

Domestic Abuse Act 2021: delivery of the Council's statutory duty under Part 4

Report of the Head of Communities

Recommendation: that the Committee makes recommendations for any changes to the draft Strategy for Domestic Abuse Support in Safe Accommodation in Devon 2021 before the Strategy is considered by Cabinet.

1. Summary

This report summarises the progress in delivering the Council's new statutory duty under Part 4 of the Domestic Abuse Act 2021.

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; to further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice and to strengthen the support for victims of abuse by statutory agencies. In this final category, 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. 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.

Regulations linked to the Act require local authorities to carry out their needs assessment and publish their Strategy for delivery of the duty by the end of October 2021. Devon's draft Strategy is circulated with this report.

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

3. Progress

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.

The scope of the new duty to provide domestic abuse support in safe accommodation is narrow. 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. 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.

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 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.

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.

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". 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.

4. 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 is being carried out with a deadline for responses of 24th September 2021.

5. 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 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.

6. Legal Considerations

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

7. Environmental Impact Considerations (Including Climate Change)

There are no significant environment impact considerations.

8. 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 recognizes these barriers throughout but particularly under Outcome 3. The impact assessment for the Strategy will be included when the Strategy is presented to Cabinet.

9. Risk Management Considerations

Section 7 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.

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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)

The above mentioned Reports are published on the Council's Website at:
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>

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