

Witness Name: Nicola Jacobs

Statement No.: 1

Exhibits: NJ/01 – NJ/28

Dated: 26/09/2023

Ref:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF NICOLA JACOBS – MODULE 2

I, Nicole Jacobs, will say as follows: -

1. ODACEW's structure, people and processes

1.1 In response to question 1

1.2 The Domestic Abuse Commissioner was established as a statutory office holder through the Domestic Abuse Act 2021, with the provisions within the Act commenced in November 2021. Between September 2019 and November 2021, Nicole Jacobs was appointed as a 'Designate' Domestic Abuse Commissioner, carrying out the functions of the role as set out in legislation, but without legal powers.

1.3 Nicole Jacobs was appointed in September 2019, and since then has gradually built up the team, which comprises of Home Office civil servants. Her staff are directed by her, with their work objectives set by her as an independent public appointee. As Home Office civil servants they are bound by the civil service code and must comply with Home Office HR, finance, commercial and IT processes and procedures.

1.4 The team began very small, particularly for the first few months of the Covid-19 pandemic. Set out below are the number of FTE in the ODACEW and how it grew over time, through to 2022.

Month	Number of FTE at 6 month intervals (excluding the Commissioner)
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January 2020	1
June 2020	3
December 2020	6
June 2021	10.4
December 2021	13.2
February 2022	11.8

1.5 The key office holder is Nicole Jacobs, Domestic Abuse Commissioner for England and Wales. As set out in Section 2 of the Domestic Abuse Act 2021, the Commissioner must:

encourage good practice in—

- the prevention of domestic abuse;
- the prevention, detection, investigation and prosecution of offences involving domestic abuse;
- the identification of—
 - people who carry out domestic abuse;
 - victims of domestic abuse;
 - children affected by domestic abuse;
 - the provision of protection and support to people affected by domestic abuse.

1.6 The things that the Commissioner may do in pursuance of the general duty include:

- assessing, monitoring, and publishing information about, the provision of services to people affected by domestic abuse;
- making recommendations to any public authority about the exercise of its functions; [NJ/01 - INQ000226531]
- undertaking or supporting (financially or otherwise) the carrying out of research;
- providing information, education or training;
- taking other steps to increase public awareness of domestic abuse;
- consulting public authorities, voluntary organisations and other persons;
- co-operating with, or working jointly with, public authorities, voluntary organisations and other persons, whether in England and Wales or outside the United Kingdom.

1.7 From November 2021 (the point at which section 2 of the Domestic Abuse Act commenced), specified public authorities had a Duty to Cooperate with the Commissioner, and a duty to respond to any recommendations made by the Commissioner within 56 days. This is set out in Part 2 of the Domestic Abuse Act 2021.

1.8 The Commissioner is appointed and funded by the UK Government, and so has remit over only reserved issues in Wales. We therefore engaged much less frequently with the Welsh Government than the UK Government; and had no power to make recommendations or provide support in relation to devolved matters in Wales.

1.9 Other roles within the team include:

- Chief of Staff: to oversee the running of the ODACEW, supporting the Commissioner to fulfil her function as set out in the Domestic Abuse Act, and with overall responsibility for civil service staff within the Office.
- Head of Policy: to lead policy development within the ODACEW, with responsibility for a small team of policy advisors
- Head of Communications: to lead communications work for the ODACEW, including strategic communications, media work, and engagement more widely
- Head of Research: to lead the research and analytical functions for the ODACEW, with responsibility for one senior research officer
- Head of Practice & Partnerships: to lead a small team of part-time Geographic Leads who identify best practice across England & Wales and form a feedback loop between the ODACEW and local services and commissioners.

2. ODACEW's liaison and communication with the UK Government and the Welsh Government

2.1 Due to the remit of the Domestic Abuse Commissioner as set out in the answer to question 1 above, we will answer in relation to UK Government only. While there was some engagement with Welsh Government officials, given the remit of the Commissioner this was minimal in comparison to UK Government officials, and the Commissioner was careful to keep advice in relation to Wales to areas over reserved matters, as she has no remit over Welsh devolved matters.

