

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO HEALTH AND HOUSING COMMITTEE

meeting date: THURSDAY, 20 OCTOBER 2022
title: DOMESTIC ABUSE ACT UPDATE
submitted by: NICOLA HOPKINS, DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: COLIN HIRST, HEAD OF REGENERATION & HOUSING

1 PURPOSE

1.1 To update Members in respect of the Domestic Abuse Act 2021 and to agree the use of additional burdens funding.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To ensure housing needs are met and that opportunities to improve the safety and well-being of the local community are addressed.
- Corporate Priorities – To demonstrate that the council is a well-managed authority
- Other Considerations – None

2 BACKGROUND

1.3 The Domestic Abuse Act, which came into force in April 2021, aims to make changes to better protect and strengthen the provision of support for survivors of domestic abuse, by transforming the collective response from a wide range of public service authorities including local Councils, the Police and Judiciary system as well as other relevant agencies.

1.4 The Domestic Abuse Act 2021 places a statutory duty on Local Authorities to assess the need for accommodation-based support to individuals, families and their children within its area. Safe accommodation is broader than just refuge accommodation and includes victim-survivors who live in their own homes and access to sanctuary schemes; the range of support is also broader, from immediate crisis intervention (i.e., refuges and complex needs support) through to recovery and advocacy support; and safe accommodation.

1.5 Local authorities have specific duties under Part 4 of the Domestic Abuse Act 2021 (see extract attached at Appendix 1). The duties require that Tier 1 authorities (in our case LCC as the relevant local authority) assess the need for accommodation-based support for victims of domestic abuse in their area and ensure that suitable strategies are developed and put in place. Tier 1 authorities have the role of ensuring that coordination exists across the local authority area and that mechanisms exist to ensure the requirements of part 4 of the act are delivered and given "effect".

1.6 Tier 2 authorities are required to co-operate with the Tier 1 authorities, as far as reasonably practicable in delivering against the Act when requested to do so.

2.5 In Ribble Valley data collated through the Community Safety Partnership (CSP) that from April 2021 to March 2022 Ribble Valley CSP recorded 321 domestic abuse related crimes. This is a 4.2% increase (up 13 offences) compared to the previous year where 308 crimes were recorded. In 2021, 35% of all DA victims fell into the 'financially stretched' category which is disproportionate in comparison to the percentage of our general population of the Ribble Valley where 19% make up this category. This is

particularly important in light of the cost of living rises. DV related referrals through the Council's homelessness services also account for a significant number of cases being dealt with and there has been in recent times an increase in cases reported.

3 ACTIVITIES IN RESPONSE TO THE ACT

- 3.1 In accordance with government guidance Tier 1 and Tier 2 local authorities need to work together to establish what support is needed at safe accommodation in the local authority area. Domestic Abuse - Statutory Guidance July 2022 (319, pg. 100) and work is ongoing to ensure that the situation is monitored.
- 3.2 In response to the act LCC launched their Domestic Abuse Services in May 2022 following the publication of a draft Safe Accommodation Strategy which was prepared through an officer working group established to address the need for a Domestic Abuse Partnership Board.
- 3.3 This Board now reports through the Lancashire Community Safety Partnership Board which in turn reports to Lancashire Chief Executives and the Lancashire Leaders. These arrangements give effect to the Tier 1 duties in the Act in terms of governance.
- 3.4 The implementation of the Safe Accommodation Strategy will be led by the Lancashire Domestic Abuse Partnership Board (LDAPB) and overseen by the s Community Safety Partnership Board. Ribble Valley is represented on The LDAPB by an Officer from Burnley who represents the East Lancashire Districts. Appendix 2 of this report sets out in an extract from the Draft Safe Accommodation Strategy, the current implementation plan, which members are invited to comment on.
- 3.5 Each year, the strategy will be reviewed within the context of a statutory Safe Accommodation Needs Assessment and regular updates will be provided to the Department of Levelling Up, Housing and Communities (DLUHC). The mechanism for this is evolving and members will be kept informed of any emerging issues.
- 3.6 What is important for members to consider at this stage is that the draft plan represents the basis upon which DV activities are currently being taken forward in Lancashire which includes commitments to spending additional burdens funding provided by the government to assist in the implementation of the act. Ribble Valley has received two tranches of funding comprising £33,351 and £33,379. £7566 of this funding has been used to cover additional staffing costs resulting from implementing the DV act in 2022-23. Members will also note a separate report on this agenda considering the amendment proposed to the staffing in the housing team, which will help deal with increased DV presentations.

