

Clause 15: Guidance about independent advisors (ISVAs and IDVAs)

Overview

The Bill requires the publication of statutory guidance about Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs) and those advisors will be required to have regard to the guidance. To increase awareness, those who work with victims will also be required to have regard to guidance, where relevant to their work.

A diverse support sector is vital to meet the needs of victims. ISVAs and IDVAs are one part of this. The Bill and guidance focus on these roles because of their crucial interaction with the justice system alongside their valuable support outside of it: we know that when victims are supported by them, they are nearly 50% more likely to stay engaged in the system, which helps enable justice to be delivered. Consultation responses highlighted the need to improve awareness of these roles among other agencies, as well as the need to improve the consistency of support they offer victims. This focus does not detract from the importance of the wider support sector. To make this clear, the guidance will set out that commissioners and funders should consider the range of different support services that together help address local need.

Key measures

IDVAs and ISVAs play a crucial role in supporting victims of domestic and sexual abuse to navigate support services and the criminal justice system. However, these roles lack consistency and awareness among those working with victims. To improve standards and consistency where appropriate, the Bill introduces:

- **A deliberately broad definition of ISVAs and IDVAs.** This broad approach in the Bill has been taken because we know the roles require flexibility to allow IDVAs and ISVAs to tailor their services based on the different needs of the victims they work with, and the related guidance will reflect the core principles of the roles and functions in more detail. This will also allow flexibility to use the

guidance to provide further detail on the role and update it in the future if the needs of victims lead to changes in policies and practices.

- **A requirement for the Secretary of State to issue separate statutory guidance in relation to ISVAs and IDVAs.** This guidance will improve clarity and awareness of these roles and encourage greater consistency across the sector by setting out minimum expectations and best practice in relation to these roles, how they can support specific needs and vulnerabilities of victims, and how to best collaborate with other agencies and services.
- **A duty on ISVAs and IDVAs to have regard to the statutory guidance, as well as others where the guidance is relevant to the function that they are carrying out.** This will support improved understanding of these roles among those that work with victims to encourage a holistic and tailored approach for each victim.

Who the clause will apply to

The measures in this clause will apply to:

- ISVAs and IDVAs;
- Managers and providers of ISVA and IDVA services;
- Those who work with victims or any aspect of the criminal justice system, with the exception of the judiciary (see below).

The guidance may also be valuable for victims of domestic and sexual abuse in helping them to understand the roles and remits of ISVAs and IDVAs. It may also support relevant commissioners to better understand ISVA and IDVA roles when commissioning services. However, commissioners should not consider this statutory guidance as a directive to focus funding solely on ISVA and IDVA services. Consideration of funding for different support services must be based on decisions relating to local need and the broad range of services available.

The clause and guidance will not apply to the judiciary as they are independent of government. The Ministry of Justice (MoJ) will continue to work with Judicial Office to raise awareness of the role and benefits of ISVAs and IDVAs, and how they can support victims at court. It is a decision for the judiciary about who is allowed into the court room. ISVAs and IDVAs should be able to accompany victims at court as part of their role to support victims through the justice system, unless the judge decides that there is a good reason not to. In April, the family court

judiciary updated relevant court rules (Practice Direction 27C) which makes specific provision for ISVAs and IDVAs to accompany a party into family court hearings with the permission of the judge. We are working with the Criminal Procedure Rule Committee to enhance the existing ability to attend as a “witness companion”. Nevertheless, the guidance will cover how ISVAs and IDVAs support victims through court cases, and the duty to have regard to the guidance will extend to court staff.

Background

ISVAs and IDVAs support victims to make informed choices and can work with other agencies to meet victims’ needs. They have been found to positively impact victims’ experiences as well as to boost engagement with the criminal justice system. For example, research has found that victims who received support from services such as ISVAs were 49% less likely to withdraw from the criminal justice investigation process.¹

They are commissioned by a mix of organisations, including Police and Crime Commissioners (PCCs), local authorities, and third sector organisations. The Ministry of Justice (MoJ) is more than quadrupling funding for victim and witness support services by 2024/25, up from £41m in 2009/10. For 2022/23, we are providing £34 million of ringfenced funding for ISVAs and IDVAs. This includes increasing the number of government funded ISVA and IDVA posts by 300, to over 1,000, by 2024/25 (a 43% increase).

