services (such as schools, General Practitioners and police) would be less readily available;
 - b. ensure clear, effective, consistent messaging, including targeting to minority communities as well as being widely publicised and disseminated, so that victims and those who might support victims (key workers, family or friends) knew they were permitted to leave home during lockdown to seek or provide help;
 - c. provide resources to the VAWG sector at an early stage and certainly before lockdown to enable it to support the increased numbers of victims with more refuge spaces, therapeutic support and advice, required in part to compensate for the chronic underfunding experienced by the sector;
 - d. ensure that statutory and other public services, delivered remotely, were funded and enabled to support the increased numbers of victims, particularly in the areas of housing, homelessness and social care;
 - e. suspend NRPF during the pandemic, agree to review NRPF in the long term and expand the Destitution Domestic Violence Concession (DDVC) and Domestic Violence Indefinite Leave to Remain (DVILR) so that all migrant victims could access support;
 - f. ensure that marginalised groups, including black and ethnic minority women, migrant women, LGBTQ+ women, disabled women, older women, and non-binary people experiencing domestic abuse were adequately supported;
 - g. recognise VAWG workers as frontline or key workers, providing access to PPE, testing and vaccinations;
 - h. ensure that there was a cross-government focus on domestic abuse, and that it was not the sole responsibility of one department;

- i. ensure that policies adopted were kept under review during and between lockdowns, with the impact on women and girls considered throughout and mitigating action taken; and
 - j. make arrangements for long term support and ringfenced funding for the specialist VAWG sector, including 'by and for' VAWG sector, and for statutory services to support victims seeking help after lockdown, so that more complex needs, including mental health needs, could be met.
10. After the first lockdown lifted, government failed to learn lessons and failed to take steps to counter domestic abuse in the regional, Tier and subsequent second and third national lockdowns ([92] – [103] below). Overall, the steps that government did take, following campaigning by the VAWG sector and threats of legal action, welcome though they were, were too little and too late.

Context

Who are the CPs?

Southall Black Sisters (SBS)

11. SBS is a not-for-profit organisation established in 1979 to meet the needs of black and ethnic minority women (see Witness Statement of Hannana Siddiqui, Southall Black Sisters, 22 September 2023, §§4 -9, "*Siddiqui*"). For more than four decades, SBS has been at the forefront of challenging domestic abuse, harmful practices such as forced marriage, dowry abuse and honour-based abuse (HBA), and other gender-related violence locally and nationally. It has campaigned for the provision of state support in terms of accountable and effective services and legal rights to enable women and their children to escape violent relationships. Whilst SBS' focus is on the needs of black and ethnic minority women, it also assists any woman who needs emergency help, many of whom are from working-class and migrant backgrounds. SBS's vision is to empower black and ethnic minority women and girls to escape gender-based violence and assert their rights to equality, justice and freedom.
12. SBS is a leading holistic 'by and for' specialist service led by black and ethnic minority women. It runs a national helpline, counselling and support groups and educational classes and conducts strategic litigation and local advocacy. It also undertakes policy, campaigning and research work and is currently leading the UK wide partnership project, Support for Migrant Victims (SMV) pilot project funded by the Home Office on domestic abuse and NRPF. The majority of its local services are delivered in West London.
13. SBS supports primarily black and ethnic minority women, but also any woman or person in need of emergency help. About 60% of SBS's cases involve migrant women.

Solace Women's Aid (SWA)

14. 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 (see Witness Statement of Rebecca Goshawk, Solace Women's Aid, 20 September 2023, §§6 – 11, "*Goshawk*"). It was established to prevent violence and abuse, and provide services to meet the individual needs of survivors, predominantly women and children. SWA's mission is to end the harm done through gender-based violence and to work alongside survivors to achieve independent lives free from abuse. Its aim is to work to prevent violence and abuse as well as providing services to meet the individual needs of survivors, particularly women, young people and children.

15. SWA's services are concentrated in London and include: refuge and move on accommodation, community-based services, therapeutic services, North London Rape Crisis Centre, East London Advice Line, specialist provision for children and young people who have experienced domestic abuse or sexual violence, accommodation and support for victims/survivors who have experienced multiple forms of disadvantage, advice lines, prevention work with children and young people, and bespoke training for statutory agencies, third sector organisations and corporations.
16. 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 including women who are street homeless, older women, children and young people, young black and ethnic minority women, and Irish travellers.
17. In 2020 SWA supported 10,692 survivors of domestic abuse through advice, advocacy and support and accommodated 920 women and children in refuges. SWA supports individuals who are survivors of abuse, particularly women, young people and children, including trans women and non-binary people.
18. It supports survivors experiencing homelessness and migrant women, including those who are subject to NRPF. Many of those SWA support face intersectional discrimination and come from working-class households or are black or minority ethnic. Survivors also commonly suffer from poor mental and physical health as a result of the abuse they have suffered.

SBS & SWA joint work in pandemic

19. During the pandemic SWA and SBS launched a Crisis Project offering safe emergency accommodation with specialist support to women and children fleeing domestic abuse and other forms of VAWG across London during the pandemic. The project initially provided a further 70 emergency refuge bedspaces across London up to November 2020 and 30 bed spaces from November 2020 to September 2021. Women were provided with therapeutic support, assistance from specialist refuge workers and resettlement support. This project was necessary in part because women were not moving on from refuges, meaning bed spaces were not freed up, and because there was a lack of response from some statutory agencies (see Goshawk §12, Siddiqui §11). It provided accommodation and wrap around support to 205 women from May 2020 to September 2021 including 73 with NRPF. It was funded by the Mayor of London (Mayor's Office for Policing and Crime "MOPAC") and a charitable body.
20. The two organisations also jointly instructed Public Interest Law Centre to make representations, and threaten legal action, against the government in March and April 2020 (see Siddiqui §111, Goshawk §130 and [72] below).

Legal context

Domestic abuse

21. Domestic abuse is defined at ss.1 and 2 Domestic Abuse Act 2021 ("DAA 2021"), which came into force on 29 April 2021 in England:

Section 1

"(2) Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if—

(a) A and B are each aged 16 or over and are personally connected to each other, and

- (b) the behaviour is abusive.*
- (3) Behaviour is "abusive" if it consists of any of the following—*
 - (a) physical or sexual abuse;*
 - (b) violent or threatening behaviour;*
 - (c) controlling or coercive behaviour;*
 - (d) economic abuse (see subsection (4));*
 - (e) psychological, emotional or other abuse;**and it does not matter whether the behaviour consists of a single incident or a course of conduct.*
- (4) "Economic abuse" means any behaviour that has a substantial adverse effect on B's ability to—*
 - (a) acquire, use or maintain money or other property, or*
 - (b) obtain goods or services.*
- (5) For the purposes of this Act A's behaviour may be behaviour "towards" B despite the fact that it consists of conduct directed at another person (for example, B's child)."*

Section 2: *"(1) For the purposes of this Act, two people are "personally connected" to each other if any of the following applies—*

- (a) they are, or have been, married to each other;*
- (b) they are, or have been, civil partners of each other;*
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);*
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);*
- (e) they are, or have been, in an intimate personal relationship with each other;*
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));*
- (g) they are relatives."*

Section 3 provides that children are victims of domestic abuse if they witness it:

- "(2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who—*
 - (a) sees or hears, or experiences the effects of, the abuse, and*
 - (b) is related to A or B."*

22. Although this definition came into force over the course of 2021 (s.1 in force 5 July 2021, s.2 in force 29 April 2021 and s.3 in force 1 October 2021), a legal definition of *"domestic abuse"* which recognised that abuse was not confined to violence, but included controlling or coercive behaviour, economic abuse and psychological, emotional or other abuse had been common for several years previously, see Yemshaw v London Borough of Hounslow [2011] UKSC 3; Home Office, *Circular 003/2013: New government domestic violence and abuse definition* (gov.uk, Correspondence, 14 February 2013). *"Controlling or coercive behaviour in an intimate or family relationship"* was specified as a criminal offence by s.76 Serious Crime Act 2015.
23. Statutory guidance (issued under s.84 DAA 2021) advises that so-called *"honour-based abuse"* (*"HBA"*) falls within the definition of domestic abuse, and that female genital mutilation (*"FGM"*) and forced marriage are forms of HBA (Home Office, *Domestic Abuse Statutory Guidance*, July 2022, § 87 – 98).