Format of engagement with Ministers and officials

2.2 *Answering questions 3i, 3ii, 3iii, 3iv, 3v, 4, 5, 6, 17, 18*

2.3 The Domestic Abuse Commissioner and her staff engaged frequently with officials and Ministers during the covid-19 pandemic. Engagement was positive during this period; with collaborative and open working relationships with officials and Ministers.

2.4 Due to the fast-paced environment and urgent response needed to the public health emergency, engagement was often ad-hoc, with frequent telephone calls throughout any given day to test approaches, seek advice, or inform the Commissioner of updated policy or guidance. Given this, and very limited resources

at the time, formal minutes or notes of conversations were not always taken, nor were separate records kept by the Commissioner or her team.

2.5 Written briefings were sometimes provided, policy papers, advice over email, telephone, or virtually through video conferencing. Meetings and engagement typically took place over skype, Microsoft Teams, Zoom, or telephone, and was organised and conducted through official channels. For more formal meetings, agendas were sent ahead of time by the Chair, through the Commissioner or her team. Officials were often open to amending agendas or adding particular topics that were of interest to the Commissioner. On occasion, personal devices were used by the Commissioner and her team to access zoom, or to conduct telephone calls. However, the Commissioner and her team were not part of Whatsapp groups or made use of informal or private email communications with Ministers or senior civil servants.

2.6 The Commissioner attended some key specific meetings, including:

2.6.1 Ministerial meetings:

- Minister for Victims, Alex Chalk, Saturday 4th April 2020, 10.30-10.45am
- Home Secretary, Rt Hon Priti Patel, Thursday 9th April 2020, 10.30-11am;
- General Public Sector Ministerial Implementation Group, Tuesday 14 April 2020 1.00-2.00pm, Chaired by the Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove
- Hidden Harms Summit, Thursday 21st May 2020, 1.15 – 6.00pm, Chaired by the Prime Minister, Rt Hon Boris Johnson

2.6.2 Regular senior officials meetings:

- Silver Command call, chaired by the Head of Victims Unit in the MoJ, weekly;
- DA Commissioner's Weekly Covid-19 Call, attended by SCS in the Home Office and MoJ;
- Vulnerable Children National Board, Chaired by Director General, Social Care, Mobility and Disadvantage in the DfE;

2.6.3 Parliamentary engagement:

- HASC evidence session, Wednesday 15th April, 10.00-11.00am [NJ/02 - INQ000251937]

2.6.4 Written correspondence:

- 19th March 2020, Chancellor copied to the Home Secretary, Lord Chancellor, Secretary of State for Housing, Communities and Local Government, and Chancellor of the Duchy of Lancaster *Funding for domestic abuse support*, [NJ/03 - INQ000108577]

- 9th April 2020, to Hotel Chief Executives, copied to the Secretary of State for Housing, Communities and Local Government and the Secretary of State for Culture, Media and Sport, (jointly with the Victims Commissioner for England and Wales) *Covid-19 and safe accommodation for victims and survivors facing domestic abuse*; [NJ/04 - INQ000108576]
- April 2020, to Secretary of State for Housing, Communities and Local Government, copied to the Home Secretary (jointly with the Victims Commissioner for England and Wales) *Temporary accommodation options for victims and perpetrators of domestic abuse during Covid-19*;
- 23rd June 2020, to Chancellor, copied to the Home Secretary, Lord Chancellor and Secretary of State for Housing, Communities and Local Government, *Time limits on Covid-19 extraordinary funding for Domestic Abuse*; [NJ/05 - INQ000108575]
- 3rd November 2020, to Lord Chancellor (jointly with the Victims Commissioner for England and Wales) *Time limits for emergency Covid-19 funding*; [NJ/06 - INQ000108578]
- In addition, following our weekly (and later, fortnightly) Covid-19 calls (listed above), we provided written briefings of key updates to the Safeguarding Minister, Victoria Atkins. [NJ/07 - INQ000119300; NJ/08 - INQ000119301; NJ/09 - INQ000119302; NJ/10 - INQ000119304; NJ/11 - INQ000119305; NJ/12 - INQ000119306; NJ/13 - INQ000119307; NJ/14 - INQ000119308; NJ/15 - INQ000119309; NJ/16 - INQ000119312; NJ/17 - INQ000119313; NJ/18 - INQ000119314; NJ/19 - INQ000119316; NJ/20 - INQ000119317; NJ/21 - INQ000119318; NJ/22 - INQ000119319; NJ/23 - INQ000119320; NJ/24 - INQ000119321; NJ/25 - INQ000119322; NJ/26 - INQ000119323; NJ/27 - INQ000119324; NJ/28 - INQ000119325]

