

Cylchlythyr | Circular

Consultation: HEFCW guidance on tackling violence against women, domestic abuse and sexual violence in higher education

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This consultation seeks advice on developing effective guidance on tackling violence against women, domestic abuse and sexual violence in higher education and it invites examples of positive practice from institutions.

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Context

1. This consultation circular seeks advice on developing effective guidance on tackling violence against women, domestic abuse and sexual violence (VAWDASV) in higher education and it invites examples of effective practice from higher education institutions.
2. The guidance is intended to inform institutions' strategic equality planning and safeguarding policies and related processes.
3. The VAWDASV draft guidance responds to our [2019-20 remit](#)¹ request and related legislation and is informed by the Universities UK's (UUK) two evidence-based [Changing the Culture](#)² reports and their recommendations.
4. We recognise that violence, domestic abuse and sexual violence affects everyone including those that experience it indirectly, including children, family and friends. VAWDASV impacts on all aspects of a person's life, including their wider resilience, well-being and mental health. Therefore, institutions should ensure their VAWDASV provision and services are available to all staff and students that need it.
5. Women and girls are disproportionately more likely to directly experience these forms of violence and abuse, including forced marriage and female genital mutilation. Therefore, this guidance is predominately focused on violence against women, both staff and students of higher education institutions in Wales³.

Defining violence against women, domestic abuse and sexual violence

6. Violence against women and girls encompasses (but is not limited to):
 - physical, sexual and psychological violence occurring in the family (including children and young people), within the general community or in institutions, including domestic abuse, rape, and incest
 - sexual harassment, bullying and intimidation in any public or private space, including work
 - commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and trafficking
 - child sexual abuse, including familial sexual abuse, child sexual exploitation and online abuse
 - so-called 'honour based' violence, including dowry related violence, female genital mutilation, forced and child marriages, and 'honour' crimes.⁴

¹ HEFCW remit letter 2019-20 para 34.

² Changing the Culture (2016) and Changing the Culture: one year on (2018)

³ See evidence and data in the Welsh Government's Strategy on VAWDASV (2016-21) and Universities UK's Changing the Culture reports.

⁴ www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/pages/3/ (Equally Safe: Scotland's strategy to eradicate violence against women) (2016)

7. Domestic violence and abuse is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:
 - psychological
 - physical
 - sexual
 - financial
 - emotional
8. Controlling behaviour is defined as a range of acts designed to make a person subordinate and/or dependent by: isolating them from sources of support; exploiting their resources and capacities for personal gain; depriving them of the means needed for independence, resistance and escape; and regulating their everyday behaviour. Coercive behaviour is defined as an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuses that is used to harm, punish or frighten a victim.

Legislative and regulatory context

9. The legislative and regulatory context for this guidance is set out in **Annex A**.

Policy context

10. Universities UK (UUK) published [Changing the Culture](#): Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students (2016) and [Changing the Culture: one year on](#) - An assessment of strategies to tackle sexual misconduct, hate crime and harassment affecting university students (2018).
11. The 2016 report summarises the evidence considered by the UUK Taskforce to examine violence against women, harassment and hate crime affecting university students, and makes a series of 23 recommendations for universities and UUK. These recommendations cover both prevention activities and how universities can respond to these issues more effectively in future. The 2018 qualitative report, based on research carried out by the then Leadership Foundation for Higher Education, assesses higher education's progress in England, Wales and Northern Ireland in implementing [recommendations](#) from the UUK's 2016 report [Changing the culture](#). The report's findings note that:
 - success in the sector is significant, but variable
 - active senior leadership is vital in how far institutions can progress
 - there has been an increase in disclosures in the past year and a positive indication of cultural change

- institutions report barriers to progress in areas including sustainable funding for resources, training for students and staff across larger institutions and maintaining a consistent approach across the sector.
12. In 2016, UUK published [guidance](#) to universities on handling alleged student misconduct which may also constitute a criminal offence. The comprehensive guidance provided general information applicable for all UK institutions and included:
- the basis for disciplinary action
 - alleged misconduct that may constitute a criminal offence
 - general principles
 - record keeping
 - provision of information and support
 - referral to the police
 - precautionary action
 - criminal investigation and prosecution
 - internal disciplinary procedures
 - outcome of criminal processes
 - example code of conduct
 - case studies
 - example risk assessment
13. In 2017, UUK published a [directory](#) of 30 case studies. The directory details responses from universities, including a wide range of innovative projects, from improving incident reporting procedures, to improving student and staff training in this area. The directory is intended to be a developing resource bank that will continue to grow as universities share initiatives and experiences within the UK and internationally.