24. DAA 2021 was introduced into Parliament on 3 March 2020 and debated during the first year of lockdown, receiving Royal Assent on 29 April 2021. It had had a lengthy pre-legislative history, announced in principle by then Prime Minister Theresa May in February 2017, consulted upon by the Home Office in March 2018, and draft Bill published in January 2019. The Bill was subsequently introduced to Parliament but fell when the 2019 general election was called.
25. DAA 2021 does not include a concept described by the VAWG sector as “immigration abuse”. Immigration abuse occurs when an abuser exploits a victim’s insecure immigration status, particularly fear of being reported to the Home Office, as a form of coercive control. Many of those victims will also be subject to NRPF and have no access to resources if they leave, leaving them with a stark choice between abuse, or homelessness, destitution and a risk of deportation. See Domestic Abuse Commissioner, *Safety Before Status: improving pathways to support for migrant victims of domestic abuse*, 2021 (exhibit HS/4) and Domestic Abuse Commissioner, *Safety before Status: the solutions*, December 2022 (exhibit HS/5).

Public sector equality duty: s.149 Equality Act 2010

26. The public sector equality duty at s.149 Equality Act 2010 (EA 2010) applies to all public authorities, and to organisations exercising public functions (s.149(2)) and therefore to all government departments, and local authorities. It applies in England, Wales and Scotland.

*“(1) A public authority must, in the exercise of its functions, have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

....

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- age;
- disability;

- *gender reassignment;*
 - *pregnancy and maternity;*
 - *race;*
 - *religion or belief;*
 - *sex;*
 - *sexual orientation.”*
27. Schedule 19 EA 2010 contains lists of public authorities, which include Ministers of the Crown and government departments, local authorities, relevant Welsh authorities and relevant Scottish authorities.
28. It is a process duty, not a duty to achieve a particular result (R (Hurley & Moore) v Secretary of State for Business, Education & Skills [2012] EWHC 201 (Admin) per Elias LJ [76]). A concise summary of the duty is at R (Bridges) v Chief Constable of South Wales [2020] EWCA Civ 1058, [2020] 1 WLR 5037, CA, [175], summarising McCoombe LJ in R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1345 [26]):
- “(1) The PSED must be fulfilled before and at the time when a particular policy is being considered.*
- (2) The duty must be exercised in substance, with rigour, and with an open mind. It is not a question of ticking boxes.*
- (3) The duty is non-delegable.*
- 4) The duty is a continuing one.*
- (5) If the relevant material is not available, there will be a duty to acquire it and this will frequently mean that some further consultation with appropriate groups is required.*
- (6) Provided the court is satisfied that there has been a rigorous consideration of the duty, so that there is a proper appreciation of the potential impact of the decision on equality objectives and the desirability of promoting them, then it is for the decision-maker to decide how much weight should be given to the various factors informing the decision.”*
29. In Bridges, the Court of Appeal said “We acknowledge that what is required by the PSED is dependent on the context and does not require the impossible. It requires the taking of reasonable steps to make enquiries about what may not yet be known to a public authority about the potential impact of a proposed decision or policy on people with the relevant characteristics, in particular for present purposes race and sex.” [81]. See also R (Sheakh) v London Borough of Lambeth [2022] EWCA Civ 457, [2022] PTSR 1315 where the Court of Appeal said that the concept of “due regard” is highly sensitive to facts and context: “How intense the “regard” must be to satisfy the requirements in section 149 will depend on the circumstances of the decision-making process in which the duty is engaged. What is “due regard” in one case will not necessarily be “due regard” in another. It will vary, perhaps widely, according to circumstances: for example, the subject-matter of the decision being made, the timing of that decision, its place in a sequence of decision-making to which it belongs, the period for which it will be in effect, the nature and scale of its potential consequences, and so forth.” [56]
30. In R (Marouf) v SSHD [2023] UKSC 23, [2023] 3 WLR 228, Lady Rose JSC said “The PSED is intended to ensure that the specified public bodies have due regard to the need to adopt policies which help to bring about the societal change that would see the elimination of discrimination, equality of opportunity and good relations between different groups within the community.” [54]

31. Guidance is published by the Equality and Human Rights Commission: *Technical Guidance on the Public Sector Equality Duty: England* (EHRC, updated April 2023), with similar guidance for Scotland and Wales.
32. There is no prescribed document required to demonstrate compliance with the duty. Compliance is a matter of “*substance not form... the duty must be exercised in substance, with rigour and with an open mind. It is not a question of ticking boxes.*” (Hackney LBC v Haque [2017] EWCA Civ 4, [2017] HLR 14, CA, per Briggs LJ [22]. Without any documentation or records showing a structured attempt to focus on the details of equalities issue, it may be difficult to conclude that there has been compliance (Bracking). The duty is a personal duty on the decision-maker (Bracking) and a continuing one (Bridges).
33. In the context of domestic abuse, SBS and SWA submit that the PSED required government departments when making decisions concerning the pandemic, social isolation and lockdown:
 - a. to consider the likelihood of an increase in domestic abuse, and what it might mean for women and girls in general, and for marginalised women and girls (an intersectional approach), in order to work towards the elimination of discrimination;
 - b. to consider the need to advance equality of opportunity by making provision to respond to the anticipated rise in domestic abuse, including clear messaging, provision of additional resources etc;
 - c. to consider the need to foster good relations and promote understanding in relation to domestic abuse, support services etc; and
 - d. to keep under review the rise in domestic abuse during the first lockdown and consider mitigating effects for future lockdowns and other NPIs.

Practical context

Austerity & cuts to funding up to early 2020

34. The VAWG sector provides refuge accommodation, community-based services, therapeutic services, helplines and advice, and training (see Goshawk §§8-9, Siddiqui §§7-8, Women’s Budget Group and Women’s Resource Group, *Life-Changing and Life-Saving: funding for the women’s sector*, December 2018, §1.1). Going into the pandemic in early 2020, the VAWG sector had already seen demand for its services increasing, as a result of greater awareness and of the impact of the economic crisis, austerity cuts and poverty (*Life-Changing and Life-Saving* (2018), chapter 3).
35. In addition, by early 2020, the VAWG sector had experienced substantial defunding (see *Life-Changing and Life-Saving* (2018), chapter 3):
 - a. over three quarters of councils had reduced the amount they spent on refuges since 2010, total spending on refuges in the UK had reduced by 24% since 2018, from £31.2 million in 2010/11 to £23.9 million in 2016/17;
 - b. 41% of VAWG organisations had seen their income cut in the previous year, and 31.7% reported no change to their income, despite 80% of organisations also reporting an increase in demand;
 - c. central government funding to the voluntary sector had fallen; and
 - d. although there were some targeted national funding initiatives, these were unevenly distributed, were often short term and insufficient to offset the cuts to local funding made.
36. Women’s Aid found in 2019 that, although there had been a small increase of 15 bed spaces in refuge accommodation in England in 2017/2018, the number of bed spaces still fell short of that recommended by the Council of Europe by 1,715, there had been a decrease in the

number of organisations providing domestic abuse services, in the number of refuges, and a reduction of 18.1% in counselling services available: Women's Aid, *The Domestic Abuse Report 2019: the Annual Audit*, 2019.

37. 'By and for' VAWG organisations, of which SBS is a leading and long-established example, are specialist services led by black and ethnic minority women, providing services to black and ethnic minority women (Siddiqui §§7 – 9). Imkaan represents many of those black and ethnic minority 'by and for' organisations. It reported in May 2020 that the black and ethnic minority refuge sector had experienced decommissioning at disproportionate levels (one third of specialist refuges having been decommissioned, with a loss of 50% of bed spaces), and less funds were received by specialist refuges than by generic refuges (average of £400,000 per specialised refuge compared to £2.5 million for generic refuge): Imkaan, *The Impact of the Dual Pandemics: Violence against Women & Girls and Covid-19 on Black and Minoritised Women and Girls*, May 2020 (exhibit RG/6).
38. 'By and for' organisations for the LGBTQ+ community are similarly underfunded and rare (consisting of a small number of LGBTQ+ domestic abuse services, based in London, Birmingham, Manchester, Brighton, and some specialist LGBTQ+ services within generic VAWG organisations: Donovan, Magic and West, *LGBT+ Domestic Abuse Service Provision Mapping Study*, Galop, 2020).
39. Public services experienced significant cuts. In 2018 the Local Government Association (LGA) reported that core funding to local authorities in England had been cut by £16 billion, or 60%, since 2010 (LGA, *Local Government Funding: Moving the Conversation on*, July 2018). Support to victims/survivors is provided through housing, homelessness and social care (adult and children) services. Cuts to public services increased the prevalence of so-called "gatekeeping", particularly in the area of homelessness, where local authorities systematically and unlawfully create barriers to the immediate provision of accommodation or other emergency assistance, (see Goshawk §§32-34; SWA, *Safe As Houses? How the system is failing women and children fleeing abuse in London*, 2019 (exhibit RG/7), and Public Interest Law Centre, "Abused Twice": *The 'gatekeeping' of housing support for domestic abuse survivors in every London borough*, September 2022 (exhibit RG/8), published after the pandemic but reflecting longstanding practice).
40. The effect of cuts, directly to the VAWG sector and to public services, has been both to reduce funding for the VAWG sector whilst simultaneously increasing demand for its services (Wenham §48).