The Victims Bill consultation, in December 2021, highlighted the need for improved information, awareness and consistency of the ISVA and IDVA role. Existing guidance was considered to be inaccessible and outdated, and other agencies lacked awareness of these roles which limited effective collaboration to help victims. Respondents noted that more consistent standards and guidelines could: improve understanding of the remit of IDVAs and ISVAs; professionalise and improve recognition of these roles; improve referral pathways; and make service provision more standard and consistent. The majority of respondents agreed that defining these roles would have a positive impact.

¹Walker et al. (2019) “Rape, Inequality and the Criminal Justice Response in England: The Importance of Age and Gender.”

In response to the consultation feedback, MoJ published a package of proposed measures in May 2022 to be introduced via legislation which included statutory guidance and a duty for those who work with victims, including advisors themselves, to have regard to it.

How the guidance is being developed

This guidance is being developed by the MoJ in collaboration with other government departments, bodies and agencies with functions relating to victims. We are also working closely with the victim support sector so that it is informed by their expertise. This includes a range of organisations representing ISVA and IDVA roles at a national and local level, including specialist roles in organisations delivered ‘by and for’ the communities they serve. During passage of the Bill, we intend to publish a draft of the guidance to enable Parliamentary consideration, followed by a form of formal consultation.

What the guidance will cover

Two separate guidance documents will set out best practice and recommendations for ISVAs and IDVAs respectively. This approach aims to make clear the minimum expectations for ISVAs and IDVAs, while retaining the vital flexibility needed within these roles to best meet the diverse and changing needs of victims.

Below we have set out summaries of what we intend to cover in the guidance across three areas to help demonstrate best practice among these roles and encourage consistency and better collaboration across agencies.

The consultation analysis showed that although respondents thought guidance would be beneficial, the roles must be understood as part a wider landscape of victim support services. The guidance as a whole will therefore reference the range of support victims may require including referencing other support and advisor roles, including children and young persons IDVAs and ISVAs, and setting out the importance of services run ‘by and for’ the communities they serve.

1. Role, functions, and training

This section will describe the purpose and role that ISVAs and IDVAs have within the wider victim support sector. It will outline core principles that underpin IDVA and ISVA support, including:

- that they are specialists in domestic abuse and/or sexual violence;
- that ISVAs and IDVAs tailor support to a victim's needs and vulnerabilities; and
- that they are independent and will remain focused on the needs and wellbeing of the victim and not any other agency's aims; and
- that they will provide accurate and impartial advice and support.

It will also set out functions that ISVAs and IDVAs may perform and give practical examples of how those are likely to be delivered. This will allow for flexibility while raising awareness of the range of work they can provide. For example, it will detail the function of supporting victims to understand and navigate key processes and systems (like the justice system, housing or health services), or supporting victims to access related services.

It will also cover training, continual professional development, and other areas including support, supervision, and oversight. We know that training and qualifications are delivered effectively in a range of ways and that specific requirements differ across organisations, funders, and commissioners. Therefore, guidance will recommend broad content that should be covered as a minimum requirement to provide consistent and effective support to victims. For example:

- the core principles of the IDVA and ISVA role and the need to understand and respond to the dynamics and impact of domestic abuse and/or sexual violence,
- a solid understanding of the systems and processes victims may engage with such as those within the justice system, safeguarding responsibilities and working with other agencies,
- that additional training for specialist roles is best practice, for example with children and young people who may have different needs, vulnerabilities and communication requirements.

2. Different victim experiences and related considerations

Feedback from the Victims Bill consultation also highlighted that there is currently limited guidance for IDVAs and ISVAs supporting victims with particular needs. In response, Section 2 of this guidance will draw out best practice for ISVAs and IDVAs to address vulnerabilities and additional barriers that some victims face when accessing and receiving support.

It will consider different characteristics and circumstances and where these may overlap, including: age, sex, ethnicity, religion, sexual

orientation, disability, mental health, homelessness, substance misuse and police perpetrated abuse.

This section will also acknowledge the crucial role of 'by and for' and specialist services. ISVAs and IDVAs should be aware of these so that they can work with them or make any necessary referrals where other services may provide support alongside or instead of ISVAs and IDVAs.

3. Collaboration between agencies and ISVAs/IDVAs

Consultation feedback highlighted challenges ISVAs and IDVAs face when working with other professionals. This included a lack of understanding and awareness of the ISVA and IDVA role, lack of communication as well as constraints around sharing information, which can prevent effective collaboration.

In response, the guidance will outline key principles for effective working between ISVAs and IDVAs and relevant agencies to foster close, collaborative working. The section will be aimed at ISVAs and IDVAs as well as agency professionals who work with victims of domestic abuse and sexual violence such as: the police, probation, Crown Prosecution Service, courts, health and social care, local authorities, housing and education.