Effective practice: UK case studies in the UUK directory relate to:

- ✓ commitment from senior leaderships and ensuring an institution-wide approach;
- ✓ prevention of incidents;
- ✓ enabling an effective response;
- ✓ reporting and support processes;
- ✓ recording incidents;
- ✓ student and staff training;
- ✓ effective external relationships;
- ✓ drawing on good practice; and
- ✓ online harassment and hate crime reporting.

14. In 2018, HEFCW invited Advance HE to publish for Wales a [briefing](#) on violence against women, sexual misconduct and harassment (August 2018). The briefing includes nine recommendations, under three themes:
- senior leadership role affording priority status and adequate resourcing;
 - a holistic institution-wide approach being taken; and
 - effective prevention strategies.

15. More recently, in October 2019, Universities UK published [Changing the Culture: two years on](#). Universities UK surveyed almost 100 universities as a follow-up to its harassment and hate crime taskforce (*Changing the Culture*), exploring how institutions are addressing some of the challenges raised and acting on its recommendations. The report confirms that encouraging progress has been made at individual institutions, particularly in tackling gender-based-violence, with common activities including increased training for staff, preventative campaigns and development of partnerships with third sector and specialist organisations.

16. The UUK report concludes that:

‘Importantly, a message emerging from the survey is that prevention is beginning to foreground response; a fundamental principle of the UUK taskforce recommendations. Various examples and open-text comments provided by the participating universities demonstrate how prevention is seen as a clear driver for sustainability.’

And:

‘Responsibility for creating a culture in higher education whereby any form of misconduct towards a student or staff member will not be tolerated resides with everyone. While change takes time, it is vital that the current momentum to tackle this agenda in higher education continues’⁵

Actions to tackle violence against women, domestic abuse and sexual violence

17. HEFCW’s guidance to institutions is based on Welsh Government VAWDASV strategy (2016-20) objectives and the UUK VAWDASV recommendations⁶. Our guidance is intended to be high-level and applicable to all institutions.
18. Reflecting the [Well-being of Future Generations Act](#) (2015) ways of working, HEFCW recommends that institutions:
- i. plan long-term to change cultures and challenge behaviours;
 - ii. seek active involvement of staff, students and experts;
 - iii. prioritise prevention and promote support for those affected by violence against women, domestic abuse and sexual violence;
 - iv. ensure integration of approaches to tackle VAWDASV are embedded across policies and processes as appropriate; and
 - v. secure collaboration with relevant third sector organisations and other appropriate organisations.
19. To make progress towards tackling violence against women, domestic abuse and sexual violence against students and staff, institutions should:

⁵ Changing the Culture: two years on (2019) p65.

⁶ We will review our guidance when the Welsh Government revises its strategy.

1. Plan long-term

- ✓ ensure senior leadership and appropriate resources are committed to tackling violence and abuse;
- ✓ secure a 'whole-system' approach to tackling violence and abuse;
- ✓ in developing Strategic Equality Plans from 2020, consider including VAWDASV-related objectives and actions relating to both staff and students;
- ✓ consider whether VAWDASV provision and services should be supported from fee and access plan investment;
- ✓ ensure that institutional well-being and health strategies from 2020 take account of the impact of, and need to support those affected by, VAWDASV;
- ✓ ensure systems are in place to monitor, evaluate and improve provision and services;

2. Seek active involvement

- ✓ work with staff, students and their representative bodies to increase awareness of safe, equal and healthy relationships and that abusive behaviour is always wrong;
- ✓ train, as appropriate, staff and students to provide effective, timely and appropriate responses to those experiencing VAWDASV;
- ✓ involve Students' Unions in developing, maintaining and reviewing all elements of a cross-institution response;
- ✓ increase the focus on holding perpetrators to account and provide opportunities to change their behaviour around victim safety;

3. Prioritise prevention

- ✓ prioritise early intervention and prevention approaches;
- ✓ embed a comprehensive prevention programme which takes account of the needs of diverse communities including, but not limited to, people with protected characteristics, Welsh speakers;

- ✓ increase awareness and challenge negative attitudes towards violence against women, domestic abuse and sexual violence across staff and student populations from induction and time at institutions;
- ✓ regularly review the extent to which institutions are continuing to implement UUK *Changing the Culture* recommendations and consider whether and, if so, what more should be done to make progress towards tackling VAWDASV;