Particular situation of migrant women subject to domestic abuse, especially those with NRPF: the "hostile environment"

41. The "hostile environment" policy of successive governments from 2010 created serious barriers to migrant women seeking urgent help from statutory services. The policies include: NHS Charging Regulations, the right to rent policy, NRPF conditions and others (see Siddiqui §§24 - 34).
42. Women subject to NRPF cannot access emergency homelessness assistance if they leave home due to domestic abuse. They may be helped by social services (if they have children or care needs). If they are able to find advice, those who are eligible (can be helped to apply for the DDVC (and subsequently for leave to remain under the DVILR) and can receive benefits and other public services for three months while their application for leave is considered. The DVILR and therefore the DDVC is only available to people whose leave is based on spousal or

partner visas of a British Citizen or a settled spouse or partner (and a few other limited categories) and not to those who may have leave for other reasons (such as dependents of or those with student, work related or other family relationship visas) or undocumented victims.

43. Women's Aid found that, in 2019 – 2020, only 4% of refuge vacancies available could accommodate women subject to NRPF (Women's Aid, *The Domestic Abuse Report 2021: The Annual Audit*, 2021).

General impact of austerity on marginalised communities and on women and girls

44. As the expert reports on structural inequalities make clear, the impact of structural discrimination, combined with a decade of austerity, meant that ethnic minorities, women and girls, older people, LGBTQ+, people with disabilities and children (and noting that most survivors of VAWG fall into more than one of those categories) were going into the pandemic with pre-existing health and other economic and social inequalities (Nazroo and Becares, *Expert Report for the UK Covid-19 Public Inquiry, Ethnicity, Inequality and Structural Racism*, 15 September 2023; Wenham; Nazroo, *Expert Report for the UK Covid-19 Public Inquiry, Inequality, Later Life and Ageism*, 19 September 2023; Becares, *Expert Report for the UK Covid-19 Public Inquiry Pre-existing inequalities experienced by LGBTQ+ groups*, 13 September 2023; Watson and Shakespeare, *Expert Report for the UK Covid-19 Public Inquiry, Structural Inequalities and Disability*, 21 September 2023; Taylor-Robinson and others, *Expert Report for the UK Covid-19 Public Inquiry, Module 2: Child Health Inequalities*, 21 September 2023).

Government awareness and actions

Preparation for first lockdown

45. Government should have been aware, prior to the first lockdown on 23 March 2020, that domestic abuse would rise. There were warnings that domestic abuse increases at times of disaster and/or economic stress, and contemporaneous reports from countries who had already embarked upon lockdown. Despite those warnings, government did not consider the inevitable rise, or take any steps to mitigate it, until at the earliest 17 March 2020. This was after government had already started to move, on or around 12 March 2020, from Contain to Delay (i.e. to consider forms of social isolation). From 17 March 2020, the Home Office ("HO") began to be aware of the issue, but did not take any effective steps. There was no cross-government approach: domestic abuse was considered a HO issue and, in so far as other departments considered it, they had a simplistic response. Once full lockdown commenced, on 23 March 2020, Government "*stay at home*" messaging was unclear and inconsistent. There was some messaging from HO informing victims/survivors that they were permitted to leave home, but this was limited, late and not replicated across government. Resources were not made available to the VAWG sector until May 2020, and only after protracted lobbying and campaigning by the sector.

Early warnings

46. There were early warnings of the likelihood of rise in domestic abuse under lockdown:
 - a. academic studies to the effect that domestic abuse increases at times of disaster (Harville, Taylor, Tesfai, Xiong, Buekens, *Experience of Hurricane Katrina and Intimate Partner Violence*, (2011) J Interpers Violence, 26(4), 833–845, and see footnotes 8 – 12 in Viero, Montisci, Kustermann, Cattaneo, *Violence against Women in the Covid-19 Pandemic: A review of the literature and a call for shared strategies to tackle health and social emergencies* (2021) Forensic Sci Int., 319:110650);
 - b. evidence that poverty and economic stress can cause an increase in domestic abuse (Wenham, §48); and

- c. contemporaneous reports from China, Brazil, Italy, Spain, Cyprus, India (Bethany Allen-Ebrahimian, *China's Domestic Violence Epidemic* (Axios, 7 March 2020); Melissa Godin, *As Cities Around the World go on Lockdown, Victims of Domestic Violence Look for a Way Out* (Time, 18 March 2020); Jhumka Gupta, *What does coronavirus mean for violence against women?* (Women's Media Centre, 19 March 2020); Emma Graham-Harrison, Angela Giuffrida, Helena Smith and Liz Ford, *Lockdowns around the world bring rise in domestic violence* (Guardian, 28 March 2020)).
47. It was also obvious to those politicians and others who did consider the point:
- a. awareness by some national and other prominent politicians: Andy Burnham's witness statement, 29 June 2023, says that he thought about shielding & domestic abuse on 22 March 2020 (INQ000216991_0014); Baroness Grey-Thompson, "*What will be done to look after or support victims of domestic violence, who we know will be at greater risk?*" (Coronavirus Bill, HL Deb 24 March 2020, vol 802, col 1660); Beverley Hughes, Deputy Mayor of Greater Manchester, "*I think we are beginning to see a rise in domestic abuse incidents. We anticipated this might happen in the very stressful circumstances for many families*" (Parveen and Grierson, *Warning over rise in UK domestic abuse cases linked to coronavirus* (Guardian, 26 March 2020) (INQ000176505));
 - b. police concern (Martin Hewitt's witness statement, 29 June 2023 (INQ000216925_0026) and oral evidence from four Chief Constables to Home Affairs Committee, *Oral evidence: Home Office Preparedness for Covid-19*, HC 232, 6 April 2020 (INQ000052974_0040-0042)); and
 - c. evidence of Lord Chancellor and Secretary of State for Justice, Robert Buckland MP referring to domestic abuse, Justice Committee, *Oral evidence: The work of the Lord Chancellor*, HC 225, 24 March 2020.

Government's early contemplation of Covid-19

48. The reasonable worst case scenario of the impact of Covid was within the minds of decision makers from early February 2020, albeit at that time there is no record that measures might include lockdown (see Johnson, "*I warned the Cabinet that the Government and the country had to be prepared for Covid to get worse*" (INQ000255836_0017); Cabinet Office, *Minutes of a meeting of the Cabinet held on 14 February 2020*, 14 February 2020 (INQ000056138)). At the COBR meeting on 18 February 2020, Covid-19 legislation was contemplated, and all departments were asked to nominate a lead C19 Minister (INQ000174694_0012 and 0014). However, government, particularly HO, failed to engage with the issue until at the earliest 17 March 2020, see for instance:
- a. documents prepared for COBR meeting on 26 February 2020 do not mention domestic abuse: *Policing Contribution to COBR briefing*, 25 February 2020 (INQ000052182), *SAGE return to CCS on risk of public disorder*, 25 February 2020 (INQ000056151);
 - b. the Coronavirus Gold Command, *Briefing for COBR (M)*, 28 February 2020 (INQ000052262) to Home Secretary probably for COBR on 2 March contains nothing on domestic abuse;
 - c. the DHSC, *Coronavirus: action plan*, 3 March 2020 (INQ000052289), signed off at COBR on 2 March, failed to mention VAWG;
 - d. a Common Recognised Information Picture (CRIP) report presented at COBR meeting on 4 March 2020 (INQ000056225), addressing "*Covid-19 - UK Preparedness*", makes no mention of the impact of isolation on women;
 - e. draft advice from DCMO regarding "*Isolate to Protect*", 7 March 2020 (INQ000047989) contains nothing on domestic abuse/VAWG;

- f. the Coronavirus Gold Command, *Briefing for COBR (M)*, 8 March 2020 (INQ000052405) to the Home Secretary for COBR meeting on 9 March 2020 discusses impact of restrictions, including impact on the police and wellbeing of individuals, no reference to domestic abuse;
- g. a Cabinet Secretariat document containing guidance from SAGE, 9 March 2020 (INQ000052395) anticipated a move from contain to delay, involving self-isolation/whole household isolation and noted, when giving an example, that being expected to stay at home for 13 – 16 weeks “*could put pressure on their mental health & relationship*” but does not mention domestic abuse or VAWG;
- h. a policy document from the Home Office, *Covid-19: Policy Prioritisation Commission*, 10 March 2020 (INQ000052425), set out activities that must continue and activities that could be scaled down. Passing Domestic Abuse Bill remained a priority but no mention was made of dealing with domestic abuse in lockdown; and
- i. the Cabinet meeting on 11 March 2020, chaired by Prime Minister and attended by Home Secretary, minutes record that government may come under pressure to take further action, including closing schools or banning public events (INQ000056132). There is mention of support for the most vulnerable people, but no evidence that potential implications for VAWG was considered by Cabinet at all.

