

People & Health Overview Committee

04 March 2021

The Domestic Abuse Bill

For Decision

Portfolio Holder: Cllr G Carr-Jones, Housing and Community Safety

Local Councillor(s): Cllr Molly Rennie (Domestic Abuse Member Champion)

Executive Director: V Broadhurst, Interim Executive Director of People - Adults

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Report Status: Public

Recommendation:

People & Health Overview Committee comments on and endorses the work to prepare for the forthcoming Domestic Abuse Act 2021 (as set out in the report).

Reason for Recommendation:

To ensure the council is prepared for the Act and any new duties it will be required to fulfil.

1. Executive Summary

This report sets out work to consider and prepare for the forthcoming Domestic Abuse Act 2021. This includes partners' work which is being coordinated through the Dorset Community Safety Partnership (CSP).

Subject to the successful passage of the Domestic Abuse Bill, the new Act and associated duties will commence in April 2021.

There will be a range of implications on local authorities and other public bodies. These include local authorities needing to appoint a local partnership board and having statutory responsibilities for providing support to adults affected by domestic abuse and their children in accommodation-based settings.

Each Tier 1 local authority has been given funding from central government to help prepare for the new duties; and further funding will be given to support them in exercising their functions to provide support in accommodation-based settings.

To encourage a joined-up approach, the Dorset CSP has developed the appended partnership action plan which sets out the new duties, known implications, and how partners are responding to them. This is a working document and is being kept under constant review as new guidance is released.

Although the CSP can take an overall view of the work, it is the responsibility of each organisation to ensure they comply with any duties placed upon them.

2. Financial Implications

Central Government has given each Tier 1 local authority £50,000 to help them prepare for the Act in 2020/21. Dorset Council will also receive additional 'new burdens' funding of £650,000 in 2021/22 to help exercise its new duties relating to the provision of support within domestic abuse safe accommodation.

3. Well-being and Health Implications

The Domestic Abuse Bill will strengthen the local response to domestic abuse, providing people and their families with the right support.

4. Climate implications

None

5. Other Implications

The Bill will have implications on other public bodies who will have specific duties to fulfil. There will also be implications on Local partnerships i.e. Community Safety Partnership (CSP), Safeguarding Adults Board (SAB), and the Safeguarding Children Partnership (SCP).

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Low

Having considered the risks associated with this decision using the council's approved risk management methodology, it is the officer's opinion that there are no high risks that need to be reported.

7. Equalities Impact Assessment

An EQIA will be completed as work progresses and will be particularly important in helping develop a needs assessment for accommodation-based support and domestic abuse strategy.

8. Appendices

Dorset Community Safety Partnership (CSP) - Domestic Abuse Bill Action Plan - DRAFT

9. Background Papers

Government Website

<https://www.gov.uk/government/collections/domestic-abuse-bill>

Draft Statutory Guidance Framework – July 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896640/Draft_statutory_guidance_July_2020.pdf

Draft Statutory Guidance for the Delivery of Support to Victims of Domestic Abuse, including Children, in Domestic Abuse Safe Accommodation Services – Jan 2021 <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-overarching-documents>

Domestic Abuse Bill Factsheets

<https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets>

Capacity Building Fund

<https://www.gov.uk/government/publications/domestic-abuse-capacity-building-fund-for-local-authorities/guidance-for-local-authorities-on-the-domestic-abuse-capacity-building-fund>

New Burden's Funding

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926509/Domestic_abuse_consultation_paper.pdf

10. Purpose

- 10.1 This report sets out work to prepare for the forthcoming Domestic Abuse Act 2021. This includes partners' work which is being coordinated through the Dorset Community Safety Partnership (CSP).

11. Background

11.1 The Domestic Abuse Bill is currently making its way through Parliamentary proceedings, and subject to successful passage, will become law in April 2021, and be known as the Domestic Abuse Act 2021.