4 ISSUES

- 4.1 As indicated in the draft strategy it will take some time to develop and refine the delivery plan to support DV needs in the area. Work is ongoing to develop the necessary action plan and further information will be brought to members including the financial implications in due course.
- 4.2 Currently there is no dedicated safe house accommodation in the borough and for survivors accommodated in accommodation which does not meet the guidance as a safe house support cannot be delivered through commissioned, funded services. The housing team area aware of this issue and are mindful of this when housing DV survivors which consideration of how to ensure any support needs are met noting that these cannot be funded from the additional burdens funding. Compliant safe accommodation may be delivered outside of the borough although Members should not that there is a general shortfall of such accommodation elsewhere in Lancashire and often the individual/ families want to remain in the Borough (schools/ jobs etc).

- 4.3 An option would be to use some of the additional burdens funding to provide a sanctuary scheme whereby additional security is provided to enable survivors to remain in their own homes if appropriate. We are exploring the opportunity to deliver this through our existing small adaptations service Homewise whom members will be familiar with which already provides support to housing services and also to crime prevention through the CSP.
- 4.4 Following discussions at the Lancashire Community Safety Partnership Board a meeting is planned with County Officers to consider co-commissioning where the arrangement is consistent with the terms of the DHLUC funding agreement.

5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – Activities in relation to the council's Housing functions and duties related to housing and addressing homelessness are contained within existing revenue budgets. Additional burdens resulting from the act in these areas is at present funded through the DHLUC additional burdens funding. In developing the action plan around the accommodation strategy where there are additional burdens, they can be funded from the DHLUC grant. Any additional expenditure would have to be considered within the Council's usual budget process including the consideration of any capital schemes arising from the duty.
- Technical, Environmental and Legal – The Council is required to meet its duties under part 4 of the Domestic Abuse Act.
- Political – The matters addressed in this report help demonstrate that the Council is a well-managed authority.
- Reputation – It is important that the authority can demonstrate how it is responding to these duties and assisting survivors.
- Equality & Diversity – Domestic Violence can be experienced across many client groups and the Council's response needs to ensure fair access to services when addressing its duties under the DV Act.

7 RECOMMENDED THAT COMMITTEE

- 7.1 Note the update set out in this report and confirm if they agree to the draft actions set out in Appendix 2 of this report in relation to the draft Lancashire Accommodation Strategy.
- 7.2 Instruct the Director of Economic Development and Planning to investigate whether a sanctuary scheme for the borough would be a suitable way forward and to continue to develop a mechanism with LCC to ensure appropriate support to address identified needs can be established, reporting the outcome back to this committee for ratification before implementation.



COLIN HIRST
HEAD OF REGENERATION AND HOUSING



NICOLA HOPKINS
DIRECTOR OF ECONOMIC
DEVELOPMENT & PLANNING

EXTRACT OF PART 4 OF THE DOMESTIC ABUSE ACT 2021**PART 4****Local authority support**

57 Support provided by local authorities to victims of domestic abuse

- (1) Each relevant local authority in England must –
 - (a) assess, or make arrangements for the assessment of, the need for accommodation based support in its area,
 - (b) prepare and publish a strategy for the provision of such support in its area, and
 - (c) monitor and evaluate the effectiveness of the strategy.
- (2) For the purposes of subsection (1) –

“accommodation-based support” means support, in relation to domestic abuse, provided to victims of domestic abuse, or their children, who reside in relevant accommodation;

“relevant accommodation” means accommodation of a description specified by the Secretary of State in regulations.
- (3) A relevant local authority that publishes a strategy under this section must, in carrying out its functions, give effect to the strategy.
- (4) Before publishing a strategy under this section, a relevant local authority must consult –
 - (a) the domestic abuse local partnership board appointed by the relevant local authority under section 58,
 - (b) any local authority for an area within the relevant local authority’s area, and
 - (c) such other persons as the relevant local authority considers appropriate.
- (5) A relevant local authority that publishes a strategy under this section –
 - (a) must keep the strategy under review,
 - (b) must keep under review any effect of the strategy on the provision of other local authority support in its area,
 - (c) may alter or replace the strategy, and
 - (d) must publish any altered or replacement strategy.
- (6) In this section “other local authority support”, in relation to a local authority, means support, in relation to domestic abuse, that –
 - (a) is provided to victims of domestic abuse or their children, and
 - (b) is provided or funded by the local authority, other than accommodation-based support (within the meaning of subsection (2)).
- (7) A relevant local authority may request any local authority for an area within the relevant local authority’s area to co-operate with it in any way that the relevant local authority considers necessary for the purposes of its functions under this section.