4. Ensure Integration

- ✓ ensure staff and student safeguarding and resilience policies and practices take account of tackling violence and abuse;
- ✓ provide governing bodies with regular progress reports summarising progress towards adopting a cross-institution approach;

5. Secure collaboration

- ✓ work with appropriate professionals, including third sector agencies, to ensure that violence and abuse awareness-raising and training is provided to staff and all students while at the institution, for example VAWDASV e-learning⁷;
- ✓ work with NUS Wales, Students' Unions, staff representative bodies and unions to promote and deliver information, advice and campaigns to tackle abuse and violence;
- ✓ provide those experiencing violence and abuse with information and access to specialist support services within the institution and/or its local community;
- ✓ promote other national VAWDASV campaigns including the Welsh Government's *Live Fear Free* campaigns. These campaigns include awareness raising on violence and abuse including female genital mutilation, modern slavery, honour-based violence and forced marriage, gender stereotypes. Recent campaigns are: *'Don't be a Bystander'* and *'This is not Love: This is Control'*.
- ✓ Promote relevant helplines, such as the Live Fear Free helpline, a free 24-hour confidential helpline offering support and advice to all victims of abuse and violence and also to "concerned others" such as family members, friends and colleagues or the [Dyn](#) helpline providing dedicated information and advice. Both helplines provide information for heterosexual, gay, bisexual

⁷ <https://learning.wales.nhs.uk/> Institutions can register their domain on the NHS link: <https://learning.wales.nhs.uk/login/index.php> which would enable access for all their staff and students to undertake the training using the HEI email address.

and for transsexual men and women who are experiencing domestic violence and abuse from a partner.

- ✓ promote effective practice on tackling violence and abuse.

Sharing effective practice

20. We will include in published guidance some further examples of effective practice that universities share with us. Please provide by **Friday 22 November 2019** brief (approximately 500 word) examples of effective practice in tackling violence against women, domestic abuse and sexual violence.

Consultation questions

21. Please work with us to improve our guidance by responding to the following questions:

Question 1: does the draft guidance provide clear recommendations to institutions on tackling violence against women, domestic abuse and sexual violence? If not what more could be done to be clearer?

Question 2: are there any gaps or omissions in the guidance that should be addressed? Please explain what these are and how they should be addressed.

Question 3: should more be done to improve the guidance not already identified in the responses given to the questions above? If more should be done, please explain the improvements that might be helpful and why.

Question 4: is there any other information that it would be helpful for HEFCW to consider in developing the guidance further?

22. We will continue to impact assess the implementation of this guidance to ensure we achieve our objectives. To inform impact assessment, in relation to the Well-being of Future Generations Act, equality and diversity and the Welsh language, we are inviting through this circular, responses to the following questions: To inform our impact assessment please consider:

Question 5: Does the guidance have any positive or negative impacts or unintended consequences in terms of equality and diversity and the Well-being of Future Generation (Wales) Act's sustainable development principle, seven wellbeing goals, and five ways of working?;

Question 6: What positive or adverse effects will the guidance have on:

- opportunities for persons to use the Welsh language?; and
- treating the Welsh language no less favourably than the English language?

Question 7: Could the guidance be changed to increase positive effects, or decrease adverse effects on:

- opportunities for persons to use the Welsh language?; and
- treating the Welsh language no less favourably than the English language?

Responding to the consultation

23. Please respond to this consultation electronically. Responses should be emailed to Sheridan Nott (sheridan.nott@hefcw.ac.uk). The consultation closes on **Friday 22 November 2019**. We are unable to accept responses after this time.

Further information / responses to

24. For further information, contact Ryan Stokes (tel: 029 2085 9736 email ryan.stokes@hefcw.ac.uk).

Assessing the impact of our policies

25. We have carried out an impact assessment screening to help safeguard against discrimination and promote equality. We also considered the impact of policies on the Welsh language, and Welsh language provision within the HE sector in Wales and potential impacts towards the goals set out in the Well-Being of Future Generations (Wales) Act 2015 including our Well-Being Objectives. Consultation questions included above will help inform our ongoing impact assessment. Contact equality@hefcw.ac.uk for more information about impact assessments.