Government’s failure to listen to warnings when considering move from Contain to Delay

49. It is clear, from disclosure and Boris Johnson’s and Michael Gove’s witness statements, that there was a turning point in the Government’s response to Covid in or around 12 March 2020, when the COBR meeting decided to move from Contain to Delay and that isolation (albeit not full lockdown) should be implemented. The Prime Minister announced the policy at a press conference on the evening of 12 March 2020. In coming to that decision, and subsequently, the implications of isolation for women at this critical stage were never considered, see:
- a. Coronavirus Gold Command, *Briefing for COBR (M)*, 12 March 2020 (INQ000052462) to the Home Secretary which recorded that HO had undertaken a significant amount of work and analysis on the sectors impacted by moving into the ‘delay phase’, but failed to mention the impact on women;
 - b. Cabinet Secretariat, *Presentation regarding COBR(M) Intervention measures*, 12 March 2020 (INQ000106199) identified the potential social impact of different NPIs but VAWG was not raised;
 - c. COBR meeting 12 March 2020, chaired by the Prime Minister and attended by the Home Secretary, noted that UK was “*four weeks behind Italy*” (Johnson INQ000255836_0035), there were discussions about NPIs, and individual and household isolation, mental health and loneliness is noted as an impact (see Cabinet Secretariat paper (INQ000056209_0022));
 - d. Cabinet on 12 March 2020 approved COBR recommendations to move to isolation. Minutes record detailed points made, but none in relation to domestic abuse (INQ000056221);
 - e. SAGE meeting on 13 March 2020 advised that household isolation should be implemented as soon as possible, there is nothing in the documents presented to COBR or the Prime Minister referring to the impact on women (INQ000061523);
 - f. by 14 March 2020, discussions were turning to greater measures including total lockdown (INQ000183889), which appears to have been prepared for Prime Minister to consider lockdown, see Johnson (INQ000255836_0046). Cabinet was told that coronavirus was the most pressing priority and Ministers must ensure that their officials dedicated sufficient resource and time to it. Despite this, there is no evidence that HO addressed its mind to the potential impact on women (INQ000136751);

- g. Department for Education (DfE), *School closures sighting note*, 15 March 2020 (INQ000106221), prepared for the PM Strategy Meeting, anticipated “*children being at greater risk of the effects of inadequate parenting/witnessing domestic violence, particularly if the families are also facing the pressure of imposed isolation*” but the point seems not to have been considered at the COBR meeting on 16 March 2020; and
- h. COBR meeting on 16 March 2020, chaired by the Prime Minister, considered clinically vulnerable people (including pregnant women) (INQ000056210). Despite that, there was no consideration of the likely impact on women more broadly.

The move towards lockdown

50. From 17 March 2020, the day after the PM announced that everyone should stop non-essential contact and travel, HO started to refer to the possibility of an increase in domestic abuse, but did not address it sufficiently:
 - a. on 17 March 2020, the Home Secretary attended the first GPSMIG meeting, chaired by Michael Gove. Departments were to review their resilience plans and the risk for domestic violence victims and vulnerable children was noted (INQ000056023_0006);
 - b. Coronavirus Gold Command, *Briefings for COBR (M)* to Home Secretary, 17 March 2020 (INQ000052595) and 18 March 2020 (INQ000052640) refer to victims of modern slavery and contain some reference to refuges providing supported living having been issued with guidance on safety, cleaning and isolation. There is nothing on support for victims seeking to leave accommodation due to domestic abuse;
 - c. Coronavirus Gold Command, *Briefing for COBR (M)* to Home Secretary, 23 March 2020 (INQ000052743) refers to “*concern about those having to self isolate with abusive family members*”. This was the day on which the Prime Minister announced lockdown. The same phrase was repeated the following day, 24 March 2020, (INQ000052744). The HO, *Situation Report and Dashboard #75*, 25 March 2020 (INQ000052778) mentions the possibility of domestic arguments increasing, including between separated parents;
 - d. HO, *Policy Equality Statement [PES]*, March 2020 (INQ000106306) applying PSED to the proposed Health Protection (Coronavirus, Restrictions) (England) Regulations fails to mention any impact on women at all (except in context of pregnancy and health risk); and
 - e. on 26 March 2020 the Home Secretary and Minister for Safeguarding were advised to “*convene a virtual round table to ensure that victims groups, police and local authorities are working well together*” because the “*sector has been pressing for this*”. High volume of reporting related to domestic abuse was noted and assessed as driven by social distancing (see HO, *Update on Violence Against Women and Girls and COVID-19*, 26 March 2020 (INQ000052784)).
51. Other departments failed to consider the possible rise in domestic abuse at all. SBS & SWA submit that this shows a “*silo*” approach to domestic abuse, when it is an issue that should be considered by all government departments when making decisions that affect individuals, for instance:
 - a. despite DHSC being the lead Government department for responding to the pandemic risk (INQ000052289) (before it being a full Government responsibility), there was very little consideration of the wider implications of NPIs on vulnerable groups, in particular women, even though the DHSC’s early *Coronavirus: action plan*, 3 March 2020 (INQ000052289) recognised the impact of a potential lockdown on justice, education and social care; and

- b. CMO Briefing to Hancock (Chris Whitty, *Coronavirus: summary of strategic and tactical approach to the epidemic*, 21 March 2020 (INQ000048167) set out that poverty would increase and that social isolation came at cost to mental and physical health, but did not mention domestic abuse.
- 52. Government recognised the need to provide substantial public funding to alleviate the effects of the pandemic and lockdown (£12 billion additional funds, HM Treasury, *Budget 2020*, 11 March 2020 (INQ000237406); on 17 March 2020 the Chancellor announced £350 billion for job retentions scheme and other measures (INQ000086767)) but initially there was no specific funding made available to the VAWG sector.
- 53. By 19 March 2020, government was receiving specific warnings: letter from Domestic Abuse Commissioner to Chancellor of Exchequer on 19 March 2020 and letter from Victims' Commissioner to Prime Minister on 19 March 2020 (INQ000108585), with responses from the Home Secretary and the Prime Minister respectively annexed at INQ000052784; see also reports from organisations: Women's Budget Group, *Covid-19: Gender and other Equality Issues*, 19 March 2020.

Lockdown from 23 March 2020

Inconsistent & unclear government messaging

- 54. Full lockdown was announced by the Prime Minister in his address to the nation on the evening of 23 March 2020. His speech included a list of exemptions to the requirement to stay at home. He did not include domestic abuse. He also said *“these are the only reasons you should leave your home”* [emphasis added] and *“if you don't follow the rules, the police will have the powers to enforce them”* (INQ000086759).
- 55. Whilst the published guidance was more detailed and stated you should only leave or be away from your home for very limited purposes, including *“any medical need, including to donate blood, avoid injury or illness, escape risk of harm, or to provide care or to help a vulnerable person”* (which would include domestic abuse), there was no specific mention of domestic abuse as a permitted reason to leave: Cabinet Office, *Staying at Home and away from others (social distancing)*, 23 March 2020 (INQ000223510). SBS and SWA submit that the guidance should have clearly stated that those experiencing domestic abuse were permitted to leave home.