- (8) A local authority must, so far as reasonably practicable, comply with a request made to it under subsection (7).
- (9) The Secretary of State may by regulations make provision about the preparation and publication of strategies under this section.
- (10) The power to make regulations under subsection (9) may, in particular, be exercised to make provision about –
- (a) the procedure to be followed by a relevant local authority in preparing a strategy;
 - (b) matters to which a relevant local authority must have regard in preparing a strategy;
 - (c) how a relevant local authority must publish a strategy;
 - (d) the date by which a relevant local authority must first publish a strategy;
 - (e) the frequency with which a relevant local authority must review its strategy or any effect of the strategy on the provision of other local authority support in its area.
- (11) Before making regulations under this section, the Secretary of State must consult –
- (a) the Domestic Abuse Commissioner,
 - (b) relevant local authorities, and
 - (c) such other persons as the Secretary of State considers appropriate.

58 Domestic abuse local partnership boards

- (1) A relevant local authority in England must appoint a domestic abuse local partnership board for the purposes of providing advice to the authority about –
- (a) the exercise of the authority's functions under section 57, and
 - (b) the provision of other local authority support in the authority's area.
- (2) The members of the domestic abuse local partnership board must include –
- (a) a representative of the relevant local authority;
 - (b) at least one person appearing to the authority to represent the interests of local authorities for areas within its area;
 - (c) at least one person appearing to the authority to represent the interests of victims of domestic abuse;
 - (d) at least one person appearing to the authority to represent the interests of children of domestic abuse victims;
 - (e) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in its area;
 - (f) at least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area;
 - (g) at least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.
- (3) In this section –

“health care services” means services relating to health care (within the meaning of section 9 of the Health and Social Care Act 2008);

“other local authority support” has the same meaning as in section 57.

59 Annual reports

- (1) As soon as reasonably practicable after the end of each financial year, a relevant local authority in England must submit to the Secretary of State an annual report in relation to the exercise of the authority's functions under this Part during the year.
- (2) The Secretary of State may by regulations make provision about –
 - (a) the form of the report, and
 - (b) the content of the report.
- (3) In this section “financial year” means –
 - (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
 - (b) each successive period of 12 months.

60 Guidance

- (1) The Secretary of State must issue guidance relating to the exercise by local authorities in England of functions under this Part.
- (2) Local authorities in England must have regard to the guidance when exercising a function to which the guidance relates.
- (3) The Secretary of State may from time to time revise any guidance issued under this section.
- (4) Before issuing or revising guidance under this section, the Secretary of State must consult –
 - (a) the Domestic Abuse Commissioner,
 - (b) local authorities, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (6) The Secretary of State must publish –
 - (a) any guidance issued under this section, and
 - (b) any revisions of that guidance.

61 Interpretation of Part 4

In this Part –

“local authority” means –

- (a) a relevant local authority;
- (b) a district council for an area for which there is a county council;
- (c) a London borough council;
- (d) the Common Council of the City of London in its capacity as a local authority;

“relevant local authority” means –

- (a) a county council;
- (b) a district council for an area for which there is no county council;
- (c) the Greater London Authority;
- (d) the Council of the Isles of Scilly.

Extract from Draft Lancashire Safe Accommodation Strategy

How will the Safe Accommodation Strategy be delivered?

Lancashire Domestic Abuse Partnership Board (DAPB) will develop and implement a plan, that is annually refreshed and reviewed on a quarterly basis. This will identify short-term transitional arrangements and improvements as well as medium to longterm work that is required to deliver the strategy.

- 1) To address current gaps, service commissioning options for additional safe accommodation and support will be developed and delivered.
- 2) A joint financial plan will be developed and agreed via the Lancashire Domestic Abuse Partnership Board to spend tier 1 and tier 2 safe accommodation funding allocations. This will be spent on “safe accommodation” and accompanying domestic abuse support as defined by the Statutory Guidance. This will be annually refreshed and may include options to pool resources.
- 3) Awareness raising, training and communications on the safe accommodation offer will be delivered for professionals across Lancashire’s agencies.
- 4) Lancashire will raise awareness of domestic abuse and communicate safe accommodation and the broader domestic abuse offer to residents of Lancashire.
- 5) The Lancashire Domestic Abuse Partnership Board will monitor progress to deliver the strategy and report to Lancashire Community Safety Partnership Board on a quarterly basis and Department of Levelling Up, Housing and Communities (DLUHC) when required.

It is recognised that it will take time to design and commission additional safe accommodation provision and support, and to achieve the improvements intended. Lancashire partners will work together to identify and deliver immediate improvements to our safe accommodation offer for victim-survivors, as well as working to deliver a comprehensive responsive offer longer-term.