11.2 The measures in the Bill seek to:

- **promote awareness** - to put abuse at the top of everyone's agenda, including by legislating for the first time for a statutory definition of domestic abuse;
- **protect and support victims**, including by introducing a new Domestic Abuse Protection Notice and Order;
- **transform the justice response**, including by helping victims to give their best evidence in the criminal courts through the use of video evidence, screens and other special measures, and ensuring that victims of abuse do not suffer further trauma in family court proceedings by being cross-examined by their abuser;
- **improve performance** – the new Domestic Abuse Commissioner will help drive consistency and better performance in the response to domestic abuse across all local areas and agencies.

12. Summary of Main Requirements

12.1 Whilst the Bill legislation and subsequent statutory guidance are still in draft form or yet to be published, many of the duties are now in their final stages of writing and therefore at a place where the council and its partners can start to prepare for them.

12.2 A summary of the main requirements anticipated to be placed on public bodies is provided below.

12.3 Local Authorities:

- Will be required to appoint a domestic abuse Local Partnership Board;
- Will be required to assess, prepare, publish and monitor a strategy (in consultation with the domestic abuse Local Partnership Board) for the provision of accommodation-based support in their areas;
- Will be required to provide an annual report at the end of each financial year setting out how they are exercising their functions;
- Will be required to provide support to victims of domestic abuse and their children within refuges and other safe accommodation;
- Will be required, for reasons connected with domestic abuse, to grant new secure tenancies to social tenants who had or have secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy;

- Must ensure all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance.

12.4 All Public Bodies:

- Will be required to work to the new domestic abuse definition;
- Will be required to cooperate with the national Domestic Abuse Commissioner to support them in carrying out their functions and responding to any of their recommendations.

12.5 Requirements on Criminal Justice:

- The police will be given new powers to issue protection notices, with courts being given powers to issue protection orders;
- Special measures will be granted to support victims and witnesses of domestic abuse in family courts;
- Perpetrators will be prohibited from cross examining their victims in person in the civil and family courts;
- Consent to serious harm for sexual gratification will not be a defence in court;
- Polygraph testing will be made available as a condition for offenders released on license and following their release from custody;
- The Domestic Violence Disclosure Scheme (DVDS), commonly known as Claire's Law, will be placed on a statutory footing;
- The jurisdiction of the UK courts will be extended 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.

12.6 There are a range of other requirements on local bodies that are contained within existing legislation but included in the new Domestic Abuse Statutory Guidance Framework:

- Professionals working with children should adhere to 'Working Together to Safeguard Children';
- Education settings should ensure healthy relationships is included within their Relationship Education for primary pupils and Relationship and Sex Education for all secondary pupils;
- Professionals working with vulnerable adults should adhere to the Care Act 2014;
- Local authorities are required to consider the needs of domestic abuse in their homelessness strategies;
- Community Safety Partnerships are required to undertake Domestic Homicide Reviews.

List not exhaustive

13. Local Response

- 13.1 Officers have started to progress planning activities to ensure the council is ready for the new duties when they come into force. Work is also being coordinated by the Dorset CSP to ensure a partnership response to the new duties, considering the impact on wider partners' responsibilities, and how they can come together to best address them.
- 13.2 The CSP is a statutory partnership under The Crime & Disorder Act 1998. It brings together the following responsible authorities who must work together to understand and address community safety issues in their area:
- Dorset Council
 - Dorset Police
 - Dorset Clinical Commissioning Group
 - Dorset & Wiltshire Fire & Rescue Authority
 - National Probation Service (Dorset)
 - Dorset, Devon and Cornwall Probation
- 13.3 The CSP takes a strong partnership approach to tackling issues such as domestic abuse, which is a key priority for the partners. Work includes coordinating partners ambition to taking a whole system's approach to domestic abuse. This includes working with the community to help shape and design future services which is a requirement of the Bill.
- 13.4 The appended action plan, which has been pulled together using the Bill, draft statutory guidance and other relevant information, is being overseen by the Dorset CSP. It is a working document and is being kept under constant review as new guidance becomes available.
- 13.5 Each section in the action plan sets out key issues, the requirements placed on local bodies (crossed referenced with the guidance), actions to tackle the issues, a lead agency, nominated lead officer and target completion date. This ensures partners have clarity on the tasks in hand and how they will be met.
- 13.6 Overall, the council is well placed to meet the new duties and work has already been done to ensure services are aware of and can respond to any new requirements. Colleagues in Housing, for example, are updating their policies to reflect the new duties.
- 13.7 One key requirement is for the council to appoint a local partnership board who will be responsible for undertaking a needs assessment which will inform the council's commissioning activity for accommodation-based support to victims and their children and creating a domestic abuse strategy.