Belated response by Home Office

- 56. HO first started to acknowledge the issue around 25 March 2020 (see *Situation Report and Dashboard #75*, 25 March 2020 (INQ000052778) and Coronavirus Gold Command, *Briefing for CDL Committee*, 26 March 2020 (INQ000052789) to Home Secretary *“there is a concern about those having to self isolate with abusive family members”*) and, belatedly, took some steps to reassure victims that they could seek help. The External Affairs team were having meetings with some domestic abuse charities and *“discussing next steps”* (HO, *Situation Report and Dashboard #76*, 26 March 2020 (INQ000052790)).
- 57. Subsequently Home Secretary, Priti Patel MP, wrote an article in the Mail on Sunday on 28 March 2020 headed *“Priti Patel pledges to help vulnerable people stuck at home with domestic abusers during the lockdown after police chief reveals online child abuse has increased during the coronavirus crisis”* in which she said *“I am acutely aware that the necessary guidelines about social distancing and self-isolation may leave the victims of hidden crime, such as domestic abuse and child sexual abuse, feeling especially isolated, vulnerable and exposed.”* This was reported

by the BBC on 29 March 2020 as *“Domestic abuse victims are allowed to leave home to seek help at refuges despite rules to stop coronavirus spreading”*. SBS and SWA submit that the word *“despite”* confirms that earlier messaging had not been clear.

58. On 31 March 2020, the Domestic Abuse Commissioner appeared on the Today programme saying that more clarification was needed that people can leave their homes and seek support if at risk of domestic abuse (HO, *Situation Report and Dashboard #81*, 31 March 2020 (INQ000052889)). On 3 April 2020, the Mayor of London, Sadiq Khan, wrote to the Home Secretary asking for government urgently to convene a national working group, comprising police, service providers, funders and other government departments to introduce extra support for victims of domestic abuse, for resources to be committed to the VAWG sector and for government to suspend NRPF (INQ000104844).
59. On 3 April 2020, an Action Plan for Domestic Abuse and COVID-19 was sent to the Home Secretary and Minister for Safeguarding (Victoria Atkins MP) (INQ000052918). It asked for a speedy response so as to finalise arrangements for an announcement, said that there was significant cross government work ongoing, co-ordinated weekly and involving stakeholders and the Domestic Abuse Commissioner. Although feedback from police and stakeholders had not yet shown a clear increase in domestic abuse, the document accepted that an increase was likely *“because victims are finding it harder to ask for help because they are trapped with their abusers”*. An additional £1-2 million funding was recommended, together with a formal announcement the following week. The pressing needs of the VAWG sector were noted. Minister for Safeguarding had held calls with some of the domestic abuse charities that week. SBS & SWA submit that this Action Plan was late, drawn up as a result of public pressure, and does not address the needs of the whole of the VAWG sector, particularly ‘by and for’ organisations.
60. On 11 April 2020, two weeks after the Mail on Sunday article, HO launched its #Youarenotalone campaign. This consisted of Priti Patel conducting the daily briefing where she said *“I can announce that we will go even further to provide support for those in danger of domestic abuse. And I am launching a new national communications campaign to reach out to those who are at risk from abuse, highlighting that they can still leave home – to get the support that they need. It will signpost to victims how they can access help and but also to reassure them that they can access support services and the police are still on hand. And, importantly, it will tell them that they are not alone”* and announced funding of up to £2 million for online support services and helplines for domestic abuse (INQ000086591). On the same day, she tweeted *“Today I say to victims of DA - help is still available. The National DA Helplines staff 24 hrs number. Together let’s demonstrate just how much this country cares. #YouAreNotAlone, #NoExcuseForAbuse”*. Priti Patel and Victoria Atkins MP held media interviews on 15 and 16 April 2020 (HO, *Situation Report and Dashboard #95*, 14 April 2020 (INQ000053078)).
61. Despite HO’s campaign, the messaging was not consistent across government, there was no attempt to target the messaging or consider how best to direct it. The failure to mention domestic abuse across government continued throughout the first lockdown. Prominent Ministers, giving the daily briefings or addressing the nation, failed to mention domestic abuse as a reason to leave home in their addresses (see for example Deputy Prime Minister Dominic Raab MP’s speech on extension of lockdown, 16 April 2020 (INQ000237471)).
62. SBS and SWA submit that the Home Office campaign was too little, too late and was not to have been replicated across government. It appears to have been prompted only by sustained lobbying from the VAWG sector: see the Home Office meeting various unspecified domestic

abuse charities (*Situation Report and Dashboard #75*, 25 March 2020 (INQ000052778)), letters sent by the Domestic Abuse and Victims' Commissioners on 19 March 2020 (INQ000108585 and referred to at INQ000052784), Domestic Abuse Commissioner's appearance on Today programme on 31 March 2020 and Mayor of London's letter to Priti Patel MP on 3 April 2020 (INQ000104844).

Lack of additional resources

63. Despite what was said on 11 April 2020, at that time no additional funding had been made available to the VAWG sector.

Other government departments

64. The "silo" approach continued:
- a. DHSC, *Commission: Framework for Social Distancing*, 27 March 2020 (INQ000109238) set out a framework for evaluating social distancing measures by reference to criteria including impact on wellbeing including domestic abuse. The work was to be co-ordinated by Prime Minister's Implementation Unit (PMIU). It is not clear that this evaluation was carried out;
 - b. despite DHSC giving guidance to the public on the impact of lockdown on mental health, there is no reference to domestic abuse (Public Health England, *Guidance for the public on the mental health and wellbeing aspects of coronavirus (COVID-19)*, 29 March 2020);
 - c. despite guidance from World Health Organisation on 7 April 2020, "*Covid 19 and violence against women What the health sector/system can do*", DHSC do not appear to have taken any action in response;
 - d. despite the acknowledgement from DfE in its *School closures sighting note*, 15 March 2020 (INQ000106221), the DfE and PHE, *Guidance for education settings and Guidance Supporting Vulnerable Children and Young People during the Coronavirus outbreak: actions for educational providers and other partners* (versions on web updated 15 and 20 May 2020 and since withdrawn) do not discuss domestic abuse, and whether any children should be considered as vulnerable as a result; and
 - e. Simon Case referred to a "*myriad SROs who are working away (phenomenally hard and often to a really high quality, I have to say) in their silos*" (email to Gove, 7 April 2020 (INQ000137204)). Despite there being so many Senior Responsible Owners, there does not appear to have been one for domestic abuse/VAWG.

The inevitable rise in domestic abuse as a result of lockdown

65. Office for National Statistics (ONS) records a 7% increase in domestic abuse incidents recorded by police in England and Wales between March and June 2020 (ONS, *Domestic Abuse in England and Wales overview: November 2020*, 25 November 2020) and 6% between March 2020 – March 2021 (ONS, *Domestic Abuse in England and Wales overview: November 2021*, 24 November 2021) compared with previous years.
66. SBS and SWA believe that this recorded increase does not reflect the true increase and HO recognised that was the case: Coronavirus Gold Command, *Briefing for CDL Committee*, 15 April 2020 (INQ000053101). The better picture can be found in SWA and SBS's own experiences of an increase in demand for their services, and similar accounts from other VAWG service providers:
- a. SWA: in March 2020, in anticipation of an imminent lockdown, they saw an increase in calls to advice line of 117% compared with previous year, and a second increase in May 2020 when government was announcing potential easing of lockdown (397 calls as compared to 289 in 2019, Goshawk §44);

- b. SBS: referrals in April 2020 from one borough were 62% higher than the previous year, there was a 17% increase in new visitors to its website, between April – June 2020 inquiries rose by 138% from the previous year, the rate of annual inquiries rose from 7,469 April 19 – March 2020 to 10,904 April 2020 – March 2021 and then to 24,588 for April 2021 to March 22 (Siddiqui §45);
 - c. Refuge’s National Domestic Abuse Helpline had a 65% increase in calls April-June 2020 (Siddiqui §47);
 - d. the National Domestic Abuse Helpline website saw a seven-fold increase April 2020 – February 2021 (from average 10,500 visits per month to average 73,595 per month): (Siddiqui §47);
 - e. Birmingham & Solihull Women’s Aid saw demand rise by 29% but some days up to 120% (Siddiqui §47); and
 - f. The Women’s Resource Centre survey reported increases in demand of between 10% - over 100% (Siddiqui §48).
67. The effect of lockdown was not just a rise in the number of incidents of domestic abuse, but also a rise in its intensity (Siddiqui §36 on increase in use of weapons). Domestic homicide increased disproportionately for black and ethnic minority women (Siddiqui §§38 – 39). Cases became more complex. It is possible that domestic homicides and domestic abuse suicides increased (see Bates, Hoeger, Stoneman and Whitaker, Home Office and others, *Vulnerability Knowledge and Practice Programme: Domestic Homicides and Suspected Victim Suicides during the Covid-19 pandemic 2020 – 2021, 25 August 2021*) which found that a slightly higher proportion of all domestic homicides and suspected victim suicides happened within lockdown weeks than outside lockdown weeks, although the difference was not statistically significant and there was no baseline against which to compare data).