Role of DA Commissioner and content of engagement with Ministers and senior officials

2.7 Answering questions 5, 6, 7, 8, 9, 10, 11, 18, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

2.8 During the period of the Covid-19 pandemic and public health response, the Commissioner conducted open engagement with Ministers and senior officials across Government. This open engagement included discussing with the Commissioner the potential impact of NPIs on victims and survivors of domestic abuse, and seeking advice from the Commissioner on how any adverse impact could be mitigated. Engagement also involved officials and Ministers seeking advice from the Commissioner about the potential impacts, where issues may not have yet been identified. Officials often sought out the expertise offered by the Commissioner and her office, including identification of victims and survivors of domestic abuse, and how they could be supported during the period of NPIs.

2.9 The Commissioner outlined concerns in relation to the ability of frontline services to respond to domestic abuse during national lockdowns or restrictions, and international evidence that suggested an increase in domestic abuse was imminent. We highlighted the likely increase of domestic abuse during this period, and the need for increased funding to allow specialist domestic abuse services to meet increased demand – this was called for in our first letter to the Chancellor in March 2020. This was acknowledged by the Government and funding was made available to frontline services to respond to this surge in demand. However, we did disagree about the mechanisms used by the Government, where we called for a single funding pot for services to bid into; instead, four different funding pots were created for services to access (from Home Office, MHCLG, MoJ, and through Comic Relief). This reflects a more general issue about dispersed and siloed funding pots across Government that pre-dates the Covid-19 pandemic, but was raised by the Commissioner at the time. We also disagreed about the funding that was required by the domestic abuse sector to meet demand. With the specialist domestic abuse sector, we called for £65m emergency funding to support frontline services (figure developed by Women's Aid Federation England), but £76m (of which £25m went to domestic abuse organisations) was provided by the Government.

2.10 The Commissioner was not consulted by the UK Government regarding decisions to impose NPIs themselves, but after they had been imposed was consulted on particular elements relating to these NPIs that related to domestic abuse. More general public health advice, or on the wider impact of the Covid-19 pandemic on the general public was not provided by the Commissioner as it would sit beyond her remit.

2.11 For example, MHCLG amended guidance to clarify that domestic abuse support workers constituted key workers for the purposes of their children attending school, to ensure that domestic abuse services could remain open.

2.12 The Commissioner was clear to the Government that imposition of NPIs could have significant impact on victims and survivors of domestic abuse, while recognising that such NPIs were still necessary to respond to the public health emergency. Our advice to the Government set out international evidence of increased domestic abuse during Covid-19 in countries who had already imposed NPIs, and, as time went on, evidence from national helplines and frontline domestic abuse services. It was evident that NPIs meant that victims and survivors would be unable to find respite from abuse through other day to day activities outside the home, and would have fewer opportunities for identification or seeking help. We also provided evidence that increased stresses (such as financial concerns) associated with the pandemic could also escalate risk of abuse.

2.13 The Commissioner supported and contributed to the development of public health messaging around domestic abuse during this period, including the #YouAreNotAlone campaign. Formal advice was not provided, but the Commissioner

and her team provided advice through meetings and was supportive of the overall message that services were available, and that victims and survivors could and should seek help during this period. The Commissioner encouraged the use of 'safe spaces' in accessible locations (such as supermarkets or pharmacies) and proactive advertising of the National Domestic Abuse Helpline, which the government took on board, including the helpline number in national press conferences relating to Covid-19. The Commissioner also made use of her multiple media appearances to raise awareness of domestic abuse more broadly, as well as the support available during this period.

2.14 The advice provided to officials was clearly taken on board. As part of a coalition of actors (including the Victims Commissioner and the domestic abuse and violence against women and girls sectors), our calls for support for frontline services were listened to, and for domestic abuse support workers to constitute as 'key workers'. Over time, Government became increasingly aware of the impact of NPIs on victims and survivors of domestic abuse. This was particularly apparent when the Prime Minister stated in his national address in January 2021 that domestic abuse was a legitimate reason to leave home during the third national lockdown.