- 13.8 The preference (subject to the draft guidance being finalised) is to build on existing community safety partnership structures rather than create a new, separate Board. Proposals based on that principle and the latest available guidance will be taken to the next Dorset CSP meeting on 10th March for consideration.
- 13.9 Partners already have a good understanding of local need in relation to domestic abuse which they can use to populate the national needs assessment template which is currently being prepared. They also have a clear position statement on domestic abuse and delivery plan which acts as a solid foundation from which to develop a formal strategy.
- 13.10 The position statement agreed by the CSP states:

The Dorset Community Safety Partnership believes domestic abuse, in all forms, is completely unacceptable and not to be tolerated. We are committed to tackling it by preventing abuse from happening, supporting victims and prosecuting offenders.

Prevention – we want to stop domestic abuse from happening altogether. To do that we will focus on actions and initiatives that are preventative so that fewer people become victims.

Victims – victims of domestic abuse, whoever they are, will have access to services that keep them safe and prevent further harm.

Offenders – offenders will be held to account for their actions.

- 13.11 The Bill, for the first time, introduces a new legal definition for domestic abuse and it will be important for the council and local partners to ensure this is incorporated into local process, policies and procedures.

14. Response to Domestic Abuse During the Covid 19 Pandemic

- 14.1 Monitoring and responding to issues of domestic abuse has been a priority for partners during the pandemic.
- 14.2 Although partners have not seen dramatic increases in the number of domestic abuse crimes, there has been a 23% increase in the number of domestic abuse incidents from January – December 2020 compared to the same period the previous year (see table below). Services also saw an

increase in demand for advice and information and reported that cases were more complex due to other challenges associated with the pandemic and lockdowns.

	Domestic Abuse Violent Crime		Domestic Abuse Incidents	
Period / Year	2019	2020	2019	2020
Jan – March	544	662	416	498
April – June	747	793	652	759
July – Sept	799	816	667	802
Oct – Dec	742	669	605	815
Totals	2,832	2,940	2,340	2,874

14.3 During the first lockdown, partners met weekly to understand and address any issues. The approach included:

- Regular contact with front line services to understand issues and develop solutions to any problems.
- Providing additional Covid related funding to some commissioned services to help manage pressures and ensure those who needed a service got one.
- Supporting bids for external funding (e.g. Ministry of Justice) to help bolster services.
- Working with colleagues across the council to provide additional support and mitigate pressure on services.
- Running weekly communications campaigns to raise awareness of issues and advice on where to get help and support

14.4 Domestic abuse services have continued to be provided throughout the pandemic with commissioners and providers working closely to adapt provision and meet demand.

14.5 On entering the latest lockdown, partners have reinstated fortnightly partnership meetings, are working on appropriate communications

campaigns and keeping in touch with front line services to understand needs and issues.

15. Budget Implications

- 15.1 The Act will have budget implications on the local authority as well as other partners.
- 15.2 To support councils in preparing for the implementation of the new duties, government has given each Tier 1 local authority £50,000 in 2020/21. The funding must be used to help prepare for the new duties not deliver them.
- 15.3 Dorset Council will also receive additional 'new burdens' funding from government of £650,000 in 2021/22 to help exercise its new duties relating to the provision of support within domestic abuse safe accommodation.
- 15.4 The 'new burdens' funding has only recently been announced and officers will need to study the details associated with the allocation when they are made available.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.