

VIOLENCE AGAINST WOMEN, DOMESTIC ABUSE AND SEXUAL VIOLENCE (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sections 14 to 17 – Meaning of “relevant authority”; power to issue statutory guidance; consultation and National Assembly for Wales procedures; duty to follow statutory guidance

24. **Section 15(1)** gives the Welsh Ministers the power to issue guidance to relevant authorities on how the authorities should exercise their functions with a view to contributing to the pursuit of the purpose of the Act. The meaning of ‘relevant authority’ is set in section 14 as a local authority, a Local Health Board (both are further defined in section 24), a fire and rescue authority in Wales and a National Health Service trust.
25. **Section 15(2)** provides examples of the types of matters the guidance might address. The guidance could be about ways in which authorities could raise awareness of issues relating to the purpose of this Act. For example, guidance could require local authorities to designate a member of staff for the purpose of championing, in schools and other settings, initiatives relevant to tackling gender-based violence, domestic abuse and sexual violence; such initiatives could include raising awareness about the purpose of the Act or developing ways of improving practice and standards in the methods adopted to contribute to achieving the purpose of the Act. Guidance could also be issued in relation to providing support to encourage professionals (such as accident and emergency medical staff) who come into regular contact with victims of gender-based violence, domestic abuse and sexual violence to ask potential victims about abuse or violence in certain circumstances, and where appropriate, to act to seek to reduce suffering and harm. Additionally, the training of staff within relevant authorities could be supported by guidance issued under this section. The Welsh Ministers consulted on a National Training Framework on gender-based violence, domestic abuse and sexual violence on 23 October 2014. Guidance could for example assist relevant authorities to use the National Training Framework as a basis of staff training in this subject area, including on how to support their staff to ask and act.
26. **Section 17** places a duty on relevant authorities to follow any guidance issued under section 15 of the Act. The aim of such a duty is to ensure a consistent and effective approach is taken to tackling the issues of gender-based violence, domestic abuse and sexual violence across Wales. A relevant authority is not subject to the duty in so far as it decides, in accordance with section 17(2), on an alternative policy in respect of the subject matter of the guidance. In such circumstances the authority must decide on its alternative policy and issue a policy statement setting out its alternative approach (see section 18 for requirements applicable in respect of such statements). This flexibility allows a relevant authority to pursue an alternative solution, in full or in part, to that

These notes refer to the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (c.3) which received Royal Assent on 29 April 2015

set out in the statutory guidance; this could occur, for example, if an alternative policy adopted by a local authority provided a more tailored solution to address local needs.

27. Where the Welsh Ministers consider that the alternative policy published by the relevant authority is not likely to contribute to the purpose of the Act, section 19 enables the Welsh Ministers to issue a direction to a relevant authority. The direction may require the relevant authority to take any action in order to comply with guidance issued to the authority under section 15. A relevant authority must comply with a direction issued by the Welsh Ministers under this section.