Legislative and regulatory context for this guidance

1. [The Violence Against Women, Domestic Abuse and Sexual Violence \(Wales\) Act](#) 2015 aims to improve prevention, protection and support for those affected by violence against women, domestic abuse and sexual and to improve the public sector response to such abuse and violence.
2. The Welsh Government's [National Strategy on Violence Against Women Domestic Abuse and Sexual Violence 2016-21](#) recognises the importance of other organisations' contributions to delivering the purpose of the Act. To make progress, the Welsh Government recognise that collaborative working with and between public services, devolved and non-devolved partners, independent specialist and wider voluntary sector organisations is essential.
3. The Welsh Government's National Strategy on VAWDASV identifies six objectives, set out in **Annex B**, to be achieved by November 2021 which institutions may find useful in shaping priorities and deliverables⁸.
4. The Welsh Government's [National Strategy on Violence against Women, Domestic Abuse and Sexual Violence: Cross Government Delivery Framework 2018-2021](#)⁹ confirms its collaboration with higher education:

Effective practice: 'We have: ... collaborated with Swansea University to deliver a training programme across Wales on sex work and substance misuse. This is being turned into elearning and will available on our forthcoming Harm Reduction website'.

5. The Welsh Government published its Violence Against Women Domestic Abuse and Sexual Violence [progression report](#) April 2018 to March 2019:

Effective practice: The Welsh Government's 2018-19 progress report notes that:

The Welsh Government has worked with Cardiff Metropolitan University to undertake a rapid evidence assessment of what works with domestic abuse perpetrators. This was published in December 2018; and

A grant was provided to Swansea University to support stalking and harassment research and training in collaboration with Knowledge Economy Skills Scholarships (KESSII) fund, part of the European Social Fund.

⁸ See Welsh Government National strategy on violence against women domestic abuse and sexual violence 2016-20, p.18. This strategy will be updated in due course.

⁹ All higher education institutions are part of the Welsh Government VAWDASV communications network.

6. The Welsh Government will be publishing guidance relating to managing perpetrators of VAWDASV, in November 2019. The Welsh Government has published standards as indicators of safe, effective and evidence-based practice to be considered when referring perpetrators to specialist services. This may be a useful resource for institutions: [perpetrator service standards](#).
7. Other relevant Welsh legislation includes:
 - the [Well-being of Future Generations \(Wales\) Act](#) (2015): Tackling VAWDASV contributes to improving social well-being in Wales, a more equal and healthier Wales and a Wales of cohesive communities. Our approach to tackling VAWDASV is informed by the five ways of working.
 - the [Equality Act](#) (2010) and Public Sector Equality Duty ([PSED](#)) in Wales (2011): The Act protects people with protected characteristics from discrimination in the workplace and in wider society; the PSED aims to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people; and foster good relations between people;
 - the [Social Services and Well-being \(Wales\) Act](#) (2014): The Act encourages institutions to ensure that they consider the presence of children and vulnerable adults on campus.
 - the [Higher Education \(Wales\) Act](#) 2015: The Act requires regulated institutions to prioritise equality of opportunity and the promotion of higher education in fee and access plans.
8. HEFCW's [2019-20 remit letter](#) states that: 'Following the introduction of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Act), I would like the Council to work with Welsh Government officials on the development and issuing of guidance to the sector on how institutions in Wales can contribute to the pursuit of the purpose of the Act.'
9. The [Welsh Government's Nation of Sanctuary Plan](#) (2019) recognises that refugees and asylum seekers will require support as survivors of VAWDASV.
10. The [Equality and Human Rights Commission Wales](#), the Welsh Government regulator of equality and diversity, published [Is Wales Fairer](#) 2018. Findings include the challenges to women's safety and career progression.

Effective Practice: HEFCW published [HE Nation: Higher Education for a Healthy Nation](#) (2019). Aberystwyth University's case study highlighted its

Bystander training intervention with Welsh Women's Aid. Other universities in Wales have also delivered Bystander training.

'Aberystwyth University has been very successful in promoting the Bystander Intervention with students and staff, and the support for the project has been fantastic. The University has shown a tremendous

commitment to addressing violence against women, domestic abuse and sexual violence on campus.'

Alice Lilley, Welsh Women's Aid

The Welsh Government's National Strategy on VAWDASV identifies six objectives, to be achieved by November 2021 which institutions may find useful in shaping priorities and deliverables.

Objective 1: Increase awareness and challenge attitudes of violence against women, domestic abuse and sexual violence across the Welsh Population;

Objective 2: Increased awareness in children and young people of the importance of safe, equal and healthy relationships and that abusive behaviour is always wrong;

Objective 3: Increased focus on holding perpetrators to account and provide opportunities to change their behaviour based around victim safety;

Objective 4: Make early intervention and prevention a priority;

Objective 5: Relevant professionals are trained to provide effective, timely and appropriate responses to victims and survivors; and

Objective 6: Provide victims with equal access to appropriately resourced, high quality, needs led, strength based, gender responsive services across Wales.