Personal stories

68. Most compelling are the personal accounts given in SWA and SBS’s witness statements. They should be read in full in those statements, but in snapshot:
- a. R, who had been subject to domestic abuse in February 2020, was feeling stronger and more confident and then found it difficult to stay in regular contact during lockdown, moved in with the perpetrator and attended A&E in April 2020 having been assaulted (Goshawk §69);
 - b. Rachel (anonymised) was isolated and trapped during Covid, hiding in her house and not going out (even to buy food) for fear of her step-children, who assaulted her in October 2020 (Siddiqui §67);
 - c. Raina (anonymised), whose husband would not permit her to leave the home, even for a walk, tells of constant fights because he was around all the time. She says “*covid for me was a nightmare*” (Siddiqui §84);
 - d. N, subject to NPRF, suffered abuse which worsened during lockdown because her husband was furloughed and finances limited (Siddiqui §89); and
 - e. M, on a visitor’s visa that was about to expire, was abused by her aunt and threatened, after escaping, with being reported to HO that her visa was about to expire (Siddiqui §91).

VAWG services coping with increased demand

69. Like all organisations, the VAWG sector had to re-organise rapidly so that staff could work from home. It was doing so whilst coping with the increase in demand for services and staff working late hours, in isolation, with a more intense workload ran the risk of burnout (Siddiqui §§55 - 63, Goshawk §§197 – 201).

70. Government issued guidance for refuges and other supported living in March 2020 (MHCLG and PHE, *Covid19: guidance on isolation for domestic abuse safe-accommodation settings*, 23 March 2020 (INQ000176557)). It was not updated during the pandemic, unlike guidance given to providers of hostels. Refuges had to make representations, later in the pandemic, for workers to be given priority for testing and for vaccinations (Goshawk §§52 – 53).
71. Moving local authorities' services online exacerbated previous problems of accessing housing and homelessness assistance (Siddiqui §64, Goshawk §§75 – 85). There were also fewer opportunities for women to seek help informally (such as from school staff or care workers) or for those workers to identify possible signs of domestic abuse (see Yvette Cooper MP, *"the social worker is not dropping by, the bruises will not be visible at the school gate the next morning; and the GP will not be asking questions at the next appointment"*, HC Deb 28 April 2020, vol 675, col 247).

Representations by VAWG sector and during lockdown

72. Shortly into lockdown, the VAWG sector was making representations to government about the rise in domestic abuse, and the lack of support provided by government. SBS and SWA played leading roles (Siddiqui §§106 – 116, Goshawk §§127-134):
 - a. they were signatories with over 50 other organisations to letter to the Secretary of State for Housing, Communities and Local Government 31 March 2020 asking for urgent action to be taken and a separate emergency fund for local authorities to ensure they could house survivors (exhibit RG/40);
 - b. they were signatories to open letter to the Prime Minister 3 April 2020 calling for urgent measures to prevent and reduce abuse (exhibit RG/41), to which no response was received until 14 October 2020;
 - c. SBS gave evidence to Home of Commons, Home Affairs Select Committee, *Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home*, HC 321, 27 April 2020 (INQ000075363); and
 - d. SBS and SWA sent a pre-action protocol letter of claim, indicating intention to initiate judicial review, sent to Government Legal Department representing the Secretary of State for Housing, Communities & Local Government on 27 April 2020 concerning government's failure to make adequate provision of sufficient, safe accommodation (exhibit RG/43).

Publications/public campaigning

73. Throughout April 2020, the press was reporting increase in domestic abuse (see for example McGoogan, *"I have 5 minutes and I need help: life on domestic abuse frontline during coronavirus"* (Telegraph, 18 April 2020); Townsend, *"Hotel say offer of refuge for domestic abuse victims has been snubbed"* (Guardian, 19 April 2020); Jeraj, *Domestic violence funding legal challenge launched* (New Statesman, 27 April 2020)).
74. Meetings were held with government, for instance Victoria Atkins MP met Refuge on 6 April 2020 (INQ000053006_012), and Parliamentarians on 30 April 2020 (INQ000053220).
75. The issue was raised in Parliament:
 - a. Baroness Massey during the debate on social care provision: *"There is already stress in families, which is resulting in more domestic violence—it has doubled—and child abuse."* (HL Deb 23 April 2020, vol 803, col 129);
 - b. Rachel Reeves MP & Michael Gove MP during the debate on public services (HC Deb 28 April 2020, vol 675, cols 216 and 218); and

- c. House of Commons Domestic Abuse Bill 2nd reading (HC Deb 28 April 2020, vol 675, col 234): the rise in domestic abuse was acknowledged by Buckland *"The concept of the home as a refuge is such a strong one, yet for too many people it is not a refuge. At this time of lockdown, that fear, distress and suffering is multiplied"*, Nick Thomas-Symons MP (Shadow Home Secretary) *"Clearly, the warning signals of abuse are flashing red. We have been seeing and hearing those warnings from the domestic abuse sector since the start of the crisis. Asking people to stay at home when home might not be a safe place is clearly a huge challenge"*, Theresa May MP *"We must reiterate today that the lockdown legislation specifically allows people to leave home to escape the risk of harm, so those who are in a domestic abuse situation can leave and seek the support they need. What we must also recognise, however, is that it is much harder for them to leave and to report domestic abuse, because perpetrators have been given greater control of them in the lockdown situation. They can take their mobiles away and stop them walking out of that front door.... impact on domestic abuse and mental health. We cannot have a situation where the cure for the disease does more damage than the disease itself."*
76. Most significantly, the government's lack of preparedness for the rise of domestic abuse as a result of Covid-19/lockdown was subject to devastating criticism by the House of Commons Home Affairs Committee Report: *Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home*, 27 April 2020 (INQ000075363). The report called for a full action plan covering support services, housing and the criminal justice system, for the period of lockdown and immediately after lockdown, to be led and co-ordinated by the Home Secretary and involving Ministers across government, together with the Domestic Abuse, Victims' and Children's Commissioners and frontline providers. It also stated that support services needed urgent and direct funding support and that government should provide an emergency funding package ringfenced within the £750 million fund promised for charities. The ringfenced funding should be accessible both to generic providers and to specialist services. It called for new strategies to ensure victims can access support (noting the difficulties imposed by lockdown in contacting friends or professionals) and for sustainable long-term funding for the refuge sector.

Government's eventual response

77. Government took steps on 2 May 2020, announcing an additional £76 million to support survivors of abuse (including £10 million for safe accommodation services, £25 million to support access to services, £0.7 million to organisations supporting carers, £3 million to fund Independent Sexual Violence Advisers, and £3.8 million to community based services) (MHCLG and others, *Emergency funding to support most vulnerable in society during pandemic* (gov.uk, press release, 2 May 2020), see also Robert Jenrick MP's speech where he specifically made the point that it was permitted to leave home *"You do not have to stay at home. You can and should leave the home if you are in danger"* (*Communities Secretary's statement on coronavirus (COVID-19): 2 May 2020* (gov.uk, Speech, 2 May 2020)). £750 million had been announced on 8 April 2020 for frontline charities (INQ000086570).
78. SBS, SWA and the VAWG sector in general welcomed this funding. SBS and SWA believe that it was a direct consequence of their threat of legal action, of the publicity, representations by the VAWG sector, and the pressure in Parliament and the House of Commons Home Affairs Committee report. Legal action was not initiated. However, not only was the funding late, and reactive rather than initiated by the government, it was not sufficient to cater to ever-increasing demand and not prioritised towards organisations with the most need, including black and ethnic minority and migrant specialist organisations (Goshawk §182: complexities

of distribution, burdensome monitoring requirements, and funding deadlines or “cliff edges” creating uncertainty and additional work).

79. In addition, as set out at [19] above, the Mayor of London funded a London Crisis Project run jointly by SWA and SBS.
80. There was some publicity, after 11 April 2020, for the #Youarenotalone campaign: see Moore, *When staying at home is the most dangerous thing you can do* (Mail on Sunday, 16 May 2020).

