

Adults and Safer City Scrutiny Panel

19 January 2021

Report title	Domestic Abuse Bill	
Cabinet member with lead responsibility	Councillor Jasbir Jaspal Public Health and Wellbeing	
Wards affected	All	
Accountable director	John Denley, Director of Public Health	
Originating service	Community Safety	
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Report to be/has been considered by	PHLT	17.11.2020
	Cabinet Member Briefing	07.01.2021
	Safer Wolverhampton Partnership Board	22.01.2021

Recommendation(s) for action:

The Scrutiny Panel is recommended to:

1. Note the new duties on local authorities outlined in the Domestic Abuse Bill and the associated Capacity Building Fund.
2. Comment on and endorse proposed next steps for implementation outlined in the report.

1.0 Purpose

- 1.1 To provide a summary of the Domestic Abuse Bill which is expected to be implemented in April 2021, including the new duty on Local Authorities.
- 1.2 To provide a summary of the implementation plans which will ensure that the City of Wolverhampton Council is prepared to meet its statutory duties associated with the Bill and associated guidance.

2.0 Background

- 2.1 In February 2017 the Prime Minister announced plans for work to transform the way the government thinks about and tackles domestic abuse, leading to the introduction of a new Domestic Abuse Bill. On 3 March 2020 the Domestic Abuse Bill was reintroduced and completed its Commons stages on 6 July 2020. Subject to the Bill receiving royal assent, it will be implemented in April 2021.
- 2.2 The Domestic Abuse Bill seeks to transform the response to Domestic Abuse (DA) nationally. As part of the Bill local authorities will be required to provide support for all victims of DA and their children in safe accommodation as well as appoint a partnership board to oversee implementation of the Bill and feedback to central government.
- 2.3 In November 2020 the government announced it would allocate £50K to all tier one authorities to support them in preparing for their new duty.

3.0 Key Features of the Domestic Abuse Bill

- 3.1 The Domestic Abuse Bill has four main objectives relating to domestic abuse; to promote awareness, protect and support victims, transform the justice process and improve performance. The Bill is split into seven parts, each of which are summarised below:
 - 3.1.1 Part one of the Bill creates a new statutory definition for domestic abuse. The new definition recognises that anybody over 16 can be a victim of domestic abuse (this was previously set at 18) and emphasises that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse. The new definition also recognises children who see, hear or experience domestic abuse as victims in their own right.
 - 3.1.2 Part two of the Bill establishes in law a Domestic Abuse Commissioner as a statutory office holder. The Commissioner will provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales.
 - 3.1.3 Part three addresses powers for dealing with domestic abuse. The Bill introduces a new civil Domestic Abuse Protection Notice and a new civil Domestic Abuse Protection Order. These Orders provide alternative application routes to the current Domestic Violence

Protection Order meaning that victims and specified third parties can apply for a DAPO directly to the family court.

- 3.1.4 Part four of the Bill relates to local authority support and outlines a statutory duty for local authorities to provide support to victims and their children within safe accommodation. It also requires local authorities to convene a domestic abuse partnership board and provide annual reports to demonstrate progress.
- 3.1.5 Part five seeks to strengthen protection for victims and witnesses of domestic abuse in court. It will prohibit perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales and create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts.
- 3.1.6 Part six addresses offences involving violent or abusive behaviour. It restates in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death. It will also extend the jurisdiction of the UK courts so that, where appropriate, UK nationals and residents who commit certain violent and sexual offences outside the UK may be brought to trial in the UK.
- 3.1.7 Part Seven outlines a range of measures including enabling domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody and placing the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.
- 3.2 The Bill will sit alongside a proposed package of 123 practical measures, including provision of funding for national helplines and investment in domestic abuse training for responding agencies and professionals. You can see the full list of measures, the consultation response and the draft Domestic Abuse Bill [here](#).

