

## **Domestic Abuse Act 2021: Delivery of the Council's statutory duty under Part 4**

Report of the Head of Communities

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: that the Cabinet be asked to

- (a) approve the draft Strategy for Domestic Abuse Support in Safe Accommodation in Devon 2021;
- (b) delegate to the Head of Communities the implementation of the Strategy, including reporting to Government.

### **1. Summary**

This report summarises the Council's new statutory duty under Part 4 of the Domestic Abuse Act 2021, the development of the strategy and the progress made to date.

### **2. Introduction**

The Domestic Abuse Act 2021 came into force on 29 April 2021. The Act includes a wide range of provisions intended to raise awareness and understanding about the devastating impact of domestic abuse on victims and their families.

The Act places a duty on upper tier local authorities in England to provide accommodation-based support to victims of domestic abuse and their children in refuges and other safe accommodation. The Act does not transfer any responsibilities for housing from housing authorities to upper tier local authorities. The Act requires the tier 2 local authorities in each area to cooperate with the upper tier authority so far as reasonably practicable, when requested to do so.

In order to deliver this duty, upper tier local authorities must carry out a needs assessment and develop and publish a strategy for the delivery of the duty by the end of October 2021. Local authorities must create a Domestic Abuse Local Partnership Board with a minimum representative membership set out in the Act. The role of the Partnership Board is to support and advise the local authority in the delivery of the duty. The Board is not an executive or decision-making body.

Local authorities must monitor and evaluate the effectiveness of the Strategy and report back annually to central government.

### **3. Proposal**

Devon County Council has formed a Domestic Abuse Local Partnership Board with broad representation that goes beyond that required by the Domestic Abuse Act. The Board is chaired by the Head of Safeguarding for NHS Devon Clinical Commissioning Group, who also represents health services. Board membership includes the Council's Cabinet Portfolio Holder, Council commissioners and practitioners from Adult and Children's Social Care, Police and Criminal Justice services, all Devon's district councils, organisations providing support services to victims of domestic and sexual abuse and organisations providing support and advocacy for people and communities with specific needs and protected characteristics.

The Council has carried out a needs assessment as a basis for the Strategy, supported by the Partnership Board. The findings of the needs assessment are included in the draft Strategy circulated with this report and provides the insights on which the Strategy is based. The Strategy identifies 8 outcomes that the Strategy aims to deliver, with specific objectives linked to each outcome.

The Act requires that the Board also includes representatives of victims of domestic abuse and the children of victims. To date, the voices of victims have been heard through focus groups with practitioners in domestic abuse services, many of whom have experienced abuse themselves. The Board has agreed that it is extremely important to develop an ethical framework for engagement with victims of abuse and their children, to ensure that there is a clear purpose and commitment for this engagement and that their voices can be heard without the risk of re-traumatisation. This is work in progress.

Perhaps the major challenge to the delivery of the Strategy is the acute shortage within Devon of accommodation and housing that falls within the legislation's definition of "safe accommodation". Regulations define what it is meant by "safe accommodation". This includes traditional service settings like women's refuges and self-contained accommodation provided by housing authorities, social housing providers and domestic abuse charities. However, the duty explicitly excludes temporary accommodation with shared facilities. Devon has only 41 bed spaces of safe accommodation and all are the product of local housing or domestic abuse organisations establishing and maintaining the provision independently. Therefore in practice, most victims of domestic abuse who have fled their homes are housed in such temporary accommodation and fall outside the scope of the new duty. The strategy proposes that support is provided to victims to help when they need it to enable them to stay in their own home and remain safe when they are in temporary accommodation.

### **4. Options/Alternatives**

Devon County Council led on the production of a domestic and sexual violence and abuse strategy covering the years 2016-2021. This requires a review and update to reflect the new Domestic Abuse Duty. It has been agreed that the safe accommodation strategy will be an appendix to the wider strategy when this is renewed later in the year.

## **5. Consultations**

Section 57(4) of the Domestic Abuse Act requires upper tier local authorities to consult the members of its Domestic Abuse Local Partnership Board and all the tier 2 local authorities within the area on its Strategy before it is adopted and published. Local authorities may also consult any other persons they consider appropriate. The Council has extended the consultation to members of Devon's three Domestic Abuse and Sexual Abuse Forums and to the participants in the practitioner focus groups carried out during the needs assessment. The consultation completed on 24<sup>th</sup> September 2021 and 100% of respondents agreed with the 8 outcomes in the strategy.