Government actions throughout first lockdown: Too little, too late, unclear & inconsistent

81. HO was slow to identify or respond to the inevitable rise in domestic abuse. When it did, from 28 March 2020 onwards (Mail on Sunday article, followed by Action Plan, #youarenotalone campaign on 11 April 2020) and eventually increased funding, it did so as a result of prominent campaigning, including the threat of legal action.
82. Even then, government failed to give a clear, definite messaging. Whilst Home Office communications, and Robert Jenrick MP’s speech on 2 May 2020, were clearer, those of the Prime Minister and other prominent Ministers were not. The Prime Minister failed to refer to any exemption relating to personal safety at all. Other communications referred to “risk”, “harm” or “danger”, not to “domestic abuse” or to “domestic violence”. All government messaging should have specifically referred to domestic abuse as a permitted reason to leave home. Messaging on domestic abuse should not have been left solely to HO.
83. The need for a multi-disciplinary, cross government approach to VAWG cannot be overstated. The difficulties in identifying victims of domestic abuse when GPs, schools and other public services are restricted are significant. Those services provide vital opportunities for victims to seek help, without simultaneously placing themselves in greater danger. There is little, if any, evidence that HO worked with DfE or DHSC to co-ordinate their response. Far fewer vulnerable children (who were more likely to suffer domestic abuse) attended school than anticipated during the lockdown period. There is no evidence that HO worked with DfE in this regard to ensure that vulnerable children (who were not statutorily vulnerable) attended.
84. SBS and SWA submit that government, particularly but not exclusively HO, should have:
 - a. anticipated that there would be a rise in domestic abuse as a result of lockdown;
 - b. consulted the specialist VAWG sector, including ‘by and for’ specialist organisations, in advance as to what would be needed in terms of messaging and resources;
 - c. committed resources in advance of lockdown to VAWG support services;
 - d. committed resources in advance of lockdown to local authorities and other public authorities, specifically ring-fenced for VAWG services, including homelessness;
 - e. given additional attention to the position of migrant victims/survivors of domestic abuse, with insecure immigration status and/or subject to NPRF, the implications of lockdown on those women, and considered what additional clear messaging and resources should be provided to meet the “triple threat” to migrant women posed by the pandemic;
 - f. planned for early clear messaging, consistent across government, before lockdown, so that women fearing domestic abuse could plan in advance to avoid being locked in with their abuser;
 - g. planned for clear messaging once into lockdown, so that victims/survivors & support services could know that they were permitted to leave home and seek help, and how to do so given the restrictions of lockdown. This ought to have included ensuring that

- messaging was widely distributed, translated, disseminated throughout different forms of media, and in different communities; and
- h. considered the impact on the VAWG sector of providing services to victims/survivors in the circumstances of lockdown.

Migrant women and NRPF

85. Throughout the pandemic, Government took a positive decision not to amend the existing rules governing NRPF. Migrant women fleeing domestic abuse, who were subject to NRPF, were only able to have that condition lifted (so as to receive welfare benefits and homelessness assistance from local authorities) under the DDVC & DVILR (see [42]), which are only available to those on spousal or partner visas. Those who did not seek advice, or were not eligible for the DDVC, remained unable to access benefits or homelessness services.
86. The stories of Rachel (Siddiqui §§ 67 – 83), N (Siddiqui §§89 – 90), M (Siddiqui §91), Joy (Siddiqui §§92 – 96), and Natasha (Siddiqui §§ 97 – 100) illustrate the triple abuse experienced by women who are subject to NRPF or have insecure immigration status.
87. MHCLG issued guidance to local authorities on 26 March 2020 to accommodate all rough sleepers *“Everyone In”* (INQ000090750), see also Mark Lloyd, Chief Executive of LGA, (INQ000215538_0074-0077). There was some confusion as to the extent it applied to those not eligible for homelessness assistance (eventually resolved by the Administrative Court in R (Ncube) v Brighton & Hove Council [2021] EWHC 578 (Admin) | [2021] 1 WLR 4762), see Mark Lloyd’s witness statement, *“there was considerable ambiguity in relation to councils’ roles and responsibility around financial support for adults without care needs and with No Recourse to Public Funds, which is an issue that the LGA raised consistently with the Government”* (INQ000215538_0081). However, there was no similar guidance requiring victims/survivors of domestic abuse subject to NRPF to be accommodated, regardless of eligibility, unless they took the drastic step of attempting to sleep rough.
88. There was substantial lobbying for the condition to be lifted during the pandemic, see:
- a. LGA, *Briefing on protecting vulnerable people during the COVID-19 outbreak*, 3 April 2020 (INQ000103852); LGA, *Good practice guide: Delivering financial hardship support schemes*, July 2020 (INQ000103855); LGA, *LGA CORE BRIEF*, 13 July 2020 (INQ000103781); LGA, *Lessons Learnt from councils’ response to rough sleeping during the Covid-19 pandemic “People with no recourse to public funds remain a dilemma”*, 19 November 2020 (INQ000115373). The LGA said on 22 December 2020, *“It is vital that the government lifts the No Recourse to Public Funds condition to help prevent homelessness for the migrants who can’t currently access the welfare safety net”* (LGA, *LGA responds to Crisis report on preventing 60,000 people from becoming homeless in England* (local.gov.uk, 22 December 2020) (INQ000176556));
 - b. open letter to Prime Minister on 3 April 2020, from SBS, SWA and other organisations on the Covid-19 pandemic, *“we call for the urgent ending of ‘no recourse to public funds’...No women should have to face the devastating choice of destitution or remaining with the perpetrator”* (see RG/41);
 - c. letter from Mayor of London to Home Secretary, on 3 April 2020, referring to an earlier letter to the Prime Minister, *“I hope that Government will therefore give serious consideration to removing the NRPF condition”* (INQ000104844);
 - d. on 18 June 2020, during the House of Commons Committee Debate on the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, SNP and Labour MPs put to the government their position that NRPF should be suspended during the pandemic. Kevin Foster MP Under-Secretary of State for the Home

Department responded: *“the Government have already made provision to support people through the pandemic, including those subject to no recourse to public funds, and are keeping the situation under review.”* (Immigration and Social Security Co-ordination (EU Withdrawal) Bill Deb 18 June 2020, col 297).

89. Simultaneously, Parliament was debating amendments to DAA 2021 to extend the DVILR Rule and the DDVC to cover migrant women on non-spousal visas, to extend the period of DDVC from 3 to 6 months, and for a comprehensive strategy on violence against migrant women. These proposals were not intended to be limited to the pandemic. The Government rejected the amendments put to DAA 2021 and they were defeated:
 - a. SBS evidence to House of Commons Committee Stage of DAA 2021 (*Written evidence submitted by Southall Black Sisters (DAB18), Domestic Abuse Public Bill Committee* (parliament.uk, 11 June 2020)); and
 - b. Jess Phillips MP, House of Commons Committee Stage of DAA 2021, 17 June 2020, proposed the SBS amendments saying *“in order to escape abuse, an individual needs to have somewhere to go—a safe, warm place, a bed, food, and travel for themselves and their children. All the new clause seeks is to ensure that if someone is a survivor of domestic abuse, they can access those most basic necessities, regardless of where they were born. Surely, in 2020, we can agree that we should not be turning away victims of horrific crime from refuges because of what it does or does not say in their passport”* (Domestic Abuse Bill Deb 17 June 2020, col 398). The government response was *“lifting restrictions for all migrant victims would enable any migrant, including those here illegally, to secure leave to remain if they claim to be a victim of domestic abuse”* (Victoria Atkins MP, Domestic Abuse Bill Deb 17 June 2020, col 425). Similar amendments were put at 3rd reading, the government response was to promise a review into the operation of DVLR, DDVC & NPCC, and the amendment was defeated (Domestic Abuse Bill Deb 6 July 2020, cols 777 – 780).
90. The amendments to the DAA 2021 had previously been raised when the DAA was debated in 2019. The Home Office agreed to carry out a review. That review was published on 3 July 2020: Home Office, *Migrant Victims of Domestic Abuse, Review Findings*, 3 July 2020 (exhibit HS/45). The Home Office did not propose to expand DDVC, due to *“significant financial cost”*. Instead a Support for Migrant Victims pilot scheme was to be set up, which HO later commissioned SBS to lead (Siddiqui §§7 and 28).
91. SBS and SWA submit that the need during the pandemic was for migrant women to be able seek help for domestic abuse without fear of destitution or jeopardising their leave to remain. Given the difficulties in accessing both statutory services and the VAWG sector (due to high demand), the appropriate and proportionate step during the pandemic would have to been to suspend NRPF and to extend the DDVC & DVILR to victims of domestic abuse whatever their visa and immigration status.