4.0 Local authority duties set out in the Domestic Abuse Bill

- 4.1 The Domestic Abuse Bill includes a new duty on tier one local authorities in England to provide support for victims and their children within domestic abuse safe accommodation. Subject to the successful passage of the Bill, the new duty will commence in April 2021.
- 4.2 The duty will also require the local authority to lead on establishing (or identifying) a local partnership which will be responsible for commissioning support to victims and their children in domestic abuse safe accommodation based on a robust needs assessment.
- 4.3 The Board will be required to publish a strategy for the provision of such support to cover their area having regard to the need’s assessment, monitor and evaluate the effectiveness of the strategy and report back annually to central government.
- 4.4 Under the new Duty ‘Domestic Abuse Safe Accommodation’ can include:

- Refuge accommodation – a refuge offers accommodation and intensive support which is tied to that accommodation. Victims, including their children, have to be refuge residents to access specialist emotional and practical support;
- Specialist safe accommodation – safe accommodation services which provide dedicated specialist support to victims with protected characteristics and/or complex needs, such as specialist refuges for BAME, LGBT, and disabled victims and their children;
- Dispersed accommodation - Safe, self-contained accommodation with the same level of specialist domestic abuse support as provided within a refuge but which may be more suitable for victims who are unable to stay in a refuge with communal spaces due to complex support needs or for families with teenage sons for example.
- Safe, self-contained ‘semi-independent’ accommodation - which is not within a refuge but with floating support for victims who do not require the intense support offered through refuge;
- Sanctuary Schemes – properties within Sanctuary Schemes or other similar schemes which provide enhanced security measures.

4.5 Domestic abuse support will include:

- Advocacy support – development of personal safety plans, liaison with other services (for example, GPs and social workers, welfare benefit providers);
- Domestic abuse-prevention advice – support to assist victims to recognise the signs of abusive relationships, to help them remain safe (including online) and to prevent re-victimisation;
- Specialist support for victims with protected characteristics and / or complex needs, for example, interpreters, faith services, mental health advice and support, drug and alcohol advice and support, and immigration advice;
- Children’s support – including play therapy and child advocacy;
- Housing-related support – providing housing-related advice and support, for example, securing a permanent home and advice on how to live safely and independently;
- Counselling and therapy for both adults and children.

5.0 Capacity Building Fund

- 5.1 In November 2020 the government announced a £6 million capacity building fund to help local authorities prepare for the introduction of the bill and associated duties. This fund is allocated equally across Tier 1 local authorities in England, at £50,000 each.
- 5.2 The capacity building fund is not associated with the functions of the new duty and local authorities are not expected to deliver the duty before it comes into force. Instead, this funding will help authorities prepare so that, subject to successful passage of the Bill, they can start discharging the functions of the duty effectively as soon as the duty commences.
- 5.3 The purpose of the fund is to begin engaging local partners to consider how the duty will be implemented locally and review local strategies, frameworks for delivery and governance structures. Authorities are also encouraged to map which providers operate

across their area, including non-commissioned and specialist services, which provide tailored support to a specific cohort.

5.4 Expected outcomes of the fund include:

- Increased engagement with key partners to facilitate expertise and information sharing in relation to the expected new duty and help identify and address potential challenges in implementation;
- Clear mapping of all existing local domestic abuse safe accommodation support providers, both commissioned and non-commissioned;
- Completion of a standardised needs assessment to assess the support required for victims of domestic abuse and their children locally;
- Review/plan the local frameworks for delivery. Review could include looking at what local domestic governance structures are currently in place; whether and what are the existing local strategies relevant to domestic abuse; whether and what are the current monitoring/service evaluation processes.

5.5 [Guidance](#) has been published outlining the purpose of the fund and setting out suggested activities to properly plan for implementation of the new duty.

5.6 MHCLG will look to assess the impact of this funding upon commencement of the duty. Local authorities will be asked to share a summary report summarising how this fund has contributed to preparation for the duty by June 2021.