The draft strategy was presented to the Corporate, Infrastructure and Regulatory Services Scrutiny Committee on the 23<sup>rd</sup> September 2021. The Scrutiny Committee resolved "that the Report be commended to Cabinet, subject to:

- (a) Devon County Council be asked to sign up to the employer's initiative on domestic abuse, and encourage partners to do the same; and
- (b) Outcome 2 objectives refer to needing a multi-agency approach that should specifically include employers and trade unions." (Minute 10 refers)

The objective supporting Outcome 2 has been amended in line with the above.

Officers suggest that further consideration is needed regarding signing up to 'The employers initiative on domestic abuse'. It is suggested that the lead Cabinet Member, Member champions and key officers consider the implications on the Council. It would be the initial intention to pursue the initiative, subject to assessing the impacts on the strategy and the wider Council.

## **6. Financial Considerations**

The government has allocated £125 million New Burdens funding to local authorities, to cover the costs of the new duty to provide support in safe accommodation for 2021-22. The funding allocated to Devon County Council in 2021/22 is £1.4m. In addition, each of Devon's tier 2 local authorities have been allocated around £30k of administrative burden funding to enable their cooperation with the County Council in the delivery of the duty.

In the spirit of the New Burdens Doctrine, the new duty will be funded in future years. The amount of funding from April 2022 will be a matter for the next Spending Review. The draft Statutory Guidance for the delivery of the new duty recommends that local authority Strategies should cover a period of 3 years and that commissioning for services under these Strategies should be conducted on a "long-term basis". This clearly presents some risk for decisions on commissioning services when the level of funding for the period covered by Strategies is not known.

## **7. Legal Considerations**

There are no specific legal considerations other than as set out in the primary legislation and associated regulations.

## **8. Environmental Impact Considerations (Including Climate Change)**

There are no significant environment impact considerations.

## **9. Equality Considerations**

The needs assessment carried out to develop the Strategy has identified a range of serious barriers facing people with protected characteristics from leaving abusive relationships and seeking domestic abuse support. These barriers have been highlighted through the inclusion of representatives of advocacy and support organisations on the Domestic Abuse Local Partnership Board and through a series of focus group discussions with those organisations. The Strategy recognises these barriers throughout but particularly under Outcome 3.

## **10. Risk Management Considerations**

This policy/proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

Section 6 above identifies the risk to service commissioning arising from the uncertainty over future government funding under the New Burdens doctrine.

The risks associated with the Strategy lie principally in the delivery. The delivery plan is under development with the support of the Domestic Abuse Local Partnership Board and will set out the detail of risks and mitigations.

## **11. Public Health Impact**

Devon County Council has for many years delivered or commissioned a county-wide domestic abuse service. There has been no statutory duty or designated government funding to provide such a service. The current service, commissioned in 2018, is delivered by Splitz Support Service and funded from the Public Health Grant. In 2016, the Council also took a leading role in the creation of a Devon-wide Vision for Ending Domestic and Sexual Violence and Abuse.

The focus of the existing domestic abuse service delivered by Splitz is on providing support to victims of domestic abuse in the community. The Council has played no part in recent years in the direct funding of accommodation-based domestic abuse services such as women's refuges. These services have relied on a patchwork of (usually fixed-term) funding streams from government and their own charitable fundraising. The duty under the Domestic Abuse Act brings local authorities back into this area of need and will complement our domestic abuse services currently commissioned.

## **12. Reasons for Recommendations**

The recommendations have been made because Devon County Council has a statutory obligation to publish a strategy by the 31<sup>st</sup> October 2021.

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Head of Communities

Electoral Divisions: All

Cabinet Member for Public Health, Communities and Equality: Councillor Roger Croad

### **Local Government Act 1972: List of Background Papers**

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Background Paper

Strategy for Domestic Abuse Support in Safe Accommodation in Devon 2021 (draft for consultation)

Domestic Abuse Act 2021: Delivery of the Council's statutory duty under Part 4 - Final