The Domestic Abuse Commissioner's work to understand the impact of Covid-19 on victims and survivors

2.15 Answering questions 12, 13, 14, 15, 16, 26, 27

2.16 During most of the period of the Covid-19 pandemic, provisions within the Domestic Abuse Act relating to the Commissioner had not commenced. Therefore, no reports were published under section 2 of the Act that required Government to respond. Instead we provided informal, ad-hoc advice, including through writing letters (detailed above).

2.17 In order to inform the advice we gave to Ministers, we engaged regularly with frontline domestic abuse services, and in particular with national helpline providers. We made use of the Domestic Abuse Commissioner's weekly Covid-19 calls to receive insight from practitioners and collect helpline data from national helpline providers. We did not conduct our own primary research, nor collect specific data, but made use of research done by other organisations, which we disseminated through meetings, advice, and letters.

Work relating to the Welsh Government's response to Covid-19

2.18 Answers questions 19-25

2.19 Due to the remit of the Domestic Abuse Commissioner (as set out above), the Commissioner did not engage with the Welsh Government in relation to their decisions to impose NPIs or the impact on victims and survivors of domestic abuse, during this period.

Future risks, reviews, reports and lessons learned exercises

2.20 *Answers questions 40, 41*

2.21 While there were considerable challenges during this period, there were ways of working that were effective, and officials and Ministers worked collaboratively with the Commissioner and her office to mitigate the impact of the Covid-19 pandemic on victims and survivors of domestic abuse.

2.22 Contact with officials increased considerably, and there was a good culture of sharing information quickly and open policy-making in order to make decisions quickly. The Commissioner's advice was taken very seriously, and was taken into genuine consideration by officials and Ministers. This culture of sharing was exemplified by Government funding applications being shared with the Commissioner, so that her advice could be considered by Ministers and officials in the awarding of emergency grants.

2.23 There were undoubtedly challenges during this unprecedented period of public health emergency. As decisions were made very quickly, some appeared to be reversed just as quickly, and there wasn't always clear communication about the impact of decisions or what had happened after those decisions had been made. For example, a decision was made by the MoJ to release prisoners early given the urgency of covid infections in prison, but domestic abuse perpetrators were excluded from this. However, it appeared that this policy was not continued and it wasn't always communicated clearly that this had happened.

2.24 Equally, a challenge was coordinating information sharing at pace; with policy changes happening on a sometimes daily basis. Positive steps were taken to address this, for example meetings established to bring partners together, such as the DA Commissioner's weekly Covid-19 call and the Ministry of Justice's Silver Command Call.

2.25 In the initial stages of the Covid-19 pandemic, the consideration of victims and survivors of domestic abuse did not appear to be at the forefront of key decision makers. Rather, the focus was on controlling infections, NPI compliance, and supporting older people. However, our call for emergency funding was acted upon, and as time went on, consideration of domestic abuse became of increasing priority amongst decision makers. As set out already, it was telling that the Prime Minister mentioned domestic abuse explicitly when addressing the nation about the third national lockdown, demonstrating the increased prominence of the issue.

2.26 Lessons can and should be learned. In particular, making the most of the increased public awareness of domestic abuse that occurred during the pandemic. There must be a clear recognition at national level that some of the most harmful crimes taken place in the home, and that government cannot consider home a place of safety for the 2.4 million adults who experience domestic abuse every year.

2.27 Other lessons include how effective government can be when working genuinely collaboratively, and with a very open approach to policy-making. Due to the speed of decision making, policy development became increasingly transparent with officials regularly seeking advice and views from the Commissioner in a way that might not have occurred at that early stage in normal times. Equally, the pandemic demonstrated that when there is clear political will, considerable policy interventions can take place within a short timeframe, and funding can be made available to respond to emergencies. The Domestic Abuse Commissioner posits that domestic abuse and violence against women and girls represents its own epidemic, and that the government should consider addressing it with the urgency that it warrants.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: _____

Personal Data

Dated: 26/09/2023

Nicole Jacobs

Domestic Abuse Commissioner for England and Wales