Planning for future NPIs: regional, Tier, second and third lockdowns July 2020 – January 2021

92. SBS and SWA submit that the government should have learnt lessons after the first lockdown, not least given the criticism that it received for its belated response. It had ample material, both from its own data and from representations from the VAWG sector, to recognise the rise in domestic abuse and to plan for mitigation in future lockdown.
93. Indeed, government held a summit on Hidden Harms on 21 May 2020, presumably in order to learn those lessons. Its discussions are described in a Report dated 26 June 2020 (HMG, *Prime Minister’s Virtual Summit on Hidden Harms*, 26 June 2020 (INQ000181673)). Attendees

included the Domestic Abuse Commissioner, along with Refuge, Imkaan, Women's Aid and Rape Crisis. Domestic abuse was discussed, in terms of the DAA and long-term strategies, and development of a codeword to use in pharmacies to indicate seeking help for domestic abuse. The summit seems to have been considering domestic abuse in the long-term and not in the context of how to mitigate harm during any subsequent lockdowns. In relation to the long-term, whilst the VAWG sector has seen an increase in funding, recommendations from the Domestic Abuse Commissioner for the provision of non-accommodation or community services have not been taken up and there has been no action to help migrant women subject to domestic abuse.

94. Government had police data from at least June 2020 showing that the numbers of recorded domestic abuse incidents were higher than the previous year (12 June 2020, INQ000053474_0008). However, it does not appear that Local Resilience Forums (whose duty is to co-ordinate local Category One responders under the Civil Contingencies Act 2004) were asked to collect data on domestic abuse or similar VAWG incidents.
95. On 8 July 2020, the VAWG sector sent a joint statement, signed by SWA and SBS among others, stating "*it is very apparent that Covid-19 is anything but a "leveller"*", not least because black and ethnic minority people were disproportionately affected by it (exhibit RG/45). It was vital that they had ongoing dialogue with government as coronavirus related measures changed over the coming weeks and months. The letter highlighted that the ongoing pressure of coronavirus meant that women may still live in periods of isolation with abusive partners and family members, and men may continue to use isolation requirements as an additional tool for abuse. It drew attention to the continued inaccessibility of critical public services, such as GP surgeries. Whilst the emergency funding had been welcome, the sector was concerned that it had only recently reached the frontline, and needed to be spent by 31 October. The letter asked for funding beyond 31 October, that preventing increased levels of VAWG, providing specialist support for survivors and tackling perpetrators should be priority objectives for government, for long-term ringfenced sustainable funding, for consultation with VAWG on the resources needed, and for the different needs of different survivors, including disabled women, LGBT women, black and ethnic minority women and women subject to NRPF to be recognised. They asked for NRPF to be lifted. See also Written Evidence from Justice Studio, University of Greenwich and SWA (COV0194) to Joint Committee on Human Rights on *The Government's Response to Covid-19: human rights implications*, July 2020.
96. Throughout the whole of this period, the DAA 2021 was being debated by Parliament. The issue of domestic abuse was therefore prominent.
97. SBS met the Ministry of Justice on 28 August 2020 and 10 September 2020, and attended a roundtable with then Home Secretary Priti Patel MP on 14 July 2021 which discussed VAWG and migrant women (Siddiqui § 115).
98. In September 2020, the Government's Equality Hub was set up in the Cabinet Office. It was principally concerned with disparities in Covid-19 symptoms and mortality rates between ethnic minority groups (Witness Statement of Kemi Badenoch MP, 26 June 2023 (INQ000215534)).
99. By September 2020, it was obviously accepted by government that there had been a rise in domestic abuse (see Department for Transport, *Annex A: Equality analysis of border contact declaration and self-isolation measures for travellers, in response to severe acute respiratory syndrome coronavirus 2(SARS-CoV-2) in England draft*, 10 September 2020

(INQ000089999_0021) acknowledging that mandatory self-isolation presents significant risks to victims of domestic abuse).

100. Despite that knowledge, Government decision-making in the summer, autumn and winter 2020, as it grappled with regional lockdowns, Tiers, the November lockdown and Christmas did not fully take into account the experiences of the first lockdown or the warnings in the VAWG sector letter of 8 July 2020. Even with the increase in funding of 2 May 2020, the VAWG sector continued to struggle with increased demand: (Goshawk §§ 45-46) describing an increase in calls to advice line of 30% in August and September 2020, in anticipation of schools re-opening and a 50% increase in the last quarter of 2020. The VAWG sector was also grappling with “cliff edges” i.e. the need to spend and account for funding by 31 October 2020 (Goshawk § 182). Further, the additional vulnerability of migrant women subject to NRPF had not been addressed.
101. Government messaging still failed to refer specifically to domestic abuse as a reason to leave home during lockdown: see for example Prime Minister to House of Commons on 2 November 2020 “*to escape injury and harm*” (INQ000237317), Prime Minister to the nation on 5 November 2020 “*you can only leave home for specific reasons: for work if you can’t work from home, for education and for essential activities and emergencies*” (INQ000237347).
102. Christmas, in particular, traditionally sees a spike in domestic abuse and Christmas 2020 was beset by frequent rule-changes and confused messaging. Despite the inevitable spike, no government messaging addressed domestic abuse during the Christmas period. The Prime Minister’s address on 19 December 2020 referred to “*limited exemptions*” to stay at home, but did not mention domestic abuse (INQ000086623).
103. It was not until the lockdown commencing on 4 January 2021 that government took further steps:
 - a. the Prime Minister’s address 4 January 2021 referred to domestic abuse as reason to leave home (INQ000075753);
 - b. the Ask for Anji scheme at pharmacies came into operation 14 January 2021; and
 - c. further funding was made available.

Lessons learnt from the pandemic

104. SWA published two reports during the period of the pandemic, analysing the lessons learnt:
 - a. *Violence against women & girls, housing & homelessness: a joined up strategy*, 31 March 2021 (exhibit RG/10).
 - b. *When I needed you to protect me, you gave him more powers instead: Covid-19 Lockdown & Domestic Abuse*, March 2021 (exhibit RG/3).
105. Both SWA and SBS submitted response to the Home Office *Call for Evidence: VAWG Strategy 2021 – 2024* (SWA, *Solace written response to the Home Office call for evidence: Violence Against Women and Girls (VAWG) strategy 2021-2024*, 2021 (exhibit RG/49) and *Southall Black Sisters’ Response to the Home Office’s Violence Against Women and Girls (VAWG) Strategy Call for Evidence* (2021)).
106. Crucially, despite the government’s belated recognition that the VAWG sector required emergency funding and despite the DAA 2021, sufficient additional long-term funding has not been provided. The VAWG sector remains under-funded.

107. The systematic failings existing prior to the pandemic have not been addressed: the housing system continues to fail women fleeing domestic abuse, local authorities continue to engage in gatekeeping, there is a lack of long-term safe, suitable and affordable housing (SWA, *Violence against women & girls, housing & homelessness: a joined up strategy*, March 2021 exhibit RG/10)).
108. The NRPF condition and lack of status continues to subject migrant women to a double threat - domestic abuse and fear of destitution/deportation – and therefore a triple threat in any future pandemic.
109. In relation to another pandemic, or similar national emergency or crisis, SWA and SBS submit that the government must:
- a. consult the VAWG sector at an early stage, so as to plan for services to meet any anticipated rise in domestic abuse;
 - b. consult the VAWG sector at an early stage so as to identify clear messages and how best to disseminate those messages, including targeting at different communities;
 - c. consult with VAWG sector and experts on the impact of NPIs on women and girls, when considering what NPIs are needed and when they are needed;
 - d. treat front-line workers in the VAWG sector as key workers, providing necessary services to the public, and resource them accordingly;
 - e. provide early emergency funding before the crisis takes hold and commit to funding the VAWG sector so that it is on a sustainable footing;
 - f. ensure that domestic abuse is considered across government as a public health and equalities issue, and not as the responsibility solely of one or two government departments;
 - g. ensure that government departments are scrutinising potential policies lawfully in accordance with the PSED, in substance, with rigour, an open mind and not confining themselves to ticking boxes, and recognising that groups affected by potential policies are not homogenous, so apply an intersectional approach;
 - h. immediately extend the DDVC from three to six months, and expand the DVILR and DDVC so that all victims/survivors of domestic abuse are eligible, whatever their visa or immigration status; and
 - i. lift or otherwise mitigate the hostile environment for migrants, and in particular be prepared to permit migrants to access public funds (by suspending or abolishing NRPF) at a time of pandemic or other crisis.
110. Above all, government decision-making when it comes to emergencies including pandemics should be based on an understanding that, for many women and girls, home is not a safe place. The Covid-19 pandemic demonstrated just how unsafe home can be.

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25 September 2023