6.0 Proposed next steps

6.1 Safer Wolverhampton Partnership (SWP) holds the governance for Wolverhampton's Interpersonal Violence Strategy which seeks to address domestic abuse and monitor delivery of the strategy. It is therefore recommended that Safer Wolverhampton Partnership oversee the new statutory duties associated with the Domestic Abuse Bill. SWP will be required to work closely with other boards including Health and Wellbeing Together and Wolverhampton Safeguarding Together.

6.2 The city's newly established Interpersonal Violence Board (which is governed by SWP) will also play a crucial role in the sharing of expertise and information in relation to the expected new duty. A sub-group will be established to ensure that there is a planned approach to the statutory need's assessment and the statutory local domestic abuse strategy. The sub-group will be formed of multi-agency partners including specialist domestic abuse services.

6.3 It is proposed that a proportion of the Capacity Building Fund is utilised to recruit a consultant to coordinate the mapping of all existing local DA safe accommodation support providers as well as completion of the needs assessment.

6.4 This mapping exercise will ensure that the support meets the diverse needs of all victims and children in or coming into the area. It will also allow a full shared understanding of the various types of safe accommodation services delivered in the local area including

communal/self-contained refuge accommodation, dispersed safe accommodation, move on accommodation and any additional provision created during COVID-19.

- 6.5 The completion of a standardised needs assessment will clearly set out the demand within the city and assist in identifying any gaps and inform future commissioning.
- 6.6 Once this work is completed it is expected that the current multi-agency Interpersonal Violence Strategy and associated action plans will be reviewed in order to reflect the new duties set out in the Domestic Abuse Bill as well as findings from the needs assessment.
- 6.7 Engagement with victims and survivors, particularly those who experience additional barriers to accessing support will also play a vital role in ensuring that services meet the needs of victims and their families.
- 6.8 In June 2021 SWP will be required to produce a report setting out how the capacity building fund has contributed to local preparation for the duty. services and ensuring that the voice of victims is central in the refreshed strategy.
- 6.9 It is intended that funding for new burdens associated to the duty will be allocated to local authorities separately upon commencement in 2021.

7.0 Financial Implications

- 7.1 Wolverhampton have been allocated £50,000 by the MHCLG in order to complete the preparation work outlined in this report.
- 7.2 It is expected that further funding will be made available to local authorities to implement the new duty based on local needs assessments.
[LD/07012021/Q]

8.1 Legal Implications

- 8.1 Sections 5 and 6 of the Crime and Disorder Act 1998 require the Council and other responsible authorities to formulate and implement strategies to reduce crime and disorder in the area.
- 8.2 Section 17 of the Crime and Disorder Act 1998 (amended) requires the Council along with the other Responsible Authorities to exercise their functions with due regard to do all that they reasonably can by way of preventing crime and disorder, anti-social behaviour, substance misuse and re-offending in the locality. The work outlined in this report surrounding the Domestic Abuse Bill will support this requirement.
- 8.3 Subject to the successful passage of the Domestic Abuse Bill new statutory duties will be placed on the local authority from April 2021. These duties include the need to establish or identify a partnership board to oversee the local response to the Bill and to provide

support for victims and their children within domestic abuse safe accommodation. The activity outlined in this report will support the local authority to discharge the functions of the duty effectively as soon as the duty commences.

[Legal Code: TS/06012021/Q]

9.0 Environmental implications

9.1 There are no environmental implications within this report.

10.0 Human resources implications

10.1 There are no human resource implications within this report.

11.0 Corporate landlord implications

11.1 There are no Corporate Landlord implications for the Council's property portfolio.

12.0 Health and Wellbeing Implications

12.1 Domestic abuse will likely be detrimental to the health and wellbeing of both a victim and their family. The mapping exercises and needs assessment will allow a better understanding of the needs of victims and their family as well as what is currently available to them in the city. This will inform future commissioning to ensure that victims can access the services which they need.

13.0 Covid Implications

13.1 Restrictions around Covid-19 have had a significant impact on those experiencing domestic abuse and particularly those further isolated with their abuser. The work outlined in this report will ensure that those experiencing domestic abuse can access the services necessary to get the support which they need.

14.0 Schedule of background papers

14.1 There are no background papers.